

Regular

RA

Name David Davem & Pat Morache

Address 793 Netherlands road
Trail Oregon 97541

Change in POW USE APD
Date Filed 5/26/2022
Initial notice date 6/14/2022
DPD issued date
PD issued date 10/4/2024
PD notice date 10/8/2024
Date of FO 11/12/2024 Vol 133 Page 329-334

C-Date
COBU due date
COBU Received date
Certificate issued

DESCRIPTION OF WATER RIGHT(s)

Name of Stream Vine Creek
Trib. of Big Butte Creek
Use Irrigation ; Livestock County Jackson
Quantity of water (CFS) No. of Acres
Name of ditch
App# Decree Per # V. 2 pg. 339 Cert # 47402 PR Date 1908
App# Per # Cert # PR Date
App# Per # Cert # PR Date
App# Per # Cert # PR Date
App# Per # Cert # PR Date

FEES PAID		
Date	Amount	Receipt #
<u>5-26-2022</u>	<u>\$3540.00</u>	<u>138273</u>
<u>6-21-2022</u>	<u>\$125.00</u>	<u>138462</u>
<u>7-8-2022</u>	<u>\$1,548.01</u>	<u>138606</u>

FEES REFUNDED		
Date	Amount	Receipt #

Assignments:

Irrigation District

Agent Evan Malepsy, regle civil llc

CWRE
CC's list Jackson County

☐ - Oversized map - Location



Oregon

Tina Kotek, Governor

Water Resources Department

North Mall Office Building

725 Summer St NE, Suite A

Salem, OR 97301

Phone 503 986-0900

Fax 503 986-0904

November 12, 2024

David Davern

Pat Morache

793 Netherlands Rd

Trail, OR 97541

REFERENCE: Transfer Application T-14019

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

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

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

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

If you have any questions related to the approval of this transfer, you may contact your caseworker, Joan Smith, by telephone at (503) 986-0892 or by e-mail at Joan.m.smith@water.oregon.gov.

Sincerely,

Elyse D. Richman

Water Rights Services Support

Transfers and Conservation Section

cc: Shavon L. Haynes, Watermaster Dist. # 13 (via email)
Evan Malepsy, Agent
Jackson County Planning & Development, Local Government

Enclosure

BEFORE THE WATER RESOURCES DEPARTMENT
OF THE
STATE OF OREGON

In the Matter of Transfer Application	)	FINAL ORDER APPROVING AN
T-14019, Jackson County	)	ADDITIONAL POINT OF DIVERSION,
	)	CHANGES IN PLACE OF USE, AND
	)	CHARACTER OF USE

Authority

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

Applicants

DAVID F. DAVERN AND PAT MORACHE
793 NETHERLANDS RD
TRAIL, OR 97541

Findings of Fact

1. On May 26, 2022, DAVID F. DAVERN AND PAT MORACHE filed an application for an additional point of diversion, to change the place of use and to change the character of use under Certificate 47402. The Department assigned the application number T-14019.
2. Notice of the application for transfer was published on June 14, 2022, pursuant to OAR 690-380-4000. No comments were filed in response to the notice.
3. On August 7, 2023, the Department mailed a copy of the draft Preliminary Determination proposing to approve Transfer Application T-14019 to the applicants. The draft Preliminary Determination cover letter set forth a deadline of September 7, 2023, 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.

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

4. On October 4, 2024, the Department issued a Preliminary Determination proposing to approve Transfer T-14019 and mailed a copy to the applicants. Additionally, notice of the Preliminary Determination for the transfer application was published on the Department's weekly notice on October 8, 2024, and in the Rogue River Press newspaper on October 10 and 16, 2024, pursuant to ORS 540.520 and OAR 690-380-4020. No protests were filed in response to the notices.

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

Certificate: 47402 in the name of HAROLD M. VON STEIN (confirmed by Rogue River (F) in Volume 16, at Page 523)

Use: STOCK AND IRRIGATION of 1.2 ACRES

Priority Date: 1908

Rate: 0.024 CUBIC FOOT PER SECOND

Source: VINE MAPLE CREEK, a tributary of BIG BUTTE CREEK

Authorized Point of Diversion:

Twp	Rng	Mer	Sec	Q-Q
34 S	1 E	WM	11	NE SW

Authorized Place of Use:

STOCK					
Twp	Rng	Mer	Sec	Q-Q	Acres
34 S	1 E	WM	11	NW SW	0.00

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
34 S	1 E	WM	11	NW SW	1.2

6. The applicant has provided information that further describes the point of diversion as being:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
34 S	1 E	WM	11	NE SW	POD 1 - 726 FEET SOUTH AND 1244 FEET WEST FROM THE CENTER OF SECTION 11

7. Transfer Application T-14019 proposes an additional point of diversion approximately 1146.0 feet downstream to:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
34 S	1 E	WM	11	SW NW	POD 2 - 108 FEET NORTH AND 2028 FEET WEST FROM THE CENTER OF SECTION 11

8. Transfer Application T-14019 proposes to change the character of use to Domestic Use.

9. Transfer Application T-14019 also proposes to change the place of use of the right to:

DOMESTIC USE				
Twp	Rng	Mer	Sec	Q-Q
34 S	1 E	WM	11	SW NW

10. Certificate 47402 does not specify an irrigation season. However, consistent with the Rogue River Decree, the irrigation season is April 1 through October 31.
11. Certificate 47402 does not specify a period of use for stock use. However, consistent with the Rogue River Decree, stock use is considered a year-round use except during the irrigation season, where water diverted for irrigation purposes includes water for stock use.
12. Certificate 47402 does not specify an annual duty for irrigation use. The best currently available information from the Medford AgriMet station indicates that the net crop water use of the reference crop (alfalfa) during the time period of April 1 to October 31 is 3.5 acre-feet. The proposed acreage to be transferred is 1.2 acres, so the calculated maximum quantity of water that could have been used for irrigation during the period April 1 to October 31 would be 4.2 acre-feet (1.2 acres X 3.5 acre feet).
13. Certificate 47402 does not specify a rate nor an annual duty for stock use. The Rogue River decree authorizes the amount of water diverted outside the irrigation season "as shall be reasonably necessary" for stock use. The applicant has proposed an overall rate of 0.0525 cfs for stock use for 7.4 acres. Proportioned for the number of acres being transferred (1.2 acres), the applicant's proposed rate for stock use would be 0.009 cfs ($0.0525 \text{ cfs} / 7.4 \text{ acres} \times 1.2 \text{ acres} = 0.009 \text{ cfs}$) during the time period outside the irrigation season, being November 1 to March 31.
14. 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 690-380-0100(14), 690-380-4010(2) and 690-380-2110(2)]

15. Water has been used within the last five years according to the terms and conditions of the right. There is no information in the record that would demonstrate that the right is subject to forfeiture under ORS 540.610.
16. A water delivery system sufficient to use the full amount of water allowed under the existing right was present within the five-year period prior to submittal of Transfer Application T-14019.

17. The water right is subject to transfer as defined in ORS 540.505(4) and OAR 690-380-0100(14).
18. The proposed additional point of diversion diverts water from the same source of surface water as the authorized point of diversion, as required by OAR 690-380-2110(2).
19. The proposed changes would not result in enlargement of the right if conditioned as follows:
 - a. The rate of diversion for the proposed domestic use during the time period November 1 to March 31 of each year shall be limited to a rate of diversion of 0.009 cubic foot per second and further limited to a total quantity diverted of 2.7 acre-feet $((0.009 \text{ cfs} \times 60 \text{ sec/min} \times 60 \text{ min/hr} \times 24 \text{ hr/day} \times 151 \text{ days}) \div 43560 \text{ ft}^2 \text{ per acre})$.
 - b. The rate of diversion for the proposed domestic use during the time period April 1 to October 31 of each year shall be limited to a rate of diversion of 0.024 cubic foot per second and further limited to a total quantity diverted of 4.2 acre-feet (3.5 feet x 1.2 acres).
20. The proposed changes, as conditioned, would not result in injury to other water rights.
21. All other application requirements are met.

Conclusions of Law

The additional point of diversion, change in place of use, and change in character of use proposed in Transfer Application T-14019, as conditioned, are consistent with the requirements of ORS 540.505 to 540.580 and OAR 690-380-5000.

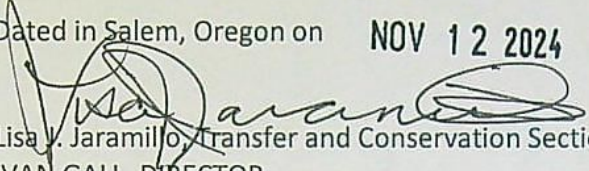
Now, therefore it is ORDERED:

1. The additional point of diversion, change in place of use, and change in character of use proposed in Transfer Application T-14019 are approved.
2. The right to the use of the water is restricted to beneficial use at the place of use described and is subject to all other conditions and limitations contained in Certificate 47402 and any related decree.
3. Water right Certificate 47402 is cancelled. A new certificate will be issued describing that portion of the right not affected by this transfer.
4. The rate of diversion for the proposed domestic use during the time period November 1 to March 31 of each year shall be limited to a rate of diversion of 0.009 cubic foot per second and further limited to a total quantity diverted of 2.7 acre-feet.

5. The rate of diversion for the proposed domestic use during the time period April 1 to October 31 of each year shall be limited to a rate of diversion of 0.024 cubic foot per second and further limited to a total quantity diverted of 4.2 acre-feet.
6. The quantity of water diverted at the additional point of diversion, together with that quantity diverted at the original point of diversion, shall not exceed the quantity of water lawfully available at the original point of diversion.
7. Water use measurement conditions:
 - a. Before water use may begin under this order, the water user shall install a totalizing flow meter, or, with prior approval of the Director, another suitable measuring device, at each point of diversion (new and existing).
 - b. The water user shall maintain the meters or measuring devices in good working order.
 - c. The water user shall allow the Watermaster access to the meters or measuring devices; provided however, where the meters or measuring devices are located within a private structure, the Watermaster shall request access upon reasonable notice.
8. 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.
9. The former place of use of the transferred right shall no longer receive water under the right.
10. Full beneficial use of the water shall be made, consistent with the terms of this order, on or before **October 1, 2026**. A Claim of Beneficial Use prepared by a Certified Water Right Examiner shall be submitted by the applicant to the Department within one year after the deadline for completion of the changes and full beneficial use of the water.

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

Dated in Salem, Oregon on **NOV 12 2024**


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

Mailing date: **NOV 13 2024**

STATE OF OREGON

COUNTY OF JACKSON

CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

HAROLD M. VON STEIN
TRAIL, OR 97541

confirms the right to use the waters of VINE MAPLE CREEK, a tributary of BIG BUTTE CREEK for the purpose of STOCK AND IRRIGATION of 6.2 ACRES.

This right was confirmed by decree of the Circuit Court of the State of Oregon for Jackson County. The decree is of record at Salem, in the Order Record of the Water Resources Director in Volume 2, at Page 339. The date of priority is 1908.

That 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 0.121 cubic foot per second.

The points of diversion are located as follows:

Twp	Rng	Mer	Sec	Q-Q
34 S	1 E	WM	11	NE SW
34 S	1 E	WM	11	NW SW

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

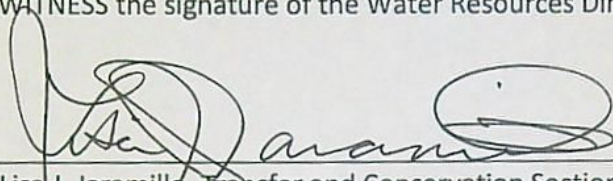
IRRIGATION AND STOCK USES					
Twp	Rng	Mer	Sec	Q-Q	Acres
34 S	1 E	WM	11	NW SW	6.2

This certificate describes that portion of water right Certificate 47402, State Record of Water Right Certificates, NOT modified by the provisions of an order of the Water Resources Director entered NOV 12 2024, approving Transfer Application T-14019.

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 NOV 12 2024.

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

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

STATE OF OREGON

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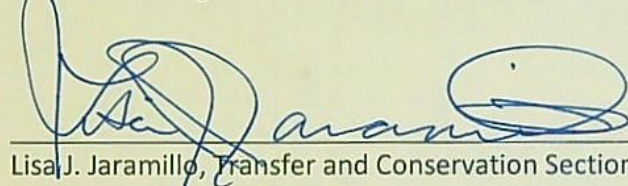
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Lisa J. Jaramillo, Transfer and Conservation Section Manager, for
IVAN GALL, DIRECTOR
Oregon Water Resources Department

RA

WATER RIGHT TRANSFER COVER SHEET

Transfer: T- 14019

Transfer Specialist: *John*

Transfer Type: Regular Transfer

POU/USE/APOD

Applicant: DAVID DAVERN 793 NETHERLANDS RD TRAIL, OR 97541 Email: _____ Phone: _____		Agent: ☐ N/A EVAN MALEPSY 52 PINERIDGE LANE EAGLE POINT, OR 97524 Email: _____ Phone: _____	
Irrigation District: ☐ N/A Email: _____		CWRE: ☐ N/A Email: _____	
Affected Local Gov'ts: ☐ N/A Jackson County Planning & Development county Courthouse Email: _____		Affected Tribal Gov't: ☐ N/A UNAVAILABLE Email: _____	
Current Landowner if other than Applicant: ☐ N/A Email: _____		Receiving Landowner: ☐ N/A Email: _____	

Water Rights Affected

File Marked	App. File # or Decree Name	Permit	Certificate	RR/CR Needed	RR/CR Nos.
☐	Decree	Rogue River	<i>47402</i>	☒ Yes ☐ No	
☐				☐ Yes ☐ No	
☐				☐ Yes ☐ No	

Key Dates & Initial Actions:

Rec'd: May 26, 2022	Proposed Action(s): ADDITIONAL POINT OF DIVERSION; PLACE OF USE; USE	
Fees Pd: 3540.00	WM District: 13	ODFW District: <i>Received</i>
Initial Public Notice: June 14, 2022	WM Review sent: <i>Received</i>	ODFW Review sent:
Acknowledgement Letter Sent ☒		GW Review sent: ☐ N/A
County sent cc: of Ack Letter ☐	BOR notified (date): ☐ N/A	<i>Mail Tribune</i>
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	<i>electronic</i> Coordinator	Changes Made	Signature Bin	Signature Date
DPD	Date: <i>8/30/22</i> Initials: <i>John</i>	Date: <i>8/30/22</i> Initials: <i>Scott</i>	Date: _____ Initials: _____	Date: <i>8/2/23</i> Initials: _____	Date: <i>8/7/23</i> Initials: _____	CW Sent: <i>8/7/23</i>	N/A ✓
PD	Date: <i>8/22/23</i> Initials: <i>John</i>	Date: <i>8/28/23</i> Initials: <i>Scott</i>	Date: _____ Initials: _____	Date: <i>9/19/24</i> Initials: <i>PKS</i>	Date: <i>4/10/24</i> Initials: <i>John</i>	Date: _____	Date: <i>10/4/24</i>
FO	Date: <i>10/22/24</i> Initials: <i>John</i>	Date: <i>10/23/24</i> Initials: <i>David</i>	Date: _____ Initials: _____	Date: _____ Initials: <i>Corey</i>	Date: <i>11/6/24</i> Initials: <i>John</i>	Date: <i>11/6/24</i>	Date: <i>11/12/24</i>

Special Issues: *Lisa 2 Docs to Sign*

Special Order Volume: Vol. *133* Pages *329-334*

**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 # **143908**

INVOICE # _____

RECEIVED FROM: David Davenport

BY: _____

CASH: ☐ CHECK: # 1018 OTHER: (IDENTIFY) _____

APPLICATION	
PERMIT	
TRANSFER	<u>T-14019</u>

TOTAL REC'D \$ 139.20

1083 TREASURY 4170 WRD MISC CASH ACCT

0407 COPIES 4618 \$ _____
2007 OTHER: (IDENTIFY) Newspaper Notice \$ 139.20

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

4270 WRD OPERATING ACCT

MISCELLANEOUS

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

WATER RIGHTS:

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

WELL CONSTRUCTION

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

OTHER (IDENTIFY) _____

0536 TREASURY 0437 WELL CONST. START FEE

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

OTHER (IDENTIFY) _____

0607 TREASURY 0467 HYDRO ACTIVITY LIC NUMBER

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

TREASURY OTHER / RDX

FUND _____ TITLE _____

OBJ. CODE _____ VENDOR # _____

DESCRIPTION _____ \$ _____

RECEIPT: **143908**

DATED: 9-30-24 BY: mmill

VALLEY PRIDE PUBLICATIONS, INC.

Publishers Of The:



Teresa L. Pearson, Publisher

8991 Rogue River Highway • P.O. Box 1485 • Rogue River, OR 97537
Phone: (541) 582-1707 • Fax: (541) 582-0201 • rrpress@rogueriverpress.com

LEGAL NOTICE

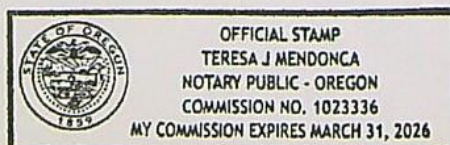
NOTICE OF PRELIMINARY DETERMINATION FOR WATER RIGHT TRANSFER T-14019

T-14019 filed by David F. Davern and Pat Morache, 793 Netherlands Road, Trail, OR 97541, proposes an additional point of diversion, changes in place of use and character of use under Certificate 47402. The right allows the use of 0.024 cubic foot per second from Vine Maple Creek in Sec. 11, T34S, R1E, WM for irrigation and stock in Sec. 11, T34S, R1E, WM. The applicant proposes an additional point of diversion in Sec. 11, T34S, R1E, WM, to change the place of use to Sec. 11, T34S, R1E, WM, and to change the character of use to domestic. 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, 10/16/2024. 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.

Publish: 10/9/2024, 10/16/2024

Received
OCT 18 2024
OWRD



AFFIDAVIT OF PUBLICATION

October 16, 2024

State Of Oregon

ss.

County of Jackson

I, Teresa L. Pearson, being first duly sworn, depose and say that I am publisher of the *Rogue River Press*, a newspaper of general circulation published at 8991 Rogue River Highway, Rogue River, OR, in the aforesaid county and state; that I know from my personal knowledge that an **Legal Notice: Notice Of Preliminary Determination For Water Right Transfer T-14019 (T-14019 filed by David F. Davern and Pat Morache, 793 Netherlands Road, Trail, OR 97541)**, a printed copy of which is hereto annexed, was published in the entire issue of said newspaper for **two (2) time(s) or Oregon Department of Water Resources**, in the issue(s) of: **October 9 & 16, 2024**.

Subscribed and sworn to me by

Teresa L. Pearson, Publisher, Rogue River Press

On this 16th day of October, 2024

teresa j. mendonca

Notary Public of Oregon

My commission expires on the 31st day of
March, 2026

**NOTICE OF PRELIMINARY DETERMINATION FOR
WATER RIGHT TRANSFER T-14019**

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Publish: 10/9/2024, 10/16/2024

Groundwater Transfer Review Summary Form

Transfer/PA # T- 14477

GW Reviewer Phillip I. Marcy Date Review Completed: 10/21/2024

Summary of Same Source Review:

- ☐ The proposed change in point of appropriation is not within the same aquifer as per OAR 690-380-2110(2).

Summary of Injury Review:

- ☐ The proposed transfer will result in another, existing water right not receiving previously available water to which it is legally entitled or result in significant interference with a surface water source as per 690-380-0100(3).

Summary of GW-SW Transfer Similarity Review:

- ☐ The proposed SW-GW transfer doesn't meet the definition of "similarly" as per OAR 690-380-2130.

This is only a summary. Documentation is attached and should be read thoroughly to understand the basis for determinations.



Oregon Water Resources Department
725 Summer Street NE, Suite A
Salem, Oregon 97301-1271
(503) 986-0900
www.wrd.state.or.us

Ground Water Review Form:

- ☒ Water Right Transfer
☐ Permit Amendment
☐ GR Modification
☐ Other

Application: T-14477

Applicant Name: William and Kathleen Mitchell

Proposed Changes: ☐ POA ☒ APOA ☐ SW→GW ☐ RA
☐ USE ☐ POU ☐ OTHER

Reviewer(s): Phillip I. Marcy

Date of Review: 10/21/2024

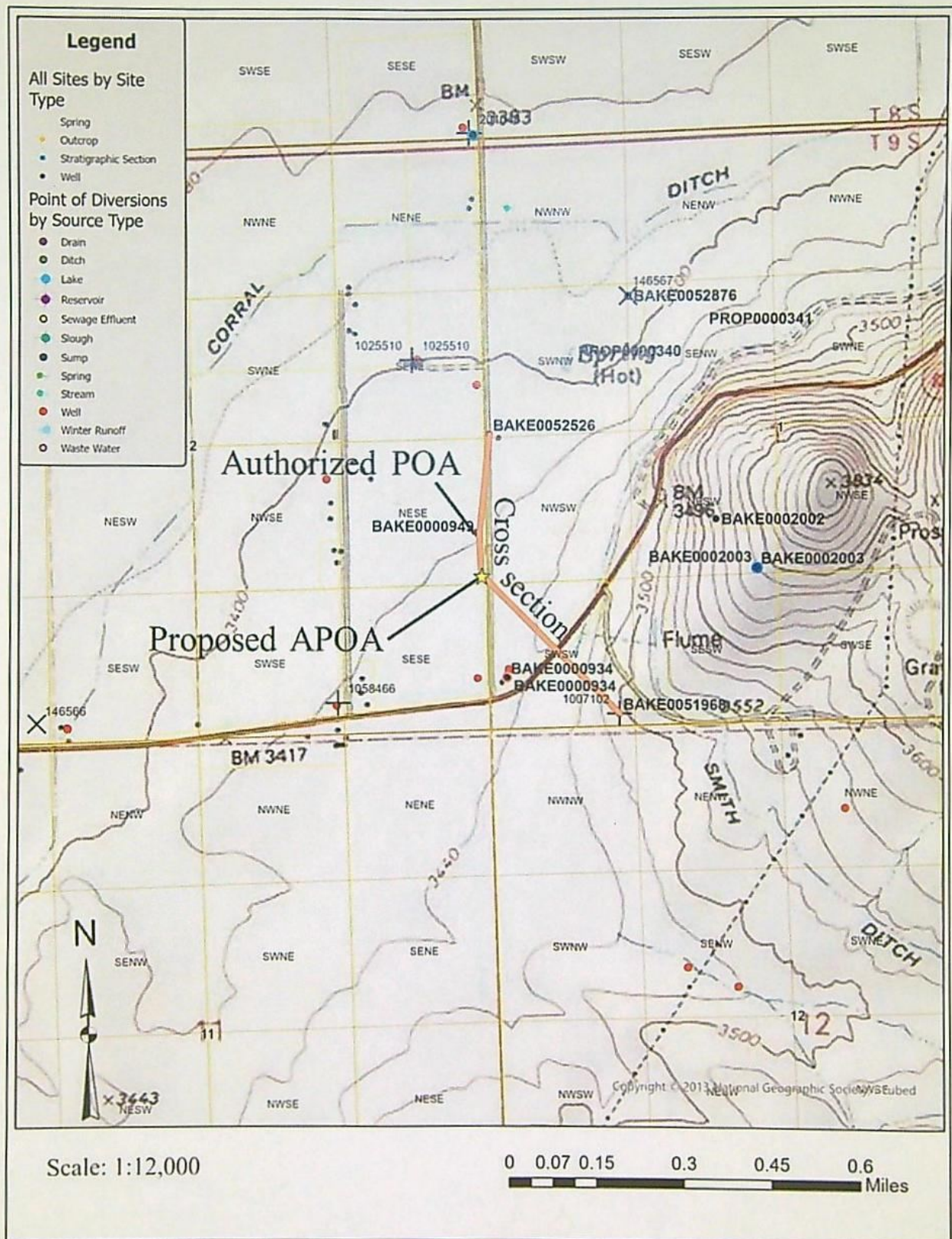
Date Reviewed by GW Mgr. and Returned to WRSD: _____

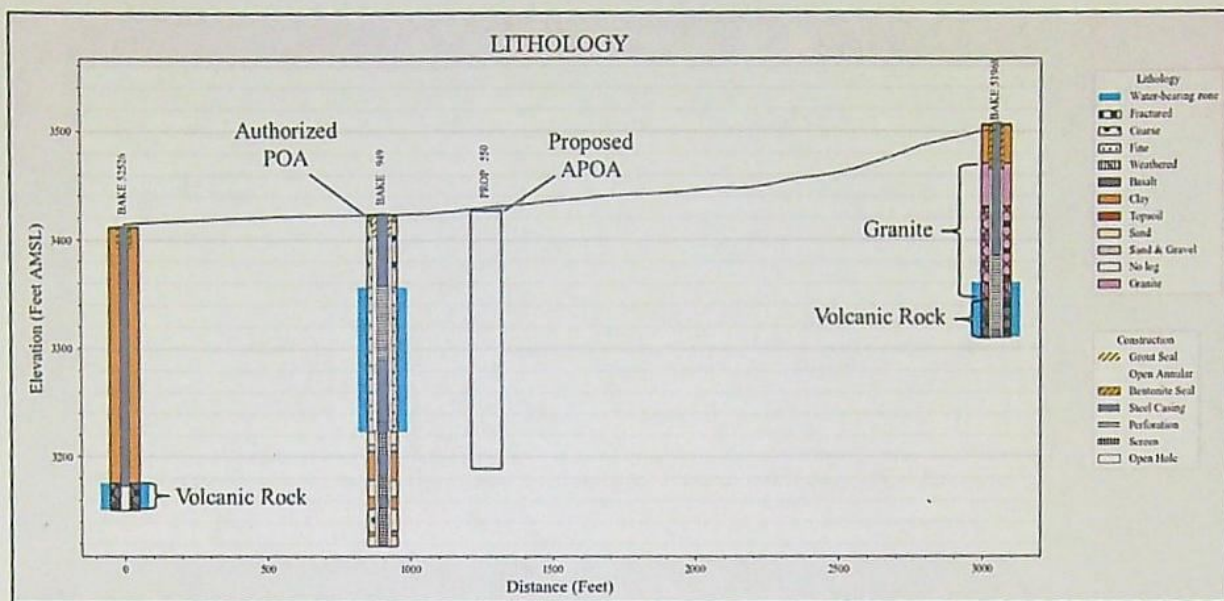
The information provided in the application is insufficient to evaluate whether the proposed transfer may be approved because:

- ☐ The water well reports provided with the application do not correspond to the water rights affected by the transfer.
- ☐ The application does not include water well reports or a description of the well construction details sufficient to establish the ground water body developed or proposed to be developed.
- ☐ Other _____

-
1. Basic description of the changes proposed in this transfer: The applicant proposes to add another well to Certificate 65838 due to loss of production at the authorized POA well (BAKE 949) over time.
 2. Will the proposed POA develop the same aquifer (source) as the existing authorized POA?
☒ Yes ☐ No Comments: Authorized and proposed wells produce from alluvium.
 3. a) Is there more than one source developed under the right (e.g., basalt and alluvium)?
☐ Yes ☒ No _____
b) If yes, estimate the portion of the right supplied by each of the sources and describe any limitations that will need to be placed on the proposed change (rate, duty, etc.): NA
 4. a) Will this proposed change, at its maximum allowed rate of use, likely result in an increase in interference with **another ground water right**?
☐ Yes ☒ No Comments: Considering the distance between the authorized well and the location of the proposed well, the authorized maximum rate and duty, and the nature of the target unconfined alluvial aquifer, no measurable increase in interference to nearby groundwater rights is anticipated as a result of the proposed changes to Certificate 65838.
b) If yes, would this proposed change, at its maximum allowed rate of use, likely result in another groundwater right not receiving the water to which it is legally entitled?

- ☐ Yes ☐ No If yes, explain: NA
5. a) Will this proposed change, at its maximum allowed rate of use, likely result in an increase in interference with **another surface water source**?
☐ Yes ☒ No Comments: The proposed APOA well is not significantly closer to any surface water source.
- b) If yes, at its maximum allowed rate of use, what is the expected change in degree of interference with any **surface water sources** resulting from the proposed change?
Stream: NA ☐ Minimal ☐ Significant
Stream: NA ☐ Minimal ☐ Significant
Provide context for minimal/significant impact: NA
6. For SW-GW transfers, will the proposed change in point of diversion affect the surface water source similarly (as per OAR 690-380-2130) to the authorized point of diversion specified in the water use subject to transfer?
☐ Yes ☐ No Comments: NA
7. What conditions or other changes in the application are necessary to address any potential issues identified above: The proposed well construction includes a total depth of 238' but does not specify details about casing and seal depth. In order to maintain production from the same source aquifer, the APOA well must be constructed to produce only from the alluvial aquifer. Nearby wells intersect basalt and granite at depth as displayed in the cross section diagram below.
APOA Construction Condition: If volcanic rock or granite is encountered during drilling, these lithologies must be sealed off from the borehole to limit groundwater production from the overlying sedimentary sequence.
8. Any additional comments:





Cross section of selected wells near the proposed APOA suggests the possibility of encountering bedrock at the proposed drilling location and depth, as nearby wells of similar depth have.



Oregon

Kate Brown, Governor

October 4, 2024

VIA CERTIFIED MAIL AND E-MAIL

DAVID F DAVERN AND PAT MORACHE
793 NETHERLANDS RD
TRAIL, OR 97541

SUBJECT: Water Right Transfer Application T-14019

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Please find enclosed the Preliminary Determination indicating that, based on the information available, the Department intends to approve application T-14019. 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 **Mail Tribune** 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 of Joan.M.Smith@water.oregon.gov if I may be of assistance.

Sincerely,

Joan Smith

Transfer Specialist

Transfer and Conservation Section

cc: T-14019

Shavon L. Haynes, District 13 Watermaster (via e-mail)

Evan Malepsy, Agent for the applicant (via e-mail)

encs

BEFORE THE WATER RESOURCES DEPARTMENT
OF THE
STATE OF OREGON

In the Matter of Transfer Application	)	PRELIMINARY DETERMINATION
T-14019, Jackson County	)	PROPOSING APPROVAL OF AN
	)	ADDITIONAL POINT OF DIVERSION,
	)	CHANGES IN PLACE OF USE, AND
	)	CHARACTER OF USE

Authority

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

Applicants

DAVID F. DAVERN AND PAT MORACHE
793 NETHERLANDS RD
TRAIL, OR 97541

Findings of Fact

1. On May 26, 2022, DAVID F. DAVERN AND PAT MORACHE filed an application for an additional point of diversion, to change the place of use and to change the character of use under Certificate 47402. The Department assigned the application number T-14019.
2. Notice of the application for transfer was published on June 14, 2022, pursuant to OAR 690-380-4000. No comments were filed in response to the notice.
3. On August 7, 2023, the Department mailed a copy of the draft Preliminary Determination proposing to approve Transfer Application T-14019 to the applicants. The draft Preliminary Determination cover letter set forth a deadline of September 7, 2023, 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.

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

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

Certificate: 47402 in the name of HAROLD M. VON STEIN (confirmed by Rogue River (F) in Volume 16, at Page 523)

Use: STOCK AND IRRIGATION of 1.20 ACRES

Priority Date: 1908

Rate: 0.024 CUBIC FOOT PER SECOND

Source: VINE MAPLE CREEK, tributary of BIG BUTTE CREEK

Authorized Point of Diversion:

Twp	Rng	Mer	Sec	Q-Q
34 S	1 E	WM	11	NE SW

Authorized Place of Use:

STOCK					
Twp	Rng	Mer	Sec	Q-Q	Acres
34 S	1 E	WM	11	NW SW	0.00

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
34 S	1 E	WM	11	NW SW	1.20

5. The applicant has provided information that further describes the point of diversion as being:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
34 S	1 E	WM	11	NE SW	POD 1 - 726 FEET SOUTH AND 1244 FEET WEST FROM THE CENTER OF SECTION 11

6. Transfer Application T-14019 proposes an additional point of diversion approximately 1146.0 feet downstream to:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
34 S	1 E	WM	11	SW NW	POD 2 - 108 FEET NORTH AND 2028 FEET WEST FROM THE CENTER OF SECTION 11

7. Transfer Application T-14019 proposes to change the character of use to Domestic Use.

8. Transfer Application T-14019 also proposes to change the place of use of the right to:

DOMESTIC USE				
Twp	Rng	Mer	Sec	Q-Q
34 S	1 E	WM	11	SW NW

9. Certificate 47402 does not specify an irrigation season. However, consistent with the Rogue River Decree, the irrigation season is April 1 through October 31.

10. Certificate 47402 does not specify a period of use for stock use. However, consistent with the Rogue River Decree, stock use is considered a year-round use except during the irrigation season, where water diverted for irrigation purposes includes water for stock use.
11. Certificate 47402 does not specify an annual duty for irrigation use. The best currently available information from the Medford AgriMet station indicates that the net crop water use of the reference crop (alfalfa) during the time period of April 1 to October 31 is 3.5 acre-feet. The proposed acreage to be transferred is 1.2 acres, so the calculated maximum quantity of water that could have been used for irrigation during the period April 1 to October 31 would be 4.2 acre-feet (1.2 acres X 3.5 acre feet).
12. Certificate 47402 does not specify a rate nor an annual duty for stock use. The Rogue River decree authorizes the amount of water diverted outside the irrigation season "as shall be reasonably necessary" for stock use. The applicant has proposed an overall rate of 0.0525 cfs for stock use for 7.4 acres. Proportioned for the number of acres being transferred (1.2 acres), the applicant's proposed rate for stock use would be 0.009 cfs ($0.0525 \text{ cfs} / 7.4 \text{ acres} \times 1.2 \text{ acres} = 0.009 \text{ cfs}$) during the time period outside the irrigation season, being November 1 to March 31.
13. 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 690-380-0100(14), 690-380-4010(2) and 690-380-2110(2)]

14. Water has been used within the last five years according to the terms and conditions of the right. There is no information in the record that would demonstrate that the right is subject to forfeiture under ORS 540.610.
15. A water delivery system sufficient to use the full amount of water allowed under the existing right was present within the five-year period prior to submittal of Transfer Application T-14019.
16. The water right is subject to transfer as defined in ORS 540.505(4) and OAR 690-380-0100(14).
17. The proposed additional point of diversion diverts water from the same source of surface water as the authorized point of diversion, as required by OAR 690-380-2110(2).

18. The proposed changes would not result in enlargement of the right if conditioned as follows:
 - a. The rate of diversion for the proposed domestic use during the time period November 1 to March 31 of each year shall be limited to a rate of diversion of 0.009 cubic foot per second and further limited to a total quantity diverted of 2.7 acre-feet $((0.009 \text{ cfs} \times 60 \text{ sec/min} \times 60 \text{ min/hr} \times 24 \text{ hr/day} \times 151 \text{ days}) \div 43560 \text{ ft}^2 \text{ per acre})$.
 - b. The rate of diversion for the proposed domestic use during the time period April 1 to October 31 of each year shall be limited to a rate of diversion of 0.024 cubic foot per second and further limited to a total quantity diverted of 4.2 acre-feet $(3.5 \text{ feet} \times 1.2 \text{ acres})$.
19. The proposed changes, as conditioned, would not result in injury to other water rights.
20. All other application requirements are met.

Determination and Proposed Action

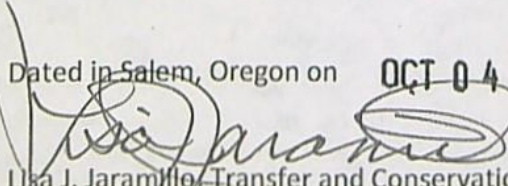
The additional point of diversion, change in place of use, and change in character of use proposed in Transfer Application T-14019, as conditioned, appear to be consistent with the requirements of ORS 540.505 to 540.580 and OAR 690-380-5000. If protests are not filed pursuant to OAR 690-380-4030, the transfer application will be approved.

If Transfer Application T-14019 is approved, the final order will include the following:

1. *The additional point of diversion, change in place of use, and change in character of use proposed in Transfer Application T-14019 are approved.*
2. *The right to the use of the water is restricted to beneficial use at the place of use described and is subject to all other conditions and limitations contained in Certificate 47402 and any related decree.*
3. *Water right Certificate 47402 is cancelled. A new certificate will be issued describing that portion of the right not affected by this transfer.*
4. *The rate of diversion for the proposed domestic use during the time period November 1 to March 31 of each year shall be limited to a rate of diversion of 0.009 cubic foot per second and further limited to a total quantity diverted of 2.7 acre-feet.*
5. *The rate of diversion for the proposed domestic use during the time period April 1 to October 31 of each year shall be limited to a rate of diversion of 0.024 cubic foot per second and further limited to a total quantity diverted of 4.2 acre-feet.*

6. *The quantity of water diverted at the additional point of diversion, together with that quantity diverted at the original point of diversion, shall not exceed the quantity of water lawfully available at the original point of diversion.*
7. *Water use measurement conditions:*
 - a. *Before water use may begin under this order, the water user shall install a totalizing flow meter, or, with prior approval of the Director, another suitable measuring device, at each point of diversion (new and existing).*
 - b. *The water user shall maintain the meters or measuring devices in good working order.*
 - c. *The water user shall allow the Watermaster access to the meters or measuring devices; provided however, where the meters or measuring devices are located within a private structure, the Watermaster shall request access upon reasonable notice.*
8. *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.*
9. *The former place of use of the transferred right shall no longer receive water under the right.*
10. *Full beneficial use of the water shall be made, consistent with the terms of this order, on or before **October 1, 2026**. A Claim of Beneficial Use prepared by a Certified Water Right Examiner shall be submitted by the applicant to the Department within one year after the deadline for completion of the changes and full beneficial use of the water.*
11. *After satisfactory proof of beneficial use is received, a new certificate confirming the right transferred will be issued.*

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


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

This Preliminary Determination was prepared by Joan Smith. If you have questions about the information in this document, you may reach me at 503-986-0892 or Joan.M.Smith@oregon.gov.

Protests

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

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

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

Requests for Standing

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

Requests for standing must be received in the Water Resources Department no later than 30 days after the last date of publication of the newspaper notice or the Department's weekly

notice as prescribed by OAR 690-380-4020, whichever is later. Requests for standing must be in writing, and must include the following:

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

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

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

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

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

You may be represented by an attorney at the hearing. Legal aid organizations may be able to assist a party with limited financial resources. Generally, partnerships, corporations, associations, governmental subdivisions, or public or private organizations are represented by an attorney. However, consistent with OAR 690-002-0020 and OAR 690-137-0555, an agency representative may represent partnerships, corporations, associations, governmental

subdivisions or public, or private organizations if the Department determines that appearance of a person by an authorized representative will not hinder the orderly and timely development of the record in this case.

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

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

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

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

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-14019

Review Due Date: 07/14/2022

Applicant Name: David Davern

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

Reviewer(s): S. Haynes

Date of Review: 08/19/2022

1. Do you have evidence that the right has not been used in the last 5 years and that the presumption of forfeiture would not likely be rebuttable? ☐ Yes ☒ No If "Yes", attach evidence (e.g. dated aerial photo showing pavement or building on the land for >5 yrs.)
2. Is there a history of regulation on the source that serves this (or these) right(s) that has involved the transferred right(s) and downstream water rights? ☐ Yes ☒ No Generally characterize the frequency of any regulation or explain why regulation has not occurred:
3. Have headgate notices been issued for the source that serves the transferred right(s)?
☐ Yes ☐ No ☒ Records not available.
4. In your estimation, after the proposed change, would distribution of water for the right(s) result in regulation of other water rights that would not have occurred if use under the original right(s) was/were maximized? ☐ Yes ☒ No If "Yes", explain:
5. In your estimation, if the proposed change is approved, are there upstream water rights that would be affected? ☐ Yes ☒ No If "Yes", describe how the rights would be affected and list the rights most affected:

6. Check here ☐ if it appears that downstream water rights benefit from return flows resulting from the current use of the transferred right(s)? If you check the box, generally characterize the locations where the return flows likely occur and list the water rights that benefit most:

☒ N/A

7. For POD changes and instream transfers, check here if there are channel losses between the old and new PODs or within the proposed instream reach? If you check the box, describe and, if possible, estimate the losses:

☒ N/A

8. For instream transfers that propose protection of a reach beyond the mouth of the source stream:

☒ N/A Would the quantity be measureable into the receiving stream consistent with OAR 690-077-0015(8)? ☐ Yes ☐ No

9. For POU changes: ☐ N/A Is it likely the original place of use would continue to receive water from the same source? ☐ Yes ☒ No If "Yes", explain:

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

☐ Yes ☒ No If "Yes", explain:

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

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

☐ Yes ☐ No If "Yes", explain:

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

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

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

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

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

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

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

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

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

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

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

☐ Yes ☒ No If "Yes", explain:

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

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

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

☐ A Headgate should be required prior to diverting water.

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

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

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

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

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

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

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

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

☐ Weir
☐ Parshall Flume
☐ Other: _____

☐ Submerged Orifice
☐ Flow Restrictor

Oregon Water Resources Department

Measurement Condition Information for the Applicant

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

Transfer #: T- 14019



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

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

at each new point of diversion/appropriation.

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

Watermaster name: Shavon Haynes

District: 13

Address: 10 S Oakdale

City/State/Zip: Medford Oregon 97501

Phone: (541) 218-5125

Email: Shavon.L.Haynes@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

**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 # **138606**

INVOICE # _____

RECEIVED FROM: David Davern

BY: _____

CASH: ☐ CHECK: # 1012 OTHER: (IDENTIFY) ☐

APPLICATION	
PERMIT	
TRANSFER	<u>T-14019</u>

TOTAL REC'D \$ 1,548.01

1083 TREASURY 4170 WRD MISC CASH ACCT

0407 COPIES

47124 R11-379-21

\$ _____

0412 OTHER:

(IDENTIFY) Reimbursement Authority \$ 1,548.01

0243 I/S Lease _____

0244 Muni Water Mgmt. Plan _____

0245 Cons. Water _____

4270 WRD OPERATING ACCT

MISCELLANEOUS

0407 COPY & TAPE FEES

\$ _____

0410 RESEARCH FEES

\$ _____

0408 MISC REVENUE: (IDENTIFY) _____

\$ _____

TC162 DEPOSIT LIAB. (IDENTIFY) _____

\$ _____

0240 EXTENSION OF TIME

\$ _____

WATER RIGHTS:

0201 SURFACE WATER

EXAM FEE

\$ _____

0202

\$ _____

0203 GROUND WATER

\$ _____

0204

\$ _____

0205 TRANSFER

\$ _____

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: **138606**

DATED: 07/08/22 BY: [Signature]

**REIMBURSEMENT AUTHORITY
APPLICANT'S AGREEMENT
Contract Number: R11-379-23**

RECEIVED

JUL 08 2022

OWRD

This Agreement is between the Oregon Water Resources Department, hereafter OWRD, and David Davern, hereafter Applicant, hereafter known together as the parties.

OWRD Information	Applicant's Information	Applicant's Representative
Contact: Kelly Starnes	Name: David Davern	Name: Evan Malepsy
Title: Transfer Advisor	Contact:	Contact:
Address: 725 Summer Street, NE, Suite A Salem, OR 97301-1266	Address: 793 Netherlands Road Trail, OR 97541	Address: 52 Pineridge Lane Eagle Point, OR 97524
Phone: 503 979-3511	Phone: (541) 621-6355	Phone: (541) 621-2868
Fax: 503 986-0901	Fax:	Fax:
Email: patrick.k.starnes@water.oregon.gov	Email: farestdavern@gmail.com	Email: emalepsy@roguecivil.com

Purpose The purpose of this Agreement is to expedite the processing of the Transfer Application. (Application Number: T-14019)

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 \$1,548.01. Applicant agrees to pay the full amount of \$1,548.01 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:

David F. French
Name/Title:

7-6-22
Date

For OWRD:

Dwight French
Dwight French – Administrator

7-27-22
Date

Mail signed Agreement to:

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

RECEIVED

JUL 08 2022

OWRD

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-14019

Date of review: 6/28/22

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:

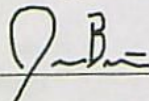
Finding of Fact: The Oregon Department of Fish and Wildlife has determined that the diversion is not currently equipped with an appropriate fish screen, but a fish screen may be required in the future at the new point of diversion to prevent fish from entering the diversion.

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.]

Signature



Jason Brandt
Printed Name

(541-) 315-6222
Phone

SW Hydro 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-14019

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: Rich Kilbane

Address: 1495 E Gregory Rd

City/State/Zip: Central Point/OR/97502

Phone: (541) 826-8774

- ☒ 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: Jason Brandt

Address: 4192 North Umpqua Hwy

City/State/Zip: 541-315-6222

Phone: (541) 315-6222

**STATE OF OREGON
WATER RESOURCES DEPARTMENT**

RECEIPT #

138462

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

INVOICE # _____

RECEIVED FROM: David Davern

BY: _____

APPLICATION

PERMIT

TRANSFER

T-14019

CASH:

CHECK: #

OTHER: (IDENTIFY)

☐
☒

1011

☐

TOTAL REC'D

\$ 125.00

1083 TREASURY 4170 WRD MISC CASH ACCT

0407 COPIES

47124 R-11379-23

\$

0412

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

\$

EXAM FEE

LICENSE FEE

WELL CONSTRUCTION

0218 WELL DRILL CONSTRUCTOR

\$

0219

\$

LANDOWNER'S PERMIT

0220

\$

OTHER

(IDENTIFY)

0536 TREASURY 0437 WELL CONST. START FEE

0211 WELL CONST START FEE

\$

CARD#

0210 MONITORING WELLS

\$

CARD#

OTHER

(IDENTIFY)

0607 TREASURY 0467 HYDRO ACTIVITY LIC NUMBER

0233 POWER LICENSE FEE (FWWRD)

\$

0231 HYDRO LICENSE FEE (FWWRD)

\$

HYDRO APPLICATION

\$

TREASURY OTHER / RDX

FUND _____ TITLE _____

OBJ. CODE _____ VENDOR # _____

DESCRIPTION _____

\$

RECEIPT:

138462

DATED:

06/20/02

BY:

[Signature]



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
☒	Transfer Application	Transfer Number T-14019

	Applicant Information	Applicant's Representative/Contact
Name:	David Davern	Evan Malepsy
Address:	793 Netherlands Road	52 Pineridge Lane
	Trail, OR 97541	Eagle Point, OR 97524
Phone:	541-621-6355	541-621-2868
Fax:	None	None
E-Mail Address:	faresdavern@gmail.com	emalepsy@roguecivil.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

I certify that I am the (check one):

☒ Applicant ☐ Applicant's Representative ☐ Other (Please specify) _____

Name: David Davern

Signature: David Davern

RECEIVED

JUN 21 2022

OWRD

OWRD USE ONLY: Reimbursement Authority Number: R11-379 -23

Land Use Information Form



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

Applicant

NAME DAVID DAVERN		PHONE (HM) 541-621-6355	
PHONE (WK) 541-621-6355	CELL 541-621-6355	FAX NONE	
ADDRESS 793 NETHERLANDS ROAD			
CITY TRAIL	STATE OR	ZIP 97541	E-MAIL* FARESTDAVERN@GMAIL.COM

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:
34S	1E	11	NW SW	403	OSR	☒ Diverted	☒ Conveyed	☐ Used	Domestic use on TL 402
34S	1E	11	SW NW	402	OSR	☐ Diverted	☒ Conveyed	☒ Used	Domestic use in a household

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

Jackson 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 Groundwater Registration Modification
☐ Limited Water Use License
 ☐ Allocation of Conserved Water
 ☐ Exchange of Water

Source of water: ☐ Reservoir/Pond ☐ Groundwater ☒ Surface Water (name) Vine Maple Creek

Estimated quantity of water needed: 0.024 ☒ cubic feet per second ☐ gallons per minute ☐ acre-feet

Intended use of water: ☐ Irrigation ☐ Commercial ☐ Industrial ☒ Domestic for 1 household(s)
☐ Municipal ☐ Quasi-Municipal ☐ Instream ☐ Other _____

Briefly describe:

The application is for a water right transfer to change the character of use and place of use for Water Right Certificate 47402 from Stock and Irrigation use to Domestic use in one household.

Received by OWRD ~~Received by OWRD~~

JUN 15 2022

Salem, OR

~~JUN 16 2022~~

~~Salem, OR~~

For Local Government Use Only

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

Please check the appropriate box below and provide the requested information

- ☐ Land uses to be served by the proposed water uses (including proposed construction) are allowed outright or are not regulated by your comprehensive plan. Cite applicable ordinance section(s): _____.
- ☒ Land uses to be served by the proposed water uses (including proposed construction) involve discretionary land use approvals as listed in the table below. (Please attach documentation of applicable land use approvals which have already been obtained. Record of Action/land use decision and accompanying findings are sufficient.) **If approvals have been obtained but all appeal periods have not ended, check "Being pursued."**

Type of Land Use Approval Needed (e.g., plan amendments, rezones, conditional-use permits, etc.)	Cite Most Significant, Applicable Plan Policies & Ordinance Section References	Land Use Approval:	
92-11-SPR(0)	1.7	☒ Obtained ☐ Denied	☐ Being Pursued ☐ Not Being Pursued
		☐ Obtained ☐ Denied	☐ Being Pursued ☐ Not Being Pursued
		☐ Obtained ☐ Denied	☐ Being Pursued ☐ Not Being Pursued
		☐ Obtained ☐ Denied	☐ Being Pursued ☐ Not Being Pursued
		☐ Obtained ☐ Denied	☐ Being Pursued ☐ Not Being Pursued

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

NAME: <u>Francisco M Hernandez</u>		TITLE: <u>Planner III</u>
SIGNATURE: <u>[Signature]</u>	PHONE: <u>911-774-6907</u>	DATE: <u>05-23-2022</u>
GOVERNMENT ENTITY: <u>Jackson County Development Services</u>		

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.

Received by OWRD

JUN 15 2022

Salem, OR



Oregon

Kate Brown, Governor

Water Resources Department

725 Summer St NE, Suite A

Salem, OR 97301

(503) 986-0900

Fax (503) 986-0904

June 15, 2022

DAVID DAVERN
793 NETHERLANDS RD
TRAIL, OR 97541

Reference: Application T-14019

On May 26, 2022, OWRD received your water right Permanent Transfer Application. The application was accompanied by \$3540.00. Our receipt number 138273 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 for the new use, in the new place of use or 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.

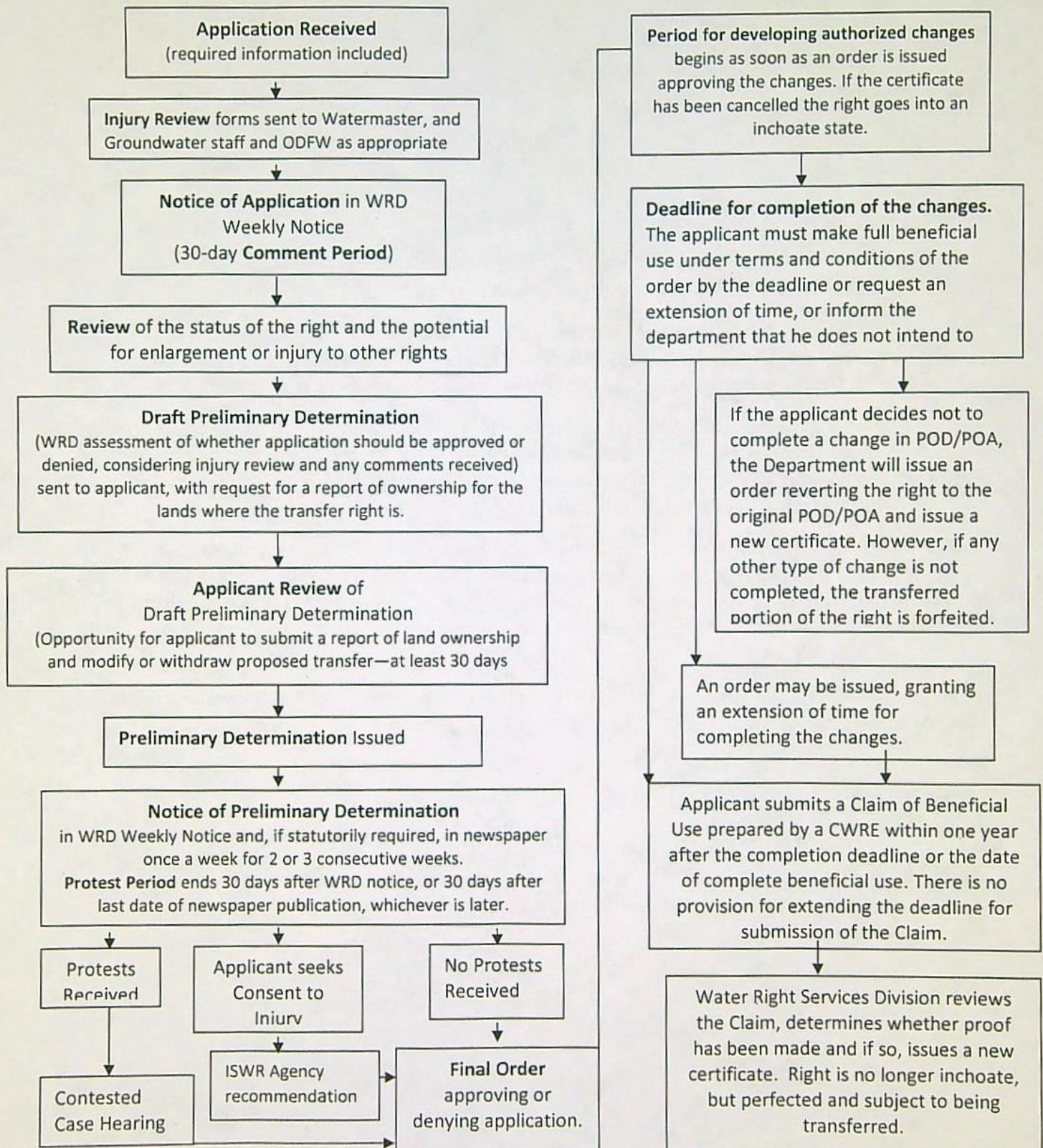
If you have any questions, please contact the Transfer Section at (503) 979-9931.

Cc: Watermaster Dist. #13, Shavon L. Haynes (*via email*)
Jackson County Planning Department
Evan Malepsy, Agent

Enclosure

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

OAR 690 Division 380



**STATE OF OREGON
WATER RESOURCES DEPARTMENT**

RECEIPT # **138273**

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

INVOICE # _____

RECEIVED FROM: David Davern

BY: _____

APPLICATION	
PERMIT	
TRANSFER	1-14019

CASH: ☐ CHECK: # 1010 OTHER: (IDENTIFY) ☐ _____

TOTAL REC'D \$ 3540.00

1083 TREASURY 4170 WRD MISC CASH ACCT

0407 COPIES \$ _____

OTHER: (IDENTIFY) \$ _____

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

4270 WRD OPERATING ACCT

MISCELLANEOUS

0407 COPY & TAPE FEES \$ _____

0410 RESEARCH FEES \$ _____

0408 MISC REVENUE: (IDENTIFY) \$ _____

TC162 DEPOSIT LIAB. (IDENTIFY) \$ _____

0240 EXTENSION OF TIME \$ _____

WATER RIGHTS:

0201 SURFACE WATER \$ _____ 0202 \$ _____

0203 GROUND WATER \$ _____ 0204 \$ _____

0205 TRANSFER \$ 3540.00

WELL CONSTRUCTION

0218 WELL DRILL CONSTRUCTOR \$ _____ 0219 \$ _____

LANDOWNER'S PERMIT 0220 \$ _____

OTHER (IDENTIFY) _____

0536 TREASURY 0437 WELL CONST. START FEE

0211 WELL CONST START FEE \$ _____ CARD# _____

0210 MONITORING WELLS \$ _____ CARD# _____

OTHER (IDENTIFY) _____

0607 TREASURY 0467 HYDRO ACTIVITY LIC NUMBER

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

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

HYDRO APPLICATION \$ _____

TREASURY OTHER / RDX

FUND _____ TITLE _____

OBJ. CODE _____ VENDOR # _____

DESCRIPTION \$ _____

RECEIPT: **138273**

DATED: 05/24/2022 BY: Mindy Carlier

Application for Permanent Water Right Transfer



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

Part 1 of 5 – Minimum Requirements Checklist

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

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

RECEIVED

MAY 26 2022

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

- ☒ Part 1 – Completed Minimum Requirements Checklist.
- ☒ Part 2 – Completed Transfer Application Map Checklist.
- ☒ Part 3 – Application Fee, payable by check to the Oregon Water Resources Department, and completed Fee Worksheet, page 3. Try the new online fee calculator at:
http://apps.wrd.state.or.us/apps/misc/wrd_fee_calculator.
- ☒ Part 4 – Completed Applicant Information and Signature.
- ☒ Part 5 – Information about Water Rights to be Transferred: **How many water rights are to be transferred? 1 List them here: 47402**
Please include a separate Part 5 for each water right. (See instructions on page 6)
NOTE: A separate transfer application is required for each water right unless the criteria in OAR 690-380-3220 are met.

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Attachments:

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

(For Staff Use Only)

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

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

Other/Explanation _____

Staff: _____ 503- _____ Date: ____/____/____

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Part 2 of 5 – Transfer Application Map

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

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

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

Part 4 of 5 – Applicant Information and Signature

Applicant Information

APPLICANT/BUSINESS NAME DAVID F DAVERN AND PAT MORACHE			PHONE NO. 541-621-6355	ADDITIONAL CONTACT NO. 541-621-6355
ADDRESS 793 Netherlands Road				FAX NO. None
CITY Trail	STATE OR	ZIP 97541	E-MAIL faresdavern@gmail.com	
BY PROVIDING AN E-MAIL ADDRESS, CONSENT IS GIVEN TO RECEIVE ALL CORRESPONDENCE FROM THE DEPARTMENT ELECTRONICALLY. COPIES OF THE FINAL ORDER DOCUMENTS WILL ALSO BE MAILED.				

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

AGENT/BUSINESS NAME Evan Malepsy/Rogue Civil LLC			PHONE NO. 541-621-2868	ADDITIONAL CONTACT NO. none
ADDRESS 52 Pineridge Lane				FAX NO. none
CITY Eagle Point	STATE OR	ZIP 97524	E-MAIL emalepsy@roguecivil.com	
BY PROVIDING AN E-MAIL ADDRESS, CONSENT IS GIVEN TO RECEIVE ALL CORRESPONDENCE FROM THE DEPARTMENT ELECTRONICALLY. COPIES OF THE FINAL ORDER DOCUMENTS WILL ALSO BE MAILED.				

Explain in your own words what you propose to accomplish with this transfer application, and why:
We propose to add an additional point of diversion, change the place of use, and change the character of use from stock and irrigation, to domestic use in one household for the portion of Certificate 47402 that is on our property. Wells in the area are low producing and contaminated so this surface water is needed for domestic use.

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

Check One Box

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

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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: Mail Tribune.
- Amendments to the application may only be made in response to the Department's Draft Preliminary Determination (DPD). The applicant will have a period of at least 30 days to amend the application to address any issues identified by the Department in the DPD, or to withdraw the application. Note that amendments may be subject to additional fees, pursuant to ORS 536.050.
- Failure to complete an approved change in place of use and/or change in character of use, will result in loss of the water right (OAR 690-380-6010).
- Refunds may only be granted upon request and, as set forth in ORS 536.050(4)(a), if the Director determines that a refund of all or part of a fee is appropriate in the interests of fairness to the public or necessary to correct an error of the Department.

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


David F. Davern
Applicant signature

David F. Davern 5.20.22
Print Name (and Title if applicable) Date

Pat Morache
Applicant signature

Pat Morache 5-20-22
Print Name (and Title if applicable) Date

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

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

Check the following boxes that apply:

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

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

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

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

https://www.oregon.gov/owrd/WRDFormsPDF/Transfer_Property_Transactions.pdf

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

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

IRRIGATION DISTRICT NAME NA	ADDRESS NA	
CITY NA	STATE NA	ZIP NA

☐ 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 NA	ADDRESS NA	
CITY NA	STATE NA	ZIP NA



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 Jackson County	ADDRESS 10 South Oakdale	
CITY Medford	STATE OR	ZIP 97501

ENTITY NAME	ADDRESS	
CITY	STATE	ZIP

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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 # 47402

Description of Water Delivery System

System capacity: 0.38 cubic feet per second (cfs) OR
 _____ gallons per minute (gpm)

Describe the current water delivery system or the system that was in place at some time within the last five years. Include information on the pumps, canals, pipelines, and sprinklers used to divert, convey, and apply the water at the authorized place of use. For irrigation, a 2" pipe is placed in the creek and a 6.5HP pump is used to deliver water to two portable water cannons. For stock use, a 1" pipe is placed in the creek and is connected to a "nose-pump" for the cattle to pump their own water.

Table 1. Location of Authorized and Proposed Point(s) of Diversion (POD) or Appropriation (POA)

(Note: If the POD/POA name is not specified on the certificate, assign it a name or number here.)

POD/POA Name or Number	Is this POD/POA Authorized on the Certificate or is it Proposed?	If POA, OWRD Well Log ID# (or Well ID Tag # L-____)	Twp	Rng	Sec	¼	¼	Tax Lot, DLC or Gov't Lot	Measured Distances (from a recognized survey corner)
POD 1	☒ Authorized ☐ Proposed	NA	34	S	1	E	11	NE SW	TL 403 1,244' WEST & 726' SOUTH from center of section 11
POD 2	☐ Authorized ☒ Proposed	NA	34	S	1	E	11	SW NW	TL 402 2,028' WEST & 108" NORTH from center of section 11
	☐ Authorized ☐ Proposed								
	☐ Authorized ☐ Proposed								

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

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

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

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

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

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

Table 2. Description of Changes to Water Right Certificate # 47402

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

AUTHORIZED (the "from" or "off" lands) The listing that appears on the certificate BEFORE PROPOSED CHANGES List only that part or portion of the water right that will be changed.											Proposed Changes (see "CODES" from previous page)	PROPOSED (the "to" or "on" lands) The listing as it would appear AFTER PROPOSED CHANGES are made.														
Twp	Rng	Sec	¼ ¼	Tax Lot	Gvt Lot or DLC	Acres	Type of USE listed on Certificate	POD(s) or POA(s) (name or number from Table 1)	Priority Date	Twp		Rng	Sec	¼ ¼	Tax Lot	Gvt Lot or DLC	Acres	New Type of USE	POD(s)/ POA(s) to be used (from Table 1)	Priority Date						
EXAMPLE																										
34	S	1	E	11	NW	SW	402		1.2	Stock & Irr.	POD 1	1908	APOD, POU & USE	34	S	1	E	11	NW	SW	402		1.2	Domestic	POD 2	1908
TOTAL ACRES:									1.2				TOTAL ACRES:									1.2				

Additional remarks: Certificate 47402 does not list the rate of water for stock use, but lists a total of 0.145 cfs for 7.4 acres. It can be presumed that the rate for irrigation is the standard 1/80 cfs per acre for this area. (7.4 acres)*(0.0125 cfs/acre)=0.0925 cfs. Therefore, the rate of water for stock can be presumed to be 0.145-0.0925=0.0525 cfs. This application proposes transfer 1.2 acres of irrigation and stock to domestic use, the rate is calculated as: Irrigation: (0.0925/7.4)*(1.2)=0.015 cfs; Stock: (0.0525/7.4)*(1.2)=0.009 cfs. With this calculation, it is proposed that the rate for domestic use be 0.009 cfs year-round with an additional 0.015 cfs during the irrigation season.

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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: NA.

 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 # NA;

Surface water primary Certificate # NA.

For a change from Supplemental Irrigation Use to Primary Irrigation Use

Identify the primary certificate to be cancelled. Certificate # NA

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

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

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

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

AND/OR

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

Table 3. Construction of Point(s) of Appropriation

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

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

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Application for Water Right Transfer Evidence of Use Affidavit



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

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

State of Oregon)
County of) ss

County of JACKSON

I, DAVID DAVERN, in my capacity as OWNER,

mailing address 793 NETHERLANDS ROAD, TRAIL, OR 97541

telephone number (541)621-6355, 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 # 47402; 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)
47402	34	S	1	E	wm	11	NW	SW		1.2

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)

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

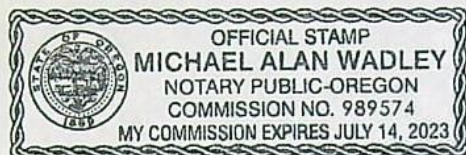
4. I understand that if I do not attach one or more of the documents shown in the table below to support the above statements, my application will be considered incomplete.

David F. Davis
Signature of Affiant

5.21.22

Date

Signed and sworn to (or affirmed) before me this 21st day of May, 2022.



Michael Alan Wadley

Notary Public for Oregon

My Commission Expires: 07-14-2023

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

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From: Pat Morache netherlandslivestock@gmail.com
Subject: stock use
Date: May 20, 2022 at 11:05 AM
To: David Davern farestdavern@gmail.com

PM

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768836 - KA



19

Jackson County Official Records 2005-010657
R-WD
Cnt=1 Stn=9 WALKERCD 02/25/2005 02:30:00 PM
\$5.00 \$5.00 \$11.00 Total: \$21.00



THIS SPACE RESERVED FOR

I, Kathleen S. Beckett, County Clerk for Jackson County, Oregon,
certify that the instrument identified herein was recorded in the Clerk
records
Kathleen S. Beckett - County Clerk

After recording return to:

DAVID F. DAVERN

417 PHYLLIS

EAGLE POINT, OR 97524

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

DAVID F. DAVERN

417 PHYLLIS

EAGLE POINT, OR 97524

Escrow No. AP0768836

STATUTORY WARRANTY DEED

LARRY D. HUNTS AND JANE S. HUNTS, CO- TRUSTEES OF THE HUNTS COMMUNITY
PROPERTY TRUST DATED JANUARY 15, 1997, Grantor(s) hereby convey and warrant to DAVID F.
DAVERN and PAT MORACHE not as tenants in common, but with right of survivorship, Grantee(s) the
following described real property in the County of JACKSON and State of Oregon, free of encumbrances except as specifically
set forth herein:

PARCEL NO. TWO (2) OF PARTITION PLAT RECORDED AUGUST 25, 1992, AS PARTITION
PLAT N. P-84-1992 OF "RECORD OF PARTITION PLATS" IN JACKSON COUNTY, OREGON,
AND FILED AS SURVEY NO. 13123 IN THE OFFICE OF COUNTY SURVEYOR.

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 \$225,000.00.

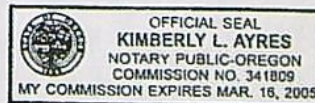
THIS INSTRUMENT WILL NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION
OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT,
THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR
COUNTY PLANNING DEPARTMENT TO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

Dated this 23rd day of February, 2005

HUNTS COMMUNITY PROPERTY

BY: Larry D. Hunts
LARRY D. HUNTS, AS TRUSTEE

BY: Jane S. Hunts
JANE S. HUNTS, AS TRUSTEE



State of Oregon
County of JACKSON

This instrument was acknowledged before me on 2/23/2005 by LARRY D. HUNTS AND JANE S. HUNTS AS
CO TRUSTEES OF THE HUNTS COMMUNITY PROPERTY.

Kimberly L. Ayres
(Notary Public for Oregon)

My commission expires

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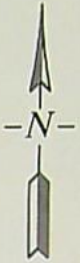
WATER RIGHT TRANSFER APPLICATION MAP

CERTIFICATE 47402 - PRIORITY DATE 1908
CHANGE IN CHARACTER OF USE AND PLACE OF USE

FOR
DAVID DAVERN
793 NETHERLANDS ROAD
TRAIL, OR 97541

SITUATED IN
SECTION 11, TOWNSHIP 34 SOUTH, RANGE 1 EAST, W.M.
JACKSON COUNTY, OREGON

0 200 400
SCALE: 1"=400'



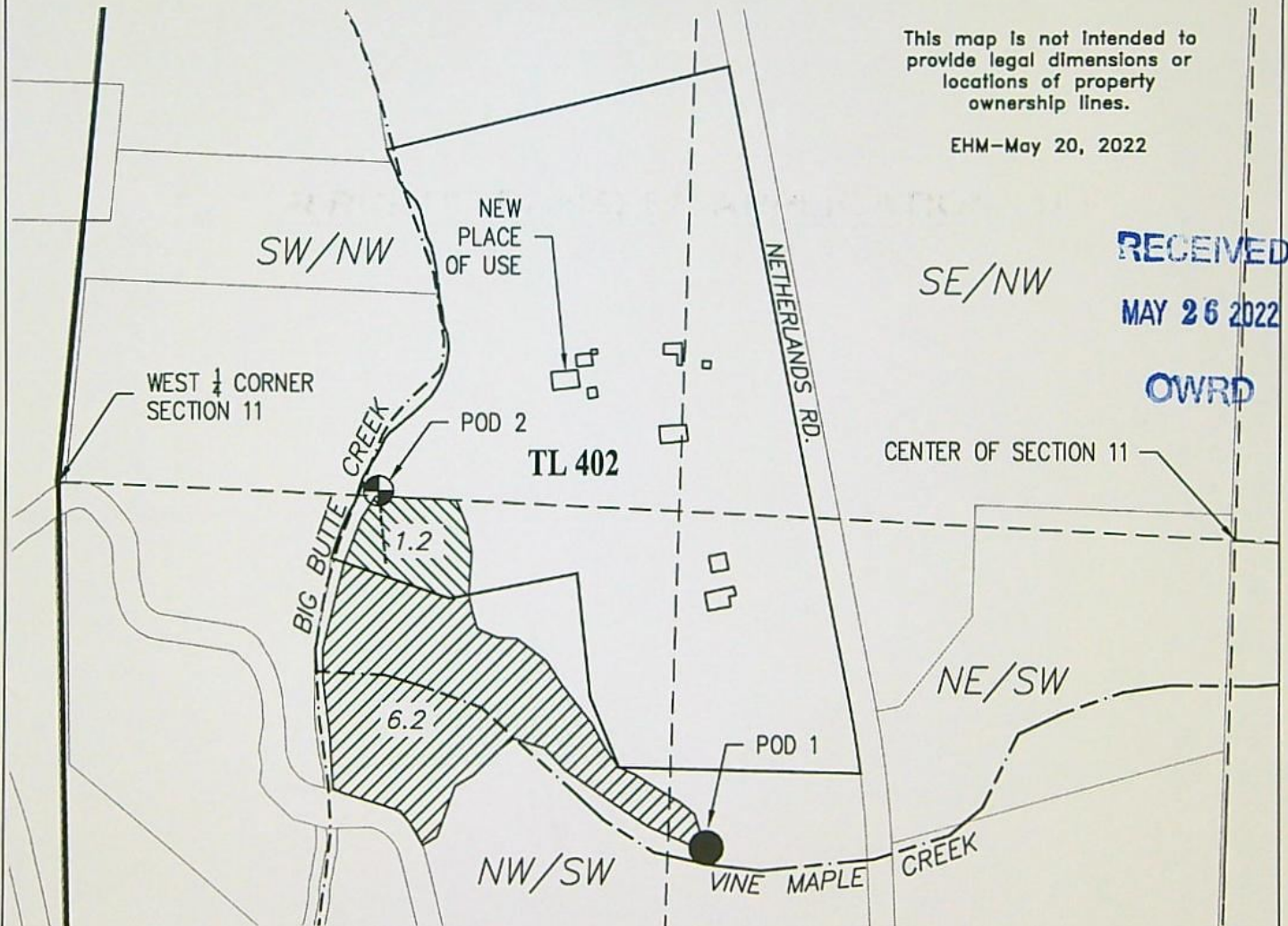
This map is not intended to
provide legal dimensions or
locations of property
ownership lines.

EHM-May 20, 2022

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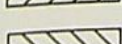


LEGEND

● POD #1 (AUTHORIZED POINT OF DIVERSION)
726' SOUTH AND 1,244' WEST OF CENTER OF SECTION 11

⊙ POD #2 (ADDITIONAL POINT OF DIVERSION)
108' NORTH AND 2,028' WEST OF CENTER OF SECTION 11

 PLACE OF USE - NO CHANGES

 PLACE OF USE - CHANGE CHARACTER OF USE
FROM STOCK AND IRRIGATION TO DOMESTIC USE.
CHANGE PLACE OF USE TO RESIDENCE.

--- 1/4-1/4 SECTION LINE

--- EX. WATERLINE (APPROXIMATE)



RENEWS: 12/31/2022

ROGUE CIVIL LLC
emalepsy@roguecivil.com 541-621-2868

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Land Use Information Form



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

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NOTE TO APPLICANTS

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

This form is NOT required if:

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

NOTE TO LOCAL GOVERNMENTS

The person presenting the attached Land Use Information Form is applying for or modifying a water right. The Water Resources Department (WRD) requires its applicants to obtain land use information to be sure the water rights do not result in land uses that are incompatible with your comprehensive plan. Please complete the form or detach the receipt stub and return it to the applicant for inclusion in their water right application. You will receive notice once the applicant formally submits his or her request to the WRD. The notice will give more information about WRD's water rights process and provide additional comment opportunities. You will have 30 days from the date of the notice to complete the land use form and return it to the WRD. If no land use information is received from you within that 30-day period, the WRD may presume the land use associated with the proposed water right is compatible with your comprehensive plan. Your attention to this request for information is greatly appreciated by the Water Resources Department. If you have any questions concerning this form, please contact the WRD's Customer Service Group at 503-986-0900.

14019

Receipt for Request for Land Use Information

Applicant name: DAVID DAVERNCity or County: Jackson Co. Staff contact: F.H.Signature: [Signature] Phone: 541.774.6903 Date: 05.17.2022

RECEIVED

MAY 26 2022

OWRD

Land Use Information Form



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

RECEIVED

MAY 26 2022

Applicant

NAME DAVID DAVERN		PHONE (HM) 541-621-6355	
PHONE (WK) 541-621-6355	CELL 541-621-6355	FAX NONE	
ADDRESS 793 NETHERLANDS ROAD			
CITY TRAIL	STATE OR	ZIP 97541	E-MAIL* FARESDAVERN@GMAIL.COM

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:
34S	1E	11	NW SW	403	OSR	☒ Diverted ☒ Conveyed ☐ Used	Domestic use on TL 402
34S	1E	11	SW NW	402	OSR	☐ Diverted ☒ Conveyed ☒ Used	Domestic use in a household

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

Jackson 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 Groundwater Registration Modification
☐ Limited Water Use License
 ☐ Allocation of Conserved Water
 ☐ Exchange of Water

Source of water: ☐ Reservoir/Pond ☐ Groundwater ☒ Surface Water (name) Vine Maple Creek

Estimated quantity of water needed: 0.024 ☒ cubic feet per second ☐ gallons per minute ☐ acre-feet

Intended use of water: ☐ Irrigation ☐ Commercial ☐ Industrial ☒ Domestic for 1 household(s)
☐ Municipal ☐ Quasi-Municipal ☐ Instream ☐ Other _____

Briefly describe:

The application is for a water right transfer to change the character of use and place of use for Water Right Certificate 47402 from Stock and Irrigation use to Domestic use in one household.

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.

Permanent Transfer Application Intake Completion Checklist

Check the Certificate(s) in WRIS

Transfer # T-14019

Checked by: <u>[Signature]</u> Date: <u>5/31/22</u>	Type of Change(s) Proposed: <i>Mark the Proposed Changes</i>	Substitution	Supplemental to Primary	☒ POU	☐ POD	☒ APOD
Fee Received: <u>3540.00</u>		Gov Action	Surface to Ground	☒ USE	☐ POA	☐ APOA
Calculated Fee: <u>3540.00</u>			How many rights to be Transferred? Certificate # <u>47402</u>			
Additional Observations: _____						

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

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

Actions taken: _____ Date: _____

Permanent Transfer Application Intake Completion Checklist

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