

Historic

Name C. Todd Ogletree

Address RR1 Box 61  
Tyrone, OK 73951

Change in POD

Date Filed 10-17-2018

Initial notice date 10-23-2018

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

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

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

Date of FO 11/25/19 Vol 114 Page 429-433

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

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

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

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

DESCRIPTION OF WATER RIGHT(S)

Name of Stream Deer Creek

Trib. of Illinois River

Use Irrigation County Josephine

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

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

App# Decree Per # V. 11 pg. 504 Cert # 57729 PR Date 5/15/1886

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>10-17-18</u>	<u>\$1,160.00</u>	<u>128231</u>

FEES REFUNDED		
Date	Amount	Receipt #

Assignments: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

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

Agent Rick Ogletree - rick.ogletree@yahoo.com

CWRE \_\_\_\_\_

CC's list Josephine County

\_\_\_\_\_

\_\_\_\_\_

☐ - Oversized map - Location \_\_\_\_\_

RECEIVED JAN 18 2019 VS



TO BE PROCESSED  
SIMULTANEOUSLY  
W/T-13056

THIS MAP IS  
FOR ADJACENT  
LANDOWNER  
DRYWOOD RANCH.  
T-13056

TOWNSHIP 38 SOUTH, RANGE 7 WEST, W.M.  
JOSEPHINE COUNTY OREGON

RECEIVED

TRANSFER APPLICATION

CHANGE IN POINT OF DIVERSION  
CERTIFICATE 57729




OCT 17 2018

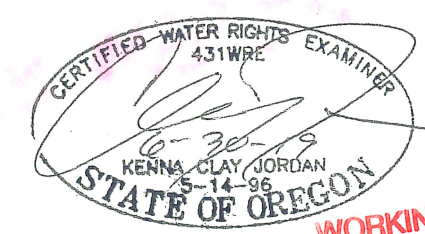
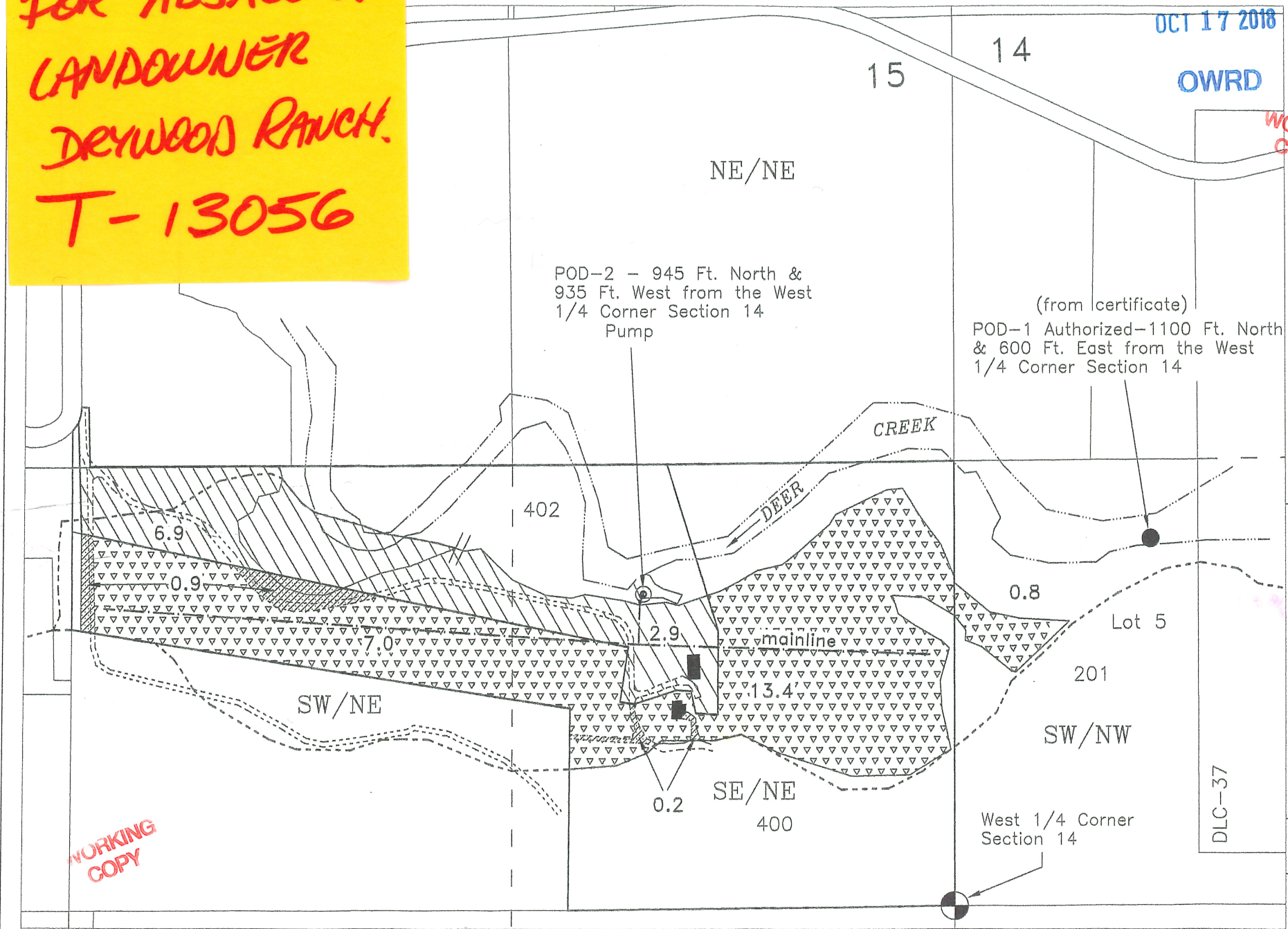
OWRD

WORKING  
COPY

Applicant:

Drywood Ranch, LLC  
6425 Lakeshore Drive  
Selma, OR 97538

-  21.2 Acres - Transfer  
Drywood Ranch, LLC  
1886
-  1.1 Acres - Cancel  
Drywood Ranch, LLC  
1886
-  9.8 Acres  
Remaining Right  
1886



NORTH

BASE MAP:

7/2/2016 Google and Oregon Map aerial  
photos & decree map over County GIS tax lots  
oriented to area surveys for assumed best fit

Scale 1 inch = 400 feet

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

JORDAN ENGINEERING  
460 JORDAN LANE  
ROSEBURG, OR 97471  
(541) 673-1931

7/16/2018 n.e.d.



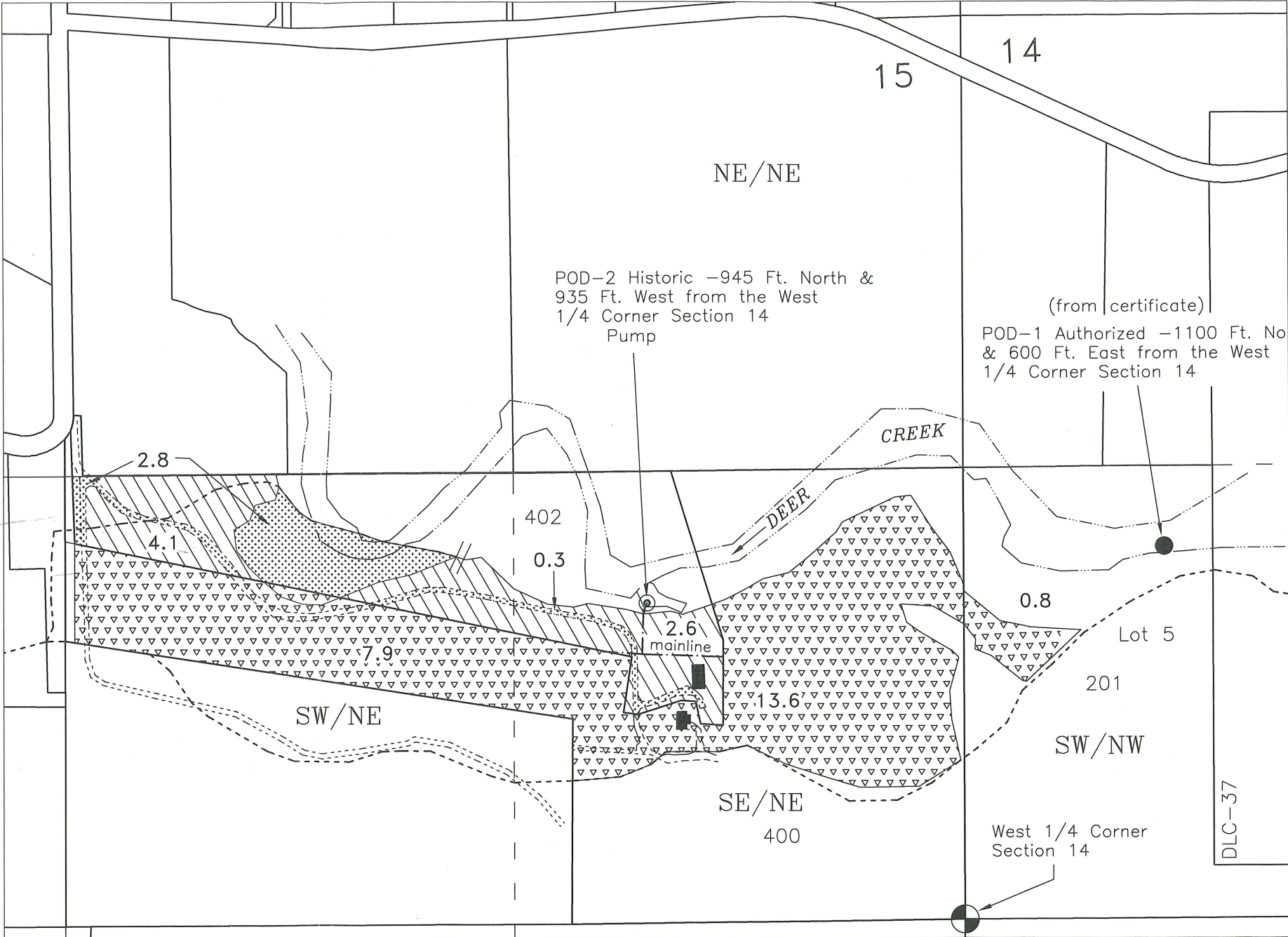
TOWNSHIP 38 SOUTH, RANGE 7 WEST, W.M.  
JOSEPHINE COUNTY OREGON

TRANSFER APPLICATION – HISTORIC

CHANGE IN POINT OF DIVERSION  
CERTIFICATE 57729

Applicant:  
C. Todd Ogletree  
RR1 Box 61  
Tyrone, OK 73951

- 6.7 Acres – Transfer  
Ogletree  
1886
- 3.1 Acres – Cancel  
Ogletree  
1886
- 22.3 Acres  
Remaining Right  
1886



RECEIVED

OCT 17 2018

OWRD

RECEIVED

AUG 06 2018

JO CO - PLANNING

BASE MAP:  
7/2/2016 Google and Oregon Map aerial  
photos & decree map over County GIS tax lots  
oriented to area surveys for assumed best fit

Scale 1 inch = 400 feet

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7/16/2018 n.e.d.



TOWNSHIP 38 SOUTH, RANGE 7 WEST, W.M.  
JOSEPHINE COUNTY OREGON

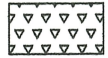


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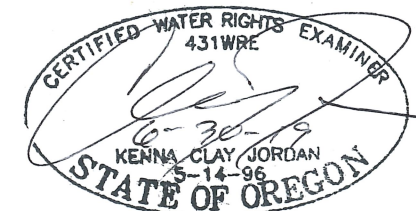
TRANSFER APPLICATION

CHANGE IN POINT OF DIVERSION  
CERTIFICATE 57729

Applicant:

Drywood Ranch, LLC  
6425 Lakeshore Drive  
Selma, OR 97538

- |   |   |
|---|---|
|  | 21.2 Acres - Transfer<br>Drywood Ranch, LLC<br>1886 |
|  | 1.1 Acres - Cancel<br>Drywood Ranch, LLC<br>1886    |
|  | 9.8 Acres<br>Remaining Right<br>1886                |



BASE MAP:

7/2/2016 Google and Oregon Map aerial  
photos & decree map over County GIS tax lots  
oriented to area surveys for assumed best fit

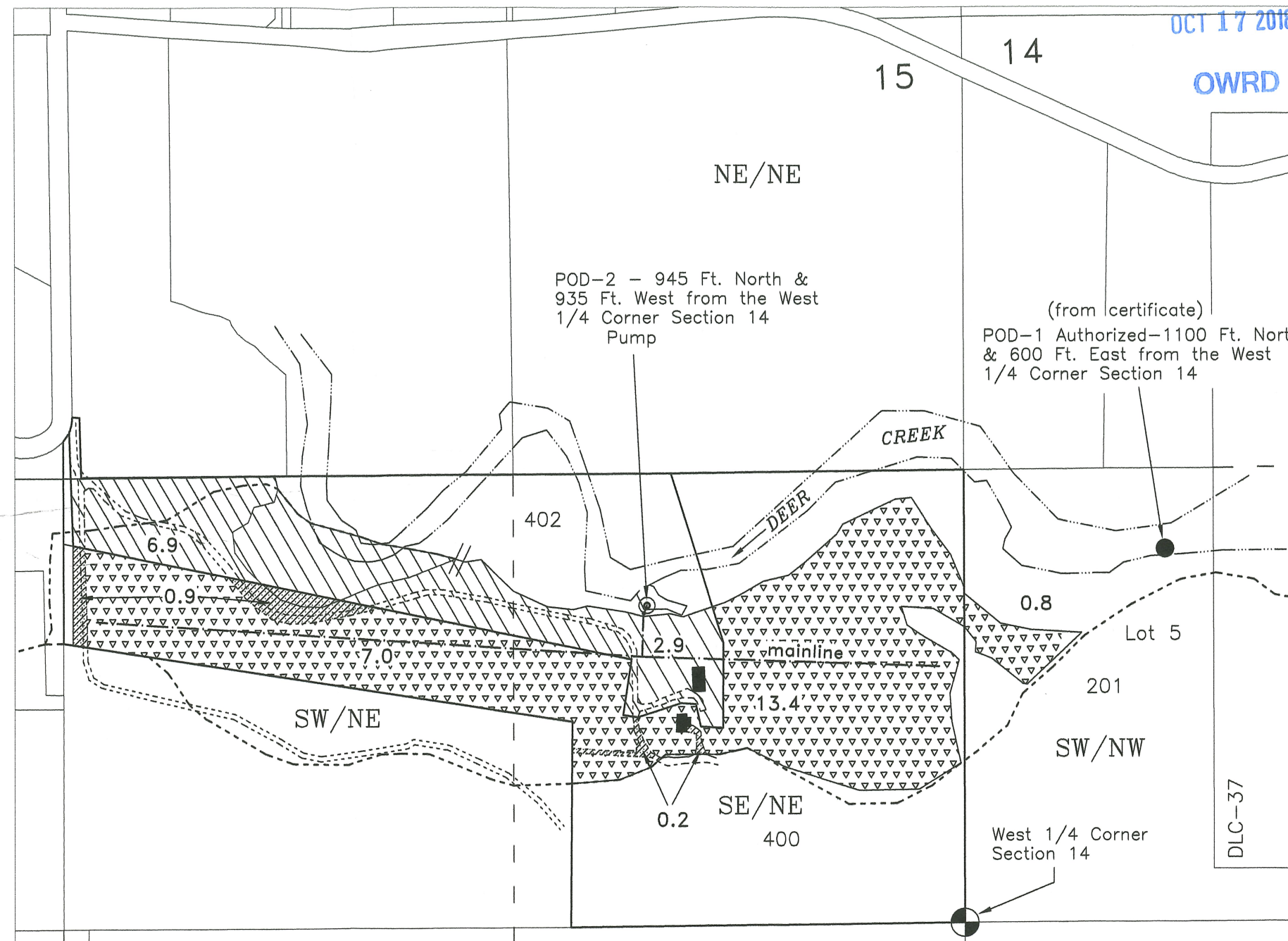
Scale 1 inch = 400 feet



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

**JORDAN ENGINEERING**  
460 JORDAN LANE  
ROSEBURG, OR 97471  
(541) 673-1931

7/16/2018 n.e.d.





# Water Right Transfer Cover Sheet

Transfer T-13046

Transfer Specialist: LED

Transfer Type: Historic POD

Applicant Name/Address: C TOD OGLETREE RR1 BOX 61 TYRONE, OK 73951	Agent Name/Address: RICK OGLETREE 6429 LAKESHORE DR SELMA, OR 97538	Rec Landowner Name/Address:
CWRE Name/Number:	Irr. District Name/Address:	Affected Gov'ts Name/Address: County Of Josephine
Commentors: Name/Address:		Current Landowner Name/Address:

## Water Rights Affected

*cf needed cf*

Records Marked	Records Copied	App File No. or Decree Name	Permit No.	Certificate No.	RR/CR Needed	RR/CR Nos.
<input type="checkbox"/>	<input type="checkbox"/>	DECREE	V. 11 PG. 504	57729	<input checked="" type="checkbox"/> Yes <input checked="" type="checkbox"/> No	94582
<input type="checkbox"/>	<input type="checkbox"/>				<input type="checkbox"/> Yes <input type="checkbox"/> No	
<input type="checkbox"/>	<input type="checkbox"/>				<input type="checkbox"/> Yes <input type="checkbox"/> No	

## Key Dates & Initial Actions

Rec'd: October 17, 2018	Proposed Action(s): POINT OF DIVERSION	
Fees Pd: 1160.00	WM District: 14	ODFW District:
Initial Notice: October 23, 2018	WM Review sent:	ODFW Review sent:
Acknowledgement Letter Sent <input checked="" type="checkbox"/>	GW Review sent:	

## Processing Dates & Actions

Deficiency Contacts: \_\_\_\_\_

Newspaper quote requested: \_\_\_\_\_

☒ not required

DPD Mailed: 5/21/2019

Request for news \$ sent: \_\_\_\_\_

☐ ODFW contact sheet sent with DPD, or ☐ N/A

News \$ received: \_\_\_\_\_

☐ WM measurement contact sheet sent, or ☐ N/A

PD Signed: \_\_\_\_\_

Request to publish sent to newspaper: \_\_\_\_\_

PD Weekly Notice: \_\_\_\_\_

Affidavit of publication received: \_\_\_\_\_

DPD Review (Optional)	PD Review (Salem)	Final Order Review (Salem)
Reviewer: _____	Reviewer: _____	Reviewer: _____
Date: _____	Date: _____	Date: _____
Coordinator: _____	Coordinator: _____	Coordinator: <u>PKS</u>
Date: _____	Date: _____	Date: <u>11/15/19</u>
Signature Bin Date: _____	Signature Bin Date: _____	Signature Bin Date: _____
Comments/Special Issues: <b>THIS FILE TO BE PROCESSED SIMULTANEOUSLY W/T-13056. (MODIFIES SAME CERTIFICATE)</b>		

NO RR

Special Order Volume: Vol 114

Pages 429-433

Final Order Signature Date: 11/25/2019

Notice of FO email'd to processors 11/20/19





**Oregon**  
Kate Brown, Governor

*file*  
**Water Resources Department**

725 Summer St NE, Suite A

Salem, OR 97301

(503) 986-0900

Fax (503) 986-0904

November 25, 2019

C TODD OGLETREE  
RR1 BOX 61  
TYRONE, OK 73951

REFERENCE: Transfer Application T-13046

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

Also enclosed is a certificate issued to confirm the historic change in point of diversion approved by the final order contained herein. Please read this document carefully and abide by the requirements.

If you have any questions related to the approval of this transfer, you may contact your caseworker, Kelly Starnes, by telephone at (503) 986-0886 or by e-mail at [Patrick.K.Starnes@oregon.gov](mailto:Patrick.K.Starnes@oregon.gov).

Sincerely,

Julie C. Baustian  
Water Right Services Support  
Transfers and Conservation Section

cc: Scott C. Ceciliani, Watermaster Dist. # 14 (via email)  
Rick Ogletree, Agent  
Josephine County Community Development

Enclosures



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

In the Matter of Transfer Application	)	FINAL ORDER APPROVING A CHANGE
T-13046, Josephine County	)	IN POINT OF DIVERSION TO REFLECT
	)	HISTORIC USE AND PARTIAL
	)	CANCELLATION OF A WATER RIGHT

**Authority**

ORS 540.532 establishes the process in which a water right holder may submit a request for a change in point of diversion to reflect historical use under an existing water right. OAR Chapter 690-380-2120 implements the statute and provides the Department's procedures and criteria for evaluating historic point of diversion/appropriation 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**

C. TODD OGLETREE  
RR1 BOX 61  
TYRONE, OK 73951

**Agent**

RICK OGLETREE  
6429 LAKESHORE DRIVE  
SELMA, OR 97538

**Findings of Fact**

1. On October 17, 2018, C. Todd Ogletree filed a transfer application for authorization of an historic point of diversion under Certificate 57729. Along with the application, the applicant submitted a voluntary cancellation affidavit for the cancellation of a portion of Certificate 57729 and is further described below in Finding No. 14. The Department assigned the application number T-13046.
2. Notice of the application for transfer was published on October 23, 2018, pursuant to OAR 690-380-4000. No comments were filed in response to the notice.
3. On November 5, 2018, Drywood Ranch, LLC filed an application to change the point of diversion under Certificate 57729. The Department assigned the application number T-13056. T-13046 along with T-13056 (Drywood Ranch), both applications propose to modify Certificate 57729 and should be processed together simultaneously.

<p>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.</p>
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4. The portion of the right to be transferred is as follows:

**Certificate:** 57729 in the name of HOWARD BARBER (confirmed by Illinois River decree of the Circuit Court of the State of Oregon for Josephine County)  
**Use:** IRRIGATION OF 6.7 ACRES  
**Priority Date:** MAY 15, 1886  
**Rate:** 0.134 CUBIC FOOT PER SECOND, IF AVAILABLE AT THE ORIGINAL POINT OF DIVERSION, SW¼ NW¼, SECTION 14, T38S, R7W, WM; HARMON DITCH – 1130 FEET NORTH AND 1150 FEET EAST FROM THE W¼ CORNER OF SECTION 14.  
**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-FIFTIETH of one cubic foot per second per acre for each acre irrigated during the irrigation season FROM APRIL 1 TO NOVEMBER 1 of each year.  
**Source:** DEER CREEK, a tributary of the ILLINOIS RIVER

**Authorized Point of Diversion:**

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
38 S	7 W	WM	14	SW NW	1100 FEET NORTH AND 600 FEET EAST FROM THE W¼ CORNER OF SECTION 14

**Authorized Place of Use:**

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
38 S	7 W	WM	15	SW NE	4.1
38 S	7 W	WM	15	SE NE	2.6
Total					6.7

5. Transfer Application T-13046 proposes to change the point of diversion to reflect historic use for the above described right downstream approximately 1800 feet to a diversion located:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
38 S	7 W	WM	15	SE NE	945 FEET NORTH AND 935 FEET WEST FROM THE W¼ CORNER OF SECTION 14

6. The Oregon Department of Fish and Wildlife (ODFW) has determined that a fish screen is necessary at the new point of diversion to prevent fish from entering the diversion and that the diversion is not currently equipped with an appropriate fish screen. This diversion may be eligible for screening cost-share funds.

**Transfer Review Criteria (ORS 540.532 and OAR 690-380-2120)**

7. Pursuant to OAR 690-380-2120(2)(a), evidence has been submitted that the actual, current point of diversion for the water right in question, as described in Finding No. 5, has been in use for more than 10 years.



8. Pursuant to OAR 690-380-2120(2)(c), the Watermaster provided a statement that to his knowledge there has been no complaint of injury due to the use of water at the actual, current point of diversion, prior to the transfer request.
9. The Department did not identify any affected water rights pursuant to OAR 690-380-2120(3).
10. 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.
11. A diversion structure, pump, pipeline, and sprinkler system sufficient to use the full amount of water allowed under the existing right are present.
12. The proposed change would not result in enlargement of the right.
13. The proposed change would not result in injury to other water rights.

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

14. On October 17, 2018, the agent for the applicant submitted an affidavit meeting the requirements of ORS 540.621 for the partial cancellation of water right Certificate 57729. The applicant has abandoned any and all interest in this portion of the water right for primary irrigation and is described as follows:

**Certificate:** 57729 in the name of the name of HOWARD BARBER (confirmed by Decree of the circuit court for Josephine County)

**Use:** IRRIGATION OF 3.1 ACRES

**Priority Date:** MAY 15, 1886

**Rate:** 0.06 CUBIC FOOT PER SECOND, IF AVAILABLE AT THE ORIGINAL POINT OF DIVERSION, SW¼ NW¼, SECTION 14, T38S, R7W, WM; HARMON DITCH – 1130 FEET NORTH AND 1150 FEET EAST FROM THE W¼ CORNER OF SECTION 14.

**Limit/Duty:** The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands, is limited to a diversion of ONE-FIFTIETH of one cubic foot per second per acre for each acre irrigated during the irrigation season APRIL 1 to NOVEMBER 1 of each year.

**Source:** DEER CREEK, a tributary of the ILLINOIS RIVER

**Authorized Point of Diversion:**

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
38 S	7 W	WM	14	SW NW	1100 FEET NORTH AND 600 FEET EAST FROM THE W¼ CORNER OF SECTION 14

**Authorized Place of Use to be Cancelled:**

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
38 S	7 W	WM	15	SW NE	2.8
38 S	7 W	WM	15	SE NE	0.3
Total					3.1

### *Conclusions of Law*

The proposed change in point of diversion to reflect historical use in application T-13046 is consistent with the requirements of ORS 540.532 and OAR 690-380-2120 and the abandoned portion of Water Right Certificate 57729 is cancelled.

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

1. The change proposed in T-13046 is approved and effective immediately. 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 Certificate 57729 and any related decree.
3. Water right certificate 57729 is cancelled. Certificate 94582 will be issued to describe the change in point of diversion for the portion of the right included in T-13046.
4. The quantity of water diverted at the new point of diversion shall not exceed the quantity of water lawfully available at the original point of diversion.
5. Water use measurement conditions:
  - a. Before water use may begin under this order, the water user shall install a totalizing flow meter, or, with prior approval of the Director, another suitable measuring device, at each new point of diversion.
  - b. The water user shall maintain the meter or measuring device in good working order.
  - c. The water user shall allow the Watermaster access to the meter or measuring device(s); provided however, where the meter or measuring device is located within a private structure, the Watermaster shall request access upon reasonable notice.

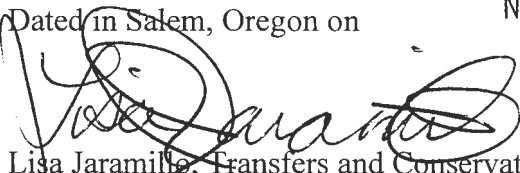


6. Prior to diverting water, the water user shall install an approved fish screen at the new point of diversion and shall provide to the OWRD a written statement from Oregon Department of Fish and Wildlife (ODFW) that the installed screen meets the state's criteria, or that ODFW has determined a screen is not necessary.

The water user shall operate and maintain the fish screen at the new point of diversion consistent with ODFW's operational and maintenance standards. If ODFW determines the screen is not functioning properly, and is unsuccessful in working with the water user to meet ODFW standards, ODFW may request that OWRD regulate the use of water until OWRD receives notification from ODFW that the fish screen is functioning properly.

Dated in Salem, Oregon on

NOV 25 2019



Lisa Jaramilla, Transfers and Conservation Section Manager, for  
Thomas M. Byler, Director  
Oregon Water Resources Department

*Mailing date:*

NOV 26 2019

IF CUSTOMER (A) HAS OR WILL HAVE AN INSURABLE INTEREST IN THE SUBJECT REAL PROPERTY, (B) DOES NOT WISH TO LIMIT LIABILITY AS STATED HEREIN AND (C) DESIRES THAT ADDITIONAL LIABILITY BE ASSUMED BY THE COMPANY, THEN CUSTOMER MAY REQUEST AND PURCHASE A POLICY OF TITLE INSURANCE, A BINDER, OR A COMMITMENT TO ISSUE A POLICY OF TITLE INSURANCE. NO ASSURANCE IS GIVEN AS TO THE INSURABILITY OF THE TITLE OR STATUS OF TITLE. CUSTOMER EXPRESSLY AGREES AND ACKNOWLEDGES IT HAS AN INDEPENDENT DUTY TO ENSURE AND/OR RESEARCH THE ACCURACY OF ANY INFORMATION OBTAINED FROM THE COMPANY OR ANY PRODUCT OR SERVICE PURCHASED.

NO THIRD PARTY IS PERMITTED TO USE OR RELY UPON THE INFORMATION SET FORTH IN THE REPORT, AND NO LIABILITY TO ANY THIRD PARTY IS UNDERTAKEN BY THE COMPANY.

CUSTOMER AGREES THAT, TO THE FULLEST EXTENT PERMITTED BY LAW, IN NO EVENT WILL THE COMPANY, ITS LICENSORS, AGENTS, SUPPLIERS, RESELLERS, SERVICE PROVIDERS, CONTENT PROVIDERS, AND ALL OTHER SUBSCRIBERS OR SUPPLIERS, SUBSIDIARIES, AFFILIATES, EMPLOYEES AND SUBCONTRACTORS BE LIABLE FOR CONSEQUENTIAL, INCIDENTAL, INDIRECT, PUNITIVE, EXEMPLARY, OR SPECIAL DAMAGES, OR LOSS OF PROFITS, REVENUE, INCOME, SAVINGS, DATA, BUSINESS, OPPORTUNITY, OR GOODWILL, PAIN AND SUFFERING, EMOTIONAL DISTRESS, NON-OPERATION OR INCREASED EXPENSE OF OPERATION, BUSINESS INTERRUPTION OR DELAY, COST OF CAPITAL, OR COST OF REPLACEMENT PRODUCTS OR SERVICES, REGARDLESS OF WHETHER SUCH LIABILITY IS BASED ON BREACH OF CONTRACT, TORT, NEGLIGENCE, THE COMPANY'S OWN FAULT AND/OR NEGLIGENCE, STRICT LIABILITY, BREACH OF WARRANTIES, FAILURE OF ESSENTIAL PURPOSE, OR OTHERWISE AND WHETHER CAUSED BY NEGLIGENCE, ERRORS, OMISSIONS, STRICT LIABILITY, BREACH OF CONTRACT, BREACH OF WARRANTY, THE COMPANY'S OWN FAULT AND/OR NEGLIGENCE OR ANY OTHER CAUSE WHATSOEVER, AND EVEN IF THE COMPANY HAS BEEN ADVISED OF THE LIKELIHOOD OF SUCH DAMAGES OR KNEW OR SHOULD HAVE KNOWN OF THE POSSIBILITY FOR SUCH DAMAGES.

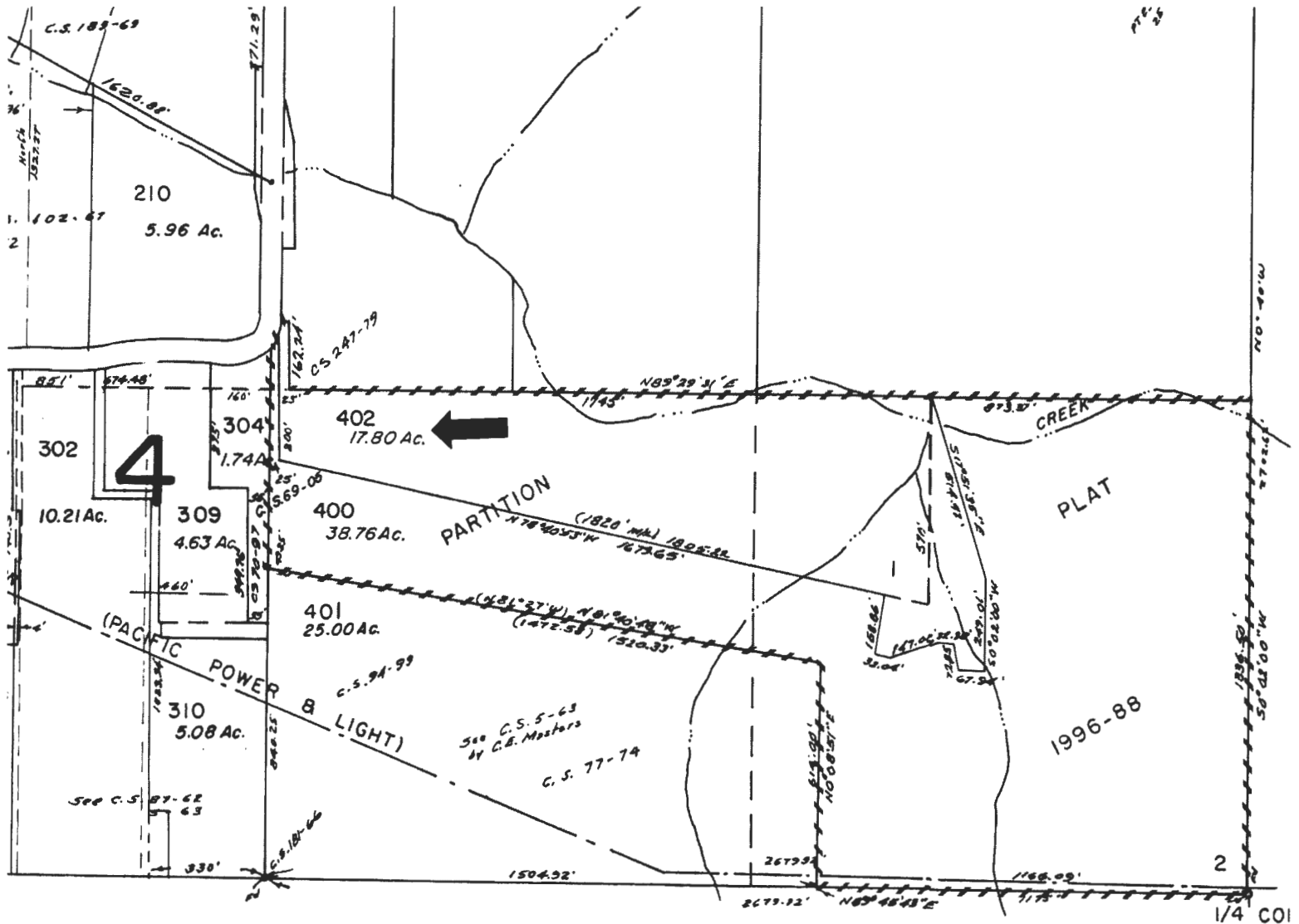
END OF THE LIMITATIONS OF LIABILITY

RECEIVED JUL 01 2019





Map & Tax Lot: 38-07-15-00-000402



#### JACKSON COUNTY

1555 E. McAndrews Road, Ste.100  
Medford, Oregon 97504

P: 541-779-2811 F: 541-772-6079

[or-ttc-medfordtitle@ticortitle.com](mailto:or-ttc-medfordtitle@ticortitle.com)

This print is made solely for the purpose of assisting in locating the premises, and the Company assumes no liability for information printed on this map, including but not limited to zoning, variations (if any) in area, actual dimensions, and locations as determined by survey.

#### JOSEPHINE COUNTY

744 NE 7th Street  
Grants Pass, Oregon 97526

P: 541-476-1171 F: 541-476-1174

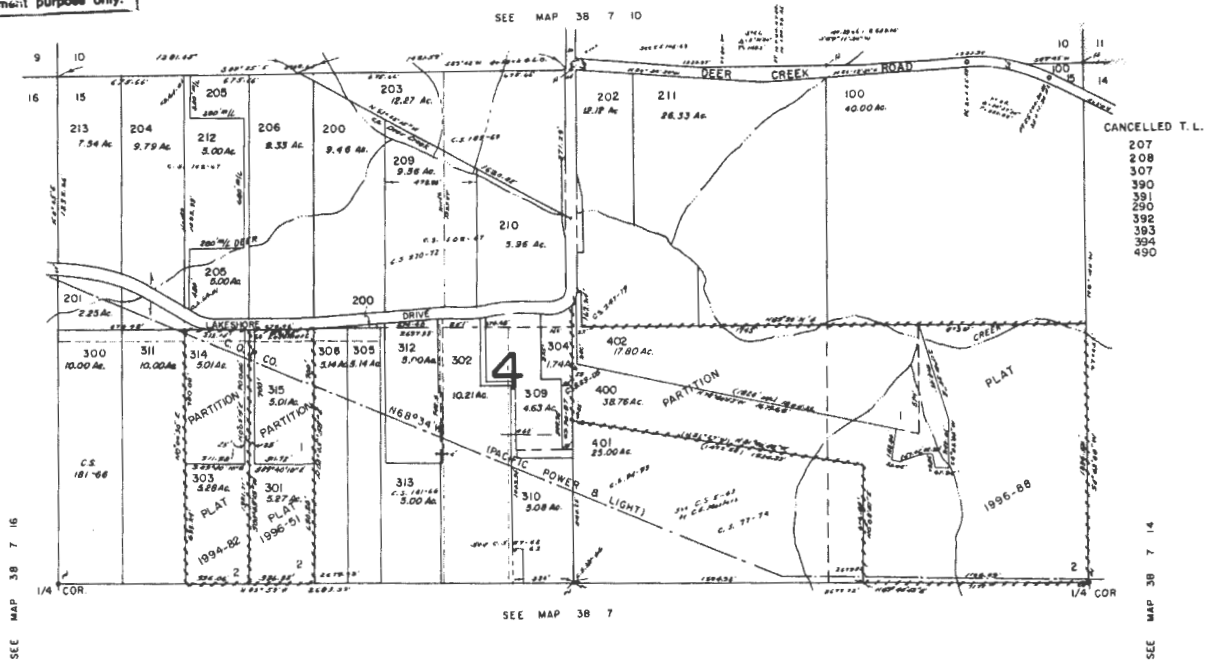
[or-ttc-grantspasstitle@ticortitle.com](mailto:or-ttc-grantspasstitle@ticortitle.com)

RECEIVED JUL 01 2019

This map was prepared for  
assessment purpose only.

1" = 400'

SEE MAP 38 7 10



16 15  
21 22

15 14  
22 23

RECEIVED JUL 01 2019





State of Oregon  
Water Resources Department  
725 Summer Street NE, Suite A  
Salem, Oregon 97301-1266  
(503) 986-0900

# Application for Historic Change in Point of Diversion/Appropriation

Part 1 of 5 – Minimum Requirements Checklist

WORKING  
COPY

WORKING  
COPY

**This historic change in point of diversion/appropriation application will be returned if Parts 1 through 5 and all required attachments are not completed and included.**

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

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

RECEIVED

OCT 17 2018

OWRD



Part 1 – Completed Minimum Requirements Checklist.



Part 2 – Completed Application Map Checklist.



Part 3 – Application Fee, payable by check to the Oregon Water Resources Department, and completed Fee Worksheet, page 3. Try the new online fee calculator at: [http://apps.wrd.state.or.us/apps/misc/wrd\\_fee\\_calculator](http://apps.wrd.state.or.us/apps/misc/wrd_fee_calculator). If you have questions, call Customer Service at (503) 986-0801.



Part 4 – Completed Applicant Information and Signature.



Part 5 – Information about the Transferred Water Rights: **How many water rights are to be transferred? 1 List them here: 57729**

Please include a separate Part 5 for each water right. (See instructions on page 5)

## Attachments:



Completed Application Map (Does not have to be prepared by a Certified Water Right Examiner).



Completed Evidence of Use Affidavit and supporting documentation showing that water has been used on the land for five years prior to transfer filing AND diverted at the actual, current point of diversion/appropriation for more than 10 years.



Statement from the local Watermaster, based upon the Watermaster's knowledge and Department records, that no complaint of injury has been made due to the use of water at the actual, current point of diversion/appropriation.



Land Use Information Form with approval and signature (or signed land use form receipt stub).



☒ N/A

Affidavit(s) of Consent from Landowner (if the applicant does not own the land the water right is on.)



☒ N/A

Water Well Report/Well Log for changes in point(s) of appropriation (well(s)) or additional point(s) of appropriation.

(For Staff Use Only)

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

\_\_\_ Application fee not enclosed/insufficient

\_\_\_ Land Use Form not enclosed or incomplete

\_\_\_ Additional signature(s) required

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

Staff: \_\_\_\_\_ 503-986-0 \_\_\_\_\_

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

WORKING  
COPY

\_\_\_ Part \_\_\_ is incomplete

## Part 2 of 5 – Historic Change in Point of Diversion/Appropriation Application Map Checklist

**Your historic change in point of diversion/appropriation application will be returned if any of the map requirements listed below are not met.**

**Please be sure that the historic change in point of diversion/appropriation 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 white or clear paper or film.
- ☒ The size of the map can be 8½ x 11 inches, 8½ x 14 inches, or up to 30 x 30 inches. For 30 x 30 inch maps, three (3) paper copies and an electronic copy in a .pdf, .tiff or .jpg format are 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) and county tax lot numbers are required.
- ☒ 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.
- ☒ Authorized 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.
- ☒ Actual, current point of diversion/appropriation. Show the 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°).
- ☒ 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 If for more than one actual, current point of diversion/appropriation, separate hachuring is needed for each place of use served by each point of diversion/appropriation, including the 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.

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### Part 3 of 5 — Fee Worksheet

FEE WORKSHEET for HISTORIC POD/POA TRANSFER			
1	Base Fee (includes Historic POD change to one water right for up to 1 cfs)	1	\$1,160
	Number of water rights included in transfer _____ (2a) Subtract 1 from the number in 2a above: _____ (2b) <i>If only one water right this will be 0</i>		
2	Multiply line 2b by \$520 and enter » » » » » » » » » » » » » » »	2	
	Do you propose to change a well, or change from a surface water POD to a well? <input type="checkbox"/> No: enter 0 » <input type="checkbox"/> Yes: enter \$410 »		
3		3	
4	Add entries on lines 1 through 3 above » » » » » » » » » <b>Transfer Fee:</b>	4	

☐ Check this box if this project is fully or partially funded by the American Recovery and Reinvestment Act. (Federal stimulus dollars)

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## Part 4 of 5 – Applicant Information and Signature

## Applicant Information

**WORKING COPY** Note: Applicant must be an INDIVIDUAL, as defined by OAR 690-380-2120, that is "a natural person and does not include a government body, organization, business enterprise, or other such entity."

APPLICANT/BUSINESS NAME <b>C. Todd Ogletree</b> <i>C. TODD OGLETREE</i>		PHONE NO. <b>541 515-4457</b>		ADDITIONAL CONTACT NO.	
ADDRESS <b>RR1 Box 61</b>				FAX NO.	
CITY <b>Tyrone</b>		STATE <b>OK</b>	ZIP <b>73951</b>	E-MAIL <b>TODD OGLETREE @ Yahoo.com</b>	
<p><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></p>					

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

AGENT/BUSINESS NAME <b>Rick Ogletree</b>			PHONE NO. <b>541 515-4457</b>	ADDITIONAL CONTACT NO.
ADDRESS <b>6429 Lakeshore Drive</b>				FAX NO.
CITY <b>Selma</b>	STATE <b>OR</b>	ZIP <b>97538</b>	E-MAIL <b>rick.ogletree@yahoo.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>				

By signing this application, I understand that prior to Department approval of the historic change in point of diversion/appropriation, I will be required to provide landownership information and evidence that I am authorized to pursue the change as identified in OAR 690-380-4010(5).

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

C. Jacob Ginter  
Applicant Signature

C Todd Ogletree  
Print Name (and Title if applicable)

10-8-18  
Date

Applicant Signature

Print Name (and Title if applicable)

Date \_\_\_\_\_

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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.*

**At this time, are the lands in this 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:

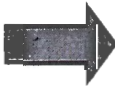
<http://www.oregon.gov/owrd/docs/transfer-propertytransactions.pdf>

RECEIVING LANDOWNER NAME			PHONE NO.	ADDITIONAL CONTACT NO.
ADDRESS				FAX NO.
CITY	STATE	ZIP	E-MAIL	

Describe any special ownership circumstances here: \_\_\_\_\_

☐ 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 or used.

ENTITY NAME	ADDRESS	
JOSEPHINE COUNTY PLANNING	700 NW DIMMICK STREET, STE C	
CITY	STATE	ZIP
GRANTS PASS	OR	97526

ENTITY NAME	ADDRESS	
CITY	STATE	ZIP

Explain in your own words what you propose to accomplish with this transfer application; and why:  
TO AUTHORIZE DIVERSION THAT HAS BEEN IN EXISTANCE 25 YEARS

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

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## INSTRUCTIONS for editing the Application Form

OWRD

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

### Microsoft Word 2003

Unlock the document by one of the following:

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

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

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

### Microsoft Word 2007

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

### Microsoft Word 2010

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

### Other Alternatives:

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

Once the application has been unlocked, you may:

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

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

# Part 5 of 5 – Water Right Information

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

CERTIFICATE # 57729

## Description of Water Delivery System

System capacity: \_\_\_\_\_ cubic feet per second (cfs) OR  
180+ 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. 10 HP centrifugal pump with 6 inch mainline with risers. Hand lines with impulse sprinklers and one irrigation gun. Hoses with sprinklers used around house

**Table 1. Location of Authorized and Current 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 the Current POD/POA that has been used for more than 10 years?	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)
1	<input checked="" type="checkbox"/> Authorized <input type="checkbox"/> Current		38	S	7	W	14	SW	NW		1100 feet North & 600 feet East from the West ¼ Corner Section 14
2	<input type="checkbox"/> Authorized <input checked="" type="checkbox"/> Current		38	S	7	W	15	SE	NE		945 feet North & 935 feet West from the West ¼ Corner Section 14
	<input type="checkbox"/> Authorized <input type="checkbox"/> Current										
	<input type="checkbox"/> Authorized <input type="checkbox"/> Current										

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

- ☒ Point of Diversion (POD) ☐ Additional Point of Diversion (APOD)  
☐ Point of Appropriation/Well (POA) ☐ Additional Point of Appropriation (APOA)

Will the historic change in point of diversion/appropriation affect the entire water right?

- ☐ Yes Complete only the proposed section of Table 2 on the next page.  
☒ No Complete all of Table 2 to describe the portion of the water right to be changed.

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Please use and attach additional pages of Table 2 as needed. Do you have questions about how to fill-out the tables? See page 5 for instructions, or contact the Department at 503-986-0900 and ask for Transfer Staff.

**Table 2. Description of Changes to Water Right Certificate # 57729**

List only the part of the right that will be changed. For the acreage in each ¼ ¼, list the change proposed. If more than one actual, current POD/POA, specify the acreage associated with each actual, current POD/POA.

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COPY

Authorized ("from" lands) as they appear before the changes											Proposed Change (POD, POA, APOD, or APOA)	Current (in use for more than ten years) POD(s)/ POA(s) to be used (from Table 1)	Priority Date
Twp	Rng		Sec	¼ ¼		Tax Lot	Gvt Lot or DLC	Acre(s) (if applicable)	POD(s) or POA(s) (name or number from Table 1)				
2	S	9	E	15	NE	NW	100		15.0	POD #1 POD #2	POD	POD #5	1897
"	"	"	"	"	"	"	"	"	EXAMPLE	"	"	"	"
38	S	7	W	15	SW	NE	402		4.1	POD 1	POD	2	1886
38	S	7	W	15	SE	NE	402		2.6	POD 1	POD	2	1886

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

6.7 @ 0.134 cfs  
 3.1 @ 0.062 cfs  
 22.3 @ 0.445 cfs  
 -----  
 32.1 @ 0.64  
           .13      .134  
           .06      .062  
           .46      .445  
           -----  
           0.641

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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 current 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/](http://apps.wrd.state.or.us/apps/gw/well_log/))

**OR**

- ☐ Describe the construction of the authorized and current well(s) in Table 3 for any wells that do not have a well log.

WORKING  
COPY**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 adequate information is likely to delay the processing of your transfer application.

Current or Authorized POA Name or Number	OWRD Well ID Tag No. L- (if available)	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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0.0199 cfs per acre

STATE OF OREGON  
COUNTY OF JOSEPHINE  
CERTIFICATE OF WATER RIGHT

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THIS IS TO CERTIFY, that HOWARD BARBER, of 6429 LAKESHORE DRIVE, SELMA, OREGON 97538, has a right to the use of waters of DEER CREEK, a tributary of ILLINOIS RIVER, for the purpose of IRRIGATING OF 32.1 ACRES.

The right has been confirmed by decree of the Circuit Court of the State of Oregon for JOSEPHINE County. The decree is of record at Salem, in the Order Record of the WATER RESOURCES DIRECTOR, in Volume 13, at page 70. The date of priority is MAY 15, 1886.

The right is limited to not more than 0.64 CUBIC FOOT PER SECOND, IF AVAILABLE AT THE ORIGINAL POINT OF DIVERSION, SW 1/4 NW 1/4, SECTION 14, T 38 S, R 7 W, W.M.; HARMON DITCH - 1130 FEET NORTH & 1150 FEET EAST FROM W1/4 CORNER SECTION 14.

The point of diversion is located as follows:

SW 1/4 NW 1/4, SECTION 14, T 38 S, R 7 W, W.M.;  
1100 FEET NORTH & 600 FEET EAST FROM W1/4 CORNER SECTION 14.

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-FIFTIETH of one cubic foot per second per acre for each irrigated during the irrigation season FROM APRIL 1 TO NOVEMBER 1 of each year.

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

SW 1/4 NW 1/4	0.8 ACRES			
SECTION 14				
SW 1/4 NE 1/4	14.8 ACRES	-4.1	-2.8	7.9
SE 1/4 NE 1/4	16.5 ACRES	-2.6	-0.3	13.6
SECTION 15				
TOWNSHIP 38 SOUTH, RANGE 7 WEST, W.M.				
		0.7 + 0.13	3.1	22.3 + 0.15 cfs
				(T-13056)

This certificate is issued to confirm a change in POINT OF DIVERSION approved by an order of the Water Resources Director entered OCTOBER 10, 1977, and together with certificate 44966, supersedes certificate 13871, State Record of Water Right Certificates.

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 shall be subject to all other conditions and limitations contained in said decree.

WITNESS the signature of the Water Resources Director, affixed this date SEPTEMBER 27, 1988.

/s/ WILLIAM H. YOUNG

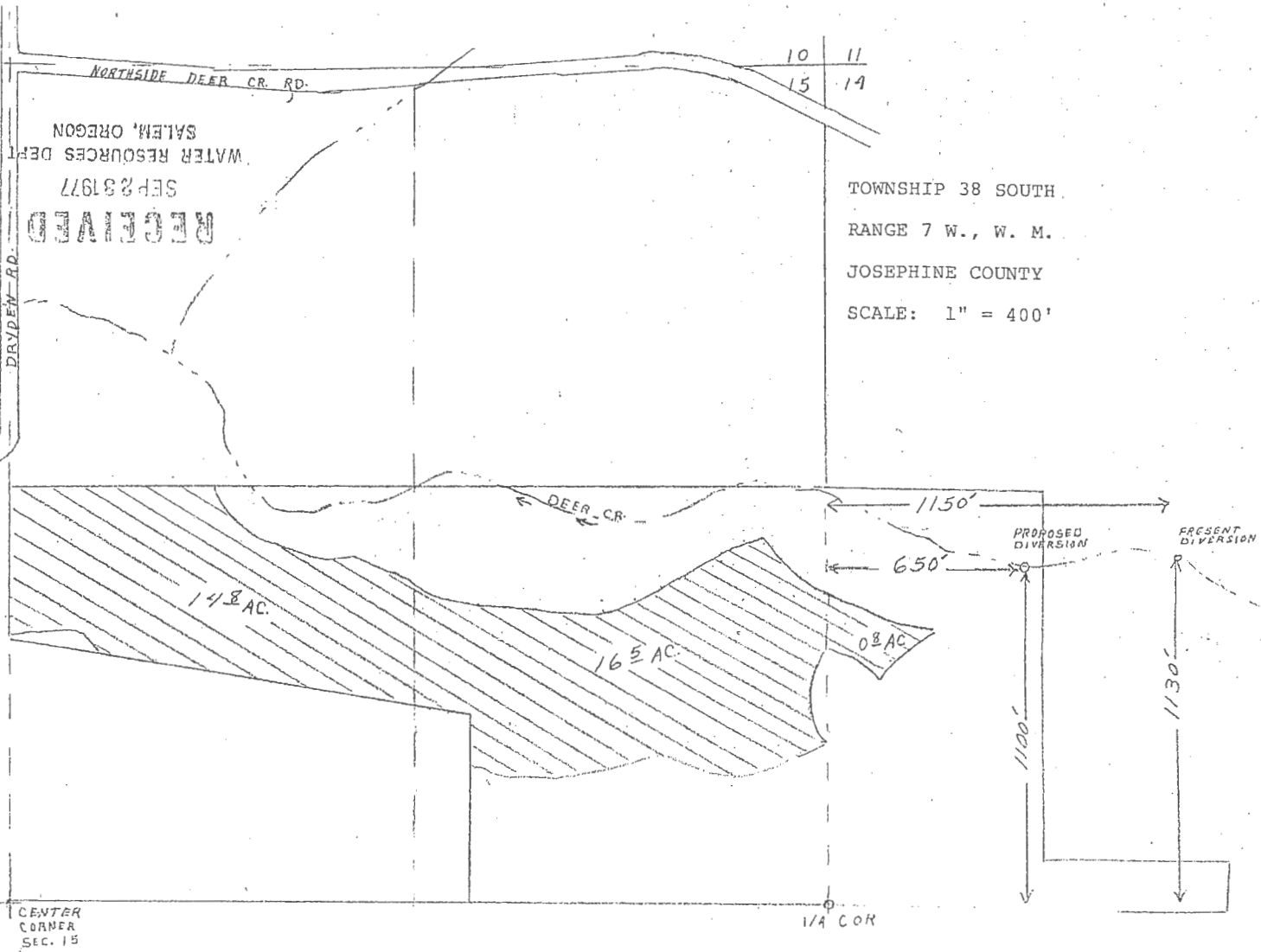
Water Resources Director

Recorded in State Record of Water Right Certificates numbered 57729

T-3784

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10	11
15	14

REGD.  
SALEM, OREGON  
WATER RESOURCES DEPT.  
SEP 28 1977

TOWNSHIP 38 SOUTH  
RANGE 7 W., W. M.  
JOSEPHINE COUNTY  
SCALE: 1" = 400'

CENTER  
CORNER  
SEC. 15

1/4 COR

Harmon, T. G.  
420 A Street,  
Grants Pass, Ore.  
(Proof #62)

May 15,  
1886

38.9

Irrigation,  
domestic  
and stock

Unnamed  
ditch

Deer  
Creek  
and  
Messinger  
Slough

0.8 acre in SW $\frac{1}{4}$  NW $\frac{1}{4}$ ,  
Section 14;  
18.8 acres in SW $\frac{1}{4}$  NE $\frac{1}{4}$ ,  
17.5 acres in SE $\frac{1}{4}$  NE $\frac{1}{4}$ ,  
Section 15,  
T. 38 S., R. 7 W., W. M.

Cert # 57729: 32.1 acre @ 0.64 cfs (0.02 cfs per acre)				
	ac.	cfs	ac.	cfs
	T-13046		T-13056	
acres transferred	6.7	0.134	21.2	0.424
acres cancelled	3.1	0.06	1.1	0.02
Totals:	9.8	0.2	22.3	0.44

$$0.2 + 0.44 = 0.64$$



STATE OF OREGON  
COUNTY OF JOSEPHINE  
CERTIFICATE OF WATER RIGHT

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THIS IS TO CERTIFY, that HOWARD BARBER, of 6429 LAKESHORE DRIVE, SELMA, OREGON 97538, has a right to the use of waters of DEER CREEK, a tributary of ILLINOIS RIVER, for the purpose of IRRIGATING OF 32.1 ACRES.

The right has been confirmed by decree of the Circuit Court of the State of Oregon for JOSEPHINE County. The decree is of record at Salem, in the Order Record of the WATER RESOURCES DIRECTOR, in Volume 13, at page 70. The date of priority is MAY 15, 1886.

The right is limited to not more than 0.64 CUBIC FOOT PER SECOND, IF AVAILABLE AT THE ORIGINAL POINT OF DIVERSION, SW 1/4 NW 1/4, SECTION 14, T 38 S, R 7 W, W.M.; HARMON DITCH - 1130 FEET NORTH & 1150 FEET EAST FROM W1/4 CORNER SECTION 14.

The point of diversion is located as follows:

SW 1/4 NW 1/4, SECTION 14, T 38 S, R 7 W, W.M.; 1100 FEET NORTH & 600 FEET EAST FROM W1/4 CORNER SECTION 14.

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-FIFTIETH of one cubic foot per second per acre for each irrigated during the irrigation season FROM APRIL 1 TO NOVEMBER 1 of each year.

place of use under the right, and to which such is as follows:

SW 1/4 NW 1/4 0.8 ACRES -0.8  
SECTION 14

SW 1/4 NE 1/4 14.8 ACRES -7.0  
E 1/4 NE 1/4 16.5 ACRES -13.4  
SECTION 15

P 38 SOUTH, RANGE 7 WEST, W.M.

21.2 ac.  
@ 0.424

used to confirm a change in POINT OF DIVERSION of the Water Resources Director entered together with certificate 44966, supersedes Record of Water Right Certificates.

superseding certificate does not confirm the in regard to the provisions of ORS 540.610 or abandonment.

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

WITNESS the signature of the Water Resources Director, affixed this date SEPTEMBER 27, 1988.

/s/ WILLIAM H. YOUNG

Water Resources Director

Recorded in State Record of Water Right Certificates numbered 57729

T-3784

CERT. 57729 32.1 acres @ 0.64 cfs

T-13046 6.7 ac @ 0.134 cfs  
cancel 3.1 ac @ 0.06 cfs 0.2

T-13056 21.2 ac @ 0.424  
cancel 1.1 ac @ 0.02 cfs 0.44

T-13056 CANCEL T-13046

NO RE

-0.9 -4.1 (+2.8 cancel)  
-0.2 -2.6 (+0.3 cancel)  
0.02 cfs 0.06 cfs  
6.7 ac @ 0.434

WR CERT. 57729 BREAKDOWN

T-13046  
0.13 cfs for 6.7 ac + 0.62 for 3.1 cancel  
T-13056  
0.423 cfs + 0.02

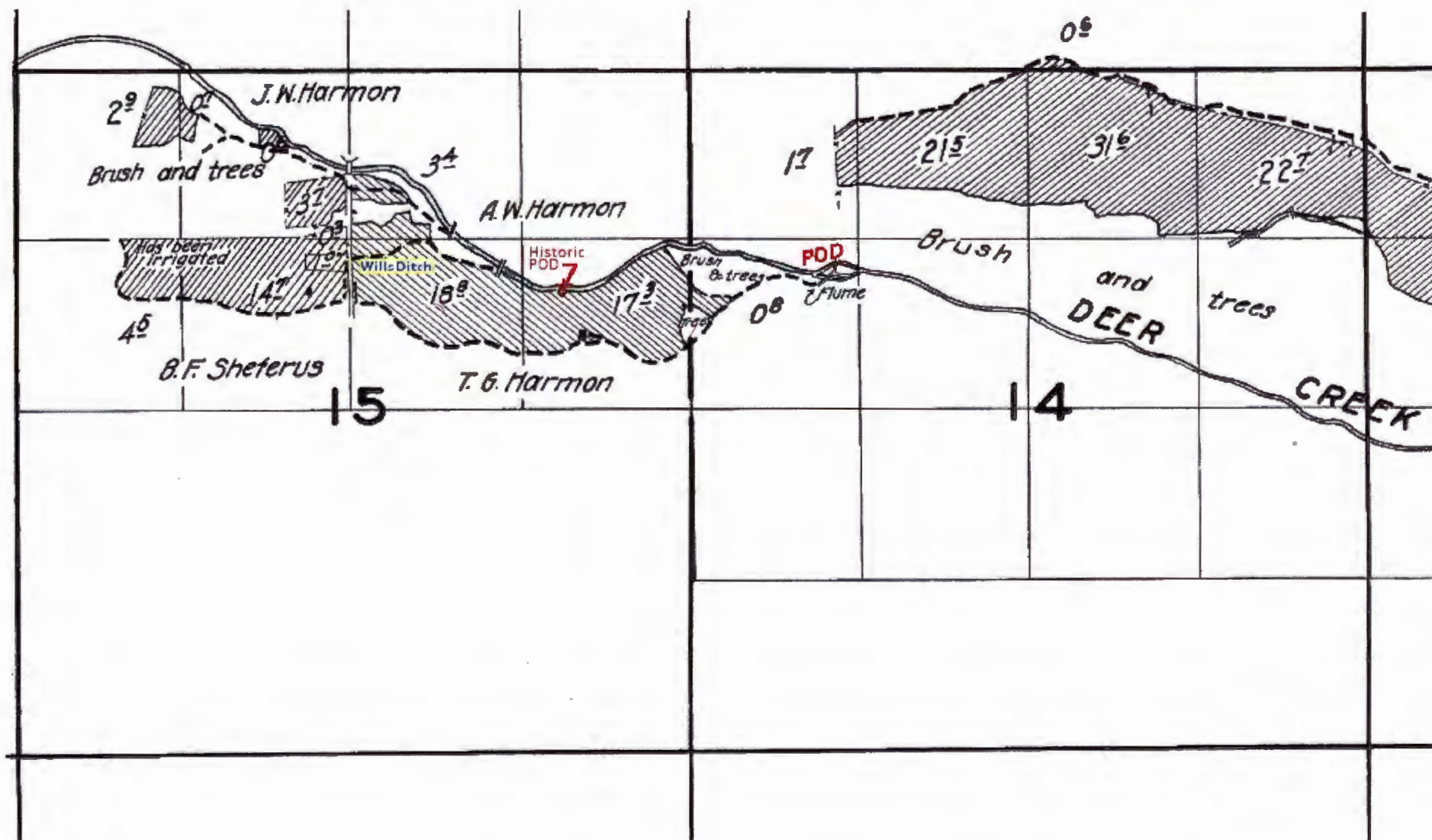
13056

Cert # 57729: 32.1 acre @ 0.64 cfs (0.02 cfs per acre)				
	ac.	cfs	ac.	cfs
	T-13046		T-13056	
acres transferred	6.7	0.134	21.2	0.424
acres cancelled	3.1	0.06	1.1	0.02
Totals:	9.8	0.2	22.3	0.44

$$0.2 + 0.44 = 0.64$$

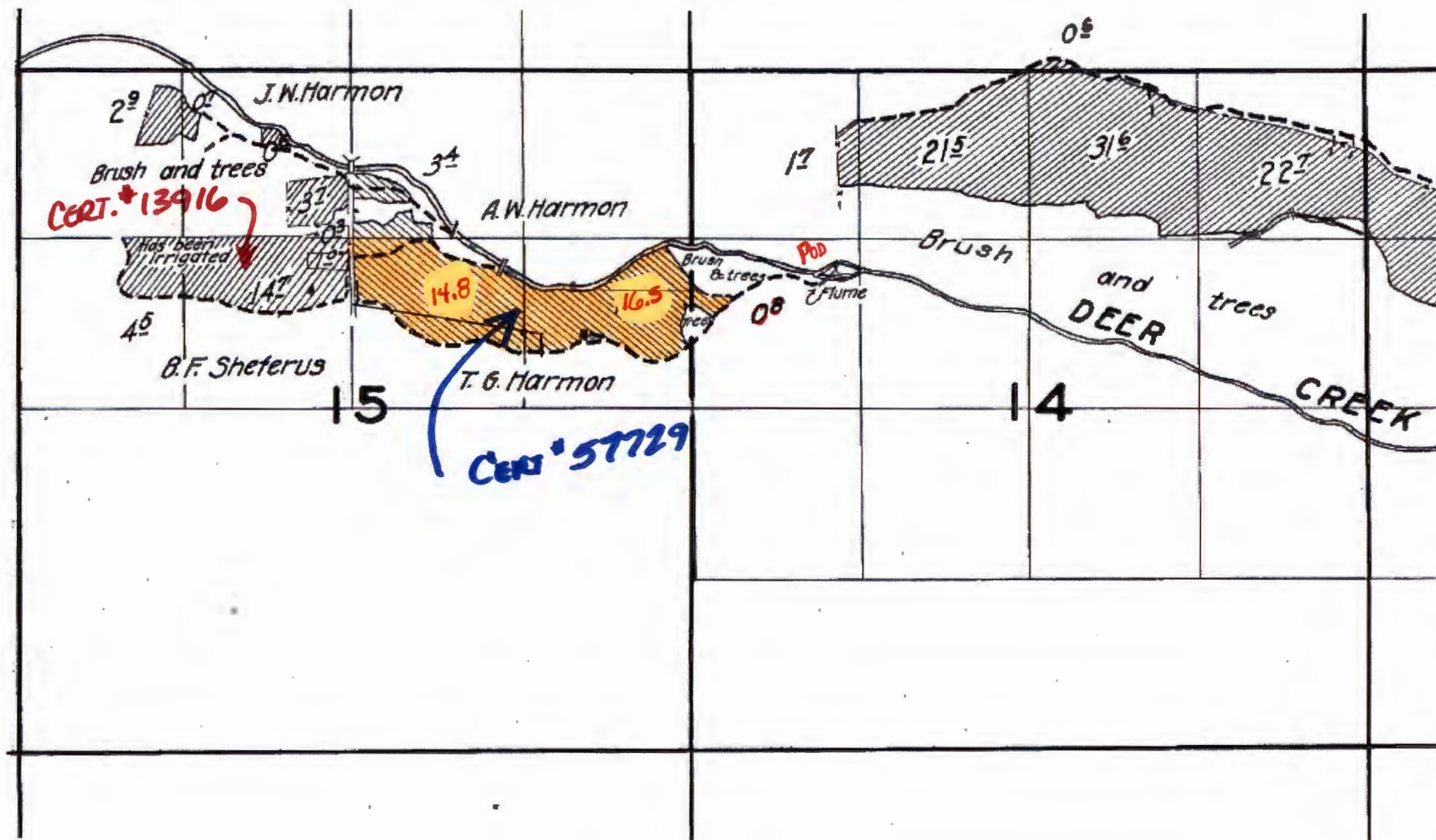


# TOWNSHIP 38 S.. RANGE 7 W.





# TOWNSHIP 38 S.. RANGE 7 W.

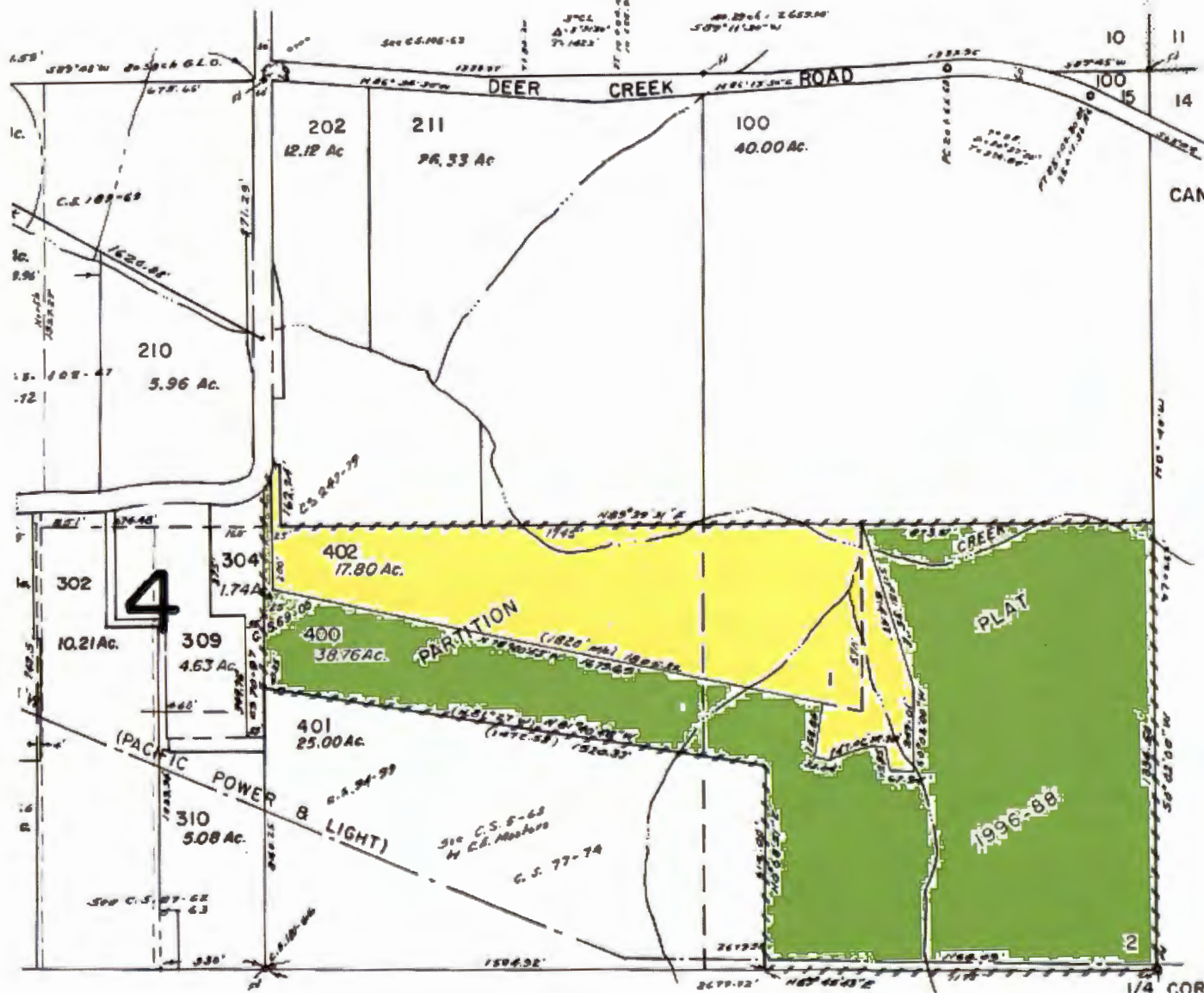


SECTION 15 T.38S. R.7W. W. M.  
JOSEPHINE COUNTY

38 7 15

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1" = 400'



CANCELLED T. L.

207  
208  
307  
390  
391  
290  
392  
393  
394  
490

38 7 14

**AFFIDAVIT FOR THE VOLUNTARY CANCELLATION  
OF A PORTION OF A WATER RIGHT CERTIFICATE  
(ORS 540.621)**

State of Oregon        )

ss County of

**Josephine**        )

I/ (or authorized agent), **C.Todd Ogletree**, residing at **RR1, Box 61, Tyrone, OK 73951**, telephone number **541 515-4457**,  
being first duly sworn depose and say:

1. I am the legal and deeded owner(s) of the property described  
as tax lot number **402**, within the **SW/NE, SE/NE**  $\frac{1}{4}\frac{1}{4}$ ,  
Section **15**, Township **38** (S), Range **7** (W), of the  
Willamette Meridian, in **Selma**, Oregon, as shown on the  
attached map and described in the attached deed and legal  
description and made part of this affidavit.

2. I wish to cancel the following portion(s) of the water right  
certificate number **57729** issued to **Howard Barber** with a  
date of priority of **1886**.

☒ A place of use, or use.

• For the use of (specify irrigation, domestic, etc.)

**irrigation**

*FOR IRRIGATION OR NURSERY USE:*

- Total number of acres to be cancelled **3.1**
- Location of acres to be cancelled must be clearly  
identified on a copy of the final proof map.

• In the amount of **0.06** cubic foot per second

• From the water source (s) **Deer Creek**

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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 \_\_\_\_\_<sup>1</sup>/<sub>4</sub><sup>1</sup>/<sub>4</sub>, Section \_\_\_\_\_, Township \_\_\_\_\_ (N/S), Range \_\_\_\_\_ (E/W)

Location Description (if given on the certificate) \_\_\_\_\_

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

4. The portion of the water right being cancelled is served by an irrigation district. The signature of the district manager on the line below indicates the concurrence of the district to the cancellation of the portion of the water right served by the district.

	Page 2 of 2	
Signature of district manager	Printed Name	Date

Jan 2018

5. If the water right is issued in the name of an irrigation district then the affiant must have the concurrence of the district to the cancellation of the portion of the water right. (*Signature of district manager on the line below documents consent of the district.*)

Signature of district manager	Printed Name	Date

6. I have abandoned any and all interest in the portion of the water

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right described in Item 2, above, and request that portion of the right be canceled.

*[Signature]*

Signature of legal owner as listed on deed, or authorized agent      Date *9-11-18*

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

Subscribed and Sworn to Before Me this *11<sup>th</sup>* day of *September* 20 *18*.

*[Signature]*  
NOTARY PUBLIC - State of Kansas  
CHARLES DARIN PAYNE  
My Appt. Exp. *8-20-21*

Notary Public for ~~Oregon~~ *Kansas*

My Commission Expires *8-20-21*

**PLEASE ATTACH A LEGIBLE COPY OF:**

- 1) **A deed which lists landowners and includes a legal description of affected lands, and**
- 2) **A copy of a water right final proof map, or a tax lot map, or an adjudication map with the abandoned portion of the right clearly drawn and identified.**
- 3) **IF ACTING AS AN AUTHORIZED AGENT, include a copy of Power of Attorney or other documents granting authority to act on behalf of the legal owner(s).**

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**Oregon**  
Kate Brown, Governor

**Water Resources Department**  
**North Central Region**  
116 S.E. Dorion Avenue  
Pendleton, OR 97801  
Phone (541) 278-5456  
Fax (541) 278-0287





May 21, 2019

**Applicant**

C. TODD OGLETREE  
RR1 BOX 61  
TYRONE, OK 73951

**Agent**

RICK OGLETREE  
6429 LAKESHORE DRIVE  
SELMA, OR 97538

SUBJECT: Water Right Transfer Application T-13046

Please find enclosed a Draft Final Order regarding Transfer Application T-13046. The document reflects the Department's conclusion that, based on the information currently available, the transfer will be approved. This draft is intended to provide you with an opportunity to comment on our findings and conclusions. Please review the draft carefully to evaluate whether the document is consistent with your intent in seeking the transfer, and whether you agree with the proposed action. Please provide your response in writing. In addition, there is another action that you must take at this time.

- At this time, you must submit a report of ownership. This is a document prepared by a title company within the last 3 months that includes ownership and a legal description of the land to which the water right is appurtenant. Specifically, we need to have a report on the ownership of Tax Lot 402, in Section 15, Township 38 South, Range 7 West, Willamette Meridian.

Enclosed is a copy of Oregon Department of Fish and Wildlife (ODFW) Additional Fish Screening and Passage Information for the Applicant. You will note that ODFW requires a fish screening and/or by-pass device to be installed. We will establish a deadline for compliance with this condition. Please contact the ODF&W personnel listed on the document for assistance.

Additionally, the Watermaster has determined that a water measurement device is necessary at the diversion point. Enclosed is a contact information sheet to assist you in pursuing additional information or approval of the required (or alternate) device.

Issuance of the Final Order will occur shortly after we receive your response, ~~the proof of service~~, and the report of ownership. If we do not receive your response and the report of ownership by June 20, 2019, a Preliminary Determination may be issued denying the application as incomplete. You may provide your response in writing or via e-mail.

Please do not hesitate to contact me at (541) 278-5456 or by e-mail [Ken.D.Dowden@oregon.gov](mailto:Ken.D.Dowden@oregon.gov) if I may be of assistance.

Sincerely,



Ken Dowden  
Transfer Specialist  
NC REGION

cc: File T-13046  
Scott Ceciliani, District 14 Watermaster

Enclosures: ODFW Contact Sheet  
Watermaster Contact Sheet

BEFORE THE WATER RESOURCES DEPARTMENT  
OF THE  
STATE OF OREGON

In the Matter of Transfer Application )  
T-13046, JOSEPHINE County )

[ D R A F T ]

) FINAL ORDER APPROVING A CHANGE  
) IN POINT OF DIVERSION TO REFLECT  
) HISTORIC USE

**Authority**

ORS 540.532 establishes the process in which a water right holder may submit a request for a change in point of diversion to reflect historical use under an existing water right. OAR Chapter 690-380-2120 implements the statute and provides the Department's procedures and criteria for evaluating historic point of diversion/appropriation 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**

C. TODD OGLETREE  
RR1 BOX 61  
TYRONE, OK 73951

**Agent**

RICK OGLETREE  
6429 LAKESHORE DRIVE  
SELMA, OR 97538

**Findings of Fact**

1. On October 17, 2018, C. Todd Ogletree filed a transfer application for authorization of an historic point of diversion under Certificate 57729. Along with the application, the applicant submitted a voluntary cancellation affidavit for the cancellation of a portion of Certificate 57729 and is further described below in Finding #15. The Department assigned the application number T-13046.
2. Notice of the application for transfer was published on October 23, 2018, pursuant to OAR 690-380-4000. No comments were filed in response to the notice.
3. This transfer, along with T-13056 (Drywood Ranch) proposes to modify Certificate 57729 and should be processed together simultaneously.

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.

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

**Certificate:** 57729 in the name of HOWARD BARBER (confirmed by Illinois River decree of the Circuit Court of the State of Oregon for Josephine Count)  
**Use:** IRRIGATION of 6.7 ACRES  
**Priority Date:** MAY 15, 1886  
**Rate:** 0.134 CUBIC FOOT PER SECOND, if available at the original point of diversion, SW¼ NW¼, Section 14, T38S, R7W, W.M.  
**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-FIFTIETH of one cubic foot per second per acre for each acre irrigated during the irrigation season from APRIL 1 to NOVEMBER 1 of each year.  
**Source:** DEER CREEK, a tributary of the ILLINOIS RIVER

**Authorized Point of Diversion:**

Twp	Rng	Mer	Sec	Q - Q	Measured Distances
38 S	7 W	WM	14	SW NW	1100 FEET NORTH AND 600 FEET EAST FROM THE W¼ CORNER OF SECTION 14

**Authorized Place of Use:**

Twp	Rng	Mer	Sec	Q - Q	Acres
38 S	7 W	WM	15	SW NE	4.10
38 S	7 W	WM	15	SE NE	2.60

5. Transfer Application T-13046 proposes to change the point of diversion to reflect historic use for the above described right downstream approximately 1800 feet to a diversion located:

Twp	Rng	Mer	Sec	Q - Q	Measured Distances
38 S	7 W	WM	15	SE NE	945 FEET NORTH AND 935 FEET WEST FROM THE W¼ CORNER OF SECTION 14

6. The Oregon Department of Fish and Wildlife (ODFW) has determined that a fish screen is necessary at the new point of diversion to prevent fish from entering the diversion and that the diversion is not currently equipped with an appropriate fish screen. This diversion may be eligible for screening cost-share funds.

***Transfer Review Criteria (ORS 540.532 and OAR 690-380-2120)***

7. Pursuant to OAR 690-380-2120(2)(a), evidence has been submitted that the actual, current point of diversion for the water right in question, as described in Finding No. 6, has been in use for more than 10 years.
8. Pursuant to OAR 690-380-2120(2)(c), the Watermaster provided a statement that to his knowledge there has been no complaint of injury due to the use of water at the actual, current point of diversion, prior to the transfer request.
9. The Department did not identify any affected water rights pursuant to OAR 690-380-2120(3).



10. 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.
11. A diversion structure, pump, pipeline, and sprinkler system sufficient to use the full amount of water allowed under the existing right are present.
12. The proposed change would not result in enlargement of the right.
13. The proposed change would not result in injury to other water rights.

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

14. On October 17, 2018, the agent for the applicant submitted an affidavit meeting the requirements of ORS 540.621 for the partial cancellation of water right Certificate 57729. The applicant has abandoned any and all interest in this portion of the water right for primary irrigation and is described as follows:

**Certificate:** 57729 in the name of the name of HOWARD BARBER (confirmed by Decree of the circuit court for Josephine County)

**Use:** IRRIGATION of 3.1 ACRES

**Priority Date:** MAY 15, 1886

**Rate:** 0.06 CUBIC FOOT PER SECOND

**Limit/Duty:** The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands, is limited to a diversion of ONE-FIFTIETH of one cubic foot per second per acre for each acre irrigated during the irrigation season APRIL 1 to NOVEMBER 1 of each year.

**Source:** DEER CREEK, a tributary of the ILLINOIS RIVER

**Authorized Point of Diversion:**

Twp	Rng	Mer	Sec	Q - Q	Measured Distances
38 S	7 W	WM	14	SW NW	1100 FEET NORTH AND 600 FEET EAST FROM THE W¼ CORNER OF SECTION 14

**Authorized Place of Use to be Cancelled:**

Twp	Rng	Mer	Sec	Q - Q	Acres
38 S	7 W	WM	15	SW NE	2.80
38 S	7 W	WM	15	SE NE	0.30

***Conclusions of Law***

The proposed change in point of diversion to reflect historical use in application T-13046 is consistent with the requirements of ORS 540.532 and OAR 690-380-2120 and the abandoned portion of water right Certificate 57729 is cancelled.

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

1. *The change proposed in T-13046 is approved and effective immediately. 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 Certificate 57729 and any related decree.*
3. *Water right certificate 57729 is cancelled. Certificate xxxxx will be issued to describe the change in point of diversion for the portion of the right included in T-13046. This transfer, along with T-13056 (Drywood Ranch) proposes to modify Certificate 57729 and should be processed together simultaneously. Together, the new Certificates shall supersede Certificate 57729.*
4. *The quantity of water diverted at the new point of diversion shall not exceed the quantity of water lawfully available at the original point of diversion.*
5. *Water use measurement conditions:*
  - a. ***Before water use may begin** under this order, the water user shall install a totalizing flow meter, or, with prior approval of the Director, another suitable measuring device, at each new point of diversion.*
  - b. *The water user shall maintain the meter or measuring device in good working order.*
  - c. *The water user shall allow the Watermaster access to the meter or measuring device(s); provided however, where the meter or measuring device is located within a private structure, the Watermaster shall request access upon reasonable notice.*
6. *Prior to diverting water, the water user shall install an approved fish screen at the new point of diversion and shall provide to the OWRD a written statement from Oregon Department of Fish and Wildlife (ODFW) that the installed screen meets the state's criteria, or that ODFW has determined a screen is not necessary.*

*The water user shall operate and maintain the fish screen at the new point of diversion consistent with ODFW's operational and maintenance standards. If ODFW determines the screen is not functioning properly, and is unsuccessful in working with the water user to meet ODFW standards, ODFW may request that OWRD regulate the use of water until OWRD receives notification from ODFW that the fish screen is functioning properly.*

Dated at Salem, Oregon this \_\_\_\_\_,

**DRAFT**

\_\_\_\_\_  
Lisa Jaramillo, Transfers and Conservation Section Manager, for  
Thomas M. Byler, Director  
Oregon Water Resources Department

Mailing date: \_\_\_\_\_

Ken RE: T-13046

Sounds like Rick  
OdeTree (Brother)  
is waiting on  
Rick Calvin<sup>(sp)</sup> @  
Fish? Game to  
inspect Foot  
Value. Tent 201 US (aon)

Foot Value

TIME

A.M.  
P.M.

Rick OdeTree  
for Brother

Yaf  
neo

b-  
26

- |                                     |                    |
|-------------------------------------|--------------------|
| <input checked="" type="checkbox"/> | TELEPHONED         |
| <input type="checkbox"/>            | RETURNED YOUR CALL |
| <input type="checkbox"/>            | PLEASE CALL        |
| <input type="checkbox"/>            | WILL CALL AGAIN    |
| <input type="checkbox"/>            | CAME TO SEE YOU    |
| <input type="checkbox"/>            | WANTS TO SEE YOU   |



## SCOTT Valerie J \* WRD

---

**From:** SCOTT Valerie J \* WRD  
**Sent:** Friday, June 21, 2019 10:50 AM  
**To:** 'rick.ogletree@yahoo.com'  
**Cc:** DOWDEN Ken D \* WRD  
**Subject:** Extension of Time for T-13046  
**Attachments:** transfer\_extension\_criteriareview.pdf; extension\_of\_time.pdf

Mr. Ogletree,

Per your request I have attached the EOT application as well as provided the links to the forms. I hope this helps. I have copied Ken Dowden so he will be aware that you are planning to file an extension of time on T-13046.

The Transfer Extension of Time is a single page form that's fairly straightforward. You can access it at: [https://www.oregon.gov/OWRD/WRDFormsPDF/extension\\_of\\_time.pdf](https://www.oregon.gov/OWRD/WRDFormsPDF/extension_of_time.pdf)

You can also print out the Review Criteria sheet for Transfer Extensions, found here: [https://www.oregon.gov/OWRD/WRDFormsPDF/transfer\\_extension\\_criteriareview.pdf](https://www.oregon.gov/OWRD/WRDFormsPDF/transfer_extension_criteriareview.pdf)

Sincerely,

Valerie Scott

*Valerie Scott, Office Assistant*

Oregon Water Resources Dept  
116 SE Dorion Ave  
Pendleton, OR 97801

✉ [Valerie.J.Scott@oregon.gov](mailto:Valerie.J.Scott@oregon.gov)

☎ 541.278.5456

Fax 541.278.0287

<http://www.oregon.gov/owrd>



OREGON  
WATER  
RESOURCES  
DEPARTMENT

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Transfer T- \_\_\_\_\_

APPLICATION FOR EXTENSION OF TIME  
FOR **TRANSFER** OF WATER RIGHT

A summary of review criteria and procedures that are generally applicable to these applications is available at [http://www.oregon.gov/owrd/pubs/docs/forms/transfer\\_extension\\_criteriareview.pdf](http://www.oregon.gov/owrd/pubs/docs/forms/transfer_extension_criteriareview.pdf)

To the WATER RESOURCES DIRECTOR OF OREGON:

I/We, \_\_\_\_\_  
(Name of Applicant)

of \_\_\_\_\_  
(Mailing Address) (City)

state of \_\_\_\_\_  
(Zip Code) (Phone Number)

do hereby make application for an extension of time within which to complete a change in:  
point of diversion/appropriation place of use character of use  
of water under the terms of an order of the Water Resources Director entered on \_\_\_\_\_, 20\_\_\_\_,  
approving Transfer \_\_\_\_\_, in the name of \_\_\_\_\_,  
for \_\_\_\_\_

\_\_\_\_\_  
(Give location of your property, as shown on the order approving the transfer)

THE FOLLOWING HAS BEEN accomplished toward completion of the change within the time  
allowed, which expired on October 1, 20\_\_\_\_:

\_\_\_\_\_  
(If for irrigation, how many acres total are now irrigated)

TO FULLY COMPLETE the change, it will be necessary to accomplish the following:

I AM UNABLE TO COMPLETE the change under the terms of the order, within the time allowed,  
because \_\_\_\_\_

The Department is authorized to grant extensions for one year, from October 1 to October 1 of each year. An extension for up to five years may be granted for transfers involving municipal or quasi-municipal use. Extensions may be granted for longer time if the applicant can justify the need for a longer period of time by submission of pertinent evidence. OAR 690-380-6020 (2) and OAR 690-380-7200 (5).

And request that the time for completion be extended to October 1, 20\_\_\_\_.

\_\_\_\_\_  
(Signature of applicant)

In order for an application to be complete, it must be accompanied by the required fee. See the Department's fee schedule at <http://www.oregon.gov/OWRD/> or call (503) 986-0900.

**MAIL COMPLETED APPLICATION AND FEE TO:**

Water Resources Department  
725 Summer Street NE, Suite A  
Salem, OR 97301-1271

# DEPT. DETERMINED THERE ARE NO AFFECTED WATER RIGHTS (WR HOLDERS)

## Historic POD T-13046 for C-57729

### Background Info:

**C-57729**- The original POD is located at 1130' North and 1150' East from the W ¼ corner of section 14. This is the location of the Harmon Ditch.

**C-44966**- The original POD is located at 1130' North and 1150' East from the W ¼ corner of section 14. This is the location of the Harmon Ditch.

**C-59085**- Identifies the POD as being located 1100' North and 600' East from the W ¼ corner of section 14. However, the permit states "Gravity flow through existing ditch (Certificate 13871) then pumped from pumping sumps onto land through sprinklers". The Illinois River Decree for C-13871 identifies "unknown Ditch". C-13871 was cancelled and from it C-44966 and C-57729 were created; both share the same POD and identify the Harmon Ditch. I would venture a guess to say that the "unknown ditch" became the Harmon Ditch.

**C-13916**- Illinois River Decree indicates that the lands associated with this certificate were served via the Wills Ditch. I'm unable to say for sure if the Historic POD transfer would place it at the same location as the POD for C-13916. I would have to make a site visit to see for sure if that ditch even exists. C-13916 is a valid non cancelled water right so I would inform all land owners associated with this water right.

**C-73028**- Instream water right held by our Department. I'm assuming that the applicant doesn't have to send a letter to our Department.

### I would inform the following landowners:

#### **C-57729 & C-59085**

Drywood Ranch LLC

38 07 15 TL 400

Address: 6425 Lakeshore Dr. Selma OR 97538

#### **C-57729**

Todd Ogletree

38 07 15 TL 402

Owner Address: RRI BOX 61, Tyrone OK 73951

Site Address: 6429 Lake Shore Dr. Selma OR 97583

#### **C-44966**

Kenneth & Dawn Legaux

38 07 15 TL 401

Owner address: PO BOX 428, Selma OR 97538



Site address: 6405 Lake Shore Dr. Selma OR 97538

**C-13916**

Robert Lamb

38 07 15 TL 304

Owner address: PO BOX 255 Selma OR 97538

Site address: 6401 Lake Shore Dr. Selma OR 97538

Samuel Tack

38 07 15 TL 309

Owner address: 5420 Russell Ave #12, Los Angeles CA 90027

Site address: 6375 Lake Shore Dr. Selma OR 97538

Vincent Kieffer

38 07 15 TL 310

Owner address: PO BOX 815, Selma OR 97538

Site address: 6357 Lake Shore Dr. Selma OR 97538

Donald Miller

38 07 15 TL 302

Owner address: PO BOX 428, Selma OR 97538

Site address: 6343 Lake Shore Dr. Selma OR 97538

Richard and Rhonda Peltier

38 07 15 TL 312

Owner address: PO BOX 810, Selma OR 97538

Site address: 6331 Lake Shore Dr. Selma OR 97538

Stacey Smith

38 07 15 TL 313

Address: 6327 Lake Shore Dr. Selma OR 97538

Gary and Vanessa Lacey

38 07 15 TL 305

Address 6323 Lake Shore Dr. Selma OR 97538

Linda Hamilton and Norman Seibold

38 07 15 TL 306

Owner address: 1001 Winchester Ave, Medford OR 97501

Site address: 6311 Lake Shore Dr. Selma OR 97538



Michael Pagnotta

38 07 15 TL 315

Owner address: 7904 E. Chaparral Rd. STE A110, Scottsdale AZ 95250-7210

Site address: 6309 Lake Shore Dr. Selma OR 97538

Cecil and Alice Cowdrey

38 07 15 TL 301

Owner address: PO BOX 1030, Elma WA 98541-1030

Site address: 6297 Lake Shore Dr. Selma OR 97538

Dean Paul Gerkey Liv Trust

38 07 15 TL 303

Owner address 3417 North Polo Dr. Aptos CA 95003

Site address: 6285 Lake Shore Dr. Selma OR 97538

White Family Living Trust

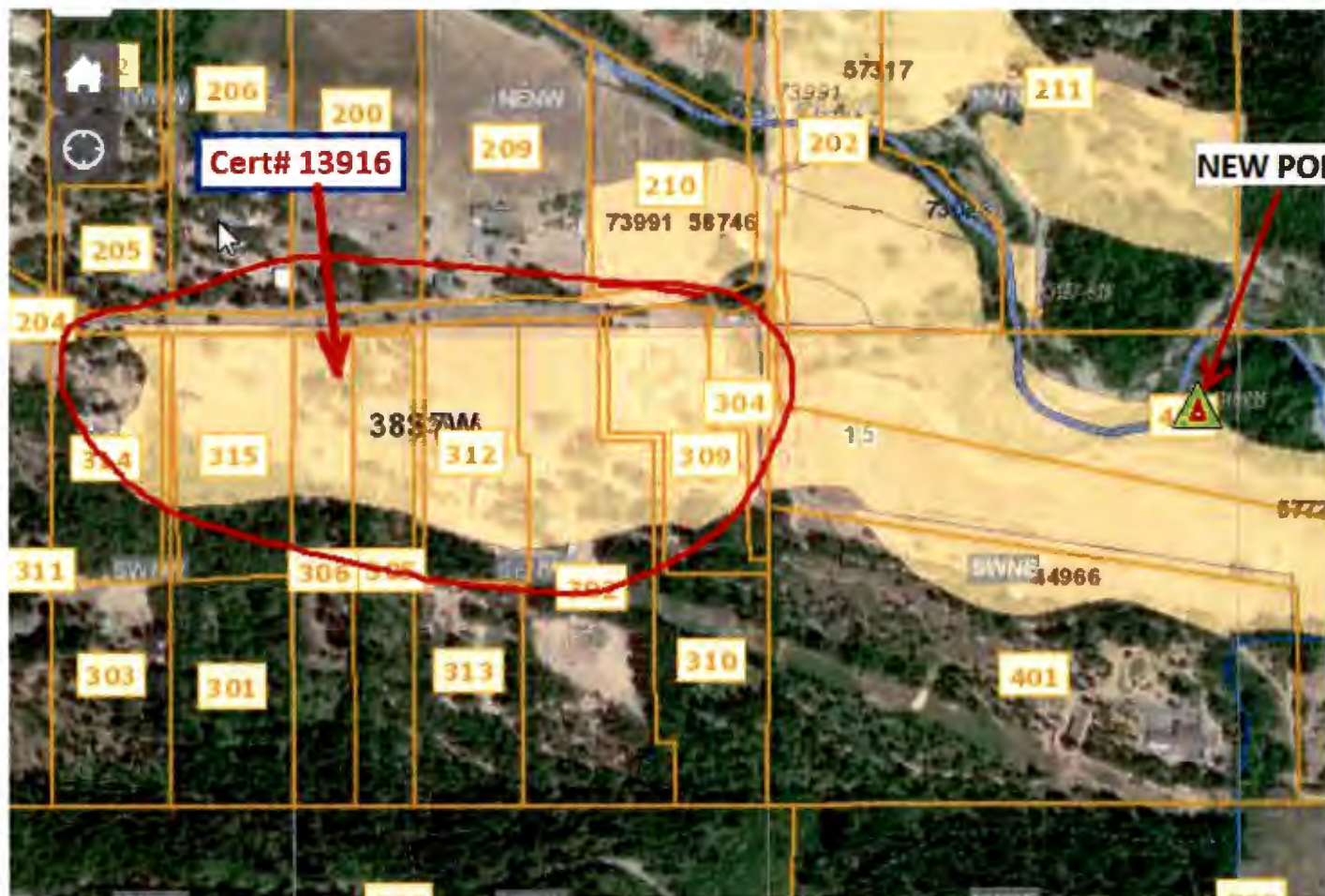
38 07 15 TL 314

Owner Address PO BOX 638, Selma OR 97538

Site address: 5811 Lake Shore Dr. Selma OR 97538

Scott, Ken here.

Appears they are proposing moving downstream about 1800 feet from some old ditch I believe. In our InterActive Mapper, it doesn't appear to be leap-frogging over any other PODs, but I wonder if this new proposed Historic POD for Ogletree is the same POD for the Cert# 13916 at this location by chance? If it is, is there or would there be any complaints or interference with those landowner? That would be my first look. Appears that his Cert# 13916 actually involves 8 or 9 different landowners....



Thanks.

**Ken Dowden | NRS II**  
**Oregon Water Resources Department**  
 116 S.E. Dorion Avenue  
 Pendleton, OR 97801  
 North Central Region, Field Services Division  
[Ken.D.Dowden@oregon.gov](mailto:Ken.D.Dowden@oregon.gov) | (541) 278-5456



From: DOWDEN Ken D \* WRD  
Sent: Friday, August 03, 2018 9:43 AM  
To: JOHNSTONE Jake D \* WRD  
Subject: Guess what? (affected WR holders...)

Jake, yeap, you guessed it, I'm working on another "Historic POD" transfer in your District.

➤ T-12838 (Michael Dawson/ROGUE RIVER)

To that end, pursuant to 690-380-2120(3), the Department must determine whether there are any **"affected water right holders"** that may occur as a result of us approving this Historic POD transfer for such a change on these two water rights.

Could you please provide me with a list (if any) of any affected water rights and landowners if possible so that I can get going on the required noticing?

### **HISTORIC POD transfer processes involving the Watermaster**

1. Application must contain evidence that there has been no claim of injury prior to the request for the change in point of diversion. The evidence shall include a statement from the local Watermaster. Based upon the Watermaster's knowledge and Department records, he/she must complete the agency form stating that no complaint of injury has been made or registered with the Department due to the use of water at the actual current (unauthorized) point of diversion. **DONE.**
2. The individual shall request **(transfer specialist actually requests from the Watermaster)** from the department a list of affected water rights. This request shall include, but not limited to:
  - a. any water right with an intervening point of diversion **(Certs# 88803 and 88804??)**
  - b. any water right for use of stored water delivered upstream to a downstream user.;
  - c. any water right upstream from a significant inflow of water if the request moves the proposed point diversion upstream, above the inflow from the authorized point of diversion;
  - d. any water right downstream from a significant inflow of water if the request moves the proposed point of diversion downstream, below the inflow, from the authorized point of diversion

Please provide any information on tax lots and appurtenant ownership of all or portions of any water right if it appears **(IF ANY)** there are any affected water right holders.

- 1) Water right Certificate# \_\_\_\_\_
- 2) Water right Certificate# \_\_\_\_\_

**OR,** THERE ARE NO "AFFECTED WATER RIGHTS" that were found....

Thanks.

Ken Dowden | NRS II  
Oregon Water Resources Department  
North Central Region, Field Services Division



Transfer Application #

T-13046

*10*

## **ORIGINALS**

- 1) Transfer Application
- 2) Transfer Map
- 3) Evidence of Use affidavit and accompanying proof
- 4) Land Use Information Form
- 5) Notarized Landowner Consent Affidavit
- 6) Form "D" from Irrigation District
- 7) Other Supporting Documentation
- 8) Acknowledgment letter sent out to applicant
- 9) Receipt

*cc: ODFW*

*GW section*





State of Oregon  
Water Resources Department  
725 Summer Street NE, Suite A  
Salem, Oregon 97301-1266  
(503) 986-0900

Application for  
**Historic Change in Point of  
Diversion/Appropriation**  
Part 1 of 5 – Minimum Requirements Checklist

**This historic change in point of diversion/appropriation application will be returned if  
Parts 1 through 5 and all required attachments are not completed and included.**

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

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

RECEIVED

OCT 17 2018



Part 1 – Completed Minimum Requirements Checklist.



Part 2 – Completed Application Map Checklist.

OWRD



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). If you have questions, call Customer Service at (503) 986-0801.



Part 4 – Completed Applicant Information and Signature.



Part 5 – Information about the Transferred Water Rights: **How many water rights are to be transferred? 1 List them here: 57729**  
Please include a separate Part 5 for each water right. (See instructions on page 5)

**Attachments:**



Completed Application Map (Does not have to be prepared by a Certified Water Right Examiner).



Completed Evidence of Use Affidavit and supporting documentation showing that water has been used on the land for five years prior to transfer filing AND diverted at the actual, current point of diversion/appropriation for more than 10 years.



Statement from the local Watermaster, based upon the Watermaster's knowledge and Department records, that no complaint of injury has been made due to the use of water at the actual, current point of diversion/appropriation.



Land Use Information Form with approval and signature (or signed land use form receipt stub).



☒ N/A

Affidavit(s) of Consent from Landowner (if the applicant does not own the land the water right is on.)



☒ N/A

Water Well Report/Well Log for changes in point(s) of appropriation (well(s)) or additional point(s) of appropriation.

(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: \_\_\_\_\_ 503-986-0\_\_\_\_\_

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

## Part 2 of 5 – Historic Change in Point of Diversion/Appropriation Application Map Checklist

**Your historic change in point of diversion/appropriation application will be returned if any of the map requirements listed below are not met.**

**Please be sure that the historic change in point of diversion/appropriation 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 white or clear paper or film.
- ☒ The size of the map can be 8½ x 11 inches, 8½ x 14 inches, or up to 30 x 30 inches. For 30 x 30 inch maps, three (3) paper copies and an electronic copy in a .pdf, .tiff or .jpg format are 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) and county tax lot numbers are required.
- ☒ 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.
- ☒ Authorized 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.
- ☒ Actual, current point of diversion/appropriation. Show the 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°).
- ☒ 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 If for more than one actual, current point of diversion/appropriation, separate hachuring is needed for each place of use served by each point of diversion/appropriation, including the 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.



### Part 3 of 5 — Fee Worksheet

FEE WORKSHEET for HISTORIC POD/POA TRANSFER			
1	Base Fee (includes Historic POD change to one water right for up to 1 cfs)	1	\$1,160
	Number of water rights included in transfer _____ (2a) Subtract 1 from the number in 2a above: _____ (2b) <i>If only one water right this will be 0</i>		
2	Multiply line 2b by \$520 and enter » » » » » » » » » » » » » » »	2	
	Do you propose to change a well, or change from a surface water POD to a well? <input type="checkbox"/> No: enter 0 » <input type="checkbox"/> Yes: enter \$410 »		
3		3	
4	Add entries on lines 1 through 3 above » » » » » » » » <b>Transfer Fee:</b>	<b>4</b>	

☐ Check this box if this project is fully or partially funded by the American Recovery and Reinvestment Act. (Federal stimulus dollars)

## Part 4 of 5 – Applicant Information and Signature

## Applicant Information

Note: Applicant must be an **INDIVIDUAL**, as defined by OAR 690-380-2120, that is “a natural person and does not include a government body, organization, business enterprise, or other such entity.”

APPLICANT/BUSINESS NAME <b>C. Tod Ogletree</b>			PHONE NO. <b>541 515-4457</b>	ADDITIONAL CONTACT NO.
ADDRESS <b>RR1 Box 61</b>				FAX NO.
CITY <b>Tyrone</b>	STATE <b>OK</b>	ZIP <b>73951</b>	E-MAIL	
<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>Rick Ogletree</b>			PHONE NO. <b>541 515-4457</b>	ADDITIONAL CONTACT NO.
ADDRESS <b>6429 Lakeshore Drive</b>				FAX NO.
CITY <b>Selma</b>	STATE <b>OR</b>	ZIP <b>97538</b>	E-MAIL <b>rick.ogletree@yahoo.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>				

By signing this application, I understand that prior to Department approval of the historic change in point of diversion/appropriation, I will be required to provide landownership information and evidence that I am authorized to pursue the change as identified in OAR 690-380-4010(5).

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

Applicant Signature

Applicant Signature

C Todd Ogletree  
Print Name (and Title if applicable)

Print Name (and Title if applicable)

10-8-18  
Date

Date \_\_\_\_\_

Applicant Signature

---

Print Name (and Title if applicable)

Date \_\_\_\_\_

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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.*

***At this time, are the lands in this 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:

<http://www.oregon.gov/owrd/docs/transfer-propertytransactions.pdf>

RECEIVING LANDOWNER NAME			PHONE NO.	ADDITIONAL CONTACT NO.
ADDRESS				FAX NO.
CITY	STATE	ZIP	E-MAIL	

Describe any special ownership circumstances here: \_\_\_\_\_

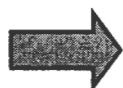
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☐ Check here if water for any of the rights supplied under a water service agreement or other contract for stored water with a federal agency or other entity.

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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 or used.

ENTITY NAME JOSEPHINE COUNTY PLANNING	ADDRESS 700 NW DIMMICK STREET, STE C	
CITY GRANTS PASS	STATE OR	ZIP 97526

ENTITY NAME	ADDRESS	
CITY	STATE	ZIP

Explain in your own words what you propose to accomplish with this transfer application; and why:  
TO AUTHORIZE DIVERSION THAT HAS BEEN IN EXISTANCE 25 YEARS

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



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## INSTRUCTIONS for editing the Application Form

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

### Microsoft Word 2003

Unlock the document by one of the following:

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

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

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

### Microsoft Word 2007

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

### Microsoft Word 2010

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

### Other Alternatives:

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

Once the application has been unlocked, you may:

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

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

## Part 5 of 5 – Water Right Information

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

**CERTIFICATE # 57729**

### Description of Water Delivery System

System capacity: \_\_\_\_\_ cubic feet per second (cfs) **OR**  
180+ 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. 10 HP centrifugal pump with 6 inch mainline with risers. Hand lines with impulse sprinklers and one irrigation gun. Hoses with sprinklers used around house

**Table 1. Location of Authorized and Current 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 the Current POD/POA that has been used for more than 10 years?	If POA, OWRD Well Log ID# (or Well ID Tag # 1-____)	Twp	Rng	Sec	¼	¼	Tax Lot, DLC or Gov't Lot	Measured Distances (from a recognized survey corner)
1	<input checked="" type="checkbox"/> Authorized <input type="checkbox"/> Current		38 S	7 W	14	SW	NW		1100 feet North & 600 feet East from the West ¼ Corner Section 14
2	<input type="checkbox"/> Authorized <input checked="" type="checkbox"/> Current		38 S	7 W	15	SE	NE		945 feet North & 935 feet West from the West ¼ Corner Section 14
	<input type="checkbox"/> Authorized <input type="checkbox"/> Current								
	<input type="checkbox"/> Authorized <input type="checkbox"/> Current								

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

- ☒ Point of Diversion (POD)
 ☐ Additional Point of Diversion (APOD)  
☐ Point of Appropriation/Well (POA)
 ☐ Additional Point of Appropriation (APOA)

**Will the historic change in point of diversion/appropriation affect the entire water right?**

- ☐ Yes Complete only the proposed section of Table 2 on the next page.  
☒ No Complete all of Table 2 to describe the portion of the water right to be changed.

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Please use and attach additional pages of Table 2 as needed. Do you have questions about how to fill-out the tables? See page 5 for instructions, or contact the Department at 503-986-0900 and ask for Transfer Staff.

**Table 2. Description of Changes to Water Right Certificate # 57729**

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

Authorized ("from" lands) as they appear before the changes											Proposed Change (POD, POA, APOD, or APOA)	Current (in use for more than ten years) POD(s)/POA(s) to be used (from Table 1)	Priority Date
Twp	Rng		Sec	¼ ¼		Tax Lot	Gvt Lot or DLC	Acres (if applicable)	POD(s) or POA(s) (name or number from Table 1)				
2	S	9	E	15	NE	NW	100		15.0	POD #1 POD #2	POD	POD #5	1897
"	"	"	"	"	"	"	"	"	EXAMPLE	"	"	"	"
38	S	7	W	15	SW	NE	402		4.1	POD 1	POD	2	1886
38	S	7	W	15	SE	NE	402		2.6	POD 1	POD	2	1886

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

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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 current 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/](http://apps.wrd.state.or.us/apps/gw/well_log/))

**OR**

- ☐ Describe the construction of the authorized and current well(s) in Table 3 for any wells that do not have a well log.

**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 adequate information is likely to delay the processing of your transfer application.

Current or Authorized POA Name or Number	OWRD Well ID Tag No. L- (if available)	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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STATE OF OREGON  
COUNTY OF JOSEPHINE  
CERTIFICATE OF WATER RIGHT

THIS IS TO CERTIFY, that HOWARD BARBER, of 6429 LAKESHORE DRIVE, SELMA, OREGON 97538, has a right to the use of waters of DEER CREEK, a tributary of ILLINOIS RIVER, for the purpose of IRRIGATING OF 32.1 ACRES.

The right has been confirmed by decree of the Circuit Court of the State of Oregon for JOSEPHINE County. The decree is of record at Salem, in the Order Record of the WATER RESOURCES DIRECTOR, in Volume 13, at page 70. The date of priority is MAY 15, 1886.

The right is limited to not more than 0.64 CUBIC FOOT PER SECOND, IF AVAILABLE AT THE ORIGINAL POINT OF DIVERSION, SW 1/4 NW 1/4, SECTION 14, T 38 S, R 7 W, W.M.; HARMON DITCH - 1130 FEET NORTH & 1150 FEET EAST FROM W1/4 CORNER SECTION 14.

The point of diversion is located as follows:

SW 1/4 NW 1/4, SECTION 14, T 38 S, R 7 W, W.M.;  
1100 FEET NORTH & 600 FEET EAST FROM W1/4 CORNER SECTION 14.

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-FIFTIETH of one cubic foot per second per acre for each irrigated during the irrigation season FROM APRIL 1 TO NOVEMBER 1 of each year.

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

SW 1/4 NW 1/4      0.8 ACRES  
SECTION 14  
  
SW 1/4 NE 1/4      14.8 ACRES  
SE 1/4 NE 1/4      16.5 ACRES  
SECTION 15  
TOWNSHIP 38 SOUTH, RANGE 7 WEST, W.M.

This certificate is issued to confirm a change in POINT OF DIVERSION approved by an order of the Water Resources Director entered OCTOBER 10, 1977, and together with certificate 44966, supersedes certificate 13871, State Record of Water Right Certificates.

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 shall be subject to all other conditions and limitations contained in said decree.

WITNESS the signature of the Water Resources Director,  
affixed this date SEPTEMBER 27, 1988.

/s/ WILLIAM H. YOUNG

Water Resources Director

Recorded in State Record of Water Right Certificates numbered 57729

T-3784

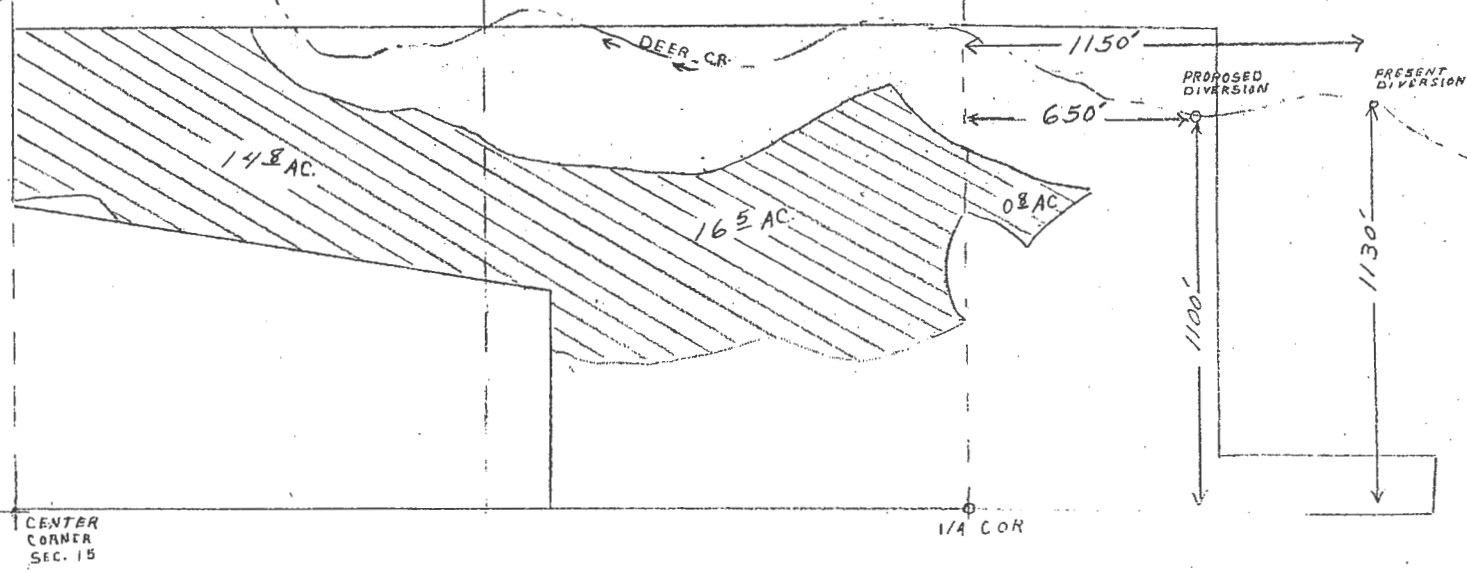
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SEP 28 1977  
WATER RESOURCES DEPT  
SALEM, OREGON

DRYDEN RD.

NORTHSIDE DEER CR. RD.

10 11  
15 14

TOWNSHIP 38 SOUTH  
RANGE 7 W., W. M.  
JOSEPHINE COUNTY  
SCALE: 1" = 400'



# Jordan Engineering

Structural-Civil-Geotech

460 Jordan Lane

Roseburg, OR 97471

541-673-1931

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

POD Transfer App for C-57729:  
Historic Transfer


October 13, 2018

Mr. Clark:

Inclosed are the Transfer Application map, Application for Transfer form, Property data/deed, Land Use Information form signed by Josephine County, Evidence of Use Affidavit notarized and signed with Google aerial photo, electrical application by neighbor for power drop, Watermaster statement for historic transfer, Affidavit for the Voluntary Cancellation of a portion of the water right and a check #1144 in the sum of \$1,160 made out to the Department.

If there are any questions please officially contact the applicant with a copy to me.

Respectfully,

A handwritten signature in black ink, appearing to read 'Clay Jordan', followed by a long horizontal line extending to the right.

Clay Jordan, P.E., S.E., Geotech, CWRE

cc: Mr. Ogletree

file: Ogletree - POD Transfer C-57729 WRDcl.wpd

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# Application for Water Right Transfer Evidence of Use Affidavit



Oregon Water Resources Department  
25 Summer Street NE, Suite A  
Seaside, Oregon 97138-1266  
(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 JOSEPHINE)

I, RICK OGLETREE, in my capacity as OCCUPANT OF PROPERTY,

mailing address 6429 LAKESHORE DRIVE, SELMA, OR 97538

telephone number (541)515-4457, 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	1/4	1/4	Gov't Lot or DLC	Acres (if applicable)
57729	38	S	7	W	WM	15	SW NE	4.1
57729	38	S	7	W	WM	15	SE NE	2.6

**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 # 57729 (For Historic POD/POA Transfers)

(continues on reverse side)

3. The water right was used for: (e.g., crops, pasture, etc.): MOSTLY PASTURE & GARDEN

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.

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C. Jacob Gletner  
Signature of Affiant Date 9-11-18

Signed and sworn to (or affirmed) before me this 11 day of Sept, 2018.

Charles Darin Payne  
NOTARY PUBLIC - State of Kansas Notary Public for Kansas  
CHARLES DARIN PAYNE  
My Appt. Exp. 8-20-21  
My Commission Expires: 8-20-21

Supporting Documents	Examples
Copy of a water right certificate that has been issued within the last five years. (not a remaining right certificate)	Copy of confirming water right certificate that shows issue date
Copies of receipts from sales of irrigated crops or for expenditures related to use of water	<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>
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>
Aerial photos containing sufficient detail to establish location and date of photograph  X	<p>Multiple photos can be submitted to resolve different areas of a water right. If the photograph does not print with a "date stamp" or without the source being identified, the date of the photograph and source should be added.</p> <p>Sources for aerial photos: OSU - <a href="http://www.oregonexplorer.info/imagery">www.oregonexplorer.info/imagery</a> OWRD - <a href="http://www.wrd.state.or.us">www.wrd.state.or.us</a> Google Earth - <a href="http://earth.google.com">earth.google.com</a> TerraServer - <a href="http://www.terra-server.com">www.terra-server.com</a></p>
Approved Lease establishing beneficial use within the last 5 years	Copy of instream lease or lease number

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JOSEPHINE COUNTY  
BUILDING SAFETY DEPARTMENT  
210 N.W. 4TH STREET  
PHONE: (541) 474-0400 TOLL FREE: 847-4-0400  
FAX: 474-0405

PERMIT NO. 5-285-01  
CONTROL NO.

**E**

# ELECTRICAL PERMIT APPLICATION

DESCRIPTION OF WORK: FAIRHAVEN POWER PLANT #2000 - JUNE DATE OF APPLICATION: 5-31-07  
BUILDING ADDRESS: 602 S. LAKEVIEW DR. SEASIDE, OR 97138 38-7-15-03-000 4.00  
DIRECTIONS: 199 S. LT. LAKEVIEW DR. ALONG 1.22 MILES CH. RT.  
OWNER NAME: ART OLSEN PHONE: 597-4932  
CONTRACTOR NAME: KEN LEBLANC ORA: ORE. ELIOT  
LICENSE NO: 19435 CODE: 2026 EXPIRATION: 10-1-06 PHONE: 597-4553

	Base	Options	Total	Units
(1) New Feed-in-Single or Multi-Family per dwelling unit.				
(A) 1000 sq. ft. or less		\$150.00		4
(B) Ex. additional 500 sq. ft.		\$4.00		
or per unit allowed				
Permittee & E.E. will be inspected with 100% compliance ONLY at no charge.				
Please mark all applicable items.				
(2) Services or Feeders — Installation, Alteration, or Relocation				
(A) 300 amps or less		75.00		2
(B) 301 amps to 400 amps		94.00		2
(C) 401 amps to 600 amps		136.00		2
(D) 601 amps to 1000 amps		204.00		2
(E) Over 1000 amps		488.00		2
(3) Temporary Services or Feeders — Installation, Alteration, or Relocation				
(A) 300 amps or less		65.00		2
(B) 301 amps to 400 amps		86.00		2
(C) 401 amps to 600 amps		126.00		2
(D) Over 600 amps or 1000 volts and 2" above				
(4) Industrial Branch Circuits — New, Alteration or Extension Per Panel				
(A) Branch circuit with installation of service or feeder		4.00		
(B) Branch circuit without installation of service or feeder				
First branch circuit		54.00		2
Ex. Additional circuit		4.00		

Items in Section 5 & 6 are subject to 2 additional inspections.

	Base
(5) Limited Energy System	
(A) Alarm	
(B) Audio	
(C) Remote Control or VMC	
(D) Computer	
(E) Video	
(F) Phone	
(G) Control Ventilation	
(6) Other Exterior Systems (Services or Feeders Not Included)	
(A) Pump (Still or In-ground)	
(B) Sump	
(C) Power Application	
(D) Sign or motion lighting	
(E) Pool Heating	
Total of items above	63.00
Total Fee Items 5 & 6	63.00

(7) Ex. additional inspection over the amount in 5 & 6

PERMIT FEE 63.00  
8% State Surcharge 5.04  
Plan Review: 20%  
of permit fee 12.60  
TOTAL 80.64

Verify that all electric work will be done in accordance with applicable provisions of the National Electrical Code, applicable Oregon Administrative Rules and the Oregon State Electrical Specialty Code.

Permit expires if work is not started within 180 days or if work is interrupted for 180 days. Limited exceptions may be available please inquire before expiration.

Investigation is being made on property / unit which is not licensed for sale, lease or rent.

Notice: It is the responsibility of the permittee to call for inspection.

SERVICE: 5-9-08  
TRENCH:   
FEEDER:   
POUR:   
FINAL:

Art Olsen  
Signature of building applicant

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5-31-07  
Date

aw  
Issued By

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# Application for Water Right Historic POD/POA Transfer Watermaster Statement



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

I, JAKE JOHNSTONE, Watermaster of District 14,

state that to my knowledge, there has been no claim of injury due to use of an historic point of  
diversion/appropriation for Certificate 57729

from Deer Creek located as follows:  
(source)

☒ By Township, Range Section and distances from a Survey Corner:

Twp	Rng	Mer	Sec	Q-Q	DLC	GLot	Measured Distances
38S	7W	W.M.	15	SENE			945 feet North & 935 feet West from the West 1/4 corner of section 14

OR

☐ by GPS coordinates: Latitude: \_\_\_\_\_ Longitude: \_\_\_\_\_

OR

☒ as shown on the attached map.

  
Signature

7/17/18  
Date

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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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AUG 06 2018

JO CO - PLANNING

## NOTE TO APPLICANTS

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

### This form is NOT required if:

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

## NOTE TO LOCAL GOVERNMENTS

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

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# Land Use Information Form



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

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AUG 06 2018

Applicant(s): C. Todd Ogletree

Mailing Address: 6429 Lakeshore Drive

JO CO - PLANNING

City: Selma

State: OR

Zip Code: 97538

Daytime Phone: 541 515-4457

## 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>38S</u>	<u>7W</u>	<u>15</u>	<u>SWNE</u>	<u>402</u>	_____	<input type="checkbox"/> Diverted	<input checked="" type="checkbox"/> Conveyed	<input checked="" type="checkbox"/> Used	<u>FARM</u>
<u>38S</u>	<u>7W</u>	<u>15</u>	<u>SENE</u>	<u>402/400</u>	_____	<input checked="" type="checkbox"/> Diverted	<input checked="" type="checkbox"/> Conveyed	<input checked="" type="checkbox"/> Used	<u>FARM</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	_____

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

JOSEPHINE

## 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) DEER CREEK

Estimated quantity of water needed: 0.2    ☒ 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:

Change diversion point downstream to historic point of diversion

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

See bottom of Page 3. →

# For Local Government Use Only

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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.

JO CO PLANNING

## 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): Section 65.020.B.14 - Other Outright Uses  
14.- water intake facilities, canals and distribution lines for farm irrigation and ponds.
- ☐ Land uses to be served by the proposed water uses (including proposed construction) involve discretionary land-use approvals as listed in the table below. (Please attach documentation of applicable land-use approvals which have already been obtained. Record of Action/land-use decision and accompanying findings are sufficient.) **If approvals have been obtained but all appeal periods have not ended, check "Being pursued."**

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

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

Name: Banya Aboras Title: Planner II  
 Signature: Banya Aboras Phone: 541-474-5427 Date: 8/16/18  
 Government Entity: Josephine

**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: C. Todd Ogletree  
 City or County: Josephine County Staff contact: Banya Aboras  
 Signature: Banya Aboras Phone: 541-474-5427 Date: 8/16/18

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470314037031

RECORDING REQUESTED BY:  
Ticor Title Company of Oregon  
744 NE 7th St  
Grants Pass, OR 97526

GRANTOR:  
Edwin A. Barry, an estate in fee simple  
107 2nd St NE  
Washington, DC 20002

GRANTEE:  
C. Todd Ogletree, an estate in fee simple  
RR 1 Box 61  
Tyrone, OK 73951

SEND TAX STATEMENTS TO:  
C. Todd Ogletree  
RR1 Box 61  
Tyrone, OK 73951

AFTER RECORDING RETURN TO:  
C. Todd Ogletree  
RR1 Box 61  
Tyrone, OK 73951

Escrow No: 470314037031-TTJA26  
380715 402 / R327251

6429 Lake Shore Drive  
Selma, OR 97538

JOSEPHINE COUNTY OFFICIAL RECORDS	
ART HARVEY, COUNTY CLERK	<b>2015-000393</b>
DED-WRD	01/13/2015 09:15 AM
Cnt=1 Pgs=2 Stn=2 JEDWARDS	
\$10.00 \$11.00 \$10.00 \$20.00 \$5.00	<b>\$56.00</b>
I, Art Harvey, County Clerk, certify that the within document was received and duly recorded in the official records of Josephine County.	

SPACE ABOVE THIS LINE FOR RECORDER'S USE

### STATUTORY WARRANTY DEED

Edwin A. Barry, an estate in fee simple, Grantor, conveys and warrants to C. Todd Ogletree, an estate in fee simple, Grantee, the following described real property, free and clear of encumbrances except as specifically set forth below, situated in the County of Josephine, State of Oregon:

Parcel 1 of PARTITION PLAT NO. 1996-088, Josephine County, Oregon.

THE TRUE AND ACTUAL CONSIDERATION FOR THIS CONVEYANCE IS \$220,000.00. (See ORS 93.030)

#### Subject to and excepting:

Current taxes, assessments, reservations in patents, and all agreements, easements, right-of-way, encumbrances, liens, setback lines, reservations, powers of special districts, covenants, conditions and restrictions as may appear of record.

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.

470314037031-TTJA26  
Deed (Warranty-Statutory)

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DATED: 1/9/15

Edwin A. Barry  
Edwin A. Barry

STATE of District of Columbia  
COUNTY of City of Washington

This instrument was acknowledged before me on January 9, 2015

by Edwin A. Barry

Rosa M. Green, Notary Public - State of District of Columbia  
My commission expires: \_\_\_\_\_

Parcel 1 of PARTITION PLAT NO. 1996-088, Josephine County, Oregon.

ROSA M. GREEN  
NOTARY PUBLIC DISTRICT OF COLUMBIA  
My Commission Expires September 30, 2019



470314037031-TTJA26  
Deed (Warranty-Statutory)

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2

## \* - - Property Data Selection Menu - -

Owner: OGLETREE, C TODD  
Prop ID : R327251 (Real Estate) (127227) RR1 BOX 61  
Map Tax Lot: 38-07-15-00-000402-00 TYRONE, OK 73951  
Legal : P.P. 1996-88, PARCEL 1, ACRES 5.00,  
DISQ; POTENT ADD'L TAX LIAB

Situs : 6429 LAKE SHORE DR Year Built : 1981  
SELMA, OR 97538 Living Area: 2215

Name(s) :  
Area : 04,05

Sale Info : 01/13/15 \$220,000

Deed Type : WD

Instrument: 15-000393

2017 Tax Status \* No Taxes Due \*

Current Levied Taxes : 1,995.67

Special Assessments : 86.83

## 2017 Roll Values

RMV Land	\$	107,360	(+)
RMV Improvements	\$	256,300	(+)
RMV Total	\$	363,660	(=)
Total Exemptions	\$	0	
M5 Net Value	\$	363,660	
M50 Assd Value	\$	208,950	

(AD) Alt Disp  
(O)wnership

(Y) primary  
(H)istory

(L)and/Impr  
(W) Spec Assmt

(G)en Appr  
(.) More

Enter Option from Above or <RET> to Exit: \_\_

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\* - - Property Data Selection Menu - -  
Owner: OGLETREE, C TODD  
Prop ID : R3272512 (Real Estate) (127227) RR1 BOX 61  
Map Tax Lot: 38-07-15-00-000402-00 TYRONE, OK 73951  
Legal : P.P. 1996-88, PARCEL 1, ACRES  
12.80, DISQ; POTENT ADD'L TAX LIAB

---

Situs : 6429 LAKE SHORE DR Year Built :  
SELMA, OR 97538 Living Area:  
Name(s) :  
Area : 05,04  
Sale Info : 01/13/15 \$220,000 2017 Roll Values  
Deed Type : WD RMV Land \$ 55,440 (+)  
Instrument: 15-000393 RMV Improvements \$ 0 (+)  
2017 Tax Status \* No Taxes Due \* RMV Total \$ 55,440 (=)  
Current Levied Taxes : 161.50 Total Exemptions \$ 0  
Special Assessments : M5 Net Value \$ 55,440  
M50 Assd Value \$ 23,220

---

(AD) Alt Disp	(Y) primary	(L) and/Impr	(G) en Appr
(O)wnership	(H)istory	(W) Spec Assmt	(.) More

---

Enter Option from Above or <RET> to Exit: \_\_

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OCT 17 2018  
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# Oregon

Kate Brown, 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)

October 22, 2018

C TOD OGLETREE  
RR1 BOX 61  
TYRONE, OK 73951

Reference: Application T- 13046

On October 17, 2018, we received your water right Transfer application. The application was accompanied by \$1160.00. Our receipt number 128231 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, and a review form is also being sent to Oregon Department of Fish and Wildlife, to see whether a fish screen may be required.

Your application will be examined to determine whether additional information is needed. We will notify you if further information or corrections to the application or map are required.

If the land is sold before the transfer is approved, the buyer's consent to the transfer 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) 986-0815.

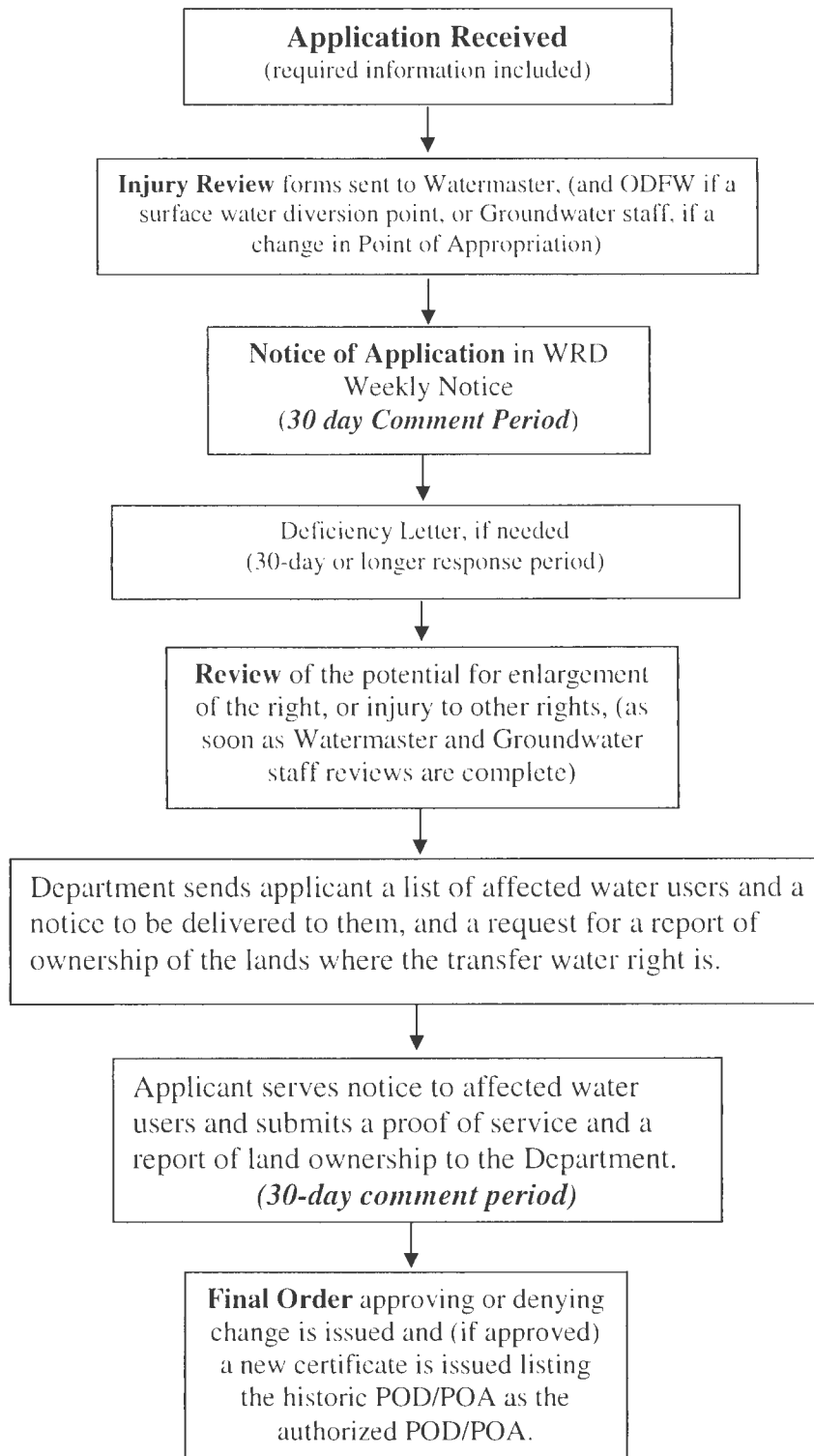
Cc: Watermaster Dist. #14 (via email)  
Rick Ogletree, Agent  
Josephine County

Enclosure

## Historic Point of Diversion Transfer Process

OAR 690 Division 380

**Changes:** POD/POA to a point that has been in use for 10 years or more



# Historic Change in POD/POA Water Right Transfer Application

## Checklist

Checked by Sarah

Date 10/18/18

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

- ☒ 1. Page 1 of application: Are all attachments that have been checked actually included? yes  
If not, what is missing? N/A
- ☒ 2. Are fees included and correct? Yes \$1160  
If not, the correct fee would be: N/A, so the amount missing is: N/A
- ☒ 3. Page 3 of application: Have all the applicants listed at the top of the page signed at the bottom? yes  
If not, whose signature is missing? N/A
- ☒ 4. Are all listed certificates or permits shown by WRIS as non-cancelled? yes  
If not, which are cancelled? N/A  
For each cancelled certificate, if there has been a remaining right certificate issued that covers the lands in the left side of Table 2, list its number N/A and check the #4 box at left on this checklist.
- ☒ 5. If any certificate is in the name of a "district", is a Supplemental Form D from that district enclosed?  
☒ N/A ☐ Form D needed from N/A (district)
6. If all #1-#5 boxes on this checklist are checked, accept the application and assign it a numbered transfer folder. Put this check sheet in the transfer folder. If #1, #2, #3, #4 or #5 on this checklist is deficient, the application cannot be accepted. It should be returned and the **deficiencies listed in the "staff" section at the bottom of Application Page 1**, unless the applicant or agent can resolve the deficiencies within 2-3 days.



**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 # **128231**

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

RECEIVED FROM:

BY:

CASH:

CHECK #

OTHER: (IDENTIFY)

APPLICATION

PERMIT

TRANSFER

TOTAL REC'D

\$ 1,160.00

**1083 TREASURY 4170 WRD MISC CASH ACCT**

0407 COPIES

\$

OTHER: (IDENTIFY)

\$

0243 I/S Lease

0244 Muni Water Mgmt. Plan

0245 Cons. Water

**4270 WRD OPERATING ACCT**

**MISCELLANEOUS**

0407 COPY & TAPE FEES

\$

0410 RESEARCH FEES

\$

0408 MISC REVENUE: (IDENTIFY)

\$

TC162 DEPOSIT LIAB. (IDENTIFY)

\$

0240 EXTENSION OF TIME

\$

**WATER RIGHTS:**

0201 SURFACE WATER

**EXAM FEE**

\$

0202

\$

0203 GROUND WATER

\$

0204

\$

0205 TRANSFER

\$ 1,160.00

**WELL CONSTRUCTION**

**EXAM 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: **128231**

DATED: 10-17-18 BY: J. Piles