

Regular

Name Longview ranch LLC of Nevada

DESCRIPTION OF WATER RIGHT(S)

Allen Scott SuttonAddress 39847 Hwy 19Kimberly Oregon 97848longviewcattle@gmail.comName of Stream John day riverTrib. of Columbia riverUse IrrigationCounty Grant, wheeler

Quantity of water (CFS)

No. of Acres

Name of ditch

App# 56292Per # 53942Cert # 641632PR Date 10/4/1918

App#

Per #

Cert #

PR Date

App#

Per #

Cert #

PR Date

App#

Per #

Cert #

PR Date

App#

Per #

Cert #

PR Date

Change in POD use PODDate Filed 11/30/2022Initial notice date 12/6/2022

DPD issued date

PD issued date 12/2/2024PD notice date 12/3/2024Date of FO 1/23/2025 Vol 133 Page 732-736

C-Date

COBU due date

COBU Received date

Certificate issued

FEES PAID

Date

Amount

Receipt #

11-30-222,450.00139644

FEES REFUNDED

Date

Amount

Receipt #

Assignments:

Irrigation District

Agent Steven Bruce Skookum Water Associates

CWRE

CC's list Wheeler county☐ - Oversized map - Location

WATER RIGHT TRANSFER COVER SHEET

Transfer: T- 14125

Transfer Specialist:

Transfer Type: Regular Transfer

Quate L.

Applicant: SCOTT SUTTON 39847 HWY 19 KIMBERLY, OR 97848 Email: _____ Phone: _____		Agent: <input type="checkbox"/> N/A STEVEN R. BRUCE 1626 VICTORIAN WAY EUGENE, OR 97401 Email: _____ Phone: _____	
Irrigation District: <input type="checkbox"/> N/A Email: _____		CWRE: <input type="checkbox"/> N/A Email: _____	
Affected Local Gov'ts: <input type="checkbox"/> N/A Wheeler County Planning Department Email: _____		Affected Tribal Gov't: <input type="checkbox"/> N/A UNAVAILABLE Email: _____	
Current Landowner if other than Applicant: <input type="checkbox"/> N/A Email: _____		Receiving Landowner: <input type="checkbox"/> N/A Email: _____	

Water Rights Affected

File Marked	App. File # or Decree Name	Permit	Certificate	RR/CR Needed	RR/CR Nos.
<input type="checkbox"/>	S6292	S3942	64632	<input type="checkbox"/> Yes <input type="checkbox"/> No	
<input type="checkbox"/>				<input type="checkbox"/> Yes <input type="checkbox"/> No	
<input type="checkbox"/>				<input type="checkbox"/> Yes <input type="checkbox"/> No	

Key Dates & Initial Actions:

Rec'd: November 30, 2022	Proposed Action(s): POINT OF DIVERSION; PLACE OF USE; USE	
Fees Pd: 2450.00	WM District: 4	ODFW District:
Initial Public Notice: December 6, 2022	WM Review sent:	ODFW Review sent:
Acknowledgement Letter Sent <input checked="" type="checkbox"/>		GW Review sent: <input type="checkbox"/> N/A
County sent cc: of Ack Letter <input type="checkbox"/>	BOR notified (date): <input type="checkbox"/> N/A	
Newspaper quote requested:	Request for news \$ sent:	News \$ received:
Request to publish sent:	Affidavit of publication received:	Last day of publication:

Document	Drafted	Peer Review	Changes Made	Coordinator	Changes Made	Signature Bin	Signature Date
DPD	Date: <u>8-16-23</u> Initials: <u>DL</u>	Date: _____ Initials: _____	Date: _____ Initials: _____	Date: <u>3-13-24</u> Initials: <u>PLS</u>	Date: <u>3-14-24</u> Initials: <u>DL</u>	CW Sent: _____	N/A
PD	Date: <u>5-12-24</u> Initials: <u>DL</u>	Date: <u>5-13-24</u> Initials: <u>JS</u>	Date: <u>5-14-24</u> Initials: <u>DL</u>	Date: <u>9-11-24</u> Initials: <u>CC</u>	Date: <u>9-21-24</u> Initials: <u>DL</u>	Date: <u>11-22-24</u>	Date: <u>12/2/24</u>
FO	Date: <u>12-12-24</u> Initials: <u>DL</u>	Date: <u>12-13-24</u> Initials: <u>SG</u>	Date: _____ Initials: _____	Date: <u>12-16-24</u> Initials: <u>AR</u>	Date: <u>12-19-24</u> Initials: <u>DL</u>	Date: <u>1-16-25</u>	Date: <u>1/23/2025</u>

Special Issues: _____

Special Order Volume: Vol. 133 Pages 732-736



Oregon

Tina Kotek, Governor

Water Resources Department

North Mall Office Building

725 Summer St NE, Suite A

Salem, OR 97301

Phone 503 986-0900

Fax 503 986-0904

January 23, 2025

Scott Sutton
39847 Hwy 19
Kimberly, OR 97848

REFERENCE: Transfer Application T-14125

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

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

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

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

If you have any questions related to the approval of this transfer, you may contact your caseworker, Dante Luongo, by telephone at (971) 304-5006 or by e-mail at Dante.j.luongo@water.oregon.gov.

Sincerely,

David V. Jones Jr

Water Rights Services Support
Transfers and Conservation Section

cc: Eric W. Julsrud, Watermaster Dist. # 4 (via email)
Steven R. Bruce, Agent
Wheeler County Planning Department, Local Government

Enclosure

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

In the Matter of Transfer Application)	FINAL ORDER APPROVING A CHANGE IN
T-14125, Grant and Wheeler Counties)	POINT OF DIVERSION, A CHANGE IN
)	PLACE OF USE, AND A CHANGE IN
)	CHARACTER OF USE

Authority

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

Applicant

LONGVIEW RANCH, LLC OF NEVADA
ATTN: SCOTT SUTTON
39847 HIGHWAY 19
KIMBERLY, OR 97848

Findings of Fact

1. On November 30, 2022, LONGVIEW RANCH, LLC OF NEVADA filed an application to change the point of diversion, place of use, and character of use under Certificate 64632. The Department assigned the application number T-14125.
2. Notice of the application for transfer was published on December 6, 2022, pursuant to OAR 690-380-4000. No comments were filed in response to the notice.
3. On March 21, 2024, the Department sent a copy of the draft Preliminary Determination proposing to approve Transfer Application T-14125 to the applicant. The draft Preliminary Determination cover letter set forth a deadline of April 20, 2024, for the applicant to respond. The applicant requested that the Department proceed with issuance of a Preliminary Determination and provided the necessary information to demonstrate that the applicant is authorized to pursue the transfer.

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

4. On December 2, 2024, the Department issued a Preliminary Determination proposing to approve Transfer Application T-14125 and sent a copy to the applicant. Additionally, notice of the Preliminary Determination for the transfer application was published in the Department's weekly notice on December 3, 2024, and in the East Oregonian newspaper on December 4, and 11, 2024, pursuant to ORS 540.520 and OAR 690-380-4020. No protests were filed in response to the notices.

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

Certificate: 64632 in the name of POWAY CITRUS COMPANY, C/O DUSTIN B. ROSE
(perfected under Permit S-3942)

Use: IRRIGATING 4.2 ACRES

Priority Date: OCTOBER 4, 1918

Rate: 0.05 CUBIC FOOT PER SECOND IF AVAILABLE AT THE ORIGINAL POINT OF DIVERSION

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

Authorized Point of Diversion:

Twp	Rng	Mer	Sec	Q-Q	GLot	Measured Distances
10 S	26 E	WM	30	NW SW	3	DIV PT 1 - 430 FEET SOUTH AND 390 FEET EAST FROM THE W1/4 CORNER OF SECTION 30

Authorized Place of Use:

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
10 S	25 E	WM	24	SE SE	0.2
10 S	25 E	WM	25	NE NE	4.0
TOTAL					4.2

6. Transfer Application T-14125 proposes to move the authorized point of diversion approximately 3,000 feet downstream to:

Twp	Rng	Mer	Sec	Q-Q	GLot	Measured Distances
10 S	26 E	WM	19	SW SW	3	LOG YARD POD - 30 FEET NORTH AND 250 FEET EAST FROM THE SW CORNER OF SECTION 19

7. The applicant also proposes to change the place of use to:

INDUSTRIAL AND COMMERCIAL USE					
Twp	Rng	Mer	Sec	Q-Q	Acres
10 S	25 E	WM	24	SE SE	0.2
10 S	25 E	WM	25	NE NE	4.0
TOTAL					4.2

8. Transfer Application T-14125 also proposes to change the character of use from irrigation to industrial and commercial uses.

9. Certificate 64632 does not specify a duty for the allowed use of water. Pursuant to the John Day River (F) Decree, the quantity of water is limited to one acre foot per acre during any calendar month prior to July 1, and thereafter not to exceed three-fourths of one acre foot per acre, and a total limitation during the irrigation season not to exceed five-acre feet per acre.
10. Certificate 64632 does not specify a season of use; however, irrigation is not considered a year-round use, and therefore, must include a seasonal limitation. Pursuant to the John Day River (F) Decree, the irrigation season is April 1 through September 30 of each year.
11. The Oregon Department of Fish and Wildlife (ODFW) has determined that a fish screening and/or by-pass device is necessary at the new point of diversion to prevent fish from entering the diversion and/or safely transport fish back to the body of water from which the fish were diverted and that the diversion is not currently equipped with an appropriate fish screening and/or by-pass device. This diversion may be eligible for screening cost share funds.

Transfer Review Criteria [OAR 690-380-0100(14), 690-380-4010(2), 690-380-2110(2), 690-380-2200, and 690-380-2300]

12. Water has been used within the five-year period prior to submittal of Transfer Application T-14125 according to the terms and conditions of the right. There is no information in the record that would demonstrate that the right is subject to forfeiture under ORS 540.610.
13. A water delivery system sufficient to use the full amount of water allowed under the existing right was present within the five-year period prior to submittal of Transfer Application T-14125.
14. The water right is subject to transfer as defined in ORS 540.505(4) and OAR 690-380-0100(14).
15. The proposed point of diversion will divert water from the same source of surface water as the authorized point of diversion, as required by OAR 690-380-2110(2).
16. To prevent enlargement of the right, the proposed use of water for industrial and commercial use shall be conditioned, to be limited to 0.05 cubic foot per second, and shall be further limited to one acre foot per acre during any calendar month prior to July 1, and thereafter not to exceed three-fourths of one acre foot per acre, and a total limitation during the irrigation season not to exceed five acre feet per acre during the season of use, being April 1 through September 30.
17. The proposed changes, as conditioned, would not result in enlargement of the right.
18. The proposed changes, as conditioned, would not result in injury to other existing water rights.

19. All other application requirements are met.

Conclusions of Law

The changes in point of diversion, place of use, and character of use proposed in Transfer Application T-14125 are consistent with the requirements of ORS 540.505 to 540.580 and OAR 690-380-5000.

Now, therefore, it is ORDERED:

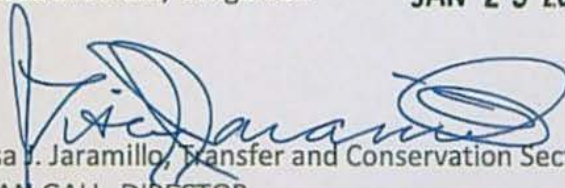
1. The changes in point of diversion, place of use, and character of use proposed in Transfer Application T-14125 are approved.
2. The right to the use of the water is restricted to beneficial use at the place of use described and is subject to all other conditions and limitations contained in Certificate 64632 and any related decree.
3. Approval of this transfer application does not constitute nor grant legal access onto or through another person's property for purposes of accessing the new point of diversion or the new place of use.
4. Water right Certificate 64632 is cancelled. A new certificate will be issued describing that portion of the right not affected by this transfer.
5. The use of water for the proposed industrial and commercial use is limited to 0.05 cubic foot per second, and shall be further limited to one acre foot per acre during any calendar month prior to July 1st, and thereafter not to exceed three-fourths of one acre foot per acre, and a total limitation during the irrigation season not to exceed five acre feet per acre during the season of use, being April 1 through September 30.
6. The quantity of water diverted at the new point of diversion (Log Yard POD) shall not exceed the quantity of water lawfully available at the original point of diversion (Div. Pt. 1).
7. Water shall be acquired from the same source of surface water as the original point of diversion.
8. The former place of use of the transferred right shall no longer receive water under the right.
9. Water use measurement conditions:
 - a. Before water use may begin under this order, the water user shall install a totalizing flow meter, or, with prior approval of the Director, another suitable measuring device, at each point of diversion, with the exception that water rights issued to the Bureau of Reclamation or an irrigation district (or similar entity) are not subject to this condition.

- b. The water user shall maintain the meters or measuring devices in good working order.
 - c. The water user shall allow the Watermaster access to the meters or measuring devices; provided however, where the meters or measuring devices are located within a private structure, the Watermaster shall request access upon reasonable notice.
10. Prior to diverting water, the water user shall install an approved fish screen at the new point of diversion and shall provide to the OWRD a written statement from Oregon Department of Fish and Wildlife (ODFW) that the installed screen meets the state's criteria, or that ODFW has determined a screen is not necessary.

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

11. Full beneficial use of the water shall be made, consistent with the terms of this order, on or before **October 1, 2026**. A Claim of Beneficial Use prepared by a Certified Water Right Examiner shall be submitted by the applicant to the Department within one year after the deadline for completion of the changes and full beneficial use of the water.
12. After satisfactory proof of beneficial use is received, a new certificate confirming the right transferred will be issued.

Dated in Salem, Oregon on **JAN 23 2025**


Lisa J. Jaramillo, Transfer and Conservation Section Manager, for
IVAN GALL, DIRECTOR
Oregon Water Resources Department

Mailing Date: JAN 24 2025

STATE OF OREGON

COUNTY OF GRANT

CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO
POWAY CITRUS COMPANY
C/O DUSTIN B. ROSE
PO BOX 960
CORONADO, CA 92118

confirms the right to use the waters of the JOHN DAY RIVER, a tributary of the COLUMBIA RIVER, for the purpose of IRRIGATING 162.8 ACRES.

This right was perfected under Permit S-3942. The date of priority is OCTOBER 4, 1918. This right is limited to 2.04 CUBIC FEET PER SECOND IF AVAILABLE AT THE ORIGINAL POINT OF DIVERSION, or its equivalent in case of rotation, measured at the point of diversion from the source.

The points of diversion are located as follows:

Twp	Rng	Mer	Sec	Q-Q	GLot	Measured Distances
10 S	26 E	WM	30	NW SW	3	DIV PT 1 - 430 FEET SOUTH AND 390 FEET EAST FROM THE W1/4 CORNER OF SECTION 30
10 S	26 E	WM	30	SW SW	4	DIV PT 2 - 2550 FEET SOUTH AND 220 FEET EAST FROM THE W1/4 CORNER OF SECTION 30
10 S	26 E	WM	31	SW NW	2	DIV PT 3 - 1670 FEET SOUTH AND 1140 FEET EAST FROM THE NW CORNER OF SECTION 31
11 S	26 E	WM	6	NW NW	4	DIV PT 7 - 520 FEET SOUTH AND 660 FEET EAST FROM THE NW CORNER OF SECTION 6

The right shall conform to any reasonable rotation system ordered by the proper state officer.

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

IRRIGATION						
Twp	Rng	Mer	Sec	Q-Q	GLot	Acres
10 S	25 E	WM	24	SE SE		7.8
10 S	25 E	WM	25	NE NE		6.0
10 S	25 E	WM	25	SE NE		5.0
10 S	25 E	WM	25	NE SE		7.0
10 S	25 E	WM	25	SE SE		7.0
10 S	25 E	WM	36	NE NE		18.0
10 S	25 E	WM	36	SE NE		20.0
10 S	26 E	WM	19	SW SW		2.0
10 S	26 E	WM	30	SW NW		15.0
10 S	26 E	WM	31	NW NW		8.0

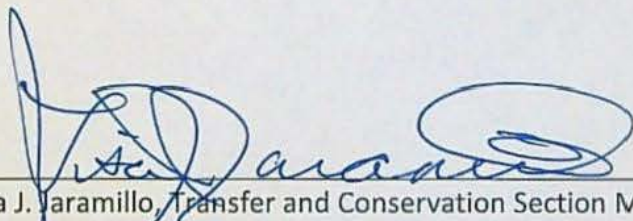
IRRIGATION						
Twp	Rng	Mer	Sec	Q-Q	GLot	Acres
10 S	26 E	WM	31	SW NW		17.0
10 S	26 E	WM	31	NW SW		27.0
10 S	26 E	WM	31	SW SW		16.0
11 S	26 E	WM	6	NW NW	4	7.0
TOTAL						162.8

This certificate describes that portion of water right Certificate 64632, State Record of Water Right Certificates, NOT modified by the provisions of an order of the Water Resources Director entered JAN 23 2025, approving Transfer Application T-14125.

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

The right to the use of the water for the above purpose is restricted to beneficial use on the lands or place of use described. This right is subject to minimum flows established by the Water Resources Commission with an effective date prior to this right.

WITNESS the signature of the Water Resources Director, affixed JAN 23 2025.



Lisa J. Yaramillo, Transfer and Conservation Section Manager, for
IVAN GALL, DIRECTOR
Oregon Water Resources Department

**STATE OF OREGON
WATER RESOURCES DEPARTMENT**

RECEIPT # **144200**

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

INVOICE # _____

RECEIVED FROM: Longview Ranch LLC

BY: _____

APPLICATION _____

PERMIT _____

TRANSFER T-14125

CASH: ☐

CHECK: #

OTHER: (IDENTIFY) ☐

TOTAL REC'D

\$ 252.00

1083 TREASURY 4170 WRD MISC CASH ACCT

0407 COPIES 46118

\$

0207 OTHER: Newspaper Notice

(IDENTIFY)

\$ 252.00

0243 I/S Lease _____

0244 Muni Water Mgmt. Plan _____

0245 Cons. Water _____

4270 WRD OPERATING ACCT

MISCELLANEOUS

0407 COPY & TAPE FEES

\$

0410 RESEARCH FEES

\$

0408 MISC REVENUE: (IDENTIFY) _____

\$

TC162 DEPOSIT LIAB. (IDENTIFY) _____

\$

0240 EXTENSION OF TIME

\$

WATER RIGHTS:

0201 SURFACE WATER

EXAM FEE

\$

0202

RECORD FEE

\$

0203 GROUND WATER

\$

0204

\$

0205 TRANSFER

\$

WELL CONSTRUCTION

0218 WELL DRILL CONSTRUCTOR

EXAM FEE

\$

0219

LICENSE FEE

\$

LANDOWNER'S PERMIT

0220

\$

OTHER (IDENTIFY) _____

0536 TREASURY 0437 WELL CONST. START FEE

0211 WELL CONST START FEE

\$

CARD#

0210 MONITORING WELLS

\$

CARD#

OTHER (IDENTIFY) _____

0607 TREASURY 0467 HYDRO ACTIVITY LIC NUMBER

0233 POWER LICENSE FEE (FW/WRD)

\$

0231 HYDRO LICENSE FEE (FW/WRD)

\$

HYDRO APPLICATION

\$

TREASURY OTHER / RDX

FUND _____ TITLE _____

OBJ. CODE _____ VENDOR # _____

DESCRIPTION _____

\$

RECEIPT: **144200**

DATED: 11-15-24

BY: [Signature]

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

Attached is a check in the amount of \$252.00 (PCA #46118) for Newspaper Notice for Transfer T-14125 made out to Oregon Water Resources Department (or WRD)

• "for T-14125 NOTICE" written on front of check

Mail to: Oregon Water Resources Department
725 Summer St. NE, Suite A
Salem, OR 97301-1266

NOV 15 2024

OWRD

Caseworker: Dante Luongo

IN THE CIRCUIT COURT OF
THE STATE OF OREGON
FOR BAKER/GRANT/MORROW/UMATILLA/UNION/WALLOWA COUNTIES

}AFFIDAVIT OF PUBLICATION

STATE OF OREGON

Counties of Baker/Grant/Morrow/Umatilla/Union/Wallowa} ss

I, Audra Workman being duly sworn, depose and say that I am the principal clerk of the publisher of the East Oregonian, eastoregonian.com, bakercityherald.com, lagrandeobserver.com, hermistonherald.com, bluemountaineagle.com and wallowa.com, a newspaper of general circulation, as defined by ORS 193.010 and 193.020; that the

EO-13511 NOTICE OF PRELIMINARY DETERMINATION FOR WATER RIGHT TRANSFER T-14125 T-14125 FILED BY LONGVIEW RANCH LLC OF NEVADA ATTN SCOTT SUTTON 39347 HIGHWAY 19 KIMBERLY OR 97848 PROPOSES A CHANGE IN P

a printed copy of which is hereto annexed; was published in the entire issue of said newspaper for 2 successive and consecutive issues in the following issues:

12/04/24, 12/11/24

Subscribed and sworn to before me on this 11th day of December, A.D. 2024

Audra Workman
Dayle R Stinson
Notary Public of Oregon

Add: 457571

PO:

Tagline: EO-13511 T-14125



EO-13511
NOTICE OF PRELIMINARY
DETERMINATION FOR
WATER RIGHT TRANSFER
T-14125

T-14125 filed by Longview Ranch, LLC of Nevada, Attn: Scott Sutton, 39847 Highway 19, Kimberly, OR 97848, proposes a change in point of diversion, a change in place of use and a change in character of use under Certificate 64632. The right allows the use of 0.05 cubic foot per second from the John Day River in Sec. 30, T10S, R26E, WM for irrigation in Sects. 24 and 25, T10S, R26E, WM. The applicant proposes to move the point of diversion to Sec. 19, T10S, R26E, WM, to change the place of use within Sects. 24 and 25, T10S, R26E, WM, and to change the character of use to industrial and commercial use. The Water Resources Department proposes to approve the transfer, based on the requirements of ORS Chapter 540 and OAR 690-380-5000.

Any person may file, jointly or severally, a protest or standing statement within 30 days after the last date of newspaper publication of this notice, 12/11/24. Call (503) 986-0935 to obtain additional information. If no protests are filed, the Department will issue a final order consistent with the preliminary determination.
Publish December 4, 11, 2024



Oregon

Tina Kotek, Governor

Water Resources Department

North Mall Office Building

725 Summer St NE, Suite A

Salem, OR 97301

Phone 503 986-0900

Fax 503 986-0904

www.oregon.gov/owrd

DEC 2 - 2024

VIA CERTIFIED MAIL AND E-MAIL

LONGVIEW RANCH, LLC OF NEVADA

ATTN: SCOTT SUTTON

39847 HIGHWAY 19

KIMBERLY, OR 97848

SUBJECT: Water Right Transfer Application T-14125

Please find enclosed the Preliminary Determination indicating that, based on the information available, the Department intends to approve application T-14125. This document is an intermediate step in the approval process; water may not be used legally as proposed in the transfer application until a Final Order has been issued by the Department. Please read this entire letter carefully to determine your responsibility for additional action.

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

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

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

Please don't hesitate to contact me at 971 304-5006 or Dante.J.Luongo@water.oregon.gov, if I may be of assistance.

Sincerely,

A handwritten signature in black ink, appearing to read 'D. Luongo', followed by a long, sweeping horizontal line that ends in a small loop.

Dante Luongo
Transfer Specialist
Transfer and Conservation Section

cc: T-14125
Eric W. Julsrud, District 4 Watermaster (*via e-mail*)
Steven R. Bruce, Agent for the applicant (*via e-mail*)

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

In the Matter of Transfer Application)	PRELIMINARY DETERMINATION
T-14125, Grant and Wheeler Counties)	PROPOSING APPROVAL OF A CHANGE IN
)	POINT OF DIVERSION, A CHANGE IN
)	PLACE OF USE, AND A CHANGE IN
)	CHARACTER OF USE

Authority

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

Applicant

LONGVIEW RANCH, LLC OF NEVADA
ATTN: SCOTT SUTTON
39847 HIGHWAY 19
KIMBERLY, OR 97848

Findings of Fact

1. On November 30, 2022, LONGVIEW RANCH, LLC OF NEVADA filed an application to change the point of diversion, place of use, and character of use under Certificate 64632. The Department assigned the application number T-14125.
2. Notice of the application for transfer was published on December 6, 2022, pursuant to OAR 690-380-4000. No comments were filed in response to the notice.
3. On March 21, 2024, the Department sent a copy of the draft Preliminary Determination proposing to approve Transfer Application T-14125 to the applicant. The draft Preliminary Determination cover letter set forth a deadline of April 20, 2024, for the applicant to respond. The applicant requested that the Department proceed with issuance of a Preliminary Determination and provided the necessary information to demonstrate that the applicant is authorized to pursue the transfer.

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

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

Certificate: 64632 in the name of POWAY CITRUS COMPANY, C/O DUSTIN B. ROSE
(perfected under Permit S-3942)
Use: IRRIGATING 4.2 ACRES
Priority Date: OCTOBER 4, 1918
Rate: 0.05 CUBIC FOOT PER SECOND IF AVAILABLE AT THE ORIGINAL POINT OF
DIVERSION
Source: JOHN DAY RIVER, a tributary of the COLUMBIA RIVER

Authorized Point of Diversion:

Twp	Rng	Mer	Sec	Q-Q	GLot	Measured Distances
10 S	26 E	WM	30	NW SW	3	DIV PT 1 - 430 FEET SOUTH AND 390 FEET EAST FROM THE W1/4 CORNER OF SECTION 30

Authorized Place of Use:

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
10 S	25 E	WM	24	SE SE	0.2
10 S	25 E	WM	25	NE NE	4.0
TOTAL					4.2

5. Transfer Application T-14125 proposes to move the authorized point of diversion approximately 3,000 feet downstream to:

Twp	Rng	Mer	Sec	Q-Q	GLot	Measured Distances
10 S	26 E	WM	19	SW SW	3	LOG YARD POD - 30 FEET NORTH AND 250 FEET EAST FROM THE SW CORNER OF SECTION 19

6. The applicant also proposes to change the place of use to:

INDUSTRIAL AND COMMERCIAL USE					
Twp	Rng	Mer	Sec	Q-Q	Acres
10 S	25 E	WM	24	SE SE	0.2
10 S	25 E	WM	25	NE NE	4.0
TOTAL					4.2

7. Transfer Application T-14125 also proposes to change the character of use to industrial and commercial uses.
8. Certificate 64632 does not specify a duty for the allowed use of water. Pursuant to the John Day River (F) Decree, the quantity of water is limited to one acre foot per acre during any calendar month prior to July 1st, and thereafter not to exceed three-fourths of one acre foot per acre, and a total limitation during the irrigation season not to exceed five-acre feet per acre.
9. Certificate 64632 does not specify a season of use; however, irrigation is not considered a year-round use, and therefore, must include a seasonal limitation. Pursuant to the John Day River (F) Decree, the irrigation season is April 1 through September 30 of each year.

10. The Oregon Department of Fish and Wildlife (ODFW) has determined that a fish screening and/or by-pass device is necessary at the new point of diversion to prevent fish from entering the diversion and/or safely transport fish back to the body of water from which the fish were diverted and that the diversion is not currently equipped with an appropriate fish screening and/or by-pass device. This diversion may be eligible for screening cost share funds.

Transfer Review Criteria [OAR 690-380-0100(14), 690-380-4010(2), 690-380-2110(2), 690-380-2200, and 690-380-2300]

11. Water has been used within the five-year period prior to submittal of Transfer Application T-14125 according to the terms and conditions of the right. There is no information in the record that would demonstrate that the right is subject to forfeiture under ORS 540.610.
12. A water delivery system sufficient to use the full amount of water allowed under the existing right was present within the five-year period prior to submittal of Transfer Application T-14125.
13. The water right is subject to transfer as defined in ORS 540.505(4) and OAR 690-380-0100(14).
14. The proposed point of diversion will divert water from the same source of surface water as the authorized point of diversion, as required by OAR 690-380-2110(2).
15. To prevent enlargement of the right, the proposed use of water for industrial and commercial use shall be conditioned, to be limited to 0.05 cubic foot per second, and shall be further limited to one acre foot per acre during any calendar month prior to July 1st, and thereafter not to exceed three-fourths of one acre foot per acre, and a total limitation during the irrigation season not to exceed five acre feet per acre during the season of use, being April 1 through September 30.
16. The proposed changes, as conditioned, would not result in enlargement of the right.
17. The proposed changes, as conditioned, would not result in injury to other existing water rights.
18. All other application requirements are met.

Determination and Proposed Action

The changes in point of diversion, place of use, and character of use proposed in Transfer Application T-14125 appear to be consistent with the requirements of ORS 540.505 to 540.580 and OAR 690-380-5000. If protests are not filed pursuant to OAR 690-380-4030, the transfer application will be approved.

If Transfer Application T-14125 is approved, the final order will include the following:

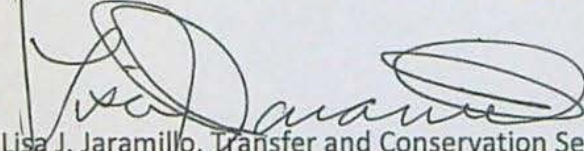
- 1. The changes in point of diversion, place of use, and character of use proposed in Transfer Application T-14125 are approved.*
- 2. The right to the use of the water is restricted to beneficial use at the place of use described and is subject to all other conditions and limitations contained in Certificate 64632 and any related decree.*
- 3. Approval of this transfer application does not constitute nor grant legal access onto or through another person's property for purposes of accessing the new point of diversion or the new place of use.*
- 4. Water right Certificate 64632 is cancelled. A new certificate will be issued describing that portion of the right not affected by this transfer.*
- 5. The use of water for the proposed industrial and commercial use is limited to 0.05 cubic foot per second, and shall be further limited to one acre foot per acre during any calendar month prior to July 1st, and thereafter not to exceed three-fourths of one acre foot per acre, and a total limitation during the irrigation season not to exceed five acre feet per acre during the season of use, being April 1 through September 30.*
- 6. The quantity of water diverted at the new point of diversion (Log Yard POD) shall not exceed the quantity of water lawfully available at the original point of diversion (Div. Pt. 1).*
- 7. Water shall be acquired from the same source of surface water as the original point of diversion.*
- 8. The former place of use of the transferred right shall no longer receive water under the right.*
- 9. Water use measurement conditions:*
 - a. Before water use may begin under this order, the water user shall install a totalizing flow meter, or, with prior approval of the Director, another suitable measuring device, at each point of diversion, with the exception that water rights issued to the Bureau of Reclamation or an irrigation district (or similar entity) are not subject to this condition.*

- b. The water user shall maintain the meters or measuring devices in good working order.
 - c. The water user shall allow the Watermaster access to the meters or measuring devices; provided however, where the meters or measuring devices are located within a private structure, the Watermaster shall request access upon reasonable notice.
10. Prior to diverting water, the water user shall install an approved fish screen at the new point of diversion and shall provide to the OWRD a written statement from Oregon Department of Fish and Wildlife (ODFW) that the installed screen meets the state's criteria, or that ODFW has determined a screen is not necessary.

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

11. Full beneficial use of the water shall be made, consistent with the terms of this order, on or before **October 1, 2026**. A Claim of Beneficial Use prepared by a Certified Water Right Examiner shall be submitted by the applicant to the Department within one year after the deadline for completion of the changes and full beneficial use of the water.
12. After satisfactory proof of beneficial use is received, a new certificate confirming the right transferred will be issued.

Dated in Salem, Oregon on **DEC 2 - 2024**



Lisa J. Jaramillo, Transfer and Conservation Section Manager, for
IVAN GALL, DIRECTOR
Oregon Water Resources Department

This Preliminary Determination was prepared by Dante Luongo. If you have questions about the information in this document, you may reach me at 971 304-5006 or Dante.J.Luongo@water.oregon.gov.

Protests

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

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

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

Requests for Standing

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

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

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

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

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

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

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

You may be represented by an attorney at the hearing. Legal aid organizations may be able to assist a party with limited financial resources. Generally, partnerships, corporations, associations, governmental subdivisions, or public or private organizations are represented by an attorney. However, consistent with OAR 690-002-0020 and OAR 690-137-0555, an agency representative may represent partnerships, corporations, associations, governmental subdivisions or public, or private organizations if the Department determines that appearance

of a person by an authorized representative will not hinder the orderly and timely development of the record in this case.

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

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

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

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

Watermaster Review Form: Water Right Transfer



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

Transfer Application: T-14125

Review Due Date: 01/05/2023

Applicant Name: Longview Ranch, LLC. of Nevada

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

Reviewer(s): Eric W. Julsrud

Date of Review: 01/23/2023

1. Do you have evidence that the right has not been used in the last 5 years and that the presumption of forfeiture would not likely be rebuttable? ☐ Yes ☒ No If "Yes", attach evidence (e.g. dated aerial photo showing pavement or building on the land for >5 yrs.)
2. Is there a history of regulation on the source that serves this (or these) right(s) that has involved the transferred right(s) and downstream water rights? ☒ Yes ☐ No Generally characterize the frequency of any regulation or explain why regulation has not occurred:
The John Day River is regulated for deficiency in supply most years.
3. Have headgate notices been issued for the source that serves the transferred right(s)?
☐ Yes ☒ No ☐ Records not available.
4. In your estimation, after the proposed change, would distribution of water for the right(s) result in regulation of other water rights that would not have occurred if use under the original right(s) was/were maximized? ☐ Yes ☒ No If "Yes", explain:
5. In your estimation, if the proposed change is approved, are there upstream water rights that would be affected? ☐ Yes ☒ No If "Yes", describe how the rights would be affected and list the rights most affected:

6. Check here ☒ if it appears that downstream water rights benefit from return flows resulting from the current use of the transferred right(s)? If you check the box, generally characterize the locations where the return flows likely occur and list the water rights that benefit most:

It is my opinion the return flows from the irrigated lands (if there are any return flows) would enter the river adjacent to the fields and the river and benefit C-64630 and 64680 points of diversions downstream of the place of use for C-64632 lands involved in this transfer.

☐ N/A

7. For POD changes and instream transfers, check here if there are channel losses between the old and new PODs or within the proposed instream reach? If you check the box, describe and, if possible, estimate the losses:

It is my estimation that if there are any gains or losses in this section of the river the gains or losses would be immeasurable.

☐ N/A

8. For instream transfers that propose protection of a reach beyond the mouth of the source stream:

☒ N/A Would the quantity be measureable into the receiving stream consistent with OAR 690-077-0015(8)? ☐ Yes ☐ No

9. For POU changes: ☐ N/A Is it likely the original place of use would continue to receive water from the same source? ☐ Yes ☒ No If "Yes", explain:

10. For POU or USE changes: ☐ N/A In your best judgment, would use of the existing right at "full face value," result in the diversion of more water than can be used beneficially and without waste?

☐ Yes ☒ No If "Yes", explain:

11. For POU changes that involve micro-irrigation: ☒ N/A

- a. Has the applicant made changes (absent a transfer) to convert to micro-irrigation within the current place of use boundary of the water right proposed for transfer, and previously demonstrated to the Department through monitoring and site inspections by the Watermaster that the proposed transfer will not result in injury or enlargement?

☐ Yes ☐ No If "Yes", explain:

- b. Has a temporary transfer of this nature been previously filed and approved on the same lands (or portions thereof) as those lands involved in this transfer?

☐ Yes ☒ No If "Yes", answer the following:

- i. Were there any problems with more acres being irrigated (or wetted) than were authorized under the temporary transfer? ☐ Yes ☐ No If "Yes", explain:
- ii. Did the designated areas that were to remain dry (or not wetted) under the temporary transfer actually remain dry? ☐ Yes ☐ No If "No", explain:
- iii. Did the applicant comply with and meet all of the conditions of the temporary transfer? ☐ Yes ☐ No If "No", explain:
- iv. Do you have any other observations regarding the temporary transfer? ☐ Yes ☐ No If "Yes", describe:
- v. Did the applicant demonstrate to the Department through monitoring and site inspections by the Watermaster that neither injury nor enlargement occurred as a result of the temporary transfer? ☐ Yes ☐ No If "No", explain:

- c. To the best of your knowledge, if this transfer is approved, does it appear that:

i. "Injury" will occur to other water rights that share the same source?
☐ Yes ☒ No If "Yes", explain:

ii. "Enlargement" of the water right being transferred will occur?
☐ Yes ☒ No If "Yes", explain:

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

☒ Yes ☐ No If "Yes", explain:

Irrigation season, rate/acre should not be altered

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

The alteration of this water right from irrigation to commercial/industrial should not cause injury or enlargement as long as the rate/acre and irrigation season is carried forward for the lands involved in this transfer. The rate carried forward should be 0.525 cfs or 23.56gpm for the 4.2 acres of lands involved. The season for this altered portion of the right should be April 1st to September 30th of each year in accordance with the John Day Decree.

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

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

☐ A Headgate should be required prior to diverting water.

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

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

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

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

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

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

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

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

☐ Weir
☐ Parshall Flume
☐ Other: _____

☐ Submerged Orifice
☐ Flow Restrictor

Oregon Water Resources Department

Measurement Condition Information for the Applicant

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

Transfer #: T- 14125



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



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



at each new point of diversion/appropriation.

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

Watermaster name: Eric W. Julsrud

District: 4

Address: 201 South Huumbolt St., Ste 180

City/State/Zip: Canyon City, OR 97820

Phone: 541-575-0119

Email: Eric.W.Julsrud@water.oregon.gov

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

Approval of an Alternate Measurement Device

T- 14125

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

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

Watermaster signature

District

Date

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

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



Oregon

Kate Brown, Governor

Water Resources Department

725 Summer St NE, Suite A

Salem, OR 97301

(503) 986-0900

Fax (503) 986-0904

December 6, 2022

SCOTT SUTTON
39847 HWY 19
KIMBERLY, OR 97848

Reference: Application T-14125

On November 30, 2022, OWRD received your water right Permanent Transfer Application. The application was accompanied by \$2450.00. Our receipt number 139644 is enclosed.

By copy of this letter, we are asking the Watermaster for a report regarding the potential for injury to existing water rights which may be caused by the requested change. A review form will also be sent to Oregon Department of Fish and Wildlife to determine if a fish screen is needed.

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

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

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

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

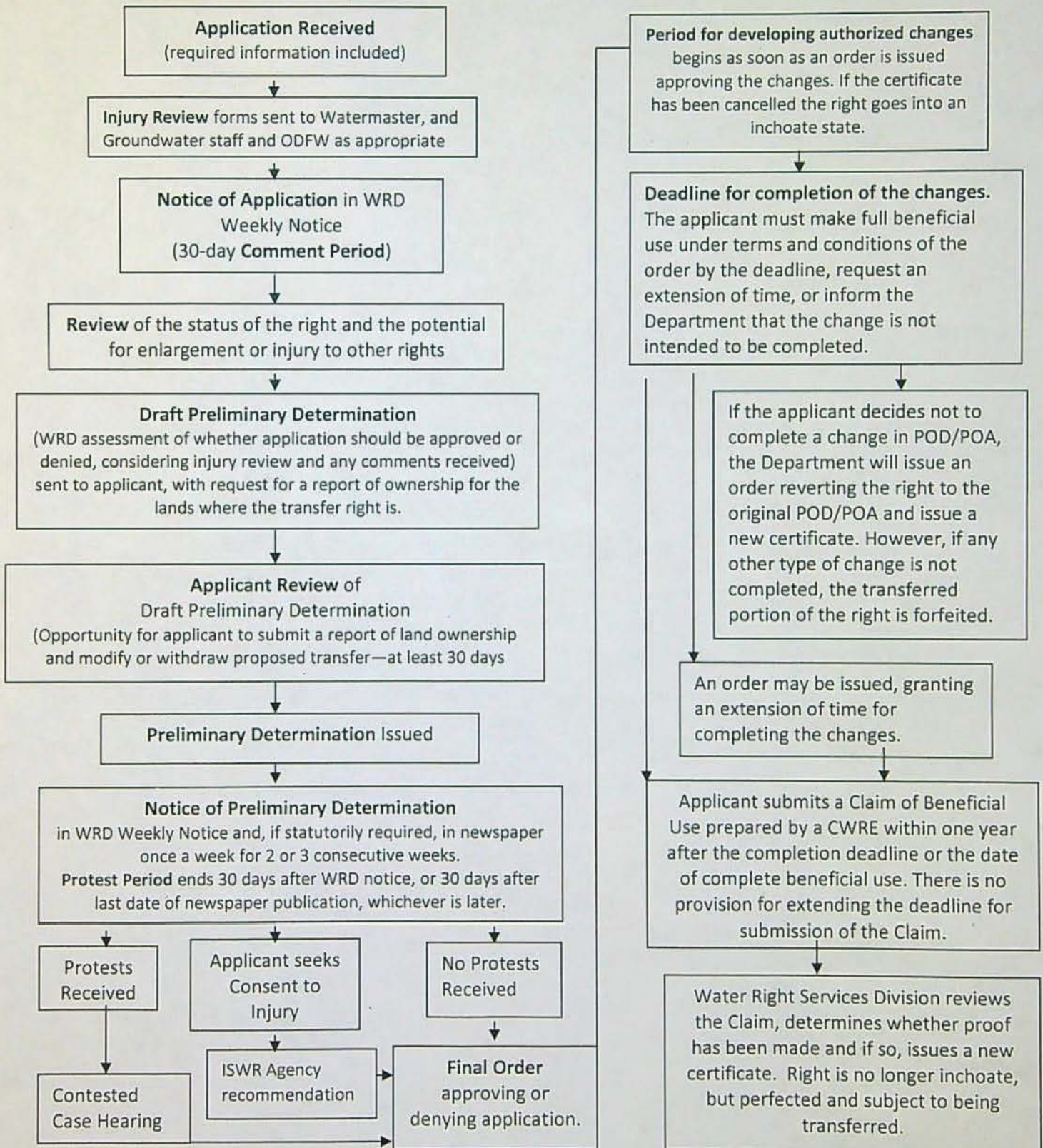
If you have any questions, please contact the Transfer Section at (503) 979-9931.

Cc: Watermaster Dist. #4, Eric W. Julsrud (*via email*)
Wheeler County Planning Department
Steven R. Bruce, Agent

Enclosure

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

OAR 690 Division 380



**STATE OF OREGON
WATER RESOURCES DEPARTMENT**

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

RECEIPT # **139644**

INVOICE # _____

RECEIVED FROM: Longview Ranch LLC

BY: _____

APPLICATION _____

PERMIT _____

TRANSFER T-14125

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

☐

☒ 1923

☐

TOTAL REC'D \$2,450.00

1083 TREASURY 4170 WRD MISC CASH ACCT

0407 COPIES

\$ _____

OTHER: (IDENTIFY) _____

\$ _____

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

4270 WRD OPERATING ACCT

MISCELLANEOUS

0407 COPY & TAPE FEES

\$ _____

0410 RESEARCH FEES

\$ _____

0408 MISC REVENUE: (IDENTIFY) _____

\$ _____

TC162 DEPOSIT LIAB. (IDENTIFY) _____

\$ _____

0240 EXTENSION OF TIME

\$ _____

WATER RIGHTS:

0201 SURFACE WATER

EXAM FEE

\$ _____

0202

RECORD FEE

\$ _____

0203 GROUND WATER

\$ _____

0204

\$ _____

0205 TRANSFER

\$ 2,450.00

WELL CONSTRUCTION

EXAM FEE

LICENSE FEE

0218 WELL DRILL CONSTRUCTOR

\$ _____

0219

\$ _____

LANDOWNER'S PERMIT

0220

\$ _____

OTHER (IDENTIFY) _____

0536 TREASURY 0437 WELL CONST. START FEE

0211 WELL CONST START FEE

\$ _____

CARD# _____

0210 MONITORING WELLS

\$ _____

CARD# _____

OTHER (IDENTIFY) _____

0607 TREASURY 0467 HYDRO ACTIVITY LIC NUMBER

0233 POWER LICENSE FEE (FWWRD)

\$ _____

0231 HYDRO LICENSE FEE (FWWRD)

\$ _____

HYDRO APPLICATION

\$ _____

TREASURY OTHER / RDX

FUND _____ TITLE _____

OBJ. CODE _____ VENDOR # _____

DESCRIPTION _____ \$ _____

RECEIPT: **139644**

DATED: 11/30/22 BY: Miller Ray

Application for Permanent Water Right Transfer



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

Part 1 of 5 – Minimum Requirements Checklist

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

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

RECEIVED

NOV 30 2022

OWRD

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

- ☒ Part 1 – Completed Minimum Requirements Checklist.
- ☒ Part 2 – Completed Transfer Application Map Checklist.
- ☒ Part 3 – Application Fee, payable by check to the Oregon Water Resources Department, and completed Fee Worksheet, page 3. Try the 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 Water Rights to be Transferred: **How many water rights are to be transferred? 1 List them here: Certificate 64632**

Please include a separate Part 5 for each water right. (See instructions on page 6)

NOTE: A separate transfer application is required for each water right unless the criteria in OAR 690-380-3220 are met.

Attachments:

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

(For Staff Use Only)

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

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

Other/Explanation _____

Staff: _____

503- _____

Date: _____

Part 2 of 5 – Transfer Application Map

OWRD

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

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

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

FEE WORKSHEET for PERMANENT TRANSFER (except Substitution)

OWRD
\$2,180

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

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

Part 4 of 5 – Applicant Information and Signature

Applicant Information

APPLICANT/BUSINESS NAME Longview Ranch, LLC of Nevada Attn: Scott Sutton		PHONE NO. (541) 934-2964	ADDITIONAL CONTACT NO.
ADDRESS 39847 Highway 19		FAX NO.	
CITY Kimberly	STATE OR	ZIP 97848	E-MAIL longviewcattle@gmail.com
BY PROVIDING AN E-MAIL ADDRESS, CONSENT IS GIVEN TO RECEIVE ALL CORRESPONDENCE FROM THE DEPARTMENT ELECTRONICALLY. COPIES OF THE FINAL ORDER DOCUMENTS WILL ALSO BE MAILED.			

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

AGENT/BUSINESS NAME Steven R. Bruce Skookum Water Associates Inc.		PHONE NO. (503) 319-8926	ADDITIONAL CONTACT NO.
ADDRESS 1626 Victorian Way		FAX NO.	
CITY EUGENE	STATE OR	ZIP 97401	E-MAIL steve@skookumwater.com
BY PROVIDING AN E-MAIL ADDRESS, CONSENT IS GIVEN TO RECEIVE ALL CORRESPONDENCE FROM THE DEPARTMENT ELECTRONICALLY. COPIES OF THE FINAL ORDER DOCUMENTS WILL ALSO BE MAILED.			

Explain in your own words what you propose to accomplish with this transfer application, and why:
We plan to construct a log yard on part of the irrigated area authorized under Certificate 64632. As a result, we want to change the irrigation use to industrial/commercial use on that land to allow seasonal sprinkling of the logs and related uses such as dust control. A point of diversion also will be added to the right.

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

Check One Box

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

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
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By my signature below, I confirm that I understand:

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

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



Scott Sutton

Applicant signature

Scott Sutton, Ranch Manager

Print Name (and Title if applicable)

11-17-21

Date

Applicant signature

Print Name (and Title if applicable)

Date

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

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

Check the following boxes that apply:

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

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

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

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

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

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

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

IRRIGATION DISTRICT NAME NA	ADDRESS	
CITY	STATE	ZIP

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

ENTITY NAME NA	ADDRESS	
CITY	STATE	ZIP



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

ENTITY NAME WHEELER COUNTY (THE PORTION OF THE RIGHT BEING CHANGED IS LOCATED IN WHEELER COUNTY)	ADDRESS PLANNING DEPARTMENT 701 ADAMS STREET	
CITY Fossil	STATE OR	ZIP 97830

ENTITY NAME	ADDRESS	
CITY	STATE	ZIP

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Part 5 of 5 – Water Right Information

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

Description of Water Delivery System

System capacity: Exceeds 2.09 cubic feet per second (cfs) OR
 _____ gallons per minute (gpm)

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

POD 1 has a 50-hp centrifugal pump. The lift from the river to the pump is approximately 6 feet and the operating pressure is 60 psi. The Department's online calculators available to CWREs shows the pump capacity to be 2.09 cfs. Two pivots are used to irrigate the rights in the transfer area. Each pivot delivers approximately 750 gpm (1.67 cfs).

POD 2 (not part of transfer) has a 30-hp centrifugal pump. The lift from the river to the pump is approximately 10 feet and the operating pressure is 50 psi. The Department's online calculators shows the pump capacity is 1.45 cfs. Water is applied using approximately 1,400 feet of wheel line with about 35 sprinklers with 9/64-inch nozzles. The sprinkler capacity is 0.31 cfs.

POD 3 (not part of transfer) has a 60-hp centrifugal pump. The lift from the river to the pump is approximately 10 feet and the operating pressure is 60 psi. The Department's online calculators shows the pump capacity is 2.44 cfs. Water is applied using two pivots, approximately 2,600 feet of wheel lines and 1,500 feet of handlines. The pivots deliver an estimated 2.41 cfs of water. The wheel lines and handlines have at least 110 9/64-inch nozzles that can deliver at least 0.98 cfs.

POD 7 (not part of transfer) has a 40-hp centrifugal pump. The lift from the river to the pump is approximately 10 feet and the operating pressure is 60 psi. The Department's online calculators shows the pump capacity is 1.63 cfs. Water is applied using approximately 2,600 feet of wheel lines and 1,000 feet of handlines. There are at least 100 9/64-inch nozzles on the system. The sprinkler capacity is 0.89 cfs.

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

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

POD/POA Name or Number	Is this POD/POA Authorized on the Certificate or is it Proposed?	If POA, OWRD Well Log ID# (or Well ID Tag # L-___)	Twp	Rng	Sec	¼ ¼	Tax Lot, DLC or Gov't Lot	Measured Distances (from a recognized survey corner)
Log Yard POD	<input type="checkbox"/> Authorized <input checked="" type="checkbox"/> Proposed	--	10 S	26 E	19	SW SW	L4	30 ft N and 250 ft E from SW corner of Section 19
POD 1	<input checked="" type="checkbox"/> Authorized <input type="checkbox"/> Proposed	--	10 S	26 E	30	NW SW	L3	430 ft S and 390 ft E from W¼ corner of Section 30
POD 2 (Not part of transfer)	<input checked="" type="checkbox"/> Authorized <input type="checkbox"/> Proposed	--	10 S	26 E	30	SW SW	L4	2550 ft S and 220 ft E from W¼ corner of Section 30
POD 3 (Not	<input checked="" type="checkbox"/> Authorized	--	10 S	26 E	31	SW NW	L2	1670 ft S and 1140 ft E

part of transfer)	<input type="checkbox"/> Proposed								from NW corner of Section 31
POD 7 (Not part of transfer)	<input checked="" type="checkbox"/> Authorized <input type="checkbox"/> Proposed	--	11 S	26 E	6	NW	NW	L4	520 ft S and 660 ft E from NW corner of Section 6

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

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

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

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

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

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

Table 2. Description of Changes to Water Right Certificate # 64632

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

AUTHORIZED (the "from" or "off" lands) The listing that appears on the certificate BEFORE PROPOSED CHANGES List only that part or portion of the water right that will be changed.											Proposed Changes (see "CODES" from previous page)	PROPOSED (the "to" or "on" lands) The listing as it would appear AFTER PROPOSED CHANGES are made.														
Twp	Rng	Sec	¼ ¼	Tax Lot	Gvt Lot or DLC	Acres	Type of USE listed on Certificate	POD(s) or POA(s) (name or number from Table 1)	Priority Date	Twp		Rng	Sec	¼ ¼	Tax Lot	Gvt Lot or DLC	Acres	New Type of USE	POD(s)/ POA(s) to be used (from Table 1)	Priority Date						
EXAMPLE																										
2	S	9	E	15	NE	NW	100		15.0	Irrigation	POD #1 POD #2	1901	POU/POD	2	S	9	E	1	NW	NW	500	1	10.0		POD #5	1901
														2	S	9	E	2	SW	NW	500		5.0		POD #6	1901
10	S	25	E	24	SE	SE	1900	--	0.2	Irrigation	POD 1	10/4/ 1918	POU/USE	10	S	25	E	24	SE	SE	1900	--	--	Industrial/ Commercial	Log Yard POD	10/4/ 1918
"	"	"	"	25	NE	NE	1900	--	4.0	"	"	"	POU/USE	10	S	25	E	25	NE	NE	1900	--	--	Industrial/ Commercial	Log Yard POD	10/4/ 1918
TOTAL ACRES:									4.2			TOTAL ACRES:									NA					

Additional remarks:_____.

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For Place of Use or Character of Use Changes

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

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

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

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

Ground water supplemental Permit or Certificate # NA;

Surface water primary Certificate # NA.

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For a change from Supplemental Irrigation Use to Primary Irrigation Use

Identify the primary certificate to be cancelled. Certificate # NA

OWNED

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

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

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

http://apps.wrd.state.or.us/apps/gw/well_log/Default.aspx

AND/OR

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

Table 3. Construction of Point(s) of Appropriation

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

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

14125

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)
County of GRANT & WHEELER) ss

I, SCOTT SUTTON, in my capacity as RANCH MANAGER,

mailing address LONGVIEW RANCH, LLC OF NEVADA 39847 HIGHWAY 19 KIMBERLY, OR 97848

telephone number (541) 934-2964, being first duly sworn depose and say:

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

☒ Personal observation

☐ Professional expertise

2. I attest that:

☒ Water was used during the previous five years on the entire place of use for Certificate # 64632; OR

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

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

OR

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

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

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

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

(continues on reverse side)

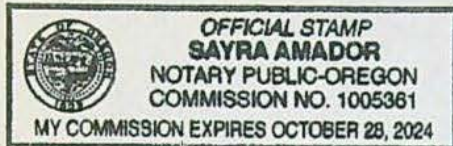
3. The water right was used for: (e.g., crops, pasture, etc.): HAY

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.

Swett Sultan
Signature of Affiant

11-17-2022
Date

Signed and sworn to (or affirmed) before me this 17th day of November, 2022.



Sayra Amador
Notary Public for Oregon

My Commission Expires: 10/28/24

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 checked="" 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 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: OSU – www.oregonexplorer.info/imagery OWRD – www.wrd.state.or.us Google Earth – earth.google.com TerraServer – www.terraserver.com</p>
<input type="checkbox"/> Approved Lease establishing beneficial use within the last 5 years	Copy of instream lease or lease number

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Land Use Information Form

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

10S26E19
TL 600
10S26E30
TL 1300

Applicant(s): Longview Ranch, LLC of Nevada Attn: Scott Sutton

Mailing Address: 39847 Highway 19

City: Kimberly

State: OR

Zip Code: 97848

Daytime Phone: (541) 934-2964

A. Land and Location

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

Township	Range	Section	¼ ¼	Tax Lot #	Plan Designation (e.g., Rural Residential/RR-5)	Water to be:	Proposed Land Use:
10	26	19	SW SW	600		<input checked="" type="checkbox"/> Diverted <input checked="" type="checkbox"/> Conveyed <input type="checkbox"/> Used	Add a POD to water right
10 S	26 E	30	NW NW	1300		<input type="checkbox"/> Diverted <input checked="" type="checkbox"/> Conveyed <input type="checkbox"/> Used	No Change

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

Grant County. A separate LUCS form is being sent to Wheeler County.

B. Description of Proposed Use

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

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

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

Estimated quantity of water needed: 0.053 ☒ cubic feet per second ☐ gallons per minute ☐ acre-feet

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

Briefly describe:

We are filing a permanent transfer with the Oregon Water Resources Department to change the character and place of use of part of an irrigation right to allow seasonal sprinkling of a log yard. We also plan to construct a point of diversion (POD) for the proposed use. The log yard will be located on our property in Wheeler County.

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

See bottom of Page 3. →

10526219 - 600

10526230 - 1300

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.

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Please check the appropriate box below and provide the requested information

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

Type of Land-Use Approval Needed (e.g., plan amendments, rezones, conditional-use permits, etc.)	Cite Most Significant, Applicable Plan Policies & Ordinance Section References	Land-Use Approval:	
CUP-22-005 (wheeler County)		<input checked="" type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being Pursued <input type="checkbox"/> Not Being Pursued
		<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being Pursued <input type="checkbox"/> Not Being Pursued
		<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being Pursued <input type="checkbox"/> Not Being Pursued
		<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being Pursued <input type="checkbox"/> Not Being Pursued
		<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being Pursued <input type="checkbox"/> Not Being Pursued

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

Land use is in wheeler Co., Diversion in Grant Co.

Name: Shang Joslin Title: Assistant Planner

Signature: Shang Joslin Phone: 515-1519 Date: 8-15-22

Government Entity: Grant County Planning Dept.

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

Receipt for Request for Land Use Information

Applicant name: _____

City or County: _____ Staff contact: _____

Signature: _____ Phone: _____ Date: _____

14125

Land Use Information Form

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

Applicant(s): Longview Ranch, LLC of Nevada Attn: Scott Sutton

Mailing Address: 39847 Highway 19

City: Kimberly

State: OR

Zip Code: 97848

Daytime Phone: (541) 934-2964

A. Land and Location

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

Township	Range	Section	¼ ¼	Tax Lot #	Plan Designation (e.g., Rural Residential/RR-5)	Water to be:	Proposed Land Use:
10 S	25E	24	SE SE	1900		<input type="checkbox"/> Diverted <input checked="" type="checkbox"/> Conveyed <input checked="" type="checkbox"/> Used	Industrial/ Commercial
10 S	25 E	25	NE NE	1900		<input type="checkbox"/> Diverted <input checked="" type="checkbox"/> Conveyed <input checked="" type="checkbox"/> Used	Industrial/ Commercial

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

Wheeler County. A separate LUCS form is being sent to Grant County.

B. Description of Proposed Use

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

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

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

Estimated quantity of water needed: 0.053 ☒ cubic feet per second ☐ gallons per minute ☐ acre-feet

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

Briefly describe:

We are filing a permanent transfer with the Oregon Water Resources Department to change the character and place of use of part of an irrigation right to allow seasonal sprinkling of a log yard. We also plan to construct a point of diversion on the John Day River in Grant County for the proposed use. The log yard will be located on our property in Wheeler County.

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

See bottom of Page 3. →

14125

For Local Government Use Only

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

Please check the appropriate box below and provide the requested information

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

Type of Land-Use Approval Needed (e.g., plan amendments, rezones, conditional-use permits, etc.)	Cite Most Significant, Applicable Plan Policies & Ordinance Section References	Land-Use Approval:	
Conditional Use Permit - facility for the primary processing of forest products on EFU lands.	WCZO 3.1 (5)(x); WCZO 5.8 (27); WCZO 3.1 (7)	<input checked="" type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being Pursued <input type="checkbox"/> Not Being Pursued
		<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being Pursued <input type="checkbox"/> Not Being Pursued
		<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being Pursued <input type="checkbox"/> Not Being Pursued
		<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being Pursued <input type="checkbox"/> Not Being Pursued
		<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being Pursued <input type="checkbox"/> Not Being Pursued

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

Name: Matt Davis Title: Planning Director

Signature:  Phone: 541-763-3200 Date: 08/09/2022

Government Entity: Wheeler County Planning Department

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

Receipt for Request for Land Use Information

Applicant name: _____

City or County: _____ Staff contact: _____

Signature: _____ Phone: _____ Date: _____

RECEIVED

133

NOV 30 2022



Columbia Power Cooperative Association

PO Box 97
Monument, OR 97864

Contact Us
(541) 934-2311
Toll Free: (888) 203-7638
Fax: (541) 934-2312

OWRD

Office Hours
Monday - Friday
8:00 AM - 5:00 PM

Account Number		Account Name				Service Address				Bill Date
[REDACTED]		LONGVIEW RANCH LLC				KIMBERLY TO DAYVILLE/PUMP 75				08/31/22
Service		Meter Number	Service From To		Meter Readings Previous Present		Estimated	Meter Multiplier	Kilowatt Hours	Charges
Demand:		13124969	07/31/22	08/31/22	79214	9668	No	1	30454	1,333.89
Reading		Actual		Billed						
60.260		60.260		60.260						378.43

Please allow ample time for delivery before the due date when mailing your payment.

Keep This Portion For Your Records - Return Bottom Portion With Payment



COLUMBIA POWER
COOPERATIVE ASSOCIATION
PO BOX 97
MONUMENT OR 97864-0097
(888) 203-7638

Account Number		[REDACTED]
Prev Unpaid Balance		\$0.00
Payment		\$-2,070.37
Current Month's Charges		\$1,712.32
Due Date		09/29/22
Net Amount Due		\$1,712.32

COLUMBIA POWER
COOPERATIVE ASSOCIATION
PO BOX 97
MONUMENT OR 97864-0097

LONGVIEW RANCH LLC
39847 LONGVIEW LANE
KIMBERLY OR 97848-0212

14125



Columbia Power Cooperative Association

PO Box 97
Monument, OR 97864

RECEIVED

Contact Us
(541) 934-2311
Toll Free: (888) 203-7638
Fax: (541) 934-2312

NOV 30 2022

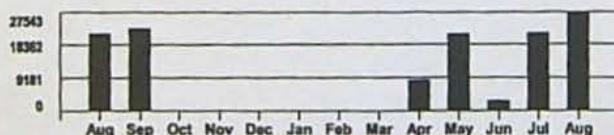
OWRD

Office Hours
Monday - Friday
8:00 AM - 5:00 PM

Account Number	Account Name				Service Address				Bill Date
[REDACTED]	LONGVIEW RANCH LLC				KIMBERLY TO DAYVILLE/PUMP 40				08/31/22
Service	Meter Number	Service From	To	Meter Readings Previous	Present	Estimated	Meter Multiplier	Kilowatt Hours	Charges
Demand:	77301103	07/31/22	08/31/22	50350	77893	No	1	27543	1,206.38
	Reading 50.890		Actual 50.890		Billed 50.890				319.59

Comparisons	Days Service	KWH Used	AVG KWH/Day	Cost/Day	NET AMOUNT DUE	\$1,525.97
Current Billing	31	27543	888	49.22	DUE DATE	09/29/22
Previous Billing	31	21561	696	40.67		
Last Year	31	21519	694	40.48		

Your Electricity Usage Over The Last 13 Months



Please allow ample time for delivery before the due date when mailing your payment.

Keep This Portion For Your Records - Return Bottom Portion With Payment



COLUMBIA POWER
COOPERATIVE ASSOCIATION
PO BOX 97
MONUMENT OR 97864-0097
(888) 203-7638

Account Number	OR01140G
Prev Unpaid Balance	\$0.00
Payment	\$-1,688.95
Current Month's Charges	\$1,525.97
Due Date	09/29/22
Net Amount Due	\$1,525.97

LONGVIEW RANCH LLC
39847 LONGVIEW LANE
KIMBERLY OR 97848-6212

COLUMBIA POWER
COOPERATIVE ASSOCIATION
PO BOX 97
MONUMENT OR 97864-0097

14125

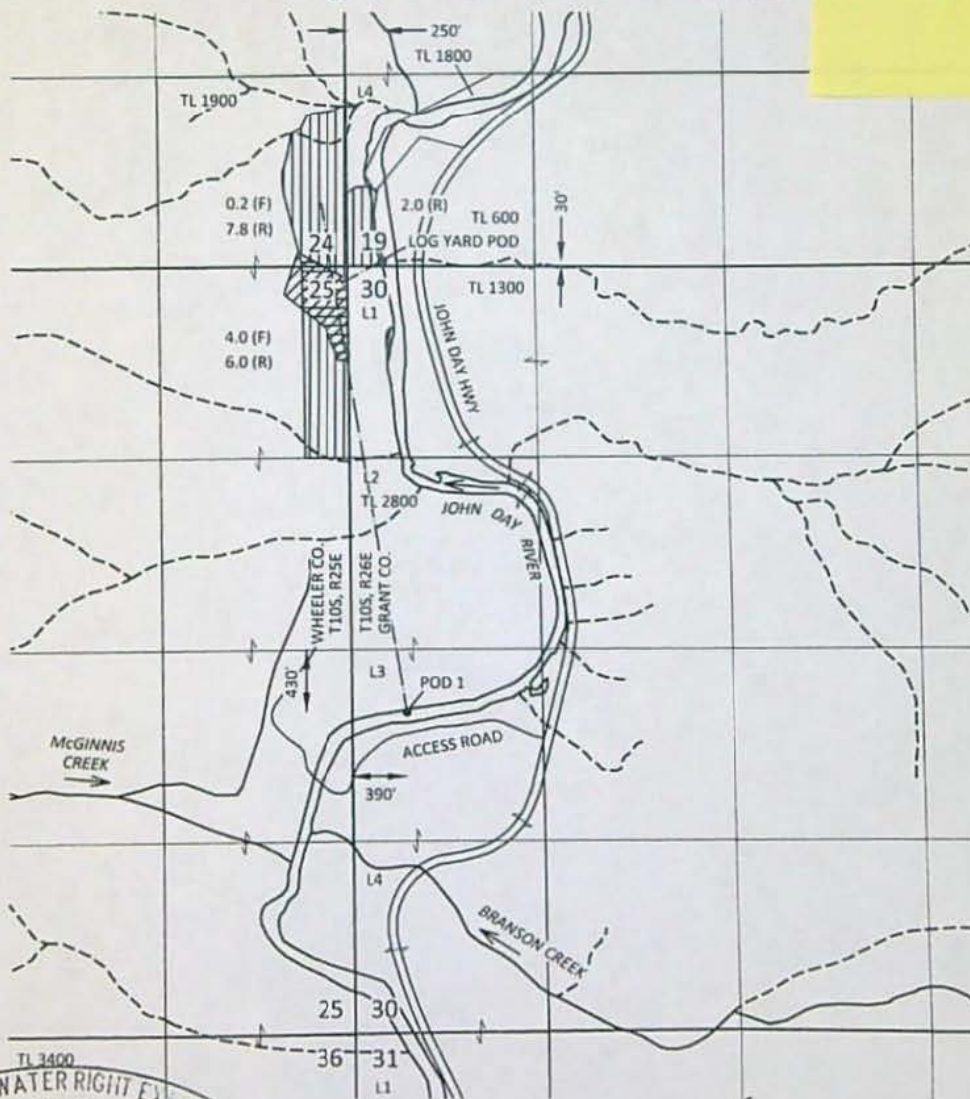
Sections 24 & 25, T10S, R25E, W.M., Wheeler County &
Sections 19 & 30, T10S, R26E, W.M., Grant County

TRANSFER APPLICATION MAP
Certificate 64632
Longview Ranch, LLC of Nevada

RECEIVED

NOV 30 2022

OWRD



KPFF 1700014.94

SKOOKUM
WATER ASSOCIATES INC


1626 VICTORIAN WAY
EUGENE, OR 97401
(503) 319-8926

EXPLANATION

FROM LANDS (F)

 CERTIFICATE 64632
PRIORITY: 10/4/1918
4.2 ACRES

TO LANDS

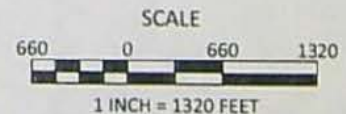
 CERTIFICATE 64632
INDUSTRIAL / COMMERCIAL USE
PRIORITY: 10/4/1918

REMAINING RIGHTS (R)

 CERTIFICATE 64632
PRIORITY: 10/4/1918
162.8 ACRES

• POINT OF DIVERSION (POD)

--- PIPELINE



Note: Not all remaining
rights are shown

June 29, 2022

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

Figure 1

Oregon Water Resources Department
Transfer Fee Calculation for Permanent (Non-District) Transfer

[Main](#)
[Help](#)
[Return](#)
[Contact Us](#)

Today's Date: Thursday, December 1, 2022

Fee Calculation

Base Fee (includes one type of change to one water right for up to 1 cfs)

\$1,360.00

Fill in information below— Check each box that applies.

Types of Change Proposed:

- ☒ Place of Use
☒ Point of Diversion (POD)/Appropriation (POA); and/or Additional POD/POA; and/or SW POD to GW POD
☒ Character of Use

\$2,180.00

Enter total number of water rights included in transfer.

\$0.00

☐ Check this box if you propose to add or change a well, or change from a surface water POD to a well.

Enter total number of groundwater wells (POAs) included in transfer.

\$0.00

☐ Check this box if you propose to change the place of use or character of use for a NON-irrigation right.

☒ Check this box if you propose to change the place of use or character of use for an irrigation right.

Enter the following for the primary certificates on the land included in the transfer.

(If a supplemental certificate also covers the same land as an included primary right, only list the primary.)

Certificate #	Total acres in the water right	# of acres to be transferred	Total cfs in the water right certificate	OR If certificate does not list cfs, enter 1/___ cfs per acre	Transfer cfs
64632	167	4.2	2.09		0.052563

Total Transfer CFS(rounded up to the next whole cfs): 1.00

Subtotal:

\$3,540.00

Check each box that applies.

- ☐ The transfer is necessary to complete a project funded by the Oregon Watershed Enhancement Board (OWEB) under ORS 541.932.
☐ The transfer is endorsed in writing by ODFW as a change that will result in a net benefit to fish and wildlife habitat.

Discount:

Transfer Fee:

\$3,540.00

[Return to Edit](#)
[Clear](#)

14125

Permanent Transfer Application Intake Completion Checklist

Check the Certificate(s) in WRIS

Transfer # T- 14125

Checked by: <u>Staff</u>	Type of Change(s) Proposed: Mark the Proposed Changes	Substitution	Supplemental to Primary	<input checked="" type="checkbox"/> POU	<input checked="" type="checkbox"/> POD	APOD
Date: <u>12-1-22</u>		Gov Action	Surface to Ground	<input checked="" type="checkbox"/> USE	POA	APOA
Fee Received: <u>2450</u>		How many rights to be Transferred?				
Calculated Fee: <u>2450</u>		Certificate # <u>64632</u>				
Additional Observations:						

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

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

Actions taken: _____ Date: _____

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