

Regular

RA

Name Eagle Valley SWCD  
Attn: Whitney Collins  
Address 3990 Midway Dr.  
Baker City, OR 97814  
whitney.collins@bakercountyswcds.com

DESCRIPTION OF WATER RIGHT(S)

Name of Stream East Pine Creek ; Clear Creek  
Trib. of Pine Creek

FEES PAID		
Date	Amount	Receipt #
<u>4-22-2022</u>	<u>\$1,900.<sup>00</sup></u>	<u>137976</u>
<u>4-22-2022</u>	<u>4125.<sup>00</sup></u>	<u>137973</u>
<u>5-12-2022</u>	<u>\$1,672.<sup>72</sup></u>	<u>138122</u>

Change in APOD  
Date Filed 4-22-2022  
Initial notice date 5-10-2022  
DPD issued date \_\_\_\_\_  
PD issued date 2-10-2023  
PD notice date \_\_\_\_\_  
Date of FO 3/20/23 Vol 127 Page 1037-1043

Use IR ; LS ; DO County Baker  
Quantity of water (CFS) \_\_\_\_\_ No. of Acres \_\_\_\_\_  
Name of ditch \_\_\_\_\_  
App# Decree Per # V.11 pg. 235 Cert # 36813 PR Date 12/31/1881  
App# 11 Per # 11 Cert # 10424 PR Date 12/31/1877  
App# 11 Per # 11 Cert # 95484 PR Date \_\_\_\_\_  
App# 11 Per # 11 Cert # 85796 PR Date 8/7/1879  
App# 11 Per # 11 Cert # 46652 PR Date 12/31/1881

FEES REFUNDED		
Date	Amount	Receipt #
<u>1/18/2023</u>	<u>\$213.<sup>90</sup></u>	<u>VP055011</u>

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

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

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

Agent \_\_\_\_\_

CWRE \_\_\_\_\_

CC's list William Joseph ; Stella DelCurto ; Roger Gulick ;  
Baker County

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

**WATER RIGHT TRANSFER COVER SHEET**

Transfer: T- 13993

Transfer Specialist: *Joan*

Transfer Type: Regular Transfer

*RA*

<b>Applicant:</b> EAGLE VALLEY SWCD 3990 MIDWAY DR BAKER CITY, OR 97814 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 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"/>	Pine Creek Decree	v. 11 pg. 235	36813	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
<input type="checkbox"/>	Pine Creek Decree	v. 11 pg. 235	10424	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
<input type="checkbox"/>	Pine Creek Decree	v. 11 pg. 235	95484	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
<input type="checkbox"/>	Pine Creek Decree	v. 11 pg. 235	85796	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
<input type="checkbox"/>	Pine Creek Decree	v. 11 pg. 235	46652	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	

**Key Dates & Initial Actions:**

Rec'd: April 22, 2022	Proposed Action(s): ADDITIONAL POINT OF DIVERSION	
Fees Pd: 1900.00	WM District: 8 <i>Received</i>	ODFW District: <i>Received</i>
Initial Public Notice: May 10, 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 checked="" 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: <i>7/24/22</i> Initials: <i>Joan</i>	Date: <i>8/10/22</i> Initials: <i>Joan</i>	Date: <i>8/24/22</i> Initials: <i>Joan</i>	Date: <i>9/6/22</i> Initials: <i>PKS</i>	Date: <i>9/7/22</i> Initials: <i>Joan</i>	CW Sent: <i>9/7/22</i>	N/A
PD	Date: <i>1/28/23</i> Initials: <i>Joan</i>	Date: <i>1/30/23</i> Initials: <i>Scott</i>	Date: _____ Initials: _____	Date: <i>2/3/23</i> Initials: <i>PKS</i>	Date: <i>2-9-23</i> Initials: <i>Joan</i>	Date: <i>2-9-23</i>	Date: <i>2-10-23</i>
FO	Date: <i>2/22/23</i> Initials: <i>Joan</i>	Date: <i>2/24/23</i> Initials: <i>Scott</i>	Date: _____ Initials: _____	Date: <i>3/7/23</i> Initials: <i>PKS</i>	Date: <i>3/16/23</i> Initials: <i>Joan</i>	Date: <i>3/16/23</i>	Date: <i>3/20/23</i>

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

## SMITH Joan M \* WRD

---

**From:** Whitney Collins <swcdwhitney@gmail.com>  
**Sent:** Monday, September 12, 2022 12:07 PM  
**To:** SMITH Joan M \* WRD  
**Cc:** Cory Roe  
**Subject:** Water Right Transfer Application T-13993

Hello Joan,

We have reviewed the Water Right Transfer Application and we have a small change with #3 in the DPD under Authorized Place of Use that should have 28.0 ac in the SENW instead of 30.0 ac. 2 acres are a remaining right that is not included in this transfer.

We also request 5 years for completion with a 2027 date instead of 2023. This transfer is involved in a bigger project and may take more time to complete.

Also we would like the newspaper article to be published in the Hells Canyon Journal.

See attached the Report of Ownership for the lands where the water rights are currently located.

Let me know if you need anything else or have any questions.

Thanks so much,

\* Please note my new cell number below as well as my new email [swcdwhitney@gmail.com](mailto:swcdwhitney@gmail.com)  
<<mailto:swcdwhitney@gmail.com>>

Whitney M Collins

Districts Manager

Baker County SWCD's

Baker Valley SWCD

Eagle Valley SWCD

Keating SWCD

Burnt River SWCD

541-519-8310

541-523-7121 X 109 Office

STATE OF OREGON

COUNTY OF BAKER

CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

C. A. OLIVER  
HALFWAY, OR 97834

has a right to use the waters of EAST PINE CREEK, for the purpose of IRRIGATION of 2.0 ACRES, AND DOMESTIC AND STOCK USE, and said right has been confirmed by decree of the Circuit Court of the State of Oregon for Baker County, and the said decree entered of record at Salem, in the Order Record of the STATE ENGINEER, Volume 11, at Page 235. That the priority of the right thereby confirmed dates from 1877.

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 a cubic foot per second per acre, measured at the point of diversion, and a total limitation of ONE-ACRE-FOOT per acre during July, one acre-foot per acre during August, and one-half acre-foot per acre during September, of each year.

AND said right shall be subject to all other conditions and limitations contained in said Decree.

The point of diversion is located as follows:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
8 S	46 E	WM	9		NONE GIVEN

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

IRRIGATION, DOMESTIC, AND STOCK USE					
Twp	Rng	Mer	Sec	Q-Q	Acres
8 S	46 E	WM	10	SE NW	2.0

This certificate describes that portion of water right Certificate 10424, State Record of Water Right Certificates, NOT modified by the provisions of an order of the Water Resources Director entered \_\_\_\_\_, approving Transfer Application T-13993.

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

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

WITNESS the signature of the Water Resources Director, affixed \_\_\_\_\_.

---

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

**SMITH Joan M \* WRD**

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**From:** PHILLIPS Stacy H \* WRD  
**Sent:** Friday, September 23, 2022 2:31 PM  
**To:** STARNES Patrick K \* WRD  
**Cc:** SMITH Joan M \* WRD  
**Subject:** RE: Newspaper Estimate for Transfer Application 13993

Hey Joan,

The quote came in for this notice. Total cost is \$213.90.

Thanks,

*Stacy H. Phillips*

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



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

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**From:** STARNES Patrick K \* WRD <Patrick.K.STARNES@water.oregon.gov>  
**Sent:** Friday, September 23, 2022 10:02 AM  
**To:** PHILLIPS Stacy H \* WRD <Stacy.H.PHILLIPS@water.oregon.gov>  
**Cc:** SMITH Joan M \* WRD <Joan.M.SMITH@water.oregon.gov>  
**Subject:** Newspaper Estimate for Transfer Application 13993

Hi Stacy –

Joan will need a quote for the attached **TRANSFER** Application notice to run in the Baker City Herald. Run time is two weeks.

Thanks!

Kelly

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

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



## Property Profile

Prepared For:

Baker County Soil & Water Conservation District  
Cory Roe

Property Address:

Various, Halfway, OR 97834  
Property Parcel Number: 13349, 13348, 13352, 13288, 13346

Includes the following:

- Last Vesting Document
- Tax Information
- Plat Map

Prepared by:  
**Julie Paxton**  
9/9/2022

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

**Serving Baker County!**

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

WARRANTY DEED 80014 0054

LORETTA M. HARLAN WHO ACQUIRED TITLE AS LORETTA M. GRENLEY, Grantor(s) hereby grant, bargain, sell, warrant and convey to: BARRY R. DELCORTO and SHELLA R. DELCORTO, as tenants by the entirety, Grantee(s) and grantee's heirs, successors and assigns the following described real property, free of encumbrances except as specifically set forth herein in the County of BAKER and State of Oregon, to wit:

The South half of the Northeast quarter of Section 10, Township 8 South, Range 46 East of the Willamette Meridian, in the County of Baker and State of Oregon.

REF #13348 TL #400 0896510;6106

SUBJECT TO: all those items of record and those apparent upon the land, if any, as of the date of this deed and those shown below, if any: and the grantor will warrant and forever defend the said premises and every part and parcel thereof against the lawful claims and demands of all persons whomsoever, except those claiming under the above described encumbrances.

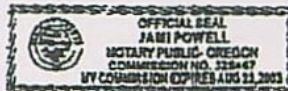
THIS INSTRUMENT WILL NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEW TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY APPROVED USES AND TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES AS DEFINED IN ORS 30.930.

The true and actual consideration for this conveyance is 225,000.00.

Until a change is requested, all tax statements shall be sent to Grantee at the following address: 46411 OLIVER ROAD, HALFWAY, OR 97834

Dated this 30 day of March 2000.

Loretta M. Harlan (signature) LORETTA M. HARLAN



State of Oregon County of BAKER

This instrument was acknowledged before me on March 30, 2000 by LORETTA M. HARLAN.

Jami Powell (signature) (Notary Public for Oregon) My commission expires Aug 22, 2003

ESCROW NO. BA-21356

Return to: BARRY R. DELCORTO 46411 OLIVER ROAD HALFWAY, OR 97834

STATE OF OREGON } SS County of Baker

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

Julia Woods Baker County Clerk

by: (signature) Deputy. 21.00 3/31/2000 3:15 PM REFUND: 00





After recording return to:

Barry R. DelCurto

46411 Oliver Road

Halfway, OR 97834

Until a change is requested all tax statements shall be sent to the following address:

Barry R. DelCurto

46411 Oliver Road

Halfway, OR 97834

Escrow No. BA-27864JP

Title No. 0027864

SWD r.012910

**STATUTORY WARRANTY DEED**

Jeffrey Stinner Riggs and Barbara E. Fanning Riggs, as tenants by the entirety, Grantor(s) hereby convey and warrant to Barry R. DelCurto and Sheila R. DelCurto, as tenants by the entirety, Grantee(s) the following described real property in the County of Baker and State of Oregon free of encumbrances except as specifically set forth herein:

TRACT ONE

The East one-half of the East one-half of the Northeast quarter of the Southeast quarter of Section 10, Township 8 South, Range 46 East of the Willamette Meridian, in the County of Baker and State of Oregon.

ALSO, a parcel in the Northeast quarter of the Southeast quarter of Section 10, Township 8 South, Range 46 East of the Willamette Meridian, in the County of Baker and State of Oregon, more particularly described as follows:

BEGINNING at a point on the North line of the Northeast quarter of the Southeast quarter of Section 10, said township and range, said point being 330 feet West of the Northeast corner thereof; thence West 335.6 feet; thence South to a point on the North right of way line of the County Road; thence East 335.6 feet; thence North to the North line of the Northeast quarter of the Southeast quarter of said Section 10 and the POINT OF BEGINNING.

FOR INFORMATION PURPOSES ONLY, THE MAP/TAX ACCT #(S) ARE REFERENCED HERE:

Ref #13352 Code #6106

08S4610 TL #500

The above-described property is free of encumbrances except all those items of record, if any, as of the date of this deed and those shown below, if any:

The true and actual consideration for this conveyance is \$31,000.00.

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

Dated this 2nd day of December 2010

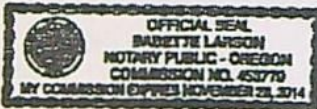
Jeffrey Stinner Riggs  
Jeffrey Stinner Riggs  
Barbara E. Fanning Riggs  
Barbara E. Fanning Riggs

State of Oregon  
County of Baker-Grant

This instrument was acknowledged before me on 12-2- 2010 by Jeffrey Stinner Riggs and Barbara E. Fanning Riggs.

Babette Larson  
(Notary Public for Oregon)

My commission expires 11-28-14



STATE OF OREGON )  
COUNTY OF BAKER )  
I CERTIFY THAT THIS  
INSTRUMENT WAS RECEIVED  
AND RECORDED IN THE BOOK  
OF RECORDS OF SAID COUNTY  
TAMARA J. GREEN, BAKER CO. CLERK  
BY Tamara Green DEPUTY  
DC#: 10490223  
12/07/2010 3:50 PM  
REF .00 46.00  
Amr CHG

Tax Statements To:  
Roger Gulick and Jeanette L. Gulick  
46152 Oliver Road  
Halfway, OR 97834

Grantee(s) address:  
Roger Gulick and Jeanette L. Gulick 820 19 0275  
46152 Oliver Road  
Halfway, OR 97834

After Recording Return To:  
Elkhorn Title Company  
1725 Main Street  
Baker City OR 97814

## WARRANTY DEED

George A. Matile and Opal M. Matile, husband and wife, as tenants by the entirety, as to a 1/3 interest, and James R. DeMastus and Barbara L. DeMastus, husband and wife, as tenants by the entirety, as to a 1/3 interest, and Marjorie E. Harris, Sole Successor Trustee of the Harris Living Trust, dated 7-2-1992, as to a 1/3 interest, Grantor, conveys and warrants to Roger Gulick and Jeanette L. Gulick, husband and wife, as tenants by the entirety, Grantee, the following described real property free of liens and encumbrances, except as specifically set forth herein:

SEE EXHIBIT "A" ATTACHED HERETO FOR DETAILED LEGAL DESCRIPTION

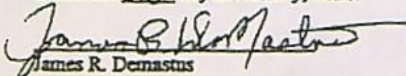
This property is free from liens and encumbrances, EXCEPT:

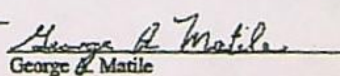
Those of record

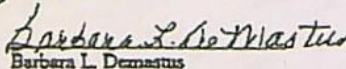
"BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON TRANSFERRING FEE TITLE SHOULD INQUIRE ABOUT THE PERSON'S RIGHTS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, AND SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009, AND SECTIONS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

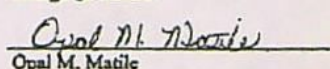
The true consideration for this conveyance is \$101,465.00. (Here to comply with requirements of ORS 93.030)

Dated this 20 day of January, 2020.

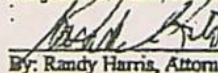
  
James R. DeMastus

  
George A. Matile

  
Barbara L. DeMastus

  
Opal M. Matile

Harris Living Trust, dated 7-2-1992  
Marjorie E. Harris, Sole Successor Trustee

  
By: Randy Harris, Attorney in Fact for Marjorie E. Harris

STATE OF Oregon )  
 )ss.  
COUNTY OF Baker )

820 19 0276

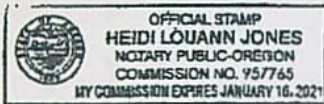
Signed or attested before me on this 20 day of January, 2020 by George A. Matile and Opal M. Matile, husband and wife, as tenants by the entirety, as to a 1/3 interest, and James R. DeMastus and Barbara L. DeMastus, husband and wife, as tenants by the entirety, as to a 1/3 interest.



Heidi Louann Jones  
Notary Public for the State of Oregon  
My commission expires: January 16, 2021

STATE OF Oregon )  
 )ss.  
COUNTY OF Baker )

Signed or attested before me on this 26 day of February, 2020 by Randy Harris, Attorney in Fact for Marjorie E. Harris, Sole Successor Trustee of the Harris Living Trust, dated 7-2-1992, as to a 1/3 interest.



Heidi Louann Jones  
Notary Public for the State of Oregon  
My commission expires: January 16, 2021

**EXHIBIT "A"**

The Southeast quarter of the Southwest quarter of Section 10, Township 8 South, Range 46 East of the Willamette Meridian, in the County of Baker and State of Oregon.

EXCEPTING THEREFROM a parcel of land described as follows:

Beginning at the Northeast corner of said Southeast quarter of the Southwest quarter;  
thence West 210 feet;  
thence South 600 feet;  
thence East 210 feet;  
thence North 600 feet to the Point of Beginning.

FURTHER EXCEPTING THEREFROM a parcel of land described as follows:

Commencing at the Southwest corner of Parcel A of Baker County Survey No. 8-46-27, marked with a 5/8' rebar; Thence South 86°24'31" West, 60.12 feet to the intersection of the North right-of-way of Highway 86 and the West right-of-way of Oliver Road, the Point of Beginning;  
thence South 86°24'09" West along said North right-of-way, 95.06 feet to station 816+48.72 P.S. on said North right-of-way;  
thence Southwesterly along said North right-of-way on a 50-foot North parallel offset 350-foot centerline spiral right, 270.33 feet, the chord of which bears South 86°38'49" West, 270.32 feet to a point on said North right-of-way;  
thence North 02°57'25" West, 407.66 feet;  
thence North 85°47'39" East, 145.72 feet;  
thence North 00°39'31" East, 105.31 feet;  
thence North 85°58'31" East, 240.78 feet to a point on said West right-of-way of Oliver Road;  
thence South 0°05'42" West along said West right-of-way, 518.23 feet to the Point of Beginning.

(PTN of 6106 08S4610 900; Ref. No. 13345)

STATE OF OREGON }  
COUNTY OF BAKER }  
I CERTIFY THAT THIS  
INSTRUMENT WAS RECEIVED  
AND RECORDED IN THE BOOK  
OF RECORDS OF SAID COUNTY  
STEFANIE KIRBY, BAKER CO. CLERK  
by *Karin Phillips* DEPUTY  
DOC#: B20190275  
6/12/2020 3:55 PM  
REFUND: .00 96.00

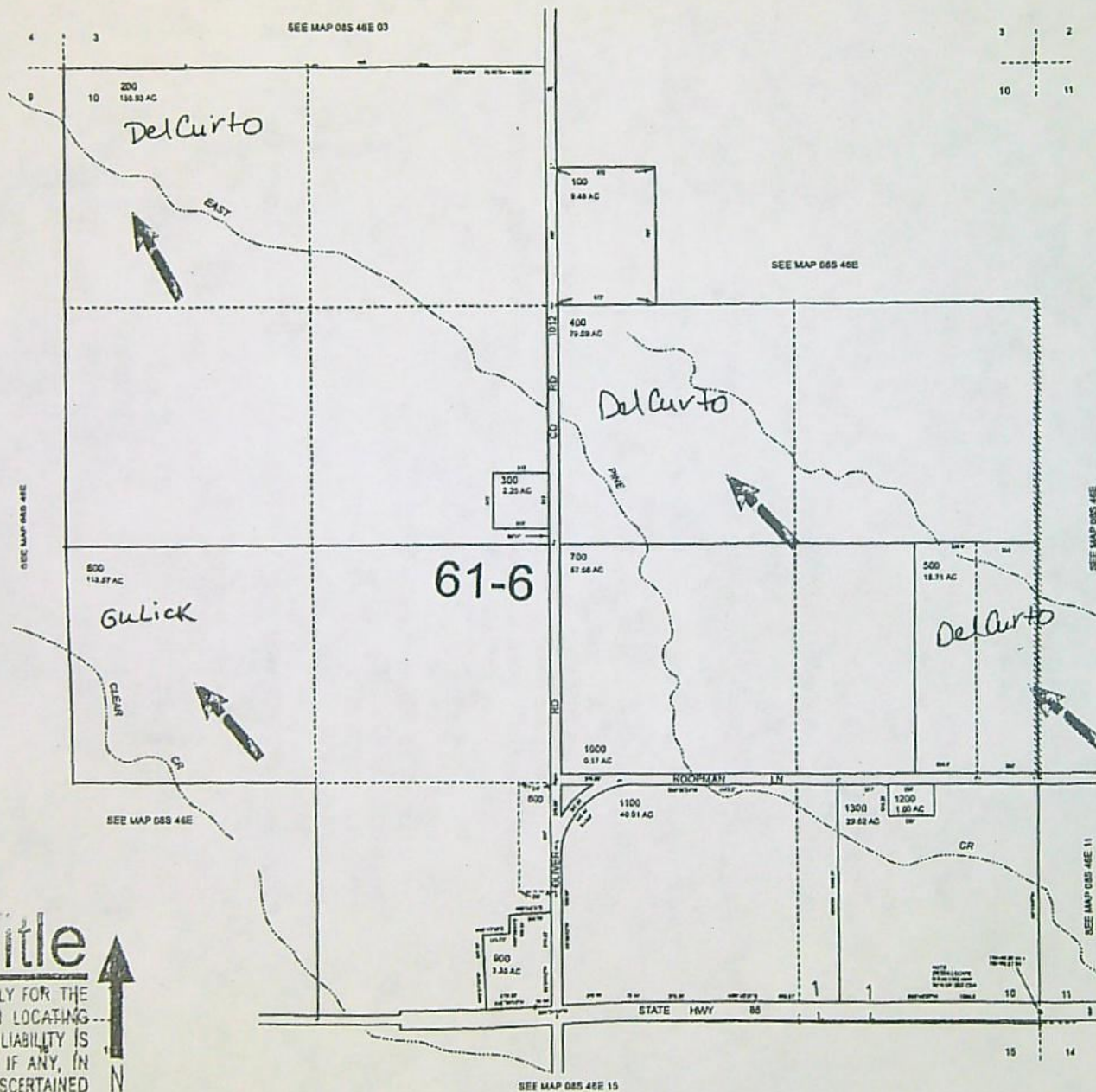
THIS MAP WAS PREPARED FOR  
ASSESSMENT PURPOSE ONLY



SECTION 10 T.8S. R.46E. W.M.  
BAKER COUNTY  
1" = 400'

08S46E10

Cancelled  
800



# Ameri title

THIS SKETCH IS MADE SOLELY FOR THE  
PURPOSE OF ASSISTING IN LOCATING  
CERTAIN PREMISES AND NO LIABILITY IS  
ASSUMED FOR VARIATIONS IF ANY, IN  
DIMENSIONS AND LOCATIONS ASCERTAINED  
BY ACTUAL SURVEY.



Revised: MA  
07/24/2020

08S46E10

701

Tax Statements To:  
Barry DelCurto and Sheila DelCurto  
46911 Oliver Road  
Halfway, OR 97134

Grantee(s) address:  
Barry DelCurto and Sheila DelCurto  
46911 Oliver Road  
Halfway, OR 97134  
Grantor's address:  
Denson Dry Creek Ranch, LLC  
P.O. Box 137  
Halfway, OR 97134

822648212

After Recording Return To:  
Elkhorn Title Company  
1725 Main Street  
Baker City OR 97814

### WARRANTY DEED

Tract I:

Denson Dry Creek Ranch, LLC, an Oregon Limited Liability Company

Tract II:

Two Color Building, LLC, an Oregon Limited Liability Company

Grantor, conveys and warrants to Barry DelCurto and Sheila DelCurto, as Trustees of the DelCurto Family Trust, Grantee, the following described real property free of liens and encumbrances, except as specifically set forth herein:

SEE EXHIBIT "A" ATTACHED HERETO FOR DETAILED LEGAL DESCRIPTION

This property is free from liens and encumbrances, EXCEPT:

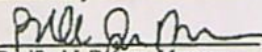
Those of record

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

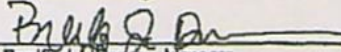
The true consideration for this conveyance is \$1,200,000.00. (Here to comply with requirements of ORS 93.030)

Dated this 21 day of December, 2021.

Denson Dry Creek Ranch LLC.

  
Bradford J. Denson, Manager

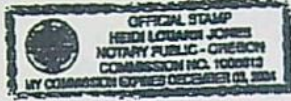
Two Color Building, LLC

  
Bradford J. Denson, Manager

Elkhorn Title Company Order # 21-23408 Assessor Account # 13349, 13288

STATE OF OREGON )  
 )  
COUNTY OF BAKER )

Signed or attested before me on this 27 day of December, 2021 by Bradford J. Denson, Manager of Denson Dry Creek Ranch, LLC, an Oregon Limited Liability Company and Two Color Building, LLC, an Oregon Limited Liability Company.



*Heidi LouAnn Jones*  
Heidi LouAnn Jones  
Notary Public for the State of Oregon  
My commission expires: December 3, 2024



EXHIBIT "A"TRACT I:

In Township 8 South, Range 46 East for the Willamette Meridian, in the County of Baker and state of Oregon:

The South half of the Southeast quarter of Section 3;

ALSO, The Northeast quarter of the Northeast quarter, The Northwest quarter of the Northeast quarter of Section 10, EXCEPTING THEREFROM the following parcel:

Beginning at the Southwest corner of the Northwest quarter of the Northeast quarter; Thence North 760 feet along the West line of said Northwest quarter of the Northeast quarter; Thence East 573 feet; Thence South 760 feet, parallel to the West line of said Northwest quarter of the Northeast quarter, to the South line thereof; Thence West along said South line 573 feet to the Point of Beginning.

This legal description was created prior to January 1, 2008.

(6106 08S46 1100; Ref. No. 13288)

TRACT II:

In Township 8 South, Range 46 East for the Willamette Meridian, in the County of Baker and state of Oregon:

The Northwest quarter of Section 10; EXCEPTING THEREFROM the following:

Beginning at a point on the West right of way line of the North-South County Road in said Section, said point being 90 feet 11 inches North of the Southeast corner of said Northwest quarter; Thence North 313 feet; Thence West 313 feet; Thence South 313 feet; Thence East 313 feet to the point of beginning.

This legal description was created prior to January 1, 2008.

(6106 08S4610 200; Ref No. 13349)

STATE OF OREGON

County of Baker

} ss

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

Stefanie Kirby  
Baker County Clerk

by: *Karen Phillips* Deputy.

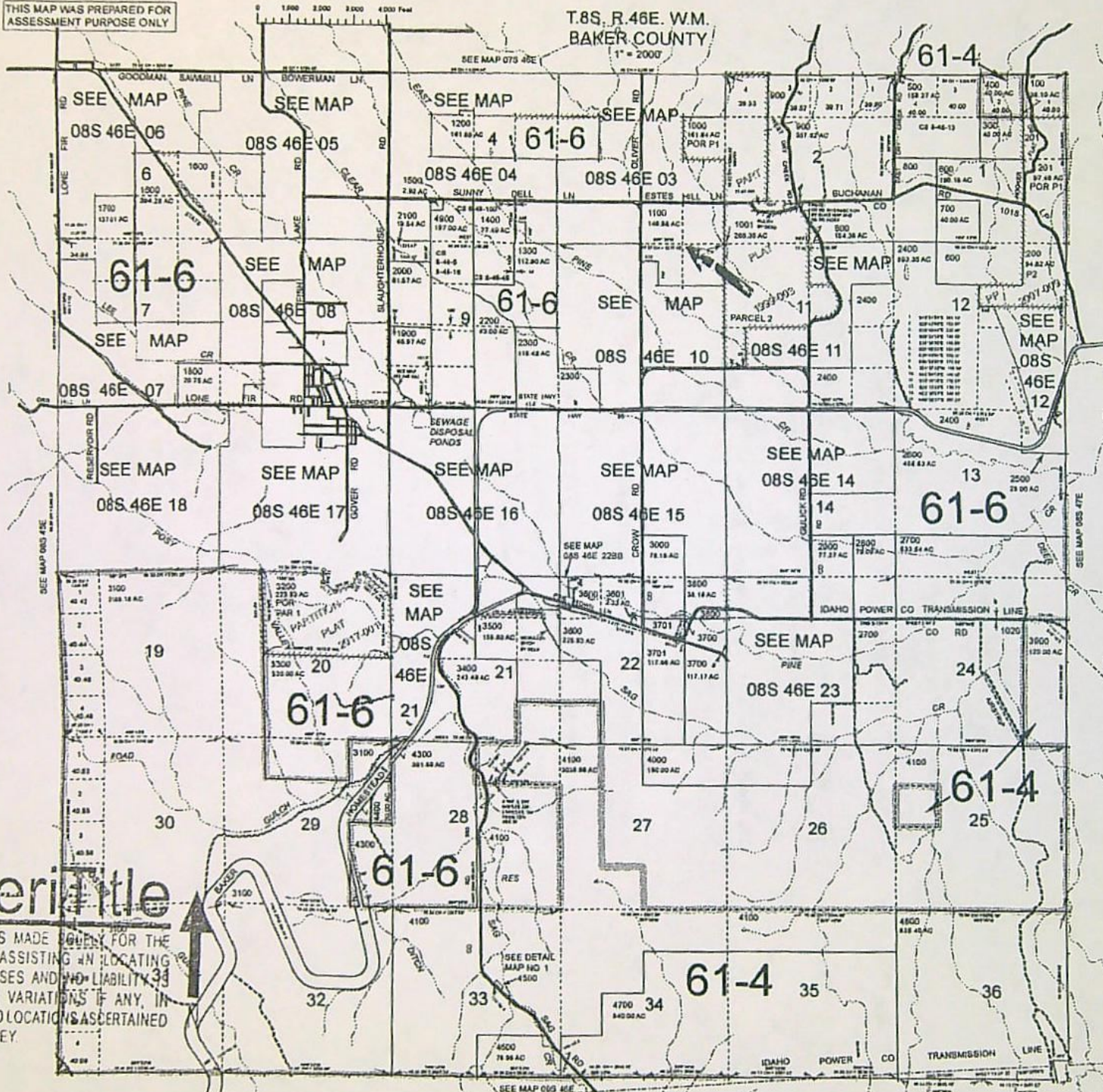
DOC#1 822848214  
96.00  
1/24/2022 2:29 PM  
REFUND: .00

THIS MAP WAS PREPARED FOR ASSESSMENT PURPOSE ONLY

T.8S. R.46E. W.M. BAKER COUNTY 1" = 2000'

OBS46E & INDEX

Cancelled 600A1 4200



AmeriTitle

THIS SKETCH IS MADE ONLY FOR THE PURPOSE OF ASSISTING IN LOCATING CERTAIN PREMISES AND NO LIABILITY IS ASSUMED FOR VARIATIONS IF ANY, IN DIMENSIONS AND LOCATIONS ASCERTAINED BY ACTUAL SURVEY.

Revised: MA 01/24/2022

& INDEX OBS46E

08546  
Tax Lot 1300

818 50 0020

AFTER RECORDING RETURN TO:  
Andrew G. Martin  
Intermountain Law, PC  
P.O. Box 1026  
Baker City, OR 97814

ADDRESS FOR TAX STATEMENTS:  
Lazy J Ranches LLC  
Linda L. Joseph  
1204 N. Hall St  
La Grande, OR 97850

**BARGAIN AND SALE DEED**

Linda L. Joseph, Grantor, does hereby bargain, sell, convey and transfer all her right, title and interest in and to the real property described hereafter to Lazy J Ranches LLC, Grantee.

IN TOWNSHIP 8 SOUTH, RANGE 46 EAST of the Willamette Meridian,  
County of Baker and State of Oregon:

Section 4: A portion of the Southeast quarter of the Southeast quarter, described as follows: Commencing at the Southwest corner of said Southeast quarter of the Southeast quarter of said Section 4 and running North 40 rods;  
thence East 20 rods;  
thence South 40 rods;  
thence West 20 rods to the place of beginning.

The East 20 feet of the Southwest quarter of the Southeast quarter.

Section 9: Commencing at a point on the section line 80 rods West of the Northeast corner of said Section 9 and running thence South on subdivision line 80 rods;  
thence West 2 rods;  
thence North 80 rods;  
thence East 2 rods to the place of beginning.

The East half of the Northeast quarter;

The Southwest quarter of the Northeast quarter;  
EXCEPT that portion lying South of Clear Creek.

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

The true consideration for this conveyance is other property or value as part of or the whole consideration for this transfer.

BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON TRANSFERRING FEE TITLE SHOULD INQUIRE ABOUT THE PERSON'S RIGHTS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009, AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010. THIS INSTRUMENT DOES NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY THAT THE UNIT OF LAND BEING TRANSFERRED IS A LAWFULLY

ESTABLISHED LOT OR PARCEL, AS DEFINED IN ORS 92.010 OR 215.010, TO VERIFY THE APPROVED USES OF THE LOT OR PARCEL, TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES, AS DEFINED IN ORS 30.930, AND TO INQUIRE ABOUT THE RIGHTS OF NEIGHBORING PROPERTY OWNERS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009 AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010.

DATED this 6<sup>th</sup> day of December, 2018.

*Linda L. Joseph*  
Linda L. Joseph

STATE OF OREGON, County of Baker ) :ss.

Personally appeared the above-named Linda L. Joseph and acknowledged the foregoing instrument to be her voluntary act and deed.

BEFORE ME this 6<sup>th</sup> day of December, 2018.

*Christy Diane Varner*  
Notary Public for Oregon  
My commission expires: 9-30-2019



STATE OF OREGON }  
COUNTY OF BAKER }  
I CERTIFY THAT THIS  
INSTRUMENT WAS RECEIVED  
AND RECORDED IN THE BOOK  
OF RECORDS OF SAID COUNTY

Cindy Carpenter, Baker CO. Clerk  
*Karen Phillips* DEPUTY

DOC#: B16500020  
12/07/2018 11:30 AM  
REFUND: .00 91.00 CK

854603  
Tax Lot  
900

B22260068

**Grantor:**  
William Joseph and Maureen Joseph  
38316 Sunny Del Lane  
Halfway, OR 97834

**Grantee:**  
The Village Ranch, LLC  
34370 Old Foothill Road  
Richland, OR 97870

**Send Tax Statements To:**  
The Village Ranch, LLC  
34370 Old Foothill Road  
Richland, OR 97870

**After Recording Return To:**  
Elkhorn Title Company  
1725 Main Street  
Baker City, OR 97814

**BARGAIN AND SALE DEED**

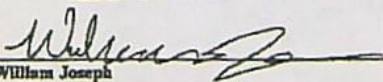
William Joseph and Maureen Joseph, husband and wife tenants by the entirety, herein after called Grantor, for the consideration stated does hereby grant, bargain, sell and convey to The Village Ranch, LLC, and Oregon limited liability company, herein after called Grantee, the following described real property with the tenements, hereditaments and appurtenances therunto belonging or in any way appertaining, situated in Baker, State of Oregon:

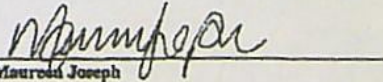
SEE ATTACHED EXHIBIT "A"

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

The true consideration for this conveyance is \$0.00.

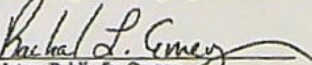
Dated this 21<sup>st</sup> day of June, 2022.

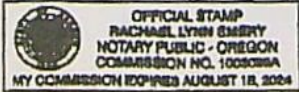
  
William Joseph

  
Maureen Joseph

STATE OF OREGON )  
                          ) ss.  
County of Baker   )

On this 21<sup>st</sup> day of June, 2022, personally appeared before me the above-named William Joseph and Maureen Joseph husband and wife, tenants by the entirety, and acknowledged the foregoing instrument to be a voluntary act.

  
Notary Public for Oregon  
My Commission Expires: August 18<sup>th</sup>, 2024



Elkhorn Title Company Order # 22-23573 Assessor Account # 13301, 15651

**EXHIBIT "A"**

**TRACT ONE:**

The West half of the Southwest quarter of the Southwest quarter of Section 3, Township 8 South, Range 46 East of the Willamette Meridian, in the County of Baker, and State of Oregon.

**TRACT TWO:**

The Southeast quarter of the Southeast quarter of Section 4, Township 8 South, Range 46 East of the Willamette Meridian, in the County of Baker, and State of Oregon.

EXCEPTING THEREFROM a portion of the Southeast quarter of the Southwest quarter of Section 4, Township 8 South, Range 46 East of the Willamette Meridian, in the County of Baker, and State of Oregon, more particularly described as follows:

BEGINNING at the Southwest corner of the Southeast quarter of the Southeast quarter of Section 4, said township and range; thence North 660 feet (40 rods) along the West line of the Southeast quarter of the Southeast quarter of said Section 4; thence East 330 feet (20 rods); thence South 660 feet (40 rods) to the South line of the Southeast quarter of the Southeast quarter of said Section 4; thence West 330 feet (20 rods) along the South line of the Southeast quarter of the Southeast quarter of said Section 4 to the POINT OF BEGINNING.

STATE OF OREGON }  
County of Baker } SS

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

Stefanie Kirby  
Baker County Clerk

by: *Karon Phillips* Deputy.

DOC# B22260068  
91.00  
6/23/2022 2:36 PM  
REFUND: .00

96

0854604  
Tax Lot  
1100

822 28 0222

**AFTER RECORDING RETURN TO:**

The Village Ranch, LLC  
c/o Mathew Brenier  
43420 Old Foothill Road  
Richland, OR 97870-6653

**MAIL TAX STATEMENTS TO:**

The Village Ranch, LLC  
c/o Mathew Brenier  
43420 Old Foothill Road  
Richland, OR 97870-6653

**STATUTORY WARRANTY DEED**

KRISTI ANN HENSLEY and MARK LEE CHRISTIANSON, Grantors, conveys and warrants to THE VILLAGE RANCH, LLC., an Oregon limited liability company, Grantee, the real property described on the attached Exhibit A, free of liens and encumbrances, except as specifically set forth herein.

TOGETHER WITH all tenements, hereditaments and appurtenances thereunto belonging to or otherwise appertaining.

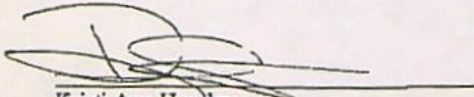
SUBJECT TO reservations, restrictions, easements and rights of way of record or visible thereon.

ETC 0382CR

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

Fulfillment of Contract B19 45 0008  
Other property or value was either part of or the whole consideration for this transfer.

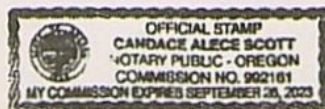
DATED this 23 day of December, 2019.

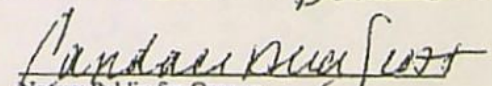
  
\_\_\_\_\_  
Kristi Ann Hensley

  
\_\_\_\_\_  
Mark Lee Christiansen

STATE OF OREGON, County of Baker) ss.

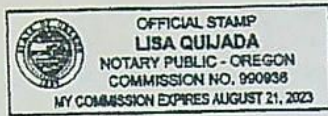
Personally appeared the above named Kristi Ann Hensley and acknowledged the foregoing instrument to be her voluntary act and deed. Before me this 27 day of December 2019.



  
\_\_\_\_\_  
Notary Public for Oregon  
My Commission expires: 9/26/23

STATE OF OREGON, County of Washington ) ss.

Personally appeared the above named Mark Lee Christianson and acknowledged the foregoing instrument to be his voluntary act and deed. Before me this 23 day of December, 2019.



*Lisa Quijada*  
Notary Public for Oregon  
My Commission expires: AUG 21, 23



**EXHIBIT "A"**  
**LEGAL DESCRIPTION****TRACT ONE:**

The West half of the Southwest quarter of the Southwest quarter of Section 3, Township 8 South, Range 46 East of the Willamette Meridian, in the County of Baker and State of Oregon.

**TRACT TWO:**

The Southeast quarter of the Southeast quarter of Section 4, Township 8 South, Range 46 East of the Willamette Meridian, in the County of Baker and State of Oregon.

**EXCEPTING THEREFROM** a portion of the Southeast quarter of the Southeast quarter of Section 4, Township 8 South, Range 46 East of the Willamette Meridian, in the County of Baker and State of Oregon, more particularly described as follows:

**BEGINNING** at the Southwest corner of the Southeast quarter of the Southeast quarter of Section 4, said township and range; thence North 660 feet (40 rods) along the West line of the Southeast quarter of the Southeast quarter of said Section 4; thence East 330 feet (20 rods); thence South 660 feet (40 rods) to the South line of the Southeast quarter of the Southeast quarter of said Section 4; thence West 330 feet (20 rods) along the South line of the Southeast quarter of the Southeast quarter of said Section 4 to the **POINT OF BEGINNING**.

STATE OF OREGON }  
COUNTY OF BAKER }  
I CERTIFY THAT THIS  
INSTRUMENT WAS RECEIVED  
AND RECORDED IN THE BOOK  
OF RECORDS OF SAID COUNTY

STEFANIE KIRBY, BAKER CO. Clerk  
BY *Tyrene Phillips* DEPUTY

DOC#: 822280222

7/13/2022 10:15 AM

REFUND: .00 96 00



# 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

March 20, 2023

EAGLE VALLEY SWCD  
WHITNEY COLLINS  
3990 MIDWAY DR  
BAKER CITY, OR 97814

REFERENCE: Transfer Application T-13993

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

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

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

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

If you have any questions related to the approval of this temporary transfer, you may contact your caseworker, Joan Smith, by telephone at (503) 986-0892 or by e-mail at [Joan.M.Smith@oregon.gov](mailto:Joan.M.Smith@oregon.gov).

Sincerely,

Nila Kamis  
Water Rights Services Support  
Transfers and Conservation Section

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

Enclosure

BEFORE THE WATER RESOURCES DEPARTMENT  
OF THE  
STATE OF OREGON

In the Matter of Transfer Application                    )     FINAL ORDER APPROVING AN  
T-13993, Baker County                                    )     ADDITIONAL POINT OF DIVERSION

**Authority**

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

**Applicant**

EAGLE VALLEY SWCD  
3990 MIDWAY DR  
BAKER CITY, OR 97814

**Findings of Fact**

1. On April 22, 2022, EAGLE VALLEY SWCD filed an application for an additional point of diversion under Certificates 10424, 36813, 46652, 85796, and 95484. The Department assigned the application number T-13993.
2. Notice of the application for transfer was published on May 10, 2022, pursuant to OAR 690-380-4000. No comments were filed in response to the notice.
3. On September 7, 2022, the Department mailed a copy of the draft Preliminary Determination proposing to approve Transfer Application T-13993 to the applicants. The draft Preliminary Determination cover letter set forth a deadline of October 7, 2022, for the applicants to respond. The applicants 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 and requested additional time to complete the changes.

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

4. On February 10, 2023, the Department issued a Preliminary Determination proposing to approve Transfer T-13993 and mailed a copy to the applicant. Additionally, notice of the Preliminary Determination for the transfer application was published on the Department's weekly notice on February 14, 2023, and in the Baker City Herald newspaper on January 26 and February 2, 2023, pursuant to ORS 540.520 and OAR 690-380-4020. No protests were filed in response to the notice.

5. The first right to be transferred is as follows:

**Certificate:** 10424 in the name of C. A. OLIVER (confirmed by Pine Creek Decree Volume 11, at page 235)

**Use:** IRRIGATION of 80.0 ACRES, AND DOMESTIC AND STOCK USE

**Priority Date:** 1877

**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 a cubic foot per second per acre, measured at the point of diversion, and a total limitation of one acre-foot per acre during July, one acre-foot per acre during August, and one-half acre-foot per acre during September of each year.

**Source:** EAST PINE CREEK

**Authorized Point of Diversion:**

Not described on Certificate

**Authorized Place of Use:**

IRRIGATION, DOMESTIC, AND STOCK					
Twp	Rng	Mer	Sec	Q-Q	Acres
8 S	46 E	WM	10	NE NW	12.0
8 S	46 E	WM	10	NW NW	10.0
8 S	46 E	WM	10	SW NW	30.0
8 S	46 E	WM	10	SE NW	28.0
Total					80.0

6. Certificate 10424 does not describe the point of diversion; however, the applicant provided a description of the point of diversion as below:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
8 S	46 E	WM	4	SE SE	GREENER OLIVER (IRWIN) -NONE GIVEN

7. Transfer Application T-13993 proposes an additional point of diversion approximately 0.17 mile downstream to:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
8 S	46 E	WM	4	SE SE	DEARTH - 391 FEET NORTH AND 1330 FEET WEST FROM THE SE CORNER OF SECTION 4

8. The second right to be transferred is as follows:

**Certificate:** 36813 in the name of PAUL A. DALGLIESH (confirmed by Pine Creek Decree Volume 11 at page 235)  
**Use:** IRRIGATION of 40.0 ACRES, DOMESTIC AND STOCK USE  
**Priority Date:** 1881  
**Rate:** 1.0 CUBIC FOOT PER SECOND  
**Limit/Duty:** The amount of water to which such right is entitled, for the purposes aforesaid, is limited to an amount actually beneficially used for said purposes, and shall not exceed ONE-FORTIETH of a cubic foot per second per acre, measured at the point of diversion, and a total limitation of one-acre-foot per acre during July, one acre-foot per acre during August, and one-half acre-foot per acre during September of each year.  
**Source:** EAST PINE CREEK

**Authorized Point of Diversion:**

Not described on Certificate

**Authorized Place of Use:**

IRRIGATION, DOMESTIC, AND STOCK					
Twp	Rng	Mer	Sec	Q-Q	Acres
8 S	46 E	WM	10	SW NE	25.0
8 S	46 E	WM	10	SE NE	15.0
Total					40.0

9. Certificate 36813 does not describe the point of diversion; however, the applicant provided a description of the point of diversion as described below:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
8 S	46 E	WM	10	NE NW	GEORGE OLIVER - 1200 FEET NORTH AND 1920 FEET EAST FROM THE NW CORNER OF SECTION 10

10. Transfer Application T-13993 proposes an additional point of diversion approximately 1.0 mile downstream to:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
8 S	46 E	WM	4	SE SE	DEARTH - 391 FEET NORTH AND 1330 FEET WEST FROM THE SE CORNER OF SECTION 4

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

**Certificate:** 46652 in the name of WALTER R. IRWIN (confirmed by Pine Creek Decree Volume 11, at Page 235)  
**Use:** IRRIGATION of 15.0 ACRES AND STOCK USE  
**Priority Date:** 1881

**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 a cubic foot per second per acre, measured at the point of diversion, and a total limitation of one-acre-foot per acre during July, one acre-foot per acre during August, and one-half acre-foot per acre during September of each year.

**Source:** EAST PINE CREEK, tributary of PINE CREEK

**Authorized Point of Diversion:**

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
8 S	46 E	WM	10	NW SE	75 FEET SOUTH AND 450 FEET EAST FROM THE C1/4 CORNER OF SECTION 10

**Authorized Place of Use:**

IRRIGATION AND STOCK					
Twp	Rng	Mer	Sec	Q-Q	Acres
8 S	46 E	WM	10	NE SE	15.0

12. Transfer Application T-13993 proposes an additional point of diversion approximately 1.12 mile downstream to:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
8 S	46 E	WM	4	SE SE	DEARTH - 391 FEET NORTH AND 1330 FEET WEST FROM THE SE CORNER OF SECTION 4

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

**Certificate:** 85796 in the name of NORVIL GREENER (confirmed by Pine Creek Decree Volume 11 at Page 235)

**Use:** IRRIGATION of 92.0 ACRES, DOMESTIC AND STOCK USE

**Priority Date:** 1877 for Tract #1

**Limit/Duty:** The amount of water used for irrigation, is limited to a diversion of ONE-FORTIETH of a cubic foot per second, or its equivalent for each acre irrigated, measured at the point of diversion, and shall be further limited to a of not to exceed 1.0 acre-foot per acre during July, 1.0 acre-foot per acre during August, and 0.5 acre-foot per acre during September, during the irrigation season of each year.

**Source:** EAST PINE CREEK, tributary of PINE CREEK

**Authorized Point of Diversion:**

Measured Distances
NONE GIVEN

**Authorized Place of Use:**

IRRIGATION, DOMESTIC AND STOCK						
Twp	Rng	Mer	Sec	Q-Q	Acres	Tract
8 S	46 E	WM	10	NE SW	40.0	#1
8 S	46 E	WM	10	NW SW	32.0	#1

IRRIGATION, DOMESTIC AND STOCK						
Twp	Rng	Mer	Sec	Q-Q	Acres	Tract
8 S	46 E	WM	10	SE SW	20.0	#1
Total					92.0	

14. Certificate 85796 does not describe the point of diversion, however information from the applicant is available describing the point of diversion as follows:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
8 S	46 E	WM	10	NW SE	GREENER OLIVER

15. Transfer Application T-13993 proposes an additional point of diversion approximately 0.17 mile downstream to:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
8 S	46 E	WM	4	SE SE	DEARTH - 391 FEET NORTH AND 1330 FEET WEST FROM THE SE CORNER OF SECTION 4

16. The fifth right to be transferred is as follows:

**Certificate:** 95484 in the name of DENSON DRY CREEK LLC (confirmed by Pine Creek Decree at Volume 11, Page 235)

**Use:** IRRIGATION OF 130.1 ACRES, DOMESTIC, AND STOCK USE FOR TRACT 1 AND IRRIGATION OF 3.6 ACRES, DOMESTIC AND STOCK USE FOR TRACT 3

**Priority Date:** 1881 FOR TRACT 1 and 1914 FOR TRACT 3

**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 a cubic foot per second per acre, measured at the point of diversion, and a total limitation of one-acre-foot per acre during July, one acre-foot per acre during August, and one-half acre-foot per acre during September of each year.

**Source:** EAST PINE CREEK, tributary of PINE CREEK

**Authorized Point of Diversion:**

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
8 S	46 E	WM	4	SE SE	OLIVER AND SULLIVAN POD (ORIGINAL FOR A PORTION OF TRACT 1 AND ADDITIONAL FOR A PORTION OF TRACT 1 AND TRACT 3) - 200 FEET NORTH AND 1000 FEET WEST FROM THE SE CORNER OF SECTION 4

**Authorized Place of Use:**

IRRIGATION, DOMESTIC AND STOCK							
Twp	Rng	Mer	Sec	Q-Q	Acres	Tract	POD
8 S	46 E	WM	3	SW SE	37.0	1	OLIVER AND SULLIVAN
8 S	46 E	WM	3	SW SE	2.0	1	OLIVER AND SULLIVAN
8 S	46 E	WM	3	SE SE	35.0	1	HK OLIVER & OLIVER AND SULLIVAN
8 S	46 E	WM	10	NE NE	23.0	1	HK OLIVER & OLIVER AND SULLIVAN
8 S	46 E	WM	10	NE NE	4.0	1	HK OLIVER & OLIVER AND SULLIVAN
8 S	46 E	WM	10	NE NE	3.6	3	HK OLIVER & OLIVER AND SULLIVAN

IRRIGATION, DOMESTIC AND STOCK							
Twp	Rng	Mer	Sec	Q-Q	Acres	Tract	POD
8 S	46 E	WM	10	NW NE	24.1	1	OLIVER AND SULLIVAN
8 S	46 E	WM	10	NW NE	5.0	1	HK OLIVER & OLIVER AND SULLIVAN
Total					133.7		

17. Transfer Application T-13993 proposes an additional point of diversion approximately 0.07 mile downstream to:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
8 S	46 E	WM	4	SE SE	DEARTH - 391 FEET NORTH AND 1330 FEET WEST FROM THE SE CORNER OF SECTION 4

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

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

19. Water has been used within the last five years according to the terms and conditions of the right. There is no information in the record that would demonstrate that the rights are subject to forfeiture under ORS 540.610.
20. A diversion structure and ditch sufficient to use the full amount of water allowed under the existing rights were present within the five-year period prior to submittal of Transfer Application T-13993.
21. The proposed change would not result in enlargement of the rights.
22. The proposed change would not result in injury to other water rights.
23. All other application requirements are met.

**Conclusions of Law**

The additional point of diversion proposed in Transfer Application T-13993 is consistent with the requirements of ORS 540.505 to 540.580 and OAR 690-380-5000.

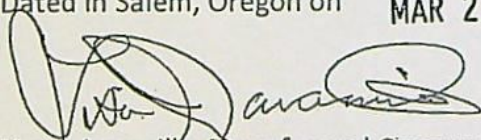
**Now, therefore it is ORDERED:**

1. The additional point of diversion proposed in Transfer Application T-13993 is approved.
2. The right to the use of the water is restricted to beneficial use at the place of use described and is subject to all other conditions and limitations contained in Certificates 10424, 36813, 36813, 46652, 85796, and 95484 and any related decree.



3. Water right Certificates 10424, 36813, 36813, 46652, 85796, and 95484 are cancelled.
4. New certificates will be issued describing those portions of the rights not affected by this transfer.
5. The quantity of water diverted at the proposed additional point of diversion (Dearth), 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. Prior to diverting water, the water user shall install a fish screening and/or by-pass device, as appropriate, at the new point of diversion consistent with the Oregon Department of Fish and Wildlife's (ODFW) design and construction standards. Prior to installation, the water user shall obtain written approval from ODFW that the required screen and/or by-pass device meets ODFW's criteria. Prior to submitting a Claim of Beneficial Use, the water user must obtain written approval from ODFW that the required screening and/or by-pass device was installed to the state's criteria. The water user shall maintain and operate the fish screen and/or by-pass device, as appropriate, at the point of diversion consistent with ODFW's operational and maintenance standards.
7. Full beneficial use of the water shall be made, consistent with the terms of this order, on or before **October 1, 2027**. A Claim of Beneficial Use prepared by a Certified Water Right Examiner shall be submitted by the applicant to the Department within one year after the deadline for completion of the change and full beneficial use of the water.
8. After satisfactory proof of beneficial use is received, new certificates confirming the rights transferred will be issued.

Dated in Salem, Oregon on **MAR 20 2023**



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

Mailing date: MAR 21 2023

STATE OF OREGON  
 COUNTY OF BAKER  
 CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

C A. OLIVER  
 HALFWAY, OR 97834

has a right to use the waters of EAST PINE CREEK, for the purpose of IRRIGATION of 2.0 ACRES, AND DOMESTIC AND STOCK USE, and said right has been confirmed by decree of the Circuit Court of the State of Oregon for Baker County, and the said decree entered of record at Salem, in the Order Record of the STATE ENGINEER, Volume 11, at Page 235. That the priority of the right thereby confirmed dates from 1877.

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 a cubic foot per second per acre, measured at the point of diversion, and a total limitation of ONE-ACRE-FOOT per acre during July, one acre-foot per acre during August, and one-half acre-foot per acre during September, of each year.

AND said right shall be subject to all other conditions and limitations contained in said Decree.

The point of diversion is located as follows:

Twp	Rng	Mer	Sec	Measured Distances
8 S	46 E	WM	9	NONE GIVEN

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

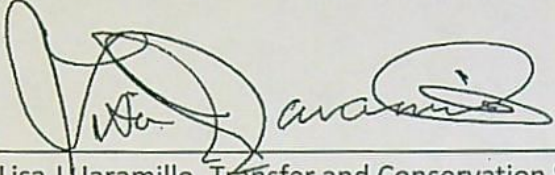
IRRIGATION, DOMESTIC, AND STOCK USE					
Twp	Rng	Mer	Sec	Q-Q	Acres
8 S	46 E	WM	10	SE NW	2.0

This certificate describes that portion of water right Certificate 10424, State Record of Water Right Certificates, NOT modified by the provisions of an order of the Water Resources Director entered MAR 20 2023, approving Transfer Application T-13993.

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

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

WITNESS the signature of the Water Resources Director, affixed MAR 20 2023.

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

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

STATE OF OREGON

COUNTY OF BAKER

CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

WALTER R. IRWIN  
HALFWAY, OR 97834

confirms the right to use the waters of the EAST PINE CREEK, a tributary of PINE CREEK for IRRIGATION of 30.0 ACRES AND STOCK USE.

This right was confirmed by decree of the Circuit Court of the State of Oregon for Baker County. The decree is of record at Salem, in the Order Record of the Water Resources Director in Volume 11, at Page 235.

The date of priority is 1881.

The amount of water to which this 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 a cubic foot per second per acre, measured at the point of diversion, and a total limitation of one acre-foot per second per acre, measured at the point of diversion, and a total limitation of one acre foot per acre during July, one acre foot per acre during August, and one-half acre foot per acre during September, of each year,

The point of diversion located as follows:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
8 S	46 E	WM	10	NW SE	75 FEET SOUTH AND 450 FEET EAST FROM THE C1/4 CORNER OF SECTION 10

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

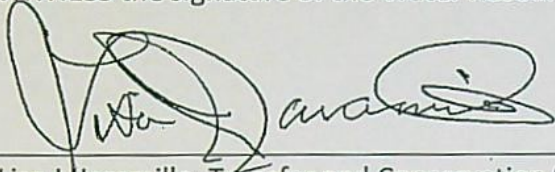
IRRIGATION AND STOCK USE					
Twp	Rng	Mer	Sec	Q-Q	Acres
8 S	46 E	WM	10	NE SE	15.00
8 S	46 E	WM	10	NW SE	15.00

This certificate describes that portion of water right Certificate 46652, State Record of Water Right Certificates, NOT modified by the provisions of an order of the Water Resources Director entered MAR 20 2023, approving Transfer Application T-13993.

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

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

WITNESS the signature of the Water Resources Director, affixed MAR 20 2023.

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

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

STATE OF OREGON

COUNTY OF BAKER

CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

NORVIL GREENER  
HALFWAY, OR 97834

confirms the right to use the waters of CLEAR CREEK, a tributary of PINE CREEK for IRRIGATION of 25.0 ACRES, DOMESTIC, and STOCK USE.

This right was confirmed by decree of the Circuit Court of the State of Oregon for Baker County. The decree is of record at Salem, in the Order Record of the Water Resources Director in Volume 11, at Page 235.

The date of priority is 1879.

The amount of water used for irrigation, is limited to a diversion of ONE-FORTIETH of one cubic foot per second, or its equivalent for each acre irrigated, measured at the point of diversion, and shall be further limited to a diversion of not to exceed 1.0 acre-foot per acre during July, 1.0 acre-foot per acre during August, and 0.5 acre-foot per acre during September, during the irrigation season of each year.

The use shall conform to such reasonable rotation system as may be ordered by the proper state officer.

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

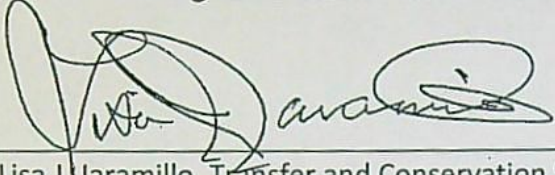
IRRIGATION, DOMESTIC, AND STOCK USE						
Twp	Rng	Mer	Sec	Q-Q	Acres	Tract
8 S	46 E	WM	10	NW SW	5.00	#2
8 S	46 E	WM	10	SW SW	5.00	#2
8 S	46 E	WM	10	SE SW	15.00	#2
Total					25.0	

This certificate describes that portion of water right Certificate 85796, State Record of Water Right Certificates, NOT modified by the provisions of an order of the Water Resources Director entered MAR 20 2023, approving Transfer Application T-13993.

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

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

WITNESS the signature of the Water Resources Director, affixed MAR 20 2023.

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

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

RECEIPT # **139514** INVOICE # \_\_\_\_\_

RECEIVED FROM: Idaho Power Company  
 BY: \_\_\_\_\_  
 APPLICATION \_\_\_\_\_  
 PERMIT \_\_\_\_\_  
 TRANSFER 1-13993  
 CASH:  CHECK: # X1705425 OTHER: (IDENTIFY) \_\_\_\_\_  
 TOTAL REC'D \$ 213.90

1083 TREASURY 4170 WRD MISC CASH ACCT	
0407 COPIES <u>46118</u>	\$ _____
<u>0307</u> OTHER: (IDENTIFY) <u>Newspaper Notice</u>	\$ <u>213.90</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:	
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	EXAM FEE \$ _____ 0220 \$ _____
OTHER (IDENTIFY) _____	

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

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

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

RECEIPT: **139514** DATED: 11-7-2022 BY: Mindy Carls  
 Distribution - White Copy - Customer, Yellow Copy - Fiscal, Blue Copy - File, Buff Copy - Fiscal

RECEIPT # **139514** INVOICE # \_\_\_\_\_

RECEIVED FROM: Idaho Power Company  
 BY: \_\_\_\_\_  
 APPLICATION \_\_\_\_\_  
 PERMIT \_\_\_\_\_  
 TRANSFER 1-13993  
 CASH:  CHECK: # X1705425 OTHER: (IDENTIFY) \_\_\_\_\_  
 TOTAL REC'D \$ 213.90

1083 TREASURY 4170 WRD MISC CASH ACCT	
0407 COPIES <u>46118</u>	\$ _____
<u>0307</u> OTHER: (IDENTIFY) <u>Newspaper Notice</u>	\$ <u>213.90</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:	
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	EXAM FEE \$ _____ 0220 \$ _____
OTHER (IDENTIFY) _____	

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

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

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

RECEIPT: **139514** DATED: 11-7-2022 BY: Mindy Carls  
 Distribution - White Copy - Customer, Yellow Copy - Fiscal, Blue Copy - File, Buff Copy - Fiscal

Attached is a check for \$213.90 (PCA #46118) for Newspaper Notice for Transfer T-13993 made out to Oregon Water Resources Department ( or WRD)  
 • "for T-13993 NOTICE" written on front of check

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

Caseworker: Joan Smith

RECEIVED  
 NOV 07 2022  
 OWRD

RECEIVED  
 DEC 05 2022  
 OWRD

US Bank Checking T-13993 Notice- Oliver Sullivan Project 213.90

EAGLE VALLEY SOIL AND WATER CONSERVATION DISTRICT  
 Oregon Water Resources Department  
 Date 11/22/2022 Type Bill Reference T-13993 Notice  
 Original Amt: 213.90 Balance Due 213.90  
 11/22/2022 Discount  
 Payment 213.90  
 Check Amount 213.90  
 1646



RECEIPT # **139688** INVOICE # \_\_\_\_\_

RECEIVED FROM: Eagle Valley Soil + APPLICATION \_\_\_\_\_  
 BY: Water Conserv on Districts PERMIT \_\_\_\_\_  
 CASH:  CHECK:# 1046 OTHER: (IDENTIFY)  TRANSFER T-13993  
 TOTAL REC'D \$ 213.90

**1083 TREASURY 4170 WRD MISC CASH ACCT**

0407 COPIES 46118 \$ \_\_\_\_\_  
 0207 OTHER: (IDENTIFY) Newspaper Notice \$ 213.90

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			\$
<b>WATER RIGHTS:</b>				
		<b>EXAM FEE</b>		<b>RECORD FEE</b>
0201	SURFACE WATER	\$	0202	\$
0203	GROUND WATER	\$	0204	\$
0205	TRANSFER	\$		
<b>WELL CONSTRUCTION</b>				
		<b>EXAM FEE</b>		<b>LICENSE FEE</b>
0218	WELL DRILL CONSTRUCTOR	\$	0219	\$
	LANDOWNER'S PERMIT		0220	\$
	OTHER (IDENTIFY)			

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

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

**0607 TREASURY 0467 HYDRO ACTIVITY LIC NUMBER**

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

**TREASURY OTHER / RDX**

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

RECEIPT: **139688** DATED: 12/5/2022 BY: Michele Kay  
 Distribution - White Copy - Customer, Yellow Copy - Fiscal, Blue Copy - File, Buff Copy - Fiscal

Attached is a check for \$213.90 (PCA #46118) for Newspaper Notice for Transfer T-13993 made out to Oregon Water Resources Department ( or WRD)

- "for T-13993 NOTICE" written on front of check

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

Caseworker: Joan Smith

RECEIVED  
 DEC 05 2022  
 OWRD

IN THE CIRCUIT COURT OF  
THE STATE OF OREGON  
FOR UNION/BAKER COUNTY

}AFFIDAVIT OF PUBLICATION  
STATE OF OREGON  
County of Union/Baker} ss

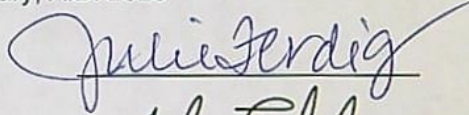
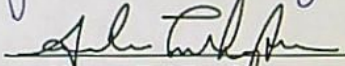
I, Julie Ferdig being duly sworn, depose and say that I am the principal clerk of the publisher of the La Grande Observer, Baker City Herald, lagrandeobserver.com; bakercityherald.com, a newspaper of general circulation, as defined by ORS 193.010 and 193.020; that the

NOTICE OF PRELIMINARY DETERMINATION FOR WATER RIGHT TRANSFER T-13993 T- 13993 FILED BY EAGLE VALLEY SWCD 3990 MIDWAY DR BAKER CITY OR 97814 PROPOSES AN ADDITIONAL POINT OF DIVERSION UNDER CERTIFICATE

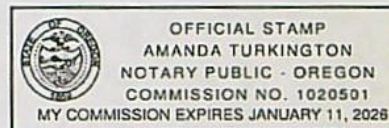
a printed copy of which is hereto annexed; was published in the entire issue of said newspaper for 2 successive and consecutive issues in the following issues:

1/26/23, 2/02/23

Subscribed and sworn to before me on this 2nd day of February, A.D. 2023

  
  
Notary Public of Oregon

AdId: 352949  
PO:  
Tagline: T-13993



RECEIVED  
FEB 13 2023  
OWRD  
SALEM, OREGON

**Notice of Preliminary  
Determination for  
Water Right Transfer T-13993**

T- 13993 filed by Eagle Valley SWCD, 3990 Midway Dr., Baker City, OR 97814, proposes an additional point of diversion under Certificates 10424, 36813, 46652, 85796, and 95484. Certificate 10424 allows the use of irrigation, domestic, and stock use from East Pine Creek in Sec. 4, T8S, R46E, WM for irrigation, domestic, and stock use in Sec. 10, T8S, R46E, WM. The applicant proposes an additional point of diversion in Sec. 4, T8S, R46E, WM. Certificate 36813 allows the use of irrigation, domestic, and stock use from East Pine Creek in Sec. 10, T8S, R46E, WM for irrigation, domestic, and stock use in Sec. 10, T8S, R46E, WM. The applicant proposes an additional point of diversion in Sec. 4, T8S, R46E, WM. Certificate 46652 allows the use of irrigation and stock use from East Pine Creek in Sec. 10, T8S, R46E, WM for irrigation and stock use in Sec. 10, T8S, R46E, WM. The applicant proposes an additional point of diversion in Sec. 4, T8S, R46E, WM. Certificate 85796 allows the use of irrigation, domestic, and stock use from East Pine Creek in Sec. 10, T8S, R46E, WM for irrigation, domestic, and stock use in Sec. 10, T8S, R46E, WM. The applicant proposes an additional point of diversion in Sec. 4, T8S, R46E, WM. Certificate 95484 allows the use of irrigation, domestic, and stock use from East Pine Creek in Sec. 4, T8S, R46E, and Sec. 32, T7S, R46E, WM for irrigation, domestic, and stock use in Sects. 3 and 10, T8S, R46E, WM. The applicant proposes an additional point of diversion in Sec. 4, T8S, R46E, 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, 02/02/2023. Call (503) 979-9931 to obtain additional information. If no protests are filed, the Department will issue a final order consistent with the preliminary determination.

Legal No. 352949  
Published: January 26, February  
2, 2023

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# Oregon

Tina Kotek, Governor

February 9, 2023

VIA CERTIFIED MAIL AND E-MAIL

EAGLE VALLEY SWCD  
3990 MIDWAY DR  
BAKER CITY, OR 97814

SUBJECT: Water Right Transfer Application T-13993

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EAGLE VALLEY SWCD  
WHITNEY COLLINS  
3990 MIDWAY DR  
BAKER CITY, OR 97814

Please find enclosed the Preliminary Determination indicating that, based on the information available, the Department intends to approve application T-13993. 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.

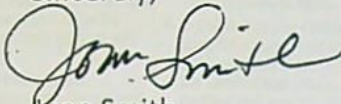
A public notice is being published in the Department's weekly publication and in the Hells Canyon Journal newspaper, simultaneously with issuance of the Preliminary Determination. The notice initiates a period in which any person may file either a protest opposing the decision proposed by the Department 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 do not hesitate to contact me at 503-986-0892 or [Joan.M.Smith@water.oregon.gov](mailto:Joan.M.Smith@water.oregon.gov) if I may be of assistance.

Sincerely,

A handwritten signature in black ink, appearing to read "Joan Smith". The signature is written in a cursive style with a large initial "J".

Joan Smith

Transfer Specialist

Transfer and Conservation Section

cc: Transfer Application T-13993  
Marcy J. Osborn, District 8 Watermaster (*via e-mail*)

encs

BEFORE THE WATER RESOURCES DEPARTMENT  
OF THE  
STATE OF OREGON

In the Matter of Transfer Application	)	PRELIMINARY DETERMINATION
T-13993, Baker County	)	PROPOSING APPROVAL OF AN
	)	ADDITIONAL POINT OF DIVERSION

**Authority**

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

**Applicant**

EAGLE VALLEY SWCD  
3990 MIDWAY DR  
BAKER CITY, OR 97814

**Findings of Fact**

1. On April 22, 2022, EAGLE VALLEY SWCD filed an application for an additional point of diversion under Certificates 10424, 36813, 46652, 85796, and 95484. The Department assigned the application number T-13993.
2. Notice of the application for transfer was published on May 10, 2022, pursuant to OAR 690-380-4000. No comments were filed in response to the notice.
3. On September 7, 2022, the Department mailed a copy of the draft Preliminary Determination proposing to approve Transfer Application T-13993 to the applicants. The draft Preliminary Determination cover letter set forth a deadline of October 7, 2022, for the applicants to respond. The applicants 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 and requested additional time to complete the changes.

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

4. The first right to be transferred is as follows:

**Certificate:** 10424 in the name of C. A. OLIVER (confirmed by Pine Creek Decree Volume 11, at page 235)

**Use:** IRRIGATION of 80.0 ACRES, AND DOMESTIC AND STOCK USE

**Priority Date:** 1877

**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 a cubic foot per second per acre, measured at the point of diversion, and a total limitation of one acre-foot per acre during July, one acre-foot per acre during August, and one-half acre-foot per acre during September of each year.

**Source:** EAST PINE CREEK

**Authorized Point of Diversion:**

Not described on Certificate
------------------------------

**Authorized Place of Use:**

IRRIGATION, DOMESTIC, AND STOCK					
Twp	Rng	Mer	Sec	Q-Q	Acres
8 S	46 E	WM	10	NE NW	12.0
8 S	46 E	WM	10	NW NW	10.0
8 S	46 E	WM	10	SW NW	30.0
8 S	46 E	WM	10	SE NW	28.0
Total					80.0

5. Certificate 10424 does not describe the point of diversion; however, the applicant provided a description of the point of diversion as below:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
8 S	46 E	WM	4	SE SE	GREENER OLIVER (IRWIN) -NONE GIVEN

6. Transfer Application T-13993 proposes an additional point of diversion approximately 0.17 mile downstream to:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
8 S	46 E	WM	4	SE SE	DEARTH - 391 FEET NORTH AND 1330 FEET WEST FROM THE SE CORNER OF SECTION 4

7. The second right to be transferred is as follows:

**Certificate:** 36813 in the name of PAUL A. DALGLIESH (confirmed by Pine Creek Decree Volume 11 at page 235)

**Use:** IRRIGATION of 40.0 ACRES, DOMESTIC AND STOCK USE

**Priority Date:** 1881

**Rate:** 1.0 CUBIC FOOT PER SECOND

**Limit/Duty:** The amount of water to which such right is entitled, for the purposes aforesaid, is limited to an amount actually beneficially used for said purposes, and shall not exceed ONE-FORTIETH of a cubic foot per second per acre, measured at the point of diversion, and a total limitation of one-acre-foot per acre during July, one acre-foot per acre during August, and one-half acre-foot per acre during September of each year.

**Source:** EAST PINE CREEK

**Authorized Point of Diversion:**

Not described on Certificate

**Authorized Place of Use:**

IRRIGATION, DOMESTIC, AND STOCK					
Twp	Rng	Mer	Sec	Q-Q	Acres
8 S	46 E	WM	10	SW NE	25.0
8 S	46 E	WM	10	SE NE	15.0
Total					40.0

8. Certificate 36813 does not describe the point of diversion; however, the applicant provided a description of the point of diversion as described below:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
8 S	46 E	WM	10	NE NW	GEORGE OLIVER - 1200 FEET NORTH AND 1920 FEET EAST FROM THE NW CORNER OF SECTION 10

9. Transfer Application T-13993 proposes an additional point of diversion approximately 1.0 mile downstream to:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
8 S	46 E	WM	4	SE SE	DEARTH - 391 FEET NORTH AND 1330 FEET WEST FROM THE SE CORNER OF SECTION 4

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

**Certificate:** 46652 in the name of WALTER R. IRWIN (confirmed by Pine Creek Decree Volume 11, at Page 235)

**Use:** IRRIGATION of 15.0 ACRES AND STOCK USE

**Priority Date:** 1881

**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 a cubic foot per second per acre, measured at the point of diversion, and a total limitation of one-acre-foot per acre during July, one acre-foot per acre during August, and one-half acre-foot per acre during September of each year.

**Source:** EAST PINE CREEK, tributary of PINE CREEK



**Authorized Point of Diversion:**

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
8 S	46 E	WM	10	NW SE	75 FEET SOUTH AND 450 FEET EAST FROM THE C1/4 CORNER OF SECTION 10

**Authorized Place of Use:**

IRRIGATION AND STOCK						
Twp	Rng	Mer	Sec	Q-Q	Acres	
8 S	46 E	WM	10	NE SE	15.0	

11. Transfer Application T-13993 proposes an additional point of diversion approximately 1.12 mile downstream to:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
8 S	46 E	WM	4	SE SE	DEARTH - 391 FEET NORTH AND 1330 FEET WEST FROM THE SE CORNER OF SECTION 4

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

**Certificate:** 85796 in the name of NORVIL GREENER (confirmed by Pine Creek Decree Volume 11 at Page 235)

**Use:** IRRIGATION of 92.0 ACRES, DOMESTIC AND STOCK USE

**Priority Date:** 1877 for Tract #1

**Limit/Duty:** The amount of water used for irrigation, is limited to a diversion of ONE-FORTIETH of a cubic foot per second, or its equivalent for each acre irrigated, measured at the point of diversion, and shall be further limited to a of not to exceed 1.0 acre-foot per acre during July, 1.0 acre-foot per acre during August, and 0.5 acre-foot per acre during September, during the irrigation season of each year.

**Source:** EAST PINE CREEK, tributary of PINE CREEK

**Authorized Point of Diversion:**

Measured Distances
NONE GIVEN

**Authorized Place of Use:**

IRRIGATION, DOMESTIC AND STOCK						
Twp	Rng	Mer	Sec	Q-Q	Acres	Tract
8 S	46 E	WM	10	NE SW	40.0	#1
8 S	46 E	WM	10	NW SW	32.0	#1
8 S	46 E	WM	10	SE SW	20.0	#1
Total					92.0	

13. Certificate 85796 does not describe the point of diversion, however information from the applicant is available describing the point of diversion as follows:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
8 S	46 E	WM	10	NW SE	GREENER OLIVER

14. Transfer Application T-13993 proposes an additional point of diversion approximately 0.17 mile downstream to:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
8 S	46 E	WM	4	SE SE	DEARTH - 391 FEET NORTH AND 1330 FEET WEST FROM THE SE CORNER OF SECTION 4

15. The fifth right to be transferred is as follows:

**Certificate:** 95484 in the name of DENSON DRY CREEK LLC (confirmed by Pine Creek Decree at Volume 11, Page 235)

**Use:** IRRIGATION OF 130.1 ACRES, DOMESTIC, AND STOCK USE FOR TRACT 1 AND IRRIGATION OF 3.6 ACRES, DOMESTIC AND STOCK USE FOR TRACT 3

**Priority Date:** 1881 FOR TRACT 1 and 1914 FOR TRACT 3

**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 a cubic foot per second per acre, measured at the point of diversion, and a total limitation of one-acre-foot per acre during July, one acre-foot per acre during August, and one-half acre-foot per acre during September of each year.

**Source:** EAST PINE CREEK, tributary of PINE CREEK

**Authorized Point of Diversion:**

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
8 S	46 E	WM	4	SE SE	OLIVER AND SULLIVAN POD (ORIGINAL FOR A PORTION OF TRACT 1 AND ADDITIONAL FOR A PORTION OF TRACT 1 AND TRACT 3) - 200 FEET NORTH AND 1000 FEET WEST FROM THE SE CORNER OF SECTION 4

**Authorized Place of Use:**

IRRIGATION, DOMESTIC AND STOCK							
Twp	Rng	Mer	Sec	Q-Q	Acres	Tract	POD
8 S	46 E	WM	3	SW SE	37.0	1	OLIVER AND SULLIVAN
8 S	46 E	WM	3	SW SE	2.0	1	OLIVER AND SULLIVAN
8 S	46 E	WM	3	SE SE	35.0	1	HK OLIVER & OLIVER AND SULLIVAN
8 S	46 E	WM	10	NE NE	23.0	1	HK OLIVER & OLIVER AND SULLIVAN
8 S	46 E	WM	10	NE NE	4.0	1	HK OLIVER & OLIVER AND SULLIVAN
8 S	46 E	WM	10	NE NE	3.6	3	HK OLIVER & OLIVER AND SULLIVAN
8 S	46 E	WM	10	NW NE	24.1	1	OLIVER AND SULLIVAN
8 S	46 E	WM	10	NW NE	5.0	1	HK OLIVER & OLIVER AND SULLIVAN
Total					133.7		

16. Transfer Application T-13993 proposes an additional point of diversion approximately 0.07 mile downstream to:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
8 S	46 E	WM	4	SE SE	DEARTH - 391 FEET NORTH AND 1330 FEET WEST FROM THE SE CORNER OF SECTION 4

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

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

18. Water has been used within the last five years according to the terms and conditions of the right. There is no information in the record that would demonstrate that the rights are subject to forfeiture under ORS 540.610.
19. A diversion structure and ditch sufficient to use the full amount of water allowed under the existing rights were present within the five-year period prior to submittal of Transfer Application T-13993.
20. The proposed change would not result in enlargement of the rights.
21. The proposed change would not result in injury to other water rights.
22. All other application requirements are met.

**Determination and Proposed Action**

The additional point of diversion proposed in Transfer Application T-13993 appears to be consistent with the requirements of ORS 540.505 to 540.580 and OAR 690-380-5000. If protests are not filed pursuant to OAR 690-380-4030, the transfer application will be approved.

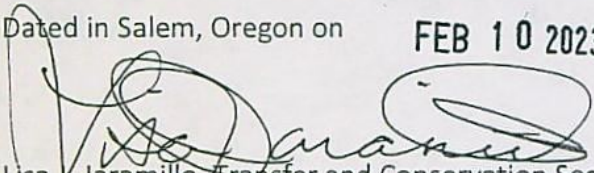
*If Transfer Application T-13993 is approved, the final order will include the following:*

1. *The additional point of diversion proposed in Transfer Application T-13993 is approved.*
2. *The right to the use of the water is restricted to beneficial use at the place of use described and is subject to all other conditions and limitations contained in Certificates 10424, 36813, 36813, 95484, 85796, and 46652 and any related decree.*
3. *Water right Certificates 10424, 36813, 36813, 95484, 85796, and 46652 are cancelled.*
4. *New certificates will be issued describing those portions of the rights not affected by this transfer.*
5. *The quantity of water diverted at the proposed additional point of diversion (Dearth), 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. *Prior to diverting water, the water user shall install a fish screening and/or by-pass device, as appropriate, at the new point of diversion consistent with the Oregon Department of Fish and Wildlife's (ODFW) design and construction standards. Prior to installation, the water user shall obtain written approval from ODFW that the required screen and/or by-pass device meets ODFW's criteria. Prior to submitting a Claim of Beneficial Use, the water user must obtain written approval from ODFW that the required screening and/or by-pass device was installed to the state's criteria. The water user shall maintain and operate the fish screen and/or by-pass device, as appropriate, at the point of diversion consistent with ODFW's operational and maintenance standards.*
7. *Full beneficial use of the water shall be made, consistent with the terms of this order, on or before **October 1, 2027**. A Claim of Beneficial Use prepared by a Certified Water Right Examiner shall be submitted by the applicant to the Department within one year after the deadline for completion of the change and full beneficial use of the water.*
8. *After satisfactory proof of beneficial use is received, new certificates confirming the rights transferred will be issued.*

Dated in Salem, Oregon on

**FEB 10 2023**

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

This Preliminary Determination was prepared by Joan Smith. If you have questions about the information in this document, you may reach me at 503-9869-0892 or [Joan.M.Smith@water.oregon.gov](mailto:Joan.M.Smith@water.oregon.gov)

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

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

**WATER RESOURCES DEPARTMENT**  
**REQUEST FOR DISTRIBUTION OF FUNDS**

TO: **Fiscal Services Section**

DATE: December 20, 2022

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

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

TRANSFER FILE #: T-13993

RECEIPT #: 139688

*\$21390 per letter*

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

Name:

Organization Eagle Valley Soil and Water Conservation District  
Address: 3990 Midway Dr.  
City: Baker City, OR. 97814

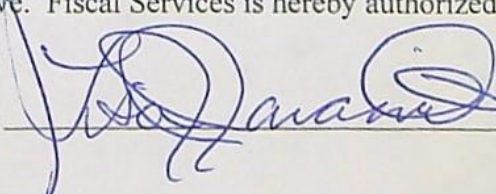
*46118  
0207  
Done!*

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

- Request for file to be Rejected/Withdrawn/Misfiled
- Excess fees were collected for application/PON
- Payment of PON
- Protest filing fee
- Other: newspaper notice fees received in duplicate

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

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



Date: 12-21-2022



# Oregon

Tina Kotek, Governor

January 11, 2023

VIA CERTIFIED MAIL AND E-MAIL

EAGLE VALLEY SWCD  
3990 MIDWAY DR  
BAKER CITY, OR 97814

SUBJECT: Water Right Transfer Application T-13993

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EAGLE VALLEY SWCD WHITNEY COLLINS 3990 MIDWAY DR BAKER CITY, OR 97814	
PS Form 3800, April 2015 (for 753026)	

7021 1970 0001 3950 2924

Please find enclosed the Preliminary Determination indicating that, based on the information available, the Department intends to approve application T-13993. 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 Hells Canyon Journal 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 do not hesitate to contact me at 503-986-0892 or [Joan.M.Smith@water.oregon.gov](mailto:Joan.M.Smith@water.oregon.gov) if I may be of assistance.

Sincerely,

Joan Smith  
Transfer Specialist  
Transfer and Conservation Section

cc: Transfer Application T-13993

Optional Mission Statement Here

Optional Form Number

BEFORE THE WATER RESOURCES DEPARTMENT  
OF THE  
STATE OF OREGON

In the Matter of Transfer Application	)	PRELIMINARY DETERMINATION
T-13993, Baker County	)	PROPOSING APPROVAL AN ADDITIONAL
	)	POINT OF DIVERSION

**Authority**

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

**Applicant**

EAGLE VALLEY SWCD  
3990 MIDWAY DR  
BAKER CITY, OR 97814

**Findings of Fact**

1. On April 22, 2022, EAGLE VALLEY SWCD filed an application for an additional point of diversion under Certificates 10424, 36813, 46652, 85796, and 95484. The Department assigned the application number T-13993.
2. Notice of the application for transfer was published on May 10, 2022, pursuant to OAR 690-380-4000. No comments were filed in response to the notice.
3. On September 7, 2022, the Department mailed a copy of the draft Preliminary Determination proposing to approve Transfer Application T-13993 to the applicants. The draft Preliminary Determination cover letter set forth a deadline of October 7, 2022, for the applicants to respond. The applicants 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 and requested additional time to complete the changes.

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

4. The first right to be transferred is as follows:

**Certificate:** 10424 in the name of C. A. OLIVER (confirmed by Pine Creek Decree Volume 11, at page 235)  
**Use:** IRRIGATION of 80.0 ACRES, AND DOMESTIC AND STOCK USE  
**Priority Date:** 1877  
**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 a cubic foot per second per acre, measured at the point of diversion, and a total limitation of one acre-foot per acre during July, one acre-foot per acre during August, and one-half acre-foot per acre during September of each year.  
**Source:** EAST PINE CREEK

**Authorized Point of Diversion:**

Not described on Certificate

**Authorized Place of Use:**

IRRIGATION, DOMESTIC, AND STOCK					
Twp	Rng	Mer	Sec	Q-Q	Acres
8 S	46 E	WM	10	NE NW	12.0
8 S	46 E	WM	10	NW NW	10.0
8 S	46 E	WM	10	SW NW	30.0
8 S	46 E	WM	10	SE NW	28.0
Total					80.0

5. Certificate 10424 does not describe the point of diversion; however, the applicant provided a description of the point of diversion as below:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
8 S	46 E	WM	4	SE SE	GREENER OLIVER (IRWIN) -NONE GIVEN

6. Transfer Application T-13993 proposes an additional point of diversion approximately 0.17 mile downstream to:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
8 S	46 E	WM	4	SE SE	DEARTH - 391 FEET NORTH AND 1330 FEET WEST FROM THE SE CORNER OF SECTION 4

7. The second right to be transferred is as follows:

**Certificate:** 36813 in the name of PAUL A. DALGLIESH (confirmed by Pine Creek Decree Volume 11 at page 235)  
**Use:** IRRIGATION of 40.0 ACRES, DOMESTIC AND STOCK USE  
**Priority Date:** 1881  
**Rate:** 1.0 CUBIC FOOT PER SECOND



**Limit/Duty:** The amount of water to which such right is entitled, for the purposes aforesaid, is limited to an amount actually beneficially used for said purposes, and shall not exceed ONE-FORTIETH of a cubic foot per second per acre, measured at the point of diversion, and a total limitation of one-acre-foot per acre during July, one acre-foot per acre during August, and one-half acre-foot per acre during September of each year.

**Source:** EAST PINE CREEK

**Authorized Point of Diversion:**

Not described on Certificate

**Authorized Place of Use:**

IRRIGATION, DOMESTIC, AND STOCK					
Twp	Rng	Mer	Sec	Q-Q	Acres
8 S	46 E	WM	10	SW NE	25.0
8 S	46 E	WM	10	SE NE	15.0
Total					40.0

8. Certificate 36813 does not describe the point of diversion; however, the applicant provided a description of the point of diversion as described below:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
8 S	46 E	WM	10	NE NW	GEORGE OLIVER - 1200 FEET NORTH AND 1920 FEET EAST FROM THE NW CORNER OF SECTION 10

9. Transfer Application T-13993 proposes an additional point of diversion approximately 1.0 mile downstream to:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
8 S	46 E	WM	4	SE SE	DEARTH - 391 FEET NORTH AND 1330 FEET WEST FROM THE SE CORNER OF SECTION 4

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

**Certificate:** 46652 in the name of WALTER R. IRWIN (confirmed by Pine Creek Decree Volume 11, at Page 235)

**Use:** IRRIGATION of 15.0 ACRES AND STOCK USE

**Priority Date:** 1881

**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 a cubic foot per second per acre, measured at the point of diversion, and a total limitation of one-acre-foot per acre during July, one acre-foot per acre during August, and one-half acre-foot per acre during September of each year.

**Source:** EAST PINE CREEK, tributary of PINE CREEK

**Authorized Point of Diversion:**

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
8 S	46 E	WM	10	NW SE	75 FEET SOUTH AND 450 FEET EAST FROM THE C1/4 CORNER OF SECTION 10

**Authorized Place of Use:**

IRRIGATION AND STOCK						
Twp	Rng	Mer	Sec	Q-Q	Acres	
8 S	46 E	WM	10	NE SE	15.0	

11. Transfer Application T-13993 proposes an additional point of diversion approximately 1.12 mile downstream to:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
8 S	46 E	WM	4	SE SE	DEARTH - 391 FEET NORTH AND 1330 FEET WEST FROM THE SE CORNER OF SECTION 4

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

**Certificate:** 85796 in the name of NORVIL GREENER (confirmed by Pine Creek Decree Volume 11 at Page 235)

**Use:** IRRIGATION of 92.0 ACRES, DOMESTIC AND STOCK USE

**Priority Date:** 1877 for Tract #1

**Limit/Duty:** The amount of water used for irrigation, is limited to a diversion of ONE-FORTIETH of a cubic foot per second, or its equivalent for each acre irrigated, measured at the point of diversion, and shall be further limited to a of not to exceed 1.0 acre-foot per acre during July, 1.0 acre-foot per acre during August, and 0.5 acre-foot per acre during September, during the irrigation season of each year.

**Source:** EAST PINE CREEK, tributary of PINE CREEK

**Authorized Point of Diversion:**

Measured Distances
NONE GIVEN

**Authorized Place of Use:**

IRRIGATION, DOMESTIC AND STOCK						
Twp	Rng	Mer	Sec	Q-Q	Acres	Tract
8 S	46 E	WM	10	NE SW	40.0	#1
8 S	46 E	WM	10	NW SW	32.0	#1
8 S	46 E	WM	10	SE SW	20.0	#1
Total					92.0	

13. Certificate 85796 does not describe the point of diversion, however information from the applicant is available describing the point of diversion as follows:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
8 S	46 E	WM	10	NW SE	GREENER OLIVER

14. Transfer Application T-13993 proposes an additional point of diversion approximately 0.17 mile downstream to:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
8 S	46 E	WM	4	SE SE	DEARTH - 391 FEET NORTH AND 1330 FEET WEST FROM THE SE CORNER OF SECTION 4

15. The fifth right to be transferred is as follows:

**Certificate:** 95484 in the name of DENSON DRY CREEK LLC (confirmed by Pine Creek Decree at Volume 11, Page 235)

**Use:** IRRIGATION OF 130.1 ACRES, DOMESTIC, AND STOCK USE FOR TRACT 1 AND IRRIGATION OF 3.6 ACRES, DOMESTIC AND STOCK USE FOR TRACT 3

**Priority Date:** 1881 FOR TRACT 1 and 1914 FOR TRACT 3

**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 a cubic foot per second per acre, measured at the point of diversion, and a total limitation of one-acre-foot per acre during July, one acre-foot per acre during August, and one-half acre-foot per acre during September of each year.

**Source:** EAST PINE CREEK, tributary of PINE CREEK

**Authorized Point of Diversion:**

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
8 S	46 E	WM	4	SE SE	OLIVER AND SULLIVAN POD (ORIGINAL FOR A PORTION OF TRACT 1 AND ADDITIONAL FOR A PORTION OF TRACT 1 AND TRACT 3) - 200 FEET NORTH AND 1000 FEET WEST FROM THE SE CORNER OF SECTION 4

**Authorized Place of Use:**

IRRIGATION, DOMESTIC AND STOCK							
Twp	Rng	Mer	Sec	Q-Q	Acres	Tract	POD
8 S	46 E	WM	3	SW SE	37.0	1	OLIVER AND SULLIVAN
8 S	46 E	WM	3	SW SE	2.0	1	OLIVER AND SULLIVAN
8 S	46 E	WM	3	SE SE	35.0	1	HK OLIVER & OLIVER AND SULLIVAN
8 S	46 E	WM	10	NE NE	23.0	1	HK OLIVER & OLIVER AND SULLIVAN
8 S	46 E	WM	10	NE NE	4.0	1	HK OLIVER & OLIVER AND SULLIVAN
8 S	46 E	WM	10	NE NE	3.6	3	HK OLIVER & OLIVER AND SULLIVAN
8 S	46 E	WM	10	NW NE	24.1	1	OLIVER AND SULLIVAN
8 S	46 E	WM	10	NW NE	5.0	1	HK OLIVER & OLIVER AND SULLIVAN
Total					133.7		

16. Transfer Application T-13993 proposes an additional point of diversion approximately 0.07 mile downstream to:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
8 S	46 E	WM	4	SE SE	DEARTH - 391 FEET NORTH AND 1330 FEET WEST FROM THE SE CORNER OF SECTION 4

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

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

18. Water has been used within the last five years according to the terms and conditions of the right. There is no information in the record that would demonstrate that the rights are subject to forfeiture under ORS 540.610.
19. A diversion structure and ditch sufficient to use the full amount of water allowed under the existing rights were present within the five-year period prior to submittal of Transfer Application T-13993.
20. The proposed change would not result in enlargement of the rights.
21. The proposed change would not result in injury to other water rights.
22. All other application requirements are met.

**Determination and Proposed Action**

The additional point of diversion proposed in Transfer Application T-13993 appears to be consistent with the requirements of ORS 540.505 to 540.580 and OAR 690-380-5000. If protests are not filed pursuant to OAR 690-380-4030, the transfer application will be approved.

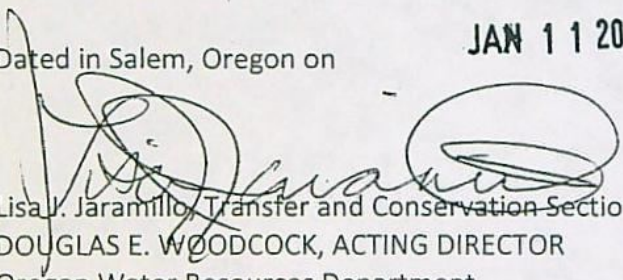
*If Transfer Application T-13993 is approved, the final order will include the following:*

1. *The additional point of diversion proposed in Transfer Application T-13993 is approved.*
2. *The right to the use of the water is restricted to beneficial use at the place of use described and is subject to all other conditions and limitations contained in Certificates 10424, 36813, 36813, 95484, 85796, and 46652 and any related decree.*
3. *Water right Certificates 10424, 36813, 36813, 95484, 85796, and 46652 are cancelled.*
4. *New certificates will be issued describing those portions of the rights not affected by this transfer.*
5. *The quantity of water diverted at the proposed additional point of diversion (Dearth), 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. *Prior to diverting water, the water user shall install a fish screening and/or by-pass device, as appropriate, at the new point of diversion consistent with the Oregon Department of Fish and Wildlife's (ODFW) design and construction standards. Prior to installation, the water user shall obtain written approval from ODFW that the required screen and/or by-pass device meets ODFW's criteria. Prior to submitting a Claim of Beneficial Use, the water user must obtain written approval from ODFW that the required screening and/or by-pass device was installed to the state's criteria. The water user shall maintain and operate the fish screen and/or by-pass device, as appropriate, at the point of diversion consistent with ODFW's operational and maintenance standards.*
7. *Full beneficial use of the water shall be made, consistent with the terms of this order, on or before **October 1, 2027**. A Claim of Beneficial Use prepared by a Certified Water Right Examiner shall be submitted by the applicant to the Department within one year after the deadline for completion of the change and full beneficial use of the water.*
8. *After satisfactory proof of beneficial use is received, new certificates confirming the rights transferred will be issued.*

Dated in Salem, Oregon on

**JAN 11 2023**

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

This Preliminary Determination was prepared by Joan Smith. If you have questions about the information in this document, you may reach me at 503-9869-0892 or [Joan.M.Smith@water.oregon.gov](mailto:Joan.M.Smith@water.oregon.gov)

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

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

**WATER RIGHT TRANSFER COVER SHEET**

Transfer: T- 13993

Transfer Specialist: *Joan*

Transfer Type: Regular Transfer

*RA*

<b>Applicant:</b> EAGLE VALLEY SWCD 3990 MIDWAY DR BAKER CITY, OR 97814 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 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"/>	Pine Creek Decree	v. 11 pg. 235	36813	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
<input type="checkbox"/>	Pine Creek Decree	v. 11 pg. 235	10424	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
<input type="checkbox"/>	Pine Creek Decree	v. 11 pg. 235	95484	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
<input type="checkbox"/>	Pine Creek Decree	v. 11 pg. 235	85796	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
<input type="checkbox"/>	Pine Creek Decree	v. 11 pg. 235	46652	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	

**Key Dates & Initial Actions:**

Rec'd: April 22, 2022	Proposed Action(s): ADDITIONAL POINT OF DIVERSION	
Fees Pd: 1900.00	WM District: 8 <i>Received</i>	ODFW District: <i>Received</i>
Initial Public Notice: May 10, 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 checked="" 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: <i>7/26/22</i> Initials: <i>Joan</i>	Date: <i>8/16/22</i> Initials: <i>Joan</i>	Date: <i>8/24/22</i> Initials: <i>Joan</i>	Date: <i>9/16/22</i> Initials: <i>PKS</i>	Date: <i>9/27/22</i> Initials: <i>Joan</i>	CW Sent: <i>9/27/22</i>	N/A
PD	Date: <i>11/28/22</i> Initials: <i>Joan</i>	Date: <i>11/30/22</i> Initials: <i>Joan</i>	Date: _____ Initials: _____	Date: <i>12/19/22</i> Initials: <i>PKS</i>	Date: <i>12/21/22</i> Initials: <i>Joan</i>	Date: <i>12/28/22</i>	<b>JAN 11 2023</b>
FO	Date: _____ Initials: _____	Date: _____ Initials: _____	Date: _____ Initials: _____	Date: _____ Initials: _____	Date: _____ Initials: _____	Date: _____	Date: _____

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



# Oregon

Kate Brown, Governor

**Water Resources Department**

725 Summer St NE, Suite A

Salem, OR 97301

(503) 986-0900

Fax (503) 986-0904

October 19, 2022

EAGLE VALLEY SWCD  
3990 MIDWAY DR  
BAKER CITY, OR 97814

RECEIVED

NOV 07 2022

SUBJECT: Water Right Transfer Application T-13993

OWRD

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

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

At this time you need to:

1. submit a check for \$213.90 (to cover cost of publication of the notice), made out to the Oregon Water Resources Department.
2. write "for T-13993 NOTICE" on the front of your check, and
3. submit it with the tracking stub at the bottom of this letter.

Mail the check to 725 Summer St. NE, Suite A, Salem, OR 97301-1266, **no later than November 19, 2022.**

**What happens next...**

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

**If we do not receive payment for newspaper notice by November 19, 2022, a Preliminary Determination may be issued denying the application as incomplete.**

Please do not hesitate to contact me at [Joan.M.Smith@water.oregon.gov](mailto:Joan.M.Smith@water.oregon.gov) or 503-986-0892, if I may be of assistance.

Sincerely,

*Joan Smith*

Transfer Specialist

Transfer and Conservation Section

cc: T-13993

Marcy J. Osborn, District 8 Watermaster (via e-mail)

**SMITH Joan M \* WRD**

---

**From:** Whitney Collins <swcdwhitney@gmail.com>  
**Sent:** Monday, September 12, 2022 12:07 PM  
**To:** SMITH Joan M \* WRD  
**Cc:** Cory Roe  
**Subject:** Water Right Transfer Application T-13993  
**Attachments:** Oliver Sullivan.pdf

Hello Joan,

We have reviewed the Water Right Transfer Application and we have a small change with #3 in the DPD under Authorized Place of Use that should have 28.0 ac in the SENW instead of 30.0 ac. 2 acres are a remaining right that is not included in this transfer.

We also request 5 years for completion with a 2027 date instead of 2023. This transfer is involved in a bigger project and may take more time to complete.

Also we would like the newspaper article to be published in the Hells Canyon Journal.

See attached the Report of Ownership for the lands where the water rights are currently located.

Let me know if you need anything else or have any questions.

Thanks so much,

- Please note my new cell number below as well as my new email [swcdwhitney@gmail.com](mailto:swcdwhitney@gmail.com)

*Whitney M Collins*

*Districts Manager*

*Baker County SWCD's*

*Baker Valley SWCD*

*Eagle Valley SWCD*

*Keating SWCD*

*Burnt River SWCD*

*541-519-8310*

*541-523-7121 X 109 Office*





# Oregon

Kate Brown, Governor

## Water Resources Department

725 Summer St NE, Suite A

Salem, OR 97301

(503) 986-0900

Fax (503) 986-0904

November 2, 2022

EAGLE VALLEY SWCD  
3990 MIDWAY DR  
BAKER CITY, OR 97814

SUBJECT: Water Right Transfer Application T-13993

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

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

At this time you need to:

1. submit a check for \$213.90 (to cover cost of publication of the notice), made out to the Oregon Water Resources Department.
2. write "for T-13993 NOTICE" on the front of your check, and
3. submit it with the tracking stub at the bottom of this letter.

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

### What happens next...

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

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

Please do not hesitate to contact me at [Joan.M.Smith@water.oregon.gov](mailto:Joan.M.Smith@water.oregon.gov) or 503-986-0892, if I may be of assistance.

Sincerely,

*Joan Smith*  
Transfer Specialist  
Transfer and Conservation Section

cc: T-13993  
Marcy J. Osborn, District 8 Watermaster (via e-mail)

✂-----  
**Attached** is a check for \$213.90 (PCA #46118) for Newspaper Notice for Transfer T-13993 made out to Oregon Water Resources Department ( or WRD)

- "for T-13993 NOTICE" written on front of check

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

Caseworker: Joan Smith



## Property Profile

Prepared For: .

Baker County Soil & Water Conservation District  
Cory Roe

Property Address:  
Various, Halfway, OR 97834  
Property Parcel Number:13349, 13348, 13352, 13288, 13346

Includes the following:

- Last Vesting Document
- Tax Information
- Plat Map

Prepared by:  
Julie Paxton  
9/9/2022

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

Serving Baker County!

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

WARRANTY DEED

B0014 0054

LORETTA M. HARLAN WHO ACQUIRED TITLE AS LORETTA M. STEELE, Grantor(s) hereby grant, bargain, sell, warrant and convey to: BARRY R. DELCURTO and SHELLA R. DELCURTO, as tenants by the entirety, Grantee(s) and grantee's heirs, successors and assigns the following described real property, free of encumbrances except as specifically set forth herein in the County of BAKER and State of Oregon, to wit:

The South half of the Northeast quarter of Section 10, Township 8 South, Range 46 East of the Willamette Meridian, in the County of Baker and State of Oregon.

REF #13348 TL #400 0894610; \$106

SUBJECT TO: all those items of record and those apparent upon the land, if any, as of the date of this deed and those shown below, if any; and the grantor will warrant and forever defend the said premises and every part and parcel thereof against the lawful claims and demands of all persons whomsoever, except those claiming under the above described encumbrances.

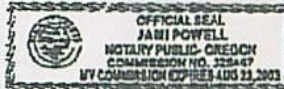
THIS INSTRUMENT WILL NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY APPROVED USES AND TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES AS DEFINED IN ORS 30.930.

The true and actual consideration for this conveyance is 235,000.00.

Until a change is requested, all tax statements shall be sent to Grantee at the following address: 46411 OLIVER ROAD, HALFWAY, OR 97834

Dated this 30 day of March, 2000.

Loretta M. Harlan
LORETTA M. HARLAN



State of Oregon
County of BAKER

This instrument was acknowledged before me on March 30, 2000 by LORETTA M. HARLAN.

Jami Powell
(Notary Public for Oregon)
My commission expires Aug 23, 2003

ESCROW NO. BA-21356

Return to:
BARRY R. DELCURTO
46411 OLIVER ROAD
HALFWAY, OR 97834

STATE OF OREGON

County of Baker

SS

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

Julia Woods
Baker County Clerk

by: [Signature] Deputy
DOCS: 001480548
RCPT: 58060 21.00
3/31/2000 3:15 PM
REFUND: 00

THIS SPACE RESERVED FOR RECORDER'S USE

B10 49 0222



After recording return to:

Barry R. DeCurto

46411 Oliver Road

Halfway, OR 97834

Until a change is requested all tax statements shall be sent to the following address:

Barry R. DeCurto

46411 Oliver Road

Halfway, OR 97834

Escrow No. BA-27864JP

Title No. 0027864

SWD r.012910

### STATUTORY WARRANTY DEED

Jeffrey Stinner Riggs and Barbara E. Fanning Riggs, as tenants by the entirety, Grantor(s) hereby convey and warrant to Barry R. DeCurto and Sheila R. DeCurto, as tenants by the entirety, Grantee(s) the following described real property in the County of Baker and State of Oregon free of encumbrances except as specifically set forth herein:

#### TRACT ONE

The East one-half of the East one-half of the Northeast quarter of the Southeast quarter of Section 10, Township 8 South, Range 46 East of the Willamette Meridian, in the County of Baker and State of Oregon.

ALSO, a parcel in the Northeast quarter of the Southeast quarter of Section 10, Township 8 South, Range 46 East of the Willamette Meridian, in the County of Baker and State of Oregon, more particularly described as follows:

BEGINNING at a point on the North line of the Northeast quarter of the Southeast quarter of Section 10, said township and range, said point being 330 feet West of the Northeast corner thereof, thence West 335.6 feet; thence South to a point on the North right of way line of the County Road; thence East 335.6 feet; thence North to the North line of the Northeast quarter of the Southeast quarter of said Section 10 and the POINT OF BEGINNING.

FOR INFORMATION PURPOSES ONLY, THE MAP/TAX ACCT #(S) ARE REFERENCED HERE:

Ref #13352 Code #6106

08S4610 TL #500

The above-described property is free of encumbrances except all those items of record, if any, as of the date of this deed and those shown below, if any:

The true and actual consideration for this conveyance is \$31,000.00.

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

Dated this 2nd day of December 2010

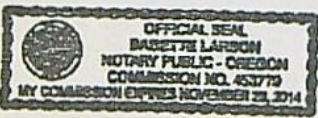
Jeffrey Stinner Riggs  
Jeffrey Stinner Riggs  
Barbara E. Fanning Riggs  
Barbara E. Fanning Riggs

State of Oregon  
County of Baker-Grant

This instrument was acknowledged before me on 12-2-, 2010 by Jeffrey Stinner Riggs and Barbara E. Fanning Riggs.

Babette Larson  
(Notary Public for Oregon)

My commission expires 11-28-14



STATE OF OREGON )  
COUNTY OF BAKER )  
I HEREBY CERTIFY THAT THIS  
INSTRUMENT WAS RECEIVED  
AND RECORDED IN THE BOOK  
OF RECORDS OF SAID COUNTY  
TERESA J. GREEN, BAKER CO. CLERK  
BY [Signature] DEPUTY  
DOC#: 10490222B  
12/07/2010 3:50 PM  
REF .00 46.00  
from CHG

Tax Statements To:  
Roger Gulick and Jeanette L. Gulick  
46152 Oliver Road  
Halfway, OR 97834

Grantee(s) address:  
Roger Gulick and Jeanette L. Gulick 826 19 0275  
46152 Oliver Road  
Halfway, OR 97834

After Recording Return To:  
Elkhorn Title Company  
1725 Main Street  
Baker City OR 97814

## WARRANTY DEED

George A. Matile and Opal M. Matile, husband and wife, as tenants by the entirety, as to a 1/3 interest, and James R. DeMastus and Barbara L. DeMastus, husband and wife, as tenants by the entirety, as to a 1/3 interest, and Marjorie E. Harris, Sole Successor Trustee of the Harris Living Trust, dated 7-2-1992, as to a 1/3 interest, Grantor, conveys and warrants to Roger Gulick and Jeanette L. Gulick, husband and wife, as tenants by the entirety, Grantee, the following described real property free of liens and encumbrances, except as specifically set forth herein:

SEE EXHIBIT "A" ATTACHED HERETO FOR DETAILED LEGAL DESCRIPTION

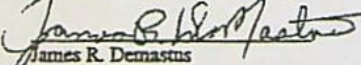
This property is free from liens and encumbrances, EXCEPT:

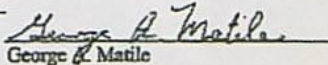
Those of record

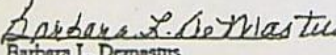
"BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON TRANSFERRING FEE TITLE SHOULD INQUIRE ABOUT THE PERSON'S RIGHTS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, AND SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009, AND SECTIONS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

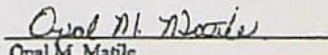
The true consideration for this conveyance is \$101,465.00. (Here to comply with requirements of ORS 93.030)

Dated this 20 day of January, 2020.


  
James R. DeMastus

  
George A. Matile

  
Barbara L. DeMastus

  
Opal M. Matile

Harris Living Trust, dated 7-2-1992  
Marjorie E. Harris, Sole Successor Trustee

  
By: Randy Harris, Attorney in Fact for Marjorie E. Harris

Elkhorn Title Company Order # 18-22135 - Assessor Account # 13345

STATE OF Oregon )  
 ) ss.  
COUNTY OF Baker )

B20 19 0276

Signed or attested before me on this 24 day of January, 2020 by George A. Matile and Opal M. Matile, husband and wife, as tenants by the entirety, as to a 1/3 interest, and James R. DeMastus and Barbara L. DeMastus, husband and wife, as tenants by the entirety, as to a 1/3 interest.



Heidi Louann Jones  
Notary Public for the State of Oregon  
My commission expires: January 16, 2021

STATE OF Oregon )  
 ) ss.  
COUNTY OF Baker )

Signed or attested before me on this 26 day of February, 2020 by Randy Harris, Attorney in Fact for Marjorie E. Harris, Sole Successor Trustee of the Harris Living Trust, dated 7-2-1992, as to a 1/3 interest.



Heidi Louann Jones  
Notary Public for the State of Oregon  
My commission expires: January 16, 2021

**EXHIBIT "A"**

The Southeast quarter of the Southwest quarter of Section 10, Township 8 South, Range 46 East of the Willamette Meridian, in the County of Baker and State of Oregon.

EXCEPTING THEREFROM a parcel of land described as follows:

Beginning at the Northeast corner of said Southeast quarter of the Southwest quarter;  
thence West 210 feet;  
thence South 600 feet;  
thence East 210 feet;  
thence North 600 feet to the Point of Beginning.

FURTHER EXCEPTING THEREFROM a parcel of land described as follows:

Commencing at the Southwest corner of Parcel A of Baker County Survey No. 8-46-27, marked with a 5/8" rebar; Thence South 86°24'31" West, 60.12 feet to the intersection of the North right-of-way of Highway 86 and the West right-of-way of Oliver Road, the Point of Beginning;  
thence South 86°24'09" West along said North right-of-way, 95.06 feet to station 816+48.72 P.S. on said North right-of-way;  
thence Southwesterly along said North right-of-way on a 50-foot North parallel offset 350-foot centerline spiral right, 270.33 feet, the chord of which bears South 86°38'49" West, 270.32 feet to a point on said North right-of-way;  
thence North 02°57'25" West, 407.66 feet;  
thence North 85°47'39" East, 145.72 feet;  
thence North 00°39'31" East, 105.31 feet;  
thence North 85°58'31" East, 240.78 feet to a point on said West right-of-way of Oliver Road;  
thence South 0°05'42" West along said West right-of-way, 518.23 feet to the Point of Beginning.

(PTN of 6106 08S4610 900; Ref. No. 13345)

STATE OF OREGON }  
COUNTY OF BAKER }  
I CERTIFY THAT THIS  
INSTRUMENT WAS RECEIVED  
AND RECORDED IN THE BOOK  
OF RECORDS OF SAID COUNTY  
STEFANIE KIBBY, BAKER CO. CLERK  
By *Karin Phillips* DEPUTY  
DOC#: B20190275  
6/12/2020 3:55 PM  
REFUND: .00 96.00



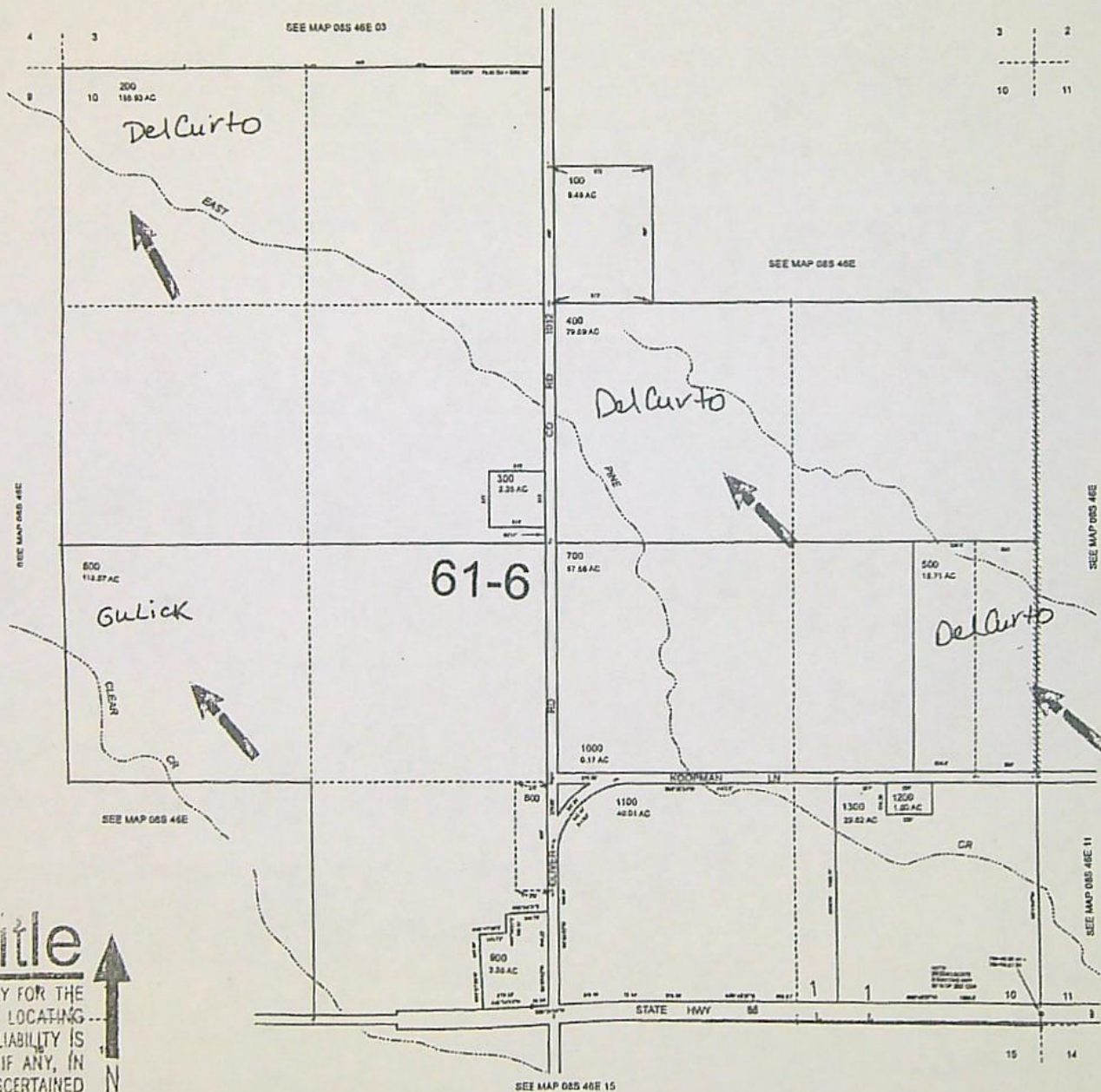
THIS MAP WAS PREPARED FOR ASSESSMENT PURPOSE ONLY



SECTION 10 T.8S. R.46E. W.M.  
BAKER COUNTY  
1" = 400'

08S46E10

Cancelled  
500



# AmeriTitle

THIS SKETCH IS MADE SOLELY FOR THE PURPOSE OF ASSISTING IN LOCATING CERTAIN PREMISES AND NO LIABILITY IS ASSUMED FOR VARIATIONS IF ANY, IN DIMENSIONS AND LOCATIONS ASCERTAINED BY ACTUAL SURVEY.



Revised: MA  
07/24/2020

08S46E10

707

Tax Statements To:  
Barry Delcurto and Sheila Delcurto  
46411 Oliver Road  
Halfway, OR 97834

Grantor(s) address:  
Barry Delcurto and Sheila Delcurto  
46411 Oliver Road  
Halfway, OR 97834  
Grantor's address:  
Denson Dry Creek Ranch, LLC  
P.O. Box 137  
Halfway, OR 97834

822040212

After Recording Return To:  
Elkhorn Title Company  
1725 Main Street  
Baker City OR 97814

### WARRANTY DEED

Tract I:  
Denson Dry Creek Ranch, LLC, an Oregon Limited Liability Company

Tract II:  
Two Color Building, LLC, an Oregon Limited Liability Company

Grantor, conveys and warrants to Barry Delcurto and Sheila Delcurto, as Trustees of the DelCurto Family Trust, Grantee, the following described real property free of liens and encumbrances, except as specifically set forth herein:

SEE EXHIBIT "A" ATTACHED HERETO FOR DETAILED LEGAL DESCRIPTION

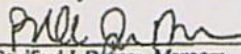
This property is free from liens and encumbrances, EXCEPT:

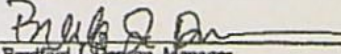
Those of record

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

The true consideration for this conveyance is \$1,200,000.00. (Here to comply with requirements of ORS 93.030)

Dated this 27 day of December, 2021.

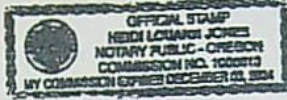
Denson Dry Creek Ranch LLC.  
  
Bradford J. Denson, Manager

Two Color Building, LLC  
  
Bradford J. Denson, Manager

Elkhorn Title Company Order # 21-21408 Assessor Account # 13149, 13288

STATE OF OREGON )  
 )ss.  
COUNTY OF BAKER )

Signed or attested before me on this 27 day of December, 2021 by Bradford J. Denson, Manager of Denson Dry Creek Ranch, LLC, an Oregon Limited Liability Company and Two Color Building, LLC, an Oregon Limited Liability Company.



*Heidi LouAnn Jones*  
Heidi LouAnn Jones  
Notary Public for the State of Oregon  
My commission expires: December 3, 2024

**EXHIBIT "A"****TRACT I:**

In Township 8 South, Range 46 East for the Willamette Meridian, in the County of Baker and state of Oregon:

The South half of the Southeast quarter of Section 3;

ALSO, The Northeast quarter of the Northeast quarter; The Northwest quarter of the Northeast quarter of Section 10, EXCEPTING THEREFROM the following parcel:

Beginning at the Southwest corner of the Northwest quarter of the Northeast quarter; Thence North 760 feet along the West line of said Northwest quarter of the Northeast quarter; Thence East 573 feet; Thence South 760 feet, parallel to the West line of said Northwest quarter of the Northeast quarter, to the South line thereof; Thence West along said South line 573 feet to the Point of Beginning.

This legal description was created prior to January 1, 2008.

(6106 08S46 1100; Ref. No. 13288)

**TRACT II:**

In Township 8 South, Range 46 East for the Willamette Meridian, in the County of Baker and state of Oregon:

The Northwest quarter of Section 10; EXCEPTING THEREFROM the following:

Beginning at a point on the West right of way line of the North-South County Road in said Section, said point being 90 feet 11 inches North of the Southeast corner of said Northwest quarter; Thence North 313 feet; Thence West 313 feet; Thence South 313 feet; Thence East 313 feet to the point of beginning.

This legal description was created prior to January 1, 2008.

(6106 08S4610 200; Ref No. 13349)

STATE OF OREGON

County of Baker

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

Stefanie Kirby  
Baker County Clerk

by: *Karen Phillips* Deputy.

DOC# 822848212

96.00

1/24/2022 2:29 PM

REFUND:

.00



08546  
TAX lot 1300

818 50 0020

AFTER RECORDING RETURN TO:  
Andrew G. Martin  
Intermountain Law, PC  
P.O. Box 1026  
Baker City, OR 97814

ADDRESS FOR TAX STATEMENTS:  
Lazy J Ranches LLC  
Linda L. Joseph  
1204 N. Hall St  
La Grande, OR 97850

BARGAIN AND SALE DEED

Linda L. Joseph, Grantor, does hereby bargain, sell, convey and transfer all her right, title and interest in and to the real property described hereafter to Lazy J Ranches LLC, Grantee.

IN TOWNSHIP 8 SOUTH, RANGE 46 EAST of the Willamette Meridian,  
County of Baker and State of Oregon:

Section 4: A portion of the Southeast quarter of the Southeast quarter, described as follows: Commencing at the Southwest corner of said Southeast quarter of the Southeast quarter of said Section 4 and running North 40 rods; thence East 20 rods; thence South 40 rods; thence West 20 rods to the place of beginning.

The East 20 feet of the Southwest quarter of the Southeast quarter.

Section 9: Commencing at a point on the section line 80 rods West of the Northeast corner of said Section 9 and running thence South on subdivision line 80 rods; thence West 2 rods; thence North 80 rods; thence East 2 rods to the place of beginning.

The East half of the Northeast quarter;

The Southwest quarter of the Northeast quarter;  
EXCEPT that portion lying South of Clear Creek.

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

The true consideration for this conveyance is other property or value as part of or the whole consideration for this transfer.

BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON TRANSFERRING FEE TITLE SHOULD INQUIRE ABOUT THE PERSON'S RIGHTS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009, AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010. THIS INSTRUMENT DOES NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY THAT THE UNIT OF LAND BEING TRANSFERRED IS A LAWFULLY

ESTABLISHED LOT OR PARCEL, AS DEFINED IN ORS 92.010 OR 215.010, TO VERIFY THE APPROVED USES OF THE LOT OR PARCEL, TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES, AS DEFINED IN ORS 30.930, AND TO INQUIRE ABOUT THE RIGHTS OF NEIGHBORING PROPERTY OWNERS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009 AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010.

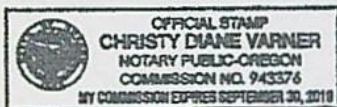
DATED this 6<sup>th</sup> day of December, 2018.

Linda L. Joseph  
Linda L. Joseph

STATE OF OREGON, County of Baker ) ss.

Personally appeared the above-named Linda L. Joseph and acknowledged the foregoing instrument to be her voluntary act and deed.

BEFORE ME this 6<sup>th</sup> day of December, 2018.



Christy Diane Varner  
Notary Public for Oregon  
My commission expires: 9-30-2019

STATE OF OREGON }  
COUNTY OF BAKER }  
I CERTIFY THAT THIS  
INSTRUMENT WAS RECEIVED  
AND RECORDED IN THE BOOK  
OF RECORDS OF SAID COUNTY

Cindy Carpenter, Baker CO. Clerk  
Karen Phillips DEPUTY

DOC#: B18500020  
12/07/2018 11:30 AM  
REFUND: .00 91.00 CK

854603  
Tax Lot  
900

B22260068

**Grantor:**  
William Joseph and Maureen Joseph  
38316 Sunny Del Lane  
Halfway, OR 97834

**Grantee:**  
The Village Ranch, LLC  
34370 Old Foothill Road  
Richland, OR 97870

**Send Tax Statements To:**  
The Village Ranch, LLC  
34370 Old Foothill Road  
Richland, OR 97870

**After Recording Return To:**  
Elkhorn Title Company  
1725 Main Street  
Baker City, OR 97814

**BARGAIN AND SALE DEED**

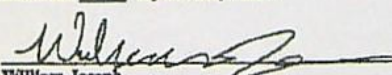
William Joseph and Maureen Joseph, husband and wife tenants by the entirety, herein after called Grantor, for the consideration stated does hereby grant, bargain, sell and convey to The Village Ranch, LLC, and Oregon limited liability company, herein after called Grantee, the following described real property with the tenements, hereditaments and appurtenances thereto belonging or in any way appertaining, situated in Baker, State of Oregon:

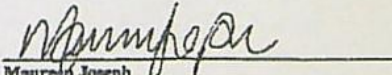
SEE ATTACHED EXHIBIT "A"

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

The true consideration for this conveyance is \$0.00.

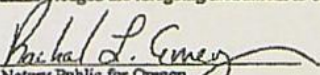
Dated this 21<sup>st</sup> day of June, 2022.

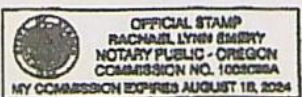
  
William Joseph

  
Maureen Joseph

STATE OF OREGON )  
                          ) ss.  
County of Baker   )

On this 21<sup>st</sup> day of June, 2022, personally appeared before me the above-named William Joseph and Maureen Joseph husband and wife, tenants by the entirety, and acknowledged the foregoing instrument to be a voluntary act.

  
Notary Public for Oregon  
My Commission Expires: August 18<sup>th</sup>, 2024



Elkhorn Title Company Order # 22-23573 Assessor Account # 13301, 15651



**EXHIBIT "A"**

**TRACT ONE:**

The West half of the Southwest quarter of the Southwest quarter of Section 3, Township 8 South, Range 46 East of the Willamette Meridian, in the County of Baker, and State of Oregon.

**TRACT TWO:**

The Southeast quarter of the Southeast quarter of Section 4, Township 8 South, Range 46 East of the Willamette Meridian, in the County of Baker, and State of Oregon.

EXCEPTING THEREFROM a portion of the Southeast quarter of the Southwest quarter of Section 4, Township 8 South, Range 46 East of the Willamette Meridian, in the County of Baker, and State of Oregon, more particularly described as follows:

BEGINNING at the Southwest corner of the Southeast quarter of the Southeast quarter of Section 4, said township and range; thence North 660 feet (40 rods) along the West line of the Southeast quarter of the Southeast quarter of said Section 4; thence East 330 feet (20 rods); thence South 660 feet (40 rods) to the South line of the Southeast quarter of the Southeast quarter of said Section 4; thence West 330 feet (20 rods) along the South line of the Southeast quarter of the Southeast quarter of said Section 4 to the POINT OF BEGINNING.

STATE OF OREGON }  
County of Baker } SS

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

Stefanie Kirby  
Baker County Clerk

by: *Karon Ahlberg* Deputy.

DOC#: B22260068  
91.00  
6/23/2022 2:36 PM  
REFUND: .00

96

0854604  
Tax Lot  
1100

822 28 0222

**AFTER RECORDING RETURN TO:**

The Village Ranch, LLC  
c/o Mathew Brenier  
43420 Old Foothill Road  
Richland, OR 97870-6653

**MAIL TAX STATEMENTS TO:**

The Village Ranch, LLC  
c/o Mathew Brenier  
43420 Old Foothill Road  
Richland, OR 97870-6653

**STATUTORY WARRANTY DEED**

KRISTI ANN HENSLEY and MARK LEE CHRISTIANSON, Grantors, conveys and warrants to THE VILLAGE RANCH, LLC., an Oregon limited liability company, Grantee, the real property described on the attached Exhibit A, free of liens and encumbrances, except as specifically set forth herein.

TOGETHER WITH all tenements, hereditaments and appurtenances thereunto belonging to or otherwise appertaining.


SUBJECT TO reservations, restrictions, easements and rights of way of record or visible thereon.

ETC 0382CR

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

Fulfillment of Contract B19 45 0008  
Other property or value was either part of or the whole consideration for this transfer.

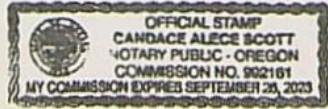
DATED this 23 day of December, 2019.

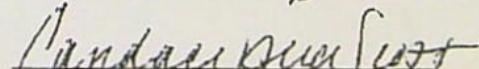
  
Kristi Ann Hensley

  
Mark Lee Christianson

STATE OF OREGON, County of Baker) ss.

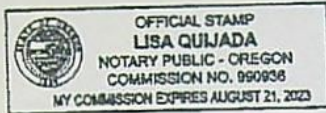
Personally appeared the above named Kristi Ann Hensley and acknowledged the foregoing instrument to be her voluntary act and deed. Before me this 27 day of December 2019.



  
Notary Public for Oregon  
My Commission expires: 9/20/23

STATE OF OREGON, County of Washington ) ss.

Personally appeared the above named Mark Lee Christianson and acknowledged the foregoing instrument to be his voluntary act and deed. Before me this 23 day of December, 2019.



*Lisa Quijada*  
Notary Public for Oregon  
My Commission expires: Aug 21, 23

**EXHIBIT "A"**  
**LEGAL DESCRIPTION**

**TRACT ONE:**

The West half of the Southwest quarter of the Southwest quarter of Section 3, Township 8 South, Range 46 East of the Willamette Meridian, in the County of Baker and State of Oregon.

**TRACT TWO:**

The Southeast quarter of the Southeast quarter of Section 4, Township 8 South, Range 46 East of the Willamette Meridian, in the County of Baker and State of Oregon.

EXCEPTING THEREFROM a portion of the Southeast quarter of the Southeast quarter of Section 4, Township 8 South, Range 46 East of the Willamette Meridian, in the County of Baker and State of Oregon, more particularly described as follows:

BEGINNING at the Southwest corner of the Southeast quarter of the Southeast quarter of Section 4, said township and range; thence North 660 feet (40 rods) along the West line of the Southeast quarter of the Southeast quarter of said Section 4; thence East 330 feet (20 rods); thence South 660 feet (40 rods) to the South line of the Southeast quarter of the Southeast quarter of said Section 4; thence West 330 feet (20 rods) along the South line of the Southeast quarter of the Southeast quarter of said Section 4 to the POINT OF BEGINNING.

STATE OF OREGON }  
COUNTY OF BAKER }  
I CERTIFY THAT THIS  
INSTRUMENT WAS RECEIVED  
AND RECORDED IN THE BOOK  
OF RECORDS OF SAID COUNTY

STEFANIE KIRBY, BAKER CO. Clerk  
BY *Stephan Phillips* DEPUTY

DOC#: 822280222

7/13/2022 10:15 AM

REFUND: .00 96 00

**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-13993, Joseph, Delcurto, Gulick

Date of review: 5-5-22

**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 Fauca

Signature

Danette Fauca

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-13993, Joseph, Delcurto, Gulick

**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

# 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-13993

Review Due Date: 06/03/2022

Applicant Name: Eagle Valley SWCD - Whitney Collins

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:  
East Pine 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:

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- 13993

In order to avoid enlargement of the right or injury to other rights, a weir or 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: 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:

\_\_\_\_\_
\_\_\_\_\_

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



Oregon  
Kate Brown, Governor

**Water Resources Department**

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

May 4, 2022

EAGLE VALLEY SWCD  
ATTN: WHITNEY COLLINS  
3990 MIDWAY DR  
BAKER CITY, OR 97814

Reference: Application T-13993

On April 22, 2022, OWRD received your water right Permanent Transfer Application. The application was accompanied by \$1900.00. Our receipt number 137976 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.

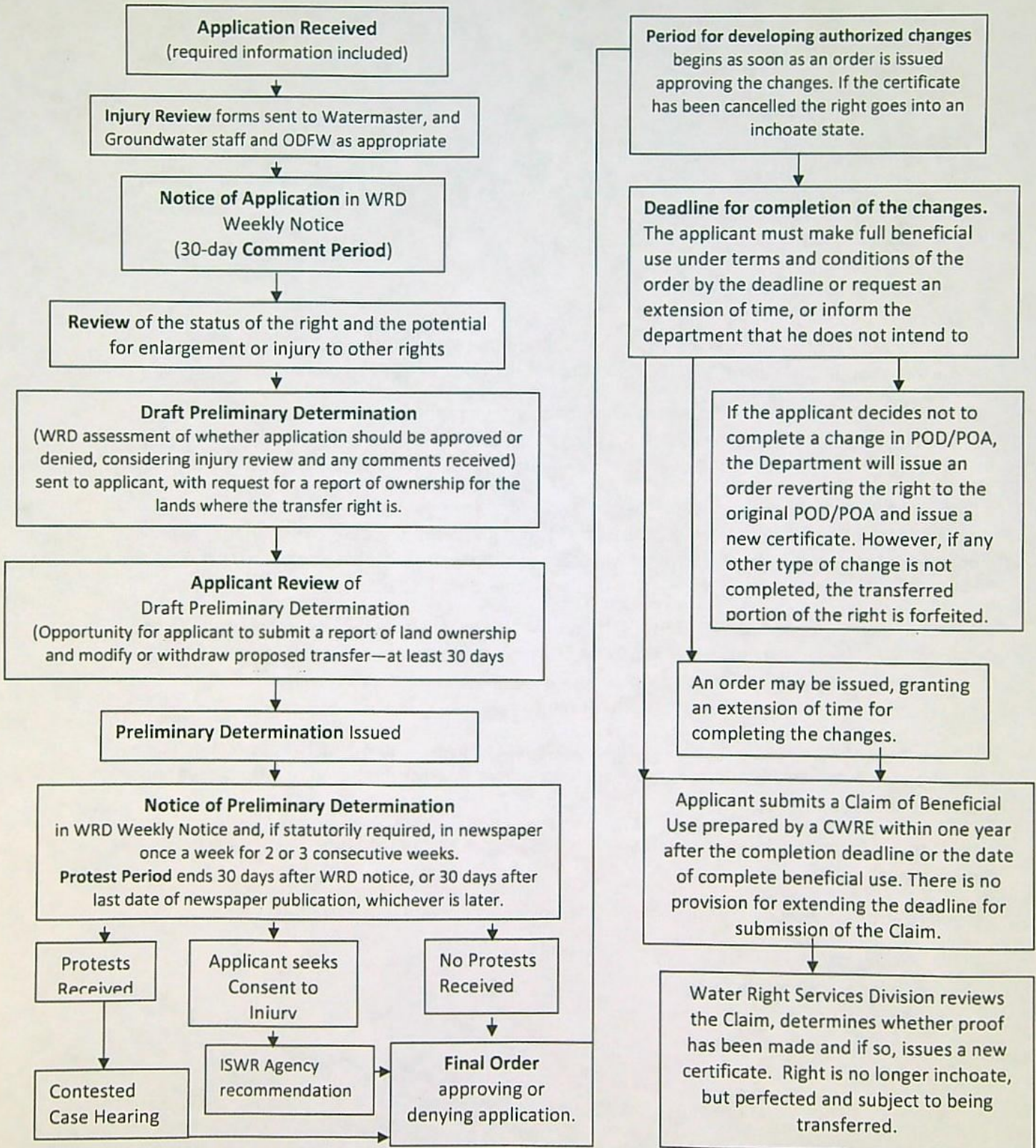
If you have any questions, please contact the Transfer Section at (503) 979-9931.

Cc: Watermaster Dist. #8, Marcy J. Osborn (*via email*)  
William Joseph, Landowner  
Stella DelCurto, Landowner  
Roger Gulick, Landowner  
Baker County

Enclosure

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

OAR 690 Division 380



STATE OF OREGON  
**WATER RESOURCES DEPARTMENT**

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

RECEIPT # **137976**

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

RECEIVED FROM: Eagle Valley Soil and Water Conservation District

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

APPLICATION	
PERMIT	
TRANSFER	1-13993
TOTAL REC'D	\$ 1900.00

CASH:  CHECK:#  1602 OTHER: (IDENTIFY)

**1083 TREASURY 4170 WRD MISC CASH ACCT**

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

**4270 WRD OPERATING ACCT**

MISCELLANEOUS			
0407 COPY & TAPE FEES	46110	\$	
0410 RESEARCH FEES		\$	
0408 MISC REVENUE: (IDENTIFY)		\$	
TC162 DEPOSIT LIAB. (IDENTIFY)		\$	
0240 EXTENSION OF TIME		\$	
WATER RIGHTS:			
0201 SURFACE WATER	EXAM FEE	\$	RECORD FEE
0203 GROUND WATER	\$	0202	\$
0205 TRANSFER	\$ 1900.00	0204	\$
WELL CONSTRUCTION			
0218 WELL DRILL CONSTRUCTOR	EXAM FEE	\$	LICENSE FEE
LANDOWNER'S PERMIT	\$	0219	\$
		0220	\$
OTHER (IDENTIFY)			

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

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

**0607 TREASURY 0467 HYDRO ACTIVITY LIC NUMBER**

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

**TREASURY OTHER / RDX**

FUND \_\_\_\_\_ TITLE \_\_\_\_\_

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

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

RECEIPT: **137976** DATED: 4-22-2022 BY: Mindy Cudde

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

US Bank Checking Transfer Fee - Oliver Sullivan Project

1,900.00

**RECEIVED**  
**APR 22 2022**  
**OWWRD**

EAGLE VALLEY SOIL AND WATER CONSERVATION DISTRICT  
 Oregon Water Resources Department  
 Date 3/29/2022 Type Bill Reference  
 Original Amt. 1,900.00 Balance Due 1,900.00  
 3/29/2022 Discount  
 Payment 1,900.00  
 Check Amount 1,900.00  
**1602**

# Application for Permanent Water Right Transfer

## Part 1 of 5 – Minimum Requirements Checklist



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

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

- Part 1 – Completed Minimum Requirements Checklist.
- Part 2 – Completed Transfer Application Map Checklist.
- Part 3 – Application Fee, payable by check to the Oregon Water Resources Department, and completed Fee Worksheet, page 3. Try the new online fee calculator at: [http://apps.wrd.state.or.us/apps/misc/wrd\\_fee\\_calculator](http://apps.wrd.state.or.us/apps/misc/wrd_fee_calculator). If you have questions, call Customer Service at (503) 986-0801.
- Part 4 – Completed Applicant Information and Signature.
- Part 5 – Information about Water Rights to be Transferred: **How many water rights are to be transferred? 5 List them here: 36813,10424,95484,85796,46652**  
Please include a separate Part 5 for each water right. (See instructions on page 6)

### Attachments:

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





**Applicant Information**

APPLICANT/BUSINESS NAME <b>Eagle Valley SWCD</b>		PHONE NO. <b>541-523-7121</b>	ADDITIONAL CONTACT NO.
ADDRESS <b>3990 Midway Dr.</b>			FAX NO.
CITY <b>Baker City</b>	STATE <b>OR</b>	ZIP <b>97814</b>	E-MAIL
BY PROVIDING AN E-MAIL ADDRESS, CONSENT IS GIVEN TO RECEIVE ALL CORRESPONDENCE FROM THE DEPARTMENT ELECTRONICALLY. COPIES OF THE FINAL ORDER DOCUMENTS WILL ALSO BE MAILED.			

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

AGENT/BUSINESS NAME <b>Whitney Collions</b>		PHONE NO. <b>541-519-2496</b>	ADDITIONAL CONTACT NO.
ADDRESS <b>3990 Midway Dr.</b>			FAX NO.
CITY <b>Baker City</b>	STATE <b>Or</b>	ZIP <b>97814</b>	E-MAIL <b>whitney.collions@bakercountyswcds.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:  
We would like to move the point of diversion for an irrigation project that is combining diversions, eliminating a diversion and fish barrier and fish passage issues.

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

**Check One Box**

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

RECEIVED

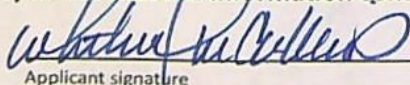
APR 22 2022

OWRD

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: Baker City Herald.
- Amendments to the application may only be made in response to the Department's Draft Preliminary Determination (DPD). The applicant will have a period of at least 30 days to amend the application to address any issues identified by the Department in the DPD, or to withdraw the application. Note that amendments may be subject to additional fees, pursuant to ORS 536.050.
- Failure to complete an approved change in place of use and/or change in character of use, will result in loss of the water right (OAR 690-380-6010).

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

  
Applicant signature

**Whitney M Collions**  
Print Name (and Title if applicable)  
**District manager**

**4/7/22**  
Date


Applicant signature

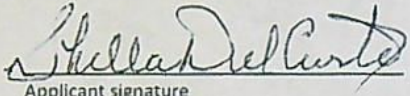
Print Name (and Title if applicable)

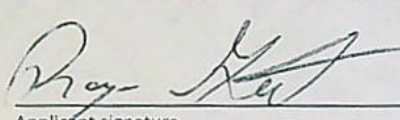
Date

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

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.

  
Applicant signature \_\_\_\_\_  
Print Name (and Title if applicable) William Joesph  
Landowner  
Date 4/7/22  
William Joesph- [lazviranches@outlook.com](mailto:lazviranches@outlook.com)

  
Applicant signature \_\_\_\_\_  
Print Name (and Title if applicable) Shella DelCurto  
Landowner  
Date 4/7/22  
Shella Delcurto- [mightyadashin@yahoo.com](mailto:mightyadashin@yahoo.com)

  
Applicant signature \_\_\_\_\_  
Print Name (and Title if applicable) Roger Gulick  
Land Owner  
Date 4/7/2022  
Roger Gulick- [jenny-gulick@yahoo.com](mailto:jenny-gulick@yahoo.com)

RECEIVED  
APR 22 2022  
OWRD

Check the following boxes that apply:

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

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

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

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

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

RECEIVING LANDOWNER NAME			PHONE NO.	ADDITIONAL CONTACT NO.
ADDRESS				FAX NO.
CITY	STATE	ZIP	E-MAIL	

Describe any special ownership circumstances here: \_\_\_\_\_

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

IRRIGATION DISTRICT NAME	ADDRESS	
CITY	STATE	ZIP

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

ENTITY NAME	ADDRESS	
CITY	STATE	ZIP

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



ENTITY NAME <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

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APR 22 2022

## 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:

### 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 6 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 page:

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

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

CERTIFICATE # 36813

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APR 22 2022

**Description of Water Delivery System**

System capacity: 6 cubic feet per second (cfs) OR  
 \_\_\_\_\_ gallons per minute (gpm)

OWRD

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. Our current POD is an open ditch that delivers water to our property where we irrigate using both flood irrigation and sprinklers.

**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)
George Oliver	<input checked="" type="checkbox"/> Authorized <input type="checkbox"/> Proposed		8	S	46	E	10	NE	NW		1200' N & 1920' E from the NW corn. Sect. 10
Dearth	<input type="checkbox"/> Authorized <input checked="" type="checkbox"/> Proposed		8	S	46	E	4	SE	SE		391' N & 1330'W from the SE corn. of Sect. 4
	<input type="checkbox"/> Authorized <input type="checkbox"/> Proposed										
	<input type="checkbox"/> Authorized <input type="checkbox"/> Proposed										

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

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

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

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

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

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

**Table 2. Description of Changes to Water Right Certificate # 36813**

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.


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

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	
										APOD	8	S	46	E 10 SW NE	400		25.0	IR	GEORGE OLIVER & DEARTH	1881	
										APOD	8	S	46	E 10 SE NE	400		15.0	IR	GEORGE OLIVER & DEARTH	1881	
											RECEIVED APR 22 2022 OWRD										
Revised 11/6/2019				Permanent Transfer Application Form – Page 8 of 1											TACS						

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

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

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

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

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

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

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

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

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

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

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

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

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

**AND/OR**

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

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

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

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



## 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 # 46652

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### Description of Water Delivery System

APR 22 2022

System capacity: 6 cubic feet per second (cfs) OR

         gallons per minute (gpm)

OWRD

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. Our current POD is an open ditch that delivers water to our property where we irrigate using both flood irrigation and sprinklers.

**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)
George Oliver	<input type="checkbox"/> Authorized <input type="checkbox"/> Proposed		8	S	46	E	10	NW	SE		75' S & 450' E from the C1/4 corn. of Sect. 10
Dearth	<input type="checkbox"/> Authorized <input type="checkbox"/> Proposed		8	S	46	E	4	SE	SE		391' N & 1330' W from the SE corn. of Sect. 4
	<input type="checkbox"/> Authorized <input type="checkbox"/> Proposed										
	<input type="checkbox"/> Authorized <input type="checkbox"/> Proposed										

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

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

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

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

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

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

**Table 2. Description of Changes to Water Right Certificate # 46652**

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

AUTHORIZED (the "from" or "off" lands) The listing that appears on the certificate BEFORE PROPOSED CHANGES List only that part or portion of the water right that will be changed.											Proposed Changes (see "CODES" from previous page)	PROPOSED (the "to" or "on" lands) The listing as it would appear AFTER PROPOSED CHANGES are made.										
Twp	Rng	Sec	¼ ¼	Tax Lot	Gvt Lot or DLC	Acres	Type of USE listed on Certificate	POD(s) or POA(s) (name or number from Table 1)	Priority Date	Twp		Rng	Sec	¼ ¼	Tax Lot	Gvt Lot or DLC	Acres	New Type of USE	POD(s)/ POA(s) to be used (from Table 1)	Priority Date		
<b>EXAMPLE</b>																						
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		
8	S	46	E 10 NE SE	400		15.0	IRR	Circle on map	1881	APOD	8	S	46	E 10 NE SE	400		15.0	IRR	George Oliver & Dearth	1881		
<p><b>RECEIVED</b></p> <p><b>APR 22 2022</b></p> <p><b>OWRD</b></p>																						
TOTAL ACRES:						15.0						TOTAL ACRES:						15.0				

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

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

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

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



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

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

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

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

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

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

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

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

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

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

**AND/OR**

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

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

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

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

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## 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 # 95484

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APR 22 2022

### Description of Water Delivery System

System capacity: 6 cubic feet per second (cfs) OR

         gallons per minute (gpm)

OWRD

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. Our current POD is an open ditch that delivers water to our property where we irrigate using both flood irrigation and sprinklers.

**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)
Oliver & Sullivan	<input type="checkbox"/> Authorized <input type="checkbox"/> Proposed		8	S	46	E	4	SE	SE		200'N & 1000'W from the SE corn. of Sect. 4
Dearth	<input type="checkbox"/> Authorized <input type="checkbox"/> Proposed		8	S	46	E	4	SE	SE		391'N & 1330'W from the SE corn. of Sect. 4
	<input type="checkbox"/> Authorized <input type="checkbox"/> Proposed										
	<input type="checkbox"/> Authorized <input type="checkbox"/> Proposed										

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

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

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

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

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

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

**Table 2. Description of Changes to Water Right Certificate # 95484**

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

AUTHORIZED (the "from" or "off" lands) The listing that appears on the certificate BEFORE PROPOSED CHANGES List only that part or portion of the water right that will be changed.													Proposed Changes (see "CODES" from previous page)	PROPOSED (the "to" or "on" lands) The listing as it would appear AFTER PROPOSED CHANGES are made.													
Twp	Rng	Sec	¼ ¼	Tax Lot	Gvt Lot or DLC	Acres	Type of USE listed on Certificate	POD(s) or POA(s) (name or number from Table 1)	Priority Date	Twp	Rng	Sec		¼ ¼	Tax Lot	Gvt Lot or DLC	Acres	New Type of USE	POD(s)/ POA(s) to be used (from Table 1)	Priority Date							
<b>EXAMPLE</b>																											
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	
																										POD #6	1901
													POD	8	S	46	E	3	SE	SE	1100		35.0	IRR	Dearth	1881	
													POD	8	S	46	E	3	SW	SE	1100		39.0	IRR	Dearth	1881	
													POD	8	S	46	E	10	NE	NE	1100		30.6	IRR	Dearth	1881	
													POD	8	S	46	E	10	NW	NE	1100		29.1	IRR	Dearth	1881	
TOTAL ACRES:														TOTAL ACRES: 133.7													

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

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

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

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



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

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

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

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

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

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

OWRD

**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

## 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 # 85796

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### Description of Water Delivery System

APR 22 2022

System capacity: 4 cubic feet per second (cfs) OR  
 \_\_\_\_\_ gallons per minute (gpm)

OWRD

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. Our current POD is an open ditch that delivers water to our property where we irrigate using both flood irrigation and sprinklers.

**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)
Greener Oliver (Irwin)	<input type="checkbox"/> Authorized <input type="checkbox"/> Proposed		8	S	46	E	10	NW	SE		None Given Decree
Dearth	<input type="checkbox"/> Authorized <input type="checkbox"/> Proposed		8	S	46	E	4	SE	SE		391'N & 1330' W from the SE corn. of Sect. 4
	<input type="checkbox"/> Authorized <input type="checkbox"/> Proposed										
	<input type="checkbox"/> Authorized <input type="checkbox"/> Proposed										

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

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

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

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

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

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

**Table 2. Description of Changes to Water Right Certificate # 85796**

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

AUTHORIZED (the "from" or "off" lands) The listing that appears on the certificate BEFORE PROPOSED CHANGES List only that part or portion of the water right that will be changed.											Proposed Changes (see "CODES" from previous page)	PROPOSED (the "to" or "on" lands) The listing as it would appear AFTER PROPOSED CHANGES are made.												
Twp	Rng	Sec	¼ ¼	Tax Lot	Gvt Lot or DLC	Acres	Type of USE listed on Certificate	POD(s) or POA(s) (name or number from Table 1)	Priority Date	Twp		Rng	Sec	¼ ¼	Tax Lot	Gvt Lot or DLC	Acres	New Type of USE	POD(s)/ POA(s) to be used (from Table 1)	Priority Date				
<b>EXAMPLE</b>																								
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
8	S	46	E 10	NE	SW	800		40.0	IRR	Greener Oliver	1877	POD	8	S	46	E 10	NE	SE	800		40.0	IRR	Dearth	1877
8	S	46	E 10	NW	SW	800		32.0	IRR	Greener Oliver	1877	POD	8	S	46	E 10	NW	SW	800		32.0	IRR	Dearth	1877
8	S	46	E 10	SE	SW	800		20.0	IRR	Greener Oliver	1877	POD	8	S	46	E 10	SE	SW	800		20.0	IRR	Dearth	1877
						TOTAL ACRES:	92.0							TOTAL ACRES:	92.0									

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

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

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

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



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

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

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

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

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

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

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

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

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

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

**AND/OR**

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

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

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

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

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## 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.

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CERTIFICATE # 10424

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### Description of Water Delivery System

System capacity: 6 cubic feet per second (cfs) OR  
 \_\_\_\_\_ 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. Our current POD is an open ditch that delivers water to our property where we irrigate using both flood irrigation and sprinklers.

**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)
Greener Oliver (Irwin)	<input type="checkbox"/> Authorized <input type="checkbox"/> Proposed		8	S	46	E	4	SE	SE		None given - Decree
Dearth	<input type="checkbox"/> Authorized <input type="checkbox"/> Proposed		8	S	46	E	4	SE	SE		391'N & 1330'W from the SE corn. of Sect. 4
	<input type="checkbox"/> Authorized <input type="checkbox"/> Proposed										
	<input type="checkbox"/> Authorized <input type="checkbox"/> Proposed										

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

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

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

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

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

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

**Table 2. Description of Changes to Water Right Certificate # 10424**

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

AUTHORIZED (the "from" or "off" lands) The listing that appears on the certificate BEFORE PROPOSED CHANGES List only that part or portion of the water right that will be changed.											Proposed Changes (see "CODES" from previous page)	PROPOSED (the "to" or "on" lands) The listing as it would appear AFTER PROPOSED CHANGES are made.														
Twp	Rng	Sec	¼ ¼	Tax Lot	Gvt Lot or DLC	Acres	Type of USE listed on Certificate	POD(s) or POA(s) (name or number from Table 1)	Priority Date	Twp		Rng	Sec	¼ ¼	Tax Lot	Gvt Lot or DLC	Acres	New Type of USE	POD(s)/ POA(s) to be used (from Table 1)	Priority Date						
<b>EXAMPLE</b>																										
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
																									POD #6	1901
8	S	46	E	10	NW	NW	200		10.0	IRR	Greener Oliver	1877	POD	8	S	46	E	10	NW	NW	200		10.0	IRR	Dearth	1877
8	S	46	E	10	NE	NW	200		12.0	IRR	Greener Oliver	1877	POD	8	S	46	E	10	NE	NW	200		12.0	IRR	Dearth	1877
8	S	46	E	10	SW	NW	200		30.0	IRR	Greener Oliver	1877	POD	8	S	46	E	10	SW	NW	200		30.0	IRR	Dearth	1877
8	S	46	E	10	SE	NW	200		28.0	IRR	Greener Oliver	1877	POD	8	S	46	E	10	SE	NW	200		28.0	IRR	Dearth	1877
TOTAL ACRES:						80.0							TOTAL ACRES:						80.0							

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

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

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

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



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

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

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

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

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

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

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

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

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[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

# 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 )

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MAR 04 2022

I, WHITNEY COLLINS, in my capacity as MANAGER OF EAGLE VALLEY SWCD,

mailing address 3990 MIDWAY DR., BAKER CITY, OR 97814

telephone number (541)523-7121, being first duly sworn depose and say:

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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)
85796	8	S	46	E	WM	10	SW			92.0
36813	8	S	46	E	WM	10	S	NE		40.0
46652	8	S	46	E	WM	10	NE	SE		15.0
10424	8	S	46	E	WM	10	NW			80.0
95484	8	S	46	E	WM	3	S	SE		74.0
95484	8	S	46	E	WM	10	N	NE		59.7

**OR**

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

(continues on reverse side)

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

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

[Signature]  
Signature of Affiant

2/17/2022  
Date

Signed and sworn to (or affirmed) before me this 17<sup>th</sup> day of Feb, 2022.

[Signature]  
Notary Public for Oregon



My Commission Expires: July 9, 2024

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.terra-server.com">www.terra-server.com</a></p>
<input type="checkbox"/> Approved Lease establishing beneficial use within the last 5 years	Copy of instream lease or lease number

# Land Use Information Form



Oregon Water  
Resources  
Department

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## NOTE TO APPLICANTS

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

**This form is NOT required if:**

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

## NOTE TO LOCAL GOVERNMENTS

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

# Land Use Information Form



Oregon Water Resources  
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APR 22 2022

MAR 04 2022

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Applicant(s): Eagle Valley SWCD

Mailing Address: 3990 Midway Dr.

City: Baker City

State: OR

Zip Code: 97814

Daytime Phone: 541-523-7121

## 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>8S</u>	<u>46E</u>	<u>10</u>	<u>NW1/4</u>	<u>200</u>	<u>EFU</u>	<input type="checkbox"/> Diverted <input checked="" type="checkbox"/> Conveyed <input checked="" type="checkbox"/> Used	<u>IRR</u>
<u>8S</u>	<u>46E</u>	<u>10</u>	<u>NE1/4</u>	<u>1100 &amp; 400</u>	<u>EFU</u>	<input type="checkbox"/> Diverted <input checked="" type="checkbox"/> Conveyed <input checked="" type="checkbox"/> Used	<u>IRR</u>
<u>8S</u>	<u>46E</u>	<u>3</u>	<u>S1/2SE</u>	<u>1100</u>	<u>EFU</u>	<input type="checkbox"/> Diverted <input checked="" type="checkbox"/> Conveyed <input checked="" type="checkbox"/> Used	<u>IRR</u>
<u>8S</u>	<u>46E</u>	<u>10</u>	<u>SW1/4</u>	<u>800</u>	<u>EFU</u>	<input type="checkbox"/> Diverted <input checked="" type="checkbox"/> Conveyed <input checked="" type="checkbox"/> Used	<u>IRR</u>

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) East Pine Cr.

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:

We are changing our point of diversion from East Pine Creek to consolidate PODs.

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 OWRD OWRD

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

**Please check the appropriate box below and provide the requested information**

- Land uses to be served by the proposed water uses (including proposed construction) are allowed outright or are not regulated by your comprehensive plan. Cite applicable ordinance section(s): BC20 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 (c.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
		<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: 2-16-2022

Government Entity: Baker 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: \_\_\_\_\_



# Oregon

Kate Brown, Governor

Department of Fish and Wildlife

Habitat Division

4034 Fairview Industrial Dr SE

Salem, OR 97302-1142

Voice: 503-947-6000

Fax: 503-947-6330

Internet: [www.dfw.state.or.us](http://www.dfw.state.or.us)

April 15, 2022

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



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**RE: East Pine Creek Transfer**

To Whom It Many Concern,

The Oregon Department of Fish and Wildlife (ODFW) is submitting this letter of support for the transfer application in East Pine Creek in the Snake River basin. Our assessment is in regards to the changes providing a net benefit to fish and wildlife habitat in order to qualify for a fee reduction offered through the Oregon Water Resources Department.

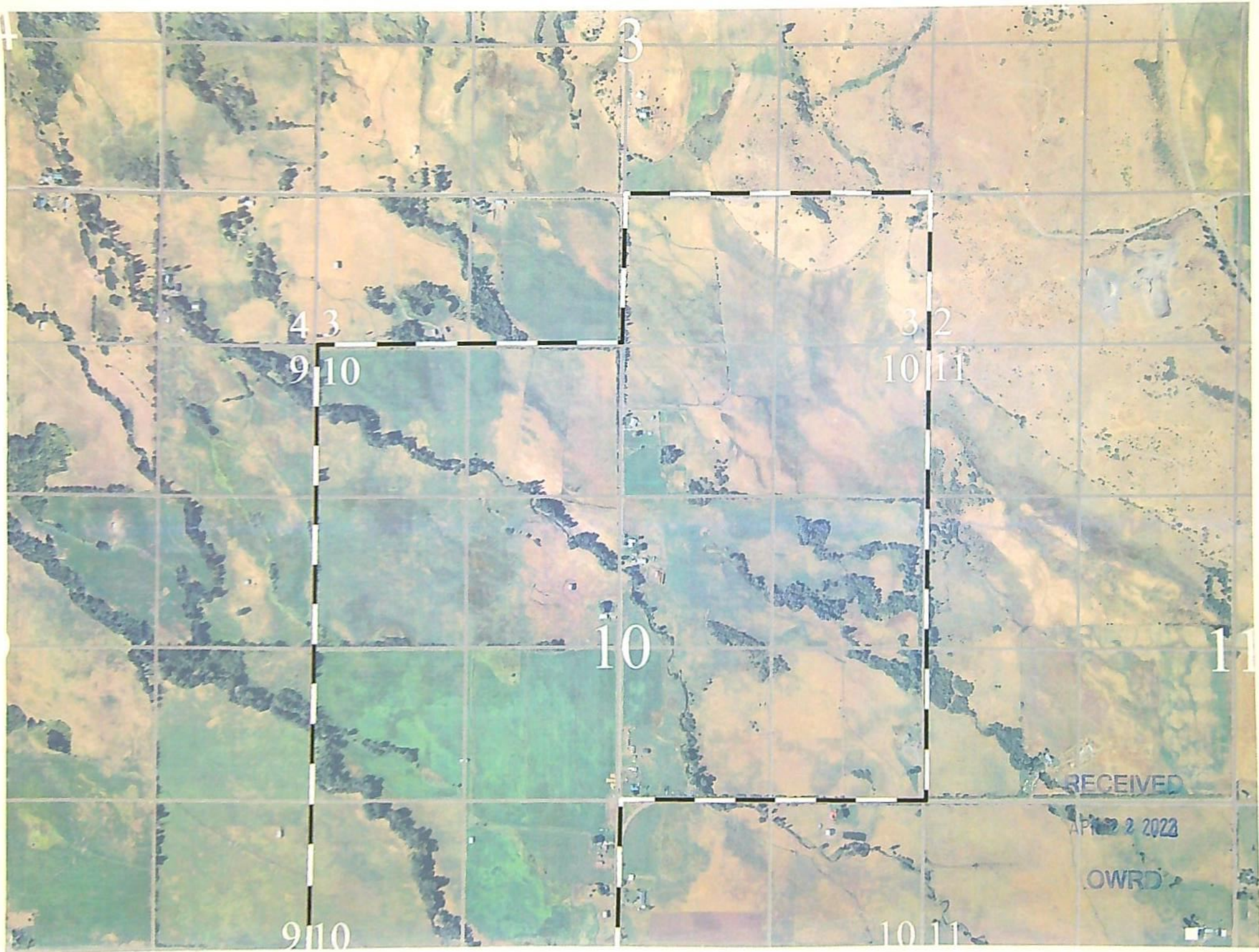
ODFW has assessed the information provided for the proposed transfer and consolidation of PODs under certificates 36813, 10424, 85796, 95484, and 46652 on East Pine Creek in the Pine Creek watershed. Based on our involvement in the project to date and submitted information, it is ODFW's understanding that the project will consolidate four PODs, remove three priority fish passage barriers by 2025 (push up dam and concrete diversions), include instream habitat improvements in areas where structures are to be removed, and provide volitional fish passage through the reach. We have been actively working with the project proponents to restore fish passage and habitat in several locations throughout the Pine Creek watershed primarily for the benefit of bull trout. Fish passage designs have been submitted to ODFW, but final fish passage authorization has yet to be obtained.

Based on this preliminary information, ODFW has determined that the proposed transfer provides a change that will result in a net benefit to fish and wildlife habitat and qualifies for OWRD's fee reduction.

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

Sincerely,

Danette Faucera  
Water Policy Coordinator  
[danette.l.faucera@odfw.oregon.gov](mailto:danette.l.faucera@odfw.oregon.gov)



# Map to accompany a permanent water right transfer in the name of Eagle Valley SWCD

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★ Proposed POD (Dearth):  
391' N & 1330' W from  
SE corn. Sect. 4, T. 8S, R. 46E

▲ Authorized POD (C-95484):  
200' N & 1000' W from  
SE corn. Sect. 4, T. 8S, R. 46E

⊗ Authorized POD (C-10424):  
Decree

 Cert. 10424 80.0 ac POD

 Cert. 95484 133.7 ac POD ✓

 Cert. 10424 2.0 ac RR

CERTIFIED WATER RIGHT EXAMINER  
72665  
*Gabriel M. Williams*  
GABRIEL M. WILLIAMS  
JULY 10, 2018  
STATE OF OREGON

RENEWS: 6/30/22



Scale: 1" = 1320'

DISCLAIMER:  
THIS MAP IS NOT INTENDED TO PROVIDE  
LEGAL DIMENSIONS OR LOCATIONS OF  
PROPERTY OWNERSHIP LINES



Map to accompany a  
 permanent water right transfer  
 in the name of  
 Eagle Valley SWCD

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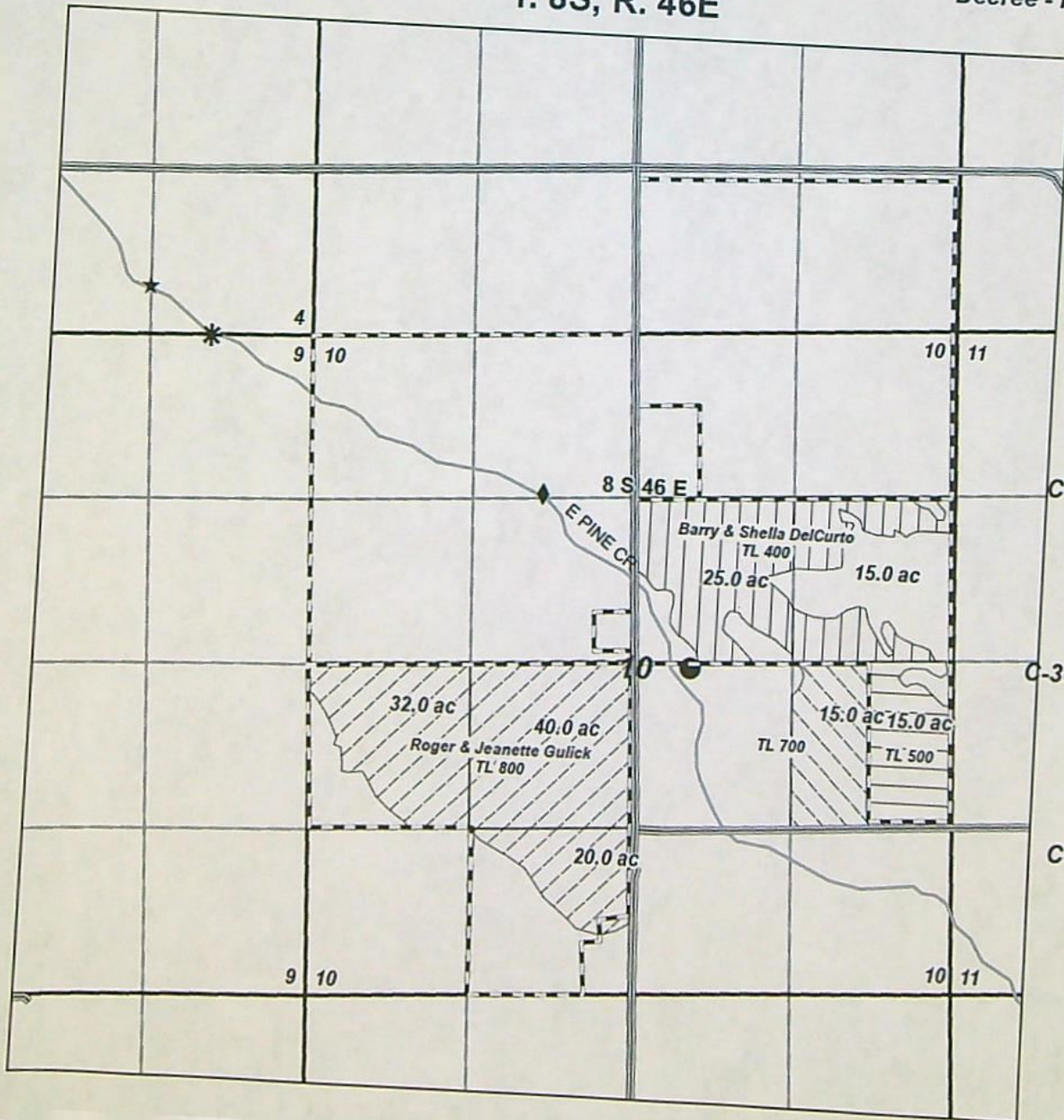
- ★ Proposed POD (Dearth):  
 391' N & 1330' W from  
 SE corn. Sect. 4, T.8S, R.46E
- Authorized POD (C-46652):  
 75' S & 450' E from  
 C1/4 of Sect. 10, T. 8S, R. 46E
- ◆ Authorized POD (C-36813):  
 1200'S & 1920' E from  
 NW corn. Sect. 10, T.8S, R.46E
- \* Authorized POD (C-85796):  
 Decree - no description


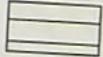




DISCLAIMER:  
 THIS MAP IS NOT INTENDED TO PROVIDE  
 LEGAL DIMENSIONS OR LOCATIONS OF  
 PROPERTY OWNERSHIP LINES

Scale: 1" = 1320'

T. 8S, R. 46E



-  C-85796 92.0 ac POD ✓
-  C-46652 15.0 ac APOD ✓
-  C-36813 - 40.0 ac APOD ✓
-  C-46652 - 15.0 ac RR ✓

Today's Date: Thursday, February 17, 2022

Fee Calculation

Base Fee (includes one type of change to one water right for up to 1 cfs)

Fill in information below-- Check each box that applies.

Types of Change Proposed:

Place of Use

Point of Diversion (POD)/Appropriation (POA); and/or Additional POD/POA; and/or SW POD to GW POD

Character of Use

Enter total number of water rights included in transfer. | 5

Check this box if you propose to add or change a well, or change from a surface water POD to a well.

Enter total number of groundwater wells (POAs) included in transfer. | 0

Check this box if you propose to change the place of use or character of use for a NON-irrigation right.

Check this box if you propose to change the place of use or character of use for an irrigation right.

Total Transfer CFS(rounded up to the next whole cfs):

Subtotal:

Check each box that applies.

The transfer is necessary to complete a project funded by the Oregon Watershed Enhancement Board (OWEB) under ORS 541.932.

The transfer is endorsed in writing by ODFW as a change that will result in a net benefit to fish and wildlife habitat.

Discount:

Transfer Fee:

RECEIVED RECEIVED  
APR 22 2022 MAR 04 2022  
OWRD OWRD

# Permanent Transfer Application Intake Completion Checklist

Check the Certificate(s) in WRIS

Transfer # T- 13993

Checked by- <u>B</u>	<b>Type of Change(s) Proposed:</b> <i>Mark the Proposed Changes</i>	Substitution	Supplemental to Primary	POU	POD	APOD
Date- <u>5-2-2022</u>		Gov Action	Surface to Ground	USE	POA	APOA
Fee Received: <u>1900</u>			<b>How many rights to be Transferred?</b>			
Calculated Fee:			Certificate # <u>5</u>			
Additional Observations: <u>pd 1/2</u>			<u>36813</u>	<div style="font-size: 2em; font-weight: bold;">all APOD</div>		
			<u>10424</u>			
			<u>95484</u>			
			<u>85796</u>			
				<u>46652</u>		

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

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

Actions taken: signed T-# Date: 5-2-22





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 # **138122**

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

RECEIVED FROM: Eagle Valley Soil and Water Conservation District  
 BY: \_\_\_\_\_  
 APPLICATION \_\_\_\_\_  
 PERMIT \_\_\_\_\_  
 TRANSFER T-13993  
 CASH:  CHECK: # 1607 OTHER: (IDENTIFY) \_\_\_\_\_  
 TOTAL REC'D \$ 1,672.72

**1083 TREASURY 4170 WRD MISC CASH ACCT**

0407 COPIES 47124 R11371-23 \$ \_\_\_\_\_  
0412 OTHER: (IDENTIFY) Transfer Reimbursement Authority \$ 1,672.72  
 0243 I/S Lease \_\_\_\_\_ 0244 Muni Water Mgmt. Plan \_\_\_\_\_ 0245 Cons. Water \_\_\_\_\_

**4270 WRD OPERATING ACCT**

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

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

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

**0607 TREASURY 0467 HYDRO ACTIVITY LIC NUMBER**

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

**TREASURY OTHER / RDX**

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

RECEIPT: **138122**

DATED: 5-12-2022 BY: [Signature]

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

EAGLE VALLEY SOIL AND WATER CONSERVATION DISTRICT  
Oregon Water Resources Department

1607

Date	Type	Reference	Original Amt.	Balance Due	5/9/2022 Discount	Payment
5/9/2022	Bill		1,672.72	1,672.72		1,672.72
					Check Amount	1,672.72

**RECEIVED**  
**MAY 12 2022**  
**OWRD**

US Bank Checking Oliver Sullivan Expedited Fee 1,672.72

EAGLE VALLEY SOIL AND WATER CONSERVATION DISTRICT  
Oregon Water Resources Department

1607

Date	Type	Reference	Original Amt.	Balance Due	5/9/2022 Discount	Payment
5/9/2022	Bill		1,672.72	1,672.72		1,672.72
					Check Amount	1,672.72

US Bank Checking Oliver Sullivan Expedited Fee 1,672.72

Safeguard SF5001NL-1 LITHO USA 5/5/11 CK750811L

TO REORDER, CALL YOUR LOCAL SAFEGUARD DISTRIBUTOR AT 509-545-8845

C9FZNT0010000 Y18SF013086

D23C66 SLKDK02 10/29/2018 16:25 :35-

**REIMBURSEMENT AUTHORITY  
APPLICANT'S AGREEMENT  
Contract Number: R11-371-23**

This Agreement is between the **Oregon Water Resources Department**, hereafter OWRD, and **Eagle Valley SWCD**, hereafter Applicant, hereafter known together as the parties.

OWRD Information	Applicant's Information	Applicant's Representative
Contact: <b>Kelly Starnes</b>	Name: Eagle Valley SWCD	Name:
Title: Transfer Advisor	Contact: Whitney M. Collins	Contact:
Address: 725 Summer Street, NE, Suite A Salem, OR 97301-1266	Address: 3990 Midway Dr. Baker City, OR 97814	Address:
Phone: 503 979-3511	Phone: (541) 519-2496	Phone:
Fax: 503 986-0901	Fax:	Fax:
Email: <a href="mailto:patrick.k.starnes@water.oregon.gov">patrick.k.starnes@water.oregon.gov</a>	Email: <a href="mailto:swcdwhitney@gmail.com">swcdwhitney@gmail.com</a>	Email:

**Purpose** The purpose of this Agreement is to expedite the processing of the **Transfer Application**. (**Application Number: T-13993**)

1. **Authority.** The OWRD has been authorized pursuant to ORS 536.055 to enter into a voluntary agreement with any applicant, permittee or regulated entity (collectively Applicant) for expediting or enhancing a regulatory process. In making this agreement, OWRD shall require the applicant to pay the full cost of expedited process.
2. **Restrictions.** Applicant and OWRD agree that this Agreement shall not be construed to restrict in any way the decisions and actions by OWRD. OWRD shall be free to exercise independent judgment consistent with existing laws and regulations.
3. **Effective Date and Duration.** Unless otherwise terminated by non-deposit of funds by the Applicant, this Agreement shall become effective on the date on which both parties have signed the Agreement and the full deposit of the estimated cost of the proposed service.
4. **Consideration.**
  - a. Applicant shall pay OWRD in advance for actual costs incurred by OWRD. The estimated maximum reimbursement payable to OWRD under this Agreement is **\$1,672.72**. Applicant agrees to pay the full amount of **\$1,672.72** to OWRD prior to commencement of any work stated in this Agreement. This payment will be placed in an account administered by OWRD and drawn upon as costs are actually incurred. If the actual cost of performing the work is less than payments received, OWRD will refund the unspent balance. If the actual cost of processing exceeds the estimate, the Applicant can either elect to terminate this Agreement or amend the Agreement to reflect the increase in cost.
  - b. The costs stated in this Agreement do not include the statutory application processing and filing fees.
5. **Confidentiality.** Applicant agrees that any information provided to or acquired by OWRD under this Agreement will be subject to the Oregon Public Records Law and shall be considered public records.
6. **Indemnity.** Applicant shall defend, save, hold harmless, and indemnify the State of Oregon, OWRD, and their officers, employees, and agents from and against all claims, suits, actions, losses, damages, liabilities, costs, and expenses of any nature resulting from or arising out of, or relating to the activities of Applicant or its representatives, officers, employees, contractors, or agents under this Agreement or with respect to the expedited service. The Applicant acknowledges that the Oregon Water Resources Department cannot and does not guarantee a favorable review under the subject regulatory process.

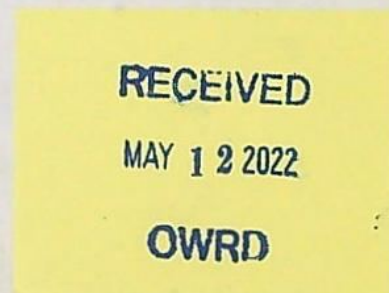
7. **Termination.** Applicant may request to terminate this agreement only in writing at anytime during the process. The Applicant agrees to pay for the work done by OWRD up until the time of the written termination request. OWRD, upon receiving such written termination request from the Applicant, will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

For Applicant: Robert Phillips: District manager 5/9/22  
 Name/Title: \_\_\_\_\_ Date

For OWRD: Dwight French 5/18/2022  
 Dwight French – Administrator \_\_\_\_\_ Date

Mail signed Agreement to:

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



Date 3/29/2022 Type Reference Bill

Original Amt. 125.00 Balance Due 125.00

Check Amount

3/29/2022 Discount

Payment 125.00 125.00

1601

US Bank Checking Non-Refundable Fee-Transfer Application 125.00

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 # 137973 INVOICE #

RECEIVED FROM: Eagle Valley Soil and Water Conservation District APPLICATION PERMIT TRANSFER T-13993 CASH: CHECK:# 1601 OTHER: (IDENTIFY) TOTAL REC'D \$ 125.00

1083 TREASURY 4170 WRD MISC CASH ACCT 0407 COPIES 47124 A-11371-23 \$ OTHER: (IDENTIFY) Transfer Reimbursement Authority \$ 125.00 0243 I/S Lease 0244 Muni Water Mgmt. Plan 0245 Cons. Water

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

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

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

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

RECEIPT: 137973 DATED: 4-22-2022 BY: Mindy Cady

RECEIVED APR 22 2022 OWRD



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	Transfer Number T-13993

	Applicant Information	Applicant's Representative/Contact
Name:	Eagle Valley SWCD	Whitney M Collins
Address:	3990 Highway DR Baker City OR 97814	
Phone:	541-519-2496	
Fax:		
E-Mail Address:	Whitney.Collins@BakerCountySWCDs.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

RECEIVED

MAR 04 2022

I certify that I am the (check one):

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

Name: Whitney M Collins

Signature: Whitney M Collins

OWRD

RECEIVED

APR 22 2022

OWRD

OWRD USE ONLY: Reimbursement Authority Number: R11-371-23 Caseworker: T. Smith