Regular

T-14154

Name Dustin Ricks Farms LLC Address 698 Napton River Rd Adrian, OR 99901 Custin ricks@iclaud.com	DESCRIPTION Name of Stream Snal Trib. of Columbia				Date 13 13	FEES PAID Amount \$3,000.00	Receipt # 139911
Change in V6U Date Filed \ -23-2023	Use Irrigation		County Matheur		-		
Initial notice date 1-31-1023)					
DPD issued date	Name of ditch	/					
PD issued date 9/6/2024	App# 552729	Per# 539705	Cert # 49872	PR Date 1/22/19	75		
PD notice date 9/10/2024	App#	Per #	Cert #	PR Date		FEES REFUN	NDED
Date of FO 10/30/2024 Vol 133 Page 299-302	App#	Per #	Cert #	PR Date	Date	Amount	Receipt #
	App#	Per #	Cert #	PR Date			
	App#	Per #	Cert #	PR Date			
C-DateCOBU due date							
COBU due date							
Certificate issued							
Oct theate issued							
Assignments:							
Irrigation District Ridgeview irrigation Distric	+						
Agent Scott King/HDR engineering inc	- Scott. Kinge	hdrinc.com					
CWRE Malheur county							
CC's list							
Oversized map - Location							

SMITH Joan M * WRD

From: SMITH Joan M * WRD

Sent: Friday, February 9, 2024 10:26 AM

To: dustinricks@icloud.com; scott.king@hdinc.com

Cc: REECE Ann L * WRD; HOSHAW Jered L * WRD; office@southboardofcontrol.com; SMITH

Joan M * WRD

Subject: Transfer Application T-14154

Attachments: T-14154-dpd.docm; T-14154 pd notice.docm; dpd cover letter.pdf

SUBJECT: Water Right Transfer Application T-14154

Please find enclosed a draft of our Preliminary Determination regarding Transfer Application T-14154. The document reflects the Department's conclusion that, based on the information currently available, the transfer will be DENIED. This draft is intended to provide you with an opportunity to comment on our findings and conclusions should you wish to do so and to withdraw or modify your application to resolve the issues that are prompting our decision to deny the application.

The draft Preliminary Determination proposes to deny the transfer because of layering issues. The issues that we have identified could be resolved by one of the following alternatives:

- The off lands and the on lands identified in the application have an underlying District Water Right that was not
 identified in the application.
- The Watermasters' review of the application indicates the change will enlarge the right.
- South Board of Control/Ridgeview Irrigation District provided comments to the Department indicating that they
 would not approve to have the Districts' right (Certificate 81012) diminished.

At this point, you may decide to continue processing the application (see below), or to send a letter requesting to withdraw the transfer application.

If you wish to proceed with your application, you must submit the following:

- Provide a written response by March 11, 2024, that describes how you will overcome the issues identified above and submit modifications or additional information as needed, or that indicates you wish to protest a Preliminary Determination to deny the transfer.
- REQUIRED: You must submit a Report of Ownership for the lands where the water right(s) are currently located (i.e., the FROM lands). This report:
 - a) Must be prepared by a title company;
 - Shall include a "prepared by" statement and the date the title company prepared the report printed on the cover sheet;
 - c) Must:
 - Be prepared no earlier than 3 months prior to the date of issuance of the Draft Preliminary Determination showing current ownership; OR
 - ii. Be prepared within 3 months of the date the water right conveyance agreement was recorded; OR

iii. Show ownership for the FROM land at the time a water right conveyance agreement was recorded.

If water right conveyance agreements are involved, it is helpful to provide copies of those agreements along with the Report of Ownership.

IMPORTANT: In order for the Department to clearly understand the date that the title company prepared the Report of Ownership, the title company must indicate/state the date that they prepared the report on the coversheet and/or first page of the report.

- d) Must include a list of owners at the time the report was generated; AND
- e) Must include a legal description of the property where the water right to be transferred is currently located (i.e., the FROM lands).
- 5. You must provide a notarized statement of consent signed by any landowner listed in the Report of Ownership who is not already included in the transfer application. The Department's statement of consent form (Consent By Deeded Landowner) is available at:

https://www.oregon.gov/OWRD/WRDFormsPDF/consent to transfer form.pdf

What happens next...

Once the preliminary determination is issued a publication period is required. The Department will publish a notice in their weekly publication, which opens a 30-day period in which the transfer can be protested.

Conditions of your water right...

If you modify the application to allow approval, conditions may need to be added to the transfer. The Department will notify you of any required conditions prior to issuing the Preliminary Determination.

Issuance of the Preliminary Determination will occur shortly after we receive:

- Your written response modifying the application to resolve the issues that we have identified or requesting that we
 proceed with processing of the application; and
- The Report of Ownership, including affidavits of consent from any landowners shown in the ownership report who
 have not signed the transfer application. The title company must indicate/state the date that they prepared the
 ownership report on the coversheet and/or first page of the report.

If we do not receive your response to withdraw the application or the items listed above by March 11, 2024, a Preliminary Determination may be issued denying the application as incomplete.

Please don't hesitate to contact me at Joan.M.Smith@water.oregon.gov if I may be of assistance.

Sincerely,

JOAN M. SMITH | TRANSFER SPECIALIST
TRANSFER & CONSERVATION SECTION
725 Summer Street NE, Suite A Salem, OR 97301 | Phone 503-986-0892

NOTE: Many staff continue to work remotely or have job duties that take them into the field on a regular basis, availability of staff in the office is not guaranteed 8 a.m. - 5 p.m. every day. Customers and visitors are encouraged to schedule an appointment in advance if they wish to meet in person with specific staff members. Alternative methods for meeting, such as by phone or virtually via Teams, are also available.



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

February 9, 2024

VIA E-MAIL

DUSTIN RICKS FARMS LLC 698 NAPTON RIVER RD ADRIAN, OR 97901

SUBJECT: Water Right Transfer Application T-14154

Please find enclosed a draft of our Preliminary Determination regarding Transfer Application T-14154. The document reflects the Department's conclusion that, based on the information currently available, the transfer will be DENIED. This draft is intended to provide you with an opportunity to comment on our findings and conclusions should you wish to do so and to withdraw or modify your application to resolve the issues that are prompting our decision to deny the application.

The draft Preliminary Determination proposes to deny the transfer because of layering issues. The issues that we have identified could be resolved by one of the following alternatives:

- The off lands and the on lands identified in the application have an underlying District Water Right that was not identified in the application.
- The Watermasters' review of the application indicates the change will enlarge the right.
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 are currently located (i.e., the FROM lands). This report:
 - a) Must be prepared by a title company;
 - Shall include a "prepared by" statement and the date the title company prepared the report printed on the cover sheet;
 - c) Must:

If we do not receive your response to withdraw the application or the items listed above by March 11, 2024, a Preliminary Determination may be issued denying the application as incomplete.

Please don't hesitate to contact me at <u>Joan.M.Smith@water.oregon.gov</u> if I may be of assistance.

Sincerely,

Jean Smith

Transfer Specialist

Transfer and Conservation Section

cc: Transfer Application file T-14154

Jered Hoshaw, District 9 Watermaster (via e-mail,)

Scott King, HDR Engineering Inc., Agent, and CWRE# 84533 for the applicant (via e-mail)

John Eells, District Manager for South Board of Control/ Ridgeview Irrigation District (via e-mail)

encs

Notice of Preliminary Determination for Water Right Transfer T-14154

T-14154 filed by Dustin Ricks Farms LLC, 698 Napton River Rd, Adrian, OR 97901, proposes a change in place of use under Certificate 49872. The right allows the use of 4.29 cubic feet per second from the Snake River in Sec. 11, T225, R46E, WM for irrigation in Sects. 1, 2, 11, and 12, T22S, R46E, WM. The applicant proposes to change the place of use to within Sects. 1, 2, 11, and 12, T22S, R46E, WM. The Water Resources Department proposes to deny the transfer, based on the requirements of ORS Chapter 540 and OAR 690-380-5000.

Any person may protest the preliminary determination or may file a standing statement. Pursuant to OAR 690-380-4030(3) and OAR 690-382-9000, protests must raise all reasonably ascertainable issues and include all reasonably available arguments supporting the person's position. In addition, protests must be accompanied by an \$950 protest fee for non-applicant, or \$480 protest fee for applicant. Call (503) 986-0935 to obtain additional information. Protests must be received by the Department on or before [30 days after WRD notice], or within 30 days of the last date of publication in a newspaper, whichever is later. If no protests are filed, the Department will issue a final order consistent with the preliminary determination.



Water Resources Department

North Mall Office Building 725 Summer St NE, Suite A Salem, OR 97301 Phone 503 986-0900 Fax 503 986-0904

October 30, 2024

Dustin Ricks Farms, LLC 698 Napton River Rd. Adrian, OR 97901

Reference: Transfer Application T-14154

The above referenced transfer application was denied in the records of the Water Resources Department on October 30, 2024, by Special Order Volume 133, Page 299 (copy enclosed).

The transfer application is of no further force or effect.

If you have any questions related to the approval of this transfer, you may contact your caseworker, Joan Smith, by telephone at (503) 986-0892 or by e-mail at Joan.m.smith@water.oregon.gov.

Sincerely,

Elyse D. Richman

Water Right Services Support

Elype Richman

Transfers and Conservation Section

cc: Jered L. Hoshaw, Watermaster Dist. # 9 (via email)

Scott King, Agent

U.S. Bureau of Reclamation, Interested Party

Irrigation District: Ridgeview Irrigation District

Malheur County Planning Department, Local Government

Enclosure

OF THE STATE OF OREGON

In the Matter of Transfer Application)	FINAL ORDER DENYING A CHANGE IN
T-14154, Malheur County)	PLACE 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

DUSTIN RICKS FARMS LLC 698 NAPTON RIVER RD ADRIAN, OR 97901

Findings of Fact

- On January 23, 2023, Dustin Ricks Farms LLC filed an application to change the place of use under Certificate 49872. The Department assigned the application number T-14154.
- Notice of the application for transfer was published on January 31, 2023, pursuant to OAR 690-380-4000. A comment was filed in response to the notice.
- 3. A comment filed in response to the notice was timely and addressed a layering issue with Ridgeview Irrigation District.
- 4. A portion of this transfer is layered with irrigation water under Certificate 81012. A completed Supplemental Form D is required from Ridgeview Irrigation District; however, the form was not submitted with the application. In addition, Certificate 81012 is in the name of Bureau of Reclamation (BOR). The BOR will need to be given a 90-day notice period per settlement agreement between BOR and OWRD.

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.

- On February 9, 2024, the Department mailed a copy of the draft Preliminary Determination proposing to deny Transfer Application T-14154 to the applicant. The draft Preliminary Determination cover letter set forth a deadline of March 11, 2024, for the applicant to respond. The applicant did not respond by the deadline.
- 6. On September 6, 2024, the Department issued a Preliminary Determination proposing to deny Transfer T-14154 and mailed a copy to the applicant. Additionally, notice of the Preliminary Determination for the transfer application was published on the Department's weekly notice on September 10, 2024, pursuant to ORS 540.520 and OAR 690-380-4020. No protests were filed in response to the notice.
- 7. The portion of the right to be transferred is as follows:

Certificate: 49872 in the name of JOHN HAGEN (perfected under Permit S-39705)

Use: IRRIGATION OF 171.4 ACRES

Priority Date: JANUARY 22, 1975

Rate: 4.29 CUBIC FEET PER SECOND

Limit/Duty: The amount of water used for irrigation, together with the amount secured

under any other right existing for the same lands, shall be limited to ONE-FORTIETH of one cubic foot per second per acre, or its equivalent for each acre irrigated and shall be further limited to a diversion of not to exceed 4.0 acre-feet per acre for each acre irrigated during the irrigation season of

each year.

Source: SNAKE RIVER, tributary of COLUMBIA RIVER

Authorized Point of Diversion:

Twp	Rng	Mer	Sec	Q-Q	GLot	Measured Distances
22 5	46 E	WM	11	NE NE	1	320 FEET SOUTH AND 1160 FEET WEST FROM THE NE CORNER OF SECTION 11

Authorized Place of Use:

			IRRIGA"	TION			
Twp	Rng	Mer	Sec	Q-Q	GLot	Acres	
22.5	46 E	WM	1	NE SW	12	13.6	
22 5	46 E	WM	1	NW SW	13	3.6	
22 S	46 E	WM	1	SW SW	13	36.3	
22 S	46 E	WM	1	SE SW		32.1	
22 S	46 E	WM	2	SE SE	9	6.2	
22 S	46 E	WM	11	NE NE	1	28.1	
225	46 E	WM	11	NW NE	2	25.3	
22 5	46 E	WM	11	SW NE		8.4	
22 5	46 E	WM	12	NENW		1.4	
225	46 E	WM	12	NW NW		16.4	
					Total	171.4	

8. Transfer Application T-14154 proposes to change the place of use of the right to:

		1	RRIGAT	TION			
Twp	Twp Rng		Sec	Q-Q	GLot	Acres	
22 5	46 E	WM	1	NESW	12	9.5	
22 5	46 E	WM	1	NW SW	13	1.9	
22 S	46 E	WM	1	SW SW	13	28.7	
22 S	46 E	WM	1	SE SW		35.7	
22 S	46 E	WM	2	SE SE	9	4.7	
225	46 E	WM	11	NENE	1	31.8	
22 S	46 E	WM	11	NW NE	2	21.6	
225	46 E	WM	11	SW NE		13.0	
225	46 E	WM	11	SE NE		1.3	
22 5	46 E	WM	12	NE NW		5.0	
22 S	46 E	WM	12	NW NW		18.2	
					Total	171.4	

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

- Water has been used within the five-year period prior to submittal of Transfer Application
 T-14154 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.
- 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-14154.
- 11. The water right is subject to transfer as defined in ORS 540.505(4) and OAR 690-380-0100(14).
- 12. Some of the lands identified under 49872 will be un-layered should the application be approved. The un-layering of the right will cause an enlargement of the right if the application is approved as described in the application.
- 13. The application is incomplete because a completed and approved Supplemental Form D was not included with the application; therefore, all other application requirements are not met.

Conclusions of Law

The change in place of use proposed in Transfer Application T-14154 is not consistent with the requirements of ORS 540.505 to 540.580 and OAR 690-380-5000. The transfer application is denied.

Now, therefore, it is ORDERED:

The change in place of use proposed in Transfer Application T-14154 is denied.

Dated in Salem, Oregon on

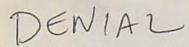
OCT 3 0 2024

Lisa J. Jaramillo, Transfer and Conservation Section Manager, for

IVAN GALL, DIRECTOR

Oregon Water Resources Department

Mailing date: OCT 3 1 2024



WATER RIGHT TRANSFER COVER SHEET

Transfer: T-14154 Transfer Specialist: Transfer Type: Regular Transfer Applicant: Agent: N/A DUSTIN RICKS FARMS LLC SCOTT KING 698 NAPTON RIVER RD 412 E PARKCENTER BLVD STE 100 ADRIAN, OR 97901 BOISE, ID 83706 Email: Phone: Phone: Email: Irrigation District: N/A CWRE: N/A Ridgeview Irrigation District Email: Affected Local Gov'ts: N/A N/A Affected Tribal Gov't: County Of Malheur planning Director UNAVAILABLE Email: Email: N/A Current Landowner if other than Applicant: Receiving Landowner: Email: Email: Water Rights Affected File RR/CR Needed RR/CR Nos. Marked App. File # or Decree Name Permit Certificate \$ 52729 S 39705 49872 Yes No Yes No Yes No **Key Dates & Initial Actions:** Proposed Action(s): PLACE OF USE Rec'd: January 23, 2023 **ODFW District:** Fees Pd: 3000.00 WM District: 9 **ODFW Review sent:** WM Review sent: Initial Public Notice: January 31, 2023 N/A GW Review sent: Acknowledgement Letter Sent BOR notified (date): County sent cc: of Ack Letter N/A Request for news \$ sent: News \$ received: Newspaper quote requested: Affidavit of publication received: Last day of publication: Request to publish sent:

Document	Drafted	Peer Review	Changes Made	Coordinator	Changes Made	Signature Bin	Signature Date
DPD	Date: 12/27/23 Initials: 0200	Date: 1224	Date:	Date: 1/24/241 Initials: PKS	Date: 2 9 29	cwsent: y	N/A
PD	Date: 2/22 Initials: Jon	Date: 7/24/29	Date: 1/24	and toh	Initials:	Date:	Date: 9/6/24
FO	Date: w/2/	Date:	Date:	Date: Initials Mah	Date:	Date: 10/29/24	Date: 10/30/24

Special Issues: Denial du to layering with District Rights 81012

Special Order Volume: Vol. 133 Pages 299 - 302



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

September 6, 2024

VIA CERTIFIED MAIL AND E-MAIL

DUSTIN RICKS FARMS LLC 698 NAPTON RIVER RD ADRIAN, OR 97901

SUBJECT: Water Right Transfer Application T-14154

Please find enclosed the Preliminary Determination indicating that, based on the information available, the Department intends to DENY application T-14154. This document is an intermediate step in the denial 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, 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 Department's notice.

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 503-986-0892 or Joan.M.Smith@water.oregon.gov, if I may be of assistance.

Sincerely

Joan Smith

Transfer Specialist

Transfer and Conservation Section

OF THE STATE OF OREGON

In the Matter of Transfer Application)	PRELIMINARY DETERMINATION
T-14154, Malheur County)	PROPOSING DENIAL OF A CHANGE IN
)	PLACE 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

DUSTIN RICKS FARMS LLC 698 NAPTON RIVER RD ADRIAN, OR 97901

Findings of Fact

- On January 23, 2023, Dustin Ricks Farms LLC filed an application to change the place of use under Certificate 49872. The Department assigned the application number T-14154.
- 2. Notice of the application for transfer was published on January 31, 2023, pursuant to OAR 690-380-4000. A comment was filed in response to the notice.
- 3. A comment filed in response to the notice was timely and addressed a layering issue with Ridgeview Irrigation District.
- 4. A portion of this transfer is layered with irrigation water under Certificate 81012. A completed Supplemental Form D is required from Ridgeview Irrigation District; however, the form was not submitted with the application. In addition, Certificate 81012 is in the name of Bureau of Reclamation (BOR). The BOR will need to be given a 90-day notice period per settlement agreement between BOR and OWRD.

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.

- 5. On February 9, 2024, the Department mailed a copy of the draft Preliminary Determination proposing to deny Transfer Application T-14154 to the applicant. The draft Preliminary Determination cover letter set forth a deadline of March 11, 2024, for the applicant to respond. The applicant did not respond by the deadline.
- 6. The portion of the right to be transferred is as follows:

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Use: IRRIGATION OF 171.4 ACRES

Priority Date: JANUARY 22, 1975

Rate: 4.29 CUBIC FEET PER SECOND

Limit/Duty: The amount of water used for irrigation, together with the amount secured

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each year.

Source: SNAKE RIVER, tributary of COLUMBIA RIVER

Authorized Point of Diversion:

Twp	Rng	Mer	Sec	Q-Q	GLot	Measured Distances
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			RRIGA	TION		
Twp	Rng	Mer	Sec	Q-Q	GLot	Acres
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22 S	46 E	WM	12	NENW		1.4
22 5	46 E	WM	12	NW NW		16.4
					Total	171.4

7. Transfer Application T-14154 also proposes to change the place of use of the right to:

	IRRIGATION									
Twp Rng	Mer	Sec	Q-Q	GLot	Acres					
22 5	46 E	WM	1	NE SW	12	9.5				
22 S	46 E	WM	1	NW SW	13	1.9				
225	46 E	WM	1	SW SW	13	28.7				
225	46 E	WM	1	SE SW	Les un maria	35.7				
22 S	46 E	WM	2	SE SE	9	4.7				
22.5	46 E	WM	11	NE NE	1	31.8				

Twp Rng	Mer	Sec	Q-Q	GLot	Acres	
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22 5	46 E	WM	11	SW NE		13.0
22 5	46 E	WM	11	SE NE		1.3
22 S	46 E	WM	12	NENW		5.0
225	46 E	WM	12	NWNW		18.2
					Total	171.4

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

- Water has been used within the five-year period prior to submittal of Transfer Application
 T-14154 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.
- 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-14154.
- 10. The water right is subject to transfer as defined in ORS 540.505(4) and OAR 690-380-0100(14).
- 11. Some of the lands identified under 49872 will be un-layered should the application be approved. The un-layering of the right will cause an enlargement of the right if the application is approved as described in the application.
- 12. The application is incomplete because a completed and approved Supplemental Form D was not included with the application; therefore, all other application requirements are not met.

Determination and Proposed Action



The change in place of use proposed in Transfer Application T-14154 appears to be not 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 denied.

If the issues identified above are resolved and Transfer Application T-14154 is approved, the final order will include the following:

- The change in place of use proposed in Transfer Application T-14154 is approved.
- 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 49872 and any related decree.

- 3. 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.
 - 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.
- 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 place of use.
- 5. Water right Certificate 49872 is or are cancelled.
- The former place of use of the transferred right shall no longer receive water under the right.
- 7. Full beneficial use of the water shall be made, consistent with the terms of this order, on or before October 1, 2025. 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 change and full beneficial use of the water.
- After satisfactory proof of beneficial use is received, a new certificate confirming the right transferred will be issued.

Dated in Salem, Oregon on

SEP 0 6 2024

Lisa J. Jaramillo, Kansfer and Conservation Section Manager, for

IVAN GALL, DIRECTOR

Oregon Water Resources Department

This Preliminary Determination was prepared by Joan Smith. If you have questions about the information in this document, you may reach me at 503-986-0892, or Joan.M.Smith@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.

REECE Ann L * WRD

From: REECE Ann L * WRD

Sent: Thursday, February 2, 2023 1:51 PM

To: Anita Johnston

Subject: RE: Oregon Water Transfer for Dustin Ricks Farms LLC

Attachments: T_14154 (1).pdf; 29452 (1).pdf; Divsion 380 _layering.docx

Anita,

This transfer is for primary irrigation under C. 49872. It may be layered with 81012. 81012 is also for primary irrigation. If so, the applicant will need to get the district's permission. I attached FORM D which the applicant will be required to ask the district to sign. The district is not obligated to consent to the transfer.

These are the QQ's where 49872 and 81012 are in the same QQ. It appears some of the applicant's lands are layered with existing district rights. Both rights are for primary irrigation. The district right is senior according to OAR 690-380-5120. (Where there are two primaries layered, the older right is primary, the other supplemental.

Places of Use from Water Rights in the Same Area

The following rights have acreage in the same quarter-quarter as Cert:49872 OR *

Right	Name	Decree	App	Permit	Cert	Priority	Status	Use	T-R-S-QQ		DLC Gov't Lo	
CERT:81012 CF * E	GAIL MCGARRY		S-11709	S-8171	81012		NC	IR	22.00S-46.00E-11-NENE		1	
								IR	22.00S-46.00E-11-NENE	H	1	
								IR	22.00S-46.00E-11-NWNE		2	
								IR.	22.00S-46.00E-11-SWNE			
								IR	IR	22.00S-46.00E-11-SWNE		
								IR	22.00S-46.00E-12-NENW			
								IR	22.00S-46.00E-12-NWNW			
								IR	22.00S-46.00E-12-NWNW	H		

Oregon Administrative Rule: 690-380-5120

Multiple Primary Water Rights on the Same Lands

If the water right records show two or more irrigation rights as primary on the same land, the right with the oldest priority date shall be considered the primary water right unless the applicant designates a right, other than the right with the oldest priority date, as the primary water right. All other water rights shall be diminished to supplemental water rights.

Best Regards.

OREGON



Ann Reece

District Transfer Program Advisor
Oregon Water Resources Department
725 Summer St NE Suite A | Salem OR 97301
Phone: (503) 979-3214

ann.l.reece@water.oregon.gov

https://www.oregon.gov/OWRD/programs/WaterRights/Transfers/DistTransfer

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

****Teleworking *** Mon, Tu, Wed, Thurs 7:00 to 4:45; Fri 7:00 to 11AM****

Please Note: Under Oregon Law, messages to and from this e-mail address may be available to the public.

From: Anita Johnston <ajohnston@southboardofcontrol.com>

Sent: Thursday, February 2, 2023 12:57 PM

To: REECE Ann L * WRD < Ann.L.REECE@water.oregon.gov>
Subject: Oregon Water Transfer for Dustin Ricks Farms LLC

We have received notice of Application T-14154 that is being done through a private party for Dustin Ricks Farms LLC. Not exactly sure what if anything we need to do with this. I had seen that you were also Cc: on the letter so thought you could shed some light on this transfer and how it affects us at the Ridgeview Irrigation District.

Thank You for your help

Anita J. Johnston

Office Clerk
South Board Of Control
P. O. Box 67
Homedale, ID 83628
(208)337-3760
ajohnston@southboardofcontrol.com

Watermaster Review Form Transfer Application

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-14154

Review Due Date:

Applicant Name: Dustin Ricks Farms, LLC
Proposed Changes: ✓ POU POD POA USE OTHER
Reviewer(s): Jered Hoshaw Date of Review: 03/01/2023
Do you have <u>evidence</u> 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:
3. Have headgate notices been issued for the source that serves the transferred right(s)? Yes ✓ No Records not available.
In your estimation, after the proposed change, would distribution of water for the right(s) result in regulation of other water rights that would not have occurred if use under the original right(s) was/were maximized? Yes No If "Yes", explain:
5. In your estimation, if the proposed change is approved, are there upstream water rights that would be affected? Yes No If "Yes", describe how the rights would be affected and list the rights most affected:

6. Check here if it appears that downstream water rights benefit from return flows resulting from the current use of the transferred right(s)? If you check the box, generally characterize the locations where the return flows likely occur and list the water rights that benefit most: N/A 7. For POD changes and instream transfers, check here if there are channel losses between the old and new PODs or within the proposed instream reach? If you check the box, describe and, if possible, estimate the losses: N/A 8. For instream transfers that propose protection of a reach beyond the mouth of the source stream: √ N/A Would the quantity be measureable into the receiving stream consistent with OAR 690-077-0015(8)? No Yes 9. For POU changes: N/A Is it likely the original place of use would continue to receive water Yes ✓ No If "Yes", explain: from the same source? N/A In your best judgment, would use of the existing right at "full 10. For POU or USE changes: face value," result in the diversion of more water than can be used beneficially and without waste? ✓ No If "Yes", explain: 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? No If "Yes", explain: Yes

Transfer Application

Watermaster Review Form

Watermaster Review Form Transfer Application

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:

Watermaster Review Form	Transfer Application
12. Are there other issues not identified through the above questions that should be considered determining whether the change "can be effected without injury to other rights"?	lered in
Yes No If "Yes", explain:	
See attached Watermaster Notes.	
13. What alternatives may be available for addressing any issues identified above:	
14. Do conditions need to be included in the transfer order to avoid enlargement of the right other rights? No Yes, as checked and provided below:	nt or injury to
For POU changes that involve micro-irrigation, provide the monitoring and reporti	ng 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 sections of Page 4)	top
a. Before water use may begin under this order, the water user shall install a total or, with prior approval of the Director, another suitable measuring device, ✓ at ediversion/appropriation (new and existing) OR at each new point of diversion/appropriation that water rights issued to the Bureau of Reclamation or an	each point of copriation
district (or similar entity) are not subject to this condition.	
b. The water user shall maintain the meters or measuring devices in good working	
c. The water user shall allow the Watermaster access to the meters or measuring however, where the meters or measuring devices are located within a private struct Watermaster shall request access upon reasonable notice.	
Reservoir water use measurement: (if this condition is selected, also fill in the top of Page 4)	sections
a. Before water use may begin under this order, the water user shall install staff a or, with prior approval of the Director, other suitable measuring devices, that measurange and stage between empty and full in each reservoir. Staff gages shall be United Geological Survey style.	ure the entire
b. Before water use may begin under this order, if the reservoir is located in channel suitable measuring devices must be installed upstream and downstream of the reservoir adjustable outlet valve must be installed. The water user shall maintain such device order. A written waiver may be obtained, if in the judgment of the Director, the installed other suitable measuring devices, or the adjustable outlet valve, will provide no public.	rvoir, and, an es in good working tallation of weirs or
* The following alternative device(s) should be substituted for the bold, underlined deviced condition:	vice in the above
Weir Submerged Orifice	
Parshall Flume Flow Restrictor	
Other:	

TACS

Watermaster Review Form Transfer Application

Oregon Water Resources Department

Measurement Condition Information for the Applicant

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

Transfer #: 1- 14154
In order to avoid enlargement of the right or injury to other rights, a Totalizing Flow Meter will be required to be installed <u>prior to diversion of water</u> , 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: Jered Hoshaw
District: 9
Address: 251 B Street West
City/State/Zip: Vale, OR 97918
Phone: (541)473-5130
Email: Jered.L.Hoshaw@water.oregon.gov
Note: If a device other than the one specified in the Preliminary Determination or Final Order is approved by the Watermaster, fill out and mail the form below to the Salem office.

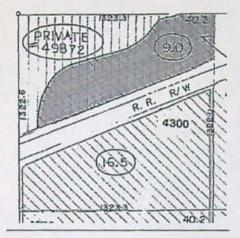
Approval of an Alternate Measurement Device T- (to be filled out after consultation with the applicant, or after a site visit)
On behalf of the Director, I authorize use of the following suitable alternate measurement device:
Watermaster signature District Date
If this form is used for approval of an alternative measurement device, it must be mailed to:
Oregon Water Resources Department
725 Summer Street NE, Suite A

TACS Page 5 of 5 Last revised May 2019

Salem, OR 97301-1266

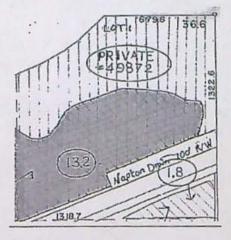
 22 South, 46 East, Section 12 (NW, NW): There is a layered primary water right (Cert. 81012) for a portion of the same "OFF" lands that is not included in this transfer. (9.0 acres in this qtr, qtr exist for same lands under cert. 81012) see below. Between the two primary layered rights cert. 81012 has the older priority dates. This will be a conflicting primary right for the "ON" lands.

> 22 South, 45 East, Section 12 (NW, NW) (Screenshot of Ridgeview ID Map)



2.) 22 South, 46 East, Section 11 (NE, NE): There is a layered primary water right (Cert. 81012) for a portion of the same "OFF" lands that is not included in this transfer. (13.2 acres in this qtr, qtr exist for same lands under cert. 81012) see below. Between the two primary layered rights cert. 81012 has the older priority dates. This will be a conflicting primary right for the "ON" lands.

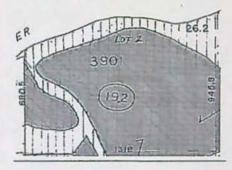
22 South, 46 East, Section 11 (NE, NE) (Screenshot of Ridgeview ID Map)



T-14154 Watermaster Notes

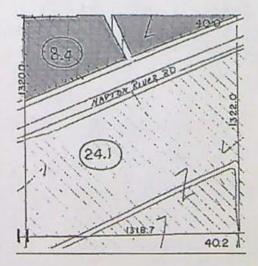
3.) 22 South, 46 East, Section 11 (NW, NE): There is a layered primary water right (Cert. 81012) for a portion of the same "OFF" lands that is not included in this transfer. (19.2 acres in this qtr, qtr exist for same lands under cert. 81012) see below. Between the two primary layered rights cert. 81012 has the older priority dates. This will be a conflicting primary right for the "ON" lands.

22 South, 46 East, Section 11 (NW, NE) (Screenshot of Ridgeview ID Map)

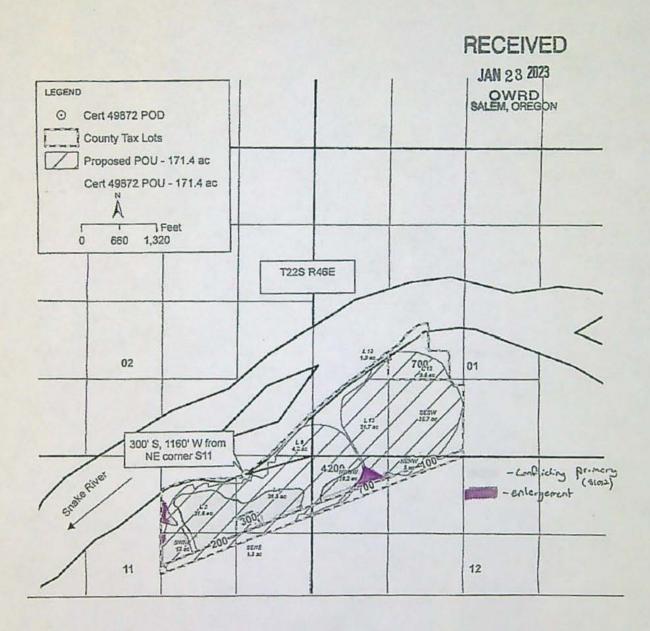


4.) 22 South, 46 East, Section 11 (SW, NE): There is a layered primary water right (Cert. 81012) for a portion of the same "OFF" lands that is not included in this transfer. (8.4 acres in this qtr, qtr exist for same lands under cert. 81012) see below. Between the two primary layered rights cert. 81012 has the older priority dates. This will be a conflicting primary right for the "ON" lands

22 South, 46 East, Section 11 (SW, NE) (Screenshot of Ridgeview ID Map)



5.) Possible Enlargement: By moving portions of primary Certificate 49872 (un-layering two primary water rights) and leaving primary Certificate 81012 un-changed, this transfer (T-14154) is going to result in gaining primary irrigated acres (highlighted in orange below). This is enlargement or expansion of the water right.





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 25, 2023

DUSTIN RICKS FARMS LLC 698 NAPTON RIVER RD ADRIAN, OR 97901

Reference: Application T-14154

On January 23, 2023, the Department received your water right Permanent Transfer Application. The application was accompanied by \$3000.00. Receipt number 139977 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 as the original POD.

This application <u>may</u> 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 in the new place of use 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. #9, Jered L. Hoshaw (via email)

Malheur County Scott King, Agent

Irrigation District: Ridgeview Irrigation District & Ann Reece (if in District)

Enclosure

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

OAR 690 Division 380

Application Received (required information included)

Injury Review forms sent to Watermaster, and Groundwater staff and ODFW, as appropriate.

Notice of Application in WRD Weekly Notice (30-day Comment Period)

Review of the status of the right and the potential for enlargement or injury to other rights.

Draft Preliminary Determination

(WRD assessment of whether application should be approved or denied, considering injury review and any comments received) sent to applicant, with request for a report of ownership for the lands where the transfer right is.

Applicant Review of

Draft Preliminary Determination

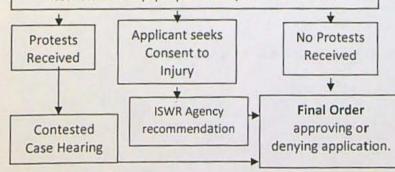
(Opportunity for applicant to submit a report of land ownership and modify or withdraw proposed transfer—at least 30 days

Preliminary Determination Issued

Notice of Preliminary Determination

in WRD Weekly Notice and, if statutorily required, in newspaper once a week for 2 or 3 consecutive weeks.

Protest Period ends 30 days after WRD notice, or 30 days after last date of newspaper publication, whichever is later.



Period for developing authorized changes begins as soon as an order is issued approving the changes. If the certificate has been cancelled the right goes into an inchoate state.

Deadline for completion of the changes.

The applicant must make full beneficial use under terms and conditions of the order by the deadline, request an extension of time, or inform the Department that the change is not intended to be completed.

If the applicant decides not to complete a change in POD/POA, the Department will issue an order reverting the right to the original POD/POA and issue a new certificate. However, if any other type of change is not completed, the transferred portion of the right is forfeited.

An order may be issued, granting an extension of time for completing the changes.

Applicant submits a Claim of Beneficial
Use prepared by a CWRE within one year
after the completion deadline or the date
of complete beneficial use. There is no
provision for extending the deadline for
submission of the Claim.

Water Right Services Division reviews
the Claim, determines whether proof
has been made and if so, issues a new
certificate. Right is no longer inchoate,
but perfected and subject to being
transferred.

STATE OF OREGON

WATER RESOURCES DEPARTMENT

RECEIPT # 139977

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

INVOICE # ____

REC	EIVED FRO	M: Dies Fu	n 12	ICA	Forms	APPLIC	ATION	
RECEIVED FROM: DUSTIN LICKS Forms					PERMIT			
						TRAN	SFER	T-14154
CAS	н: с]	HECK:# 1310	OTHER: (III	DENTIFY)		TOTAL R	EC'D	\$ 3,000.
1083 TREASURY 4170 WRD MISC CASH ACCT								
	0407	COPIES						S
			DENTIFY)					S
OTHER: (IDENTIFY) 0245 Cons. Water								
			4270	WRDO	PERATING A	CCT		
		MISCELLANEOUS		461	11			
	0407	COPY & TAPE FEE	S	701				S
	0410	RESEARCH FEES						S
	0408	MISC REVENUE:	(IDENTIF	Y)			=	S
	TC162	DEPOSIT LIAB. (DENTIFY)			-	-	S
	0240	EXTENSION OF T	ME					
		WATER RIGHTS:			EXAM FEE			RECORD FEE
	0201	SURFACE WATER			S	0202	2	S
	0203	GROUND WATER			5	0204		S
	0205	TRANSFER			\$ 3,000.	9		
		WELL CONSTRUC	TION		EXAM FEE	No.		LICENSE FEE
	0218	WELL DRILL CON	STRUCTO	R	\$	0219		\$
		LANDOWNER'S P	ERMIT			0220	2	\$
		OTHER	(IDENTI	FY)				
	0536	TREASURY	0437	WELL	CONST. STAF	T FEE	200	
	0211	WELL CONST STA	RT FEE		S		CARD#	
	0210	MONITORING WE	LLS		\$		CARD#	
		OTHER	(IDENTI	FY)				
	0607	TREASURY	0467	HYDRO	ACTIVITY	LIC NUM	BER	
	0233	POWER LICENSE	FEE (FW/	WRD)				S
	0231	HYDRO LICENSE	FEE (FW/	WRD)				\$
		HYDRO APPLICAT	TON					S
-		TREASURY		OTHER	/ RDX			
	ELIND		_ TITLE .					
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	DESCRIP	TION						The same of the sa
				1		0		

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

139977 DATED: 1 23/23 BY:

RECEIPT

Application for Permanent Water Right Transfer



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

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.

Chec	k all ite	ems included with this application. (N/A = Not Applicable)						
Ø		Part 1 – Completed Minimum Requirements Checklist.						
\boxtimes		Part 2 – Completed Transfer Application Map Checklist.						
		Part 3 – Application Fee, payable by check to the Oregon Water Resour completed Fee Worksheet, page 3. Try the new online fee calculator at http://apps.wrd.state.or.us/apps/misc/wrd fee calculator.						
\boxtimes		Part 4 – Completed Applicant Information and Signature.						
		Part 5 – Information about Water Rights to be Transferred: How many be transferred? 1 List them here: C49872 Please include a separate Part 5 for each water right. (See instruction NOTE: A separate transfer application is required for each water right criteria in OAR 690-380-3220 are met.	ons on page 6)					
		Attachments:						
×	/	Completed Transfer Application Map.	JAN 23 2023					
	⊠ N/	Completed Evidence of Use Affidavit and supporting documentation. A Affidavit(s) of Consent from Landowner(s) (if the applicant does not ow right is on.)	SALEM, OREGON in the land the water					
	⊠ N/							
	h approval and e authority in which to be diverted, oply: a) a change in gation only, and d) one.							
	⊠ N//	Water Well Report/Well Log for changes in point(s) of appropriation (w point(s) of appropriation.	ell(s)) or additional					
	⊠ 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): Application fee not enclosed/insufficient Map not included or incomplete Evidence of Use Form not enclosed Part is incomplete Other/Explanation	d or incomplete					
		Staff: 503- Date: /	1					

Revised 7/1/2021

Permanent Transfer Application Form - Page 1 of 10

Part 2 of 5 - Transfer Application Map

JAN 23 2023

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

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. X Permanent quality printed with dark ink on good quality paper. X 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. X A north arrow, a legend, and scale. X 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. X 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. X Major physical features including rivers and creeks showing direction of flow, lakes and reservoirs, roads, and railroads. X Major water delivery system features from the point(s) of diversion/appropriation such as main pipelines, canals, and ditches. X 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. X 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. X 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°).

N St 2 N	ase Fee (includes one type of change to one water right for up to 1 cfs) ypes of change proposed: Place of Use Character of Use Point of Diversion/Appropriation lumber of above boxes checked = 1 (2a) ubtract 1 from the number in line 2a = 0 (2b) If only one change, this will be 0 Aultiply line 2b by \$1090 and enter ** ** ** ** ** ** ** ** ** ** ** ** **		\$1,360
N St 2 N	Place of Use	2	
100		4	\$0
	lumber of water rights included in transfer 1 (3a) ubtract 1 from the number in 3a above: 0 (3b) If only one water right this will be 0 Multiply line 3b by \$610 and enter » » » » » » » » » » » » » » » » » » »	3	\$0
	No: enter 0 Yes: enter \$480 for the 1 st well to be added or changed (4a) No: enter 0 Yes: enter \$480 for the 1 st well to be added or changed (4a) No: o you propose to add or change additional wells? No: enter 0 Yes: multiply the number of additional wells by \$410 (4b) Add line 4a to line 4b and enter » » » » » » » » » » » » » » » » » » »	4	\$0
5	No: enter 0 on line 5 Yes: enter the cfs for the portions of the rights to be transferred (see below*):4.29 (5a) Subtract 1.0 from the number in 5a above: 3.29 (5b) If 5b is 0 or less, enter 0 on line 5 » » » » » » » » » » » » » » » » » »		JAN 2 OW SALEM C
Is	Add entries on lines 1 through 5 above » » » » » » » » » » » » » » » » Subtotal: In this transfer: In necessary to complete a project funded by the Oregon Watershed Enhancement Board (OWEB) under ORS 541.932? In endorsed in writing by ODFW as a change that will result in a net benefit to fish and wildlife habitat? If one or more boxes is checked, multiply line 6 by 0.5 and enter on line 7 » If no box is applicable, enter 0 on line 7 » » » » » » » » » » » » » » » » » »	7	\$3,000
_	subtract line 7 from line 6 » » » » » » » » » » » » » » » » » »	1	\$3,000

*Example for Line 5a calculation to transfer 45.0 acres of Primary Certificate 12345 (total 1.25 cfs for 100 acres) and 45.0 acres of Supplemental Certificate 87654 (1/80 cfs per acre) on the same land:

- 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 cfs ÷100 ac); then multiply by the number of acres to be transferred to get the transfer cfs (x 45 ac= 0.56 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 ac x 0.0125 cfs/ac = 0.56 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).

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

Part 4 of 5 - Applicant Information and Signature

Applicant Information

APPLICANT/BUSINESS NAME Dustin Ricks Farms LLC			PHONE NO. 208-821-6598	ADDITIONAL CONTACT NO.		
ADDRESS 698 Napton River Rd				FAX NO.		
CITY Adrian	STATE OR	ZIP 97901	E-MAIL dustinricks@icloud	i.com		

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

AGENT/BUSINESS NAME Scott King / HDR Enginee	ering Inc		PHONE NO. 208-387-7000	ADDITIONAL CONTACT NO.		
ADDRESS 412 E Parkcenter Blvd				FAX NO.		
CITY Boise	STATE	ZIP 83706	E-MAIL scott.king@hdrinc	.com		

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

Change the current irrigation place of use to more accurately reflect a proposed pivot irrigation system.

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

Check One Box

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JAN 23 2023 OWRD SALEM, OREGON

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: The Argus Observer.
- 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

cable) Date cable) Date cable) Date of, proposed for transfer is if different than the applicant's) or individuals/entities to which the condence should continue to be ange(s) after the final order is her. on of change(s). Copies of notices
of, proposed for transfer is if different than the applicant's) or individuals/entities to which the condence should continue to be ange(s) after the final order is ner.
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Yes No
ring landowner information table signment will have to be filed for
RECEI
ion see: JAN 23
ADDITIONAL CONTACT NO. SALEM, ORE
FAX NO.
n

The confirming Certificate shall be issued in the name of: Applicant Receiving Landowner

IRRIGATION DISTRICT NAME Ridgeview Irrigation District	ADDRESS PO Box 67							
Homedale	STATE ZIP 83628							
Check here if water for any of the contract for stored water with a fe								
ENTITY NAME	ADDRESS							
СПУ	STATE	ZIP						
CORPORATION, OR TRIBAL GOVERNMENTS WIT		ter will be diverted, conveyed or u						
CORPORATION, OR TRIBAL GOVERNMENTS WIT ENTITY NAME Malheur County Planning & Zoning CITY	thin whose jurisdiction was	ter will be diverted, conveyed or u						
To meet State Land Use Consistency R corporation, or tribal governments wite Malheur County Planning & Zoning CITY Vale ENTITY NAME ENTITY NAME	ADDRESS 251 "B" Street West STATE	#12						

JAN 23 2023 OWED SALEM, OREGON 3 3

N

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.

CERTIFICATE # 49872

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Description of Water Delivery System

System capacity: 4.29 cubic feet per second (cfs) OR

1925 gallons per minute (gpm)

JAN 23 2023 OWRD SALEM, OREGON

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. Pump station, gravity irrigation system

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	1/4	*	Tax Lot, DLC or Gov't Lot	Measured Distances (from a recognized survey corner)		
1	Authorized Proposed	N/A	22	s	46	E	11	NE	NE	1	320' S, 1160' W from NE corner S11		
	Authorized Proposed												
	Authorized Proposed												
	Authorized Proposed				M								

	Proposed		
Check a	all type(s) of change(s) proposed below (change	"CODES" are provided in parentheses):
	Place of Use (POU)		Supplemental Use to Primary Use (S to P)
	Character of Use (USE)		Point of Appropriation/Well (POA)
	Point of Diversion (POD)		Additional Point of Appropriation (APOA)
	Additional Point of Diversion (APOD)		Substitution (SUB)
	Surface Water POD to Ground Water POA (SW/GW)		Government Action POD (GOV)
Will all	of the proposed changes affect the entire	e water	right?
Yes	Complete only the Proposed ("to" or "o "CODES" listed above to describe the pr		s) section of Table 2 on the next page. Use the changes.
⊠ No	Complete all of Table 2 to describe the p	portion	of the water right to be changed.

Revised 7/1/2021

Table 2. Description of Changes to Water Right Certificate # 49872

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	PROPOSED (the "to" or "on" lands) The listing as it would appear AFTER PROPOSED CHANGES are made.															
Tw	'p	Rn	ig	Sec	3/4	У.	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	"CODES" from previous page)	Tw	/p	Rr	ng	Sec	<i>y</i> ₄	X	Tax Lot	Gvt Lot or DLC	Acres	New Type of USE	POD(s)/ POA(s) to be used (from Table 1)	Priority Date
													EXAMPLE								A STATE OF THE PARTY OF THE PAR					
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	LI LOSSE	POD #6	1901
22	S	46	E	1	NE	sw	700	12	13.6	Irrigation	1	1975	POU	22	s	46	E	1	NE	sw	700	12	9.5		1	1975
22	S	46	E	1	NW	sw	4200	13	3.6	Irrigation	1	1975	POU	22	s	46	E	1	NW	sw	4200	13	1.9		1	1975
22	S	46	E	1	sw	sw	4200	13	36.3	Irrigation	1	1975	POU	22	S	46	E	1	sw	sw	4200	13	28.7		1	1975
22	5	46	E	1	SE	sw	4200		32.1	Irrigation	1	1975	POU	22	s	46	E	1	SE	sw	4200		35.7		1	1975
22	S	46	E	2	SE	SE	4200	9	6.2	Irrigation	1	1975	POU	22	S	46	E	2	SE	SE	4200	9	4.7		1	1975
22	S	46	E	11	NE	NE	300, 4200	1	28.1	Irrigation	1	1975	POU	22	s	46	E	11	NE	NE	200, 300, 4200	1	31.8		1	1975
22	S	46	E	11	NW	NE	4200	2	25.3	Irrigation	1	1975	POU	22	S	46	E	11	NW	NE	4200	2	21.6		1	1975
22	s	46	E	11	sw	NE	4200		8.4	Irrigation	1	1975	POU	22	s	46	E	11	sw	NE	200, 4200		13		1	1975
22	S	46	E	12	NE	NW	4200		1.4	Irrigation	1	1975	POU	22	s	46	E	11	SE	NE	200, 300		1.3		1	1975
22	S	46	E	12	NW	NW	4200		16.4	Irrigation	1	1975	POU	22	s	46	E	12	NE	NW	100, 4200		5		1	1975
														22	s	46	E	12	NW	NW	700, 4200		18.2		1	1975
						TOT	AL ACE	RES:	171.4											тот	AL ACI	RES:	171.4			

Additional remarks: Authorized acres being adjusted to reflect pivot irrigation system.

Revised 7/1/2021

Permanent Transfer Application Form - Page 9 of 10

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JAN 23 2023

OWRD

For Place of Use or Character of Use Changes

	re there other water right certificates, water use permits or ground water registrations associated ith the "from" or the "to" lands? 🛛 Yes 🔲 No
lf'	YES, list the certificate, water use permit, or ground water registration numbers: 81012.
al	ursuant to ORS 540.510, any "layered" water use such as an irrigation right that is supplemental to primary right proposed for transfer must be included in the transfer or be cancelled. Any change 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)
	round water supplemental Permit or Certificate #; urface water primary Certificate #
For	a change from Supplemental Irrigation Use to Primary Irrigation Use
Id	entify the primary certificate to be cancelled. Certificate #
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
Al	ND/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.
	2. Complementary of Point/o) of Appropriation

Table 3. Construction of Point(s) of Appropriation

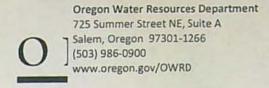
Any well(s) in this listing must be clearly tied to corresponding well(s) described in Table 1 and shown on the accompanying application map. Failure to provide the information will delay the processing of your transfer application until it is received. The information is necessary for the department 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

Land Use Information Form

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JAN 23 2023 OWRD SALEM, OREGON



Applicant(s):

Dustin Ricks Farms LLC

Mailing Address: 698 Napton River Rd

City: Adrian

State: OR

Zip Code: 97901

Daytime Phone: 208-821-6598

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	% %	Tax Lot #	Plan Designation (e.g., Rural Residential/RR-5)		Water to be:		Proposed Land Use:
225	<u>46E</u>	1	SW	700, 4200	Rural Irrigation	Diverted	Conveyed	⊠ Used	Irrigation
225	46E	2	SESE	4200	Rural Irrigation	Diverted	Conveyed	Used	Irrigation
225	<u>46E</u>	11	NE	200, 300, 4200	Rural Irrigation	⊠ Diverted	Conveyed	⊠ Used	Irrigation
225	46E	12	NW	100, 700, 4200	Rural Irrigation	Diverted	Conveyed	⊠ Used	Irrigation

List all counties and cities where water is proposed to be diverted, conveyed, and/or used or developed: Malheur
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) Snake River
Estimated quantity of water needed: 4.29
Intended use of water: Irrigation Commercial Industrial Domestic for household(s) Municipal Quasi-Municipal Instream Other
Briefly describe:
Applicant wishes change the current irrigation place of use to more accurately reflect a proposed pivot irrigation system.

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.

For Local Government Use Only

JAN 23 2023

WR/FS

The following section must be completed by a planning official from each county and city listed unless the projected 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 che	eck the appropria	te box below ar	nd provide the requested inform	ation		
Land use	es to be served by comprehensive pla	the proposed wate in. Cite applicable	er uses (including proposed construe ordinance section(s): MCC 6	tion) are	e allowed outrig	ght or are not regulated
as listed Record	in the table below	. (Please attach do decision and acco	er uses (including proposed construction of applicable land-use mpanying findings are sufficient.) If ued."	approv	als which have a	already been obtained.
	ype of Land-Use Appro an amendments, rezon permits, etc.	es, conditional-use	Cite Most Significant, Applicable Plan Po Ordinance Section References	licies &	Land	d-Use Approval:
					Obtained Denied	☐ Being Pursued ☐ Not Being Pursued
					☐ Obtained ☐ Denied	☐ Being Pursued ☐ Not Being Pursued
					Obtained Denied	☐ Being Pursued ☐ Not Being Pursued
					Obtained Denied	☐ Being Pursued ☐ Not Being Pursued
					☐ Obtained ☐ Denied	☐ Being Pursued ☐ Not Being Pursued
Name: Signature: Governmen	TATIANA	BURGES.				MANAGE R 11-10-2022
sign the rec	eipt, you will have Form or WRD may	30 days from the v	se complete this form or sign the red Water Resources Department's notion duse associated with the proposed	ce date t use of w	o return the co	mpleted Land Use
		Receipt	for Request for Land Use Info	rmatio	<u>on</u>	
	ime:					
City or Coun	ty:		Staff contact:			
Signature:			Phone:	Date	:	
Revised 2/8/20	10		Land Use Information Form - Page 4 of 4		141	54 WR/

Application for Water Right Transfer Evidence of Use Affidavit

Oregon Water Resources Department
O R E G O 1725 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)

55

County of MALHEUR)

I, DUSTIN RICKS, in my capacity as OWNER,

mailing address 698 Napton River Rd, Adrian, OR 97901

telephone number (208)821-6598, being first duly sworn depose and say:

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

Personal observation Professional expertise

2. I attest that:

Water was used during the previous five years on the entire place of use for Certificate # 49872; OR

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

Certificate #	Towns	hip	Range	Mer	Sec	14	1/4	Goy't Lat or DLC	Acres (if applicable)
							1		
		-	4						
		+							
		+	+						
		-	+						
					٠.,				

JAN 23 2023 SALEM, OREGON

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.): CROPS
- 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.

Odde US7/23
Signature of Affiant Date

14154

JENNIFER BLEDSOE Notary Public - State of Idaho Commission Number 20211514 My Commission Expires Mar 25, 2027 Notan Bulbun Notan Bulbun Idaho

My Commission Expires: Morch 25th, 2027

Supporting Documents	Examples
Copy of a water right certificate that has been issued within the last five years. (not a remaining right certificate)	Copy of confirming water right certificate that shows issue date
Copies of receipts from sales of irrigated crops or for expenditures related to use of water	Power usage records for pumps associated with irrigation use Fertilizer or seed bills related to irrigated crops Farmers Co-op sales receipt
Records such as FSA crop reports, irrigation district records, NRCS farm management plan, or records of other water suppliers	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
Aerial photos containing sufficient detail to establish location and date of photograph	Multiple photos can be submitted to resolve different areas of a water right. If the photograph does not print with a "date stamp" or without the source being identified, the date of the photograph and source should be added. Sources for aerial photos: OSU -www.oregonexplorer.info/imagery OWRD - www.wrd.state.or.us Google Earth - earth.google.com TerraServer www.terraserver.com
Approved Lease establishing beneficial use within the last 5 years	Copy of instream lease or lease number

Revised 7/1/2021

Evidence of Use Affidavit - Page 1 of 2

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JAN 23 2023 SALEM, OREGON

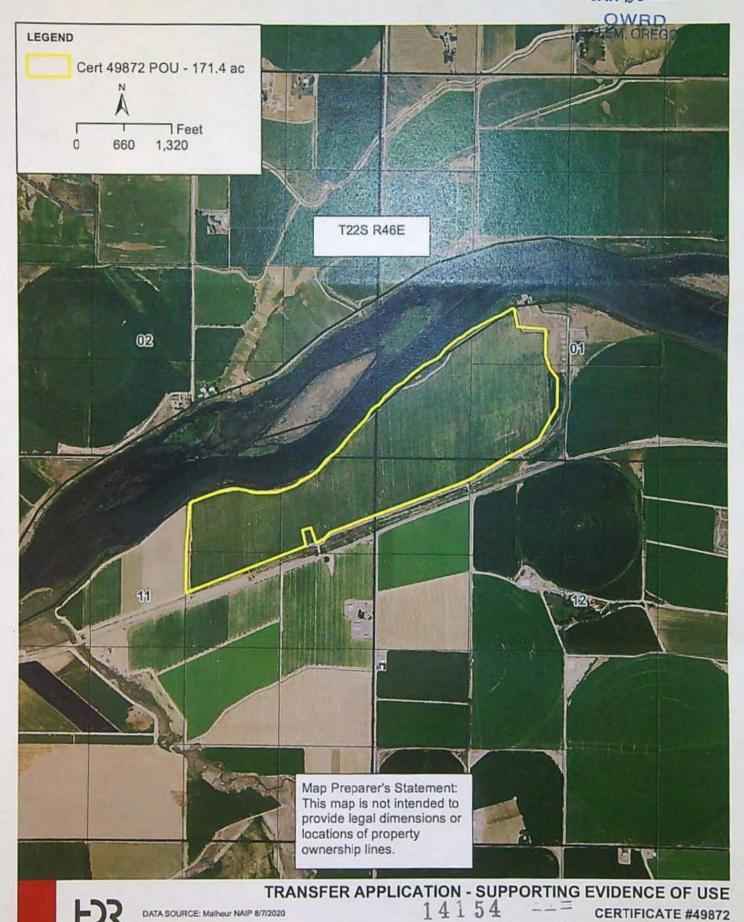
JAN 23 2023



DATA SOURCE: Malheur NAIP 7/10/2022

5 4 CERTIFICATE #49872

JAN 23 2023

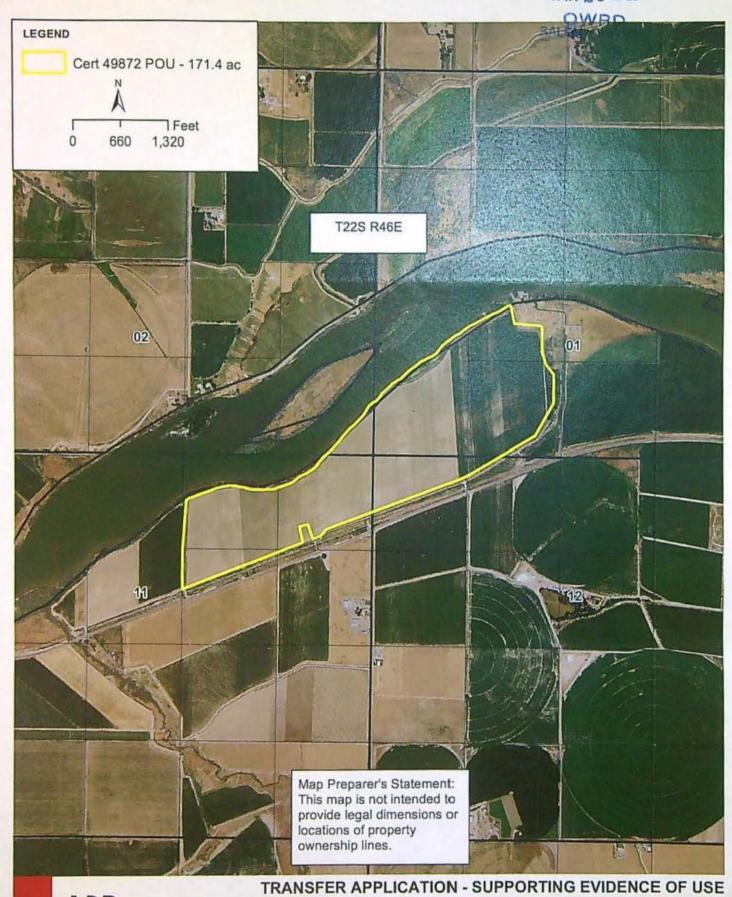


MATH: SUPROJECTEM THRU R PROJECTER PROJECTER/ROJECTE/RICKS, QUETR/1518854 OR CERT 48872 WR XFR/PROJECTION/ARCHAP_PROJECTE/DUSTN RICKS AERIAL PHOTO SUPPORTING - USER/SCHING - DATE: U17/2523

PROJECT #10358814

DUSTIN RICKS FARMS LLC

JAN 23 2023



DATA SOURCE: Malheur NAIP 2018

CERTIFICATE #49872 DUSTIN RICKS FARMS LLC



January 18, 2023

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

Re: Application for Permanent Water Right Transfer

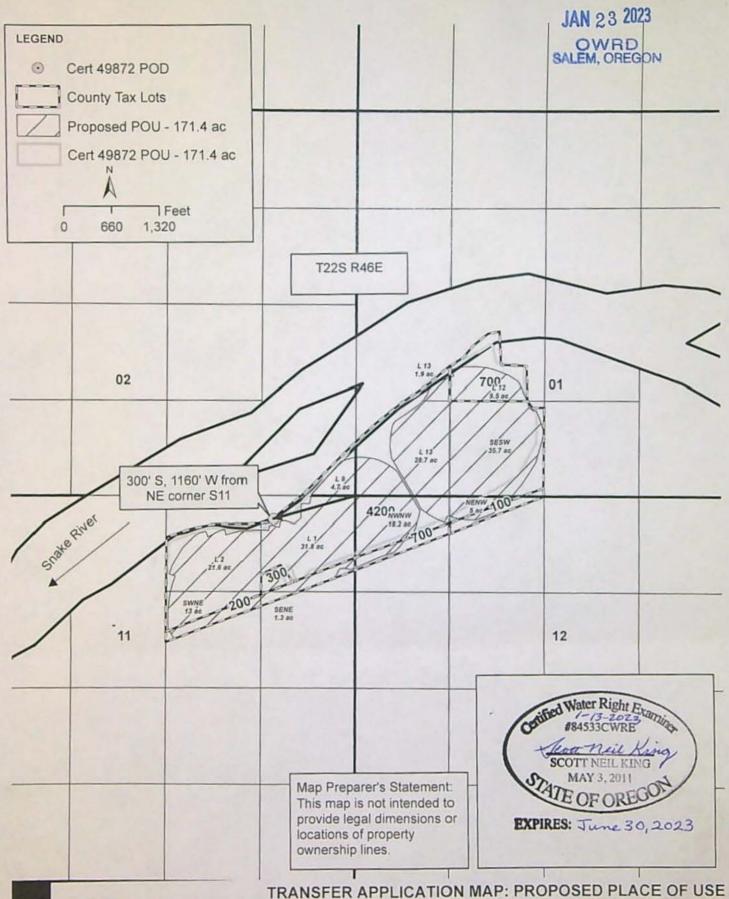
Enclosed on behalf of our client Dustin Ricks Farms LLC please find an Application for Permanent Water Right Transfer on Certificate 49872 along with check number 1310 in the amount of \$3,000 for application fees. We look forward to the Department's review of this application. Please let me know if you have any questions.

Sincerely,

Scott N. King, PE, CWRE #84533

Project Manager

JAN 23 2023 OWRD SALEM, OREGON



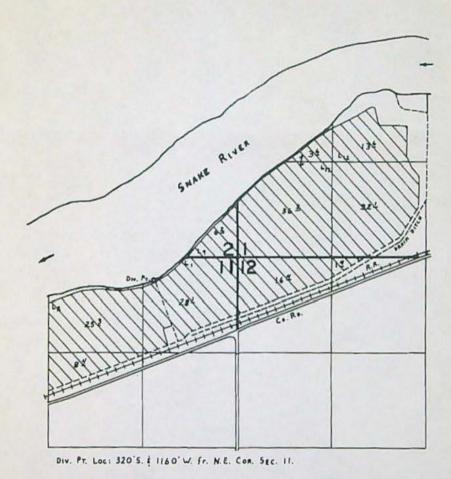
ANSFER APPLICATION MAP: PROPOSED PLACE OF USE CERTIFICATE #49872

DUSTIN RICKS FARMS LLC

T.22S. R.46E. W.M.

RECEIVED

JAN 23 2023 OWRD SALEM, OREGON



FINAL PROOF SURVEY

Application	No.	52729	Permit No	. 39705
		IN NAM		

H. D. & Ada June Joyner

Surveyed Sept. 22. 19.79, by .C. L. HUGHES...

Permanent Transfer Application Checklist

CK LII	e certificates in wh	us	Hansiel # 1-14134				
Chec	ked by Dante_	Type of Change(s) Proposed:					
Date	_1-24-2023	NO other changes allowed other than those listed					
	Received:	N POU □ POD □ APOD □ PO	DA APOA USE				
Calcu \$300	ulated Fee:		How many rights to be Transferred 1				
Defic	ciencies and Observation	s:	Certificate #(s) 49872				
, chec	k box; <u>if not, fill in</u> .						
	at the bottom?	mation complete? Have all the applicant					
	2. Has the applicant ind included a Form D? [Name of the District		an irrigation district? Have they				
	match the descriptio	, has the applicant completed the entire on of the explanation of the reasons on P to contact the applicant or agent?					
\boxtimes	separate completed	ites, do each of the certificates listed on Part 5 tables 1 & 2? (compare with OAR tes are missing a separate Part 5, tables	690-380-3220-may need to return)				
		ompleted and signed by a CWRE? Does t					
\boxtimes	6. If a change in point of	of appropriation, have the well logs been	included? N/A.				
	7. If a change in place of Form U? N/A.	of use within Umatilla County, have the a	applicant(s) provided a Supplemental				
		out the Minimum Requirements Checklis at is missing (check Evidence of Use and					
		ecklist are checked (with no remaining or check sheet in the transfer folder.	deficiencies identified), accept the				
OR:							
	It should be returned a	cient, and CANNOT be accepted. and the deficiencies listed in the "staff" licant or agent can resolve the deficience					
Actio	ns taken:						

Permanent Transfer Application Checklist

	FEE WORKSHEET for PERMANENT TRANSFER (except Substitution)					
1	Base Fee (includes one type of change to one water right for up to 1 cfs)	1	\$1,360			
2	Types of change proposed: Place of Use Character of Use Point of Diversion/Appropriation Number of above boxes checked = (2a) Subtract 1 from the number in line 2a = (2b) If only one change, this will be 0 Multiply line 2b by \$930 and enter » » » » » » » » » » » » » »	2	0			
3	Number of water rights included in transfer(3a) Subtract 1 from the number in 3a above:(3b) If only one water right this will be 0 Multiply line 3b by \$520 and enter » » » » » » » » » » » » » » »	3	0			
4	Do you propose to add or change a well, or change from a surface water POD to a well? No: enter 0 »» » » » » » » » » » » » » » » » » »	4.	0			
5	Do you propose to change the place of use or character of use? No: enter 0 on line 5 » » » » » » » » » » » » » » » » » »	5	0			
6	Add entries on lines 1 through 5 above » » » » » » » » » Subtotal:	6	0			
	Is this transfer: necessary to complete a project funded by the Oregon Watershed Enhancement Board (OWEB) under ORS 541.932? endorsed in writing by ODFW as a change that will result in a net benefit to fish and wildlife habitat? If one or more boxes is checked, multiply line 6 by 0.5 and enter on line 7 »					
7	If no box is applicable, enter 0 on line 7» » » » » » » » » » » » »	7	0			
8	Subtract line 7 from line 6 » » » » » » » » » » » » Transfer Fee:	8				