

## Temporary - DROUGHT

Name Harbinger Farm (Matt Day)Address 10909 North Myrtle Creek Rd.  
Myrtle Creek, OR 97457  
harbingerfarm97457@gmail.comChange in POU, PODDate Filed 8-15-2022Initial notice date 8-23-2022

DPD issued date \_\_\_\_\_

PD issued date \_\_\_\_\_

PD notice date \_\_\_\_\_

Date of FO 9-30-2022 Vol 125 Page 823

C-Date \_\_\_\_\_

COBU due date \_\_\_\_\_

COBU Received date \_\_\_\_\_

Certificate issued \_\_\_\_\_

## DESCRIPTION OF WATER RIGHT(S)

Name of Stream North Myrtle Creek ; SpringsTrib. of Myrtle Creek ; North Myrtle CreekUse Domestic ; Irrigation County Douglas

Quantity of water (CFS) \_\_\_\_\_ No. of Acres \_\_\_\_\_

Name of ditch \_\_\_\_\_

App# S-7797 Per # S-4991 Cert # 26677 PR Date 3/22/1921

App# \_\_\_\_\_ Per # \_\_\_\_\_ Cert # \_\_\_\_\_ PR Date \_\_\_\_\_

App# \_\_\_\_\_ Per # \_\_\_\_\_ Cert # \_\_\_\_\_ PR Date \_\_\_\_\_

App# \_\_\_\_\_ Per # \_\_\_\_\_ Cert # \_\_\_\_\_ PR Date \_\_\_\_\_

App# \_\_\_\_\_ Per # \_\_\_\_\_ Cert # \_\_\_\_\_ PR Date \_\_\_\_\_

## FEES PAID

Date	Amount	Receipt #
<u>8-15-2022</u>	<u>\$ 200.00</u>	<u>138933</u>

## FEES REFUNDED

Date	Amount	Receipt #
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Assignments: \_\_\_\_\_

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

Agent \_\_\_\_\_

CWRE \_\_\_\_\_

CC's list Douglas County☐ - Oversized map - Location \_\_\_\_\_





# Oregon

Kate Brown, Governor

## Water Resources Department

725 Summer St NE, Suite A

Salem, OR 97301

(503) 986-0900

Fax (503) 986-0904

September 30, 2022

HARBINGER FARM  
MATT DAY  
10909 NORTH MYRTLE CREEK RD  
MYRTLE CREEK, OR 97457

REFERENCE: Temporary Drought Transfer Application T-14070

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

The temporary change shall be effective upon issuance of this final order. Please note, the use shall revert back to the original authorized place of use at the end of the 2022 irrigation season or the end of the Governor's declared drought, whichever occurs first.

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

Sincerely,

Stacy H. Phillips  
Restoration Program Technician  
Transfers and Conservation Section

cc: Susan M. Douthit, Watermaster Dist. #15 (via email)

Enclosure



BEFORE THE WATER RESOURCES DEPARTMENT  
OF THE  
STATE OF OREGON

In the Matter of Transfer Application	)	FINAL ORDER APPROVING AN
T-14070, Douglas County	)	EMERGENCY USE DROUGHT TEMPORARY
	)	CHANGE IN PLACE OF USE AND CHANGE
	)	IN POINT OF DIVERSION

**Authority**

Oregon Revised Statute (ORS) 536.750 establishes the process in which a water right holder may submit a request to temporarily transfer the use, place of use or point of diversion of water in the event of a declaration of drought, without complying with the notice and waiting requirements under ORS 540.520. Oregon Administrative Rule (OAR) Chapter 690, Division 019 implements the statutes and provides the Department's procedures and criteria for evaluating drought transfer applications.

**Applicant**

HARBINGER FARM  
MATT DAY  
10909 NORTH MYRTLE CREEK RD  
MYRTLE CREEK, OR 97457

**Findings of Fact**

1. On August 15, 2022, HARBINGER FARM/MATT DAY, filed an application to temporarily change the place of use and change the point of diversion under Certificate 26677 for the remainder of the 2022 irrigation season or the term of the Governor's declared drought, whichever is shorter. The Department assigned the application number T-14070.

2. Notice of the application for transfer was published on August 23, 2022, pursuant to OAR 690-380-4000.

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

**Certificate:** 26677 in the name of ADAM HEUSSNER (perfected under Permit S-4991)  
**Use:** IRRIGATION of 2.0 ACRES  
**Priority Date:** MARCH 22, 1921  
**Rate:** 0.026 CUBIC FOOT PER SECOND

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



**Limit/Duty:** The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands, shall be limited to ONE-EIGHTIETH of one cubic foot per second per acre.

**Source:** NORTH MYRTLE CREEK, a tributary to SOUTH UMPQUA RIVER

**Authorized Points of Diversion:**

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
28 S	4 W	WM	27	NW SE	Not Described

**Authorized Place of Use:**

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
28 S	4 W	WM	27	NW SE	2.0

4. Certificate 26677, does not describe the location of the points of diversion, however, the applicant provided a description of the points of diversion as follows:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
28 S	4 W	WM	27	NW SE	POD 1 - 2407 FEET NORTH AND 1778 FEET WEST FROM THE SE CORNER OF SECTION 27
28 S	4 W	WM	27	NW SE	POD 2 - 2064 FEET NORTH AND 2060 FEET WEST FROM THE SE CORNER OF SECTION 27

5. Temporary Transfer Application T-14070 proposes to temporarily change the place of use of the right to:

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
28 S	4 W	WM	27	NE SW	2.0

6. A change in point of diversion is necessary to convey the water to the proposed temporary place of use. Temporary Transfer Application T-14070 proposes to move the authorized point of diversion with approximate distances in downstream in feet from the authorized points of diversion to:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances	Approximate distance in feet (ft) from authorized POD's
28 S	4 W	WM	27	NE SW	POD 3 - 1525 FEET NORTH AND 2400 FEET EAST FROM THE SW CORNER OF SECTION 27	POD 1- 1003.0 ft. POD 2- 707.0 ft.

**Temporary Drought Transfer Review Criteria**

7. Water has been used within the last five years according to the terms and conditions of the right. There is no evidence available 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 are present.
9. The Governor issued an executive order on May 13, 2022, declaring a state of drought emergency in Douglas County due to drought and extreme weather conditions, which is still in effect and the water right proposed for transfer is on lands included in the area covered by the drought order.
10. The proposed changes would not result in enlargement of the rights.
11. The proposed changes would not result in injury to other water rights. This finding is made through an abbreviated review recognizing that the transfer may be revoked under OAR 690-019-055(3) if injury to existing water rights is shown and cannot be mitigated to the satisfaction of the Director and injured parties.

#### Conclusions of Law

The temporary change in place of use and point of diversion proposed in Temporary Drought Transfer Application T-14070 are consistent with the requirements of ORS 536.750 and OAR 690-019-0055.

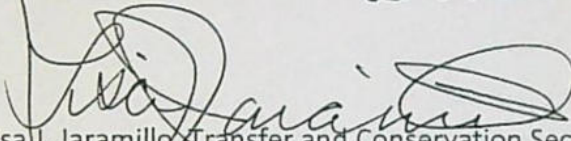
**Now, therefore, it is ORDERED:**

1. The temporary change in place of use and point of diversion proposed in Temporary Drought Transfer Application T-14070 are approved.
2. The former places of use **shall not** be irrigated as part of these water rights during the remainder of the 2022 irrigation season or until the end of the Governor's declared drought, whichever occurs first.
3. The approval of this temporary drought transfer may be revoked or modified if the Department finds the changes cause injury to any existing water right.
4. The quantity of water diverted at the proposed temporary point of diversion shall not exceed the quantity of water lawfully available at the original points of diversion.
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 diversion.
  - b. The water user shall maintain the meters or measuring devices in good working order.
  - c. The water user shall allow the Watermaster access to the meters or measuring devices; provided however, where the meters or measuring devices are located within a private structure, the Watermaster shall request access upon reasonable notice.



6. The quantity of water diverted at the proposed temporary point of diversion, shall not exceed the quantity of water lawfully available at the original points of diversion.
7. The proposed change in place of use and point of diversion shall revert to the authorized place of use and points of diversion at the end of the 2022 irrigation season or the end of the Governor's declared drought, whichever occurs first.
8. The use of water at the temporary places of use authorized by this transfer shall be in accordance with the terms and conditions of Certificate.
9. The use of the remaining water right described by Certificate 26677 shall continue to be in accordance with the terms and conditions of Certificate 26677.

Dated in Salem, Oregon on **SEP 30 2022**

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

Mailing Date: **OCT 03 2022**



# WATER RIGHT TRANSFER COVER SHEET

Transfer: T- 14070

Transfer Specialist:

*Joan*

Transfer Type: Drought Transfer

<b>Applicant:</b> MATT DAY HARBINGER FARM 10909 NORTH MYRTLE CREEK RD MYRTLE CREEK, OR 97457 Email: _____ Phone: _____		<b>Agent:</b> <input type="checkbox"/> N/A UNAVAILABLE Email: _____ Phone: _____	
<b>Irrigation District:</b> <input type="checkbox"/> N/A Email: _____		<b>CWRE:</b> <input type="checkbox"/> N/A Email: _____	
<b>Affected Local Gov'ts:</b> <input type="checkbox"/> N/A Douglas County Email: _____		<b>Affected Tribal Gov't:</b> <input type="checkbox"/> N/A UNAVAILABLE Email: _____	
<b>Current Landowner if other than Applicant:</b> <input type="checkbox"/> N/A Email: _____		<b>Receiving Landowner:</b> <input type="checkbox"/> N/A Email: _____	

## Water Rights Affected

File Marked	App. File # or Decree Name	Permit	Certificate	RR/CR Needed	RR/CR Nos.
<input type="checkbox"/>	S-7797	S-4991	26677	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
<input type="checkbox"/>				<input type="checkbox"/> Yes <input type="checkbox"/> No	
<input type="checkbox"/>				<input type="checkbox"/> Yes <input type="checkbox"/> No	

## Key Dates & Initial Actions:

Rec'd: August 15, 2022	Proposed Action(s): POINT OF DIVERSION; PLACE OF USE	
Fees Pd: 200.00	WM District: 15	ODFW District:
Initial Public Notice: 08/23*/2022	WM Review sent:	ODFW Review sent: _____
Acknowledgement Letter Sent <input checked="" type="checkbox"/>	<i>conditions added 9/26/22 -</i>	GW Review sent: <input checked="" type="checkbox"/> N/A
County sent cc: of Ack Letter <input type="checkbox"/>	BOR notified (date): <input type="checkbox"/> N/A	
Newspaper quote requested:	Request for news \$ sent:	News \$ received:
Request to publish sent:	Affidavit of publication received:	Last day of publication:

Document	Drafted	Peer Review	Changes Made	Coordinator	Changes Made	Signature Bin	Signature Date
DPD	Date: _____ Initials: _____	Date: _____ Initials: _____	Date: _____ Initials: _____	Date: _____ Initials: _____	Date: _____ Initials: _____	CW Sent: _____	N/A
PD	Date: _____ Initials: _____	Date: _____ Initials: _____	Date: _____ Initials: _____	Date: _____ Initials: _____	Date: _____ Initials: _____	Date: _____	Date: _____
FO	Date: <i>8/25/22</i> Initials: <i>Joan</i>	Date: <i>9/26/22</i> Initials: <i>Scott</i>	Date: _____ Initials: _____	Date: <i>9/28/22</i> Initials: <i>PKS</i>	Date: <i>9/28/22</i> Initials: <i>Joan</i>	Date: <i>9/28/22</i>	Date: <i>9-30-22</i>

Special Issues: DROUGHT POD/POU

Special Order Volume: Vol. 125 Pages 823-826



## Watermaster Review Form: Water Right Transfer



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

Transfer Application: T-14070

Review Due Date:

Applicant Name: Matt Day

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

Reviewer(s): Susan Douthit

Date of Review: 09/19/2022

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



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

☒ N/A

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

☒ N/A

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

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

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

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

☐ Yes ☒ No If "Yes", explain:

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

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

☐ Yes ☐ No If "Yes", explain:



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

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

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

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

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

- iv. Do you have any other observations regarding the temporary transfer?

☐ Yes ☐ No If "Yes", describe:

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

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

- i. "Injury" will occur to other water rights that share the same source?

☐ Yes ☐ No If "Yes", explain:

- ii. "Enlargement" of the water right being transferred will occur?

☐ Yes ☐ No If "Yes", explain:



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

☐ Yes ☒ No If "Yes", explain:

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

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

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

☐ A Headgate should be required prior to diverting water.

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

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

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

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

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

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

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

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

☐ Weir  
☐ Parshall Flume  
☐ Other: \_\_\_\_\_

☐ Submerged Orifice  
☐ Flow Restrictor



STATE OF OREGON  
COUNTY OF DOUGLAS  
CERTIFICATE OF WATER RIGHT

This Is to Certify, That ADAM REUSSNER

of Myrtle Creek, State of Oregon, has made proof to the satisfaction of the STATE ENGINEER of Oregon, of a right to the use of the waters of North Myrtle Creek and springs a tributary of South Umpqua River for the purpose of domestic use from spring and irrigation from North Myrtle Creek under Permit No. 4991 of the State Engineer, and that said right to the use of said waters has been perfected in accordance with the laws of Oregon; that the priority of the right hereby confirmed dates from March 22, 1921

that the amount of water to which such right is entitled and hereby confirmed, for the purposes aforesaid, is limited to an amount actually beneficially used for said purposes, and shall not exceed 0.13 cubic foot per second for irrigation purposes from North Myrtle Creek and 0.10 cubic foot per second for domestic use from spring

or its equivalent in case of rotation, measured at the point of diversion from the stream. The point of diversion is located in the NW $\frac{1}{4}$  SE $\frac{1}{4}$ , Section 27, Township 28 South, Range 4 West, W. M.

The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands, shall be limited to one-eightieth of one cubic foot per second per acre,

and shall

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

A description of the place of use under the right hereby confirmed, and to which such right is appurtenant, is as follows:

10 acres in the NW $\frac{1}{4}$  SE $\frac{1}{4}$   
Section 27,  
Township 28 South, Range 4 West, W. M.

NOTE: This certificate is issued to confirm a change in point of diversion of water approved by an order of the State Engineer entered June 18, 1956, pursuant to the provisions of ORS 540.510 to 540.530, and supersedes certificate of water right heretofore issued to Roy Conly and recorded at page 5300, Volume 6, State Record of Water Right Certificates.

The right to the use of the water for the purposes aforesaid is restricted to the lands or place of use herein described.

WITNESS the signature of the State Engineer, affixed

this 8th day of March, 1960.

LEWIS A. STANLEY

State Engineer

Recorded in State Record of Water Right Certificates, Volume 18, page 26677





**Oregon**  
Kate Brown, Governor

**Water Resources Department**

725 Summer St NE, Suite A

Salem, OR 97301

(503) 986-0900

Fax (503) 986-0904

August 23, 2022

MATT DAY  
HARBINGER FARM  
10909 NORTH MYRTLE CREEK RD  
MYRTLE CREEK, OR 97457

Reference: Application T-14070

On August 15, 2022, OWRD received your water right Temporary Transfer Application. The application was accompanied by \$200.00. Our receipt number 138933 is enclosed.

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

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

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

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

Cc: Watermaster Dist. #15, Susan M. Douthit (via email)  
Douglas County Planning Department

Enclosure



**STATE OF OREGON  
WATER RESOURCES DEPARTMENT**

RECEIPT # **138933**

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

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

RECEIVED FROM: Haibinger Farm LLC

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

APPLICATION	
PERMIT	
TRANSFER	T-14070

CASH: ☐ CHECK: # 1005 OTHER: (IDENTIFY) ☐ \_\_\_\_\_

TOTAL REC'D \$ 200.00

**1083 TREASURY 4170 WRD MISC CASH ACCT**

0407 COPIES	\$
OTHER: (IDENTIFY) _____	\$

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

**4270 WRD OPERATING ACCT**

**MISCELLANEOUS**

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

**WATER RIGHTS:**

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

0205 TRANSFER \$ 200.00

**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: **138933**

DATE: 08/15/22 BY: [Signature]



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



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

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

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

RECEIVED

FOR ALL TEMPORARY TRANSFER APPLICATIONS

AUG 15 2022

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

OWRD

- ☒ Part 1 – Completed Minimum Requirements Checklist.
- ☒ Part 2 – Completed Temporary Transfer Application Map Checklist.
- ☒ Part 3 – Application Fee, payable by check to the Oregon Water Resources Department, and completed Fee Worksheet, page 3. Try the online fee calculator at:  
[http://apps.wrd.state.or.us/apps/misc/wrd\\_fee\\_calculator](http://apps.wrd.state.or.us/apps/misc/wrd_fee_calculator).
- ☒ Part 4 – Completed Applicant Information and Signature.
- ☒ Part 5 – Information about Transferred Water Rights: **How many water rights are to be transferred? 1 List them here: 26677**  
Please include a separate Part 5 for each water right. (See instructions on page 6)
- ☐ ☐ N/A For standard Temporary Transfer (one to five years) **Begin Year:** \_\_\_\_ **End Year:** \_\_\_\_.
- ☒ ☐ N/A Temporary Drought Transfer (Only in counties where the Governor has declared drought)

Attachments:

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

(For Staff Use Only)

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

- ☐ Application fee not enclosed/insufficient ☐ Map not included or incomplete
- ☐ Land Use Form not enclosed or incomplete
- ☐ Additional signature(s) required ☐ Part \_\_\_\_ is incomplete

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

Staff: \_\_\_\_\_ Phone: \_\_\_\_\_ Date: \_\_\_\_/\_\_\_\_/\_\_\_\_



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

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

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

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

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FEE WORKSHEET for TEMPORARY (not drought) TRANSFERS			
1	Base Fee (includes temporary change to one water right for up to 1 cfs)	1	\$950.00
2	Number of water rights included in transfer: _____ (2a) Subtract 1 from the number in 3a above: _____ (2b) If only one water right this will be 0 Multiply line 2b by \$310.00 and enter » » » » » » » » » » » » » » » »	2	
3	Do you propose to change the place of use for a non-irrigation use? <input type="checkbox"/> No: enter 0 on line 3 » » » » » » » » » » » » » » » » <input type="checkbox"/> Yes: enter the cfs for the portions of the rights to be transferred: _____ (3a) Subtract 1.0 from the number in 3a above: _____ (3b) If 3b is 0, enter 0 on line 3 » » » » » » » » » » » » » » » » If 3b is greater than 0, round up to the nearest whole number: _____ (3c) and multiply 4c by \$210.00, then enter on line 3	3	
4	Do you propose to change the place of use for an irrigation use? <input type="checkbox"/> No: enter 0 on line 4 » » » » » » » » » » » » » » » » <input type="checkbox"/> Yes: enter the number of acres in the footprint of the place of use for the portions of the rights to be transferred: _____ (4a) Multiply the number of acres in 4a above by \$2.70 and enter on line 4 » »	4	
5	Add entries on lines 1 through 4 above » » » » » » » » » » Subtotal:	5	
6	Is this transfer: <input type="checkbox"/> necessary to complete a project funded by the Oregon Watershed Enhancement Board (OWEB) under ORS 541.932? <input type="checkbox"/> endorsed in writing by ODFW as a change that will result in a net benefit to fish and wildlife habitat? If one or more boxes is checked, multiply line 5 by 0.5 and enter on line 6 » If no box is applicable, enter 0 on line 7» » » » » » » » » » » » » » » »	6	
7	Subtract line 6 from line 5 » » » » » » » » » » » » Transfer Fee:	7	

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1	Base Fee (includes drought application and recording fee for up to 1 cfs)	1	\$200.00
	Enter the cfs for the portions of the rights to be transferred (see example below*): <u>.026 (2a)</u> Subtract 1.0 from the number in 2a above: <u>0 (2b)</u> If 2b is 0, enter 0 on line 2 » » » » » » » » » » » » » » » » If 2b is greater than 0, round up to the nearest whole number: <u>0 (2c)</u> and multiply 2c by \$50, then enter on line 2 » » » » » » » » » »		
2		2	
3	Add entries on lines 1 through 2 above » » » » » » » » » » <b>Transfer Fee:</b>	3	\$200.00

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



## Part 4 of 5 – Applicant Information and Signature

### Applicant Information

APPLICANT/BUSINESS NAME <b>Harbinger Farm (Matt Day)</b>			PHONE NO. <b>541-863-3337</b>	ADDITIONAL CONTACT NO.
ADDRESS <b>10909 North Myrtle Creek Road</b>			FAX NO.	
CITY <b>Myrtle Creek</b>	STATE <b>OR</b>	ZIP <b>97457</b>	E-MAIL <b>harbingerfarm97457@gmail.com</b>	
BY PROVIDING AN E-MAIL ADDRESS, CONSENT IS GIVEN TO RECEIVE ALL CORRESPONDENCE FROM THE DEPARTMENT ELECTRONICALLY. COPIES OF THE FINAL ORDER DOCUMENTS WILL ALSO BE MAILED.				

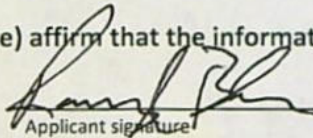
**Agent Information** – The agent is authorized to represent the applicant in all matters relating to this application.

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

Explain in your own words what you propose to accomplish with this transfer application and why:  
Requesting a Temporary Drought Transfer senior water rights to irrigate active junior water rights.

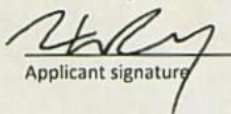
If you need additional space, continue on a separate piece of paper and attach to the application as "Attachment 1".

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

  
Applicant signature

Randy Bohm  
Print Name (and Title if applicable)

8-9-22  
Date

  
Applicant signature

Matthew Day  
Print Name (and Title if applicable)

8/9/22  
Date

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

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

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

DISTRICT NAME	ADDRESS	
CITY	STATE	ZIP

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

ENTITY NAME	ADDRESS	
CITY	STATE	ZIP

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

ENTITY NAME	ADDRESS	
Douglas County Planning	1036 SE Douglas St.	
CITY	STATE	ZIP
Roseburg	OR	97470

ENTITY NAME	ADDRESS	
CITY	STATE	ZIP

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## INSTRUCTIONS for editing the Application Form

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

### Microsoft Word 2003

Unlock the document by one of the following:

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

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

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

### Microsoft Word 2007

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

### Microsoft Word 2010

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

### Other Alternatives:

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

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Once the application has been unlocked, you may:

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

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



## Part 5 of 5 – Water Right Information

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

Water Right Certificate # 26677

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### Description of Water Delivery System

**AUG 15 2022**

System capacity: \_\_\_\_\_ cubic feet per second (cfs) OR

22.7 gallons per minute (gpm)

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Describe the current water delivery system or the system that was in place at some time within the last five years. Include information on the pumps, canals, pipelines, and sprinklers used to divert, convey, and apply the water at the authorized place of use. 2 Hp electric pump draws water from North Myrtle Creek, conveying 2" underground pvc to 1/2" pvc to riser ponits to irrigate with rain bird sprinklers.

**Table 1. Location of Authorized and Proposed Point(s) of Diversion (POD) or Appropriation (POA)**  
(Note: If the POD/POA name is not specified on the certificate, assign it a name or number here.)

POD/POA Name or Number	Is this POD/POA Authorized on the Certificate or is it Proposed?	If POA, OWRD Well Log ID# (or Well ID Tag # L-___)	Twp	Rng	Sec	¼ ¼	Tax Lot, DLC or Gov't Lot	Measured Distances (from a recognized survey corner)
POD#1	<input checked="" type="checkbox"/> Authorized <input type="checkbox"/> Proposed		28 S	4 W	27	N W SE	1200	2407 ft North and 1778 ft West from the SE Corner Section 27
POD#2	<input checked="" type="checkbox"/> Authorized <input type="checkbox"/> Proposed		28 S	4 W	27	N W SE	1300	2064 ft North and 2060 ft West from the SE Corner Section 27
POD#3	<input type="checkbox"/> Authorized <input checked="" type="checkbox"/> Proposed		28 S	4 W	27	NE S W	1500	1525 ft North and 2400 ft East from the SW Corner Section 27
	<input type="checkbox"/> Authorized <input type="checkbox"/> Proposed							

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

- |   |   |
|---|---|
| <input type="checkbox"/> Place of Use (POU)                   | <input type="checkbox"/> Appropriation/Well (POA)                 |
| <input type="checkbox"/> Point of Diversion (POD)             | <input type="checkbox"/> Additional Point of Appropriation (APOA) |
| <input type="checkbox"/> Additional Point of Diversion (APOD) |   |

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

- |  |   |
|--|---|
| <input checked="" type="checkbox"/> Place of Use (POU)       | <input type="checkbox"/> Point of Appropriation/Well (POA)        |
| <input type="checkbox"/> Character of Use (USE)              | <input type="checkbox"/> Additional Point of Appropriation (APOA) |
| <input checked="" type="checkbox"/> Point of Diversion (POD) | <input type="checkbox"/> Additional Point of Diversion (APOD)     |

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



☐ Yes

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

☒ No

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

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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 Temporary Changes to Water Right Certificate # 26677**

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

AUTHORIZED (the "from" or "off" lands) The listing that appears on the Certificate BEFORE PROPOSED CHANGES List only that part or portion of the water right that will be changed.													Proposed Changes (see "CODES" from previous page)	PROPOSED (the "to" or "on" lands) The listing as it would appear AFTER PROPOSED CHANGES are made.										
Twp	Rng	Sec	$\frac{1}{4}$ $\frac{1}{4}$	Tax Lot	Gvt Lot or DLC	Acres	Type of USE listed on Certificate	POD(s) or POA(s) (name or number from Table 1)	Priority Date	Twp	Rng	Sec		$\frac{1}{4}$ $\frac{1}{4}$	Tax Lot	Gvt Lot or DLC	Acres	New Type of USE	POD(s)/ POA(s) to be used (from Table 1)	Priority Date				
EXAMPLE																								
2	S	9	E 15 NE NW	100		15.0	Irrigation	POD #1 POD #2	1901	POU/POD	2	S	9	E 1 NW NW	500	1	10.0		POD #5	1901				
"	"	"	" " " "	"	"	"	EXAMPLE	"	"	"	2	S	9	E 2 SW NW	500		5.0		POD #6	1901				
28	s	4	w 27 NW SE	1300		2.0	Irrigation	POD #2	1921	POU/POD	28	s	4	w 27 NE SW	1500		2.0	Irrigation	POD#3	1921				
TOTAL ACRES						2.0																		

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



**For Place of Use Changes**

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

If YES, list the certificate, water use permit, or ground water registration numbers: C-48955

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

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

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

**AND/OR**

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

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

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

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

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From

STATE OF OREGON  
COUNTY OF DOUGLAS  
CERTIFICATE OF WATER RIGHT

This Is to Certify, That ADAM HEUSSNER

of Myrtle Creek, State of Oregon, has made proof to the satisfaction of the STATE ENGINEER of Oregon, of a right to the use of the waters of North Myrtle Creek and springs a tributary of South Umpqua River for the purpose of domestic use from spring and irrigation from North Myrtle Creek under Permit No. 4991 of the State Engineer, and that said right to the use of said waters has been perfected in accordance with the laws of Oregon; that the priority of the right hereby confirmed dates from March 22, 1921

that the amount of water to which such right is entitled and hereby confirmed, for the purposes aforesaid, is limited to an amount actually beneficially used for said purposes, and shall not exceed 0.13 cubic foot per second for irrigation purposes from North Myrtle Creek and 0.10 cubic foot per second for domestic use from spring

or its equivalent in case of rotation, measured at the point of diversion from the stream. The point of diversion is located in the NW $\frac{1}{4}$  SE $\frac{1}{4}$ , Section 27, Township 28 South, Range 4 West, W. M.

The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands, shall be limited to one-eightieth of one cubic foot per second per acre,

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

A description of the place of use under the right hereby confirmed, and to which such right is appurtenant, is as follows:

10 acres in the NW $\frac{1}{4}$  SE $\frac{1}{4}$   
Section 27,  
Township 28 South, Range 4 West, W. M.

NOTE: This certificate is issued to confirm a change in point of diversion of water approved by an order of the State Engineer entered June 18, 1956, pursuant to the provisions of ORS 540.510 to 540.530, and supersedes certificate of water right heretofore issued to Roy Conly and recorded at page 5300, Volume 6, State Record of Water Right Certificates.

The right to the use of the water for the purposes aforesaid is restricted to the lands or place of use herein described.

WITNESS the signature of the State Engineer, affixed

this 8th day of March, 1960.

LEWIS A. STANLEY

State Engineer

Recorded in State Record of Water Right Certificates, Volume 18, page 26677

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After recording return to:  
Randy D. Bohm  
PO Box 645  
Myrtle Creek OR 97457

Until a change is requested all tax  
statements shall be sent to:  
Randy D. Bohm  
PO Box 645  
Myrtle Creek OR 97457

File No.: 7391-2183731 (se)  
Date: Seventh day of January, 2014

THIS SPACE RESERVED FOR RECORDER'S USE

Douglas County Official Records  
Patricia K. Hitt, County Clerk

2014-001665

01/21/2014 11:39:31 AM

DEED-PRD Cnt=1 Stn=4 ROBIN  
\$15.00 \$11.00 \$10.00 \$20.00

\$56.00

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### PERSONAL REPRESENTATIVE'S DEED

THIS INDENTURE made this **Seventh day of January, 2014** by and between **Penny M. Anderson** the duly appointed, qualified and acting personal representative of the estate of **Susanne A. Anderson**, deceased, hereinafter called the first party and **Randy D. Bohm**, hereinafter called the second party; WITNESSETH:

For value received and the consideration hereinafter stated, the first party has granted, bargained, sold and conveyed, and by these presents does grant, bargain, sell and convey unto the second party and second party's heirs, successors and assigns all the estate, right and interest of the estate of the deceased, whether acquired by operation of the law or otherwise, in that certain real property situated in the County of **Douglas**, State of Oregon, described as follows, to-wit:

See Legal Description attached hereto as Exhibit A and by this reference incorporated herein.

TO HAVE AND TO HOLD the same unto the second party, and second party's heirs, successors-in-interest and assigns forever.

The true and actual consideration paid for this transfer, stated in terms of dollars, is **\$208,000.00**.

IN WITNESS WHEREOF, the first party has executed this instrument; if first party is a corporation, it has caused its name to be signed and its seal, if any, affixed by an officer or other person duly authorized to do so by order of its board of directors.



APN: R30793

Personal Representative's Deed  
- continued

File No.: 7391-2183731 (se)  
Date: December 11, 2013

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 15 day of January, 2015.  
The Estate of Susanne A. Anderson

By: Penny M. Anderson  
Penny M. Anderson Personal Representative

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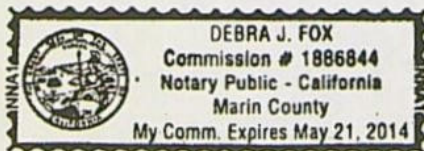
STATE OF California )  
County of Marin )ss.  
)

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This instrument was acknowledged before me on this 15 day of January, 2014 by Penny M. Anderson as Personal Representative of Estate of Susanne A. Anderson, on behalf of the Estate.

Debra J Fox

Notary Public for California  
My commission expires: 5/21/2014





APN: R30793

Personal Representative's Deed  
- continued

File No.: 7391-2183731 (se)  
Date: December 11, 2013

**EXHIBIT A**

**LEGAL DESCRIPTION:** Real property in the County of Douglas, State of Oregon, described as follows:

**BEGINNING** at a point on the Southerly right of way line of North Myrtle Creek County Road No. 15, which bears South  $4^{\circ} 49' 33''$  East 2539.68 feet from the quarter corner common to Sections 22 and 27, Township 28 South, Range 4 West, W.M.; thence South  $32^{\circ} 07' 30''$  East 788.01 feet to a point in the centerline of the main channel of North Myrtle Creek; thence along the centerline of said Creek, South  $70^{\circ} 21'$  West 323.93 feet and North  $54^{\circ} 49'$  West 170.13 feet; thence continuing Westerly downstream along the centerline of said creek to a point which is 660 feet from, when measured at right angles to the Northeasterly line of this parcel of land (South  $32^{\circ} 07' 30''$  East); thence North  $32^{\circ} 07' 30''$  West to a point on the Southerly right of way line of said County Road No. 15; thence Northeasterly along said road right of way line to the point of beginning.

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

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To

## STATE OF OREGON

COUNTY OF DOUGLAS

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## CERTIFICATE OF WATER RIGHT

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This Is to Certify, That DOVIE LOUDERMILK

of NM Rt., Box 283 A, Myrtle Creek, State of Oregon 97457, has made proof to the satisfaction of the Water Resources Director, of a right to the use of the waters of North Myrtle Creek

a tributary of Myrtle Creek for the purpose of irrigation of 12.4 acres

under Permit No. 45079 and that said right to the use of said waters has been perfected in accordance with the laws of Oregon; that the priority of the right hereby confirmed dates from August 19, 1980 that the amount of water to which such right is entitled and hereby confirmed, for the purposes aforesaid, is limited to an amount actually beneficially used for said purposes, and shall not exceed 0.16 cubic foot per second

or its equivalent in case of rotation, measured at the point of diversion from the stream. The point of diversion is located in the NE 1/4 SW 1/4, Section 27, T28S, R4W, WM; 1,525 feet North and 2,400 feet East from the SW Corner Section 27

The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands, shall be limited to one-eightieth of one cubic foot per second per acre, or its equivalent for each acre irrigated and shall be further limited to a diversion of not to exceed 2 1/2 acre-feet per acre for each acre irrigated during the irrigation season of each year

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

A description of the place of use under the right hereby confirmed, and to which such right is appurtenant, is as follows:

12.0 acres NE 1/4 SW 1/4  
0.3 acre SE 1/4 SW 1/4  
0.1 acre NW 1/4 SE 1/4  
Section 27  
Township 28 South Range 4 West, WM

The right to the use of the water for the purposes aforesaid is restricted to the lands or place of use herein described.

WITNESS the signature of the Water Resources Director, affixed  
this date. March 30, 1984

William H. Young

Water Resources Director

Recorded in State Record of Water Right Certificates, Volume 46, page 51937

0641C



Douglas County Official Records  
Daniel J. Loomis, County Clerk

2020-004149

02/26/2020 10:36:00 AM

DEED-WD Cnt=1 Stn=40 JLGOODWI  
\$30.00 \$11.00 \$10.00 \$60.00

\$111.00

DOUGLAS COUNTY CLERK

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# CERTIFICATE PAGE

DO NOT REMOVE THIS PAGE FROM  
ORIGINAL DOCUMENT

THIS PAGE MUST BE INCLUDED IF DOCUMENT IS RE-RECORDED

After Recording Return to:

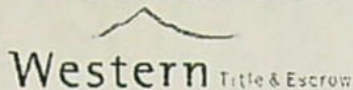
Western Title & Escrow Company  
2365 NW Kline Street, Suite 101  
Roseburg, OR 97471

Western Title & Escrow Company

WTO 183719 WRP



RECORDING REQUESTED BY:



2365 NW Kline Street, Suite 101  
Roseburg, OR 97471

**GRANTOR'S NAME:**

David Cantua

**GRANTEE'S NAME:**

Matthew Brandon Day and Lucie Sargent Day

**AFTER RECORDING RETURN TO:**

Order No.: WT0183719-LKC  
Matthew Brandon Day and Lucie Sargent Day, as tenants by the  
entirety  
10909 North Myrtle Road  
Myrtle Creek, OR 97457

**SEND TAX STATEMENTS TO:**

Matthew Brandon Day and Lucie Sargent Day  
10909 North Myrtle Road  
Myrtle Creek, OR 97457

APN: R30833

Map: 28-04W-27-01500

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SPACE ABOVE THIS LINE FOR RECORDER'S USE

**STATUTORY WARRANTY DEED**

David Cantua, Grantor, conveys and warrants to Matthew Brandon Day and Lucie Sargent Day, as tenants by the entirety, Grantee, the following described real property, free and clear of encumbrances except as specifically set forth below, situated in the County of Douglas, State of Oregon:

SEE EXHIBIT "A" ATTACHED HERETO AND MADE A PART HEREOF

THE TRUE AND ACTUAL CONSIDERATION FOR THIS CONVEYANCE IS THREE HUNDRED THOUSAND AND NO/100 DOLLARS (\$300,000.00). (See ORS 93.030).

**Subject to:**

SEE EXHIBIT "B" ATTACHED HERETO AND MADE A PART HEREOF

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.



# STATUTORY WARRANTY DEED

(continued)

IN WITNESS WHEREOF, the undersigned have executed this document on the date(s) set forth below.

Dated: 2-24-2020

David Cantua  
David Cantua

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State of OREGON

County of Douglas

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This instrument was acknowledged before me on Feb. 24, 2020 by David Cantua.

Lonni Kay Conopa  
Notary Public - State of Oregon

My Commission Expires: 10/1/2023





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**EXHIBIT "A"**  
Legal Description

**PARCEL 1:**

That portion of the East half of the Northeast quarter of the Southwest quarter of Section 27, Township 28 South, Range 4 West, Willamette Meridian, lying South of North Myrtle Creek County Road No. 15. EXCEPTING THEREFROM: Beginning at a point on the Southerly right of way line of North Myrtle Creek County Road No. 15, which bears South 4° 49' 33" East 2539.68 feet from the quarter corner common to Sections 22 and 27, Township 28 South, Range 4 West, Willamette Meridian; thence South 32° 07' 30" East 788.01 feet to a point in the centerline of North Myrtle Creek, South 70° 21' West 323.93 feet and North 54° 49' West 170.13 feet; thence continuing Westerly downstream along the centerline of said creek to a point which is 660 feet from, when measured at right angles to the Northeasterly line of that parcel of land described in Instrument No. 2004-10282, Deed Records, Douglas County, Oregon (South 32° 07' 30" East); thence North 32° 07' 30" West to a point on the Southerly right of way line of said County Road No. 15; thence Northeasterly along said road right of way line to the point of beginning.

EXCEPTING THEREFROM the following described real property located in the Southwest Quarter of Section 27, Township 28 South, Range 4 West, Willamette Meridian, Douglas County, Oregon, the boundaries of which is described as the following:

Beginning at a 5/8 inch iron rod that bears North 89° 56' 25" East 649.47 feet and North 0° 09' 46" East 254.90 feet from the Southwest Sixteenth corner of said Section 27, Township 28 South, Range 4 West, Willamette Meridian, Douglas County, Oregon; thence South 0° 09' 46" West 254.90 feet to a point on the North boundary of the Southeast Quarter of the Southwest Quarter of said Section 27; thence along said North boundary, North 89° 56' 25" East 208.30 feet to a 5/8 inch iron rod; thence leaving said North boundary and running North 39° 10' 53" West 328.56 feet to the point of beginning.

**PARCEL 2:**

The following described real property is located in the Southwest Quarter of Section 27, Township 28 South, Range 4 West, Willamette Meridian, Douglas County, Oregon, the boundaries of which is described as the following:

Beginning at a 5/8 inch iron rod that bears North 89° 56' 25" East 649.47 feet and North 0° 09' 46" East 254.90 feet from the Southwest Sixteenth corner of said Section 27, Township 28 South, Range 4 West, Willamette Meridian, Douglas County, Oregon; thence North 0° 09' 46" East 413.54 feet to a point on the Southerly right of way boundary of Douglas County Road Number 15; thence along said Southerly right of way boundary, South 61° 41' 15" West 89.83 feet to a 5/8 inch iron rod; thence leaving said Southerly right of way boundary and running South 0° 27' 13" East 279.48 feet to a 5/8 inch iron rod; thence South 39° 10' 53" East 118.55 feet to the point of beginning.

Together with: Beginning at a 5/8 inch iron rod that bears North 89° 56' 25" East 649.47 feet and North 0° 09' 46" East 679.82 feet from the Southwest Sixteenth corner of said Section 27, Township 28 South, Range 4 West, Willamette Meridian, Douglas County, Oregon; thence South 0° 09' 46" West 9.48 feet to a point located on the Southerly right of way boundary of Douglas County Road Number 15; thence along said southerly right of way boundary North 28° 18' 45" West 8.33 feet to a 5/8 inch iron rod; thence continuing along said Southerly right of way boundary, North 61° 41' 15" East 4.52 feet to the point of beginning.



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EXHIBIT "B"  
Exceptions

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Subject to:

1. Rights of the public to any portion of the Land lying within roads and highways.
2. Any adverse claim based on the assertion that any portion of the subject land has been removed from or brought within the subject land's boundaries by the process of accretion or reliction or any change in the location of North Myrtle Creek.
3. Any adverse claim based on the assertion that any portion of the subject land has been created by artificial means or has accreted to such portions so created, or based on the provisions of ORS 274.905 through 274.940.
4. Rights of the public, riparian owners and governmental bodies as to the use of the waters of North Myrtle Creek and the natural flow thereof on and across that portion of the subject land lying below the high water line of said waterway.
5. Reservations, including the terms and provisions thereof, as disclosed by Patent,

Recording Date: April 24, 1924

Recording No.: 57126 (Volume 86, Page 3)

6. Easement(s) for the purpose(s) shown below and rights incidental thereto as set forth in a document:

Entitled: Grant of Right of Way

In favor of: The California Oregon Power Company

Purpose: electric transmission and distribution lines

Recording Date: November 9, 1951

Recording No: 131114 (Volume 200, Page 407)

7. Easement(s) for the purpose(s) shown below and rights incidental thereto as set forth in a document:

Entitled: Right-of-Way Easement

In favor of: Pacific Power & Light Co

Purpose: electric transmission and distribution lines

Recording Date: September 10, 1969

Recording No: 69-9941

8. Terms, provisions and conditions of Easement, including, but not limited to, maintenance provisions, and a covenant to share the costs of maintenance, contained in instrument,

Recording Date: February 22, 1971

Recording No.: 71-2006

Also disclosed by,

Recording Date: February 19, 1975

Recording No.: 75-1998

9. Easement(s) for the purpose(s) shown below and rights incidental thereto as set forth in a document:

Entitled: Right-of-Way Easement

In favor of: Pacific Power & Light Co

Purpose: electric transmission and distribution lines

Recording Date: December 15, 1971

Recording No: 71-17119

10. Terms, provisions and conditions of Easement, including, but not limited to, maintenance provisions, and a covenant to share the costs of maintenance, contained in deed,

Recording Date: October 6, 1972

Recording No.: 72-14499



## EXHIBIT "B"

### Exceptions

11. Terms, provisions and conditions, including, but not limited to, maintenance provisions, and a covenant to share the costs of maintenance, contained in Road Easement Agreement,

Recording Date: July 9, 2001

Recording No.: 2001-15588

12. Restrictive Covenant for Resource Management, including the terms and provisions thereof,

Recording Date: October 29, 2001

Recording No.: 2001-25126

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# Douglas County

## Planning and Sanitation Pre-Application Worksheet

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Worksheet Number <b>WS22-0753</b>		Applicant <b>DAY, MATTHEW BRANDON &amp; 10909 NORTH MYRTLE RD MYRTLE CREEK, OR 97457 (541) 863-3337</b>		Owner <b>DAY, MATTHEW BRANDON &amp; 10909 NORTH MYRTLE RD MYRTLE CREEK, OR 97457</b>	
<b>SITE INFORMATION</b>					
Site Address <b>10909 NORTH MYRTLE RD MYRTLE CREEK, O</b>		MTL <b>28-04W-27-01500</b>		Property ID Number (Primary) <b>R30833</b>	
Improvement <b>LUCS - OWRD</b>		Size (Acres) <b>11.43</b>			
Existing Structures (Number and Type) <b>HOUSE, BARN</b>		Proposed Use <b>Land Use Compatibility Statement</b>			
Directions <b>(8/8/2022 10:14 AM MM) EAST FROM MYRTLE CREEK ON NORTH MYRTLE ROAD, APPROX. 9.5 MILES TO PROPERTY ON RIGHT.</b>		Distance of Building Site from River, Creek, or Stream Bank <b>&gt;50'</b>			
As, for, or on behalf of, all property owners: APPLICANT SIGNATURE: <u><i>[Signature]</i></u> DATE: <u>8/8/22</u>					
<b>PLANNING DEPARTMENT INFORMATION</b>					
Zoning <b>FG;TR;5R</b>		Overlays <b>N/A</b>			
<b>SETBACKS (EFU - Grazing)</b>					
Front Property Line of Right of Way <b>30 Feet</b>		Rear Line <b>10 Feet</b>		Side Line <b>10 Feet</b>	
Sign Code <b>NO SIGN PROPOSED - N/A</b>		Special Setback <b>N/A</b>		Exterior Side Line <b>N/A</b>	
Parking Spaces Required <b>N/A</b>		Riparian Setback <b>50 FEET</b>		Floor Height Above Ground <b>N/A</b>	
Building Height <b>None</b>		Flood Plain <b>No</b>		Access Permit Required? <b>NOT REQ'D</b>	
Conditions of Approval <b>LUCS - OWRD; WATER RIGHTS TRANSFER FOR IRRIGATION FROM NORTH MYRTLE CREEK TO PROPERTY; NO STRUCTURAL DEVELOPMENT AUTHORIZED THROUGH THIS LUCS; MUST MEET ALL REQUIREMENTS IN PERMITTING FROM ALL APPLICABLE AGENCIES</b>					
Sanitation <b>OSS - Existing System</b>		Sanitary District		Water <b>Private</b>	
Report Codes <b>NONSTRUCTURAL SEPTIC-EXISTING PRIVATE WATER COUNTY ACCESS FEDERAL COMPAT.</b>					
Refer To <b>NONE</b>					
Approved By: <b>MM</b>		Date: <b>8/8/2022</b>		Amount: <b>\$ 165.00</b>	
Receipt #: <b>P42735</b>		Expiration Date: <b>8/7/2023</b>			
<b>SANITATION INFORMATION</b>					
SE#		STP#		Existing System	
System:		Approved		Denied	
Remarks					
By:		Date:		CSC Date:	



# Land Use Information Form



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

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## NOTE TO APPLICANTS

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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 30day period, the WRD may presume the land use associated with the proposed water right is compatible with your comprehensive plan. Your attention to this request for information is greatly appreciated by the Water Resources Department. If you have any questions concerning this form, please contact the WRD's Customer Service Group at 503-986-0801.



# Land Use Information Form



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

Applicant(s): Harbinger Farm (Matthew Day)

Mailing Address: 10909 North Myrtle Creek Road

City: Myrtle Creek

State: OR

Zip Code: 97457

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>T.28s</u>	<u>R.4w</u>	<u>27</u>	<u>NWSW</u>	<u>1500</u>	_____	<input checked="" type="checkbox"/> Diverted	<input checked="" type="checkbox"/> Conveyed	<input checked="" type="checkbox"/> Used	<u>Irrigation</u>
_____	_____	_____	_____	_____	_____	<input type="checkbox"/> Diverted	<input type="checkbox"/> Conveyed	<input type="checkbox"/> Used	_____
_____	_____	_____	_____	_____	_____	<input type="checkbox"/> Diverted	<input type="checkbox"/> Conveyed	<input type="checkbox"/> Used	_____
_____	_____	_____	_____	_____	_____	<input type="checkbox"/> Diverted	<input type="checkbox"/> Conveyed	<input type="checkbox"/> Used	_____

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

Douglas

## 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) North Myrtle Creek

Estimated quantity of water needed: .026 ☒ 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:

Requesting a Temporary Drought Transfer from senior water rights to irrigate junior regulated water rights.

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

See bottom of Page 3. →



## For Local Government Use Only

The following section must be completed by a planning official from each county and city listed unless the project will be located entirely within the city limits. In that case, only the city planning agency must complete this form. This deals only with the local landuse 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): UDC 3.3.075.16; 3.2.050.12, 3.8.050.
- ☐ Land uses to be served by the proposed water uses (including proposed construction) involve discretionary land-use approvals as listed in the table below. (Please attach documentation of applicable land-use approvals which have already been obtained. Record of Action/land-use decision and accompanying findings are sufficient.) **If approvals have been obtained but all appeal periods have not ended, check "Being pursued."**

Type of Land-Use Approval Needed (e.g., plan amendments, rezones, conditional-use permits, etc.)	Cite Most Significant, Applicable Plan Policies & Ordinance Section References	Land-Use Approval:	
		<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being Pursued <input type="checkbox"/> Not Being Pursued
		<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being Pursued <input type="checkbox"/> Not Being Pursued
	<b>RECEIVED</b> <b>AUG 15 2022</b>	<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being Pursued <input type="checkbox"/> Not Being Pursued
	<b>OWRD</b>	<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being Pursued <input type="checkbox"/> Not Being Pursued
		<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being Pursued <input type="checkbox"/> Not Being Pursued

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

<u>R30833</u> <u>ZONING: FG, TR, SR</u> <u>WS22-0753</u>	<b>DOUGLAS COUNTY PLANNING DEPARTMENT</b> ROOM 106, JUSTICE BUILDING DOUGLAS COUNTY COURTHOUSE ROSEBURG, OR 97470
--	--

Name: MARK MOFFETT Title: SENIOR CITY PLANNER

Signature: MM (541) Phone: 440-6063 Date: 8/8/22

Government Entity: DOUGLAS COUNTY PLANNING DEPARTMENT

**Note to local government representative:** Please complete this form or sign the receipt below and return it to the applicant. If you sign the receipt, you will have 30 days from the Water Resources Department's notice date to return the completed Land Use Information Form or WRD may presume the land use associated with the proposed use of water is compatible with local comprehensive plans.

### Receipt for Request for Land Use Information

Applicant name: \_\_\_\_\_

City or County: \_\_\_\_\_ Staff contact: \_\_\_\_\_

Signature: \_\_\_\_\_ Phone: \_\_\_\_\_ Date: \_\_\_\_\_





## DOUGLAS COUNTY PLANNING & BUILDING

Room 106, Justice Building  
Douglas County Courthouse, Roseburg, Oregon 97470  
Planning - (541) 440-4289  
Building - (541) 440-4559

Date Printed  
8/8/2022  
10:40 am

**Permit Number: WS22-0753**

**Job Address: 10909 NORTH MYRTLE RD, MYRTLE CREEK**

**Receipt: P42735**

Fee Description	Fee Amount
LAND USE COMPATABILITY STATEMENT	\$165.00
<b>Total Fees Paid:</b>	<b>\$165.00</b>

Date Paid: **8/8/2022**

Paid By: **DAY, MATTHEW BRANDON R30833**

Pay Method: **CREDIT CARD 218093**

Received By: **MARIE E NEET**

**RECEIVED**

**AUG 15 2022**

**OWRD**



# Application for Water Right Transfer Evidence of Use Affidavit



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

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

State of Oregon )  
 ) ss  
County of DOUGLAS

I, RANDY BOHM, in my capacity as PROPERTY OWNER,

mailing address PO BOX 645 MYRTLE CREEK OREGON 97457

telephone number 541-863-6734, being first duly sworn depose and say:

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

☐ Personal observation ☐ Professional expertise

2. I attest that:

☐ Water was used during the previous five years on the **entire** place of use for  
Certificate # \_\_\_\_; OR

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

Certificate #	Township		Range		Mer	Sec	¼ ¼		Gov't Lot or DLC	Acres (if applicable)
26677	28	S	4	W		27	NW	SE		3.9

OR

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

(continues on reverse side)



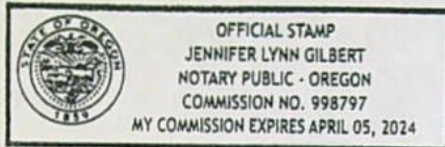
3. The water right was used for: (e.g., crops, pasture, etc.): \_\_\_\_\_

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

[Signature]  
Signature of Affiant

8-8-22  
Date

Signed and sworn to (or affirmed) before me this 8 day of August, 20 22.



Notary Public for Oregon

My Commission Expires: April 5, 2024

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

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# Application for Water Right Transfer



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

## Consent by Deeded Landowner

State of Oregon )  
 )ss  
County of Douglas )

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I Randy D. Bohn in my/our capacity as property owner,

mailing address PO Box 645, Myrtle Creek, OR 97457,

telephone number \_\_\_\_\_, duly sworn depose and say that I/We

consent to the proposed change(s) to Water Right Certificate Number 26677

described in a Water Right Transfer Application (T-\_\_\_\_),

(transfer number, if known)\_\_\_\_

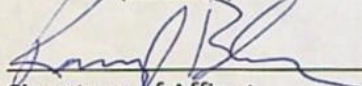
submitted by Matthew Day and Lucie Sargent

on the property in tax lot number(s) 1500,

Section 27 Township 28S North/South Range 4W East/West, W.M.,

located at 10909 North Myrtle Road, Myrtle Creek, OR 97457

(site address)

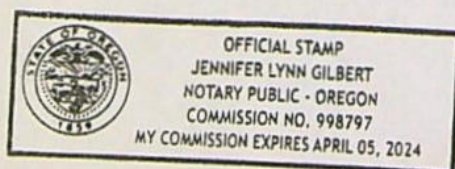
  
Signature of Affiant

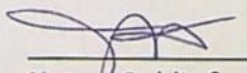
8-8-22  
Date

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

\_\_\_\_\_  
Date

Subscribed and Sworn to before me this 8 day of August, 2022.



  
Notary Public for Oregon

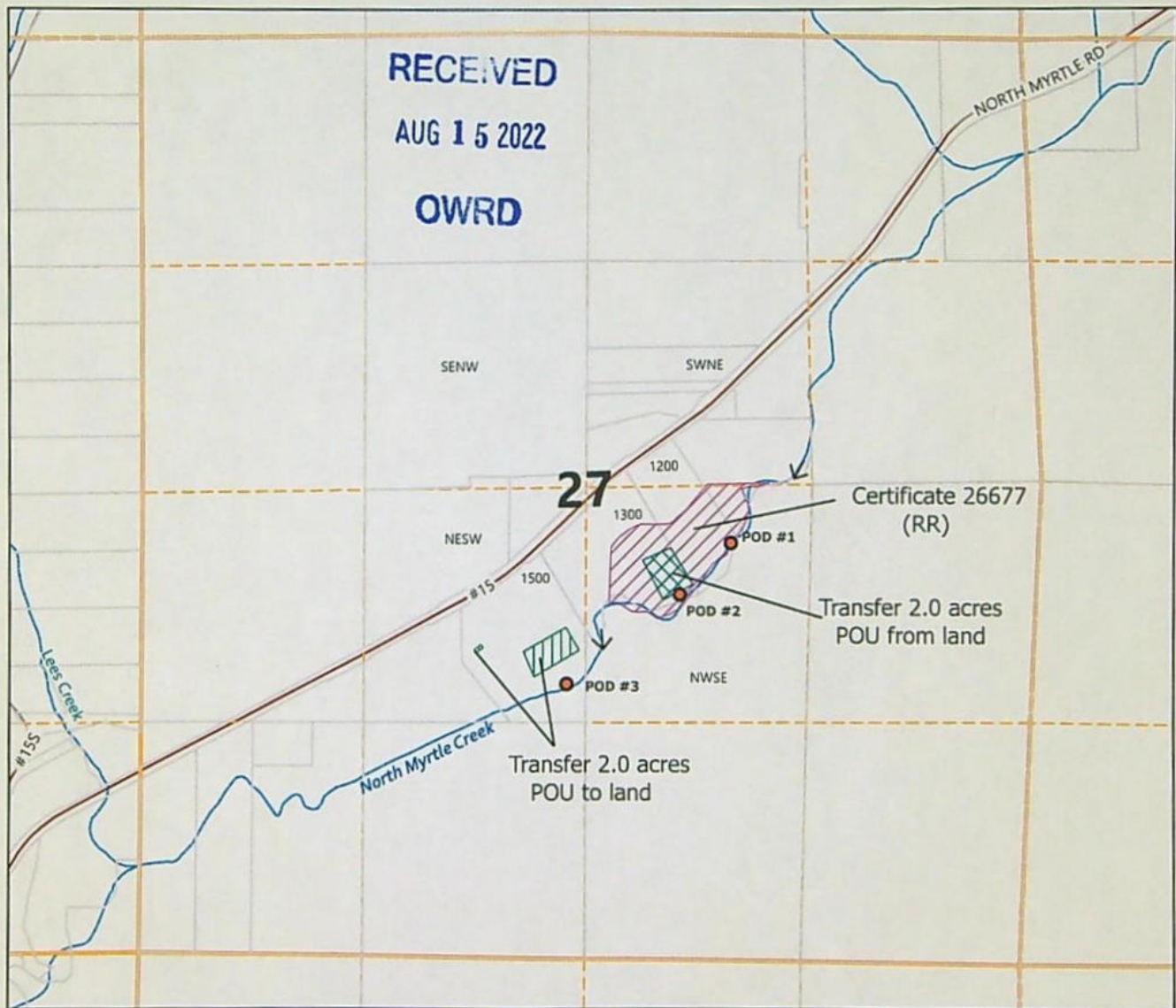
My commission expires April 5, 2024





**Drought Temporary Transfer Map  
Harbinger Farm  
T.28S. R.4W. Section 27  
Douglas County  
Certificate 26677**

Scale: 1"=1320'



● POD # 3 (Proposed) 1525 ft North and 2400 ft East from the SW Corner Section 27

Transfer 2.0 acres From Certificate 26677

Transfer To Lands

Remaining

The purpose of this map is to identify  
the location of a Water Right.  
Not intended to show property ownership.





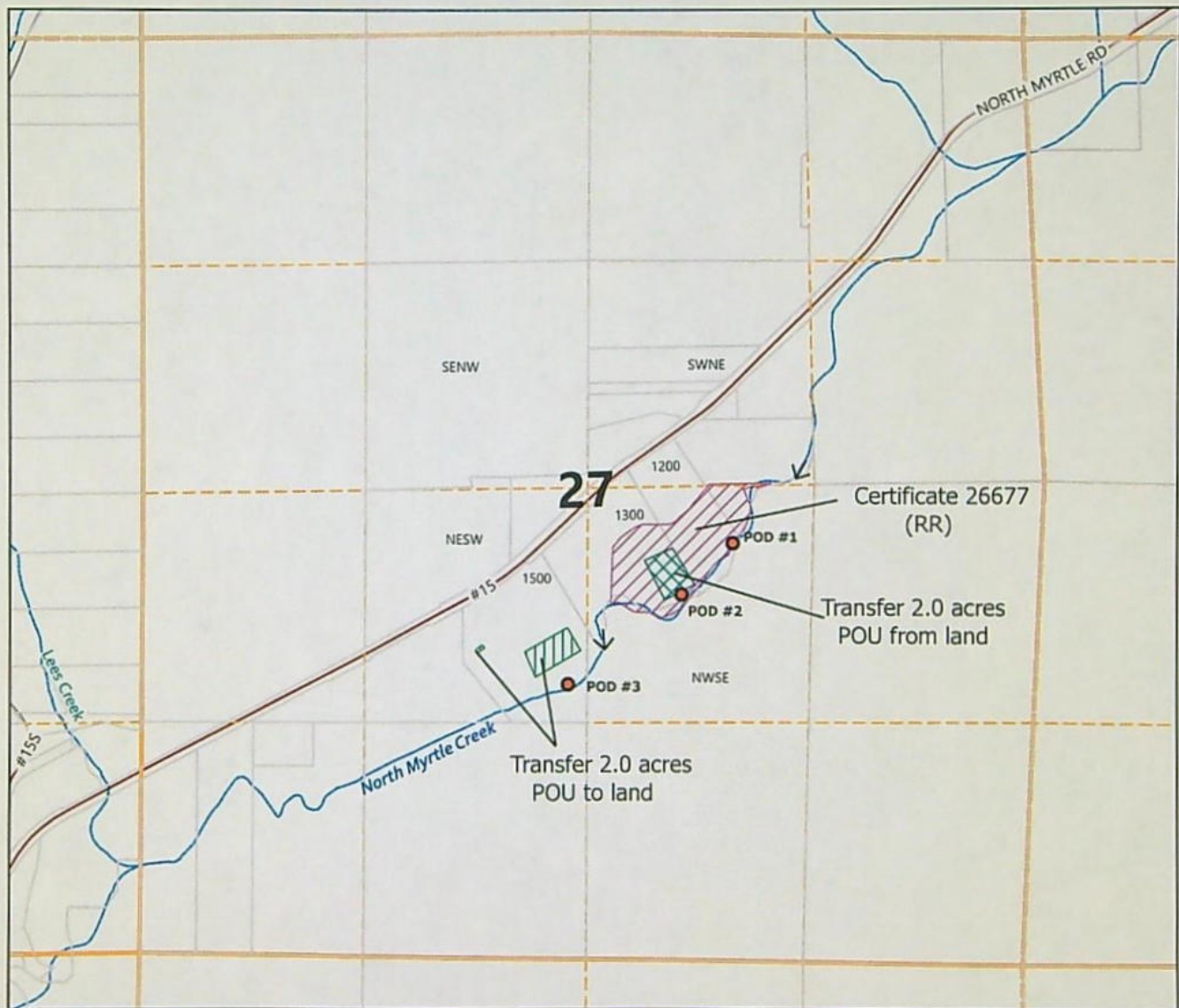
**Drought Temporary Transfer Map**  
**Harbinger Farm**  
**T.28S. R.4W. Section 27**  
**Douglas County**  
**Certificate 26677**

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Scale: 1"=1320'



● POD # 3 (Proposed) 1525 ft North and 2400 ft East from the SW Corner Section 27

Transfer 2.0 acres From Certificate 26677

Transfer To Lands

Remaining

The purpose of this map is to identify  
the location of a Water Right.  
Not intended to show property ownership.



10/2019

harbinger farm

11119 N Myrtle Rd

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EXECUTIVE ORDER NO. 22-08

**DETERMINATION OF A STATE OF DROUGHT EMERGENCY IN  
BAKER, DOUGLAS, WALLOWA, AND WHEELER COUNTIES.**

OWRD

At the request of Baker County (by Declaration, Dated April 6, 2022, and letter dated April 28, 2022), Douglas County (by Amended Order, dated May 6, 2022), Wallowa County (by resolution 2022-010, dated May 4, 2022) and Wheeler County (by Resolution no. 2022-09, dated April 20, 2022), and based on the recommendations of the Drought Readiness Council and the Water Supply Availability Committee dated May 9, 2022, and pursuant to ORS 536.740, I find the low snowpack, low reservoir levels, and low streamflow have caused or will cause natural and economic disaster conditions in Baker, Douglas, Wallowa, and Wheeler Counties.

Forecasted water supply conditions and precipitation levels are not expected to improve. Drought is likely to have a significant economic impact on the farm, ranch, vineyard, recreation, tourism and natural resources sectors, as well as an impact on drinking water, fish and wildlife, and important minimum flows for public instream uses and other natural resources dependent on adequate precipitation, stored water, and streamflow in these areas. Extreme conditions are expected to affect local growers and livestock, increase the potential for fire, shorten the growing season, and decrease water supplies.

Conditions continue to be monitored by the State's natural resource and public safety agencies, including the Oregon Water Resources Department, the Oregon Office of Emergency Management, the Oregon Office of the State Fire Marshal, and the Oregon Department of Forestry's Fire Protection Division.

Preparation and resiliency to drought are vital to the health and safety of persons, property, and the economic security of the citizens and businesses of these counties. I, therefore, declare that a severe, continuing drought emergency exists and is likely to continue to exist in Baker, Douglas, Wallowa, and Wheeler Counties.

**NOW, THEREFORE, IT IS HEREBY DIRECTED AND ORDERED:**

- I. The Oregon Department of Agriculture is directed to coordinate and provide assistance in seeking federal resources to mitigate drought conditions and assist in agricultural recovery in Baker, Douglas, Wallowa, and Wheeler Counties.





EXECUTIVE ORDER NO. 22-08  
PAGE TWO

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- II. The Oregon Water Resources Department and the Water Resources Commission are directed to coordinate and provide assistance to water users in Baker, Douglas, Wallowa, and Wheeler Counties as the Department and Commission determine necessary and appropriate in accordance with ORS 536.700 to 536.780.
- III. The Oregon Water Resources Department is directed to seek information from the Oregon Department of Fish and Wildlife to help understand the impacts of water availability on Oregon's fish and wildlife, as necessary and appropriate in accordance with ORS 536.700 to 536.780.
- IV. The Office of Emergency Management is directed to coordinate and assist as needed with assessment and mitigation activities to address current and projected conditions in Baker, Douglas, Wallowa, and Wheeler Counties.
- V. All other state agencies are directed to coordinate with the above agencies and provide appropriate state resources as needed to assist affected political subdivisions and water users in Baker, Douglas, Wallowa, and Wheeler Counties.
- VI. This Executive Order expires on December 31, 2022.

Done at Salem, Oregon, this 13<sup>th</sup> day of May, 2022.

Kate Brown  
GOVERNOR

ATTEST:

Shemia Fagan  
SECRETARY OF STATE



# Regular Temporary Water Right Transfer Application Checklist

Checked by Joan

Date 8/14/22

T-14070

POU/POD

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

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

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

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

If #1, #2, #3, #4 or #5 on this checklist is deficient, the application 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.

Oh