

DESCRIPTION OF WATER RIGHT(S)

FEE PAID

FEES REFUNDED

Date	Amount	Receipt #
------	--------	-----------

WATER RIGHT TRANSFER COVER SHEET

Transfer: T- 14060

RA

Transfer Specialist: Scott

Transfer Type: Regular Transfer

Applicant: JACOB AND ELLI DAVIS 37626 SODHOUSE LANE PRINCETON, OR 97721 Email: _____ Phone: _____		Agent: ☐ N/A JOHN A. SHORT PO BOX 1830 BEND, OR 97709 Email: _____ Phone: _____	
Applicant: LORIN AND KATHARINE SHERBURN 68439 HWY 205 BURNS, OR 97720 Email: _____		CWRE: ☐ N/A Email: _____	
Affected Local Gov'ts: ☐ N/A County Of Harney Email: _____		Affected Tribal Gov't: ☐ N/A UNAVAILABLE Email: _____	
Current Landowner if other than Applicant: ☐ N/A Email: _____		Receiving Landowner: ☐ N/A Email: _____	

Water Rights Affected

File Marked	App. File # or Decree Name	Permit	Certificate	RR/CR Needed	RR/CR Nos.
☐	G-17531	G-16980	93979	☐ Yes ☒ No	
☐				☐ Yes ☐ No	
☐				☐ Yes ☐ No	

Key Dates & Initial Actions:

Rec'd: August 1, 2022	Proposed Action(s): POINT OF APPROPRIATION; PLACE OF USE	
Fees Pd: 3440.00	WM District: 10	ODFW District:
Initial Public Notice: August 9, 2022	WM Review sent:	ODFW Review sent:
Acknowledgement Letter Sent ☒		GW Review sent: ☐ N/A
County sent cc: of Ack Letter ☒	BOR notified (date): ☐ N/A	
Newspaper quote requested: 1/31/23	Request for news \$ sent: 2/9/23	News \$ received: 2-21-23
Request to publish sent:	Affidavit of publication received: 3/20/23	Last day of publication: 3/15/23

BURNS TIMES - HERALD

Document	Drafted	Peer Review	Changes Made	Coordinator	Changes Made	Signature Bin	Signature Date
DPD	Date: 1/21/22 Initials: Scott	Date: 1/23/22 Initials: AD	Date: _____ Initials: _____	Date: 1/3/23 Initials: PKS	Date: 1/9/23 Initials: Scott	CW sent: 1/9/23	N/A
PD	Date: 1/25/23 Initials: Scott	Date: 1/31/23 Initials: AD	Date: _____ Initials: _____	Date: 2/3/23 Initials: PKS	Date: 2/10/23 Initials: Scott	Date: 2/27/23 Initials: Scott	Date: 2/28/23
FO	Date: 3/8/23 Initials: Scott	Date: 3/14/23 Initials: AD	Date: _____ Initials: _____	Date: 3/17/23 Initials: PKS	Date: _____ Initials: _____	Date: _____	Date: 4-21-23

Special Issues:

SENT TO DATA 2-10-23 Revd 2/13/23

Transfer Cover Sheet

NEED NEWS AFFIDAVIT Revd 3/20/23 Last Revised 10-29-18



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

April 21, 2023

JACOB AND ELLI DAVIS
37626 SODHOUSE LANE
PRINCETON, OR 97721

LORIN AND KATHARINE SHERBURN
68439 HWY 205
BURNS, OR 97720

REFERENCE: Transfer Application T-14060

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, Scott Grew, by telephone at (503) 986-0890 or by e-mail at Scott.A.Grew@water.oregon.gov.

Sincerely,

Stacy H. Phillips

Restoration Program Technician

Transfers and Conservation Section

cc: J R. Johnson, Watermaster Dist. # 10 (via email)
John A. Short, Agent

Enclosure

BEFORE THE WATER RESOURCES DEPARTMENT
OF THE
STATE OF OREGON

In the Matter of Transfer Application	)	FINAL ORDER APPROVING A CHANGE IN
T-14060, Harney County	)	POINT OF APPROPRIATION AND CHANGE
	)	IN PLACE OF USE

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

LORIN D. SHERBURN AND
KATHARINE J. SHERBURN
68439 HWY 205
BURNS, OR 97720

Applicants and Receiving Landowners

JACOB DAVIS AND
ELLI DAVIS
37626 SODHOUSE LANE
PRINCETON, OR 97721

Findings of Fact

1. On August 1, 2022, LORIN D. SHERBURN, KATHARINE J. SHERBURN, JACOB DAVIS AND ELLI DAVIS filed an application to change the point of appropriation and to change the place of use under Certificate 93979. The Department assigned the application number T-14060.
2. JACOB DAVIS AND ELLI DAVIS are the receiving landowners who will be responsible for completion of the changes.
3. Notice of the application for transfer was published on August 9, 2022, pursuant to OAR 690-380-4000. No comments were filed in response to the notice.
4. On January 23, 2023, the Department sent a copy of the draft Preliminary Determination proposing to approve Transfer Application T-14060 to the applicants. The draft Preliminary Determination cover letter set forth a deadline of February 8, 2023, for the applicants to respond. The applicants requested that the Department proceed with issuance of a Preliminary Determination and provided the necessary information to demonstrate that the applicant is authorized to pursue the transfer.

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

5. On January 25, 2023, the agent for the applicant requested the completion date of October 1, 2028 to provide time to hire contractors and develop the new well and irrigation system. The Department granted the longer time for completion per OAR 690-380-5140 (3).
6. On February 28, 2023, the Department issued a Preliminary Determination proposing to approve Transfer Application T-14060 and sent a copy to the applicants. Additionally, notice of the Preliminary Determination for the transfer application was published in the Department's weekly notice on March 7, 2023, and in the Burns Times-Herald newspaper on March 8 and 15, 2023, pursuant to ORS 540.520 and OAR 690-380-4020. (No) protests were filed in response to the notice.
7. The right to be transferred is as follows:

Certificate: 93979 in the name of LORIN D. SHERBURN (perfected under Permit G-16980)

Use: IRRIGATION of 120.0 ACRES

Priority Date: FEBRUARY 9, 2012

Rate: 2.0 CUBIC FEET PER SECOND

Limit/Duty: The amount of water used for irrigation under this right, together with the amount secured under any other right existing for the same lands, is limited to a diversion of ONE-SIXTIETH of one cubic foot per second and 3.0 acre-feet for each acre irrigated during the irrigation season of each year.

Period of Use: APRIL 1 THROUGH OCTOBER 31

Source: WELL CF4 IN DONNER UND BLITZEN RIVER BASIN

Authorized Point of Appropriation:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
27 S	30 E	WM	35	SE NW	WELL CF4 - 3300 FEET NORTH AND 3168 FEET WEST FROM THE SE CORNER OF SECTION 35

Authorized Place of Use:

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
27 S	30 E	WM	35	SW NW	19.7
27 S	30 E	WM	35	SE NW	20.4
27 S	30 E	WM	35	NE SW	34.9
27 S	30 E	WM	35	NW SW	35.3
27 S	30 E	WM	35	SW SW	4.9
27 S	30 E	WM	35	SE SW	4.8
Total					120.0

8. Transfer Application T-14060 proposes to move the authorized point of appropriation approximately 7.4 miles from the existing point of appropriation to:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
27 S	31 E	WM	25	SW NE	540 FEET NORTH AND 1350 FEET WEST FROM THE E 1/4 CORNER OF SECTION 25

9. Transfer Application T-14060 also proposes to change the place of use of the right to:

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
27 S	31 E	WM	25	SW NE	37.6
27 S	31 E	WM	25	SE NE	14.0
27 S	31 E	WM	25	SE NW	9.6
27 S	31 E	WM	25	NE SW	9.0
27 S	31 E	WM	25	NE SE	13.5
27 S	31 E	WM	25	NW SE	36.3
Total					120.0

Transfer Review Criteria (OAR 690-380-4010)

10. Water has been used within the last five years according to the terms and conditions of the right. There is no information in the record that would demonstrate that the right is subject to forfeiture under ORS 540.610.
11. A pump, pipeline, and sprinkler system sufficient to use the full amount of water allowed under the existing right were present within the five-year period prior to submittal of Transfer Application T-14060.
12. The proposed change would not result in enlargement of the right.
13. The proposed change would not result in injury to other water rights.
14. All other application requirements are met.

Conclusions of Law

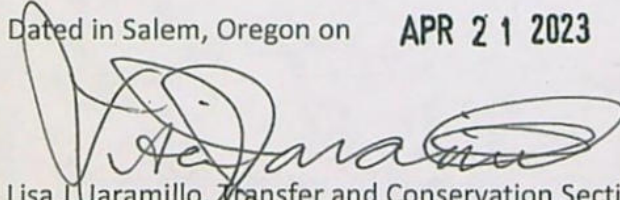
The change in point of appropriation and change in place of use proposed in Transfer Application T-14060 are consistent with the requirements of ORS 537.705 and 540.505 to 540.580 and OAR 690-380-5000.

Now, therefore, it is ORDERED:

1. The change in point of appropriation and change in place of use proposed in Transfer Application T-14060 are approved.
2. The right to the use of the water is restricted to beneficial use at the place of use described and is subject to all other conditions and limitations contained in Certificate 93979 and any related decree.

3. Water right Certificate 93979 is cancelled.
4. The quantity of water diverted at the new point of appropriation, shall not exceed the quantity of water lawfully available at the original point of appropriation.
5. 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.
6. Water shall be acquired from the same aquifer (water source) as the original point of appropriation.
7. The former place of use of the transferred right shall no longer receive water under the right.
8. Full beneficial use of the water shall be made, consistent with the terms of this order, on or before **October 1, 2028**. A Claim of Beneficial Use prepared by a Certified Water Right Examiner shall be submitted by the applicant to the Department within one year after the deadline for completion of the changes and full beneficial use of the water.
9. After satisfactory proof of beneficial use is received, a new certificate confirming the right transferred will be issued.

Dated in Salem, Oregon on **APR 21 2023**


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

Mailing date: **APR 25 2023**

**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 # **140174**

INVOICE # _____

RECEIVED FROM: J-J Farm & Ranch;
BY: Jacob or E.H. Davis

APPLICATION	
PERMIT	
TRANSFER	<u>T-14060</u>

CASH: ☐ CHECK: # 2141 OTHER: (IDENTIFY) ☐

TOTAL REC'D \$259.20

1083 TREASURY 4170 WRD MISC CASH ACCT

0407 COPIES 46118 \$
0207 OTHER: (IDENTIFY) Newspaper Notice \$ 259.20
0243 I/S Lease _____ 0244 Muni Water Mgmt. Plan _____ 0245 Cons. Water _____

4270 WRD OPERATING ACCT

MISCELLANEOUS

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

WATER RIGHTS:

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

WELL CONSTRUCTION

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

OTHER (IDENTIFY) _____

0536 TREASURY 0437 WELL CONST. START FEE

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

OTHER (IDENTIFY) _____

0607 TREASURY 0467 HYDRO ACTIVITY LIC NUMBER

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

TREASURY OTHER / RDX

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

RECEIPT: **140174**

DATED: 2-21-2023 BY: Leslie D. Miller

PUBLIC NOTICE

Notice of Preliminary Determination for Water Right Transfer T-14060

T-14060 filed by Lorin D. Sherburn and Katharine J. Sherburn, 68439 Hwy 205 Burns, OR 97720 and Jacob Davis and Elli Davis, 37626 Sod-house Lane, Princeton, OR 97721, propose a change in point of appropriation and change in place of use under Certificate 93979. The right allows the use of 2.0 cubic feet per second from Well CF4 in Sec. 35, T27S, R30E, WM for irrigation in Sec. 35, T27SS, R30E, WM. The applicant proposes to move the point of appropriation in Sec. 25, T27S, R31E, WM and to change the place of use to Sec. 25, T27S, R31E, WM. The Water Resources Department proposes to approve the transfer, based on the requirements of ORS Chapter 540 and OAR 690-380-5000.

Any person may file, jointly or severally, a protest or standing statement within 30

days after the last date of newspaper publication of this notice, 03/15/2023. Call (503) 979-9931 to obtain additional information. If no protests are filed, the Department will issue a final order consistent with the preliminary determination.

Publish March 8 and 15, 2023

BURNS TIMES-HERALD

355 N. Broadway, Burns, Oregon 97720

AFFIDAVIT OF PUBLICATION

STATE OF OREGON

(
(S.S.

County of Harney

I Terri L. Smith, being first and duly sworn, depose and say that I am the Advertising Manager of the Burns Times-Herald, a newspaper of general circulation, as defined by ORS 193.010 and 193.020, published at Burns, in the aforesaid County and State by the Burns Times-Herald that the

Public Notice: T-14060

a printed copy of which is hereto annexed, was published in the said newspaper for

2 successive and consecutive weeks in the following issues:
Dates of Publication: 8th & 15th March 2023

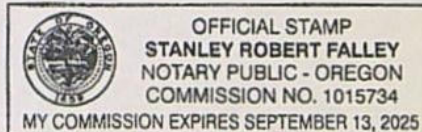
Signed

Terri L. Smith

By Terri L. Smith, Advertising Manager
The Burns Times-Herald

Subscribed and sworn before me this 15 day of MARCH 2023.

Stanley Robert Falley
Notary Public for Oregon



RECEIVED

MAR 20 2023

OWRD

No. _____

STATE OF OREGON
for the
COUNTY OF HARNEY

Filed _____, 21

Clerk

Deputy

From the Office of _____

Attorney for _____

GREW Scott A * WRD

From: PHILLIPS Stacy H * WRD
Sent: Tuesday, February 28, 2023 2:34 PM
To: GREW Scott A * WRD
Subject: T-14060 Dates of Publication

Hey Scott,

The dates of publication for T-14060 are 3/8 and 3/15/2023.

Thanks,

Stacy H. Phillips

Natural Resource Specialist 2, Permit Amendment Caseworker

725 Summer Street NE, Suite A, Salem, OR 97301

Office: 503-986-0898 | Work Cell: 503-979-9948



OREGON
WATER
RESOURCES
DEPARTMENT

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



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

February 28, 2023

VIA CERTIFIED MAIL AND E-MAIL

Applicants

LORIN D. SHERBURN AND
KATHARINE J. SHERBURN
68439 HWY 205
BURNS, OR 97720

Applicants and Receiving Landowners

JACOB DAVIS AND
ELLI DAVIS
37626 SODHOUSE LANE
PRINCETON, OR 97721

SUBJECT: Water Right Transfer Application T-14060

Please find enclosed the Preliminary Determination indicating that, based on the information available, the Department intends to approve application T-14060. This document is an intermediate step in the approval process; water may not be used legally as proposed in the transfer application until a Final Order has been issued by the Department. Please read this entire letter carefully to determine your responsibility for additional action.

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

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

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

Please contact me at scott.a.grew@water.oregon.gov or 503-986-0890 if I may be of assistance.

Sincerely,

Scott Grew

Transfer Specialist
Transfer and Conservation Section

cc: Transfer Application File T-14060
Dally Swindlehurst, District 10 Watermaster (via e-mail)
John A. Short, Agent for the applicant (via e-mail)
encs

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

In the Matter of Transfer Application	)	PRELIMINARY DETERMINATION
T-14060, Harney County	)	PROPOSING APPROVAL A CHANGE IN
	)	POINT OF APPROPRIATION AND CHANGE
	)	IN PLACE OF USE

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

LORIN D. SHERBURN AND
KATHARINE J. SHERBURN
68439 HWY 205
BURNS, OR 97720

Applicants and Receiving Landowners

JACOB DAVIS AND
ELLI DAVIS
37626 SODHOUSE LANE
PRINCETON, OR 97721

Findings of Fact

1. On August 1, 2022, LORIN D. SHERBURN, KATHARINE J. SHERBURN, JACOB DAVIS AND ELLI DAVIS filed an application to change the point of appropriation and to change the place of use under Certificate 93979. The Department assigned the application number T-14060.
2. JACOB DAVIS AND ELLI DAVIS are the receiving landowners who will be responsible for completion of the changes.
3. Notice of the application for transfer was published on August 9, 2022, pursuant to OAR 690-380-4000. No comments were filed in response to the notice.
4. On January 23, 2023, the Department sent a copy of the draft Preliminary Determination proposing to approve Transfer Application T-14060 to the applicants. The draft Preliminary Determination cover letter set forth a deadline of February 8, 2023, for the applicants to respond. The applicants requested that the Department proceed with issuance of a Preliminary Determination and provided the necessary information to demonstrate that the applicant is authorized to pursue the transfer.

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

5. On January 25, 2023, the agent for the applicant requested the completion date of October 1, 2028 to provide time to hire contractors and develop the new well and irrigation system. The Department granted the longer time for completion per OAR 690-380-5140 (3).

6. The right to be transferred is as follows:

Certificate: 93979 in the name of LORIN D. SHERBURN (perfected under Permit G-16980)
Use: IRRIGATION of 120.0 ACRES
Priority Date: FEBRUARY 9, 2012
Rate: 2.0 CUBIC FEET PER SECOND
Limit/Duty: The amount of water used for irrigation under this right, together with the amount secured under any other right existing for the same lands, is limited to a diversion of ONE-SIXTIETH of one cubic foot per second and 3.0 acre-feet for each acre irrigated during the irrigation season of each year.
Period of Use: APRIL 1 THROUGH OCTOBER 31
Source: WELL CF4 IN DONNER UND BLITZEN RIVER BASIN

Authorized Point of Appropriation:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
27 S	30 E	WM	35	SE NW	WELL CF4 - 3300 FEET NORTH AND 3168 FEET WEST FROM THE SE CORNER OF SECTION 35

Authorized Place of Use:

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
27 S	30 E	WM	35	SW NW	19.7
27 S	30 E	WM	35	SE NW	20.4
27 S	30 E	WM	35	NE SW	34.9
27 S	30 E	WM	35	NW SW	35.3
27 S	30 E	WM	35	SW SW	4.9
27 S	30 E	WM	35	SE SW	4.8
Total					120.0

7. Transfer Application T-14060 proposes to move the authorized point of appropriation approximately 7.4 miles from the existing point of appropriation to:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
27 S	31 E	WM	25	SW NE	540 FEET NORTH AND 1350 FEET WEST FROM THE E 1/4 CORNER OF SECTION 25

8. Transfer Application T-14060 also proposes to change the place of use of the right to:

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
27 S	31 E	WM	25	SW NE	37.6
27 S	31 E	WM	25	SE NE	14.0

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
27 S	31 E	WM	25	SE NW	9.6
27 S	31 E	WM	25	NE SW	9.0
27 S	31 E	WM	25	NE SE	13.5
27 S	31 E	WM	25	NW SE	36.3
Total					120.0

Transfer Review Criteria (OAR 690-380-4010)

9. Water has been used within the last five years according to the terms and conditions of the right. There is no information in the record that would demonstrate that the right is subject to forfeiture under ORS 540.610.
10. A pump, pipeline, and sprinkler system sufficient to use the full amount of water allowed under the existing right were present within the five-year period prior to submittal of Transfer Application T-14060.
11. The proposed change would not result in enlargement of the right.
12. The proposed change would not result in injury to other water rights.
13. All other application requirements are met.

Determination and Proposed Action

The change in point of appropriation and change in place of use proposed in Transfer Application T-14060 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.

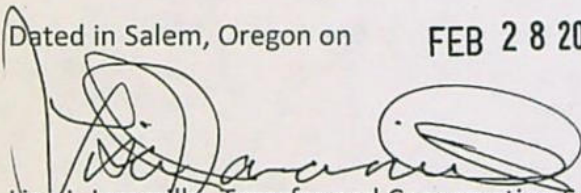
If Transfer Application T-14060 is approved, the final order will include the following:

1. *The change in point of appropriation and change in place of use proposed in Transfer Application T-14060 are approved.*
2. *The right to the use of the water is restricted to beneficial use at the place of use described and is subject to all other conditions and limitations contained in Certificate 93979 and any related decree.*
3. *Water right Certificate 93979 is cancelled.*
4. *The quantity of water diverted at the new point of appropriation, shall not exceed the quantity of water lawfully available at the original point of appropriation.*

5. *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.*
6. *Water shall be acquired from the same aquifer (water source) as the original point of appropriation.*
7. *The former place of use of the transferred right shall no longer receive water under the right.*
8. *Full beneficial use of the water shall be made, consistent with the terms of this order, on or before **October 1, 2028**. A Claim of Beneficial Use prepared by a Certified Water Right Examiner shall be submitted by the applicant to the Department within one year after the deadline for completion of the changes and full beneficial use of the water.*
9. *After satisfactory proof of beneficial use is received, a new certificate confirming the right transferred will be issued.*

Dated in Salem, Oregon on

FEB 28 2023


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

This Preliminary Determination was prepared by Scott Grew. If you have questions about the information in this document, you may reach him at scott.a.grew@water.oregon.gov or 503-986-0890.

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

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

GREW Scott A * WRD

From: BUCHHOLZ Sheila L * WRD
Sent: Monday, February 13, 2023 9:47 AM
To: GREW Scott A * WRD
Cc: MARTIN Duff A * WRD
Subject: RA PD T-14060, snap 221379
Attachments: RA PD T-14060.pdf

Good Morning Scott,

This RA PD transfer had been processed through data without issue.

Data time taken is 40 minutes.

Thanks,

Sheila Buchholz

Data Technician 1

725 Summer St. NE, Suite A | Salem, Oregon 97301

Email: Sheila.L.Buchholz@water.oregon.gov



OREGON
WATER
RESOURCES
DEPARTMENT

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



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

February 9, 2022

Applicants

LORIN D. SHERBURN AND
KATHARINE J. SHERBURN
68439 HWY 205
BURNS, OR 97720

Receiving Landowners

JACOB DAVIS AND
ELLI DAVIS
37626 SODHOUSE LANE
PRINCETON, OR 97721

SUBJECT: Water Right Transfer Application T-14060

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

Items needed before the next phase of processing...

At this time you need to:

1. submit a check for \$259.20 (to cover cost of publication of the notice), made out to the Oregon Water Resources Department.
2. write "for T-14060 NOTICE" on the front of your check, and
3. submit it with the tracking stub at the bottom of this letter.

Mail the check to 725 Summer St. NE, Suite A, Salem, OR 97301-1266, **no later than March 11, 2023.**

What happens next...

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

If we do not receive payment for newspaper notice by March 11, 2023, a Preliminary Determination may be issued denying the application as incomplete.

X-----

Attached is a check for \$259.20 (PCA #46118) for Newspaper Notice for Transfer T-14060 made out to Oregon Water Resources Department (or WRD)

- "for T- 14060 NOTICE" written on front of check

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

Caseworker: Scott Grew

Please contact me at scott.a.grew@water.oregon.gov or 503-986-0890 if I may be of assistance.

Sincerely,

Scott Grew

Transfer Specialist

Transfer and Conservation Section

cc: Transfer Application File T-14060
 Dally Swindlehurst, District 10 Watermaster *(via e-mail)*
 John A. Short, Agent for the applicant *(via e-mail)*

GREW Scott A * WRD

From: PHILLIPS Stacy H * WRD
Sent: Wednesday, February 1, 2023 11:31 AM
To: STARNES Patrick K * WRD
Cc: GREW Scott A * WRD
Subject: RE: Newspaper Estimate for Transfer Application T-14060

Hey Scott,

The quote came in for this notice. Total cost is \$259.20.

Thanks,

Stacy H. Phillips

Natural Resource Specialist 2, Permit Amendment Caseworker
725 Summer Street NE, Suite A, Salem, OR 97301
Office: 503-986-0898 | Work Cell: 503-979-9948



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

From: STARNES Patrick K * WRD <Patrick.K.STARNES@water.oregon.gov>
Sent: Tuesday, January 31, 2023 9:24 AM
To: PHILLIPS Stacy H * WRD <Stacy.H.PHILLIPS@water.oregon.gov>
Cc: GREW Scott A * WRD <Scott.A.GREW@water.oregon.gov>
Subject: Newspaper Estimate for Transfer Application T-14060

Hi Stacy –

Scott will need a quote for the attached **TRANSFER** Application notice to run in the **Burns Times Herald**. Run time is two weeks.

Thanks!

Kelly

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

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

Jan 27th 2023

Water Resource Dept.

We have read and understand
the terms of this paper

Lorin Sherburn owner

Katherine Sherburn owner

RECEIVED

JAN 31 2023

OWRD
SALEM, OREGON

RECEIVED

JAN 31 2023

OWRD
SALEM, OREGON

BEFORE THE WATER RESOURCES DEPARTMENT
OF THE
STATE OF OREGON

In the Matter of Transfer Application
T-14060, Harney County

)
)
)
)
)
)

D R A F T

PRELIMINARY DETERMINATION
PROPOSING APPROVAL A CHANGE IN
POINT OF APPROPRIATION AND CHANGE
IN PLACE OF USE

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

LORIN D. SHERBURN AND
KATHARINE J. SHERBURN
68439 HWY 205
BURNS, OR 97720

Applicants and Receiving Landowners

JACOB DAVIS AND
ELLI DAVIS
37626 SODHOUSE LANE
PRINCETON, OR 97721

Findings of Fact

1. On August 1, 2022, LORIN D. SHERBURN, KATHARINE J. SHERBURN, JACOB DAVIS AND ELLI DAVIS filed an application to change the point of appropriation and to change the place of use under Certificate 93979. The Department assigned the application number T-14060.
2. JACOB DAVIS AND ELLI DAVIS are the receiving landowners who will be responsible for completion of the changes.
3. Notice of the application for transfer was published on August 9, 2022, pursuant to OAR 690-380-4000. No comments were filed in response to the notice.
4. The right to be transferred is as follows:

Certificate: 93979 in the name of LORIN D. SHERBURN (perfected under Permit G-16980)
Use: IRRIGATION of 120.0 ACRES
Priority Date: FEBRUARY 9, 2012
Rate: 2.0 CUBIC FEET PER SECOND

Limit/Duty: The amount of water used for irrigation under this right, together with the amount secured under any other right existing for the same lands, is limited to a diversion of ONE-SIXTIETH of one cubic foot per second and 3.0 acre-feet for each acre irrigated during the irrigation season of each year.

Period of Use: APRIL 1 THROUGH OCTOBER 31

Source: WELL CF4 IN DONNER UND BLITZEN RIVER BASIN

Authorized Point of Appropriation:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
27 S	30 E	WM	35	SE NW	WELL CF4 - 3300 FEET NORTH AND 3168 FEET WEST FROM THE SE CORNER OF SECTION 35

Authorized Place of Use:

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
27 S	30 E	WM	35	SW NW	19.7
27 S	30 E	WM	35	SE NW	20.4
27 S	30 E	WM	35	NE SW	34.9
27 S	30 E	WM	35	NW SW	35.3
27 S	30 E	WM	35	SW SW	4.9
27 S	30 E	WM	35	SE SW	4.8
Total					120.0

5. Transfer Application T-14060 proposes to move the authorized point of appropriation approximately 7.4 miles from the existing point of appropriation to:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
27 S	31 E	WM	25	SW NE	540 FEET NORTH AND 1350 FEET WEST FROM THE E 1/4 CORNER OF SECTION 25

6. Transfer Application T-14060 also proposes to change the place of use of the right to:

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
27 S	31 E	WM	25	SW NE	37.6
27 S	31 E	WM	25	SE NE	14.0
27 S	31 E	WM	25	SE NW	9.6
27 S	31 E	WM	25	NE SW	9.0
27 S	31 E	WM	25	NE SE	13.5
27 S	31 E	WM	25	NW SE	36.3
Total					120.0

Transfer Review Criteria (OAR 690-380-4010)

7. Water has been used within the last five years according to the terms and conditions of the right. There is no information in the record that would demonstrate that the right is subject to forfeiture under ORS 540.610.



111 W Washington St., Burns, OR 97720
PHONE (541)573-2039 FAX (541)573-5844

RECEIVED

JAN 31 2023

OWRD
SALEM, OREGON

PROPERTY ANALYSIS REPORT

Requested By:
State of Oregon
725 Summer St. NE, Suite A
Salem OR 97301

January 26, 2023
Title Number: 577164AM
Title Officer: Stan Falley
Client File #:
Fee: \$50.00

Effective as of January 13, 2023 at 7:30 a.m.

Borrower's Name: Lorin D. Sherburn

Property : 27S30E000002000 OR

Legal Description: Land in Harney County, Oregon, as follows:

In Twp. 27 S., R. 30 E., W.M.:
Sec. 34: SE $\frac{1}{4}$, S $\frac{1}{2}$ NE $\frac{1}{4}$.
Sec. 35: S $\frac{1}{2}$, S $\frac{1}{2}$ N $\frac{1}{2}$.

The Last Deed of Record Runs To:

Instrument : Warranty Deed
Recorded : March 16, 2017
Document No.: 20170313
Grantor : Don Nienke
Grantee : Lorin D. Sherburn and Katharine Sherburn

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

NOTE: THIS IS NOT A TITLE REPORT, A COMMITMENT TO ISSUE TITLE INSURANCE OR A GUARANTEE OF ANY KIND. No liability is assumed with this report. Our search was limited to our tract indices and no examination of the public record was made. The fee charged for this service does not include supplemental reports or other services. Further dissemination of the information in this report in a form purporting to insure title to the herein described land is prohibited by law.

AmeriTitle, LLC

60116UN
1 HARNEY
85, 1988

WHERE
L.B.E.
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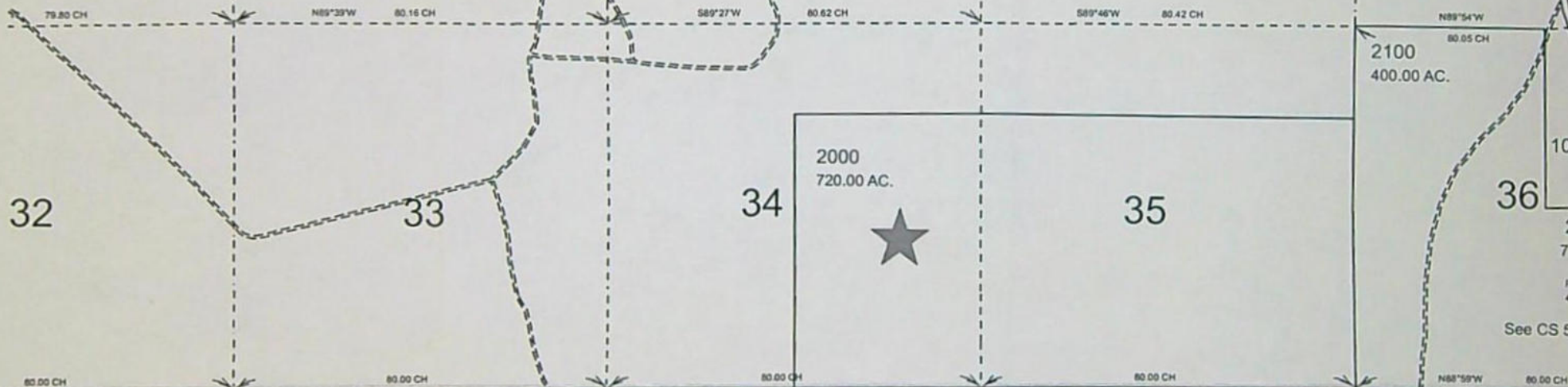
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COMPLIMENTS OF
AmeriTitle

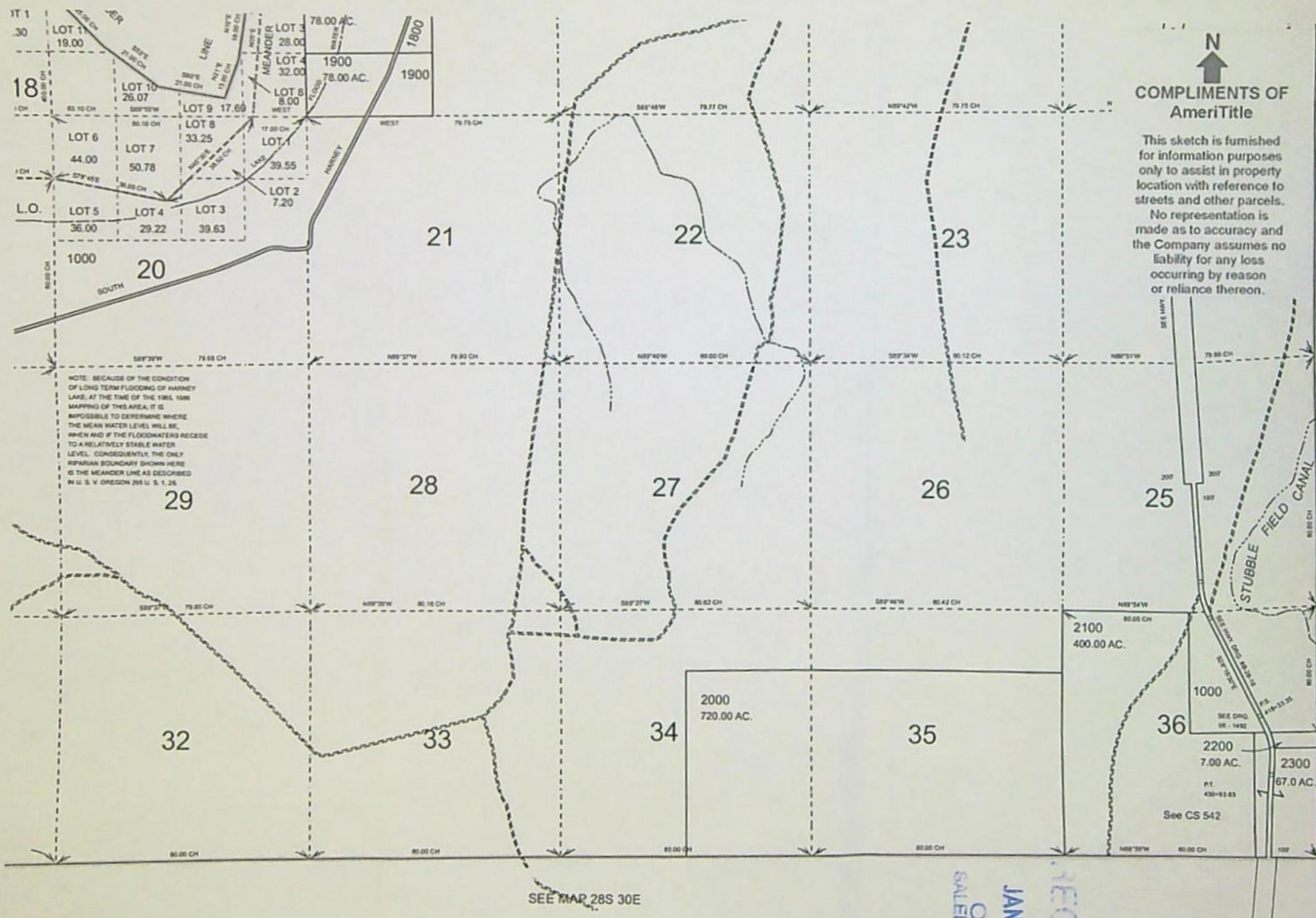
This sketch is furnished
for information purposes
only to assist in property
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or reliance thereon.



See CS 5

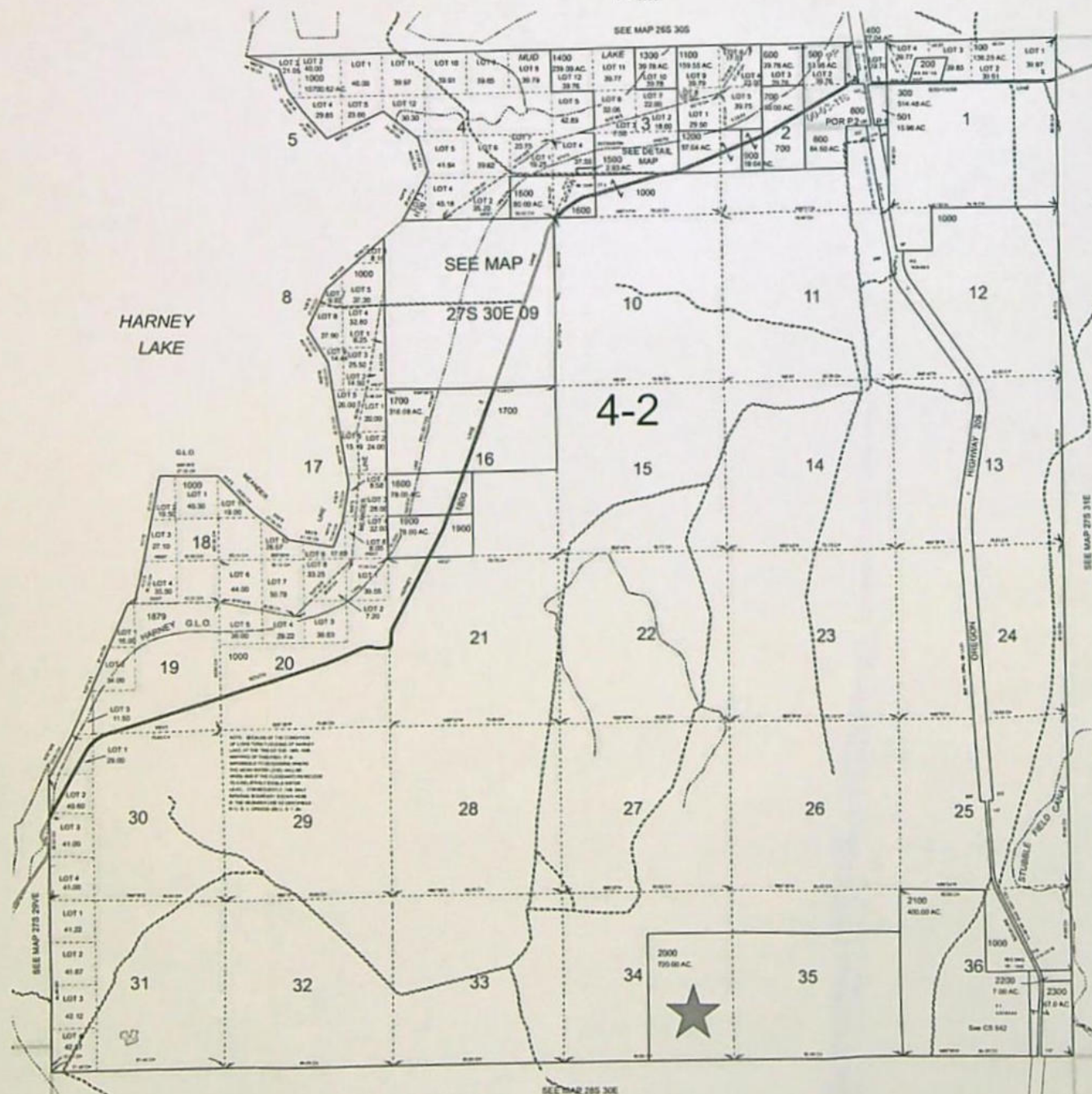
RECEIVED
JAN 31 2023
OW/RD
SALEM, OREGON



THIS MAP WAS PREPARED FOR
ASSESSMENT PURPOSE ONLY

T.27S. R.30E. W.M.
HARNEY COUNTY
1" = 2000'

27S30E



N
COMPLIMENTS OF
AmeriTitle

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or reliance thereon.

RECEIVED
JAN 31 2023
OWH/D
SALEM, OREGON



PRINTED ON 12/6/2018

27S30E

GREW Scott A * WRD

From: Bryce Withers <brycewrs@gmail.com>
Sent: Monday, January 23, 2023 12:11 PM
To: GREW Scott A * WRD
Subject: Re: T-14060 - Issuance of Draft Preliminary Determination - Action Required!
Attachments: 27S30E000002000_Harney County List Kit.pdf

Hi Scott,

Everything looks good on the DPD. The applicant's would like to extend the deadline for completion of the changes to 10-1-2028 in order to provide time to hire contractors and develop the new well and irrigation system. Attached is the ownership report. Thank you!

On Mon, Jan 23, 2023 at 9:22 AM GREW Scott A * WRD <Scott.A.GREW@water.oregon.gov> wrote:

Good morning Bryce,

Original e-mail attached.

Scott Grew

Transfer Specialist

Oregon Water Resources Department

503-986-0890

From: Bryce Withers <brycewrs@gmail.com>
Sent: Monday, January 23, 2023 8:00 AM
To: GREW Scott A * WRD <Scott.A.GREW@water.oregon.gov>
Subject: T-14060 - Issuance of Draft Preliminary Determination - Action Required!

Hi Scott,

Can you please send me the Draft Preliminary Determination? I will do the review for this one. Thank you.



Property Profile

Prepared on January 20, 2023

Prepared For:

Bryce Withers

Water Right Services, LLC

Property Address:

27S30E000002000, Harney County OR

Property Parcel Number:

27S30E000002000

Includes the following:

- Harney County Property and Tax Information
- Tax Maps
- Last Vesting Document

Prepared by:

Lori Takayesu

Please email your customer service requests to prineville@amerititle.com

Serving Crook, Jefferson, Deschutes, Wheeler and Harney Counties!

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

HARNEY County Assessor's Summary Report

Real Property Assessment Report

FOR ASSESSMENT YEAR 2023

NOT OFFICIAL VALUE

January 20, 2023 12:49:06 pm

Account # XXXXXXXXXX
 Map # 27S30E000002000
 Code - Tax # 0420-45110

Tax Status ASSESSABLE
 Acct Status ACTIVE
 Subtype NORMAL

Legal Descr Metes & Bounds - See legal report for full description.

Mailing Name SHERBURN, LORIN D & KATHARINE J

Deed Reference # 2017-313

Agent

Sales Date/Price 03-16-2017 / \$850,000.00

In Care Of

Appraiser JENNIFER HUGHES

Mailing Address 68439 HIGHWAY 205
 BURNS, OR 97720-9392

Prop Class 551 MA SA NH Unit
 RMV Class 551 04 00 042 8814-1

Situs Address(s)		Situs City				
		Value Summary				
Code Area		RMV	MAV	AV	RMV Exception	CPR %
0420	Land	406,000			Land	0
	Impr.	37,830			Impr.	0
Code Area Total		443,830	296,080	55,731		0
Grand Total		443,830	296,080	55,731		0

Code Area		ID#	RFPD	Ex	Plan Zone	Value Source	TD%	LS	Size	Land Class	LUC	Trended RMV
0420	1				EFRU-1	Farm Use Zoned	100	A	720.00	5	006*	396,000
0420	3				EFRU-1	Farm Use Zoned	100	A	0.00	SW	006*	10,000
Grand Total									720.00			406,000

Code Area		ID#	Yr Built	Stat Class	Description	Improvement Breakdown	TD%	Total Sq. Ft.	Ex% MS Acct #	Trended RMV
0420	2		2014	311	MAINLINE 8"		100	1,350		15,900
0420	1			311	MAINLINE 8"		100	1,900		21,930
Grand Total								3,250		37,830

SUMMARY OF TAX ACCOUNT
HARNEY COUNTY TAX COLLECTOR
HARNEY COUNTY COURTHOUSE
BURNS, OREGON 97720
(541) 573-8365

20-Jan-2023

SHERBURN, LORIN D & KATHARINE J
68439 HIGHWAY 205
BURNS OR 97720-9392

Tax Account #	45110	Lender Name	714 - SHERBURN, LORIN D & KATHARINE
Account Status	A	Lender ID	
Roll Type	Real	Property ID	0420
Situs Address		Interest To	Feb 15, 2023

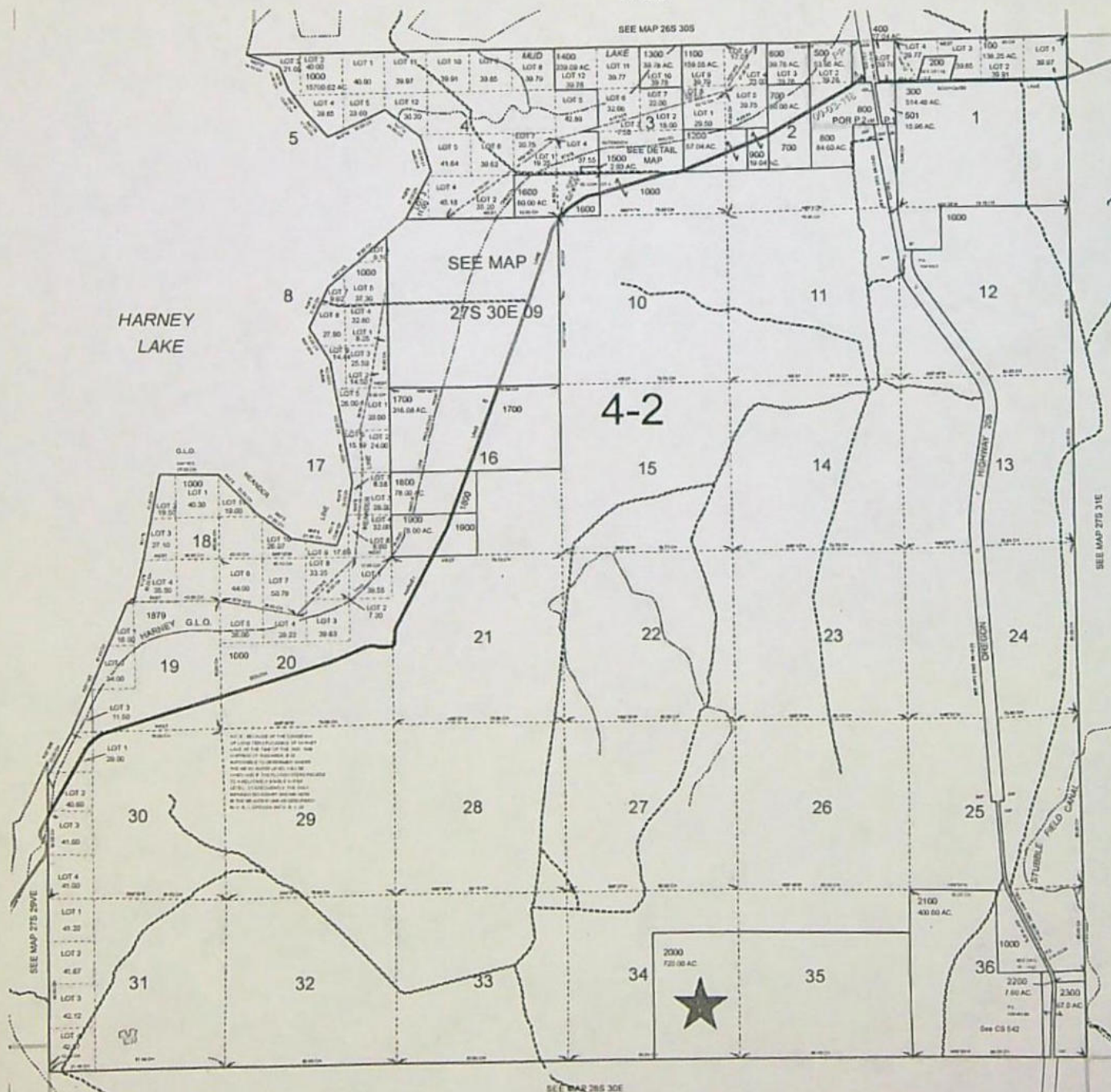
Tax Summary

Tax Year	Tax Type	Total Due	Current Due	Interest Due	Discount Available	Original Due	Due Date
2022	ADVALOREM	\$0.00	\$0.00	\$0.00	\$0.00	\$1,836.42	Nov 15, 2022
2021	ADVALOREM	\$0.00	\$0.00	\$0.00	\$0.00	\$1,783.05	Nov 15, 2021
2020	ADVALOREM	\$0.00	\$0.00	\$0.00	\$0.00	\$1,731.17	Nov 15, 2020
2019	ADVALOREM	\$0.00	\$0.00	\$0.00	\$0.00	\$1,680.84	Nov 15, 2019
2018	ADVALOREM	\$0.00	\$0.00	\$0.00	\$0.00	\$1,631.93	Nov 15, 2018
2017	ADVALOREM	\$0.00	\$0.00	\$0.00	\$0.00	\$1,584.51	Nov 15, 2017
2016	ADVALOREM	\$0.00	\$0.00	\$0.00	\$0.00	\$1,538.37	Nov 15, 2016
2015	ADVALOREM	\$0.00	\$0.00	\$0.00	\$0.00	\$1,493.69	Nov 15, 2015
2014	ADVALOREM	\$0.00	\$0.00	\$0.00	\$0.00	\$1,071.75	Nov 15, 2014
2013	ADVALOREM	\$0.00	\$0.00	\$0.00	\$0.00	\$316.65	Nov 15, 2013
2012	ADVALOREM	\$0.00	\$0.00	\$0.00	\$0.00	\$307.44	Nov 15, 2012
2011	ADVALOREM	\$0.00	\$0.00	\$0.00	\$0.00	\$298.49	Nov 15, 2011
2010	ADVALOREM	\$0.00	\$0.00	\$0.00	\$0.00	\$289.80	Nov 15, 2010
2009	ADVALOREM	\$0.00	\$0.00	\$0.00	\$0.00	\$281.38	Nov 15, 2009
2008	ADVALOREM	\$0.00	\$0.00	\$0.00	\$0.00	\$273.22	Nov 15, 2008
2007	ADVALOREM	\$0.00	\$0.00	\$0.00	\$0.00	\$265.32	Nov 15, 2007
2006	ADVALOREM	\$0.00	\$0.00	\$0.00	\$0.00	\$257.60	Nov 15, 2006
2005	ADVALOREM	\$0.00	\$0.00	\$0.00	\$0.00	\$250.14	Nov 15, 2005
2004	ADVALOREM	\$0.00	\$0.00	\$0.00	\$0.00	\$242.85	Nov 15, 2004
2003	ADVALOREM	\$0.00	\$0.00	\$0.00	\$0.00	\$235.84	Nov 15, 2003
Total		\$0.00	\$0.00	\$0.00	\$0.00	\$17,370.46	

THIS MAP WAS PREPARED FOR
ASSESSMENT PURPOSE ONLY

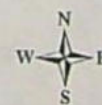
T.27S. R.30E. W.M.
HARNEY COUNTY
1" = 2000'

27S30E



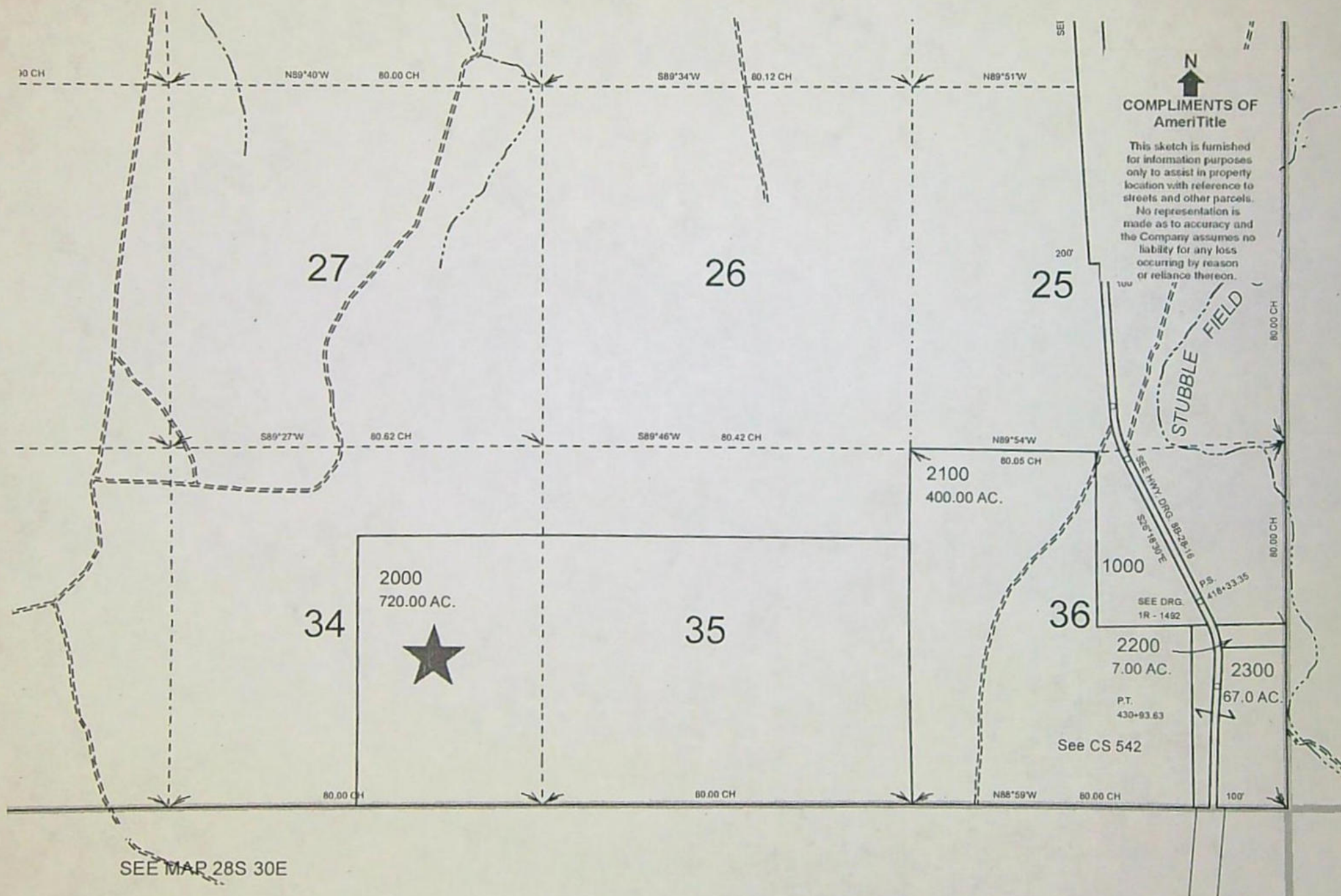
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COMPLIMENTS OF
AmeriTitle

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streets and other parcels.
No representation is
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the Company assumes no
liability for any loss
occurring by reason
or reliance thereon.



PRINTED ON 12/6/2018

27S30E





After recording return to:

Lorin D. Sherburn and Katharine J. Sherburn
68439 Hwy 205
Burns, OR 97720

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

Lorin D. Sherburn and Katharine J. Sherburn
68439 Hwy 205
Burns, OR 97720
File No. 145745AM

HARNEY COUNTY, OR

2017-0313

DEED-WD

03/16/2017 03:20:00 PM

Pgs= 3

\$51.00

I, Derrin Robinson, County Clerk for Harney
County, Oregon certify that the instrument
identified herein was recorded in the Co.
Clerk's records.

Derrin Robinson

Derrin E. Robinson, Harney County Clerk



STATUTORY WARRANTY DEED

Don Nienke

Grantor(s), hereby convey and warrant to

Lorin D. Sherburn and Katharine J. Sherburn, as Tenants by the Entirety,

Grantee(s), the following described real property in the County of Harney and State of Oregon free of encumbrances except
as specifically set forth herein:

SEE ATTACHED EXHIBIT "A"

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

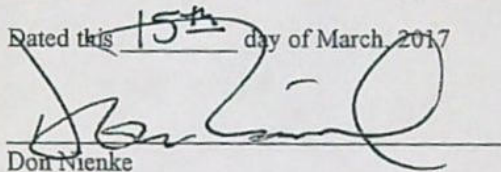
28S 30E 00 100
28S 31E 00 200
27S 30E 00 2000

The true and actual consideration for this conveyance is \$850,000.00.

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

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

Dated this 15th day of March, 2017

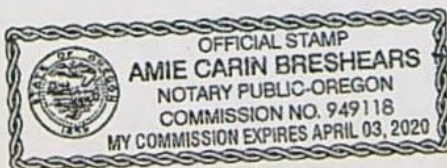

Don Nienke

State of Oregon } ss

County of Harney }

On this 15 day of March, 2017, before me, a Notary Public in and for said state, personally appeared Don Nienke, known or identified to me to be the person(s) whose name(s) is/are subscribed to the within Instrument and acknowledged to me that he/she/they executed same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.




Notary Public for the State of OR
Residing at: Burns
Commission Expires: 4.3.20

EXHIBIT "A"

145745AM

Parcel A

Land in Harney County, Oregon, as follows:

In Twp. 27 S., R. 30 E., W.M.:

Sec. 34: SE $\frac{1}{4}$, S $\frac{1}{2}$ NE $\frac{1}{4}$.

Sec. 35: S $\frac{1}{2}$, S $\frac{1}{2}$ N $\frac{1}{2}$.

In Twp. 28 S., R. 30 E., W.M.:

Sec. 1: Lots 1, 2, 3 and 4, S $\frac{1}{2}$ N $\frac{1}{2}$, S $\frac{1}{2}$. SAVE & EXCEPT highway right of way as conveyed

to the State of Oregon, by and through its State Highway Commission, by deed

recorded September 17, 1963, in Book 74, Page 84, and recorded November 4,

1963, in Book 74, Page 272, and recorded December 3, 1963, in Book 74, Page

367, Deed Records.

Sec. 2: Lots 1, 2, 3 and 4, S $\frac{1}{2}$ N $\frac{1}{2}$, S $\frac{1}{2}$.

Sec. 3: Lots 1 and 2, SE $\frac{1}{4}$ NE $\frac{1}{4}$, E $\frac{1}{2}$ SE $\frac{1}{4}$.

Sec. 11: NE $\frac{1}{4}$ NW $\frac{1}{4}$, N $\frac{1}{2}$ NE $\frac{1}{4}$.

Sec. 12: N $\frac{1}{2}$ N $\frac{1}{2}$. SAVE & EXCEPT highway right of way conveyed to the State of Oregon,

by and through its State Highway Commission, by deed recorded October 22,

1963, in Book 74, Page 217, and recorded November 4, 1963, in Book 74, Page

272, Deed Records.

In Twp. 28 S., R. 31 E., W.M.:

Sec. 6: Lots 6 and 7, E $\frac{1}{2}$ SW $\frac{1}{4}$, W $\frac{1}{2}$ SE $\frac{1}{4}$.

Sec. 7: Lot 1.

DW
KJS
LS



Oregon

Kate Brown, Governor

Water Resources Department

725 Summer St NE, Suite A

Salem, OR 97301

(503) 986-0900

Fax (503) 986-0904

January 9, 2023

VIA E-MAIL

Applicants

LORIN D. SHERBURN AND
KATHARINE J. SHERBURN
68439 HWY 205
BURNS, OR 97720

Applicants and Receiving Landowners

JACOB DAVIS AND
ELLI DAVIS
37626 SODHOUSE LANE
PRINCETON, OR 97721

Reference: Water Right Transfer Application T-14060

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-14060. 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 **February 8, 2023**.

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 February 8, 2023**, 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;
 - i. Prepared within 3 months of the Draft Preliminary Determination showing current ownership; **OR**
 - ii. Prepared within 3 months of recording of a water right conveyance agreement; **OR**
 - iii. Have a prepared date showing ownership 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)
6. Notice of this transfer will need to be published in a newspaper with general circulation in the area where the water rights are currently located. You will be responsible for the charges.

Conditions to your water right...

The Watermaster has required a water measurement device at the new diversion point 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.

Please note the proposed date by which all conditions must be met: October 1, 2024. 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. Because there is more than ¼ mile between the new and the authorized point of appropriation, the Department will publish notice of the transfer in a local newspaper having a general circulation in the area of the water right at least once per week for two consecutive weeks. You are responsible for sending a check to cover the cost of publication prior to the issuance of the Preliminary Determination and publication of notice. As outlined in OAR 690-380-4020(3), publication costs include both the direct cost of the notice and indirect processing costs (not to exceed 20% of the direct costs) for processing.

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 February 8, 2023, a Preliminary Determination may be issued denying the application as incomplete.

Please contact me at scott.a.grew@water.oregon.gov or 503-986-0890 if I may be of assistance.

Sincerely,

Scott Grew

Transfer Specialist

Transfer and Conservation Section

cc: Transfer Application File T-14060
Dally Swindlehurst, District 10 Watermaster *(via e-mail)*
John A. Short, Agent for the applicant *(via e-mail)*

encs

BEFORE THE WATER RESOURCES DEPARTMENT
OF THE
STATE OF OREGON

In the Matter of Transfer Application
T-14060, Harney County

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D R A F T

PRELIMINARY DETERMINATION
PROPOSING APPROVAL A CHANGE IN
POINT OF APPROPRIATION AND CHANGE
IN PLACE OF USE

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

LORIN D. SHERBURN AND
KATHARINE J. SHERBURN
68439 HWY 205
BURNS, OR 97720

Applicants and Receiving Landowners

JACOB DAVIS AND
ELLI DAVIS
37626 SODHOUSE LANE
PRINCETON, OR 97721

Findings of Fact

1. On August 1, 2022, LORIN D. SHERBURN, KATHARINE J. SHERBURN, JACOB DAVIS AND ELLI DAVIS filed an application to change the point of appropriation and to change the place of use under Certificate 93979. The Department assigned the application number T-14060.
2. JACOB DAVIS AND ELLI DAVIS are the receiving landowners who will be responsible for completion of the changes.
3. Notice of the application for transfer was published on August 9, 2022, pursuant to OAR 690-380-4000. No comments were filed in response to the notice.
4. The right to be transferred is as follows:

Certificate: 93979 in the name of LORIN D. SHERBURN (perfected under Permit G-16980)
Use: IRRIGATION of 120.0 ACRES
Priority Date: FEBRUARY 9, 2012
Rate: 2.0 CUBIC FEET PER SECOND

Limit/Duty: The amount of water used for irrigation under this right, together with the amount secured under any other right existing for the same lands, is limited to a diversion of ONE-SIXTIETH of one cubic foot per second and 3.0 acre-feet for each acre irrigated during the irrigation season of each year.

Period of Use: APRIL 1 THROUGH OCTOBER 31

Source: WELL CF4 IN DONNER UND BLITZEN RIVER BASIN

Authorized Point of Appropriation:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
27 S	30 E	WM	35	SE NW	WELL CF4 - 3300 FEET NORTH AND 3168 FEET WEST FROM THE SE CORNER OF SECTION 35

Authorized Place of Use:

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
27 S	30 E	WM	35	SW NW	19.7
27 S	30 E	WM	35	SE NW	20.4
27 S	30 E	WM	35	NE SW	34.9
27 S	30 E	WM	35	NW SW	35.3
27 S	30 E	WM	35	SW SW	4.9
27 S	30 E	WM	35	SE SW	4.8
Total					120.0

5. Transfer Application T-14060 proposes to move the authorized point of appropriation approximately 7.4 miles from the existing point of appropriation to:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
27 S	31 E	WM	25	SW NE	540 FEET NORTH AND 1350 FEET WEST FROM THE E 1/4 CORNER OF SECTION 25

6. Transfer Application T-14060 also proposes to change the place of use of the right to:

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
27 S	31 E	WM	25	SW NE	37.6
27 S	31 E	WM	25	SE NE	14.0
27 S	31 E	WM	25	SE NW	9.6
27 S	31 E	WM	25	NE SW	9.0
27 S	31 E	WM	25	NE SE	13.5
27 S	31 E	WM	25	NW SE	36.3
Total					120.0

Transfer Review Criteria (OAR 690-380-4010)

7. Water has been used within the last five years according to the terms and conditions of the right. There is no information in the record that would demonstrate that the right is subject to forfeiture under ORS 540.610.

8. A pump, pipeline, and sprinkler system sufficient to use the full amount of water allowed under the existing right were present within the five-year period prior to submittal of Transfer Application T-14060.
9. The proposed change would not result in enlargement of the right.
10. The proposed change would not result in injury to other water rights.
11. All other application requirements are met.

Determination and Proposed Action

The change in point of appropriation and change in place of use proposed in Transfer Application T-14060 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-14060 is approved, the final order will include the following:

1. *The change in point of appropriation and change in place of use proposed in Transfer Application T-14060 are approved.*
2. *The right to the use of the water is restricted to beneficial use at the place of use described and is subject to all other conditions and limitations contained in Certificate 93979 and any related decree.*
3. *Water right Certificate 93979 is cancelled.*
4. *The quantity of water diverted at the new point of appropriation, shall not exceed the quantity of water lawfully available at the original point of appropriation.*
5. *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.*
6. *Water shall be acquired from the same aquifer (water source) as the original point of appropriation.*
7. *The former place of use of the transferred right shall no longer receive water under the right.*

8. *Full beneficial use of the water shall be made, consistent with the terms of this order, on or before **October 1, 2024**. 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.*
9. *After satisfactory proof of beneficial use is received, a new certificate confirming the right 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 Scott Grew. If you have questions about the information in this document, you may reach him at scott.a.grew@water.oregon.gov or 503-986-0890.

Oregon Water Resources Department

Measurement Condition Information for the Applicant

*(To be sent with the Draft Preliminary Determination or Final Order)*Transfer #: T- 14060

☒ In order to avoid enlargement of the right or injury to other rights, a TFM 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: Dally SwindlehurstDistrict: 10Address: 450 N Buena VistaCity/State/Zip: Burns OR 97720Phone: 541-573-2591Email: donald.s.swindlehurst@water.oregon.gov

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

Approval of an Alternate Measurement Device

T- _____

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

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

Watermaster signature_____
District_____
Date

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

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



Oregon

Kate Brown, Governor

Water Resources Department

725 Summer St NE, Suite A

Salem, OR 97301

(503) 986-0900

Fax (503) 986-0904

February __, 2022

Applicants

LORIN D. SHERBURN AND
KATHARINE J. SHERBURN
68439 HWY 205
BURNS, OR 97720

Receiving Landowners

JACOB DAVIS AND
ELLI DAVIS
37626 SODHOUSE LANE
PRINCETON, OR 97721

SUBJECT: Water Right Transfer Application T-14060

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

Items needed before the next phase of processing...

At this time you need to:

1. submit a check for _____ (to cover cost of publication of the notice), made out to the Oregon Water Resources Department. *[caseworker: enter \$dollar amount also in footer and delete this note]*
2. write "for T-14060 NOTICE" on the front of your check, and
3. submit it with the tracking stub at the bottom of this letter.

Mail the check to 725 Summer St. NE, Suite A, Salem, OR 97301-1266, **no later than** *[insert 30 day due date here]*.

What happens next...

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

If we do not receive payment for newspaper notice by *[insert 30 day due date here]*, a Preliminary Determination may be issued denying the application as incomplete.

✂-----
Attached is a check for \$XXX.XX (PCA #46118) for Newspaper Notice for Transfer T-14060 made out to Oregon Water Resources Department (or WRD)

- "for T- 14060 NOTICE" written on front of check

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

Caseworker: Scott Grew

Please contact me at scott.a.grew@water.oregon.gov or 503-986-0890 if I may be of assistance.

Sincerely,

Scott Grew

Transfer Specialist

Transfer and Conservation Section

cc: Transfer Application File T-14060
 Dally Swindlehurst, District 10 Watermaster *(via e-mail)*
 John A. Short, Agent for the applicant *(via e-mail)*

PR ✓

**Notice of Preliminary Determination for
Water Right Transfer T-14060**

T-14060 filed by Lorin D. Sherburn and Katharine J. Sherburn, 68439 Hwy 205 Burns, OR 97720 and Jacob Davis and Elli Davis, 37626 Sodhouse Lane, Princeton, OR 97721, propose a change in point of appropriation and change in place of use under Certificate 93979. The right allows the use of 2.0 cubic feet per second from WellCF4 in Sec. 35, T27S, R30E, WM for irrigation in Sec. 35, T27SS, R30E, WM. The applicant proposes to move the point of appropriation in Sec. 25, T27S, R31E, WM and to change the place of use to Sec. 25, T27S, R31E, WM. The Water Resources Department proposes to approve the transfer, based on the requirements of ORS Chapter 540 and OAR 690-380-5000.

Any person may file, jointly or severally, a protest or standing statement within 30 days after the last date of newspaper publication of this notice, MM/DD/YEAR. Call (503) 979-9931 to obtain additional information. If no protests are filed, the Department will issue a final order consistent with the preliminary determination.

Watermaster Review Form: Water Right Transfer



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

Transfer Application: T- 14060

Review Due Date: _____

Applicant Name: Jacob Davis & Elli Davis

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

Reviewer(s): Dally Swindlehurst

Date of Review: 10/03/22

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 Type text here
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 Type text here ☐ 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 Type text here 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 Type text here Would the quantity be measureable into the receiving stream consistent with OAR 690-077-0015(8)? ☐ Yes ☐ No

9. For POU changes: ☐ N/A Is it likely the original place of use would continue to receive water from the same source? ☐ Yes ☒ No If "Yes", explain: _____
10. For POU or USE changes: ☐ N/A In your best judgment, would use of the existing right at "full face value," result in the diversion of more water than can be used beneficially and without waste? ☐ Yes ☒ No If "Yes", explain: _____
11. For POU changes that involve micro-irrigation: ☒ N/A
- a. Has the applicant made changes (absent a transfer) to convert to micro-irrigation within the current place of use boundary of the water right proposed for transfer, and previously demonstrated to the Department through monitoring and site inspections by the Watermaster that the proposed transfer will not result in injury or enlargement? ☐ Yes ☐ No If "Yes", explain: _____
 - b. Has a temporary transfer of this nature been previously filed and approved on the same lands (or portions thereof) as those lands involved in this transfer?
☐ Yes ☐ No If "Yes", answer the following:
 - i. Were there any problems with more acres being irrigated (or wetted) than were authorized under the temporary transfer? ☐ Yes ☐ No
If "Yes", explain: _____
 - ii. Did the designated areas that were to remain dry (or not wetted) under the temporary transfer actually remain dry? ☐ Yes ☐ No
If "No", explain: _____
 - iii. Did the applicant comply with and meet all of the conditions of the temporary transfer? ☐ Yes ☐ No If "No", explain: _____
 - iv. Do you have any other observations regarding the temporary transfer?
☐ Yes ☐ No If "Yes", describe: _____
 - v. Did the applicant demonstrate to the Department through monitoring and site inspections by the Watermaster that neither injury nor enlargement occurred as a result of the temporary transfer? ☐ Yes ☐ No
If "No", explain: _____
 - c. To the best of your knowledge, if this transfer is approved, does it appear that:
 - i. "Injury" will occur to other water rights that share the same source?
☐ Yes ☐ No If "Yes", explain: _____
 - ii. "Enlargement" of the water right being transferred will occur?
☐ Yes ☐ No If "Yes", explain: _____
12. Are there other issues not identified through the above questions that should be considered in determining whether the change "can be effected without injury to other rights"?
☐ Yes ☒ No If "Yes", explain: _____

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

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

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

☐ A Headgate should be required prior to diverting water.

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

a. **Before water use may begin** under this order, the water user shall install a **totalizing flow meter***, or, with prior approval of the Director, another suitable measuring device, ☒ at each point of diversion/appropriation (new and existing)

OR ☐ at each new point of diversion/appropriation

☐ with the exception that water rights issued to the Bureau of Reclamation or an irrigation district (or similar entity) are not subject to this condition.

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

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

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

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

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

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

☐ Weir

☐ Submerged Orifice

☐ Parshall Flume

☐ Flow Restrictor

☐ Other: _____

Oregon Water Resources Department

Measurement Condition Information for the Applicant

*(To be sent with the Draft Preliminary Determination or Final Order)*Transfer #: T- 14060

☒ In order to avoid enlargement of the right or injury to other rights, a TFM 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: Dally SwindlehurstDistrict: 10Address: 450 N Buena VistaCity/State/Zip: Burns OR 97720Phone: 541-573-2591Email: donald.s.swindlehurst@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

Groundwater Transfer Review Summary Form

Transfer/PA # T- 14060

GW Reviewer Darrick E. Boschmann Date Review Completed: 09/14/2022

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-14060

Applicant Name: Davis/Sherburn

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

Reviewer(s): Darrick E. Boschmann

Date of Review: 09/14/2022

Date Reviewed by GW Mgr. and Returned to WRSD: JTI 11/7/22

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: _____

This application is related to certificate 93979 which authorizes groundwater pumping from one well (POD 1 = HARN 51849) for primary irrigation of 120.0 acres in the Malheur Lake Basin. The following changes are sought:

1. Change the POA to a proposed well (not yet constructed) located 27S/31E-25 SW-NE.
2. Move the POU.

2. Will the proposed POA develop the same aquifer (source) as the existing authorized POA?
☒ Yes ☐ No Comments: _____

In the area of the "from" well groundwater occurs in the Younger basin fill, Older basin fill, and Proximal vent deposits hydrostratigraphic units. In the area of the "to" well groundwater occurs primarily in the Voltage basalt hydrostratigraphic unit. Groundwater occurs in multiple hydrostratigraphic units, and groundwater within these units is hydraulically connected, making a single groundwater system composed of multiple hydrostratigraphic units (Gingerich and others, 2022).

In general, groundwater in the Harney Basin flows from several upland recharge areas to a common discharge area near Malheur and Harney Lakes, with some apparent discharge to the Malheur Basin through one or more areas along the eastern margin. While the rocks and sediments making up the aquifer system in the Harney Basin do constitute a single groundwater flow system, sub-watersheds within the basin contribute recharge to different parts of the system depending on groundwater flow-paths from recharge to discharge areas. In general, within these sub-watersheds water within the aquifer system is sourced from a common recharge area and can therefore be considered a single source. Both the currently authorized well and the proposed well are within the Donner und Blitzen drainage and are located along groundwater flow paths flowing northward toward Malheur Lake.

3. a) Is there more than one source developed under the right (e.g., basalt and alluvium)?
☐ Yes ☒ No _____
- b) If yes, estimate the portion of the right supplied by each of the sources and describe any limitations that will need to be placed on the proposed change (rate, duty, etc.): _____
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 proposed well is located approximately 7.5 miles east of the currently authorized well. This will result in an incremental increase in interference with wells to the east.
- 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: The nearest authorized wells to the proposed well are under the same ownership. Any increase in interference with authorized wells located approximately 1 mile to the north would not meet the standard for substantial or undue interference.
5. a) Will this proposed change, at its maximum allowed rate of use, likely result in an increase in interference with **another surface water source**?
☒ Yes ☐ No Comments: The proposed well is located closer to the Donner und Blitzen River than the currently authorized well.
- 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?

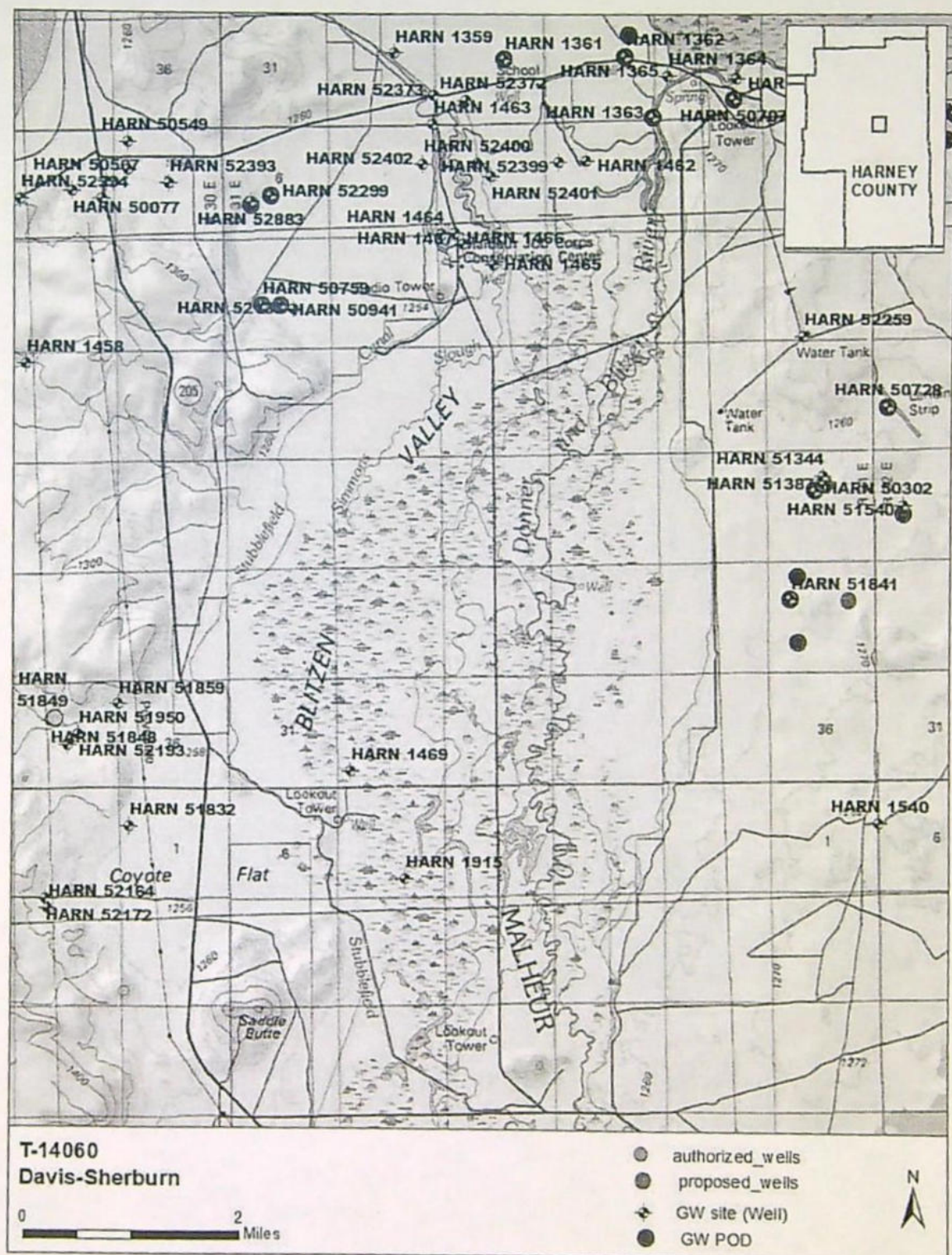
Stream: Donner und Blitzen☒ Minimal ☐ Significant

Stream: _____

☐ Minimal ☐ Significant

Provide context for minimal/significant impact: The currently authorized well is located over 4 miles from the river. The proposed well location is still over 2.5 miles from the river, and at this distance any increase in interference will be minimal.

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: _____
7. What conditions or other changes in the application are necessary to address any potential issues identified above: none.
8. Any additional comments: none.



**STATE OF OREGON
WATER RESOURCES DEPARTMENT**

RECEIPT # **139073**

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

INVOICE # _____

RECEIVED FROM: J.J. Farm & Ranch
BY: Jacob or Elli Davis

APPLICATION	
PERMIT	
TRANSFER	T-14060

CASH: ☐ CHECK: # 2055 OTHER: (IDENTIFY) ☐

TOTAL REC'D \$ 1,853.62

1083 TREASURY 4170 WRD MISC CASH ACCT

0407 COPIES 47124 R11-286-23 \$
0412 OTHER: (IDENTIFY) Transfer Subsidy \$ 1,853.62
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	\$	0204	\$
0205	TRANSFER	\$		
	WELL CONSTRUCTION	EXAM FEE		LICENSE FEE
0218	WELL DRILL CONSTRUCTOR	\$	0219	\$
	LANDOWNER'S PERMIT		0220	\$

OTHER (IDENTIFY) _____

0536 TREASURY 0437 WELL CONST. START FEE

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

0607 TREASURY 0467 HYDRO ACTIVITY LIC NUMBER

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

TREASURY OTHER / RDX

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

RECEIPT: **139073**

DATE: 9-6-2022 BY: [Signature]

SEP 06 2022

Salem, OR

**REIMBURSEMENT AUTHORITY
APPLICANT'S AGREEMENT
Contract Number: R11-386-23**

This Agreement is between the **Oregon Water Resources Department**, hereafter OWRD, and **Jacob and Elli Davis**, hereafter Applicant, hereafter known together as the parties.

OWRD Information	Applicant's Information	Applicant's Representative
Contact: Kelly Starnes	Name: Jacob and Elli Davis	Name: Water Right Services, LLC
Title: Transfer Advisor	Contact:	Contact: Bryce Withers
Address: 725 Summer Street, NE, Suite A Salem, OR 97301-1266	Address: 37626 Sodhouse Ln Princeton, OR 97721	Address: PO Box 1830 Bend, OR 97709
Phone: 503 979-3511	Phone: (541) 589-0306	Phone: (541) 389-2837
Fax: 503 986-0901	Fax:	Fax:
Email: patrick.k.starnes@water.oregon.gov	Email: jacobdavis1219@gmail.com	Email: johnshort@usa.com

Purpose The purpose of this Agreement is to expedite the processing of the **Transfer Application**. (**Application Number: T-14060**)

1. **Authority.** The OWRD has been authorized pursuant to ORS 536.055 to enter into a voluntary agreement with any applicant, permittee or regulated entity (collectively Applicant) for expediting or enhancing a regulatory process. In making this agreement, OWRD shall require the applicant to pay the full cost of expedited process.
2. **Restrictions.** Applicant and OWRD agree that this Agreement shall not be construed to restrict in any way the decisions and actions by OWRD. OWRD shall be free to exercise independent judgment consistent with existing laws and regulations.
3. **Effective Date and Duration.** Unless otherwise terminated by non-deposit of funds by the Applicant, this Agreement shall become effective on the date on which both parties have signed the Agreement and the full deposit of the estimated cost of the proposed service.
4. **Consideration.**
 - a. Applicant shall pay OWRD in advance for actual costs incurred by OWRD. The estimated maximum reimbursement payable to OWRD under this Agreement is **\$1,853.62**. Applicant agrees to pay the full amount of **\$1,853.62** 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:

Jacob J. Davis Ellie R. Davis
Name/Title:

08/28/22
Date

For OWRD:

Dwight French
Dwight French – Administrator

9/9/2022
Date

Mail signed Agreement to:

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

RECEIVED

SEP 06 2022

OWRD

5/16/2022

125.00

1487

RECEIVED

JUN 09 2022

OWRD

RECEIVED

MAY 19 2022

OWRD

RECEIVED

AUG 01 2022

OWRD

Bank of Eastern Oreg

125.00

STATE OF OREGON
WATER RESOURCES DEPARTMENT

725 Summer St. N.E. Ste. A

SALEM, OR 97301-4172

(503) 986-0900 / (503) 986-0904 (fax)

RECEIPT # 138796

INVOICE # _____

RECEIVED FROM: J-J Farm And Ranch

BY: _____

APPLICATION	
PERMIT	
TRANSFER	T-14060

CASH: _____ CHECK: # 1487 OTHER: (IDENTIFY) _____

TOTAL REC'D \$125.00

1083 TREASURY 4170 WRD MISC CASH ACCT

0407 COPIES 47124 R11386-23 \$
 0412 OTHER: (IDENTIFY) Reimbursement \$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	\$
0203	GROUND WATER	\$
0205	TRANSFER	\$
WELL CONSTRUCTION		
0218	WELL DRILL CONSTRUCTOR	\$
	LANDOWNER'S PERMIT	\$
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: 138796

DATED: 8-1-2022 BY: _____



OREGON WATER RESOURCES DEPARTMENT
TRANSFER REIMBURSEMENT AUTHORITY
ESTIMATE APPLICATION



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

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

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

REQUEST	TYPE	FILE NUMBER
☒	Transfer Application	Transfer Number <u>T-140160</u> <u>T-B-D</u>

	Applicant Information	Applicant's Representative/Contact
Name:	JACOB & ELLI DAVIS	BRYCE WITHERS/WATER RIGHT SERVICES, LLC
Address:	37626 SODHOUSE LN PRINCETON, OR 97721	PO BOX 1830 BEND, OR 97709
Phone:	541-589-0306	541-389-2837
Fax:		
E-Mail Address:	JACOBDAVIS1219@GMAIL.COM	JOHNSHORT@USA.COM

I understand the following:

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

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

RECEIVED

AUG 01 2022

OWRD

RECEIVED

JUN 09 2022

OWRD

I certify that I am the (check one):

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

Name: Bryce Withers

Signature: _____

Bryce Withers

RECEIVED

MAY 19 2022

OWRD

OWRD USE ONLY: Reimbursement Authority Number: R11-386 -23



Oregon
Kate Brown, Governor

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

August 9, 2022

JACOB DAVIS
ELLI DAVIS
37626 SODHOUSE LANE
PRINCETON, OR 97721

LORIN SHERBURN
KATHARINE SHERBURN
68439 HWY 205
BURNS, OR 97720

Reference: Application T-14060

On August 1, 2022, OWRD received your water right Permanent Transfer Application. The application was accompanied by \$3440.00. Our receipt number 138810 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.

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 in the new place of use or from the new point of 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.

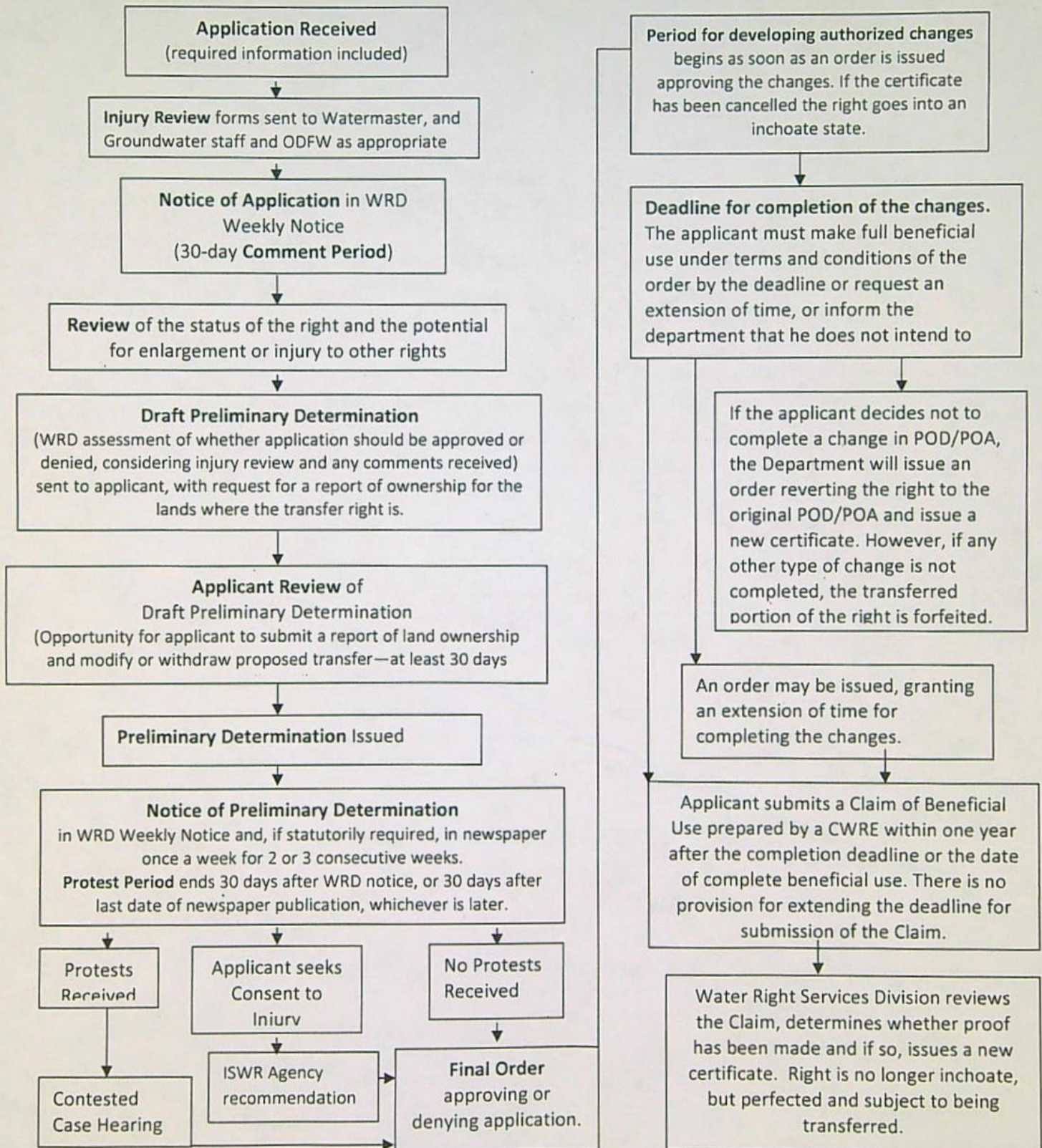
If you have any questions, please contact the Transfer Section at (503) 979-9931.

Cc: Watermaster Dist. #10, J R. Johnson (*via email*)
John A. Short, Agent
Harney County

Enclosure

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

OAR 690 Division 380



**STATE OF OREGON
WATER RESOURCES DEPARTMENT**

RECEIPT # **138810**

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

INVOICE # _____

RECEIVED FROM: J-J Farm And Ranch

BY: _____

CASH: ☐ CHECK: # 1536 OTHER: (IDENTIFY) ☐ _____

APPLICATION	
PERMIT	
TRANSFER	<u>T-14060</u>

TOTAL REC'D \$3,440.00

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 46110 \$ _____

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 \$3,440.00 \$ _____

WELL CONSTRUCTION

0218 WELL DRILL CONSTRUCTOR \$ _____ 0219 \$ _____

LANDOWNER'S PERMIT 0220 \$ _____

OTHER (IDENTIFY) _____

0536 TREASURY 0437 WELL CONST. START FEE

0211 WELL CONST START FEE \$ _____ CARD# _____

0210 MONITORING WELLS \$ _____ CARD# _____

OTHER (IDENTIFY) _____

0607 TREASURY 0467 HYDRO ACTIVITY LIC NUMBER

0233 POWER LICENSE FEE (FWWRD) \$ _____

0231 HYDRO LICENSE FEE (FWWRD) \$ _____

HYDRO APPLICATION \$ _____

TREASURY OTHER / RDX

FUND _____ TITLE _____

OBJ. CODE _____ VENDOR # _____

DESCRIPTION \$ _____

RECEIPT: **138810**

DATE: 8-1-2022 BY: [Signature]

Application for Permanent Water Right Transfer

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

Part 1 of 5 – Minimum Requirements Checklist

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

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

RECEIVED

AUG 01 2022

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

- ☒ Part 1 – Completed Minimum Requirements Checklist.
- ☒ Part 2 – Completed Transfer Application Map Checklist.
- ☒ Part 3 – Application Fee, payable by check to the Oregon Water Resources Department, and completed Fee Worksheet, page 3. Try the new online fee calculator at:
http://apps.wrd.state.or.us/apps/misc/wrd_fee_calculator.
- ☒ Part 4 – Completed Applicant Information and Signature.
- ☒ Part 5 – Information about Water Rights to be Transferred: **How many water rights are to be transferred? 1 List them here: 93979**

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):

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

Other/Explanation _____

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

RECEIVED

JUN 09 2022

OWRD

RECEIVED

MAY 19 2022

OWRD

Part 2 of 5 – Transfer Application Map

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

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

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

Part 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, $1.25 \text{ cfs} \div 100 \text{ ac}$); 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 _____ (2a) Subtract 1 from the number in 2a above: _____ (2b) <i>If only one well this will be 0</i>		
2	Multiply line 2b by \$480 and enter » » » » » » » » » » » » » » » »	2	
3	Add entries on lines 1 through 2 above » » » » » » Fee for Substitution:	3	

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Part 4 of 5 – Applicant Information and Signature

Applicant Information

APPLICANT/BUSINESS NAME JACOB DAVIS & ELLI DAVIS			PHONE NO. 541-589-0306	ADDITIONAL CONTACT NO.
ADDRESS 37626 SODHOUSE LN			FAX NO.	
CITY PRINCETON	STATE OR	ZIP 97721	E-MAIL JACOBDAVIS1219@GMAIL.COM	
BY PROVIDING AN E-MAIL ADDRESS, CONSENT IS GIVEN TO RECEIVE ALL CORRESPONDENCE FROM THE DEPARTMENT ELECTRONICALLY. COPIES OF THE FINAL ORDER DOCUMENTS WILL ALSO BE MAILED.				

Applicant Information

APPLICANT/BUSINESS NAME LORIN D. SHERBURN & KATHARINE J. SHERBURN			PHONE NO. 541-573-1380	ADDITIONAL CONTACT NO.
ADDRESS 68439 HWY 205			FAX NO.	
CITY BURNS	STATE OR	ZIP 97720	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 JOHN A. SHORT / WATER RIGHT SERVICES, LLC			PHONE NO. 541-389-2837	ADDITIONAL CONTACT NO.
ADDRESS PO BOX 1830			FAX NO.	
CITY BEND	STATE OR	ZIP 97709	E-MAIL JOHNSHORT@USA.COM	
BY PROVIDING AN E-MAIL ADDRESS, CONSENT IS GIVEN TO RECEIVE ALL CORRESPONDENCE FROM THE DEPARTMENT ELECTRONICALLY. COPIES OF THE FINAL ORDER DOCUMENTS WILL ALSO BE MAILED.				

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

MOVE TO A NEW PLACE OF USE AND POINT OF APPROPRIATION.

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

Check One Box

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

RECEIVED

AUG 01 2022

OWRD

RECEIVED

JUN 09 2022

OWRD

RECEIVED

MAY 19 2022

OWRD

By my signature below, I confirm that I understand:

- Prior to Department approval of the transfer application, I may be required to submit payment to the Department for publication of a notice in a newspaper with general circulation in the area where the water right is located, once per week for two consecutive weeks. If more than one qualifying newspaper is available, I suggest publishing the notice in the following newspaper: BURNS TIMES-HERALD.
- Amendments to the application may only be made in response to the Department's Draft Preliminary Determination (DPD). The applicant will have a period of at least 30 days to amend the application to address any issues identified by the Department in the DPD, or to withdraw the application. Note that amendments may be subject to additional fees, pursuant to ORS 536.050.
- Failure to complete an approved change in place of use and/or change in character of use, will result in loss of the water right (OAR 690-380-6010).
- 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

Applicant signature

Applicant signature

Applicant signature

JACOB DAVIS

Print Name (and Title if applicable)

ELLI DAVIS

Print Name (and Title if applicable)

LORIN D. SHERBURN

Print Name (and Title if applicable)

KATHARINE J. SHERBURN

Print Name (and Title if applicable)

Date

Date

Date

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

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AUG 01 2022

OWRD Revised 7/1/2021

Permanent Transfer Application Form – Page 5 of 9

RECEIVED

JUN 09 2022

OWRD

RECEIVED

MAY 19 2022

OWRD

TACS

RECEIVING LANDOWNER NAME JACOB DAVIS & ELLI DAVIS		PHONE NO. 541-589-0306	ADDITIONAL CONTACT NO.
ADDRESS 37626 SODHOUSE LN		FAX NO.	
CITY PRINCETON	STATE OR	ZIP 97721	E-MAIL
Describe any special ownership circumstances:			

☐ 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 HARNEY COUNTY PLANNING DEPARTMENT	ADDRESS 360 N. ALVORD AVE	
CITY BURNS	STATE OR	ZIP 97720

ENTITY NAME	ADDRESS	
CITY	STATE	ZIP

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Part 5 of 5 – Water Right Information

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

CERTIFICATE # 93979

Description of Water Delivery System

System capacity: 2.0 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. **PIPED FROM WELL TO POND, THEN A BOOSTER PUMP PUMPS WATER THROUGH A PIPELINE TO A PIVOT.**

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)
WELL CF4 "OFF"	☒ Authorized ☐ Proposed	HARN 51849 / L-107671	27	S	30	E	35	SE	NW	2000	3300' N, 3168' W OF SE COR SEC 35
WELL "ON"	☐ Authorized ☒ Proposed		27	S	31	E	25	SW	NE	2201	540' N, 1350' W OF E ¼ COR SEC 25
	☐ Authorized ☐ Proposed										
	☐ Authorized ☐ Proposed										

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

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

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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 # 93979

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	
													POU / POA	27	S	31	E	25	SW	NE	2201		37.6	IR	WELL "ON"	2012	
													"	"	"	"	"	"	SE	NE	2201		14.0	"	"	"	
													"	"	"	"	"	"	SE	NW	2201		9.6	"	"	"	
													"	"	"	"	"	"	NE	SW	2200		9.0	"	"	"	
													"	"	"	"	"	"	NE	SE	2201		13.5	"	"	"	
													"	"	"	"	"	"	NW	SE	2201		36.3	"	"	"	
TOTAL ACRES:													TOTAL ACRES:						120.0								

Additional remarks:_____.

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For Place of Use or Character of Use Changes

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

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

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

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

Ground water supplemental Permit or Certificate # _____;

Surface water primary Certificate # _____.

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For a change from Supplemental Irrigation Use to Primary Irrigation Use

Identify the primary certificate to be cancelled. Certificate # _____

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

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

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

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

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
WELL "ON"	NO		100'	16"	+2-34'	0-34'		26'	BLACK BASALT	

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WELL LABEL # L 107671

START CARD # 1016756

(1) LAND OWNER

Owner Well I.D. _____

First Name Don

Last Name Nienke

Company _____

Address 21765 SW 78th

City Tualatin

State Or

Zip 97062

(2) TYPE OF WORK

☒ New Well ☐ Deepening ☐ Conversion

☐ Alteration (repair/recondition) ☐ Abandonment

(3) DRILL METHOD

☒ Rotary Air ☐ Rotary Mud ☐ Cable ☐ Auger ☐ Cable Mud

☐ Reverse Rotary ☐ Other _____

(4) PROPOSED USE

☐ Domestic ☒ Irrigation ☐ Community

☐ Industrial/ Commercial ☐ Livestock ☐ Dewatering

☐ Thermal ☐ Injection ☐ Other _____

(5) BORE HOLE CONSTRUCTION

Special Standard ☐ (Attach copy)

Depth of Completed Well 582.00 ft.

BORE HOLE			SEAL			Amt	sacks/ lbs
Dia	From	To	Material	From	To		
18	0	20	Bentonite Chips	0	20	34	S
14	20	79					
12	79	582					

How was seal placed:

Method ☐ A ☐ B ☐ C ☐ D ☐ E

☒ Other poured & tamped

Backfill placed from _____ ft. to _____ ft. Material _____

Filter pack from _____ ft. to _____ ft. Material _____ Size _____

Explosives used: ☐ Yes Type _____ Amount _____

(6) CASING/LINER

Casing	Liner	Dia	+	From	To	Gauge	Stl	Pstc	Wld	Thrd
☒	☐	14	☒	2	79	.250	☒	☐	☒	☐
☐	☐		☐				☐	☐	☐	☐
☐	☐		☐				☐	☐	☐	☐
☐	☐		☐				☐	☐	☐	☐
☐	☐		☐				☐	☐	☐	☐

Shoe ☐ Inside ☐ Outside ☐ Other Location of shoe(s) _____

Temp casing ☐ Yes Dia _____ From _____ To _____

(7) PERFORATIONS/SCREENS

Perforations Method _____

Screens Type _____ Material _____

Perf/S	Casing/	Screen	From	To	Screen slot	Slot	# of	Tele/
screen	Liner	Dia			width	length	slots	pipe size

(8) WELL TESTS: Minimum testing time is 1 hour

☐ Pump ☐ Bailer ☒ Air ☐ Flowing Artesian

Yield gal/min Drawdown Drill stem/Pump depth Duration (hr)

400		250	1

Temperature 70 °F Lab analysis ☐ Yes By _____

Water quality concerns? ☐ Yes (describe below)

From	To	Description	Amount	Units

(9) LOCATION OF WELL (legal description)

County Harney Twp 27.00 S N/S Range 30.00 E E/W WM

Sec 35 SW 1/4 of the NW 1/4 Tax Lot 500

Tax Map Number _____

Lot _____

Lat _____ " or _____ DMS or DD

Long _____ " or _____ DMS or DD

☒ Street address of well ☐ Nearest address

53750 Hwy 205

Burns, Or. 97720

(10) STATIC WATER LEVEL

Date SWL(psi) + SWL(ft)

Existing Well / Predeepening		
Completed Well	05-28-2012	55.5

Flowing Artesian? ☐ Dry Hole? ☐

WATER BEARING ZONES

Depth water was first found 55.5

SWL Date	From	To	Est Flow	SWL(psi)	+ SWL(ft)
05-28-2012	480	520	400		55.5

(11) WELL LOG

Ground Elevation _____

Material	From	To
topsoil	0	1
clay yellow	1	20
sandstone yellow	20	70
clay & cinders	70	80
rock solid basalt	80	100
clay & cinders	100	110
clay yellow	110	117
clay green	117	135
clay & cinders	135	155
clay grey	155	400
clay green	400	480
sandstone green	480	520
quartz sand medium	520	565
sandstone grey	565	575
clay green grey	575	582

Date Started 05-25-2012

Completed 05-28-2012

(unbonded) Water Well Constructor Certification

I certify that the work I performed on the construction, deepening, alteration, or abandonment of this well is in compliance with Oregon water supply well construction standards. Materials used and information reported above are true to the best of my knowledge and belief.

License Number _____

Date _____

Electronically Filed

Signed _____

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(bonded) Water Well Constructor Certification

I accept responsibility for the construction, deepening, alteration, or abandonment work performed on this well during the construction dates reported above. All work performed during this time is in compliance with Oregon water supply well construction standards. This report is true to the best of my knowledge and belief.

License Number 1424

Date 05-29-2012

Electronically Filed

Signed TIMOTHY K RILEY (E-filed)

Contact Info (optional) _____

Land Use Information Form

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

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NOTE TO APPLICANTS

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

This form is NOT required if:

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

Applicant(s): JACOB & ELLI DAVIS

Mailing Address: 37626 SODHOUSE LN

City: PRINCETON

State: OR

Zip Code: 97721

Daytime Phone: _____

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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>27S</u>	<u>31E</u>	<u>25</u>	_____	<u>2201</u>	<u>EFRU-1</u>	☒ Diverted	☒ Conveyed	☒ Used	<u>IRRIGATION</u>
<u>"</u>	<u>"</u>	<u>"</u>	_____	<u>2200</u>	<u>"</u>	☐ Diverted	☒ Conveyed	☒ Used	<u>IRRIGATION</u>

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

HARNEY 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: 2.0 ☒ 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:

MOVE CERTIFICATE TO A NEW PLACE OF USE AND POINT OF APPROPRIATION.

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.

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): Hc20 3.010 / EPLU-1
- ☐ Land uses to be served by the proposed water uses (including proposed construction) involve discretionary land-use approvals as listed in the table below. (Please attach documentation of applicable land-use approvals which have already been obtained. Record of Action/land-use decision and accompanying findings are sufficient.) **If approvals have been obtained but all appeal periods have not ended, check "Being pursued."**

Type of Land-Use Approval Needed (e.g., plan amendments, rezones, conditional-use permits, etc.)	Cite Most Significant, Applicable Plan Policies & Ordinance Section References	Land-Use Approval:	
		☐ Obtained ☐ Denied	☐ Being Pursued ☐ Not Being Pursued
	RECEIVED	☐ Obtained ☐ Denied	☐ Being Pursued ☐ Not Being Pursued
	AUG 01 2022	☐ Obtained ☐ Denied	☐ Being Pursued ☐ Not Being Pursued
	OWRD	☐ Obtained ☐ Denied	☐ Being Pursued ☐ Not Being Pursued
		☐ Obtained ☐ Denied	☐ Being Pursued ☐ Not Being Pursued

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

Name: Brandon McMullen Title: Planning Director

Signature: [Signature] Phone: (541) 573-6655 Date: 4/24/2022

Government Entity: Hanney County

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: _____

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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)
) ss

County of DESCHUTES

I, BRYCE WITHERS, in my capacity as WATER RIGHT SPECIALIST,

mailing address PO BOX 1830 BEND, OR 97709

telephone number (541)389-2837, being first duly sworn depose and say:

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

☐ Personal observation

☒ Professional expertise

2. I attest that:

☒ Water was used during the previous five years on the **entire** place of use for
Certificate #93979 ; OR

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

Certificate #	Township	Range	Mer	Sec	¼ ¼	Gov't Lot or DLC	Acres (if applicable)

OR

☒ Confirming Certificate # 93979 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)

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3. The water right was used for: (e.g., crops, pasture, etc.): HAY
4. I understand that if I do not attach one or more of the documents shown in the table below to support the above statements, my application will be considered incomplete.

[Signature]
Signature of Affiant

April 11, 2022
Date

Signed and sworn to (or affirmed) before me this 11 day of April, 2022.



Linda Lee Miller
Notary Public for Oregon
My Commission Expires: July 12, 2025

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

CERTIFICATE OF WATER RIGHT

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THIS CERTIFICATE ISSUED TO

LORIN SHERBURN
68439 HWY 205
BURNS OR 97720

confirms the right to the use of water perfected under the terms of Permit G-16980. 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 point of diversion from the source. The specific limits and conditions of the use are listed below.

APPLICATION FILE NUMBER: G-17531

SOURCE OF WATER: WELL CF4 IN DONNER UND BLITZEN RIVER BASIN

PURPOSE OR USE: IRRIGATION OF 120.0 ACRES

MAXIMUM RATE: 2.0 CUBIC FEET PER SECOND

PERIOD OF USE: APRIL 1 THROUGH OCTOBER 31

DATE OF PRIORITY: FEBRUARY 9, 2012

WELL LOCATION:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
27 S	30 E	WM	35	SE NW	CF4 - 3300 FEET NORTH AND 3168 FEET WEST FROM SE CORNER, SECTION 35

The amount of water used for irrigation under this right, together with the amount secured under any other right existing for the same lands, is limited to a diversion of ONE-SIXTIETH of one cubic foot per second and 3.0 acre-feet for each acre irrigated during the irrigation season of each year.

THE PLACE OF USE IS LOCATED AS FOLLOWS:

Twp	Rng	Mer	Sec	Q-Q	Acres
27 S	30 E	WM	35	SW NW	19.7
27 S	30 E	WM	35	SE NW	20.4
27 S	30 E	WM	35	NE SW	34.9
27 S	30 E	WM	35	NW SW	35.3
27 S	30 E	WM	35	SW SW	4.9
27 S	30 E	WM	35	SE SW	4.8

NOTICE OF RIGHT TO PETITION FOR RECONSIDERATION OR JUDICIAL REVIEW

This is an order in other than a contested case. This order is subject to judicial review under ORS 183.484 and ORS 536.075. Any petition for judicial review must be filed within the 60-day time period specified by ORS 183.484(2). Pursuant to ORS 183.484, ORS 536.075 and OAR 137-004-0080, 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. In addition, under ORS 537.260 any person with an application, permit or water right certificate subsequent in priority may jointly or severally contest the issuance of the certificate within three months after issuance of the certificate.

Failure to comply with any of the provisions of this right may result in action including, but not limited to, restrictions on the use, civil penalties, or cancellation of the right.

If substantial interference with a senior water right occurs due to withdrawal of water from any well listed on this right, then use of water from the well(s) shall be discontinued or reduced and/or the schedule of withdrawal shall be regulated until or unless the Department approves or implements an alternative administrative action to mitigate the interference. The Department encourages junior and senior appropriators to jointly develop plans to mitigate interferences.

The well(s) shall be maintained in accordance with the General Standards for the Construction and Maintenance of Water Wells in Oregon. The works shall be equipped with a usable access port, and may also include an air line and pressure gauge adequate to determine the water level elevation in the well at all times.

The use may be restricted if the quality of downstream waters decreases to the point that those waters no longer meet existing state or federal water quality standards due to reduced flows.

Where two or more water users agree among themselves as to the manner of rotation in the use of water and such agreement is placed in writing and filed by such water users with the watermaster, and such rotation system does not infringe upon such prior rights of any water user not a party to such rotation plan, the watermaster shall distribute the water according to the agreement.

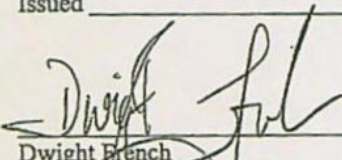
The Director may require water level or pump test results every ten years.

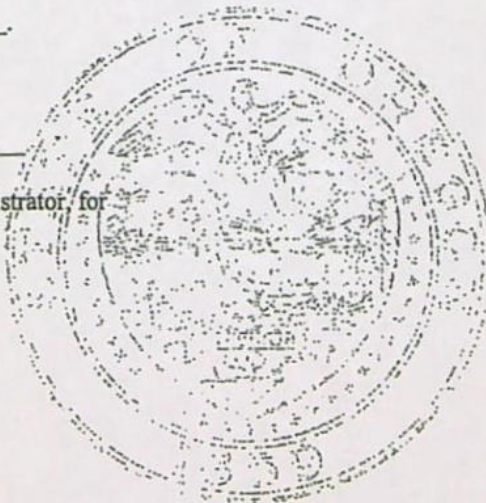
This right is for the beneficial use of water without waste. The water user is advised that new regulations may require the use of best practical technologies or conservation practices to achieve this end.

By law, the land use associated with this water use must be in compliance with statewide land-use goals and any local acknowledged land-use plan.

The right to the use of the water for the above purpose is restricted to beneficial use on the place of use described.

Issued AUG 24 2018


Dwight French
Water Right Services Division Administrator, for
Thomas M. Byler, Director
Oregon Water Resources Department



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Measurement, recording and reporting conditions:

- A. The water user shall maintain the totalizing flow meter or other suitable measuring device approved by the Director at each point of appropriation in good working order.
- B. The water user shall keep a complete record of the amount of water used each month, and shall submit a report which includes the recorded water use measurements to the Department annually or more frequently as may be required by the Director. Further, the Director may require the water user to report general water-use information, including the place and nature of use of water under the right.
- C. The water user shall allow the watermaster access to the meter or measuring device; provided however, where the meter or measuring device is located within a private structure, the watermaster shall request access upon reasonable notice.
- D. The Director may provide an opportunity for the water user to submit alternative measuring and reporting procedures for review and approval.

The water user shall ensure that the well has been assigned an OWRD Well Identification Number (Well ID tag), which shall be permanently attached to the well. The Well ID shall be used as a reference in any correspondence regarding the well, including any reports of water use, water level, or pump test data.

The Department requires the water user to obtain, from a qualified individual (see below), and report annual static water levels for each well on the permit. The static water level shall be measured in the month of March. Reports shall be submitted to the Department within 30 days of measurement.

The water user shall report annual March static water-level measurements whether or not the well is used. The reference level against which future measurements will be compared is 59.83 feet below land surface. The Director may require the user to obtain and report additional water levels each year if more data are needed to evaluate the aquifer system.

All measurements shall be made by a certified water rights examiner, registered professional geologist, registered professional engineer, licensed well constructor or pump installer licensed by the Construction Contractors Board. Measurements shall be submitted on forms provided by, or specified by, the Department. Measurements shall be made with equipment that is accurate to at least the standards specified in OAR 690-217-0045. The Department requires the individual performing the measurement to:

- A. Associate each measurement with an owner's well name or number and a Department well log ID; and
- B. Report water levels to at least the nearest tenth of a foot as depth-to-water below ground surface; and
- C. Specify the method of measurement; and
- D. Certify the accuracy of all measurements and calculations reported to the Department.

The water user shall discontinue use of, or reduce the rate or volume of withdrawal from, the well(s) if any of the following events occur:

- A. Annual water-level measurements reveal an average water-level decline of three or more feet per year for five consecutive years; or
- B. Annual water-level measurements reveal a water-level decline of 15 or more feet in fewer than five consecutive years; or
- C. Annual water-level measurements reveal a water-level decline of 25 or more feet; or
- D. Hydraulic interference leads to a decline of 25 or more feet in any neighboring well with senior priority.

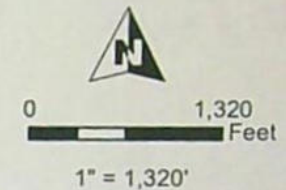
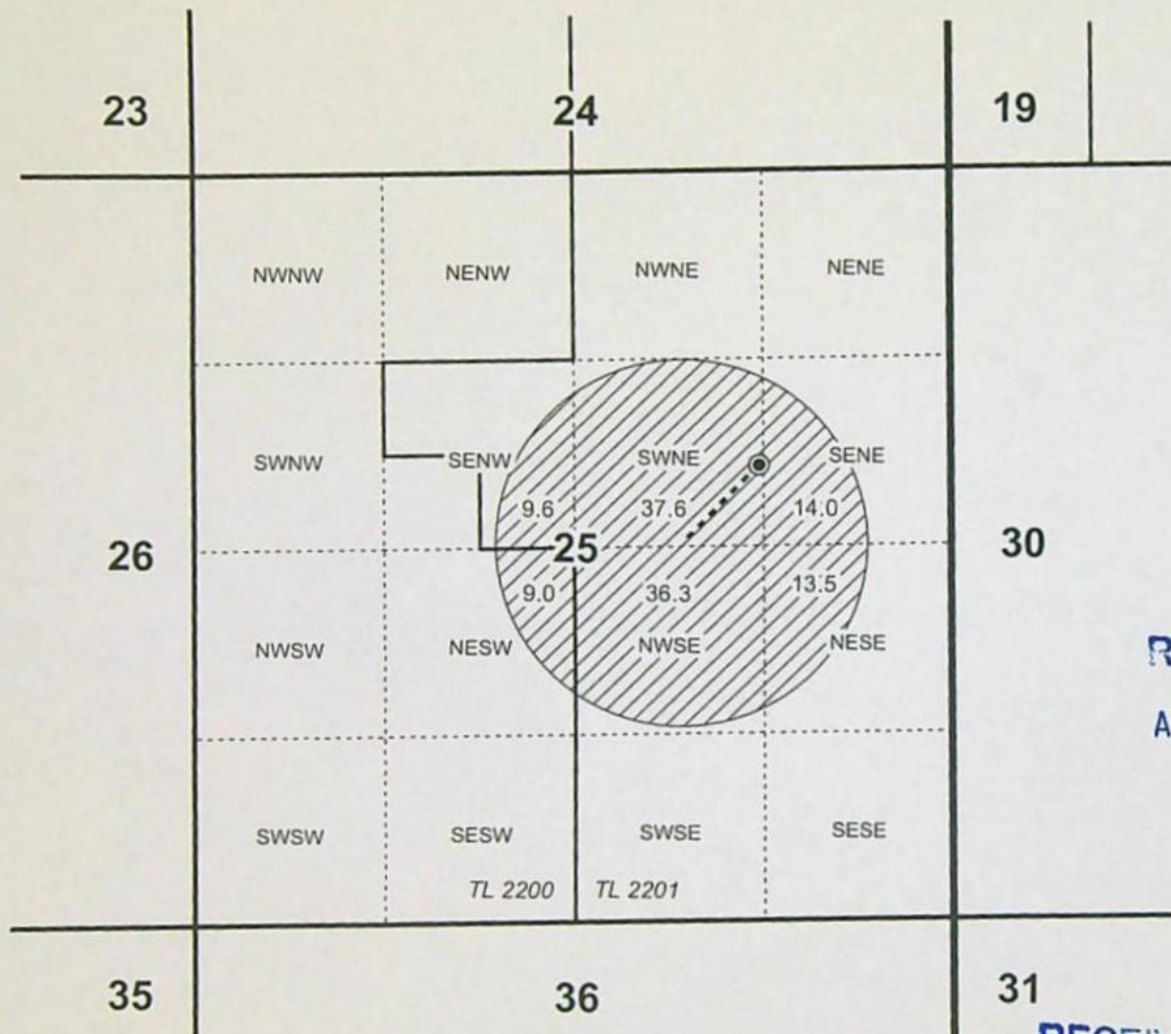
The period of restricted use shall continue until the water level rises above the decline level which triggered the action or until the Department determines, based on the water user's and/or the Department's data and analysis, that no action is necessary because the aquifer in question can sustain the observed declines without adversely impacting the resource or senior water rights. The water user shall in no instance allow excessive decline, as defined in Commission rules, to occur within the aquifer as a result of use under this right. If more than one well is involved, the water user may submit an alternative measurement and reporting plan for review and approval by the Department.

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Proposed Well Location:
540' N, 1,350' W of E 1/4 Cor Sec 25

T27S R31E, WM,
HARNEY COUNTY, OR

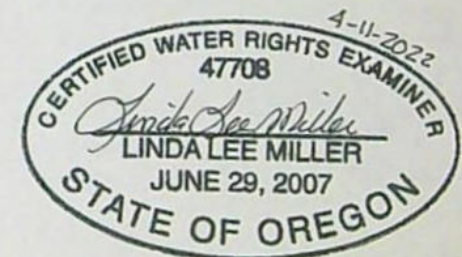


- Well "ON" (Proposed)
- Pipeline
- POU IR 2/9/2012 "ON"
- Township
- Section
- Quarter Quarter
- Tax Lot

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RENEWAL DATE 12/31/2022

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TRANSFER "ON" MAP
Jacob & Elli Davis

Certificate 93979

Date: 4/7/2022

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

WATER RIGHT SERVICES, LLC
PO BOX 1830, BEND, OR 97709
WWW.OREGONWATER.US CCB # 197121
johnshort@usa.com 541-389-2837

**T27S R30E, WM,
HARNEY COUNTY, OR**

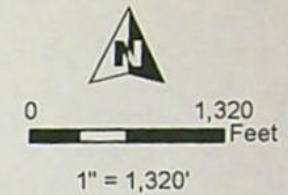
27

Well Location:

26

25

Well CF4 (HARN 51849 / L-107671):
3,300' N, 3,168' W
of SE Cor Sec 35



- Well "OFF"
- Pipeline
- Pond
- POU IR 2/9/2012 "OFF"
- Township
- Section
- Quarter Quarter
- Tax Lot

34

TL 1000

NWNW

NENW

NWNE

NENE

TL 2000

SWNW

SENW

SWNE

SENE

35.3

34.9

NWSW

NESW

NWSE

NESE

4.9

4.8

SWSW

SESW

SWSE

SESE

35

36

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RENEWAL DATE 12/31/2022

3

2

1

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TRANSFER "OFF" MAP
Sherburn

Certificate 93979

Date: 4/7/2022

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

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WATER RIGHT SERVICES, LLC
PO BOX 1830, BEND, OR 97709
WWW.OREGONWATER.US CCB # 197121
johnshort@usa.com 541-389-2837



Oregon
Kate Brown, Governor

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

May 25, 2022

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JUN 09 2022

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J.J. Farm and Ranch

Dear J.J. Farm and Ranch,

We are returning your application and check #1487 in the amount of \$125.00 to you. After reviewing the fees, we noticed the check was not signed to fully authorize payment. Please sign the check and resubmit the applications and fees.

If you have any questions or concerns, please do not hesitate to contact me at 503-986-0898 or by email at Stacy.H.Phillips@water.oregon.gov.

Thank you,

Stacy H. Phillips
Restoration Program Technician
Transfer and Conservation Section

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Cc: OWRD Fiscal

SMITH Joan M * WRD

From: John Short <johnshort@usa.com>
Sent: Monday, June 20, 2022 10:01 AM
To: SMITH Joan M * WRD
Subject: Re: Transfer Application & RA application for Davis

Hello Joan,

The bookkeeper did not sign the check so it was returned to Jake Davis. You should see it quite soon.

Sorry for the trouble.

Sincerely,
John

John A. Short CCB# 197121

541-389-2837

Water Right Services, LLC
PO Box 1830
Bend, OR 97709
johnshort@usa.com
oregonwater.us

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On Jun 15, 2022, at 7:22 AM, SMITH Joan M * WRD <Joan.M.SMITH@water.oregon.gov> wrote:

Good morning, John, we received an application for Transfer from Jacob and Ellie Davis, however, the application fee was not included only the RA request fee. The application fee should have been \$3340.00. I can hold the application until Tuesday, but I will have to return the application as incomplete if the fees are not received by then. Let me know what you would like to do.
Thank you in advance for your attention to this email.
Joan

JOAN M. SMITH | TRANSFER SPECIALIST

TRANSFER & CONSERVATION SECTION

725 Summer Street NE, Suite A Salem, OR 97301 | Phone 503-986-0892

NOTE: Many staff continue to work 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 a.m. - 5 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.



Oregon

Kate Brown, Governor

Water Resources Department

725 Summer St NE, Suite A

Salem, OR 97301

(503) 986-0900

Fax (503) 986-0904

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June 29, 2022

J & J Farm and Ranch

Permanent Transfer Application:

The Department is returning your application for the following reason(s).

- ☐ The water right is cancelled
- ☐ The permit is not assigned, or proper permissions were not included
- ☒ Application fee was not enclosed
- ☐ Application Fee is insufficient. See the attached calculator for the proper fee assessment.
- ☐ Land Use form was not enclosed
- ☐ Land use form was not complete
- ☐ Map was not enclosed
- ☐ Map is incomplete
- ☐ Part _____ and/or Table _____ is incomplete
- ☐ Additional signature (s) are required
- ☐ Other reasons

Reasons:

Please contact the customer service number at 503-986-0801
If you need assistance with your application.

Transfer and Conservation Section
Oregon Department of Water Resources

Permanent Transfer Application Intake Completion Checklist

Check the Certificate(s) in WRIS

Transfer # T- 14060

Checked by- <u>ALA</u>	Type of Change(s) Proposed: Mark the Proposed Changes	Substitution	Supplemental to Primary	☒ POU	☐ POD	☐ APOD
Date- <u>8/5/22</u>		Gov Action	Surface to Ground	USE	☒ POA	☐ APOA
Fee Received: <u>3340-</u>				How many rights to be Transferred? <u>2</u>		
Calculated Fee: <u>3340-</u>				Certificate # <u>93979</u>		
Additional Observations:						

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

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

OR: ☐ If all boxes to the left are NOT checked, then this application is deficient and **CANNOT** be accepted.
It should be returned and the deficiencies listed in the "staff" section at the bottom of Application Page 1, unless the applicant or agent can resolve the deficiencies within 2-3 days.

Actions taken: _____ Date: _____

Permanent Transfer Application Intake Completion Checklist

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