

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



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

**This historic change in point of diversion/appropriation application will be returned if
Parts 1 through 5 and all required attachments are not completed and included.
For questions, please call (503) 986-0900, and ask for Transfer Section.**

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

- Part 1 – Completed Minimum Requirements Checklist.
- Part 2 – Completed Application Map Checklist.
- Part 3 – Application Fee, payable by check to the Oregon Water Resources Department, and completed Fee Worksheet, page 3. Try the new online fee calculator at:
http://apps.wrd.state.or.us/apps/misc/wrd_fee_calculator.
- Part 4 – Completed Applicant Information and Signature.
- Part 5 – Information about the Transferred Water Rights: **How many water rights are to be transferred? 2 List them here: 89254/T-8431, 89256/T-7156**
Please include a separate Part 5 for each water right. (See instructions on page 5)
NOTE: A separate transfer application is required for each water right unless the criteria in OAR 690-380-3220 are met.

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Attachments:

- Completed Application Map (Does not have to be prepared by a Certified Water Right Examiner). **Attachment 1**
- Completed Evidence of Use Affidavit and supporting documentation showing that water has been used on the land for five years prior to transfer filing AND diverted at the actual, current point of diversion/appropriation for more than 10 years. **Attachment 2**
- Statement from the local Watermaster, based upon the Watermaster's knowledge and Department records, that no complaint of injury has been made due to the use of water at the actual, current point of diversion/appropriation. **Attachment 3**
- Land Use Information Form with approval and signature (or signed land use form receipt stub). **Attachment 4**
- N/A Affidavit(s) of Consent from Landowner (if the applicant does not own the land the water right is on.)
- N/A Water Well Report/Well Log for changes in point(s) of appropriation (well(s)) or additional point(s) of appropriation.

(For Staff Use Only)

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

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

Other/Explanation _____

Staff: _____

503-

Date: _____ / _____ / _____

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

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

Please be sure that the historic change in point of diversion/appropriation application map you submit includes all the required items and matches the existing water right map. Check all boxes that apply.

- N/A If **more than three** water rights are involved, separate maps are needed for each water right.
- Permanent quality printed with dark ink on white or clear paper or film.
- The size of the map can be 8½ x 11 inches, 8½ x 14 inches, or up to 30 x 30 inches. For 30 x 30 inch maps, three (3) paper copies and an electronic copy in a .pdf, .tiff or .jpg format are required.
- A north arrow, a legend, and scale.
- The scale of the map must be: 1 inch = 400 feet, **1 inch = 1,320 feet**, the scale of the Final Proof/Claim of Beneficial Use Map (the map used when the permit was certificated), the scale of the county assessor map if the scale is not smaller than 1 inch = 1,320 feet, or a scale that has been pre-approved by the Department.
- Township, Range, Section, ¼ ¼, DLC, Government Lot, and other recognized public land survey lines.
- Tax lot boundaries (property lines) and county tax lot numbers are required.
- Major physical features including rivers and creeks showing direction of flow, lakes and reservoirs, roads, and railroads.
- Major water delivery system features from the point(s) of diversion/appropriation such as main pipelines, canals, and ditches.
- Authorized point(s) of diversion or well(s) with distance and bearing or coordinates from a recognized survey corner. This information can be found in your water right certificate.
- Actual, current point of diversion/appropriation. Show the location and label it clearly with distance and bearing or coordinates. If GPS coordinates are used, latitude-longitude coordinates may be expressed as either degrees-minutes-seconds with at least one digit after the decimal (example – 42°32'15.5") or degrees-decimal with five or more digits after the decimal (example – 42.53764°).
- Existing place of use that includes separate hachuring for each water right, priority date, and use including number of acres in each quarter-quarter section, government lot, or in each quarter-quarter section as projected within government lots, donation land claims, or other recognized public land survey subdivisions. If less than the entirety of the water right is being changed, a separate hachuring is needed for lands left unchanged.
- N/A If for more than one actual, current point of diversion/appropriation, separate hachuring is needed for each place of use served by each point of diversion/appropriation, including the number of acres in each quarter-quarter section, government lot, or in each quarter-quarter section as projected within government lots, donation land claims, or other recognized public land survey subdivisions.

Part 3 of 5 — Fee Worksheet

FEE WORKSHEET for HISTORIC POD/POA TRANSFER			
1	Base Fee (includes Historic POD change to one water right for up to 1 cfs)	1	\$1,360
2	Number of water rights included in transfer <u>2 (2a)</u> Subtract 1 from the number in 2a above: <u>1 (2b)</u> <i>if only one water right this will be 0</i> Multiply line 2b by \$610 and enter »	2	\$610
3	Do you propose to add or change a well, or change from a surface water POD to a well? <input type="checkbox"/> No: enter 0 <input checked="" type="checkbox"/> Yes: enter \$480 for the 1 st well to be added or changed <u>\$480 (3a)</u> Do you propose to add or change additional wells? <input type="checkbox"/> No: enter 0 <input checked="" type="checkbox"/> Yes: multiply the number of additional wells by \$480 <u>(3b)</u> Add line 3a to line 3b and enter » » » » » » » » » » » »	3	\$960
4	Add entries on lines 1 through 3 above » » » » » » » » Transfer Fee:	4	\$2,930

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

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Part 4 of 5 – Applicant Information and Signature

Applicant Information

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

APPLICANT/BUSINESS NAME Lloyd Piercy			PHONE NO.	ADDITIONAL CONTACT NO.
ADDRESS PO Box 249			FAX NO.	
CITY Echo	STATE OR	ZIP 97826	E-MAIL All communication via mail	
BY PROVIDING AN E-MAIL ADDRESS, CONSENT IS GIVEN TO RECEIVE ALL CORRESPONDENCE FROM THE DEPARTMENT ELECTRONICALLY. COPIES OF THE FINAL ORDER DOCUMENTS WILL ALSO BE MAILED.				

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

AGENT/BUSINESS NAME Bob Long/CwM-H2O, LLC			PHONE NO. (503)954-1326	ADDITIONAL CONTACT NO.
ADDRESS 311 B Ave, Suite P			FAX NO.	
CITY LAKE OSWEGO	STATE OR	ZIP 97034	E-MAIL ALL COMMUNICATION VIA MAIL	
BY PROVIDING AN E-MAIL ADDRESS, CONSENT IS GIVEN TO RECEIVE ALL CORRESPONDENCE FROM THE DEPARTMENT ELECTRONICALLY. COPIES OF THE FINAL ORDER DOCUMENTS WILL ALSO BE MAILED.				
AGENT/BUSINESS NAME Laura Schroeder/Schroeder Law Offices, PC			PHONE NO. (503) 281-4100	ADDITIONAL CONTACT NO.
ADDRESS 1915 NE Cesar E Chavez Blvd			FAX NO.	
CITY PORTLAND	STATE OR	ZIP 97212	E-MAIL ALL COMMUNICATION VIA MAIL	
BY PROVIDING AN E-MAIL ADDRESS, CONSENT IS GIVEN TO RECEIVE ALL CORRESPONDENCE FROM THE DEPARTMENT ELECTRONICALLY. COPIES OF THE FINAL ORDER DOCUMENTS WILL ALSO BE MAILED.				

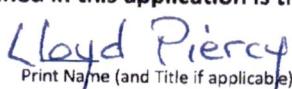
Explain in your own words what you propose to accomplish with this transfer application; and why:

The Applicant has diverted water under these two water rights (Certificates 89254 and 89256) from two shallow sumps (PODs 3 and 4) adjacent to the Umatilla River since at least 2012. These two sources are different than the two surface water PODs listed in the original water rights (PODs 1 and 2), which are described as a surface water diversion and an infiltration gallery. The sumps are hydraulically connected to the river and behave in the same manner as direct diversion from surface water. This application seeks to correct for this historic usage of PODs 3 and 4 in this application and have these two sources listed as the PODs for the two certificates.

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

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

 Applicant Signature


Print Name (and Title if applicable)


Date: **6/17/25** Received

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Applicant Signature

Print Name (and Title if applicable)

Date

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Is the applicant the sole owner of the land on which the water right, or portion thereof, proposed for transfer is located? Yes No If NO, include signatures of all deeded landowners (and mailing and/or e-mail addresses if different than the applicant's) or attach affidavits of consent (and mailing and/or e-mail addresses) from all landowners or individuals/entities to which the water right(s) were conveyed.

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

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

If a property sells, the certificated water right(s) located on the land belong to the new owner, unless a sale agreement or other document states otherwise. For more information see:
<http://www.oregon.gov/owrd/docs/transfer-propertytransactions.pdf>

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

Describe any special ownership circumstances here: N/A

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

ENTITY NAME _____	ADDRESS _____	
CITY _____	STATE _____	ZIP _____

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

ENTITY NAME UMATILLA COUNTY	ADDRESS 216 SE 4TH ST, PENDLETON, OR 97801	
CITY PENDLETON	STATE OR	ZIP 97801

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Part 5 of 5 – Water Right Information

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

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CERTIFICATE # 89254/T-8431 (1 of 2)

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Description of Water Delivery System

System capacity: 2.28 cubic feet per second (cfs) OR
1,025 gallons per minute (gpm)

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

Water is pumped from two shallow sumps, POD-3 and POD-4, in the Umatilla River alluvial system. POD-3 is a 6-ft diameter, approximately 20-ft deep sump about 50 ft from the south bank of the Umatilla River and very close to the mapped location of the POD-2 infiltration gallery. POD-4 is an approximately 4-ft diameter, approximately 17-ft deep sump about 625 ft from the river bank. POD-3 is equipped with a large turbine line shaft pump and POD-4 with a submersible pump. Both sumps can pump directly into the distribution system underlying the entire place of use.

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

POD/POA Name or Number	Is this POD/POA Authorized on the Certificate or is it the Current POD/POA that has been used for more than 10 years?	If POA, OWRD Well Log ID# (or Well ID Tag # L-__)	Twp	Rng	Sec	1/4	Tax Lot, DLC or Gov't Lot	Measured Distances (from a recognized survey corner)
POD-1	<input checked="" type="checkbox"/> Authorized <input type="checkbox"/> Current	NA	3 N	29 E	27	NE SE	9300	150 ft S, 880 ft W, E1/4 Corner, Sec. 27
POD-2	<input checked="" type="checkbox"/> Authorized <input type="checkbox"/> Current	NA	3 N	29 E	22	SW SW	9300	720 ft N, 1250 ft E, SW Corner, Sec. 22
POD-3	<input type="checkbox"/> Authorized <input checked="" type="checkbox"/> Current	NA	3 N	29 E	22	SW SW	9300	1257 ft E, 467 ft N, NW Corner Sec. 27
POD-4	<input type="checkbox"/> Authorized <input checked="" type="checkbox"/> Current	NA	3 N	29 E	27	NW NW	9300	1361 ft E, 246 ft S, NW Corner Sec. 27

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

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

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

<input checked="" type="checkbox"/> Yes Complete only the proposed section of Table 2 on the next page.
<input type="checkbox"/> No Complete all of Table 2 to describe the portion of the water right to be changed.

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

Table 2. Description of Changes to Water Right Certificate # 89254

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

Additional remarks: The Applicant has used water from PODs 3 & 4 since at least 2012 and now wishes to correct the sources as described on the water right to match the use of water on the ground. The two current PODs are shallow, large-diameter sumps in the alluvial aquifer in direct connection with and within close proximity to the Umatilla River. POD-3 is very close to the location of POD-2, the infiltration gallery described in the water right. Water level monitoring and water chemistry analysis for PODs 3 & 4 show that these sources are in efficient communication with the river.

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

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

OR

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

-POD-3 and POD-4 are shallow sumps constructed within the alluvial deposits along the Umatilla River. These sumps are in direct and efficient communication with the river and function as points of diversion. However, the general construction of the sumps is described in Table 3 below.

Table 3. Construction of Point(s) of Appropriation

Any well(s) in this listing must be clearly tied to corresponding well(s) described in Table 1 and shown on the accompanying application map. Failure to provide adequate information is likely to delay the processing of your transfer application.

Current or Authorized POA Name or Number	OWRD Well ID Tag No. L- (if available)	Total well depth	Casing Diameter	Casing Intervals (feet)	Seal depth(s) (intervals)	Perforated or screened intervals (in feet)	Static water level of completed well (in feet)	Source aquifer (sand, gravel, basalt, etc.)	Well-specific rate (cfs or gpm). If less than full rate of water right
POD-3	-	20 ft	6 ft ¹	+1-20 ft	-	~5-20 ft ²	8.45 ft ³	Umatilla River Alluvium	-
POD-4	-	17 ft	4 ft ¹	+1-17 ft	-	~5-17 ft ²	7.26 ft ³		

1. The sumps are constructed with large-diameter corrugated steel caissons to the full depth.
2. The steel caissons are saw-cut/perforated over approximately the lower $\frac{3}{4}$ of the total depth.
3. Depth below top of caisson on February 24, 2024.

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Part 5 of 5 – Water Right Information

CERTIFICATE # 89256/ T-7156 (2 of 2)

Description of Water Delivery System

System capacity: 2.28 cubic feet per second (cfs) **OR**
1,025 gallons per minute (gpm)

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

Water is pumped from two shallow sumps, POD-3 and POD-4, in the Umatilla River alluvial system. POD-3 is a 6-ft diameter, approximately 20-ft deep sump about 50 ft from the south bank of the Umatilla River and very close to the mapped location of the POD-2 infiltration gallery. POD-4 is an approximately 4-ft diameter, approximately 17-ft deep sump about 625 ft from the river bank. POD-3 is equipped with a large turbine line shaft pump and POD-4 with a submersible pump. Both sumps can pump directly into the distribution system underlying the entire place of use.

Table 1. Location of Authorized and Current Point(s) of Diversion (POD) or Appropriation (POA)

(Note: If the POD/POA name is not specified on the certificate, assign it a name or number here.)

POD/POA Name or Number	Is this POD/POA Authorized on the Certificate or is it the Current POD/POA that has been used for more than 10 years?	If POA, OWRD Well Log ID# (or Well ID Tag # L-____)	Twp	Rng	Sec	1/4	Tax Lot, DLC or Gov't Lot	Measured Distances (from a recognized survey corner)
POD-1	<input checked="" type="checkbox"/> Authorized <input type="checkbox"/> Current	NA	3	N	29	E	27	NE SE 9300 150 ft S, 880 ft W, E1/4 Corner, Sec. 27
POD-2	<input checked="" type="checkbox"/> Authorized <input type="checkbox"/> Current	NA	3	N	29	E	22	SW SW 9300 720 ft N, 1250 ft E, SW Corner, Sec. 22
POD-3	<input type="checkbox"/> Authorized <input checked="" type="checkbox"/> Current	NA	3	N	29	E	22	SW SW 9300 1257 ft E, 467 ft N, NW Corner Sec. 27
POD-4	<input type="checkbox"/> Authorized <input checked="" type="checkbox"/> Current	NA	3	N	29	E	27	NW NW 9300 1361 ft E, 246 ft S, NW Corner Sec. 27

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

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

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

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

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

Table 2. Description of Changes to Water Right Certificate # 89256

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

Additional remarks: *The Applicant has used water from PODs 3 & 4 since at least 2012 and now wishes to correct the sources as described on the water right to match the use of water on the ground. The two current PODs are shallow, large-diameter sumps in the alluvial aquifer in direct connection with and within close proximity to the Umatilla River. POD-3 is very close to the location of POD-2, the infiltration gallery described in the water right. Water level monitoring and water chemistry analysis for PODs 3 & 4 show that these sources are in efficient communication with the river.*

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

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

OR

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

-POD-3 and POD-4 are shallow sumps constructed within the alluvial deposits along the Umatilla River. These sumps are in direct and efficient communication with the river and function as points of diversion. However, the general construction of the sumps is described in Table 3 below.

Table 3. Construction of Point(s) of Appropriation

Any well(s) in this listing must be clearly tied to corresponding well(s) described in Table 1 and shown on the accompanying application map. Failure to provide adequate information is likely to delay the processing of your transfer application.

Current or Authorized POA Name or Number	OWRD Well ID Tag No. L- (if available)	Total well depth	Casing Diameter	Casing Intervals (feet)	Seal depth(s) (intervals)	Perforated or screened intervals (in feet)	Static water level of completed well (in feet)	Source aquifer (sand, gravel, basalt, etc.)	Well-specific rate (cfs or gpm). If less than full rate of water right
POD-3	-	20 ft	6 ft ¹	+1-20 ft	-	~5-20 ft ²	8.45 ft ³	Umatilla River Alluvium	-
POD-4	-	17 ft	4 ft ¹	+1-17 ft	-	~5-17 ft ²	7.26 ft ³		

4. The sumps are constructed with large-diameter corrugated steel caissons to the full depth.
5. The steel caissons are saw-cut/perforated over approximately the lower ¾ of the total depth.
6. Depth below top of caisson on February 24, 2024.

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Land Use Information Form



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

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NOTE TO APPLICANTS

In order for your application to be processed by the Oregon Water Resources Department (OWRD), this Land Use Information Form must be completed by a local government planning official in the jurisdiction(s) where your water right will be diverted, conveyed, used, and developed. The planning official may choose to complete the form while you wait or return the "Receipt Acknowledging Request for Land Use Information" to you. Applications received by OWRD without the Land Use Information Form, or the signed receipt, will be returned to you. **IMPORTANT:** Please note that while OWRD can accept a signed receipt as part of intake for an application for a new permit to use or store water, a completed Land Use Information Form is required for OWRD's acceptance of all other applications. Please be aware that your application cannot be approved without land use approval.

This form is NOT required if:

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

NOTE TO LOCAL GOVERNMENTS

The person presenting the attached Land Use Information Form is applying for a new water right or modifying an existing water right. The Oregon Water Resources Department (OWRD) requires applicants to obtain land use information to ensure the water right does not result in land uses that are incompatible with your comprehensive plan. Please complete the form and return it to the applicant for inclusion in their application. **NOTE:** For new water right applications only, if you are unable to complete this form while the applicant waits, you may complete the "Receipt Acknowledging Request for Land Use Information" and return it to the applicant.

You will receive notice via OWRD's weekly Public Notice once the applicant formally submits their request to OWRD. The notice will give more information about OWRD's water right process and provide additional comment opportunities. If you previously only completed the receipt for an application for a new permit to use or store water, you will have 30 days from the Public Notice date to complete the Land Use Information Form and return it to OWRD. Your attention to this request for information is greatly appreciated. If you have questions concerning this form, please contact OWRD's Customer Service Group at 503-986-0900 or WRD_DL_customerservice@water.oregon.gov.

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Land Use Information Form — Page 1 of 4

Last Revised: 10/2023

14702 -

Land Use Information Form



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

NAME Lloyd Piercy				PHONE	
MAILING ADDRESS PO Box 249					
CITY Echo		STATE OR	ZIP 97826	EMAIL <i>All communication by mail</i>	
Received JUL 07 2025 OWRD					

A. Land and Location

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

Township	Range	Section	1/4	Tax Lot #	Plan Designation (e.g., Rural Residential/RR-5)	Water to be:	Proposed Land Use:
3N	29E	22	SWSW	9300	EFU <i>CQ</i>	<input checked="" type="checkbox"/> Diverted <input type="checkbox"/> Conveyed <input checked="" type="checkbox"/> Used	EFU <i>CQ</i>
3N	29E	22	SESW	1000		<input type="checkbox"/> Diverted <input checked="" type="checkbox"/> Conveyed <input type="checkbox"/> Used	
3N	29E	21	SESE	9300		<input type="checkbox"/> Diverted <input checked="" type="checkbox"/> Conveyed <input checked="" type="checkbox"/> Used	
3N	29E	28	NENE	9300		<input type="checkbox"/> Diverted <input type="checkbox"/> Conveyed <input checked="" type="checkbox"/> Used	
3N	29E	27	NWNW	9300		<input type="checkbox"/> Diverted <input checked="" type="checkbox"/> Conveyed <input checked="" type="checkbox"/> Used	
3N	29E	27	NENW	9300		<input checked="" type="checkbox"/> Diverted <input checked="" type="checkbox"/> Conveyed <input checked="" type="checkbox"/> Used	
3N	29E	27	NWNE	9300		<input type="checkbox"/> Diverted <input checked="" type="checkbox"/> Conveyed <input checked="" type="checkbox"/> Used	
3N	29E	27	NENE	9200		<input type="checkbox"/> Diverted <input type="checkbox"/> Conveyed <input checked="" type="checkbox"/> Used	
3N	29E	27	SENE	9200		<input type="checkbox"/> Diverted <input type="checkbox"/> Conveyed <input checked="" type="checkbox"/> Used	
3N	29E	27	SWNE	9300		<input type="checkbox"/> Diverted <input checked="" type="checkbox"/> Conveyed <input checked="" type="checkbox"/> Used	
3N	29E	27	SENW	9300		<input type="checkbox"/> Diverted <input checked="" type="checkbox"/> Conveyed <input checked="" type="checkbox"/> Used	
3N	29E	27	SWNW	9300		<input type="checkbox"/> Diverted <input checked="" type="checkbox"/> Conveyed <input checked="" type="checkbox"/> Used	

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

Umatilla *County*

NOTE: A separate Land Use Information Form must be completed and submitted for each county and city, as applicable.

B. Description of Proposed Use

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

Permit to Use or Store Water Water Right Transfer* Permit Amendment or Ground Water Registration Modification
 Limited Water Use License Exchange of Water Allocation of Conserved Water *Other: *Historic Change in POD*

Source of water: Reservoir/Pond Ground Water Surface Water (name) Umatilla River

Estimated quantity of water needed: 2.07 cubic feet per second gallons per minute acre-feet

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

For Local Government Use Only

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

Please check the appropriate box below and provide the requested information

Land uses to be served by the proposed water use(s), including proposed construction, are allowed outright or are not regulated by your comprehensive plan. Cite applicable ordinance section(s): UCDC 152.050(A)

Land uses to be served by the proposed water use(s), including proposed construction, involve discretionary land-use approvals as listed in the table below. (Please attach documentation of applicable land-use approvals which have already been obtained. Record of Action/land-use decision and accompanying findings are sufficient.) **If approvals have been obtained but all appeal periods have not ended, check "Being Pursued."**

Type of Land-Use Approval Needed (e.g., plan amendments, rezones, conditional-use permits, etc.)	Cite Most Significant, Applicable Plan Policies & Ordinance Section References	Land-Use Approval:	
		<input type="checkbox"/> Obtained	<input type="checkbox"/> Being Pursued
		<input type="checkbox"/> Denied	<input type="checkbox"/> Not Being Pursued
	Received	<input type="checkbox"/> Obtained	<input type="checkbox"/> Being Pursued
	JUL 07 2025	<input type="checkbox"/> Denied	<input type="checkbox"/> Not Being Pursued
	OWRD	<input type="checkbox"/> Obtained	<input type="checkbox"/> Being Pursued
		<input type="checkbox"/> Denied	<input type="checkbox"/> Not Being Pursued

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

Irrigation for farm use

Name: CAROL JOHNSON Title: Planner
Signature: Carol Johnson Date: 5/8/25
Governmental Entity: Umatilla County Phone: 541-278-10252

Receipt Acknowledging Request for Land Use Information

Note to Local Government Representative:

Please complete this form and return it to the applicant. **For new water right applications only**, if you are unable to complete this form while the applicant waits, you may complete this receipt and return it to the applicant. If you sign the receipt, you will have 30 days from the date of OWRD's Public Notice of the application to submit the completed Land Use Information Form to Oregon Water Resources Department. Please note while OWRD can accept a signed receipt as part of intake for an application for a new permit to use or store water, a completed Land Use Information Form is required for all other applications.

Applicant Name: _____

Staff Name: _____ Title: _____

Staff Signature: _____ Date: _____

Governmental Entity: _____ Phone: _____

Briefly describe:

The applicant intends to modify the authorized PODs on their certificates to two current PODs, which have been in use for over ten years. These PODs divert water from the same source (Umatilla River). The effected water rights are Certificate 89254 and 89256.

Note to applicant: For new water right applications only, if the Land Use Information Form cannot be completed while you wait, please have a local government representative sign the receipt on the bottom of page 4 and include it with the application filed with the Oregon Water Resources Department.

See Page 4 ➔

Received

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Application for Water Right Transfer

Evidence of Use Affidavit



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

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

State of Oregon)
)
) ss

County of UMATILLA)
1. Lloyd E. Pickey in my capacity as LANDOWNER

mailing address PO Box 249, Echo, OR 97826

telephone number (541) 376-0419 being first duly sworn depose and say:

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

Personal observation Professional expertise

2. I attest that:

Water was used during the previous five years on the **entire** place of use for Certificate # **89254 AND 89256; OR**

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

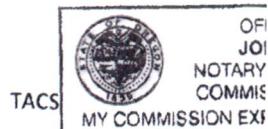
OR

- Confirming Certificate # _____ has been issued within the past five years; **OR**
- Part or all of the water right was leased instream at some time within the last five years. The instream lease number is: _____ (Note: If the entire right proposed for transfer was not leased, additional evidence of use is needed for the portion not leased instream.); **OR**
- The water right is not subject to forfeiture and documentation that a presumption of forfeiture for non-use would be rebutted under ORS 540.610(2) is attached.
- Water has been used at the actual current point of diversion or appropriation for more than 10 years for Certificate # **89254 AND 89256** (For Historic POD/POA Transfers)

(continues on reverse side)

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3. The water right was used for: (e.g., crops, pasture, etc.): IRRIGATION OF PIVOT AND ROW CROPS

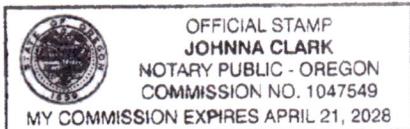
4. I understand that if I do not attach one or more of the documents shown in the table below to support the above statements, my application will be considered incomplete.

Signature of Affiant

6/17/25

Date

Signed and sworn to (or affirmed) before me this 19 day of June, 2025

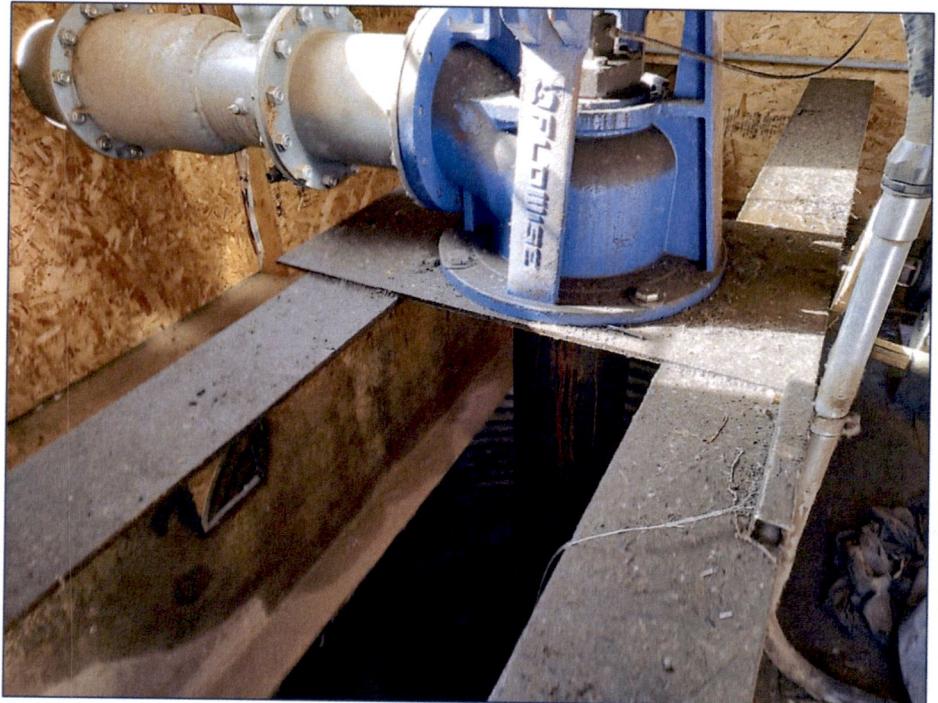


Notary Public for Oregon

My Commission Expires: 4/21/28

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

POD-3 wellhead
currently located within
a well house,
constructed between
2019 and 2021



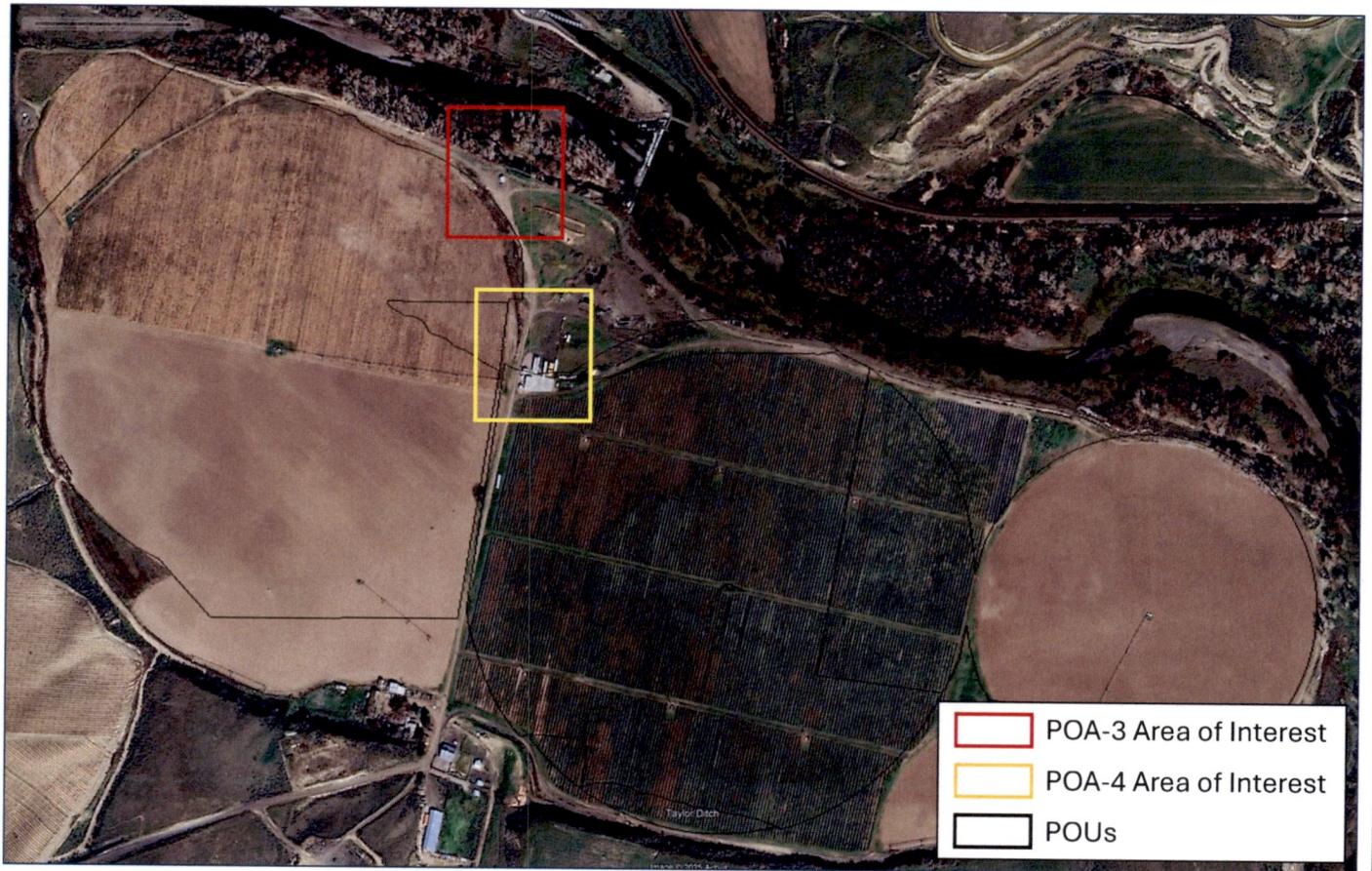
**POD-4 wellhead covered
by 1/4" steel plate**



311 B Ave, Suite P
Lake Oswego, OR 97034
(503) 954-1326

Documentation of Current PODs

Received Historic Change in POD
JUL 07 2025 Certificates 89254 and 89256
OWRD 14702 -



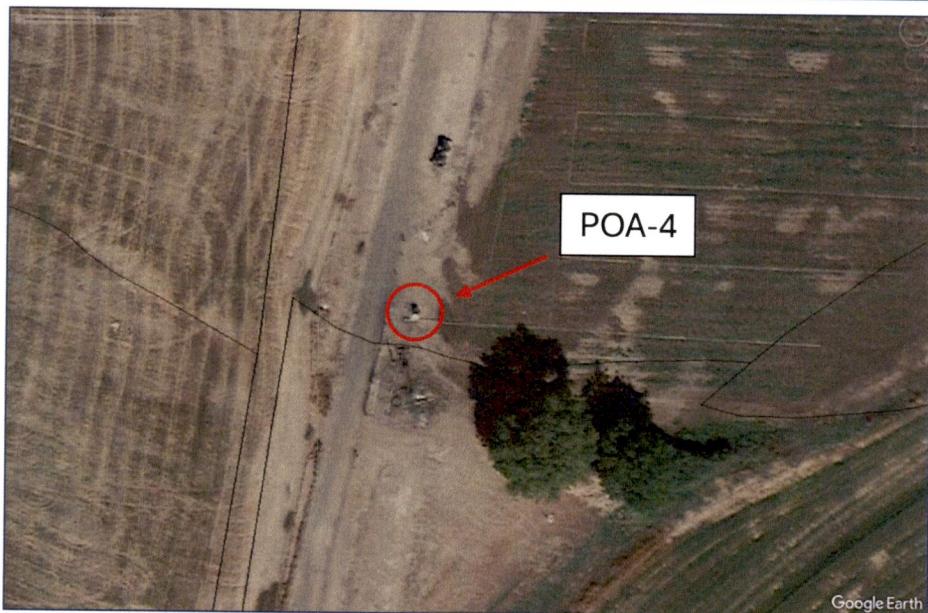
311 B Ave, Suite P
Lake Oswego, OR 97034
(503) 954-1326

Documentation of Current PODs

Received Historic Change in POD
JUL 07 2025 Certificates 89254 and 89256

OWRD

14702 -



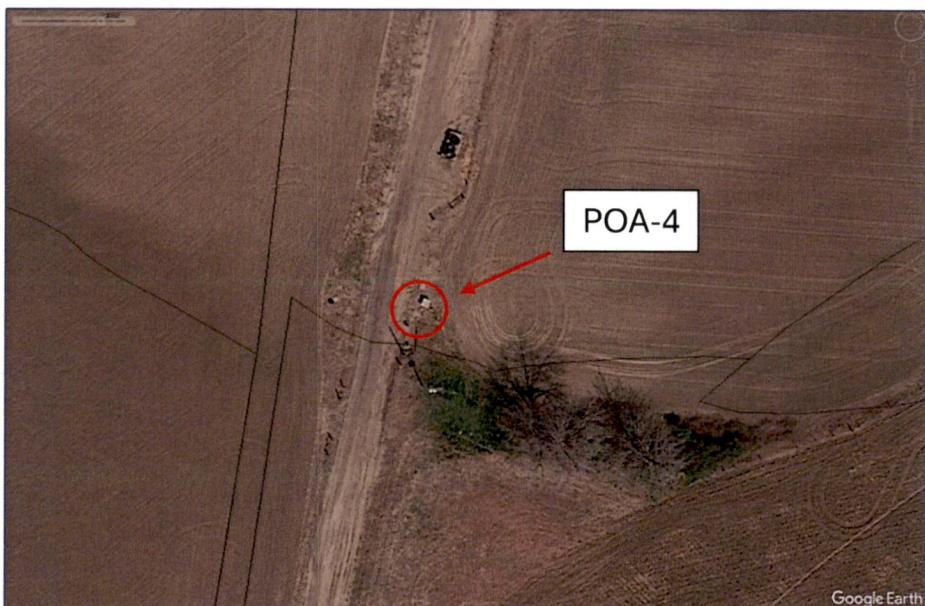
311 B Ave, Suite P
Lake Oswego, OR 97034
(503) 954-1326

Documentation of Current PODs

Historic Change in POD
Received Certificates 89254 and 89256
JUL 07 2025

OWRD

September 2012



Received
JUL 07 2025
OWRD



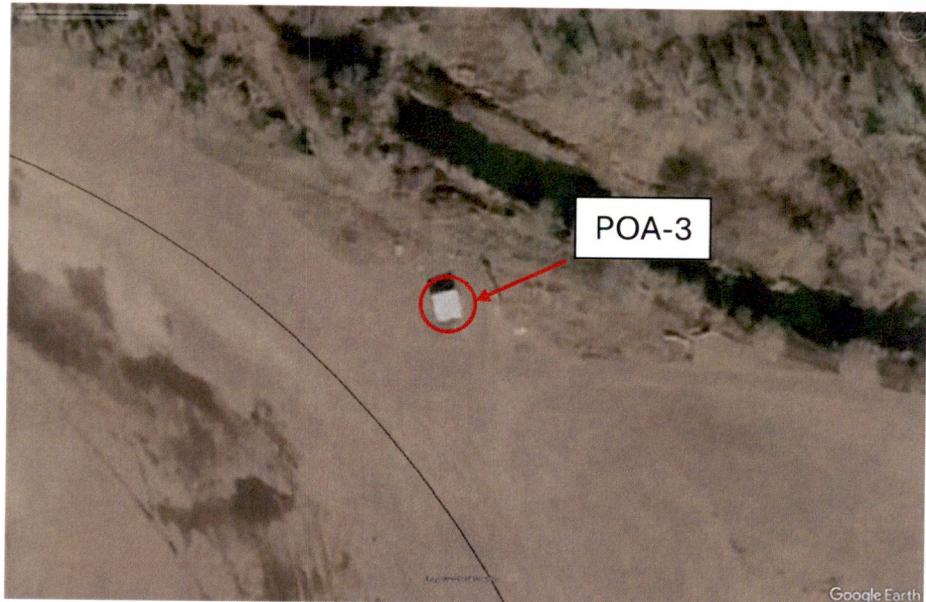
311 B Ave, Suite P
Lake Oswego, OR 97034
(503) 954-1326

Documentation of Current PODs

Historic Change in POD
Certificates 89254 and 89256

April 2015

14702 -



Received
JUL 07 2025
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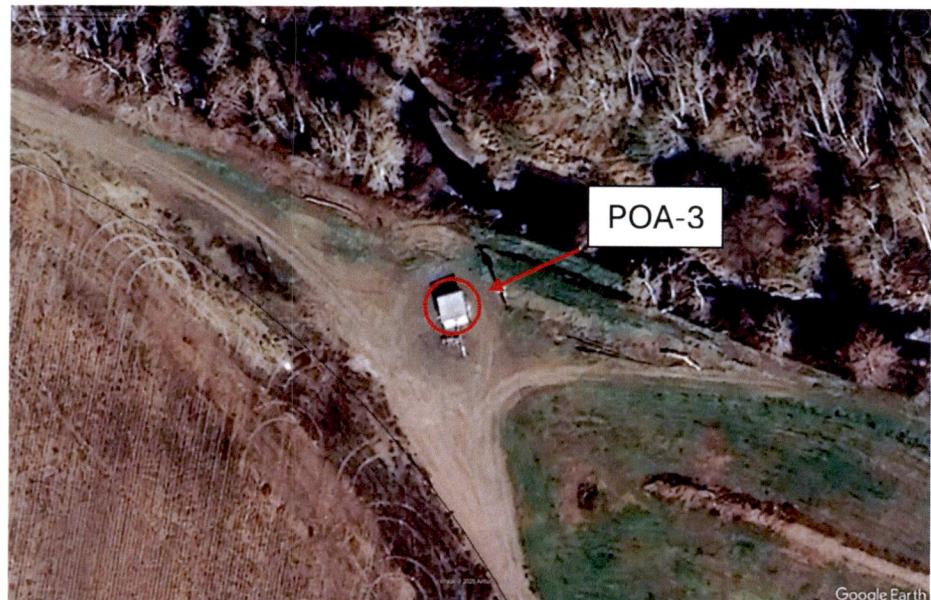
311 B Ave, Suite P
Lake Oswego, OR 97034
(503) 954-1326

Documentation of Current PODs

Historic Change in POD
Certificates 89254 and 89256

March 2021

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Received

JUL 07 2025

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311 B Ave, Suite P
Lake Oswego, OR 97034
(503) 954-1326

Documentation of Current PODs

Historic Change in POD
Certificates 89254 and 89256

14702 - March 2024

Kelsey Seibel

From: Rachelq Harman <r.harman@water-law.com>
Sent: Wednesday, May 7, 2025 3:41 PM
To: Greg.M.Silbernagel@water.oregon.gov
Cc: Kelsey Seibel; Laura Schroeder; Tara Lomacz; Bob Long; Ian Godwin; Joh YoungWoo; Sawkar Anu
Subject: Watermaster Review of Application for Historic Change in Point of Diversion
(Certificates 89254 and 89256)
Attachments: SLO to Silbernagel re Watermaster Review for Application for Historic Change in POD
(Certificates 89254 and 89256).pdf

Dear Mr. Silbernagel,

Attached please find correspondence from our office with enclosures. Please let us know if there are any issues opening the attachment.

Regards,

Rachelq Harman
Paralegal
Schroeder Law Offices, P.C.
1915 NE Cesar E. Chavez Blvd., Portland OR 97212
P: (503) 281-4100 | F: (877) 600-4971



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Confidentiality Notice: This electronic message may contain information that is attorney-client privileged and confidential, intended only for the use of the individual or entity named above. If you receive this communication in error, please notify me immediately and delete all copies of this message.

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14702 -

Laura A. Schroeder

Oregon, Idaho,
Nevada, Washington & Utah

Therese A. Ure Stix

Oregon & Nevada

Caitlin R. Skulan

Nevada & Idaho



SCHROEDER
LAW OFFICES, P.C.

William F. Schroeder

(1928 - 2015)

James Browitt

Of Counsel
Idaho & Washington

May 7, 2025

VIA ELECTRONIC MAIL

Greg Silbernagel
Watermaster, District 5
116 SE Dorian Ave
Pendleton, OR 97801
Email: Greg.M.Silbernagel@water.oregon.gov

**RE: Watermaster Review of Application for Historic Change in Point of
Diversion (Certificates 89254 and 89256)**

Dear Mr. Silbernagel:

While this request does not concern water rights involved in the pending litigation in cases 23CV27892, 23CV27740, and 24CV32021, your attorney, YoungWoo Joh, asked that we copy him as to matters concerning our clients involved in the referenced litigation, so we copy him here.

Please find an Application for Historic Change in Point of Diversion for Certificates 89254 (T-8431) and 89256 (T-7156) with supporting documentation and the Watermaster Review Statement form. These are for surface water rights on Lloyd Piercy's property, and as stated in the previous paragraph, not subject to the pending litigation in cases 23CV27892, 23CV27740, and 24CV32021. For this reason, we request you review this Application and send back a completed Watermaster Review Statement to counsel@water-law.com.

If you have any questions or need further information about this request or the contents of Application, please contact us at email addresses listed above or by phone at (503) 281-4100.

Very truly yours,
SCHROEDER LAW OFFICES, P.C.

Laura A. Schroeder

KJS:rsh

Enclosures

cc: Client (*via email only*)
Bob Long (*via email only*)
Ian Godwin (*via email only*)
YoungWoo Joh (*via email only*)
Anu Sawkar (*via email only*)

Received

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1915 NE Cesar E. Chavez Boulevard, Portland, Oregon 97212 (503) 281-4100

10615 Double R Boulevard, Suite 100, Reno, Nevada 89521 (775) 786-8800

www.water-law.com counsel@water-law.com

Application for Water Right Historic POD/POA Transfer Watermaster Statement



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

I, _____, Watermaster of District _____,

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

from _____ located as follows:
(source)

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

Twp	Rng	Mer	Sec	Q-Q	DLC	GLot	Measured Distances
		W.M.					

OR

by GPS coordinates: Latitude: _____

Longitude: _____

OR

as shown on the attached map.

Signature

Date

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JUL 07 2025

14702 - OWRD

Application for Historic Change in Point of Diversion/Appropriation

Part 1 of 5 – Minimum Requirements Checklist



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

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

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

Received

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

- Part 1 – Completed Minimum Requirements Checklist.
- Part 2 – Completed Application Map Checklist.
- Part 3 – Application Fee, payable by check to the Oregon Water Resources Department, and completed Fee Worksheet, page 3. Try the new online fee calculator at:
http://apps.wrd.state.or.us/apps/misc/wrd_fee_calculator.
- Part 4 – Completed Applicant Information and Signature.
- Part 5 – Information about the Transferred Water Rights: **How many water rights are to be transferred? 2 List them here: 89254/T-8431, 89256/T-7156**
Please include a separate Part 5 for each water right. (See instructions on page 5)
NOTE: A separate transfer application is required for each water right unless the criteria in OAR 690-380-3220 are met.

Attachments:

- Completed Application Map (Does not have to be prepared by a Certified Water Right Examiner). **Attachment 1**
- Completed Evidence of Use Affidavit and supporting documentation showing that water has been used on the land for five years prior to transfer filing AND diverted at the actual, current point of diversion/appropriation for more than 10 years. **Attachment 2**
- Statement from the local Watermaster, based upon the Watermaster's knowledge and Department records, that no complaint of injury has been made due to the use of water at the actual, current point of diversion/appropriation. **Attachment 3**
- Land Use Information Form with approval and signature (or signed land use form receipt stub). **Attachment 4**
- N/A Affidavit(s) of Consent from Landowner (if the applicant does not own the land the water right is on.)
- N/A Water Well Report/Well Log for changes in point(s) of appropriation (well(s)) or additional point(s) of appropriation.

(For Staff Use Only)

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

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

Other/Explanation _____

Staff: _____ 503- _____

Date: _____ / _____ / _____

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

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

Please be sure that the historic change in point of diversion/appropriation application map you submit includes all the required items and matches the existing water right map. Check all boxes that apply.

- N/A If **more than three** water rights are involved, separate maps are needed for each water right.
- Permanent quality printed with dark ink on white or clear paper or film.
- The size of the map can be 8½ x 11 inches, 8½ x 14 inches, or up to 30 x 30 inches. For 30 x 30 inch maps, three (3) paper copies and an **Received** **JUL 07 2025** electronic copy in a .pdf, .tiff or .jpg format are required.
- A north arrow, a legend, and scale.
- The scale of the map must be: 1 inch = 400 feet, **1 inch = 1,320 feet**, the scale of the Final Proof/Claim of Beneficial Use Map (the map used when the permit was certificated), the scale of the county assessor map if the scale is not smaller than 1 inch = 1,320 feet, or a scale that has been pre-approved by the Department.
- Township, Range, Section, ¼ ¼, DLC, Government Lot, and other recognized public land survey lines.
- Tax lot boundaries (property lines) and county tax lot numbers are required.
- Major physical features including rivers and creeks showing direction of flow, lakes and reservoirs, roads, and railroads.
- Major water delivery system features from the point(s) of diversion/appropriation such as main pipelines, canals, and ditches.
- Authorized point(s) of diversion or well(s) with distance and bearing or coordinates from a recognized survey corner. This information can be found in your water right certificate.
- Actual, current point of diversion/appropriation. Show the location and label it clearly with distance and bearing or coordinates. If GPS coordinates are used, latitude-longitude coordinates may be expressed as either degrees-minutes-seconds with at least one digit after the decimal (example – 42°32'15.5") or degrees-decimal with five or more digits after the decimal (example – 42.53764°).
- Existing place of use that includes separate hachuring for each water right, priority date, and use including number of acres in each quarter-quarter section, government lot, or in each quarter-quarter section as projected within government lots, donation land claims, or other recognized public land survey subdivisions. If less than the entirety of the water right is being changed, a separate hachuring is needed for lands left unchanged.
- N/A If for more than one actual, current point of diversion/appropriation. separate hachuring is needed for each place of use served by each point of diversion/appropriation, including the number of acres in each quarter-quarter section, government lot, or in each quarter-quarter section as projected within government lots, donation land claims, or other recognized public land survey subdivisions.

14702 - --

FEE WORKSHEET for HISTORIC POD/POA TRANSFER			
1	Base Fee (includes Historic POD change to one water right for up to 1 cfs)	1	\$1,360
2	Number of water rights included in transfer <u>2 (2a)</u> Subtract 1 from the number in 2a above: <u>1 (2b)</u> <i>If only one water right this will be 0</i> Multiply line 2b by \$610 and enter » » » » » » » » » » » » » » » »	2	\$610
3	Do you propose to add or change a well, or change from a surface water POD to a well? <input type="checkbox"/> No: enter 0 <input checked="" type="checkbox"/> Yes: enter \$480 for the 1 st well to be added or changed <u>\$480 (3a)</u> Do you propose to add or change additional wells? <input type="checkbox"/> No: enter 0 <input checked="" type="checkbox"/> Yes: multiply the number of additional wells by \$480 <u>(3b)</u> Add line 3a to line 3b and enter » » » » » » » » » » » »	3	\$960
4	Add entries on lines 1 through 3 above » » » » » » » » Transfer Fee:	4	\$2,930

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

DRAFT

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Part 4 of 5 – Applicant Information and Signature

Applicant Information

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

APPLICANT/BUSINESS NAME Lloyd Piercy			PHONE NO.	ADDITIONAL CONTACT NO.
ADDRESS PO Box 249			FAX NO.	
CITY Echo	STATE OR	ZIP 97826	E-MAIL All communication via mail	
BY PROVIDING AN E-MAIL ADDRESS, CONSENT IS GIVEN TO RECEIVE ALL CORRESPONDENCE FROM THE DEPARTMENT ELECTRONICALLY. COPIES OF THE FINAL ORDER DOCUMENTS WILL ALSO BE MAILED.				

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

AGENT/BUSINESS NAME Bob Long/CwM-H2O, LLC			PHONE NO. (503)954-1326	ADDITIONAL CONTACT NO.
ADDRESS 311 B Ave, Suite P			FAX NO.	
CITY LAKE OSWEGO	STATE OR	ZIP 97034	E-MAIL ALL COMMUNICATION VIA MAIL	
BY PROVIDING AN E-MAIL ADDRESS, CONSENT IS GIVEN TO RECEIVE ALL CORRESPONDENCE FROM THE DEPARTMENT ELECTRONICALLY. COPIES OF THE FINAL ORDER DOCUMENTS WILL ALSO BE MAILED.				
AGENT/BUSINESS NAME Laura Schroeder/Schroeder Law Offices, PC			PHONE NO. (503) 281-4100	ADDITIONAL CONTACT NO.
ADDRESS 1915 NE Cesar E Chavez Blvd			FAX NO.	
CITY PORTLAND	STATE OR	ZIP 97212	E-MAIL ALL COMMUNICATION VIA MAIL	
BY PROVIDING AN E-MAIL ADDRESS, CONSENT IS GIVEN TO RECEIVE ALL CORRESPONDENCE FROM THE DEPARTMENT ELECTRONICALLY. COPIES OF THE FINAL ORDER DOCUMENTS WILL ALSO BE MAILED.				

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

The Applicant has diverted water under these two water rights (Certificates 89254 and 89256) from two shallow sumps (PODs 3 and 4) adjacent to the Umatilla River since at least 2012. These two sources are different than the two surface water PODs listed in the original water rights (PODs 1 and 2), which are described as a surface water diversion and an infiltration gallery. The sumps are hydraulically connected to the river and behave in the same manner as direct diversion from surface water. This application seeks to correct for this historic usage of PODs 3 and 4 in this application and have these two sources listed as the PODs for the two certificates.

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

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

Applicant Signature

Print Name (and Title if applicable)

Date

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JUL 07 2025

Applicant Signature

Print Name (and Title if applicable)

Date

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Is the applicant the sole owner of the land on which the water right, or portion thereof, proposed for transfer is located? Yes No *If NO, include signatures of all deeded landowners (and mailing and/or e-mail addresses if different than the applicant's) or attach affidavits of consent (and mailing and/or e-mail addresses) from all landowners or individuals/entities to which the water right(s) were conveyed.*

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

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

If a property sells, the certificated water right(s) located on the land belong to the new owner, unless a sale agreement or other document states otherwise. For more information see:
<http://www.oregon.gov/owrd/docs/transfer-propertytransactions.pdf>

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

Describe any special ownership circumstances here: N/A

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

ENTITY NAME ____	ADDRESS ____	
CITY ____	STATE ____	ZIP ____

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

ENTITY NAME UMATILLA COUNTY	ADDRESS 216 SE 4TH ST, PENDLETON, OR 97801	
CITY PENDLETON	STATE OR	ZIP 97801

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

CERTIFICATE # 89254/T-8431 (1 of 2)

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Description of Water Delivery System

System capacity: 2.28 cubic feet per second (cfs) **OR**
1,025 gallons per minute (gpm)

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

Water is pumped from two shallow sumps, POD-3 and POD-4, in the Umatilla River alluvial system. POD-3 is a 6-ft diameter, approximately 20-ft deep sump about 50 ft from the south bank of the Umatilla River and very close to the mapped location of the POD-2 infiltration gallery. POD-4 is an approximately 4-ft diameter, approximately 17-ft deep sump about 625 ft from the river bank. POD-3 is equipped with a large turbine line shaft pump and POD-4 with a submersible pump. Both sumps can pump directly into the distribution system underlying the entire place of use.

Table 1. Location of Authorized and Current Point(s) of Diversion (POD) or Appropriation (POA)

(Note: If the POD/POA name is not specified on the certificate, assign it a name or number here.)

POD/POA Name or Number	Is this POD/POA Authorized on the Certificate or is it the Current POD/POA that has been used for more than 10 years?	If POA, OWRD Well Log ID# (or Well ID Tag # L-__)	Twp	Rng	Sec	1/4	1/4	Tax Lot, DLC or Gov't Lot	Measured Distances (from a recognized survey corner)		
POD-1	<input checked="" type="checkbox"/> Authorized <input type="checkbox"/> Current	NA	3	N	29	E	27	NE	SE	9300	150 ft S, 880 ft W, E1/4 Corner, Sec. 27
POD-2	<input checked="" type="checkbox"/> Authorized <input type="checkbox"/> Current	NA	3	N	29	E	22	SW	SW	9300	720 ft N, 1250 ft E, SW Corner, Sec. 22
POD-3	<input type="checkbox"/> Authorized <input checked="" type="checkbox"/> Current	NA	3	N	29	E	22	SW	SW	9300	1257 ft E, 467 ft N, NW Corner Sec. 27
POD-4	<input type="checkbox"/> Authorized <input checked="" type="checkbox"/> Current	NA	3	N	29	E	27	NW	NW	9300	1361 ft E, 246 ft S, NW Corner Sec. 27

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

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

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

Yes Complete only the proposed section of Table 2 on the next page.

14702 -

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

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

Table 2. Description of Changes to Water Right Certificate # 89254

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

Additional remarks: The Applicant has used water from PODs 3 & 4 since at least 2012 and now wishes to correct the sources as described on the water right to match the use of water on the ground. The two current PODs are shallow, large-diameter sumps in the alluvial aquifer in direct connection with and within close proximity to the Umatilla River. POD-3 is very close to the location of POD-2, the infiltration gallery described in the water right. Water level monitoring and water chemistry analysis for PODs 3 & 4 show that these sources are in efficient communication with the river.

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OWRD

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

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

OR

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

-POD-3 and POD-4 are shallow sumps constructed within the alluvial deposits along the Umatilla River. These sumps are in direct and efficient communication with the river and function as points of diversion. However, the general construction of the sumps is described in Table 3 below.

Table 3. Construction of Point(s) of Appropriation

Any well(s) in this listing must be clearly tied to corresponding well(s) described in Table 1 and shown on the accompanying application map. Failure to provide adequate information is likely to delay the processing of your transfer application.

Current or Authorized POA Name or Number	OWRD Well ID Tag No. L- (if available)	Total well depth	Casing Diameter	Casing Intervals (feet)	Seal depth(s) (intervals)	Perforated or screened intervals (in feet)	Static water level of complete d well (in feet)	Source aquifer (sand, gravel, basalt, etc.)	Well - specific rate (cfs or gpm). If less than full rate of water right
POD-3	-	20 ft	6 ft ¹	+1-20 ft	-	~5-20 ft ²	8.45 ft ³	Umatilla River Alluvium	-
POD-4	-	17 ft	4 ft ¹	+1-17 ft	-	~5-17 ft ²	7.26 ft ³		

1. The sumps are constructed with large-diameter corrugated steel caissons to the full depth.
2. The steel caissons are saw-cut/perforated over approximately the lower ¾ of the total depth.
3. Depth below top of caisson on February 24, 2024.

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OWRD

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CERTIFICATE # 89256 / T-7156 (2 of 2)

Description of Water Delivery System

System capacity: 2.28 cubic feet per second (cfs) **OR**
1,025 gallons per minute (gpm)

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

Water is pumped from two shallow sumps, POD-3 and POD-4, in the Umatilla River alluvial system. POD-3 is a 6-ft diameter, approximately 20-ft deep sump about 50 ft from the south bank of the Umatilla River and very close to the mapped location of the POD-2 infiltration gallery. POD-4 is an approximately 4-ft diameter, approximately 17-ft deep sump about 625 ft from the river bank. POD-3 is equipped with a large turbine line shaft pump and POD-4 with a submersible pump. Both sumps can pump directly into the distribution system underlying the entire place of use.

Table 1. Location of Authorized and Current Point(s) of Diversion (POD) or Appropriation (POA)

(Note: If the POD/POA name is not specified on the certificate, assign it a name or number here.)

POD/POA Name or Number	Is this POD/POA Authorized on the Certificate or is it the Current POD/POA that has been used for more than 10 years?	If POA, OWRD Well Log ID# (or Well ID Tag # L-__)	Twp	Rng	Sec	1/4	1/4	Tax Lot, DLC or Gov't Lot	Measured Distances (from a recognized survey corner)		
POD-1	<input checked="" type="checkbox"/> Authorized <input type="checkbox"/> Current	NA	3	N	29	E	27	NE	SE	9300	150 ft S, 880 ft W, E1/4 Corner, Sec. 27
POD-2	<input checked="" type="checkbox"/> Authorized <input type="checkbox"/> Current	NA	3	N	29	E	22	SW	SW	9300	720 ft N, 1250 ft E, SW Corner, Sec. 22
POD-3	<input type="checkbox"/> Authorized <input checked="" type="checkbox"/> Current	NA	3	N	29	E	22	SW	SW	9300	1257 ft E, 467 ft N, NW Corner Sec. 27
POD-4	<input type="checkbox"/> Authorized <input checked="" type="checkbox"/> Current	NA	3	N	29	E	27	NW	NW	9300	1361 ft E, 246 ft S, NW Corner Sec. 27

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

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

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

Yes Complete only the proposed section of Table 2 on the next page.

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

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JUL 07 2025

OWRD 14702 -

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

Table 2. Description of Changes to Water Right Certificate # 89256

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

Additional remarks: The Applicant has used water from PODs 3 & 4 since at least 2012 and now wishes to correct the sources as described on the water right to match the use of water on the ground. The two current PODs are shallow, large-diameter sumps in the alluvial aquifer in direct connection with and within close proximity to the Umatilla River. POD-3 is very close to the location of POD-2, the infiltration gallery described in the water right. Water level monitoring and water chemistry analysis for PODs 3 & 4 show that these sources are in efficient communication with the river.

Received
11/07/2025

14702 -

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

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

OR

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

-POD-3 and POD-4 are shallow sumps constructed within the alluvial deposits along the Umatilla River. These sumps are in direct and efficient communication with the river and function as points of diversion. However, the general construction of the sumps is described in Table 3 below.

Table 3. Construction of Point(s) of Appropriation

Any well(s) in this listing must be clearly tied to corresponding well(s) described in Table 1 and shown on the accompanying application map. Failure to provide adequate information is likely to delay the processing of your transfer application.

Current or Authorized POA Name or Number	OWRD Well ID Tag No. L- (if available)	Total well depth	Casing Diameter	Casing Intervals (feet)	Seal depth(s) (intervals)	Perforated or screened intervals (in feet)	Static water level of complete d well (in feet)	Source aquifer (sand, gravel, basalt, etc.)	Well - specific rate (cfs or gpm). If less than full rate of water right
POD-3	-	20 ft	6 ft ¹	+1-20 ft	-	~5-20 ft ²	8.45 ft ³	Umatilla River Alluvium	-
POD-4	-	17 ft	4 ft ¹	+1-17 ft	-	~5-17 ft ²	7.26 ft ³		

4. The sumps are constructed with large-diameter corrugated steel caissons to the full depth.
5. The steel caissons are saw-cut/perforated over approximately the lower ¾ of the total depth.
6. Depth below top of caisson on February 24, 2024.

Received

JUL 07 2025

OWRD

14702 -

Application for Water Right Transfer

Evidence of Use Affidavit



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

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

State of Oregon)
) ss

County of UMATILLA)

I, _____, in my capacity as LANDOWNER, _____

mailing address PO Box 249, ECHO, OR 97826

telephone number (_____), being first duly sworn depose and say:

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

Personal observation Professional expertise

2. I attest that:

Water was used during the previous five years on the **entire** place of use for
Certificate # **89254 AND 89256**; OR

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

Certificate #	Township	Range	Mer	Sec	$\frac{1}{4}$	$\frac{1}{4}$	Gov't Lot or DLC	Acres (if applicable)

OR

Confirming Certificate # _____ has been issued within the past five years; OR

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

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

Water has been used at the actual current point of diversion or appropriation for more than 10 years for Certificate # **89254 AND 89256** (For Historic POD/POA Transfers)

(continues on reverse side)

Received

JUL 07 2025

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3. The water right was used for: (e.g., crops, pasture, etc.): IRRIGATION OF PIVOT AND ROW CROPS

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

Signature of Affiant

Date

Signed and sworn to (or affirmed) before me this _____ day of _____, 20____.

Notary Public for Oregon

My Commission Expires: _____

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

Received

JUL 07 2025

OWRD

Land Use Information Form



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

NOTE TO APPLICANTS

In order for your application to be processed by the Oregon Water Resources Department (OWRD), this Land Use Information Form must be completed by a local government planning official in the jurisdiction(s) where your water right will be diverted, conveyed, used, and developed. The planning official may choose to complete the form while you wait or return the "Receipt Acknowledging Request for Land Use Information" to you. Applications received by OWRD without the Land Use Information Form, or the signed receipt, will be returned to you. **IMPORTANT:** Please note that while OWRD can accept a signed receipt as part of intake for an application for a new permit to use or store water, a completed Land Use Information Form is required for OWRD's acceptance of all other applications. Please be aware that your application cannot be approved without land use approval.

This form is NOT required if:

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

Received

JUL 07 2025

NOTE TO LOCAL GOVERNMENTS

OWRD

The person presenting the attached Land Use Information Form is applying for a new water right or modifying an existing water right. The Oregon Water Resources Department (OWRD) requires applicants to obtain land use information to ensure the water right does not result in land uses that are incompatible with your comprehensive plan. Please complete the form and return it to the applicant for inclusion in their application. **NOTE:** For new water right applications only, if you are unable to complete this form while the applicant waits, you may complete the "Receipt Acknowledging Request for Land Use Information" and return it to the applicant.

You will receive notice via OWRD's weekly Public Notice once the applicant formally submits their request to OWRD. The notice will give more information about OWRD's water right process and provide additional comment opportunities. If you previously only completed the receipt for an application for a new permit to use or store water, you will have 30 days from the Public Notice date to complete the Land Use Information Form and return it to OWRD. Your attention to this request for information is greatly appreciated. If you have questions concerning this form, please contact OWRD's Customer Service Group at 503-986-0900 or WRD_DL_customerservice@water.oregon.gov.

Land Use Information Form



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

NAME Lloyd Piercy				PHONE	Received
MAILING ADDRESS PO Box 249					
CITY Echo		STATE OR	ZIP 97826	EMAIL <i>All communication by mail</i>	OWRD

A. Land and Location

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

Township	Range	Section	1/4 1/4	Tax Lot #	Plan Designation (e.g., Rural Residential/RR-5)	Water to be:	Proposed Land Use:
3N	29E	22	SWSW	9300	EFU	<input checked="" type="checkbox"/> Diverted <input checked="" type="checkbox"/> Conveyed <input checked="" type="checkbox"/> Used	EFU
3N	29E	22	SESW	1000		<input type="checkbox"/> Diverted <input checked="" type="checkbox"/> Conveyed <input type="checkbox"/> Used	
3N	29E	21	SESE	9300		<input type="checkbox"/> Diverted <input checked="" type="checkbox"/> Conveyed <input checked="" type="checkbox"/> Used	
3N	29E	28	NENE	9300		<input type="checkbox"/> Diverted <input type="checkbox"/> Conveyed <input checked="" type="checkbox"/> Used	
3N	29E	27	NWNW	9300		<input type="checkbox"/> Diverted <input checked="" type="checkbox"/> Conveyed <input checked="" type="checkbox"/> Used	
3N	29E	27	NENW	9300		<input checked="" type="checkbox"/> Diverted <input checked="" type="checkbox"/> Conveyed <input checked="" type="checkbox"/> Used	
3N	29E	27	NWNE	9300		<input type="checkbox"/> Diverted <input checked="" type="checkbox"/> Conveyed <input checked="" type="checkbox"/> Used	
3N	29E	27	NENE	9200		<input type="checkbox"/> Diverted <input type="checkbox"/> Conveyed <input checked="" type="checkbox"/> Used	
3N	29E	27	SENE	9200		<input type="checkbox"/> Diverted <input type="checkbox"/> Conveyed <input checked="" type="checkbox"/> Used	
3N	29E	27	SWNE	9300		<input type="checkbox"/> Diverted <input checked="" type="checkbox"/> Conveyed <input checked="" type="checkbox"/> Used	
3N	29E	27	SENW	9300		<input type="checkbox"/> Diverted <input checked="" type="checkbox"/> Conveyed <input checked="" type="checkbox"/> Used	
3N	29E	27	SWNW	9300		<input type="checkbox"/> Diverted <input checked="" type="checkbox"/> Conveyed <input checked="" type="checkbox"/> Used	

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

Umatilla

NOTE: A separate Land Use Information Form must be completed and submitted for each county and city, as applicable.

B. Description of Proposed Use

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

Permit to Use or Store Water Water Right Transfer* Permit Amendment or Ground Water Registration Modification
 Limited Water Use License Exchange of Water Allocation of Conserved Water ***Other: Historic Change in POD**

Source of water: Reservoir/Pond Ground Water Surface Water (name) Umatilla River

Estimated quantity of water needed: 2.07 cubic feet per second gallons per minute acre-feet

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

Briefly describe:

The applicant intends to modify the authorized PODs on their certificates to two current PODs, which have been in use for over ten years. These PODs divert water from the same source (Umatilla River). The effected water rights are Certificate 89254 and 89256.

Note to applicant: For new water right applications only, if the Land Use Information Form cannot be completed while you wait, please have a local government representative sign the receipt on the bottom of page 4 and include it with the application filed with the Oregon Water Resources Department.

See Page 4 ➔

DRAFT

Received
JUL 07 2025
OWRD

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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 that case, only the city planning agency must complete this form. This deals only with the local land use plan. Do not include approval for activities such as building or grading permits.

Please check the appropriate box below and provide the requested information

Land uses to be served by the proposed water use(s), including proposed construction, are allowed outright or are not regulated by your comprehensive plan. Cite applicable ordinance section(s): _____

Land uses to be served by the proposed water use(s), including proposed construction, involve discretionary land-use approvals as listed in the table below. (Please attach documentation of applicable land-use approvals which have already been obtained. Record of Action/land-use decision and accompanying findings are sufficient.) **If approvals have been obtained but all appeal periods have not ended, check "Being Pursued."**

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

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

Received

JUL 07 2025

Name: _____ Title: _____ OWRD

Signature: _____ Date: _____

Governmental Entity: _____ Phone: _____

Receipt Acknowledging Request for Land Use Information

Note to Local Government Representative:

Please complete this form and return it to the applicant. **For new water right applications only**, if you are unable to complete this form while the applicant waits, you may complete this receipt and return it to the applicant. If you sign the receipt, you will have 30 days from the date of OWRD's Public Notice of the application to submit the completed Land Use Information Form to Oregon Water Resources Department. Please note while OWRD can accept a signed receipt as part of intake for an application for a new permit to use or store water, a completed Land Use Information Form is required for all other applications.

Applicant Name: _____

Staff Name: _____ Title: _____

Staff Signature: _____ Date: _____

Governmental Entity: _____ Phone: _____

Kelsey Seibel

From: SILBERNAGEL Greg M * WRD <Greg.M.Silbernagel@water.oregon.gov>
Sent: Wednesday, May 21, 2025 11:54 AM
To: Rachelq Harman
Cc: Kelsey Seibel; Laura Schroeder; Tara Lomacz; Bob Long; Ian Godwin; Joh YoungWoo; Sawkar Anu; KOWITZ Chris C * WRD; MONTIEL-GOMEZ Hilda * WRD
Subject: RE: Watermaster Review of Application for Historic Change in Point of Diversion (Certificates 89254 and 89256)

Hi Rachelq,

You are welcome to submit this proposal through OWRD's standard transfer process but it does not qualify as a historic application. In the meantime, the well/sump identified as POD-4 will need to be turned off and may not be used for irrigation.

Best,

Greg Silbernagel - Watermaster, District 5
Oregon Water Resources Department
116 SE Dorion Ave.
Pendleton, OR 97801
(541) 969-1677

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

From: Rachelq Harman <r.harman@water-law.com>
Sent: Wednesday, May 7, 2025 3:41 PM
To: SILBERNAGEL Greg M * WRD <Greg.M.Silbernagel@water.oregon.gov>
Cc: Kelsey Seibel <k.seibel@water-law.com>; Laura Schroeder <schroeder@water-law.com>; Tara Lomacz <t.lomacz@water-law.com>; Bob Long <bob.long@cwmh2o.com>; Ian Godwin <igodwin@cwmh2o.com>; Joh YoungWoo <YoungWoo.Joh@doj.oregon.gov>; Sawkar Anu <Anu.Sawkar@doj.oregon.gov>
Subject: Watermaster Review of Application for Historic Change in Point of Diversion (Certificates 89254 and 89256)

You don't often get email from r.harman@water-law.com. Learn why this is important

Dear Mr. Silbernagel,

Attached please find correspondence from our office with enclosures. Please let us know if there are any issues opening the attachment.

Regards,

Rachelq Harman
Paralegal
Schroeder Law Offices, P.C.
1915 NE Cesar E. Chavez Blvd., Portland OR 97212
P: (503) 281-4100 | F: (877) 600-4971

Received

JUL 07 2025

OWRD



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JUL 07 2025

OWRD

14702 - =

Kelsey Seibel

From: Rachelq Harman <r.harman@water-law.com>
Sent: Wednesday, May 28, 2025 10:47 AM
To: SILBERNAGEL Greg M * WRD
Cc: ivan.k.gall@water.oregon.gov; Joh YoungWoo; Kelsey Seibel; Tara Lomacz; Laura Schroeder; Rita Powers
Subject: Response to May 21, 2025 Email re "Watermaster Review of Application for Historic Change in Point of Diversion (Certificates 89254 and 89256)"
Attachments: SLO to Silbernagel re Response to May 21, 2025 Email.pdf

Dear Mr. Silbernagel,

Attached please find correspondence from our office with an enclosure. A hard copy will follow via US mail. Please contact us if there are any issues opening the attachment.

Regards,

Rachelq Harman

Paralegal

Schroeder Law Offices, P.C.
1915 NE Cesar E. Chavez Blvd., Portland OR 97212
P: (503) 281-4100 | F: (877) 600-4971



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JUL 07 2025

OWRD

Laura A. Schroeder

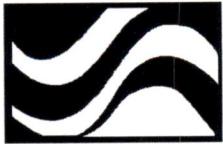
Oregon, Idaho,
Nevada, Washington & Utah

Therese A. Ure Stix

Oregon & Nevada

Caitlin R. Skulan

Nevada & Idaho



SCHROEDER
LAW OFFICES, P.C.

William F. Schroeder

(1928 - 2015)

James Browitt

Of Counsel
Idaho & Washington

May 28, 2025

VIA U.S. & ELECTRONIC MAIL

Greg Silbernagel, District 5 Watermaster
Oregon Water Resources Department
116 SE Dorion Ave.
Pendleton, OR 97801
Email: Greg.M.Silbernagel@water.oregon.gov

Received

JUL 07 2025

OWRD

RE: Response to May 21, 2025 Email re “Watermaster Review of Application for Historic Change in Point of Diversion (Certificates 89254 and 89256)”

Dear Mr. Silbernagel:

As you are aware, we represent Lloyd and Lois Piercy (“Piercy”). Our office received your email dated May 21, 2025, stating the transfer application for the historical use of a point of diversion (“POD”) for Certificates 89254 and 89256 does not qualify for a historical use transfer and advising POD-4 must be turned off.

As a clarifying point, the correspondence from our office dated May 7, 2025 was a request for your completion of the included Watermaster Review Statement form required by Oregon Administrative Rule (“OAR”) 690-380-2120(2)(c). Our office provided the draft application for your reference to assist with completing the form, as opposed to a request for a substantive review of the incomplete application.

In the alternative, if your May 21, 2025 email functions as a substantive review of the application, both the timing and manner of the review are inappropriate.

Pursuant to Oregon Revised Statute (“ORS”) 540.532, Piercy is preparing a request for change in POD as a historical use transfer. An individual may request a change in the point of diversion to reflect a historical use of water exceeding 10 years. ORS 540.532. Piercy has diverted water from two shallow sumps—POD-3 and POD-4—for use under Certificates 89245 and 89256 in excess of 10 years as demonstrated by the Evidence of Use Affidavit and aerial photographs. POD-3 is a listed point of diversion on Certificates 89254 and 89256, and POD-4 is the proposed change in point of diversion as a historical use.

Piercy used Oregon Water Resources Department’s (“OWRD’s”) water right transfer application form pursuant to OAR 690-380-2120 and included the information required by OAR 690-380-3000 in such form. The application also included a map with sufficient detail identifying the true points of diversion by township, range, and quarter-quarter section. ORS

1915 NE Cesar E. Chavez Boulevard, Portland, Oregon 97212 (503) 281-4100

10615 Double R Boulevard, Suite 100, Reno, Nevada 89521 (775) 786-8800

www.water-law.com counsel@water-law.com

- 14702 -

540.532(2)(d)(A). *See* Attachment 1. Further, the map identified the PODs specified in the water rights certificates and the current PODs. ORS 540.532(2)(d)(B). Again, we identify these points and provided the incomplete application to assist you in completing the Watermaster Review Statement required for the application, not to request a substantive review of the information.

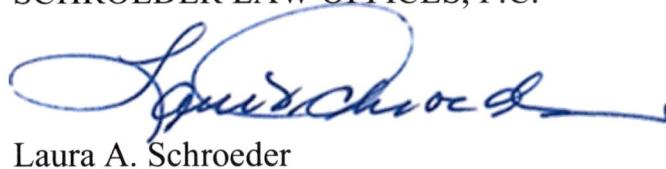
To Piercy's knowledge, OWRD has not received a claim of injury nor identified affected water right holders that would prohibit this application from moving forward. ORS 540.532(2)(b)-(c). Piercy requires a statement from the watermaster to verify OWRD has not received a prior claim of injury. OAR 690-380-2120(2)(c). If a claim of injury has been received related to this water right, please let us know by completing the Watermaster Review Statement and stating such.

If your May 21, 2025 email serves to deny the application, both the timing and form are inappropriate given the application was incomplete and the proper administrative procedures were disregarded. On receipt of an application for a change of POD based on historic use, OWRD is required to provide Piercy with a list of the affected water rights, provide a copy of notice to the affected water rights holders, consult with the Oregon Department of Fish and Wildlife, and publish a notice of the application. OAR 690-380-2120(3). Only after publication and review of any public comments may OWRD approve or deny the request. OAR 690-380-2120(4)-(5). Since the application you received on May 7, 2025 was not complete nor officially submitted, Piercy was not allotted the security of these administrative procedures and the application is not yet subject to review, let alone a denial.

The incomplete application sent on May 7, 2025 was based on Piercy's historical use of a point of diversion, complied with the requirements outlined in ORS 540.532(2), and awaits the Watermaster Review Statement. Please, in writing, advise the reason for your assertion that the transfer application does not qualify as historic use, and your authority to not complete the Watermaster Review Statement despite no finding from OWRD that the application cannot proceed.

Please contact our office at (503) 281-4100 if you have any questions or require additional information.

Very truly yours,
SCHROEDER LAW OFFICES, P.C.



Laura A. Schroeder

LAS:rmp

Received

JUL 07 2025

OWRD

14702 -

cc: YoungWoo Joh – *via email only*
Ivan Gall – *via email only*
Bob Long - *via email only*
Ian Godwin - *via email only*
Client – *via email only*

Laura A. Schroeder

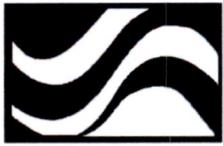
Oregon, Idaho,
Nevada, Washington & Utah

Therese A. Ure Stix

Oregon & Nevada

Caitlin R. Skulan

Nevada & Idaho



SCHROEDER
LAW OFFICES, P.C.

William F. Schroeder

(1928 - 2015)

James Browitt

Of Counsel
Idaho & Washington

May 7, 2025

VIA ELECTRONIC MAIL

Greg Silbernagel
Watermaster, District 5
116 SE Dorian Ave
Pendleton, OR 97801
Email: Greg.M.Silbernagel@water.oregon.gov

**RE: Watermaster Review of Application for Historic Change in Point of
Diversion (Certificates 89254 and 89256)**

Dear Mr. Silbernagel:

While this request does not concern water rights involved in the pending litigation in cases 23CV27892, 23CV27740, and 24CV32021, your attorney, YoungWoo Joh, asked that we copy him as to matters concerning our clients involved in the referenced litigation, so we copy him here.

Please find an Application for Historic Change in Point of Diversion for Certificates 89254 (T-8431) and 89256 (T-7156) with supporting documentation and the Watermaster Review Statement form. These are for surface water rights on Lloyd Piercy's property, and as stated in the previous paragraph, not subject to the pending litigation in cases 23CV27892, 23CV27740, and 24CV32021. For this reason, we request you review this Application and send back a completed Watermaster Review Statement to counsel@water-law.com.

If you have any questions or need further information about this request or the contents of Application, please contact us at email addresses listed above or by phone at (503) 281-4100.

Very truly yours,
SCHROEDER LAW OFFICES, P.C.

A handwritten signature in blue ink that reads "Laura Schroeder".

Laura A. Schroeder

KJS:rsh

Enclosures

cc: Client (*via email only*)
Bob Long (*via email only*)
Ian Godwin (*via email only*)
YoungWoo Joh (*via email only*)
Anu Sawkar (*via email only*)

Received

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1915 NE Cesar E. Chavez Boulevard, Portland, Oregon 97212 (503) 281-4100

10615 Double R Boulevard, Suite 100, Reno, Nevada 89521

www.water-law.com counsel@water-law.com

(775) 786-8800

14702

Application for Water Right Historic POD/POA Transfer Watermaster Statement



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

I, _____, Watermaster of District _____,

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

from _____ located as follows:
(source)

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

Twp	Rng	Mer	Sec	Q-Q	DLC	GLot	Measured Distances
		W.M.					

OR

by GPS coordinates: Latitude: _____

Longitude: _____

OR

as shown on the attached map.

Signature

Date

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Application for Historic Change in Point of Diversion/Appropriation

Part 1 of 5 – Minimum Requirements Checklist



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

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

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

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

<input checked="" type="checkbox"/>	Part 1 – Completed Minimum Requirements Checklist.	Received JUL 07 2025
<input checked="" type="checkbox"/>	Part 2 – Completed Application Map Checklist.	OWRD
<input checked="" type="checkbox"/>	Part 3 – Application Fee, payable by check to the Oregon Water Resources Department, and completed Fee Worksheet, page 3. Try the new online fee calculator at: http://apps.wrd.state.or.us/apps/misc/wrd_fee_calculator .	
<input type="checkbox"/>	Part 4 – Completed Applicant Information and Signature.	
<input checked="" type="checkbox"/>	Part 5 – Information about the Transferred Water Rights: How many water rights are to be transferred? 2 List them here: 89254/ T-8431, 89256/ T-7156 Please include a separate Part 5 for each water right. (See instructions on page 5) NOTE: A separate transfer application is required for each water right unless the criteria in OAR 690-380-3220 are met.	

Attachments:

<input checked="" type="checkbox"/>	Completed Application Map (Does not have to be prepared by a Certified Water Right Examiner). Attachment 1
<input checked="" type="checkbox"/>	Completed Evidence of Use Affidavit and supporting documentation showing that water has been used on the land for five years prior to transfer filing AND diverted at the actual, current point of diversion/appropriation for more than 10 years. Attachment 2
<input type="checkbox"/>	Statement from the local Watermaster, based upon the Watermaster's knowledge and Department records, that no complaint of injury has been made due to the use of water at the actual, current point of diversion/appropriation. Attachment 3
<input checked="" type="checkbox"/>	Land Use Information Form with approval and signature (or signed land use form receipt stub). Attachment 4
<input type="checkbox"/>	<input checked="" type="checkbox"/> N/A Affidavit(s) of Consent from Landowner (if the applicant does not own the land the water right is on.)
<input type="checkbox"/>	<input checked="" type="checkbox"/> N/A Water Well Report/Well Log for changes in point(s) of appropriation (well(s)) or additional point(s) of appropriation.

(For Staff Use Only)

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

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

Other/Explanation _____

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Staff: _____ 503- _____ Date: _____ / _____ / _____

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

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

Please be sure that the historic change in point of diversion/appropriation application map you submit includes all the required items and matches the existing water right map. Check all boxes that apply.

- N/A If **more than three** water rights are involved, separate maps are needed for each water right.
- Permanent quality printed with dark ink on white or clear paper or film.
- The size of the map can be 8½ x 11 inches, 8½ x 14 inches, or up to 30 x 30 inches. For 30 x 30 inch maps, three (3) paper copies and an electronic copy in a .pdf, .tiff or .jpg format are required.
- A north arrow, a legend, and scale.
- The scale of the map must be: 1 inch = 400 feet, **1 inch = 1,320 feet**, the scale of the Final Proof/Claim of Beneficial Use Map (the map used when the permit was certificated), the scale of the county assessor map if the scale is not smaller than 1 inch = 1,320 feet, or a scale that has been pre-approved by the Department.
- Township, Range, Section, ¼ ¼, DLC, Government Lot, and other recognized public land survey lines.
- Tax lot boundaries (property lines) and county tax lot numbers are required.
- Major physical features including rivers and creeks showing direction of flow, lakes and reservoirs, roads, and railroads.
- Major water delivery system features from the point(s) of diversion/appropriation such as main pipelines, canals, and ditches.
- Authorized point(s) of diversion or well(s) with distance and bearing or coordinates from a recognized survey corner. This information can be found in your water right certificate.
- Actual, current point of diversion/appropriation. Show the location and label it clearly with distance and bearing or coordinates. If GPS coordinates are used, latitude-longitude coordinates may be expressed as either degrees-minutes-seconds with at least one digit after the decimal (example – 42°32'15.5") or degrees-decimal with five or more digits after the decimal (example – 42.53764°).
- Existing place of use that includes separate hachuring for each water right, priority date, and use including number of acres in each quarter-quarter section, government lot, or in each quarter-quarter section as projected within government lots, donation land claims, or other recognized public land survey subdivisions. If less than the entirety of the water right is being changed, a separate hachuring is needed for lands left unchanged.
- N/A If for more than one actual, current point of diversion/appropriation. separate hachuring is needed for each place of use served by each point of diversion/appropriation, including the number of acres in each quarter-quarter section, government lot, or in each quarter-quarter section as projected within government lots, donation land claims, or other recognized public land survey subdivisions.

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FEE WORKSHEET for HISTORIC POD/POA TRANSFER				
1	Base Fee (includes Historic POD change to one water right for up to 1 cfs)		1	\$1,360
2	Number of water rights included in transfer <u>2 (2a)</u> Subtract 1 from the number in 2a above: <u>1 (2b)</u> If only one water right this will be 0 Multiply line 2b by \$610 and enter »		2	\$610
3	Do you propose to add or change a well, or change from a surface water POD to a well? <input type="checkbox"/> No: enter 0 <input checked="" type="checkbox"/> Yes: enter \$480 for the 1 st well to be added or changed <u>\$480 (3a)</u> Do you propose to add or change additional wells? <input type="checkbox"/> No: enter 0 <input checked="" type="checkbox"/> Yes: multiply the number of additional wells by \$480 <u>(3b)</u> Add line 3a to line 3b and enter » » » » » » » » » » » » » » » »		3	\$960
4	Add entries on lines 1 through 3 above » » » » » » » » Transfer Fee:	4	\$2,930	

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

DRAFT

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Part 4 of 5 – Applicant Information and Signature

Applicant Information

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

APPLICANT/BUSINESS NAME Lloyd Piercy			PHONE NO.	ADDITIONAL CONTACT NO.
ADDRESS PO Box 249			FAX NO.	
CITY Echo	STATE OR	ZIP 97826	E-MAIL All communication via mail	
BY PROVIDING AN E-MAIL ADDRESS, CONSENT IS GIVEN TO RECEIVE ALL CORRESPONDENCE FROM THE DEPARTMENT ELECTRONICALLY. COPIES OF THE FINAL ORDER DOCUMENTS WILL ALSO BE MAILED.				

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

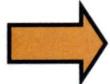
AGENT/BUSINESS NAME Bob Long/CwM-H2O, LLC			PHONE NO. (503)954-1326	ADDITIONAL CONTACT NO.
ADDRESS 311 B Ave, Suite P			FAX NO.	
CITY LAKE OSWEGO	STATE OR	ZIP 97034	E-MAIL ALL COMMUNICATION VIA MAIL	
BY PROVIDING AN E-MAIL ADDRESS, CONSENT IS GIVEN TO RECEIVE ALL CORRESPONDENCE FROM THE DEPARTMENT ELECTRONICALLY. COPIES OF THE FINAL ORDER DOCUMENTS WILL ALSO BE MAILED.				
AGENT/BUSINESS NAME Laura Schroeder/Schroeder Law Offices, PC			PHONE NO. (503) 281-4100	ADDITIONAL CONTACT NO.
ADDRESS 1915 NE Cesar E Chavez Blvd			FAX NO.	
CITY PORTLAND	STATE OR	ZIP 97212	E-MAIL ALL COMMUNICATION VIA MAIL	
BY PROVIDING AN E-MAIL ADDRESS, CONSENT IS GIVEN TO RECEIVE ALL CORRESPONDENCE FROM THE DEPARTMENT ELECTRONICALLY. COPIES OF THE FINAL ORDER DOCUMENTS WILL ALSO BE MAILED.				

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

The Applicant has diverted water under these two water rights (Certificates 89254 and 89256) from two shallow sumps (PODs 3 and 4) adjacent to the Umatilla River since at least 2012. These two sources are different than the two surface water PODs listed in the original water rights (PODs 1 and 2), which are described as a surface water diversion and an infiltration gallery. The sumps are hydraulically connected to the river and behave in the same manner as direct diversion from surface water. This application seeks to correct for this historic usage of PODs 3 and 4 in this application and have these two sources listed as the PODs for the two certificates.

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

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



Applicant Signature

Print Name (and Title if applicable)

Date

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Applicant Signature

Print Name (and Title if applicable)

Date

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Is the applicant the sole owner of the land on which the water right, or portion thereof, proposed for transfer is located? Yes No *If NO, include signatures of all deeded landowners (and mailing and/or e-mail addresses if different than the applicant's) or attach affidavits of consent (and mailing and/or e-mail addresses) from all landowners or individuals/entities to which the water right(s) were conveyed.*

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

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

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

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

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

Describe any special ownership circumstances here: **N/A**

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

ENTITY NAME _____	ADDRESS _____	
CITY _____	STATE _____	ZIP _____

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

ENTITY NAME UMATILLA COUNTY	ADDRESS 216 SE 4TH ST, PENDLETON, OR 97801	
CITY PENDLETON	STATE OR	ZIP 97801

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

CERTIFICATE # 89254/T-8431 (1 of 2)

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Description of Water Delivery System

System capacity: 2.28 cubic feet per second (cfs) OR
1,025 gallons per minute (gpm)

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

Water is pumped from two shallow sumps, POD-3 and POD-4, in the Umatilla River alluvial system. POD-3 is a 6-ft diameter, approximately 20-ft deep sump about 50 ft from the south bank of the Umatilla River and very close to the mapped location of the POD-2 infiltration gallery. POD-4 is an approximately 4-ft diameter, approximately 17-ft deep sump about 625 ft from the river bank. POD-3 is equipped with a large turbine line shaft pump and POD-4 with a submersible pump. Both sumps can pump directly into the distribution system underlying the entire place of use.

Table 1. Location of Authorized and Current Point(s) of Diversion (POD) or Appropriation (POA)

(Note: If the POD/POA name is not specified on the certificate, assign it a name or number here.)

POD/POA Name or Number	Is this POD/POA Authorized on the Certificate or is it the Current POD/POA that has been used for more than 10 years?	If POA, OWRD Well Log ID# (or Well ID Tag # L-____)	Twp	Rng	Sec	1/4	1/4	Tax Lot, DLC or Gov't Lot	Measured Distances (from a recognized survey corner)		
POD-1	<input checked="" type="checkbox"/> Authorized <input type="checkbox"/> Current	NA	3	N	29	E	27	NE	SE	9300	150 ft S, 880 ft W, E1/4 Corner, Sec. 27
POD-2	<input checked="" type="checkbox"/> Authorized <input type="checkbox"/> Current	NA	3	N	29	E	22	SW	SW	9300	720 ft N, 1250 ft E, SW Corner, Sec. 22
POD-3	<input type="checkbox"/> Authorized <input checked="" type="checkbox"/> Current	NA	3	N	29	E	22	SW	SW	9300	1257 ft E, 467 ft N, NW Corner Sec. 27
POD-4	<input type="checkbox"/> Authorized <input checked="" type="checkbox"/> Current	NA	3	N	29	E	27	NW	NW	9300	1361 ft E, 246 ft S, NW Corner Sec. 27

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

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

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

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

14702 -

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

Table 2. Description of Changes to Water Right Certificate # 89254

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

Additional remarks: The Applicant has used water from PODs 3 & 4 since at least 2012 and now wishes to correct the sources as described on the water right to match the use of water on the ground. The two current PODs are shallow, large-diameter sumps in the alluvial aquifer in direct connection with and within close proximity to the Umatilla River. POD-3 is very close to the location of POD-2, the infiltration gallery described in the water right. Water level monitoring and water chemistry analysis for PODs 3 & 4 show that these sources are in efficient communication with the river.

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WORD

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

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

OR

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

-POD-3 and POD-4 are shallow sumps constructed within the alluvial deposits along the Umatilla River. These sumps are in direct and efficient communication with the river and function as points of diversion. However, the general construction of the sumps is described in Table 3 below.

Table 3. Construction of Point(s) of Appropriation

Any well(s) in this listing must be clearly tied to corresponding well(s) described in Table 1 and shown on the accompanying application map. Failure to provide adequate information is likely to delay the processing of your transfer application.

Current or Authorized POA Name or Number	OWRD Well ID Tag No. L- (if available)	Total well depth	Casing Diameter	Casing Intervals (feet)	Seal depth(s) (intervals)	Perforated or screened intervals (in feet)	Static water level of complete d well (in feet)	Source aquifer (sand, gravel, basalt, etc.)	Well - specific rate (cfs or gpm). If less than full rate of water right
POD-3	-	20 ft	6 ft ¹	+1-20 ft	-	~5-20 ft ²	8.45 ft ³	Umatilla River Alluvium	-
POD-4	-	17 ft	4 ft ¹	+1-17 ft	-	~5-17 ft ²	7.26 ft ³		

1. The sumps are constructed with large-diameter corrugated steel caissons to the full depth.
2. The steel caissons are saw-cut/perforated over approximately the lower $\frac{3}{4}$ of the total depth.
3. Depth below top of caisson on February 24, 2024.

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CERTIFICATE # 89256/ T-7156 (2 of 2)

Description of Water Delivery SystemSystem capacity: 2.28 cubic feet per second (cfs) OR
1,025 gallons per minute (gpm)

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

Water is pumped from two shallow sumps, POD-3 and POD-4, in the Umatilla River alluvial system. POD-3 is a 6-ft diameter, approximately 20-ft deep sump about 50 ft from the south bank of the Umatilla River and very close to the mapped location of the POD-2 infiltration gallery. POD-4 is an approximately 4-ft diameter, approximately 17-ft deep sump about 625 ft from the river bank. POD-3 is equipped with a large turbine line shaft pump and POD-4 with a submersible pump. Both sumps can pump directly into the distribution system underlying the entire place of use.

Table 1. Location of Authorized and Current Point(s) of Diversion (POD) or Appropriation (POA)

(Note: If the POD/POA name is not specified on the certificate, assign it a name or number here.)

POD/POA Name or Number	Is this POD/POA Authorized on the Certificate or is it the Current POD/POA that has been used for more than 10 years?	If POA, OWRD Well Log ID# (or Well ID Tag # L-____)	Twp	Rng	Sec	1/4	1/4	Tax Lot, DLC or Gov't Lot	Measured Distances (from a recognized survey corner)	
POD-1	<input checked="" type="checkbox"/> Authorized <input type="checkbox"/> Current	NA	3	N	29	E	27	NE SE	9300	150 ft S, 880 ft W, E1/4 Corner, Sec. 27
POD-2	<input checked="" type="checkbox"/> Authorized <input type="checkbox"/> Current	NA	3	N	29	E	22	SW SW	9300	720 ft N, 1250 ft E, SW Corner, Sec. 22
POD-3	<input type="checkbox"/> Authorized <input checked="" type="checkbox"/> Current	NA	3	N	29	E	22	SW SW	9300	1257 ft E, 467 ft N, NW Corner Sec. 27
POD-4	<input type="checkbox"/> Authorized <input checked="" type="checkbox"/> Current	NA	3	N	29	E	27	NW NW	9300	1361 ft E, 246 ft S, NW Corner Sec. 27

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

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

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

<input checked="" type="checkbox"/> Yes	Complete only the proposed section of Table 2 on the next page.
<input type="checkbox"/> No	Complete all of Table 2 to describe the portion of the water right to be changed.

14702 -

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

Table 2. Description of Changes to Water Right Certificate # 89256

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

Additional remarks: The Applicant has used water from PODs 3 & 4 since at least 2012 and now wishes to correct the sources as described on the water right to match the use of water on the ground. The two current PODs are shallow, large-diameter sumps in the alluvial aquifer in direct connection with and within close proximity to the Umatilla River. POD-3 is very close to the location of POD-2, the infiltration gallery described in the water right. Water level monitoring and water chemistry analysis for PODs 3 & 4 show that these sources are in efficient communication with the river.

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

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

OR

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

-POD-3 and POD-4 are shallow sumps constructed within the alluvial deposits along the Umatilla River. These sumps are in direct and efficient communication with the river and function as points of diversion. However, the general construction of the sumps is described in Table 3 below.

Table 3. Construction of Point(s) of Appropriation

Any well(s) in this listing must be clearly tied to corresponding well(s) described in Table 1 and shown on the accompanying application map. Failure to provide adequate information is likely to delay the processing of your transfer application.

Current or Authorized POA Name or Number	OWRD Well ID Tag No. L____ (if available)	Total well depth	Casing Diameter	Casing Intervals (feet)	Seal depth(s) (intervals)	Perforated or screened intervals (in feet)	Static water level of complete d well (in feet)	Source aquifer (sand, gravel, basalt, etc.)	Well - specific rate (cfs or gpm). If less than full rate of water right
POD-3	-	20 ft	6 ft ¹	+1-20 ft	-	~5-20 ft ²	8.45 ft ³	Umatilla River Alluvium	-
POD-4	-	17 ft	4 ft ¹	+1-17 ft	-	~5-17 ft ²	7.26 ft ³		

4. The sumps are constructed with large-diameter corrugated steel caissons to the full depth.
5. The steel caissons are saw-cut/perforated over approximately the lower ¾ of the total depth.
6. Depth below top of caisson on February 24, 2024.

Received

JUL 07 2025

OWRD

14702 -

Application for Water Right Transfer

Evidence of Use Affidavit



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

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

State of Oregon)
) ss

County of UMATILLA)

I, _____, in my capacity as LANDOWNER & MANAGER OF ECHO WEST VINEYARD / SNO ROAD WINERY,
mailing address PO Box 249, ECHO, OR 97826

telephone number (_____), being first duly sworn depose and say:

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

Personal observation Professional expertise

2. I attest that:

Water was used during the previous five years on the **entire** place of use for
Certificate # **89254 AND 89256**; OR

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

Certificate #	Township	Range	Mer	Sec	$\frac{1}{4}$	$\frac{1}{4}$	Gov't Lot or DLC	Acres (if applicable)

OR

Confirming Certificate # _____ has been issued within the past five years; OR

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

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

Water has been used at the actual current point of diversion or appropriation for more than 10 years for Certificate # **89254 AND 89256** (For Historic POD/POA Transfers)

(continues on reverse side)

3. The water right was used for: (e.g., crops, pasture, etc.): IRRIGATION OF PIVOT AND ROW CROPS

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

Signature of Affiant

Date

Signed and sworn to (or affirmed) before me this _____ day of _____, 20____.

Notary Public for Oregon

My Commission Expires: _____

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

Received
JUL 07 2025
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Land Use Information Form



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

NOTE TO APPLICANTS

In order for your application to be processed by the Oregon Water Resources Department (OWRD), this Land Use Information Form must be completed by a local government planning official in the jurisdiction(s) where your water right will be diverted, conveyed, used, and developed. The planning official may choose to complete the form while you wait or return the "Receipt Acknowledging Request for Land Use Information" to you. Applications received by OWRD without the Land Use Information Form, or the signed receipt, will be returned to you. **IMPORTANT:** Please note that while OWRD can accept a signed receipt as part of intake for an application for a new permit to use or store water, a completed Land Use Information Form is required for OWRD's acceptance of all other applications. Please be aware that your application cannot be approved without land use approval.

This form is NOT required if:

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

Received

JUL 07 2025

NOTE TO LOCAL GOVERNMENTS

OWRD

The person presenting the attached Land Use Information Form is applying for a new water right or modifying an existing water right. The Oregon Water Resources Department (OWRD) requires applicants to obtain land use information to ensure the water right does not result in land uses that are incompatible with your comprehensive plan. Please complete the form and return it to the applicant for inclusion in their application. **NOTE:** For new water right applications only, if you are unable to complete this form while the applicant waits, you may complete the "Receipt Acknowledging Request for Land Use Information" and return it to the applicant.

You will receive notice via OWRD's weekly Public Notice once the applicant formally submits their request to OWRD. The notice will give more information about OWRD's water right process and provide additional comment opportunities. If you previously only completed the receipt for an application for a new permit to use or store water, you will have 30 days from the Public Notice date to complete the Land Use Information Form and return it to OWRD. Your attention to this request for information is greatly appreciated. If you have questions concerning this form, please contact OWRD's Customer Service Group at 503-986-0900 or WRD_DL_customerservice@water.oregon.gov.

Land Use Information Form



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

NAME Lloyd Piercy (Echo West Vineyard / Sno Road Winery)	PHONE Received			
MAILING ADDRESS PO Box 249	JUL 07 2025			
CITY Echo	STATE OR	ZIP 97826	EMAIL <i>All communication by mail</i>	OWRD

A. Land and Location

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

Township	Range	Section	1/4 1/4	Tax Lot #	Plan Designation (e.g., Rural Residential/RR-5)	Water to be:	Proposed Land Use:
3N	29E	22	SWSW	9300	EFU	<input checked="" type="checkbox"/> Diverted <input checked="" type="checkbox"/> Conveyed <input checked="" type="checkbox"/> Used	EFU
3N	29E	22	SESW	1000		<input type="checkbox"/> Diverted <input checked="" type="checkbox"/> Conveyed <input type="checkbox"/> Used	
3N	29E	21	SESE	9300		<input type="checkbox"/> Diverted <input checked="" type="checkbox"/> Conveyed <input checked="" type="checkbox"/> Used	
3N	29E	28	NENE	9300		<input type="checkbox"/> Diverted <input type="checkbox"/> Conveyed <input checked="" type="checkbox"/> Used	
3N	29E	27	NWNW	9300		<input type="checkbox"/> Diverted <input checked="" type="checkbox"/> Conveyed <input checked="" type="checkbox"/> Used	
3N	29E	27	NENW	9300		<input checked="" type="checkbox"/> Diverted <input checked="" type="checkbox"/> Conveyed <input checked="" type="checkbox"/> Used	
3N	29E	27	NWNE	9300		<input type="checkbox"/> Diverted <input checked="" type="checkbox"/> Conveyed <input checked="" type="checkbox"/> Used	
3N	29E	27	NENE	9200		<input type="checkbox"/> Diverted <input type="checkbox"/> Conveyed <input checked="" type="checkbox"/> Used	
3N	29E	27	SENE	9200		<input type="checkbox"/> Diverted <input type="checkbox"/> Conveyed <input checked="" type="checkbox"/> Used	
3N	29E	27	SWNE	9300		<input type="checkbox"/> Diverted <input checked="" type="checkbox"/> Conveyed <input checked="" type="checkbox"/> Used	
3N	29E	27	SENW	9300		<input type="checkbox"/> Diverted <input checked="" type="checkbox"/> Conveyed <input checked="" type="checkbox"/> Used	
3N	29E	27	SWNW	9300		<input type="checkbox"/> Diverted <input checked="" type="checkbox"/> Conveyed <input checked="" type="checkbox"/> Used	

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

Umatilla

NOTE: A separate Land Use Information Form must be completed and submitted for each county and city, as applicable.

B. Description of Proposed Use

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

<input type="checkbox"/> Permit to Use or Store Water	<input checked="" type="checkbox"/> Water Right Transfer*	<input type="checkbox"/> Permit Amendment or Ground Water Registration Modification
<input type="checkbox"/> Limited Water Use License	<input type="checkbox"/> Exchange of Water	<input type="checkbox"/> Allocation of Conserved Water *Other: Historic Change in POD

Source of water: Reservoir/Pond Ground Water Surface Water (name) Umatilla River

Estimated quantity of water needed: 2.07 cubic feet per second gallons per minute acre-feet

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

Briefly describe:

The applicant intends to modify the authorized PODs on their certificates to two current PODs, which have been in use for over ten years. These PODs divert water from the same source (Umatilla River). The effected water rights are Certificate 89254 and 89256.

Note to applicant: For new water right applications only, if the Land Use Information Form cannot be completed while you wait, please have a local government representative sign the receipt on the bottom of page 4 and include it with the application filed with the Oregon Water Resources Department.

See Page 4 →

Received

JUL 07 2025

OWRD

DRAFT

For Local Government Use Only

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

Please check the appropriate box below and provide the requested information

Land uses to be served by the proposed water use(s), including proposed construction, are allowed outright or are not regulated by your comprehensive plan. Cite applicable ordinance section(s): _____

Land uses to be served by the proposed water use(s), including proposed construction, involve discretionary land-use approvals as listed in the table below. (Please attach documentation of applicable land-use approvals which have already been obtained. Record of Action/land-use decision and accompanying findings are sufficient.) **If approvals have been obtained but all appeal periods have not ended, check "Being Pursued."**

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

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

Received

JUL 07 2025

OWRD

Name: _____ Title: _____

Signature: _____ Date: _____

Governmental Entity: _____ Phone: _____

Receipt Acknowledging Request for Land Use Information

Note to Local Government Representative:

Please complete this form and return it to the applicant. **For new water right applications only**, if you are unable to complete this form while the applicant waits, you may complete this receipt and return it to the applicant. If you sign the receipt, you will have 30 days from the date of OWRD's Public Notice of the application to submit the completed Land Use Information Form to Oregon Water Resources Department. Please note while OWRD can accept a signed receipt as part of intake for an application for a new permit to use or store water, a completed Land Use Information Form is required for all other applications.

Applicant Name: _____

Staff Name: _____ Title: _____

Staff Signature: _____ Date: _____

Governmental Entity: _____ Phone: _____

Kelsey Seibel

From: SILBERNAGEL Greg M * WRD <greg.m.silbernagel@water.oregon.gov>
Sent: Thursday, May 29, 2025 10:24 AM
To: Rachelq Harman
Cc: GALL Ivan K * WRD; Joh YoungWoo; Kelsey Seibel; Tara Lomacz; Laura Schroeder; Rita Powers; DAY Edward Matt * WRD; MONTIEL-GOMEZ Hilda * WRD; KOWITZ Chris C * WRD
Subject: RE: Response to May 21, 2025 Email re "Watermaster Review of Application for Historic Change in Point of Diversion (Certificates 89254 and 89256)"
Attachments: IMG_0708.JPG

Dear Ms. Harman,

Your response has been received.

Regarding your inquiry to a transfer of Umatilla water rights to a well. You are welcome to submit a regular transfer. Here is a link to the application.

https://www.oregon.gov/owrd/WRDFormsPDF/permanent_wr_transfer_app.pdf

There is no need to ask for a Watermaster review of a regular transfer. Please send directly to 725 Summer Street NE, Suite A, Salem Oregon 97301.

Regarding the Notice of Violation involving case #2505018NOV and #22505003MDNGW. These case numbers are for the same well. There must be some confusion as I have not witnessed a spring on the property and would invite you or Mr. Piercy to show me. I have attached the picture of the well associated with #2505018NOV and #22505003MDNGW. Please provide pictures and location of the spring you believe exists which will greatly help our correspondence be more productive. I am also available for a site visit. Is it Mr. Piercy's intent to continue using the well in the photo? OWRD is preparing to move forward with a notice of assessment.

For transparency and clarity, please note that there was an additional Notice of Violation involving a recently constructed well under case #2505016NOV. This is an additional location and not part of the two previous case numbers. Please correspond with enforcement case worker identified in the NOV.

Sincerely,

Greg Silbernagel - Watermaster, District 5
Oregon Water Resources Department
116 SE Dorion Ave.
Pendleton, OR 97801
(541) 969-1677

Received

JUL 07 2025

OWRD

From: Rachelq Harman <r.harman@water-law.com>
Sent: Wednesday, May 28, 2025 10:47 AM
To: SILBERNAGEL Greg M * WRD <greg.m.silbernagel@water.oregon.gov>
Cc: GALL Ivan K * WRD <ivan.k.gall@water.oregon.gov>; Joh YoungWoo <youngwoo.joh@doj.oregon.gov>; Kelsey Seibel <k.seibel@water-law.com>; Tara Lomacz <t.lomacz@water-law.com>; Laura Schroeder <schroeder@water-law.com>; Rita Powers <r.powers@water-law.com>
Subject: Response to May 21, 2025 Email re "Watermaster Review of Application for Historic Change in Point of Diversion (Certificates 89254 and 89256)"

Dear Mr. Silbernagel,

Attached please find correspondence from our office with an enclosure. A hard copy will follow via US mail. Please contact us if there are any issues opening the attachment.

Regards,

Rachelq Harman
Paralegal
Schroeder Law Offices, P.C.
1915 NE Cesar E. Chavez Blvd., Portland OR 97212
P: (503) 281-4100 | F: (877) 600-4971



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JUL 07 2025

OWRD

Kelsey Seibel

From: Rachelq Harman <r.harman@water-law.com>
Sent: Tuesday, June 3, 2025 12:46 PM
To: PUBLICRECORDS Owrd * WRD
Cc: Kelsey Seibel; Laura Schroeder; Tara Lomacz
Subject: Second Public Records Request (Internal Reference 285.04)
Attachments: SLO to OWRD re Second Public Records Request (Internal Reference 285.04).pdf

Good afternoon,

Attached please find correspondence from our office. Please contact us if there are any difficulties opening the attachment.

Thank you,

Rachelq Harman

Paralegal

Schroeder Law Offices, P.C.

1915 NE Cesar E. Chavez Blvd., Portland OR 97212

P: (503) 281-4100 | F: (877) 600-4971



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Received
JUL 07 2025

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Laura A. Schroeder

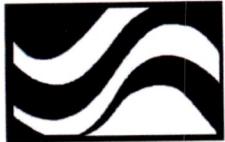
Oregon, Idaho,
Nevada, Washington & Utah

Therese A. Ure Stix

Oregon & Nevada

Caitlin R. Skulan

Nevada & Idaho



SCHROEDER
LAW OFFICES, P.C.

William F. Schroeder

(1928 - 2015)

James Browitt

Of Counsel
Idaho & Washington

Received

June 3, 2025

JUL 07 2025

VIA ELECTRONIC MAIL ONLY

OWRD

Oregon Water Resources Department

Email: owrd.publicrecords@water.oregon.gov

RE: Second Public Records Request (Internal Reference No. 285.04)

To Whom It May Concern:

Our office makes the following request for public records under the INSPECTION OF PUBLIC RECORDS LAW, ORS 192.311 *et seq.* The requestor is willing to pay up to a maximum of \$100.00 in fees for the requested materials; however, please advise if the cost may exceed that amount. ORS 192.324(4)(c). Otherwise, if there are any fees that occur during duplication of these materials, please enclose an invoice and our bookkeeper will pay upon receipt.

We request any updates to the Oregon Water Resources Department files from February 2023 to present as well as any associated documents including any written or otherwise documented protest or claim of injury submitted or filed with Oregon Water Resources Department pertaining to water use from the points of diversion from 2014 to present for:

Certificate	Transfer	Resulting Certificate	Decree
2507	T-8431	89254	Umatilla
2507	T-7156	89256	Umatilla

Please let us know the time and cost estimates for Oregon Water Resources Department to provide scanned copies of the requested documents. Thank you for your assistance with this matter. Should you have any questions, please contact our office at (503) 281-4100.

Very truly yours,
SCHROEDER LAW OFFICES, P.C.

A handwritten signature in blue ink that reads "Kelsey Seibel".

Kelsey Seibel
Associate Attorney

KJS:kjs
cc: Client

14702 -

1915 NE Cesar E. Chavez Boulevard, Portland, Oregon 97212 (503) 281-4100

10615 Double R Boulevard, Suite 100, Reno, Nevada 89521 (775) 786-8800

www.water-law.com counsel@water-law.com

Kelsey Seibel

From: PUBLICRECORDS OwrD * WRD <OWRD.PUBLICRECORDS@water.oregon.gov>
Sent: Friday, June 6, 2025 9:41 AM
To: Rachelq Harman; PUBLICRECORDS OwrD * WRD
Cc: Kelsey Seibel; Laura Schroeder; Tara Lomacz
Subject: RE: Second Public Records Request (Internal Reference 285.04)

Good morning

Apologies for the delay. I looked through both Transfer files, and there are no new records since 2014 and there are no protests or claims of injury either.

There will be no fee for this request as it took less than 30 minutes to complete.

Let me know if you have any additional questions.

[Jonathan Moyes \(he/him/his\)](#)

Public Records Coordinator
725 Summer St NE Suite A | Salem OR 97301 | Phone 971-375-5412



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

From: Rachelq Harman <r.harman@water-law.com>
Sent: Tuesday, June 3, 2025 12:46 PM
To: PUBLICRECORDS OwrD * WRD <owrd.publicrecords@water.oregon.gov>
Cc: Kelsey Seibel <k.seibel@water-law.com>; Laura Schroeder <schroeder@water-law.com>; Tara Lomacz <t.lomacz@water-law.com>
Subject: Second Public Records Request (Internal Reference 285.04)

Good afternoon,

Attached please find correspondence from our office. Please contact us if there are any difficulties opening the attachment.

Thank you,

Rachelq Harman
Paralegal
Schroeder Law Offices, P.C.
1915 NE Cesar E. Chavez Blvd., Portland OR 97212
P: (503) 281-4100 | F: (877) 600-4971

Received
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Received
JUL 07 2025

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14702 -

From: Kelsey Seibel <k.seibel@water-law.com>
Sent: Monday, July 14, 2025 10:37 AM
To: SMITH Joan M * WRD
Cc: Laura Schroeder; Rachelq Harman; Tara Lomacz
Subject: Additional Deposition Pages and Exhibit for Historic Change in POD Application for Certificates 89254 and 89256
Attachments: Transcript Excerpt for Greg Silbernagel with Exhibit 5A.pdf

Good morning, Joan,

Thank you for speaking with me on Friday, July 11th, about the Historic Change in POD Application for Certificates 89254 and 89256. As discussed, I am providing annotated additional pages from the deposition of Greg Silbernagel to assist in understanding the “property” discussed on page 108 previously provided for the Historic Change in POD Application. Also, at the end of the PDF, I include the “Exhibit 5A” referenced which lists the applicable water rights discussed, including Certificates 89254 and 89256, to help a reviewer with understanding the location of the “property.”

Please let me know if you have any questions or further comments.

Kelsey Seibel

Associate Attorney
Schroeder Law Offices, P.C.
1915 NE Cesar E Chavez Blvd Portland, OR 97212
P: (503) 281-4100 | F: (877) 600-4971

Note: I am only available until 12:00pm on Fridays.



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1 Q. I think we ended with Exhibit 4. I have
2 Exhibit 5 for us.

3 This exhibit, I am going to give it to
4 you in two ways. One of them is just the way it
5 came from YoungWoo. And the other way is enlarged.
6 Because it's quite hard to read in the way it came
7 from YoungWoo. And I'm sure he was hiding it from
8 me. I'm going to mark these both as 5.

9 (Deposition Exhibit Number 5 and 5-A
10 were marked for identification).

11 MR. JOH: Do you want the big one
12 5-A?

13 MR. JOH: Either way is fine with me.

14 MS. SCHROEDER: I will do it 5-A.

15 Q. I'm sure that we're not going to be
16 talking about the tiny one unless you brought a
17 magnifying glass. But go ahead and compare 5 to
18 5-A to make sure you agree that they're the same
19 thing.

20 (Pause in the proceedings).

21 A. I agree that they are the same.

22 Q. All right. I'm going to be working from
23 5-A. So, what is this, Mr. Silbernagel?

24 A. It is an email to Bob Tyhuis regarding
25 our meeting on 11-16.

1 Q. What year was this email?

2 A. 2021.

3 Q. And it's an email from yourself to Mr.
4 Tyhuis?

5 A. Correct.

6 Q. And I see that the address is to Lloyd
7 and Bob Tyhuis.

8 Why would you email it to Bob but address
9 it to Lloyd and Bob?

10 A. It was my understanding that Bob was the
11 manager of the property.

12 Q. And as you said, this is an email
13 following your meeting on 11-16. What was your
14 meeting on 11-16 of '21 about?

15 A. Water use on the property.

16 Q. Okay. And what does this email contain?

17 A. So the top -- So I identified the water
18 rights on the property to make sure we were all
19 discussing the same certificates and that there
20 wasn't something I was missing, and the water use
21 accounting for the 2021 water season.

22 Q. Okay. Are the water rights on the Piercy
23 property the same ones that you listed in this
24 December 9th, 2021 email? Are they the same ones
25 today as are listed here?

1 A. I believe so.

2 Q. And was there any feedback from Mr.
3 Tyhuis or Lloyd Piercy regarding your listing of
4 these water rights?

5 A. I believe we had a follow-up meeting in
6 January of 2022.

7 Q. How did you come to list these water
8 rights? How did you decide these were the water
9 rights to that property?

10 A. The Public Land Survey System.

11 Q. And how does the Public Land Survey
12 System tell you that these water rights are
13 associated with that property?

14 A. So, all water rights have to have a place
15 of use that describes them.

16 And I reviewed the township, range and
17 section, looked at Mr. Piercy's tax lots, what he
18 owned, and then associated the certificates to the
19 tax lots.

20 Q. And is the first one that you list,
21 Certificate 81319, the one that's at issue in this
22 proceeding?

23 A. Yes.

24 Q. Okay. And you write that it's for 329.2
25 acres.

1 Is that still the case?

2 A. It likely is. There was a transfer by
3 New Foothills. So I do not know if that is the
4 current certificate number or not.

5 Q. So would that mean that Certificate 81319
6 might have been split in some way?

7 A. Correct.

8 Q. In your email after you list Certificate
9 81319, you talk about water delivery.

10 Can you tell me what you're suggesting is
11 the pump back here?

12 (Pause in the proceedings).

13 Q. We can start with "Another landowner owns
14 portions or all of the circle on the north part of
15 this water right."

16 So, what is that?

17 A. I'll read that outloud. "Another
18 landowner owns portions or all of the circle on the
19 north part of this water right but and you deliver
20 them water from the authorized well. 60% of rate
21 being used is to be pumped back to river when
22 regulation on Umatilla is occurring. 40% applied to
23 crops. I am not aware of any rotation agreements on
24 this well. You use this well for everything except
25 the bottom lands."

1 Q. Why did you write "I am not aware of any
2 rotation agreements on this well"?

3 A. So it appeared that the rate was being
4 exceeded on the 40 percent.

5 Q. And how did it appear to be, to you, that
6 that was being exceeded?

7 A. I would have to look at the flowmeter
8 records.

9 Q. Okay. So at the bottom of your email do
10 you have the flowmeter records that you used?

11 A. So, those are the total water use. The
12 flowmeter records would have an instantaneous rate
13 and a totalizer on them.

14 Q. So when you say "Monthly Water Use" at
15 the bottom of your email, this is only talking about
16 acre-feet?

17 A. Correct.

18 Q. And as to 81319, at least in this email,
19 does your AF, your acre-feet, address your chart,
20 address the 81319 use?

21 A. Yes.

22 Q. And where is that?

23 A. Piercy pit well #1 and Piercy pit well
24 #2.

25 Q. So there's a Piercy #1 infiltration. So

1 that applies to some other water right.

2 Correct?

3 A. That applies to the Umatilla River water
4 right, correct.

5 Q. So we're talking about the next two in
6 that first block. Is that right, the next two
7 listings?

8 A. It looks like, yes, the second and third
9 one in the first chart and the second and third one
10 in the second chart.

11 Q. So, what's the difference between the
12 first chart and the second chart?

13 A. The first chart is the calculations. The
14 second chart is the meter readings.

15 Q. Now, tell me about how the calculations
16 were made in the first chart. And maybe just
17 look at June 21st and explain to me how those were
18 done.

19 A. Sure. So, we would take -- So for the
20 calculations in June, we would take the end of May
21 flowmeter reading, identified in the second chart.

22 Q. So that would be the 321957 and 44727?

23 A. So maybe -- Hold on a second. So they
24 are right at the beginning of each one. So July --
25 sorry, June 21st in the second chart is the

1 beginning of June.

2 We then would take July 1st and subtract
3 June 1st from July 1st to get a total water use
4 for the month which is identified in the chart on
5 top.

6 Q. Okay. So in doing that calculation
7 you're taking 616.6 -- Well, we're doing the pit
8 well, right? So you're doing 528289 from 447727,
9 and then looking above and you get 80.56?

10 A. That is correct.

11 Q. Okay. And that's the same calculation
12 you did all the way across the chart on top?

13 A. Yes.

14 Q. Okay. And then at the end of the chart
15 on top you have a total use of acre-feet. And there
16 is a number under that column for each well, 370.43
17 and 682.31.

18 How is that number calculated?

19 MR. JOH: Objection, misstates
20 evidence.

21 Q. (BY MS. SCHROEDER:) If I misstate it,
22 please tell me what those numbers stand for.

23 A. The columns you reference add the columns
24 that we just answered in the last question.

25 Q. So if I'm looking at 370.43, is that a

1 total of everything on the line that precedes that
2 total?

3 A. Under the total use acre-feet, that is a
4 total from that flowmeter, correct.

5 Q. So that would be the Piercy pit well #1,
6 60 percent, correct, would be 370.43?

7 A. Correct.

8 Q. Okay. And the 60 percent is the amount
9 going to the river.

10 A. Correct?

11 A. Correct.

12 Q. All right. And then the next column in
13 the first chart is the water right duty. And in the
14 line saying "Piercy pit well #1 - 60%," there is a
15 number 987.6.

16 How is that calculated? How was that
17 calculated?

18 A. I am sorry. Where are you looking?

19 Q. The first chart.

20 A. Okay.

21 Q. And there's a line, we are staying on the
22 same line. Piercy pit well #1, 60 percent. We go
23 all the way down, through the line to the end, and
24 there's a column entitled "Water Right Duty."

25 A. Okay.

1 Q. Do you see that?

2 A. Yes.

3 Q. And there's a number 987.6. How did you
4 calculate 987.6?

5 A. I believe that is Piercy pit well #2
6 flowmeter and Piercy pit well #1 flowmeter added
7 together.

8 Oh. Wait. Hold on. The water right
9 duty would be referencing back up above under
10 certificate 81319. The 329.2 acres times three
11 equals 987.6, which is the duty on that certificate.

12 Q. Okay. And then so that's the water right
13 duty for 81319.

14 And then the next column is 2021 overuse,
15 and in the same line you have a number 65.14.

16 How did you calculate 65.14?

17 A. So, if you take Piercy pit well #1 and
18 Piercy pit well #2 total use acre-feet and add them
19 together and subtract the duty, I believe that
20 equals 65.14 acre-feet of water use above the duty
21 limit.

22 Q. Okay. So, when you did this chart in
23 2021, you calculated the water that was going to the
24 river as part of the duty of the water right that
25 was only for irrigation.

1 Is that right?

2 A. So to clarify for the record, I did not
3 make this chart.

4 Q. Oh. Okay. Who made this chart?

5 A. Erik Thomasson.

6 Q. Okay. But it's on your email, correct?

7 A. He provided me the figures, yes.

8 Q. Okay. Do you disagree with what he did?

9 A. No.

10 Q. Okay. So, why did he count the water
11 that was going to the river as a place of use under
12 81319?

13 A. So, in the Settlement Agreement it
14 references water use from the wells -- well.

15 Q. So, that's why you consider water use in
16 the river to be water use under this certificate
17 81319?

18 A. Per the agreement, yes.

19 Q. Even though there's no water right for
20 the river under 81319?

21 (Pause in the proceedings).

22 A. There is a Settlement Agreement.

23 Q. And you believe that the Settlement
24 Agreement changed the water right place of use

25 MR. JOH: Objection, calls for a

1 legal conclusion.

2 THE WITNESS: I believe the
3 Settlement Agreement changes . . . Repeat that
4 again, please.

5 Q. (BY MS. SCHROEDER:) Yes. You believe
6 that the Settlement Agreement changed the type and
7 place of use to the river for 81319?

8 MR. JOH: Same objection.

9 THE WITNESS: Yes.

10 Q. (BY MS. SCHROEDER:) Okay. And so if
11 your belief is true, then in calculating both of
12 them together, the overdraw from the well under
13 81319 was 65.14, according to this calculation.

14 Is that right?

15 A. Without adding them up, yes.

16 Q. Okay. So, why, looking at Piercy #1
17 infiltration, why are you -- why does this chart
18 consider overuse for the infiltration permit, or
19 certificate?

20 A. So, the meeting with Lloyd was to discuss
21 his water rights on the farm in its entirety. It's
22 operated under two -- multiple water rights with
23 differing places of use.

24 So the infiltration gallery would cover
25 the bottom lands, per my understanding with Lloyd

1 and Bob. So those meters feed -- that meter, sorry,
2 feeds the bottom land which has a separate duty.
3 And the hydraulically connected wells, Piercy pit
4 well #1 and 2 meters here, serve a different
5 certificate up above.

6 Since the meeting was about water use on
7 the property, it was included.

8 Q. What, if anything, did you do with Mr.
9 Piercy regarding the Piercy 1 infiltration 2021
10 overuse of 57.7 acre-feet?

11 A. So, the reason for the meeting was to
12 discuss the flowmeter calculations, make sure that
13 Mr. Piercy understood his water rights, and the
14 Department's interpretation of them.

15 And at this point it was past any sort of
16 regulatory action. It was the year prior.

17 So this was a discussion with Lloyd
18 about -- sorry, Mr. Piercy, about his water use and
19 to ensure that he understood his water rights in the
20 event we needed to take regulatory action if overuse
21 continued.

22 Q. Okay. So, I'm still not clear about your
23 mention of a rotation agreement. What rotation
24 agreement, where did that come from in terms of your
25 addressing it in this email?

1 A. So, it appeared that Mr. Piercy was using
2 more water through one meter than the other at
3 certain times.

4 And I was expressing that he should not
5 be doing that. He needed to stay within his rate
6 and not exceed it.

7 Q. How did you come to the conclusion that
8 he was taking more than he should have, as you just
9 discussed? Can I see that in this chart below, for
10 instance?

11 MR. JOH: Objection, compound.

12 THE WITNESS: If you were to
13 calculate out those months, I believe you can see
14 it. The total at the end is where it is most
15 obvious.

16 Q. (BY MS. SCHROEDER:) So the total at the
17 end of this chart number 1 or the chart number 2?

18 A. The total at the end of the chart number
19 1.

20 Q. Okay. How does that show me that there's
21 more taken from one place than the other
22 occasionally?

23 MR. JOH: Objection, vague.

24 THE WITNESS: If you take the total
25 month's use and divide it by the number of days

1 in that month, and then further divide it out,
2 divide the acre-footage out, you will end up with a
3 rate.

4 That rate appears to have been exceeded.
5 I would have to calculate that. The chart does not
6 express that.

7 Q. (BY MS. SCHROEDER:) Okay. So why was
8 the duty for these certificates that you mention
9 above, 93673 and 93672, not included in the water
10 right duty total?

11 A. They are not -- They were not being used.

12 Q. Okay. What do you mean by "not being
13 used"?

14 A. My notes clarify the meeting that we had
15 with Lloyd, and it says that they no longer exist
16 due to flooding.

17 Q. But you added at least in this email, you
18 said Bob said you are using the infiltration gallery
19 along the river on both of those certificates.

20 A. Well, what is the question?

21 Q. The question is, I'm asking you why those
22 weren't included. You said they weren't used. But
23 you say in your email they are being used.

24 MR. JOH: Objection, vague, compound,
25 and misstates the evidence.

1 THE WITNESS: Yes. To clarify my
2 notes, the well no longer exists. The point of
3 appropriation doesn't exist.

4 Using an unauthorized source doesn't
5 allow you to use it. The source doesn't exist.
6 Therefore it's not calculated in the calculations.

7 Q. (BY MS. SCHROEDER:) If you're using the
8 wrong point of appropriation, that doesn't matter,
9 does it?

10 MR. JOH: Objection, calls for a
11 legal conclusion.

12 THE WITNESS: I don't know what --
13 I'd have to look at the certificates. It appears
14 that they are from a well, and he is using a surface
15 water right.

16 Q. (BY MS. SCHROEDER:) So the infiltration
17 gallery is a surface water right?

18 A. Yes.

19 Q. Okay. Farther down on the list of water
20 rights you have a supplemental certificate, 53072,
21 from a spring, and you ask in there I see "Is there
22 a spring still in use or has it gone dry?"

23 Did you ever get an answer to that
24 question?

25 A. There was some discussion about it.

1 There was no physical spring witnessed on the
2 property.

3 Q. You did not observe a spring on the
4 property after this email?

5 MR. JOH: Objection, vague, assumes
6 facts not in evidence.

7 THE WITNESS: I have not witnessed a
8 spring on the property at any time.

9 I was asking Mr. Piercy and Bob, Mr.
10 Tyhuis, to show that to me. And I would have
11 included it in the calculations, had they been able
12 to.

13 Q. (BY MS. SCHROEDER:) So all the
14 calculations that are done on the bottom of this
15 email were done by someone else.

16 Correct?

17 A. Yes.

18 Q. Did you tell, I think you said his name
19 is Erik, or what was his name?

20 A. Erik Thomassser.

21 Q. Thomassser. Did you instruct Mr.
22 Thomassser on how to develop this chart on the bottom
23 of the email?

24 A. I asked him for Mr. Piercy's water use,
25 and this is what he provided me.

1 Q. Did you ask him to put in certain water
2 rights and not others?

3 A. He would not have defined the water
4 rights. I would have done that.

5 Q. Okay. All right.

6 MS. SCHROEDER: I'm going to mark
7 what is now Exhibit 6.

8 (Deposition Exhibit Number 6 was
9 marked for identification).

10 Q. (BY MS. SCHROEDER:) Can you tell me what
11 this Exhibit 6 is?

12 A. It appears to be a Watermaster review for
13 transfer 13830.

14 Q. Okay. And is this a document that you
15 prepared?

16 A. I believe so.

17 Q. If you look at page 5 of 5 of the
18 exhibit, does that refresh your recollection?

19 A. So, yes. This is my Watermaster review.
20 It has my name across the top of it under reviewer.

21 Q. And when did you do this review?

22 A. January 4th of 2022.

23 Q. And in doing this review at paragraph 2
24 did you make a reference to the Settlement
25 Agreement?

1 A. Yes.

2 Q. And in fact you attached that to your
3 Watermaster review, didn't you?

4 A. Yes.

5 Q. So, that would mean that at least by 2022
6 you had a copy of the signed Settlement Agreement,
7 correct?

8 A. As previously answered, I believe by our
9 meeting with Mr. Piercy at the end of 2021 I had
10 found the document.

Q. Was this transfer ultimately approved?

12 A. I believe this one was issued a Final
13 Order.

14 Q. Do you know what the status of this
15 transfer is at this time?

16 A. I do not know the completion date. But I
17 do believe it was issued.

18 Q. Okay. What do you mean, it was issued?

19 A. Completed -- A Final Order was issued
20 allowing the transfer to proceed.

21 Q. Do you know if, once that transfer permit
22 was issued, if that, if this transfer permit then
23 has been completed in terms of filing a COBU?

24 MR. JOH: Objection, vague. What's a
25 COBU?

1 (Pause in the proceedings).

2 THE WITNESS: Could you clarify, was
3 that a question for me?

4 Q. (BY MS. SCHROEDER:) Yes.

5 A. All right. Claim of beneficial Use?

6 Q. Yes.

7 A. Could you repeat the question that led up
8 to that one?

9 Q. Has a Certificate of Beneficial Use been
10 filed on the approved transfer of application
11 T-13830?

12 A. I do not know the status of that.

13 Q. Once a transfer permit is issued, what
14 involvement do you have in assuring that it's
15 developed appropriately as the Watermaster?

16 A. That would depend on the transfer type.
17 If it's temporary, we would keep track of it, make
18 sure the previous lands are dried up, the farmlands
19 are dried up.

20 In this case it's a place of use
21 transfer. So they would have picked up water rights
22 and placed them down in a different location.

23 And then they are required to file the
24 Claim of Beneficial Use that they have completed it.

25 So I do not have -- After the Watermaster

1 review, Final Order is issued, and we may
2 occasionally monitor it, we may not. It's up to
3 the landowner to file the claim.

4 Q. Does a copy of the transfer permit end up
5 in your files here in Pendleton?

6 A. Hmm. No, not always. They are put out
7 for public knowledge, public -- weekly public
8 notice.

9 And depending on how busy we are, I look
10 at them, or I don't. I don't get a copy sent
11 directly to me all the time.

12 Q. When the Certificate of Beneficial Use is
13 filed in Salem, are you asked to review that
14 Certificate of Beneficial Use?

15 MR. JOH: Objection, vague. Do you
16 mean claim?

17 Q. (BY MS. SCHROEDER:) Claim.

18 A. The Claim of Beneficial Use I rarely see.

19 Q. The next exhibit I have, we are on
20 Exhibit 7?

21 COURT REPORTER: Yes.

22 (Deposition Exhibit Number 7 was
23 marked for identification).

24 Q. (BY MS. SCHROEDER:) This is another
25 email. This one you should be able to read.

1 (Pause in the proceedings).

2 Q. So, is this an email from you that's on
3 Exhibit 7?

4 A. It appears to be from Tamara Smith across
5 the top.

6 Q. Okay. And then what is the title of the
7 Tamara Smith attachment?

8 A. "Holeman settlement."

9 Q. And underneath that line "Attachments:
10 Holeman Settlement," is there an email from you?

11 A. Yes.

12 Q. And who is that email to?

13 A. Mr. Bales, consultant Molly Reid, and
14 included on that was Tamara Smith. Jay Bales
15 was "cc'd" as well as attorney Shonee Langford, and
16 my supervisor, Chris Kowitz.

17 Q. And why are you emailing Ms. Reid?

18 A. So, I had completed my Watermaster
19 review. And they had included a well that I was not
20 aware to have existed, and requested that we tour
21 the property so that they could show it to me.

22 Q. And was this concerning the Watermaster
23 review in Exhibit 6 that we just looked at?

24 A. Yes.

25 Q. Okay. So, when you did the Watermaster

1 review did you have that application in front of
2 you?

3 MR. JOH: Objection, vague.

4 Q. (BY MS. SCHROEDER:) The transfer
5 application in front of you.

6 A. So, I will let the dates speak for
7 themselves. It appears the review is on January 4th
8 and the email is sent January 27th, 2022, from
9 myself.

10 Q. So, this email was sent after you issued
11 your Watermaster review.

12 Correct?

13 A. Correct.

14 Q. Okay. So, what happened after this email
15 to Molly -- or Ms. Reid?

16 A. They removed the second well from the
17 application.

18 Q. Anything else?

19 (Pause in the proceedings).

20 A. Not that I can think of.

21 Q. So in the second paragraph there's some
22 mention about a reservoir. Did anything happen with
23 the reservoir permit as a result of your email?

24 A. There was nothing that was done as a
25 result of my email. It was eventually canceled, but

1 that was not per anything I had to do with.

2 Q. And then in the third paragraph you also
3 make another request to Ms. Reid?

4 A. Uh-huh.

5 Q. What happened with that request?

6 (Pause in the proceedings).

7 Q. So, in the last, to help you --

8 A. Sure.

9 Q. In the last paragraph it says "There are
10 water use reporting requirements in the stipulated
11 agreement we need to see followed to prevent this
12 from happening again."

13 What happened with that request to Ms.
14 Reid?

15 A. I do not recall.

16 Q. And then it says "I have attached it to
17 this email."

18 What did you attach to the email?

19 A. The stipulated agreement, the Holeman
20 settlement.

21 (Deposition Exhibit Number 8 was
22 marked for identification).

23 Q. (BY MS. SCHROEDER:) I am handing you
24 another email marked as Exhibit 8. And what is this
25 email? Who is it written by and who is it sent to?

1 A. I wrote this email and it is addressed to
2 Bob Tyhuis, T-Y-H-U-I0-S.

3 Q. And what is the date of this email?

4 A. Thursday, January 27th, 2022.

5 Q. And would this have then been after the
6 Exhibit 7 email?

7 A. No. It would have been before.

8 Q. Okay.

9 A. Or hold on. Yes. It was sent before.

10 Q. So it refers to a meeting on January 14,
11 correct?

12 A. Yes.

13 Q. And what did you -- Who did you meet with
14 on January 14th, 2022?

15 A. Mr. Tyhuis and Mr. Piercy.

16 Q. Okay. And where was that meeting?

17 A. Right here in this room.

18 Q. Okay. And what did you discuss?

19 A. We went over the water rights email to
20 verify that I was not missing anything. We went
21 over the Settlement Agreement.

22 This was a follow-up email to that
23 meeting. Mr. Piercy believed that he was entitled
24 to a hundred percent of the rate on his water right
25 certificate and 60 percent being pumped back to the

1 river.

2 Q. And did he give you a reason for his
3 belief in that?

4 A. I asked him to clearly explain in writing
5 where it was in the stipulated agreement, because he
6 was unable to point to where he was referencing that
7 in our meeting.

8 Q. What did he reference, if he wasn't
9 referencing the Settlement Agreement?

10 A. It was unclear to me where the hundred
11 percent plus 60 percent was directly cited in the
12 stipulated agreement.

13 Q. What did Mr. Piercy tell you?

14 A. That it was -- that he could use a
15 hundred percent of his rate on the irrigated fields,
16 and to pump an additional 60 percent back to the
17 Umatilla River.

18 Q. And why? Why did he say that was the
19 case?

20 A. He said it was in the agreement.

21 Q. Did he say anything else?

22 (Pause in the proceedings).

23 A. I believe that was where our disagreement
24 was at.

25 Q. He didn't refer to any other reason?

1 A. Not that I recall.

2 Q. Did he show you any documents during that
3 meeting?

4 A. No. I believe I provided him with
5 documents in that meeting.

6 Q. What documents did you provide to him?

7 A. I believe we used the Settlement
8 Agreement as part of our conversation in that
9 meeting. I may -- Typically in meetings like that,
10 I would also hand out water right certificates.

11 I do not know if I handed him those in
12 that meeting or not. But that would be a normal
13 thing. So I am not aware of anything else.

14 Q. In the last sentence of your email on
15 Exhibit 8 you say "To be fair for all other water
16 users moving forward."

17 What did you mean by that?

18 A. So our meeting was about use in 2021
19 being above duty in both the surface water rights
20 and the groundwater rights.

21 As Watermaster it's my job to prevent
22 injury enlargement to other water users and making
23 sure people follow their water right certificates.
24 That is the basis of my job.

25 Q. What water users were you concerned about

1 in this email?

2 A. All of the mid-river certificate holders.

3 Q. But you hadn't received any complaints at
4 that time of Mr. Piercy's water use, had you?

5 A. No.

6 Q. Have you ever received a claim of injury
7 for water use on Mr. Piercy's property?

8 A. No.

9 (Deposition Exhibit Number 9 was
10 marked for identification).

11 Q. (BY MS. SCHROEDER:) I am going to hand
12 you now a letter marked Exhibit 9. I will represent
13 to you this is a letter that's signed by you.

14 Do you agree, Mr. Silbernagel?

15 A. Yes. It has my signature on it.

16 Q. And when did you issue this letter?

17 A. It's dated April 20th, 2022.

18 Q. So, this would have been after the emails
19 that we just looked at in Exhibits 7 and 8.

20 Correct?

21 A. Yes.

22 Q. Okay. And between the email in Exhibit 8
23 and April 20th of 2022, did you receive any letters
24 from Mr. Piercy?

25 A. I'm sorry. Could you repeat the dates on

Laura A. Schroeder

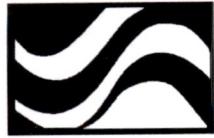
Oregon, Idaho,
Nevada, Washington & Utah

Therese A. Ure Stix

Oregon & Nevada

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Nevada & Idaho



SCHROEDER
LAW OFFICES, P.C.

William F. Schroeder

(1928 - 2015)

James Browitt

Of Counsel
Idaho & Washington

July 2, 2025

VIA U.S. MAIL

Oregon Water Resources Department
c/o Joan Smith
725 Summer St NE, Suite A
Salem, Oregon 97301

**RE: Second Submission of Historic Change in Point of Diversion Application for
Certificates 89254 and 89256**

Dear Ms. Smith:

Enclosed please find the Historic Change in Point of Diversion Application for Certificates 89254 and 89256 and the required fee, revised as requested in your June 24, 2025 letter to now only include an individual under OAR 690-380-2120(7).

As mentioned in our first submission of a similar application, for unexplained reasons, the Watermaster for District 5, Greg Silbernagel, will not complete the Watermaster Review Form for this application. On June 17, 2025, Greg Silbernagel stated, under oath, that he has never received a claim of injury for water use on Lloyd Piercy's property. Attached is a copy of the relevant page of the deposition in which Greg Silbernagel asserted this point.

We have also attached to the application other confirming information in lieu of a completed Watermaster Review Form including (1) all communication with the Watermaster and (2) the public records request and response that confirmed that no protests or claims of injury have been submitted against Certificates 89254 and 89256.

We ask that you contact attorney Kelsey Seibel regarding any issues with this submission in lieu of a completed Watermaster Review Form before returning the application again to discuss the situation.

Very truly yours,
SCHROEDER LAW OFFICES, P.C.

Kelsey Seibel
Laura A. Schroeder

LAS:kjs

Enclosures

cc: Client – *via email*

Bob Long & Ian Godwin – *via email*

Received

JUL 07 2025

OWRD

1915 NE Cesar E. Chavez Boulevard, Portland, Oregon 97212 (503) 281-4100

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www.water-law.com counsel@water-law.com

1 in this email?

2 A. All of the mid-river certificate holders.

3 Q. But you hadn't received any complaints at
4 that time of Mr. Piercy's water use, had you?

5 A. No.

6 Q. Have you ever received a claim of injury
7 for water use on Mr. Piercy's property?

8 A. No.

9 (Deposition Exhibit Number 9 was
10 marked for identification).

11 Q. (BY MS. SCHROEDER:) I am going to hand
12 you now a letter marked Exhibit 9. I will represent
13 to you this is a letter that's signed by you.

14 Do you agree, Mr. Silbernagel?

15 A. Yes. It has my signature on it.

16 Q. And when did you issue this letter?

17 A. It's dated April 20th, 2022.

18 Q. So, this would have been after the emails
19 that we just looked at in Exhibits 7 and 8. Received

20 Correct?

JUL 07 2025

21 A. Yes.

OWRD

22 Q. Okay. And between the email in Exhibit 8
23 and April 20th of 2022, did you receive any letters
24 from Mr. Piercy?

25 A. I'm sorry. Could you repeat the dates on