

Temporary

Name Delbert Stephens

Address 4400 Rock Creek town rd  
Haines or 97833

DESCRIPTION OF WATER RIGHT(S)

Change in POD AAD  
Date Filed 4/8/2022  
Initial notice date 4/19/2022  
DPD issued date \_\_\_\_\_  
PD issued date \_\_\_\_\_  
PD notice date \_\_\_\_\_  
Date of FO 7/14/2022 Vol 125 Page 386-90

Name of Stream Rock Creek  
Trib. of Powder river  
Use Irrigation County Baker  
Quantity of water (CFS) \_\_\_\_\_ No. of Acres \_\_\_\_\_  
Name of ditch \_\_\_\_\_  
App# Decree Per # Powder r. Cert # 108433 PR Date \_\_\_\_\_  
App# Decree Per # Powder r. Cert # 710253 PR Date \_\_\_\_\_  
App# \_\_\_\_\_ Per # \_\_\_\_\_ Cert # \_\_\_\_\_ PR Date \_\_\_\_\_  
App# \_\_\_\_\_ Per # \_\_\_\_\_ Cert # \_\_\_\_\_ PR Date \_\_\_\_\_

FEES PAID  
Date 4-8-2022 Amount \$1,800.00 Receipt # 137869

C-Date \_\_\_\_\_  
COBU due date \_\_\_\_\_  
COBU Received date \_\_\_\_\_  
Certificate issued \_\_\_\_\_

FEES REFUNDED  
Date \_\_\_\_\_ Amount \_\_\_\_\_ Receipt # \_\_\_\_\_

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

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

Agent \_\_\_\_\_

CWRE \_\_\_\_\_

CC's list Baker county

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



# Oregon

Kate Brown, Governor

**Water Resources Department**

725 Summer St NE, Suite A

Salem, OR 97301

(503) 986-0900

Fax (503) 986-0904

July 14, 2022

DELBERT L. STEPHENS  
46226 ROCK CREEK TOWN RD  
HAINES, OR 97833

REFERENCE: District Temporary Transfer Application T-13972

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

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

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

Sincerely,

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

cc: Marcy J. Osborn, Watermaster Dist. # 8 (via email)  
Baker County Planning

Enclosure

BEFORE THE WATER RESOURCES DEPARTMENT  
OF THE  
STATE OF OREGON

In the Matter of Transfer Application	)	FINAL ORDER APPROVING TEMPORARY
T-13972, Baker County	)	CHANGES IN PLACES OF USE AND
	)	ADDITIONAL POINTS OF DIVERSION

**Authority**

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

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

**Applicant**

DELBERT STEPHENS  
46226 ROCK CREEK TOWN RD  
HAINES, OR 97833

**Findings of Fact**

1. On April 8, 2022, H K. FISHER filed an application to temporarily change the place of use and additional points of diversion to serve the proposed place of use under Certificate 95713 and 76253 for a period of 5 years. The Department assigned the application number T-13972.
2. Notice of the application for transfer was published on April 19, 2022, pursuant to OAR 690-380-4000. No comments were filed in response to the notice.

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

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

**Certificate:** 95713 in the name of H.K. FISHER (confirmed by Powder River Decree)  
**Use:** IRRIGATION of 80.0 ACRES  
**Priority Date:** 1879  
**Rate:** 2.0 CUBIC FEET PER SECOND  
**Limit/Duty:** The use is limited to 1/40 CUBIC FOOT PER SECOND PER ACRE or its equivalent in case of rotation, measured at the point of diversion from the source.  
**Source:** ROCK CREEK, a tributary of POWDER RIVER

**Authorized Point of Diversion:**

J.K. FISHER AND A. LONG DITCHES FOR 40.0 ACRES

**Authorized Place of Use:**

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
7 S	38 E	WM	24	SW SW	40.0
7 S	38 E	WM	25	NW NW	40.0
Total					80.0

4. Temporary Transfer Application T-13972 proposes to temporarily change the place of use of the right to:

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
7 S	38 E	WM	24	SE SW	40.0
7 S	38 E	WM	25	NE NW	40.0
Total					80.0

5. An additional point of diversion is necessary to convey the water to the proposed temporary place of use. Temporary Transfer Application T-13972 proposes the additional point of diversion approximately 0.3 and 0.7 mile upstream:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
7 S	38 E	WM	34	SW NE	FISHER LONG (UPPER) - 2500 FEET SOUTH AND 2100 FEET WEST FROM THE NE CORNER OF SECTION 34

6. The second right to be temporarily transferred is as follows:

**Certificate:** 76253 in the name of HELEN G. FISHER c/o RICHARD D. STEPHENS (confirmed by Powder River Decree)  
**Use:** IRRIGATION of 80.0 ACRES  
**Priority Date:** 1880  
**Limit/Duty:** The use is limited to 1/40 CUBIC FOOT PER SECOND PER ACRE, if available at the authorized point of diversion, or its equivalent in case of rotation, measured at the point of diversion at the source.  
**Source:** ROCK CREEK, a tributary of POWDER RIVER

**Authorized Points of Diversion:**

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
7 S	7 E	WM	35	SE NW	MAXWELL DITCH (OLD DIVERSION)
7 S	38 E	WM	34	SE NE	FISHER DITCH (NEW ADDITIONAL DIVERSION) - 500 FEET NORTH AND 730 FEET WEST FROM THE E1/4 CORNER OF SECTION 34

**Authorized Place of Use:**

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
7 S	38 E	WM	24	SE SW	40.0
7 S	38 E	WM	25	NE NW	40.0
Total					80.0

7. Temporary Transfer Application T-13972 proposes to temporarily change the place of use of the right to:

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
7 S	38 E	WM	24	SW SW	40.0
7 S	38 E	WM	25	NW NW	40.0
Total					80.0

8. An additional point of diversion is necessary to convey the water to the proposed temporary place of use. Temporary Transfer Application T-13972 proposes the additional point of diversion approximately 0.3 and 0.7 mile upstream:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
7 S	38 E	WM	34	SW NE	FISHER LONG (UPPER) - 2500 FEET SOUTH AND 2100 FEET WEST FROM THE NE CORNER OF SECTION 34

**Temporary Transfer Review Criteria**

9. Water has been used within the last five years according to the terms and conditions of the rights.
10. A diversion structure and ditch sufficient to use the full amount of water allowed under the existing rights are present.
11. The proposed changes would prevent the lands from which the water right is removed during the period of the temporary transfer from receiving water under the transferred rights, as required by ORS 540.523(7).
12. The proposed changes would not result in injury to other water rights. This finding is made through an abbreviated review recognizing that the transfer may be revoked under ORS 540.523(5) if the Department later finds that the transfer is causing injury to any existing water right.

### Conclusions of Law

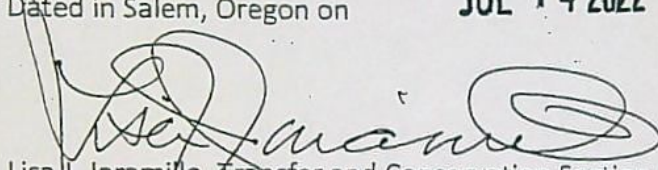
The temporary changes in places of use and additional points of diversion to convey water to the temporary places of use proposed in Temporary Transfer Application T-13972 are consistent with the requirements of ORS 540.523 and OAR 690-380-8000.

### Now, therefore, it is ORDERED:

1. The temporary changes in places of use and additional points of diversion to convey water to the temporary places of use proposed in Temporary Transfer Application T-13972 are approved.
2. The former places of use **shall not** be irrigated as part of these water rights during the 2022, 2023, 2024, 2025 and 2026 irrigation seasons.
3. The use shall revert to the authorized places of use at the end of the 2026 irrigation season. The authorization to use the additional points of diversion shall be terminated concurrently.
4. The approval of this temporary transfer may be revoked or modified if the Department finds the changes cause injury to any existing water right.
5. The quantity of water diverted at the proposed temporary additional points of diversion, together with that diverted at the original points of diversion, shall not exceed the quantity of water lawfully available at the original points of diversion.
6. A subsequent application for permanent transfer of Certificates 95713 and 76253 shall be subject to a full and complete review to determine consistency with the requirements of OAR Chapter 690, Division 380. Approval of this temporary transfer does not establish a precedent for approval of a subsequent application filed for a permanent transfer.
7. The use of water at the temporary places of use authorized by this transfer shall be in accordance with the terms and conditions of Certificates 95713 and 76253.
8. The time during which water is used under this approved temporary transfer does not apply toward a finding of forfeiture under ORS 540.610.

9. Water use measurement conditions:
- a. Before water use may begin under this order, the water user shall install a totalizing flow meter, or, with prior approval of the Director, another suitable measuring device, at each point of diversion.
  - b. The water user shall maintain the meters or measuring devices in good working order.
  - c. The water user shall allow the Watermaster access to the meters or measuring devices; provided however, where the meters or measuring devices are located within a private structure, the Watermaster shall request access upon reasonable notice.
10. The use of the remaining water rights described by Certificate 95713 shall continue to be in accordance with the terms and conditions of Certificate 95713.

Dated in Salem, Oregon on **JUL 14 2022**



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

Mailing Date: **JUL 15 2022**

**WATER RIGHT TRANSFER COVER SHEET**

Transfer: T- 13972

Transfer Specialist: *Scott*

Transfer Type: Temporary Transfer

<b>Applicant:</b> DELBERT L. STEPHENS 46226 ROCK CREEK TOWN RD HAINES, OR 97833 Email: _____ Phone: _____	<b>Agent:</b> <input type="checkbox"/> N/A UNAVAILABLE 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 Baker County Planning Department Email: _____	<b>Affected Tribal Gov't:</b> <input type="checkbox"/> N/A UNAVAILABLE Email: _____
<b>Current Landowner if other than Applicant:</b> <input type="checkbox"/> N/A Email: _____	<b>Receiving Landowner:</b> <input type="checkbox"/> N/A Email: _____

**Water Rights Affected**

File Marked	App. File # or Decree Name	Permit	Certificate	RR/CR Needed	RR/CR Nos.
<input type="checkbox"/>	DECREE	POWDER RIVER	68433 <i>95713</i>	<input type="checkbox"/> Yes <input type="checkbox"/> No	
<input type="checkbox"/>	DECREE	POWDER RIVER	76253	<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: April 8, 2022	Proposed Action(s): ADDITIONAL POINT OF DIVERSION; PLACE OF USE	
Fees Pd: 1800.00	WM District: 8	ODFW District:
Initial Public Notice: 04/19/2022	WM Review sent:	ODFW Review sent:
Acknowledgement Letter Sent <input checked="" type="checkbox"/>		GW Review sent: <input type="checkbox"/> N/A
County sent cc: of Ack Letter <input type="checkbox"/>	BOR notified (date): <input type="checkbox"/> N/A	
Newspaper quote requested:	Request for news \$ sent:	News \$ received:
Request to publish sent:	Affidavit of publication received:	Last day of publication:

Document	Drafted	Peer Review	Changes Made	Coordinator	Changes Made	Signature Bin	Signature Date
DPD	Date: _____ Initials: _____	Date: _____ Initials: _____	Date: _____ Initials: _____	Date: _____ Initials: _____	Date: _____ Initials: _____	CW Sent: _____	N/A
PD	Date: _____ Initials: _____	Date: _____ Initials: _____	Date: _____ Initials: _____	Date: _____ Initials: _____	Date: _____ Initials: _____	Date: _____	Date: _____
FO	Date: <i>6/8/22</i> Initials: <i>Scott</i>	Date: <i>6/10/22</i> Initials: <i>AKD</i>	Date: _____ Initials: _____	Date: <i>6/17/22</i> Initials: <i>PKS</i>	Date: <i>6/29/22</i> Initials: <i>Scott</i>	Date: <i>6/29/22</i>	Date: <i>7/14/2022</i>

Special Issues: SUPERSEDING PAGES IN APPLICATION  
 Special Order Volume: Vol. 125 Pages 386 SUPERSEDING MAP



## GREW Scott A \* WRD

---

**From:** OSBORN Marcy J \* WRD  
**Sent:** Friday, May 27, 2022 3:24 PM  
**To:** GREW Scott A \* WRD  
**Subject:** RE: T-13972 Temporary for Delbert Stephens  
**Attachments:** 20220527153627109.pdf; 20220527153612599.pdf; temptrans2022-rev.pdf

Happy Friday, Scott,

I have attached the amended map and application for Delbert Stephens. He would like to APOD to the SWNW of Sect. 25 if possible, but we weren't sure how to make this happen with the odd number of 40's. If you have any ideas, we will accept them.

Let me know if we missed something or need to make any more changes. I can get Delbert in here most days to figure out what we need to do.

Thanks, and have a great Memorial weekend.

**Marcy J. Osborn**  
Watermaster Dist. 8  
1995 3<sup>rd</sup> St.  
Baker City, OR 97814  
541-519-6395  
marcy.j.osborn@water.oregon.gov

Received by OWRD

MAY 27 2022

Salem, OR

---

**From:** GREW Scott A \* WRD <Scott.A.GREW@water.oregon.gov>  
**Sent:** Tuesday, May 24, 2022 2:51 PM  
**To:** OSBORN Marcy J \* WRD <Marcy.J.OSBORN@water.oregon.gov>  
**Cc:** GREW Scott A \* WRD <Scott.A.GREW@water.oregon.gov>  
**Subject:** RE: T-13972 Temporary for Delbert Stephens

Marcy,

Yes he can amend the application and map to move all the lands and add APOD.

Please note that certificate 68433 was cancelled. The remaining right that is the one that can be transferred is 95713. Please have him make this correction on the application and map.

Thank you,

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

---

**From:** OSBORN Marcy J \* WRD <Marcy.J.OSBORN@water.oregon.gov>  
**Sent:** Monday, May 23, 2022 3:38 PM

To: GREW Scott A \* WRD <Scott.A.GREW@water.oregon.gov>  
Subject: RE: T-13972 Temproary for Delbert Stephens

Hey Scott,

I did help Delbert with his transfer. Can we amend the application for a POU change for all grounds and then add APOD to all lands?

**Marcy J. Osborn**

Watermaster Dist. 8

1995 3<sup>rd</sup> St.

Baker City, OR 97814

541-519-6395

marcy.j.osborn@water.oregon.gov

---

From: GREW Scott A \* WRD <Scott.A.GREW@water.oregon.gov>  
Sent: Monday, May 23, 2022 1:55 PM  
To: OSBORN Marcy J \* WRD <Marcy.J.OSBORN@water.oregon.gov>  
Cc: GREW Scott A \* WRD <Scott.A.GREW@water.oregon.gov>  
Subject: T-13972 Temproary for Delbert Stephens

Good afternoon Marcy,

I was wondering if you assisted Delbert Stephens with his temporary transfer application T-13972.

He had requested APOD and POU for a switch between two 40 acres tracts and APOD for 120 acres that are not moving.

The department cannot do an APOD for lands that are not moving. **OAR 690-380-8000 (1)(a)** Place of use and, *if necessary to convey the water to the new temporary place of use, point of diversion or appropriation;*

If you had worked with him I thought I would give you the option of contacting him to remove that portion of the application.

Thank you,  
Scott

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

# 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-13972

Review Due Date: 05/18/2022

Applicant Name: Delbert Stephens

Proposed Changes:  POU  POD  POA  USE  OTHER

Reviewer(s): Marcy Osborn

Date of Review: 05/05/2022

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

This is a flip flop of priority dates so both parcels will still receive water.

10. For POU or USE changes:  N/A In your best judgment, would use of the existing right at "full face value," result in the diversion of more water than can be used beneficially and without waste?

Yes  No If "Yes", explain:

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

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

Yes  No If "Yes", explain:

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

Yes  No If "Yes", answer the following:

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

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

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

- iv. Do you have any other observations regarding the temporary transfer?  Yes  No If "Yes", describe:

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

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

- i. "Injury" will occur to other water rights that share the same source?  Yes  No If "Yes", explain:

- ii. "Enlargement" of the water right being transferred will occur?  Yes  No If "Yes", explain:

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

Yes  No If "Yes", explain:

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

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

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

A Headgate should be required prior to diverting water.

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

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

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

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

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

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

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

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

- Weir
- Parshall Flume
- Other: \_\_\_

- Submerged Orifice
- Flow Restrictor

Oregon Water Resources Department

Measurement Condition Information for the Applicant

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

Transfer #: T- 13972

- Checkboxes for weir installation requirements: prior to diversion of water, at each point of diversion, or at each new point of diversion.

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

Watermaster name: Marcy Osborn

District: 8

Address: 1995 3rd St.

City/State/Zip: Baker City, OR 97814

Phone: 541-519-6395

Email: marcy.j.osborn@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:

Two horizontal lines for describing the alternate measurement device.

Three horizontal lines for Watermaster signature, District, and Date.

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

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



**Oregon**  
Kate Brown, Governor

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

April 18, 2022

DELBERT L. STEPHENS  
46226 ROCK CREEK TOWN RD  
HAINES, OR 97833

Reference: Application T-13972

On April 8, 2022, OWRD received your water right Temporary Transfer Application. The application was accompanied by \$1800.00. Our receipt number 137869 is enclosed.

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

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

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

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

Cc: Watermaster Dist. #8, Marcy J. Osborn (via email)  
Baker County Planning Department

Enclosure



Map to accompany a temporary transfer  
for  
Delbert Stephens

Received by OWRD



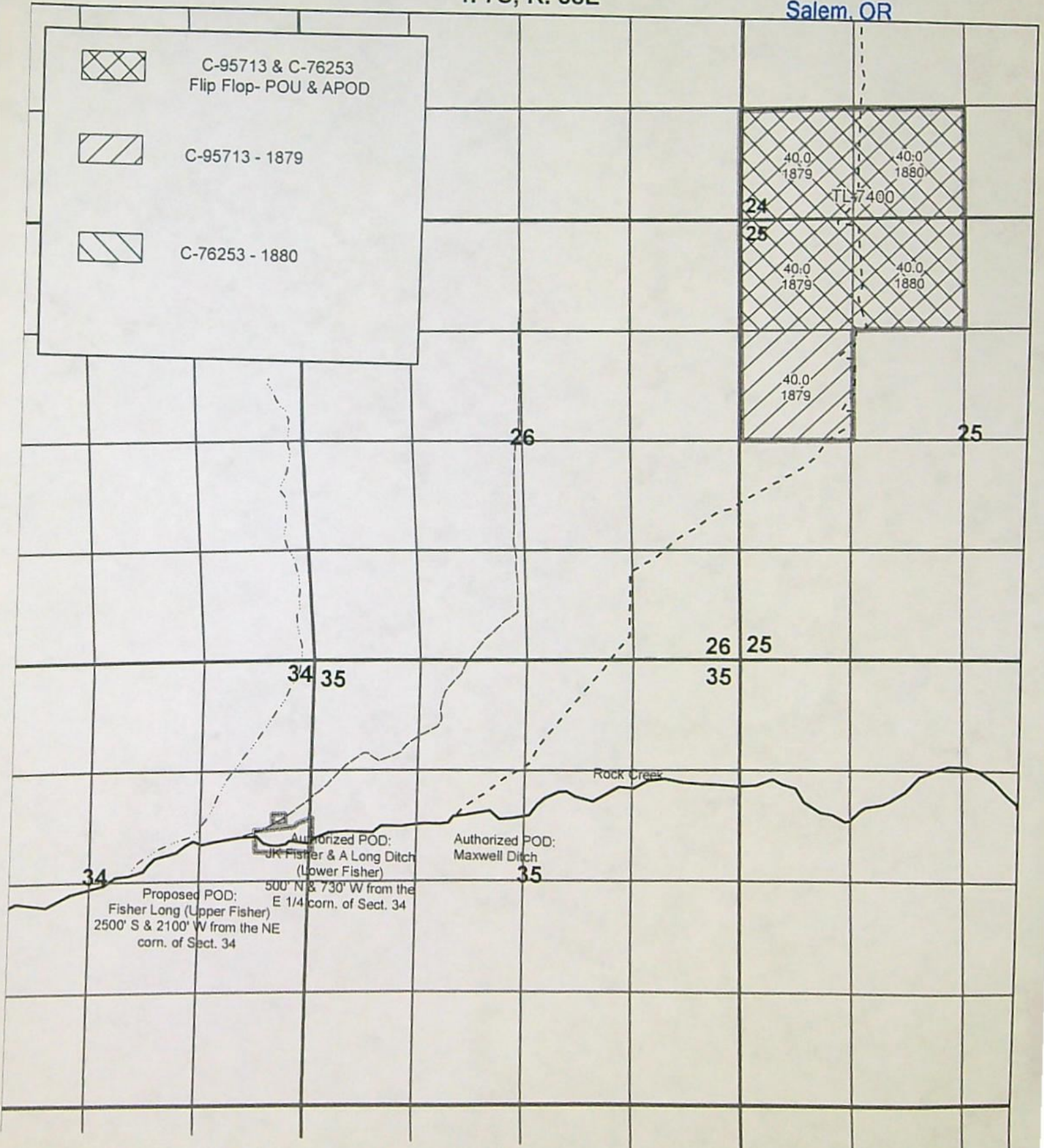
Scale: 1" = 1320'

**SUPERSEDING**

MAY 27 2022

T. 7S, R. 38E

Salem, OR



STATE OF OREGON  
**WATER RESOURCES DEPARTMENT**

RECEIPT # **137869**

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

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

RECEIVED FROM: <u>S 8 Incorporated</u>	APPLICATION	
BY: <u>Delbert or Janelle Stephens</u>	PERMIT	
	TRANSFER	<u>1-13972</u>
CASH: <input type="checkbox"/>	CHECK:# <u>10200</u>	OTHER: (IDENTIFY) <input type="checkbox"/>
		TOTAL REC'D \$ <u>1,800.00</u>

<b>1083 TREASURY 4170 WRD MISC CASH ACCT</b>
0407 COPIES \$
OTHER: (IDENTIFY) \$
0243 I/S Lease _____ 0244 Muni Water Mgmt. Plan _____ 0245 Cons. Water _____

<b>4270 WRD OPERATING ACCT</b>	
MISCELLANEOUS <u>46110</u>	
0407 COPY & TAPE FEES \$	
0410 RESEARCH FEES \$	
0408 MISC REVENUE: (IDENTIFY) \$	
TC162 DEPOSIT LIAB. (IDENTIFY) \$	
0240 EXTENSION OF TIME \$	
<b>WATER RIGHTS:</b>	
0201 SURFACE WATER \$	0202 RECORD FEE \$
0203 GROUND WATER \$	0204 LICENSE FEE \$
0205 TRANSFER \$ <u>1,800.00</u>	
<b>WELL CONSTRUCTION</b>	
0218 WELL DRILL CONSTRUCTOR \$	0219 EXAM FEE \$
	0220 EXAM FEE \$
OTHER (IDENTIFY) _____	

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

<b>0607 TREASURY 0467 HYDRO ACTIVITY</b>	LIC NUMBER
0233 POWER LICENSE FEE (FWWRD)	\$
0231 HYDRO LICENSE FEE (FWWRD)	\$
HYDRO APPLICATION	\$

<b>TREASURY</b>	<b>OTHER / RDX</b>
FUND _____	TITLE _____
OBJ. CODE _____	VENDOR # _____
DESCRIPTION _____	\$

RECEIPT: **137869** DATED: 4-8-2022 BY: Mindy Cadson

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



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

**This temporary transfer application will be returned if Parts 1 through 5 and all required attachments are not completed and included.**  
For questions, please call (503) 986-0900, and ask for Transfer Section.

**FOR ALL TEMPORARY TRANSFER APPLICATIONS**

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

- Part 1 – Completed Minimum Requirements Checklist.
- Part 2 – Completed Temporary Transfer Application Map Checklist.
- Part 3 – Application Fee, payable by check to the Oregon Water Resources Department, and completed Fee Worksheet, page 3. Try the online fee calculator at: [http://apps.wrd.state.or.us/apps/misc/wrd\\_fee\\_calculator](http://apps.wrd.state.or.us/apps/misc/wrd_fee_calculator).
- Part 4 – Completed Applicant Information and Signature.
- Part 5 – Information about Transferred Water Rights: **How many water rights are to be transferred? 2 List them here: 68433, 76253**  
Please include a separate Part 5 for each water right. (See instructions on page 6)
- N/A For standard Temporary Transfer (one to five years) **Begin Year: 2022 End Year: 2026.**
- N/A Temporary Drought Transfer (Only in counties where the Governor has declared drought)

**Attachments:**

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

**(For Staff Use Only)**

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

<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"/> Part ____ is incomplete
<input type="checkbox"/> Additional signature(s) required	

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

Staff: \_\_\_\_\_ Phone: \_\_\_\_\_ Date: 13972 / 8 / 2022

RECEIVED

APR 08 2022

OWRD

## Part 2 of 5 – Temporary Transfer Application Map Checklist

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

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

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

13972

RECEIVED  
APR 08 2022

**Part 3 of 5 – Fee Worksheet**

FEE WORKSHEET for TEMPORARY (not drought) TRANSFERS			
1	Base Fee (includes temporary change to one water right for up to 1 cfs)	1	\$950.00
2	Number of water rights included in transfer: <u>2</u> (2a) Subtract 1 from the number in 3a above: <u>1</u> (2b) <i>If only one water right this will be 0</i> Multiply line 2b by \$310.00 and enter » » » » » » » » » » » » »	2	310.00
3	Do you propose to change the place of use for a non-irrigation use? <input checked="" type="checkbox"/> No: enter 0 on line 3 » » » » » » » » » » » » » » » » <input type="checkbox"/> Yes: enter the cfs for the portions of the rights to be transferred: _____ (3a) Subtract 1.0 from the number in 3a above: _____ (3b) If 3b is 0, enter 0 on line 3 » » » » » » » » » » » » » » » » If 3b is greater than 0, round up to the nearest whole number: _____ (3c) and multiply 4c by \$210.00, then enter on line 3	3	0
4	Do you propose to change the place of use for an irrigation use? <input type="checkbox"/> No: enter 0 on line 4 » » » » » » » » » » » » » » » » <input checked="" type="checkbox"/> Yes: enter the number of acres in the footprint of the place of use for the portions of the rights to be transferred: <u>200</u> (4a) Multiply the number of acres in 4a above by \$2.70 and enter on line 4 » »	4	540.00
5	Add entries on lines 1 through 4 above » » » » » » » » » » » Subtotal:	5	1800.00
6	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 5 by 0.5 and enter on line 6 »	6	
7	Subtract line 6 from line 5 » » » » » » » » » » » » » » » » Transfer Fee:	7	1800.00

FEE WORKSHEET for TEMPORARY DROUGHT TRANSFERS			
1	Base Fee (includes drought application and recording fee for up to 1 cfs)	1	\$200.00
2	Enter the cfs for the portions of the rights to be transferred (see example below*): _____ (2a) Subtract 1.0 from the number in 2a above: _____ (2b) If 2b is 0, enter 0 on line 2 » » » » » » » » » » » » » » » » If 2b is greater than 0, round up to the nearest whole number: _____ (2c) and multiply 2c by \$50, then enter on line 2 » » » » » » » » »	2	
3	Add entries on lines 1 through 2 above » » » » » » » » » » » Transfer Fee:	3	

\*Example for Line 2a calculation to transfer 45.0 acres of Primary Certificate 12345 (total 1.25 cfs for 100 acres) and 45.0 acres of Supplemental Certificate 87654 (1/80 cfs per acre) on the same land:

1. 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 ( $\times 45 \text{ ac} = 0.56 \text{ cfs}$ ).
2. 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,  $45.0 \text{ ac} \times 0.0125 \text{ cfs/ac} = 0.56 \text{ cfs}$ )
3. 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 2a would be only 0.56 cfs, since both rights serve the same 45.0 acres. Blank 2b would be 0 and Line 2 would then also become 0)

RECEIVED

APR 08 2022

13972

OWRD

## Part 4 of 5 – Applicant Information and Signature

### Applicant Information

APPLICANT/BUSINESS NAME <b>Delbert Stephens</b>			PHONE NO. <b>541-856-3732</b>	ADDITIONAL CONTACT NO. <b>541-910-1001</b>
ADDRESS <b>46226 Rock creek Town Rd.</b>				FAX NO.
CITY <b>Haines</b>	STATE <b>OR</b>	ZIP <b>97833</b>	E-MAIL <b>farmerdel@gmail.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.				

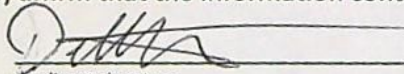
**Agent Information** – The agent is authorized to represent the applicant in all matters relating to this application.

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

Explain in your own words what you propose to accomplish with this transfer application and why: I would like to temporarily flip flop my 1879 and 1880 water rights and add an additional point of diversion to deliver the water to my irrigation system.

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

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

  
Applicant signature

**Delbert Stephens**  
Print Name (and Title if applicable)

**4-5-22**  
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 landowners (and mailing and/or e-mail addresses if different than the applicant's) or attach affidavits of consent from all landowners or individuals/entities (and mailing and/or e-mail addresses) to which the water right(s) has been conveyed.

RECEIVED

13972

APR 08 2022

OWRD

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

DISTRICT NAME	ADDRESS	
CITY	STATE	ZIP

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

ENTITY NAME	ADDRESS	
CITY	STATE	ZIP



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

ENTITY NAME <b>Baker County</b>	ADDRESS <b>1995 3<sup>rd</sup> St.</b>	
CITY <b>Baker City</b>	STATE <b>OR</b>	ZIP <b>97814</b>

ENTITY NAME	ADDRESS	
CITY	STATE	ZIP

**13972**  
RECEIVED <sup>1</sup>

APR 08 2022

**OWRD**

**Part 5 of 5 – Water Right Information**

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

Water Right Certificate # 76253

**Description of Water Delivery System**

System capacity: 15 cubic feet per second (cfs) OR  
 \_\_\_\_\_ gallons per minute (gpm)

Describe the current water delivery system or the system that was in place at some time within the last five years. Include information on the pumps, canals, pipelines, and sprinklers used to divert, convey, and apply the water at the authorized place of use. This system is an open ditch diverted from Rock Creek, then smaller lateral ditches are used to deliver water to the field where flood and sprinkler irrigation is used.

**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	¼¼	Tax Lot, DLC or Gov't Lot	Measured Distances (from a recognized survey corner)
Fisher Long (Upper)	<input type="checkbox"/> Authorized <input checked="" type="checkbox"/> Proposed		7 S	38 E	34	SW NE		500' N & 730' W from the E ¼ corn. of Sect. 34
JK Fisher & A. Long (Lower)	<input checked="" type="checkbox"/> Authorized <input type="checkbox"/> Proposed		7 S	38 E	34	SE NE		2500' S & 2100' W from the NE corn. of Sect. 34
Maxwell	<input checked="" type="checkbox"/> Authorized <input type="checkbox"/> Proposed		7 S	38 E	35	SE NW		None Given

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

- Place of Use (POU)
- Point of Diversion (POD)
- Additional Point of Diversion (APOD)
- Appropriation/Well (POA)
- Additional Point of Appropriation (APOA)

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

- Place of Use (POU)
- Character of Use (USE)
- Point of Diversion (POD)
- Point of Appropriation/Well (POA)
- Additional Point of Appropriation (APOA)
- Additional Point of Diversion (APOD)

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

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

No Complete all of Table 2 to describe the portion of the water right to be changed.

**RECEIVED**

APR 21 2022

**OWRD**

**13972**



**Part 5 of 5 – Water Right Information**

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

**Water Right Certificate # 68433**

**Description of Water Delivery System**

System capacity: 12 cubic feet per second (cfs) OR  
 \_\_\_\_\_ gallons per minute (gpm)

SUPERSEDED

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. **This is an open ditch from Rock Creek that delivers water to the property and then diverted out through smaller lateral ditches for irrigation.**

**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)
JK Fisher & A. Long	<input checked="" type="checkbox"/> Authorized <input type="checkbox"/> Proposed		7 S	38 E	34	SE NE		none given
Fisher Long	<input type="checkbox"/> Authorized <input checked="" type="checkbox"/> Proposed		7 S	38 E	34	S W NE		2500' S & 2100' W from the NE corn. of Sect. 34
	<input type="checkbox"/> Authorized <input type="checkbox"/> Proposed							
	<input type="checkbox"/> Authorized <input type="checkbox"/> Proposed							

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

- Place of Use (POU)  Appropriation/Well (POA)
- Point of Diversion (POD)  Additional Point of Appropriation (APOA)
- Additional Point of Diversion (APOD)

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

- Place of Use (POU)  Point of Appropriation/Well (POA)
- Character of Use (USE)  Additional Point of Appropriation (APOA)
- Point of Diversion (POD)  Additional Point of Diversion (APOD)

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

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

APR 08 2022

OWRD

13972

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

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

**Table 2. Description of Temporary Changes to Water Right Certificate# 76253**

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

AUTHORIZED (the "from" or "off" lands) The listing that appears on the Certificate BEFORE PROPOSED CHANGES List only that part or portion of the water right that will be changed.													Proposed Changes (see "CODES" from previous page)	PROPOSED (the "to" or "on" lands) The listing as it would appear AFTER PROPOSED CHANGES are made.									
Twp	Rng	Sec	¼ ¼	Tax Lot	Gvt Lot or DLC	Acres	Type of USE listed on Certificate	POD(s) or POA(s) (name or number from Table 1)	Priority Date	Twp	Rng	Sec		¼ ¼	Tax Lot	Gvt Lot or DLC	Acres	New Type of USE	POD(s)/ POA(s) to be used (from Table 1)	Priority Date			
EXAMPLE																							
2	S	9	E 15 NE NW	100		15.0	Irrigation	POD #1 POD #2	1901	POU/POD	2	S	9	E 1 NW NW	500	1	10.0		POD #5	1901			
"	"	"	"	"	"	"	EXAMPLE	"	"	"	2	S	9	E 2 SW NW	500		5.0		POD #6	1901			
7	S	38	E 25 NE NW	7400		40.0	Irrigation	JK Fisher & A Long & Maxwell	1880	POU/ APOD	7	S	38	E 25 SW NW	7400		40.0	Irrigation	JK Fisher & A Long & Maxwell & Fisher Long	1880			
7	S	38	E 24 SE SW	7400		40.0	Irrigation	JK Fisher & A Long & Maxwell	1880	APOD	7	S	38	E 24 SE SW	7400		40.0	Irrigation	JK Fisher & A Long & Maxwell & Fisher Long	1880			
						13972																	
						TOTAL ACRES	80.0																
						TOTAL ACRES	80.0																

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

**For Place of Use Changes**

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

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



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

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

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

**AND/OR**

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

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

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

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

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

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

**Table 2. Description of Temporary Changes to Water Right Certificate # 68433**

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

AUTHORIZED (the "from" or "off" lands) The listing that appears on the Certificate BEFORE PROPOSED CHANGES List only that part or portion of the water right that will be changed.											Proposed Changes (see "CODES" from previous page)	PROPOSED (the "to" or "on" lands) The listing as it would appear AFTER PROPOSED CHANGES are made.									
Twp	Rng	Sec	¼ ¼	Tax Lot	Gvt Lot or DLC	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	
<b>EXAMPLE</b>																					
2	S	9	E 15 NE NW	100		15.0	Irrigation	POD #1 POD #2	1901	POU/POD	2	S	9	E 1 NW NW	500	1	10.0		POD #5	1901	
"	"	"	"	"	"	"	EXAMPLE	"	"	"	2	S	9	E 2 SW NW	500		5.0		POD #6	1901	
7	S	38	E 25 SW NW	7400		40.0	Irrigation	HK Fisher & A. Long	1879	POU/APOD	7	S	38	E 25 NE NW			40.0	Irrigation	HK Fisher & A. Long & Upper Fisher	1879	
7	S	38	E 25 NW NW	7400		40.0	Irrigation	HK Fisher & A. Long	1879	APOD	7	S	38	E 25 NW NW	7400		40.0	Irrigation	HK Fisher & A. Long & Upper Fisher	1879	
7	S	38	E 24 SW SW	7400		40.0	Irrigation	HK Fisher & A. Long	1879	APOD	7	S	38	E 25 SW SW	7400		40.0	Irrigation	HK Fisher & A. Long & Upper Fisher	1879	

13972  
 APR 08 2022  
 OWRD  
 RECEIVE

**SUPERSEDED**

TOTAL ACRES					120.0											TOTAL ACRES					120.0

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

**SUPERSEDED**

**RECEIVED**

**APR 08 2022**  
**13972**  
**OWRD**

**For Place of Use Changes**

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

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



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

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

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

**AND/OR**

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

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

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

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

**SUPERSEDED**

RECEIVED

APR 08 2022

13972 OWRD

**Part 5 of 5 – Water Right Information**

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

Water Right Certificate # 95713

Received by OWRD

**Description of Water Delivery System**

System capacity: 12 cubic feet per second (cfs) OR \_\_\_\_\_ gallons per minute (gpm)

**SUPERSEDING**

MAY 27 2022

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. This is an open ditch from Rock Creek that delivers water to the property and then diverted out through smaller lateral ditches for irrigation.

**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)
JK Fisher & A. Long (Lower)	<input checked="" type="checkbox"/> Authorized <input type="checkbox"/> Proposed		7 S	38 E	34	SE NE		500' N & 730' W from the E 1/4 corn of Sect. 34
Fisher Long (Upper)	<input type="checkbox"/> Authorized <input checked="" type="checkbox"/> Proposed		7 S	38 E	34	S W NE		2500' S & 2100' W from the NE corn. of Sect. 34
	<input type="checkbox"/> Authorized <input type="checkbox"/> Proposed							
	<input type="checkbox"/> Authorized <input type="checkbox"/> Proposed							

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

- Place of Use (POU)  Appropriation/Well (POA)
- Point of Diversion (POD)  Additional Point of Appropriation (APOA)
- Additional Point of Diversion (APOD)

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

- Place of Use (POU)  Point of Appropriation/Well (POA)
- Character of Use (USE)  Additional Point of Appropriation (APOA)
- Point of Diversion (POD)  Additional Point of Diversion (APOD)

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

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

No Complete all of Table 2 to describe the portion of the water right to be changed.

Received by OWRD

MAY 27 2022

Salem, OR

SUPERSEDING

**SUPERSEDING**

Received by OWRD

MAY 27 2022

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 Temporary Changes to Water Right Certificate # 95713**

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

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	1/4	1/4	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	1/4	1/4	Tax Lot	Gvt Lot or DLC	Acres	New Type of USE	POD(s)/ POA(s) to be used (from Table 1)	Priority Date					
EXAMPLE																											
2	S	9	E	15	NE	NW	100		15.0	Irrigation	POD #1 POD #2	1901	POU/POD	2	S	9	E	1	NW	NW	500	1	10.0		POD #5	1901	
EXAMPLE																											
7	S	38	E	24	SW	SW	7400		40.0	Irrigation	HK Fisher & A. Long	1879	POU/APOD	7	S	38	E	24	SE	SW			40.0	Irrigation	HK Fisher & A. Long & Upper Fisher	1879	
7	S	38	E	25	NW	NW	7400		40.0	Irrigation	HK Fisher & A. Long	1879	POU/APOD	7	S	38	E	25	NE	NW	7400		40.0	Irrigation	HK Fisher & A. Long & Upper Fisher	1879	

Received by OWRD

MAY 27 2022

TACS

**SUPERSEDING**

Salem, OR

SUPERSEDING

2016

2016

TOTAL ACRES											80.0													TOTAL ACRES		80.0	

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

**SUPERSEDING**

Received by OWRD

MAY 27 2022

Salem, OR

Part 5 of 5 – Water Right Information

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

Water Right Certificate # 76253

Received by OWRD

Description of Water Delivery System

System capacity: 15 cubic feet per second (cfs) OR \_\_\_\_\_ gallons per minute (gpm)

**SUPERSEDING**

MAY 27 2022

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. This system is an open ditch diverted from Rock Creek, then smaller lateral ditches are used to deliver water to the field where flood and sprinkler irrigation is used.

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)
Fisher Long (Upper)	<input type="checkbox"/> Authorized <input type="checkbox"/> Proposed		7 S	38 E	34	SW NE		500' N & 730' W from the E ¼ corn. of Sect. 34
JK Fisher & A. Long (Lower)	<input type="checkbox"/> Authorized <input type="checkbox"/> Proposed		7 S	38 E	34	SE NE		2500' S & 2100' W from the NE corn. of Sect. 34
Maxwell	<input type="checkbox"/> Authorized <input type="checkbox"/> Proposed		7 S	38 E	35	SE NW		None Given

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

- Place of Use (POU)
- Point of Diversion (POD)
- Additional Point of Diversion (APOD)
- Appropriation/Well (POA)
- Additional Point of Appropriation (APOA)

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

- Place of Use (POU)
- Character of Use (USE)
- Point of Diversion (POD)
- Point of Appropriation/Well (POA)
- Additional Point of Appropriation (APOA)
- Additional Point of Diversion (APOD)

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

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

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

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

**Table 2. Description of Temporary Changes to Water Right Certificate# 76253**

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

AUTHORIZED (the "from" or "off" lands) The listing that appears on the Certificate BEFORE PROPOSED CHANGES List only that part or portion of the water right that will be changed.											Proposed Changes (see "CODES" from previous page)	PROPOSED (the "to" or "on" lands) The listing as it would appear AFTER PROPOSED CHANGES are made.										
Twp	Rng	Sec	¼ ¼	Tax Lot	Gvt Lot or DLC	Acres	Type of USE listed on Certificate	POD(s) or POA(s) (name or number from Table 1)	Priority Date	Twp		Rng	Sec	¼ ¼	Tax Lot	Gvt Lot or DLC	Acres	New Type of USE	POD(s)/ POA(s) to be used (from Table 1)	Priority Date		
<b>EXAMPLE</b>																						
2	S	9	E 15 NE NW	100		15.0	Irrigation	POD #1 POD #2	1901	POU/POD	2	S	9	E 1 NW NW	500	1	10.0		POD #5	1901		
"	"	"	"	"	"	"	EXAMPLE	"	"	"	2	S	9	E 2 SW NW	500		5.0		POD #6	1901		
7	S	38	E 25 NE NW	7400		40.0	Irrigation	JK Fisher & A Long & Maxwell	1880	POU/ APOD	7	S	38	E 25 NW NW	7400		40.0	Irrigation	JK Fisher & A Long & Maxwell & Fisher Long	1880		
7	S	38	E 24 SE SW	7400		40.0	Irrigation	JK Fisher & A Long & Maxwell	1880	POU/APOD	7	S	38	E 24 SW SW	7400		40.0	Irrigation	JK Fisher & A Long & Maxwell & Fisher Long	1880		
						TOTAL ACRES	80.0							TOTAL ACRES	80.0							

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

Received by OWRD

**For Place of Use Changes**

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

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



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

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

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

**AND/OR**

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

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

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

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

**SUPERSEDING**

Received by OWRD

MAY 27 2022

4/04/22

LF

4:02 POTENTIAL LIABILITY REAL PROPERTY INQUIRY A10100

REF # 2022 R 7118 Last View

MAP# LOT# A N M CODE FCL M L AP VA ZONE PAR# %.xxxx REAL# ER  
07538 7400 518 551 551 3 EFU

OWNER STEPHENS, DELBERT & JANELLE L ET ALS

CONTRACT \_\_\_\_\_ Pg 1 \_\_\_\_\_  
ADDR \_\_\_\_\_

46226 ROCK CREEK TOWN RD

CITY/ST HAINES, OR 97833

SC DEF SITUS: COUNTY

SITUS: 14758 MIDDY CRK IN

HOME ID: ACTION CDS MARCODE 0518

YR AP 2021 APR TM TROY LEFLEY

ACRES 198.18 SEC ASM

RW MS VALLE TOTAL AV

LAND NOIES

IMPROV

SUBTOT

LESS EXEMPTIONS:

LESS VET EXEMPT:

NET VALUES:

1-KEY 2-IMP 3-IND 7-EQJ 8-CLR 9-BACK 10-FORWARD 17-J/IL 22-SALES 23-TAX INQ

RECEIVED

APR 08 2022

OWRD

13972

PARCEL RECORD - Cartographic Unit

Code Area 5-18 5-24	Township 7	Range 38	Section	1/4	1/4	Parcel Number 7400	Type	Number
Map Number						Special Interest		
Tax Lot Number						History of Parcel Prior to Re-mapping #07118		
Previous Account Number			Previous Tax Lot Number 11400					

Exceptions/Additions	Date of Entry/ Acquisition	Deed Record		Acres Remaining
		Volume	Page	
Exc: SE 1/4 NW 1/4 Sec. 25	10-89	WD 82-11	037	200.00
Exc: Co. Rd. 1139 1.82	10-89	-	-	198.18
1. Fisher, Orville R 1/2 Fisher, Helen G Trustee/Trst 1/2	JV 59450 3-02-95	95-08-122	B/S	
2. Fisher, Helen G Trst 1/2 Del Fatti, Marilyn K & McCallister, Donna Gail 1/2	JV63218 12-11-96	96-48-076	B/S	
3. Fisher, Helen G Trst 1/2 & Del Fatti, Marilyn K Trustee & McCallister, Donna Gail 1/2	JV66328 5-13-98	98-17-203	B/S	
4. Fisher, Helen G. Trustee 1/2 & DelFatti, Marilyn K. Trustee & McAllister, John W. 1/2	JV 66969 08-28-98 03-01-99	98-35-058 99-09-085	B/S P/A	

OFFICIAL RECORD OF DESCRIPTIONS OF REAL PROPERTY  
BANKER COUNTY ASSESSOR'S OFFICE

7	38	11100	5-24
Sec. 24	SE 1/4, SW 1/4	80.00	
25	SE 1/4, SW 1/4	120.00	
278	RICE LN		
Excempt Co. Bl.		1.82	198.18
Fisher, Orville R. & Helen G 1/2 ac 3448 4/6/82 82-11-027 NO			

Remarks

RECEIVED

APR 18 2002  
13972  
OWRD

EXHIBIT "A"

52 11 138

Land in Baker County, Oregon:

In Twp. 7 S., R. 38, E., W.M.:

- ~~Sec. 3: That part of the NW $\frac{1}{4}$  and of the NE $\frac{1}{4}$ SW $\frac{1}{4}$  lying westerly of the County Road, excepting therefrom the parcel added to Baker County, Oregon, by deed recorded as 74-48-058 and to N. Aldrich by deed 81-51-023~~
- ~~Sec. 4: All~~
- ~~Sec. 5: SE $\frac{1}{4}$~~
- ~~Sec. 8: E $\frac{1}{2}$ SW $\frac{1}{4}$ , NW $\frac{1}{4}$ NE $\frac{1}{4}$ , SE $\frac{1}{4}$ SE $\frac{1}{4}$~~
- ~~Sec. 9: NE $\frac{1}{4}$~~
- ~~Sec. 16: W $\frac{1}{2}$ NW $\frac{1}{4}$~~
- ~~Sec. 17: NW $\frac{1}{4}$ SW $\frac{1}{4}$~~
- ~~Sec. 24: SE $\frac{1}{4}$ SW $\frac{1}{4}$~~
- ~~Sec. 25: NW $\frac{1}{4}$~~

In Twp. 7 S., R. 39, E., W.M.:

- ~~Sec. 20: NE $\frac{1}{4}$ SW $\frac{1}{4}$ , NE $\frac{1}{4}$ SE $\frac{1}{4}$ , excepting therefrom, the OWR & N $\frac{1}{2}$  right of way and County Road~~
- ~~Sec. 21: NW $\frac{1}{4}$ NE $\frac{1}{4}$ , excepting therefrom that part lying northeasterly of the County Road right of way.~~

Handwritten notes and scribbles:

- 736 1035 4010
- 738 300-735-2
- 15970 1400
- 1020 4000
- 7000 5-5
- 11400 5-5
- 19818
- 739 4400 5-24 74.70
- 4300 5-24 264.04

36252

BY RECORD [unclear] COUNTY, OREGON

FORM No. 216 - WARRANT DEED (includes instructions)

52 11 139

BARBARA [unclear] DAVID B. [unclear]

RECEIVED

13972

APR 08 2022

OWRD



7	38	11400			5-8			FORMERLY PART OF T.L. NO.		CITY
TWP. S.	RGE. E.	SEC.	1/4	1/16	TAX LOT NUMBER	TYPE	SPEC. INT. IN REAL PROP.	CODE AREA NUMBER		
MAP NUMBER						ACCOUNT NUMBER				

IDENT EACH NEW USE TO THIS POINT	ADDITIONAL DESCRIPTION AND RECORD OF CHANGE	DATE OF ENTRY ON THIS CARD	DEED RECORD		ACRES REMAINING
			VOL.	PG.	
	7 38 7400		122	420	
			134	258	
Sec. 24	SE $\frac{1}{4}$ SW $\frac{1}{4}$ , SW $\frac{1}{4}$ SW $\frac{1}{4}$ 80.00		134	444	
25	NE $\frac{1}{4}$ NW $\frac{1}{4}$ , W $\frac{1}{2}$ NW $\frac{1}{4}$ 120.00		140	586	200.00
†7S R38E WM					
Except:					
Co. Rd.	1.82				198.18
	I. Fisher, Orville R. & Helen G 1/2 ea 34411	4/6/82	82-11-037	W0	

RECEIVED

APR 08 2022

13972

OWRD

# 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 BAKER)

I, DELBERT STEPHENS, in my capacity as OWNER/IRRIGATOR,  
 mailing address 46226 ROCK CREEK TOWN RD.  
 telephone number (541)910-1001, 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)
68433	7	S	38	E	WM	24	SW	SW		40.0
68433	7	S	38	E	WM	25	NW	NW		40.0
68433	7	S	38	E	WM	25	SW	NW		40.0
76253	7	S	38	E	WM	25	NE	NW		40.0
76253	7	S	38	E	WM	24	SE	SW		40.0

**OR**

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

(continues on reverse side)

RECEIVED

13972 APR 08 2012

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

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

[Signature]  
Signature of Affiant

4-5-22  
Date

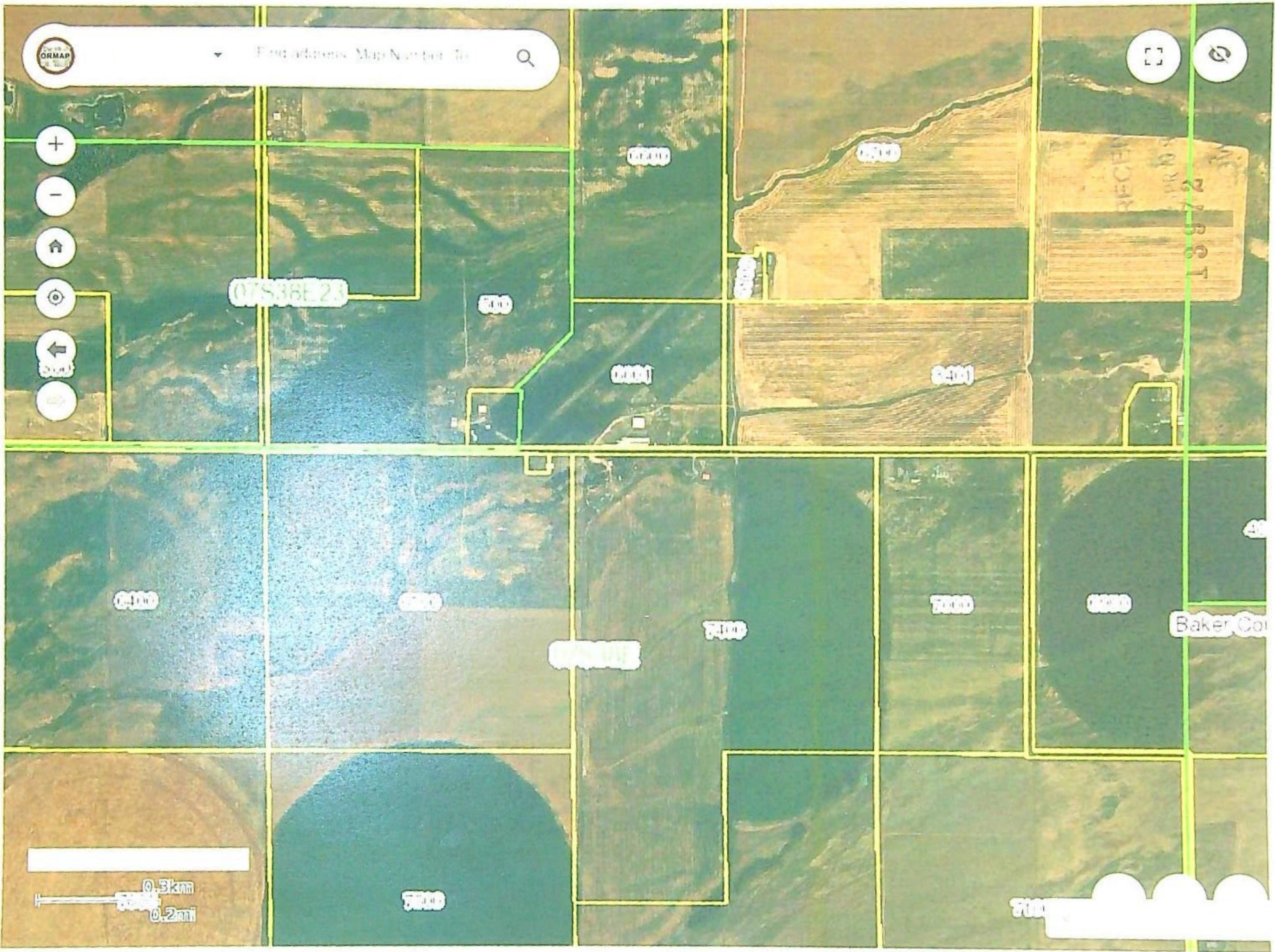
Signed and sworn to (or affirmed) before me this 5 day of APRIL, 20 22.



[Signature]  
Notary Public for Oregon

My Commission Expires: 2/28/2025.

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



Find address, Map Number, etc.

- +
- 
- Home
- Location Pin
- Back
- Compass

0.3km  
0.2mi

07S38E23

00000

Baker Co

00000

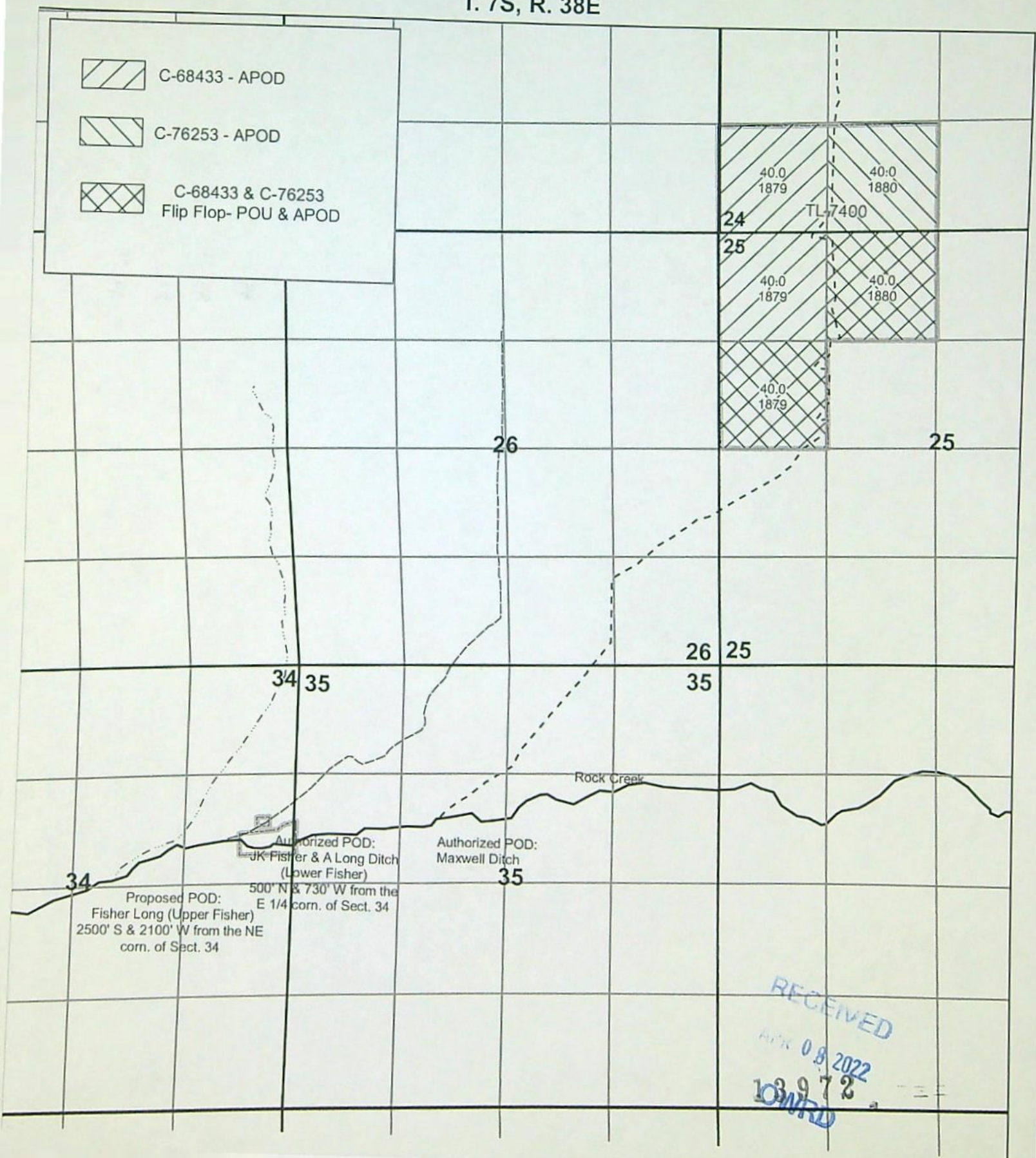


# Map to accompany a temporary transfer for Delbert Stephens

Scale: 1" = 1320'

**SUPERSEDED**

T. 7S, R. 38E





Map to accompany a temporary transfer  
for  
Delbert Stephens

Scale: 1" = 1320'

**SUPERSEDED**

T. 7S, R. 38E



13972

RECEIVED

APR 08 2022

OWRD

# Land Use Information Form



Oregon Water  
Resources  
Department

## NOTE TO APPLICANTS

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

This form is NOT required if:

- 1) Water is to be diverted, conveyed, and/or used only on federal lands; **OR**
- 2) The application is for a water right transfer.

## 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.

RECEIVED

13972 APR 08 2022

OWRD

# Land Use Information Form



Oregon Water Resources

Applicant(s): Delbert Stepens

Mailing Address: 46226 Rock Creek Town Rd.

City: Haines

State: OR

Zip Code: 97833

Daytime Phone: 541-910-1001

## 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>7S</u>	<u>38E</u>	<u>25</u>	<u>NE1/4</u>	<u>7400</u>	<u>EFU</u>	<input type="checkbox"/> Diverted	<input checked="" type="checkbox"/> Conveyed	<input checked="" type="checkbox"/> Used	<u>IRR</u>
<u>7S</u>	<u>38E</u>	<u>24</u>	<u>S1/2SW</u>	<u>7400</u>	<u>EFU</u>	<input type="checkbox"/> Diverted	<input checked="" type="checkbox"/> Conveyed	<input checked="" type="checkbox"/> Used	<u>IRR</u>
_____	_____	_____	_____	_____	_____	<input type="checkbox"/> Diverted	<input type="checkbox"/> Conveyed	<input type="checkbox"/> Used	_____
_____	_____	_____	_____	_____	_____	<input type="checkbox"/> Diverted	<input type="checkbox"/> Conveyed	<input type="checkbox"/> Used	_____

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

Baker 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) Rock Creek

Estimated quantity of water needed: 5  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:

I am flip flopping priority dates on my property and adding an addition point of diversion.

**Note to applicant:** If the Land Use Information Form cannot be completed while you wait, please have a local government representative sign the receipt at the bottom of the next page and include it with the application filed with the Water Resources Department.

See bottom of Page 3. →

RECEIVED  
13972  
APR 08 2022



## 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): BCZO Section 410.02.A.1
- Land uses to be served by the proposed water uses (including proposed construction) involve discretionary land-use approvals as listed in the table below. (Please attach documentation of applicable land-use approvals which have already been obtained. Record of Action/land-use decision and accompanying findings are sufficient.) **If approvals have been obtained but all appeal periods have not ended, check "Being pursued."**

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

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

Name: Tara L. Micka Title: Senior Planner  
 Signature: *Tara L. Micka* Phone: 541-523-8219 Date: 4-4-2022  
 Government Entity: Baker City-Co. 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**  
**13972 08 2022**

# Regular Temporary Water Right Transfer Application Checklist

Checked by Scott

Date 4/13/22

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

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

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

1. Page 1 of application: Are all attachments that have been checked actually included?  
If not, what is missing? \_\_\_\_\_
2. Are fees included and correct? 1800  
If not, the correct fee would be: \_\_\_\_\_, so the amount missing is: \_\_\_\_\_
3. Part 4 of application: Have all the applicants listed at the top of the page signed at the bottom?  
If not, whose signature is missing? \_\_\_\_\_
4. Are all listed certificates shown by WRIS as non-cancelled?  
If not, which are cancelled? \_\_\_\_\_  
For each cancelled certificate, if there has been a remainder on the left side of Table 2, list its number \_\_\_\_\_
5. If any certificate is in the name of a "district", is a Supplemental Form D needed from \_\_\_\_\_  
 N/A     Form D needed from \_\_\_\_\_
6. If all #1-#5 boxes on this checklist are checked (with no deficiencies listed in the "staff" section at the bottom), the application can be accepted. Put this check sheet in the transfer folder.

If #1, #2, #3, #4 or #5 on this checklist is deficient, the applicant can resolve the deficiencies within 2-3 days.

New  
Certs for  
68433  
based on  
historic Transfer  
95713

he

d and  
agent

# Dear Customer Service Group :

This application has received our assistance here in Watermaster District 8.

by MARCY OSBORN Phone # 541-519-6395.  
(Name)

Please let us know if there is anything else that might be needed.

Assistance was provided in the preparation of the:

- Application
- Map
- Other

RECEIVED

APR 08 2022

OWRD