

T-14103

Regular

SCANNED

MAR 17 2025

RA

T-14103

Name Rick Huffstader & Cynthia StricklandAddress P.O. Box NK 116  
Naukati, AK 99950  
akdreams2015@gmail.comChange in POU  
Date Filed 10-3-2022  
Initial notice date 10-11-2022  
DPD issued date 4/14/2023  
PD issued date 11/6/2023  
PD notice date 11/7/2023  
Date of FO 2/29/2024 Vol 129 Page 836-842C-Date \_\_\_\_\_  
COBU due date \_\_\_\_\_  
COBU Received date \_\_\_\_\_  
Certificate issued \_\_\_\_\_Assignments: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

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

Agent Kyle Sullivan - sullivan@ortelco.net

CWRE \_\_\_\_\_

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

## DESCRIPTION OF WATER RIGHT(s)

Name of Stream Belshaw Creek; John Day RiverTrib. of John Day River; Columbia RiverUse Irrigation County Grant

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

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

App# Decree Per # V.10 pg. 365 Cert # 25216 PR Date 1885App# S-23880 Per # S-18828 Cert # 90318 PR Date 6/28/1949App# 11 Per # 11 Cert # 90320 PR Date 6/28/1949

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

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

## FEES PAID

Date	Amount	Receipt #
10-3-2022	\$2,580.00	139213
10-3-2022	\$125.00	139258
11-3-2022	\$1,719.00	1394167

## FEES REFUNDED

Date	Amount	Receipt #
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STATE OF OREGON

COUNTY OF GRANT

CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

KATHERINE GEISLER  
MT. VERNON, OR 97865

confirms the right to use the waters of BELSHAW CREEK for IRRIGATION of 20.3 ACRES.

This right was confirmed by decree of the Circuit Court of the State of Oregon for Grant County. The decree is of record at Salem, in the Order Record of the Water Resources Director in Volume 15, at Page 461; that the priority of the right thereby confirmed dates from 1885.

The amount of water to which this right is entitled, for the purposes aforesaid, is limited to an amount actually beneficially used for said purposes, and shall not exceed 1/40 cubic foot per second per acre irrigated to June 1 and 1/80 cubic foot per second per acre thereafter; further limited to one acre-foot per calendar month to June 1 and four acre-feet per acre during season April 1 to Sept. 30, measured at point of diversion.

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

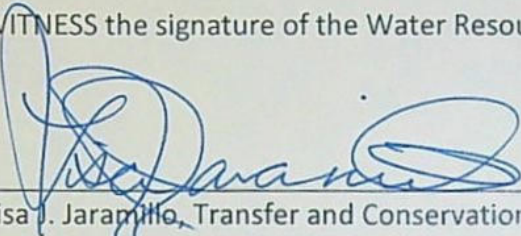
IRRIGATION					
TwP	Rng	Mer	Sec	Q-Q	Acres
13 S	29 E	WM	18	NE SW	8.1
13 S	29 E	WM	18	NW SE	8.4
13 S	29 E	WM	18	SW SE	3.8
Total					20.3

This certificate describes that portion of water right Certificate 25216, State Record of Water Right Certificates, NOT modified by the provisions of an order of the Water Resources Director entered FEB 29 2024, approving Transfer Application T-14103.

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

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

WITNESS the signature of the Water Resources Director, affixed FEB 29 2024.



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





# Oregon

Tina Kotek, Governor

## Water Resources Department

North Mall Office Building

725 Summer St NE, Suite A

Salem, OR 97301

Phone 503 986-0900

Fax 503 986-0904

February 29, 2024

Rick Hufstader & Cynthia Strickland  
PO Box NK116  
Naukati, AK 99950

REFERENCE: Transfer Application T-14103

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

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

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

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

If you have any questions related to the approval of this transfer, you may contact your caseworker, Corey Courchane, by telephone at (503) 979-3917 or by e-mail at [Corey.Courchane@water.oregon.gov](mailto:Corey.Courchane@water.oregon.gov).

Sincerely,

Elyse D. Richman  
Water Rights Services Support  
Transfers and Conservation Section

cc: Eric W. Julsrud, Watermaster Dist. # 4 (via email)  
Kyle Sullivan, Agent

Enclosure



BEFORE THE WATER RESOURCES DEPARTMENT  
OF THE  
STATE OF OREGON

In the Matter of Transfer Application	)	FINAL ORDER APPROVING CHANGES IN
T-14103, Grant County	)	PLACE OF USE AND PARTIAL
	)	CANCELLATION OF A WATER RIGHT
	)	CERTIFICATE

**Authority**

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

ORS 540.621 establishes the process for the owner of land to which a water right is appurtenant to certify under oath that the water right, or a portion thereof, has been abandoned and to voluntarily request that it be cancelled.

**Applicant**

RICK HUFSTADER  
CYNTHIA STRICKLAND  
PO BOX NK16  
NAUKATI, AK 99950

**Findings of Fact**

1. On October 3, 2022, RICK HUFSTADER and CYNTHIA STRICKLAND filed an application to change the places of use under Certificates 25216, 90318, and 90320. The Department assigned the application number T-14103.
2. Notice of the application for transfer was published on October 11, 2022, pursuant to OAR 690-380-4000. No comments were filed in response to the notice.

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



3. On April 14, 2023, the Department mailed a copy of the draft Preliminary Determination proposing to deny Transfer Application T-14103 to the applicants. The Department identified potential non-use issues under Certificate 25216, and enlargement under Certificate 90320. The draft Preliminary Determination cover letter set forth a deadline of May 15, 2023, for the applicants to respond.
4. On May 5, 2023, after discussion with the District 4 Watermaster, the Department extended the deadline for resolving the issues in the draft Preliminary Determination which proposed to deny Transfer Application T-14103 to July 31, 2023.
5. On July 24, 2023, the Department received a revised application, resolving the issues identified in the draft Preliminary Determination proposing to deny Transfer Application T-14103.
6. On November 6, 2023, the Department issued a Preliminary Determination proposing to approve Transfer T-14103 and mailed a copy to the applicant. Additionally, notice of the Preliminary Determination for the transfer application was published on the Department's weekly notice on November 7, 2023, pursuant to ORS 540.520 and OAR 690-380-4020. No protests were filed in response to the notice.
7. The portion of the first right to be transferred is as follows:

**Certificate:** 25216 in the name of KATHERINE GEISLER (confirmed by JOHN DAY RIVER (F) Decree)

**Use:** IRRIGATION OF 3.5 ACRES

**Priority Date:** 1885

**Rate:** 1/40 CUBIC FOOT PER SECOND PER ACRE IRRIGATED TO JUNE 1 AND 1/80 CUBIC FOOT PER SECOND PER ACRE THEREAFTER; FURTHER LIMITED TO ONE ACRE-FOOT PER CALENDAR MONTH TO JUNE 1 AND FOUR ACRE-FEET PER ACRE DURING SEASON APRIL 1 TO SEPT. 30, MEASURED AT POINT OF DIVERSION

**Period of Use:** APRIL 1 TO SEPTEMBER 30

**Source:** BELSHAW CREEK

**Authorized Point of Diversion:**

Twp	Rng	Mer	Sec	Q-Q
Not specified in certificate				

**Authorized Place of Use:**

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
13 S	29 E	WM	18	SW SE	3.5



8. The Department received information from the applicant that better describes the location of the authorized point of diversion for Certificate 25216. The application map indicates the location as follows:

Twp	Rng	Mer	Sec	Q-Q	GLot
13 S	29 E	WM	18	NW NW	1

9. Transfer Application T-14103 proposes to change the place of use of the right to:

IRRIGATION						
Twp	Rng	Mer	Sec	Q-Q	GLot	Acres
13 S	29 E	WM	18	SW NE	1	0.1
13 S	29 E	WM	18	SE NW	1	0.5
13 S	29 E	WM	18	NE SW	1	0.4
13 S	29 E	WM	18	NW SE	1	2.5
Total						3.5

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

**Certificate:** 90318 in the name of RICK A. HUFSTADER AND CYNTHIA STICKLAND  
(perfected under Permit S-18828)

**Use:** IRRIGATION of 3.5 ACRES

**Priority Date:** JUNE 28, 1949

**Rate:** 0.0875 CUBIC FOOT PER SECOND

**Limit/Duty:** The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands, is limited to ONE-FORTIETH of one cubic foot per second, or its equivalent for each acre irrigated and shall be further limited to a diversion of not to exceed 5.0 ACRE-FEET per acre for each acre irrigated during the irrigation season from April 1 to September 30 of each year.

**Period of Use:** APRIL 1 TO SEPTEMBER 30

**Source:** JOHN DAY RIVER, a tributary of COLUMBIA RIVER

**Authorized Point of Diversion:**

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
13 S	29 E	WM	18	SW SE	590 FEET NORTH AND 1980 FEET WEST FROM THE SE CORNER OF SECTION 18

**Authorized Place of Use:**

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
13 S	29 E	WM	18	SW SE	1.8
13 S	29 E	WM	19	NW NE	1.7
Total					3.5

11. Transfer Application T-14103 proposes to change the place of use of the right to:

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
13 S	29 E	WM	18	SW SE	3.5



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

**Certificate:** 90320 in the name of RICK A. HUFSTADER AND CYNTHIA STICKLAND  
(perfected under Permit S-18828)  
**Use:** IRRIGATION of 0.3 ACRE  
**Priority Date:** JUNE 28, 1949  
**Rate:** 0.0075 CUBIC FOOT PER SECOND  
**Limit/Duty:** The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands, shall be limited to ONE-FORTIETH 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 FIVE ACRE-FEET per acre for each acre irrigated during the irrigation season from April 1 to September 30 of each year.  
**Period of Use:** APRIL 1 TO SEPTEMBER 30  
**Source:** JOHN DAY RIVER, a tributary of COLUMBIA RIVER

**Authorized Point of Diversion:**

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
13 S	29 E	WM	18	SW SE	590 FEET NORTH AND 1980 FEET WEST FROM THE SE CORNER OF SECTION 18

**Authorized Place of Use:**

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
13 S	29 E	WM	18	SW SE	0.3

13. Transfer Application T-14103 proposes to change the place of use of the right to:

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
13 S	29 E	WM	18	SW SE	0.3

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

14. Water has been used within the last five years according to the terms and conditions of the rights. There is no information in the record that would demonstrate that the rights are subject to forfeiture under ORS 540.610.
15. A water delivery system sufficient to use the full amount of water allowed under the existing rights were present within the five-year period prior to submittal of Transfer Application T-14103.
16. The water rights are subject to transfer as defined in ORS 540.505(4) and OAR 690-380-0100(14).



17. On August 17, 2023, the Department determined that there is potential for water authorized under Certificate 25216 reaching the "FROM" lands under Certificates 90318 and 90320. A cut off ditch or other methodology to keep the sources separate will need to be required. A simple cut off ditch would suffice to keep Belshaw Creek water off of John Day River lands after the places of use of the two sources are moved as proposed.
18. The proposed changes, as conditioned, would not result in enlargement of the rights.
19. The proposed changes, as conditioned, would not result in injury to other existing water rights.
20. All other application requirements are met.

***Partial Cancellation of a Water Right***

21. On July 24, 2023, an affidavit certifying that a portion of a water right has been abandoned and requesting cancellation of a portion of the right was received from Kyle Sullivan, authorized agent. The portion of the right to be cancelled is as follows:

**Certificate:** 25216 in the name of KATHERINE GEISLER (confirmed by JOHN DAY RIVER (F) Decree)

**Use:** IRRIGATION of 4.3 ACRES

**Priority Date:** 1885

**Rate:** 1/40 CUBIC FOOT PER SECOND PER ACRE IRRIGATED TO JUNE 1 AND 1/80 CUBIC FOOT PER SECOND PER ACRE THEREAFTER; FURTHER LIMITED TO ONE ACRE-FOOT PER CALENDAR MONTH TO JUNE 1 AND FOUR ACRE-FEET PER ACRE DURING SEASON APRIL 1 TO SEPT. 30, MEASURED AT POINT OF DIVERSION

**Period of Use:** APRIL 1 TO SEPTEMBER 30

**Source:** BELSHAW CREEK

**Authorized Point of Diversion:**

Twp	Rng	Mer	Sec	Q-Q
Not specified in certificate				

**Authorized Place of Use:**

IRRIGATION					
Twp	Rng	Mer	Sec	Q - Q	Acres
13 S	29 E	WM	18	SW SE	4.3

**Conclusions of Law**

The changes in place of use proposed in Transfer Application T-14103 are consistent with the requirements of ORS 540.505 to 540.580 and OAR 690-380-5000 and the abandoned right should be cancelled.



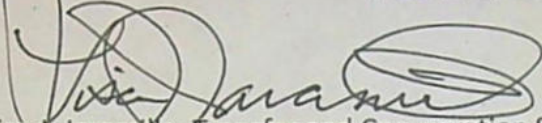
Now, therefore, it is ORDERED:

1. The changes in place of use proposed in Transfer Application T-14103 are approved. The portion of the right that has been abandoned is cancelled.
2. The right to the use of the water is restricted to beneficial use at the places of use described, and is subject to all other conditions and limitations contained in Certificates 25216, 90318, and 90320, and any related decree.
3. Approval of this transfer application does not constitute nor grant legal access onto or through another person's property for purposes of accessing the new place of use.
4. Water right Certificates 25216, 90318, and 90320 are cancelled. New certificates will be issued describing that portion of the rights not affected by this transfer and cancellation.
5. The former places of use of the transferred rights shall no longer receive water under the rights.
6. Water use measurement conditions:
  - a. Before water use may begin under this order, the water user shall install a totalizing flow meter or weir, or, with prior approval of the Director, another suitable measuring device, at each point of diversion (new and existing).
  - b. The water user shall maintain the meters or measuring devices in good working order.
  - c. The water user shall allow the Watermaster access to the meters or measuring devices; provided however, where the meters or measuring devices are located within a private structure, the Watermaster shall request access upon reasonable notice.
7. Prior to water use on the proposed lands, a cut off ditch or other methodology must be installed to keep Belshaw Creek water off the lands receiving water from the John Day River.
8. Full beneficial use of the water shall be made, consistent with the terms of this order, on or before **October 1, 2025**. A Claim of Beneficial Use prepared by a Certified Water Right Examiner shall be submitted by the applicant to the Department within one year after the deadline for completion of the changes and full beneficial use of the water.



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

Dated in Salem, Oregon on **FEB 29, 2024**



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

Mailing date: **MAR 1 - 2024**



STATE OF OREGON

COUNTY OF GRANT

CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

RICK A. HUFSTADER AND CYNTHIA STRICKLAND

PO BOX NKI16

NAUKATI, AK 99950

confirms the right to use the waters of JOHN DAY RIVER, a tributary of COLUMBIA RIVER for IRRIGATION of 3.5 ACRES.

This right was perfected under Permit S-18828. The date of priority is JUNE 28, 1949. The amount of water to which this right is entitled is limited to an amount actually used beneficially, and shall not exceed 0.0875 CUBIC FOOT PER SECOND, or its equivalent in case of rotation, measured at the point of diversion.

The point of diversion is located as follows:

TwP	Rng	Mer	Sec	Q-Q	Measured Distances
13 S	29 E	WM	18	SW SE	590 FEET NORTH AND 1980 FEET WEST FROM THE SE CORNER OF SECTION 18

The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands, is limited to ONE-FORTIETH of one cubic foot per second, or its equivalent for each acre irrigated and shall be further limited to a diversion of not to exceed 5.0 acre-feet per acre for each acre irrigated during the irrigation season from April 1 to September 30 of each year.

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

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

IRRIGATION					
TwP	Rng	Mer	Sec	Q-Q	Acres
13 S	29 E	WM	18	SW SE	2.5
13 S	29 E	WM	19	NW NE	1.0
Total					3.5



The quantity of water diverted at the new point of diversion shall not exceed the quantity of water lawfully available from the original point of diversion described as follows:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
13 S	29 E	WM	27	NW NE	50 FEET SOUTH AND 3380 FEET EAST FROM THE NW CORNER OF SECTION 27

The water user shall maintain the meter or other suitable measuring device in good working order at each point of diversion.

When required by the Department, the water user shall install, maintain and operate a headgate to control and regulate the quantity of water delivered. The type and plans of the headgate must be approved by the Department prior to beginning of construction and shall be installed under the general supervision of the Department.

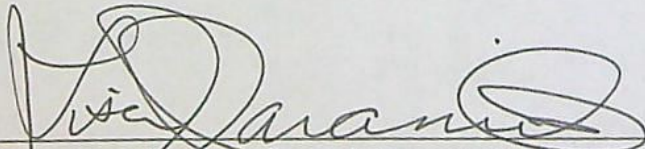
The water user shall maintain and operate the fish screen and/or by-pass device, as appropriate, at the point of diversion consistent with the Oregon Department of Fish and Wildlife's operational and maintenance standards.

This certificate describes that portion of water right Certificate 90318, State Record of Water Right Certificates, NOT modified by the provisions of an order of the Water Resources Director entered FEB 29 2024, approving Transfer Application T-14103.

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

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

WITNESS the signature of the Water Resources Director, affixed FEB 29 2024.



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



## STATE OF OREGON

## COUNTY OF GRANT

## CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

RICK A. HUFSTADER AND CYNTHIA STRICKLAND  
PO BOX NK116  
NAUKATI, AK 99950

confirms the right to use the waters of JOHN DAY RIVER, a tributary of COLUMBIA RIVER for  
IRRIGATION of 7.1 ACRES.

This right was perfected under Permit S-18828. The date of priority is JUNE 28, 1949. The amount of water to which this right is entitled is limited to an amount actually used beneficially, and shall not exceed 0.1775 CUBIC FOOT PER SECOND, or its equivalent in case of rotation, measured at the point of diversion.

The point of diversion is located as follows:

TwP	Rng	Mer	Sec	Q-Q	Measured Distances
13 S	29 E	WM	18	SW SE	NEW POINT OF DIVERSION - 590 FEET NORTH AND 1980 FEET WEST FROM THE SE CORNER OF SECTION 18

The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands, is limited to ONE-FORTIETH of one cubic foot per second, or its equivalent for each acre irrigated and shall be further limited to a diversion of not to exceed FIVE ACRE-FEET per acre for each acre irrigated during the irrigation season from April 1 to September 30 of each year.

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

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

IRRIGATION					
TwP	Rng	Mer	Sec	Q-Q	Acres
13 S	29 E	WM	18	SW SE	5.3
13 S	29 E	WM	18	SE SE	1.0
13 S	29 E	WM	19	NW NE	0.8
Total					7.1



The quantity of water diverted at the new point of diversion shall not exceed the quantity of water lawfully available from the original point of diversion described as follows:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
13 S	29 E	WM	27	NW NE	ORIGINAL POINT OF DIVERSION - 50 FEET SOUTH AND 3380 FEET EAST FROM THE NW CORNER OF SECTION 27

Water use measurement conditions:

- A. The water user shall maintain the meter or other suitable measuring device in good working order at the new point of diversion.
- B. The water user shall allow the watermaster access to the meter or measuring device; provided however, where the meter or measuring device is located within a private structure, the watermaster shall request access upon reasonable notice.

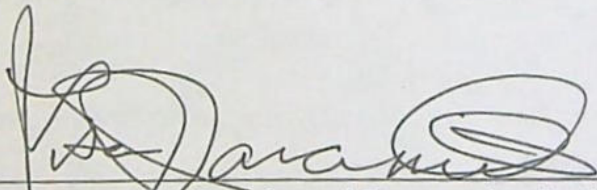
The water user shall operate and maintain an approved fish screen at the new point of diversion.

This certificate describes that portion of water right Certificate 90320, State Record of Water Right Certificates, NOT modified by the provisions of an order of the Water Resources Director entered FEB 29 2024, approving Transfer Application T-14103.

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

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

WITNESS the signature of the Water Resources Director, affixed FEB 29 2024.



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



# WATER RIGHT TRANSFER COVER SHEET

Transfer: T- 14103

Transfer Specialist:

Transfer Type: Regular Transfer

*Corey*

<b>Applicant:</b> RICK A. HUFSTADER/CYNTHIA STRICKLAND PO BOX NKI16 NAUKATI, AK 99950 Email: _____ Phone: _____		<b>Agent:</b> <input type="checkbox"/> N/A KYLE SULLIVAN 721 S CANYON BLVD JOHN DAY, OR 97845 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 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"/>	Decree; John Day	v. 10 pg. 365	25216	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	97403
<input type="checkbox"/>	S-23880	S-18828	90318	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	97404
<input type="checkbox"/>	S-23880	S-18828	90320	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	97405

## Key Dates & Initial Actions:

Rec'd: October 3, 2022	Proposed Action(s): PLACE OF USE	
Fees Pd: 2580.00	WM District: 4	ODFW District:
Initial Public Notice: October 11, 2022	WM Review sent:	ODFW Review sent:
Acknowledgement Letter Sent <input checked="" type="checkbox"/>		GW Review sent: <input type="checkbox"/> N/A
County sent cc: of Ack Letter <input checked="" type="checkbox"/>	BOR notified (date): <input type="checkbox"/> N/A	
Newspaper quote requested: <i>N/A</i>	Request for news \$ sent:	News \$ received:
Request to publish sent:	Affidavit of publication received:	Last day of publication:

*RA*

*electronic*

Document	Drafted	Peer Review	Changes Made	Coordinator	Changes Made	Signature Bin	Signature Date
DPD	Date: <i>3/8/23</i> Initials: <i>cc</i>	Date: <i>5/20/23</i> Initials: <i>Steff</i>	Date: _____ Initials: _____	Date: <i>3/23/23</i> Initials: <i>PKS</i>	Date: <i>4/14/23</i> Initials: <i>cc</i>	CW Sent: <i>4/14/23</i>	N/A
PD	Date: <i>8/17/23</i> Initials: <i>cc</i>	Date: <i>8/17/23</i> Initials: <i>Acc</i>	Date: _____ Initials: _____	Date: <i>9/19/23</i> Initials: <i>PKS</i>	Date: <i>10/19/23</i> Initials: <i>cc</i>	Date: <i>10/31/23</i>	<i>11/16/2023</i>
FO	Date: <i>11/8/23</i> Initials: <i>cc</i>	Date: <i>11/20/23</i> Initials: <i>Jana</i>	Date: _____ Initials: _____	Date: <i>2/15/24</i> Initials: <i>PKS</i>	Date: <i>2/16/24</i> Initials: <i>cc</i>	Date: <i>2/24/24</i>	<i>2/29/24</i>

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

Special Order Volume: Vol. *129* Pages *836-842*

*Coord. sign-off  
RR review  
10/17/23  
PKS*



## **COURCHANE Corey A \* WRD**

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**From:** ELLIOTT Chloe \* WRD  
**Sent:** Wednesday, October 25, 2023 2:51 PM  
**To:** COURCHANE Corey A \* WRD  
**Cc:** MARTIN Duff A \* WRD; BAUSTIAN Julie C \* WRD  
**Subject:** RA PD T-14103 Completed by Data

Good Afternoon Corey,

Data has completed RA PD T-14103 with a recorded time of 4hrs 15 minutes.

Best Wishes,



*Chloe Elliott*

Data Tech 1  
Oregon Water Resources Department  
725 Summer St. NE, Suite A  
Salem, Oregon 97301



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





# Oregon

Tina Kotek, Governor

## Water Resources Department

North Mall Office Building

725 Summer St NE, Suite A

Salem, OR 97301

Phone 503 986-0900

Fax 503 986-0904

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

September , 2023

### VIA CERTIFIED MAIL AND E-MAIL

#### Applicant

RICK HUFSTADER

CYNTHIA STRICKLAND

PO BOX NK116

NAUKATI, AK 99950

SUBJECT: Water Right Transfer Application T-14103

Please find enclosed the Preliminary Determination indicating that, based on the information available, the Department intends to approve application T-1410314103. This document is an intermediate step in the approval process; water may not be used legally as proposed in the transfer application until a Final Order has been issued by the Department. Please read this entire letter carefully to determine your responsibility for additional action.

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

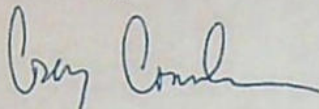
If no protest is filed, the Department will issue a Final Order consistent with the Preliminary Determination. You should receive a copy of the Final Order about 30 days after the close of the protest period.

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



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

Sincerely,

A handwritten signature in blue ink, appearing to read "Corey Courchane".

Corey Courchane  
Allocation of Conserved Water  
Transfer and Conservation Section

cc: Transfer Application file T-1410314103  
Eric W. Julsrud, District 4 Watermaster *(via e-mail)*  
Kyle Sullivan, Agent for the applicant *(via e-mail)*

encs





REC'D APR 13 2010

**Grant Soil and Water Conservation District**

721 S. Canyon Blvd. - John Day, OR 97845 - Phone (541) 575-0135 - FAX (541) 575-0646

April 5, 2010

Ken Dowden  
N. C. Region Transfer Specialist  
Oregon Water Resources Department  
116 S. E. Dorion Avenue  
Pendleton, Oregon 97801

**RE: Location of Certificate Nos. 39356 and 39357**

Dear Ken,

In response to your request, we are providing following description of our approach and rationale for mapping the water rights of Certificate Nos. 39356 and 39357 in the NWNE of Section 19, Township 13 South, Range 29 East, W.M. as depicted in our Transfer Application Maps (T-10630).

Field data was collected on October 2, 2007 using a survey grade GPS; features such as laterals, main ditch, fences, established monuments, grade breaks and generic ground shots were located and the points downloaded into ESRI ArcMap 8.3. The John Day River Adjudication Map was used to depict the lands described in Cert. 39357. The map was scanned and digitally rectified in ArcMap over a 2005 digital orthoquad using a combination of located monuments as well as ditch lines and other features common to both the map and the aerial photo. Overall, we were pleased with the quality of the match; however, the Final Proof Survey for Cert. 39356 was found to be lacking in features which correlated well with the 2005 aerial photograph. To clarify this we obtained a copy of the original file. A review of the file was found to contain a copy of the original application map which showed the intention of the water rights in Cert. 39356 was to abut the lands shown in the adjudication map (Cert 39357).

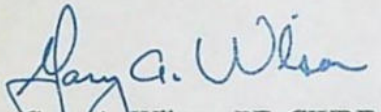
To depict the lands under Cert. 39357 in the NWNE of Sec. 19, we relied on the rectified adjudication map and existing river to establish the western extent, a fence line to establish the southern boundary, the section line based on a located monument to define the northern extent and the rectified adjudication map as well as survey shots to establish the eastern boundary.

To depict the lands under Cert. 39356 in the NWNE of Sec. 19, we felt justified in using the eastern boundary of Cert. 39357 as our western extent since the application map demonstrated the intention of abutting the older water right. The section line, fence line and a lateral below the main ditch comprised the remaining boundaries to complete our interpretation of the water rights in this quarter-quarter.

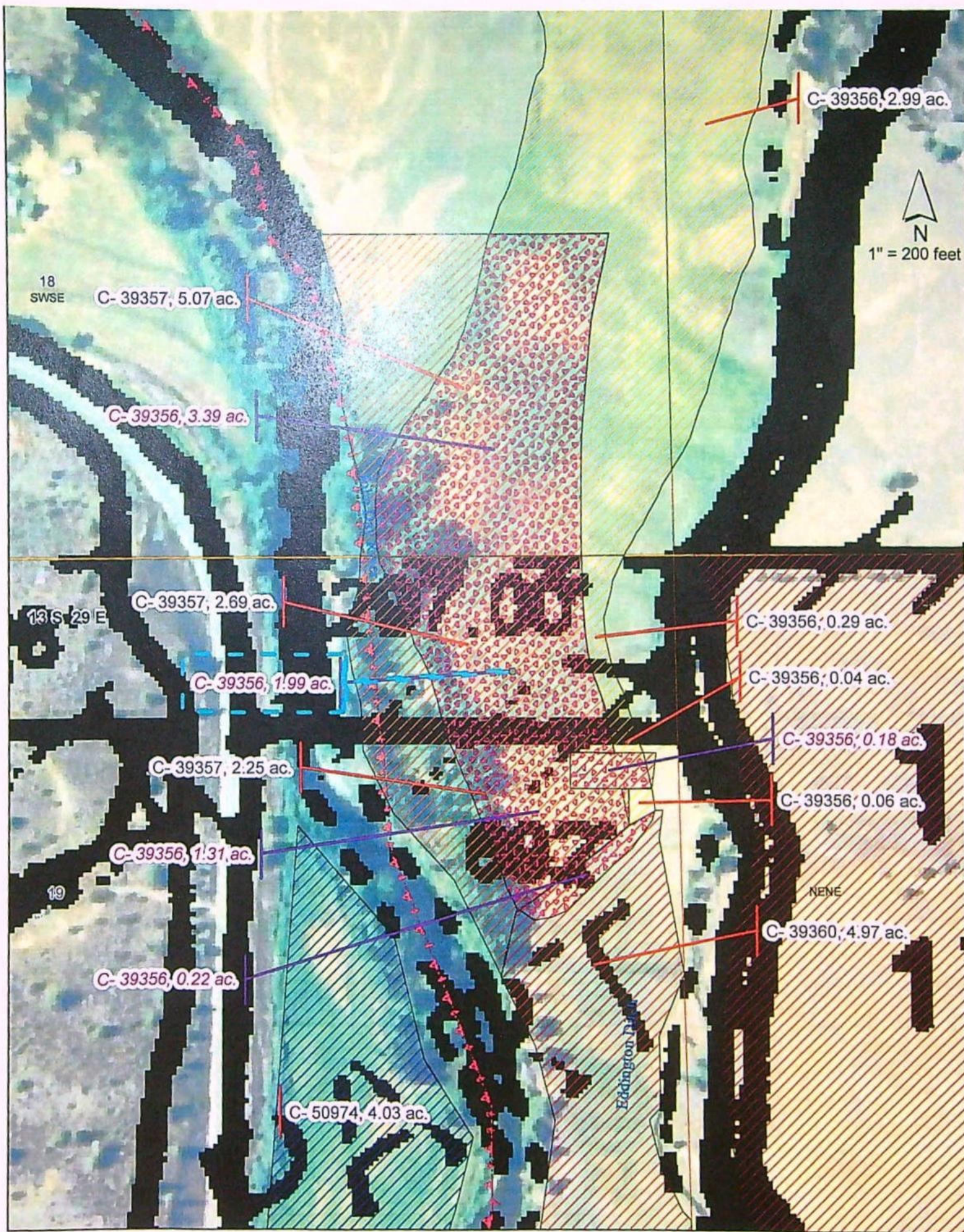


In all, we located 3.3 of 5 acres from Cert. 39357 and 0.8 of 4.0 acres from Cert. 39356 in the NWNE of Sec. 19. The location of the remaining rights may require a property line survey and land title research to resolve, both are beyond the scope of a transfer application. We cannot state with certainty that these remaining rights are not located on the neighboring property to the south. Given the uncertainty generated by our review of the final proof survey for Cert. 39356, we would recommend the department issue remaining right certificates for the balance of acres in the NWNE of Sec. 19.

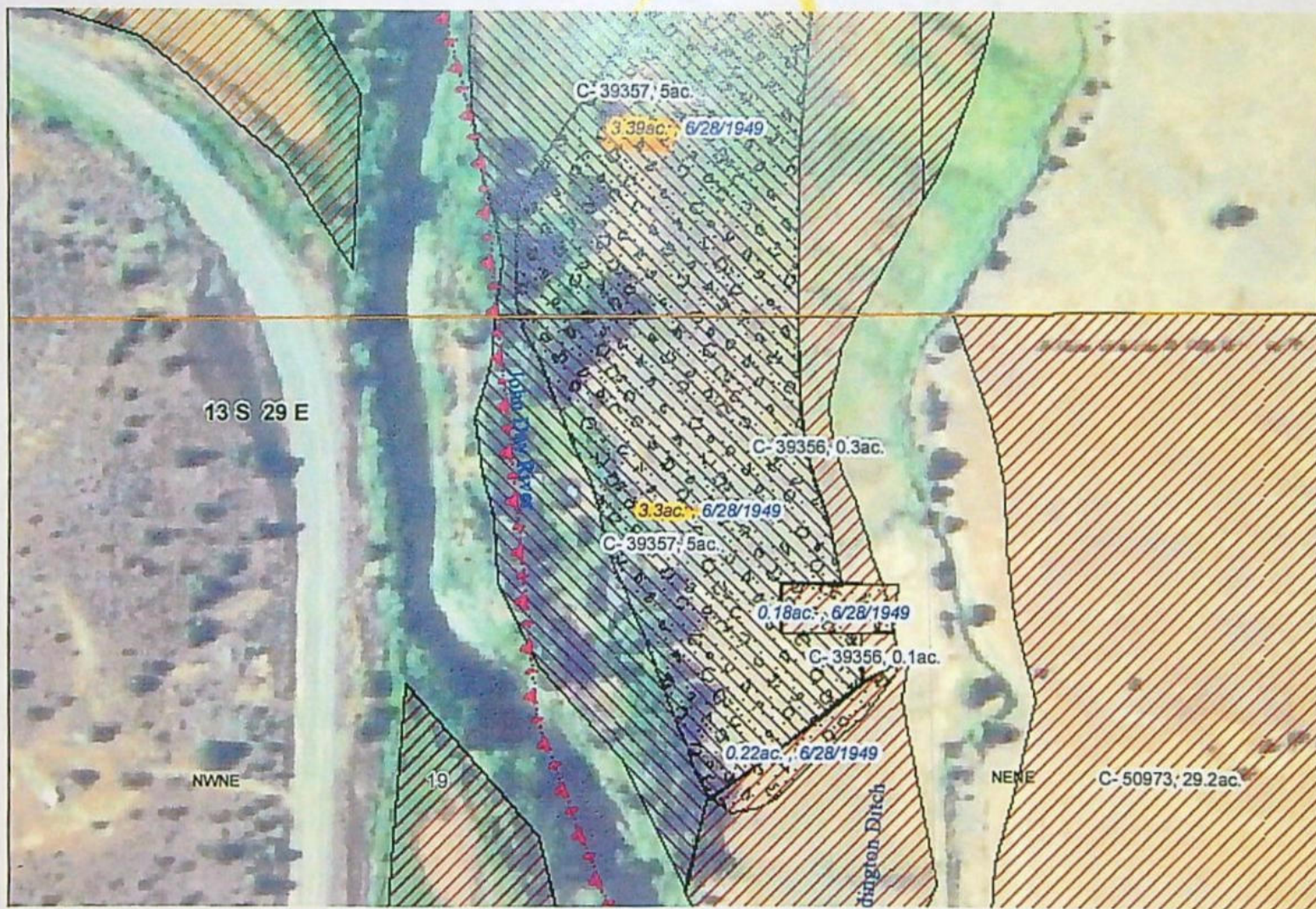
Sincerely,

  
Gary A. Wilson, PE, CWRE  
District Engineer













# Oregon

Tina Kotek, Governor

## Water Resources Department

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

November 10 2023

VIA CERTIFIED MAIL AND E-MAIL

### Applicant

RICK HUFSTADER  
CYNTHIA STRICKLAND  
PO BOX NK116  
NAUKATI, AK 99950

SUBJECT: Water Right Transfer Application T-14103

Please find enclosed the Preliminary Determination indicating that, based on the information available, the Department intends to approve application T-1410314103. This document is an intermediate step in the approval process; water may not be used legally as proposed in the transfer application until a Final Order has been issued by the Department. Please read this entire letter carefully to determine your responsibility for additional action.

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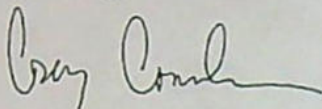
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If a protest is filed, the application may be referred to a contested case proceeding. A contested case provides an opportunity for the proponents and opponents of the decision proposed in the Preliminary Determination to present information and arguments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



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

Sincerely,

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

Corey Courchane  
Allocation of Conserved Water  
Transfer and Conservation Section

cc: Transfer Application file T-1410314103  
Eric W. Julsrud, District 4 Watermaster (*via e-mail*)  
Kyle Sullivan, Agent for the applicant (*via e-mail*)

encs



BEFORE THE WATER RESOURCES DEPARTMENT  
OF THE  
STATE OF OREGON

In the Matter of Transfer Application	)	PRELIMINARY DETERMINATION
T-14103, Grant County	)	PROPOSING APPROVAL OF CHANGES IN
	)	PLACE OF USE AND PARTIAL
	)	CANCELLATION OF A WATER RIGHT
	)	CERTIFICATE

**Authority**

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

ORS 540.621 establishes the process for the owner of land to which a water right is appurtenant to certify under oath that the water right, or a portion thereof, has been abandoned and to voluntarily request that it be cancelled.

**Applicant**

RICK HUFSTADER  
CYNTHIA STRICKLAND  
PO BOX NK116  
NAUKATI, AK 99950

**Findings of Fact**

1. On October 3, 2022, RICK HUFSTADER and CYNTHIA STRICKLAND filed an application to change the place of use under Certificates 25216, 90318, and 90320. The Department assigned the application number T-14103.
2. Notice of the application for transfer was published on October 11, 2022, pursuant to OAR 690-380-4000. No comments were filed in response to the notice.
3. On April 14, 2023, the Department mailed a copy of the draft Preliminary Determination proposing to deny Transfer Application T-14103 to the applicants. The Department identified potential non-use issues under Certificate 25216, and enlargement under Certificate 90320. The draft Preliminary Determination cover letter set forth a deadline of May 15, 2023, for the applicants to respond.

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



4. On May 5, 2023, after discussion with the District 4 Watermaster, the Department extended the deadline for resolving the issues in the draft Preliminary Determination proposing to deny Transfer Application T-14103 to July 31, 2023.
5. On July 24, 2023, the Department received a revised application, resolving the issues identified in the draft Preliminary Determination proposing to deny Transfer Application T-14103.
6. The portion of the first right to be transferred is as follows:

**Certificate:** 25216 in the name of KATHERINE GEISLER (confirmed by JOHN DAY RIVER (F) Decree)

**Use:** IRRIGATION OF 3.5 ACRES

**Priority Date:** 1885

**Rate:** 1/40 CUBIC FOOT PER SECOND PER ACRE IRRIGATED TO JUNE 1 AND 1/80 CUBIC FOOT PER SECOND PER ACRE THEREAFTER; FURTHER LIMITED TO ONE ACRE-FOOT PER CALENDAR MONTH TO JUNE 1 AND FOUR ACRE-FEET PER ACRE DURING SEASON APRIL 1 TO SEPT. 30, MEASURED AT POINT OF DIVERSION

**Period of Use:** APRIL 1 TO SEPTEMBER 30

**Source:** BELSHAW CREEK

**Authorized Point of Diversion:**

Twp	Rng	Mer	Sec	Q-Q
Not specified in certificate				

**Authorized Place of Use:**

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
13 S	29 E	WM	18	SW SE	3.5

7. The Department received information from the applicant that better describes the location of the authorized point of diversion for Certificate 25216. The application map indicates the location as follows:

Twp	Rng	Mer	Sec	Q-Q	GLot
13 S	29 E	WM	18	NW NW	1

8. Transfer Application T-14103 proposes to change the place of use of the right to:

IRRIGATION						
Twp	Rng	Mer	Sec	Q-Q	GLot	Acres
13 S	29 E	WM	18	SW NE	1	0.1
13 S	29 E	WM	18	SE NW	1	0.5
13 S	29 E	WM	18	NE SW	1	0.4
13 S	29 E	WM	18	NW SE	1	2.5
Total						3.5



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

**Certificate:** 90318 in the name of RICK A. HUFSTADER AND CYNTHIA STICKLAND  
(perfected under Permit S-18828)  
**Use:** IRRIGATION of 3.5 ACRES  
**Priority Date:** JUNE 28, 1949  
**Rate:** 0.0875 CUBIC FOOT PER SECOND  
**Limit/Duty:** The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands, is limited to ONE-FORTIETH of one cubic foot per second, or its equivalent for each acre irrigated and shall be further limited to a diversion of not to exceed 5.0 ACRE-FEET per acre for each acre irrigated during the irrigation season from April 1 to September 30 of each year.  
**Period of Use:** APRIL 1 TO SEPTEMBER 30  
**Source:** JOHN DAY RIVER, a tributary of COLUMBIA RIVER

**Authorized Point of Diversion:**

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
13 S	29 E	WM	18	SW SE	590 FEET NORTH AND 1980 FEET WEST FROM THE SE CORNER OF SECTION 18

**Authorized Place of Use:**

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
13 S	29 E	WM	18	SW SE	1.8
13 S	29 E	WM	19	NW NE	1.7
Total					3.5

10. Transfer Application T-14103 proposes to change the place of use of the right to:

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
13 S	29 E	WM	18	SW SE	3.5

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

**Certificate:** 90320 in the name of RICK A. HUFSTADER AND CYNTHIA STICKLAND  
(perfected under Permit S-18828)  
**Use:** IRRIGATION of 0.3 ACRE  
**Priority Date:** JUNE 28, 1949  
**Rate:** 0.0075 CUBIC FOOT PER SECOND  
**Limit/Duty:** The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands, shall be limited to ONE-FORTIETH 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 FIVE ACRE-FEET per acre for each acre irrigated during the irrigation season from April 1 to September 30 of each year.  
**Period of Use:** APRIL 1 TO SEPTEMBER 30



**Source:** JOHN DAY RIVER, a tributary of COLUMBIA RIVER

**Authorized Point of Diversion:**

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
13 S	29 E	WM	18	SW SE	590 FEET NORTH AND 1980 FEET WEST FROM THE SE CORNER OF SECTION 18

**Authorized Place of Use:**

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
13 S	29 E	WM	18	SW SE	0.3

12. Transfer Application T-14103 proposes to change the place of use of the right to:

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
13 S	29 E	WM	18	SW SE	0.3

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

13. Water has been used within the last five years according to the terms and conditions of the rights. There is no information in the record that would demonstrate that the rights are subject to forfeiture under ORS 540.610.
14. A water delivery system sufficient to use the full amount of water allowed under the existing rights were present within the five-year period prior to submittal of Transfer Application T-14103.
15. The water rights are subject to transfer as defined in ORS 540.505(4) and OAR 690-380-0100(14).
16. On August 17, 2023, the Department determined that there is potential for water authorized under Certificate 25216 reaching the "FROM" lands under Certificates 90318 and 90320. A cut off ditch or other methodology to keep the sources separate will need to be required. A simple cut off ditch would suffice to keep Belshaw Creek water off of John Day River lands after the places of use of the two sources are moved as proposed.
17. The proposed changes, as conditioned, would not result in enlargement of the rights.
18. The proposed changes, as conditioned, would not result in injury to other existing water rights.
19. All other application requirements are met.



### ***Partial Cancellation of a Water Right***

20. On July 24, 2023, an affidavit certifying that a portion of a water right has been abandoned and requesting cancellation of a portion of the right was received from Kyle Sullivan, authorized agent. The right to be cancelled is as follows:

**Certificate:** 25216 in the name of KATHERINE GEISLER (confirmed by JOHN DAY RIVER (F) Decree)

**Use:** IRRIGATION of 4.3 ACRES

**Priority Date:** 1885

**Rate:** 1/40 CUBIC FOOT PER SECOND PER ACRE IRRIGATED TO JUNE 1 AND 1/80 CUBIC FOOT PER SECOND PER ACRE THEREAFTER; FURTHER LIMITED TO ONE ACRE-FOOT PER CALENDAR MONTH TO JUNE 1 AND FOUR ACRE-FEET PER ACRE DURING SEASON APRIL 1 TO SEPT. 30, MEASURED AT POINT OF DIVERSION

**Period of Use:** APRIL 1 TO SEPTEMBER 30

**Source:** BELSHAW CREEK

**Authorized Point of Diversion:**

Twp	Rng	Mer	Sec	Q-Q
Not specified in certificate				

**Authorized Place of Use:**

IRRIGATION					
Twp	Rng	Mer	Sec	Q - Q	Acres
13 S	29 E	WM	18	SW SE	4.3

### **Determination and Proposed Action**

The changes in place of use proposed in Transfer Application T-14103 appears to be consistent with the requirements of ORS 540.505 to 540.580 and OAR 690-380-5000 and the abandoned right should be cancelled. If protests are not filed pursuant to OAR 690-380-4030, the transfer application will be approved and the abandoned right will be cancelled.

*If the issues identified above are resolved and Transfer Application T-14103 is approved, the final order will include the following:*

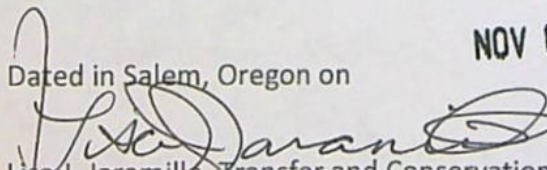
- 1. The changes in place of use proposed in Transfer Application T-14103 are approved. The portion of the right that has been abandoned is cancelled.*
- 2. The right to the use of the water is restricted to beneficial use at the place of use described, and is subject to all other conditions and limitations contained in Certificates 25216, 90318, and 90320, and any related decree.*
- 3. Approval of this transfer application does not constitute nor grant legal access onto or through another person's property for purposes of accessing the new place of use.*



4. *Water right Certificates 25216, 90318, and 90320 are cancelled. New certificates will be issued describing that portion of the rights not affected by this transfer and cancellation.*
5. *The former places of use of the transferred rights shall no longer receive water under the rights.*
6. *Water use measurement conditions:*
  - a. *Before water use may begin under this order, the water user shall install a totalizing flow meter or weir, or, with prior approval of the Director, another suitable measuring device, at each point of diversion (new and existing).*
  - b. *The water user shall maintain the meters or measuring devices in good working order.*
  - c. *The water user shall allow the Watermaster access to the meters or measuring devices; provided however, where the meters or measuring devices are located within a private structure, the Watermaster shall request access upon reasonable notice.*
7. *Prior to water use on the proposed lands, a cut off ditch or other methodology must be installed to keep Belshaw Creek water off the lands receiving water from the John Day River.*
8. *Full beneficial use of the water shall be made, consistent with the terms of this order, on or before **October 1, 2025**. A Claim of Beneficial Use prepared by a Certified Water Right Examiner shall be submitted by the applicant to the Department within one year after the deadline for completion of the changes and full beneficial use of the water.*
9. *After satisfactory proof of beneficial use is received, new certificates confirming the rights transferred will be issued.*

Dated in Salem, Oregon on

NOV 06 2023

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

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



## Protests

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

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

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

## Requests for Standing

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

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



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

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

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

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

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

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



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

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

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

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



# Application for Permanent Water Right Transfer

## Part 1 of 5 – Minimum Requirements Checklist



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

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

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

RECEIVED

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

JUL 24 2023

OWRD

- X Part 1 – Completed Minimum Requirements Checklist.
- X Part 2 – Completed Transfer Application Map Checklist.
- X Part 3 – Application Fee, payable by check to the Oregon Water Resources Department, and completed Fee Worksheet, page 3. Try the new online fee calculator at:  
[http://apps.wrd.state.or.us/apps/misc/wrd\\_fee\\_calculator](http://apps.wrd.state.or.us/apps/misc/wrd_fee_calculator).
- X Part 4 – Completed Applicant Information and Signature.
- X Part 5 – Information about Water Rights to be Transferred: **How many water rights are to be transferred? 3 List them here: C- 25216 , C-90318 & C-90320**  
Please include a separate Part 5 for each water right. (See instructions on page 6)  
**NOTE: A separate transfer application is required for each water right unless the criteria in OAR 690-380-3220 are met.**

### Attachments:

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

### (For Staff Use Only)

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

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

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

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



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## Part 2 of 5 – Transfer Application Map

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

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

- X ☐ N/A Certified Water Right Examiner (CWRE) Stamp and Original Signature. For a list of CWREs, see [http://apps.wrd.state.or.us/apps/wr/cwre\\_license\\_view/](http://apps.wrd.state.or.us/apps/wr/cwre_license_view/). CWRE stamp and signature are not required for substitutions.
- X N/A If **more than three** water rights are involved, separate maps are needed for each water right.
- X Permanent quality printed with dark ink on good quality paper.
- X 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.
- X A north arrow, a legend, and scale.
- X 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.
- X Township, Range, Section, ¼ ¼, DLC, Government Lot, and other recognized public land survey lines.
- X Tax lot boundaries (property lines) are required. Tax lot numbers are recommended.
- X Major physical features including rivers and creeks showing direction of flow, lakes and reservoirs, roads, and railroads.
- X Major water delivery system features from the point(s) of diversion/appropriation such as main pipelines, canals, and ditches.
- X 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.
- X ☐ N/A Proposed place of use that includes separate hachuring for each water right, priority date, and use including number of acres in each quarter-quarter section, government lot, or in each quarter-quarter section as projected within government lots, donation land claims, or other recognized public land survey subdivisions.
- X 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.
- X ☐ N/A If you are proposing a change in point(s) of diversion or well(s), show the proposed location and label it clearly with distance and bearing or coordinates. If GPS coordinates are used, latitude-longitude coordinates may be expressed as either degrees-minutes-seconds with at least one digit after the decimal (example – 42°32'15.5") or degrees-decimal with five or more digits after the decimal (example – 42.53764°).



### Part 3 of 5 – Fee Worksheet

## FEE WORKSHEET for PERMANENT TRANSFER (except Substitution)

[illegible]

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

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

## FEE WORKSHEET for SUBSTITUTION

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



## Part 4 of 5 – Applicant Information and Signature

### Applicant Information

APPLICANT/BUSINESS NAME <b>Rick Hufstader and Cynthia Strickland</b>		PHONE NO. <b>907-723-7291</b>	ADDITIONAL CONTACT NO.
ADDRESS <b>P. O. Box NK 116</b>		FAX NO.	
CITY <b>Naukati</b>	STATE <b>AK</b>	ZIP <b>99950</b>	E-MAIL <b>akdreams2015@gmail.com</b>
<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.</b>			

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

AGENT/BUSINESS NAME <b>Kyle Sullivan</b>		PHONE NO. <b>541-575-0135 ex 111</b>	ADDITIONAL CONTACT NO.
ADDRESS <b>721 S. Canyon Blvd</b>		FAX NO.	
CITY <b>John Day</b>	STATE <b>OR</b>	ZIP <b>97845</b>	E-MAIL <b>sullivank@ortelco.net</b>
<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.</b>			

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

MAP 1:

We are currently irrigating 7.3 acres under C-25216 via the Belshaw Ditch and feeder ditches.

(1) We propose to transfer 3.5 acres under C-25216 northerly approximately 1/4 mile to new ground.

(2) We propose to voluntarily cancel irrigation of 4.3 acres in the SW1/4SE1/4, Section 18, due to non-use.

MAP 2:

(1) We propose to transfer 3.5 acres under C-90318 to the area formerly occupied by C-25216 as described in (1) above.

(2) We propose to transfer 0.3 acres under C-90320 to new ground within the pivot sweep of Pivot 1.

This will fill in the remaining part of the pivot circle not served by C-90319.

(3) Pivot 1 will have only the existing 1906 and the proposed 1949 priority dates, divided approximately into east and west halves.

Placing the above described 3.8 acres within the pivot sweep of Pivot 1 results in more efficient use of water and will improve priority date management of the three certificates.

C-25216= 1885 ----- C-90318=1949 ---- C-90320= 1949 ---- C-90319=1906, remains unchanged.

See attached EXHIBIT A.

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

### Check One Box

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

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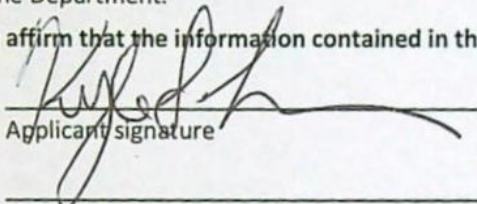
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By my signature below, I confirm that I understand:

- Prior to Department approval of the transfer application, I may be required to submit payment to the Department for publication of a notice in a newspaper with general circulation in the area where the water right is located, once per week for two consecutive weeks. If more than one qualifying newspaper is available, I suggest publishing the notice in the following newspaper: Blue Mountain Eagle.
- Amendments to the application may only be made in response to the Department's Draft Preliminary Determination (DPD). The applicant will have a period of at least 30 days to amend the application to address any issues identified by the Department in the DPD, or to withdraw the application. Note that amendments may be subject to additional fees, pursuant to ORS 536.050.
- Failure to complete an approved change in place of use and/or change in character of use, will result in loss of the water right (OAR 690-380-6010).
- Refunds may only be granted upon request and, as set forth in ORS 536.050(4)(a), if the Director determines that a refund of all or part of a fee is appropriate in the interests of fairness to the public or necessary to correct an error of the Department.

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

  
Applicant signature

Kyle Sullivan, agent  
Print Name (and Title if applicable)

7-17-2023  
Date

Applicant signature

Print Name (and Title if applicable)

Date

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

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

Check the following boxes that apply:

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

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

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

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

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

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



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

IRRIGATION DISTRICT NAME	ADDRESS	
CITY	STATE	ZIP

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

ENTITY NAME	ADDRESS	
CITY	STATE	ZIP



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

ENTITY NAME	ADDRESS	
CITY	STATE	ZIP

ENTITY NAME	ADDRESS	
CITY	STATE	ZIP

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## Part 5 of 5 – Water Right Information

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

CERTIFICATE # 25216

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### Description of Water Delivery System

System capacity: 0.70 cubic feet per second (cfs) OR  
\_\_\_\_\_ gallons per minute (gpm)

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Describe the current water delivery system or the system that was in place at some time within the last five years. Include information on the pumps, canals, pipelines, and sprinklers used to divert, convey, and apply the water at the authorized place of use. Open ditch flood irrigate.

**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)
Belshaw Creek	<input checked="" type="checkbox"/> Authorized <input type="checkbox"/> Proposed		13	S	29	E	18	NW NW	1 Per Adjudication Map.
	<input type="checkbox"/> Authorized <input type="checkbox"/> Proposed								
	<input type="checkbox"/> Authorized <input type="checkbox"/> Proposed								
	<input type="checkbox"/> Authorized <input type="checkbox"/> Proposed								

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

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

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

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



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

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

**Table 2. Description of Changes to Water Right Certificate # 25216**

List the change proposed for the acreage in each  $\frac{1}{4}$   $\frac{1}{4}$ . If more than one change is proposed, specify the acreage associated with each change.  
If there is more than one POD/POA involved in the proposed changes, specify the acreage associated with each POD/POA.

AUTHORIZED (the "from" or "off" lands) The listing that appears on the certificate BEFORE PROPOSED CHANGES List only that part or portion of the water right that will be changed.											Proposed Changes (see "CODES" from previous page)	PROPOSED (the "to" or "on" lands) The listing as it would appear AFTER PROPOSED CHANGES are made.														
Twp	Rng	Sec	$\frac{1}{4}$ $\frac{1}{4}$	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
														2	S	9	E	2	SW	NW	500		5.0		POD #6	1901
13	S	29	E	18	SW	SE	1201	1	3.5	Irrigation	Belshaw Creek	1895	POU	13	S	29	E	18	NW	SE	1201	1	2.5		Belshaw Creek	1895
													POU	13	S	29	E	18	NE	SW	1201	1	0.4		Belshaw Creek	1895
													POU	13	S	29	E	18	SE	NW	1201	1	0.5		Belshaw Creek	1895
													POU	13	S	29	E	18	SW	NE	1201	1	0.1		Belshaw Creek	1895
TOTAL ACRES:									3.5					TOTAL ACRES:									3.5			

Additional remarks: Place of use change only.

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

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

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

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

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

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

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

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

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

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

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

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

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

**AND/OR**

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

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

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

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



## Part 5 of 5 – Water Right Information

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

CERTIFICATE # 90318

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### Description of Water Delivery System

System capacity: 0.18 cubic feet per second (cfs) OR

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\_\_\_\_\_ 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. **Center pivot and open ditch irrigation.**

**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	<input checked="" type="checkbox"/> Authorized <input type="checkbox"/> Proposed		13 S	29 E	18	SW	SE		590' N & 1980' W of SE cor. Section 18.
	<input type="checkbox"/> Authorized <input type="checkbox"/> Proposed								
	<input type="checkbox"/> Authorized <input type="checkbox"/> Proposed								
	<input type="checkbox"/> Authorized <input type="checkbox"/> Proposed								

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

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

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

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

☒ No Complete all of Table 2 to describe the portion of the water right to be changed.



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

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

**Table 2. Description of Changes to Water Right Certificate # 90318**

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

AUTHORIZED (the "from" or "off" lands) The listing that appears on the certificate BEFORE PROPOSED CHANGES List only that part or portion of the water right that will be changed.												Proposed Changes (see "CODES" from previous page)	PROPOSED (the "to" or "on" lands) The listing as it would appear AFTER PROPOSED CHANGES are made.													
Twp	Rng	Sec	¼ ¼	Tax Lot	Gvt Lot or DLC	Acres	Type of USE listed on Certificate	POD(s) or POA(s) (name or number from Table 1)	Priority Date	Twp	Rng		Sec	¼ ¼	Tax Lot	Gvt Lot or DLC	Acres	New Type of USE	POD(s)/ POA(s) to be used (from Table 1)	Priority Date						
<b>EXAMPLE</b>																										
2	S	9	E	15	NE	NW	100		15.0	Irrigation	POD #1 POD #2	1901	POU/POD	2	S	9	E	1	NW	NW	500	1	10.0		POD #5	1901
														2	S	9	E	2	SW	NW	500		5.0		POD #6	1901
13	S	29	E	18	SE	SW	1201		1.8	Irrigation	POD	1949	POU	13	S	29	E	18	SW	SE	1201		3.5	Irrigation	POD	1949
13	S	29	E	19	NW	NE	1201		1.7	Irrigation	POD	1949														
TOTAL ACRES:						3.5							TOTAL ACRES:						3.5							

Additional remarks: None.

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

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

If YES, list the certificate, water use permit, or ground water registration numbers: **C-25216.**

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

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

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

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

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

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

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

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

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

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

**AND/OR**

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

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

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

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

12 15



## Part 5 of 5 – Water Right Information

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

CERTIFICATE # 90320

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### Description of Water Delivery System

System capacity: 0.185 cubic feet per second (cfs) OR

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\_\_\_\_\_ gallons per minute (gpm)

Describe the current water delivery system or the system that was in place at some time within the last five years. Include information on the pumps, canals, pipelines, and sprinklers used to divert, convey, and apply the water at the authorized place of use. Two center pivots irrigate the fields

**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	X Authorized <input type="checkbox"/> Proposed		13	N	29	E	18	SW	SE			590' N & 1980' W of SE Cor. Section 18
	<input type="checkbox"/> Authorized <input type="checkbox"/> Proposed											
	<input type="checkbox"/> Authorized <input type="checkbox"/> Proposed											
	<input type="checkbox"/> Authorized <input type="checkbox"/> Proposed											

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

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

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

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

☒ No Complete all of Table 2 to describe the portion of the water right to be changed.



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

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

**Table 2. Description of Changes to Water Right Certificate # 90320**

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

AUTHORIZED (the "from" or "off" lands) The listing that appears on the certificate BEFORE PROPOSED CHANGES List only that part or portion of the water right that will be changed.												Proposed Changes (see "CODES" from previous page)	PROPOSED (the "to" or "on" lands) The listing as it would appear AFTER PROPOSED CHANGES are made.									
Twp	Rng	Sec	¼ ¼	Tax Lot	Gvt Lot or DLC	Acres	Type of USE listed on Certificate	POD(s) or POA(s) (name or number from Table 1)	Priority Date	Twp	Rng		Sec	¼ ¼	Tax Lot	Gvt Lot or DLC	Acres	New Type of USE	POD(s)/ POA(s) to be used (from Table 1)	Priority Date		
<b>EXAMPLE</b>																						
2	S	9	E 15 NE NW	100		15.0	Irrigation	POD #1 POD #2	1901	POU/POD	2	S	9	E 1 NW NW	500	1	10.0		POD #5	1901		
											2	S	9	E 2 SW NW	500		5.0		POD #6	1901		
13	S	29	E 18 SW SE	1201		7.4	Irrigation	POD	1949	POU	13	S	29	E 18 SW SE	1201		7.1	Irrigation	POD	1949		
										POU	13	S	29	E 18 SW SE	1201		0.3	Irrigation	POD	1949		
TOTAL ACRES:						7.4					TOTAL ACRES:						7.4					

Additional remarks: We need to transfer 0.3 acres to the area within the pivot sweep of the north pivot.



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

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

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

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

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

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

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

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

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

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

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

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

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

**AND/OR**

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

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

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

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



# 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 GRANT

I, MICHAEL J. MARTIN, in my capacity as RANCH MANAGER,  
mailing address 51863 HWY 26, MT. VERNON, OR 97865  
telephone number (541)620-2079, 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 # 90318 AND 90320; **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)
25216	13	S	29	E	WM	18	NE	SW		8.1
25216	13	S	29	E	WM	18	NW	SE		8.4
25216	13	S	29	E	WM	18	SW	SE		3.8

OR

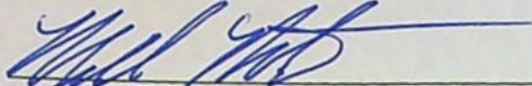
- ☐ Confirming Certificate # \_\_\_\_\_ has been issued within the past five years; **OR**
- ☐ Part or all of the water right was leased instream at some time within the last five years. The instream lease number is: \_\_\_\_\_ (Note: If the entire right proposed for transfer was not leased, additional 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.): HAY, PASTURE

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

  
Signature of Affiant

7-11-23

Date

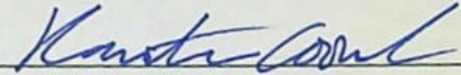
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Signed and sworn to (or affirmed) before me this 11 day of July, 2023.



  
Notary Public for Oregon

My Commission Expires: 8-24-2024

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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July 11, 2023

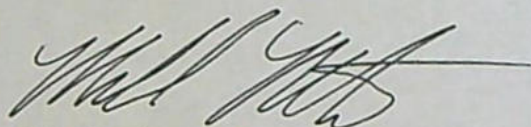
Water Resources Department  
725 Summer St. NE, Suite A  
Salem, OR 97301

ATTN: Corey, Courchane

Subject: Water Right Transfer Application T-14093

Mr. Courchane, I am the current land manager of the Hufstader's property. I am writing in response to the transfer review.

To address item 10, 13 page 4. I have been using a 4" gas powered irrigation pump to deliver Belshaw Creek water to a short wheel line that can be seen by arial photo. The delivery of water in that area was changed due to multiple large waterspout events that created significant damage to the ditch. The ditch has since been rebuilt and is currently flooding irrigating all of the area that was previously watered under the wheel line. Damage was also done to the ditch SWSE, section 18 T13S R29E, WM as a result the same 4" pump was used previously to deliver water to those areas via 3" hand line, including the portion identified on item 13 page 4. The ditch has been reconstructed and is currently flood irrigating those areas as well including the portion under the pivot. The pivot is not currently being used to cover that area. Photo documentation is provided with this response.



Mike Martin  
541-620-2079  
51863 Hwy 26  
Mount Vernon, OR 97865



Re: T-14103

Photos by Mike Martin, Ranch Manager for Rick Hufstader and Cynthia Strickland.

Photos taken June 28, 2023 showing recently constructed feeder ditches within the SWSE, Section 18 T13S., R29E. Showing use of water from the Belshaw Creek Ditch.

Photo #1: Belshaw Ditch, looking NW.

Photo#2: West ditch, looking SE.

Photo #3: Middle ditch, Looking SE.

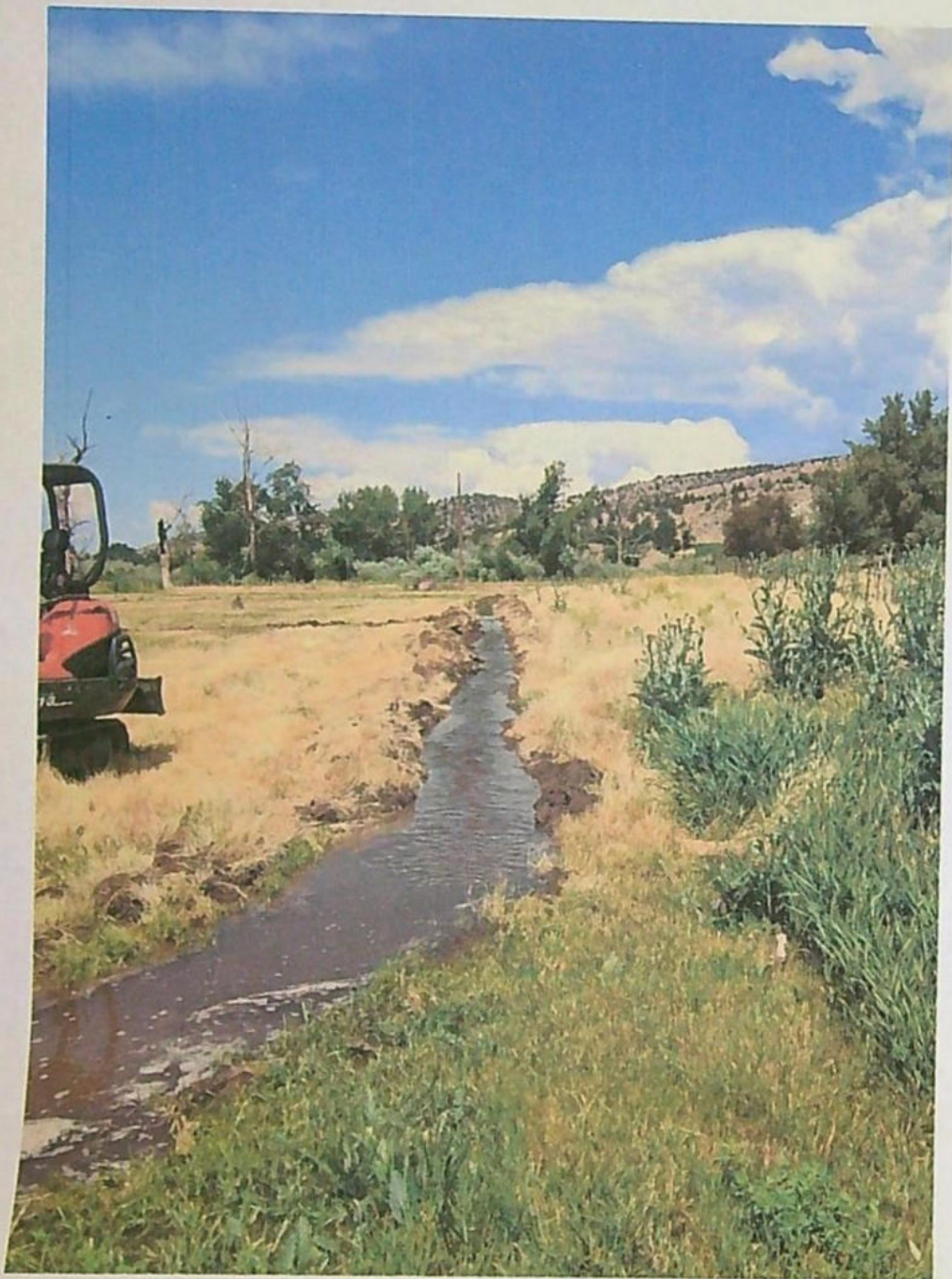
Photo #4: East ditch, looking SE.

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#1 EXHIBIT A 3/6





#2 EXHIBIT A 4/6

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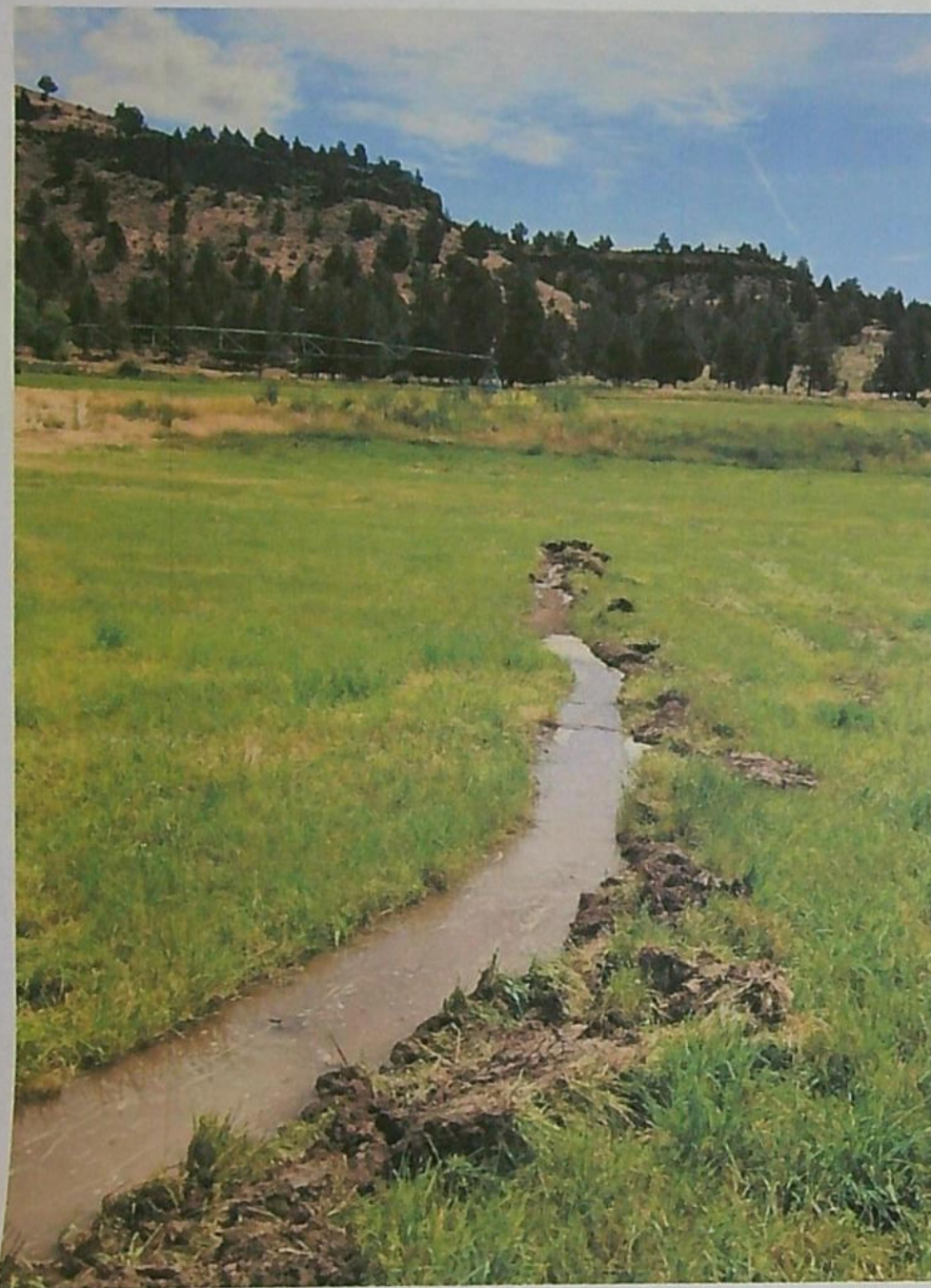
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#3 EXHIBIT A 5/6





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#4 EXHIBIT A 6/6





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## Affidavit of Voluntary Cancellation or Diminution of a Water Right Certificate

**VOLUNTARY CANCELLATION** is how the legal holder(s) of a water right certificate may cancel an abandoned water right or an abandoned portion of a water right. Abandonment means water use has or will have ceased under the cancellation. A cancellation can apply to an entire certificate or to a specific place of use and acreage. The rate of water must be proportionately cancelled to match the portion of the right being cancelled. If a certificate is partially cancelled, a remaining water right certificate will be issued describing the uncanceled portion.

[see also Oregon Revised Statute (ORS) 540.621 and Administrative Rule (OAR) 690-017-0100.]

**VOLUNTARY DIMINUTION** is how the legal holder(s) of a water right certificate may diminish an entire water right or a portion of it from a primary purpose to a supplemental purpose. The overall authorized rate of water on the certificate will remain the same, but the proportions between primary use and supplemental use will change. In the diminution process, the originating water right will be cancelled, and a new water right will be issued describing the diminution. [see also Oregon Administrative Rule (OAR) 690-330-0040.]

Describe in your own words what you want to accomplish with this affidavit: We want to cancel 4.3 acres under C-25216 within the SWSE, Sec. 18, T13, R29E, as it can no longer be irrigated from the Belshaw Ditch.

### Certificate of Water Right Information:

Certificate Number: 25216

Issued for use within the State of Oregon, County of Grant.

Issued in the name of: Katherine Geisler.

Date of priority: 1885

Rate or Volume on entire certificate: 1/40 cfs (cubic foot per second **or** gallons per minute **or** acre-feet).

Source(s) of water on certificate: Belshaw Creek.

Use(s) of water listed on certificate: Irrigation (purposes),

If for irrigation (IR), total number of acres on certificate for primary IR 28.1, supplemental IR -0-.

### Statements of Oath:

I/We (or authorized agent), Kyle Sullivan, authorized agent,

residing at 721 South Canyon Blvd. John Day, OR 97845,

with a mailing address of (if different) \_\_\_\_\_,

and a telephone number of 541-575-0135-ext.111, being first duly sworn depose and say:

1. I/We are the legal owners of property appurtenant to all ☒ **or** ☐ a portion (check one box) of the water right described above. My/Our property is described on a recorded property deed in my/our/an entity name(s). The property is located within the following legal description [must include at a

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**Affidavit for the VOLUNTARY CANCELLATION or DIMINUTION of a Water Right Certificate**

minimum, township(s), range(s), section number(s), quarter- quarter(s) and tax lot number(s)].

Examples:

- Township 3 South, Range 5 East, Section 12, NW¼, NW¼ SW¼ & SW¼ SW¼; Section 13 NWNW, SWNW, all within Tax Lot 700.
- T16S, R18E, Sec18, SWSE & SESE, TL 1700
- T6N, R35E, Sec 27, S¼, TL 1100

Enter legal description here: T13S, R29E, Sec.18, SWSE, TL 1201.

2. I/We are requesting a [**check one box - the affidavit will be returned if more than one box is checked**]:

☐ voluntary cancellation of and have abandoned any and all interest in the ENTIRE water right Certificate # \_\_\_\_.

☒ voluntary cancellation of and have abandoned any and all interest a PORTION of water right Certificate # 25216.

☐ voluntary diminution of the ENTIRE water right Certificate # \_\_\_\_.

☐ voluntary diminution of a PORTION of water right Certificate # \_\_\_\_.

3. The appurtenant water right ☐ is or ☒ is not (**check one box**) located within the boundaries of an irrigation, drainage, water improvement, or water control district, or federal reclamation project (district). If the right is located within a district or reclamation project, name it here: \_\_\_\_.

a. The water right, or portion thereof, being ☐ cancelled or ☐ diminished (**check one box**) is in the name of or served by a district. The signature of district manager on the line below documents the concurrence of the district to the changes to the water right specified in this affidavit, for the portion of the water right in the name of or served by the district.

\_\_\_\_\_  
Signature of district manager

\_\_\_\_\_  
Printed Name

\_\_\_\_\_  
Date

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4. Complete this item (#4) only if this is a CANCELLATION for a PORTION of the water right.

I/We have abandoned any and all interest in and wish to cancel the following portion(s) of the water right certificate number listed in Item #2, above:

☒ A place of use, or use.

- For the use of (specify irrigation, domestic, etc.) Irrigation
- IF FOR IRRIGATION OR NURSERY USE: Total number of acres to be cancelled 4.3
- In the amount of 0.108 cubic foot per second
- From the water source (s) Belshaw Creek
- At the following location(s) (attach a larger table if needed):

ABANDONED PORTION TO BE CANCELLED										
Township	N or S	Range	E or W	Mer	Section #	DLC #	G-LOT #	Quarter-Quarter	Acres	Tax Lot #
<u>13</u>	<u>S</u>	<u>29</u>	<u>E</u>	WM	<u>18</u>			<u>SWSE</u>	<u>4.3</u>	<u>1201</u>
				WM						
				WM						
				WM						



**Affidavit for the VOLUNTARY CANCELLATION or DIMINUTION of a Water Right Certificate**

- Locations of the place of use or acres being cancelled are clearly identified on a copy of the certificate map of record (decree map, final proof map, or claim of beneficial use map); or, if there is no certificate map of record, then an alternate map is being submitted with information sufficient to determine the lands on which the right is to be cancelled)
- Locations of the place of use or acres **NOT** being cancelled are clearly identified on a copy of the certificate map of record; or if there is no certificate map of record, then an alternate map is being submitted with information sufficient to determine the lands on which the right is NOT to be cancelled.

**AND/OR (less common)**

- ☐ One or more of the authorized points of diversion (surface water) or points of appropriation (groundwater) authorized under the certificate.

- For the use of (specify irrigation, domestic, etc.) \_\_\_\_\_
- From the water source (s) \_\_\_\_\_
- Located within the \_\_\_\_\_ $\frac{1}{4}$ , Section \_\_\_\_\_, Township \_\_\_\_\_ (N ☐ or S ☐)  
Range \_\_\_\_\_ (E ☐ or W ☐, W.M.
- Location Description (if given on the certificate) \_\_\_\_\_

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**5. Complete this section (Item #5a-c) for a DIMINUTION of ALL or a PORTION of the water right.**

- a. I/We have found a more dependable source of primary water, and therefore request the water right certificate ☐ in its entirety, or ☐ as described in Item #6, below, (check one box) be diminished from a right for primary use to a right for supplemental use.
- b. I/We agree that if this change is approved, it is permanent and the right to the use of water from \_\_\_\_\_ (source) cannot be changed back to the primary use unless otherwise provided by law.
- c. I/We also agree that so long as there is sufficient water available from the new primary source, I am/we are not entitled to use any water from \_\_\_\_\_ (source of water) for primary use on these lands.

**6. Complete this item (#6) for a DIMINUTION of a PORTION of the water right.**

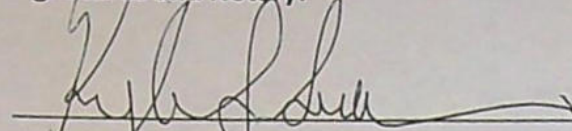
I/We, being the legal owners of the property described below are requesting a partial diminution of the water right certificate (identified in Item #2 above in the amount of \_\_\_\_\_ (cfs) from \_\_\_\_\_ (sources) for irrigation (if applicable) of \_\_\_\_\_ acres at the following location(s) as listed on the certificate (attach a larger table if needed):

PORTION TO BE DIMINISHED FROM PRIMARY TO SUPPLEMENTAL IRRIGATION										
Township	N or S	Range	E or W	Mer	Section #	DLC #	G-LOT #	Quarter-Quarter	Acres	Tax Lot #
_____	_____	_____	_____	WM	_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	WM	_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	WM	_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	WM	_____	_____	_____	_____	_____	_____



Affidavit for the VOLUNTARY CANCELLATION or DIMINUTION of a Water Right Certificate

Signatures and Notary:

  
Signature of legal owner as listed on deed, or authorized agent

Printed Name Kyle Sullivan, authorized agent

Date 7-17-2023

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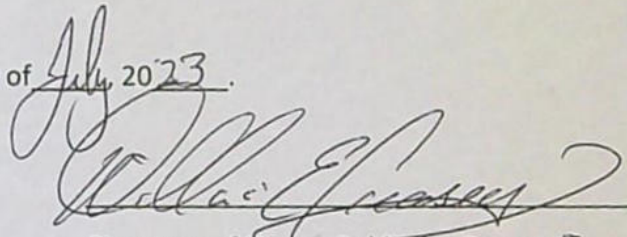
Signature of legal co-owner as listed on deed (if applicable)

Printed Name \_\_\_\_\_

Date \_\_\_\_\_

Subscribed and Sworn to Before Me this 17<sup>th</sup> day of July 2023.

William E. Creasey  
Notary Public Connecticut  
Commission No. SNPC. 0185160  
My Commission Expires 11/30/2026

  
Signature of Notary Public for Oregon

My Commission Expires 11/30/2026

REQUIRED ATTACHMENTS (LEGIBLE COPIES):

- 1) A recorded property deed which lists landowner(s) and includes a legal description of lands affected by this affidavit of cancellation or diminution.
- 2) An adjudication map, water right final proof map, or a tax lot map that clearly shows: SEE MAP 1 of 2.
  - a. Location and acreages within each township, range and quarter-quarter of the lands described on the water right being cancelled or diminished, and
  - b. the remaining locations and acreages within each township, range and quarter-quarter of the lands described on entire water right NOT being cancelled or diminished, if any.
- 3) A list of names and addresses of other property owners with lands appurtenant to portions of the water right certificate not legally owned by the person(s) signing the affidavit.
- 4) If acting as an authorized agent, include a copy of the Power of Attorney or other documents granting authority to act on behalf of legal owner(s) as listed on the deed.

MISSING ATTACHMENTS WILL RESULT IN THE AFFIDAVIT BEING RETURNED, AND NO ACTION TAKEN ON THE AFFIDAVIT.



NA

## BARGAIN AND SALE DEED — STATUTORY FORM

INDIVIDUAL GRANTOR

KEY TRUST COMPANY OF THE NORTHWEST, A WASHINGTON TRUST COMPANY, TRUSTEE FOR THE  
ROBERT S. LEE INDIVIDUAL RETIREMENT ACCOUNT, Grantor,  
conveys to RICK A. HUFSTADER AND CYNTHIA E. STRICKLAND, WITH RIGHT OF SURVIVORSHIP

Grantee, the following real property situated in GRANT

County, Oregon, to-wit:

TOWNSHIP 13 SOUTH, RANGE 29 EAST, WILLAMETTE MERIDIAN, GRANT COUNTY, OREGON:  
SECTION 18: E1/2 NW1/4; NE1/4; AND THAT PORTION OF THE SE1/4 LYING AND BEING NORTH AND  
EAST OF THE CENTER OF THE CHANNEL OF THE JOHN DAY RIVER.

SECTION 19: THAT PORTION OF THE NORTH 18 RODS OF THE NW1/4 NE1/4 LYING AND BEING EAST  
OF THE CENTER OF THE CHANNEL OF THE JOHN DAY RIVER.

TOGETHER WITH PROPORTIONATE INTEREST IN BELSHAW CREEK DITCH.

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3-62 13-29 1201; REF 04938

(IF SPACE INSUFFICIENT, CONTINUE DESCRIPTION ON REVERSE SIDE)

The true consideration for this conveyance is \$ 180,000.00 (Here comply with the requirements of ORS 93.030)

Dated this 12th day of October, 1994.

Key Trust Company of the Northwest,  
A Washington Trust Company, Trustee for  
the Robert S. Lee IRA

THIS INSTRUMENT WILL NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS  
INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS.  
BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE  
TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY  
PLANNING DEPARTMENT TO VERIFY APPROVED USES AND TO DETERMINE ANY  
LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES AS DEFINED IN  
ORS 30.939.

*John G. Hallock* - John G. Hallock, V.P.

KING ) ss.

This instrument was acknowledged before me on October 12, 1994,  
John G. Hallock of Key Trust Company of the Northwest

*Nguyen H. Phan* - Nguyen H. Phan  
Notary Public for Oregon  
My commission expires 8/25/97 Washington



## BARGAIN AND SALE DEED

KEY TRUST COMPANY  
RICK A. HUFSTADER GRANTOR  
69186 HOLMES ROAD GRANTEE  
SISTER, OR 97756

GRANTEE'S ADDRESS, ZIP

After recording return to:

BEND TITLE COMPANY

P.O. BOX 219

REDMOND, OR 97756

R-4231JS

NAME, ADDRESS, ZIP

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

GRANTEE AT ABOVE ADDRESS

NAME, ADDRESS, ZIP

942245

253842539

STATE OF OREGON

County of Grant

I certify that the within instru-  
ment was received for record on the  
19th day of October, 1994,  
at 3:15 o'clock P.M., and recorded  
in book/reel/volume No. 94 on  
page 2245 or as fee/title/instru-  
ment/microfilm/reception No. 94-2245  
Record of Deeds of said county.

Witness my hand and seal of  
County affixed.

KATHY MCKINNON

By *Kathy McKinnon* Deputy

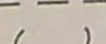
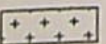
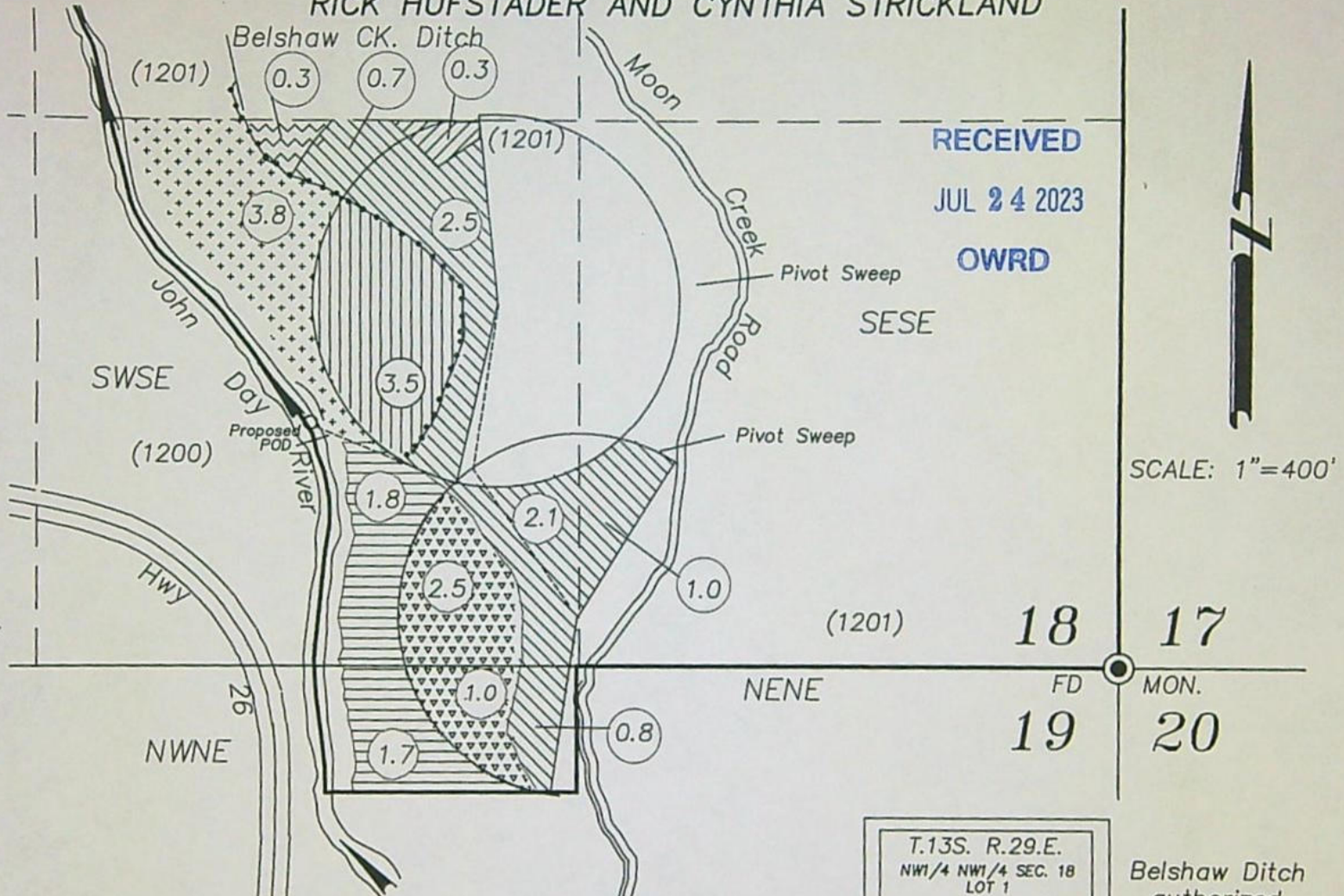




T.13 S., R.29 E., W.M. GRANT COUNTY, OR  
TRANSFER APPLICATION MAP CHANGE IN PLACE  
OF USE & CHANGE POINT OF DIVERSION  
FOR

MAP 2 OF 2  
REVISED 7-7-2023

RICK HUFSTADER AND CYNTHIA STRICKLAND



AUTHORIZED POD: C-25216 IS IN THE NW 1/4 NW 1/4 Section 18, T13S, R29E, PER ADJUDICATION MAP

PROPOSED POD: 590' NORTH AND 1980 FT. WEST FROM THE SE CORNER SECTION 18, T13S, R29E.

FROM C-90318-JDR-1949-3.5 AC.

TO C-25216 BELSHAW CREEK 1885- 3.5 AC.

FROM C-90320-JDR 1949-0.3 AC.

TO NEW LANDS- 0.3 AC.

C-90318 REMAINING RIGHT-JDR 1949-3.5 AC.

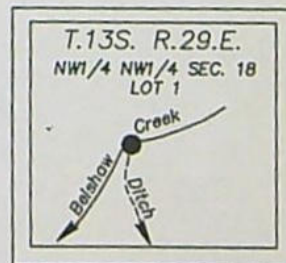
C-90320 REMAINING RIGHT-JDR-1949-7.1 AC.

C-25216 REMAINING RIGHT-BELSHAW CREEK-1885- 3.5 AC.

Belshaw ditch

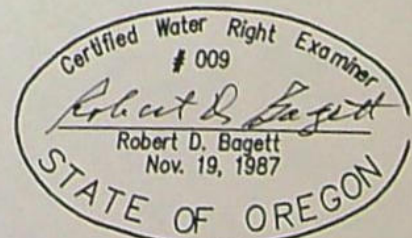
MAINLINE PIPE

TAX LOT



Belshaw Ditch  
authorized  
POD  
Not to Scale

PREPARED BY  
ROBERT D. BAGETT, PLS, CWRE  
217 N. CANYON BLVD.  
JOHN DAY, OR. 97845  
541-620-0717  
June 22, 2022



DISCLAIMER: THIS MAP IS NOT  
INTENDED TO PROVIDE LEGAL  
DIMENSIONS OR LOCATIONS OF  
PROPERTY OWNERSHIP LINES

Expires  
12/31/2023



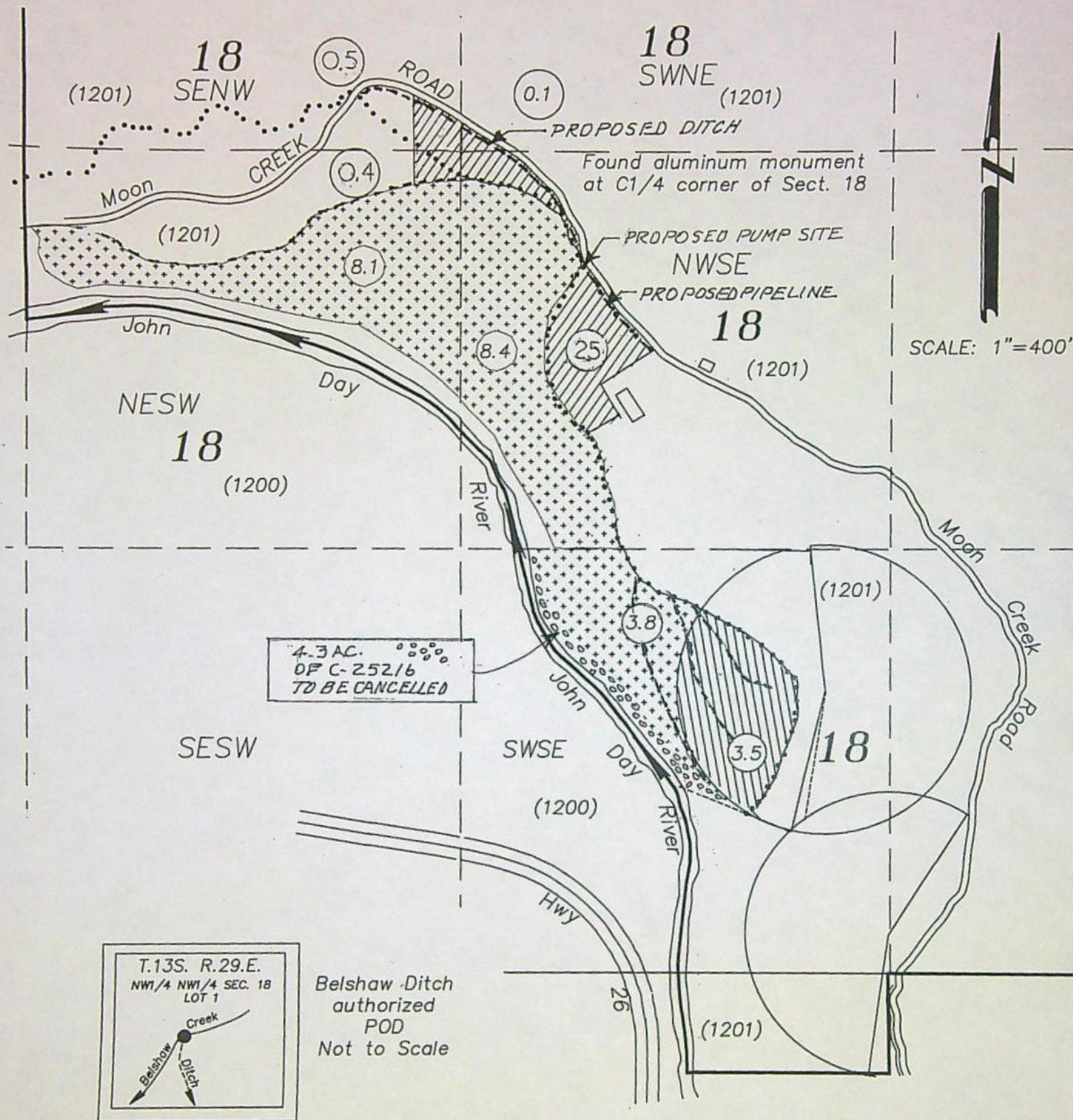
RECEIVED

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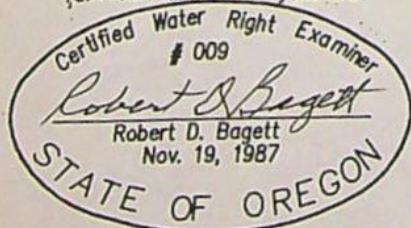
OWRD

SEC. 18, T.13 S., R.29 E., W.M. GRANT COUNTY,  
OR. TRANSFER APPLICATION MAP CHANGE IN  
PLACE OF USE FOR  
RICK HUFSTADER AND CYNTHIA STRICKLAND

MAP 1 OF 2



PREPARED BY  
ROBERT D. BAGETT, PLS, CWRE  
217 N. CANYON BLVD.  
JOHN DAY, OR. 97845  
541-620-0717  
June 22, 2022  
REVISED JULY 7, 2023



Expires  
12/31/2023

- AUTHORIZED POD: C-25216 IS IN THE NW 1/4 NW 1/4 Section 18, T13S, R29E, PER ADJUDICATION MAP
- ▨ FROM C-25216 BELSHAW CREEK 1885- 3.5 AC.
- ▨ TO NEW LANDS-BELSHAW CREEK 1885-3.5 AC.
- ++++ C-25216 REMAINING RIGHT-BELSHAW CREEK-1885-16.0 AC.
- ..... Belshaw ditch
- DITCH
- ( ) TAX LOT

DISCLAIMER: THIS MAP IS NOT  
INTENDED TO PROVIDE LEGAL  
DIMENSIONS OR LOCATIONS OF  
PROPERTY OWNERSHIP LINES





# Oregon

Tina Kotek, Governor

## Water Resources Department

North Mall Office Building

725 Summer St NE, Suite A

Salem, OR 97301

Phone 503 986-0900

Fax 503 986-0904

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

April 14, 2023

VIA E-MAIL

### Applicant

RICK HUFSTADER

CYNTHIA STRICKLAND

PO BOX NKI16

NAUKATI, AK 99950

SUBJECT: Water Right Transfer Application T-14103

Please find enclosed a draft of our Preliminary Determination regarding Transfer Application T-14103. The document reflects the Department's conclusion that, based on the information currently available, the transfer will be DENIED. This draft is intended to provide you with an opportunity to comment on our findings and conclusions should you wish to do so and to withdraw or modify your application to resolve the issues that are prompting our decision to deny the application.

The draft Preliminary Determination proposes to deny the transfer because of possible non-use under Certificate 25216, possible enlargement under Certificates 90318 and 90320, and potential separation of layered water rights, which have no known location. The issues that we have identified could be resolved by one of the following alternatives:

- Provide additional supplemental information detailing the use of water as authorized under Certificate 25216, for the lands proposed in T-14103;
- Revise all application maps to meet the requirements of OAR 690-380-3100, clarifying physical features to depict respective conveyances, delivery systems, place of use for lands intended to be transferred, and place of use for lands not involved in the transfer; or
- Withdraw the application

At this point, you may decide to continue processing the application (see below), or to send a letter requesting to withdraw the transfer application.



If you wish to proceed with your application, you must submit the following:

1. Provide a written response by MAY 15, 2023, that describes how you will overcome the issues identified above and submit modifications or additional information as needed, or that indicates you wish to protest a Preliminary Determination to deny the transfer.
2. **REQUIRED:** You must submit a **Report of Ownership** for the lands where the water right(s) are currently located (i.e., the FROM lands). This report:
  - a) Must be prepared by a title company;
  - b) Shall include a "prepared by" statement and the date the title company prepared the report printed on the cover sheet;
  - c) Must be:
    - i. Prepared within 3 months of the Draft Preliminary Determination showing current ownership; **OR**
    - ii. Prepared within 3 months of recording of a water right conveyance agreement; **OR**
    - iii. Have a prepared date showing ownership at the time a water right conveyance agreement was recorded.

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

#### What happens next...

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

#### Conditions to your water right...

If you modify the application so as to allow approval, conditions may need to be added to the transfer. The Department will notify you of any required conditions prior to issuing the Preliminary Determination.



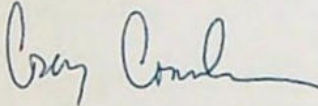
Issuance of the Preliminary Determination will occur shortly after we receive:

1. Your written response modifying the application to resolve the issues that we have identified or requesting that we proceed with processing of the application; and
2. The Report of Ownership, including affidavits of consent from any landowners shown in the ownership report who have not signed the transfer application. The title company must indicate/state the date that they prepared the ownership report on the coversheet and/or first page of the report.

If we do not receive your response to withdraw the application or the items listed above by May 15, 2023, a Preliminary Determination may be issued denying the application as incomplete.

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

Sincerely,



Corey Courchane  
Allocation of Conserved Water  
Transfer and Conservation Section

cc: Transfer Application file T-14103  
Eric Julsrud, District 4 Watermaster (via e-mail)  
Kyle Sullivan, Agent for the applicant (via e-mail [sullivan@ortelco.net](mailto:sullivan@ortelco.net))  
Robert D. Baggett, CWRE #009, Baggett, Griffith and Blackman, 2006 Adams Ave., La Grande, OR 97850

encs



BEFORE THE WATER RESOURCES DEPARTMENT  
OF THE  
STATE OF OREGON

In the Matter of Transfer Application  
T-14103, Grant County

)  
)  
)  
)  
)

D R A F T

PRELIMINARY DETERMINATION  
PROPOSING DENIAL OF CHANGES IN  
PLACE OF USE

**Authority**

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

**Applicant**

RICK HUFSTADER  
CYNTHIA STRICKLAND  
PO BOX NKI16  
NAUKATI, AK 99950

**Findings of Fact**

1. On October 3, 2022, RICK HUFSTADER and CYNTHIA STRICKLAND filed an application to change the place of use under Certificates 25216, 90318, and 90320. The Department assigned the application number T-14103.
2. Notice of the application for transfer was published on October 11, 2022, pursuant to OAR 690-380-4000. No comments were filed in response to the notice.
3. The portion of the first right to be transferred is as follows:
  - Certificate:** 25216 in the name of KATHERINE GEISLER (confirmed by JOHN DAY RIVER (F) Decree)
  - Use:** IRRIGATION OF 3.5 ACRES
  - Priority Date:** 1885
  - Rate:** 1/40 CUBIC FOOT PER SECOND PER ACRE IRRIGATED TO JUNE 1 AND 1/80 CUBIC FOOT PER SECOND PER ACRE THEREAFTER; FURTHER LIMITED TO ONE ACRE-FOOT PER CALENDAR MONTH TO JUNE 1 AND FOUR ACRE-FEET PER ACRE DURING SEASON APRIL 1 TO SEPT. 30, MEASURED AT POINT OF DIVERSION
  - Period of Use:** APRIL 1 TO SEPTEMBER 30



Source: BELSHAW CREEK

**Authorized Point of Diversion:**

Twp	Rng	Mer	Sec	Q-Q
Not specified in certificate				

**Authorized Place of Use:**

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
13 S	29 E	WM	18	SW SE	3.5

4. The Department received information from the applicant that better describes the location of the authorized point of diversion for Certificate 25216. The application map indicates the location as follows:

Twp	Rng	Mer	Sec	Q-Q	GLot
13 S	29 E	WM	18	NW NW	1

5. Transfer Application T-14103 proposes to change the place of use of the right to:

IRRIGATION						
Twp	Rng	Mer	Sec	Q-Q	GLot	Acres
13 S	29 E	WM	18	SW NE	1	0.1
13 S	29 E	WM	18	SE NW	1	0.1
13 S	29 E	WM	18	NE SW	1	0.3
13 S	29 E	WM	18	NW SE	1	3.0
Total						3.5

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

**Certificate:** 90318 in the name of RICK A. HUFSTADER AND CYNTHIA STICKLAND  
(perfected under Permit S-18828)

**Use:** IRRIGATION of 3.5 ACRES

**Priority Date:** JUNE 28, 1949

**Rate:** 0.0875 CUBIC FOOT PER SECOND

**Limit/Duty:** The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands, is limited to ONE-FORTIETH of one cubic foot per second, or its equivalent for each acre irrigated and shall be further limited to a diversion of not to exceed 5.0 ACRE-FEET per acre for each acre irrigated during the irrigation season from April 1 to September 30 of each year.

**Period of Use:** APRIL 1 TO SEPTEMBER 30

**Source:** JOHN DAY RIVER, a tributary of COLUMBIA RIVER

**Authorized Point of Diversion:**

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
13 S	29 E	WM	18	SW SE	590 FEET NORTH AND 1980 FEET WEST FROM THE SE CORNER OF SECTION 18



**Authorized Place of Use:**

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
13 S	29 E	WM	18	SW SE	1.8
13 S	29 E	WM	19	NW NE	1.7
Total					3.5

7. Transfer Application T-14103 proposes to change the place of use of the right to:

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
13 S	29 E	WM	18	SW SE	3.5

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

**Certificate:** 90320 in the name of RICK A. HUFSTADER AND CYNTHIA STICKLAND  
(perfected under Permit S-18828)

**Use:** IRRIGATION of 0.3 ACRE

**Priority Date:** JUNE 28, 1949

**Rate:** 0.0075 CUBIC FOOT PER SECOND

**Limit/Duty:** The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands, shall be limited to ONE-FORTIETH 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 FIVE ACRE-FEET per acre for each acre irrigated during the irrigation season from April 1 to September 30 of each year.

**Period of Use:** APRIL 1 TO SEPTEMBER 30

**Source:** JOHN DAY RIVER, a tributary of COLUMBIA RIVER

**Authorized Point of Diversion:**

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
13 S	29 E	WM	18	SW SE	590 FEET NORTH AND 1980 FEET WEST FROM THE SE CORNER OF SECTION 18

**Authorized Place of Use:**

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
13 S	29 E	WM	18	SW SE	0.3

9. Transfer Application T-14103 proposes to change the place of use of the right to:

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
13 S	29 E	WM	18	SW SE	0.3



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

10. Evidence of use submitted with the application is not sufficient enough to suggest water has been used within the last five years according to the terms and conditions of Certificate 25216. The Department is unable to determine, if a water delivery system sufficient to use the full amount of water allowed under Certificate 25216 was present within the five-year period prior to submittal of Transfer Application T-14103. The Department determined the application map identifies a flood irrigation ditch for Belshaw Creek terminating in the SWSE, Section 18, T13S, R29E, WM. Historical aerial images indicate the ditch may have actually terminated in the NWSE of Section 18, T13S, R29E, WM. Aerial images also indicate that the place of use (POU) under Certificate 25216 proposed for transfer is covered by a pivot, which is authorized for Certificate 90320 only. Based on this, the Department is unable to determine if water available under Certificate 25216 was used as authorized. However, the information in the record is not sufficient to initiate cancellation proceedings under ORS 540.631.
11. The Department cannot make a positive finding, that the portion of acres proposed to change place of use under Certificate 25216 are subject to transfer, as defined in ORS 540.505(4) and OAR 690-380-0100(14).
12. The lands currently irrigated under Certificate 25216 would continue to receive water from the same source resulting in enlargement of the right. The current conveyance system for Certificate 25216 (Belshaw Creek) is an open flood irrigation ditch with open and close taps along the ditch to distribute water. It is not depicted in the application or on the application map how the applicant intends to keep water off the original lands. If the flood irrigation ditch remains as a delivery system, there is a chance that the original POU would continue to receive water from Belshaw Creek.
13. It also appears that there is enlargement to a portion of Certificate 90320. The pivot used to irrigate Certificate 90320, is also covering a portion of unauthorized lands, that is authorized for Belshaw Creek water only, under Certificate 25216. The correct source on correct lands needs to be determined, as it appears there has been an enlargement of water use from the John Day River portion to cover Belshaw Creek lands.
14. The proposed change will not injure other water rights.
15. The application is incomplete because:
  - Certificate 25216 is authorized for 11.6 acres in the SWSE of Section 18, T13S, R29E, WM. The application map only identifies 7.3 of the 11.6 acres involved in the POU change, it is unclear how water will be conveyed to the remaining 4.3 acres of Belshaw Creek. Pursuant to OAR 690-380-3100(2)(i), the map shall include the general location of physical features sufficient to assist in defining the location of the place of use of the water use subject to transfer. These features may include,



but are not limited to, rivers, creeks, lakes, reservoirs, ponds, roads, railroads, fences, and direction of flow, if appropriate.

- It is also unclear where the acres under Certificate 25216, that are not involved with this transfer, are located. Pursuant to OAR 690-380-3100(2)(f), the map shall include the location of any part of the right not involved in the proposed transfer.
- It also appears there are additional water rights that are appurtenant to the lands covered by Certificates 90318 and 90320.
  - On August 27, 2010, the Department approved Transfer Application T-10630, recorded at Special Order Volume 81, Page 773, and issued remaining right Certificates 86539 and 86540. T-10630 involved changing the points of diversion and places of use under originating Certificates 39356 and 39357. The changes were perfected and confirming Certificate 90318 was issued on May 13, 2015.
  - On March 3, 2014, the Department approved Transfer Application T-11454, recorded at Special Order Volume 91, Page 898, and issued remaining right Certificate 89357. T-11454 involved changing the point of diversion and place of use under remaining right Certificate 86539. The changes were perfected and confirming Certificate 90320 was issued on May 13, 2015. Certificates 86540 and 89357 identify acres in the NWNE of Section 19, T13S, R29E, WM. There is potential for overlap of water rights, and the Department is unable to make a positive determination on separation of layered water rights pursuant to OAR 690-380-2240(1).

Therefore, all other application requirements are not met.

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

The changes in place of use proposed in Transfer Application T-14103 appear to be NOT consistent with the requirements of ORS 540.505 to 540.580 and OAR 690-380-5000. If protests are not filed pursuant to OAR 690-380-4030, the transfer application will be denied.

*If the issues identified above are resolved and Transfer Application T-14103 is approved, the final order will include the following:*

1. *The changes in place of use proposed in Transfer Application T-14103 are approved.*
2. *The right to the use of the water is restricted to beneficial use at the place of use described, and is subject to all other conditions and limitations contained in Certificates 25216, 90318, and 90320, and any related decree.*
3. *Water right Certificates 25216, 90318, and 90320 are cancelled. New certificates will be issued describing that portion of the rights not affected by this transfer.*



4. *The former places of use of the transferred rights shall no longer receive water under the rights.*
5. *Water use measurement conditions:*
  - a. *Before water use may begin under this order, the water user shall install a totalizing flow meter or weir, or, with prior approval of the Director, another suitable measuring device, at each point of diversion (new and existing).*
  - b. *The water user shall maintain the meters or measuring devices in good working order.*
  - c. *The water user shall allow the Watermaster access to the meters or measuring devices; provided however, where the meters or measuring devices are located within a private structure, the Watermaster shall request access upon reasonable notice.*
6. *Full beneficial use of the water shall be made, consistent with the terms of this order, on or before **October 1, 2024**. A Claim of Beneficial Use prepared by a Certified Water Right Examiner shall be submitted by the applicant to the Department within one year after the deadline for completion of the changes and full beneficial use of the water.*
7. *After satisfactory proof of beneficial use is received, new certificates confirming the rights transferred will be issued.*

Dated in Salem, Oregon on

**D R A F T**

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

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



# 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-14103

Review Due Date: 02/24/2023

Applicant Name: Rick Hufstader &amp; Cynthia Strickland

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

Reviewer(s): Hailey Hughes

Date of Review: 02/24/2023

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.) \*\*\*\*See attached\*\*\*\*
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:  
Belshaw Creek historically has been an intermittent stream system, sustainable quantity has always been an issue in summer months. Regulation has not been an annual occurrence for priority regulation however regulation has occurred in past years as a result of ditch maintenance issues and water sharing. Priority regulation and regulation for instream water rights occurs on the John Day River portion of these acres annually.
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:

The current conveyance system for 25216 (Belshaw Creek) is a open flood irrigation ditch with open and close taps along the ditch to distribute water. It is not depicted in the application or on the application map how the applicant intends to keep water off of the original lands. If the flood irrigation ditch remains as a delivery system there is a chance that the original place of use would continue to receive water from Belshaw Creek. Additionally, certificate 25216 is authorized for 11.6 acres in the SWSE Section 18 of T13 S. R29E, W.M. the application map only identifies 7.3 of the 11.6 acres will be involved in this POU change, it is unclear how water will be conveyed to the remaining 4.3 acres of Belshaw Creek.

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:

It appears that there is enlargement to the John Day River portions involved. Cert 90318 and 90320 are covering a portion of unauthorized lands authorized for Belshaw Creek water only.



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:

Certificate 20218 authorizes a source of water from Benshaw Creek, more specifically it identifies 11.6 acres in the SW1/4 Section 18, T. 135 N. 29. However the CWA only identifies 7.2 are the other 4.4 acres intended to be remaining rights, acres that cannot be identified as for as location, or acres needing clarification? Certificate 20218 and 20220 identify acres in the SW1/4 Section 19 of T. 135 N. 29E, W. 1/4 there are also other certificates 19242 & 20227 that also identify acres in the NW1/4 of T. 135 N. 29E, Section 19. Clarification needs to be made as to what is over leasing what may be primary and supplemental and if there simply aren't any pertinent area these acres actually are. The application map identifies a flow irrigation system for Benshaw Creek terminating in the SW1/4 Section 18 T. 135 N. 29E, W. 1/4. However acres outside the ditch may have actually terminated in the NW1/4 of Section 18 T. 135 N. 29E, W. 1/4. Currently there is a pivot that irrigates Benshaw authorized acres only, correct source on correct lands needs to be determined for the acres planning to be transferred as it appears there has been an enlargement of water use from the John Day River, portion to cover Benshaw Creek lands. Additionally acres need to be clarified on each of these certificates to ensure we are not separating primary and supplemental acres, increasing POD allowed and rates.

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

Physical ground clarification is needed to depict respective conveyances, delivery systems and POU for lands intended to be transferred, to identify correct source on correct lands and to ensure there has not been enlargement from source to unauthorized lands

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

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

☒ A Headgate should be required prior to diverting water.

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

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

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

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

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

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

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

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

☒ Weir ☐ Submerged Orifice  
☐ Parshall Flume ☐ Flow Restrictor  
☐ Other: Totalizing Flowmeter



## Oregon Water Resources Department

## Measurement Condition Information for the Applicant

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

Transfer #: T- 14103



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



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



at each new point of diversion/appropriation.

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

Watermaster name: Hailey Hughes, ER Assistant Watermaster

District: 4

Address: 201 S Humbolt St, Ste 180

City/State/Zip: Canyon City, OR 97820

Phone: 541-575-0119

Email: hailey.d.hughes@water.oregon.gov

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

\*\*\*\*\*

## Approval of an Alternate Measurement Device

T-

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

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

---

---

---

Watermaster signature

---

District

---

Date

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

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



STATE OF OREGON  
WATER RESOURCES DEPARTMENT

725 Summer St. N.E. Ste. A  
SALEM, OR 97301-4172

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

RECEIPT # **139467**

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

RECEIVED FROM: Grant Soil + Water Conservation

BY: Dist.

APPLICATION	
PERMIT	
TRANSFER	<u>T-14103</u>

CASH: ☐ CHECK: # 16305 OTHER: (IDENTIFY) ☐

TOTAL REC'D \$ 1719.00

**1083 TREASURY 4170 WRD MISC CASH ACCT**

0407 COPIES 47104 11-11-900-23 \$ \_\_\_\_\_  
0412 OTHER: (IDENTIFY) Transfer Reimbursement \$ 1719.00  
Authority

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

**4270 WRD OPERATING ACCT**

**MISCELLANEOUS**

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

**WATER RIGHTS:**

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

**WELL CONSTRUCTION**

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

OTHER (IDENTIFY) \_\_\_\_\_

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

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

OTHER (IDENTIFY) \_\_\_\_\_

**0607 TREASURY 0467 HYDRO ACTIVITY LIC NUMBER**

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

**TREASURY OTHER / RDX**

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

RECEIPT: **139467**

DATED: 11-3-2022 BY: Mindy Caden



NOV 03 2022

Salem, OR

**REIMBURSEMENT AUTHORITY  
APPLICANT'S AGREEMENT  
Contract Number: R11-402-23**

This Agreement is between the Oregon Water Resources Department, hereafter OWRD, and Rick Hufstader and Cindi Strickland, hereafter Applicant, hereafter known together as the parties.

**OWRD Information**

Contact: Kelly Starnes  
Title: Transfer Advisor  
Address: 725 Summer Street, NE, Suite A  
Salem, OR 97301-1266

Phone: 503 979-3511  
Fax: 503 986-0901  
Email: [patrick.k.starnes@water.oregon.gov](mailto:patrick.k.starnes@water.oregon.gov)

**Applicant's Information**

Name: Rick Hufstader  
Name: Cindi Strickland  
Address: PO Box 116  
Nuakati, AK 99950

Phone:  
Fax:  
Email:

**Applicant's Representative**

Name: Grant SWCD  
Contact: Kyle Sullivan  
Address: 721 S. Canyon Blvd  
John Day, OR 97845

Phone: (541) 575-0135 ext. 111  
Fax:  
Email: [sullivank@ortelco.net](mailto:sullivank@ortelco.net)

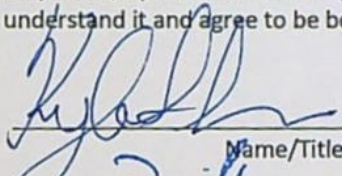
**Purpose** The purpose of this Agreement is to expedite the processing of the Transfer Application. (Application Number: T-14103)

1. **Authority.** The OWRD has been authorized pursuant to ORS 536.055 to enter into a voluntary agreement with any applicant, permittee or regulated entity (collectively Applicant) for expediting or enhancing a regulatory process. In making this agreement, OWRD shall require the applicant to pay the full cost of expedited process.
2. **Restrictions.** Applicant and OWRD agree that this Agreement shall not be construed to restrict in any way the decisions and actions by OWRD. OWRD shall be free to exercise independent judgment consistent with existing laws and regulations.
3. **Effective Date and Duration.** Unless otherwise terminated by non-deposit of funds by the Applicant, this Agreement shall become effective on the date on which both parties have signed the Agreement and the full deposit of the estimated cost of the proposed service.
4. **Consideration.**
  - a. Applicant shall pay OWRD in advance for actual costs incurred by OWRD. The estimated maximum reimbursement payable to OWRD under this Agreement is \$1,719.00. Applicant agrees to pay the full amount of \$1,719.00 to OWRD prior to commencement of any work stated in this Agreement. This payment will be placed in an account administered by OWRD and drawn upon as costs are actually incurred. If the actual cost of performing the work is less than payments received, OWRD will refund the unspent balance. If the actual cost of processing exceeds the estimate, the Applicant can either elect to terminate this Agreement or amend the Agreement to reflect the increase in cost.
  - b. The costs stated in this Agreement do not include the statutory application processing and filing fees.
5. **Confidentiality.** Applicant agrees that any information provided to or acquired by OWRD under this Agreement will be subject to the Oregon Public Records Law and shall be considered public records.
6. **Indemnity.** Applicant shall defend, save, hold harmless, and indemnify the State of Oregon, OWRD, and their officers, employees, and agents from and against all claims, suits, actions, losses, damages, liabilities, costs, and expenses of any nature resulting from or arising out of, or relating to the activities of Applicant or its representatives, officers, employees, contractors, or agents under this Agreement or with respect to the expedited service. The Applicant acknowledges that the Oregon Water Resources Department cannot and does not guarantee a favorable review under the subject regulatory process.



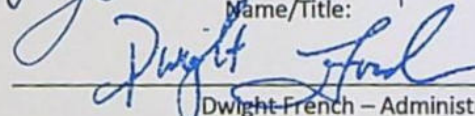
7. **Termination.** Applicant may request to terminate this agreement only in writing at anytime during the process. The Applicant agrees to pay for the work done by OWRD up until the time of the written termination request. OWRD, upon receiving such written termination request from the Applicant, will refund any unspent balance.
8. **Funds Authorized and Available.** By its execution of this Agreement, Applicants certify that sufficient funds are authorized and available to cover the expenditures contemplated by this Agreement.
9. **Duration of Estimate.** The Estimate of Time to completion is approximately 120 days once this Agreement has been fully executed and payment of the estimated cost deposited. If the Applicant's Agreement is not received by the Department within thirty (30) days of mailing the Agreement, the Applicant may need to re-apply for a new estimate. NOTE: Any time estimate is approximate; No guarantee of Final Order issuance of a date is certain. Duration estimates do not include any statutory waiting periods.
10. **Completion Date.** OWRD, by the execution of this Agreement does not guarantee the completion date indicated in this Agreement. Completion date is only an estimate and may be affected by the Department's workload, issues arising from the processing of the requested services and Applicant's timely response to requests for additional information. **IMPORTANT:** Due to COVID-19 and actions taken by the State of Oregon to facilitate teleworking as a tool to help prevent the spread of the disease, Department processes for Reimbursement Authority may be unavoidably delayed.
11. **Captions.** The captions or headings in this Agreement are for the convenience only and in no way define, limit, or describe the scope, or intent, of any provision of this Agreement.
12. **Amendment and Merger.** The terms of this Agreement shall not be waived, altered, modified, supplemented, or amended in any manner whatsoever, except by written instrument signed by both parties. Such waiver, consent, modification or change, if made, shall be effective only in the specific instance and for the specific purpose given. There are no understandings, agreements or representations, oral or written, not specified herein regarding this Agreement.
13. **Signatures.** All parties, by the authorized representative's signature below, hereby acknowledge that they have read this Agreement, understand it and agree to be bound by its terms and conditions.

For Applicant:

  
Name/Title: Grant SWCD District Manager

10-31-2022  
Date

For OWRD:

  
Dwight French - Administrator

11-15-2022  
Date

Mail signed Agreement to:

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



**STATE OF OREGON  
WATER RESOURCES DEPARTMENT**

RECEIPT # **139258**

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

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

RECEIVED FROM: <u>Grant Soil &amp; Water Conservation Dist.</u>	APPLICATION	
BY: _____	PERMIT	
	TRANSFER	<u>1-14103</u>
CASH: <input type="checkbox"/> CHECK: # <u>16179</u> OTHER: (IDENTIFY) <input type="checkbox"/>	TOTAL REC'D \$ <u>125.00</u>	

**1083 TREASURY 4170 WRD MISC CASH ACCT**

0407 COPIES <u>47124</u>	R1140223	\$
<u>0412</u> OTHER: (IDENTIFY) <u>Transfer Reimbursement Authority</u>		\$ <u>125.00</u>
0243 I/S Lease _____	0244 Muni Water Mgmt. Plan _____	0245 Cons. Water _____

**4270 WRD OPERATING ACCT**

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

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

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

**0607 TREASURY 0467 HYDRO ACTIVITY LIC NUMBER**

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

**TREASURY OTHER / RDX**

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

RECEIPT: **139258**

DATED: 10-3-2022 BY: [Signature]





OREGON WATER RESOURCES DEPARTMENT  
TRANSFER REIMBURSEMENT AUTHORITY  
ESTIMATE APPLICATION



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

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

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

REQUEST	TYPE	FILE NUMBER
<input checked="" type="checkbox"/>	Transfer Application	Transfer Number <u>T-14103</u>

	Applicant Information	Applicant's Representative/Contact
Name:	<u>Rick Hufstader &amp; Cindi Strickland</u>	<u>Kyle Sullivan – Grant SWCD</u>
Address:	<u>P.O. Box 116</u>	<u>721 S. Canyon Blvd</u>
	<u>Nuakati, AK 99950</u>	<u>John Day, OR 97845</u>
Phone:	<u>                    </u>	<u>(541) 575-0135 x111</u>
Fax:	<u>                    </u>	<u>                    </u>
E-Mail Address:	<u>                    </u>	<u>sullivan@ortelco.net</u>

I understand the following:

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

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

RECEIVED

OCT 03 2022

OWRD

I certify that I am the (check one):

☒ Applicant ☒ Applicant's Representative ☐ Other (Please specify) \_\_\_\_\_

Name: Kyle Sullivan

Signature: Kyle Sullivan

OWRD USE ONLY: Reimbursement Authority Number: R11- 402 -23





# Oregon

Kate Brown, Governor

## Water Resources Department

725 Summer St NE, Suite A

Salem, OR 97301

(503) 986-0900

Fax (503) 986-0904

October 10, 2022

RICK A. HUFSTADER  
CYNTHIA STRICKLAND  
PO BOX NK116  
NAUKATI, AK 99950

Reference: Application T-14103

On October 3, 2022, OWRD received your water right Permanent Transfer Application. The application was accompanied by \$2580.00. Our receipt number 139273 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.

This application may require publication of a notice for two consecutive weeks in a newspaper with general circulation in the area where the water right is located. If it is determined that newspaper notice will be required, the Department will prepare the notice and notify you of the cost. You will be responsible for submitting payment to the Department prior to publication of the notice.

Except as provided under ORS 540.510(3) for municipalities, you may not use water in the new place of use until a final order approving the transfer application has been issued by the Department. In order to avoid any possible forfeiture of the water right, you should continue to use the water as described by your existing water right.

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

Refer to the following page for a chart showing the steps and expected timelines for the processing of your application.

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

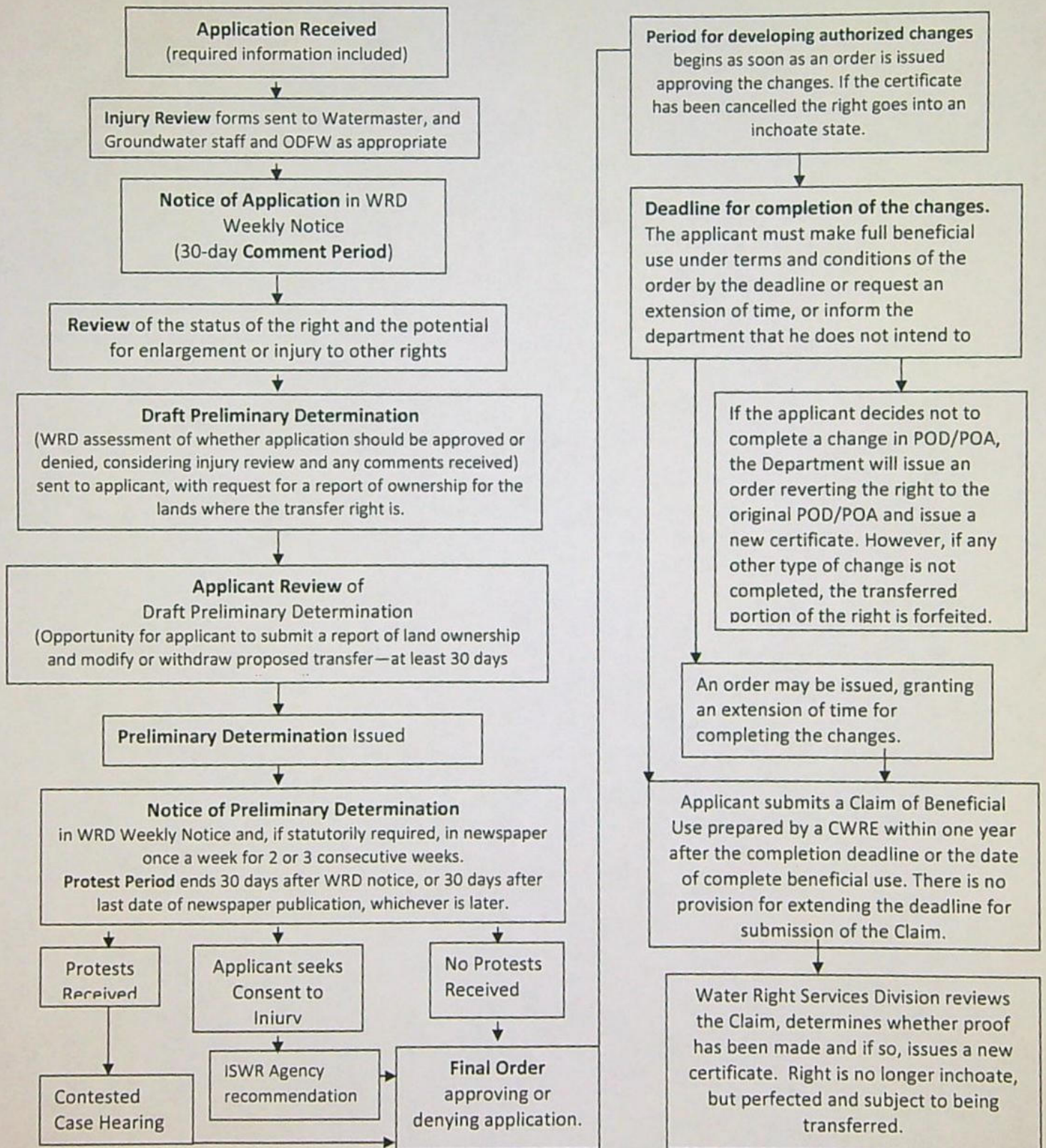
Cc: Watermaster Dist. #4, Eric W. Julsrud (*via email*)  
Kyle Sullivan, Agent

Enclosure



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

OAR 690 Division 380





Oregon Water Resources Dept.

Belshaw Creek

6/30/2022

125.00

16179

BANK OF EASTERN

RECEIVED  
OCT 03 2022  
OWRD

125.00

STATE OF OREGON  
WATER RESOURCES DEPARTMENT

725 Summer St. N.E. Ste. A

SALEM, OR 97301-4172

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

RECEIPT # 139273

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

RECEIVED FROM:

BY:

*Rick A Hufstader or  
Cynthia E Strickland*

APPLICATION

PERMIT

TRANSFER

T-14103

CASH:

CHECK:#

OTHER: (IDENTIFY)

TOTAL REC'D

\$2,580.00

## 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 &amp; TAPE FEES

\$

0410 RESEARCH FEES

\$

0408 MISC REVENUE: (IDENTIFY)

\$

TC162 DEPOSIT LIAB. (IDENTIFY)

\$

0240 EXTENSION OF TIME

\$

## WATER RIGHTS:

## EXAM FEE

## RECORD FEE

0201 SURFACE WATER

\$

0202

\$

0203 GROUND WATER

\$

0204

\$

0205 TRANSFER

\$2,580.00

## WELL CONSTRUCTION

## EXAM FEE

## LICENSE FEE

0218 WELL DRILL CONSTRUCTOR

\$

0219

\$

LANDOWNER'S PERMIT

0220

\$

OTHER (IDENTIFY)

## 0536 TREASURY 0437 WELL CONST. START FEE

0211 WELL CONST START FEE

\$

CARD#

0210 MONITORING WELLS

\$

CARD#

OTHER (IDENTIFY)

## 0607 TREASURY 0467 HYDRO ACTIVITY LIC NUMBER

0233 POWER LICENSE FEE (FW/WRD)

\$

0231 HYDRO LICENSE FEE (FW/WRD)

\$

HYDRO APPLICATION

\$

## TREASURY OTHER / RDX

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

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

DESCRIPTION \_\_\_\_\_

\$

RECEIPT: 139273

DATED: 10-3-2022

BY: *B*

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



# Application for Permanent Water Right Transfer



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

## Part 1 of 5 – Minimum Requirements Checklist

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

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

**RECEIVED**

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

OCT 03 2022

- X Part 1 – Completed Minimum Requirements Checklist.
- X Part 2 – Completed Transfer Application Map Checklist.
- X Part 3 – Application Fee, payable by check to the Oregon Water Resources Department, and completed Fee Worksheet, page 3. Try the new online fee calculator at:  
[http://apps.wrd.state.or.us/apps/misc/wrd\\_fee\\_calculator](http://apps.wrd.state.or.us/apps/misc/wrd_fee_calculator).
- X Part 4 – Completed Applicant Information and Signature.
- X Part 5 – Information about Water Rights to be Transferred: **How many water rights are to be transferred? 3 List them here: C- 25216 , C-90318 & C-90320**  
Please include a separate Part 5 for each water right. (See instructions on page 6)  
**NOTE: A separate transfer application is required for each water right unless the criteria in OAR 690-380-3220 are met.**

**OWRD**

### Attachments:

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

### (For Staff Use Only)

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

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

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

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



OCT 03 2022

## Part 2 of 5 – Transfer Application Map

OWRD

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

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

- X ☐ N/A Certified Water Right Examiner (CWRE) Stamp and Original Signature. For a list of CWREs, see [http://apps.wrd.state.or.us/apps/wr/cwre\\_license\\_view/](http://apps.wrd.state.or.us/apps/wr/cwre_license_view/). CWRE stamp and signature are not required for substitutions.
- X N/A If **more than three** water rights are involved, separate maps are needed for each water right.
- X Permanent quality printed with dark ink on good quality paper.
- X 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.
- X A north arrow, a legend, and scale.
- X 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.
- X Township, Range, Section, ¼ ¼, DLC, Government Lot, and other recognized public land survey lines.
- X Tax lot boundaries (property lines) are required. Tax lot numbers are recommended.
- X Major physical features including rivers and creeks showing direction of flow, lakes and reservoirs, roads, and railroads.
- X Major water delivery system features from the point(s) of diversion/appropriation such as main pipelines, canals, and ditches.
- X 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.
- X ☐ N/A Proposed place of use that includes separate hachuring for each water right, priority date, and use including number of acres in each quarter-quarter section, government lot, or in each quarter-quarter section as projected within government lots, donation land claims, or other recognized public land survey subdivisions.
- X 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.
- X ☐ N/A If you are proposing a change in point(s) of diversion or well(s), show the proposed location and label it clearly with distance and bearing or coordinates. If GPS coordinates are used, latitude-longitude coordinates may be expressed as either degrees-minutes-seconds with at least one digit after the decimal (example – 42°32'15.5") or degrees-decimal with five or more digits after the decimal (example – 42.53764°).



### Part 3 of 5 – Fee Worksheet

## FEE WORKSHEET for PERMANENT TRANSFER (except Substitution)

1	Base Fee (includes one type of change to one water right for up to 1 cfs)	1	\$1,360
	Types of change proposed: <input checked="" type="checkbox"/> Place of Use <input type="checkbox"/> Character of Use <input type="checkbox"/> Point of Diversion/Appropriation Number of above boxes checked = <u>2</u> (2a) Subtract 1 from the number in line 2a = <u>1</u> (2b) <i>If only one change, this will be 0</i>		
2	Multiply line 2b by \$1090 and enter »	2	0
	Number of water rights included in transfer <u>3</u> (3a) Subtract 1 from the number in 3a above: <u>2</u> (3b) <i>If only one water right this will be 0</i>		
3	Multiply line 3b by \$610 and enter »	3	\$1,220
	Do you propose to add or change a well, or change from a surface water POD to a well? No: enter 0 <input type="checkbox"/> Yes: enter \$480 for the 1 <sup>st</sup> well to be added or changed <u>0</u> (4a)  Do you propose to add or change additional wells? <input checked="" type="checkbox"/> No: enter 0 <input type="checkbox"/> Yes: multiply the number of additional wells by \$410 <u>0</u> (4b)		
4	Add line 4a to line 4b and enter »	4	0
	Do you propose to change the place of use or character of use? <input type="checkbox"/> No: enter 0 on line 5 <input checked="" type="checkbox"/> Yes: enter the cfs for the portions of the rights to be transferred (see below*): <u>0.17</u> (5a) Subtract 1.0 from the number in 5a above: <u>-0.83</u> (5b) If 5b is 0 or less, enter 0 on line 5 » If 5b is greater than 0, round up to the nearest whole number: (5c) and multiply 5c by \$410, then enter on line 5 »		
5		5	0
6	Add entries on lines 1 through 5 above » » » » » » » » » » Subtotal:	6	\$2,580
	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 6 by 0.5 and enter on line 7 »		
7	If no box is applicable, enter 0 on line 7 »	7	0
8	Subtract line 7 from line 6 » <b>Transfer Fee:</b>	8	\$2,580

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

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

## FEE WORKSHEET for SUBSTITUTION

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



## Part 4 of 5 – Applicant Information and Signature

### Applicant Information

APPLICANT/BUSINESS NAME <b>Rick Hufstader and Cynthia Strickland</b>			PHONE NO. <b>907-723-7291</b>	ADDITIONAL CONTACT NO.
ADDRESS <b>P. O. Box NK 116</b>			FAX NO.	
CITY <b>Naukati</b>	STATE <b>AK</b>	ZIP <b>99950</b>	E-MAIL <b>akdreams2015@gmail.com</b>	
<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.</b>				

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

AGENT/BUSINESS NAME <b>Kyle Sullivan</b>			PHONE NO. <b>541-575-0135 ex 111</b>	ADDITIONAL CONTACT NO.
ADDRESS <b>721 S. Canyon Blvd</b>			FAX NO.	
CITY <b>John Day</b>	STATE <b>OR</b>	ZIP <b>97845</b>	E-MAIL <b>sullivank@ortelco.net</b>	
<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.</b>				

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

MAP 1:

(1) We propose to transfer 3.5 acres under C-25216 northerly approximately 1/4 mile to new ground.

MAP 2:

(1) We propose to transfer 3.5 acres under C-90318 to the area formerly occupied by C-25216 as described in (1) above.

(2) We propose to transfer 0.3 acres under C-90320 to new ground within the pivot sweep of Pivot 1. This will fill in the remaining part of the pivot circle not served by C-90319.

(3) Pivot 1 will have only the existing 1906 and the proposed 1949 priority dates, divided approximately into east and west halves.

Placing the above described 3.8 acres within the pivot sweep of Pivot 1 results in more efficient use of water and will improve priority date management of the three certificates.

C-25216= 1885 ----- C-90318=1949 ---- C-90320= 1949 ---- C-90319=1906, remains unchanged.

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

### Check One Box

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

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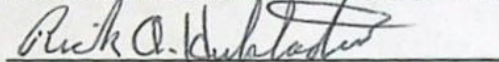
**OWRD**



By my signature below, I confirm that I understand:

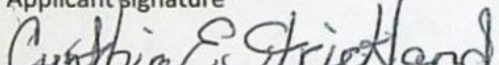
- Prior to Department approval of the transfer application, I may be required to submit payment to the Department for publication of a notice in a newspaper with general circulation in the area where the water right is located, once per week for two consecutive weeks. If more than one qualifying newspaper is available, I suggest publishing the notice in the following newspaper: Blue Mountain Eagle.
- Amendments to the application may only be made in response to the Department's Draft Preliminary Determination (DPD). The applicant will have a period of at least 30 days to amend the application to address any issues identified by the Department in the DPD, or to withdraw the application. Note that amendments may be subject to additional fees, pursuant to ORS 536.050.
- Failure to complete an approved change in place of use and/or change in character of use, will result in loss of the water right (OAR 690-380-6010).
- Refunds may only be granted upon request and, as set forth in ORS 536.050(4)(a), if the Director determines that a refund of all or part of a fee is appropriate in the interests of fairness to the public or necessary to correct an error of the Department.

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

  
Applicant signature

Rick Hufstader  
Print Name (and Title if applicable)

9-28-22  
Date

  
Applicant signature

Cynthia Strickland  
Print Name (and Title if applicable)

9-29-22  
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 deeded landowners (and mailing and/or e-mail addresses if different than the applicant's) or attach affidavits of consent (and mailing and/or e-mail addresses) from all landowners or individuals/entities to which the water right(s) were conveyed.

Check the following boxes that apply:

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

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

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

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

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

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

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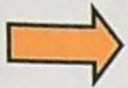


☐ Check here if any of the water rights proposed for transfer are or will be located within or served by an irrigation or other water district. (Tip: Complete and attach Supplemental Form D.)

IRRIGATION DISTRICT NAME	ADDRESS	
CITY	STATE	ZIP

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

ENTITY NAME	ADDRESS	
CITY	STATE	ZIP



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

ENTITY NAME	ADDRESS	
CITY	STATE	ZIP

ENTITY NAME	ADDRESS	
CITY	STATE	ZIP

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## Part 5 of 5 – Water Right Information

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

CERTIFICATE # 25216

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### Description of Water Delivery System

OCT 03 2022

System capacity: 0.70 cubic feet per second (cfs) OR  
 \_\_\_\_\_ gallons per minute (gpm)

OWRD

Describe the current water delivery system or the system that was in place at some time within the last five years. Include information on the pumps, canals, pipelines, and sprinklers used to divert, convey, and apply the water at the authorized place of use. Open ditch flood irrigate.

**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)
Belshaw Creek	<input checked="" type="checkbox"/> Authorized <input type="checkbox"/> Proposed		13 S	29 E	18	NW NW	1	Per Adjudication Map.
	<input type="checkbox"/> Authorized <input type="checkbox"/> Proposed							
	<input type="checkbox"/> Authorized <input type="checkbox"/> Proposed							
	<input type="checkbox"/> Authorized <input type="checkbox"/> Proposed							

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

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

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

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



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

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

**Table 2. Description of Changes to Water Right Certificate # 25216**

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

AUTHORIZED (the "from" or "off" lands) The listing that appears on the certificate BEFORE PROPOSED CHANGES List only that part or portion of the water right that will be changed.													Proposed Changes (see "CODES" from previous page)	PROPOSED (the "to" or "on" lands) The listing as it would appear AFTER PROPOSED CHANGES are made.													
Twp	Rng	Sec	¼ ¼	Tax Lot	Lot or DLC	Acres	Type of USE listed on Certificate	POD(s) or POA(s) (name or number from Table 1)	Priority Date	Twp	Rng	Sec		¼ ¼	Tax Lot	Lot or DLC	Acres	New Type of USE	POD(s)/ POA(s) to be used (from Table 1)	Priority Date							
EXAMPLE																											
2	S	9	E	15	NE	NW	100		15.0	Irrigation	POD #1 POD #2	1901	POU/POD	2	S	9	E	1	NW	NW	500	1	10.0		POD #5	1901	
														2	S	9	E	2	SW	NW	500		5.0		POD #6	1901	
13	S	29	E	18	SW	SE	1201	1	3.5	Irrigation	Belshaw Creek	1895	POU	13	S	29	E	18	NW	SE	1201	1	3.0		Belshaw Creek	1895	
													POU	13	S	29	E	18	NE	SW	1201	1	0.3		Belshaw Creek	1895	
													POU	13	S	29	E	18	SE	NW	1201	1	0.1		Belshaw Creek	1895	
													POU	13	S	29	E	18	SW	NE	1201	1	0.1		Belshaw Creek	1895	
TOTAL ACRES:									3.5					TOTAL ACRES:									3.5				

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Additional remarks: Place of use change only.



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

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

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

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

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

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

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

**RECEIVED****OCT 03 2022****For a change from Supplemental Irrigation Use to Primary Irrigation Use**

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

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

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

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

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

**AND/OR**

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

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

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

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



## Part 5 of 5 – Water Right Information

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

CERTIFICATE # 90318

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### Description of Water Delivery System

System capacity: 0.18 cubic feet per second (cfs) OR

OCT 03 2022

\_\_\_\_\_ 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. **Center pivot and open ditch irrigation.**

**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	<input checked="" type="checkbox"/> Authorized <input type="checkbox"/> Proposed		13 S	29 E	18	SW	SE		590' N & 1980' W of SE cor. Section 18.
	<input type="checkbox"/> Authorized <input type="checkbox"/> Proposed								
	<input type="checkbox"/> Authorized <input type="checkbox"/> Proposed								
	<input type="checkbox"/> Authorized <input type="checkbox"/> Proposed								

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

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

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

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



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

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

**Table 2. Description of Changes to Water Right Certificate # 90318**

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

AUTHORIZED (the "from" or "off" lands) The listing that appears on the certificate BEFORE PROPOSED CHANGES List only that part or portion of the water right that will be changed.											Proposed Changes (see "CODES" from previous page)	PROPOSED (the "to" or "on" lands) The listing as it would appear AFTER PROPOSED CHANGES are made.														
Twp	Rng	Sec	¼	¼	Tax Lot	Gvt Lot or DLC	Acres	Type of USE listed on Certificate	POD(s) or POA(s) (name or number from Table 1)	Priority Date		Twp	Rng	Sec	¼	¼	Tax Lot	Gvt Lot or DLC	Acres	New Type of USE	POD(s)/ POA(s) to be used (from Table 1)	Priority Date				
EXAMPLE																										
2	S	9	E	15	NE	NW	100		15.0	Irrigation	POD #1 POD #2	1901	POU/POD	2	S	9	E	1	NW	NW	500	1	10.0		POD #5	1901
														2	S	9	E	2	SW	NW	500		5.0		POD #6	1901
13	S	29	E	18	SE	SW	1201		1.8	Irrigation	POD	1949	POU	13	S	29	E	18	SW	SE	1201		3.5	Irrigation	POD	1949
13	S	29	E	19	NW	NE	1201		1.7	Irrigation	POD	1949														
TOTAL ACRES:								3.5						TOTAL ACRES:								3.5				

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OWRD

Additional remarks: None.



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

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

If YES, list the certificate, water use permit, or ground water registration numbers: **C-25216**.

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

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

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

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

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OCT 03 2022

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

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

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

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

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

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

**AND/OR**

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

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

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

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



## Part 5 of 5 – Water Right Information

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

CERTIFICATE # 90320

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### Description of Water Delivery System

**OCT 03 2022**

System capacity: 0.185 cubic feet per second (cfs) OR

\_\_\_\_\_ gallons per minute (gpm)

**OWRD**

Describe the current water delivery system or the system that was in place at some time within the last five years. Include information on the pumps, canals, pipelines, and sprinklers used to divert, convey, and apply the water at the authorized place of use. Two center pivots irrigate the fields

**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	<input checked="" type="checkbox"/> Authorized <input type="checkbox"/> Proposed		13 N	29 E	18	SW	SE		590' N & 1980' W of SE Cor. Section 18
	<input type="checkbox"/> Authorized <input type="checkbox"/> Proposed								
	<input type="checkbox"/> Authorized <input type="checkbox"/> Proposed								
	<input type="checkbox"/> Authorized <input type="checkbox"/> Proposed								

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

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

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

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



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

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

**Table 2. Description of Changes to Water Right Certificate # 90320**

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

AUTHORIZED (the "from" or "off" lands) The listing that appears on the certificate BEFORE PROPOSED CHANGES List only that part or portion of the water right that will be changed.													Proposed Changes (see "CODES" from previous page)	PROPOSED (the "to" or "on" lands) The listing as it would appear AFTER PROPOSED CHANGES are made.												
Twp	Rng	Sec	¼ ¼	Tax Lot	Gvt Lot or DLC	Acres	Type of USE listed on Certificate	POD(s) or POA(s) (name or number from Table 1)	Priority Date	Twp	Rng	Sec		¼ ¼	Tax Lot	Gvt Lot or DLC	Acres	New Type of USE	POD(s)/ POA(s) to be used (from Table 1)	Priority Date						
EXAMPLE																										
2	S	9	E 15 NE NW	100		15.0	Irrigation	POD #1 POD #2	1901	POU/POD	2	S	9	E 1 NW NW	500	1	10.0		POD #5	1901						
											2	S	9	E 2 SW NW	500		5.0		POD #6	1901						
13	S	29	E 18 SW SE	1201		7.4	Irrigation	POD	1949	POU	13	S	29	E 18 SW SE	1201		7.1	Irrigation	POD	1949						
										POU	13	S	29	E 18 SW SE	1201		0.3	Irrigation	POD	1949						
TOTAL ACRES:						7.4					TOTAL ACRES:						7.4									

Additional remarks: We need to transfer 0.3 acres to the area within the pivot sweep of the north pivot.

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

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

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

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

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

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

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

**RECEIVED****OCT 03 2022****For a change from Supplemental Irrigation Use to Primary Irrigation Use**

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

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

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

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

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

**AND/OR**

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

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

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

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



# 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 GRANT

I, RICK HUFSTADER, in my capacity as OWNER,

mailing address P. O. BOX NK116 NAUKATI, AK 99950

telephone number (903)723- 7291, being first duly sworn depose and say:

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

☒ Personal observation

☐ Professional expertise

2. I attest that:

☒ Water was used during the previous five years on the **entire** place of use for  
Certificate # C-25216, C-90318 & C-90320; **OR**

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

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

OR

☐ Confirming Certificate # \_\_\_\_\_ has been issued within the past five years; **OR**

☐ Part or all of the water right was leased instream at some time within the last five years. The  
instream lease number is: \_\_\_\_\_ (Note: If the entire right proposed for  
transfer was not leased, additional evidence of use is needed for the portion not leased instream.); **OR**

☐ The water right is not subject to forfeiture and documentation that a presumption of forfeiture for non-use  
would be rebutted under ORS 540.610(2) is attached.

☐ Water has been used at the actual current point of diversion or appropriation for more than  
10 years for Certificate # \_\_\_\_\_ (For Historic POD/POA Transfers)

(continues on reverse side)

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

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.

Rick A. Humphreys  
Signature of Affiant

9-29-22  
Date

STATE OF Alaska  
1st Judicial District



Signed and sworn to (or affirmed) before me this 29 day of Sept, 2022.

Lynnette Logan  
Notary Public for ~~Oregon~~ Alaska

My Commission Expires: 03-22-2024

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.terra-server.com">www.terra-server.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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# Land Use Information Form



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

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## NOTE TO APPLICANTS

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

### This form is NOT required if:

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

## NOTE TO LOCAL GOVERNMENTS

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



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Daytime Phone: 907-723-7291



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

GRANT COUNTY

### **B. Description of Proposed Use**

Type of application to be filed with the Water Resources Department:

- ☐ Permit to Use or Store Water    ☒ Water Right Transfer    ☐ Permit Amendment or Ground Water Registration Modification  
☐ Limited Water Use License    ☐ Allocation of Conserved Water    ☐ Exchange of Water

Source of water: ☐ Reservoir/Pond    ☐ Ground Water    ☒ Surface Water (name) Belshaw Creek & John Day River

Estimated quantity of water needed: 0.018 cubic feet per second    ☐ gallons per minute    ☐ acre-feet

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

Briefly describe:

We need a point of diversion change and a change in place of use for portions of C-25216, C-90318 & C-90320 to improve crop production.

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

See bottom of Page 3. →

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13s 29e 12d  
~~#200~~

## For Local Government Use Only

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

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

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

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

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

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Allowed use in mwr & EFV Zones

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Name: Shana J Joslin Title: Assistant Planner

Signature: Shana Joslin Phone: 515-1519 Date: 6-27-22

Government Entity: Grant Co. Planning Dept

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

### Receipt for Request for Land Use Information

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

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

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

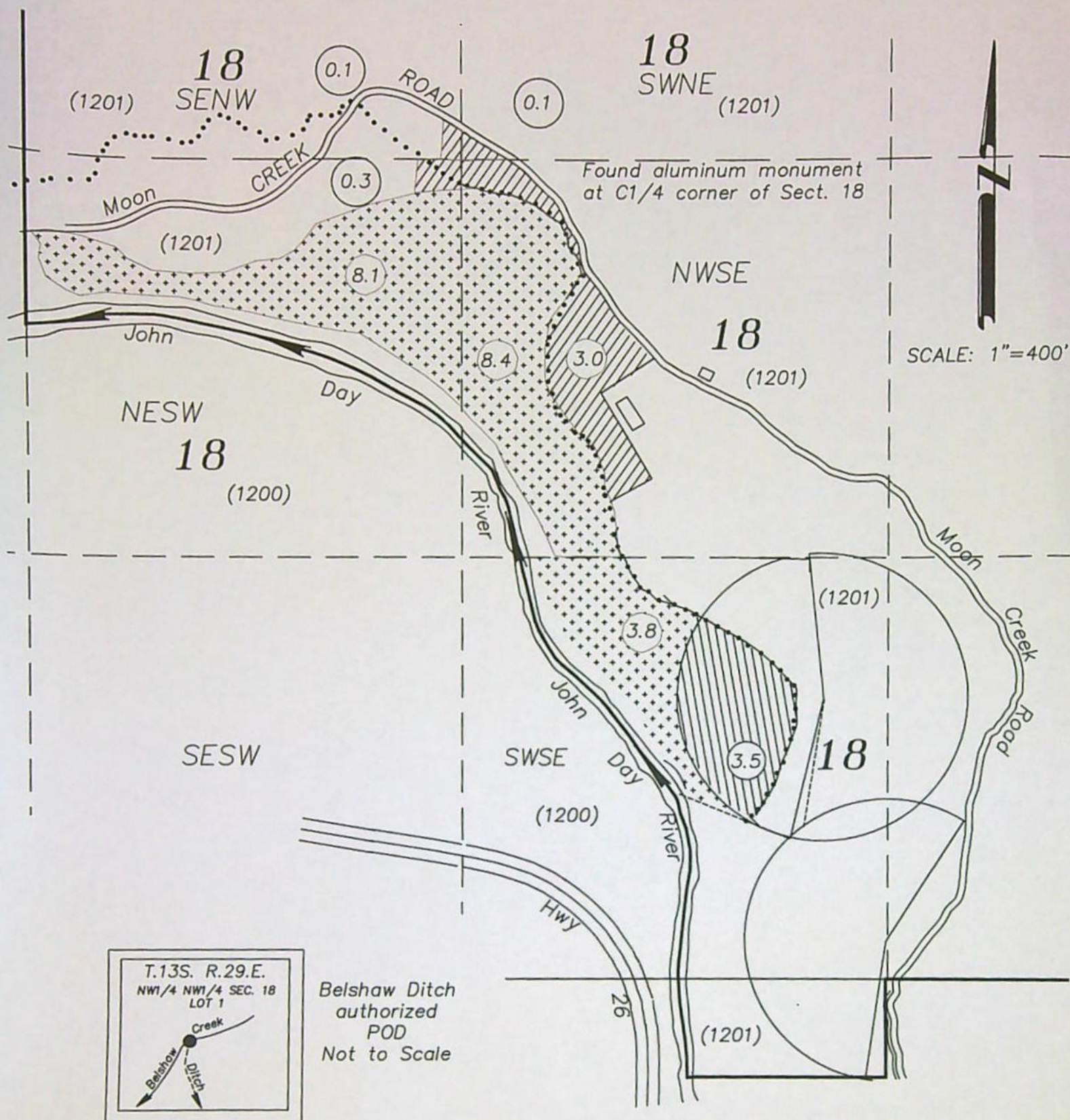


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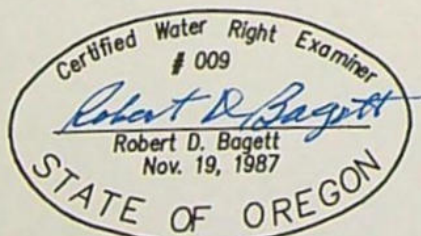
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MAP 1 OF 2

SEC. 18, T.13 S., R.29 E., W.M. GRANT COUNTY,  
OR. TRANSFER APPLICATION MAP CHANGE IN  
PLACE OF USE FOR  
RICK HUFSTADER AND CYNTHIA STRICKLAND



PREPARED BY  
ROBERT D. BAGETT, PLS, CWRE  
217 N. CANYON BLVD.  
JOHN DAY, OR. 97845  
541-620-0717  
June 22, 2022



Expires  
12/31/2023

AUTHORIZED POD: C-25216 IS IN THE NW 1/4 NW 1/4  
Section 18, T13S, R29E, PER ADJUDICATION MAP

FROM C-25216 BELSHAW CREEK 1885- 3.5 AC.

TO NEW LANDS-BELSHAW CREEK 1885-3.5 AC.

C-25216 REMAINING RIGHT-BELSHAW  
CREEK-1885-20.3 AC.

*Belshaw ditch*

MAINLINE PIPE

TAX LOT

DISCLAIMER: THIS MAP IS NOT  
INTENDED TO PROVIDE LEGAL  
DIMENSIONS OR LOCATIONS OF  
PROPERTY OWNERSHIP LINES









USDA IMAGERY DATE 07/21/2020

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# Permanent Transfer Application Intake Completion Checklist

Check the Certificate(s) in WRIS

Transfer # T- 14/03

Checked by: <u>Cula</u>	Type of Change(s) Proposed: Mark the Proposed Changes	Substitution	Supplemental to Primary	<input checked="" type="radio"/> POU	POD	APOD
Date: <u>10/4/22</u>		Gov Action	Surface to Ground	USE	POA	APOA
Fee Received: <u>2580-</u>		How many rights to be Transferred?				
Calculated Fee: <u>2580-</u>		Certificate #				
Additional Observations:		<u>25216</u> <u>90318</u> <u>90320</u>				

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

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

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

Actions taken: \_\_\_\_\_ Date: \_\_\_\_\_



## Permanent Transfer Application Intake Completion Checklist

FEE WORKSHEET for PERMANENT TRANSFER (except Substitution)					
1	Base Fee (includes one type of change to one water right for up to 1 cfs)	1	\$1,360		
	Types of change proposed: <input checked="" type="checkbox"/> Place of Use <input type="checkbox"/> Character of Use <input type="checkbox"/> Point of Diversion/Appropriation Number of above boxes checked = <u>1</u> (2a) Subtract 1 from the number in line 2a = <u>0</u> (2b) If only one change, this will be 0. Multiply line 2b by \$1,090 and enter » » » » » » » » » » » » » » » »	2	0		
3	Number of water rights included in transfer <u>3</u> (3a) Subtract 1 from the number in 3a above: <u>2</u> (3b) If only one water right this will be 0 Multiply line 3b by \$610 and enter » » » » » » » » » » » » » » » »	3	1220		
4	Do you propose to add or change a well, change from a surface water POD to a well, or Substitute a Suppl GW right for a Primary SW right? <input type="checkbox"/> No: enter 0 » <input type="checkbox"/> Yes = \$480 (4a) If YES: enter the number of wells being proposed: _____ (4b) Subtract 1 from the number in line 4b = _____ (4c) If only one well this will be 0. Multiply line 4c by \$410 = _____ (4d) Add lines 4a and 4d and enter » » » » » » » » » » » » » » » »	4	0		
5	Do you propose to change the place of use or character of use? <input type="checkbox"/> No: enter 0 on line 5 » <input type="checkbox"/> Yes: enter the cfs for the portions of the rights to be transferred (see example below*): _____ (5a) Subtract 1.0 from the number in 5a above: _____ (5b) If 5b is 0 or less, enter 0 on line 5 » » » » » » » » » » » » » » » » If 5b is greater than 0, round up to the nearest whole number: _____ (5c) and multiply 5c by \$350, then enter on line 5 » » » » » » » » » » » » » » » »	5	0		
6	Add entries on lines 1 through 5 above » » » » » » » » » » Subtotal:	6	0		
7	Is this transfer: <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 6 by 0.5 and enter on line 7 » » » If no box is applicable, enter 0 on line 7 » » » » » » » » » » » » » » » »	7	0		
8	Subtract line 7 from line 6 » » » » » » » » » » Transfer Fee:	8	2580 -		