

T-10196

T-10196

TEMP

Name ROSS E. and Jacquelyn A. Fritz

By \_\_\_\_\_

Address 45862 Anthony Lakes Highway

North Powder, OR 97867

541 856-3475 Cell 541-379-5137

Change in POU

Date filed 6-8-2006

Date of hearing \_\_\_\_\_

Place of hearing \_\_\_\_\_

Date of order July 31, 2006 Vol. 69, page 251

Date for application of water \_\_\_\_\_

Proof mailed \_\_\_\_\_

Proof received \_\_\_\_\_

Certificate issued \_\_\_\_\_ Vol. \_\_\_\_\_, page \_\_\_\_\_

#### DESCRIPTION OF WATER RIGHT

Name of stream North Powder River

Trib. of Powder River County of Baker

Use I\*

Quantity of water \_\_\_\_\_ No. of acres \_\_\_\_\_

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

Date of priority \_\_\_\_\_

In name of W.R. Hutchinson

\_\_\_\_\_ Adjudication, Vol. \_\_\_\_\_, page \_\_\_\_\_

App. No. \_\_\_\_\_ Per. No. North Powder R. Cert. No. 1470

Certificate cancelled \_\_\_\_\_

Notation made on record by \_\_\_\_\_

#### FEES PAID

Date	Amount	Receipt No.
<u>6-8-06</u>	<u>193.00</u>	<u>81964</u>
TOTAL . . .		
	Cert. Fee	

#### FEES REFUNDED

Date	Amount	Check No.

#### REMARKS

EWRE: Thomas J. Hanley



May 23, 2006  
APPLICATION completion  
ASSISTED By Tom  
LUDOLPH, DEPT. OF JUSTICE  
DIST. 8.

A

IPN 6/27/06





# Oregon

Theodore R. Kulongoski, Governor

## Water Resources Department

North Mall Office Building  
725 Summer Street NE, Suite A  
Salem, OR 97301-1266  
503-986-0900  
FAX 503-986-0904

June 27, 2006

JACQUELYN A FRITZ  
ROSS E FRITZ  
48862 ANTHONY LAKES HIGHWAY  
NORTH POWDER OR 97867

Reference: Temporary Transfer 10196

On June 8, 2006 we received your water right transfer application requesting place of use change for use of water from NORTH POWDER RIVER, tributary to POWDER RIVER. The application was accompanied by \$193. Our receipt 81964 is enclosed.

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

OAR 690-15-310 prohibits the temporary transfer from taking effect if water has been used on any existing proposed lands involved in the temporary transfer during the season of use. The season of use may be an irrigation season. If the land is sold before the transfer is approved, you will need to obtain consent from the buyer to complete the transfer.

We will notify you if additional information or corrections to the application or map are required.

If you have any questions, please call the Transfer Section, (503)986-0900.

cc: Watermaster #8  
Nadine Craft, Oregon Department of Fish & Wildlife  
Thomas Hanley, CWRE

enclosure

10196-rec-notice.txt

County: BAKER  
Transfer: 10196  
Water Right: 1470  
Priority Date: 1871,1883,1899,1873,1888,1903,1879  
Name: ROSS E AND JACQUELYN A FRITZ  
Address: 48862 ANTHONY LAKES HIGHWAY; NORTH POWDER OR 97867  
Change: POU  
Source: NORTH POWDER RIVER  
Authorized POU: T7S R38E 2  
Proposed POU: T7S R38E 2

PUBLIC NOTICED FOR 06/27/2006





Oregon Water Resources Department  
725 Summer Street NE, Suite A  
Salem, Oregon 97301-1271  
(503) 986-0900  
www.wrd.state.or.us

# Application for Water Right Transfer

Please type or print legibly in dark ink. If your application is incomplete or inaccurate, we will return it to you. If any requested information does not apply to your application, insert "n/a". Please read and refer to the instructions when completing your application. A summary of review criteria and procedures that are generally applicable to these applications is available at [www.wrd.state.or.us/publication/reports/index.shtml](http://www.wrd.state.or.us/publication/reports/index.shtml).

## APPLICATION FOR:

Please check one		
<input checked="" type="checkbox"/> Water Right Transfer	<input checked="" type="checkbox"/> Temporary Transfer (number of years <u>5</u> )	<input type="checkbox"/> Drought Transfer
<input type="checkbox"/> Historic Change in POD	<input type="checkbox"/> Permit Amendment	<input type="checkbox"/> Point of Diversion Change Due to Government Action
<input type="checkbox"/> To Instream Use		
<input checked="" type="checkbox"/> Other Transfer		

## 1. APPLICANT INFORMATION

Name: Ross E. and Jacquelyn A. Fritz

Address: 48862 Anthony Lakes Highway  
North Powder, OR 97867

Phone: 541-856-3475 City 541-379-5137 State      Zip     

\*Fax: N/A Home      Work      Other       
\*E-Mail address: jaro@eoni.com

\*Optional information

## 2. AGENT INFORMATION

(The agent listed is authorized to represent the applicant in all matters relating to this transfer application)

Name: N/A

Address:     

Phone:      City      State      Zip     

\*Fax:      Home      Work      Other       
\*E-Mail address:     

\*Optional information

T 10196

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JUN 08 2006

WATER RESOURCES DEPT FSD  
SALEM, OREGON



### 3. TYPE OF CHANGE PROPOSED

Please check all that apply

Point of Diversion or Appropriation	Place of Use	Character of Use (n/a for Permit Amendments)
<input type="checkbox"/> Change (The old point of diversion or appropriation will <b>not</b> be used for the portion of the water right affected by the transfer.) <input type="checkbox"/> Additional (Both the old and new points of diversion or appropriation will be used for the portion of the water right affected by the transfer.) <input type="checkbox"/> Historic Point of Diversion (Unauthorized point of diversion used for more than 10 years.) <input type="checkbox"/> Surface Water to Ground Water (A new point of appropriation will be used <b>instead of</b> the old point of diversion and not as an additional point of appropriation.)	<input checked="" type="checkbox"/> All, or a portion, of the right will be exercised at a different location than currently authorized. (Use of water at the current location will be discontinued.) <input type="checkbox"/> Exchange (Water from another source will be used in exchange for supplying an equal amount of replacement water to that source.)	Proposed new use: <input type="checkbox"/> Irrigation <input type="checkbox"/> Municipal <input type="checkbox"/> Quasi-municipal <input type="checkbox"/> Commercial <input type="checkbox"/> Industrial <input type="checkbox"/> Instream (complete <b>Supplemental Form B</b> ) <input type="checkbox"/> Domestic (indicate number of households) _____ <input type="checkbox"/> Other _____  <input type="checkbox"/> Substitution (A supplemental ground water right will be substituted for a primary surface water right.)

Reason for changes: I am changing the use of my land and putting portions in to a conservation program which does not require irrigation.

Describe the **current** water delivery system. Include information on the pumps, canals, pipelines and sprinklers used to divert, convey and apply the water at the authorized place of use.

*The description must be sufficient to demonstrate that the full quantity of water to be transferred can be conveyed from the authorized source and applied at the authorized location and that the applicant is ready, willing, and able to exercise the right. (Not applicable to applications for Permit Amendments.)*

There is a pressurized mainline from the ditch source to my land. There is a 10" to 8" lateral that serves several hand lines and wheel lines on my land.

System capacity:   4   cubic feet per second (cfs)

*Attach one or more Evidence of Use Affidavits (Supplemental Form A) demonstrating that each of the right(s) involved in the transfer have been exercised in the last five years or that a presumption of forfeiture for non-use could be rebutted. (Not applicable to applications for Permit Amendments.)*



#### 4. CURRENT WATER RIGHT INFORMATION

*A separate page providing the information in this section must be completed for each certificate, permit, decree, or other right involved in the proposed transfer.*

Water Right Subject to Transfer (check and complete one of the following):

<input checked="" type="checkbox"/> Certificated Right	<u>1470</u> Certificate Number	<u>North Powder River</u> Permit Number or Decree Name
<input type="checkbox"/> Adjudicated, Un-certificated Right	<u></u> Name of Decree	<u></u> Page Number
<input type="checkbox"/> Permit for which Proof has been Approved	<u></u> Permit Number	<u></u> Date Claim of Beneficial Use Submitted
<input type="checkbox"/> Transferred Right for which Proof has been Filed	<u></u> Previous Transfer Number	<u></u> Date Claim of Beneficial Use Submitted
<input type="checkbox"/> Permit for which an Amendment is Requested	<u></u> Permit Number	<u></u> Completion Date of Permit

Name on Permit, Certificate, or Decree: W. R. Huchinson

County: Baker

Authorized Use(s): Irrigation, Domestic and Stock

Are there multiple **Priority Dates** identified on the water right? ☒ Yes ☐ No

*If "Yes", any information provided on **Page 4** must identify which priority date is associated with each of the proposed points of diversion/appropriation and places of use. In addition, list those priority dates:* 1871, 1883, 1899

Source(s) of Water Listed on Right: North Powder River

Tributary to: Powder River

Are there other **Sources** listed on the water right? ☐ Yes ☒ No

*If "Yes", any information provided on **Page 4** must identify which source is associated with each of the proposed points of diversion/appropriation and proposed places of use. In addition, list those other sources:* N/A

Are there **Other Water Rights** or permits associated with this land? ☐ Yes ☒ No

*If "Yes", what are the Permit or Certificate Numbers?* N/A

*Pursuant to ORS 540.510, any right that is supplemental to a primary right proposed for transfer must be included in the transfer or be cancelled.*

Remarks: A pipeline project was constructed with the cooperation of the NRCS in an effort to conserve water and supply the water to this land with more consistency and eliminate power usage. The pipeline project created pressurized mainlines without pumps.

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SALEM, OREGON

Transfer Application/3

T 10196



Certificate Number or other identifying number from **Page 3**: 1470

*A separate page providing the following information must be completed for each certificate, permit, decree, or other right involved in the proposed transfer.*

Is the entire water right identified on **Page 3** affected by this transfer? ☐ Yes ☒ No

*If "Yes", the remainder of this page need not be completed.*

*If "No", the following information must be provided only for those points of diversion/appropriation and places of use that are involved in the transfer.*

*Government lot and donation land claim numbers must be included in the tables below only if the information is reflected on the existing water right.*

**Location of Existing Authorized Point(s) of Diversion or Appropriation to be Changed:**

Township		Range		Mer	Sec	¼ ¼ Section	Gov't Lot or DLC	Survey Coordinates (coordinates from a recognized survey corner)

**Location of Existing Authorized Place of Use to be Changed:**

[illegible]



## 5. PROPOSED CHANGES TO THE WATER RIGHT

*A separate page providing the information in this section must be completed for each certificate, permit, decree, or other right involved in the proposed transfer.*

Certificate Number or other identifying number from **Section 4**: 1470

### **Location of Proposed Point(s) of Diversion or Point(s) of Appropriation:**

Township	Range	Mer	Sec	1/4 1/4 Section	Gov't Lot or DLC	Survey Coordinates (coordinates from a recognized survey corner)

*Attach additional copies as necessary to describe locations of other proposed points of diversion or appropriation. Clearly mark each of the additional copies with the appropriate Certificate Number or other identifying number. Not applicable to applications for transfers to instream water rights.*

### **Location of Proposed Place of Use:**

Township	Range	Mer	Sec	1/4 1/4 Section	Gov't Lot or DLC	Acres (if applicable)
7	S	38	E	WM 2	SW NE	N/A 5.0
7	S	38	E	WM 2	SE NW	N/A 13.0

*Attach additional copies as necessary to describe locations of other proposed places of use. Clearly mark each of the additional copies with the appropriate Certificate Number or other identifying number. Not applicable to applications for transfers to instream water rights.*

Remarks: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

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**JUN 08 2006**

**WATER RESOURCES DEPT  
SALEM, OREGON**

*Transfer Application/5*

T 10196

## 6. AFFECTED DISTRICTS AND LOCAL GOVERNMENTS

Are any of the water rights proposed for transfer located within or served by an irrigation or other water district? ☒ Yes ☐ No

Will any of the water rights be located within or served by an irrigation or other water district after the proposed transfer? ☒ Yes ☐ No

Is water for any of the rights supplied under a water service agreement or other contract for stored water with a Federal agency? ☐ Yes ☒ No

*If "Yes", for any of the above, list the name and mailing address of the district and/or agency:*

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List the name and mailing address of all affected local governments (e.g., county, city, municipal corporation, and tribal governments within whose jurisdiction the rights are located).

Baker County, 1995 Third Street, Baker City, OR 97814

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## 7. LAND OWNERSHIP

Does the applicant own the lands **FROM** which the right is being transferred? ☒ Yes ☐ No

*If "No", provide the following information. For Temporary Transfers, also include a notarized statement granting consent to the transfer from each of the landowners:*

Names of Current Landowner(s): N/A

First

Last

Address: \_\_\_\_\_

City

State

Zip

Does the applicant own the lands **TO** which the right is being transferred? ☒ Yes ☐ No

*If "No", provide the following information:*

Names of Receiving Landowner(s): N/A

First

Last

Address: \_\_\_\_\_

City

State

Zip

Check one of the following:

- ☐ The receiving landowner will be responsible for completion of the proposed changes after the final order is issued. All notices and correspondence should be sent to this landowner.
- ☒ The applicant will remain responsible for completion of changes. Notices and correspondence should continue to be sent to the applicant and applicant's agent.



## 8. ATTACHMENTS

Check each of the following attachments included with this application. The application will be returned if all required attachments are not included.

### Form A – Evidence of Use Affidavits

- ☒ At least one Evidence of Use Affidavit documenting that the right has been used during the last five years or that the right is not subject to forfeiture under ORS 540.610 is attached. The affidavit provided must be the original, not a copy.

### Form B – Instream Water Right Transfer

- ☐ Required for instream transfers only.

### Map

- ☒ Permanent Water Right Transfer  
The map must be prepared by a Certified Water Right Examiner and meet the requirements of OAR 690-380-3100 unless a waiver has been granted. The map provided must be the original, not a copy.
- ☐ Permit Amendment, Temporary Transfer, or Other Application  
A map meeting the requirements of OAR 690-380-3100 must be included but need not be prepared by a Certified Water Right Examiner.

### Evidence of Lien Holder Notification

- ☐ Copies of the written notification of the proposed transfer provided by the applicant to each lien holder, unless the water right has been quit claimed.

### Recorded Deed

- ☒ Required for temporary transfers only.

### Land Use Information Form:

- ☒ Enclosed
- ☐ Not Required if all of the following are met:
- ① In EFU zone or irrigation district,
  - ② Change in place of use only,
  - ③ No structural changes needed, including diversion works, delivery facilities, other structures, and
  - ④ Irrigation only.

### Water Well Reports/Well Logs:

- ☐ The application is for a change in point of appropriation or change from surface water to ground water and copies of all water well reports are attached.
- ☐ Water well reports are not available and a description of construction details including well depth, static water level, and information necessary to establish the ground water body developed or proposed to be developed is attached.
- ☐ The application is for a surface water transfer and water well reports are not required.

### Fees:

- ☒ Amount enclosed: \$ 350.00  
See the Department's Fee Schedule at [www.wrd.state.or.us](http://www.wrd.state.or.us) or call (503) 986-0900.

## 9. SIGNATURES

I (we) understand that prior to approval of a permanent transfer and after issuance of a draft preliminary determination by the Department, I (we) must submit:

- (1) A report on ownership and lien information prepared by a title company within the last three months if required under OAR 690-380-3000(13), and
- (2) If I (we) are not the landowners, proof that the landowner or entity to which the water right has been quitclaimed consents to the transfer or that ownership information is not required.

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

Ross E. Fritz  
applicant signature

ROSS FRITZ  
name (print)

5/23/04  
date

\_\_\_\_\_  
applicant signature

\_\_\_\_\_  
name (print)

\_\_\_\_\_  
date

### Before submitting your application, be sure you have:

- Answered each question completely.
- Included the required attachments.
- Provided original signatures for all named deed holders or other parties with an interest in the right.
- Included a check payable to the Oregon Water Resources Department for the appropriate amount.

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T 10196

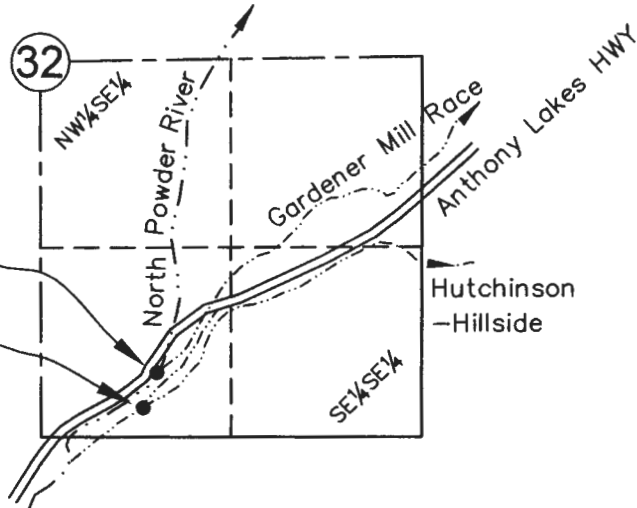
Transfer Application/7

JUN 08 2006  
WATER RESOURCES DEPT  
SALEM, OREGON

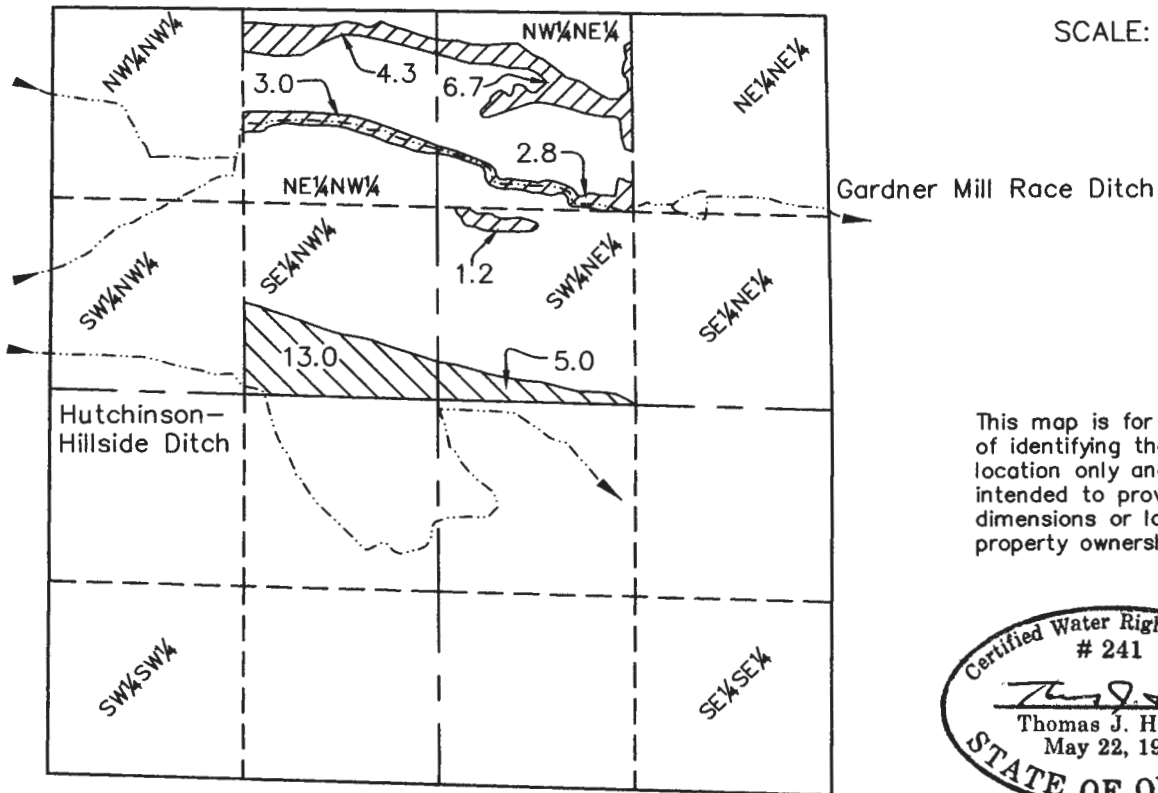
T. 6 S., R. 38 E., W.M.  
SECTION 32

Authorized Point of Diversion  
Gardener Mill Race Ditch  
Located 440' North & 1810' West  
from the SE Corner, Section 32.

Authorized Point of Diversion  
Hutchinson Hillside Ditch Located  
Approx. 200' North & 700' East  
from the S $\frac{1}{4}$  Corner, Section 32.

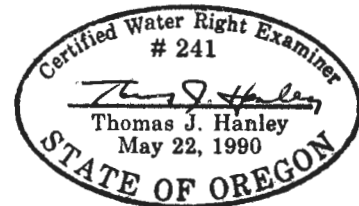




T. 7 S., R. 38 E., W.M.  
SECTION 2



SCALE: 1" = 1320'

This map is for the purpose  
of identifying the water right  
location only and is not  
intended to provide legal  
dimensions or location of  
property ownership lines.



-  Transfer "FROM" Lands
-  Transfer "TO" Lands

**Map to Accompany Application  
for Temporary Place of Use Transfer**

**In Name of  
Ross Fritz**

T 10196

**RECEIVED**

JUN 08 2006

**Reference: Special Order Vol. 7, 428 & 494**

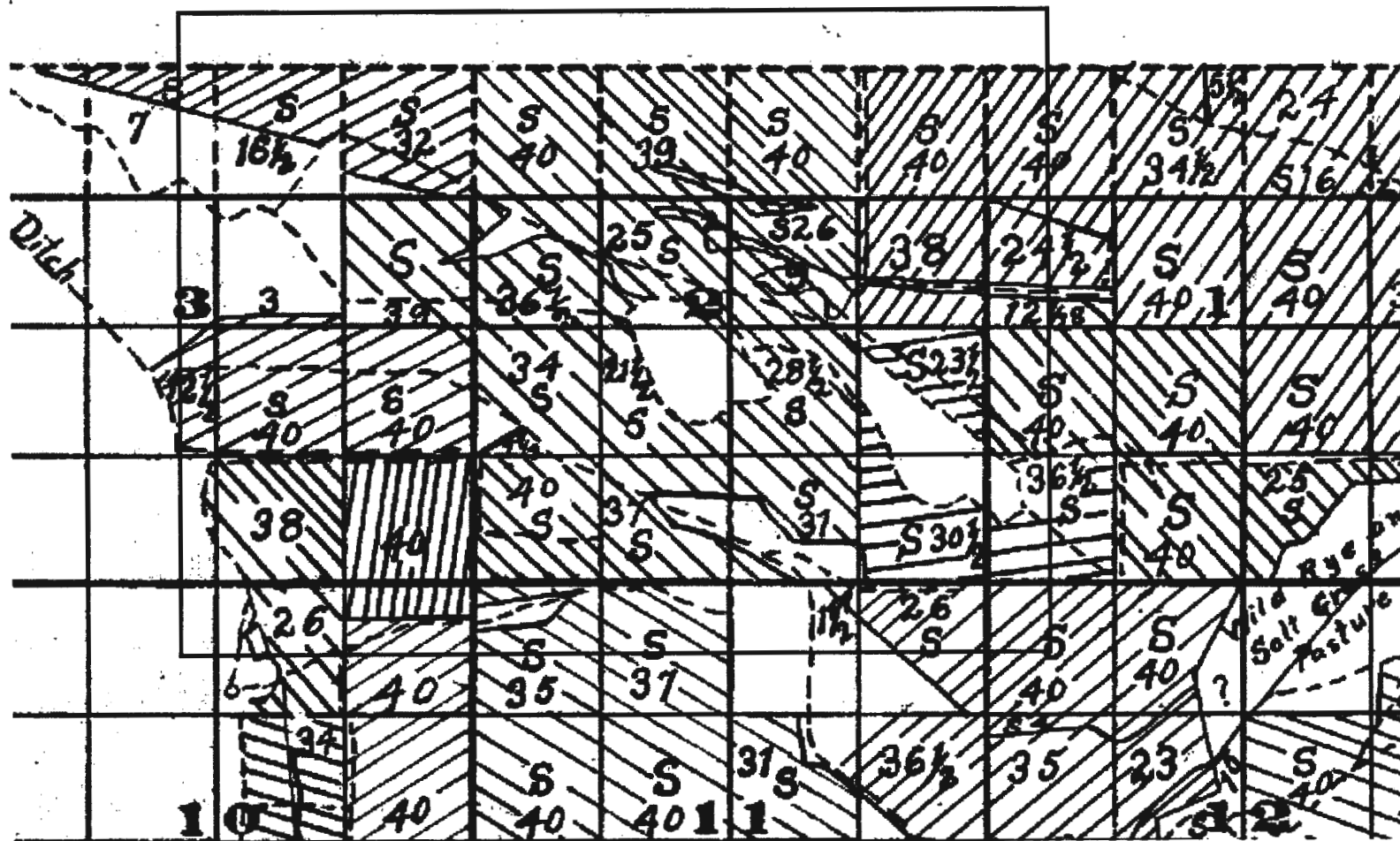
**May, 2006**

HANLEY ENGINEERING, INC.  
2043 MAIN STREET  
BAKER CITY, OREGON

WATER RESOURCES DEPT  
SALEM, OREGON



Range 38E.



# STATE OF OREGON

WATER DIVISION NO. 2 COUNTY OF BAKER AND UNION

## CERTIFICATE OF WATER RIGHT

(For Rights which have been confirmed by the Courts)

This is to Certify, That W. R. HUTCHINSON  
of Union State of Oregon <sup>97823</sup> has a right to the use of  
the waters of North Powder River, a tributary of Powder River

for the purpose of the irrigation of 979½ acres of land, and domestic and stock use

and that said right has been confirmed by decree of the Circuit Court of the State of Oregon for Union County, and the said decree entered of record at Salem, in the Order Record of the ~~STATE WATER BOARD~~ of the State of Oregon, in Volume B, at page 252 ; that the priority of the right hereby confirmed dates from the year 1873 for the irrigation of 120 acres, from 1888 for 220 acres, from 1903 for 180½ acres, from 1871 for 160 acres, from 1883 for 50½ acres, from 1899 for 40 acres, from 1879 for 200½ acres; that the amount of water to which such right is entitled and hereby confirmed for the purposes aforesaid, is limited to an amount actually beneficially used for said purposes, and shall not exceed a rate of flow of 20.15 sec. ft. from March 1st to July 1st and 12.24 sec. ft from July 1st to October 1st of each year; the total quantity diverted during each irrigation season not to exceed 2,449 acre feet.

A description of the lands irrigated under such right, and to which the water hereby confirmed is appurtenant, or, if for other purposes, the place where such water is put to beneficial use, is as follows: 80 acres in N½SW¼; 40 acres in SE½SW¼; 25 acres in SW½SE¼; 7½ acres in SE½SE¼; Section One (1), 40 acres in NW½NE¼; 35 acres in SW½NE¼; 40 acres in NE½NW¼; 40 acres in NW½NW¼; 36½ acres in SW½NW¼; 27 acres in SE½NW¼; 21½ acres in NE½SW¼; 34 acres in NW½SW¼; 40 acres in SW½SW¼; 37 acres in SE½SW¼; 28½ acres in NW½SE¼; 31 acres in SW½SE¼; Section Two (2); 32 acres in NE½NE¼; Section Three (3); 19 acres in NW½NE¼; 40 acres in SW½NE¼; 36 acres in NE½NW¼; Section Fourteen (14) Township Seven (7) South, Range Thirty-eight (38); 10½ acres in SW½SW¼; 19½ acres in SE½SW¼; Section Six (6), 80 acres in E½NW¼; 36 acres in NW½NW¼; 38 acres in SW½NW¼; Section Seven (7), Township Seven (7) South, Range Thirty-nine (39) East of Willamette Meridian, in Baker County, Oregon. 37 acres in NE½SE¼; 29 acres in NW½SE¼; 4½ acres in NE½SW¼; Section Thirty-six (36) Township Six (6) South, Range Thirty-eight (38) East of Willamette Meridian, 35 acres in NW½SW¼; Section Thirty-one (31), Township Six (6) South, Range Thirty-nine (39) East of Willamette Meridian, in Union County, Oregon.

Pl. of Div. Changed - 95 ac.  
So. 16-Vol. 3- P 413.

Div. changed for 77 ac.  
S. O. V. 7, p. 428  
" " 7, p. 494

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

WITNESS the seal and signature of the State

Water Board  
affixed this 9th day

of May, 1917.

STATE WATER BOARD

(SEAL OF STATE WATER BOARD)

By JOHN H. LEWIS  
State Engineer, President

M. F. MERS

Secretary

Recorded in State Record of Water Right Certificates, Volume B, page 1470

V55-P458  
TCMP + 8742APU  
T-8225  
T-10196



T-10196

TEMP

Name Ross E. and Jacquelyn A. Fritz

By \_\_\_\_\_

Address 45362 Anthony Lakes Highway

North Powder, OR 97867

541-856-3475 Cell 541-379-5137

Change in PO4

Date filed 6-8-2006

Date of hearing \_\_\_\_\_

Place of hearing \_\_\_\_\_

Date of order \_\_\_\_\_ Vol. \_\_\_\_\_, page \_\_\_\_\_

Date for application of water \_\_\_\_\_

Proof mailed \_\_\_\_\_

Proof received \_\_\_\_\_

Certificate issued \_\_\_\_\_ Vol. \_\_\_\_\_, page \_\_\_\_\_

DESCRIPTION OF WATER RIGHT

Name of stream North Powder River

Trib. of Powder River County of Baker

Use I\*

Quantity of water \_\_\_\_\_ No. of acres \_\_\_\_\_

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

Date of priority \_\_\_\_\_ Priority Dates  
12/31/1871, 1883, 1899,  
1873, 1888, 1903, 1879

In name of SGR Hutchinson

Adjudication, Vol. \_\_\_\_\_, page \_\_\_\_\_

App. No. \_\_\_\_\_ Per. No. North Powder R. Decree Cert. No. 1470

Certificate cancelled \_\_\_\_\_

Notation made on record by \_\_\_\_\_

FEE PAID

Date	Amount	Receipt No.
<u>6-8-06</u>	<u>193.00</u>	<u>81964</u>
TOTAL . . .		
	Cert. Fee	

FEE REFUNDED

Date	Amount	Check No.

REMARKS

OWNER: Thomas J. Hanley

# Water Right Transfer Completion Checklist

T-10196

Transfer Specialist: Sue

## Water Rights Affected

App File No.	Cert or Permit No.	RR/CR Needed	RR/CR Nos.
decree		<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	na
		<input type="checkbox"/> Yes <input type="checkbox"/> No	
		<input type="checkbox"/> Yes <input type="checkbox"/> No	

## Copies Needed

Watermaster District: 18

CWRE No.: na

Irrig Dist Name/Address: Powder Valley Irrigation District

Commentors Name/Address: Powder

## Preliminary Determination

- |  |  |
|--|--|
| <input type="checkbox"/> Electronic Files uploaded | <input type="checkbox"/> File Folder updated       |
| <input type="checkbox"/> Preliminary Determination |  |
| <input type="checkbox"/> PD Cover letter           | <input type="checkbox"/> Fee Refund Due            |
| <input type="checkbox"/> Public Notice             | <input type="checkbox"/> Newspaper Notice required |
| <input type="checkbox"/> Remaining Rights          |  |

Comments/Special Issues: temp transfer

## Preliminary Determination Review (Salem)

Peer Reviewer: \_\_\_\_\_ Date: \_\_\_\_\_

Coordinator: \_\_\_\_\_ Date: \_\_\_\_\_

## Final Order Review (Salem)

Peer Reviewer: \_\_\_\_\_ Date: \_\_\_\_\_

Coordinator: SSP Date: 7/31/06

Comments/Special Issues: temp transfer

Reverts 2010

Special Order Volume: 69, Pages 251

Final Order Signature Date: 7/31/06

☐ WRIS clone correction needed

email: Susan





# Oregon

Theodore R. Kulongoski, Governor

## Water Resources Department

North Mall Office Building  
725 Summer Street NE, Suite A  
Salem, OR 97301-1266  
503-986-0900  
FAX 503-986-0904

August 1, 2006

JACQUELYN A FRITZ  
ROSS E FRITZ  
48862 ANTHONY LAKES HIGHWAY  
NORTH POWDER OR 97867

Reference: Temporary Transfer 10196

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

The change shall be effective at the end of the 2005 irrigation season. The use shall revert to the authorized place of use at the end of the 2010 irrigation season.

Sincerely,

*Sarah Henderson*

*for* Doug Parrow  
Natural Resource Specialist

DP:sh

cc: Watermaster #18  
Powder Valley Irrigation District

Enclosure

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

In the Matter of Transfer Application	)	FINAL ORDER APPROVING A
T-10196, Baker County	)	TEMPORARY CHANGE PLACE OF
	)	USE

ORS 537.705 and 540.505 to 540.580 establish the process in which a water right holder may submit a request to temporarily transfer the place of use and, if necessary to convey the water to the temporary place of use, the point of diversion authorized under an existing water right. OAR Chapter 690, Division 380 implements the statutes and provides the Department's procedures and criteria for evaluating transfer applications.

**Applicant**

ROSS E. AND JACQUELYN A. FRITZ  
48862 ANTHONY LAKES HIGHWAY  
NORTH POWDER OR 97867

**Findings of Fact**

1. On June 8, 2006, Ross E. and Jacquelyn A. Fritz filed an application to temporarily change the place of use under Certificate 1470 for a period of five years. The Department assigned the application number T-10196.

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

**Certificate:** 1470 in the name of W.R. HUTCHINSON (confirmed by North Powder River decree)

**Uses:** IRRIGATION of 18.0 ACRES

**Priority Date:** 1899

**Rate:** 0.37 CUBIC FOOT PER SECOND (CFS) from March 1<sup>st</sup> to July 1<sup>st</sup> and 0.22 CFS from July 1<sup>st</sup> to October 1<sup>st</sup> of each year

**Limit/Duty:** the total quantity diverted during each irrigation season shall not to exceed 45 acre feet

**Source:** NORTH POWDER RIVER, tributary to POWDER RIVER

**NOTICE OF RIGHT TO PETITION FOR RECONSIDERATION OR JUDICIAL REVIEW**

This is an order in other than a contested case. This order is subject to judicial review under ORS 183.484. 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 either 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.



**Authorized Point of Diversion:**

Gardener Mill Race Ditch and Hutchinson Hillside Ditch

**Authorized Place of Use:**

Twp	Rng	Mer	Sec	Q-Q	Acres
7 S	38 E	WM	2	NW NE	9.5
7 S	38 E	WM	2	SW NE	1.2
7 S	38 E	WM	2	NE NW	7.3

3. Application T-10196 proposes to change the place of use of the right to:

Twp	Rng	Mer	Sec	Q-Q	Acres
7 S	38 E	WM	2	SW NE	5.0
7 S	38 E	WM	2	SE NW	13.0

4. Notice of the application for temporary transfer was published on June 27, 2006, pursuant to ORS 540.520 and OAR 690-380-4000. No comments were filed in response to the notice.
5. Water has been used within the last five years according to the terms and conditions of the right, and no evidence is available that would demonstrate that the right is subject to forfeiture under ORS 540.610.
6. A diversion structure and ditch sufficient to use the full amount of water allowed under the existing right are present.
7. The proposed change would not result in enlargement of the right.
8. The proposed change would not result in injury to other water rights. This finding is made through an abbreviated review recognizing that the transfer may be revoked under ORS 540.523(6) if the Department later finds that the transfer is causing injury to any existing water right.

**Conclusions of Law**

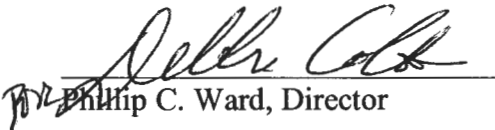
The temporary change in place of use proposed in application T-10196 are consistent with the requirements of ORS 540.523 and OAR 690-380-8000.

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

1. The change in place of use proposed in application T-10196 is approved.
2. The former place of use **shall not** be irrigated as part of this water right during the 2006, 2007, 2008, 2009 and 2010 irrigation seasons.
3. The use shall revert to the authorized place of use at the end of the 2010 irrigation season.
4. The approval of this temporary transfer may be revoked or modified if the Department finds the change causes injury to any existing water right.

5. A subsequent application for permanent transfer of Certificate 1470 shall be subject to a full and complete review to determine consistency with the requirements of OAR Chapter 690, Division 380. Approval of this temporary transfer does not establish a precedent for approval of a subsequent application filed for a permanent transfer.
6. The use of water at the temporary place of use authorized by this transfer shall be in accordance with the terms and conditions of Certificate 1470.
7. The time during which water is used under this approved temporary transfer does not apply toward a finding of forfeiture under ORS 540.610.
8. When required by the Department, the water user shall install an in-line flow meter or other suitable device for measuring and recording the quantity of water used. The type and plans of the measuring device must be approved by the Department prior to beginning construction and shall be installed under the general supervision of the Department.
9. The use of the remaining water right described by Certificate 1470 shall continue to be in accordance with the terms and conditions of Certificate 1470.

Dated at Salem, Oregon this 31<sup>ST</sup> day of July 2006.

  
Philip C. Ward, Director

Mailing Date: AUG 02 2006

# Transfer Processing Log (Div 380)

Reviewer's Name: Sue Date: 7/13/06

Transfer #:	<u>10196</u>	Type of Change:	<u>spou</u>
Originating Certificate:	<u>1470</u>	(Appl #:	<u>decree - Powder R.</u>
Date filed:	<u>6-8-06</u>	Permit #:	<u>8</u>
County:	<u>Baker Union</u>	WM District:	<u>8</u>
Applicant's Name & Mailing Address:	<u>ROSS E + Jacquelyn A Fritz</u> <u>48862 Anthony Lane NW</u> <u>North Powder OR</u>		
CWRE:	<u>na</u>		<u>97867</u>

5 yr temp

Transfer Workflow Maintenance: Has file been assigned to me? Y ☒ N ☐ (If No, Update Transfer Workflow.)

## Check Application

- ☒ Type of change indicated clearly?
- ☒ Signed by applicants? need Jacquelyn's consent
- ☒ Are fees due or to be refunded? ☐ If to be refunded, generate Request for Refund to be sent to WRD with Final Order.
- ☒ Does the land use form match affected tax lots and is it signed by proper official?
- ☒ If a ditch company or district is involved, send them a copy of the application and map.
- ☒ If a POD is moving to a ditch owned by a company or organization, applicant may need to show permission from the ditch owner.

175  
18  
193

## Check Ownership

- ☒ Check that deed/lot book report matches the "from" lands.
- ☒ Get current tax lot map. (If transfer application is several years old, contact assessor's office for current landowner)
- ☒ Is the applicant the owner of the "from" lands? (Update mailing address of applicant/owner if needed)
- ☒ Have all owners on the deed/lot book report signed the application? NO
- ☒ Is there a notarized, signed statement of consent from any landowners other than applicant?
- ☒ Is there a copy of written notification of transfer to each lien holder identified on deed/lot book report?
- ☒ Verify agent authority if applicant has not specifically signed a statement giving authorization for agent to work on his behalf.

leave where it is.

## Check Application Map

- ☒ Does it have an original CWRE signature?
- ☒ Is the size and scale accurate and appropriate as per OAR 690-380-3100(1)(b)(c)&(d)?
- ☒ Are all authorized and proposed POD's/POA's and POU's shown and clearly labeled?
- ☒ Do the metes and bounds for the POD's/POA's properly describe the location on the map?
- ☒ Do map acres match the tabulation on the certificate?
- ☒ Pull final proof maps for the rights. Does application map match certificate FPS maps?
- ☒ Pull aerial photos, if needed (and available). but looked at
- ☒ Do the POD/POA dimensions match the location on map?
- ☒ Do the POD/POA dimensions & 1/4 1/4 on map match the transfer application and certificate descriptions?

Don't INCLUDE the DO & LV per conversation w/ WM.  
"They requested & should be no reason TO NOT"

## Is Application complete?

- ☒ application form
- ☒ deed
- ☒ map
- ☒ certificate
- ☒ evidence of use
- ☒ fees paid
- ☒ land-use form
- ☒ well logs

Reviews/comments received? ☒ Watermaster ☒ ODFW ☐ GW

When in judgement



**Determining the "From" and "To" Lands (make working copy of application and certificates to mark on)**

- ☒ Are only the authorized POD's/POA's and POUs to be transferred listed?
- ☒ Do application & certificate tabulations match? (check off on application and certificate copies and note corrections needed)
- ☒ Mark on certificate copy which acreage is being transferred and what will remain in each 1/4 1/4.

**Is right valid and subject to transfer by applicant?**

- ☒ Certificate 1470 of Decree or Proof accepted "to the satisfaction...." \_\_\_\_\_
- ☒ Has the right been exercised according to terms & conditions of certificate?
- ☒ Compare delivery system capacity against with the rate/duty of the right.
- ☒ Print plat card report. Are there conflicting water rights? \_\_\_\_\_
- ☒ Is newspaper notice required? If so, generate a draft of the notice.
- ☒ Are there any rights that need to be canceled or diminished to supplemental? If so prepare an affidavit.

*Domestic + Stock?*

**Deficiencies to be resolved:**

- ☐ *Signature of wife*
- ☐ *Address DO + LV*

**Injury Determination**

- |  |  |   |
|--|--|---|
| <input type="checkbox"/> Watermaster     | Injury: Y <input type="checkbox"/> N <input checked="" type="checkbox"/> | Conditions: Y <input type="checkbox"/> N <input type="checkbox"/> |
| <input checked="" type="checkbox"/> ODFW | Injury: Y <input type="checkbox"/> N <input type="checkbox"/>            | Conditions: Y <input type="checkbox"/> N <input type="checkbox"/> |
| <input checked="" type="checkbox"/> GW   | Injury: Y <input type="checkbox"/> N <input type="checkbox"/>            | Conditions: Y <input type="checkbox"/> N <input type="checkbox"/> |

- ☒ Will the "from" lands be able to be dried up? Yes ☒ No ☐
- ☒ Use Interactive Mapping to check for intervening PODs: No ☐ Yes ☐
- ☒ Check relation to instream water rights: ☐ Moves into or within ISWR ☐ No problem
- ☒ Check movement related to reduction of flows to junior rights

Determination: Enlargement? ☐ Yes ☒ No  
Injury? ☐ Yes ☒ No  
☐ Approve -or- ☐ Reject

Conditions requested:  
Measurement devices: ☐ Required prior to use -or- ☐ "When in the judgment..."  
☐ Fish screen (see ODFW comments)  
☐ Other:

Remarks:



Oregon Water Resources Department  
725 Summer Street NE, Suite A  
Salem, Oregon 97301-1271  
(503) 986-0900  
www.wrd.state.or.us

# Application for Water Right Transfer

Please type or print legibly in dark ink. If your application is incomplete or inaccurate, we will return it to you. If any requested information does not apply to your application, insert "n/a". Please read and refer to the instructions when completing your application. A summary of review criteria and procedures that are generally applicable to these applications is available at [www.wrd.state.or.us/publication/reports/index.shtml](http://www.wrd.state.or.us/publication/reports/index.shtml).

## APPLICATION FOR:

Please check one		
<input checked="" type="checkbox"/> Water Right Transfer	<input checked="" type="checkbox"/> Temporary Transfer (number of years <u>5</u> )	<input type="checkbox"/> Drought Transfer
<input type="checkbox"/> Historic Change in POD	<input type="checkbox"/> Permit Amendment	<input type="checkbox"/> Point of Diversion Change Due to Government Action
<input type="checkbox"/> To Instream Use		
<input checked="" type="checkbox"/> Other Transfer		

## 1. APPLICANT INFORMATION

Name: Ross E. and Jacquelyn A. Fritz  
First Last  
Address: 48862 Anthony Lakes Highway  
North Powder, OR 97867  
City State Zip  
Phone: 541-856-3475 Cell 541-379-5137  
Home Work Other  
\*Fax: N/A \*E-Mail address: jaro@eoni.com  
\*Optional information

## 2. AGENT INFORMATION

(The agent listed is authorized to represent the applicant in all matters relating to this transfer application)

Name: N/A  
First Last  
Address: \_\_\_\_\_  
City State Zip  
Phone: \_\_\_\_\_  
Home Work Other  
\*Fax: \_\_\_\_\_ \*E-Mail address: \_\_\_\_\_  
\*Optional information

T 10196

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### 3. TYPE OF CHANGE PROPOSED

Please check all that apply

Point of Diversion or Appropriation	Place of Use	Character of Use (n/a for Permit Amendments)
<input type="checkbox"/> Change (The old point of diversion or appropriation will <b>not</b> be used for the portion of the water right affected by the transfer.) <input type="checkbox"/> Additional (Both the old and new points of diversion or appropriation will be used for the portion of the water right affected by the transfer.) <input type="checkbox"/> Historic Point of Diversion (Unauthorized point of diversion used for more than 10 years.) <input type="checkbox"/> Surface Water to Ground Water (A new point of appropriation will be used <b>instead of</b> the old point of diversion and not as an additional point of appropriation.)	<input checked="" type="checkbox"/> All, or a portion, of the right will be exercised at a different location than currently authorized. (Use of water at the current location will be discontinued.) <input type="checkbox"/> Exchange (Water from another source will be used in exchange for supplying an equal amount of replacement water to that source.)	<p style="text-align: center;">Proposed new use:</p> <input type="checkbox"/> Irrigation <input type="checkbox"/> Municipal <input type="checkbox"/> Quasi-municipal <input type="checkbox"/> Commercial <input type="checkbox"/> Industrial <input type="checkbox"/> Instream (complete <b>Supplemental Form B</b> ) <input type="checkbox"/> Domestic (indicate number of households) _____ <input type="checkbox"/> Other _____  <input type="checkbox"/> Substitution (A supplemental ground water right will be substituted for a primary surface water right.)

Reason for changes: I am changing the use of my land and putting portions in to a conservation program which does not require irrigation.

Describe the **current** water delivery system. Include information on the pumps, canals, pipelines and sprinklers used to divert, convey and apply the water at the authorized place of use.

*The description must be sufficient to demonstrate that the full quantity of water to be transferred can be conveyed from the authorized source and applied at the authorized location and that the applicant is ready, willing, and able to exercise the right. (Not applicable to applications for Permit Amendments.)*

There is a pressurized mainline from the ditch source to my land. There is a 10" to 8" lateral that serves several hand lines and wheel lines on my land.

System capacity:   4   cubic feet per second (cfs)

*Attach one or more Evidence of Use Affidavits (Supplemental Form A) demonstrating that each of the right(s) involved in the transfer have been exercised in the last five years or that a presumption of forfeiture for non-use could be rebutted. (Not applicable to applications for Permit Amendments.)*



#### 4. CURRENT WATER RIGHT INFORMATION

*A separate page providing the information in this section must be completed for each certificate, permit, decree, or other right involved in the proposed transfer.*

Water Right Subject to Transfer (check and complete one of the following):

<input checked="" type="checkbox"/> Certificated Right	<u>1470</u> Certificate Number	<u>North Powder River</u> Permit Number or Decree Name
<input type="checkbox"/> Adjudicated, Un-certificated Right	<u></u> Name of Decree	<u></u> Page Number
<input type="checkbox"/> Permit for which Proof has been Approved	<u></u> Permit Number	<u></u> Date Claim of Beneficial Use Submitted
<input type="checkbox"/> Transferred Right for which Proof has been Filed	<u></u> Previous Transfer Number	<u></u> Date Claim of Beneficial Use Submitted
<input type="checkbox"/> Permit for which an Amendment is Requested	<u></u> Permit Number	<u></u> Completion Date of Permit

Name on Permit, Certificate, or Decree: W. R. Huchinson

County: Baker

Authorized Use(s): Irrigation, Domestic and Stock

Are there multiple **Priority Dates** identified on the water right? ☒ Yes ☐ No

*If "Yes", any information provided on Page 4 must identify which priority date is associated with each of the proposed points of diversion/appropriation and places of use. In addition, list those priority dates:* 1871, 1883, 1899

Source(s) of Water Listed on Right: North Powder River

Tributary to: Powder River

Are there other **Sources** listed on the water right? ☐ Yes ☒ No

*If "Yes", any information provided on Page 4 must identify which source is associated with each of the proposed points of diversion/appropriation and proposed places of use. In addition, list those other sources:* N/A

Are there **Other Water Rights** or permits associated with this land? ☐ Yes ☒ No

*If "Yes", what are the Permit or Certificate Numbers?* N/A

*Pursuant to ORS 540.510, any right that is supplemental to a primary right proposed for transfer must be included in the transfer or be cancelled.*

Remarks: A pipeline project was constructed with the cooperation of the NRCS in an effort to conserve water and supply the water to this land with more consistency and eliminate power usage. The pipeline project created pressurized mainlines without pumps.

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SALEM, OREGON

Certificate Number or other identifying number from *Page 3*: 1470

*A separate page providing the following information must be completed for each certificate, permit, decree, or other right involved in the proposed transfer.*

Is the entire water right identified on **Page 3** affected by this transfer? ☐ Yes ☒ No

*If "Yes", the remainder of this page need not be completed.*

If "No", the following information **must be provided** only for those points of diversion/appropriation and places of use that are **involved in the transfer**.

*Government lot and donation land claim numbers must be included in the tables below only if the information is reflected on the existing water right.*

**Location of Existing Authorized Point(s) of Diversion or Appropriation to be Changed:**

Township		Range		Mer.	Sec.	$\frac{1}{4}$ Section	Gov't Lot or DLC	Survey Coordinates (coordinates from a recognized survey corner)

**Location of Existing Authorized Place of Use to be Changed:**

[illegible]

18

## 5. PROPOSED CHANGES TO THE WATER RIGHT

*A separate page providing the information in this section must be completed for each certificate, permit, decree, or other right involved in the proposed transfer.*

Certificate Number or other identifying number from **Section 4**: 1470

### Location of Proposed Point(s) of Diversion or Point(s) of Appropriation:

Township	Range	Mer	Sec	1/4 1/4 Section	Gov't Lot or DLC	Survey Coordinates (coordinates from a recognized survey corner)

*Attach additional copies as necessary to describe locations of other proposed points of diversion or appropriation. Clearly mark each of the additional copies with the appropriate Certificate Number or other identifying number. Not applicable to applications for transfers to instream water rights.*

### Location of Proposed Place of Use:

Township	Range	Mer	Sec	1/4 1/4 Section	Gov't Lot or DLC	Acres (if applicable)
7	S	38	E	WM 2	SW NE	N/A 5.0
7	S	38	E	WM 2	SE NW	N/A 13.0

*Attach additional copies as necessary to describe locations of other proposed places of use. Clearly mark each of the additional copies with the appropriate Certificate Number or other identifying number. Not applicable to applications for transfers to instream water rights.*

Remarks: \_\_\_\_\_

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SALEM, OREGON

Transfer Application/5

T 10196



## 6. AFFECTED DISTRICTS AND LOCAL GOVERNMENTS

Are any of the water rights proposed for transfer located within or served by an irrigation or other water district? ☒ Yes ☐ No

Will any of the water rights be located within or served by an irrigation or other water district after the proposed transfer? ☒ Yes ☐ No

Is water for any of the rights supplied under a water service agreement or other contract for stored water with a Federal agency? ☐ Yes ☒ No

*If "Yes", for any of the above, list the name and mailing address of the district and/or agency:*

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List the name and mailing address of all affected local governments (e.g., county, city, municipal corporation, and tribal governments within whose jurisdiction the rights are located).

Baker County, 1995 Third Street, Baker City, OR 97814

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## 7. LAND OWNERSHIP

Does the applicant own the lands **FROM** which the right is being transferred? ☒ Yes ☐ No

*If "No", provide the following information. For Temporary Transfers, also include a notarized statement granting consent to the transfer from each of the landowners:*

Names of Current Landowner(s): N/A

First

Last

Address: \_\_\_\_\_

City

State

Zip

Does the applicant own the lands **TO** which the right is being transferred? ☒ Yes ☐ No

*If "No", provide the following information:*

Names of Receiving Landowner(s): N/A

First

Last

Address: \_\_\_\_\_

City

State

Zip

Check one of the following:

☐ The receiving landowner will be responsible for completion of the proposed changes after the final order is issued. All notices and correspondence should be sent to this landowner.

☒ The applicant will remain responsible for completion of changes. Notices and correspondence should continue to be sent to the applicant and applicant's agent.

## 8. ATTACHMENTS

Check each of the following attachments included with this application. The application will be returned if all required attachments are not included.

### Form A – Evidence of Use Affidavits

- ☒ At least one Evidence of Use Affidavit documenting that the right has been used during the last five years or that the right is not subject to forfeiture under ORS 540.610 is attached. The affidavit provided must be the original, not a copy.

### Form B – Instream Water Right Transfer

- ☐ Required for instream transfers only.

### Map

- ☒ Permanent Water Right Transfer  
The map must be prepared by a Certified Water Right Examiner and meet the requirements of OAR 690-380-3100 unless a waiver has been granted. The map provided must be the original, not a copy.
- ☐ Permit Amendment, Temporary Transfer, or Other Application  
A map meeting the requirements of OAR 690-380-3100 must be included but need not be prepared by a Certified Water Right Examiner.

### Evidence of Lien Holder Notification

- ☐ Copies of the written notification of the proposed transfer provided by the applicant to each lien holder, unless the water right has been quit claimed.

### Recorded Deed

- ☒ Required for temporary transfers only.

### Land Use Information Form:

- ☒ Enclosed
- ☐ Not Required if all of the following are met:
- ① In EFU zone or irrigation district,
  - ② Change in place of use only,
  - ③ No structural changes needed, including diversion works, delivery facilities, other structures, and
  - ④ Irrigation only.

### Water Well Reports/Well Logs:

- ☐ The application is for a change in point of appropriation or change from surface water to ground water and copies of all water well reports are attached.
- ☐ Water well reports are not available and a description of construction details including well depth, static water level, and information necessary to establish the ground water body developed or proposed to be developed is attached.
- ☐ The application is for a surface water transfer and water well reports are not required.

### Fees:

- ☒ Amount enclosed: \$ 350.00  
See the Department's Fee Schedule at [www.wrd.state.or.us](http://www.wrd.state.or.us) or call (503) 986-0900.

## 9. SIGNATURES

I (we) understand that prior to approval of a permanent transfer and after issuance of a draft preliminary determination by the Department, I (we) must submit:

- (1) A report on ownership and lien information prepared by a title company within the last three months if required under OAR 690-380-3000(13), and
- (2) If I (we) are not the landowners, proof that the landowner or entity to which the water right has been quitclaimed consents to the transfer or that ownership information is not required.

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

<u>Ross E. Fritz</u> applicant signature	<u>ROSS FRITZ</u> name (print)	<u>5/23/04</u> date
  _____ applicant signature	  _____ name (print)	  _____ date

### Before submitting your application, be sure you have:

- Answered each question completely.
- Included the required attachments.
- Provided original signatures for all named deed holders or other parties with an interest in the right.
- Included a check payable to the Oregon Water Resources Department for the appropriate amount.

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T 10196

Transfer Application/7

JUN 08 2006

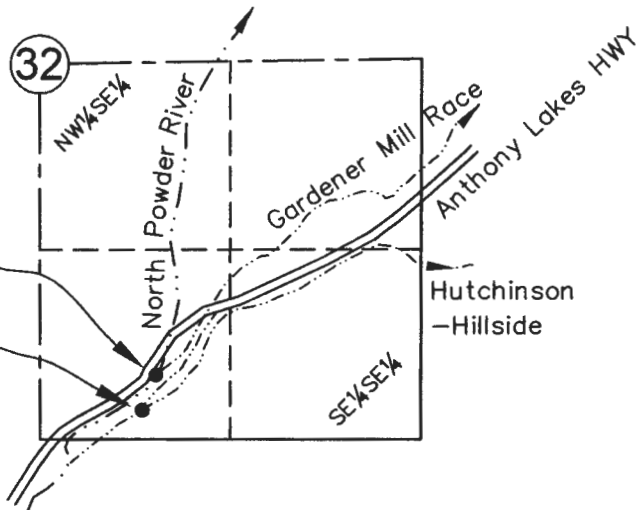
WATER RESOURCES DEPT  
SALEM, OREGON

Signature  
of co-op  
needed.

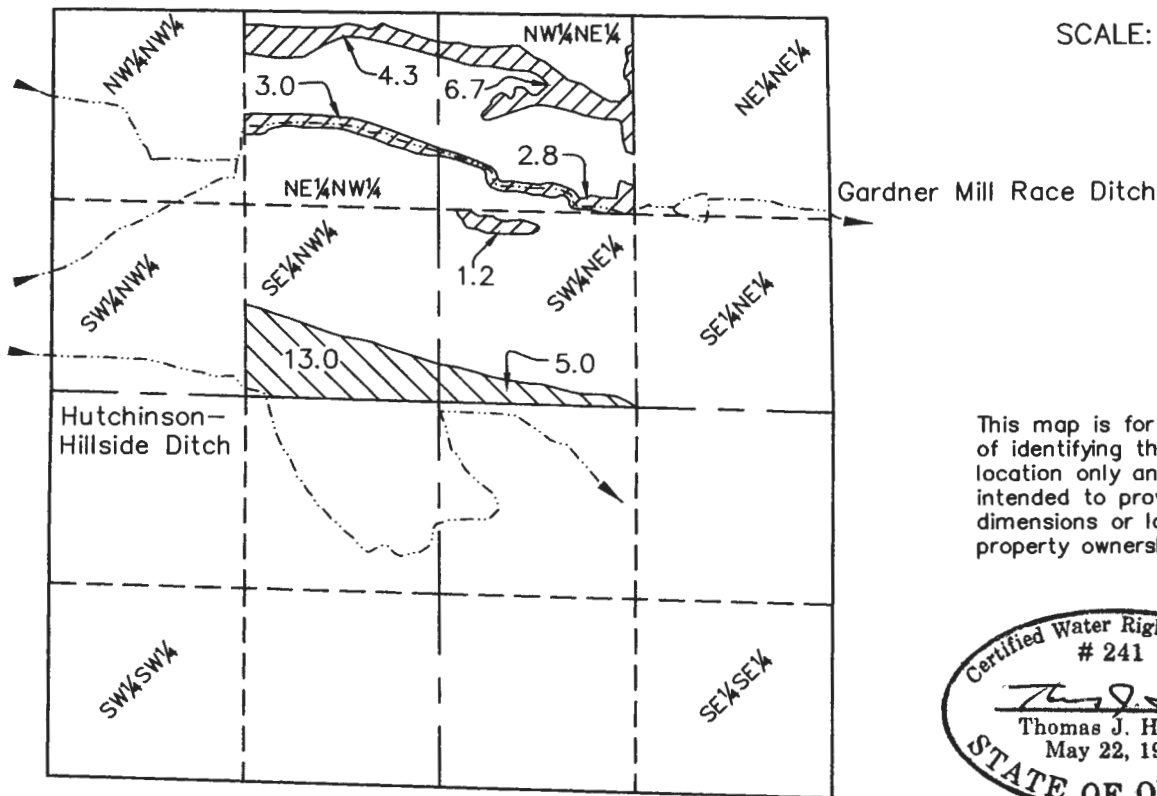
T. 6 S., R. 38 E., W.M.  
SECTION 32

Authorized Point of Diversion  
Gardener Mill Race Ditch  
Located 440' North & 1810' West  
from the SE Corner, Section 32.

Authorized Point of Diversion  
Hutchinson Hillside Ditch Located  
Approx. 200' North & 700' East  
from the S $\frac{1}{4}$  Corner, Section 32.

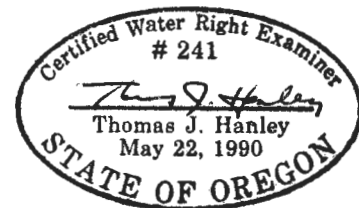




T. 7 S., R. 38 E., W.M.  
SECTION 2



SCALE: 1" = 1320'

This map is for the purpose  
of identifying the water right  
location only and is not  
intended to provide legal  
dimensions or location of  
property ownership lines.



-  Transfer "FROM" Lands
-  Transfer "TO" Lands

**Map to Accompany Application  
for Temporary Place of Use Transfer**

**In Name of  
Ross Fritz**

T 10196

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JUN 08 2006

HANLEY ENGINEERING, INC.  
2043 MAIN STREET  
BAKER CITY, OREGON

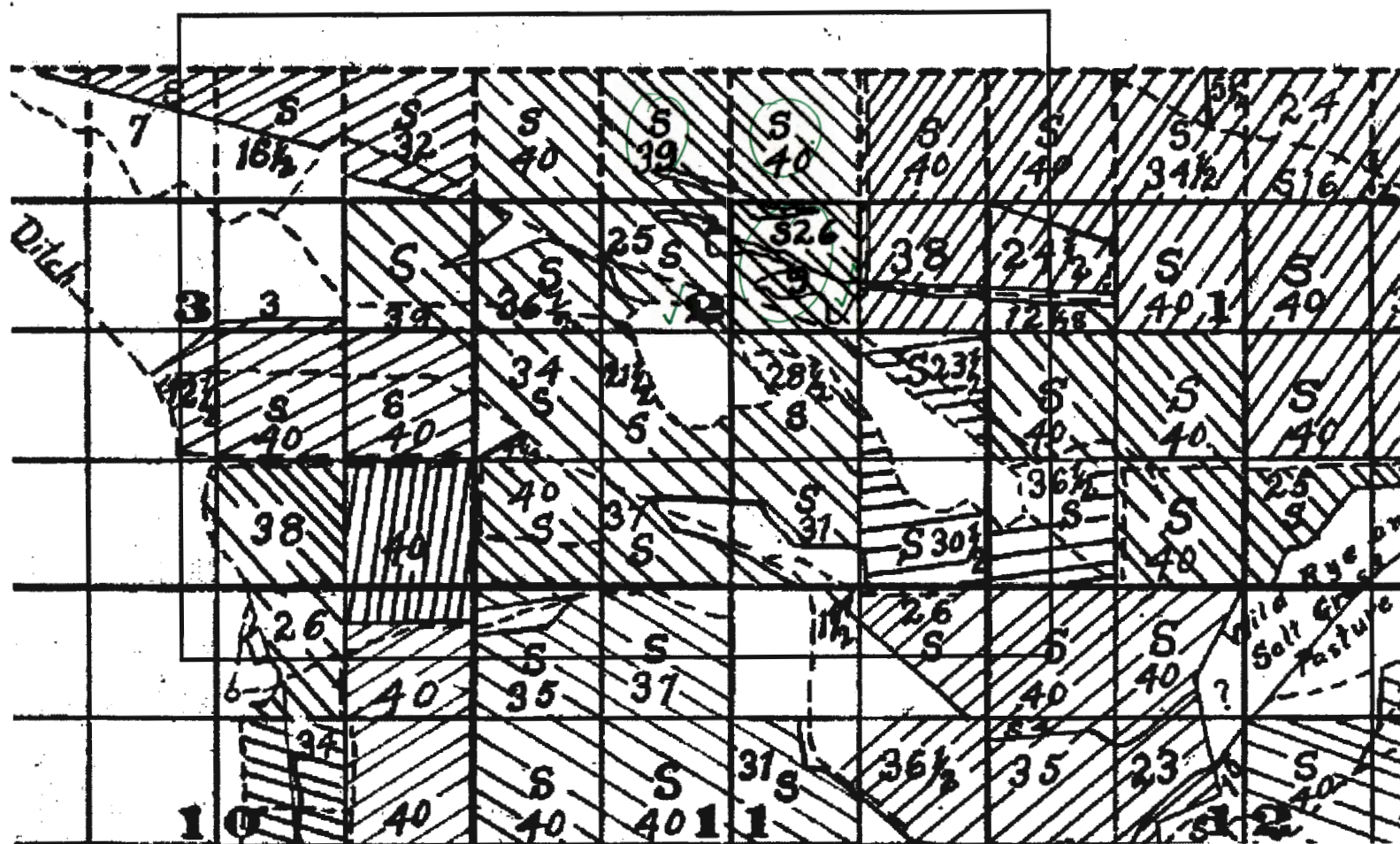
WATER RESOURCES DEPT  
SALEM, OREGON

**Reference: Special Order Vol. 7, 428 & 494**

**May, 2006**



Range 38E.



# STATE OF OREGON

WATER DIVISION NO. 2 COUNTY OF BAKER AND UNION

## CERTIFICATE OF WATER RIGHT

(For Rights which have been confirmed by the Courts)

This is to Certify, That W. R. HUTCHINSON  
of Union State of Oregon <sup>97883</sup> has a right to the use of  
the waters of North Powder River, a tributary of Powder River

for the purpose of the irrigation of 979½ acres of land, and domestic and stock use

and that said right has been confirmed by decree of the Circuit Court of the State of Oregon for Union County, and the said decree entered of record at Salem, in the Order Record of the <sup>STATE WATER BOARD</sup> of the State of Oregon, in Volume B at page 252 ; that the priority of the right hereby confirmed dates from the year 1873 for the irrigation of 120 acres, from 1888 for 220 acres, from 1903 for 188½ acres, from 1871 for 160 acres, from 1883 for 50½ acres, from 1899 for 40 acres, from 1879 for 200½ acres; that the amount of water to which such right is entitled and hereby confirmed for the purposes aforesaid, is limited to an amount actually beneficially used for said purposes, and shall not exceed a rate of flow of 20.15 sec. ft. from March 1st to July 1st and 12.24 sec. ft from July 1st to October 1st of each year; the total quantity diverted during each irrigation season not to exceed 2,449 acre feet.

A description of the lands irrigated under such right, and to which the water hereby confirmed is appurtenant, or, if for other purposes, the place where such water is put to beneficial use, is as follows: 80 acres in NE¼SW¼; 40 acres in SE¼SW¼; 25 acres in SW¼SE¼; 7½ acres in SE¼SE¼ Section One (1), 40 acres in NW¼NE¼; 35 acres in SW¼NE¼; 40 acres in NE¼NW¼; 40 acres in NW¼NW¼; 36½ acres in SW¼NW¼; 27 acres in SE¼NW¼; 21½ acres in NE¼SW¼; 34 acres in NW¼SW¼; 40 acres in SW¼SW¼; 37 acres in SE¼SW¼; 28½ acres in NW¼SE¼; 31 acres in SW¼SE¼; Section Two (2); 32 acres in NE¼NE¼ Section Three (3); 19 acres in NW¼NE¼; 40 acres in SW¼NE¼; 36 acres in NE¼NW¼ Section Fourteen (14) Township Seven (7) South, Range Thirty-eight (38); 10½ acres in SW¼SW¼; 19½ acres in SE¼SW¼; Section Six (6), 80 acres in E¼NW¼; 36 acres in NW¼NW¼; 38 acres in SW¼NW¼ Section Seven (7), Township Seven (7) South, Range Thirty-nine (39) East of Willamette Meridian, in Baker County, Oregon. 37 acres in NE¼SE¼; 29 acres in NW¼SE¼; 4½ acres in NE¼SW¼; Section Thirty-six (36) Township Six (6) South, Range Thirty-eight (38) East of Willamette Meridian, 35 acres in NW¼SW¼ Section Thirty-one (31), Township Six (6) South, Range Thirty-nine (39) East of Willamette Meridian, in Union County, Oregon.

Plat Div. Changed - 95 ac.  
So. 16-10-13- P 413.

Div. changed for 77 ac.  
S.P. Or. V. 7, p. 428  
" " " 7, p. 494

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

WITNESS the seal and signature of the State

Water Board  
affixed this 9th day

of May, 1917.

STATE WATER BOARD

(SEAL OF STATE WATER BOARD)

By JOHN H. LEWIS  
State Engineer, President

M. F. MERS

Secretary  
V55-P458  
TMC-8742APU

Recorded in State Record of Water Right Certificates, Volume B, page 1470

T-8225  
T-10196

3/1-7/1  
0.37 → temp  
7/2-10/1  
0.22 → temp  
Total to be diverted  
during season not to  
exceed 45 af

3/1-7/1  
0.02057172  
7/2-10/1  
0.012496172  
1899



## Order Record=Board of Control=State of Oregon

NAME AND POSTOFFICE ADDRESS OF APPROPRIATOR	DATE OF RELATIVE PRIORITY	AMOUNT CU. FT. PER SEC.	NO. ACRES	USE AND IRRIGATION SEASON	NAME OF DITCH	DESCRIPTION OF LAND OR PLACE OF USE
J. H. Hutchinson, Union, Oregon.	1873 1895 1903	2.38 3.98 3.76	190 313 301	Irrigation, domestic & stock	Side Hill	10 acres in NE $\frac{1}{4}$ SE $\frac{1}{4}$ ; 40 acres in NW $\frac{1}{4}$ NE $\frac{1}{4}$ ; 38 $\frac{1}{2}$ acres in SW $\frac{1}{4}$ NE $\frac{1}{4}$ ; 40 acres in SE $\frac{1}{4}$ NE $\frac{1}{4}$ ; 80 acres in E $\frac{1}{2}$ SW $\frac{1}{4}$ ; 38 acres in NW $\frac{1}{4}$ SW $\frac{1}{4}$ ; 21 $\frac{1}{2}$ acres in SW $\frac{1}{4}$ SW $\frac{1}{4}$ ; 40 acres in NW $\frac{1}{4}$ SE $\frac{1}{4}$ ; Sec. 7; Tp. 7 S. R. 39 E., T. M.; 3 acres in SW $\frac{1}{4}$ NE $\frac{1}{4}$ ; 39 acres in SE $\frac{1}{4}$ NE $\frac{1}{4}$ ; 80 acres in NE $\frac{1}{4}$ SE $\frac{1}{4}$ ; Sec. 3; 30 acres in NE $\frac{1}{4}$ NE $\frac{1}{4}$ ; 80 acres in SE $\frac{1}{4}$ NE $\frac{1}{4}$ ; 160 acres in SE $\frac{1}{4}$ ; Sec. 12; Tp. 7 S. R. 38 E., W. M.; all in Baker County, Oregon.
J. H. Hutchinson, Union, Oregon.	1871 1882	4.32 1.25	345 $\frac{1}{2}$ 100	Irrigation, domestic & stock.	Gardner Mill Race.	80 acres in NE $\frac{1}{4}$ SE $\frac{1}{4}$ ; 28 acres in SE $\frac{1}{4}$ SE $\frac{1}{4}$ ; Sec. 33; 80 acres in NE $\frac{1}{4}$ SW $\frac{1}{4}$ ; 36 acres in SW $\frac{1}{4}$ SW $\frac{1}{4}$ ; 40 acres in SE $\frac{1}{4}$ SW $\frac{1}{4}$ ; 160 acres in SE $\frac{1}{4}$ ; Sec. 34; 21 $\frac{1}{2}$ acres in SW $\frac{1}{4}$ SW $\frac{1}{4}$ ; Sec. 35; Tp. 6 S. R. 38 E., W. M., all in Baker County, Oregon.
J. H. Hutchinson, Union, Oregon.	1884	4.59	367 $\frac{1}{2}$	Irrigation	Blume-Zilkey	31 acres in SW $\frac{1}{4}$ NE $\frac{1}{4}$ ; 37 acres in NE $\frac{1}{4}$ SW $\frac{1}{4}$ ; 35 acres in NW $\frac{1}{4}$ SW $\frac{1}{4}$ ; 80 acres in SE $\frac{1}{4}$ NE $\frac{1}{4}$ ; 80 acres in NE $\frac{1}{4}$ SW $\frac{1}{4}$ ; 40 acres in SE $\frac{1}{4}$ SW $\frac{1}{4}$ ; 40 acres in NW $\frac{1}{4}$ SE $\frac{1}{4}$ ; 24 $\frac{1}{2}$ acres in NE $\frac{1}{4}$ SE $\frac{1}{4}$ ; Sec. 11; Tp. 7 S. R. 38 E., W. M.; all in Baker County, Oregon.
J. H. Hutchinson, Union, Oregon.	1872	0.81	56 $\frac{1}{2}$	Irrigation	Daley	26 $\frac{1}{2}$ acres in SW $\frac{1}{4}$ SW $\frac{1}{4}$ ; 18 acres in SE $\frac{1}{4}$ SW $\frac{1}{4}$ ; Sec. 26; 10 acres in NW $\frac{1}{4}$ SW $\frac{1}{4}$ ; Sec. 35; Tp. 6 S. R. 38 E., W. M.; all in Union County, Oregon.
W. R. Hutchinson, Union, Oregon.	1873 1888 1903	1.5 2.75 2.36	120 220 188 $\frac{1}{2}$	Irrigation, domestic & stock.	Side Hill	21 $\frac{1}{2}$ acres in NE $\frac{1}{4}$ SW $\frac{1}{4}$ ; 34 acres in NW $\frac{1}{4}$ SW $\frac{1}{4}$ ; 40 acres in SW $\frac{1}{4}$ SW $\frac{1}{4}$ ; 37 acres in SE $\frac{1}{4}$ SW $\frac{1}{4}$ ; 28 $\frac{1}{2}$ acres in NW $\frac{1}{4}$ SE $\frac{1}{4}$ ; 31 acres in SW $\frac{1}{4}$ SE $\frac{1}{4}$ ; Sec. 2; 80 acres in NE $\frac{1}{4}$ SW $\frac{1}{4}$ ; 40 acres in SE $\frac{1}{4}$ SW $\frac{1}{4}$ ; 24 acres in SW $\frac{1}{4}$ SE $\frac{1}{4}$ ; 7 $\frac{1}{2}$ acres in SE $\frac{1}{4}$ SE $\frac{1}{4}$ ; Sec. 1; Tp. 7 S. R. 38 E., W. M.; 10 $\frac{1}{2}$ acres in SW $\frac{1}{4}$ SW $\frac{1}{4}$ ; 19 $\frac{1}{2}$ acres in SE $\frac{1}{4}$ SW $\frac{1}{4}$ ; Sec. 6; 80 acres in E $\frac{1}{2}$ SW $\frac{1}{4}$ ; 36 acres in NW $\frac{1}{4}$ SW $\frac{1}{4}$ ; 38 acres in SW $\frac{1}{4}$ SW $\frac{1}{4}$ ; Sec. 7; Tp. 7 S. R. 39 E., W. M.; all in Baker County, Oregon.
W. R. Hutchinson, Union, Oregon.	1871 1883 1899	2.00 0.62 0.5	160 49 $\frac{1}{2}$ 40	Irrigation, domestic & stock	Gardner Mill Race.	32 acres in NE $\frac{1}{4}$ NE $\frac{1}{4}$ ; 40 acres in NW $\frac{1}{4}$ NE $\frac{1}{4}$ ; 35 acres in SW $\frac{1}{4}$ NE $\frac{1}{4}$ ; 39 acres in NE $\frac{1}{4}$ NW $\frac{1}{4}$ ; 40 acres in NW $\frac{1}{4}$ NW $\frac{1}{4}$ ; 36 $\frac{1}{2}$ acres in SW $\frac{1}{4}$ NW $\frac{1}{4}$ ; 27 acres in SE $\frac{1}{4}$ NW $\frac{1}{4}$ ; Sec. 2; Tp. 7 S. R. 38 E., W. M.; all in Baker County, Oregon.
W. R. Hutchinson, Union, Oregon.	1884	1.14	95	Irrigation	Blume-Zilkey	19 acres in NW $\frac{1}{4}$ NE $\frac{1}{4}$ ; 40 acres in SW $\frac{1}{4}$ NE $\frac{1}{4}$ ; 36 acres in NE $\frac{1}{4}$ NW $\frac{1}{4}$ ; Sec. 14; Tp. 7 S. R. 38 E., W. M.; all in Baker County, Oregon.
W. R. Hutchinson, Union, Oregon.	1879	1.32	105 $\frac{1}{2}$	Irrigation	Ellis	37 acres in NE $\frac{1}{4}$ SE $\frac{1}{4}$ ; 29 acres in NW $\frac{1}{4}$ SE $\frac{1}{4}$ ; 4 $\frac{1}{2}$ acres in NE $\frac{1}{4}$ SW $\frac{1}{4}$ ; Sec. 36; Tp. 6 S. R. 38 E., W. M.; 35 acres in NW $\frac{1}{4}$ SW $\frac{1}{4}$ ; Sec. 31; Tp. 6 S. R. 39 E., W. M.; all in Union County, Oregon.
Chas. E. Hutchinson, North Powder, Oregon.	1902	1.13	90 $\frac{1}{2}$	Irrigation	Side Hill & Gardner Mill Race.	23 $\frac{1}{2}$ acres in NE $\frac{1}{4}$ SE $\frac{1}{4}$ ; 30 $\frac{1}{2}$ acres in SE $\frac{1}{4}$ SE $\frac{1}{4}$ ; Sec. 2; 36 $\frac{1}{2}$ acres in SW $\frac{1}{4}$ SW $\frac{1}{4}$ ; Sec. 1; Tp. 7 S. R. 38 E., W. M.; all in Baker County, Oregon.
Dora B. Hutchinson, Union, Oregon.	1903	2.48	198	Irrigation	Blume-Zilkey	160 acres in NE $\frac{1}{4}$ ; 20 acres in NE $\frac{1}{4}$ SE $\frac{1}{4}$ ; 18 acres in NW $\frac{1}{4}$ SE $\frac{1}{4}$ ; Sec. 13; Tp. 7 S. R. 38 E., W. M.; all in Baker County, Oregon.
Mary F. Hutchinson, Union, Oregon.	1871	1.00	80	Irrigation and stock	Gardner Mill Race	80 acres in E $\frac{1}{2}$ SW $\frac{1}{4}$ ; Sec. 35; Tp. 6 S. R. 38 E., W. M.; in Baker County, Oregon.
Will F. Hutchinson, North Powder, Oregon.	1896	2.04	142 $\frac{1}{2}$	Irrigation	Davis-Kelsey	80 acres in E $\frac{1}{2}$ SW $\frac{1}{4}$ ; 36 $\frac{1}{2}$ acres in NW $\frac{1}{4}$ SW $\frac{1}{4}$ ; 26 acres in SW $\frac{1}{4}$ SW $\frac{1}{4}$ ; Sec. 21; Tp. 6 S. R. 39 E., W. M.; all in Union County, Oregon.

N. J. Roberg-See W. C. Nicholson, deceased, Estate of-





# Oregon

Theodore R. Kulongoski, Governor

July 13, 2006

## Water Resources Department

North Mall Office Building  
725 Summer Street NE, Suite A  
Salem, OR 97301-1266  
503-986-0900  
FAX 503-986-0904

Ross E and Jacquelyn A Fritz  
48862 Anthony Lakes Hwy  
North Powder, OR 97867

REFERENCE: Transfer 10196

We are examining your water right transfer application. There are some problems that need to be resolved before we can continue processing your application.

1. You must provide evidence that the water was used on the lands to be affected by the transfer, for irrigation from the sources authorized by the certificates, during the five years prior to when the transfer application was filed. While the Affidavit of Use was received the necessary supporting documentation was not. The affidavit seemed to indicate that you intended to attach irrigation district records. I have enclosed a copy of the affidavit we received.
2. It is required that all the owners on the deed either sign the application or acknowledge the submission of the transfer by written, notarized statement. Unfortunately, I was unable to find Jacquelyn A Fritz's signature within the application. This can be remedied simply by completing the enclosed consent form, have it notarized and submit it to the Department.
3. The originating certificate lists three uses, irrigation, domestic and stock. It is not clear from the application what your intention is in regards to the domestic and stock uses. I am assuming these uses will remain at their authorized location.

✓ rec'd  
7-17  
powert

✓ consent  
rec'd 7-17

✓ to remain  
@ authorized  
place

Please submit the documentation to accompany the affidavit of use and consent from Jacquelyn Fritz **by August, 14, 2006**, to Susan Douthit, Water Resources Department, 725 Summer St. NE, Suite A, Salem, OR 97301-1271. If you have any questions, please call me at 503-986-0858.

Sincerely,

Susan Douthit  
Water Rights Transfer Specialist

cc: Watermaster, District 18

enclosures

# Platcard Report

## Township 7S Range 38E Section 2

					NE				NW				SW				SE					
	App# Priority	Permit/ Certificate	Claim/ Decree	Status dlc/lot	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Govt Lot	DLC
i	-	1455	Powder River	xfr#: D67	40.0 I*			38.0 I*														
i	-	1470	North Powder River	see transfers		40.0 I*	35.0 I*		40.0 I*	40.0 I*	36.5 I*	27.0 I*	21.5 I*	34.0 I*	40.0 I*	37.0 I*		28.5 I*	31.0 I*			
i	12/31/1902	1471	North Powder River														23.5 IR			30.5 IR		
i	G16441 04/18/2005	G15907 -		EX	40.0 IS (s) EX			38.0 IS (s) EX									23.5 IS (s) EX			30.5 IS (s) EX		
i	G16614 01/26/2006	-			40.0 IS (s)			38.0 IS (s)									23.5 IS (s)			30.5 IS (s)		
i	S9115 08/02/1923	S5972 5038															16.5 IR			9.5 IR		
i	S21947 06/26/1911	S17268 19780									3.5 IR											
	06/26/1911									40.0 IS (s)	36.5 IS (s)											
i	S40924 05/24/1965	S30499 38406											6.1 IR			3.0 IR		2.4 IR	8.2 IR			
i	S55949 05/20/1977	S44222 -			40.0 IS (s)			40.0 IS (s)									40.0 IS (s)					

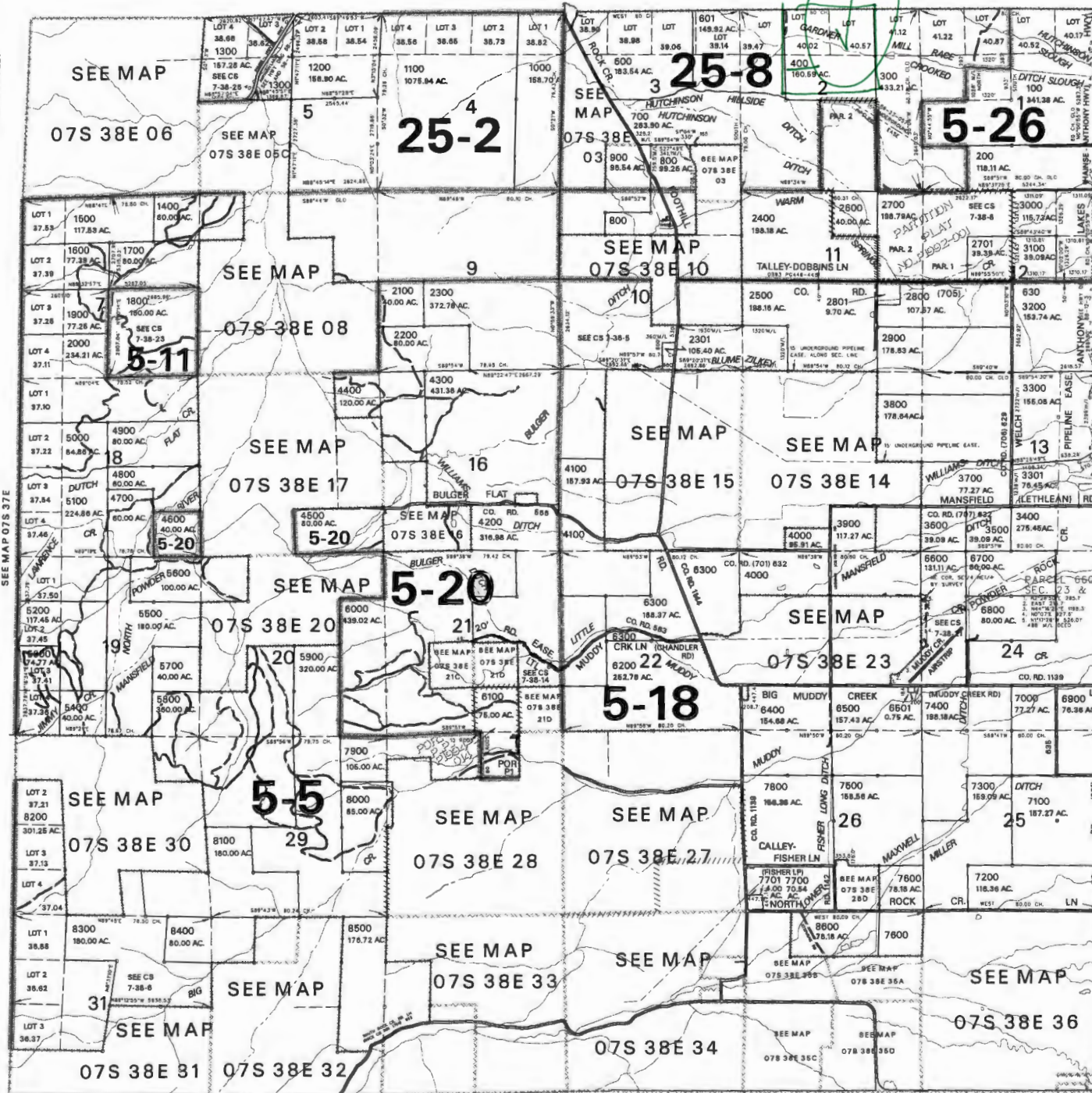
Page: 1

[Return to Platcard Query Screen](#)

Run Time: 1 seconds

T.07S. R.38E. W.M.  
BAKER COUNTY

1"=2000'



CANCELLED NO.  
500  
600A1  
5900M1  
8500M1

07S 38E  
& INDEX





# Oregon

John A. Kitzhaber, M.D., Governor

## Water Resources Department

Commerce Building  
158 12th Street NE  
Salem, OR 97301-4172  
(503) 378-3739  
FAX (503) 378-8130

### INTEROFFICE MEMO

FORWARD TO:

FIELD TRANSFER PROCESSOR WORKING ON THIS TRANSFER

DATE: 6-27-06

FROM:

WATERMASTER, DISTRICT # 8  
GROUNDWATER SECTION

(SIGNATURE)

Signed by injury reviewer

SUBJECT: TEMPORARY TRANSFER # 10196

Date Signed 7-3-2006

A change in:

POU

of water.

In the name(s) of Ross & Jacquelyn Fritz

In my opinion (assuming the right is valid), the proposed change

MAY BE MADE WITHOUT INJURY  
right.

WOULD RESULT IN INJURY\* to an existing water

\*The approval of this transfer application would result in injury to other water rights because \_\_\_\_\_

The existing right may not be valid because \_\_\_\_\_

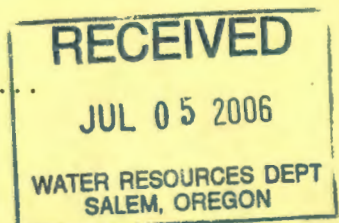
Headgate notices HAVE HAVE NOT Been issued for diversion from the source(s) which serve(s) this right.

If for change in point of diversion, is there any intervening point(s) for diversion between the authorized and proposed points of diversion? (Yes or No) N/A

In my opinion, the order approving the subject transfer application should include the following in regard to the appropriator installing suitable measuring devices in the diversion works:

- (1) PRIOR to the diverting of water at the new point of diversion ...  
 (2) WHEN IN the judgement of the watermaster it becomes necessary ...

The enclosed copy of the transfer application and map(s) is for your records.



**Susan Douthit**

---

**From:** Jeffrey Zakel [Jeffrey.C.Zakel@state.or.us]  
**Sent:** Tuesday, July 25, 2006 11:12 AM  
**To:** DOUTHIT Susan M  
**Subject:** Transfer # 10196,10197,10198

-->

I have reviewed the above transfer applications and have no comment.

Jeff Zakel

District Fish Biologist

Oregon Dept. of Fish and Wildlife

107 20th St., La Grande OR 97850

541-963-2138 x20 or 541-962-1829

[jeffrey.c.zakel@state.or.us](mailto:jeffrey.c.zakel@state.or.us)

7/25/2006

STATE OF OREGON

COUNTY OF BAKER

ORDER APPROVING TEMPORARY CHANGES IN PLACE OF USE

Pursuant to ORS 540.523, after notice was given and no objections were filed, and finding that no injury to existing water rights would result, this order approves, as conditioned or limited herein, TRANSFER 8742 submitted by

DUANE W. BOYER  
14087 MANSFIELD LANE  
HAINES, OREGON 97833.

The FIRST right to be modified was confirmed by decree of the Circuit Court of the State of Oregon for UNION County as evidenced by a PORTION of Certificate 1481. The decree is recorded in the Order Record of the Water Resources Director in Volume 3, at Page 252. The date of priority is 1897.

The right allows the use of the NORTH POWDER RIVER, a tributary of the POWDER RIVER, for IRRIGATION OF 37.2 ACRES. The amount of water to which this right is entitled is limited to an amount actually beneficially used and shall not exceed 0.93 cubic foot per second from March 1st to July 1st and 0.465 cubic foot per second from July 1st to October 1st of each year, if available at

This is an 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 137-004-080 and OAR 690-01-005 you may either petition for judicial review or petition the Director for reconsideration of this order.

T-8742.BW

Page 1 of 4 Special Order Volume 55. Page 458.

3 for ref.



the authorized point of diversion: BULGER DITCH, or its equivalent in case of rotation, measured at the point of diversion from the source.

The authorized place of use is located as follows:

NE¼ SW¼ 16.1 ACRES  
NW¼ SE¼ 21.1 ACRES  
SECTION 14  
TOWNSHIP 7 SOUTH, RANGE 38 EAST, W.M.

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

The SECOND right to be modified was confirmed by decree of the Circuit Court of the State of Oregon for UNION County as evidenced by a PORTION of Certificate 1470. The decree is recorded in the Order Record of the Water Resources Director in Volume 3, at Page 252. The date of priority is 1879.

The right allows the use of the NORTH POWDER RIVER, a tributary of the POWDER RIVER, for IRRIGATION OF 37.2 ACRES. The amount of water to which this right is entitled is limited to an amount actually beneficially used and shall not exceed 0.93 cubic foot per second from March 1st to July 1st and 0.465 cubic foot per second from July 1st to October 1st of each year, if available at the authorized point of diversion: BULGER DITCH, or its equivalent in case of rotation, measured at the point of diversion from the source.

The authorized place of use is located as follows:

NE¼ NW¼ 19.3 ACRES  
SW¼ NE¼ 17.9 ACRES  
SECTION 14  
TOWNSHIP 7 SOUTH, RANGE 38 EAST, W.M.

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

The applicant proposes to TEMPORARILY change the place of use to:

CERTIFICATE 1481

NE¼ NW¼ 19.3 ACRES

SW¼ NE¼ 17.9 ACRES

SECTION 14

TOWNSHIP 7 SOUTH, RANGE 38 EAST, W.M.

CERTIFICATE 1470

NE¼ SW¼ 16.1 ACRES

NW¼ SE¼ 21.1 ACRES

SECTION 14

TOWNSHIP 7 SOUTH, RANGE 38 EAST, W.M.

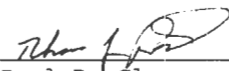
THESE CHANGES TO EXISTING WATER RIGHTS MAY BE MADE PROVIDED THE FOLLOWING CONDITIONS ARE MET BY THE WATER USER:

1. This change is temporary. This change shall be effective upon issuance of this order.
2. The former place of use shall **not** be irrigated as part of this water right during the 2001, 2002 and 2003 irrigation seasons.
3. The use shall revert to the authorized place of use at the end of the 2003 irrigation season.
4. The approval of this temporary transfer may be revoked or modified if the Department finds the change causes injury to any existing water right.

5. When required by the Department the water user shall install an in-line flow meter or other suitable device for measuring and recording the quantity of water used. The type and plans of the measuring device must be approved by the Department prior to beginning construction and shall be installed under the general supervision of the Department.

WITNESS the signature of the Water Resources

Director, affixed 5/11/2001.

  
for Paul R. Cleary, Director



10196-rec-notice.txt

County: BAKER  
Transfer: 10196  
Water Right: 1470  
Priority Date: 1871,1883,1899,1873,1888,1903,1879  
Name: ROSS E AND JACQUELYN A FRITZ  
Address: 48862 ANTHONY LAKES HIGHWAY; NORTH POWDER OR 97867  
Change: POU  
Source: NORTH POWDER RIVER  
Authorized POU: T7S R38E 2  
Proposed POU: T7S R38E 2

PUBLIC NOTICED FOR 06/27/2006



# Oregon

Theodore R. Kulongoski, Governor

## Water Resources Department

North Mall Office Building  
725 Summer Street NE, Suite A  
Salem, OR 97301-1266  
503-986-0900  
FAX 503-986-0904

June 27, 2006

JACQUELYN A FRITZ  
ROSS E FRITZ  
48862 ANTHONY LAKES HIGHWAY  
NORTH POWDER OR 97867

Reference: Temporary Transfer 10196

On June 8, 2006 we received your water right transfer application requesting place of use change for use of water from NORTH POWDER RIVER, tributary to POWDER RIVER. The application was accompanied by \$193. Our receipt 81964 is enclosed.

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

OAR 690-15-310 prohibits the temporary transfer from taking effect if water has been used on any existing proposed lands involved in the temporary transfer during the season of use. The season of use may be an irrigation season. If the land is sold before the transfer is approved, you will need to obtain consent from the buyer to complete the transfer.

We will notify you if additional information or corrections to the application or map are required.

If you have any questions, please call the Transfer Section, (503)986-0900.

cc: Watermaster #8  
Nadine Craft, Oregon Department of Fish & Wildlife  
Thomas Hanley, CWRE

enclosure

**ROSS E. & JACQUELYN A. FRITZ,  
48862 ANTHONY LKS. HWY.  
NORTH POWDER, OREGON 97867  
Telephone (541) 856-3475**

July 13, 2006


Oregon Water Resources Department  
Attn: Susan Douthit  
725 Summer Street NE, Suite A  
Salem, OR 97301-1271

RE: Ross E and Jacquelyn Fritz  
Application for Water Right Transfer

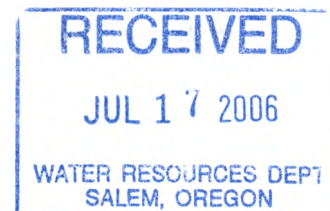
Pursuant to a phone call this date from Tom Rudolph I am enclosing my signed consent to place of use transfer for the application captioned above.

Also enclosed is a copy of Annual Water Charges from Powder Valley WCD.

Sincerely,

  
Jacquelyn A. Fritz

Enc.





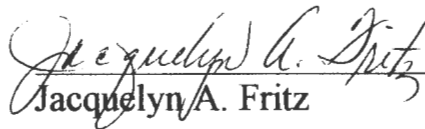
CONSENT TO PLACE OF USE TRANSFER

(On Application for Water Right Transfer)

FOR

ROSS E. FRITZ and JACQUELYN A. FRITZ

I consent to the place of use transfer as shown in the application for  
Ross E. and Jacquelyn A. Fritz, 48862 Anthony Lakes Highway, North  
Powder, OR 97867. Telephone 541 856-3475.

  
Jacquelyn A. Fritz

7-13-06  
Date



# COPY

## ANNUAL WATER CHARGES

### Powder Valley WCD

690 E Street

P.O. Box 189

North Powder, OR 97867

Phone #

541-898-2366

Date

12/1/2005

Invoice #

2005-132

Owner

ROSS & JACQUELYN FRITZ  
48862 ANTHONY LAKES HIGHWAY  
NORTH POWDER, OR 97867

Tenant

Due Date

12/31/2005

Quantity	Item Code	Description	Price Ea...	CLASS	Amount
140	NPRC-North Construction	Per Acre	19.0438	8 NP...	2,666.13
140	NPRC-North O&M	Per Acre	0.1273	8 NP...	17.82
			<div>RECEIVED JUL 17 2006 WATER RESOURCES DEPT SALEM, OREGON</div>		
Thank You			Total		\$2,683.95

Charges are for water used in 2005 and are due upon receipt - late if not paid by 12/31/2005. Interest at 1.33% per month or portion thereof will be charged on payments not postmarked or received at the above address by January 6, 2006. NO WATER WILL BE DELIVERED IN 2006 UNTIL THESE CHARGES ARE PAID.



**Oregon Water Resources Dept.  
Attn: Susan Douthit  
725 Summer Street NE, Suite A  
Salem, OR 97301-1271**

97301+1266 C007





Oregon Water Resources Department  
725 Summer Street NE, Suite A  
Salem, Oregon 97301-1271  
(503) 986-0900  
www.wrd.state.or.us

# Application for Water Right Transfer

Please type or print legibly in dark ink. If your application is incomplete or inaccurate, we will return it to you. If any requested information does not apply to your application, insert "n/a". Please read and refer to the instructions when completing your application. A summary of review criteria and procedures that are generally applicable to these applications is available at [www.wrd.state.or.us/publication/reports/index.shtml](http://www.wrd.state.or.us/publication/reports/index.shtml).

## APPLICATION FOR:

Please check one

- |  |   |  |
|--|---|--|
| <input checked="" type="checkbox"/> Water Right Transfer | <input checked="" type="checkbox"/> Temporary Transfer<br>(number of years <u>5</u> ) | <input type="checkbox"/> Drought Transfer                                      |
| <input type="checkbox"/> Historic Change in POD          | <input type="checkbox"/> Permit Amendment   | <input type="checkbox"/> Point of Diversion Change<br>Due to Government Action |
| <input type="checkbox"/> To Instream Use                 |   |  |
| <input checked="" type="checkbox"/> Other Transfer       |   |  |

## 1. APPLICANT INFORMATION

Name: Ross E. and Jacquelyn A. Fritz

First

Last

Address: 48862 Anthony Lakes Highway

North Powder, OR 97867

City

State

Zip

Phone: 541-856-3475

Cell 541-379-5137

Home

Work

Other

\*Fax: N/A

\*E-Mail address: jaro@eoni.com

\*Optional information

## 2. AGENT INFORMATION

(The agent listed is authorized to represent the applicant in all matters relating to this transfer application)

Name: N/A

First

Last

Address: \_\_\_\_\_

City

State

Zip

Phone: \_\_\_\_\_

Home

Work

Other

\*Fax: \_\_\_\_\_

\*E-Mail address: \_\_\_\_\_

\*Optional information

T 10196

RECEIVED

JUN 08 2006

WATER RESOURCES DEPT  
SALEM, OREGON FSD



### 3. TYPE OF CHANGE PROPOSED

Please check all that apply

Point of Diversion or Appropriation	Place of Use	Character of Use (n/a for Permit Amendments)
<input type="checkbox"/> Change (The old point of diversion or appropriation will <b>not</b> be used for the portion of the water right affected by the transfer.) <input type="checkbox"/> Additional (Both the old and new points of diversion or appropriation will be used for the portion of the water right affected by the transfer.) <input type="checkbox"/> Historic Point of Diversion (Unauthorized point of diversion used for more than 10 years.) <input type="checkbox"/> Surface Water to Ground Water (A new point of appropriation will be used <b>instead of</b> the old point of diversion and not as an additional point of appropriation.)	<input checked="" type="checkbox"/> All, or a portion, of the right will be exercised at a different location than currently authorized. (Use of water at the current location will be discontinued.) <input type="checkbox"/> Exchange (Water from another source will be used in exchange for supplying an equal amount of replacement water to that source.)	<p style="text-align: center;">Proposed new use:</p> <input type="checkbox"/> Irrigation <input type="checkbox"/> Municipal <input type="checkbox"/> Quasi-municipal <input type="checkbox"/> Commercial <input type="checkbox"/> Industrial <input type="checkbox"/> Instream (complete <b>Supplemental Form B</b> ) <input type="checkbox"/> Domestic (indicate number of households) _____ <input type="checkbox"/> Other _____  <input type="checkbox"/> Substitution (A supplemental ground water right will be substituted for a primary surface water right.)

Reason for changes: I am changing the use of my land and putting portions in to a conservation program which does not require irrigation.

Describe the **current** water delivery system. Include information on the pumps, canals, pipelines and sprinklers used to divert, convey and apply the water at the authorized place of use.

*The description must be sufficient to demonstrate that the full quantity of water to be transferred can be conveyed from the authorized source and applied at the authorized location and that the applicant is ready, willing, and able to exercise the right. (Not applicable to applications for Permit Amendments.)*

There is a pressurized mainline from the ditch source to my land. There is a 10" to 8" lateral that serves several hand lines and wheel lines on my land.

System capacity:   4   cubic feet per second (cfs)

*Attach one or more **Evidence of Use Affidavits** (Supplemental Form A) demonstrating that each of the right(s) involved in the transfer have been exercised in the last five years or that a presumption of forfeiture for non-use could be rebutted. (Not applicable to applications for Permit Amendments.)*

#### 4. CURRENT WATER RIGHT INFORMATION

*A separate page providing the information in this section must be completed for each certificate, permit, decree, or other right involved in the proposed transfer.*

Water Right Subject to Transfer (check and complete one of the following):

<input checked="" type="checkbox"/>	Certificated Right	1470 Certificate Number	North Powder River Permit Number or Decree Name
<input type="checkbox"/>	Adjudicated, Un-certificated Right	 Name of Decree	 Page Number
<input type="checkbox"/>	Permit for which Proof has been Approved	 Permit Number	 Date Claim of Beneficial Use Submitted
<input type="checkbox"/>	Transferred Right for which Proof has been Filed	 Previous Transfer Number	 Date Claim of Beneficial Use Submitted
<input type="checkbox"/>	Permit for which an Amendment is Requested	 Permit Number	 Completion Date of Permit

Name on Permit, Certificate, or Decree: W. R. Hutchinson

County: Baker

Authorized Use(s): Irrigation, Domestic and Stock

Are there multiple **Priority Dates** identified on the water right? ☒ Yes ☐ No

*If “Yes”, any information provided on **Page 4** must identify which priority date is associated with each of the proposed points of diversion/appropriation and places of use. In addition, list those priority dates: 1871, 1883, 1899*

Source(s) of Water Listed on Right: North Powder River

Tributary to: Powder River

Are there other **Sources** listed on the water right? ☐ Yes ☒ No

If "Yes", any information provided on **Page 4** must identify which source is associated with each of the proposed points of diversion/appropriation and proposed places of use. In addition, list those other sources: N/A

Are there **Other Water Rights** or permits associated with this land? ☐ Yes ☒ No

If "Yes", what are the Permit or Certificate Numbers? N/A

*Pursuant to ORS 540.510, any right that is supplemental to a primary right proposed for transfer must be included in the transfer or be cancelled.*

Remarks: A pipeline project was constructed with the cooperation of the NRCS in an effort to conserve water and supply the water to this land with more consistency and eliminate power usage. The pipeline project created pressurized mainlines without pumps.

---

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Certificate Number or other identifying number from **Page 3**: 1470

*A separate page providing the following information must be completed for each certificate, permit, decree, or other right involved in the proposed transfer.*

Is the entire water right identified on **Page 3** affected by this transfer? ☐ Yes ☒ No

*If "Yes", the remainder of this page need not be completed.*

*If "No", the following information must be provided only for those points of diversion/appropriation and places of use that are involved in the transfer.*

*Government lot and donation land claim numbers must be included in the tables below only if the information is reflected on the existing water right.*

**Location of Existing Authorized Point(s) of Diversion or Appropriation to be Changed:**

Township		Range		Mer	Sec	$\frac{1}{4}$ $\frac{1}{4}$ Section	Gov't Lot or DLC	Survey Coordinates (coordinates from a recognized survey corner)

**Location of Existing Authorized Place of Use to be Changed:**

[illegible]



## 5. PROPOSED CHANGES TO THE WATER RIGHT

*A separate page providing the information in this section must be completed for each certificate, permit, decree, or other right involved in the proposed transfer.*

Certificate Number or other identifying number from **Section 4**: 1470

### **Location of Proposed Point(s) of Diversion or Point(s) of Appropriation:**

Township		Range		Mer	Sec	¼ ¼ Section	Gov't Lot or DLC	Survey Coordinates (coordinates from a recognized survey corner)

*Attach additional copies as necessary to describe locations of other proposed points of diversion or appropriation. Clearly mark each of the additional copies with the appropriate Certificate Number or other identifying number. Not applicable to applications for transfers to instream water rights.*

### **Location of Proposed Place of Use:**

Township		Range		Mer	Sec	¼ ¼ Section	Gov't Lot or DLC	Acres (if applicable)
7	S	38	E	WM	2	SW NE	N/A	5.0
7	S	38	E	WM	2	SE NW	N/A	13.0

*Attach additional copies as necessary to describe locations of other proposed places of use. Clearly mark each of the additional copies with the appropriate Certificate Number or other identifying number. Not applicable to applications for transfers to instream water rights.*

Remarks: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

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*Transfer Application/5*

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## 6. AFFECTED DISTRICTS AND LOCAL GOVERNMENTS

Are any of the water rights proposed for transfer located within or served by an irrigation or other water district? ☒ Yes ☐ No

Will any of the water rights be located within or served by an irrigation or other water district after the proposed transfer? ☒ Yes ☐ No

Is water for any of the rights supplied under a water service agreement or other contract for stored water with a Federal agency? ☐ Yes ☒ No

*If "Yes", for any of the above, list the name and mailing address of the district and/or agency:*

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---

List the name and mailing address of all affected local governments (e.g., county, city, municipal corporation, and tribal governments within whose jurisdiction the rights are located).

Baker County, 1995 Third Street, Baker City, OR 97814

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## 7. LAND OWNERSHIP

Does the applicant own the lands **FROM** which the right is being transferred? ☒ Yes ☐ No

*If "No", provide the following information. For Temporary Transfers, also include a notarized statement granting consent to the transfer from each of the landowners:*

Names of Current Landowner(s): N/A

First

Last

Address: \_\_\_\_\_

City

State

Zip

Does the applicant own the lands **TO** which the right is being transferred? ☒ Yes ☐ No

*If "No", provide the following information:*

Names of Receiving Landowner(s): N/A

First

Last

Address: \_\_\_\_\_

City

State

Zip

Check one of the following:

☐ The receiving landowner will be responsible for completion of the proposed changes after the final order is issued. All notices and correspondence should be sent to this landowner.

☒ The applicant will remain responsible for completion of changes. Notices and correspondence should continue to be sent to the applicant and applicant's agent.

## 8. ATTACHMENTS

Check each of the following attachments included with this application. The application will be returned if all required attachments are not included.

### Form A – Evidence of Use Affidavits

- ☒ At least one Evidence of Use Affidavit documenting that the right has been used during the last five years or that the right is not subject to forfeiture under ORS 540.610 is attached. The affidavit provided must be the original, not a copy.

### Form B – Instream Water Right Transfer

- ☐ Required for instream transfers only.

### Map

- ☒ Permanent Water Right Transfer  
The map must be prepared by a Certified Water Right Examiner and meet the requirements of OAR 690-380-3100 unless a waiver has been granted. The map provided must be the original, not a copy.
- ☐ Permit Amendment, Temporary Transfer, or Other Application  
A map meeting the requirements of OAR 690-380-3100 must be included but need not be prepared by a Certified Water Right Examiner.

### Evidence of Lien Holder Notification

- ☐ Copies of the written notification of the proposed transfer provided by the applicant to each lien holder, unless the water right has been quit claimed.

### Recorded Deed

- ☒ \*Required for temporary transfers only.

### Land Use Information Form:

- ☒ Enclosed
- ☐ Not Required if all of the following are met:
- ① In EFU zone or irrigation district,
  - ② Change in place of use only,
  - ③ No structural changes needed, including diversion works, delivery facilities, other structures, and
  - ④ Irrigation only.

### Water Well Reports/Well Logs:

- ☐ The application is for a change in point of appropriation or change from surface water to ground water and copies of all water well reports are attached.
- ☐ Water well reports are not available and a description of construction details including well depth, static water level, and information necessary to establish the ground water body developed or proposed to be developed is attached.
- ☐ The application is for a surface water transfer and water well reports are not required.

### Fees:

- ☒ Amount enclosed: \$ 350.00  
See the Department's Fee Schedule at [www.wrd.state.or.us](http://www.wrd.state.or.us) or call (503) 986-0900.

## 9. SIGNATURES

I (we) understand that prior to approval of a permanent transfer and after issuance of a draft preliminary determination by the Department, I (we) must submit:

- (1) A report on ownership and lien information prepared by a title company within the last three months if required under OAR 690-380-3000(13), and
- (2) If I (we) are not the landowners, proof that the landowner or entity to which the water right has been quitclaimed consents to the transfer or that ownership information is not required.

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

applicant signature

name (print)

date

applicant signature

name (print)

date

### Before submitting your application, be sure you have:

- Answered each question completely.
- Included the required attachments.
- Provided original signatures for all named deed holders or other parties with an interest in the right.
- Included a check payable to the Oregon Water Resources Department for the appropriate amount.

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Transfer Application/7

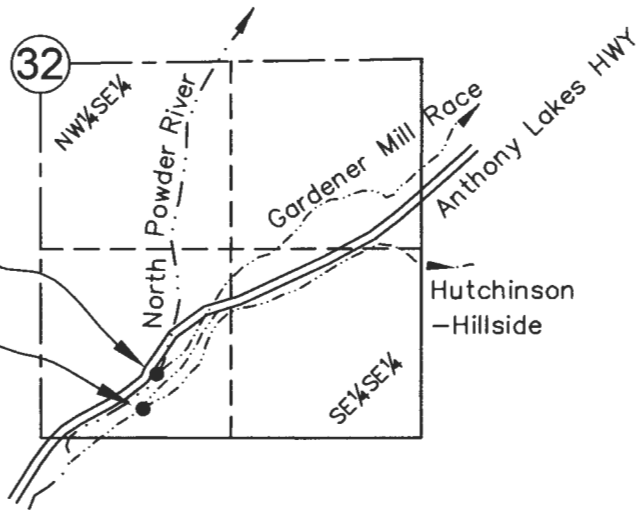
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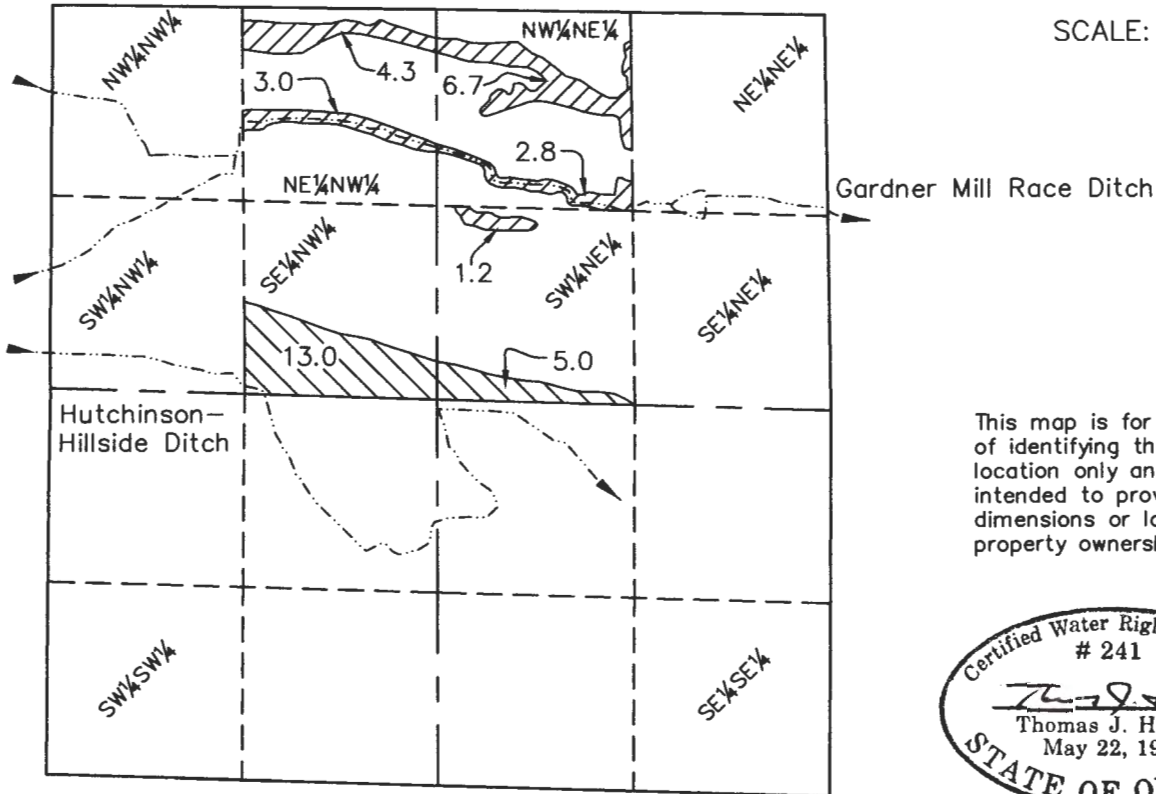
T. 6 S., R. 38 E., W.M.  
SECTION 32

Authorized Point of Diversion  
Gardener Mill Race Ditch  
Located 440' North & 1810' West  
from the SE Corner, Section 32.

Authorized Point of Diversion  
Hutchinson Hillside Ditch Located  
Approx. 200' North & 700' East  
from the S $\frac{1}{4}$  Corner, Section 32.

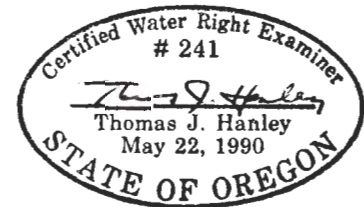




T. 7 S., R. 38 E., W.M.  
SECTION 2



SCALE: 1" = 1320'

This map is for the purpose  
of identifying the water right  
location only and is not  
intended to provide legal  
dimensions or location of  
property ownership lines.



-  Transfer "FROM" Lands
-  Transfer "TO" Lands

**Map to Accompany Application  
for Temporary Place of Use Transfer  
In Name of  
Ross Fritz**

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SALEM, OREGON**

**Reference: Special Order Vol. 7, 428 & 494  
May, 2006**

HANLEY ENGINEERING, INC.  
2043 MAIN STREET  
BAKER CITY, OREGON



**Water Right Transfer Supplemental Form A  
AFFIDAVIT ATTESTING TO THE USE OF WATER**

State of Oregon )  
 ) ss  
County of BAKER )

I, ROSS FRITZ, in my capacity as OWNER-IRRIGATOR  
mailing address 48862 Anthony Lakes Hwy North Powder, OR 97867  
telephone number ( 541 ) 856-3475, being first duly sworn depose and say:

1. I attest that:

- ☒ Water was used during the previous five years on the entire authorized place of use of the water right proposed for transfer as described on the accompanying transfer application, 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.

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

- ☒ Personal observation ☒ Professional expertise

3. My knowledge is specific to the use of water at the following locations:

Township	Range	Mer	Sec	¼ ¼ Section	Gov't Lot or DLC	Acres (if applicable)
7	5	38 E	W.M. 2	NW NE		40 <sup>0</sup>
"	"	"	"	"	SW NE	35 <sup>0</sup>
"	"	"	"	"	NE NW	40 <sup>0</sup>
"	"	"	"	"	SE NW	27 <sup>0</sup>

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(continues on reverse side)

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

4. The water right was exercised for the authorized purpose described below (e.g., crops grown):

ALFALFA, POTATOES, GRAIN, PASTURE

X 5. The water delivery system used to apply water as authorized by the right is described below:

There is a pressurized mainline from the ditch source to my land, there is a 10" to 8" lateral that services several hand lines and wheel lines on my land.

6. One or more of the following documentation supporting the above statements is attached:

- ☐ Copy of a water right certificate that was issued within the last five years (not a remaining right certificate),
- ☐ Copies of receipts from sales of irrigated crops or for expenditures relating to the use of water,
- ☒ Records such as Farm Service Agency crop reports, <sup>\*</sup>irrigation district records, an NRCS farm management plan, or records of other water suppliers,
- ☐ Dated aerial photographs of the lands or other photographs containing sufficient detail to establish the location and date of the photograph,
- ☐ Dedicated power usage records or receipts,
- ☐ Other: \_\_\_\_\_

Signature of Affiant

Ross E. Fritz

Date

4/27/06

Signed and sworn to (or affirmed) before me this 27<sup>th</sup> day of April, 2006.



Notary Public for Oregon

Carrie Jones

My Commission Expires: 11/9/2009

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





## Oregon Water Resources Department Land Use Information Form

This information is needed to determine compatibility with local comprehensive plans as required by ORS 197.180. WRD will use this and other information to evaluate the water use application. 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, or exchange and all of the following apply: a) only the place of use is proposed for change, b) there are no structural changes, c) the use of water is for irrigation, and d) the use is located in an irrigation district or exclusive farm use zone.

### To Be Completed By Applicant

This section must be completed by the individual or group that is filing an application with the Water Resources Department. Attach a copy of the map from the application to this form.

#### A. Applicant

Name: ROSSE FRITZ & JACQUELYN A. FRITZ  
Address: 48862 ANTHONY LKS. HWY.  
City: NORTH POWDER State: OR Zip: 97867 Day Phone: (541) 856-3475

#### B. Land and Location

Please provide information as requested below for all tax lots on or through which water will be diverted, conveyed, or used. Check "diverted" if water is diverted (taken) from its source on tax lot, "conveyed" if water is conveyed (transported) on tax lot, and "used" if water will be put to beneficial use on tax lot. More than one box may be checked. (Attach extra sheets as necessary.) 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.

Tax Lot I.D.	Plan Designation (e.g. Rural Residential/RR-5)	Water to be: (check all that apply)	Proposed Land Use
<u>400</u>		<input checked="" type="checkbox"/> Diverted <input checked="" type="checkbox"/> Conveyed <input checked="" type="checkbox"/> Used	
		<input type="checkbox"/> Diverted <input type="checkbox"/> Conveyed <input type="checkbox"/> Used	
		<input type="checkbox"/> Diverted <input type="checkbox"/> Conveyed <input type="checkbox"/> Used	
		<input type="checkbox"/> Diverted <input type="checkbox"/> Conveyed <input type="checkbox"/> Used	
		<input type="checkbox"/> Diverted <input type="checkbox"/> Conveyed <input type="checkbox"/> Used	
		<input type="checkbox"/> Diverted <input type="checkbox"/> Conveyed <input type="checkbox"/> Used	

List counties and cities where water is proposed to be diverted, conveyed, or used. BAKER

#### C. Description of Proposed Use

Indicate the type of application to be filed with the Water Resources Department.

☐ Water Use Permit ☒ Water Right Transfer ☐ Allocation of Conserved Water ☐ Exchange

Indicate the intended use of water and describe the key characteristics of the project.

☐ Commercial ☐ Industrial ☐ Instream ☒ Irrigation  
☐ Municipal ☐ Quasi-municipal ☐ Domestic (indicate number of households) \_\_\_\_\_  
☐ Other \_\_\_\_\_

Briefly describe: \_\_\_\_\_

Indicate the source of the water to be used.

☐ Reservoir/Pond ☐ Ground Water ☒ Surface Water NORTH POWDER RIVER  
(source)

Indicate the estimated quantity of water the use will require: 35 ☒ CFS ☐ GPM ☐ Acre-Feet

Last revised: 04/06/04

### Receipt for Request for Land Use Information

State of Oregon  
Water Resources Department  
725 Summer Street NE, Suite A  
Salem, OR 97301-1271  
(503) 986-0900

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### For Local Government Use Only

The following section must be completed by a planning official from each county and city listed unless the project will be located entirely within the city limits. In this case, only the city planning agency must complete this form. Please request additional forms as needed or feel free to copy.

#### A. Allowed Use

Check the appropriate box below and provide requested information.

- ☒ Land uses to be served by proposed water uses (including proposed construction) are allowed outright or are not regulated by your comprehensive plan. Cite applicable ordinance section(s): 302.01. Go to section B "Approval" below.
- ☐ Land uses to be served by proposed water uses (including proposed construction) involve discretionary land use approvals as listed in the table below.

Type of Land Use Approval Needed (e.g. plan amendments, rezones, conditional use permits, etc.)	Cite Most Significant, Applicable Plan Policies & Ordinance Section References	Check the item that applies: 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

**Note:** Please attach documentation of applicable local land use approvals which have already been obtained. (Record of Action/land use decision and accompanying findings are sufficient.)

#### B. Approval

Please provide printed name and written signature.

Name: Shawn M Berry Date: 5-22-06  
 Title: Planner Phone: 541-523-8219  
 Signature: Shawn M Berry

#### C. Additional Comments

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

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**Note:** If this form cannot be completed while the applicant waits, sign and detach the receipt stub as instructed below. 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

Name of applicant: \_\_\_\_\_

This receipt must be signed by a local government representative and returned to the applicant at the time they present this form. This receipt must be included with the application filed with the Water Resources Department if the local government cannot provide the requested land use information while the applicant waits.

City or County: \_\_\_\_\_  
 Staff contact: \_\_\_\_\_ Phone: \_\_\_\_\_  
 Signature: \_\_\_\_\_ Date: \_\_\_\_\_

T 10196



INSTRUMENT NO.

DEC. 74 07 076

RECORDING DATE

## WARRANTY DEED

B-5780

FRANKLYN McCULLOUGH aka FRANKLIN McCULLOUGH and VALORIA McCULLOUGH, husband and wife,

called grantor(s) herein, hereby convey(s) to ROSS E. FRITZ and JACQUELYN A. FRITZ, husband and wife,

whose address is Route 1, North Powder, Oregon 97867

the following described real property: Land in Baker County, Oregon, as follows:

In Twp. 6 S., R. 38 E., W.M.  
Sec. 35: The East 2 rods of the W $\frac{1}{2}$ SW $\frac{1}{4}$ .In Twp. 7 S., R. 38 E., W.M.  
Sec. 2: W $\frac{1}{2}$ NE $\frac{1}{4}$ , E $\frac{1}{2}$ NW $\frac{1}{4}$ .

Together with all and singular the water rights, ditch rights, tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining.

Note: It is also intended by this deed to convey an undivided 1/2 interest in the land described in Twp. 6 S., R. 38 E., W. M.

and covenant(s) that grantor(s) are the owner(s) of the above described property free of all encumbrances (except)

The mortgage in favor of Pioneer Federal Savings and Loan Association dated the 30th day of May, 1972.

and will warrant and defend the same against all persons who may lawfully claim the same, except as shown above.

The consideration for this transfer is: \$50,000.00

Dated: May 30th, 1972Franklyn McCullough  
Valoria McCulloughSTATE OF OREGON, County of Baker  
May 30th, 1972  
Personally appeared the above named  
FRANKLYN McCULLOUGH aka FRANKLIN  
McCULLOUGH and VALORIA McCULLOUGH,  
husband and wifeand acknowledged the foregoing instrument to be  
their voluntary act. Before me:CARL DAVIS  
Notary Public for Oregon.  
My Commission expires January 21, 1974.PREPARED BY  
RALPH G. MONSON  
Attorney At Law  
1928 COURT ST.  
SEASIDE, OREGON 97134

(FOR RECORDERS USE)

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WATER RESOURCES DEPT  
SALEM, OREGONRETURN TO  
ROSS E. FRITZ  
North Powder, ORE.

497000, OREGON 97814

LAND TITLE INSURANCE AGENCY

DOCUMENT

RECORDED

52-197

DENNIS L. FULLER

Clerk, Baker County, Oreg.

Dennis L. Fuller



**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 # **81964**

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

RECEIVED FROM: Ross or Jackie Fritz

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

CASH:

☐

CHECK:#

☒

2495

OTHER: (IDENTIFY)

☐

APPLICATION	
PERMIT	
TRANSFER	<u>10196</u>

TOTAL REC'D	\$ <u>193.00</u>
-------------	------------------

**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

<b>EXAM FEE</b>
\$

0202

0203 GROUND WATER

\$
----

0204

0205 TRANSFER

\$ <u>193.00</u>
------------------

<b>RECORD FEE</b>
\$
\$

**WELL CONSTRUCTION**

0218 WELL DRILL CONSTRUCTOR

<b>EXAM FEE</b>
\$

0219

LANDOWNER'S PERMIT

0220

<b>LICENSE FEE</b>
\$
\$

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 \_\_\_\_\_

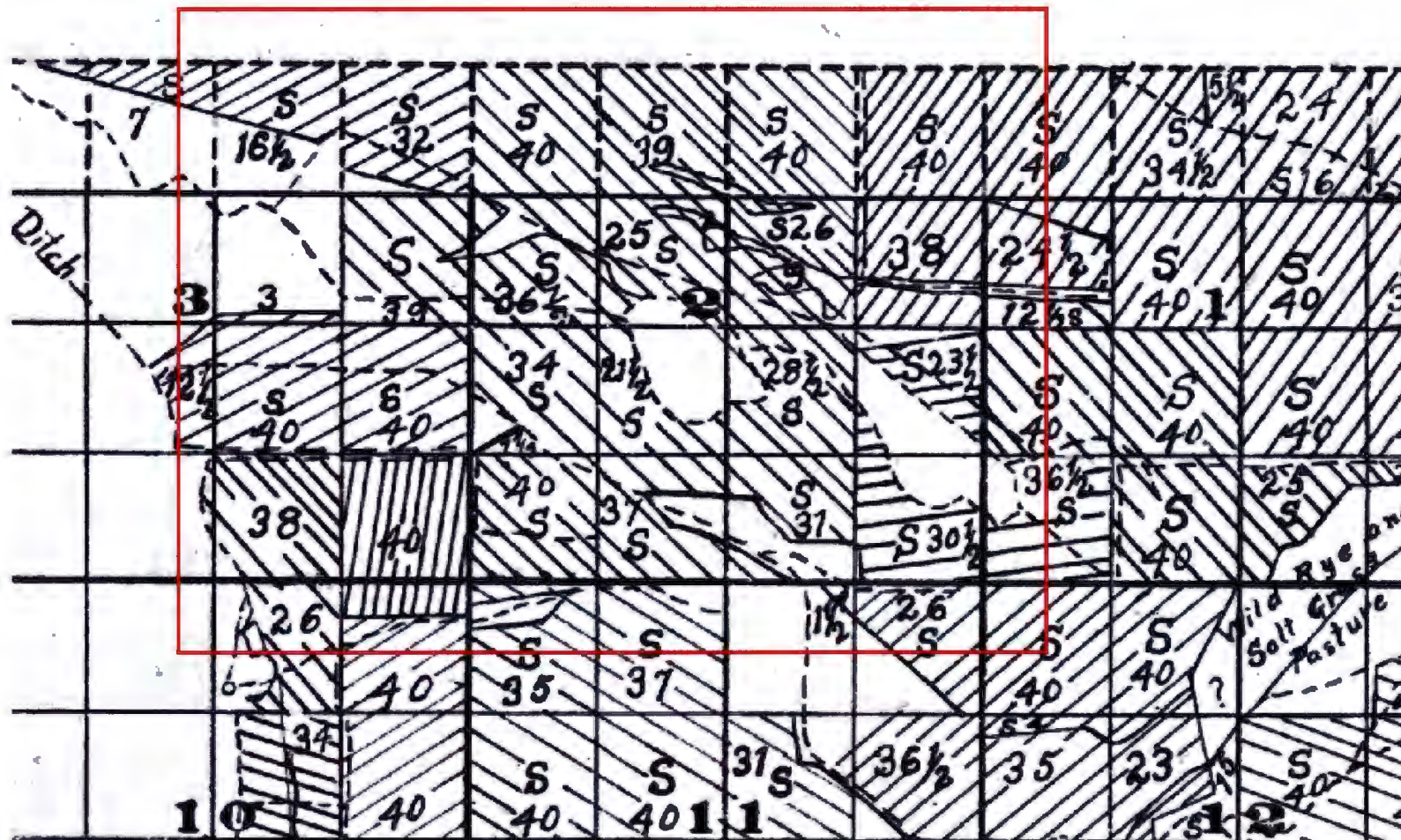
OBJ. CODE \_\_\_\_\_ VENDOR # \_\_\_\_\_

DESCRIPTION \_\_\_\_\_ \$ \_\_\_\_\_

RECEIPT: **81964**

DATED: 6/8/02 BY: L. Panshke

# Range 38E





**TRANSFER CHECK OFF LIST**

TRANSFER FILE #

DATE RECEIVED

DATE MONEY SLIPPED

DATE RECEIPTED

VALID WATER RIGHT?

TEMP ALT AC

TEMP Div 15

IRR DIST

PERM AMEND

DIV 15

ISWR

LETTER FROM ATTORNEY

YES (PUT INFO ON FRONT COVER)

NO

FOLDER FILLED OUT\*

ENTERED IN DB

CONTENTS MARKED

COLOR CODED

4 COPIES MADE &amp; STAMPED

CERTIFICATE MARKED

CERTIFICATE COPIED

PULL APPLICATIONS

APP FOLDER MARKED

FINAL PROOF MAP COPIED

PERMIT MARKED

PERMIT COPIED

PERMIT MAP COPIED

DECREE MARKED

DECREE COPIED

ADJUDICATION MAP COPIED

ENTRIES CHECKED

PUBLIC NOTICE DATE

LETTER SENT

COPY TO WM

BLUE FORM TO WM

COPY TO GW

BLUE FORM TO GW

COPY TO CWRE

LETTER TO ODFW

TRANSFER SENT TO:

CHECKED BY INIT FOLDER

(PREPARED &amp; COPIED)

Irrigation District (copy of app &amp; map)

Orange Perm Amend/Yellow Temp/Grn Dist/Lav Alt Acr/pink his  
POA, APOA, or [SW TO GW ONLY(as POD)]

Orange Perm Amend/Yellow Temp/Grn Dist/Lav Alt Acr/pink his

ALL Surface water POU/USE (POD and APOD FISH SCREENS)

SW --- NCR --- SCR --- ER

\*SHRINK DATA IF THERE ARE MANY FILES INVOLVED AND GLUE TO FOLDER