

T-14281

Temporary

T-14281

Name Harbinger FarmAddress 10909 North Myrtle Creek rdMyrtle Creek, Oregon 97457
harbingerfarm97457@gmailChange in POW PODDate Filed 7/14/2023Initial notice date 7/25/2023

DPD issued date _____

PD issued date _____

PD notice date _____

Date of FO 12/22/2023 Vol 129 Page 574-577

C-Date _____

COBU due date _____

COBU Received date _____

Certificate issued _____

DESCRIPTION OF WATER RIGHT(S)

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

Quantity of water (CFS) _____ No. of Acres _____

Name of ditch _____

App# 87797 Per # 54991 Cert # 2d677 PR Date _____

App# _____ Per # _____ Cert # _____ PR Date _____

App# _____ Per # _____ Cert # _____ PR Date _____

App# _____ Per # _____ Cert # _____ PR Date _____

App# _____ Per # _____ Cert # _____ PR Date _____

FEES PAID		
Date	Amount	Receipt #
<u>7-14-23</u>	<u>955.40</u>	<u>141162</u>

FEES REFUNDED		
Date	Amount	Receipt #

Assignments: _____

Irrigation District _____

Agent _____

CWRE _____

CC's list Douglas County Planning☐ - Oversized map - Location _____

WATER RIGHT TRANSFER COVER SHEET

Transfer: T-14281

Transfer Specialist: *Scott*

Transfer Type: Temporary Transfer

DROUGHT? ☐

Applicant: MATT DAY 10909 NORTH MYRTLE CREEK RD MYRTLE CREEK, OR 97457	Agent:	Receiving Landowner:
Current Landowner if other than Applicant:	CWRE:	Irrigation District:
Affected Local Gov'ts: Douglas County Planning Department/Land Use	Affected Tribal Gov't:	BOR Notified (date):

Water Rights Affected

File Marked	App. File # or Decree Name	Permit	Certificate
<input type="checkbox"/>	S7797	S4991	26677
<input type="checkbox"/>			
<input type="checkbox"/>			

Key Dates & Initial Actions (Support Staff)

Rec'd: July 14, 2023	Proposed Action(s): POINT OF DIVERSION; PLACE OF USE	
Fees Pd: 955.40	Acknowledgement Letter Sent <input checked="" type="checkbox"/>	Basin: 16 Umpqua
Initial Public Notice: 7/25/2023	County sent cc: of Ack Letter <input checked="" type="checkbox"/>	County: DOUGLAS
WM District: 15 Susan M. Douthit	WM Review request sent:	WM Review date received:
Groundwater	GW Review sent:	GW Review date received:

Peer Review:

Document	Drafted	Peer Review	Coordinator	Changes Made	Signature Bin	Signature Date
FO	Date: 11/14/23 Initials: <i>Scott</i>	Date: 11/21/23 Initials: <i>Joan</i>	Date: 12/8/23 Initials: <i>cc</i>	Date: 12/18/23 Initials: <i>Scott</i>	Date: 12/18/23 No. of docs for sig: 1 WM Sheet <input checked="" type="checkbox"/>	Date: 12/22/23

Special Issues: _____

Special Order Volume: Vol. 129 Pages 574-577



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

December 22, 2023

Matt Day
10909 N Myrtle Creek Rd
Myrtle Creek, OR 97457

REFERENCE: District Temporary Transfer Application T-14281

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

The temporary change shall be effective at the **beginning of the 2023 irrigation season**. The use shall revert to the original authorized place of use at the **end of the 2027 irrigation season**.

If you have any questions related to the approval of this temporary transfer, you may contact your caseworker, Scott Grew, by telephone at (503) 986-0890 or by e-mail at Scott.a.grew@water.oregon.gov.

Sincerely,

Elyse Richman
Water Rights Services Support
Transfers and Conservation Section

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

Enclosure

BEFORE THE WATER RESOURCES DEPARTMENT
OF THE
STATE OF OREGON

In the Matter of Transfer Application)	FINAL ORDER APPROVING TEMPORARY
T-14281, Douglas County)	CHANGES IN PLACE OF USE AND POINT
)	OF DIVERSION

Authority

Oregon Revised Statute (ORS) 540.505 to 540.580 establish the process in which a water right holder may submit a request to temporarily transfer the place of use and, if necessary to convey the water to the temporary place of use, the point of diversion authorized under an existing water right.

Oregon Administrative Rule (OAR) Chapter 690, Division 380 implements the statutes and provides the Department's procedures and criteria for evaluating transfer applications.

Applicant

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

Findings of Fact

1. On July 14, 2023, HARBINGER FARM (MATT DAY), filed an application to temporarily change the place of use and to change the point of diversion to serve the proposed place of use under Certificate 26677 for a period of 5 years. The Department assigned the application number T-14281.
2. Notice of the application for transfer was published on July 25, 2023, pursuant to OAR 690-380-4000.
3. The portion of the right to be temporarily transferred is as follows:

Certificate:	26677 in the name of ADAM HEUSSNER (perfected under Permit S-4991)
Use:	IRRIGATION of 2.0 ACRES FROM NORTH MYRTLE CREEK
Priority Date:	MARCH 22, 1921
Rate:	0.03 CUBIC FOOT PER SECOND FOR IRRIGATION PURPOSES FROM NORTH MYRTLE CREEK

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

Limit/Duty: The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands, shall be limited to one-eightieth of one cubic foot per second per acre, and shall conform to such reasonable rotation system as may be ordered by the proper state officer.

Source: NORTH MYRTLE CREEK, a tributary of SOUTH UMPQUA RIVER

Authorized Point of Diversion:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
28 S	4 W	WM	27	NW SE	NOT DESCRIBED IN CERTIFICATE

Authorized Place of Use:

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

4. The Department received information from the applicant that describes the location of the authorized points of diversion for Certificate 26677 as follows:

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

5. Temporary Transfer Application T-14281 proposes to temporarily change the place of use of the right to:

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

6. A change in point of diversion is necessary to convey the water to the proposed temporary place of use. Temporary Transfer Application T-14281 proposes to move the authorized point of diversion approximately 1200 feet downstream to:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
28 S	4 W	WM	27	NE SW	POD #3 - 1525 FEET NORTH AND 2400 FEET EAST FROM THE SW CORNER OF SECTION 27

Temporary Transfer Review Criteria

7. Water has been used within the last five years according to the terms and conditions of the right. There is no evidence available that would demonstrate that the right is subject to forfeiture under ORS 540.610.
8. A pump, pipeline, and sprinkler system sufficient to use the full amount of water allowed under the existing right are present.

9. The proposed change would prevent the lands from which the water right is removed during the period of the temporary transfer from receiving water under the transferred right, as required by ORS 540.523(7).
10. The proposed change would not result in injury to other water rights. This finding is made through an abbreviated review recognizing that the transfer may be revoked under ORS 540.523(5) if the Department later finds that the transfer is causing injury to any existing water right.

Conclusions of Law

The temporary change in place of use and point of diversion to convey water to the temporary place of use proposed in Temporary Transfer Application T-14281 is consistent with the requirements of ORS 540.523 and OAR 690-380-8000.

Now, therefore, it is ORDERED:

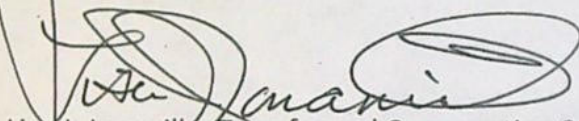
1. The temporary change in place of use and change in point of diversion to convey water to the temporary place of use proposed in Temporary Transfer Application T-14281 are approved.
2. The former place of use **shall not** be irrigated as part of this water right during the 2023, 2024, 2025, 2026 and 2027 irrigation seasons.
3. The use shall revert to the authorized place of use at the end of the 2027 irrigation season. The authorization to use the temporary point of diversion shall be terminated concurrently.
4. The approval of this temporary transfer may be revoked or modified if the Department finds the changes cause injury to any existing water right.
5. The quantity of water diverted at the proposed temporary point of diversion (POD # 3) shall not exceed the quantity of water lawfully available at the original points of diversion (POD #1 and POD #2).
6. A subsequent application for permanent transfer of Certificate 26677 shall be subject to a full and complete review to determine consistency with the requirements of OAR Chapter 690, Division 380. Approval of this temporary transfer does not establish a precedent for approval of a subsequent application filed for a permanent transfer.
7. The use of water at the temporary place of use authorized by this transfer shall be in accordance with the terms and conditions of Certificate 26677.
8. The time during which water is used under this approved temporary transfer does not apply toward a finding of forfeiture under ORS 540.610.

9. Water use measurement conditions:

- a. Before water use may begin under this order, the water user shall install a totalizing flow meter, or, with prior approval of the Director, another suitable measuring device, at each point of diversion, 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.

10. The use of the remaining water right described by Certificate 26677 shall continue to be in accordance with the terms and conditions of Certificate 26677.

Dated in Salem, Oregon on



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

Mailing Date:

Watermaster Review Form: Water Right Transfer



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

Transfer Application: T-14281

Review Due Date: 8/18/2023

Applicant Name: Harbinger Farm, Matt Day

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

Reviewer(s): Mary Burleson

Date of Review: 8/22/2023

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.)
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: North Myrtle Creek is regulated for IS-59937, (3/26/1974) and IS59701 (10/23/2023). The transferred right C-26677 has a priority date of 3/22/1921, thus not effected by regulation.
3. Have headgate notices been issued for the source that serves the transferred right(s)?
☐ Yes ☒ No ☐ Records not available.
4. In your estimation, after the proposed change, would distribution of water for the right(s) result in regulation of other water rights that would not have occurred if use under the original right(s) was/were maximized? ☐ Yes ☒ No If "Yes", explain: _____
5. In your estimation, if the proposed change is approved, are there upstream water rights that would be affected? ☐ Yes ☒ No If "Yes", describe how the rights would be affected and list the rights most affected: _____
6. Check here ☐ if it appears that downstream water rights benefit from return flows resulting from the current use of the transferred right(s)? If you check the box, generally characterize the locations where the return flows likely occur and list the water rights that benefit most: _____. ☒ N/A
7. For POD changes and instream transfers, check here ☐ if there are channel losses between the old and new PODs or within the proposed instream reach? If you check the box, describe and, if possible, estimate the losses: _____. ☒ N/A

8. For instream transfers that propose protection of a reach beyond the mouth of the source stream: ☒ N/A Would the quantity be measureable into the receiving stream consistent with OAR 690-077-0015(8)? ☐ Yes ☐ No
9. For POU changes: ☐ N/A Is it likely the original place of use would continue to receive water from the same source? ☐ Yes ☒ No If "Yes", explain: _____
10. For POU or USE changes: ☐ N/A In your best judgment, would use of the existing right at "full face value," result in the diversion of more water than can be used beneficially and without waste? ☐ Yes ☒ No If "Yes", explain: _____
11. For POU changes that involve micro-irrigation: ☒ N/A
- a. Has the applicant made changes (absent a transfer) to convert to micro-irrigation within the current place of use boundary of the water right proposed for transfer, and previously demonstrated to the Department through monitoring and site inspections by the Watermaster that the proposed transfer will not result in injury or enlargement? ☐ Yes ☐ No If "Yes", explain: _____
- b. Has a temporary transfer of this nature been previously filed and approved on the same lands (or portions thereof) as those lands involved in this transfer?
☐ Yes ☐ No If "Yes", answer the following:
- i. Were there any problems with more acres being irrigated (or wetted) than were authorized under the temporary transfer? ☐ Yes ☐ No
If "Yes", explain: _____
- ii. Did the designated areas that were to remain dry (or not wetted) under the temporary transfer actually remain dry? ☐ Yes ☐ No
If "No", explain: _____
- iii. Did the applicant comply with and meet all of the conditions of the temporary transfer? ☐ Yes ☐ No If "No", explain: _____
- iv. Do you have any other observations regarding the temporary transfer?
☐ Yes ☐ No If "Yes", describe: _____
- v. Did the applicant demonstrate to the Department through monitoring and site inspections by the Watermaster that neither injury nor enlargement occurred as a result of the temporary transfer? ☐ Yes ☐ No
If "No", explain: _____
- c. To the best of your knowledge, if this transfer is approved, does it appear that:
- i. "Injury" will occur to other water rights that share the same source?
☐ Yes ☐ No If "Yes", explain: _____
- ii. "Enlargement" of the water right being transferred will occur?
☐ Yes ☐ No If "Yes", explain: _____

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

☐ Yes ☒ No If "Yes", explain: _____

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

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

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

☐ A Headgate should be required prior to diverting water.

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

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

OR ☐ at each new point of diversion/appropriation

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

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

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

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

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

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

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

☐ Weir

☐ Submerged Orifice

☐ Parshall Flume

☐ Flow Restrictor

☐ Other: _____

Oregon Water Resources Department

Measurement Condition Information for the Applicant

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

Transfer #: T-14281

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

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

☒ at each new point of diversion/appropriation.

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

Watermaster name: Mary Burleson Assistant

District: 15

Address: 1036 SE Douglas Room 306

City/State/Zip: Roseburg, OR 97470

Phone: 541-440-4343

Email: Mary.I.Burleson@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 # **141162**

INVOICE # _____

RECEIVED FROM: Hrbinger Farm LLC
BY: _____

APPLICATION	
PERMIT	
TRANSFER	<u>FH281</u>

CASH: ☐ CHECK: # 5 OTHER: (IDENTIFY) ☐ _____

TOTAL REC'D \$ 955.40

1083 TREASURY 4170 WRD MISC CASH ACCT

0407 COPIES \$ _____

OTHER: (IDENTIFY) _____ \$ _____

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

4270 WRD OPERATING ACCT

MISCELLANEOUS

0407 COPY & TAPE FEES \$ _____

0410 RESEARCH FEES \$ _____

0408 MISC REVENUE: (IDENTIFY) _____ \$ _____

TC162 DEPOSIT LIAB. (IDENTIFY) _____ \$ _____

0240 EXTENSION OF TIME \$ _____

WATER RIGHTS:

0201 SURFACE WATER \$ _____ 0202 \$ _____

0203 GROUND WATER \$ _____ 0204 \$ _____

0205 TRANSFER \$ 955.40

WELL CONSTRUCTION

0218 WELL DRILL CONSTRUCTOR \$ _____ 0219 \$ _____

LANDOWNER'S PERMIT

0220 \$ _____

OTHER (IDENTIFY) _____

0536 TREASURY 0437 WELL CONST. START FEE

0211 WELL CONST START FEE \$ _____ CARD# _____

0210 MONITORING WELLS \$ _____ CARD# _____

OTHER (IDENTIFY) _____

0607 TREASURY 0467 HYDRO ACTIVITY LIC NUMBER

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

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

HYDRO APPLICATION \$ _____

TREASURY OTHER / RDX

FUND _____ TITLE _____

OBJ. CODE _____ VENDOR # _____

DESCRIPTION \$ _____

RECEIPT: **141162**

DATED: 7/14/13 BY: M. Carey

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



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

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

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

FOR ALL TEMPORARY TRANSFER APPLICATIONS

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

- ☒ Part 1 – Completed Minimum Requirements Checklist.
- ☒ Part 2 – Completed Temporary Transfer Application Map Checklist.
- ☒ Part 3 – Application Fee, payable by check to the Oregon Water Resources Department, and completed Fee Worksheet, page 3. Try the online fee calculator at:
http://apps.wrd.state.or.us/apps/misc/wrd_fee_calculator.
- ☒ Part 4 – Completed Applicant Information and Signature.
- ☒ Part 5 – Information about Transferred Water Rights: **How many water rights are to be transferred? 1 List them here: 26677**
- Please include a separate Part 5 for each water right. (See instructions on page 6)
- ☒ ☐ N/A For standard Temporary Transfer (one to five years) **Begin Year: 2023 End Year: 2027.**
- ☐ ☐ N/A Temporary Drought Transfer (Only in counties where the Governor has declared drought)

Attachments:

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

(For Staff Use Only)

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

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

Other/Explanation _____

Staff: _____ Phone: _____ Date: ____/____/____

RECEIVED
JUL 14 2023
OWRD

Part 2 of 5 – Temporary Transfer Application Map Checklist

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

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

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

14281 -

RECEIVED
JUL 14 2023

OWRD

FEE WORKSHEET for TEMPORARY (not drought) TRANSFERS		
1	Base Fee (includes temporary change to one water right for up to 1 cfs)	\$950.00
2	Number of water rights included in transfer: <u>1 (2a)</u> Subtract 1 from the number in 3a above: <u>0 (2b)</u> If only one water right this will be 0 Multiply line 2b by \$310.00 and enter » » » » » » » » » » » » » » » »	0
3	Do you propose to change the place of use for a non-irrigation use? <input checked="" type="checkbox"/> No: enter 0 on line 3 » » » » » » » » » » » » » » » » <input type="checkbox"/> Yes: enter the cfs for the portions of the rights to be transferred: _____ (3a) Subtract 1.0 from the number in 3a above: _____ (3b) If 3b is 0, enter 0 on line 3 » » » » » » » » » » » » » » » » If 3b is greater than 0, round up to the nearest whole number: _____ (3c) and multiply 4c by \$210.00, then enter on line 3	0
4	Do you propose to change the place of use for an irrigation use? <input type="checkbox"/> No: enter 0 on line 4 » » » » » » » » » » » » » » » » <input checked="" type="checkbox"/> Yes: enter the number of acres in the footprint of the place of use for the portions of the rights to be transferred: <u>2.0 (4a)</u> Multiply the number of acres in 4a above by \$2.70 and enter on line 4 » »	5.40
5	Add entries on lines 1 through 4 above » » » » » » » » » » Subtotal:	955.40
6	Is this transfer: <input type="checkbox"/> necessary to complete a project funded by the Oregon Watershed Enhancement Board (OWEB) under ORS 541.932? <input type="checkbox"/> endorsed in writing by ODFW as a change that will result in a net benefit to fish and wildlife habitat? If one or more boxes is checked, multiply line 5 by 0.5 and enter on line 6 »	
6	If no box is applicable, enter 0 on line 7» » » » » » » » » » » » » » » »	0
7	Subtract line 6 from line 5 » » » » » » » » » » » Transfer Fee:	955.40

TACS

Part 4 of 5 – Applicant Information and Signature

Applicant Information

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

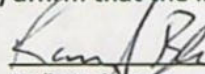
Agent Information – The agent is authorized to represent the applicant in all matters relating to this application.

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

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

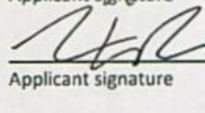
If you need additional space, continue on a separate piece of paper and attach to the application as "Attachment 1".

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


Applicant signature

Randy Bohm
Print Name (and Title if applicable)

7-1-23
Date


Applicant signature

Matthew Day
Print Name (and Title if applicable)

7/4/23
Date

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

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

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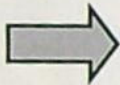
14281-

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

DISTRICT NAME	ADDRESS	
CITY	STATE	ZIP

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

ENTITY NAME	ADDRESS	
CITY	STATE	ZIP



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

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

ENTITY NAME	ADDRESS	
CITY	STATE	ZIP

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Part 5 of 5 – Water Right Information

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

Water Right Certificate # 26677

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Description of Water Delivery System

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

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22.7 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. 2 Hp electric pump draws water from North Myrtle Creek, conveying 2" underground pvc to 1/2" pvc to riser ponits to irrigate with rain bird sprinklers.

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

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

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

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

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

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

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

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

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

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

Additional remarks:_____

For Place of Use Changes

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

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

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

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

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

AND/OR

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

Table 3. Construction of Point(s) of Appropriation

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

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

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Application for Water Right Transfer



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

Consent by Deeded Landowner

State of Oregon)
County of Douglas)ss
)

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

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

telephone number 541-863-6736 duly sworn depose and say that I/We

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

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

(transfer number, if known)

submitted by Matthew Day and Lucie Sargent

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

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

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

(site address)

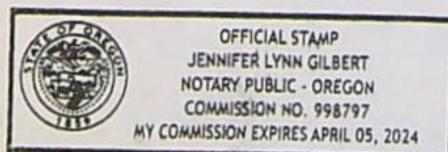
[Signature]
Signature of Affiant

7-3-23
Date

[Signature]
Signature of Affiant

7/3/23
Date

Subscribed and Sworn to before me this 3 day of July, 20 23.



[Signature]
Notary Public for Oregon

My commission expires 4/5/24.

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Application for Water Right Transfer Evidence of Use Affidavit



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

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

State of Oregon)
) ss
County of DOUGLAS

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I, RANDY BOHM, in my capacity as PROPERTY OWNER,
mailing address PO BOX 645 MYRTLE CREEK OREGON 97457
telephone number (541) 863-6736, 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 # _____; OR

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

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

OR

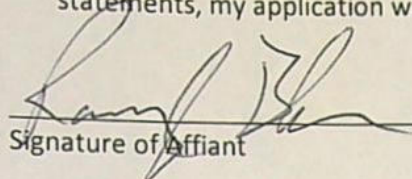
- ☐ Confirming Certificate # _____ has been issued within the past five years; OR
- ☐ Part or all of the water right was leased instream at some time within the last five years. The
instream lease number is: _____ (Note: If the entire right proposed for
transfer was not leased, additional evidence of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

(continues on reverse side)

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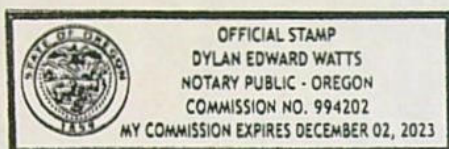
3. The water right was used for: (e.g., crops, pasture, etc.): _____

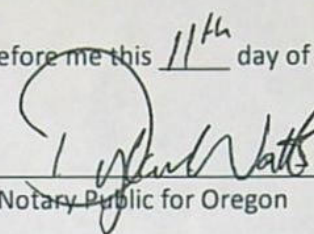
4. I understand that if I do not attach one or more of the documents shown in the table below to support the above statements, my application will be considered incomplete.


Signature of Affiant

7-11-23
Date

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




Notary Public for Oregon
My Commission Expires: 12/2/23

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 confirming 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">• Power usage records for pumps associated with irrigation use• Fertilizer or seed bills related to irrigated crops• Farmers Co-op sales receipt
<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">• District assessment records for water delivered• Crop reports submitted under a federal loan agreement• Beneficial use reports from district• IRS Farm Usage Deduction Report• Agricultural Stabilization Plan• CREP Report
<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 – www.oregonexplorer.info/imagery OWRD – www.wrd.state.or.us Google Earth – earth.google.com TerraServer – www.terra-server.com
<input type="checkbox"/> Approved Lease establishing beneficial use within the last 5 years	Copy of instream lease or lease number

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STATE OF OREGON
COUNTY OF DOUGLAS
CERTIFICATE OF WATER RIGHT

This Is to Certify, That ADAM REUSSNER

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

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

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

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

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

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

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

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

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

WITNESS the signature of the State Engineer, affixed

this 8th day of March, 1960.

LEWIS A. STANLEY

State Engineer

Recorded in State Record of Water Right Certificates, Volume 18, page 26671

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AUG 15 2022
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After recording return to:
Randy D. Bohm
PO Box 645
Myrtle Creek OR 97457

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

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

THIS SPACE RESERVED FOR RECORDER'S USE

Douglas County Official Records
Patricia K. Hitt, County Clerk

2014-001665

01/21/2014 11:39:31 AM

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

\$56.00

PERSONAL REPRESENTATIVE'S DEED

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

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

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

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

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

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

First American Title
1700 NW Garden Valley Blvd. #204
Roseburg, OR 97471

Page 1 of 3

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APN: R30793

Personal Representative's Deed
- continued

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

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

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

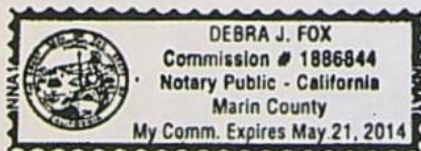
By: Penny M. Anderson
Penny M. Anderson Personal Representative

STATE OF California)
County of Marin) ss.

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

Debra J. Fox

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



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APN: R30793

Personal Representative's Deed
- continued

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

EXHIBIT A

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

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

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

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Douglas County Official Records
Daniel J. Loomis, County Clerk

2020-004149

02/26/2020 10:36:00 AM

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

\$111.00

DOUGLAS COUNTY CLERK



CERTIFICATE PAGE

DO NOT REMOVE THIS PAGE FROM
ORIGINAL DOCUMENT

THIS PAGE MUST BE INCLUDED IF DOCUMENT IS RE-RECORDED

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After Recording Return to:


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

14281 -

Western Title & Escrow Company

WTO183719 WLD

RECORDING REQUESTED BY:


Western Title & Escrow

2365 NW Kline Street, Suite 101
Roseburg, OR 97471

GRANTOR'S NAME:

David Cantua

GRANTEE'S NAME:

Matthew Brandon Day and Lucie Sargent Day

AFTER RECORDING RETURN TO:

Order No.: WT0183719-LKC

Matthew Brandon Day and Lucie Sargent Day, as tenants by the
entirety

10909 North Myrtle Road
Myrtle Creek, OR 97457

SEND TAX STATEMENTS TO:

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

APN: R30833

Map: 28-04W-27-01500

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JUL 14 2023

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SPACE ABOVE THIS LINE FOR RECORDER'S USE

STATUTORY WARRANTY DEED

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

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

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

Subject to:

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

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

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STATUTORY WARRANTY DEED
(continued)

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

Dated: 2-24-2020

David Cantua
David Cantua

State of OREGON
County of Douglas

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

Lonni Kay Conopa
Notary Public - State of Oregon

My Commission Expires: 10/1/2023



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EXHIBIT "A"
Legal Description

PARCEL 1:

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

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

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

PARCEL 2:

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

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

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

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EXHIBIT "B"

Exceptions

Subject to:

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

Recording Date: April 24, 1924

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

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

Entitled: Grant of Right of Way

In favor of: The California Oregon Power Company

Purpose: electric transmission and distribution lines

Recording Date: November 9, 1951

Recording No: 131114 (Volume 200, Page 407)

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

Entitled: Right-of-Way Easement

In favor of: Pacific Power & Light Co

Purpose: electric transmission and distribution lines

Recording Date: September 10, 1969

Recording No: 69-9941

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

Recording Date: February 22, 1971

Recording No.: 71-2006

Also disclosed by,

Recording Date: February 19, 1975

Recording No.: 75-1998

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

Entitled: Right-of-Way Easement

In favor of: Pacific Power & Light Co

Purpose: electric transmission and distribution lines

Recording Date: December 15, 1971

Recording No: 71-17119

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

Recording Date: October 6, 1972

Recording No.: 72-14499

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EXHIBIT "B"

Exceptions

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

Recording Date: July 9, 2001

Recording No.: 2001-15588

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

Recording Date: October 29, 2001

Recording No.: 2001-25126

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1036 SE Douglas Avenue | Room 106 - Justice Building
Douglas County Courthouse | Roseburg, Oregon 97470
Land Use Planning | (541) 440-4289 | planning@co.douglas.or.us
Code Enforcement | (541) 440-4289 | code.enforcement@co.douglas.or.us

Planning and Sanitation Worksheet

Worksheet Number: 230606

Type: Other Action

Applicant / Owner

Applicant: Lucie Day
Address: 10909 North Myrtle
City/State/Zip: Myrtle Creek, OR 97457
Phone: 541-863-3337
Email: lucie.sargent.day@gmail.com

Owner: Day, Matthew Brandon & Lucie Sargent
Address: 10909 North Myrtle Rd
City/State/Zip: Myrtle Creek, OR 97457,
Phone:
Email:

Site Information

Site Address: 10909 North Myrtle Rd
City/State/Zip: Myrtle Creek, OR 97457,
Proposed Use: Land Use Compatibility Statement

Property ID No: R30833
MTL: 28042701500

Improvement/Description: LUCS for OWRD
Existing Structures (Number and Type): SFD, Barn, Pump House

Planning Department Information

Zoning: FG;TR;5R
Overlays:
Flood Plain: No
Floor Height Above Ground: N/A
Sanitation: N/A
Water: N/A
Access: County Access Permit Not Req'd

Setbacks
Front: 30'
Side: 10'
Rear: 10'
Exterior Side: NA
Height: None Established
Special: N/A
Riparian: Greater than 50'

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Sign Code: No Sign Proposed
Parking Spaces Required: N/A
Conditions of Approval:

LUCS for Oregon Water Resources Department for water rights to North Myrtle Creek for irrigation purposes for the owners field; no structural development authorized through this LUCS; must meet all requirements and permitting from all applicable agencies.

Refer To: None

Approved By: Reese Carson
Receipt #: 1263

Approval Date: 06/14/2023
Expiration Date: 06/14/2024

Sanitation Information

Remarks:
Entity:

Signature/Date:

As, for, or on behalf of, all property owners

Applicant Signature

06/14/2023

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Date

Land Use Information Form



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

Applicant(s): Harbinger Farm (Matthew Day)

Mailing Address: 10909 North Myrtle Creek Road

City: Myrtle Creek

State: OR

Zip Code: 97457

Daytime Phone: _____

A. Land and Location

Please include the following information for all tax lots where water will be diverted (taken from its source), conveyed (transported), and/or used or developed. Applicants for municipal use, or irrigation uses within irrigation districts may substitute existing and proposed service-area boundaries for the tax-lot information requested below.

Township	Range	Section	¼ ¼	Tax Lot #	Plan Designation (e.g., Rural Residential/RR-5)	Water to be:			Proposed Land Use:
<u>T.28s</u>	<u>R.4w</u>	<u>27</u>	<u>NWSW</u>	<u>1500</u>	_____	<input checked="" type="checkbox"/> Diverted	<input checked="" type="checkbox"/> Conveyed	<input checked="" type="checkbox"/> Used	<u>Irrigation</u>
_____	_____	_____	_____	_____	_____	<input type="checkbox"/> Diverted	<input type="checkbox"/> Conveyed	<input type="checkbox"/> Used	_____
_____	_____	_____	_____	_____	_____	<input type="checkbox"/> Diverted	<input type="checkbox"/> Conveyed	<input type="checkbox"/> Used	_____
_____	_____	_____	_____	_____	_____	<input type="checkbox"/> Diverted	<input type="checkbox"/> Conveyed	<input type="checkbox"/> Used	_____

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

Douglas

B. Description of Proposed Use

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

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

Source of water: ☐ Reservoir/Pond ☐ Ground Water ☒ Surface Water (name) North Myrtle Creek

Estimated quantity of water needed: .026 ☒ cubic feet per second ☐ gallons per minute ☐ acre-feet

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

Briefly describe:

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

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

See bottom of Page 3. →

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For Local Government Use Only

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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): LUDO 3.3.075 (b) No construction authorized

☐ 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.

WS: 230600
Property ID #: R 30833
Zoned: FL, SR, TR

DOUGLAS COUNTY PLANNING DEPARTMENT
ROOM 106, JUSTICE BUILDING
DOUGLAS COUNTY COURTHOUSE
ROSEBURG, OR 97470

Name: Reese Carson Title: Planning Tech III

Signature: [Signature] Phone: 541-940-4289 Date: 6/14/23

Government Entity: Douglas County 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: _____

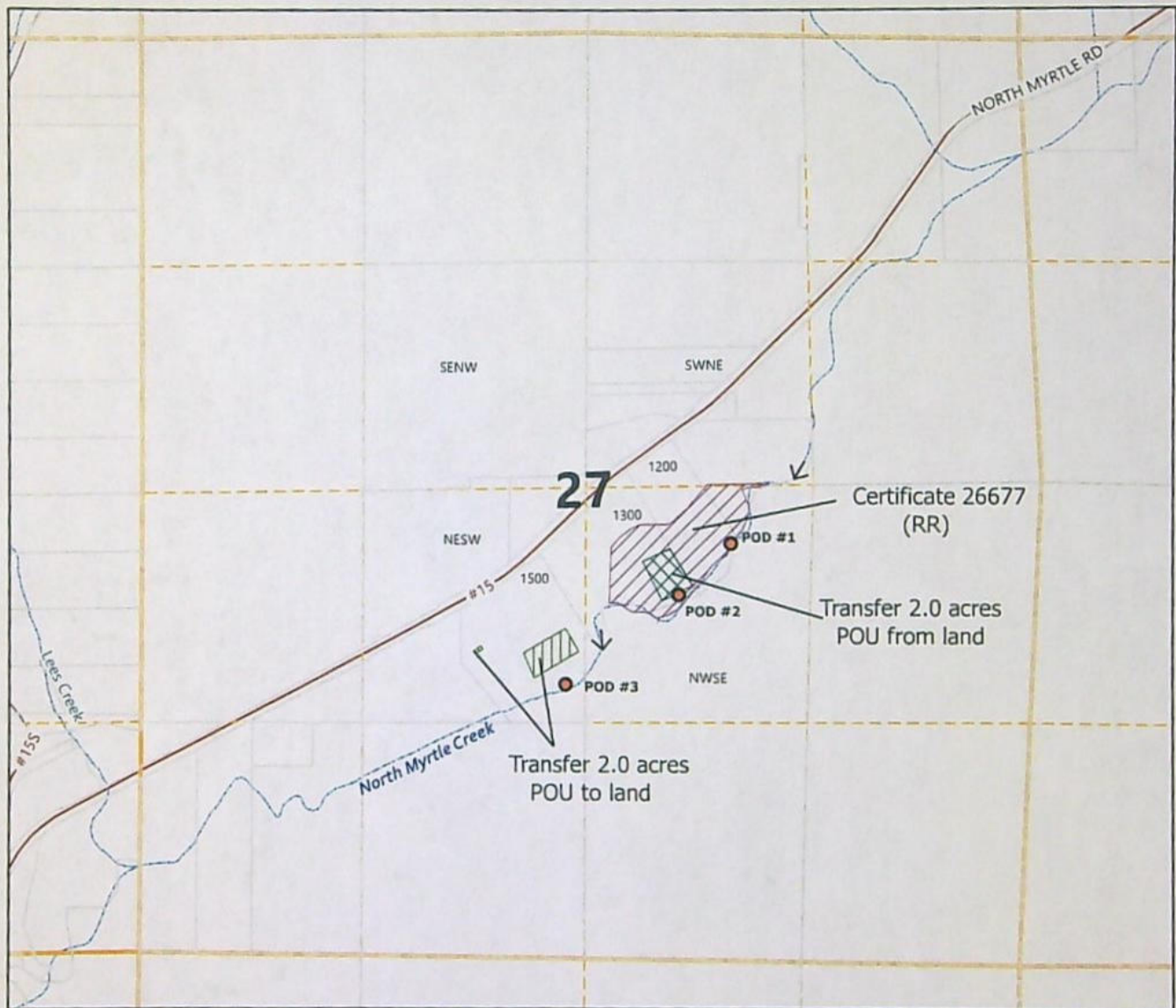
Signature: _____ Phone: _____ Date: _____

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

Scale: 1"=1320'



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

Transfer 2.0 acres From Certificate 26677

Transfer To Lands

Remaining

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

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1036 SE Douglas Avenue | Room 106 - Justice Building | Douglas County Courthouse | Roseburg, Oregon 97470
 (541) 440-4289 | planning@co.douglas.or.us

RECEIPT

Property Information	
Day, Matthew Brandon & Lucie Sargent 10909 North Myrtle Rd Myrtle Creek, OR 97457, R30833	Receipt Number: 1263 Receipt Date: 06/14/2023 Accepted By:

Item	Amount
Land Use Compatibility Statement - #230606	\$165.00
Total	\$165.00

Date	Paid By	Payment Type	Amount
06/14/2023	DAY/LUCIE S	IBX CC	\$165.00
		Total Paid	\$165.00

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Business Registry Business Name Search

[New Search](#)

Business Entity Data

07-18-2023

11:02

Registry Nbr	Entity Type	Entity Status	Jurisdiction	Registry Date	Next Renewal Date	Renewal Due?
1715807-99	DLIC	ACT	OREGON	09-04-2020	09-04-2023	
Entity Name HARBINGER FARM LLC						
Foreign Name						

[New Search](#)

Associated Names

Type	PPB	PRINCIPAL PLACE OF BUSINESS			
Addr 1	10909 N MYRTLE RD				
Addr 2					
CSZ	MYRTLE CREEK	OR	97457	Country	UNITED STATES OF AMERICA

Please click [here](#) for general information about registered agents and service of process.

Type	AGT	REGISTERED AGENT		Start Date	09-04-2020	Resign Date	
Name	LUCIE	S	DAY				
Addr 1	10909 N MYRTLE RD						
Addr 2							
CSZ	MYRTLE CREEK	OR	97457	Country	UNITED STATES OF AMERICA		

Type	MAL		MAILING ADDRESS			
Addr 1	10909 N MYRTLE RD					
Addr 2						
CSZ	MYRTLE CREEK	OR	97457		Country	UNITED STATES OF AMERICA

Type	MEM MEMBER						Resign Date	
Name	MATTHEW		B	DAY				
Addr 1	10909 N MYRTLE RD							
Addr 2								
CSZ	MYRTLE CREEK	OR	97457		Country	UNITED STATES OF AMERICA		

Type	MGR MANAGER						Resign Date	
Name	LUCIE		S	DAY				
Addr 1	10909 N MYRTLE RD						14281-	
Addr 2								
CSZ	MYRTLE CREEK	OR	97457			Country	UNITED STATES OF AMERICA	





[New Search](#)

Name History

Business Entity Name	<u>Name Type</u>	<u>Name Status</u>	Start Date	End Date
HARBINGER FARM LLC	EN	CUR	09-04-2020	

Please [read](#) before ordering [Copies](#).[New Search](#)

Summary History

<u>Image Available</u>	Action	Transaction Date	Effective Date	<u>Status</u>	Name/Agent Change	Dissolved By
	AMENDED ANNUAL REPORT	07-31-2022		FI		
	AMNDMT TO ANNUAL RPT/INFO STATEMENT	04-06-2022		FI		
	AMENDED ANNUAL REPORT	07-20-2021		FI		
	ARTICLES OF ORGANIZATION	09-04-2020		FI	Agent	

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Temporary Transfer Application Intake Checklist

Transfer # T-14281

Reviewer Arla Date 7/18/2023	Type of Change(s) Proposed: <u>MUST INCLUDE A CHANGE IN PLACE OF USE</u> <input type="checkbox"/> POU <input checked="" type="checkbox"/> POU/POD <input type="checkbox"/> POU/APOD <input type="checkbox"/> POU/POA <input type="checkbox"/> POU/APOA
Calculated Fee \$955.40 Use fee calculator on back of this form	Fee Received \$955.40
Certificate(s): 26677	Check <u>ALL</u> Certs in WRIS to confirm they are not cancelled
For multiple certificates, does application meet requirement of OAR 690-380-3220? If no, why? Use the flow chart for multiple Certs	<input type="checkbox"/> YES <input type="checkbox"/> NO <input checked="" type="checkbox"/> N/A
Notes:	

Application: OAR 690-380-3000; OAR 690-380-3220			
1.	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	Have <u>ALL</u> of the applicant's signed and dated the application? If no, whose signature is missing?	
2.	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	Part 5 of application: Does the information match the description of the explanation on Part 4 of the application?	
3.	<input type="checkbox"/> YES <input type="checkbox"/> NO <input checked="" type="checkbox"/> N/A	For multiple certificates: Each certificate proposed for transfer has their own separate completed Part 5, Tables 1 & 2? If no, which certificate(s) are missing separate Part 5, Tables 1 & 2?	

Map Requirements: OAR 690-380-3100			
4.	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	Map included and meets mapping requirements?	
5.	<input type="checkbox"/> YES <input type="checkbox"/> NO <input checked="" type="checkbox"/> N/A	Map Waiver? The map waiver must be issued by the Department	
Notes:			

Attachments: OAR 690-380-3000			
6.	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	Evidence of Use included, signed, & notarized w/supporting documentation?	
	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	Current recorded deed for the land from which the authorized place of use is temporarily being moved included?	
	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> N/A	Affidavit of Consent from Landowner(s) described on the deed?	
7.	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> N/A	Land Use Form included and signed by the County?	
8.	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> N/A	Consent Form included, signed, and notarized?	
9.	<input type="checkbox"/> YES <input type="checkbox"/> NO <input checked="" type="checkbox"/> N/A	District: Place of use is in <u>or</u> near an irrigation district? If Yes, is Form D included? Name of the District	
10.	<input type="checkbox"/> YES <input type="checkbox"/> NO <input checked="" type="checkbox"/> N/A	For changes in POA/APOA – are the well logs included?	
11.	<input type="checkbox"/> YES <input type="checkbox"/> NO <input checked="" type="checkbox"/> N/A	For change in POU within Umatilla County, Supplemental Form U included?	

<input checked="" type="checkbox"/>	Application complete: no deficiencies identified, assign a T-number and put this checklist in T-folder.
<input type="checkbox"/>	Application DEFICIENT: DO NOT accept - return to applicant with letter explaining deficiencies identified.