

regular

RA

Applicant  
Name Jim Whitney PO Box 1164 Pendleton 97801Applicant  
Address Gary Jellum101 SE 3rd Street Pendleton Oregon

## DESCRIPTION OF WATER RIGHT(S)

Name of Stream WellTrib. of Umatilla riverUse IrrigationCounty Umatilla

Quantity of water (CFS)

No. of Acres

Name of ditch

App# G9114Per # G8483Cert # 91881

PR Date

App# G9114Per # G8483Cert # 95278

PR Date

App# G9114Per # G8483Cert # 90235

PR Date

App#

Per #

Cert #

PR Date

App#

Per #

Cert #

PR Date

Change in POA APOADate Filed 7/28/2022Initial notice date 8/2/2022DPD issued date 2/15/2024PD issued date 5/2/2024 - Revised PD = 5/28/24PD notice date 5/7/2024Date of FO 8/13/2024 Vol 131 Page 907-913

C-Date

COBU due date

COBU Received date

Certificate issued

## FEES PAID

Date	Amount	Receipt #
7-28-2022	\$1,530.00	138763
10-26-2022	\$125.00	139415
12-8-2022	\$2,140.52	139697

## FEES REFUNDED

Date	Amount	Receipt #
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Assignments:

Irrigation District

Agent Rebecca Schwartz

CWRE

CC's list Umatilla County



# 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

August 13, 2024

Jim Whitney

PO Box 1614

Pendleton, OR 97801

Gary Jellum

101 SE 3<sup>rd</sup> St.

Pendleton, OR 97801

REFERENCE: Transfer Application T-14055

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, Corey Courchane, by telephone at (503) 979-3917 or by e-mail at [Corey.a.courchane@water.oregon.gov](mailto:Corey.a.courchane@water.oregon.gov).

Sincerely,

Elyse D. Richman

Water Rights Services Support

Transfers and Conservation Section

cc: Gregory M. Silbernagel, Watermaster Dist. # 5 (via email)

Rebecca Schwartz, Agent

Umatilla County Planning Department, Local Government

Confederated Tribes of the Umatilla Indian Reservation, Interested Party

Enclosure

BEFORE THE WATER RESOURCES DEPARTMENT  
OF THE  
STATE OF OREGON

In the Matter of Transfer Application	)	FINAL ORDER APPROVING CHANGES IN
T-14055, Umatilla County	)	POINTS OF APPROPRIATION

**Authority**

Oregon Revised Statutes (ORS) 537.705 and 540.505 to 540.580 establish the process in which a water right holder may submit a request to transfer the point of appropriation, 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**

JIM WHITNEY  
PO BOX 1614  
PENDLETON, OR 97801

GARY JELLUM  
101 SE 3<sup>RD</sup> STREET  
PENDLETON, OR 97801

**Findings of Fact**

1. On July 28, 2022, JIM WHITNEY AND GARY JELLUM, filed an application to change the points of appropriation under Certificates 90235, 91881, and 95278. The Department assigned the application number T-14055.
2. Notice of the application for transfer was published on August 2, 2022, pursuant to OAR 690-380-4000. No comments were filed in response to the notice.
3. On March 10, 2023, the Department contacted the applicant by written correspondence to notify the applicant and the applicant's agent of deficiencies in the application. The application included a fee waiver of \$1,530.00, based on an endorsement in writing by the Oregon Department of Fish and Wildlife, that the changes proposed in the transfer would result in a net benefit to fish and wildlife habitat. The transfer application did not include the written endorsement, pursuant to OAR 690-380-3000(23). The application also did not include a description of the water delivery system, indicating ready, willing, and able,

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.

pursuant to 690-380-3000(10). The acres identified on the transfer application map did not match what was authorized under Certificates 90235 and 91881. The Department requested that the deficiencies be resolved by April 10, 2023.

4. On April 3, 2023, the Department received revisions to the application, resolving the deficiencies.
5. On February 15, 2024, the Department mailed a copy of the draft Preliminary Determination proposing to approve Transfer Application T-14055 to the applicants. The draft Preliminary Determination cover letter set forth a deadline of March 18, 2024, 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.
6. On May 2, 2024, the Department issued a Preliminary Determination proposing to approve Transfer T-14055 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 May 7, 2024, pursuant to ORS 540.520 and OAR 690-380-4020. No protests were filed in response to the notice.
7. On May 28, 2024, the Department issued a revised Preliminary Determination proposing to approve Transfer T-14055 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 June 4, 2024, pursuant to ORS 540.520 and OAR 690-380-4020. No protests were filed in response to the notice.

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

**Certificate:** 90235 in the name of CLEAR CREEK CATTLE COMPANY (perfected under Permit G-8483)

**Use:** IRRIGATION of 94.0 ACRES

**Priority Date:** FEBRUARY 1, 1979

**Rate:** 0.92 CUBIC FOOT PER SECOND

**Limit/Duty:** The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands, is limited to a diversion of ONE-EIGHTIETH of one cubic foot per second, or its equivalent for each acre irrigated, and shall be further limited to a diversion of not to exceed 3.0 acre-feet per acre for each acre irrigated during the irrigation season of each year.

**Source:** WELL 1 AND WELL 2, within the MCKAY CREEK BASIN

**Authorized Points of Appropriation:**

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
2 N	32 E	WM	17	SE SW	WELL 1 (ORIGINAL) - 90 FEET NORTH AND 120 FEET WEST FROM THE S1/4 CORNER OF SECTION 17

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
2 N	32 E	WM	19	NE SW	WELL 2 (ADDITIONAL) - 1150 FEET SOUTH AND 890 FEET WEST FROM THE C1/4 CORNER OF SECTION 19

**Authorized Place of Use:**

IRRIGATION						
Twp	Rng	Mer	Sec	Q-Q	GLot	Acres
2 N	32 E	WM	17	NW NE	10	1.5
2 N	32 E	WM	17	SW NE	9	4.6
2 N	32 E	WM	17	NE NW		13.2
2 N	32 E	WM	17	NW NW		2.9
2 N	32 E	WM	17	SW NW		5.4
2 N	32 E	WM	17	SE NW		28.1
2 N	32 E	WM	19	NE NE		3.5
2 N	32 E	WM	19	NW NE		3.9
2 N	32 E	WM	19	SW NE		2.9
2 N	32 E	WM	19	SE NE		2.0
2 N	32 E	WM	20	NE SE	3	4.0
2 N	32 E	WM	20	NW SE	3	2.3
2 N	32 E	WM	20	NW SE	6	1.2
2 N	32 E	WM	20	SW SE	4	1.3
2 N	32 E	WM	20	SW SE	5	7.4
2 N	32 E	WM	20	SE SE	5	0.3
2 N	32 E	WM	20	SE SE	4	9.5
Total						94.0

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

**Certificate:** 91881 in the name of CLEAR CREEK CATTLE CO. (perfected under Permit G-8483)

**Use:** IRRIGATION OF 445.0 ACRES

**Priority Date:** FEBRUARY 1, 1979

**Rate:** 3.11 CUBIC FEET PER SECOND (CFS), further limited to no more than 3.11 CFS from Well 1 and no more than 2.36 CFS from Well 2, in any combination, or its equivalent in case of rotation, measured at the wells.

**Limit/Duty:** The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands, is limited to a diversion of ONE-EIGHTIETH of one cubic foot per second, or its equivalent for each acre irrigated, and shall be further limited to a diversion of not to exceed 3.0 acre-feet per acre for each acre irrigated during the irrigation season of each year.

**Source:** WELL 1 AND WELL 2, within the MCKAY CREEK BASIN

**Authorized Points of Appropriation:**

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
2 N	32 E	WM	17	SE SW	WELL 1 (ORIGINAL) - 90 FEET NORTH AND 120 FEET WEST FROM THE S1/4 CORNER OF SECTION 17

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
2 N	32 E	WM	19	NE SW	WELL 2 (ADDITIONAL) - 1150 FEET SOUTH AND 890 FEET WEST FROM THE C1/4 CORNER OF SECTION 19

**Authorized Place of Use:**

IRRIGATION						
Twp	Rng	Mer	Sec	Q-Q	GLot	Acres
2 N	32 E	WM	17	SW NE	9	0.8
2 N	32 E	WM	17	SE NW		1.0
2 N	32 E	WM	17	NE SW		37.3
2 N	32 E	WM	17	NW SW		0.8
2 N	32 E	WM	17	SW SW		8.0
2 N	32 E	WM	17	SE SW		35.5
2 N	32 E	WM	17	NW SE		30.5
2 N	32 E	WM	17	SW SE	11	26.4
2 N	32 E	WM	18	SE SE		3.7
2 N	32 E	WM	19	NE NE		31.1
2 N	32 E	WM	19	SW NE		6.1
2 N	32 E	WM	19	SE NE		27.0
2 N	32 E	WM	20	NE NE	1	0.5
2 N	32 E	WM	20	NW NE	1	3.8
2 N	32 E	WM	20	NW NE	8	28.9
2 N	32 E	WM	20	SW NE	2	0.2
2 N	32 E	WM	20	SW NE	7	32.4
2 N	32 E	WM	20	SE NE	7	0.3
2 N	32 E	WM	20	SE NE	2	0.6
2 N	32 E	WM	20	NE NW		34.2
2 N	32 E	WM	20	NW NW		39.9
2 N	32 E	WM	20	SW NW		21.6
2 N	32 E	WM	20	SE NW		29.5
2 N	32 E	WM	20	NE SW		24.1
2 N	32 E	WM	20	NW SE	3	1.0
2 N	32 E	WM	20	NW SE	6	19.8
					Total	445.0

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

**Certificate:** 95278 in the name of CLEAR CREEK CATTLE CO. (perfected under Permit G-8483)

**Use:** IRRIGATION OF 10.2 ACRES

**Priority Date:** FEBRUARY 1, 1979

**Rate:** 0.07 CUBIC FOOT PER SECOND

**Limit/Duty:** The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands, is limited to a diversion of ONE-EIGHTIETH of one cubic foot per second, or its equivalent for each acre irrigated, and shall be further limited to a diversion of not to exceed 3.0 acre-feet per acre for each acre irrigated during the irrigation season of each year.

**Source:** WELL 1 AND WELL 2 IN MCKAY CREEK BASIN

**Authorized Points of Appropriation:**

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
2 N	32 E	WM	17	SE SW	WELL 1 (ORIGINAL) - 90 FEET NORTH AND 120 FEET WEST FROM THE S1/4 CORNER OF SECTION 17
2 N	32 E	WM	19	NE SW	WELL 2 (ADDITIONAL) - 1150 FEET SOUTH AND 890 FEET WEST FROM THE C1/4 CORNER OF SECTION 19

**Authorized Place of Use:**

IRRIGATION						
Twp	Rng	Mer	Sec	Q-Q	GLot	Acres
2 N	32 E	WM	20	SW SE	5	0.8
2 N	32 E	WM	20	SE SE	4	7.5
2 N	32 E	WM	20	SE SE	5	1.9
Total						10.2

11. Transfer Application T-14055 proposes to move the authorized point of appropriation for Well 2 (Additional) under all three rights approximately 1316 feet Southeast from the existing point of appropriation to:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
2 N	32 E	WM	19	SW SE	POA 3 - 950 FEET NORTH AND 250 FEET EAST FROM THE S1/4 CORNER OF SECTION 19

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

12. Water has been used within the last five years according to the terms and conditions of the rights. There is no information in the record that would demonstrate that the rights are subject to forfeiture under ORS 540.610.
13. A water delivery system sufficient to use the full amount of water allowed under the existing rights were present within the five-year period prior to submittal of Transfer Application T-14055.
14. The water rights are subject to transfer as defined in ORS 540.505(4) and OAR 690-380-0100(14).
15. The proposed point of appropriation develops groundwater from the same aquifer as the authorized point of appropriation, as required by OAR 690-380-2110(2).
16. The proposed change, as conditioned, would not result in enlargement of the rights.
17. Construction of the proposed POA, as proposed, will likely result in an increase in interference with Birch Creek. Specifically, the proposed seal depth/interval (0-20 feet bgs) is not adequate to prevent hydraulic connection between shallow WBZs (water bearing zones) and the creek. The proposed POA will be located adjacent to the alluvial floodplain of Birch Creek, approximately 50 feet from and 15 feet above, the local reach of the creek. Although the applicant has proposed a well that will develop higher yielding WBZs found

several hundred feet below the creek; shallow, lower yielding WBZs are also present. These shallow zones likely include groundwater in alluvial floodplain sediments and in upper CRBG (Columbia River Basalt Group) units that underlie the sediments. Failure to seal the shallow WBZs can result in interference with Birch Creek and/or allow commingling of shallow and deep WBZs. To prevent injury to other surface water rights, the proposed POA should be constructed in a manner that eliminates hydraulic connection to and interference with Birch Creek. The proposed POA shall be cased and sealed to 80 feet below ground surface, a depth that is significantly below the elevation of the creek and below surficial alluvial sediments and upper CRBG units.

18. The proposed change, as conditioned in Finding of Fact No. 17 above, shall not cause injury to other water rights.
19. All other application requirements are met.

#### **Conclusions of Law**

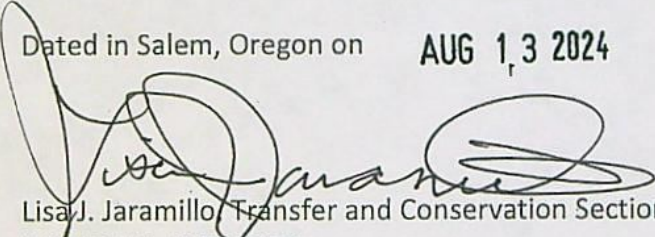
The changes in point of appropriation proposed in Transfer Application T-14055 are consistent with the requirements of ORS 537.705 and 540.505 to 540.580 and OAR 690-380-5000.

#### **Now, therefore, it is ordered:**

1. The changes in point of appropriation proposed in Transfer Application T-14055 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 Certificates 90235, 91881, and 95278, and any related decree.
3. Approval of this transfer application does not constitute nor grant legal access onto or through another person's property for purposes of accessing the new point of appropriation.
4. Water right Certificates 90235, 91881, and 95278 are cancelled.
5. The quantity of water diverted at the new point of appropriation (POA 3) shall not exceed the quantity of water lawfully available at the original point of appropriation (Well 2 (Additional)).
6. Water shall be acquired from the same aquifer (water source) as the original point of appropriation.

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 appropriation (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. The proposed POA shall be continuously cased and sealed to a depth of 80 feet below ground surface.
9. Full beneficial use of the water shall be made, consistent with the terms of this order, on or before **October 1, 2025**. 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.
10. After satisfactory proof of beneficial use is received, new certificates confirming the rights transferred will be issued.

Dated in Salem, Oregon on **AUG 13 2024**

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

Mailing date: **AUG 14 2024**

# WATER RIGHT TRANSFER COVER SHEET

Transfer: T-14055

Transfer Specialist: *Corey*

Transfer Type: Regular Transfer

Reimbursement Authority? ☒

<b>Applicant:</b> Jim Whitney, Gary Jellum PO BOX 1614 PENDLETON, OR 97801	<b>Agent:</b> REBECCA SCHWARTZ 46411 TIMINE WAY PENDLETON, OR 97801	<b>Receiving Landowner:</b>
<b>Current Landowner if other than Applicant:</b>	<b>CWRE:</b>	<b>Irrigation District:</b>
<b>Affected Local Gov'ts:</b> Umatilla County Planning Dept	<b>Affected Tribal Gov't:</b>	<b>BOR Notified (date):</b>

## Water Rights Affected

File Marked	App. File # or Decree Name	Permit	Certificate	RR/CR Needed	RR/CR Nos.
<input checked="" type="checkbox"/>	90235			<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
<input checked="" type="checkbox"/>	91881			<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
<input checked="" type="checkbox"/>	95278			<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	

## Key Dates & Initial Actions (Support Staff)

Rec'd: July 28, 2022	Proposed Action(s): POA; ADDITIONAL POINT OF APPROPRIATION	
Fees Pd: 1530.00	Acknowledgement Letter Sent <input checked="" type="checkbox"/>	Basin: 7 Umatilla
Initial Public Notice: 8/2/2022	County sent cc: of Ack Letter <input type="checkbox"/>	County: UMATILLA
WM District: 5 Gregory M. Silbernagel	WM Review request sent:	WM Review date received:
ODFW District:	ODFW Review sent:	ODFW Review date received:
Groundwater	GW Review sent:	GW Review date received:

## Caseworker Actions: Newspaper & PD Notice:

Newspaper notice needed: <input type="checkbox"/> <i>N/A</i>	Name of Newspaper:
Newspaper notice sent to coordinator:	Newspaper notice quote requested (NRS1):
Request for news \$ sent:	News \$ received:
Affidavit of publication received:	Last day of publication:

## Peer Review:

*Electronic*

Document	Drafted	Peer Review	Coordinator	Changes Made	Signature Bin	Signature Date
DPD	Date: 1/2/2024 Initials: CC	Date: 1/18/24 Initials: <i>AKS</i>	Date: 2/14/24 Initials: <i>PKS</i>	Date: 2/15/24 Initials: CC	CW Sent: 2/15/24 WM Sheet <input type="checkbox"/> ODFW Sheet: <input checked="" type="checkbox"/>	N/A
PD	Date: 4/11/24 Initials: CC	Date: 4/17/24 Initials: <i>Joan</i>	Date: 4/25/24 Initials: <i>PKS</i>	Date: 5/1/24 Initials: CC Data Review Date: 5/1/24	Date: 5/2/24	Date: 5/2/24
FO	Date: 6/4/24 Initials: CC	Date: 6/6/24 Initials: <i>AKD</i>	Date: 8/6/24 Initials: <i>SH</i>	Date: 8/6/24 Initials: CC	Date: 8/6/24 No. of docs for sig: 1	Date: 8/13/24

Revised PD  
Special Issues:

5/15/24  
CC

5/15/24  
PKS

5/23/24  
CC

5/28/2024

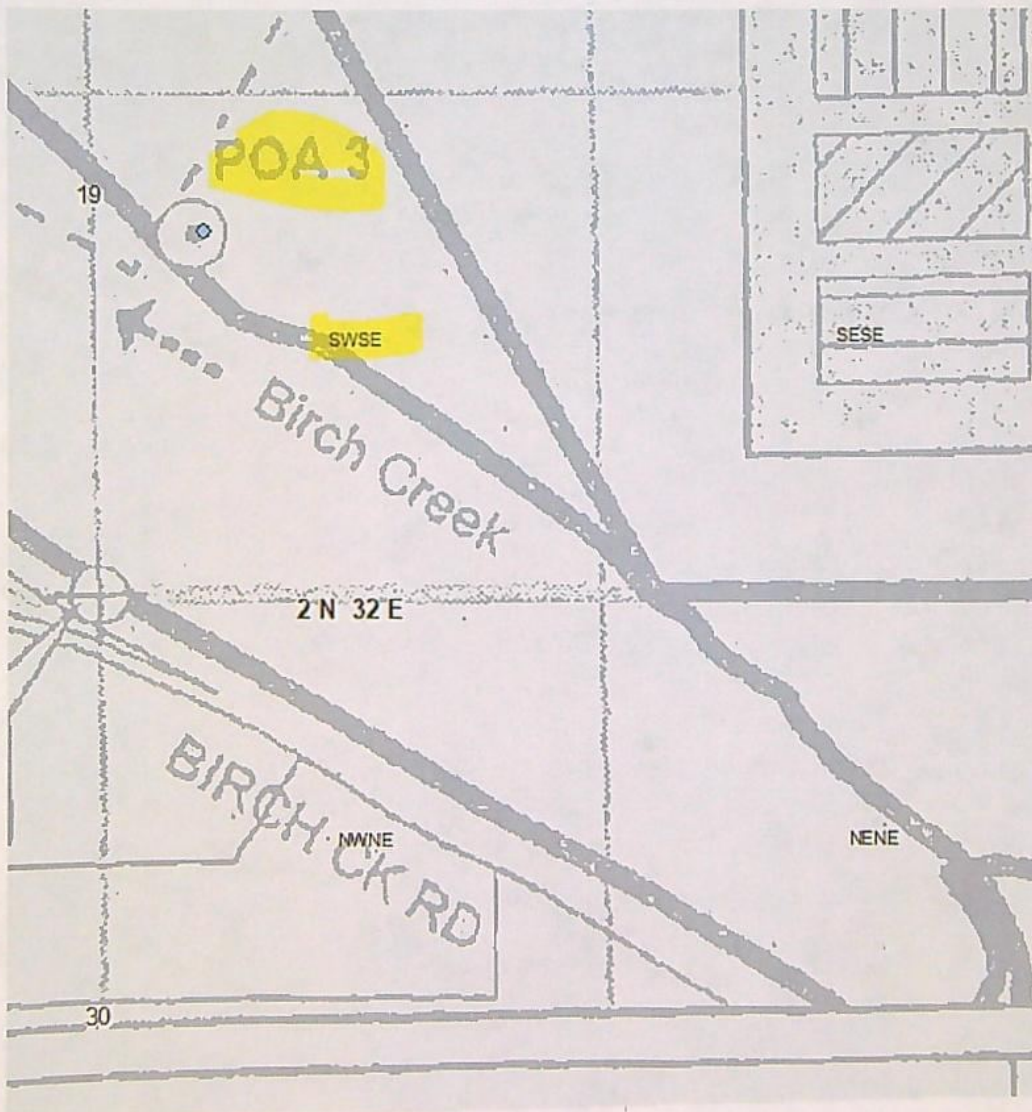
Special Order Volume: Vol. 131 Pages 907-913

## COURCHANE Corey A \* WRD

From: ELLIOTT Chloe \* WRD  
Sent: Wednesday, May 1, 2024 9:05 AM  
To: COURCHANE Corey A \* WRD; WRD\_DL\_is\_data\_techs  
Subject: RE: Whitney/Jellum, T-14055

Good Morning Corey,

Data has completed work on T-14055. However, there appears to be an error in the QQ of the transfer Well, POA 3. On the map it is shown in the SWSE. It also measures to the SWSE not the SWNE, section 19 as it is described on the document.



Corrected  
5/1/24  
cc

Best Wishes,



Chloe Elliott

Data Tech 1

Oregon Water Resources Department

725 Summer St. NE, Suite A

Salem, Oregon 97301



OREGON  
WATER  
RESOURCES  
DEPARTMENT

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

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**From:** COURCHANE Corey A \* WRD <Corey.A.COURCHANE@water.oregon.gov>

**Sent:** Tuesday, April 30, 2024 8:15 AM

**To:** WRD\_DL\_is\_data\_techs <WRD\_DL\_is\_data\_techs@water.oregon.gov>

**Subject:** Whitney/Jellum, T-14055

Good morning,

The PD for T-14055 is ready for review, with no remaining rights.

Thank you,

Corey

**COREY A COURCHANE |  
ALLOCATION OF CONSERVED WATER**

**Water Resources Department** | 725 Summer St. NE, Suite A | Salem, Oregon 97301

Work cell: 503 979-3917 | Fax: 503 986-0901

Email: [corey.a.courchane@water.oregon.gov](mailto:corey.a.courchane@water.oregon.gov) | Web: <http://www.oregon.gov/OWRD>

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

## Part 1 of 5 – Minimum Requirements Checklist

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

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

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

- ☒ Part 1 – Completed Minimum Requirements Checklist.
- ☒ Part 2 – Completed Transfer Application Map Checklist.
- ☒ Part 3 – Application Fee, payable by check to the Oregon Water Resources Department, and completed Fee Worksheet, page 3. Try the new online fee calculator at:  
[http://apps.wrd.state.or.us/apps/misc/wrd\\_fee\\_calculator](http://apps.wrd.state.or.us/apps/misc/wrd_fee_calculator).
- ☒ Part 4 – Completed Applicant Information and Signature.
- ☒ Part 5 – Information about Water Rights to be Transferred: **How many water rights are to be transferred? 3 List them here: 91881; 95278; 90235**  
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.**

### 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

☐ Application fee not enclosed/insufficient

☐ Land Use Form not enclosed or incomplete

☐ Additional signature(s) required

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

Staff: \_\_\_\_\_ 503- \_\_\_\_\_

Date: \_\_\_\_/\_\_\_\_/\_\_\_\_

# OWRD RECEIVED

corey.a.courchane, 4/3/2023, 3:03:41 PM

## 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/](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 3 of 5 – Fee Worksheet

[illegible]

\*Example for Line 5a calculation to transfer 45.0 acres of Primary Certificate 12345 (total 1.25 cfs for 100 acres) and 45.0 acres of Supplemental Certificate 87654 (1/80 cfs per acre) on the same land:

1. For irrigation calculate cfs for each water right involved as follows:
  - a. Divide total authorized cfs by total acres in the water right (*for C12345, 1.25 cfs ÷ 100 ac*); then multiply by the number of acres to be transferred to get the transfer cfs (*x 45 ac = 0.56 cfs*).
  - b. If the water right certificate does not list total cfs, but identifies the allowable use as 1/40 or 1/80 of a cfs per acre; multiply number of acres proposed for change by either 0.025 (1/40) or 0.0125 (1/80). (*For C87654, 45.0 ac x 0.0125 cfs/ac = 0.56 cfs*)
2. Add cfs for the portions of water rights on all the land included in the transfer; however **do not count cfs for supplemental rights on acreage for which you have already calculated the cfs fee for the primary right on the same land**. The fee should be assessed only once for each "on the ground" acre included in the transfer. (*In this example, blank 5a would be only 0.56 cfs, since both rights serve the same 45.0 acres. Blank 5b would be 0 and Line 5 would then also become 0*).

FEE WORKSHEET for SUBSTITUTION			
1	Base Fee (includes change to one well)	1	\$990.00
	Number of wells included in substitution <u>1 (2a)</u> Subtract 1 from the number in 2a above: <u>0 (2b)</u> <i>If only one well this will be 0</i>		
2	Multiply line 2b by \$480 and enter » » » » » » » » » » » » » » » »	2	N/A
3	Add entries on lines 1 through 2 above » » » » » » <b>Fee for Substitution:</b>	3	\$990.00

## Part 4 of 5 – Applicant Information and Signature

### Applicant Information

APPLICANT/BUSINESS NAME <b>Jim Whitney</b>			PHONE NO. <b>541-601-4433</b>	ADDITIONAL CONTACT NO.
ADDRESS <b>PO Box 1614</b>				FAX NO.
CITY <b>Pendleton</b>	STATE <b>OR</b>	ZIP <b>97801</b>	E-MAIL	
BY PROVIDING AN E-MAIL ADDRESS, CONSENT IS GIVEN TO RECEIVE ALL CORRESPONDENCE FROM THE DEPARTMENT ELECTRONICALLY. COPIES OF THE FINAL ORDER DOCUMENTS WILL ALSO BE MAILED.				
APPLICANT/BUSINESS NAME <b>Gary Jellum</b>			PHONE NO. <b>541-240-1144</b>	ADDITIONAL CONTACT NO.
ADDRESS <b>101 SE 3<sup>rd</sup> Street</b>				FAX NO.
CITY <b>Pendleton</b>	STATE <b>OR</b>	ZIP <b>97801</b>	E-MAIL	
BY PROVIDING AN E-MAIL ADDRESS, CONSENT IS GIVEN TO RECEIVE ALL CORRESPONDENCE FROM THE DEPARTMENT ELECTRONICALLY. COPIES OF THE FINAL ORDER DOCUMENTS WILL ALSO BE MAILED.				

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

AGENT/BUSINESS NAME <b>Rebecca Schwartz, CTUIR DNR</b>			PHONE NO. <b>(541) 429-7211</b>	ADDITIONAL CONTACT NO.
ADDRESS <b>46411 Timine Way</b>				FAX NO. <b>(541) 429-7268</b>
CITY <b>Pendleton</b>	STATE <b>OR</b>	ZIP <b>97801</b>	E-MAIL <b>RebeccaSchwartz@ctuir.org</b>	
BY PROVIDING AN E-MAIL ADDRESS, CONSENT IS GIVEN TO RECEIVE ALL CORRESPONDENCE FROM THE DEPARTMENT ELECTRONICALLY. COPIES OF THE FINAL ORDER DOCUMENTS WILL ALSO BE MAILED.				

Explain in your own words what you propose to accomplish with this transfer application, and why:  
952

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.

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: East Oregonian.
- 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.



_____	<u>Gary Gellum, Clear Creek Cattle Co.</u>	_____
Applicant signature	Print Name (and Title if applicable)	Date
_____	<u>Jim Whitney, Clear Creek Cattle Co.</u>	_____
Applicant signature	Print Name (and Title if applicable)	Date

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

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

Check the following boxes that apply:

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

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

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

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

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

RECEIVING LANDOWNER NAME			PHONE NO.	ADDITIONAL CONTACT NO.
ADDRESS				FAX NO.
CITY	STATE	ZIP	E-MAIL	
Describe any special ownership circumstances:				
The confirming Certificate shall be issued in the name of: <input type="checkbox"/> Applicant <input type="checkbox"/> Receiving Landowner				

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

IRRIGATION DISTRICT NAME	ADDRESS	
CITY	STATE	ZIP

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

ENTITY NAME	ADDRESS	
CITY	STATE	ZIP



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

ENTITY NAME <b>Umatilla County</b>	ADDRESS <b>216 SE 4th St.</b>	
CITY <b>Pendleton</b>	STATE <b>OR</b>	ZIP <b>97801</b>

ENTITY NAME	ADDRESS	
CITY	STATE	ZIP

## INSTRUCTIONS for editing the Application Form

To add additional lines to tables within the forms or to copy and paste additional Part 5 pages, please **save the application form to your computer**. Unlock the document by using one of the following instructions for your Microsoft Word software version:

### Microsoft Word 2003

Unlock the document by one of the following:

- Using the **Tools** menu => click **Unprotect Document**;
- OR
- Using the **Forms** toolbar => click on the **Protect/Unprotect** icon.

To relock the document to enable the checkboxes to work, you will need to:

- Using the **Tools** menu => click **Protect Document**;
- OR
- Using the **Forms** toolbar => click on the **Protect/Unprotect** icon.

### Microsoft Word 2007

- Unlock the document by clicking the **Review** tab, then click **Protect Document**, then click **Stop Protect**
- To relock the document, click **Editing Restrictions**, then click **Allow Only This Type of Editing**, select **Filling In Forms** from the drop-down menu, then check **Yes, Start Enforcing Protection**.

### Microsoft Word 2010

- Unlock the document by clicking the **Review** tab; toggle the **Restrict Editing** icon at the upper right, then click **Stop Protect** at the bottom right. Then uncheck the "Allow only this type of editing in the document: **Filling in forms**" in the "Editing restrictions" section on the right-hand list of options.
- To relock the document, check the **Editing Restrictions/Allow Only This Type of Editing/Filling In Forms** box from the drop-down menu, then check **Yes, Start Enforcing Protection**. You do not need to assign a password for the editing restrictions.

### Other Alternatives:

- Photocopy pages or tables in Part 5, ~~mark through~~ any non-applicable information, insert/attach photocopied pages to document in the appropriate location, and manually amend page numbers as necessary (e.g. Page ~~5~~ 6 of ~~9~~ 10).
- You may refer to additional attachments that you may include, such as separately produced tables or spreadsheets to convey large numbers of rows of place of use listings, owner/property parcels, etc. You may contact the Department at 503-986-0900 and ask for Transfer Staff if you have questions.

Once the application has been unlocked, you may:

- add additional rows to tables using the Table tools, and
- select and copy the pages of Part 5 and paste as many additional sets of Part 5 pages as needed at the end of the application.

After editing, re-lock the document to enable checkboxes to work.

## Part 5 of 5 – Water Right Information

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

CERTIFICATE # **91881**

### Description of Water Delivery System

System capacity: **3.11** 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.

Well #1(POA 1): 90' N and 120' West of the South Corner of Sec 12. Well #1 pump 300 HP & 100 HP BSTR pump, & location of flow meter. The irrigation pipeline from Well #1 North is 10" PVC and South is 10" PVC. Well 1 delivers to 8 center pivots.

Well #2 (POA 2): 1130' S and 890' West of the center of Sec 19. Well pump 250 HP & location of flow meter. The irrigation pipeline on Birch Creek from Well #2 is 12" PVC and 12" STL.

**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)
POA1	<input checked="" type="checkbox"/> Authorized <input type="checkbox"/> Proposed	UMAT608 & 609	T	2N	32	E	17	SE	SW	1100	90 feet North and 120 feet West
POA2	<input checked="" type="checkbox"/> Authorized <input type="checkbox"/> Proposed	UMAT55996	2	N	32	E	19	NE	SW	1011	1150 feet South and 890 feet West
POA3	<input type="checkbox"/> Authorized <input checked="" type="checkbox"/> Proposed		2	N	32	E	19	SW	NE	1011	950 ft N and 250 ft E from S
	<input type="checkbox"/> Authorized <input type="checkbox"/> Proposed										

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

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

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

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

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

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

**Table 2. Description of Changes to Water Right Certificate # 91881**

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

AUTHORIZED (the "from" or "off" lands) The listing that appears on the certificate BEFORE PROPOSED CHANGES List only that part or portion of the water right that will be changed.											Proposed Changes (see "CODES" from previous page)	PROPOSED (the "to" or "on" lands) The listing as it would appear AFTER PROPOSED CHANGES are made.														
Twp	Rng	Sec	¼ ¼	Tax Lot	Gvt Lot or DLC	Acres	Type of USE listed on Certificate	POD(s) or POA(s) (name or number from Table 1)	Priority Date	Twp		Rng	Sec	¼ ¼	Tax Lot	Gvt Lot or DLC	Acres	New Type of USE	POD(s)/ POA(s) to be used (from Table 1)	Priority Date						
EXAMPLE																										
2	S	9	E 15	NE	NW	100		15.0	Irrigation	POD #1 POD #2	1901	POU/POD	2	S	9	E 1	NW	NW	500	1	10.0		POD #5	1901		
													2	S	9	E 2	SW	NW	500		5.0		POD #6	1901		
2	N	32	E 17	SE	SW	1100		445	Irrigation	POA1	2/1/1979															
2	N	32	E 19	NE	SW	1011		445	Irrigation	POA2	2/1/1979		2	N	32	E 19	SW	SE	1011		445	Irrigation	POA3	2/1/1979		
																						Well 1 and POA 3				
TOTAL ACRES:													TOTAL ACRES:													

Additional remarks: Location of POA 1 will remain and be used. POA 2 is being relocated to POA3 .

**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: 90235, 95278.

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

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

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

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

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

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

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

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

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

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

**AND/OR**

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

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

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

Proposed or Authorized POA Name or Number	Is well already built? (Yes or No)	If an existing well: OWRD Well ID Tag No. L-____	Total well depth	Casing Diameter	Casing Intervals (feet)	Seal depth(s) (intervals)	Perforated or screened intervals (in feet)	Static water level of completed well (in feet)	Source aquifer (sand, gravel, basalt, etc.)	Well-specific rate (cfs or gpm). If less than full rate of water right
POA3	No		Approx. 450	16	2 to 18	12 to 20	0	240 to 390	basalt	1000

### 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 # 90235

#### Description of Water Delivery System

System capacity: 3.11 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.

Well #1(POA 1): 90' N and 120' West of the South Corner of Sec 12. Well #1 pump 300 HP & 100 HP BSTR pump, & location of flow meter. The irrigation pipeline from Well #1 North is 10" PVC and South is 10" PVC. Well 1 delivers to 8 center pivots.

Well #2 (POA 2): 1130' S and 890' West of the center of Sec 19. Well pump 250 HP & location of flow meter. The irrigation pipeline on Birch Creek from Well #2 is 12" PVC and 12" STL.

**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)
POA1	<input checked="" type="checkbox"/> Authorized <input type="checkbox"/> Proposed	UMAT608 & 609	T 2 N	32 E	17	SE SW	1100	90 feet North and 120 feet West
POA2	<input checked="" type="checkbox"/> Authorized <input type="checkbox"/> Proposed	UMAT55996	2 N	32 E	19	NE SW	1011	1150 feet South and 890 feet West
POA3	<input type="checkbox"/> Authorized <input checked="" type="checkbox"/> Proposed		2 N	32 E	19	SW NE	1011	950 ft N and 250 ft E from S
	<input type="checkbox"/> Authorized <input type="checkbox"/> Proposed							

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

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

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

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

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

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

**Table 2. Description of Changes to Water Right Certificate # 90235**

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

AUTHORIZED (the "from" or "off" lands) The listing that appears on the certificate BEFORE PROPOSED CHANGES List only that part or portion of the water right that will be changed.												Proposed Changes (see "CODES" from previous page)	PROPOSED (the "to" or "on" lands) The listing as it would appear AFTER PROPOSED CHANGES are made.											
Twp	Rng	Sec	¼ ¼	Tax Lot	Gvt Lot or DLC	Acres	Type of USE listed on Certificate	POD(s) or POA(s) (name or number from Table 1)	Priority Date	Twp	Rng		Sec	¼ ¼	Tax Lot	Gvt Lot or DLC	Acres	New Type of USE	POD(s)/ POA(s) to be used (from Table 1)	Priority Date				
EXAMPLE																								
2	S	9	E 15	NE	NW	100		15.0	Irrigation	POD #1 POD #2	1901	POU/POD	2	S	9	E 1	NW	NW	500	1	10.0		POD #5 1901	
													2	S	9	E 2	SW	NW	500		5.0		POD #6 1901	
2	N	32	E 17	SE	SW	1011		94 All	Irrigation	POA1	2/1/1979													
2	N	32	E 19	NE	SW	1011		94 All	Irrigation	POA2	2/1/1979	POA	2	N	32	E 19	SW	SE	1011		445	Irrigation	POA3 2/1/1979	
TOTAL ACRES:														TOTAL ACRES:										

Additional remarks: Location of POA 1 will remain and be used. POA 2 is being relocated to POA3 .

**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: 95278, 91881.

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

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

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

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

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

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

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

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

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

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

**AND/OR**

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

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

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
POA3	No		Approx. 450	16	2 to 18	12 to 20	0	240 to 390	basalt	1000

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.

## 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 # **95278**

### Description of Water Delivery System

System capacity: **3.11** 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.

Well #1 (POA 1): 90' N and 120' West of the South Corner of Sec 12. Well #1 pump 300 HP & 100 HP BSTR pump, & location of flow meter. The irrigation pipeline from Well #1 North is 10" PVC and South is 10" PVC. Well 1 delivers to 8 center pivots.

Well #2 (POA 2): 1130' S and 890' West of the center of Sec 19. Well pump 250 HP & location of flow meter. The irrigation pipeline on Birch Creek from Well #2 is 12" PVC and 12" STL.

**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)
POA1	<input checked="" type="checkbox"/> Authorized <input type="checkbox"/> Proposed	UMAT608 & 609	T 2 N	32 E	17	SE	SW	1100	90 feet North and 120 feet West
<b>POA2</b>	<input checked="" type="checkbox"/> Authorized <input type="checkbox"/> Proposed	UMAT55996	2 N	32 E	19	NE	SW	1011	1150 feet South and 890 feet West
<b>POA3</b>	<input type="checkbox"/> Authorized <input checked="" type="checkbox"/> Proposed		2 N	32 E	19	SW	NE	1011	950 ft N and 250 ft E from S
	<input type="checkbox"/> Authorized <input type="checkbox"/> Proposed								

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

- ☐ Place of Use (POU)
 ☐ Supplemental Use to Primary Use (S to P)
 ☒ Point of Appropriation/Well (POA)
- ☐ Character of Use (USE)

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

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

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

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 95278**

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

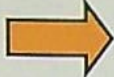
AUTHORIZED (the "from" or "off" lands) The listing that appears on the certificate BEFORE PROPOSED CHANGES List only that part or portion of the water right that will be changed.												Proposed Changes (see "CODES" from previous page)	PROPOSED (the "to" or "on" lands) The listing as it would appear AFTER PROPOSED CHANGES are made.													
Twp	Rng	Sec	¼ ¼	Tax Lot	Gvt Lot or DLC	Acres	Type of USE listed on Certificate	POD(s) or POA(s) (name or number from Table 1)	Priority Date	Twp	Rng		Sec	¼ ¼	Tax Lot	Gvt Lot or DLC	Acres	New Type of USE	POD(s)/ POA(s) to be used (from Table 1)	Priority Date						
EXAMPLE																										
2	S	9	E	15	NE	NW	100		15.0	Irrigation	POD #1 POD #2	1901	POU/POD	2	S	9	E	1	NW	NW	500	1	10.0		POD #5	1901
														2	S	9	E	2	SW	NW	500		5.0		POD #6	1901
2	N	32	E	17	SE	SW	1011		10.2 All	Irrigation	POA1	2/1/1979														
2	N	32	E	19	NE	SW	1011 (multiple)		10.2 All	Irrigation	POA2	2/1/1979	POA	2	N	32	E	19	SW	SE	1011		10.2 All	Irrigation	POA3	2/1/1979
TOTAL ACRES:										TOTAL ACRES:																

Additional remarks: Location of POA 1 will remain and be used. POA 2 is being relocated to POA3 .

**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: 90235, 91881.

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

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

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

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

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

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

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

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

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

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

**AND/OR**

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

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

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

Proposed or Authorized POA Name or Number	Is well already built? (Yes or No)	If an existing well: OWRD Well ID Tag No. L-____	Total well depth	Casing Diameter	Casing Intervals (feet)	Seal depth(s) (intervals)	Perforated or screened intervals (in feet)	Static water level of completed well (in feet)	Source aquifer (sand, gravel, basalt, etc.)	Well-specific rate (cfs or gpm). If less than full rate of water right
POA3	No		Approx. 450	16	2 to 18	12 to 20	0	240 to 390	basalt	1000

T2N, R32E, WM, SECTIONS 17, 18, 19, 20 -- UMATILLA COUNTY

**POA 1. AUTHORIZED WELL**

Well Log UMAT 608 and 609

SE SW, Section 17, T2N, R32E, WM (TL 1100)

90 ft N and 120 ft W from S 1/4 Corner Sec 17

300 HP well pump, plus 100 HP booster pump

**POA 2. AUTHORIZED WELL**

Well Log UMAT 55996

NE SW, Section 19, T2N, R32E, WM (TL 1011)

1150 ft S and 890 ft W from Center of Sec 19

250 HP well pump

This well will be abandoned and de-commissioned.

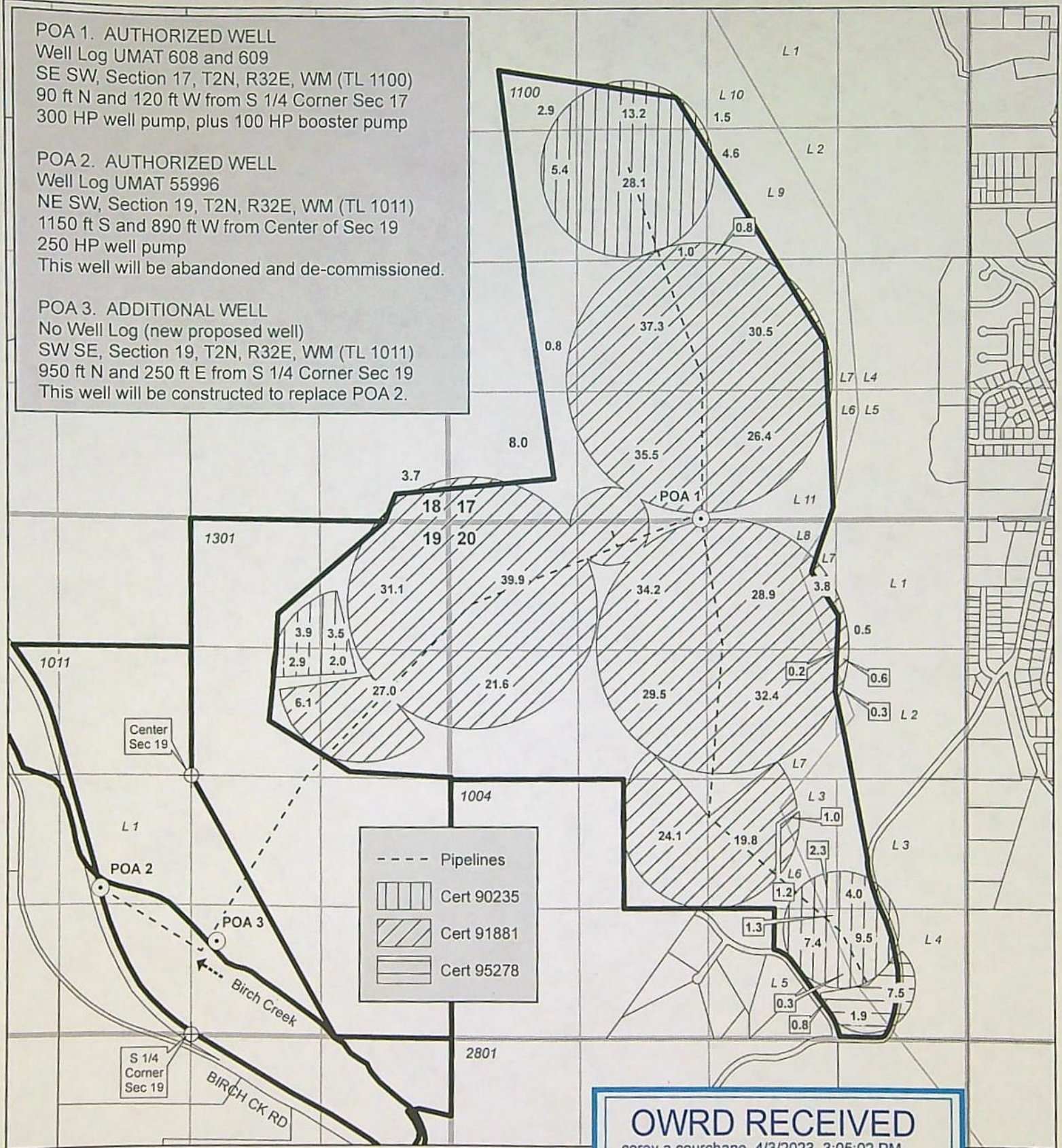
**POA 3. ADDITIONAL WELL**

No Well Log (new proposed well)

SW SE, Section 19, T2N, R32E, WM (TL 1011)

950 ft N and 250 ft E from S 1/4 Corner Sec 19

This well will be constructed to replace POA 2.

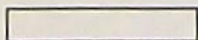


**OWRD RECEIVED**

corey.a.courchane, 4/3/2023, 3:05:02 PM

**DISCLAIMER**

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



1 in = 1320 ft

Certified Water Right Examiner  
358

John S. Warinner  
May 18, 1993

STATE OF OREGON

**TRANSFER MAP**

**Change POA for Certificates  
90235, 91881 and 95278**

in the name of  
**CLEAR CREEK CATTLE CO.**

Revised 2023-03-31

# COPY

## Application for Permanent Water Right Transfer

### Part 1 of 5 – Minimum Requirements Checklist

OREGON



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

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

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

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

- ☒ Part 1 – Completed Minimum Requirements Checklist.
  - ☒ Part 2 – Completed Transfer Application Map Checklist.
  - ☒ Part 3 – Application Fee, payable by check to the Oregon Water Resources Department, and completed Fee Worksheet, page 3. Try the new online fee calculator at:  
[http://apps.wrd.state.or.us/apps/misc/wrd\\_fee\\_calculator](http://apps.wrd.state.or.us/apps/misc/wrd_fee_calculator).
  - ☒ Part 4 – Completed Applicant Information and Signature.
  - ☒ Part 5 – Information about Water Rights to be Transferred: How many water rights are to be transferred? 3 List them here: 91881, 95278, 90235  
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.**
- 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):

- |  |  |
|--|--|
| <input type="checkbox"/> Application fee not enclosed/insufficient | <input type="checkbox"/> Map not included or incomplete                  |
| <input type="checkbox"/> Land Use Form not enclosed or incomplete  | <input type="checkbox"/> Evidence of Use Form not enclosed or incomplete |
| <input type="checkbox"/> Additional signature(s) required          | <input type="checkbox"/> Part _____ is incomplete                        |

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

Staff: \_\_\_\_\_

503- \_\_\_\_\_

Date: \_\_\_\_/\_\_\_\_/\_\_\_\_

## 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/](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 3 of 5 – Fee Worksheet

[illegible]

\*Example for Line 5a calculation to transfer 45.0 acres of Primary Certificate 12345 (total 1.25 cfs for 100 acres) and 45.0 acres of Supplemental Certificate 87654 (1/80 cfs per acre) on the same land:

T-14055 is POA change involving groundwater. Endorsement by ODFW ? pursuant to OAR 690-380-3000(23) -

No endorsement in file  
3/3/23

calculate cfs for each water right involved as follows:

I authorized cfs by total acres in the water right (for C12345,  $1.25 \text{ cfs} \div 100 \text{ ac}$ ); then multiply by the number be transferred to get the transfer cfs ( $\times 45 \text{ ac} = 0.56 \text{ cfs}$ ).

r right certificate does not list total cfs, but identifies the allowable use as 1/40 or 1/80 of a cfs per acre; number of acres proposed for change by either 0.025 (1/40) or 0.0125 (1/80). (For C87654, 45.0 ac x 0.0125 = 0.56 cfs)

portions of water rights on all the land included in the transfer; however do not count cfs for supplemental use for which you have already calculated the cfs fee for the primary right on the same land. The fee should

be assessed only once for each "on the ground" acre included in the transfer. (In this example, blank 5a would be only 0.56 cfs, since both rights serve the same 45.0 acres. Blank 5b would be 0 and Line 5 would then also become 0).

FEE WORKSHEET for SUBSTITUTION			
1	Base Fee (includes change to one well)	1	\$990.00
	Number of wells included in substitution <u>1 (2a)</u> Subtract 1 from the number in 2a above: <u>0 (2b)</u> <i>if only one well this will be 0</i>		
2	Multiply line 2b by \$480 and enter » » » » » » » » » » » » » » » »	2	N/A
3	Add entries on lines 1 through 2 above » » » » » » <b>Fee for Substitution:</b>	3	\$990.00

COPY

## Part 4 of 5 – Applicant Information and Signature

### Applicant Information

APPLICANT/BUSINESS NAME Jim Whitney			PHONE NO. 541-601-4433	ADDITIONAL CONTACT NO.
ADDRESS PO Box 1614			FAX NO.	
CITY Pendleton	STATE OR	ZIP 97801	E-MAIL	
BY PROVIDING AN E-MAIL ADDRESS, CONSENT IS GIVEN TO RECEIVE ALL CORRESPONDENCE FROM THE DEPARTMENT ELECTRONICALLY. COPIES OF THE FINAL ORDER DOCUMENTS WILL ALSO BE MAILED.				
APPLICANT/BUSINESS NAME Gary Jellum			PHONE NO. 541-240-1144	ADDITIONAL CONTACT NO.
ADDRESS 101 SE 3 <sup>rd</sup> Street			FAX NO.	
CITY Pendleton	STATE OR	ZIP 97801	E-MAIL	
BY PROVIDING AN E-MAIL ADDRESS, CONSENT IS GIVEN TO RECEIVE ALL CORRESPONDENCE FROM THE DEPARTMENT ELECTRONICALLY. COPIES OF THE FINAL ORDER DOCUMENTS WILL ALSO BE MAILED.				

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

AGENT/BUSINESS NAME Rebecca Schwartz, CTUIR DNR			PHONE NO. (541) 429-7211	ADDITIONAL CONTACT NO.
ADDRESS 46411 Timine Way			FAX NO. (541) 429-7268	
CITY Pendleton	STATE OR	ZIP 97801	E-MAIL RebeccaSchwartz@ctuir.org	
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:  
952

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.

# COPY

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: East Oregonian.
- 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.



_____	<u>Gary Gellum, Clear Creek Cattle Co.</u>	_____
Applicant signature	Print Name (and Title if applicable)	Date
_____	<u>Jim Whitney, Clear Creek Cattle Co.</u>	_____
Applicant signature	Print Name (and Title if applicable)	Date

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

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

Check the following boxes that apply:

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

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

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

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

RECEIVING LANDOWNER NAME			PHONE NO.	ADDITIONAL CONTACT NO.
ADDRESS			FAX NO.	
CITY	STATE	ZIP	E-MAIL	
Describe any special ownership circumstances:				
The confirming Certificate shall be issued in the name of: <input type="checkbox"/> Applicant <input type="checkbox"/> Receiving Landowner				

COPY

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

IRRIGATION DISTRICT NAME	ADDRESS	
CITY	STATE	ZIP

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

ENTITY NAME	ADDRESS	
CITY	STATE	ZIP



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

ENTITY NAME	ADDRESS	
Umatilla County	216 SE 4th St.	
CITY	STATE	ZIP
Pendleton	OR	97801

ENTITY NAME	ADDRESS	
CITY	STATE	ZIP

# COPY

## INSTRUCTIONS for editing the Application Form

To add additional lines to tables within the forms or to copy and paste additional Part 5 pages, please **save the application form to your computer**. Unlock the document by using one of the following instructions for your Microsoft Word software version:

### Microsoft Word 2003

Unlock the document by one of the following:

- Using the Tools menu => click **Unprotect Document**;
- OR
- Using the Forms toolbar => click on the **Protect/Unprotect** icon.

To relock the document to enable the checkboxes to work, you will need to:

- Using the Tools menu => click **Protect Document**;
- OR
- Using the Forms toolbar => click on the **Protect/Unprotect** icon.

### Microsoft Word 2007

- Unlock the document by clicking the **Review** tab, then click **Protect Document**, then click **Stop Protect**
- To relock the document, click **Editing Restrictions**, then click **Allow Only This Type of Editing**, select **Filling In Forms** from the drop-down menu, then check **Yes, Start Enforcing Protection**.

### Microsoft Word 2010

- Unlock the document by clicking the **Review** tab; toggle the **Restrict Editing** icon at the upper right, then click **Stop Protect** at the bottom right. Then uncheck the "Allow only this type of editing in the document: **Filling in forms**" in the "Editing restrictions" section on the right-hand list of options.
- To relock the document, check the **Editing Restrictions/Allow Only This Type of Editing/Filling In Forms** box from the drop-down menu, then check **Yes, Start Enforcing Protection**. You do not need to assign a password for the editing restrictions.

### Other Alternatives:

- Photocopy pages or tables in Part 5, ~~mark-through~~ any non-applicable information, insert/attach photocopied pages to document in the appropriate location, and manually amend page numbers as necessary (e.g. Page 5 6 of 9 10).
- You may refer to additional attachments that you may include, such as separately produced tables or spreadsheets to convey large numbers of rows of place of use listings, owner/property parcels, etc. You may contact the Department at 503-986-0900 and ask for Transfer Staff if you have questions.

Once the application has been unlocked, you may:

- add additional rows to tables using the Table tools, and
- select and copy the pages of Part 5 and paste as many additional sets of Part 5 pages as needed at the end of the application.

After editing, re-lock the document to enable checkboxes to work.

## Part 5 of 5 – Water Right Information

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

CERTIFICATE # 91881

### Description of Water Delivery System

System capacity: 3.11 cubic feet per second (cfs) OR  
\_\_\_\_\_ gallons per minute (gpm)

No delivery system described - ready, willing, and able? OAR 690-380-3000(10)

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. \_\_\_\_\_

**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	1/4-4/4		Tax Lot, D/LC or Gov't Lot	Measured Distances (from a recognized survey corner)
POA1	<input checked="" type="checkbox"/> Authorized <input type="checkbox"/> Proposed	UMAT608 & 609	T	2N	32	E	17	SE	SW	1100	90 feet North and 120 feet West
POA2	<input checked="" type="checkbox"/> Authorized <input type="checkbox"/> Proposed	UMAT55996	2	N	32	E	19	NE	SW	1011	1150 feet South and 890 feet West
POA3	<input type="checkbox"/> Authorized <input checked="" type="checkbox"/> Proposed		2	N	32	E	19	SW	NE	1011	950 ft N and 250 ft E from S
	<input type="checkbox"/> Authorized <input type="checkbox"/> Proposed										

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

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

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

☒ Yes

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

☐ No

Complete all of Table 2 to describe the portion of the water right to be changed.

Next page says POA 2 transferring to POA 3 - should only be POA

# COPY

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 # 91981**

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	POB(s) POA(s) to be used (from Table 1)	Priority Date		
EXAMPLE																						
2	S	19	E	15	NE NW	100	15.0	Irrigation	POD #1 POD #2	1901	POU/POD	2	S	9	E	1	NW NW	500	11.0	POD #5	1901	
																			POD #6	1901		
2	N	32	E	17	SE SW	1100	445	Irrigation	POA1	2/1/1979												
2	N	32	E	19	SW SE	1011	445	Irrigation	POA2	2/1/1979		2	N	32	E	19	SW SE	1011	445	Irrigation	POA3	2/1/1979
TOTAL ACRES:												TOTAL ACRES:										

entirety

Map indicates entirety of  
WR, but acres on map  
do not match what's on  
certificate

Additional remarks: Location of POA 1 will remain and be used. POA 2 is being relocated to POA3

Although not indicated  
in Proposed POA  
column, this identifies  
applicant is using POA 1  
in conjunction w/POA 3

**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: 90235, 95278.

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

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

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

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

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

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

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

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

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

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

**AND/OR**

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

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

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

Proposed or Authorized POA Name or Number	Is well already built? (Yes or No)	If an existing well, OWRD Well ID Tag No.	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
	No	90292	470	16	2 to 18	12 to 20	0	240 to 390	soil, gravel, river rock, black, grey, red	1000

[illegible]

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.

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. \_\_\_\_\_

[illegible]

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

COPY

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.

COPY

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 # 90235

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	N. S.	Tax Lot	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	N. S.	Tax Lot	Lot or DLC	Acres	New Type of USE	POD(s)/ POA(s) to be used (from Table 1)	Priority Date					
EXAMPLE												EXAMPLE													
2	S	9	E	15	NE	NW	100%	15.0	Irrigation	POD #1/POD #2	1901	POD/POD	2	S	9	E	15	NW	NW	500%	1	10.0		POD #5	1901
2	N	32	E	17	SE	SW	1011	94 All	Irrigation	POA1	2/1/1979														
2	N	32	E	19	NE	SW	1011	94 All	Irrigation	POA2	2/1/1979	POA	2	N	32	E	19	SW	SE	1011		445	Irrigation	POA3	2/1/1979
TOTAL ACRES:												TOTAL ACRES:													

Additional remarks: Location of POA 1 will remain and be used. POA 2 is being relocated to POA3 .

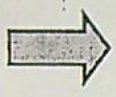
COPY

Certificate # 90235

**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: 95278, 91881.



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

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

Ground water supplemental Permit or Certificate # \_\_\_\_\_;  
Surface water primary Certificate # \_\_\_\_\_.

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

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

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

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

Tip: You may search for well logs on the Department's web page at:  
[http://apps.wrd.state.or.us/apps/gw/well\\_log/Default.aspx](http://apps.wrd.state.or.us/apps/gw/well_log/Default.aspx)

**AND/OR**

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

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

Proposed or Authorized POA Name or Number	Is well already built? (Yes or No)	If an existing well: OWRD Well ID Tag No. (L-1)	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.
	No	90292	390	16	2 to 20	12 to 18	0	240 to 390	soil, gravel, river rock, black, grey, red, brown basalt	

# COPY

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.

## 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 # 95278

### Description of Water Delivery System

System capacity: 3.11 cubic feet per second (cfs) OR  
\_\_\_\_\_ gallons per minute (gpm)

No system description

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. \_\_\_\_\_

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	1/4	1/4	1/4	1/4	Max Lot, DLC or Gov't Lot	Measured Distances (from a recognized survey corner)
POA1	<input checked="" type="checkbox"/> Authorized <input type="checkbox"/> Proposed	UMAT608 & 609	T	2 N	32 E	17	SE	SW	1100		90 feet North and 120 feet West
POA2	<input checked="" type="checkbox"/> Authorized <input type="checkbox"/> Proposed	UMAT55996	2	N	32 E	19	NE	SW	1011		1150 feet South and 890 feet West
POA3	<input type="checkbox"/> Authorized <input checked="" type="checkbox"/> Proposed		2	N	32 E	19	SW	NE	1011		950 ft N and 250 ft E from S
	<input type="checkbox"/> Authorized <input type="checkbox"/> Proposed										

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

- |   |   |
|---|---|
| <input type="checkbox"/> Place of Use (POU)                   | <input type="checkbox"/> Supplemental Use to Primary Use (S to P)                       |
| <input type="checkbox"/> Character of Use (USE)               | <input checked="" type="checkbox"/> Point of Appropriation/Well (POA)                   |
| <input type="checkbox"/> Point of Diversion (POD)             | <del><input checked="" type="checkbox"/> Additional Point of Appropriation (APOA)</del> |
| <input type="checkbox"/> Additional Point of Diversion (APOD) | <input type="checkbox"/> Substitution (SUB)   |

COPY

- ☐ 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.

# COPY

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 95278**

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	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	Lot or DLC	Acres	New Type of USE	POD(s)/ POA(s) to be used (from Table 1)	Priority Date	
EXAMPLE																					
2	S	9	E 15	NE NW	100	15.0	Irrigation	POD #1/POD #2	1901	POD/POD	2	S	9	E 15	NW NW	500	10.0	POD #5	1901		
2	S	9	E 15	NE NW	100	15.0	Irrigation	POD #5	1901		2	S	9	E 15	SW NW	500	5.0	POD #6	1901		
2	N	32	E 17	SE SW	1011	10.2 All	Irrigation	POA1	2/1/1979												
2	N	32	E 19	NE SW	1011 (multiple)	10.2 All	Irrigation	POA2	2/1/1979	POA	2	N	32	E 19	SW SE	1011	10.2 All	Irrigation	POA3	2/1/1979	
TOTAL ACRES:											TOTAL ACRES:										

COPY

Additional remarks: Location of POA 1 will remain and be used. POA 2 is being relocated to POA3 .

# COPY

Certificate # **95278****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: 90235, 91881.

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

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

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

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

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

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

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

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

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

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

**AND/OR**

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

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

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Proposed or Authorized POA Name or Number	Is well already built? (Yes or No)	If an existing well: OWRD Well ID Tag No.	Total well depth	Casing Diameter (inches)	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
	No	90292	470	16	2 to 18	12 to 20	0	240 to 390	soil, gravel, river rock, black, grey, red brown basalt	1000

# COPY

# COPY

## 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 Umatilla ) ss

I, Gary Jellum, in my capacity as landowner and water rights user

mailing address 101 SE 3rd Street, Pendleton OR, 97801

telephone number ( 541 ) 240-1144, being first duly sworn depose and say:

1. My knowledge of the exercise or status of the water right is based on (check one):

☒ Personal observation

☒ Professional expertise

2. I attest that:

☒ Water was used during the previous five years on the **entire** place of use for  
Certificate # 91881, 90235, 95278; OR

☒ My knowledge is specific to the use of water at the following locations within the last five years:

Certificate #	Township		Range		Mer.	Sec.	1/4 1/4	Gov't Lot or DTC	Acres (if applicable)
91881	2	N	32	E	WM	17	SE SW		445 All
	2	N	32	E	WM	19	NE SW		445 All
90235	2	N	32	E	WM	17	SE SW		94 All
	2	N	32	E	WM	19	NE SW		94 All
95278	2	N	32	E	WM	17	SE SW		10.2 All
	2	N	32	E	WM	19	NE SW		10.2 All

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

\_\_\_\_\_  
Signature of Affiant

\_\_\_\_\_  
Date

Signed and sworn to (or affirmed) before me this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
Notary Public for Oregon

My Commission Expires: \_\_\_\_\_

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

7022 3330 0000 2912 2592

# U.S. Postal Service™ CERTIFIED MAIL® RECEIPT Domestic Mail Only

For delivery information, visit our website at [www.usps.com](http://www.usps.com)®.

OFFICIAL USE

Certified Mail Fee \$	Postmark Here
Extra Services & Fees (check box, add fee as appropriate)	
<input type="checkbox"/> Return Receipt (hardcopy) \$	
<input type="checkbox"/> Return Receipt (electronic) \$	
<input type="checkbox"/> Certified Mail Restricted Delivery \$	
<input type="checkbox"/> Adult Signature Required \$	
<input type="checkbox"/> Adult Signature Restricted Delivery \$	
Postage \$	
Total Postage and Fees \$	
Sent To	
Street and Apt. No., or PO Box No.	
City, State, ZIP+4®	

PS Form 3800, April 2015 PSN 7530-02-000-9047

See Reverse for Instructions

## SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Jim Whitney  
PO Box 1614  
Pendleton, OR 97801



9590 9402 7680 2122 9474 82

2. Article Number (Transfer from service label)

7022 3330 0000 2912 2592

PS Form 3811, July 2020 PSN 7530-02-000-9053

## COMPLETE THIS SECTION ON DELIVERY

- A. Signature ☒ Agent ☐ Addressee
- X *Mary Earley*
- B. Received by (Printed Name) *Mary Earley*
- C. Date of Delivery
- D. Is delivery address different from item 1? ☐ Yes  
If YES, enter delivery address below: ☐ No

PO Box 1614  
Received  
JUN 05 2024

3. Service Type
- ☐ Adult Signature ☐ Priority Mail Express®
- ☐ Adult Signature Restricted Delivery ☐ Registered Mail™
- ☐ Certified Mail® ☐ Registered Mail Restricted Delivery
- ☐ Certified Mail Restricted Delivery ☐ Signature Confirmation™
- ☐ Collect on Delivery ☐ Signature Confirmation Restricted Delivery
- ☐ Collect on Delivery Restricted Delivery
- ☐ Insured Mail
- ☐ Insured Mail Restricted Delivery (over \$500)

Domestic Return Receipt

# U.S. Postal Service™ CERTIFIED MAIL® RECEIPT Domestic Mail Only

For delivery information, visit our website at [www.usps.com](http://www.usps.com)®.

OFFICIAL USE

Certified Mail Fee \$	Postmark Here
Extra Services & Fees (check box, add fee as appropriate)	
<input type="checkbox"/> Return Receipt (hardcopy) \$	
<input type="checkbox"/> Return Receipt (electronic) \$	
<input type="checkbox"/> Certified Mail Restricted Delivery \$	
<input type="checkbox"/> Adult Signature Required \$	
<input type="checkbox"/> Adult Signature Restricted Delivery \$	
Postage \$	
Total Postage and Fees \$	
Sent To	
Street and Apt. No., or PO Box No.	
City, State, ZIP+4®	

PS Form 3800, April 2015 PSN 7530-02-000-9047

See Reverse for Instructions

## SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Gary Jellum  
101 SE 3rd St.  
Pendleton, OR 97801



9590 9402 7680 2122 9474 75

2. Article Number (Transfer from service label)

7022 3330 0000 2912 2585

PS Form 3811, July 2020 PSN 7530-02-000-9053

## COMPLETE THIS SECTION ON DELIVERY

- A. Signature ☒ Agent ☐ Addressee
- X *Mary Earley*
- B. Received by (Printed Name) *Mary Earley*
- C. Date of Delivery *5-31-24*
- D. Is delivery address different from item 1? ☐ Yes  
If YES, enter delivery address below: ☐ No

JUN 03 2024

OWRD

3. Service Type
- ☐ Adult Signature ☐ Priority Mail Express®
- ☐ Adult Signature Restricted Delivery ☐ Registered Mail™
- ☐ Certified Mail® ☐ Registered Mail Restricted Delivery
- ☐ Certified Mail Restricted Delivery ☐ Signature Confirmation™
- ☐ Collect on Delivery ☐ Signature Confirmation Restricted Delivery
- ☐ Collect on Delivery Restricted Delivery
- ☐ Insured Mail
- ☐ Insured Mail Restricted Delivery (over \$500)

Domestic Return Receipt

7022 3330 0000 2912 2585



# Oregon

Tina Kotek, Governor

## Water Resources Department

North Mall Office Building  
725 Summer St NE, Suite A  
Salem, OR 97301  
Phone 503 986-0900  
Fax 503 986-0904  
[www.oregon.gov/owrd](http://www.oregon.gov/owrd)

May 28, 2024

VIA CERTIFIED MAIL AND E-MAIL

### Applicants

JIM WHITNEY  
PO BOX 1614  
PENDLETON, OR 97801

GARY JELLUM  
101 SE 3<sup>RD</sup> STREET  
PENDLETON, OR 97801

SUBJECT: Water Right Transfer Application T-14055

Please find enclosed the revised Preliminary Determination indicating that, based on the information available, the Department intends to approve application T-14055. 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.

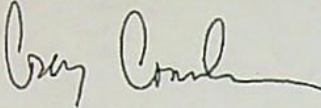
A public notice is being published in the Department's weekly publication, simultaneously with issuance of the revised Preliminary Determination. The notice initiates a period in which any person may file either a protest opposing the decision proposed by the Department in the revised Preliminary Determination or a standing statement supporting the Department's decision. The protest period will end 30 days after the Department's notice.

If no protest is filed, the Department will issue a Final Order consistent with the revised 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 revised Preliminary Determination to present information and arguments supporting their position in a quasi-judicial proceeding.

Please do not hesitate to contact me, at [corey.a.courchane@water.oregon.gov](mailto:corey.a.courchane@water.oregon.gov) or (503) 979-3917, if I may be of assistance.

Sincerely,

A handwritten signature in black ink, appearing to read "Corey Courchane", with a stylized, flowing script.

Corey Courchane  
Allocation of Conserved Water  
Transfer and Conservation Section

cc: Transfer Application file T-14055  
Gregory M. Silbernagel, District 5 Watermaster (*via e-mail*)  
Rebecca Schwartz, Agent for the applicant (*via e-mail*)  
Anton Chiono, Habitat Conservation Project Leader, CTUIR Department of Natural Resources  
(*via e-mail*)  
Jude Love, CTUIR Fish Habitat Biologist (*via e-mail*)

encs

BEFORE THE WATER RESOURCES DEPARTMENT  
OF THE  
STATE OF OREGON

In the Matter of Transfer Application	)	<b>REVISED</b> PRELIMINARY
T-14055, Umatilla County	)	DETERMINATION PROPOSING APPROVAL
	)	OF CHANGES IN POINTS OF
	)	APPROPRIATION

**Authority**

Oregon Revised Statutes (ORS) 537.705 and 540.505 to 540.580 establish the process in which a water right holder may submit a request to transfer the point of appropriation, 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.

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JIM WHITNEY  
PO BOX 1614  
PENDLETON, OR 97801

GARY JELLUM  
101 SE 3<sup>RD</sup> STREET  
PENDLETON, OR 97801

**Findings of Fact**

1. On July 28, 2022, JIM WHITNEY AND GARY JELLUM filed an application to change the points of appropriation under Certificates 90235, 91881, and 95278. The Department assigned the application number T-14055.
2. Notice of the application for transfer was published on August 2, 2022, pursuant to OAR 690-380-4000. No comments were filed in response to the notice.
3. On March 10, 2023, the Department contacted the applicant by written correspondence to notify the applicant and the applicant's agent of deficiencies in the application. The application included a fee waiver of \$1,530.00, based on an endorsement in writing by the Oregon Department of Fish and Wildlife, that the changes proposed in the transfer would result in a net benefit to fish and wildlife habitat. The transfer application did not include the written endorsement, pursuant to OAR 690-380-3000(23). The application also did not include a description of the water delivery system, indicating ready, willing, and able, pursuant to 690-380-3000(10). The acres identified on the transfer application map did not

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.
---

match what was authorized under Certificates 90235 and 91881. The Department requested that the deficiencies be resolved by April 10, 2023.

4. On April 3, 2023, the Department received revisions to the application, resolving the deficiencies.
5. On February 15, 2024, the Department mailed a copy of the draft Preliminary Determination proposing to approve Transfer Application T-14055 to the applicants. The draft Preliminary Determination cover letter set forth a deadline of March 18, 2024, 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.
6. On May 2, 2024, the Department issued a Preliminary Determination proposing to approve Transfer T-14055 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 May 7, 2024.
7. On May 15, 2024, the Department determined that a revised Preliminary Determination should be issued, due to a scrivener's error. The Preliminary Determination issued on May 2, 2024, did not include the Department's standard protest language in the footer at the bottom of page 1. This revised Preliminary Determination is being issued to correct the error.
8. The first right to be transferred is as follows:

**Certificate:** 90235 in the name of CLEAR CREEK CATTLE COMPANY (perfected under Permit G-8483)

**Use:** IRRIGATION of 94.0 ACRES

**Priority Date:** FEBRUARY 1, 1979

**Rate:** 0.92 CUBIC FOOT PER SECOND

**Limit/Duty:** The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands, is limited to a diversion of ONE-EIGHTIETH of one cubic foot per second, or its equivalent for each acre irrigated, and shall be further limited to a diversion of not to exceed 3.0 acre-feet per acre for each acre irrigated during the irrigation season of each year.

**Source:** WELL 1 AND WELL 2, within the MCKAY CREEK BASIN

**Authorized Points of Appropriation:**

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
2 N	32 E	WM	17	SE SW	WELL 1 (ORIGINAL) - 90 FEET NORTH AND 120 FEET WEST FROM THE S1/4 CORNER OF SECTION 17
2 N	32 E	WM	19	NE SW	WELL 2 (ADDITIONAL) - 1150 FEET SOUTH AND 890 FEET WEST FROM THE C1/4 CORNER OF SECTION 19

**Authorized Place of Use:**

IRRIGATION						
Twp	Rng	Mer	Sec	Q-Q	GLot	Acres
2 N	32 E	WM	17	NW NE	10	1.5
2 N	32 E	WM	17	SW NE	9	4.6
2 N	32 E	WM	17	NE NW		13.2
2 N	32 E	WM	17	NW NW		2.9
2 N	32 E	WM	17	SW NW		5.4
2 N	32 E	WM	17	SE NW		28.1
2 N	32 E	WM	19	NE NE		3.5
2 N	32 E	WM	19	NW NE		3.9
2 N	32 E	WM	19	SW NE		2.9
2 N	32 E	WM	19	SE NE		2.0
2 N	32 E	WM	20	NE SE	3	4.0
2 N	32 E	WM	20	NW SE	3	2.3
2 N	32 E	WM	20	NW SE	6	1.2
2 N	32 E	WM	20	SW SE	4	1.3
2 N	32 E	WM	20	SW SE	5	7.4
2 N	32 E	WM	20	SE SE	5	0.3
2 N	32 E	WM	20	SE SE	4	9.5
Total						94.0

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

**Certificate:** 91881 in the name of CLEAR CREEK CATTLE CO. (perfected under Permit G-8483)

**Use:** IRRIGATION OF 445.0 ACRES

**Priority Date:** FEBRUARY 1, 1979

**Rate:** 3.11 CUBIC FEET PER SECOND (CFS), further limited to no more than 3.11 CFS from Well 1 and no more than 2.36 CFS from Well 2, in any combination, or its equivalent in case of rotation, measured at the wells.

**Limit/Duty:** The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands, is limited to a diversion of ONE-EIGHTIETH of one cubic foot per second, or its equivalent for each acre irrigated, and shall be further limited to a diversion of not to exceed 3.0 acre-feet per acre for each acre irrigated during the irrigation season of each year.

**Source:** WELL 1 AND WELL 2, within the MCKAY CREEK BASIN

**Authorized Points of Appropriation:**

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
2 N	32 E	WM	17	SE SW	WELL 1 (ORIGINAL) - 90 FEET NORTH AND 120 FEET WEST FROM THE S1/4 CORNER OF SECTION 17
2 N	32 E	WM	19	NE SW	WELL 2 (ADDITIONAL) - 1150 FEET SOUTH AND 890 FEET WEST FROM THE C1/4 CORNER OF SECTION 19

**Authorized Place of Use:**

IRRIGATION						
Twp	Rng	Mer	Sec	Q-Q	GLot	Acres
2 N	32 E	WM	17	SW NE	9	0.8
2 N	32 E	WM	17	SE NW		1.0
2 N	32 E	WM	17	NE SW		37.3
2 N	32 E	WM	17	NW SW		0.8
2 N	32 E	WM	17	SW SW		8.0
2 N	32 E	WM	17	SE SW		35.5
2 N	32 E	WM	17	NW SE		30.5
2 N	32 E	WM	17	SW SE	11	26.4
2 N	32 E	WM	18	SE SE		3.7
2 N	32 E	WM	19	NE NE		31.1
2 N	32 E	WM	19	SW NE		6.1
2 N	32 E	WM	19	SE NE		27.0
2 N	32 E	WM	20	NE NE	1	0.5
2 N	32 E	WM	20	NW NE	1	3.8
2 N	32 E	WM	20	NW NE	8	28.9
2 N	32 E	WM	20	SW NE	2	0.2
2 N	32 E	WM	20	SW NE	7	32.4
2 N	32 E	WM	20	SE NE	7	0.3
2 N	32 E	WM	20	SE NE	2	0.6
2 N	32 E	WM	20	NE NW		34.2
2 N	32 E	WM	20	NW NW		39.9
2 N	32 E	WM	20	SW NW		21.6
2 N	32 E	WM	20	SE NW		29.5
2 N	32 E	WM	20	NE SW		24.1
2 N	32 E	WM	20	NW SE	3	1.0
2 N	32 E	WM	20	NW SE	6	19.8
Total						445.0

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

**Certificate:** 95278 in the name of CLEAR CREEK CATTLE CO. (perfected under Permit G-8483)

**Use:** IRRIGATION OF 10.2 ACRES

**Priority Date:** FEBRUARY 1, 1979

**Rate:** 0.07 CUBIC FOOT PER SECOND

**Limit/Duty:** The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands, is limited to a diversion of ONE-EIGHTIETH of one cubic foot per second, or its equivalent for each acre irrigated, and shall be further limited to a diversion of not to exceed 3.0 acre-feet per acre for each acre irrigated during the irrigation season of each year.

**Source:** WELL 1 AND WELL 2 IN MCKAY CREEK BASIN

**Authorized Points of Appropriation:**

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
2 N	32 E	WM	17	SE SW	WELL 1 (ORIGINAL) - 90 FEET NORTH AND 120 FEET WEST FROM THE S1/4 CORNER OF SECTION 17
2 N	32 E	WM	19	NE SW	WELL 2 (ADDITIONAL) - 1150 FEET SOUTH AND 890 FEET WEST FROM THE C1/4 CORNER OF SECTION 19

**Authorized Place of Use:**

IRRIGATION						
Twp	Rng	Mer	Sec	Q-Q	GLot	Acres
2 N	32 E	WM	20	SW SE	5	0.8
2 N	32 E	WM	20	SE SE	4	7.5
2 N	32 E	WM	20	SE SE	5	1.9
Total						10.2

11. Transfer Application T-14055 proposes to move the authorized point of appropriation for Well 2 (Additional) under all three rights approximately 1316 feet Southeast from the existing point of appropriation to:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
2 N	32 E	WM	19	SW SE	POA 3 - 950 FEET NORTH AND 250 FEET EAST FROM THE S1/4 CORNER OF SECTION 19

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

12. Water has been used within the last five years according to the terms and conditions of the rights. There is no information in the record that would demonstrate that the rights are subject to forfeiture under ORS 540.610.
13. A water delivery system sufficient to use the full amount of water allowed under the existing rights were present within the five-year period prior to submittal of Transfer Application T-14055.
14. The water rights are subject to transfer as defined in ORS 540.505(4) and OAR 690-380-0100(14).
15. The proposed point of appropriation develops groundwater from the same aquifer as the authorized point of appropriation, as required by OAR 690-380-2110(2).
16. The proposed change, as conditioned, would not result in enlargement of the rights.
17. Construction of the proposed POA, as proposed, will likely result in an increase in interference with Birch Creek. Specifically, the proposed seal depth/interval (0-20 feet bgs) is not adequate to prevent hydraulic connection between shallow WBZs (water bearing zones) and the creek. The proposed POA will be located adjacent to the alluvial floodplain of Birch Creek, approximately 50 feet from and 15 feet above, the local reach of the creek. Although the applicant has proposed a well that will develop higher yielding WBZs found

several hundred feet below the creek; shallow, lower yielding WBZs are also present. These shallow zones likely include groundwater in alluvial floodplain sediments and in upper CRBG (Columbia River Basalt Group) units that underlie the sediments. Failure to seal the shallow WBZs can result in interference with Birch Creek and/or allow commingling of shallow and deep WBZs. To prevent injury to other surface water rights, the proposed POA should be constructed in a manner that eliminates hydraulic connection to and interference with Birch Creek. The proposed POA shall be cased and sealed to 80 feet below ground surface, a depth that is significantly below the elevation of the creek and below surficial alluvial sediments and upper CRBG units.

18. The proposed change, as conditioned in Finding of Fact No. 17 above, shall not cause injury to other water rights.
19. All other application requirements are met.

#### **Determination and Proposed Action**

The changes in point of appropriation proposed in Transfer Application T-14055 appear to be consistent with the requirements of ORS 537.705 and 540.505 to 540.580 and OAR 690-380-5000. If protests are not filed pursuant to OAR 690-380-4030, the application will be approved.

*If Transfer Application T-14055 is approved, the final order will include the following:*

1. *The changes in point of appropriation proposed in Transfer Application T-14055 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 Certificates 90235, 91881, and 95278, and any related decree.*
3. *Approval of this transfer application does not constitute nor grant legal access onto or through another person's property for purposes of accessing the new point of appropriation.*
4. *Water right Certificates 90235, 91881, and 95278 are cancelled.*
5. *The quantity of water diverted at the new point of appropriation (POA 3) shall not exceed the quantity of water lawfully available at the original point of appropriation (Well 2 (Additional)).*
6. *Water shall be acquired from the same aquifer (water source) as the original point of appropriation.*

7. *Water use measurement conditions:*

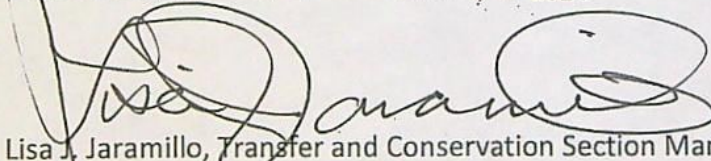
- a. Before water use may begin under this order, the water user shall install a totalizing flow meter, or, with prior approval of the Director, another suitable measuring device, at each point of appropriation (new and existing).*
- b. The water user shall maintain the meters or measuring devices in 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. *The proposed POA shall be continuously cased and sealed to a depth of 80 feet below ground surface.*

9. *Full beneficial use of the water shall be made, consistent with the terms of this order, on or before **October 1, 2025**. 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.*

10. *After satisfactory proof of beneficial use is received, new certificates confirming the rights transferred will be issued.*

Dated in Salem, Oregon on **MAY 28 2024**



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

This Preliminary Determination was prepared by Corey Courchane. If you have questions about the information in this document, you may reach me at 971 979-3107 or [Corey.A.Courchane@water.oregon.gov](mailto:Corey.A.Courchane@water.oregon.gov).

### Protests

Under the provisions of ORS 540.520(6) & (7) and OAR 690-380-4030, within 30 days after the last date of publication of the newspaper notice or the Department's weekly notice as prescribed by OAR 690-380-4020, whichever is later, any person may file, jointly or severally, a protest expressing opposition of approval of the transfer application and disagreement with this Preliminary Determination or a standing statement in support of this Preliminary Determination. If this Preliminary Determination determines that a change in point of diversion

or appropriation would result in injury, the applicant may file a notification of intent to pursue approval of the transfer under OAR 690-380-5030 to 690-380-5050. Protests and standing statements must be received by the Water Resources Department within 30 days after the last date of publication of the newspaper notice or the Department's weekly notice as prescribed by OAR 690-380-4020, whichever is later.

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

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

#### **Requests for Standing**

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

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

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

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

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

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

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

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

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

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

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

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





# Oregon

Tina Kotek, Governor

## Water Resources Department

North Mall Office Building  
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Phone 503 986-0900  
Fax 503 986-0904  
[www.oregon.gov/owrd](http://www.oregon.gov/owrd)

May 2, 2024

VIA CERTIFIED MAIL AND E-MAIL

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SUBJECT: Water Right Transfer Application T-14055

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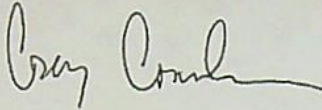
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Please do not hesitate to contact me, at [corey.a.courchane@water.oregon.gov](mailto:corey.a.courchane@water.oregon.gov) or (503) 979-3917, if I may be of assistance.

Sincerely,

A handwritten signature in black ink, appearing to read "Corey Courchane". The signature is fluid and cursive, with the first name "Corey" and last name "Courchane" clearly distinguishable.

Corey Courchane  
Allocation of Conserved Water  
Transfer and Conservation Section

cc: Transfer Application file T-14055  
Gregory M. Silbernagel, District 5 Watermaster (*via e-mail*)  
Rebecca Schwartz, Agent for the applicant (*via e-mail*)  
Anton Chiono, Habitat Conservation Project Leader, CTUIR Department of Natural Resources  
(*via e-mail*)  
Jude Love, CTUIR Fish Habitat Biologist (*via e-mail*)

encs

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

In the Matter of Transfer Application	)	PRELIMINARY DETERMINATION
T-14055, Umatilla County	)	PROPOSING APPROVAL OF CHANGES IN
	)	POINTS OF APPROPRIATION

**Authority**

Oregon Revised Statutes (ORS) 537.705 and 540.505 to 540.580 establish the process in which a water right holder may submit a request to transfer the point of appropriation, 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.

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3. On March 10, 2023, the Department contacted the applicant by written correspondence to notify the applicant and the applicant's agent of deficiencies in the application. The application included a fee waiver of \$1,530.00, based on an endorsement in writing by the Oregon Department of Fish and Wildlife, that the changes proposed in the transfer would result in a net benefit to fish and wildlife habitat. The transfer application did not include the written endorsement, pursuant to OAR 690-380-3000(23). The application also did not include a description of the water delivery system, indicating ready, willing, and able, pursuant to 690-380-3000(10). The acres identified on the transfer application map did not match what was authorized under Certificates 90235 and 91881. The Department requested that the deficiencies be resolved by April 10, 2023.

4. On April 3, 2023, the Department received revisions to the application, resolving the deficiencies.
5. On February 15, 2024, the Department mailed a copy of the draft Preliminary Determination proposing to approve Transfer Application T-14055 to the applicants. The draft Preliminary Determination cover letter set forth a deadline of March 18, 2024, 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.
6. The first right to be transferred is as follows:

**Certificate:** 90235 in the name of CLEAR CREEK CATTLE COMPANY (perfected under Permit G-8483)

**Use:** IRRIGATION of 94.0 ACRES

**Priority Date:** FEBRUARY 1, 1979

**Rate:** 0.92 CUBIC FOOT PER SECOND

**Limit/Duty:** The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands, is limited to a diversion of ONE-EIGHTIETH of one cubic foot per second, or its equivalent for each acre irrigated, and shall be further limited to a diversion of not to exceed 3.0 acre-feet per acre for each acre irrigated during the irrigation season of each year.

**Source:** WELL 1 AND WELL 2, within the MCKAY CREEK BASIN

**Authorized Points of Appropriation:**

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
2 N	32 E	WM	17	SE SW	WELL 1 (ORIGINAL) - 90 FEET NORTH AND 120 FEET WEST FROM THE S1/4 CORNER OF SECTION 17
2 N	32 E	WM	19	NE SW	WELL 2 (ADDITIONAL) - 1150 FEET SOUTH AND 890 FEET WEST FROM THE C1/4 CORNER OF SECTION 19

**Authorized Place of Use:**

IRRIGATION						
Twp	Rng	Mer	Sec	Q-Q	GLot	Acres
2 N	32 E	WM	17	NW NE	10	1.5
2 N	32 E	WM	17	SW NE	9	4.6
2 N	32 E	WM	17	NE NW		13.2
2 N	32 E	WM	17	NW NW		2.9
2 N	32 E	WM	17	SW NW		5.4
2 N	32 E	WM	17	SE NW		28.1
2 N	32 E	WM	19	NE NE		3.5
2 N	32 E	WM	19	NW NE		3.9
2 N	32 E	WM	19	SW NE		2.9
2 N	32 E	WM	19	SE NE		2.0
2 N	32 E	WM	20	NE SE	3	4.0
2 N	32 E	WM	20	NW SE	3	2.3
2 N	32 E	WM	20	NW SE	6	1.2

IRRIGATION						
Twp	Rng	Mer	Sec	Q-Q	GLot	Acres
2 N	32 E	WM	20	SW SE	4	1.3
2 N	32 E	WM	20	SW SE	5	7.4
2 N	32 E	WM	20	SE SE	5	0.3
2 N	32 E	WM	20	SE SE	4	9.5
Total						94.0

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

**Certificate:** 91881 in the name of CLEAR CREEK CATTLE CO. (perfected under Permit G-8483)

**Use:** IRRIGATION OF 445.0 ACRES

**Priority Date:** FEBRUARY 1, 1979

**Rate:** 3.11 CUBIC FEET PER SECOND (CFS), further limited to no more than 3.11 CFS from Well 1 and no more than 2.36 CFS from Well 2, in any combination, or its equivalent in case of rotation, measured at the wells.

**Limit/Duty:** The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands, is limited to a diversion of ONE-EIGHTIETH of one cubic foot per second, or its equivalent for each acre irrigated, and shall be further limited to a diversion of not to exceed 3.0 acre-feet per acre for each acre irrigated during the irrigation season of each year.

**Source:** WELL 1 AND WELL 2, within the MCKAY CREEK BASIN

**Authorized Points of Appropriation:**

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
2 N	32 E	WM	17	SE SW	WELL 1 (ORIGINAL) - 90 FEET NORTH AND 120 FEET WEST FROM THE S1/4 CORNER OF SECTION 17
2 N	32 E	WM	19	NE SW	WELL 2 (ADDITIONAL) - 1150 FEET SOUTH AND 890 FEET WEST FROM THE C1/4 CORNER OF SECTION 19

**Authorized Place of Use:**

IRRIGATION						
Twp	Rng	Mer	Sec	Q-Q	GLot	Acres
2 N	32 E	WM	17	SW NE	9	0.8
2 N	32 E	WM	17	SE NW		1.0
2 N	32 E	WM	17	NE SW		37.3
2 N	32 E	WM	17	NW SW		0.8
2 N	32 E	WM	17	SW SW		8.0
2 N	32 E	WM	17	SE SW		35.5
2 N	32 E	WM	17	NW SE		30.5
2 N	32 E	WM	17	SW SE	11	26.4
2 N	32 E	WM	18	SE SE		3.7
2 N	32 E	WM	19	NE NE		31.1
2 N	32 E	WM	19	SW NE		6.1
2 N	32 E	WM	19	SE NE		27.0
2 N	32 E	WM	20	NE NE	1	0.5

IRRIGATION						
Twp	Rng	Mer	Sec	Q-Q	GLot	Acres
2 N	32 E	WM	20	NW NE	1	3.8
2 N	32 E	WM	20	NW NE	8	28.9
2 N	32 E	WM	20	SW NE	2	0.2
2 N	32 E	WM	20	SW NE	7	32.4
2 N	32 E	WM	20	SE NE	7	0.3
2 N	32 E	WM	20	SE NE	2	0.6
2 N	32 E	WM	20	NE NW		34.2
2 N	32 E	WM	20	NW NW		39.9
2 N	32 E	WM	20	SW NW		21.6
2 N	32 E	WM	20	SE NW		29.5
2 N	32 E	WM	20	NE SW		24.1
2 N	32 E	WM	20	NW SE	3	1.0
2 N	32 E	WM	20	NW SE	6	19.8
Total						445.0

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

**Certificate:** 95278 in the name of CLEAR CREEK CATTLE CO. (perfected under Permit G-8483)

**Use:** IRRIGATION OF 10.2 ACRES

**Priority Date:** FEBRUARY 1, 1979

**Rate:** 0.07 CUBIC FOOT PER SECOND

**Limit/Duty:** The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands, is limited to a diversion of ONE-EIGHTIETH of one cubic foot per second, or its equivalent for each acre irrigated, and shall be further limited to a diversion of not to exceed 3.0 acre-feet per acre for each acre irrigated during the irrigation season of each year.

**Source:** WELL 1 AND WELL 2 IN MCKAY CREEK BASIN

**Authorized Points of Appropriation:**

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
2 N	32 E	WM	17	SE SW	WELL 1 (ORIGINAL) - 90 FEET NORTH AND 120 FEET WEST FROM THE S1/4 CORNER OF SECTION 17
2 N	32 E	WM	19	NE SW	WELL 2 (ADDITIONAL) - 1150 FEET SOUTH AND 890 FEET WEST FROM THE C1/4 CORNER OF SECTION 19

**Authorized Place of Use:**

IRRIGATION						
Twp	Rng	Mer	Sec	Q-Q	GLot	Acres
2 N	32 E	WM	20	SW SE	5	0.8
2 N	32 E	WM	20	SE SE	4	7.5
2 N	32 E	WM	20	SE SE	5	1.9
Total						10.2

9. Transfer Application T-14055 proposes to move the authorized point of appropriation for Well 2 (Additional) under all three rights approximately 1316 feet from the existing point of appropriation to:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
2 N	32 E	WM	19	SW SE	POA 3 - 950 FEET NORTH AND 250 FEET EAST FROM THE S1/4 CORNER OF SECTION 19

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

10. Water has been used within the last five years according to the terms and conditions of the rights. There is no information in the record that would demonstrate that the rights are subject to forfeiture under ORS 540.610.
11. A water delivery system sufficient to use the full amount of water allowed under the existing rights were present within the five-year period prior to submittal of Transfer Application T-14055.
12. The water rights are subject to transfer as defined in ORS 540.505(4) and OAR 690-380-0100(14).
13. The proposed point of appropriation develops groundwater from the same aquifer as the authorized point of appropriation, as required by OAR 690-380-2110(2).
14. The proposed change, as conditioned, would not result in enlargement of the rights.
15. Construction of the proposed POA, as proposed, will likely result in an increase in interference with Birch Creek. Specifically, the proposed seal depth/interval (0-20 feet bgs) is not adequate to prevent hydraulic connection between shallow WBZs (water bearing zones) and the creek. The proposed POA will be located adjacent to the alluvial floodplain of Birch Creek, approximately 50 feet from and 15 feet above, the local reach of the creek. Although the applicant has proposed a well that will develop higher yielding WBZs found several hundred feet below the creek; shallow, lower yielding WBZs are also present. These shallow zones likely include groundwater in alluvial floodplain sediments and in upper CRBG (Columbia River Basalt Group) units that underlie the sediments. Failure to seal the shallow WBZs can result in interference with Birch Creek and/or allow commingling of shallow and deep WBZs. To prevent injury to other surface water rights, the proposed POA should be constructed in a manner that eliminates hydraulic connection to and interference with Birch Creek. The proposed POA shall be cased and sealed to 80 feet below ground surface, a depth that is significantly below the elevation of the creek and below surficial alluvial sediments and upper CRBG units.
16. The proposed change, as conditioned in Finding of Fact No. 15 above, shall not cause injury to other water rights.
17. All other application requirements are met.

## Determination and Proposed Action

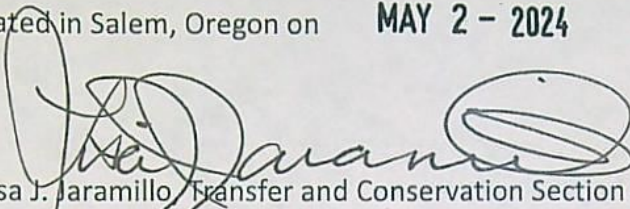
The changes in point of appropriation proposed in Transfer Application T-14055 appear to be consistent with the requirements of ORS 537.705 and 540.505 to 540.580 and OAR 690-380-5000. If protests are not filed pursuant to OAR 690-380-4030, the application will be approved.

*If Transfer Application T-14055 is approved, the final order will include the following:*

- 1. The changes in point of appropriation proposed in Transfer Application T-14055 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 Certificates 90235, 91881, and 95278, and any related decree.*
- 3. Approval of this transfer application does not constitute nor grant legal access onto or through another person's property for purposes of accessing the new point of appropriation.*
- 4. Water right Certificates 90235, 91881, and 95278 are cancelled.*
- 5. The quantity of water diverted at the new point of appropriation (POA 3) shall not exceed the quantity of water lawfully available at the original point of appropriation (Well 2 (Additional)).*
- 6. Water shall be acquired from the same aquifer (water source) as the original point of appropriation.*
- 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 appropriation (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. The proposed POA shall be continuously cased and sealed to a depth of 80 feet below ground surface.*
- 9. Full beneficial use of the water shall be made, consistent with the terms of this order, on or before **October 1, 2025**. 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.*

10. *After satisfactory proof of beneficial use is received, new certificates confirming the rights transferred will be issued.*

Dated in Salem, Oregon on **MAY 2 - 2024**



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

This Preliminary Determination was prepared by Corey Courchane. If you have questions about the information in this document, you may reach me at 971 979-3107 or [Corey.A.Courchane@water.oregon.gov](mailto:Corey.A.Courchane@water.oregon.gov).

### Protests

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

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

- The person's name, address, and telephone number;
- All reasonably ascertainable issues and all reasonably available arguments supporting the person's position by the close of the protest period. Failure to raise a reasonably ascertainable issue in a protest or failure to provide sufficient specificity to afford the Department an opportunity to respond to the issue may preclude consideration of the issue during the hearing;

- If you are the applicant, a protest fee of \$480 required by ORS 536.050; and
- If you are not the applicant, a protest fee of \$950 required by ORS 536.050 and proof of service of the protest upon the applicant.

### Requests for Standing

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

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

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

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

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

If after hearing the Department issues a proposed Final Order finding that a change in point of diversion or appropriation will result in injury, the applicant may file a notification of intent to pursue approval of the transfer under OAR 690-380-5030 to 690-380-5050 within 15 days of receipt of the proposed order. Notwithstanding 690-002-0175, if the applicant files a notification of intent to pursue approval of the transfer under 690-380-5030 to 690-380-5050, the deadline for filing exceptions to the proposed order shall be 30 days after the Department

provides notice to the parties that the transfer does not meet the requirements of 690-380-5030 to 690-380-5050.

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

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

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

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

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

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



Office Locations throughout Washington, Oregon & Idaho

[www.amerititle.com](http://www.amerititle.com)

Prepared For: Jude Love  
Prepared March 21, 2024

**OWRD RECEIVED**

courchca, 4/5/2024, 10:37:58 AM

Property Address  
72285 Westfield Blvd  
Pendleton, OR 97801  
Assessors Parcel No: 104168

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Office Locations throughout Washington, Oregon & Idaho

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Prepared For: Jude Love

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courchca, 4/2/2024, 1:08:56 PM

Property Address

72285 Westfield Blvd

Pendleton, OR 97801

Assessors Parcel No: 104168

*supporting communities where we live and work !*

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3/21/2024

Data Deemed Reliable but not Guaranteed

# Property Detail Report

72285 Westfield Blvd, Pendleton, OR 97801-9639

APN: 104168

Umatilla County Data as of: 03/15/2024

## Owner Information

Owner Name: Robin A Fletcher Credit Shelter TR  
Vesting: Ea  
Mailing Address: 101 SE 3rd St, Pendleton, OR 97801-2303

Occupancy: Absentee Owner

## Location Information

Legal Description: APN: 104168 Alternate APN: 2N32000001100  
Munic / Twnshp: Twnshp-Rng-Sec: 02N-32E-  
Subdivision: Tract #: County: Umatilla, OR  
Neighborhood: School District: Pendleton School District 16  
Elementary School: Mckay Creek Elemen... Middle School: Sunridge Middle Sc...  
Latitude: 45.63339 Longitude: -118.83498 High School: Pendleton High Sch...

## Last Transfer / Conveyance - Current Owner

Transfer / Rec Date: Price: Transfer Doc #:  
Buyer Name: Seller Name: Deed Type:

## Last Market Sale

Sale / Rec Date: Sale Price / Type: Deed Type:  
Multi / Split Sale: Price / Sq. Ft.: New Construction:  
1st Mtg Amt / Type: 1st Mtg Rate / Type: 1st Mtg Doc #: N/A  
2nd Mtg Amt / Type: 2nd Mtg Rate / Type: Sale Doc #: N/A  
Seller Name: Title Company:  
Lender:

## Prior Sale Information

Sale / Rec Date: Sale Price / Type: Prior Deed Type:  
1st Mtg Amt / Type: 1st Mtg Rate / Type: Prior Sale Doc #: N/A  
Prior Lender:

## Property Characteristics

Gross Living Area: 10,672 Sq. Ft. Total Rooms: 8 Year Built / Eff: 1993  
Living Area: 1,742 Sq. Ft. Bedrooms: 3 Stories: 1  
Total Adj. Area: Baths (F / H): 2 / Parking Type:  
Above Grade: 10,672 Sq. Ft. Pool: Garage #:  
Basement Area: Fireplace: Garage Area:  
Style: Cooling: Porch Type:  
Foundation: Heating: Patio Type: Wood Deck  
Quality: Exterior Wall: Roof Type:  
Condition: Construction Type: Roof Material:

## Site Information

Land Use: Mobile Home Lot Area: 32,103,720 Sq. Ft. Zoning: EFU  
State Use: 551 - Farm/Efu/... Lot Width / Depth: # of Buildings: 3  
County Use: 559 - M S H&B Use Farm, Rcvng Farm Def Usable Lot: Res / Comm Units:  
Site Influence: Acres: 737.0 Water / Sewer Type:  
Flood Zone Code: X Flood Map #: 41059C1014G Flood Map Date: 09/03/2010  
Community Name: Umatilla County Flood Panel #: 1014G Inside SFHA: False

## Tax Information

Assessed Year: 2022 Assessed Value: \$409,476 Market Total Value: \$4,403,540  
Tax Year: 2022 Land Value: Market Land Value: \$4,308,730  
Tax Area: 1602 Improvement Value: Market Imprv Value: \$94,810  
Property Tax: \$4,749.34 Improved %: Market Imprv %: 2.15%  
Exemption: Delinquent Year:

# Property Detail Report

72285 Westfield Blvd, Pendleton, OR 97801-9639

APN: 104168

Umatilla County Data as of: 03/15/2024

## Owner Information

Owner Name:	Robin A Fletcher Credit Shelter TR	Occupancy:	Absentee Owner
Vesting:	Ea		
Mailing Address:	101 SE 3rd St, Pendleton, OR 97801-2303		

## Location Information

Legal Description:		County:	Umatilla, OR
APN:	104168	Census Tract / Block:	950500 / 4022
Munic / Twnshp:		Legal Lot / Block:	
Subdivision:		Legal Book / Page:	
Neighborhood:		School District:	Pendleton School District 16
Elementary School:	Mckay Creek Elemen...	Middle School:	Sunridge Middle Sc...
Latitude:	45.63339	High School:	Pendleton High Sch...
		Longitude:	-118.83498

## Last Transfer / Conveyance - Current Owner

Transfer / Rec Date:	Price:	Transfer Doc #:
Buyer Name:	Seller Name:	Deed Type:

## Last Market Sale

Sale / Rec Date:	Sale Price / Type:	Deed Type:
Multi / Split Sale:	Price / Sq. Ft.:	New Construction:
1st Mtg Amt / Type:	1st Mtg Rate / Type:	1st Mtg Doc #:
2nd Mtg Amt / Type:	2nd Mtg Rate / Type:	Sale Doc #:
Seller Name:		
Lender:		Title Company:

## Prior Sale Information

Sale / Rec Date:	Sale Price / Type:	Prior Deed Type:
1st Mtg Amt / Type:	1st Mtg Rate / Type:	Prior Sale Doc #:
Prior Lender:		

## Property Characteristics

Gross Living Area:	10,672 Sq. Ft.	Total Rooms:	8	Year Built / Eff:	1993
Living Area:	1,742 Sq. Ft.	Bedrooms:	3	Stories:	1
Total Adj. Area:		Baths (F / H):	2 /	Parking Type:	
Above Grade:	10,672 Sq. Ft.	Pool:		Garage #:	
Basement Area:		Fireplace:		Garage Area:	
Style:		Cooling:		Porch Type:	
Foundation:		Heating:		Patio Type:	Wood Deck
Quality:		Exterior Wall:		Roof Type:	
Condition:		Construction Type:		Roof Material:	

## Site Information

Land Use:	Mobile Home	Lot Area:	32,103,720 Sq. Ft.	Zoning:	EFU
State Use:	551 - Farm/Efu/...	Lot Width / Depth:		# of Buildings:	3
County Use:	559 - M S H&B Use Farm, Rcvng Farm Def	Usable Lot:		Res / Comm Units:	
Site Influence:		Acres:	737.0	Water / Sewer Type:	
Flood Zone Code:	X	Flood Map #:	41059C1014G	Flood Map Date:	09/03/2010
Community Name:	Umatilla County	Flood Panel #:	1014G	Inside SFHA:	False

## Tax Information

Assessed Year:	2022	Assessed Value:	\$409,476	Market Total Value:	\$4,403,540
Tax Year:	2022	Land Value:		Market Land Value:	\$4,308,730
Tax Area:	1602	Improvement Value:		Market Imprv Value:	\$94,810
Property Tax:	\$4,749.34	Improved %:		Market Imprv %:	2.15%
Exemption:		Delinquent Year:			

## Sales Comparables

72285 Westfield Blvd, Pendleton, OR 97801-9639

APN: 104168

Umatilla County Data as of: 03/15/2024

**No sales comparables found for default criteria.**

You may edit your criteria to locate comparables.

# Property Detail Report

72285 Westfield Blvd, Pendleton, OR 97801-9639

APN: 104168

Umatilla County Data as of: 03/15/2024

## Owner Information

Owner Name: Robin A Fletcher Credit Shelter TR  
Vesting: Ea  
Mailing Address: 101 SE 3rd St, Pendleton, OR 97801-2303  
Occupancy: Absentee Owner

## Location Information

Legal Description:  
APN: 104168  
Munic / Twnshp: Alternate APN: 2N32000001100  
Subdivision: Twnshp-Rng-Sec: 02N-32E-  
Neighborhood: Tract #: Pendleton School District 16  
Elementary School: Mckay Creek Elemen... Middle School: Sunridge Middle Sc... High School: Pendleton High Sch...  
Latitude: 45.63339 Longitude: -118.83498

## Last Transfer / Conveyance - Current Owner

Transfer / Rec Date: Price: Transfer Doc #:  
Buyer Name: Seller Name: Deed Type:

## Last Market Sale

Sale / Rec Date: Sale Price / Type: Deed Type:  
Multi / Split Sale: Price / Sq. Ft.: New Construction:  
1st Mtg Amt / Type: 1st Mtg Rate / Type: 1st Mtg Doc #: N/A  
2nd Mtg Amt / Type: 2nd Mtg Rate / Type: Sale Doc #: N/A  
Seller Name: Title Company:  
Lender:

## Prior Sale Information

Sale / Rec Date: Sale Price / Type: Prior Deed Type:  
1st Mtg Amt / Type: 1st Mtg Rate / Type: Prior Sale Doc #: N/A  
Prior Lender:

## Property Characteristics

Gross Living Area: 10,672 Sq. Ft. Total Rooms: 8 Year Built / Eff: 1993  
Living Area: 1,742 Sq. Ft. Bedrooms: 3 Stories: 1  
Total Adj. Area: Baths (F / H): 2 /  
Above Grade: 10,672 Sq. Ft. Pool:  
Basement Area: Fireplace:  
Style: Cooling:  
Foundation: Heating:  
Quality: Exterior Wall:  
Condition: Construction Type: Roof Type: Wood Deck  
Roof Material:

## Site Information

Land Use: Mobile Home Lot Area: 32,103,720 Sq. Ft. Zoning: EFU  
State Use: 551 - Farm/Efu/... Lot Width / Depth: # of Buildings: 3  
County Use: 559 - M S H&B Use Farm, Rcvng Farm Def Usable Lot: Res / Comm Units:  
Site Influence: Acres: 737.0 Water / Sewer Type:  
Flood Zone Code: X Flood Map #: 41059C1014G Flood Map Date: 09/03/2010  
Community Name: Umatilla County Flood Panel #: 1014G Inside SFHA: False

## Tax Information

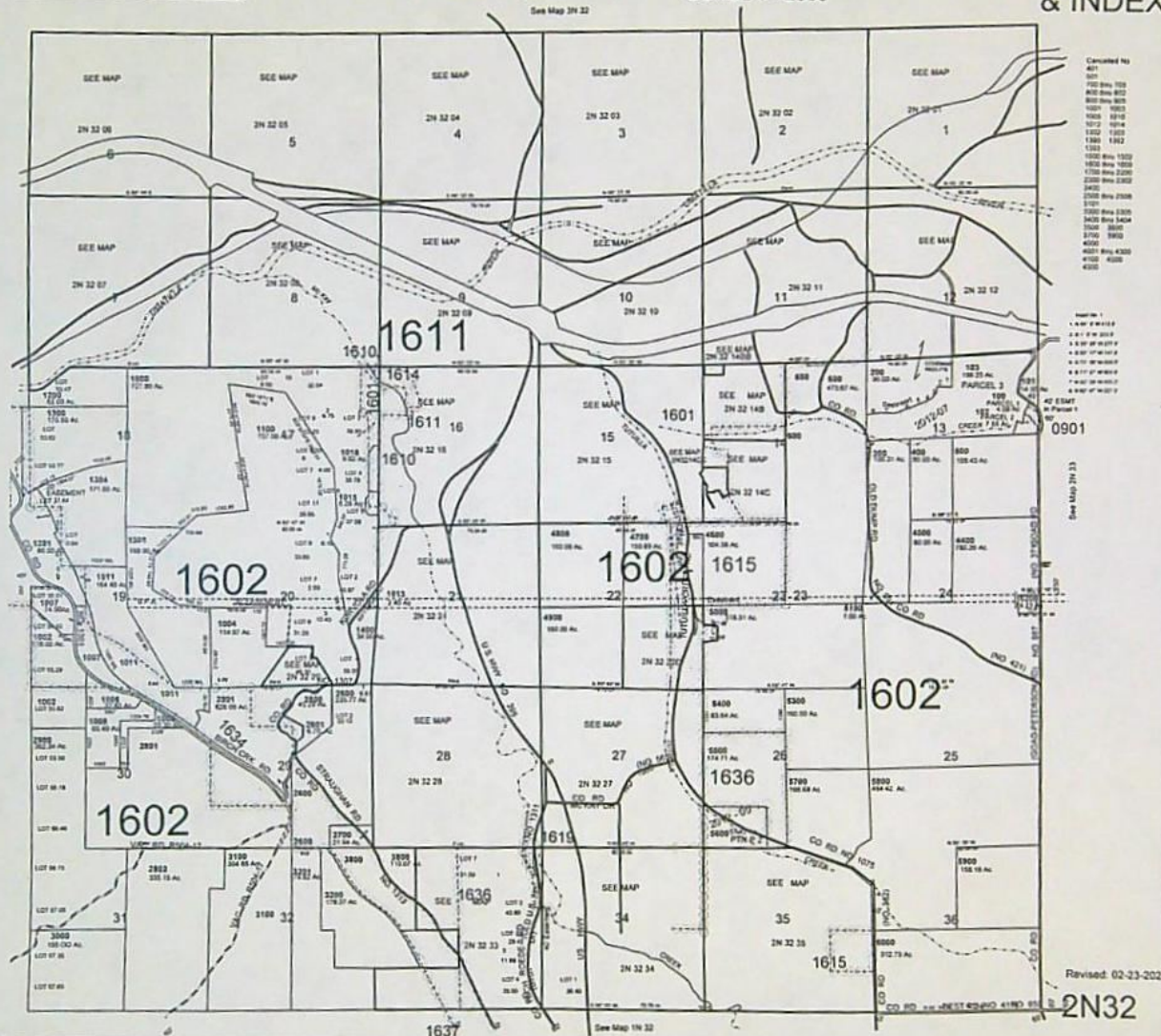
Assessed Year: 2022 Assessed Value: \$409,476 Market Total Value: \$4,403,540  
Tax Year: 2022 Land Value: Market Land Value: \$4,308,730  
Tax Area: 1602 Improvement Value: Market Imprv Value: \$94,810  
Property Tax: \$4,749.34 Improved %: Market Imprv %: 2.15%  
Exemption: Delinquent Year:

**Disclaimer:** This report is not an insured product or service or a representation of the condition of title to real property. It is not an abstract, legal opinion, opinion of title, title insurance, commitment or preliminary report, or any form of title insurance or guaranty. Estimated property values are: (i) based on available data; (ii) are not guaranteed or warranted; (iii) do not constitute an appraisal; and (iv) should not be relied upon in lieu of an appraisal. This report is issued exclusively for the benefit of the applicant therefor, and may not be used or relied upon by any other person. This report may not be reproduced in any manner without the issuing party's prior written consent. The issuing party does not represent or warrant that the information herein is complete or free from error, and the information herein is provided without any warranties of any kind, as-is, and with all faults. As a material part of the consideration given in exchange for the issuance of this report, recipient agrees that the issuing party's sole liability for any loss or damage caused by an error or omission due to inaccurate information or negligence in preparing this report shall be limited to the fee charged for the report. Recipient accepts this report with this limitation and agrees that the issuing party would not have issued this report but for the limitation of liability described above. The issuing party makes no representation or warranty as to the legality or propriety of recipient's use of the information herein.

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T2N R32E WM  
UMATILLA COUNTY

SCALE 1"=2000'

2N32  
& INDEX

THIS MAP WAS PREPARED FOR  
ASSESSMENT PURPOSES ONLY



# OWRD RECEIVED

courchca, 4/5/2024, 10:38:57 AM

## EXHIBIT A

### Description of Jellum/Fletcher Property

#### Tax Lot 1100, Umatilla County Assessor Map No. 2N32 and Index:

✓ That portion of Sections 17, 18, 19 and 20, Township 2 North, Range 32 East, W.M., Umatilla County, Oregon described as:

Commencing at the Southwest corner of said Section 17; thence North  $00^{\circ}19'35''$  West along the West line of said Section 17 a distance of 408.32 feet to the TRUE POINT OF BEGINNING for this description; thence North  $83^{\circ}18'53''$  East a distance of 1283.86 feet; thence North  $09^{\circ}47'56''$  West a distance of 4193.98 feet; thence South  $82^{\circ}18'11''$  East a distance of 1840.15 feet; thence South  $33^{\circ}25'04''$  East a distance of 2896.51 feet; thence South  $04^{\circ}23'11''$  East a distance of 1670.05 feet; thence South  $17^{\circ}17'26''$  West a distance of 348.04 feet to a point on the North line of said Section 20 which bears South  $89^{\circ}35'12''$  West a distance of 1328.83 feet from the Northeast corner of said Section 20; thence continuing South  $17^{\circ}17'26''$  West a distance of 343.12 feet; thence South  $33^{\circ}04'52''$  East a distance of 531.70 feet; thence South  $01^{\circ}23'13''$  West a distance of 773.28 feet; thence South  $13^{\circ}04'53''$  East a distance of 514.52 feet; thence South  $04^{\circ}23'11''$  East a distance of 1258.16 feet to a point on the Westerly right-of-way line of County Road No. 1307, as said road right-of-way was Legalized and depicted on Umatilla County Survey No. 95-58-C; thence along said Westerly right-of-way line, on the arc of a 465.48 foot radius curve to the left a distance of 371.92 feet to the point of tangency, (long chord bears South  $13^{\circ}35'20''$  East a distance of 362.11 feet); thence South  $36^{\circ}28'43''$  East, continuing along said right-of-way line a distance of 165.98 feet to the point of curvature of a curve; thence along said right-of-way line on the arc of a 568.13 foot radius curve to the right a distance of 297.00 feet, (long chord bears South  $21^{\circ}30'09''$  East a distance of 293.63 feet), to the point of tangency; thence South  $06^{\circ}31'35''$  East, continuing along said right-of-way line a distance of 82.56 feet to the point of curvature of a curve; thence continuing along said right-of-way line on the arc of a 641.84 foot radius curve to the left a distance of 228.35 feet, (long chord bears South  $16^{\circ}43'07''$  East a distance of 227.14 feet), to the point of tangency; thence South  $26^{\circ}54'38''$  East, continuing along said right-of-way line a distance of 118.66 feet to the point of curvature of a curve; thence continuing along said right-of-way line on the arc of a 426.41 foot radius curve to the right a distance of 216.64 feet, (long chord bears South  $12^{\circ}21'22''$  East a distance of 214.32 feet), to the point of tangency; thence South  $02^{\circ}11'55''$  West, continuing along said right-of-way line a distance of 170.62 feet to the point of curvature of a curve; thence continuing along the Northwestern right-of-way line of said County Road No. 1307, on the arc of a 401.91 foot radius curve to the right a distance of 615.27 feet, (long chord bears South  $46^{\circ}03'18''$  West a distance of 556.92 feet); thence South  $89^{\circ}54'41''$  West, continuing along said right-of-way line a distance of 425.87 feet to a point on the Northeasterly right-of-way line of Westfield Boulevard; thence along said right-of-way line, on the arc of a 360.00 foot radius curve to the left a distance of 228.05 feet, (long chord bears North  $18^{\circ}14'23''$  West a distance of 224.25 feet); thence North  $36^{\circ}25'20''$  West, continuing along said right-of-way line a distance of 670.28 feet to the point of curvature of a curve; thence continuing along said right-of-way line, along the arc of a 310.00 foot radius curve to the left a distance of 228.18 feet, (long chord bears

North 57°30'33" West a distance of 223.07 feet), to the Southwest corner of that tract of land conveyed to Russell Kulm and Bernice Kulm in Special Warranty Deed recorded in Microfilm R-227, Page 0370, Deed Records; thence North 00°53'26" East along the West line of said Kulm Tract and along the East Line of that tract of land conveyed to Gerald E. Wyland, et al, in Special Warranty Deed recorded as Microfilm R-227, Page 0373, Deed Records a distance of 411.72 feet to the Northeast corner of said Gerald E. Wyland, et al, Tract; thence South 89°51'33" West along the North line of said Wyland, et al Tract a distance of 210.04 feet to the Northeast corner of Lot 1, Block 2, Westfield Subdivision; thence South 89°51'00" West along the North line of said Lot 1 a distance of 469.65 feet; thence South 89°43'07" West, continuing along the North line of said Lot 1 a distance of 100.16 feet to the Northwest corner of said Lot 1; thence South 89°50'13" West along the boundary of that tract of land described in Exhibit "A" of Amended Notice of Sale to Triad Development Company, recorded as Microfilm R-72, Page 191, Deed Records, a distance of 855.44 feet; thence North 03°31'22" East along said Exhibit "A" boundary a distance of 1307.70 feet; thence South 89°59'51" West along said Exhibit "A" boundary a distance of 170.00 feet; thence North 89°11'00" West along said Exhibit "A" boundary a distance of 1618.08 feet to a point on the West line of said Section 20; thence North 85°15'58" West a distance of 990.20 feet; thence North 59°07'29" West a distance of 939.27 feet; thence North 03°03'03" East a distance of 1063.43 feet; thence North 45°02'06" East a distance of 1388.74 feet to a point on the South line of said Section 18; thence continuing North 45°02'06" East a distance of 500.81 feet; thence North 83°18'53" East a distance of 375.85 feet to the TRUE POINT OF BEGINNING.



# Oregon

Tina Kotek, Governor

## Water Resources Department

North Mall Office Building

725 Summer St NE, Suite A

Salem, OR 97301

Phone 503 986-0900

Fax 503 986-0904

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

February 15, 2024

### Applicant

JIM WHITNEY  
PO BOX 1614  
PENDLETON, OR 97801

GARY JELLUM  
101 SE 3<sup>RD</sup> STREET  
PENDLETON, OR 97801

Reference: Water Right Transfer Application T-14055

Your water right transfer is in the first of three phases of processing. Enclosed is a draft of the Department's Preliminary Determination regarding Transfer Application T-14055. The document reflects the Department's conclusion that, based on the information currently available, the transfer will be approved. Your response and submittal of the items outlined below are required by March 18, 2024.

### ***Required items needing your immediate attention:***

1. Please carefully review the Draft Preliminary Determination to verify that it accurately reflects the changes you intend to make and to become familiar with the proposed conditions.
2. **Respond in writing** by MARCH 18, 2024, with acknowledgement that you agree to the proposed action and conditions.
3. If you find any errors, please let me know.
4. **REQUIRED:** You must submit a **Report of Ownership** for the lands where the water right(s) are currently located (i.e., the FROM lands). This report:
  - a) Must be prepared by a title company;
  - b) Shall include a "prepared by" statement and the date the title company prepared the report printed on the cover sheet;
  - c) Must:
    - i. Be prepared no earlier than 3 months prior to the date of issuance of the Draft Preliminary Determination showing current ownership; **OR**
    - ii. Be prepared within 3 months of the date the water right conveyance agreement was recorded; **OR**
    - iii. Show ownership for the FROM land at the time a water right conveyance agreement was recorded.

*If water right conveyance agreements are involved, it is helpful to provide copies of those agreements along with the Report of Ownership.*

**IMPORTANT:** In order for the Department to clearly understand the date that the title company prepared the Report of Ownership, the title company must indicate/state the date that they prepared the report on the coversheet and/or first page of the report.

- d) Must include a list of owners at the time the report was generated; **AND**
  - e) Must include a legal description of the property where the water right to be transferred is currently located (i.e., the FROM lands).
5. You must provide a notarized statement of consent signed by any landowner listed in the Report of Ownership who is not already included in the transfer application. The Department's statement of consent form (**Consent By Deeded Landowner**) is available at: [https://www.oregon.gov/OWRD/WRDFormsPDF/consent to transfer form.pdf](https://www.oregon.gov/OWRD/WRDFormsPDF/consent%20to%20transfer%20form.pdf)

**Conditions of your water right...**

The Watermaster has required a water measurement device(s) at the new diversion point(s) prior to diversion of water. Enclosed is a contact information sheet to assist you in pursuing additional information or approval of the required (or alternate) device(s).

To prevent surface water interference and injury to surface water rights, the proposed well shall be constructed to be cased and sealed to 80 feet below ground surface.

**Please note the proposed date by which all conditions must be met: October 1, 2025.** If the required completion date is insufficient to comply with any of the conditions, you may request more time, at no cost to you, during this stage of processing. **Please let me know by the comment deadline if you will need more time and explain the reasons why.**

**What happens next...**

Once the preliminary determination is issued a publication period is required. The Department will publish a notice in their weekly publication, which opens a 30-day period in which the transfer can be protested.

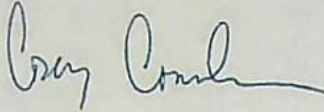
Issuance of the Preliminary Determination will occur shortly after we receive:

1. Your written response to the conditions and proposed action in the Draft Preliminary Determination (e-mail is acceptable); and
2. The Report of Ownership, including affidavits of consent from any landowners shown in the ownership report who have not signed the transfer application. The title company must indicate/state the date that they prepared the ownership report on the coversheet and/or first page of the report.

**If we do not receive the items listed above by March 18, 2024, a Preliminary Determination may be issued denying the application as incomplete.**

Please do not hesitate to contact me, at [corey.a.courchane@water.oregon.gov](mailto:corey.a.courchane@water.oregon.gov) or (503) 979-3917, if I may be of assistance.

Sincerely,

A handwritten signature in dark ink, appearing to read "Corey Courchane". The signature is fluid and cursive, with the first name "Corey" and last name "Courchane" clearly distinguishable.

Corey Courchane  
Allocation of Conserved Water  
Transfer and Conservation Section

cc: Transfer Application file T-14055  
Gregory M. Silbernagel, District 5 Watermaster (*via e-mail*)  
Rebecca Schwartz, Agent for the applicant (*via e-mail*)  
John Warinner, CWRE #358 (*via e-mail*)

encs

BEFORE THE WATER RESOURCES DEPARTMENT  
OF THE  
STATE OF OREGON

In the Matter of Transfer Application  
T-14055, Umatilla County

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)  
)  
)  
)

D R A F T

PRELIMINARY DETERMINATION  
PROPOSING APPROVAL OF CHANGES IN  
POINT OF APPROPRIATION

**Authority**

Oregon Revised Statutes (ORS) 537.705 and 540.505 to 540.580 establish the process in which a water right holder may submit a request to transfer the point of appropriation, 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**

JIM WHITNEY  
PO BOX 1614  
PENDLETON, OR 97801

GARY JELLUM  
101 SE 3<sup>RD</sup> STREET  
PENDLETON, OR 97801

**Findings of Fact**

1. On July 28, 2022, JIM WHITNEY AND GARY JELLUM filed an application to change the point of appropriation under Certificates 90235, 91881, and 95278. The Department assigned the application number T-14055.
2. Notice of the application for transfer was published on August 2, 2022, pursuant to OAR 690-380-4000. No comments were filed in response to the notice.
3. On March 10, 2023, the Department contacted the applicant by written correspondence to notify the applicant and the applicant's agent of deficiencies in the application. The application included a fee waiver of \$1,530.00, based on an endorsement in writing by the Oregon Department of Fish and Wildlife, that the changes proposed in the transfer would result in a net benefit to fish and wildlife habitat. The transfer application did not include the written endorsement, pursuant to OAR 690-380-3000(23). The application also did not include a description of the water delivery system, indicating ready, willing, and able, pursuant to 690-380-3000(10). The acres identified on the transfer application map did not match what was authorized under Certificates 90235 and 91881. The Department requested that the deficiencies be resolved by April 10, 2023.

4. On April 3, 2023, the Department received revisions to the application, resolving the deficiencies.

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

**Certificate:** 90235 in the name of CLEAR CREEK CATTLE COMPANY (perfected under Permit G-8483)

**Use:** IRRIGATION of 94.0 ACRES

**Priority Date:** FEBRUARY 1, 1979

**Rate:** 0.92 CUBIC FOOT PER SECOND

**Limit/Duty:** The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands, is limited to a diversion of ONE-EIGHTIETH of one cubic foot per second, or its equivalent for each acre irrigated, and shall be further limited to a diversion of not to exceed 3.0 acre-feet per acre for each acre irrigated during the irrigation season of each year.

**Source:** WELL 1 AND WELL 2, within the MCKAY CREEK BASIN

**Authorized Points of Appropriation:**

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
2 N	32 E	WM	17	SE SW	WELL 1 (ORIGINAL) - 90 FEET NORTH AND 120 FEET WEST FROM THE S1/4 CORNER OF SECTION 17
2 N	32 E	WM	19	NE SW	WELL 2 (ADDITIONAL) - 1150 FEET SOUTH AND 890 FEET WEST FROM THE C1/4 CORNER OF SECTION 19

**Authorized Place of Use:**

IRRIGATION						
Twp	Rng	Mer	Sec	Q-Q	GLot	Acres
2 N	32 E	WM	17	NW NE	10	1.5
2 N	32 E	WM	17	SW NE	9	4.6
2 N	32 E	WM	17	NE NW		13.2
2 N	32 E	WM	17	NW NW		2.9
2 N	32 E	WM	17	SW NW		5.4
2 N	32 E	WM	17	SE NW		28.1
2 N	32 E	WM	19	NE NE		3.5
2 N	32 E	WM	19	NW NE		3.9
2 N	32 E	WM	19	SW NE		2.9
2 N	32 E	WM	19	SE NE		2.0
2 N	32 E	WM	20	NE SE	3	4.0
2 N	32 E	WM	20	NW SE	3	2.3
2 N	32 E	WM	20	NW SE	6	1.2
2 N	32 E	WM	20	SW SE	4	1.3
2 N	32 E	WM	20	SW SE	5	7.4
2 N	32 E	WM	20	SE SE	5	0.3
2 N	32 E	WM	20	SE SE	4	9.5
					Total	94.0

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

**Certificate:** 91881 in the name of CLEAR CREEK CATTLE CO. (perfected under Permit G-8483)

**Use:** IRRIGATION OF 445.0 ACRES

**Priority Date:** FEBRUARY 1, 1979

**Rate:** 3.11 CUBIC FEET PER SECOND (CFS), further limited to no more than 3.11 CFS from Well 1 and no more than 2.36 CFS from Well 2, in any combination, or its equivalent in case of rotation, measured at the wells.

**Limit/Duty:** The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands, is limited to a diversion of ONE-EIGHTIETH of one cubic foot per second, or its equivalent for each acre irrigated, and shall be further limited to a diversion of not to exceed 3.0 acre-feet per acre for each acre irrigated during the irrigation season of each year.

**Source:** WELL 1 AND WELL 2, within the MCKAY CREEK BASIN

**Authorized Points of Appropriation:**

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
2 N	32 E	WM	17	SE SW	WELL 1 (ORIGINAL) - 90 FEET NORTH AND 120 FEET WEST FROM THE S1/4 CORNER OF SECTION 17
2 N	32 E	WM	19	NE SW	WELL 2 (ADDITIONAL) - 1150 FEET SOUTH AND 890 FEET WEST FROM THE C1/4 CORNER OF SECTION 19

**Authorized Place of Use:**

IRRIGATION						
Twp	Rng	Mer	Sec	Q-Q	GLot	Acres
2 N	32 E	WM	17	SW NE	9	0.8
2 N	32 E	WM	17	SE NW		1.0
2 N	32 E	WM	17	NE SW		37.3
2 N	32 E	WM	17	NW SW		0.8
2 N	32 E	WM	17	SW SW		8.0
2 N	32 E	WM	17	SE SW		35.5
2 N	32 E	WM	17	NW SE		30.5
2 N	32 E	WM	17	SW SE	11	26.4
2 N	32 E	WM	18	SE SE		3.7
2 N	32 E	WM	19	NE NE		31.1
2 N	32 E	WM	19	SW NE		6.1
2 N	32 E	WM	19	SE NE		27.0
2 N	32 E	WM	20	NE NE	1	0.5
2 N	32 E	WM	20	NW NE	1	3.8
2 N	32 E	WM	20	NW NE	8	28.9
2 N	32 E	WM	20	SW NE	2	0.2
2 N	32 E	WM	20	SW NE	7	32.4
2 N	32 E	WM	20	SE NE	7	0.3
2 N	32 E	WM	20	SE NE	2	0.6
2 N	32 E	WM	20	NE NW		34.2
2 N	32 E	WM	20	NW NW		39.9
2 N	32 E	WM	20	SW NW		21.6

IRRIGATION						
Twp	Rng	Mer	Sec	Q-Q	GLot	Acres
2 N	32 E	WM	20	SE NW		29.5
2 N	32 E	WM	20	NE SW		24.1
2 N	32 E	WM	20	NW SE	3	1.0
2 N	32 E	WM	20	NW SE	6	19.8
Total						445.0

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

**Certificate:** 95278 in the name of CLEAR CREEK CATTLE CO. (perfected under Permit G-8483)  
**Use:** IRRIGATION OF 10.2 ACRES  
**Priority Date:** FEBRUARY 1, 1979  
**Rate:** 0.07 CUBIC FOOT PER SECOND  
**Limit/Duty:** The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands, is limited to a diversion of ONE-EIGHTIETH of one cubic foot per second, or its equivalent for each acre irrigated, and shall be further limited to a diversion of not to exceed 3.0 acre-feet per acre for each acre irrigated during the irrigation season of each year.  
**Source:** WELL 1 AND WELL 2 IN MCKAY CREEK BASIN

**Authorized Points of Appropriation:**

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
2 N	32 E	WM	17	SE SW	WELL 1 (ORIGINAL) - 90 FEET NORTH AND 120 FEET WEST FROM THE S1/4 CORNER OF SECTION 17
2 N	32 E	WM	19	NE SW	WELL 2 (ADDITIONAL) - 1150 FEET SOUTH AND 890 FEET WEST FROM THE C1/4 CORNER OF SECTION 19

**Authorized Place of Use:**

IRRIGATION						
Twp	Rng	Mer	Sec	Q-Q	GLot	Acres
2 N	32 E	WM	20	SW SE	5	0.8
2 N	32 E	WM	20	SE SE	4	7.5
2 N	32 E	WM	20	SE SE	5	1.9
Total						10.2

8. Transfer Application T-14055 proposes to move the authorized point of appropriation for Well 2 (Additional) under all three rights approximately 1316 feet from the existing point of appropriation to:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
2 N	32 E	WM	19	SW NE	POA 3 - 950 FEET NORTH AND 250 FEET EAST FROM THE S1/4 CORNER OF SECTION 19

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

9. Water has been used within the last five years according to the terms and conditions of the rights. There is no information in the record that would demonstrate that the rights are subject to forfeiture under ORS 540.610.
10. A water delivery system sufficient to use the full amount of water allowed under the existing rights were present within the five-year period prior to submittal of Transfer Application T-14055.
11. The water rights are subject to transfer as defined in ORS 540.505(4) and OAR 690-380-0100(14).
12. The proposed point of appropriation develops groundwater from the same aquifer as the authorized point of appropriation, as required by OAR 690-380-2110(2).
13. The proposed change, as conditioned, would not result in enlargement of the rights.
14. Construction of the proposed POA, as proposed, will likely result in an increase in interference with Birch Creek. Specifically, the proposed seal depth/interval (0-20 feet bgs) is not adequate to prevent hydraulic connection between shallow WBZs (water bearing zones) and the creek. The proposed POA will be located adjacent to the alluvial floodplain of Birch Creek, approximately 50 feet from and 15 feet above, the local reach of the creek. Although the applicant has proposed a well that will develop higher yielding WBZs found several hundred feet below the creek; shallow, lower yielding WBZs are also present. These shallow zones likely include groundwater in alluvial floodplain sediments and in upper CRBG (Columbia River Basalt Group) units that underlie the sediments. Failure to seal the shallow WBZs can result in interference with Birch Creek and/or allow commingling of shallow and deep WBZs. To prevent injury to other surface water rights, the proposed POA should be constructed in a manner that eliminates hydraulic connection to and interference with Birch Creek. The proposed POA shall be cased and sealed to 80 feet below ground surface, a depth that is significantly below the elevation of the creek and below surficial alluvial sediments and upper CRBG units.
15. The proposed change, as conditioned in Finding of Fact No. 14 above, shall not cause injury to other water rights.
16. All other application requirements are met.

**Determination and Proposed Action**

The changes in point of appropriation proposed in Transfer Application T-14055 appear to be consistent with the requirements of ORS 537.705 and 540.505 to 540.580 and OAR 690-380-5000. If protests are not filed pursuant to OAR 690-380-4030, the application will be approved.

*If Transfer Application T-14055 is approved, the final order will include the following:*

- 1. The changes in point of appropriation proposed in Transfer Application T-14055 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 Certificates 90235, 91881, and 95278, and any related decree.*
- 3. Approval of this transfer application does not constitute nor grant legal access onto or through another person's property for purposes of accessing the new point of appropriation.*
- 4. Water right Certificates 90235, 91881, and 95278 are cancelled.*
- 5. The quantity of water diverted at the new point of appropriation (POA 3) shall not exceed the quantity of water lawfully available at the original point of appropriation (Well 2 (Additional)).*
- 6. Water shall be acquired from the same aquifer (water source) as the original point of appropriation.*
- 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 appropriation (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. The proposed POA shall be continuously cased and sealed to a depth of 80 feet below ground surface.*
- 9. Full beneficial use of the water shall be made, consistent with the terms of this order, on or before **October 1, 2025**. 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.*

10. *After satisfactory proof of beneficial use is received, new certificates confirming the rights transferred will be issued.*

Dated in Salem, Oregon on

## D R A F T

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

This draft Preliminary Determination was prepared by Corey Courchane. If you have questions about the information in this document, you may reach me at 971 979-3107 or [Corey.A.Courchane@water.oregon.gov](mailto:Corey.A.Courchane@water.oregon.gov).

## Groundwater Transfer Review Summary Form

Transfer/PA # T- 14055

GW Reviewer James Hootsmans/Josh Hackett Date Review Completed: June 16, 2023

### 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-14055

Applicant Name: Jim Whitney and Gary Jellum

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

Reviewer(s): J. Hootsmans

Date of Review: June 16, 2023

Date Reviewed by GW Mgr. and Returned to WRSD: JTI 12/28/23

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 change authorized POA 2 (UMAT 55996) to Proposed Well 1 (POA 3) for Certificates 91881, 90235, and 95278. POA 2 will be abandoned. The authorized and proposed Points of Appropriation (POAs) associated with these water rights are displayed in Table 1.

Table 1:

Certificate	Authorized POAs/PODs	Proposed POAs/PODs
91881	UMAT 609 (POA 1) UMAT 55996 (POA 2)	UMAT 609 (No change) Proposed Well 1 (POA 3)
90235	UMAT 609 (POA 1) UMAT 55996 (POA 2)	UMAT 609 (No change) Proposed Well 1 (POA 3)
95278	UMAT 609 (POA 1) UMAT 55996 (POA 2)	UMAT 609 (No change) Proposed Well 1 (POA 3)

2. Will the proposed POA develop the same aquifer (source) as the existing authorized POA?  
☒ Yes ☐ No Comments: The area surrounding the applicant's property is underlain by lava flows of the Columbia River Basalt Group (CRBG). Locally, the CRBG is composed of dozens of individual basalt flows and has a composite thickness of several thousand feet. Although unconfined ground water occurs near the surface of the basalts, most water occurs in confined aquifers that occupy thin rubble zones (interflow zones) at the contacts between lava flows. The interiors of the basalt flows generally have low porosity and permeability and act as confining beds. This geometry generally produces a stack of thin aquifers (interflow zones) separated by thick confining beds (flow interiors).
- Authorized POA UMAT 55996 is completed to a depth of 469 feet below ground surface (bgs). The well is cased from 0 to 166 feet bgs and contains a split seal from 0 to 18 ft bgs and 147 to 167 feet bgs. The interval from 18 to 147 bgs is cased but not sealed.
- The applicant has proposed a POA that will be drilled to a total depth of 450 feet bgs and cased and sealed to 20 feet bgs.
3. a) Is there more than one source developed under the right (e.g., basalt and alluvium)?  
☐ Yes ☒ No Both the authorized POA and proposed POA develop from water-bearing zones (WBZs) in the CRBG aquifer system.
- 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.): \_\_\_\_\_
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: The authorized and proposed POAs are located similar distances from existing groundwater users, so interference is not expected to increase.
- 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: \_\_\_\_\_
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: CURRENT PROPOSED CONSTRUCTION:

As proposed, the construction of the proposed POA will likely result in an increase in interference with Birch Creek. Specifically, the proposed seal depth/interval (0-20 feet bgs) is not adequate to prevent hydraulic connection between shallow WBZs and the creek. The proposed POA will be located adjacent to the alluvial floodplain of Birch Creek, approximately 50 feet from and 15 feet above, the local reach of the creek. Although the applicant has proposed a well that will develop higher yielding WBZs found several hundred feet below the creek, shallow, lower yielding WBZs are also present. These shallow zones likely include groundwater in alluvial floodplain sediments and in upper CRBG units that underlie the sediments. Failure to seal the shallow WBZs can result in interference with Birch Creek and/or allow commingling of shallow and deep WBZs. The proposed POA should be constructed in a manner that eliminates hydraulic connection to and interference with Birch Creek (see discussion below). If the proposed POA is not constructed in the manner described below, I recommend denying this application as the well will interfere with the creek.

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: Birch Creek

☐ Minimal ☒ Significant

Stream: \_\_\_\_\_

☐ Minimal ☐ Significant

**CONDITIONED/PROPER CONSTRUCTION:**

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: Birch Creek ☒ Minimal ☐ Significant

Stream: \_\_\_\_\_ ☐ Minimal ☐ Significant

Provide context for minimal/significant impact: Proposed construction of the proposed POA will result in interference with Birch Creek. To avoid this, the well should be cased and sealed to a depth that is significantly below the elevation of the creek and below surficial alluvial sediments and upper CRBG units. To achieve this, I recommend the proposed POA be continuously cased and sealed to a depth of 80 feet bgs (see condition in Item 7).

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?

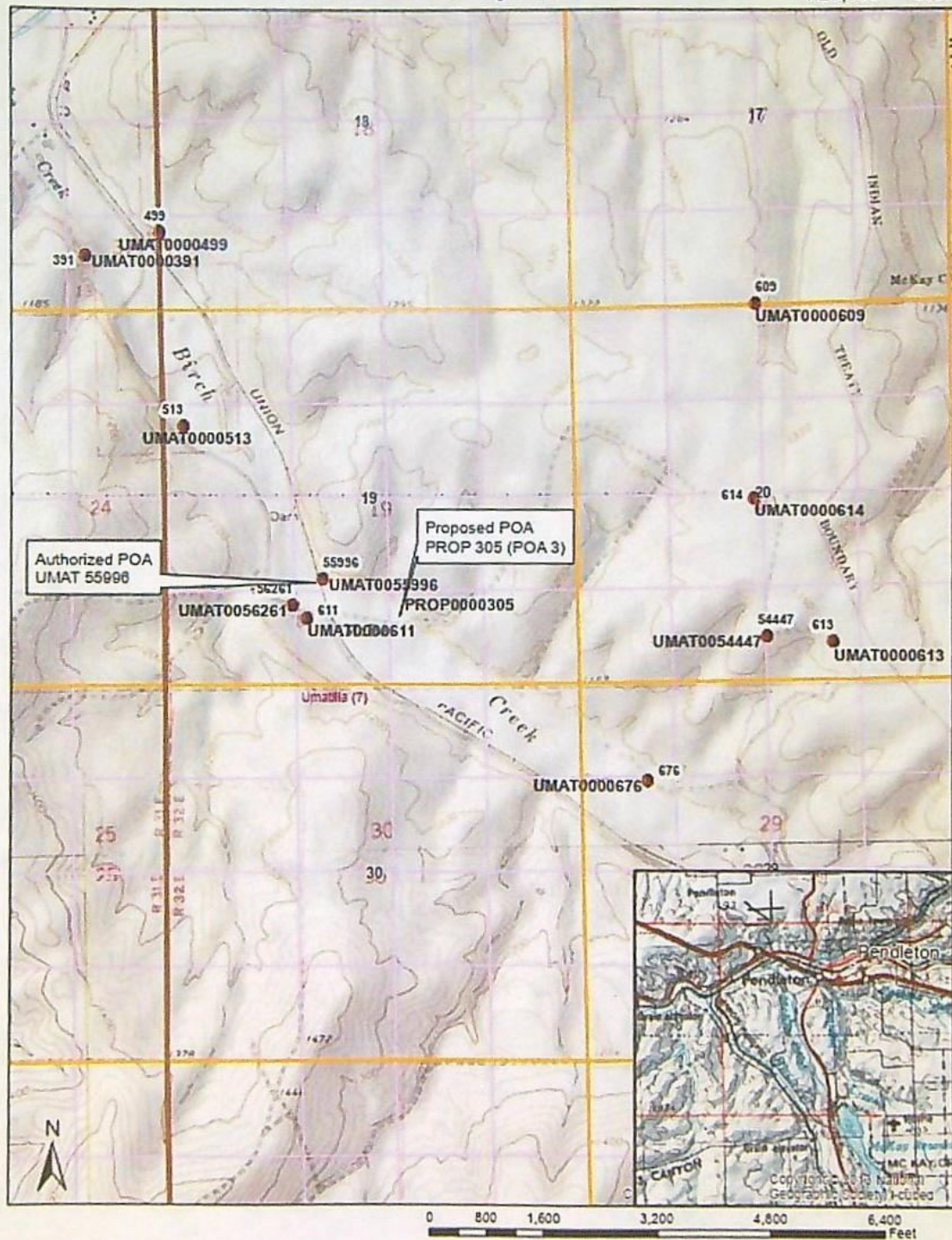
☐ Yes ☐ No Comments: N/A

7. What conditions or other changes in the application are necessary to address any potential issues identified above: The proposed POA shall be continuously cased and sealed to a depth of 80 feet below ground surface.

Any additional comments: \_\_\_\_\_

# T14055 Whitney and Jellum

1:20,000 scale





**TO:** Corey Courchane & OWRD Water Rights Transfer Review Team  
**FROM:** Rebecca Schwartz, Umatilla Habitat Fisheries Biologist II  
**DATE:** 4/3/2023  
**RE:** Application for Permanent Water Right Transfer Revisions

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To Whom It May Concern:

This cover letter is to identify revisions made to Transfer Application T-14055 that address items 1-4 in document **14055-defic-ltr**. Additionally, below the revisions is a brief project summary for context during the continued application review process.

**Revisions made to Transfer Application T-14055:**

1. Attached letter of endorsement from ODFW District Fish Biologist Umatilla/Walla Walla Basins Taylor McCroskey.
2. Attached revised complete application including description of the water delivery system for each water right Certificate.
3. Attached well logs for the authorized Certificates.
4. Revised Table 3 that indicates changes made to POA 3 authorized under each Certificate.
5. Revised application map that correctly identifies all acres authorized under Certificate 90235.
6. Revised application map that correctly identifies all acres authorized under Certificate 91881.

**Project Summary:**

The Umatilla Basin Habitat Program of the Confederated Tribes of the Umatilla Indian Reservation (CTUIR) is submitting an Application for a Permanent Water Right Transfer (a check from CTUIR in the amount of \$1,530 was sent in separately for the application fee). The successful completion of this transfer and relocation of the groundwater point of appropriation (POA) is an instrumental component of a complex floodplain restoration enhancement project.

The POA and restoration project area are located on Birch Creek, approximately 2 miles upstream of its confluence with the Umatilla River, near the town of Reith, Oregon (Township 2 North, Range 32 East, Sections 19 and 30, Umatilla County, Oregon). The POA is currently located on an existing floodplain within the restoration construction area. Floodplain restoration cannot begin until the POA is relocated. The transfer of the current POA is critical in order to maintain ongoing irrigation use.

POA2 for water rights 91881, 95278, and 90235 will be transferred from an existing well, which will be abandoned and decommissioned, to a new POA (POA3) upstream roughly 400 meters on Birch Creek. It is important to note as well that Well Label #L 90292 associated with the water right is not in the WRIS portal.

Thank you very much for your time and assistance. Please do not hesitate to contact me if there are any additional questions or requests related to Transfer Application T-14055.

Sincerely,  
Rebecca H. Schwartz



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Thank you very much for your time and assistance. Please do not hesitate to contact me if there are any additional questions or requests related to Transfer Application T-14055.

Sincerely,  
Rebecca H. Schwartz

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

## Part 1 of 5 – Minimum Requirements Checklist

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

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

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

- ☒ Part 1 – Completed Minimum Requirements Checklist.
- ☒ Part 2 – Completed Transfer Application Map Checklist.
- ☒ Part 3 – Application Fee, payable by check to the Oregon Water Resources Department, and completed Fee Worksheet, page 3. Try the new online fee calculator at:  
[http://apps.wrd.state.or.us/apps/misc/wrd\\_fee\\_calculator](http://apps.wrd.state.or.us/apps/misc/wrd_fee_calculator).
- ☒ Part 4 – Completed Applicant Information and Signature.
- ☒ Part 5 – Information about Water Rights to be Transferred: **How many water rights are to be transferred? 3 List them here: 91881; 95278; 90235**  
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.**

### 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):

- |  |  |
|--|--|
| <input type="checkbox"/> Application fee not enclosed/insufficient | <input type="checkbox"/> Map not included or incomplete                  |
| <input type="checkbox"/> Land Use Form not enclosed or incomplete  | <input type="checkbox"/> Evidence of Use Form not enclosed or incomplete |
| <input type="checkbox"/> Additional signature(s) required          | <input type="checkbox"/> Part _____ is incomplete                        |

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

Staff: \_\_\_\_\_ 503- \_\_\_\_\_ Date: \_\_\_\_/\_\_\_\_/\_\_\_\_

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

## FEE WORKSHEET for PERMANENT TRANSFER (except Substitution)

1. For irrigation calculate cfs for each water right involved as follows:
  - a. Divide total authorized cfs by total acres in the water right (for C12345,  $1.25 \text{ cfs} \div 100 \text{ ac}$ ); then multiply by the number of acres to be transferred to get the transfer cfs ( $\times 45 \text{ ac} = 0.56 \text{ cfs}$ ).
  - b. If the water right certificate does not list total cfs, but identifies the allowable use as 1/40 or 1/80 of a cfs per acre; multiply number of acres proposed for change by either 0.025 (1/40) or 0.0125 (1/80). (For C87654,  $45.0 \text{ ac} \times 0.0125 \text{ cfs/ac} = 0.56 \text{ cfs}$ )
2. Add cfs for the portions of water rights on all the land included in the transfer; however **do not count cfs for supplemental rights on acreage for which you have already calculated the cfs fee for the primary right on the same land**. The fee should be assessed only once for each "on the ground" acre included in the transfer. (In this example, blank 5a would be only 0.56 cfs, since both rights serve the same 45.0 acres. Blank 5b would be 0 and Line 5 would then also become 0).

OVER

## Part 4 of 5 – Applicant Information and Signature

### Applicant Information

APPLICANT/BUSINESS NAME <b>Jim Whitney</b>			PHONE NO. <b>541-601-4433</b>	ADDITIONAL CONTACT NO.
ADDRESS <b>PO Box 1614</b>				FAX NO.
CITY <b>Pendleton</b>	STATE <b>OR</b>	ZIP <b>97801</b>	E-MAIL	
BY PROVIDING AN E-MAIL ADDRESS, CONSENT IS GIVEN TO RECEIVE ALL CORRESPONDENCE FROM THE DEPARTMENT ELECTRONICALLY. COPIES OF THE FINAL ORDER DOCUMENTS WILL ALSO BE MAILED.				
APPLICANT/BUSINESS NAME <b>Gary Jellum</b>			PHONE NO. <b>541-240-1144</b>	ADDITIONAL CONTACT NO.
ADDRESS <b>101 SE 3<sup>rd</sup> Street</b>				FAX NO.
CITY <b>Pendleton</b>	STATE <b>OR</b>	ZIP <b>97801</b>	E-MAIL	
BY PROVIDING AN E-MAIL ADDRESS, CONSENT IS GIVEN TO RECEIVE ALL CORRESPONDENCE FROM THE DEPARTMENT ELECTRONICALLY. COPIES OF THE FINAL ORDER DOCUMENTS WILL ALSO BE MAILED.				

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

AGENT/BUSINESS NAME <b>Rebecca Schwartz, CTUIR DNR</b>			PHONE NO. <b>(541) 429-7211</b>	ADDITIONAL CONTACT NO.
ADDRESS <b>46411 Timine Way</b>				FAX NO. <b>(541) 429-7268</b>
CITY <b>Pendleton</b>	STATE <b>OR</b>	ZIP <b>97801</b>	E-MAIL <b>RebeccaSchwartz@ctuir.org</b>	
BY PROVIDING AN E-MAIL ADDRESS, CONSENT IS GIVEN TO RECEIVE ALL CORRESPONDENCE FROM THE DEPARTMENT ELECTRONICALLY. COPIES OF THE FINAL ORDER DOCUMENTS WILL ALSO BE MAILED.				

Explain in your own words what you propose to accomplish with this transfer application, and why:  
**952**

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

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

Applicant signature

Gary Gellum, Clear Creek Cattle Co.

Print Name (and Title if applicable) Date

Applicant signature

Jim Whitney, Clear Creek Cattle Co.

Print Name (and Title if applicable) Date

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

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

Check the following boxes that apply:

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

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

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

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

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

RECEIVING LANDOWNER NAME			PHONE NO.	ADDITIONAL CONTACT NO.
ADDRESS			FAX NO.	
CITY	STATE	ZIP	E-MAIL	
Describe any special ownership circumstances:				
The confirming Certificate shall be issued in the name of: <input type="checkbox"/> Applicant <input type="checkbox"/> Receiving Landowner				

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

IRRIGATION DISTRICT NAME	ADDRESS	
CITY	STATE	ZIP

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

ENTITY NAME	ADDRESS	
CITY	STATE	ZIP



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

ENTITY NAME <b>Umatilla County</b>	ADDRESS <b>216 SE 4th St.</b>	
CITY <b>Pendleton</b>	STATE <b>OR</b>	ZIP <b>97801</b>

ENTITY NAME	ADDRESS	
CITY	STATE	ZIP

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## INSTRUCTIONS for editing the Application Form

To add additional lines to tables within the forms or to copy and paste additional Part 5 pages, please **save the application form to your computer**. Unlock the document by using one of the following instructions for your Microsoft Word software version:

### Microsoft Word 2003

Unlock the document by one of the following:

- Using the **Tools** menu => click **Unprotect Document**;
- OR
- Using the **Forms** toolbar => click on the **Protect/Unprotect** icon.

To relock the document to enable the checkboxes to work, you will need to:

- Using the **Tools** menu => click **Protect Document**;
- OR
- Using the **Forms** toolbar => click on the **Protect/Unprotect** icon.

### Microsoft Word 2007

- Unlock the document by clicking the **Review** tab, then click **Protect Document**, then click **Stop Protect**
- To relock the document, click **Editing Restrictions**, then click **Allow Only This Type of Editing**, select **Filling In Forms** from the drop-down menu, then check **Yes, Start Enforcing Protection**.

### Microsoft Word 2010

- Unlock the document by clicking the **Review** tab; toggle the **Restrict Editing** icon at the upper right, then click **Stop Protect** at the bottom right. Then uncheck the "Allow only this type of editing in the document: **Filling in forms**" in the "Editing restrictions" section on the right-hand list of options.
- To relock the document, check the **Editing Restrictions/Allow Only This Type of Editing/Filling In Forms** box from the drop-down menu, then check **Yes, Start Enforcing Protection**. You do not need to assign a password for the editing restrictions.

### Other Alternatives:

- Photocopy pages or tables in Part 5, ~~mark through~~ any non-applicable information, insert/attach photocopied pages to document in the appropriate location, and manually amend page numbers as necessary (e.g. Page 5 6 of 9 10).
- You may refer to additional attachments that you may include, such as separately produced tables or spreadsheets to convey large numbers of rows of place of use listings, owner/property parcels, etc. You may contact the Department at 503-986-0900 and ask for Transfer Staff if you have questions.

Once the application has been unlocked, you may:

- add additional rows to tables using the Table tools, and
- select and copy the pages of Part 5 and paste as many additional sets of Part 5 pages as needed at the end of the application.

After editing, re-lock the document to enable checkboxes to work.

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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 # 91881**

### Description of Water Delivery System

System capacity: 3.11 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.

Well #1(POA 1): 90' N and 120' West of the South Corner of Sec 12. Well #1 pump 300 HP & 100 HP BSTR pump, & location of flow meter. The irrigation pipeline from Well #1 North is 10" PVC and South is 10" PVC. Well 1 delivers to 8 center pivots.

Well #2 (POA 2): 1130' S and 890' West of the center of Sec 19. Well pump 250 HP & location of flow meter. The irrigation pipeline on Birch Creek from Well #2 is 12" PVC and 12" STL.

**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)
POA1	<input checked="" type="checkbox"/> Authorized <input type="checkbox"/> Proposed	UMAT608 & 609	T	2N	32	E	17	SE	SW	1100	90 feet North and 120 feet West
POA2	<input checked="" type="checkbox"/> Authorized <input type="checkbox"/> Proposed	UMAT55996	2	N	32	E	19	NE	SW	1011	1150 feet South and 890 feet West
POA3	<input type="checkbox"/> Authorized <input checked="" type="checkbox"/> Proposed		2	N	32	E	19	SW	NE	1011	950 ft N and 250 ft E from S
	<input type="checkbox"/> Authorized <input type="checkbox"/> Proposed										

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

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

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

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

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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 # 91881**

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

AUTHORIZED (the "from" or "off" lands) The listing that appears on the certificate BEFORE PROPOSED CHANGES List only that part or portion of the water right that will be changed.											Proposed Changes (see "CODES" from previous page)	PROPOSED (the "to" or "on" lands) The listing as it would appear AFTER PROPOSED CHANGES are made.														
Twp	Rng	Sec	¼	¼	Tax Lot	Gvt Lot or DLC	Acres	Type of USE listed on Certificate	POD(s) or POA(s) (name or number from Table 1)	Priority Date		Twp	Rng	Sec	¼	¼	Tax Lot	Gvt Lot or DLC	Acres	New Type of USE	POD(s)/ POA(s) to be used (from Table 1)	Priority Date				
<b>EXAMPLE</b>																										
2	S	9	E	15	NE	NW	100		15.0	Irrigation	POD #1 POD #2	1901	POU/POD	2	S	9	E	1	NW	NW	500	1	10.0		POD #5	1901
														2	S	9	E	2	SW	NW	500		5.0		POD #6	1901
2	N	32	E	17	SE	SW	1100		445	Irrigation	POA1	2/1/1979														
2	N	32	E	19	NE	SW	1011		445	Irrigation	POA2	2/1/1979		2	N	32	E	19	SW	SE	1011		445	Irrigation	POA3	2/1/1979
TOTAL ACRES:														TOTAL ACRES:												

Additional remarks: Location of POA 1 will remain and be used. POA 2 is being relocated to POA3

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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: 90235, 95278.

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

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

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

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

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

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

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

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

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

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

**AND/OR**

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

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

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

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Proposed or Authorized POA Name or Number	Is well already built? (Yes or No)	If an existing well: OWRD Well ID Tag No. L-____	Total well depth	Casing Diameter	Casing Intervals (feet)	Seal depth(s) (intervals)	Perforated or screened intervals (in feet)	Static water level of completed well (in feet)	Source aquifer (sand, gravel, basalt, etc.)	Well-specific rate (cfs or gpm). If less than full rate of water right
POA3	No		Approx. 450	16	2 to 18	12 to 20	0	240 to 390	basalt	1000

### 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 # 90235**

#### Description of Water Delivery System

System capacity: **3.11** 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.

Well #1(POA 1): 90' N and 120' West of the South Corner of Sec 12. Well #1 pump 300 HP & 100 HP BSTR pump, & location of flow meter. The irrigation pipeline from Well #1 North is 10" PVC and South is 10" PVC. Well 1 delivers to 8 center pivots.

Well #2 (POA 2): 1130' S and 890' West of the center of Sec 19. Well pump 250 HP & location of flow meter. The irrigation pipeline on Birch Creek from Well #2 is 12" PVC and 12" STL.

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**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)
POA1	<input checked="" type="checkbox"/> Authorized <input type="checkbox"/> Proposed	UMAT608 & 609	T 2 N	32 E	17	SE SW	1100	90 feet North and 120 feet West
POA2	<input checked="" type="checkbox"/> Authorized <input type="checkbox"/> Proposed	UMAT55996	2 N	32 E	19	NE SW	1011	1150 feet South and 890 feet West
POA3	<input type="checkbox"/> Authorized <input checked="" type="checkbox"/> Proposed		2 N	32 E	19	SW NE	1011	950 ft N and 250 ft E from S
	<input type="checkbox"/> Authorized <input type="checkbox"/> Proposed							

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

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

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

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

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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 # 90235**

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

AUTHORIZED (the "from" or "off" lands) The listing that appears on the certificate BEFORE PROPOSED CHANGES List only that part or portion of the water right that will be changed.												Proposed Changes (see "CODES" from previous page)	PROPOSED (the "to" or "on" lands) The listing as it would appear AFTER PROPOSED CHANGES are made.											
Twp	Rng	Sec	¼ ¼	Tax Lot	Gvt Lot or DLC	Acre	Type of USE listed on Certificate	POD(s) or POA(s) (name or number from Table 1)	Priority Date	Twp	Rng		Sec	¼ ¼	Tax Lot	Gvt Lot or DLC	Acre	New Type of USE	POD(s)/ POA(s) to be used (from Table 1)	Priority Date				
<b>EXAMPLE</b>																								
2	S	9	E 15 NE NW	100		15.0	Irrigation	POD #1 POD #2	1901	POU/POD	2	S	9	E 1 NW NW	500	1	10.0		POD #5	1901				
											2	S	9	E 2 SW NW	500		5.0		POD #6	1901				
2	N	32	E 17 SE SW	1011		94 All	Irrigation	POA1	2/1/1979															
2	N	32	E 19 NE SW	1011		94 All	Irrigation	POA2	2/1/1979	POA	2	N	32	E 19 SW SE	1011		445	Irrigation	POA3	2/1/1979				
TOTAL ACRES:											TOTAL ACRES:													

Additional remarks: Location of POA 1 will remain and be used. POA 2 is being relocated to POA3 .

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Certificate # 90235

**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: 95278, 91881.

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

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

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

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

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

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

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

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

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

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

**AND/OR**

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

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

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
POA3	No		Approx. 450	16	2 to 18	12 to 20	0	240 to 390	basalt	1000

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.

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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 # 95278

#### Description of Water Delivery System

System capacity: 3.11 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.

Well #1 (POA 1): 90' N and 120' West of the South Corner of Sec 12. Well #1 pump 300 HP & 100 HP BSTR pump, & location of flow meter. The irrigation pipeline from Well #1 North is 10" PVC and South is 10" PVC. Well 1 delivers to 8 center pivots.

Well #2 (POA 2): 1130' S and 890' West of the center of Sec 19. Well pump 250 HP & location of flow meter. The irrigation pipeline on Birch Creek from Well #2 is 12" PVC and 12" STL.

**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)
POA1	<input checked="" type="checkbox"/> Authorized <input type="checkbox"/> Proposed	UMAT608 & 609	T 2 N	32 E	17	SE SW	1100	90 feet North and 120 feet West
POA2	<input checked="" type="checkbox"/> Authorized <input type="checkbox"/> Proposed	UMAT55996	2 N	32 E	19	NE SW	1011	1150 feet South and 890 feet West
POA3	<input type="checkbox"/> Authorized <input checked="" type="checkbox"/> Proposed		2 N	32 E	19	SW NE	1011	950 ft N and 250 ft E from S
	<input type="checkbox"/> Authorized <input type="checkbox"/> Proposed							

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

- ☐ Place of Use (POU)
 ☐ Supplemental Use to Primary Use (S to P)
- ☐ Character of Use (USE)
 ☒ Point of Appropriation/Well (POA)

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

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

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

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

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

**Table 2. Description of Changes to Water Right Certificate 95278**

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

AUTHORIZED (the "from" or "off" lands) The listing that appears on the certificate BEFORE PROPOSED CHANGES List only that part or portion of the water right that will be changed.											Proposed Changes (see "CODES" from previous page)	PROPOSED (the "to" or "on" lands) The listing as it would appear AFTER PROPOSED CHANGES are made.										
Twp	Rng	Sec	¼ ¼	Tax Lot	Gvt Lot or DLC	Acres	Type of USE listed on Certificate	POD(s) or POA(s) (name or number from Table 1)	Priority Date	Twp		Rng	Sec	¼ ¼	Tax Lot	Gvt Lot or DLC	Acres	New Type of USE	POD(s)/ POA(s) to be used (from Table 1)	Priority Date		
<b>EXAMPLE</b>																						
2	S	9	E 15 NE NW	100		15.0	Irrigation	POD #1 POD #2	1901	POU/POD	2	S	9	E 1 NW NW	500	1	10.0		POD #5	1901		
											2	S	9	E 2 SW NW	500		5.0		POD #6	1901		
2	N	32	E 17 SE SW	1011		10.2 All	Irrigation	POA1	2/1/1979													
2	N	32	E 19 NE SW	1011 (multiple)		10.2 All	Irrigation	POA2	2/1/1979	POA	2	N	32	E 19 SW SE	1011		10.2 All	Irrigation	POA3	2/1/1979		
TOTAL ACRES:											TOTAL ACRES:											

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Additional remarks: Location of POA 1 will remain and be used. POA 2 is being relocated to POA3 .

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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: 90235, 91881.

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

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

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

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

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

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

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

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

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**AND/OR**

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

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

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Proposed or Authorized POA Name or Number	Is well already built? (Yes or No)	If an existing well: OWRD Well ID Tag No. L# _____	Total well depth	Casing Diameter	Casing Intervals (feet)	Seal depth(s) (intervals)	Perforated or screened intervals (in feet)	Static water level of completed well (in feet)	Source aquifer (sand, gravel, basalt, etc.)	Well-specific rate (cfs or gpm). If less than full rate of water right
POA3	No		Approx. 450	16	2 to 18	12 to 20	0	240 to 390	basalt	1000

T2N, R32E, WM, SECTIONS 17, 18, 19, 20 -- UMATILLA COUNTY

POA 1. AUTHORIZED WELL

Well Log UMAT 608 and 609

SE SW, Section 17, T2N, R32E, WM (TL 1100)

90 ft N and 120 ft W from S 1/4 Corner Sec 17

300 HP well pump, plus 100 HP booster pump

POA 2. AUTHORIZED WELL

Well Log UMAT 55996

NE SW, Section 19, T2N, R32E, WM (TL 1011)

1150 ft S and 890 ft W from Center of Sec 19

250 HP well pump

This well will be abandoned and de-commissioned.

POA 3. ADDITIONAL WELL

No Well Log (new proposed well)

SW SE, Section 19, T2N, R32E, WM (TL 1011)

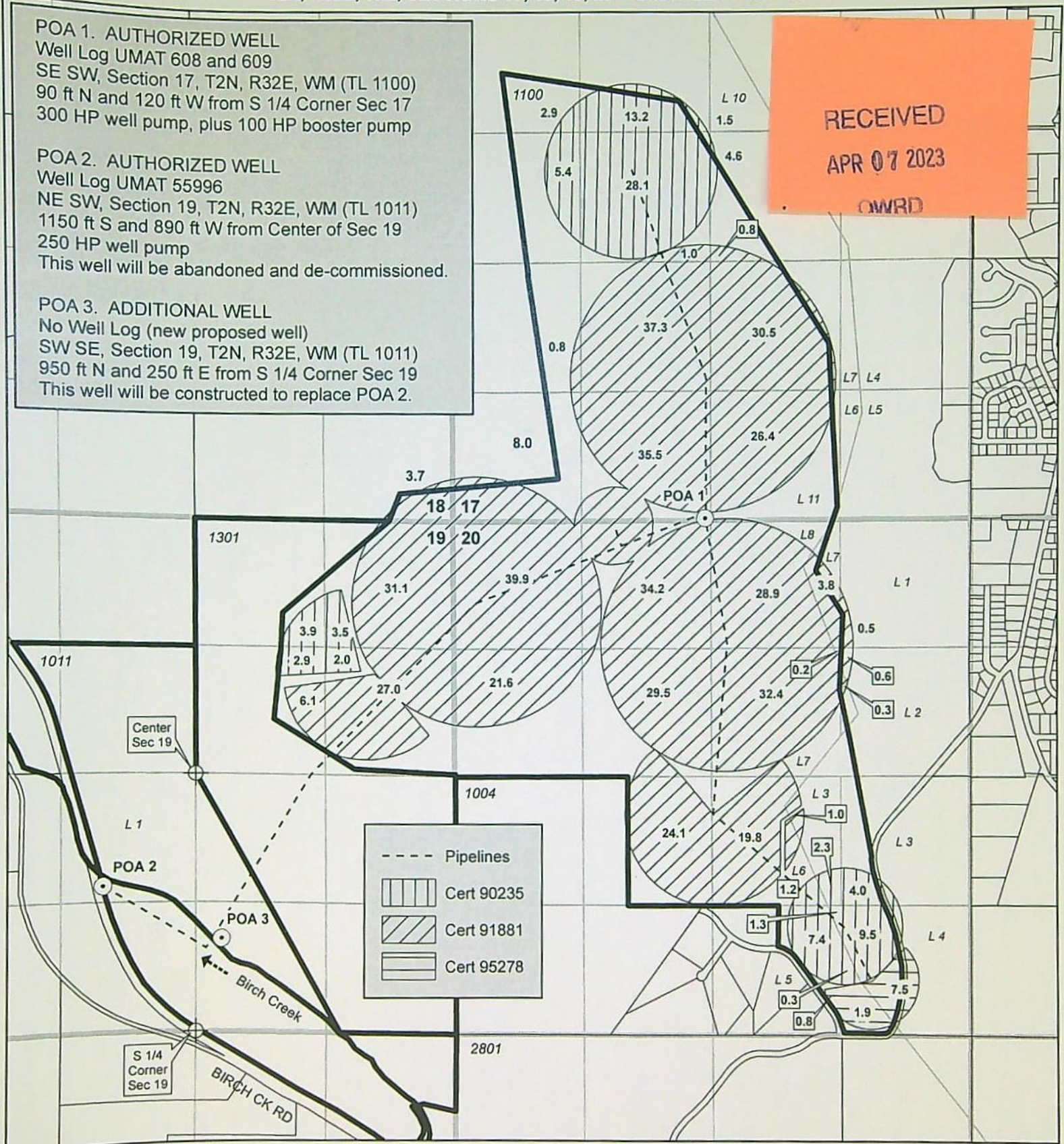
950 ft N and 250 ft E from S 1/4 Corner Sec 19

This well will be constructed to replace POA 2.

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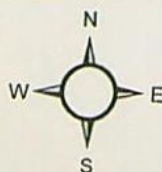
APR 07 2023

CWRD

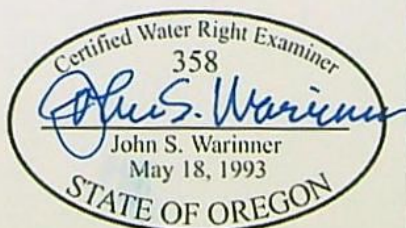


DISCLAIMER

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



1 in = 1320 ft



TRANSFER MAP

Change POA for Certificates 90235, 91881 and 95278

in the name of  
CLEAR CREEK CATTLE CO.

Revised 2023-03-31



# Oregon

Kate Brown., Governor

## Department of Fish and Wildlife

John Day Watershed  
Pendleton Field Office  
73471 Mytinger Lane  
Pendleton, OR 97801  
Voice (541) 276-2344  
FAX (541) 276-4414  
[www.dfw.state.or.us/](http://www.dfw.state.or.us/)

March 17th, 2023

Jude Law and Mike Lambert  
Confederated Tribes of the Umatilla Indian Reservation (CTUIR)  
46411 Ti'mine Way, Pendleton, OR, 97801  
541-429-7010



Dear Oregon Water Resources Board,

The John Day Watershed Office, Pendleton, of the Oregon Department of Fish and Wildlife would like to provide a letter of support for CTUIR's project on Birch Creek, in Umatilla County, OR and their water rights transfer application.

This project would restore floodplain habitat, improve instream and side channel habitat, help to decrease water temperatures and sedimentation, provide better spawning and rearing habitat, as well as improving streambank cover and shading in Birch Creek for Mid-Columbia Steelhead, coho, redband trout, and lamprey. It would also protect 9 cfs of surface water rights combined between Birch Creek and the Umatilla River which would be left instream for fish and wildlife benefits.

Thanks for your continued work towards improving habitat conditions for fish and wildlife in the Umatilla watershed.

Sincerely,

*Taylor McCroskey*

Taylor McCroskey  
Oregon Department of Fish and Wildlife  
District Fish Biologist Umatilla/Walla Walla Basins

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NOTICE TO WATER WELL CONTRACTOR  
The original and first copy of this report  
are to be filed with the

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WATER RESOURCES DEPARTMENT,  
SALEM, OREGON 97310  
within 30 days from the date  
of well completion.

JUL 17 1980

STATE OF OREGON  
(Please type or print)

DEC 31 1980

State

WATER RESOURCES DEPT.  
SALEM, OREGON

WATER RESOURCES DEPT.  
SALEM, OREGON

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(1) OWNER:

Name RUSSEL KULM  
Address Rt 2 Box 124-A  
Pendleton OR 97801

(2) TYPE OF WORK (check):

New Well ☒ Deepening ☐ Reconditioning ☐ Abandon ☐

If abandonment, describe material and procedure in Item 12.

(3) TYPE OF WELL:

Rotary ☒ Driven ☐  
Cased ☐ Jetted ☐  
Dug ☐ Bored ☐

(4) PROPOSED USE (check):

Domestic ☐ Industrial ☐ Municipal ☐  
Irrigation ☒ Test Well ☐ Other ☐

(5) CASING INSTALLED:

16" Diam. from +2 ft. to -138 ft. Gage 250  
" Diam. from \_\_\_\_\_ ft. to \_\_\_\_\_ ft. Gage \_\_\_\_\_  
" Diam. from \_\_\_\_\_ ft. to \_\_\_\_\_ ft. Gage \_\_\_\_\_

(6) PERFORATIONS:

Perforated? ☐ Yes ☒ No.

Type of perforator used \_\_\_\_\_

Size of perforations \_\_\_\_\_ in. by \_\_\_\_\_ in.  
\_\_\_\_\_ perforations from \_\_\_\_\_ ft. to \_\_\_\_\_ ft.  
\_\_\_\_\_ perforations from \_\_\_\_\_ ft. to \_\_\_\_\_ ft.  
\_\_\_\_\_ perforations from \_\_\_\_\_ ft. to \_\_\_\_\_ ft.

(7) SCREENS:

Well screen installed? ☐ Yes ☒ No

Manufacturer's Name \_\_\_\_\_  
Type \_\_\_\_\_ Model No. \_\_\_\_\_  
Diam. \_\_\_\_\_ Slot size \_\_\_\_\_ Set from \_\_\_\_\_ ft. to \_\_\_\_\_ ft.  
Diam. \_\_\_\_\_ Slot size \_\_\_\_\_ Set from \_\_\_\_\_ ft. to \_\_\_\_\_ ft.

(8) WELL TESTS:

Drawdown is amount water level is  
lowered below static level

a pump test made? ☒ Yes ☐ No If yes, by whom? LYNE  
Yield: 700 gal./min. with 250 ft. drawdown after 1 hrs.

" " " " " "  
" " " " " "

Artesian flow \_\_\_\_\_ gal./min. with \_\_\_\_\_ ft. drawdown after \_\_\_\_\_ hrs.  
Artesian flow \_\_\_\_\_ g.p.m.

Temperature of water 68 Depth artesian flow encountered \_\_\_\_\_ ft.

(9) CONSTRUCTION:

Well seal—Material used PORTLAND CEMENT  
Well sealed from land surface to 138 ft.  
Diameter of well bore to bottom of seal 12 1/2 in.  
Diameter of well bore below seal 12 1/4 in.  
Number of sacks of cement used in well seal 22 sacks  
How was cement grout placed? TRENIE

Was a drive shoe used? ☒ No ☐ Plugs \_\_\_\_\_ Size: location \_\_\_\_\_ ft.

Did any strata contain unusable water? ☐ Yes ☒ No

Type of water? \_\_\_\_\_ depth of strata \_\_\_\_\_

Method of sealing strata off \_\_\_\_\_

Was well gravel packed? ☐ Yes ☒ No Size of gravel: \_\_\_\_\_

Gravel placed from \_\_\_\_\_ ft. to \_\_\_\_\_ ft.

(10) LOCATION OF WELL:

County UMATILLA Drilled  
SE 1/4 SW 1/4 Section 17

Bearing and distance from section or subdivision corner \_\_\_\_\_

(11) WATER LEVEL: Completed well.

Depth at which water was first found 607 ft.

Static level 200 ft. below land surface. Date \_\_\_\_\_

Artesian pressure \_\_\_\_\_ lbs. per square inch. Date \_\_\_\_\_

(12) WELL LOG:

Diameter of well below casing 12 1/4

Depth drilled 920 ft. Depth of completed well 920 ft.

Formation: Describe color, texture, grain size and structure of materials;  
and show thickness and nature of each stratum and aquifer penetrated,  
with at least one entry for each change of formation. Report each change in  
position of Static Water Level and indicate principal water-bearing strata.

MATERIAL	From	To	SWL
SOIL	0	5	
CLAY & GRAVEL	5	138	
BASALT Black	130	225	
" Red	225	233	
" Black	233	267	
" Red	267	283	
" Black	283	352	
" Black	352	380	
" Red	380	525	
" Black	525	566	
" Red	566	607	
" Black w/ 55	607	621	
" Black	621	785	
" Black w/ Red	785	795	
" Black	795	825	
" Black w/ 55	825	843	
" Black	843	875	
" Black w/ Red	875	920	

Work started 5-10 1980 Completed 5-25 1980

Date well drilling machine moved off of well 5-25 1980

Drilling Machine Operator's Certification:

This well was constructed under my direct supervision.  
Materials used and information reported above are true to my  
best knowledge and belief.

[Signed] Jay Buel Date 5-25, 1980  
(Drilling Machine Operator)

Drilling Machine Operator's License No. 933

Water Well Contractor's Certification:

This well was drilled under my jurisdiction and this report is  
true to the best of my knowledge and belief.

Name Jay Buel well Drilling  
(Person, firm or corporation) (Type or print)

Address Pendleton OR  
554 SW 2nd St

[Signed] Jay Buel  
(Water Well Contractor)

Contractor's License No. 544 Date 6-3, 1980

(USE ADDITIONAL SHEETS IF NECESSARY)

BP-45056-110



# Oregon

Tina Kotek, Governor

## Water Resources Department

North Mall Office Building

725 Summer St NE, Suite A

Salem, OR 97301

Phone 503 986-0900

Fax 503 986-0904

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

March 10, 2023

Jim Whitney  
PO Box 1614  
Pendleton, OR 97801

Gary Jellum  
101 SE 3<sup>rd</sup> Street  
Pendleton, OR 97801

Reference: Transfer Application T-14055

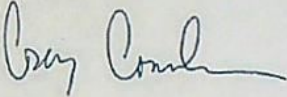
The Department has completed an initial review of your transfer application. There are some deficiencies that need to be resolved before we can continue processing your application:

1. Your application identifies a discount of \$1,530.00, based on an endorsement from the Oregon Department of Fish and Wildlife (ODFW) for a change that will result in a net benefit to fish and wildlife habitat. Pursuant to Oregon Administrative Rule (OAR) 690-380-3000(23), if a portion of the fee is waived pursuant to OAR 690-380-3400, applications shall contain documentation showing that the proposed transfer qualifies for the fee waiver. Please submit a copy of written endorsement from ODFW for a change that will result in a net benefit to fish and wildlife habitat. If an endorsement is not submitted, then the fees of \$1,530.00 are required before the Department can continue processing your application.
2. The sections labeled, "Part 5 of 5 – Water Right Information," do not include a description of the water delivery system. Pursuant to OAR 690-380-3000(10), applications shall contain a description of the current water delivery system that demonstrates that the applicant is ready, willing, and able to exercise the right and includes information on the capacity of any pumps, canals, and pipelines used to divert and convey the water to the authorized use. Without the description, the Department is unable to make a positive finding that the applicant is ready, willing, and able. Please revise this section for each certificate and resubmit.
3. The application map does not identify all the acres authorized under Certificate 90235. Certificate 90235 authorizes 1.3 acres in Lot 4 of Section 20, T2N, R32E, WM, and 0.3 acres in Lot 5 of Section 20, T2N, R32E, WM. These acres are not identified on the map. Please revise and resubmit.
4. The application map also does not correctly identify the acres authorized under Certificate 91881. Most of the acres in Sections 17 and 20, do not match what is authorized by the certificate. For example, the certificate identifies 0.8 acres in Section 17, T2N, R32E, WM, however the map identifies 1.1 acres. Please verify the acres on the application map for Certificate 91881, revise and resubmit.

If the Department does not receive the above requested materials by April 10, 2023, a draft Preliminary Determination may be issued denying the application as incomplete.

Please do not hesitate to contact me, at [corey.a.courchane@water.oregon.gov](mailto:corey.a.courchane@water.oregon.gov) or (503) 979-3917, if I may be of assistance.

Sincerely,



Corey Courchane  
Allocation of Conserved Water  
Transfer and Conservation Section

cc: Transfer Application T-14055  
Greg Silbernagel, District 5 Watermaster *(via email)*  
Rebecca Schwartz, CTUIR DNR, agent *(via email RebeccaSchwartz@ctuir.org)*  
John S. Warinner, CWRE #358 *(via email johnw@watersolving.com)*

STATE OF OREGON  
WATER RESOURCES DEPARTMENT

RECEIPT # **139697**

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

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

RECEIVED FROM: Confederated Tribes of the  
BY: Umatilla Indian Reservation;  
General Fund

APPLICATION 1-14055

PERMIT

TRANSFER

CASH: ☐ CHECK: # 678527 OTHER: (IDENTIFY) ☐

TOTAL REC'D \$ 2640.52

**1083 TREASURY 4170 WRD MISC CASH ACCT**

0407 COPIES 47124 RI1407-23 \$  
0412 OTHER: (IDENTIFY) Transfer Reimbursement \$ 2640.52  
Authority

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

**4270 WRD OPERATING ACCT**

**MISCELLANEOUS**

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

**WATER RIGHTS:**

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

**WELL CONSTRUCTION**

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

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:

**139697**

DATED: 12-8-2022 BY: Mindy Carlson

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

Confederated Tribes of the Umatilla Indian

12/05/2022

0678527

Invoice No.

Invoice Date

Description

Amount

12/2022

12/05/2022

application fee for Permanent Water Rights  
DN

2640.52

RECEIVED

DEC 08 2022

OWRD  
SALEM, OREGON

Total:

2,640.52

DEC 08 2022

Salem, OR

**REIMBURSEMENT AUTHORITY  
APPLICANT'S AGREEMENT  
Contract Number: R11-407-23**

This Agreement is between the Oregon Water Resources Department, hereafter OWRD, and Gary Jellum and Jim Whitney, hereafter Applicant, hereafter known together as the parties.

**OWRD Information**

Contact: Kelly Starnes  
Title: Transfer Advisor  
Address: 725 Summer Street, NE, Suite A  
Salem, OR 97301-1266  
  
Phone: 503 979-3511  
Fax: 503 986-0901  
Email: [patrick.k.starnes@water.oregon.gov](mailto:patrick.k.starnes@water.oregon.gov)

**Applicant's Information**

Name: Gary Jellum  
Phone: (541) 240-1144  
Address: 101 SE 3<sup>rd</sup> Street  
Pendleton, OR 97801  
  
Name: Jim Whitney  
Phone: (541) 601-4433  
Address: PO Box 1614  
Pendleton, OR 97801

**Applicant's Representative**

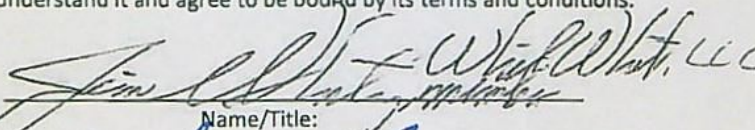
Name: CTUIR  
Contact: Rebecca Schwartz  
Address: 46411 Timine Way  
Pendleton, OR 97801  
  
Phone: (541) 429-7211  
Fax:  
Email: [rebeccaschwartz@ctuir.org](mailto:rebeccaschwartz@ctuir.org)

**Purpose** The purpose of this Agreement is to expedite the processing of the Transfer Application. (Application Number: T-14055)

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 \$2,640.52. Applicant agrees to pay the full amount of \$2,640.52 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.

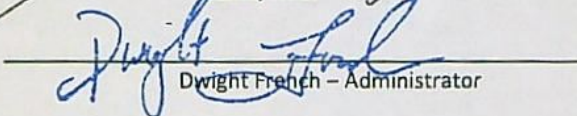
7. **Termination.** Applicant may request to terminate this agreement only in writing at anytime during the process. The Applicant agrees to pay for the work done by OWRD up until the time of the written termination request. OWRD, upon receiving such written termination request from the Applicant, will 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:

  
Name/Title:

11-14-22  
Date

For OWRD:

  
Dwight French - Administrator

12-9-22  
Date

Mail signed Agreement to:

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

Received by OWRD

DEC 08 2022

Salem, OR

DEC 08 2022

Salem, OR

**REIMBURSEMENT AUTHORITY  
APPLICANT'S AGREEMENT  
Contract Number: R11-407-23**

This Agreement is between the **Oregon Water Resources Department**, hereafter OWRD, and **Gary Jellum and Jim Whitney**, hereafter Applicant, hereafter known together as the parties.

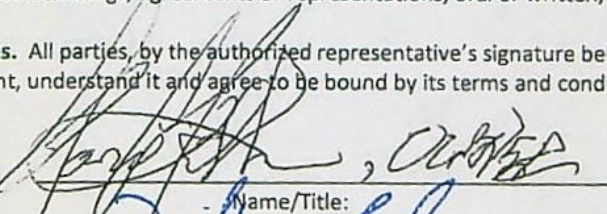
OWRD Information	Applicant's Information	Applicant's Representative
Contact: <b>Kelly Starnes</b>	Name: <b>Gary Jellum</b>	Name: <b>CTUIR</b>
Title: <b>Transfer Advisor</b>	Phone: <b>(541) 240-1144</b>	Contact: <b>Rebecca Schwartz</b>
Address: <b>725 Summer Street, NE, Suite A Salem, OR 97301-1266</b>	Address: <b>101 SE 3<sup>rd</sup> Street Pendleton, OR 97801</b>	Address: <b>46411 Timine Way Pendleton, OR 97801</b>
Phone: <b>503 979-3511</b>	Name: <b>Jim Whitney</b>	Phone: <b>(541) 429-7211</b>
Fax: <b>503 986-0901</b>	Phone: <b>(541) 601-4433</b>	Fax:
Email: <b>patrick.k.starnes@water.oregon.gov</b>	Address: <b>PO Box 1614 Pendleton, OR 97801</b>	Email: <b>rebeccaschwartz@ctuir.org</b>

**Purpose** The purpose of this Agreement is to expedite the processing of the **Transfer Application**. (**Application Number: T-14055**)

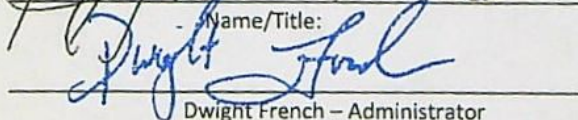
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  - The costs stated in this Agreement do not include the statutory application processing and filing fees.
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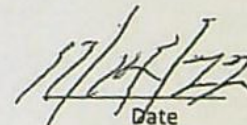
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For Applicant:

  
Name/Title:

For OWRD:

  
Dwight French – Administrator

  
Date

12-9-22  
Date

Mail signed Agreement to:

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

Received by OWRD

DEC 08 2022

Salem, OR

GRAY JELLUM RA R11-407-23 T-14055						
Review Step	Est. Time	Hourly Rate	Total Est. Hours	Individual	Hourly Rate	Est. Cost
Front Desk Staff receipts received AA funds						
Transfer Support process Application						
Administrator signs AA						
NRS 1 Support enters workflow record in WRIS and updates RA spreadsheet						
NRS 2 completes initial review of file for deficiencies						
NRS 2 consults with Kelly and/or Lisa						
NRS 2 writes and sends deficiency ltr (email and hard copy)						
NRS 2 addresses correspondence from app/agent regarding deficiencies						
Watermaster completes review						
Groundwater completes review						
NRS 2 completes DPD, PN, and RR						
Transfer staff peer reviews DPD, PN, RR						
Transfer Analyst completes policy check at DPD stage						
NRS 2 sends DPD to app/agent by email and/or mail						
NRS 2 reviews report of ownership						
NRS 2 completes PD						
Transfer Staff peer reviews PD						
Transfer Analyst peer reviews PD						
Data Center reviews PD AND RR: (RR where applicable)						
Transfer Analyst completes peer review of PN review for newspaper noticing						
Transfer Support requests newspaper quote for PN publishing						
NRS 2 sends publishing fee request to applicant						
Transfer Support processes fee and newspaper publishing						
Transfer Support processes public notice (dept notice)						
Administrator signs PD						
NRS 2 completes FO						
Transfer Staff peer reviews FO						
Transfer Analyst peer reviews FO						
Administrator signs FO						
Transfer Support issues FO, updates WRIS, copy to file, record markings, and sends hard copy						
NRS 1 closes out RA Contract						
TOTAL ESTIMATE HOURS			40.38	SUB-TOTAL ESTIMATE COST		
				10% OVERHEAD		
				TOTAL		\$2,640.52



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.**

RECEIVED

OCT 31 2022

OWRD

REQUEST	TYPE	FILE NUMBER
<input checked="" type="checkbox"/>	Transfer Application	Transfer Number T-14055

Applicant Information		Applicant's Representative/Contact
Name:	Gary Jellum	CTUIR – Rebecca Schwartz 46411 Timine Way, Pendleton OR, 97801
Address:	101 SE 3 <sup>rd</sup> Street, Pendleton OR, 97801	
Phone:	541-240-1144	
Fax:		
E-Mail Address:		
Name:	Jim Whitney	CTUIR – Rebecca Schwartz
Address:	PO Box 1614, Pendleton OR, 97801	
Phone:	541-601-4433	

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: Rebecca Schwartz



OREGON WATER RESOURCES DEPARTMENT  
TRANSFER REIMBURSEMENT AUTHORITY  
ESTIMATE APPLICATION



Signature

A handwritten signature in black ink, appearing to be "J. K. Smith", written over a horizontal line.

OWRD USE ONLY: Reimbursement Authority Number: R11-\_\_\_\_\_-23

RECEIVED  
OCT 31 2022  
OWRD

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 # 139415

INVOICE #

RECEIVED FROM: Confederated Tribes of  
the Indian Reservation;  
General Fund  
BY: 675116  
CASH: ☒ CHECK: # OTHER: (IDENTIFY)  
TOTAL REC'D \$ 125.00

APPLICATION T-14055  
PERMIT  
TRANSFER

1083 TREASURY 4170 WRD MISC CASH ACCT  
0407 COPIES 47124 R-11407-23  
0412 OTHER: (IDENTIFY) 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:  
0201 SURFACE WATER EXAM FEE 0202 RECORD FEE \$  
0203 GROUND WATER EXAM FEE 0204 RECORD FEE \$  
0205 TRANSFER EXAM FEE  
WELL CONSTRUCTION  
0218 WELL DRILL CONSTRUCTOR EXAM FEE 0219 LICENSE FEE \$  
LANDOWNER'S PERMIT 0220 LICENSE FEE \$  
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 RECEIVED  
OBJ. CODE VENDOR OVER THE COUNTER  
DESCRIPTION \$

RECEIPT: 139415

DATE: 10-26-2022 BY: Misha Kay

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

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 # 139415

INVOICE #

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TREASURY OTHER / RDX

FUND TITLE RECEIVED  
OBJ. CODE VENDOR OVER THE COUNTER  
DESCRIPTION \$

RECEIPT: 139415

DATE: 10-26-2022 BY: Misha Kay

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

Invoice No. 10/2022  
Invoice Date 10/21/2022  
Description reimbursement authority application fee  
FISHE  
Amount 125.00

Total:

125.00

Confederated Tribes of the Umatilla Indian

10/21/2022

0675116



OREGON WATER RESOURCES DEPARTMENT  
TRANSFER REIMBURSEMENT AUTHORITY  
ESTIMATE APPLICATION



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

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

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

REQUEST	TYPE	FILE NUMBER
<input checked="" type="checkbox"/>	Transfer Application	Transfer Number <u>T-14055</u>

	Applicant Information	Applicant's Representative/Contact
Name:	<u>Gary Jellum</u>	CTUIR – Rebecca Schwartz 46411 Timine Way, Pendleton OR, 97801
Address:	<u>101 SE 3<sup>rd</sup> Street, Pendleton OR, 97801</u>	
Phone:	<u>541-240-1144</u>	
Fax:		
E-Mail Address:		
Name:	<u>Jim Whitney</u>	CTUIR – Rebecca Schwartz
Address:	<u>PO Box 1614, Pendleton OR, 97801</u>	
Phone:	<u>541-601-4433</u>	

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: \_\_\_\_\_

RECEIVED

OCT 26 2022

OWRD

Reimbursement Authority Number: R11-407-23



OREGON WATER RESOURCES DEPARTMENT  
TRANSFER REIMBURSEMENT AUTHORITY  
ESTIMATE APPLICATION



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

**OWRD USE ONLY:** Reimbursement Authority Number: R11-\_\_\_\_-23

## DAVIS Arla L \* WRD

---

**From:** Rebecca Schwartz <RebeccaSchwartz@ctuir.org>  
**Sent:** Tuesday, October 25, 2022 7:39 AM  
**To:** DAVIS Arla L \* WRD  
**Subject:** RE: Transfer Application  
**Attachments:** signed\_transfer estimate.pdf

Good morning Arla,

Yesterday I sent in the reimbursement estimate and check to arrive tomorrow afternoon. It was not until after I got back to the office that I realized the form printed on one side. I worry that I did not sign the form and have attached a scanned in copy that is signed. Please let me know if this is an issue. All the best,

Rebecca

---

**From:** DAVIS Arla L \* WRD [mailto:Arla.L.DAVIS@water.oregon.gov]  
**Sent:** Thursday, October 20, 2022 6:41 AM  
**To:** Rebecca Schwartz <RebeccaSchwartz@ctuir.org>  
**Cc:** Anton Chiono <AntonChiono@ctuir.org>; Mike Lambert <MikeLambert@ctuir.org>; Jude Love <JudeLove@ctuir.org>  
**Subject:** [BULK] RE: Transfer Application  
**Importance:** Low

**EXTERNAL EMAIL: Please use caution when clicking links or opening attachments.**

Good Morning Rebecca,

Thank you for your email. Anton is correct, the Department does have the Reimbursement Authority (RA) program to expedite processing of permanent transfer and permit amendment applications. The applicant may submit a Reimbursement Authority application (attached to this email) and a non-refundable \$125 application fee requesting an estimate for expediting the processing of the application. The Department will then draft an estimate which outlines the cost to expedite the review process for the application and notify the applicant in writing of the estimate. If the applicant accepts the estimate, the Department enters into a contract with the applicant in which the applicant pays for the expedited service. It is not possible for me to give you the exact amount that the estimate will be, but the applicant is under no obligation to accept the estimate and enter into a contract with the Department, however the application fee of \$125 is non-refundable. If the applicant enters into a contract with the Department, the application will be assigned a caseworker immediately and the application will move up in priority in the queue of applications waiting for review. The estimate at this time for complete processing of transfer applications that require groundwater reviews and that are a part of the Reimbursement Authority program is anywhere from 8-12 months. Once the application is assigned a caseworker, that person will be able to help narrow that estimate. If you have any other questions about the RA program please let me know.

Thank you!

Arla L. Davis  
Water Rights Transfer Specialist  
Transfer and Conservation Section  
725 Summer St. NE, Suite A | Salem, OR 97301 | Phone: 503-979-3129



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

Work Schedule (primarily teleworking remotely): Mon, Tues, & Thurs, Fri – 6:00 a.m. to 3:30 p.m. and Wed – 8:00 a.m. to Noon

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

---

**From:** Rebecca Schwartz <[RebeccaSchwartz@ctuir.org](mailto:RebeccaSchwartz@ctuir.org)>  
**Sent:** Wednesday, October 19, 2022 2:59 PM  
**To:** DAVIS Arla L \* WRD <[Arla.L.DAVIS@water.oregon.gov](mailto:Arla.L.DAVIS@water.oregon.gov)>  
**Cc:** Anton Chiono <[AntonChiono@ctuir.org](mailto:AntonChiono@ctuir.org)>; Mike Lambert <[MikeLambert@ctuir.org](mailto:MikeLambert@ctuir.org)>; Jude Love <[JudeLove@ctuir.org](mailto:JudeLove@ctuir.org)>  
**Subject:** RE: Transfer Application  
**Importance:** High

Good afternoon Arla,

Could you provide us with guidance as to how we expedite the application review? Anton mentioned that we can pay a fee to expedite the application review process and that an estimate for an expedited review would be \$125.00. We want to do whatever we can to achieve a quicker turnaround time and will pay the necessary fees. Thank you for the help,

Rebecca Schwartz  
Fisheries Habitat Biologist  
CTUIR Fisheries Program  
PSM Graduate Candidate | OSU  
[RebeccaSchwartz@ctuir.org](mailto:RebeccaSchwartz@ctuir.org)  
541-429-7112 (Office)  
541-969-7268 (Work Cell)  
508-287-0431 (Personal Cell)

“Adopt the pace of nature, her secret is patience.” -Ralph Waldo Emerson

---

**From:** DAVIS Arla L \* WRD [<mailto:Arla.L.DAVIS@water.oregon.gov>]  
**Sent:** Tuesday, October 18, 2022 11:33 AM  
**To:** Rebecca Schwartz <[RebeccaSchwartz@ctuir.org](mailto:RebeccaSchwartz@ctuir.org)>  
**Cc:** Anton Chiono <[AntonChiono@ctuir.org](mailto:AntonChiono@ctuir.org)>  
**Subject:** RE: Transfer Application

**EXTERNAL EMAIL: Please use caution when clicking links or opening attachments.**

Good Morning Rebecca,

Thank you for your email. I apologize for my delay in response. Transfer Application T-14055 for applicants Jim Whitney and Gary Jellum is still waiting on both the watermaster review and the groundwater review and has not been assigned a transfer caseworker. The Department will not assign a transfer caseworker to the application until both the Watermaster review and the Groundwater review are completed and sent to the Transfer Section. Once both reviews are completed, a transfer caseworker will be assigned to T-14055 and the caseworker will be able to begin reviewing and processing the application. Currently, the Department is very short staffed throughout the agency and although hiring and training new staff is a top priority for the Department, it is unfortunately delaying all of our application processes. We roughly estimate that a Transfer application that requires a groundwater review may take 18-24 months from the time of submittal before it is completed. Currently the estimate for completion of the Groundwater Review for T-14055 is sometime in 2024, which means that a transfer caseworker will not be assigned until possible sometime in 2024. This estimate of completion of the groundwater review is the most current estimate information provided by our Groundwater section staff regarding the status of the review for Transfer Application T-14055, and they will update it as more information becomes available, but I am not able to narrow that down any further for you. Please let me know if you have any other questions.

Arla L. Davis

Water Rights Transfer Specialist  
Transfer and Conservation Section  
725 Summer St. NE, Suite A | Salem, OR 97301 | Phone: 503-979-3129



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

Work Schedule (primarily teleworking remotely): Mon, Tues, & Thurs, Fri – 6:00 a.m. to 3:30 p.m. and Wed – 8:00 a.m. to Noon

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---

**From:** Rebecca Schwartz <[RebeccaSchwartz@ctuir.org](mailto:RebeccaSchwartz@ctuir.org)>  
**Sent:** Thursday, October 13, 2022 4:21 PM  
**To:** DAVIS Arla L \* WRD <[Arla.L.DAVIS@water.oregon.gov](mailto:Arla.L.DAVIS@water.oregon.gov)>  
**Subject:** RE: Transfer Application

Good afternoon Arla,

Checking in to see how the transfer application review is proceeding. Hope you are well and enjoying the cooler weather. All the best,

Rebecca

---

**From:** DAVIS Arla L \* WRD [<mailto:Arla.L.DAVIS@water.oregon.gov>]  
**Sent:** Tuesday, August 9, 2022 6:41 AM  
**To:** Rebecca Schwartz <[RebeccaSchwartz@ctuir.org](mailto:RebeccaSchwartz@ctuir.org)>  
**Cc:** Anton Chiono <[AntonChiono@ctuir.org](mailto:AntonChiono@ctuir.org)>  
**Subject:** RE: Transfer Application

**EXTERNAL EMAIL: Please use caution when clicking links or opening attachments.**

Good Morning Rebecca,

Thank you for your email. I can confirm that the application was received on Friday of last week. For your reference the Transfer Application File Number we have assigned is T-14055. If you need to reach a caseworker or have any questions, this number will be the easiest way for us to ensure we are referencing the correct application. Please let me know if there are any other questions.

Arla L. Davis

Water Rights Transfer Specialist  
Transfer and Conservation Section  
725 Summer St. NE, Suite A | Salem, OR 97301 | Phone: 503-979-3129



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---

**From:** Rebecca Schwartz <[RebeccaSchwartz@ctuir.org](mailto:RebeccaSchwartz@ctuir.org)>  
**Sent:** Tuesday, August 9, 2022 6:23 AM  
**To:** DAVIS Arla L \* WRD <[Arla.L.DAVIS@water.oregon.gov](mailto:Arla.L.DAVIS@water.oregon.gov)>  
**Cc:** Anton Chiono <[AntonChiono@ctuir.org](mailto:AntonChiono@ctuir.org)>  
**Subject:** Transfer Application

Good morning Arla,

I sent out the transfer application overnight on Thursday. Can you confirm if you have received it or not? Anton passed along the receipt that was sent and I have saved that to our records. Thanks for your help. All the best,

Rebecca Schwartz  
Fisheries Habitat Biologist  
CTUIR Fisheries Program  
PSM Graduate Candidate | OSU  
[RebeccaSchwartz@ctuir.org](mailto:RebeccaSchwartz@ctuir.org)  
541-429-7112 (Office)  
541-969-7268 (Work Cell)  
508-287-0431 (Personal Cell)

“Adopt the pace of nature, her secret is patience.” -Ralph Waldo Emerson

The opinions expressed by the author are his or her own and are not necessarily those of the Confederated Tribes of the Umatilla Indian Reservation. The information, contents and attachments in this email are Confidential and Private.



OREGON WATER RESOURCES DEPARTMENT  
TRANSFER REIMBURSEMENT AUTHORITY  
ESTIMATE APPLICATION



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

REQUEST	TYPE	FILE NUMBER
<input checked="" type="checkbox"/>	Transfer Application	Transfer Number T-14055

	Applicant Information	Applicant's Representative/Contact
Name:	Gary Jellum	CTUIR – Rebecca Schwartz 46411 Timine Way, Pendleton OR, 97801
Address:	101 SE 3 <sup>rd</sup> Street, Pendleton OR, 97801	
Phone:	541-240-1144	
Fax:		
E-Mail Address:		
Name:	Jim Whitney	CTUIR – Rebecca Schwartz
Address:	PO Box 1614, Pendleton OR, 97801	
Phone:	541-601-4433	

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.
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- 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: Rebecca Schwartz



OREGON WATER RESOURCES DEPARTMENT  
TRANSFER REIMBURSEMENT AUTHORITY  
ESTIMATE APPLICATION



Signature

A handwritten signature in black ink, appearing to be "JH", written over a horizontal line.

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

**BAUSTIAN Julie C \* WRD**

---

**From:** SILBERNAGEL Greg M \* WRD  
**Sent:** Thursday, September 08, 2022 11:40 AM  
**To:** WRD\_DL\_transferreviews  
**Subject:** T-14055  
**Attachments:** T-14055\_Whit\_Jellum.pdf; T\_14055\_map changes1.pdf

Please see attached for transfer T-14055.

I have attached the applicants map with the areas highlighted in yellow. I would like to request each portion of the circle have acreage specified in each quarter quarter.

Greg Silbernagel - Watermaster, District 5  
Oregon Water Resources Department  
116 SE Dorion Ave.  
Pendleton, OR 97801  
(541) 969-1677

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

# Watermaster Review Form: Water Right Transfer



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

Transfer Application: T-14055

Review Due Date:

Applicant Name: Jim Whitney / Gary Jellum

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

Reviewer(s): Greg Silbernagel

Date of Review: 09/06/2022

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:

Please have applicant revise map. Where ever there are two or more circles within a single quarter quarter, the individual acreage for each pivot should be identified. This was done on some pivots, but not on others which caused confusion. Will include example attachment.

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- 14055



In order to avoid enlargement of the right or injury to other rights, a totalizing flowmeter 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: Greg Silbernagel

District: 5

Address: 116 SE Dorion Avenue

City/State/Zip: Pendleton, Oregon 97801

Phone: 541-429-1984

Email: Greg.M.Silbernagel@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

## T2N, R32E, WM, SECTIONS 17, 18, 19, 20 – UMATILLA COUNTY

POA 1: AUTHORIZED WELL

Well Log UMAT 608 and 609:

SE SW, Section 17, T2N, R32E, WM. (TL 1100)  
90 ft N and 120 ft W from S 1/4 Corner Sec 17.

POA 2: AUTHORIZED WELL

Welt: Log UMAT 55996

NE SW, Section 19, T2N, R32E, WM (TL 1011)  
1150 ft S and 890 ft W from Center of Sec. 19

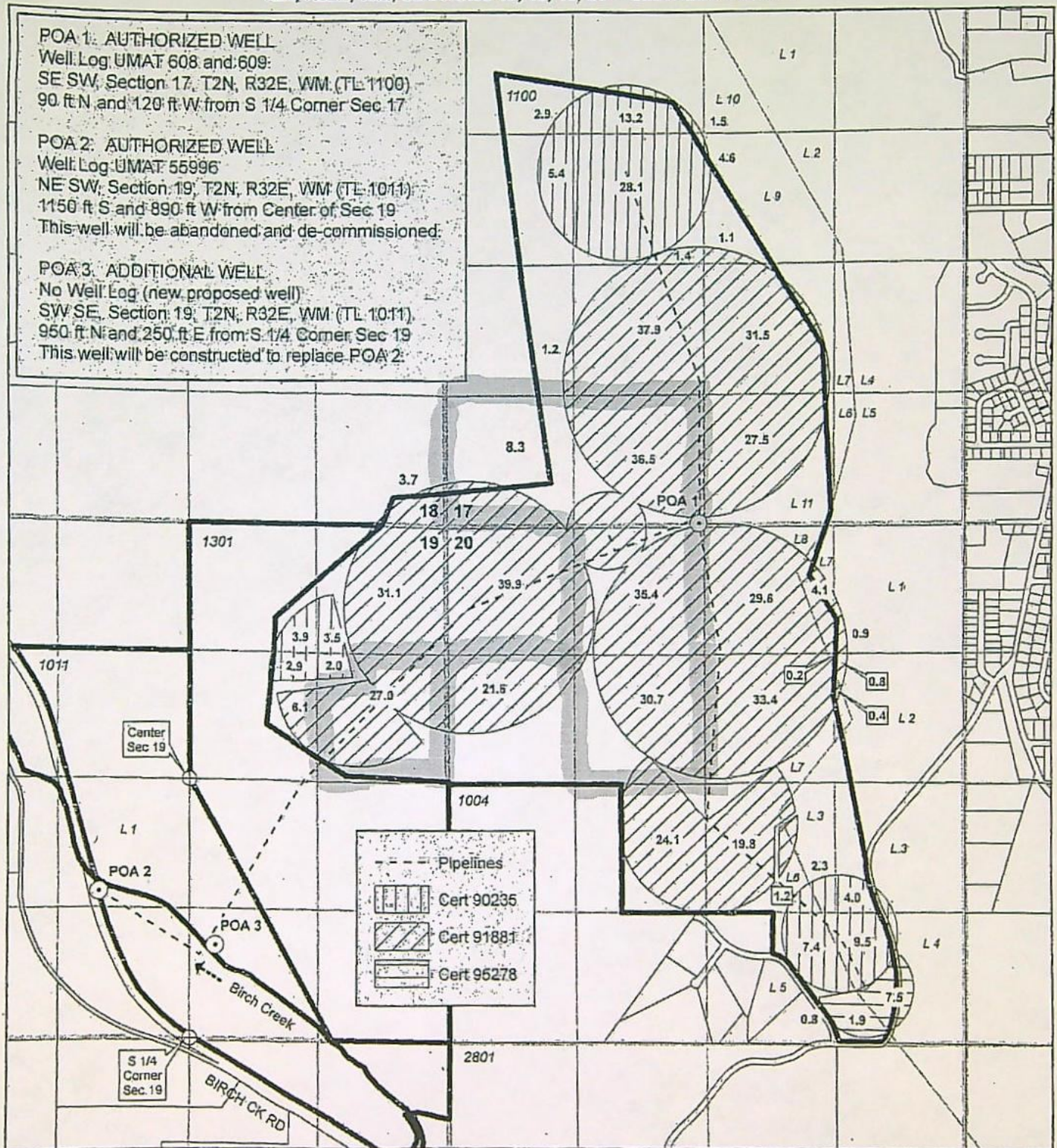
This well will be abandoned and de-commissioned.

POA 3. ADDITIONAL WELL

No Well Log (new proposed well)

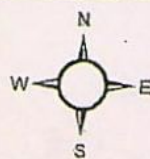
SW SE, Section 19, T2N, R32E, WM (TL 10:11).  
950 ft. N and 250 ft. E from S 1/4 Corner Sec 19

This well will be constructed to replace POA 2:



## DISCLAIMER

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


$$1 \text{ in} = 1320 \text{ ft}$$


## TRANSFER MAP

## Change POA for Certificates 90235, 91881 and 95278

in the name of  
CLEAR CREEK CATTLE CO.

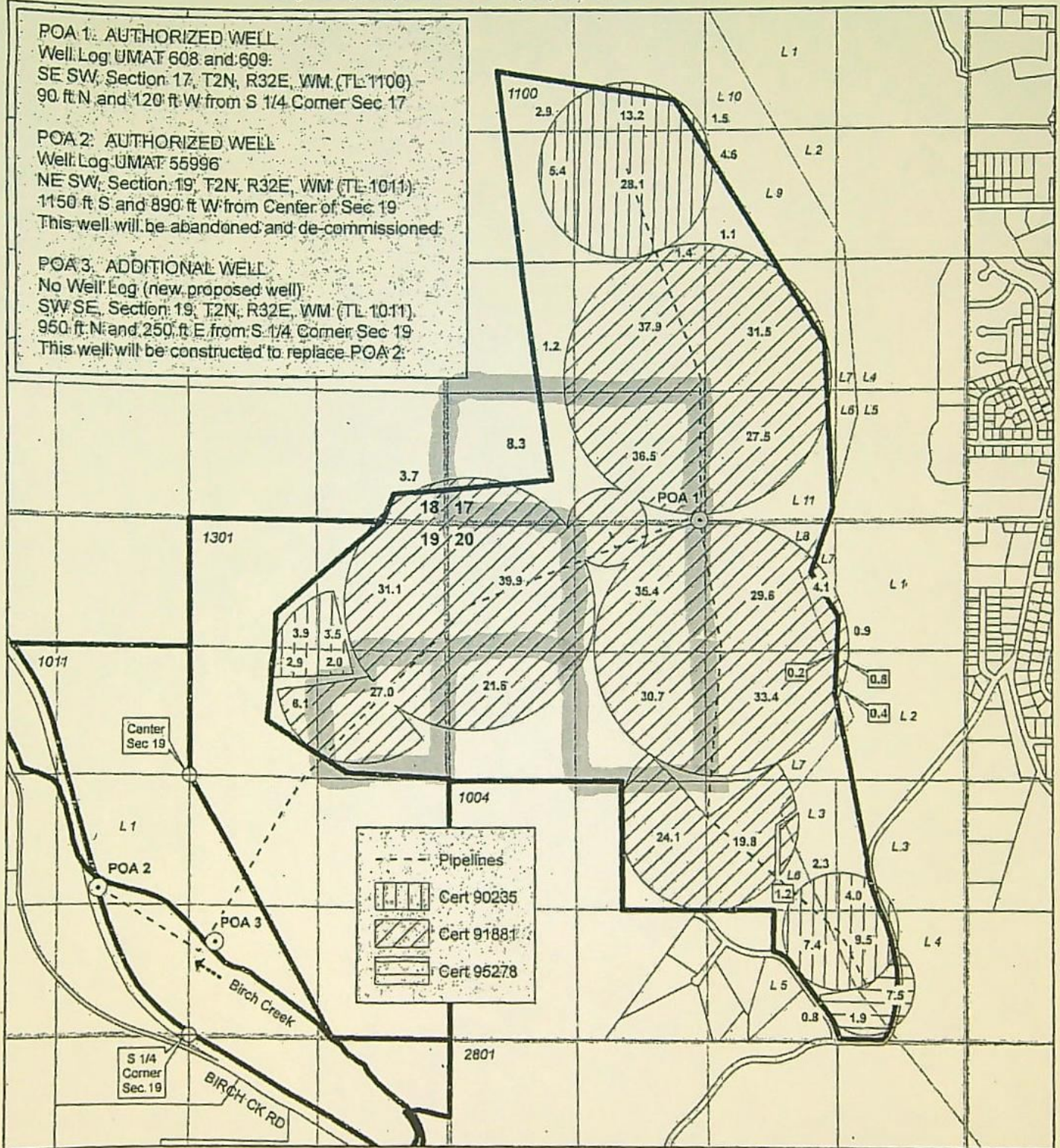
Revised 2022-06-07

T2N, R32E, WM, SECTIONS 17, 18, 19, 20 – UMATILLA COUNTY

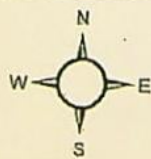
POA 1: AUTHORIZED WELL  
Well Log UMAT 608 and 609:  
SE SW, Section 17, T2N, R32E, WM (TL 1100)  
90 ft N and 120 ft W from S 1/4 Corner Sec 17

POA 2: AUTHORIZED WELL  
Well Log UMAT 55996  
NE SW, Section 19, T2N, R32E, WM (TL 1011)  
1150 ft S and 890 ft W from Center of Sec 19  
This well will be abandoned and de-commissioned.

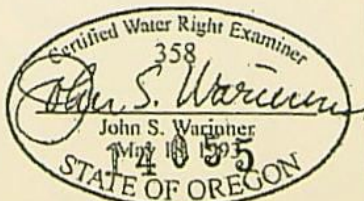
POA 3: ADDITIONAL WELL  
No Well Log (new proposed well)  
SW SE, Section 19, T2N, R32E, WM (TL 1011)  
950 ft N and 250 ft E from S 1/4 Corner Sec 19  
This well will be constructed to replace POA 2.



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



1 in = 1320 ft



**TRANSFER MAP**  
Change POA for Certificates  
90235, 91881 and 95278

In the name of  
**CLEAR CREEK CATTLE CO.**

Revised 2022-06-07



# Oregon

Kate Brown, Governor

## Water Resources Department

725 Summer St NE, Suite A

Salem, OR 97301

(503) 986-0900

Fax (503) 986-0904

August 1, 2022

JIM WHITNEY  
PO BOX 1614  
PENDLETON, OR 97801

GARY JELLUM  
101 SE 3<sup>RD</sup> STREET  
PENDLETON, OR 97801

Reference: Application T-14055

On July 28, 2022, OWRD received your water right Permanent Transfer Application. The application was accompanied by \$1530.00. Our receipt number 138763 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 our groundwater staff to determine whether the proposed well accesses the same source of water as the original well or as the original POD.

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/appropriation 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.

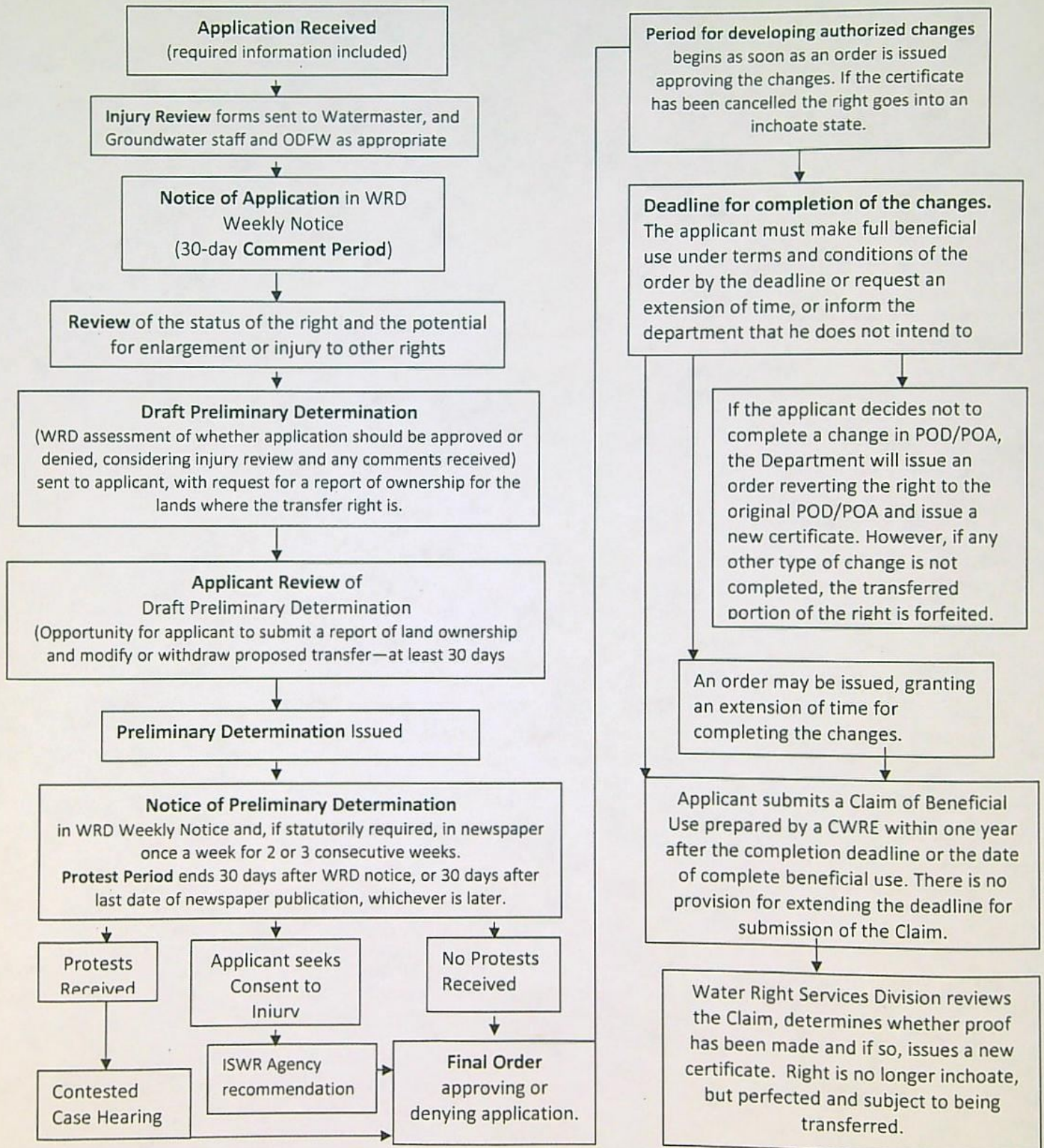
Refer to the following page for a chart showing the steps and expected timelines for the processing of your application.

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

Cc: Watermaster Dist. #5, Gregory M. Silbernagel (*via email*)  
Umatilla County Planning Department  
Rebecca Schwartz, Agent

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

OAR 690 Division 380



# Application for Permanent Water Right Transfer



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

## Part 1 of 5 – Minimum Requirements Checklist

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

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

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

- ☒ Part 1 – Completed Minimum Requirements Checklist.
- ☒ Part 2 – Completed Transfer Application Map Checklist.
- ☒ Part 3 – Application Fee, payable by check to the Oregon Water Resources Department, and completed Fee Worksheet, page 3. Try the new online fee calculator at:  
[http://apps.wrd.state.or.us/apps/misc/wrd\\_fee\\_calculator](http://apps.wrd.state.or.us/apps/misc/wrd_fee_calculator).
- ☒ Part 4 – Completed Applicant Information and Signature.
- ☒ Part 5 – Information about Water Rights to be Transferred: **How many water rights are to be transferred? 3 List them here: 91881; 95278; 90235**  
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.**

### 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):

- |  |  |
|--|--|
| <input type="checkbox"/> Application fee not enclosed/insufficient | <input type="checkbox"/> Map not included or incomplete                  |
| <input type="checkbox"/> Land Use Form not enclosed or incomplete  | <input type="checkbox"/> Evidence of Use Form not enclosed or incomplete |
| <input type="checkbox"/> Additional signature(s) required          | <input type="checkbox"/> Part _____ is incomplete                        |

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

Staff: \_\_\_\_\_ 503- \_\_\_\_\_ Date: \_\_\_\_/\_\_\_\_/\_\_\_\_

## 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/](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 3 of 5 – Fee Worksheet

## FEE WORKSHEET for PERMANENT TRANSFER (except Substitution)

1	Base Fee (includes one type of change to one water right for up to 1 cfs)	1	\$1,360
	Types of change proposed: <input type="checkbox"/> Place of Use <input type="checkbox"/> Character of Use <input checked="" type="checkbox"/> Point of Diversion/Appropriation Number of above boxes checked = <u>1 (2a)</u> Subtract 1 from the number in line 2a = <u>0 (2b)</u> <i>If only one change, this will be 0</i>		
2	Multiply line 2b by \$1090 and enter »	2	0
	Number of water rights included in transfer <u>3 (3a)</u> Subtract 1 from the number in 3a above: <u>2 (3b)</u> <i>If only one water right this will be 0</i>		
3	Multiply line 3b by \$610 and enter »	3	1,220
	Do you propose to add or change a well, or change from a surface water POD to a well? <input type="checkbox"/> No: enter 0 <input checked="" type="checkbox"/> Yes: enter \$480 for the 1 <sup>st</sup> well to be added or changed <u>480 (4a)</u>  Do you propose to add or change additional wells? <input checked="" type="checkbox"/> No: enter 0 <input type="checkbox"/> Yes: multiply the number of additional wells by \$410 <u>0 (4b)</u>		
4	Add line 4a to line 4b and enter »	4	480
	Do you propose to change the place of use or character of use? <input checked="" type="checkbox"/> No: enter 0 on line 5 <input type="checkbox"/> Yes: enter the cfs for the portions of the rights to be transferred (see 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		
5	5c by \$410, then enter on line 5 »	5	0
6	Add entries on lines 1 through 5 above » » » » » » » » » » Subtotal:	6	3,060
	Is this transfer: <input type="checkbox"/> necessary to complete a project funded by the Oregon Watershed Enhancement Board (OWEB) under ORS 541.932? <input checked="" type="checkbox"/> endorsed in writing by ODFW as a change that will result in a net benefit to fish and wildlife habitat?  If one or more boxes is checked, multiply line 6 by 0.5 and enter on line 7 »		
7	If no box is applicable, enter 0 on line 7 »	7	1,530
8	Subtract line 7 from line 6 » <b>Transfer Fee:</b>	8	\$1,530

\*Example for Line 5a calculation to transfer 45.0 acres of Primary Certificate 12345 (total 1.25 cfs for 100 acres) and 45.0 acres of Supplemental Certificate 87654 (1/80 cfs per acre) on the same land:

1. For irrigation calculate cfs for each water right involved as follows:
  - a. Divide total authorized cfs by total acres in the water right (for C12345,  $1.25 \text{ cfs} \div 100 \text{ ac}$ ); then multiply by the number of acres to be transferred to get the transfer cfs ( $\times 45 \text{ ac} = 0.56 \text{ cfs}$ ).
  - b. If the water right certificate does not list total cfs, but identifies the allowable use as  $1/40$  or  $1/80$  of a cfs per acre; multiply number of acres proposed for change by either  $0.025$  ( $1/40$ ) or  $0.0125$  ( $1/80$ ). (For C87654,  $45.0 \text{ ac} \times 0.0125 \text{ cfs/ac} = 0.56 \text{ cfs}$ )
2. Add cfs for the portions of water rights on all the land included in the transfer; however **do not count cfs for supplemental rights on acreage for which you have already calculated the cfs fee for the primary right on the same land**. The fee should be assessed only once for each "on the ground" acre included in the transfer. (In this example, blank 5a would be only 0.56 cfs, since both rights serve the same 45.0 acres. Blank 5b would be 0 and Line 5 would then also become 0).

## FEE WORKSHEET for SUBSTITUTION

1	Base Fee (includes change to one well)	1	\$990.00
	Number of wells included in substitution <u>1 (2a)</u> Subtract 1 from the number in 2a above: <u>0 (2b)</u> <i>If only one well this will be 0</i>		
2	Multiply line 2b by \$480 and enter » » » » » » » » » » » » » » » »	2	N/A
3	Add entries on lines 1 through 2 above » » » » » » <b>Fee for Substitution:</b>	3	\$990.00

## Part 4 of 5 – Applicant Information and Signature

### Applicant Information

APPLICANT/BUSINESS NAME <b>Jim Whitney</b>			PHONE NO. <b>541-601-4433</b>	ADDITIONAL CONTACT NO.
ADDRESS <b>PO Box 1614</b>				FAX NO.
CITY <b>Pendleton</b>	STATE <b>OR</b>	ZIP <b>97801</b>	E-MAIL	
BY PROVIDING AN E-MAIL ADDRESS, CONSENT IS GIVEN TO RECEIVE ALL CORRESPONDENCE FROM THE DEPARTMENT ELECTRONICALLY. COPIES OF THE FINAL ORDER DOCUMENTS WILL ALSO BE MAILED.				
APPLICANT/BUSINESS NAME <b>Gary Jellum</b>			PHONE NO. <b>541-240-1144</b>	ADDITIONAL CONTACT NO.
ADDRESS <b>101 SE 3<sup>rd</sup> Street</b>				FAX NO.
CITY <b>Pendleton</b>	STATE <b>OR</b>	ZIP <b>97801</b>	E-MAIL	
BY PROVIDING AN E-MAIL ADDRESS, CONSENT IS GIVEN TO RECEIVE ALL CORRESPONDENCE FROM THE DEPARTMENT ELECTRONICALLY. COPIES OF THE FINAL ORDER DOCUMENTS WILL ALSO BE MAILED.				

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

AGENT/BUSINESS NAME <b>Rebecca Schwartz, CTUIR DNR</b>			PHONE NO. <b>(541) 429-7211</b>	ADDITIONAL CONTACT NO.
ADDRESS <b>46411 Timine Way</b>				FAX NO. <b>(541) 429-7268</b>
CITY <b>Pendleton</b>	STATE <b>OR</b>	ZIP <b>97801</b>	E-MAIL <b>RebeccaSchwartz@ctuir.org</b>	
BY PROVIDING AN E-MAIL ADDRESS, CONSENT IS GIVEN TO RECEIVE ALL CORRESPONDENCE FROM THE DEPARTMENT ELECTRONICALLY. COPIES OF THE FINAL ORDER DOCUMENTS WILL ALSO BE MAILED.				

Explain in your own words what you propose to accomplish with this transfer application, and why:  
952

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.

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

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

Applicant signature

Gary Gellum, Clear Creek Cattle Co.

Print Name (and Title if applicable) Date

Applicant signature

Jim Whitney, Clear Creek Cattle Co.

Print Name (and Title if applicable) Date

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

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

Check the following boxes that apply:

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

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

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

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

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

RECEIVING LANDOWNER NAME			PHONE NO.	ADDITIONAL CONTACT NO.
ADDRESS				FAX NO.
CITY	STATE	ZIP	E-MAIL	
Describe any special ownership circumstances:				
The confirming Certificate shall be issued in the name of: <input type="checkbox"/> Applicant <input type="checkbox"/> Receiving Landowner				

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

IRRIGATION DISTRICT NAME	ADDRESS	
CITY	STATE	ZIP

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

ENTITY NAME	ADDRESS	
CITY	STATE	ZIP



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

ENTITY NAME <b>Umatilla County</b>	ADDRESS <b>216 SE 4th St.</b>	
CITY <b>Pendleton</b>	STATE <b>OR</b>	ZIP <b>97801</b>

ENTITY NAME	ADDRESS	
CITY	STATE	ZIP

## INSTRUCTIONS for editing the Application Form

To add additional lines to tables within the forms or to copy and paste additional Part 5 pages, please **save the application form to your computer**. Unlock the document by using one of the following instructions for your Microsoft Word software version:

### Microsoft Word 2003

Unlock the document by one of the following:

- Using the **Tools** menu => click **Unprotect Document**;

OR

- Using the **Forms** toolbar => click on the **Protect/Unprotect** icon.

To relock the document to enable the checkboxes to work, you will need to:

- Using the **Tools** menu => click **Protect Document**;

OR

- Using the **Forms** toolbar => click on the **Protect/Unprotect** icon.

### Microsoft Word 2007

- Unlock the document by clicking the **Review** tab, then click **Protect Document**, then click **Stop Protect**
- To relock the document, click **Editing Restrictions**, then click **Allow Only This Type of Editing**, select **Filling In Forms** from the drop-down menu, then check **Yes, Start Enforcing Protection**.

### Microsoft Word 2010

- Unlock the document by clicking the **Review** tab; toggle the **Restrict Editing** icon at the upper right, then click **Stop Protect** at the bottom right. Then uncheck the "Allow only this type of editing in the document: **Filling in forms**" in the "Editing restrictions" section on the right-hand list of options.
- To relock the document, check the **Editing Restrictions/Allow Only This Type of Editing/Filling In Forms** box from the drop-down menu, then check **Yes, Start Enforcing Protection**. You do not need to assign a password for the editing restrictions.

### Other Alternatives:

- Photocopy pages or tables in Part 5, ~~mark through~~ any non-applicable information, insert/attach photocopied pages to document in the appropriate location, and manually amend page numbers as necessary (e.g. Page 5 6 of 9 10).
- You may refer to additional attachments that you may include, such as separately produced tables or spreadsheets to convey large numbers of rows of place of use listings, owner/property parcels, etc. You may contact the Department at 503-986-0900 and ask for Transfer Staff if you have questions.

Once the application has been unlocked, you may:

- add additional rows to tables using the Table tools, and
- select and copy the pages of Part 5 and paste as many additional sets of Part 5 pages as needed at the end of the application.

After editing, re-lock the document to enable checkboxes to work.

## Part 5 of 5 – Water Right Information

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

**CERTIFICATE # 91881**

### Description of Water Delivery System

System capacity: 3.11 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. \_\_\_\_\_

**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)
POA1	<input checked="" type="checkbox"/> Authorized <input type="checkbox"/> Proposed	UMAT608 & 609	T 2N	32 E	17	SE SW	1100	90 feet North and 120 feet West
POA2	<input checked="" type="checkbox"/> Authorized <input type="checkbox"/> Proposed	UMAT55996	2 N	32 E	19	NE SW	1011	1150 feet South and 890 feet West
POA3	<input type="checkbox"/> Authorized <input checked="" type="checkbox"/> Proposed		2 N	32 E	19	SW NE	1011	950 ft N and 250 ft E from S
	<input type="checkbox"/> Authorized <input type="checkbox"/> Proposed							

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

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

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

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

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

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

**Table 2. Description of Changes to Water Right Certificate # 91881**

List the change proposed for the acreage in each  $\frac{1}{4}$   $\frac{1}{4}$ . If more than one change is proposed, specify the acreage associated with each change.  
If there is more than one POD/POA involved in the proposed changes, specify the acreage associated with each POD/POA.

AUTHORIZED (the "from" or "off" lands) The listing that appears on the certificate BEFORE PROPOSED CHANGES List only that part or portion of the water right that will be changed.											Proposed Changes (see "CODES" from previous page)	PROPOSED (the "to" or "on" lands) The listing as it would appear AFTER PROPOSED CHANGES are made.												
Twp	Rng	Sec	¼ ¼	Tax Lot	Gvt Lot or DLC	Acres	Type of USE listed on Certificate	POD(s) or POA(s) (name or number from Table 1)	Priority Date	Twp		Rng	Sec	¼ ¼	Tax Lot	Gvt Lot or DLC	Acres	New Type of USE	POD(s)/ POA(s) to be used (from Table 1)	Priority Date				
EXAMPLE																								
2	S	9	E 15	NE	NW	100		15.0	Irrigation	POD #1 POD #2	1901	POU/POD	2	S	9	E 1	NW	NW	500	1	10.0		POD #5	1901
													2	S	9	E 2	SW	NW	500		5.0		POD #6	1901
2	N	32	E 17	SE	SW	1100		445	Irrigation	POA1	2/1/1979													
2	N	32	E 19	NE	SW	1011		445	Irrigation	POA2	2/1/1979		2	N	32	E 19	SW	SE	1011		445	Irrigation	POA3	2/1/1979
TOTAL ACRES:												TOTAL ACRES:												

14055

Additional remarks: Location of POA 1 will remain and be used. POA 2 is being relocated to POA3 .

**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: 90235, 95278.



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

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

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

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

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

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

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

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

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

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

**AND/OR**

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

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

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

Proposed or Authorized POA Name or Number	Is well already built? (Yes or No)	If an existing well: OWRD Well ID Tag No. L-	Total well depth	Casing Diameter	Casing Intervals (feet)	Seal depth(s) (intervals)	Perforated or screened intervals (in feet)	Static water level of completed well (in feet)	Source aquifer (sand, gravel, basalt, etc.)	Well-specific rate (cfs or gpm). If less than full rate of water right
	No	90292	470	16	2 to 18	12 to 20	0	240 to 390	soil, gravel, river rock, black, grey, red	1000



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

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

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

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

**Table 2. Description of Changes to Water Right Certificate # 90235**

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

AUTHORIZED (the "from" or "off" lands) The listing that appears on the certificate BEFORE PROPOSED CHANGES List only that part or portion of the water right that will be changed.												Proposed Changes (see "CODES" from previous page)	PROPOSED (the "to" or "on" lands) The listing as it would appear AFTER PROPOSED CHANGES are made.													
Twp	Rng	Sec	¼	¼	Tax Lot	Gvt Lot or DLC	Acre	Type of USE listed on Certificate	POD(s) or POA(s) (name or number from Table 1)	Priority Date	Twp		Rng	Sec	¼	¼	Tax Lot	Gvt Lot or DLC	Acre	New Type of USE	POD(s)/ POA(s) to be used (from Table 1)	Priority Date				
EXAMPLE																										
2	S	9	E	15	NE	NW	100		15.0	Irrigation	POD #1 POD #2	1901	POU/POD	2	S	9	E	1	NW	NW	500	1	10.0		POD #5	1901
														2	S	9	E	2	SW	NW	500		5.0		POD #6	1901
2	N	32	E	17	SE	SW	1011		94 All	Irrigation	POA1	2/1/1979														
2	N	32	E	19	NE	SW	1011		94 All	Irrigation	POA2	2/1/1979	POA	2	N	32	E	19	SW	SE	1011		445	Irrigation	POA3	2/1/1979
TOTAL ACRES:										TOTAL ACRES:																

14055

Additional remarks: Location of POA 1 will remain and be used. POA 2 is being relocated to POA3 .

**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: 95278, 91881.

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

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

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

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

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

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

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

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

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

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

**AND/OR**

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

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

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
	No	90292	390	16	2 to 20	12 to 18	0	240 to 390	soil, gravel, river rock, black, grey, red, brown basalt	

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.

### 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 # 95278

#### Description of Water Delivery System

System capacity: 3.11 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. \_\_\_\_\_

**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)
POA1	<input checked="" type="checkbox"/> Authorized <input type="checkbox"/> Proposed	UMAT608 & 609	T 2 N	32 E	17	SE	SW	1100	90 feet North and 120 feet West
POA2	<input checked="" type="checkbox"/> Authorized <input type="checkbox"/> Proposed	UMAT55996	2 N	32 E	19	NE	SW	1011	1150 feet South and 890 feet West
POA3	<input type="checkbox"/> Authorized <input checked="" type="checkbox"/> Proposed		2 N	32 E	19	SW	NE	1011	950 ft N and 250 ft E from S
	<input type="checkbox"/> Authorized <input type="checkbox"/> Proposed								

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

- |   |  |
|---|--|
| <input type="checkbox"/> Place of Use (POU)                   | <input type="checkbox"/> Supplemental Use to Primary Use (S to P)            |
| <input type="checkbox"/> Character of Use (USE)               | <input checked="" type="checkbox"/> Point of Appropriation/Well (POA)        |
| <input type="checkbox"/> Point of Diversion (POD)             | <input checked="" type="checkbox"/> Additional Point of Appropriation (APOA) |
| <input type="checkbox"/> Additional Point of Diversion (APOD) | <input type="checkbox"/> 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.

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 95278**

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

AUTHORIZED (the "from" or "off" lands) The listing that appears on the certificate BEFORE PROPOSED CHANGES List only that part or portion of the water right that will be changed.												Proposed Changes (see "CODES" from previous page)	PROPOSED (the "to" or "on" lands) The listing as it would appear AFTER PROPOSED CHANGES are made.											
Twp	Rng	Sec	¼ ¼	Tax Lot	Gvt Lot or DLC	Acres	Type of USE listed on Certificate	POD(s) or POA(s) (name or number from Table 1)	Priority Date	Twp	Rng		Sec	¼ ¼	Tax Lot	Gvt Lot or DLC	Acres	New Type of USE	POD(s)/ POA(s) to be used (from Table 1)	Priority Date				
EXAMPLE																								
2	S	9	E 15	NE NW	100	15.0	Irrigation	POD #1 POD #2	1901	POU/POD	2	S	9	E 1	NW NW	500	1	10.0	POD #5	1901				
											2	S	9	E 2	SW NW	500		5.0	POD #6	1901				
2	N	32	E 17	SE SW	1011	10.2 All	Irrigation	POA1	2/1/1979															
2	N	32	E 19	NE SW	1011 (multiple)	10.2 All	Irrigation	POA2	2/1/1979	POA	2	N	32	E 19	SW SE	1011	10.2 All	Irrigation	POA3	2/1/1979				
TOTAL ACRES:											TOTAL ACRES:													

14055

Additional remarks: Location of POA 1 will remain and be used. POA 2 is being relocated to POA3 .

**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: 90235, 91881.

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

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

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

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

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

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

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

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

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

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

**AND/OR**

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

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

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

Proposed or Authorized POA Name or Number	Is well already built? (Yes or No)	If an existing well: OWRD Well ID Tag No. L-____	Total well depth	Casing Diameter	Casing Intervals (feet)	Seal depth(s) (intervals)	Perforated or screened intervals (in feet)	Static water level of completed well (in feet)	Source aquifer (sand, gravel, basalt, etc.)	Well-specific rate (cfs or gpm). If less than full rate of water right
	No	90292	470	16	2 to 18	12 to 20	0	240 to 390	soil, gravel, river rock, black, grey, red brown basalt	1000

# 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 Umatilla ) ss

I, Gary Jellum, in my capacity as landowner and water rights user

mailing address 101 SE 3rd Street, Pendleton OR, 97801

telephone number (541) 240-1144, being first duly sworn depose and say:

1. My knowledge of the exercise or status of the water right is based on (check one):

☒ Personal observation ☒ Professional expertise

2. I attest that:

☒ Water was used during the previous five years on the entire place of use for  
Certificate # 91881, 90235, 95278; 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)
91881	2	N	32	E	WM	17	SE SW		445 All
	2	N	32	E	WM	19	NE SW		445 All
90235	2	N	32	E	WM	17	SE SW		94 All
	2	N	32	E	WM	19	NE SW		94 All
95278	2	N	32	E	WM	17	SE SW		10.2 All
	2	N	32	E	WM	19	NE SW		10.2 All

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

\_\_\_\_\_  
Signature of Affiant

\_\_\_\_\_  
Date

Signed and sworn to (or affirmed) before me this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
Notary Public for Oregon

My Commission Expires: \_\_\_\_\_

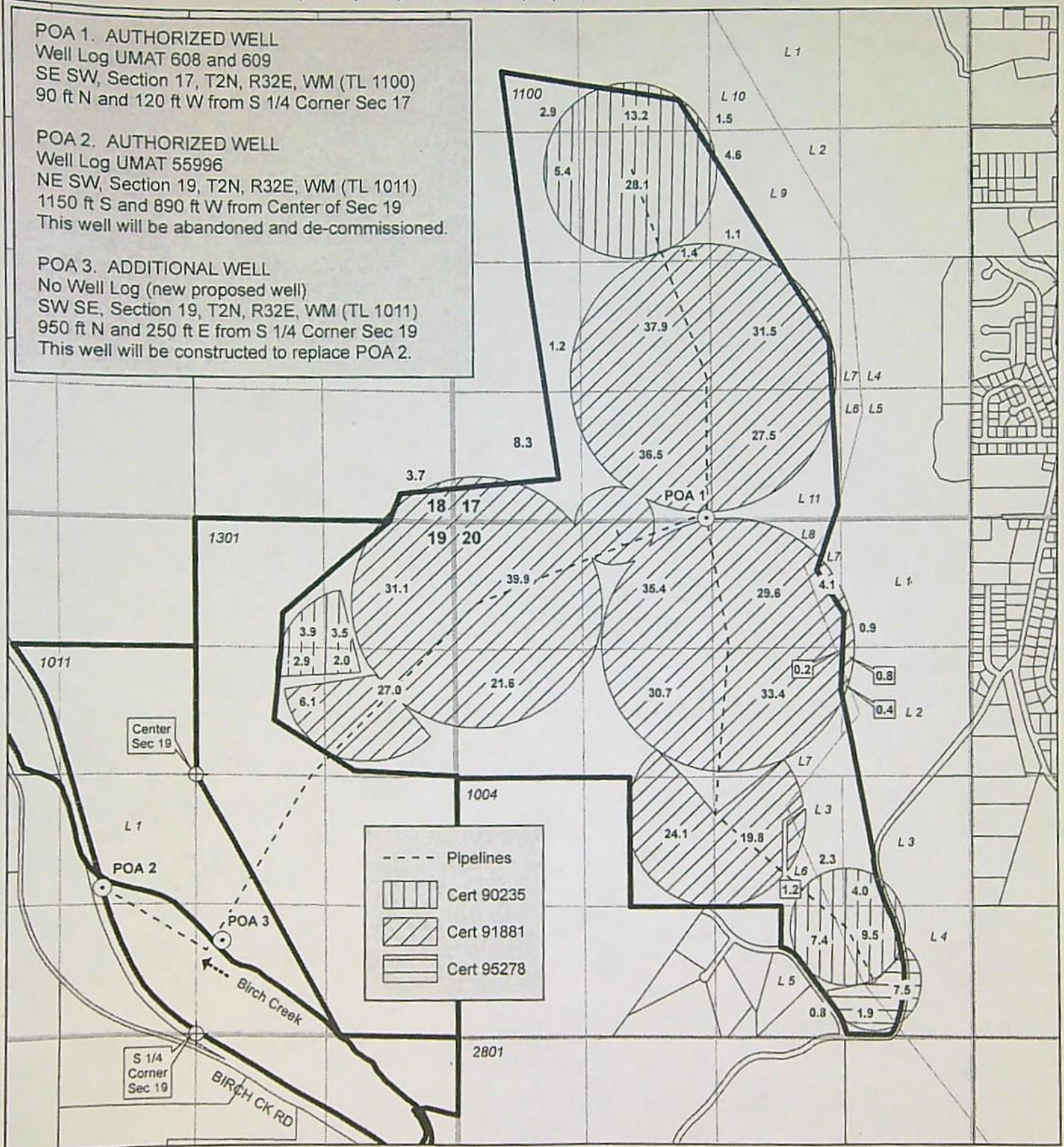
Supporting Documents	Examples
<input checked="" type="checkbox"/> Copy of a water right certificate that has been issued within the last five years. (not a remaining right certificate)	Copy of <b>confirming</b> water right certificate that shows issue date
<input type="checkbox"/> Copies of receipts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

T2N, R32E, WM, SECTIONS 17, 18, 19, 20 -- UMATILLA COUNTY

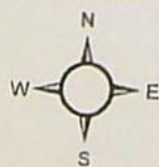
POA 1. AUTHORIZED WELL  
Well Log UMAT 608 and 609  
SE SW, Section 17, T2N, R32E, WM (TL 1100)  
90 ft N and 120 ft W from S 1/4 Corner Sec 17

POA 2. AUTHORIZED WELL  
Well Log UMAT 55996  
NE SW, Section 19, T2N, R32E, WM (TL 1011)  
1150 ft S and 890 ft W from Center of Sec 19  
This well will be abandoned and de-commissioned.

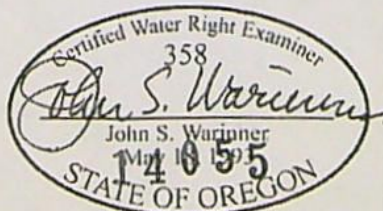
POA 3. ADDITIONAL WELL  
No Well Log (new proposed well)  
SW SE, Section 19, T2N, R32E, WM (TL 1011)  
950 ft N and 250 ft E from S 1/4 Corner Sec 19  
This well will be constructed to replace POA 2.



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



1 in = 1320 ft



**TRANSFER MAP**  
Change POA for Certificates  
90235, 91881 and 95278

in the name of  
**CLEAR CREEK CATTLE CO.**

Revised 2022-06-07

# Land Use Information Form



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

## NOTE TO APPLICANTS

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

**This form is NOT required if:**

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

## NOTE TO LOCAL GOVERNMENTS

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

# Land Use Information Form



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

Applicant(s): Gary Jellum

Mailing Address: 101 SE 3rd Street

City: Pendleton State: OR Zip Code: 97801 Daytime Phone: 541-240-1144

## 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:
POA1	32 E	17	SE SW	1100		<input checked="" type="checkbox"/> Diverted <input type="checkbox"/> Conveyed <input checked="" type="checkbox"/> Used	Irrigation
POA2	32 E	19	NE SW	1011		<input checked="" type="checkbox"/> Diverted <input checked="" type="checkbox"/> Conveyed <input type="checkbox"/> Used	Irrigation
POA 3				1011		<input checked="" type="checkbox"/> Diverted <input checked="" type="checkbox"/> Conveyed <input type="checkbox"/> Used	Irrigation
						<input type="checkbox"/> Diverted <input type="checkbox"/> Conveyed <input type="checkbox"/> Used	

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

Pendleton, Umatilla County

## B. Description of Proposed Use

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

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

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

Estimated quantity of water needed: 3.11 ☒ cubic feet per second ☐ gallons per minute ☐ acre-feet

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

Briefly describe:

This transfer will relocate the POA for Certs. 91881, 95278, and 90235 400 meters to the southeast and out of the Birch Creek floodplain. The POA is being moved out of the floodplain to enable the restoration of natural river processes and native habitat.

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

See bottom of Page 3. →

## For Local Government Use Only

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

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

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

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

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

Name: \_\_\_\_\_ Title: \_\_\_\_\_

Signature: \_\_\_\_\_ Phone: \_\_\_\_\_ Date: \_\_\_\_\_

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

**Note to local government representative:** Please complete this form or sign the receipt below and return it to the applicant. If you sign the receipt, you will have 30 days from the Water Resources Department's notice date to return the completed Land Use Information Form or WRD may presume the land use associated with the proposed use of water is compatible with local comprehensive plans.

### Receipt for Request for Land Use Information

Applicant name: \_\_\_\_\_

City or County: \_\_\_\_\_ Staff contact: \_\_\_\_\_

Signature: \_\_\_\_\_ Phone: \_\_\_\_\_ Date: \_\_\_\_\_

# Land Use Information Form



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

## NOTE TO APPLICANTS

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

**This form is NOT required if:**

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

## NOTE TO LOCAL GOVERNMENTS

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

# Land Use Information Form



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

Applicant(s): Jim Whitney

Mailing Address: PO Box 1614

City: Pendleton State: OR Zip Code: 97801 Daytime Phone: 541-601-4433

## 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:
POA1	32 E	17	SE SW	1100		<input checked="" type="checkbox"/> Diverted	<input type="checkbox"/> Conveyed	<input checked="" type="checkbox"/> Used	Irrigation
POA2	32 E	19	NE SW	1011		<input checked="" type="checkbox"/> Diverted	<input checked="" type="checkbox"/> Conveyed	<input type="checkbox"/> Used	Irrigation
POA 3				1011		<input checked="" type="checkbox"/> Diverted	<input checked="" type="checkbox"/> Conveyed	<input type="checkbox"/> Used	Irrigation
						<input type="checkbox"/> Diverted	<input type="checkbox"/> Conveyed	<input type="checkbox"/> Used	

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

Pendleton, Umatilla County

## B. Description of Proposed Use

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

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

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

Estimated quantity of water needed: 3.11 ☒ cubic feet per second    ☐ gallons per minute    ☐ acre-feet

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

Briefly describe:

This transfer will relocate the POA for Certs. 91881, 95278, and 90235 400 meters to the southeast and out of the Birch Creek floodplain. The POA is being moved out of the floodplain to enable the restoration of natural river processes and native habitat.

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

See bottom of Page 3. →

## For Local Government Use Only

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

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

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

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

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

Name: \_\_\_\_\_ Title: \_\_\_\_\_

Signature: \_\_\_\_\_ Phone: \_\_\_\_\_ Date: \_\_\_\_\_

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

**Note to local government representative:** Please complete this form or sign the receipt below and return it to the applicant. If you sign the receipt, you will have 30 days from the Water Resources Department's notice date to return the completed Land Use Information Form or WRD may presume the land use associated with the proposed use of water is compatible with local comprehensive plans.

### Receipt for Request for Land Use Information

Applicant name: \_\_\_\_\_

City or County: \_\_\_\_\_ Staff contact: \_\_\_\_\_

Signature: \_\_\_\_\_ Phone: \_\_\_\_\_ Date: \_\_\_\_\_

**DAVIS Arla L \* WRD**

---

**From:** Anton Chiono <AntonChiono@ctuir.org>  
**Sent:** Friday, July 29, 2022 2:44 PM  
**To:** DAVIS Arla L \* WRD  
**Cc:** Rebecca Schwartz  
**Subject:** Umatilla Tribes GW Transfer Application to go with \$1,530 Check  
**Attachments:** 7-7-2022\_Clear Creek Cattle POA Transfer Application.pdf; 7-7-2022 Clear Creek Cattle POA Transfer CWRE Map.pdf; JW\_June 28\_Revised\_land\_use\_form.pdf; GJ\_June 28\_Revised\_land\_use\_form.pdf; June\_28\_Revised\_evidence\_of\_use\_form.pdf

Hi Arla,

Thank you for the call and my apologies for the mix-up on our end! Attached is an electronic version of the groundwater right transfer application (and attachment) to go with that \$1,530 check from the Umatilla Tribes.

My colleague, Rebecca Schwartz, is our point person on this (copied on this email), and she will be submitting the signed, notarized (as necessary) hard copies of everything to your transfers section first thing next week. In the meantime, however, I hope this is sufficient to go with that check—my apologies again for our miscommunication with our Finance Department!

Thank you so much again,

Anton

Anton A. Chiono  
Habitat Conservation Project Leader  
CTUIR Department of Natural Resources  
[AntonChiono@ctuir.org](mailto:AntonChiono@ctuir.org)  
Mobile: (541) 215-0307

The opinions expressed by the author are his or her own and are not necessarily those of the Confederated Tribes of the Umatilla Indian Reservation. The information, contents and attachments in this email are Confidential and Private.



**TO:** Arla L. Davis & OWRD Water Rights Transfer Review Team  
**FROM:** Rebecca Schwartz, Umatilla Habitat Fisheries Biologist II  
**DATE:** 8/3/2022  
**RE:** *Application for Permanent Water Right Transfer*

To Whom It May Concern:

This cover letter is to provide a brief project summary for context during the application review process.

The Umatilla Basin Habitat Program of the Confederated Tribes of the Umatilla Indian Reservation (CTUIR) is submitting an Application for a Permanent Water Right Transfer (a check from CTUIR in the amount of \$1,530 was sent in separately for the application fee). The successful completion of this transfer and relocation of the groundwater point of appropriation (POA) is an instrumental component of a complex floodplain restoration enhancement project.

The POA and restoration project area are located on Birch Creek, approximately 2 miles upstream of its confluence with the Umatilla River, near the town of Rieth, Oregon (Township 2 North, Range 32 East, Sections 19 and 30, Umatilla County, Oregon). The POA is currently located on an existing floodplain within the restoration construction area. Floodplain restoration cannot begin until the POA is relocated. The transfer of the current POA is critical in order to maintain ongoing irrigation use.

POA2 for water rights 91881, 95278, and 90235 will be transferred from an existing well, which will be abandoned and decommissioned, to a new POA (POA3) upstream roughly 400 meters on Birch Creek. It is important to note as well that Well Label #L 90292 associated with the water right is not in the WRIS portal.

Thank you very much for your time in reviewing this application. Please do not hesitate to contact me if there are any additional questions.

Sincerely,

Rebecca H. Schwartz

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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 # **138763**

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

RECEIVED FROM:

BY:

CASH:

CHECK: #

OTHER: (IDENTIFY)

APPLICATION

PERMIT

TRANSFER

TOTAL REC'D

\$1,530.00

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

\$1,530.00

WELL CONSTRUCTION

EXAM FEE

LICENSE FEE

0218 WELL DRILL CONSTRUCTOR

\$

0219

\$

LANDOWNER'S PERMIT

0220

\$

OTHER (IDENTIFY)

0536 TREASURY 0437 WELL CONST. START FEE

0211 WELL CONST START FEE

\$

CARD#

0210 MONITORING WELLS

\$

CARD#

OTHER (IDENTIFY)

0607 TREASURY 0467 HYDRO ACTIVITY LIC NUMBER

0233 POWER LICENSE FEE (FW/WRD)

\$

0231 HYDRO LICENSE FEE (FW/WRD)

\$

HYDRO APPLICATION

\$

TREASURY OTHER / RDX

FUND TITLE

OBJ. CODE VENDOR #

DESCRIPTION

\$

RECEIPT: **138763**

DATED: 07/26/22

BY:

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

Confederated Tribes of the Umatilla Indian

7/22/2022

0669513

Invoice No.

Invoice Date

Description

Amount

7/2022

7/22/2022

application fee WATER PO 173061

1530.00

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JUL 28 2022

OWRD

Total:

1,530.00

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

## Part 1 of 5 – Minimum Requirements Checklist

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

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

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

- ☒ Part 1 – Completed Minimum Requirements Checklist.
- ☒ Part 2 – Completed Transfer Application Map Checklist.
- ☒ Part 3 – Application Fee, payable by check to the Oregon Water Resources Department, and completed Fee Worksheet, page 3. Try the new online fee calculator at:  
[http://apps.wrd.state.or.us/apps/misc/wrd\\_fee\\_calculator](http://apps.wrd.state.or.us/apps/misc/wrd_fee_calculator).
- ☒ Part 4 – Completed Applicant Information and Signature.
- ☒ Part 5 – Information about Water Rights to be Transferred: **How many water rights are to be transferred? 3 List them here: 91881; 95278; 90235**  
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.**

### 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):

- |  |  |
|--|--|
| <input type="checkbox"/> Application fee not enclosed/insufficient | <input type="checkbox"/> Map not included or incomplete                  |
| <input type="checkbox"/> Land Use Form not enclosed or incomplete  | <input type="checkbox"/> Evidence of Use Form not enclosed or incomplete |
| <input type="checkbox"/> Additional signature(s) required          | <input type="checkbox"/> Part _____ is incomplete                        |

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

Staff: \_\_\_\_\_ 503- \_\_\_\_\_ Date: \_\_\_\_/\_\_\_\_/\_\_\_\_

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## Part 2 of 5 – Transfer Application Map

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

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

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

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## FEE WORKSHEET for PERMANENT TRANSFER (except Substitution)

1. For irrigation calculate cfs for each water right involved as follows:
  - a. Divide total authorized cfs by total acres in the water right (*for C12345, 1.25 cfs ÷ 100 ac*); then multiply by the number of acres to be transferred to get the transfer cfs (*x 45 ac = 0.56 cfs*).
  - b. If the water right certificate does not list total cfs, but identifies the allowable use as 1/40 or 1/80 of a cfs per acre; multiply number of acres proposed for change by either 0.025 (1/40) or 0.0125 (1/80). (*For C87654, 45.0 ac x 0.0125 cfs/ac = 0.56 cfs*)
2. Add cfs for the portions of water rights on all the land included in the transfer; however **do not count cfs for supplemental rights on acreage for which you have already calculated the cfs fee for the primary right on the same land**. The fee should be assessed only once for each "on the ground" acre included in the transfer. (*In this example, blank 5a would be only 0.56 cfs, since both rights serve the same 45.0 acres. Blank 5b would be 0 and Line 5 would then also become 0*).

OWRD

## Part 4 of 5 – Applicant Information and Signature

### Applicant Information

APPLICANT/BUSINESS NAME <b>Jim Whitney</b>			PHONE NO. <b>541-601-4433</b>	ADDITIONAL CONTACT NO.
ADDRESS <b>PO Box 1614</b>			FAX NO.	
CITY <b>Pendleton</b>	STATE <b>OR</b>	ZIP <b>97801</b>	E-MAIL	
BY PROVIDING AN E-MAIL ADDRESS, CONSENT IS GIVEN TO RECEIVE ALL CORRESPONDENCE FROM THE DEPARTMENT ELECTRONICALLY. COPIES OF THE FINAL ORDER DOCUMENTS WILL ALSO BE MAILED.				
APPLICANT/BUSINESS NAME <b>Gary Jellum</b>			PHONE NO. <b>541-240-1144</b>	ADDITIONAL CONTACT NO.
ADDRESS <b>101 SE 3<sup>rd</sup> Street</b>			FAX NO.	
CITY <b>Pendleton</b>	STATE <b>OR</b>	ZIP <b>97801</b>	E-MAIL	
BY PROVIDING AN E-MAIL ADDRESS, CONSENT IS GIVEN TO RECEIVE ALL CORRESPONDENCE FROM THE DEPARTMENT ELECTRONICALLY. COPIES OF THE FINAL ORDER DOCUMENTS WILL ALSO BE MAILED.				

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

AGENT/BUSINESS NAME <b>Rebecca Schwartz, CTUIR DNR</b>			PHONE NO. <b>(541) 429-7211</b>	ADDITIONAL CONTACT NO.
ADDRESS <b>46411 Timine Way</b>			FAX NO. <b>(541) 429-7268</b>	
CITY <b>Pendleton</b>	STATE <b>OR</b>	ZIP <b>97801</b>	E-MAIL <b>RebeccaSchwartz@ctuir.org</b>	
BY PROVIDING AN E-MAIL ADDRESS, CONSENT IS GIVEN TO RECEIVE ALL CORRESPONDENCE FROM THE DEPARTMENT ELECTRONICALLY. COPIES OF THE FINAL ORDER DOCUMENTS WILL ALSO BE MAILED.				

Explain in your own words what you propose to accomplish with this transfer application, and why:  
952

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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AUG 05 2022

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

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

Applicant signature

Gary Bellum, Clear Creek Cattle Co.  
Print Name (and Title if applicable)

Date

7/20/22

Applicant signature

Jim Whitney  
Print Name (and Title if applicable)

Date

7/21/22

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

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

Check the following boxes that apply:

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

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

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

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

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

RECEIVING LANDOWNER NAME			PHONE NO.	ADDITIONAL CONTACT NO.
ADDRESS			FAX NO.	
CITY	STATE	ZIP	E-MAIL	
Describe any special ownership circumstances:				
The confirming Certificate shall be issued in the name of: <input type="checkbox"/> Applicant <input type="checkbox"/> Receiving Landowner				

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

IRRIGATION DISTRICT NAME	ADDRESS	
CITY	STATE	ZIP

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

ENTITY NAME	ADDRESS	
CITY	STATE	ZIP



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

ENTITY NAME <b>Umatilla County</b>	ADDRESS <b>216 SE 4th St.</b>	
CITY <b>Pendleton</b>	STATE <b>OR</b>	ZIP <b>97801</b>

ENTITY NAME	ADDRESS	
CITY	STATE	ZIP

## 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 # 91881

### Description of Water Delivery System

System capacity: 3.11 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. \_\_\_\_\_

**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)
POA1	<input checked="" type="checkbox"/> Authorized <input type="checkbox"/> Proposed	UMAT608 & 609	T 2N	32	E 17	SE SW	1100	90 feet North and 120 feet West
POA2	<input checked="" type="checkbox"/> Authorized <input type="checkbox"/> Proposed	UMAT55996	2 N	32	E 19	NE SW	1011	1150 feet South and 890 feet West
POA3	<input type="checkbox"/> Authorized <input checked="" type="checkbox"/> Proposed		2 N	32	E 19	SW NE	1011	950 ft N and 250 ft E from S
	<input type="checkbox"/> Authorized <input type="checkbox"/> Proposed							

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

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

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

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

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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 # 91881**

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

AUTHORIZED (the "from" or "off" lands) The listing that appears on the certificate BEFORE PROPOSED CHANGES List only that part or portion of the water right that will be changed.												Proposed Changes (see "CODES" from previous page)	PROPOSED (the "to" or "on" lands) The listing as it would appear AFTER PROPOSED CHANGES are made.										
Twp	Rng	Sec	¼ ¼	Tax Lot	Gvt Lot or DLC	Acre	Type of USE listed on Certificate	POD(s) or POA(s) (name or number from Table 1)	Priority Date	Twp	Rng		Sec	¼ ¼	Tax Lot	Gvt Lot or DLC	Acre	New Type of USE	POD(s)/ POA(s) to be used (from Table 1)	Priority Date			
EXAMPLE																							
2	S	9	E 15 NE NW	100		15.0	Irrigation	POD #1 POD #2	1901	POU/POD	2	S	9	E 1 NW NW	500	1	10.0		POD #5	1901			
											2	S	9	E 2 SW NW	500		5.0		POD #6	1901			
2	N	32	E 17 SE SW	1100		445	Irrigation	POA1	2/1/1979														
2	N	32	E 19 NE SW	1011		445	Irrigation	POA2	2/1/1979		2	N	32	E 19 SW SE	1011		445	Irrigation	POA3	2/1/1979			
TOTAL ACRES:											TOTAL ACRES:												

Additional remarks: Location of POA 1 will remain and be used. POA 2 is being relocated to POA3 .

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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: 90235, 95278.

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

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

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

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

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

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

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

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

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

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

**AND/OR**

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

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

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

Proposed or Authorized POA Name or Number	Is well already built? (Yes or No)	If an existing well: OWRD Well ID Tag No. L-_____	Total well depth	Casing Diameter	Casing Intervals (feet)	Seal depth(s) (intervals)	Perforated or screened intervals (in feet)	Static water level of completed well (in feet)	Source aquifer (sand, gravel, basalt, etc.)	Well-specific rate (cfs or gpm). If less than full rate of water right
	No	90292	470	16	2 to 18	12 to 20	0	240 to 390	soil, gravel, river rock, black, grey, red	1000



**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 # 90235**

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

AUTHORIZED (the "from" or "off" lands) The listing that appears on the certificate BEFORE PROPOSED CHANGES List only that part or portion of the water right that will be changed.												Proposed Changes (see "CODES" from previous page)	PROPOSED (the "to" or "on" lands) The listing as it would appear AFTER PROPOSED CHANGES are made.													
Twp	Rng	Sec	¼	¼	Tax Lot	Gvt Lot or DLC	Acre	Type of USE listed on Certificate	POD(s) or POA(s) (name or number from Table 1)	Priority Date	Twp		Rng	Sec	¼	¼	Tax Lot	Gvt Lot or DLC	Acre	New Type of USE	POD(s)/ POA(s) to be used (from Table 1)	Priority Date				
<b>EXAMPLE</b>																										
2	S	9	E	15	NE	NW	100		15.0	Irrigation	POD #1 POD #2	1901	POU/POD	2	S	9	E	1	NW	NW	500	1	10.0		POD #5	1901
														2	S	9	E	2	SW	NW	500		5.0		POD #6	1901
2	N	32	E	17	SE	SW	1011		94 All	Irrigation	POA1	2/1/1979														
2	N	32	E	19	NE	SW	1011		94 All	Irrigation	POA2	2/1/1979	POA	2	N	32	E	19	SW	SE	1011		445	Irrigation	POA3	2/1/1979
TOTAL ACRES:										TOTAL ACRES:																

Additional remarks: Location of POA 1 will remain and be used. POA 2 is being relocated to POA3 .

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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: **95278, 91881.**

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

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

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

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

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

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

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

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

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

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

**AND/OR**

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

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

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
	No	90292	390	16	2 to 20	12 to 18	0	240 to 390	soil, gravel, river rock, black, grey, red, brown basalt	

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.

## 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 # 95278

### Description of Water Delivery System

System capacity: 3.11 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. \_\_\_\_\_

**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)
POA1	<input checked="" type="checkbox"/> Authorized <input type="checkbox"/> Proposed	UMAT608 & 609	T 2 N	32 E	17	SE SW	1100	90 feet North and 120 feet West
POA2	<input checked="" type="checkbox"/> Authorized <input type="checkbox"/> Proposed	UMAT55996	2 N	32 E	19	NE SW	1011	1150 feet South and 890 feet West
POA3	<input type="checkbox"/> Authorized <input checked="" type="checkbox"/> Proposed		2 N	32 E	19	SW NE	1011	950 ft N and 250 ft E from S
	<input type="checkbox"/> Authorized <input type="checkbox"/> Proposed							

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

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

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- ☐ 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 95278**

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

AUTHORIZED (the "from" or "off" lands) The listing that appears on the certificate BEFORE PROPOSED CHANGES List only that part or portion of the water right that will be changed.												Proposed Changes (see "CODES" from previous page)	PROPOSED (the "to" or "on" lands) The listing as it would appear AFTER PROPOSED CHANGES are made.										
Twp	Rng	Sec	¼ ¼	Tax Lot	Gvt Lot or DLC	Acres	Type of USE listed on Certificate	POD(s) or POA(s) (name or number from Table 1)	Priority Date	Twp	Rng		Sec	¼ ¼	Tax Lot	Gvt Lot or DLC	Acres	New Type of USE	POD(s)/ POA(s) to be used (from Table 1)	Priority Date			
<b>EXAMPLE</b>																							
2	S	9	E 15 NE NW	100		15.0	Irrigation	POD #1 POD #2	1901	POU/POD	2	S	9	E 1 NW NW	500	1	10.0		POD #5	1901			
											2	S	9	E 2 SW NW	500		5.0		POD #6	1901			
2	N	32	E 17 SE SW	1011		10.2 All	Irrigation	POA1	2/1/1979														
2	N	32	E 19 NE SW	1011 (multiple)		10.2 All	Irrigation	POA2	2/1/1979	POA	2	N	32	E 19 SW SE	1011		10.2 All	Irrigation	POA3	2/1/1979			
TOTAL ACRES:												TOTAL ACRES:											

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Additional remarks: Location of POA 1 will remain and be used. POA 2 is being relocated to POA3 .

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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: 90235, 91881.

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

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

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

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

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

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

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

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

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

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

**AND/OR**

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

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

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

Proposed or Authorized POA Name or Number	Is well already built? (Yes or No)	If an existing well: OWRD Well ID Tag No. L-____	Total well depth	Casing Diameter	Casing Intervals (feet)	Seal depth(s) (intervals)	Perforated or screened intervals (in feet)	Static water level of completed well (in feet)	Source aquifer (sand, gravel, basalt, etc.)	Well-specific rate (cfs or gpm). If less than full rate of water right
	No	90292	470	16	2 to 18	12 to 20	0	240 to 390	soil, gravel, river rock, black, grey, red brown basalt	1000

T2N, R32E, WM, SECTIONS 17, 18, 19, 20 -- UMATILLA COUNTY

POA 1. AUTHORIZED WELL  
Well Log UMAT 608 and 609  
SE SW, Section 17, T2N, R32E, WM (TL 1100)  
90 ft N and 120 ft W from S 1/4 Corner Sec 17

POA 2. AUTHORIZED WELL  
Well Log UMAT 55996  
NE SW, Section 19, T2N, R32E, WM (TL 1011)  
1150 ft S and 890 ft W from Center of Sec 19  
This well will be abandoned and de-commissioned.

POA 3. ADDITIONAL WELL  
No Well Log (new proposed well)  
SW SE, Section 19, T2N, R32E, WM (TL 1011)  
950 ft N and 250 ft E from S 1/4 Corner Sec 19  
This well will be constructed to replace POA 2.

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1301

1011

Center  
Sec 19

L 1

POA 2

POA 3

Birch Creek

S 1/4  
Corner  
Sec 19

BIRCH CK RD

--- Pipelines

Cert 90235

Cert 91881

Cert 95278

1004

2801

1100

2.9

5.4

13.2

28.1

1.5

4.6

L 10

L 2

L 9

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1.4

1.2

3.7

8.3

18

17

19

20

31.1

3.9

3.5

2.9

2.0

6.1

27.0

21.6

39.9

36.5

37.9

31.5

27.5

L 7

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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 Umatilla ) ss

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I, Gary Jellum, in my capacity as landowner and water rights user,

mailing address 101 SE 3rd Street, Pendleton OR, 97801

telephone number (541) 240-1144, being first duly sworn depose and say:

1. My knowledge of the exercise or status of the water right is based on (check one):

☒ Personal observation

☒ Professional expertise

2. I attest that:

☒ Water was used during the previous five years on the entire place of use for Certificate # 91881, 90235, 95278; 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)
91881	2	N	32	E	WM	17	SE SW		445 All
	2	N	32	E	WM	19	NE SW		445 All
90235	2	N	32	E	WM	17	SE SW		94 All
	2	N	32	E	WM	19	NE SW		94 All
95278	2	N	32	E	WM	17	SE SW		10.2 All
	2	N	32	E	WM	19	NE SW		10.2 All

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

Signature of Affiant

Date

Signed and sworn to (or affirmed) before me this 20<sup>th</sup> day of July, 2022.



Notary Public for Oregon

My Commission Expires: 4-7-26

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

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STATE OF OREGON  
COUNTY OF UMATILLA  
CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

CLEAR CREEK CATTLE CO.  
PO BOX 1614  
PENDLETON OR 97801

confirms the right to the use of water perfected under the terms of Permit G-8483. The amount of water used to which this right is entitled is limited to the amount used beneficially, and shall not exceed the amount specified, or its equivalent in the case of rotation, measured at the well(s). The specific limits and conditions of the use are listed below.

SOURCE OF WATER: WELL 1 AND WELL 2 IN MCKAY CREEK BASIN

PURPOSE OR USE: IRRIGATION OF 10.2 ACRES

MAXIMUM RATE: 0.07 CUBIC FOOT PER SECOND

DATE OF PRIORITY: FEBRUARY 1, 1979

The wells are located as follows:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
2 N	32 E	WM	17	SE SW	WELL 1 (ORIGINAL) - 90 FEET NORTH AND 120 FEET WEST FROM S1/4 CORNER, SECTION 17
2 N	32 E	WM	19	NE SW	WELL 2 (ADDITIONAL) - 1150 FEET SOUTH AND 890 FEET WEST FROM C1/4 CORNER, SECTION 19

The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands, is limited to a diversion of ONE-EIGHTIETH of one cubic foot per second, or its equivalent for each acre irrigated, and shall be further limited to a diversion of not to exceed 3.0 acre-feet per acre for each acre irrigated during the irrigation season of each year.

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

A description of the place of use is as follows:

Twp	Rng	Mer	Sec	Q-Q	GLot	Acres
2 N	32 E	WM	20	SW SE	5	0.8
2 N	32 E	WM	20	SE SE	4	7.5
2 N	32 E	WM	20	SE SE	5	1.9

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**NOTICE OF RIGHT TO PETITION FOR RECONSIDERATION OR JUDICIAL REVIEW**

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

Water use measurement conditions:

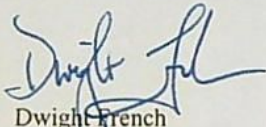
- A. The water user shall maintain the totalizing flow meter or other suitable measuring device as approved by the Director in good working order at each point of appropriation.
- B. The water user shall allow the Watermaster access to the meters or measuring devices; provided however, where the meters or measuring devices are located within a private structure, the Watermaster shall request access upon reasonable notice.

The quantity of water diverted at the new point of appropriation (well), together with that diverted at the old point of appropriation, shall not exceed the quantity of water lawfully available from the original point of appropriation.

The right to the use of the water for the above purpose is restricted to beneficial use on the place of use described.

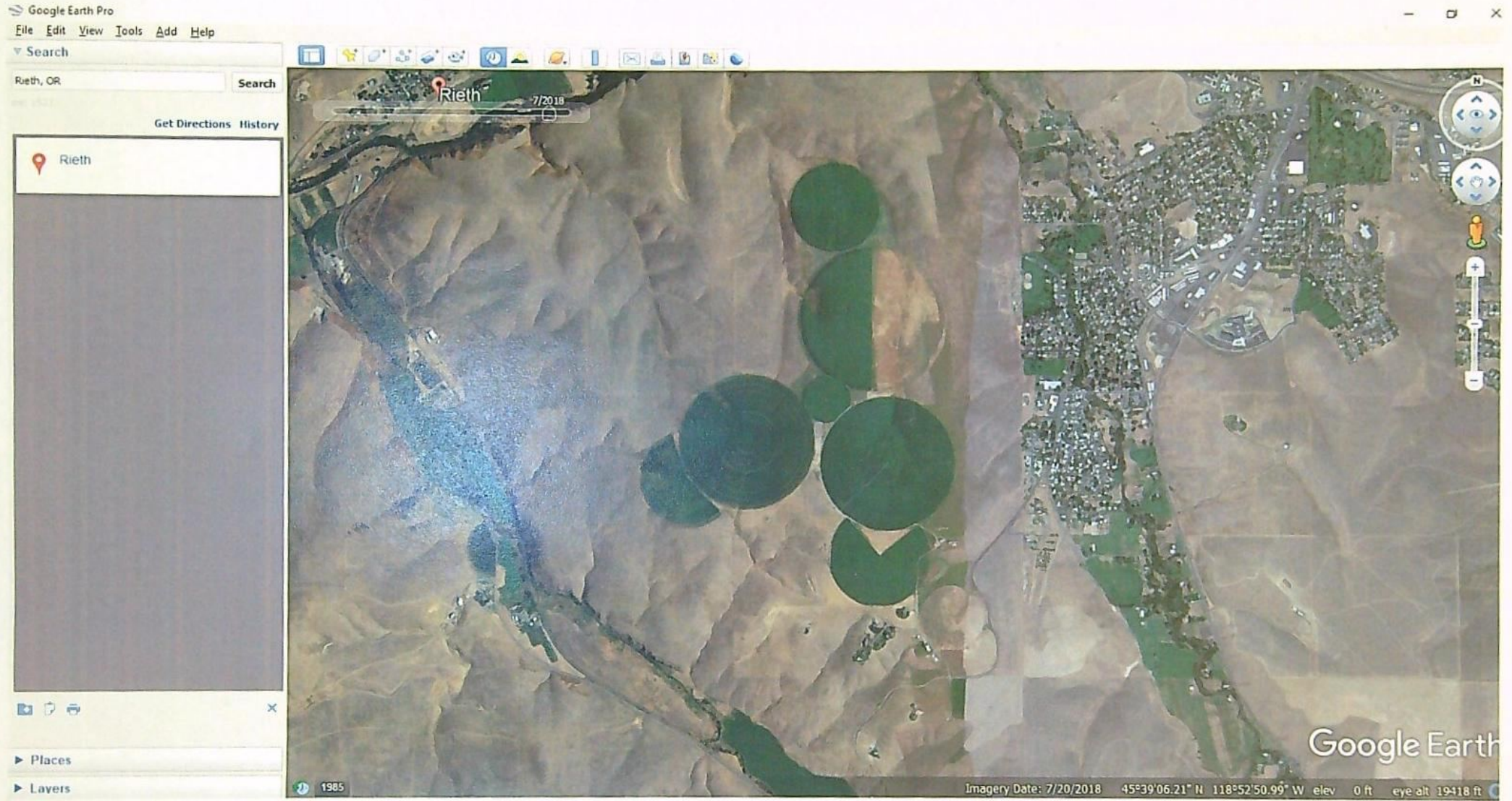
This certificate is issued to confirm a change in PLACE OF USE approved by an order of the Water Resources Director entered SEPTEMBER 16, 2016, at Special Order Volume 101, Page 886, approving Transfer Application T-12184, and together with Certificate 91881, supersedes Certificate 90234, State Record of Water Right Certificates.

Issued SEP 29 2020

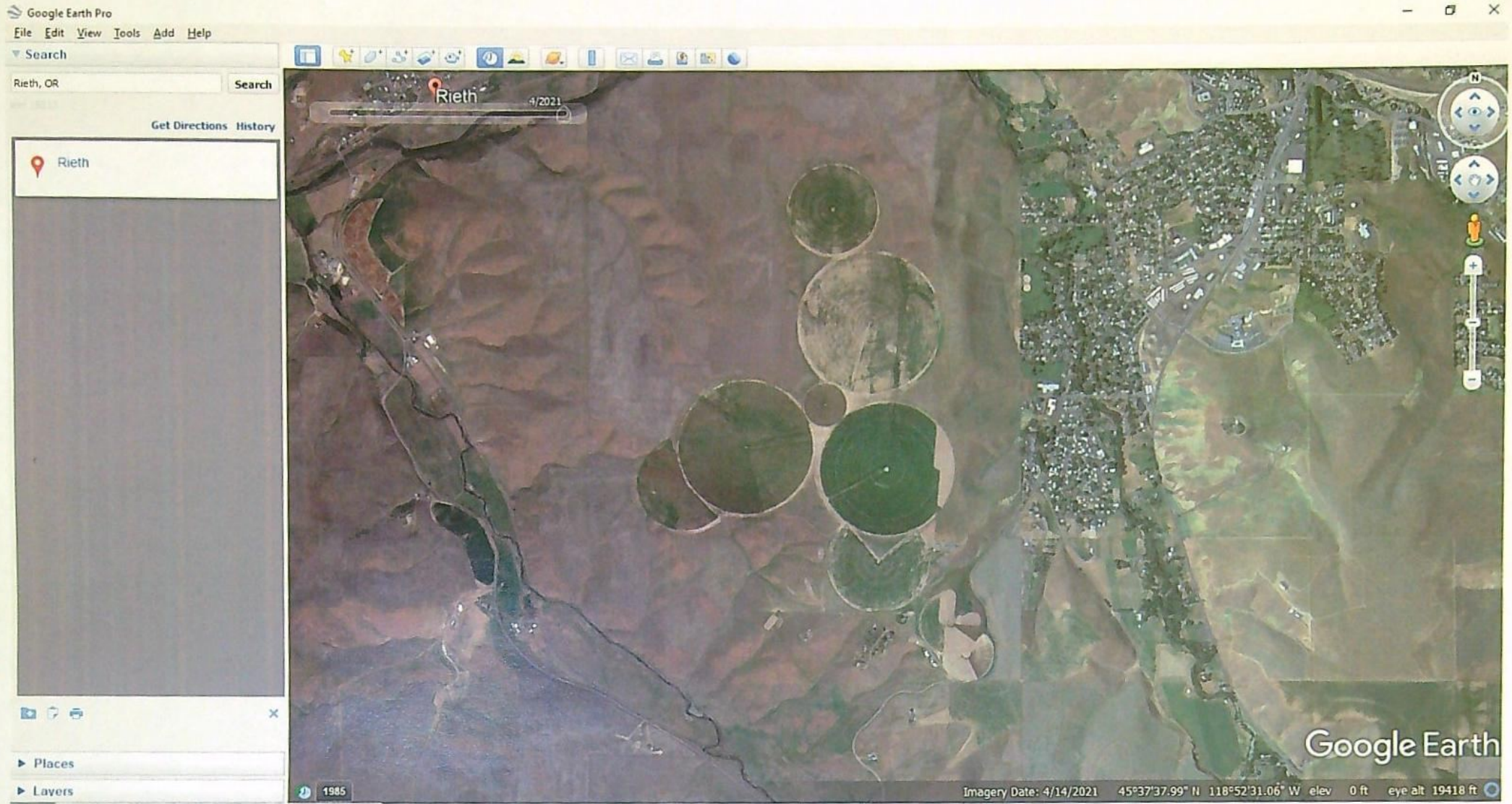


Dwight French  
Water Right Services Division Administrator, for  
Thomas M. Byler, Director  
Oregon Water Resources Department

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

## NOTE TO APPLICANTS

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

**This form is NOT required if:**

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

## NOTE TO LOCAL GOVERNMENTS

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

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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

Applicant(s): Jim Whitney

Mailing Address: PO Box 1614

City: Pendleton State: OR Zip Code: 97801 Daytime Phone: 541-601-4433

## A. Land and Location

Please include the following information for all tax lots where water will be diverted (taken from its source), conveyed (transported), and/or used or developed. Applicants for municipal use, or irrigation uses within irrigation districts may substitute existing and proposed service-area boundaries for the tax-lot information requested below.

Township	Range	Section	¼ ¼	Tax Lot #	Plan Designation (e.g., Rural Residential/RR-5)	Water to be:			Proposed Land Use:
<u>2N</u> POA1	32 E	17	SE SW	1100	<u>EFU</u>	<input checked="" type="checkbox"/> Diverted	<input type="checkbox"/> Conveyed	<input checked="" type="checkbox"/> Used	Irrigation
<u>2N</u> POA2	32 E	19	NE SW	1011	<u>EFU</u>	<input checked="" type="checkbox"/> Diverted	<input checked="" type="checkbox"/> Conveyed	<input type="checkbox"/> Used	Irrigation
<u>2N</u> POA 3				1011		<input checked="" type="checkbox"/> Diverted	<input checked="" type="checkbox"/> Conveyed	<input type="checkbox"/> Used	Irrigation
						<input type="checkbox"/> Diverted	<input type="checkbox"/> Conveyed	<input type="checkbox"/> Used	

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

Pendleton, Umatilla County

## B. Description of Proposed Use

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

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

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

Estimated quantity of water needed: 3.11 ☒ cubic feet per second ☐ gallons per minute ☐ acre-feet

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

Briefly describe:

This transfer will relocate the POA for Certs. 91881, 95278, and 90235 400 meters to the southeast and out of the Birch Creek floodplain. The POA is being moved out of the floodplain to enable the restoration of natural river processes and native habitat.

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

See bottom of Page 3. →

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# 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.

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## 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): VCDL 152.056(A) - Farm Use
- ☐ Land uses to be served by the proposed water uses (including proposed construction) involve discretionary land-use approvals as listed in the table below. (Please attach documentation of applicable land-use approvals which have already been obtained. Record of Action/land-use decision and accompanying findings are sufficient.) **If approvals have been obtained but all appeal periods have not ended, check "Being pursued."**

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

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

Name: Megan Jawchewski Title: Planner

Signature: Megan Jawchewski Phone: 541-279-6252 Date: 8/3/2022

Government Entity: Umatilla Co. Land Use Planning

**Note to local government representative:** Please complete this form or sign the receipt below and return it to the applicant. If you sign the receipt, you will have 30 days from the Water Resources Department's notice date to return the completed Land Use Information Form or WRD may presume the land use associated with the proposed use of water is compatible with local comprehensive plans.

## Receipt for Request for Land Use Information

Applicant name: \_\_\_\_\_

City or County: \_\_\_\_\_ Staff contact: \_\_\_\_\_

Signature: \_\_\_\_\_ Phone: \_\_\_\_\_ Date: \_\_\_\_\_

Page 1 of 1

Form Version: 0.88



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Date Received (Date Stamp Here)

## OWRD Over-the-Counter Submission Receipt

Applicant Name(s) & Address: CTUIR Attn: Rebecca Schwartz  
46411 Tamine Way, Pendleton OR 97801  
Transaction Type: RA  
Fees Received: \$ 125

☐ Cash

☒ Check:

Check No. 675116

Name(s) on Check: CTUIR

Thank you for your submission. Oregon Water Resources Department (Department) staff will review your submittal as soon as possible.

If your submission is determined to be complete, you will receive a receipt for the fees paid and an acknowledgement letter stating your submittal is complete.

If determined to be incomplete, your submission and the accompanying fees will be returned with an explanation of deficiencies that must be addressed in order for the submittal to be accepted.

If you have any questions, please feel free to contact the Department's Customer Service staff at 503-986-0801 or 503-986-0810.

Sincerely,

OWRD Customer Service Staff

Submission received by:

Corie Lorrison  
(Name of OWRD staff)

### Instructions for OWRD staff:

- Complete this Submission Receipt and make two (2) copies. Place one copy with the check/cash; and place the other copy with the submission (i.e., the application or other document).
- Date-stamp all pages. (NOTE: Do not stamp check.)
- Give this original Submission Receipt to the applicant.
- Record Submission Receipt information on the "RECEIVED OVER THE COUNTER" log sheet.
- Fold and put one copy of the Submission Receipt with check/cash into the Safe slot. Place the other copy of the Submission Receipt with submission (application/other document) in the top drawer of filing cabinet.