

T-14204

Permanent - Regular

RA

T-14204

Name SPV Hot Lakes Organics LLP, mAgmaAttn: Steve BruceAddress 12119 Stratford Drive, Suite BClive, IA 50325steve@peoplescompany.comChange in POU STOP USEDate Filed 3-27-2023Initial notice date 4-4-2023

DPD issued date

PD issued date 3/1/2024PD notice date 3/5/2024Date of FO 4/29/2024Vol 129Page 126-1266Correcting Order: 6/27/2024

131

484-485

C-Date

COBU due date

COBU Received date

Certificate issued

## DESCRIPTION OF WATER RIGHT(s)

Name of Stream A WellTrib. of Catherine Creek BasinUse Irrigation; Supplemental IR County Union

Quantity of water (CFS) No. of Acres

Name of ditch

App# G-16314 Per # G-5804 Cert # 46514 PR Date 10/8/1973

App# Per # Cert # PR Date

App# Per # Cert # PR Date

App# Per # Cert # PR Date

App# Per # Cert # PR Date

## FEES PAID

Date	Amount	Receipt #
3/27/23	3,270.00	140389
3/27/23	\$125.00	140379
4/13/23	\$2,277.68	140502

## FEES REFUNDED

Date	Amount	Receipt #
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Assignments:

Irrigation District

Agent GeoEngineers Inc. - Jon Travis ; jtravis@geoengineers.com

CWRE

CC's list Union County☐ - Oversized map - Location





# 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

June 27, 2024

SPV Hot Lakes Organics LLP, Magma  
Steve Bruere  
12119 Stratford Dr., Suite B  
Clive, IA 50325

Reference: T-14204 Superseding Correcting Final Order and Superseding Certificate

Enclosed is a correcting final order recorded in Special Order Vol. 131, Page 484, issued to correct a scrivener's error in the order recorded in Special Order Vol. 129, Page 1261. A correcting certificate is also enclosed.

If you have any questions please contact your caseworker, Dante Luongo, by telephone at (971) 304-5006 or by e-mail at [dante.j.luongo@water.oregon.gov](mailto:dante.j.luongo@water.oregon.gov).

Sincerely,

Elyse Richman  
Water Right Support  
Transfers and Conservation Section

cc: Watermaster Dist. #6, Shad L. Hattan (*via email*)  
Jon Travis, Agent  
Union County, Local Government

Enclosures



BEFORE THE WATER RESOURCES DEPARTMENT  
OF THE  
STATE OF OREGON

In the Matter of Special Order Volume 129, )  
Pages 1261-1266 approving T-14204, ) CORRECTING ORDER  
Union County )

**Applicant**

SPV HOT LAKES ORGANICS, LLP  
ATTN: STEVE BRUERE  
12119 STRATFORD DR, SUITE B  
CLIVE, IA 50325

**Findings of Fact**

1. On March 27, 2023, SPV HOT LAKES ORGANICS LLP filed an application to change the place of use and to change the character of use under Certificate 46514. The Department assigned the application number T-14204.
2. On April 29, 2024, the Department issued an order approving Transfer T-14204. The order was recorded at Special Order Volume 129, Pages 1261-1266.
3. On June 20, 2024, the Department identified a scrivener's error in Finding of Fact #8, specifically the Limit/Duty paragraph to be modified and cancelled:

**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-HUNDRETH 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 1-acre feet per acre for each acre irrigated during the irrigation season of each year.

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.



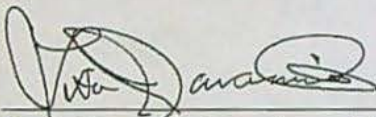
4. Finding of Fact #8 is modified to read as follows:

**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-EIGHTIETH** 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 1-acre feet per acre for each acre irrigated during the irrigation season of each year.

Now, therefore, it is ORDERED:

1. The order approving Transfer Application T-14204, as recorded in Special Order Volume 129, Pages 1261-1266, is modified to correctly describe the authorized rate per acre.
2. All other provisions of Special Order Volume 129, Pages 1261-1266 remain in effect.

Dated at Salem, Oregon this JUN 27 2024.



Lisa J. Jaramillo, Transfer and Conservation Section Manager, for  
DOUGLAS E. WOODCOCK, ACTING DIRECTOR  
Oregon Water Resources Department

Mailing Date: JUN 28 2024



## STATE OF OREGON

## COUNTY OF UNION

## CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

AMALGAMATED SUGAR CO.  
OGDEN UT 84401

confirms the right to use the waters of the CATHERINE CREEK, a tributary of the GRANDE RONDE RIVER for IRRIGATION of 986.74 ACRES.

This right was confirmed by decree of the Circuit Court of the State of Oregon for Union County. The decree is of record at Salem, in the Order Record of the Water Resources Director in Volume 8, at Page 1. The dates of priority are NOVEMBER 1903 and JUNE, 1905.

The points of diversion are located as follows:

TwP	Rng	Mer	Sec	Q-Q	Survey Coordinates
4 S	39 E	WM	15	SE NE	SUGAR BEET IRR CO DITCH
4 S	39 E	WM	3	SE SW	GODLEY 2, STODDARD A & B DITCHES
4 S	39 E	WM	10	NW NE	PUMP

The amount of water to which this right is entitled is limited to an amount actually used beneficially, and shall not exceed ONE-FORTIETH of one cubic foot per second, or its equivalent for each acre irrigated and shall be further limited to a diversion not to exceed 3.0 acre feet in any irrigation season. 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.

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

IRRIGATION							
TwP	Rng	Mer	Sec	Q-Q	Acres	Priority	Diversion
3 S	39 E	WM	34	SW NE	30.0	6/1905	Godley No 2, Stoddard A & B
3 S	39 E	WM	34	SE NE	40.0	6/1905	Godley No 2, Stoddard A & B
3 S	39 E	WM	34	SE NW	36.5	6/1905	Godley No 2, Stoddard A & B
3 S	39 E	WM	34	NE SW	13.5	6/1905	Godley No 2, Stoddard A & B
3 S	39 E	WM	34	SE SW	24.0	6/1905	Godley No 2, Stoddard A & B
3 S	39 E	WM	34	NE SE	40.0	6/1905	Godley No 2, Stoddard A & B
3 S	39 E	WM	34	NW SE	40.0	6/1905	Godley No 2, Stoddard A & B
3 S	39 E	WM	34	SW SE	40.0	6/1905	Godley No 2, Stoddard A & B
3 S	39 E	WM	34	SE SE	40.0	6/1905	Godley No 2, Stoddard A & B
4 S	39 E	WM	2	NW NW	40.0	6/1905	Godley No 2, Stoddard A & B
4 S	39 E	WM	2	SW NW	40.0	6/1905	Godley No 2, Stoddard A & B



IRRIGATION							
Twp	Rng	Mer	Sec	Q-Q	Acres	Priority	Diversion
4 S	39 E	WM	2	NW SW	40.0	6/1905	Godley No 2, Stoddard A & B
4 S	39 E	WM	2	SW SW	40.0	6/1905	Godley No 2, Stoddard A & B
4 S	39 E	WM	3	NE NE	40.0	6/1905	Godley No 2, Stoddard A & B
4 S	39 E	WM	3	NW NE	40.0	6/1905	Godley No 2, Stoddard A & B
4 S	39 E	WM	3	SW NE	40.0	6/1905	Godley No 2, Stoddard A & B
4 S	39 E	WM	3	SE NE	40.0	6/1905	Godley No 2, Stoddard A & B
4 S	39 E	WM	3	SW SW	40.0	11/1903	Pump: NW ¼ NE ¼ Sec 10, 4 S, 39 E
4 S	39 E	WM	3	SE SW	20.0	11/1903	Pump: NW ¼ NE ¼ Sec 10, 4 S, 39 E
4 S	39 E	WM	3	SE SW	2.57	11/1903	Sugar Beet Irrigation Co.
4 S	39 E	WM	3	SE SW	1.5	6/1905	Godley No 2, Stoddard A & B
4 S	39 E	WM	3	NE SE	40.0	6/1905	Godley No 2, Stoddard A & B
4 S	39 E	WM	3	NW SE	40.0	6/1905	Godley No 2, Stoddard A & B
4 S	39 E	WM	3	SW SE	35.5	6/1905	Godley No 2, Stoddard A & B
4 S	39 E	WM	3	SW SE	0.9	11/1903	Sugar Beet Irrigation Co.
4 S	39 E	WM	3	SE SE	40.0	6/1905	Godley No 2, Stoddard A & B
4 S	39 E	WM	4	SE SE	40.0	11/1903	Sugar Beet Irrigation Co.
4 S	39 E	WM	10	NE NW	2.27	11/1903	Sugar Beet Irrigation Co.
4 S	39 E	WM	10	NE NW	20.0	11/1903	Pump: NW ¼ NE ¼ Sec 10, 4 S, 39 E
4 S	39 E	WM	10	NW NW	40.0	11/1903	Pump: NW ¼ NE ¼ Sec 10, 4 S, 39 E
4 S	39 E	WM	10	SW NW	40.0	11/1903	Pump: NW ¼ NE ¼ Sec 10, 4 S, 39 E
TOTAL					986.74		

This certificate describes that portion of water right Certificate 81467, State Record of Water Right Certificates, NOT canceled by the provisions of an order of the Water Resources Director entered APR 29 2024, approving Transfer Application T-14204.

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

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

WITNESS the signature of the Water Resources Director, affixed APR 29 2024.

Lisa J. Jaramillo, Transfer and Conservation Section Manager, for  
DOUGLAS E. WOODCOCK, ACTING DIRECTOR  
Oregon Water Resources Department



STATE OF OREGON

COUNTY OF UNION

CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

A. J. KNIGHT  
UNION, OR 97883

confirms the right to use the waters of the CATHERINE CREEK for IRRIGATION of 5.0 ACRES.

This right was confirmed by decree of the Circuit Court of the State of Oregon for Union County. The decree is of record at Salem, in the Order Record of the Water Resources Director in Volume 8, at Page 1. The date of priority is JUNE 1903.

The amount of water to which this right is entitled, for the purpose aforesaid, is limited to an amount actually beneficially used for said purposes, and shall not exceed 3.0 acre feet per acre in any irrigation season, diverted at a rate of not to exceed ONE-FORTIETH of a cubic foot per second per acre.

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

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
4 S	39 E	WM	10	SE SW	5.0

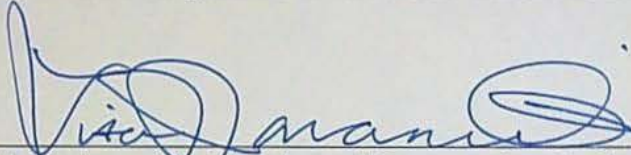
This certificate describes that portion of water right Certificate 6411, State Record of Water Right Certificates, NOT modified by the provisions of an order of the Water Resources Director entered APR 29 2024, approving Transfer Application T-14204.

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



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

WITNESS the signature of the Water Resources Director, affixed APR 29 2024.



Lisa J. Jaramillo, Transfer and Conservation Section Manager, for  
DOUGLAS E. WOODCOCK, ACTING DIRECTOR  
Oregon Water Resources Department





# 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

April 29, 2024

SPV Hot Lakes Organics LLLP, mAgma

Attn: Steve Bruere

12119 Stratford Dr, Suite B

Clive, IA 50325

REFERENCE: Transfer Application T-14204

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](mailto:Dante.j.luongo@water.oregon.gov).

Sincerely,

Elyse D. Richman

Water Rights Services Support

Transfers and Conservation Section

cc: Shad L. Hattan, Watermaster Dist. # 6 (via email)

Jon S. Travis, Agent

Union County, Local Government

Enclosure



BEFORE THE WATER RESOURCES DEPARTMENT  
OF THE  
STATE OF OREGON

In the Matter of Transfer Application	)	FINAL ORDER
T-14204, Union County	)	APPROVING A CHANGE IN PLACE OF USE
	)	AND A CHANGE IN CHARACTER OF USE

**Authority**

Oregon Revised Statutes (ORS) 537.705 and 540.505 to 540.580 establish the process in which a water right holder may submit a request to transfer the point of appropriation, 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**

SPV HOT LAKES ORGANICS LLLP  
ATTN: STEVE BRUERE  
12119 STRATFORD DR, SUITE B  
CLIVE, IA 50325

**Findings of Fact**

1. On March 27, 2023, SPV HOT LAKES ORGANICS LLP filed an application to change the place of use and to change the character of use under Certificate 46514. The Department assigned the application number T-14204.
2. Notice of the application for transfer was published on April 25, 2023, pursuant to OAR 690-380-4000. No comments were filed in response to the notice.
3. On October 3, 2023, the Department sent a copy of the draft Preliminary Determination proposing to approve Transfer Application T-14204 to the applicant. The draft Preliminary Determination cover letter set forth a deadline of November 2, 2023, 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 March 1, 2024, the Department issued a Preliminary Determination proposing to approve Transfer Application T-14204 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 March 5, 2024, and in the La Grande Observer newspaper on March 5, 2024, and March 12, 2024, pursuant to ORS 540.520 and OAR 690-380-4020. No protests were filed in response to the notice.

5. The right to be transferred is as follows:

**Certificate:** 46514 in the name of DAVID C. BAUM (perfected under Permit G-5804)  
**Use:** IRRIGATION OF 79.9 ACRES AND SUPPLEMENTAL IRRIGATION OF 98.2 ACRES  
**Priority Date:** OCTOBER 8, 1973  
**Rate:** 2.23 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-EIGHTIETH 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 3.0 acre feet (AF) per acre for each acre irrigated during the irrigation season of each year.  
**Source:** A WELL, a tributary of CATHERINE CREEK

**Authorized Point of Appropriation:**

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
4 S	39 E	WM	10	NW SE	1980 FEET NORTH FROM THE S 1/4 CORNER OF SECTION 10

**Authorized Place of Use:**

PRIMARY IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
4 S	39 E	WM	10	SW NE	9.7
4 S	39 E	WM	10	SE SW	6.8
4 S	39 E	WM	10	NW SE	31.9
4 S	39 E	WM	10	SW SE	31.5
TOTAL					79.9

SUPPLEMENTAL IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
4 S	39 E	WM	10	SE NW	37.0
4 S	39 E	WM	10	NE SW	40.0
4 S	39 E	WM	10	SE SW	21.2
TOTAL					98.2



6. Transfer Application T-14204 proposes to change the place of use of the right to:

PRIMARY IRRIGATION					
TwP	Rng	Mer	Sec	Q-Q	Acres
4 S	39 E	WM	10	SW NE	7.0
4 S	39 E	WM	10	SE SW	6.8
4 S	39 E	WM	10	NW SE	34.6
4 S	39 E	WM	10	SW SE	31.5
TOTAL					79.9

7. Transfer Application T-14204 also proposes to change the character of use on the 98.2 acres from supplemental irrigation, under Certificate 46514, to primary irrigation.
8. Therefore, the supplemental irrigation portion of the right will receive the following duty limit for primary irrigation:

**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-HUNDRETH 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 1-acre feet per acre for each acre irrigated during the irrigation season of each year.

**Transfer Review Criteria [OAR 690-380-0100(14), 690-380-4010(2), 690-380-2110(2) and OAR 690-380-2320]**

9. Water has been used within the last five years prior to the submittal of Transfer Application T-14204 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.
10. 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-14204.
11. The water right is subject to transfer as defined in ORS 540.505(4) and OAR 690-380-0100(14).
12. A change in character of use from supplemental use to primary use will be allowed only to the extent the applicant can establish the quantity of water historically used under the supplemental water right per OAR 690-380-2320. The applicant has submitted historic data that indicates the quantity of water used for supplemental use has been 98.2 acre-feet (98.2 acres X 1.0 acre-foot per acre). The proposed changes, as conditioned, would not result in enlargement of the right.
13. The proposed change, as conditioned, would not result in injury to other existing water rights.
14. All other application requirements are met.



### Partial Cancellation of a Water Right

15. On March 27, 2023, an affidavit certifying that a portion of a water right has been abandoned and requesting cancellation of the right was received from SPV HOT LAKES ORGANICS LLP. The portion of the right to be cancelled is as follows:

**Certificate:** 81467 in the name of AMALGAMATED SUGAR CO. (confirmed by Grande Ronde River, Consolidated decree)  
**Use:** IRRIGATION of 95.0 ACRES  
**Priority Dates:** NOVEMBER 1903  
**Limit/Duty:** The amount of water to which this right is entitled is limited to an amount actually used beneficially, and shall not exceed ONE-FORTIETH of one cubic foot per second, or its equivalent for each acre irrigated and shall be further limited to a diversion of not to exceed 3.0 acre-feet per acre in any irrigation season. The right to the use of water for the above purpose is restricted to beneficial use on the lands or place of use described.  
**Source:** CATHERINE CREEK, tributary of the GRANDE RONDE RIVER

#### Authorized Point of Diversion:

Twp	Rng	Mer	Sec	Q-Q	SURVEY COORDINATES
4 S	39 E	WM	15	SE NE	SUGAR BEET IRR CO DITCH

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

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
4 S	39 E	WM	10	SE NW	40.0
4 S	39 E	WM	10	NE SW	40.0
4 S	39 E	WM	10	SE SW	15.0
TOTAL					95.0

16. On March 27, 2023, an affidavit certifying that a portion of a water right has been abandoned and requesting cancellation of the right was received from SPV HOT LAKES ORGANICS LLLP. The portion of the right to be cancelled is as follows:

**Certificate:** 6411 in the name of A. J. KNIGHT (confirmed by Grande Ronde River, Consolidated decree)  
**Use:** IRRIGATION of 8.0 ACRES  
**Priority Date:** JUNE 1903  
**Rate:** 0.2 CUBIC FOOT PER SECOND  
**Limit/Duty:** Three-acre feet per acre in any irrigation season, diverted at a rate not to exceed ONE-FORTIETH of a cubic foot per second  
**Source:** CATHERINE CREEK

#### Authorized Point of Diversion:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
Not described in certificate					



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

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
4 S	39 E	WM	10	SE SW	8.0

**Conclusions of Law**

The change in place of use and change in character of use proposed in Transfer Application T-14204 appears to be consistent with the requirements of ORS 537.705 and 540.505 to 540.580 and OAR 690-380-5000 and the abandoned rights will be cancelled.

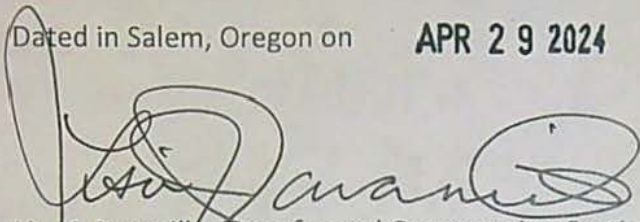
**Now, therefore, it is ORDERED:**

1. The change in place of use and change in character of use proposed in Transfer Application T-14204 are approved. The portion of the rights that have been abandoned are cancelled.
2. The right to the use of the water is restricted to beneficial use at the place of use described and is subject to all other conditions and limitations contained in Certificates 46514 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 place of use.
4. Water right Certificates 46514, 6411, and 81467 are cancelled. New certificates will be issued describing those portions of the rights not affected by this transfer and cancellations.
5. The amount of water used for the proposed change from supplemental irrigation to primary irrigation use under Certificate 46514 shall be limited to a rate of diversion of not to exceed 1.23 cubic feet per second, and shall be further limited to a total quantity diverted of not to exceed 98.2 acre-feet during the irrigation season of each year.
6. 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 changes and full beneficial use of the water.



8. After satisfactory proof of beneficial use is received, new certificates confirming the rights transferred will be issued.

Dated in Salem, Oregon on **APR 29 2024**

A handwritten signature in black ink, appearing to read "Lisa J. Jaramillo", is written over a horizontal line.

Lisa J. Jaramillo, Transfer and Conservation Section Manager, for  
DOUGLAS E. WOODCOCK, ACTING DIRECTOR  
Oregon Water Resources Department

Mailing Date: **APR 30 2024**



# WATER RIGHT TRANSFER COVER SHEET

Transfer: T- 14204

Transfer Specialist:

Transfer Type: Permanent Transfer

Dante L

<b>Applicant:</b> SPV Hot Lakes Organics 12119 Startford Dr Suite B Clive, IA 50325 Email: _____ Phone: _____		<b>Agent:</b> <input type="checkbox"/> N/A Jon Travis Email: _____ Phone: _____	
<b>Irrigation District:</b> <input type="checkbox"/> N/A Email: _____		<b>CWRE:</b> <input type="checkbox"/> N/A Email: _____	
<b>Affected Local Gov'ts:</b> <input type="checkbox"/> N/A Email: _____		<b>Affected Tribal Gov't:</b> <input type="checkbox"/> N/A Email: _____	
<b>Current Landowner if other than Applicant:</b> <input type="checkbox"/> N/A Email: _____		<b>Receiving Landowner:</b> <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"/>			46514	<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: March 27, 2023	Proposed Action(s): Place of Use, Use	
Fees Pd: 3270.00	WM District: Shad Hattan	ODFW District:
Initial Public Notice: 4-25-23	WM Review sent: 4-24-23	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	Coordinator	Changes Made	Signature Bin	Signature Date
DPD	Date: 9-15-23 Initials: <u>AL</u>	Date: 9-16-23 Initials: <u>AL</u>	Date: 9-24-23 Initials: <u>AL</u> <u>RS</u>	Date: _____ Initials: _____	CW Sent: _____	N/A
PD	Date: 9-30-23 Initials: <u>AL</u>	Date: 12-11-24 Initials: <u>RS</u>	Date: _____ Initials: _____	Date: _____ Initials: _____ Data Review Date: 12-19-23	Date: 2-22-24	Date: 3/1/24
FO	Date: 3-4-24 Initials: <u>AL</u>	Date: _____ Initials: _____	Date: 3-8-24 Initials: <u>CC</u>	Date: 3-7-24 Initials: <u>AL</u>	Date: 4-18-24 How many for signature: <u>3</u>	Date: 4/29/24

Special Issues: \_\_\_\_\_

Special Order Volume: Vol. 129 Pages 1261-1266

Correcting Order - 6/27/2024 Vol. 131 Pgs. 484-485

Transfer Cover Sheet

Last Revised 1/26/2023



STATE OF OREGON  
WATER RESOURCES DEPARTMENT

RECEIPT # 142443

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

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

RECEIVED FROM: SPV HOT LAKES  
BY: Organics, LLP

APPLICATION \_\_\_\_\_  
PERMIT \_\_\_\_\_  
TRANSFER T-14204

CASH: ☐ CHECK: # 8094 OTHER: (IDENTIFY) ☐

TOTAL REC'D \$ 156.00

1083 TREASURY 4170 WRD MISC CASH ACCT

0407 COPIES 46118 \$ \_\_\_\_\_  
0207 OTHER: (IDENTIFY) Newspaper Notice \$ 156.00

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 EXAM FEE \$ \_\_\_\_\_ 0204 RECORD FEE \$ \_\_\_\_\_  
0205 TRANSFER EXAM FEE \$ \_\_\_\_\_

WELL CONSTRUCTION

0218 WELL DRILL CONSTRUCTOR EXAM FEE \$ \_\_\_\_\_ 0219 LICENSE FEE \$ \_\_\_\_\_  
LANDOWNER'S PERMIT 0220 LICENSE FEE \$ \_\_\_\_\_

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: 142443

DATED: 2-20-2024

BY: m muel

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

SPV Hot Lakes Organics, LLP  
Oregon Water Resources Department  
Date Feb 12, 2024  
Reference T-14204 NOTICE

Job #

02/12/2024

Original Amt.  
156.00

Balance Due  
0.00  
Check Amount

Payment  
156.00  
\$156.00

08094

RECEIVED  
FEB 20 2024  
OWRD



IN THE CIRCUIT COURT OF  
THE STATE OF OREGON  
FOR UNION/BAKER/UMATILLA/MORROW COUNTY

}AFFIDAVIT OF PUBLICATION

STATE OF OREGON

County of Union/Baker/Umatilla/Morrow} ss

I, Devi Mathson being duly sworn, depose and say that I am the principal clerk of the publisher of the La Grande Observer, lagrandeobserver.com, Baker City Herald, bakercityherald.com, East Oregonian, eastoregonian.com, Northeast Oregon Weekender, Hermiston Herald, hermistonherald.com, a newspaper of general circulation, as defined by ORS 193.010 and 193.020;  
that the

LG-20022 NOTICE OF PRELIMINARY DETERMINATION FOR WATER RIGHT TRANSFER T-14204 T-14204 FILED BY SPV HOT LAKES ORGANICS LLP ATTN STEVE BRUERE 12119 STRATFORD DR SUITE B CLIVE IA 50325 PROPOSES A CHANGE

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:

3/05/24, 3/12/24

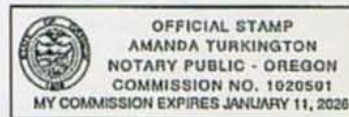
Subscribed and sworn to before me on this 12th day of March, A.D. 2024

*Devi Mathson*  
*Amanda Turkington*  
Notary Public of Oregon

Add: 423773

PO:

Tagline: LG-20022 TS-14204





**LG-20022**  
**Notice of Preliminary**  
**Determination for Water Right**  
**Transfer T-14204**

T-14204 filed by SPV Hot Lakes Organics LLP, Attn: Steve Bruere, 12119 Stratford Dr, Suite B, Clive, IA 50325 proposes a change in place of use and change in character of use under Certificate 46514. Certificate 46514 allows the use of 2.23 cubic feet per second from a well in Sec. 10, T4S, R39E, WM for irrigation and supplemental irrigation in Sec. 10, T4S, R39E, WM. The applicant proposes to change the place of use within Sec. 10, T4S, R39E, WM and to change the character of use from supplemental irrigation to primary irrigation. 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, March 12, 2024. Call (503) 988-0935 to obtain additional information. If no protests are filed, the Department will issue a final order consistent with the preliminary determination.

Published: March 5, 12, 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](http://www.oregon.gov/owrd)

January 12, 2024

### Applicant

SPV HOT LAKES ORGANICS LLP

ATTN: STEVE BRUERE

12119 STRATFORD DR SUITE B

CLIVE, IA 50325

RECEIVED

FEB 20 2024

OWRD

SUBJECT: Water Right Transfer Application T-14204

Your water right transfer will be ready for issuance of the Preliminary Determination, once the Department receives payment for publication of the newspaper notice.

### Items needed before the next phase of processing...

At this time you need to:

1. submit a check in the amount of \$156.00 (to cover cost of publication of the notice), made out to the Oregon Water Resources Department.
2. write "for T-14204 NOTICE" on the front of your check, and
3. submit it with the tracking stub at the bottom of this letter.

Mail the check to 725 Summer St. NE, Suite A, Salem, OR 97301-1266, **no later than February 11, 2024.**

### What happens next...

Shortly after receiving payment, the Department will issue the Preliminary Determination, initiate publication in the La Grande Observer newspaper, and also publish the notice on the Department's weekly notice. Publication of the notice will initiate a protest period during 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.

**If we do not receive payment for newspaper notice by [February 11, 2024], a Preliminary Determination may be issued denying the application as incomplete.**

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

Sincerely,

Dante Luongo

X-----  
Attached is a check in the amount of \$156.00 (PCA #46118) for Newspaper Notice for Transfer T-14204 made out to Oregon Water Resources Department (or WRD)

- "for T-14204 NOTICE" written on front of check

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

Caseworker: Dante Luongo





# 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](http://www.oregon.gov/owrd)

February 26, 2024

VIA CERTIFIED MAIL AND E-MAIL

### Applicant

SPV HOT LAKES ORGANICS LLP

ATTN: STEVE BRUERE

12119 STRATFORD DR SUITE B

CLIVE, IA 50325

SUBJECT: Water Right Transfer Application T-14204

Please find enclosed the Preliminary Determination indicating that, based on the information available, the Department intends to approve application T-14204. 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 La Grande Observer 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.

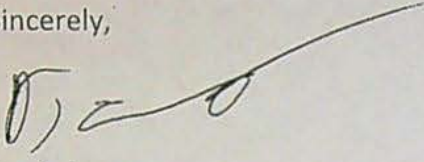
If no protest is filed, the Department will issue a Final Order consistent with the Preliminary Determination. You should receive a copy of the Final Order about 30 days after the close of the protest period.

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](mailto:Dante.J.Luongo@water.oregon.gov), if I may be of assistance.



Sincerely,

A handwritten signature in black ink, appearing to read 'D. Luongo', with a long, sweeping horizontal stroke extending to the right.

Dante Luongo  
Transfer Specialist  
Transfer and Conservation Section

cc: T-14204  
Shad L. Hattan, District 6 Watermaster (*via e-mail*)  
Jon S. Travis, 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-14204, Union County	)	PROPOSING APPROVAL A CHANGE IN
	)	PLACE OF USE AND A CHANGE IN
	)	CHARACTER OF USE

**Authority**

Oregon Revised Statutes (ORS) 537.705 and 540.505 to 540.580 establish the process in which a water right holder may submit a request to transfer the point of appropriation, 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**

SPV HOT LAKES ORGANICS LLLP  
ATTN: STEVE BRUERE  
12119 STRATFORD DR, SUITE B  
CLIVE, IA 50325

**Findings of Fact**

1. On March 27, 2023, SPV HOT LAKES ORGANICS LLP filed an application to change the place of use and to change the character of use under Certificate 46514. The Department assigned the application number T-14204.
2. Notice of the application for transfer was published on April 25, 2023, pursuant to OAR 690-380-4000. No comments were filed in response to the notice.
3. On October 3, 2023, the Department sent a copy of the draft Preliminary Determination proposing to approve Transfer Application T-14204 to the applicant. The draft Preliminary Determination cover letter set forth a deadline of November 2, 2023, 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.
4. The right to be transferred is as follows:

**Certificate:** 46514 in the name of DAVID C. BAUM (perfected under Permit G-5804)

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.



**Use:** IRRIGATION OF 79.9 ACRES AND SUPPLEMENTAL IRRIGATION OF 98.2 ACRES

**Priority Date:** OCTOBER 8, 1973

**Rate:** 2.23 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-EIGHTIETH 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 3.0 acre feet (AF) per acre for each acre irrigated during the irrigation season of each year.

**Source:** A WELL, a tributary of CATHERINE CREEK

**Authorized Point of Appropriation:**

Twtp	Rng	Mer	Sec	Q-Q	Measured Distances
4 S	39 E	WM	10	NW SE	1980 FEET NORTH FROM THE S 1/4 CORNER OF SECTION 10

**Authorized Place of Use:**

PRIMARY IRRIGATION					
Twtp	Rng	Mer	Sec	Q-Q	Acres
4 S	39 E	WM	10	SW NE	9.7
4 S	39 E	WM	10	SE SW	6.8
4 S	39 E	WM	10	NW SE	31.9
4 S	39 E	WM	10	SW SE	31.5
TOTAL					79.9

SUPPLEMENTAL IRRIGATION					
Twtp	Rng	Mer	Sec	Q-Q	Acres
4 S	39 E	WM	10	SE NW	37.0
4 S	39 E	WM	10	NE SW	40.0
4 S	39 E	WM	10	SE SW	21.2
TOTAL					98.2

5. Transfer Application T-14204 proposes to change the place of use of the right to:

PRIMARY IRRIGATION					
Twtp	Rng	Mer	Sec	Q-Q	Acres
4 S	39 E	WM	10	SW NE	7.0
4 S	39 E	WM	10	SE SW	6.8
4 S	39 E	WM	10	NW SE	34.6
4 S	39 E	WM	10	SW SE	31.5
TOTAL					79.9

6. Transfer Application T-14204 also proposes to change the character of use on 98.2 acres from supplemental irrigation to primary irrigation.
7. Therefore, the supplemental irrigation portion of the right will receive the following duty limit for primary irrigation:



**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-HUNDRETH 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 1-acre feet per acre for each acre irrigated during the irrigation season of each year.

***Transfer Review Criteria [OAR 690-380-0100(14), 690-380-4010(2), 690-380-2110(2) and OAR 690-380-2320]***

8. Water has been used within the last five years prior to the submittal of Transfer Application T-14204 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.
9. 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-14204.
10. The water right is subject to transfer as defined in ORS 540.505(4) and OAR 690-380-0100(14).
11. A change in character of use from supplemental use to primary use will be allowed only to the extent the applicant can establish the quantity of water historically used under the supplemental water right per OAR 690-380-2320. The applicant has submitted historic data that indicates the quantity of water used for supplemental use has been 98.2 acre-feet (98.2 acres X 1.0 acre-foot per acre). The proposed changes, as conditioned, would not result in enlargement of the right.
12. The proposed change, as conditioned, would not result in injury to other existing water rights.
13. All other application requirements are met.

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

14. On March 27, 2023, an affidavit certifying that a portion of a water right has been abandoned and requesting cancellation of the right was received from SPV HOT LAKES ORGANICS LLP. The portion of the right to be cancelled is as follows:

**Certificate:** 81467 in the name of AMALGAMATED SUGAR CO. (confirmed by Grande Ronde River, Consolidated decree)

**Use:** IRRIGATION of 95.0 ACRES

**Priority Dates:** NOVEMBER 1903

**Limit/Duty:** The amount of water to which this right is entitled is limited to an amount actually used beneficially, and shall not exceed ONE-FORTIETH of one cubic foot per second, or its equivalent for each acre irrigated and shall be



further limited to a diversion of not to exceed 3.0 acre-feet per acre in any irrigation season. The right to the use of water for the above purpose is restricted to beneficial use on the lands or place of use described.

**Source:** CATHERINE CREEK, tributary of the GRANDE RONDE RIVER

**Authorized Point of Diversion:**

Twsp	Rng	Mer	Sec	Q-Q	SURVEY COORDINATES
4 S	39 E	WM	15	SE NE	SUGAR BEET IRR CO DITCH

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

IRRIGATION					
Twsp	Rng	Mer	Sec	Q-Q	Acres
4 S	39 E	WM	10	SE NW	40.0
4 S	39 E	WM	10	NE SW	40.0
4 S	39 E	WM	10	SE SW	15.0
TOTAL					95.0

15. On March 27, 2023, an affidavit certifying that a portion of a water right has been abandoned and requesting cancellation of the right was received from SPV HOT LAKES ORGANICS LLLP. The portion of the right to be cancelled is as follows:

**Certificate:** 6411 in the name of A. J. KNIGHT (confirmed by Grande Ronde River, Consolidated decree)  
**Use:** IRRIGATION of 8.0 ACRES  
**Priority Date:** JUNE 1903  
**Rate:** 0.2 CUBIC FOOT PER SECOND  
**Limit/Duty:** Three-acre feet per acre in any irrigation season, diverted at a rate not to exceed ONE-FORTIETH of a cubic foot per second  
**Source:** CATHERINE CREEK

**Authorized Point of Diversion:**

Twsp	Rng	Mer	Sec	Q-Q	Measured Distances
Not described in certificate					

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

IRRIGATION					
Twsp	Rng	Mer	Sec	Q-Q	Acres
4 S	39 E	WM	10	SE SW	8.0

**Determination and Proposed Action**

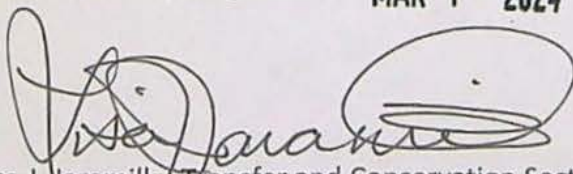
The change in place of use and change in character of use proposed in Transfer Application T-14204 appears to be consistent with the requirements of ORS 537.705 and 540.505 to 540.580 and OAR 690-380-5000 and the abandoned rights will be cancelled. If protests are not filed pursuant to OAR 690-380-4030, the application will be approved, and the abandoned rights will be cancelled.



*If Transfer Application T-14204 is approved, the final order will include the following:*

- 1. The change in place of use and change in character of use proposed in Transfer Application T-14204 are approved. The portion of the rights that have been abandoned are cancelled.*
- 2. The right to the use of the water is restricted to beneficial use at the place of use described and is subject to all other conditions and limitations contained in Certificates 46514 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 place of use.*
- 4. Water right Certificates 46514, 6411, and 81467 are cancelled. New certificates will be issued describing those portions of the rights not affected by this transfer and cancellations.*
- 5. The amount of water used for the proposed primary irrigation use under Certificate 46514 shall be limited to a rate of diversion of not to exceed 1.2 cubic feet per second and shall be further limited to a total quantity diverted of not to exceed 98.2 acre-feet during the irrigation season of each year.*
- 6. 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 changes and full beneficial use of the water.*
- 8. After satisfactory proof of beneficial use is received, new certificates confirming the rights transferred will be issued.*

Dated in Salem, Oregon on **MAR 1 - 2024**



Lisa J. Varamillo, Transfer and Conservation Section Manager, for  
DOUGLAS E. WOODCOCK, ACTING DIRECTOR  
Oregon Water Resources Department

This Preliminary Determination was prepared by Dante J. 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](mailto: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](http://www.oregon.gov/OWRD)

Transfer Application: T-14204

Review Due Date:

Applicant Name: SPV hot Lakes Organics LLLP, mAgya Steve Bruere, President

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

Reviewer(s): Shad Hattan

Date of Review: 04/24/2023

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:  
Active groundwater management has not occurred in the Grande Ronde Basin aside from curtailment of unauthorized use.
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:

☒ 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)? ☐ 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:

Most of the same land is being irrigated but the footprint is changing to accommodate new irrigation systems and the cancellation of surface water rights.

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:

Conversion of supplemental ground water to primary use can be an enlargement issue. The well is most likely hydraulically connected to the surface water source being canceled. The surface water source priority dates involved do not provide for available water beyond early summer making the groundwater the only source available for most of the summer.



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:

Catherine Creek is a high priority stream for flow enhancement for anadromous fish. Cancellation of pre-1909 rights on Catherine Creek would, in my opinion be good mitigation for converting supplemental groundwater to primary in this case given the location and construction of the well, the heavy existing reliance on the well, and the lack of historic issues with this ground water use.

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 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-

☐ In order to avoid enlargement of the right or injury to other rights, a \_\_\_\_\_ 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:

District:

Address:

City/State/Zip:

Phone:

Email:

**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  
 Salem, OR 97301-1266



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 # 140502

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

RECEIVED FROM: SPV Hot Lakes Organics, LLC  
BY: \_\_\_\_\_

APPLICATION T-14204  
PERMIT  
TRANSFER

CASH: ☐ CHECK: # 08025 OTHER: (IDENTIFY) ☐

TOTAL REC'D \$2,277.68

1083 TREASURY 4170 WRD MISC CASH ACCT

0407 COPIES 47124, 211-429-23 \$  
0412 OTHER: (IDENTIFY) Transfer Rinkhouse \$2,277.68

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 RECORD FEE \$  
0203 GROUND WATER \$ 0202 \$  
0205 TRANSFER \$ 0204 \$

WELL CONSTRUCTION

0218 WELL DRILL CONSTRUCTOR EXAM FEE LICENSE FEE \$  
LANDOWNER'S PERMIT 0219 \$  
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: 140502

DATED: 4/13/2023 BY: Lisa D. Miller

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

SPV Hot Lakes Organics, LLP

Date  
Apr 10, 2023

Reference  
R-11-429-23

Job #

04/10/2023

Original Amt.  
2,277.68

Balance Due  
0.00  
Check Amount

Payment  
2,277.68  
\$2,277.68

08025

APR 13 2023  
OVERD  
SALEM, OREGON



**REIMBURSEMENT AUTHORITY  
APPLICANT'S AGREEMENT  
Contract Number: R11-429-23**

Received by OWRD

APR 13 2023

Salem, OR

This Agreement is between the **Oregon Water Resources Department**, hereafter OWRD, and **SPV Hot Lakes Organics LLLP; Steve Bruere**, hereafter Applicant, hereafter known together as the parties.

OWRD Information	Applicant's Information	Applicant's Representative
Contact: Kelly Starnes	Name: SPV Hot Lakes Organics LLLP	Name: GeoEngineers Inc.
Title: Transfer Advisor	Contact: Steve Bruere	Contact: Molly Reid
Address: 725 Summer Street, NE, Suite A Salem, OR 97301-1266	Address: 12119 Stratford Dr., Suite B Clive, IA 50325	Address: 8019 W. Quinault Ave., Suite 201 Kennewick, WA 99336
Phone: 503 979-3511	Phone: (515) 222-1347	Phone: (509) 298-2846
Fax: 503 986-0901	Fax:	Cell: (541) 310-7264
Email: <a href="mailto:patrick.k.starnes@water.oregon.gov">patrick.k.starnes@water.oregon.gov</a>	Email: <a href="mailto:steve@peoplescompany.com">steve@peoplescompany.com</a>	Email: <a href="mailto:mreid@geoengineers.com">mreid@geoengineers.com</a>

**Purpose** The purpose of this Agreement is to expedite the processing of the **Transfer Application**. (Application Number: T-14204)

1. **Authority.** The OWRD has been authorized pursuant to ORS 536.055 to enter into a voluntary agreement with any applicant, permittee or regulated entity (collectively Applicant) for expediting or enhancing a regulatory process. In making this agreement, OWRD shall require the applicant to pay the full cost of expedited process.
2. **Restrictions.** Applicant and OWRD agree that this Agreement shall not be construed to restrict in any way the decisions and actions by OWRD. OWRD shall be free to exercise independent judgment consistent with existing laws and regulations.
3. **Effective Date and Duration.** Unless otherwise terminated by non-deposit of funds by the Applicant, this Agreement shall become effective on the date on which both parties have signed the Agreement and the full deposit of the estimated cost of the proposed service.
4. **Consideration.**
  - a. Applicant shall pay OWRD in advance for actual costs incurred by OWRD. The estimated maximum reimbursement payable to OWRD under this Agreement is **\$2,277.68**. Applicant agrees to pay the full amount of **\$2,277.68** to OWRD prior to commencement of any work stated in this Agreement. This payment will be placed in an account administered by OWRD and drawn upon as costs are actually incurred. If the actual cost of performing the work is less than payments received, OWRD will refund the unspent balance. If the actual cost of processing exceeds the estimate, the Applicant can either elect to terminate this Agreement or amend the Agreement to reflect the increase in cost.
  - b. The costs stated in this Agreement do not include the statutory application processing and filing fees.
5. **Confidentiality.** Applicant agrees that any information provided to or acquired by OWRD under this Agreement will be subject to the Oregon Public Records Law and shall be considered public records.
6. **Indemnity.** Applicant shall defend, save, hold harmless, and indemnify the State of Oregon, OWRD, and their officers, employees, and agents from and against all claims, suits, actions, losses, damages, liabilities, costs, and expenses of any nature resulting from or arising out of, or relating to the activities of Applicant or its representatives, officers, employees, contractors, or agents under this Agreement or with respect to the expedited service. The Applicant acknowledges that the Oregon Water Resources Department cannot and does not guarantee a favorable review under the subject regulatory process.



7. **Termination.** Applicant may request to terminate this agreement only in writing at anytime during the process. The Applicant agrees to pay for the work done by OWRD up until the time of the written termination request. OWRD, upon receiving such written termination request from the Applicant, will refund any unspent balance.
8. **Funds Authorized and Available.** By its execution of this Agreement, Applicants certify that sufficient funds are authorized and available to cover the expenditures contemplated by this Agreement.
9. **Duration of Estimate.** The Estimate of Time to completion is **approximately** 120 days once this Agreement has been fully executed and payment of the estimated cost deposited. If the Applicant's Agreement is not received by the Department within thirty (30) days of mailing the Agreement, the Applicant may need to re-apply for a new estimate. NOTE: Any time estimate is approximate; No guarantee of Final Order issuance of a date is certain. Duration estimates do not include any statutory waiting periods.
10. **Completion Date.** OWRD, by the execution of this Agreement does not guarantee the completion date indicated in this Agreement. Completion date is only an estimate and may be affected by the Department's workload, issues arising from the processing of the requested services and Applicant's timely response to requests for additional information.
11. **Captions.** The captions or headings in this Agreement are for the convenience only and in no way define, limit, or describe the scope, or intent, of any provision of this Agreement.
12. **Amendment and Merger.** The terms of this Agreement shall not be waived, altered, modified, supplemented, or amended in any manner whatsoever, except by written instrument signed by both parties. Such waiver, consent, modification or change, if made, shall be effective only in the specific instance and for the specific purpose given. There are no understandings, agreements or representations, oral or written, not specified herein regarding this Agreement.
13. **Signatures.** All parties, by the authorized representative's signature below, hereby acknowledge that they have read this Agreement, understand it and agree to be bound by its terms and conditions.

For Applicant: Stacy Phillips, Manager  
Name/Title:

4/10/23  
Date

For OWRD: Dwight French  
Dwight French – Administrator

4-14-2023  
Date

Mail signed Agreement to:

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

Received by OWRD

APR 13 2023

Salem, OR



## SPV Hot Lakes Organics LLP RA R11-429-23 T-14204

Review Step	Est. Time	Hourly Multiplier	Total Est. Hours	Individual	Hourly Rate	Est. Cost
Front Desk Staff receipts received AA funds						
Transfer Support process Application						
Administrator signs AA						
NRS 1 Support enters workflow record in WRIS and updates RA spreadsheet						
NRS 2 completes initial review of file for deficiencies						
Watermaster completes review						
Groundwater completes review						
NRS 2 completes DPD, PN, and RR						
Transfer staff peer reviews DPD, PN, RR						
Transfer Analyst completes policy check at DPD stage						
NRS 2 sends DPD to app/agent by email and/or mail						
NRS 2 reviews report of ownership						
NRS 2 completes PD						
Transfer Staff peer reviews PD						
Transfer Analyst peer reviews PD						
Data Center reviews PD AND RR: (RR where applicable)						
Transfer Analyst completes peer review of PN review for newspaper noticing						
Transfer Support requests newspaper quote for PN publishing						
NRS 2 sends publishing fee request to applicant						
Transfer Support processes fee and newspaper publishing						
Transfer Support processes public notice (dept notice)						
Administrator signs PD						
NRS 2 completes FO						
Transfer Staff peer reviews FO						
Transfer Analyst peer reviews FO						
Administrator signs FO						
Transfer Support issues FO, updates WRIS, copy to file, record markings, and sends hard copy						
NRS 1 closes out RA Contract						
TOTAL ESTIMATED HOURS			35.30	SUB-TOTAL ESTIMATE COST		
				10% OVERHEAD		
				TOTAL		\$2,277.68



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 # 140379

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

RECEIVED FROM: SPV Hot Lakes Organics, LLC  
BY: \_\_\_\_\_

APPLICATION \_\_\_\_\_  
PERMIT \_\_\_\_\_  
TRANSFER T-14204

CASH ☐ CHECK # 08027 OTHER: (IDENTIFY) \_\_\_\_\_

TOTAL REC'D \$125.00

1083 TREASURY 4170 WRD MISC CASH ACCT

0407 COPIES

47124 R11424-23

\$

0412 OTHER:

(IDENTIFY) Transfer to Muni Water Authority

\$125.00

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:

EXAM FEE

RECORD FEE

0201 SURFACE WATER

\$

0202

\$

0203 GROUND WATER

\$

0204

\$

0205 TRANSFER

\$

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 (FW/WRD)

\$

0231 HYDRO LICENSE FEE (FW/WRD)

\$

HYDRO APPLICATION

\$

TREASURY OTHER / RDX

FUND \_\_\_\_\_ TITLE \_\_\_\_\_

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

DESCRIPTION \_\_\_\_\_

\$

RECEIPT:

140379

DATED:

3/21/23

BY:

[Signature]

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

SPV Hot Lakes Organics, LLC  
Oregon Water Resources Department  
Reference  
Application Fee

Job #

03/08/2023

Original Amt.  
125.00

Balance Due  
0.00  
Check Amount

Payment  
125.00  
\$125.00

08024

RECEIVED  
MAR 27 2023  
OWRD





OREGON WATER RESOURCES DEPARTMENT  
TRANSFER REIMBURSEMENT AUTHORITY  
ESTIMATE APPLICATION



ORS 536.055 authorizes the Oregon Water Resources Department to expedite or enhance regulatory processes voluntarily requested under the agreement.

Please contact Transfer Personnel before submitting this request; as the application fee is a non-refundable \$125.00 fee per request. Checks submitted for this application should be separate from Transfer fees.

The purpose of this application is to obtain estimates of the cost and time required to process a Transfer Application Request. There is a non-refundable application fee of \$125.00 per request.

TYPE	FILE NUMBER
Transfer Application	Transfer Number T-14204 Not-assigned-yet

Applicant Information		Applicant's Representative/Contact
Name:	Steve Bruere, SPV Hot Lakes Organics LLLP	Molly Reid, GeoEngineers Inc.
Address:	12119 Stratford Drive, Suite B	8019 W. Quinault Avenue, Suite 201
	Clive, Iowa 50325	Kennewick, WA 99336
Phone:	(515) 222-1347	(509) 298-2846
Fax:		(541) 310-7264 Cell
E-Mail Address:	steve@peoplescompany.com	mreid@geoengineers.com

I understand the following:

- That upon receipt of my non-refundable application fee of \$ 125.00, OWRD will, within fourteen (14) days, notify me in writing of the estimate of costs and time frame for the expedited service.
- That this fee covers the reimbursement authority staff to evaluate and provide the estimate for processing of the request.
- That OWRD will, within fourteen (14) business days, notify me in writing of the estimates of costs and time frame for the expedited service.
- That upon receiving the estimate I may agree or decline to enter into a formal contract to pay the estimated cost in advance to initiate the expedited service.
- An incomplete or inaccurate application may delay the process and increase the cost to process my request.
- Expedited processing does not guarantee a favorable review of my request.
- Send completed Application and payment to:

Oregon Water Resources Department  
Transfer Reimbursement Authority Program  
725 Summer St. NE, Suite A  
Salem, OR 97301-1271

Received by OWRD

MAR 27 2023

Salem, OR

I certify that I am the (check one):

☐ Applicant ☒ Applicant's Representative ☐ Other (Please specify) \_\_\_\_\_

Name: Molly Reid, GeoEngineers Inc.

Signature: \_\_\_\_\_

*Steve Bruere*

OWRD USE ONLY: Reimbursement Authority Number: R11-429-23



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 # 140389

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

RECEIVED FROM: SPV Hot Lakes  
BY: Organics, LLP

APPLICATION \_\_\_\_\_  
PERMIT \_\_\_\_\_  
TRANSFER T-14204

CASH: ☐ CHECK: # 08023 OTHER: (IDENTIFY) ☐

TOTAL REC'D \$3,270.00

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 EXAM FEE \$ \_\_\_\_\_ 0204 RECORD FEE \$ \_\_\_\_\_

0205 TRANSFER EXAM FEE \$3,270.00 LICENSE FEE \$ \_\_\_\_\_

WELL CONSTRUCTION

0218 WELL DRILL CONSTRUCTOR EXAM FEE \$ \_\_\_\_\_ 0219 LICENSE FEE \$ \_\_\_\_\_

LANDOWNER'S PERMIT

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:

140389

DATED: 3/27/23

BY: Lisa D - Miller

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

SPV Hot Lakes Organics, LLP  
Oregon Water Resources Department  
Reference  
Transfer Application  
Date  
Mar 8, 2023

Job #

03/08/2023

Original Amt.  
3,270.00

Balance Due  
0.00  
Check Amount

Payment  
3,270.00  
\$3,270.00

08023

RECEIVED  
MAR 27 2023  
OWRD



# 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](http://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

MAR 27 2023

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](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: 46514**

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. **Attachment #1**
- ☒ Completed Evidence of Use Affidavit and supporting documentation. **Attachment #2**
- ☐ ☒ 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 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. **Attachment #6**
- ☒ ☐ N/A Water Well Report/Well Log for changes in point(s) of appropriation (well(s)) or additional point(s) of appropriation. **Attachment #7**
- ☐ ☒ 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

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/](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°).

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### Part 3 of 5 – Fee Worksheet

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
	Types of change proposed: <input checked="" type="checkbox"/> Place of Use <input checked="" type="checkbox"/> Character of Use <input type="checkbox"/> Point of Diversion/Appropriation Number of above boxes checked = <u>2 (2a)</u> Subtract 1 from the number in line 2a = <u>1 (2b)</u> <i>If only one change, this will be 0</i>		
2	Multiply line 2b by \$1090 and enter »	2	1090.00
	Number of water rights included in transfer <u>1 (3a)</u> Subtract 1 from the number in 3a above: <u>0 (3b)</u> <i>If only one water right this will be 0</i>		
3	Multiply line 3b by \$610 and enter »	3	0
	Do you propose to add or change a well, or change from a surface water POD to a well? <input checked="" type="checkbox"/> No: enter 0 <input type="checkbox"/> Yes: enter \$480 for the 1 <sup>st</sup> well to be added or changed _____ (4a)  Do you propose to add or change additional wells? <input checked="" type="checkbox"/> No: enter 0 <input type="checkbox"/> Yes: multiply the number of additional wells by \$410 _____ (4b)		
4	Add line 4a to line 4b and enter »	4	0
	Do you propose to change the place of use or character of use? <input type="checkbox"/> No: enter 0 on line 5 <input checked="" type="checkbox"/> Yes: enter the cfs for the portions of the rights to be transferred (see below*): <u>2.23 (5a)</u> Subtract 1.0 from the number in 5a above: <u>1.23 (5b)</u> If 5b is 0 or less, enter 0 on line 5 » If 5b is greater than 0, round up to the nearest whole number: <u>2 (5c)</u> and multiply 5c by \$410, then enter on line 5 »		
5		5	820.00
6	Add entries on lines 1 through 5 above » » » » » » » » » » Subtotal:	6	3270.00
	Is this transfer: <input type="checkbox"/> necessary to complete a project funded by the Oregon Watershed Enhancement Board (OWEB) under ORS 541.932? <input type="checkbox"/> 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 » <b>Transfer Fee:</b>	8	3270.00

\*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
	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	
Part 4 of 5 – Applicant Information and Signature		» Fee for Substitution:	3

## Part 4 of 5 – Applicant Information and Signature

» **Fee for Substitution:**

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### TACS



**Applicant Information**

APPLICANT/BUSINESS NAME <b>SPV Hot Lakes Organics LLLP, mAgra Steve Bruere , President</b>			PHONE NO. <b>(515) 957-7982</b>	ADDITIONAL CONTACT NO.
ADDRESS <b>12119 Stratford Drive, Suite B</b>				FAX NO.
CITY <b>Clive</b>	STATE <b>Iowa</b>	ZIP <b>50325</b>	E-MAIL <b>steve@peoplescompany.com</b>	
BY PROVIDING AN E-MAIL ADDRESS, CONSENT IS GIVEN TO RECEIVE ALL CORRESPONDENCE FROM THE DEPARTMENT ELECTRONICALLY. COPIES OF THE FINAL ORDER DOCUMENTS WILL ALSO BE MAILED.				

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

AGENT/BUSINESS NAME <b>Jon Travis, CWRE, GeoEngineers Inc.</b>			PHONE NO. <b>(509) 979-0332 Cell</b>	ADDITIONAL CONTACT NO.
ADDRESS <b>8019 W. Quinault Avenue, Suite 201</b>				FAX NO.
CITY <b>Kennewick</b>	STATE <b>WA</b>	ZIP <b>99336</b>	E-MAIL <b>jtravis@geoengineers.com</b>	
BY PROVIDING AN E-MAIL ADDRESS, CONSENT IS GIVEN TO RECEIVE ALL CORRESPONDENCE FROM THE DEPARTMENT ELECTRONICALLY. COPIES OF THE FINAL ORDER DOCUMENTS WILL ALSO BE MAILED.				

Explain in your own words what you propose to accomplish with this transfer application, and why:  
Client is proposing to reconfigure the place of use for irrigation; and change the supplemental groundwater to primary irrigation as the well has for the most part been used as the primary source as the primary surface water source has been intermittent and unreliable.

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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By my signature below, I confirm that I understand:

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- 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: LaGrande 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 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.


Steve Burr  
 Applicant signature

Steve Burr, Manager  
 Print Name (and Title if applicable)

3-8-23  
 Date
\_\_\_\_\_  
Applicant signature\_\_\_\_\_  
Print Name (and Title if applicable)\_\_\_\_\_  
DateIs 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](https://www.oregon.gov/owrd/WRDFormsPDF/Transfer_Property_Transactions.pdf)

RECEIVING LANDOWNER NAME			PHONE NO.	ADDITIONAL CONTACT NO.
N/A				
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 <b>N/A</b>	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 <b>N/A</b>	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 <b>Union County Planning Department</b>	ADDRESS <b>1001 Fourth Street, Suite C</b>	
CITY <b>LaGrande</b>	STATE <b>OR</b>	ZIP <b>97850</b>

ENTITY NAME	ADDRESS	
CITY	STATE	ZIP

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## Part 5 of 5 – Water Right Information

CERTIFICATE # 46514

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### Description of Water Delivery System

System capacity: 2.23 cubic feet per second (cfs) OR  
\_\_\_\_\_ gallons per minute (gpm)

Describe the current water delivery system or the system that was in place at some time within the last five years. Include information on the pumps, canals, pipelines, and sprinklers used to divert, convey, and apply the water at the authorized place of use. Water is pumped from well via 100 hp VS pump into 12-14 inch buried PVC mainline for 100 feet to center pivot. Buried 8 inch PVC from well goes North 2000 feet to valve risers for wheel and handlines, and 1900 feet south from well to valve risers for wheel and handlines.

**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)
1	<input checked="" type="checkbox"/> Authorized <input type="checkbox"/> Proposed	UNIO 2363	4 S	39 E	10	NW SE	3301	1980 feet North from S1/4 Corner, Section 10
	<input type="checkbox"/> Authorized <input type="checkbox"/> Proposed							
	<input type="checkbox"/> Authorized <input type="checkbox"/> Proposed							
	<input type="checkbox"/> Authorized <input type="checkbox"/> Proposed							

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

- |  |  |
|--|--|
| <input checked="" type="checkbox"/> Place of Use (POU)                 | <input checked="" type="checkbox"/> Supplemental Use to Primary Use (S to P) |
| <input type="checkbox"/> Character of Use (USE)                        | <input type="checkbox"/> Point of Appropriation/Well (POA)                   |
| <input 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.



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 # 46514**

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				
4	S	39	E 10 SE NW	3301		37.0	IS	POA 1	10-8 1973	S-P	4	S	39	E 10 SE NW	3301		37.0	IR	POA 1	1973				
4	S	39	E 10 NE SW	3301		40.0	IS	POA 1	10-8 1973	S-P	4	S	39	E 10 NE SW	3301		40.0	IR	POA 1	1973				
4	S	39	E 10 SE SW	3301		21.2	IS	POA 1	10-8 1973	S-P	4	S	39	E 10 SE SW	3301		21.2	IR	POA 1	1973				
						(98.2)											(98.2)							
4		39	10 SW NE	3301		9.7	IR	POA 1	10-8 1973	POU	4	S	39	E 10 SW NE	3301		7.0	IR	POA 1	1973				
4		39	10 SE SW	3301		6.8	IR	POA 1	10-8 1973	POU	4	S	39	E 10 SE SW	3301		6.8	IR	POA 1	1973				
4		39	10 NW SE	3301		31.9	IR	POA 1	10-8 1973	POU	4	S	39	E 10 NW SE	3301		34.6	IR	POA 1	1973				
4		39	10 SW SE	3301		31.5	IR	POA 1	10-8 1973	POU	4	S	39	E 10 SW SE	3301		31.5	IR	POA 1	1973				
						(79.9)											(79.9)							
TOTAL ACRES:						178.1						TOTAL ACRES:						178.1						

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



**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: 6411, 81467.

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 # N/A;

Surface water primary Certificate # N/A.

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**For a change from Supplemental Irrigation Use to Primary Irrigation Use**

Identify the primary certificate to be cancelled. Certificate # 6411, PORTION OF 81467

**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](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
POA 1	Yes	UNIO 2363	500	16 inch		20 feet	See	Log	gravel	



# Application for Water Right Transfer Evidence of Use Affidavit



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

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

State of Oregon )  
 ) ss  
County of UNION

I, SHELDON HEFFERNON, in my capacity as LEASEE,  
mailing address 741 SERENITY LANE, UNION, OR 97883  
telephone number (541)910-0915, 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 # 46514; **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.): Crops

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

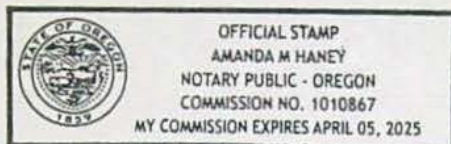


Signature of Affiant

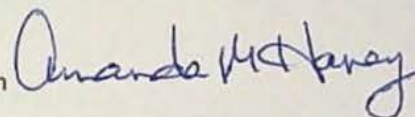
1-30-23

Date

Signed and sworn to (or affirmed) before me this 30 day of January 2023



Notary Public for Oregon



My Commission Expires: 4-5-25

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 <b>confirming</b> 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"><li>• Power usage records for pumps associated with irrigation use</li><li>• Fertilizer or seed bills related to irrigated crops</li><li>• Farmers Co-op sales receipt</li></ul>
<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"><li>• District assessment records for water delivered</li><li>• Crop reports submitted under a federal loan agreement</li><li>• Beneficial use reports from district</li><li>• IRS Farm Usage Deduction Report</li><li>• Agricultural Stabilization Plan</li><li>• CREP Report</li></ul>
<input checked="" type="checkbox"/> Aerial photos containing sufficient detail to establish location and date of photograph	<p>Multiple photos can be submitted to resolve different areas of a water right.</p> <p>If the photograph does not print with a "date stamp" or without the source being identified, the date of the photograph and source should be added.</p> <p>Sources for aerial photos: OSU – <a href="http://www.oregonexplorer.info/imagery">www.oregonexplorer.info/imagery</a> OWRD – <a href="http://www.wrd.state.or.us">www.wrd.state.or.us</a> Google Earth – <a href="http://earth.google.com">earth.google.com</a> TerraServer – <a href="http://www.terra-server.com">www.terra-server.com</a></p>
<input type="checkbox"/> Approved Lease establishing beneficial use within the last 5 years	Copy of instream lease or lease number

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## Usage History



Default View

Custom View

1 Week

1 Month

3 Months

6 Months

1 Year

2 Years

### Monthly Usage

Name: J&S AGRICULTURE  
Meter: 53965615  
Svc: MILLER LN UN 66419 PUMP




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[www.otec.coop](http://www.otec.coop)

A Touchstone Energy® Cooperative 

**Office Hours:** 8:00 am to 5:00 pm Monday - Thursday  
9:00 am to 5:00 pm Friday

J&S AGRICULTURE  
741 SERENITY LN  
UNION OR 97883-9418

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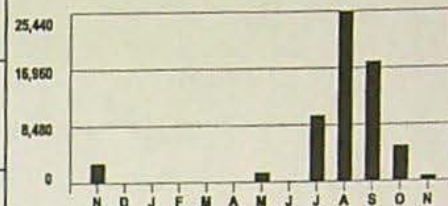
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Number of Days  
This period  
31

Current Month's  
Average kWh  
Per Day  
26

Average Cost  
Per Day  
\$6.59



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Call 541-523-3616 or visit [www.otec.coop](http://www.otec.coop)

Account Number:

Meter Number	Reading Dates:	From	To	Billing Days	Multiplier	Statement Date
53965615		10/07/22	11/07/22	31	40	11/09/22
Service Address	Rate Schedule	Previous Reading	Present Reading	Read Type	kWh Usage	AMOUNT DUE
MILLER LN UN 66419 PUMP	IRR DMD	9761	9781	Utility Read	800	
Previous Account Balance Forward						\$546.28
Payment Credits 10/17/22 - Thank You!						-\$546.28
Remaining Balance						\$0.00
Monthly Delivery Charge						\$47.00
IRRIGATION DEMAND Rate 800 kWh X 0.047060						\$37.65
Billed Demand 25.200 kW X 4.7500						\$119.70
Actual Demand 25.200 kW						
TOTAL CURRENT CHARGES						\$204.35
CURRENT ACCOUNT BALANCE						\$204.35
THANK YOU FOR YOUR PROMPT PAYMENT						
Cycle 2	Payment Due Date	11/29/22		TOTAL AMOUNT DUE		\$204.35

Return this portion with payment. Make checks payable to "OTEC"

QR01930F



Address Service Requested

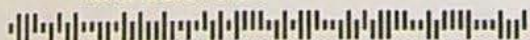
Due Date 11/29/22

Amount Paid:

PAYMENTS RECEIVED AFTER 11/09/22 MAY NOT APPEAR ON THIS BILL

☐ Check here if your address or telephone has changed. (Please provide your updated information).

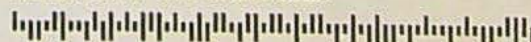
\*\*\*\*\*AUTO\*\*5-DIGIT 97883



J&S AGRICULTURE  
741 SERENITY LN  
UNION OR 97883-9418

13  
2641

OREGON TRAIL ELECTRIC COOPERATIVE  
PO BOX 226  
BAKER CITY OR 97814-0226



01067 00097808001 8 0000000000 000020435 000020741 7



STATE OF OREGON  
COUNTY OF UNION

# CERTIFICATE OF WATER RIGHT

This Is to Certify, That DAVID C. BAUM

of P. O. Box 310, La Grande, State of Oregon, 97850, has made proof to the satisfaction of the Water Resources Director, of a right to the use of the waters of a well

a tributary of Catherine Creek for the purpose of irrigation of 79.9 acres & supplemental irrigation of 98.2 acres

under Permit No. G-5804 and that said right to the use of said waters has been perfected in accordance with the laws of Oregon; that the priority of the right hereby confirmed dates from October 8, 1973

that the amount of water to which such right is entitled and hereby confirmed, for the purposes aforesaid, is limited to an amount actually beneficially used for said purposes, and shall not exceed 2.23 cubic feet per second

or its equivalent in case of rotation, measured at the point of diversion from the stream. The point of diversion is located in the NW $\frac{1}{4}$  SE $\frac{1}{4}$ , Section 10, T. 4 S., R. 39 E., W. M., 1980 feet North from S $\frac{1}{4}$  Corner, Section 10.

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-eightieth 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 3 acre feet per acre for each acre irrigated during the irrigation season of each year,

and shall conform to such reasonable rotation system as may be ordered by the proper state officer.

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

Supplemental	Primary
37.0 acres SE $\frac{1}{4}$ NW $\frac{1}{4}$	9.7 acres SW $\frac{1}{4}$ NE $\frac{1}{4}$
40.0 acres NE $\frac{1}{4}$ SW $\frac{1}{4}$	6.8 acres SE $\frac{1}{4}$ SW $\frac{1}{4}$
21.2 acres SE $\frac{1}{4}$ SW $\frac{1}{4}$	31.9 acres NW $\frac{1}{4}$ SE $\frac{1}{4}$
	31.5 acres SW $\frac{1}{4}$ SE $\frac{1}{4}$

Section 10  
T. 4 S., R. 39 E., W. M.

The right to the use of the water for the purposes aforesaid is restricted to the lands or place of use herein described and is subject to the existing minimum flow policies established by the Water Policy Review Board.

WITNESS the signature of the Water Resources Director, affixed

this date, September 15, 1978

*James E. Seum*  
Water Resources Director

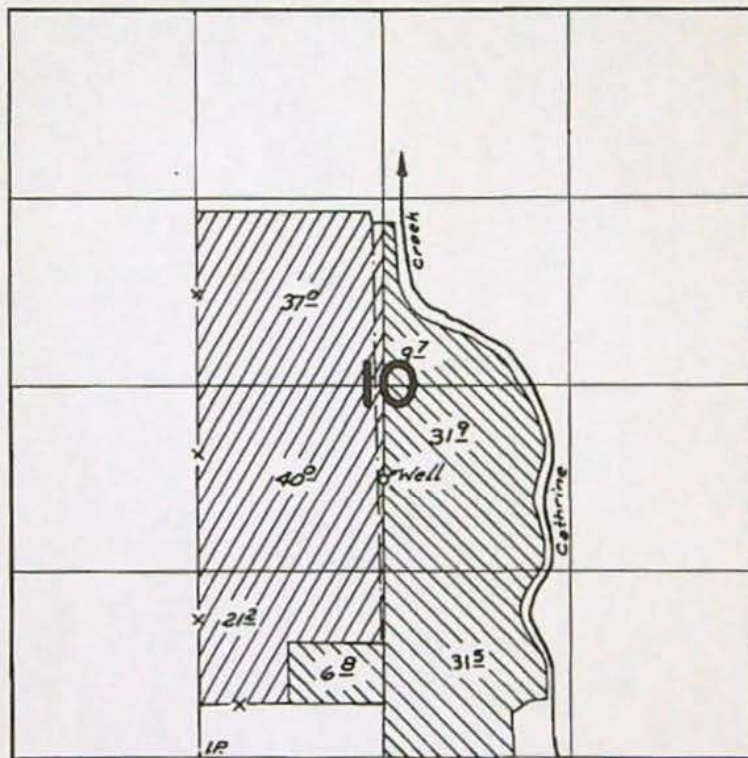
RECEIVED

MAR 27 2023



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T.4S., R.39E., W.M.



Well Loc.: 1980' N. from  $5\frac{1}{4}$  Cor. Sec. 10

 Primary  
 Suppl.

**FINAL PROOF SURVEY**  
UNDER

Application No. G-6314 Permit No. G-5804  
IN NAME OF

David C. Baum

Surveyed Sept 24, 1976, by D. M. Norby

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PTS-1976-C *MB*





## Affidavit of Voluntary Cancellation or Diminution of a Water Right Certificate

**VOLUNTARY CANCELLATION** is how the legal holder(s) of a water right certificate may cancel an abandoned water right or an abandoned portion of a water right. Abandonment means water use has or will have ceased under the cancellation. A cancellation can apply to an entire certificate or to a specific place of use and acreage. The rate of water must be proportionately cancelled to match the portion of the right being cancelled. If a certificate is partially cancelled, a remaining water right certificate will be issued describing the uncanceled portion.

[see also Oregon Revised Statute (ORS) 540.621 and Administrative Rule (OAR) 690-017-0100.]

**VOLUNTARY DIMINUTION** is how the legal holder(s) of a water right certificate may diminish an entire water right or a portion of it from a primary purpose to a supplemental purpose. The overall authorized rate of water on the certificate will remain the same, but the proportions between primary use and supplemental use will change. In the diminution process, the originating water right will be cancelled, and a new water right will be issued describing the diminution. [see also Oregon Administrative Rule (OAR) 690-330-0040.]

Describe in your own words what you want to accomplish with this affidavit: We wish to cancel water right certificate 6411 that is appurtenant to tax lot 3301 for the purpose of making the underlying supplemental groundwater right primary.

### Certificate of Water Right Information:

Certificate Number: 6411

Issued for use within the State of Oregon, County of Union.

Issued in the name of: A.J. Knight.

Date of priority: June 1903

Rate or Volume on entire certificate: 0.20 (cubic foot per second *or* gallons per minute *or* acre-feet).

Source(s) of water on certificate: Catherine Creek.

Use(s) of water listed on certificate: Irrigation (purposes),

If for irrigation (IR), total number of acres on certificate for primary IR 8.0, supplemental IR 0.

### Statements of Oath:

I/We (or authorized agent), Steve Bruere, SPV Hot Lakes Organics LLLP,

residing at 12119 Stratford Drive, Suite B, Clive, OH 50325,

with a mailing address of (if different) \_\_\_\_\_,

and a telephone number of (515) 222-1347, being first duly sworn depose and say:

1. I/We are the legal owners of property appurtenant to all ☐ *or* ☒ a portion (*check one box*) of the water right described above. My/Our property is described on a recorded property deed in my/our/an entity name(s). The property is located within the following legal description [*must include at a*

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# Affidavit for the VOLUNTARY CANCELLATION or DIMINUTION of a Water Right Certificate

minimum, township(s), range(s), section number(s), quarter- quarter(s) and tax lot number(s)].

Examples:

- Township 3 South, Range 5 East, Section 12, NW¼, NW¼ SW¼ & SW¼ SW¼; Section 13 NWNW, SWNW, all within Tax Lot 700.
- T16S, R18E, Sec18, SWSE & SESE, TL 1700
- T6N, R35E, Sec 27, S½, TL 1100

Enter legal description here: T4S R39E W.M., Section 10 SESW, TL 3301.

2. I/We are requesting a [**check one box - the affidavit will be returned if more than one box is checked**]:

☒ voluntary cancellation of and have abandoned any and all interest in the ENTIRE water right Certificate # **6411**.

☐ voluntary cancellation of and have abandoned any and all interest a PORTION of water right Certificate # \_\_\_\_\_.

☐ voluntary diminution of the ENTIRE water right Certificate # \_\_\_\_\_.

☐ voluntary diminution of a PORTION of water right Certificate # \_\_\_\_\_.

3. The appurtenant water right ☐ is or ☒ is not (**check one box**) located within the boundaries of an irrigation, drainage, water improvement, or water control district, or federal reclamation project (district). If the right is located within a district or reclamation project, name it here: **N/A**.

a. The water right, or portion thereof, being ☐ cancelled or ☐ diminished (**check one box**) is in the name of or served by a district. The signature of district manager on the line below documents the concurrence of the district to the changes to the water right specified in this affidavit, for the portion of the water right in the name of or served by the district.

\_\_\_\_\_  
Signature of district manager

**N/A**

Printed Name

Date **N/A**

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MAR 27 2023

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4. Complete this item (#4) only if this is a CANCELLATION for a PORTION of the water right.

I/We have abandoned any and all interest in and wish to cancel the following portion(s) of the water right certificate number listed in Item #2, above:

☐ A place of use, or use.

- For the use of (specify irrigation, domestic, etc.) \_\_\_\_\_
- IF FOR IRRIGATION OR NURSERY USE: Total number of acres to be cancelled \_\_\_\_\_
- In the amount of \_\_\_\_\_ cubic foot per second
- From the water source (s) \_\_\_\_\_
- At the following location(s) (attach a larger table if needed):

ABANDONED PORTION TO BE CANCELLED										
Township	N or S	Range	E or W	Mer	Section #	DLC #	G-LOT #	Quarter-Quarter	Acres	Tax Lot #
4	S	39	E	WM	10			SESW	8.0	3301
				WM						
				WM						
				WM						



## Affidavit for the VOLUNTARY CANCELLATION or DIMINUTION of a Water Right Certificate

- Locations of the place of use or acres being cancelled are clearly identified on a copy of the certificate map of record (decree map, final proof map, or claim of beneficial use map); or, if there is no certificate map of record, then an alternate map is being submitted with information sufficient to determine the lands on which the right is to be cancelled)
- Locations of the place of use or acres **NOT** being cancelled are clearly identified on a copy of the certificate map of record; or if there is no certificate map of record, then an alternate map is being submitted with information sufficient to determine the lands on which the right is NOT to be cancelled.

### AND/OR (less common)

- ☐ One or more of the authorized points of diversion (surface water) or points of appropriation (groundwater) authorized under the certificate.
- For the use of (specify irrigation, domestic, etc.) \_\_\_\_\_
  - From the water source (s) \_\_\_\_\_
  - Located within the \_\_\_\_\_ $\frac{1}{4}$ , Section \_\_\_\_\_, Township \_\_\_\_\_ (N ☐ or S ☐), Range \_\_\_\_\_ (E ☐ or W ☐, W.M.
  - Location Description (if given on the certificate) \_\_\_\_\_

### 5. Complete this section (Item #5a-c) for a DIMINUTION of ALL or a PORTION of the water right.

- a. I/We have found a more dependable source of primary water, and therefore request the water right certificate ☐ in its entirety, or ☐ as described in Item #6, below, (check one box) be diminished from a right for primary use to a right for supplemental use.
- b. I/We agree that if this change is approved, it is permanent and the right to the use of water from \_\_\_\_\_ (source) cannot be changed back to the primary use unless otherwise provided by law.
- c. I/We also agree that so long as there is sufficient water available from the new primary source, I am/we are not entitled to use any water from \_\_\_\_\_ (source of water) for primary use on these lands.

### 6. Complete this item (#6) for a DIMINUTION of a PORTION of the water right.

I/We, being the legal owners of the property described below are requesting a partial diminution of the water right certificate (identified in Item #2 above in the amount of \_\_\_\_\_ (cfs) from \_\_\_\_\_ (sources) for irrigation (if applicable) of \_\_\_\_\_ acres at the following location(s) as listed on the certificate (attach a larger table if needed):

PORTION TO BE DIMINISHED FROM PRIMARY TO SUPPLEMENTAL IRRIGATION										
Township	N or S	Range	E or W	Mer	Section #	DLC #	G-LOT #	Quarter-Quarter	Acres	Tax Lot #
_____	_____	_____	_____	WM	_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	WM	_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	WM	_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	WM	_____	_____	_____	_____	_____	_____

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MAR 27 2023

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Affidavit for the VOLUNTARY CANCELLATION or DIMINUTION of a Water Right Certificate

Signatures and Notary:

Steve Burr  
Signature of legal owner as listed on deed, or authorized agent

Printed Name Steve Burr

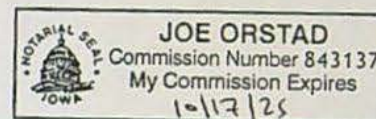
Date 3/8/23

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

Printed Name \_\_\_\_\_

Date \_\_\_\_\_

Subscribed and Sworn to Before Me this 8 day of March, 2023.



Joe Orstad  
Signature of Notary Public for Oregon Iowa

My Commission Expires 10/17/25

**REQUIRED ATTACHMENTS (LEGIBLE COPIES):**

- 1) A recorded property deed which lists landowner(s) and includes a legal description of lands affected by this affidavit of cancellation or diminution.
- 2) An adjudication map, water right final proof map, or a tax lot map that clearly shows:
  - a. Location and acreages within each township, range and quarter-quarter of the lands described on the water right being cancelled or diminished, and
  - b. the remaining locations and acreages within each township, range and quarter-quarter of the lands described on entire water right NOT being cancelled or diminished, if any.
- 3) A list of names and addresses of other property owners with lands appurtenant to portions of the water right certificate not legally owned by the person(s) signing the affidavit.
- 4) If acting as an authorized agent, include a copy of the Power of Attorney or other documents granting authority to act on behalf of legal owner(s) as listed on the deed.

**MISSING ATTACHMENTS WILL RESULT IN THE AFFIDAVIT BEING RETURNED, AND NO ACTION TAKEN ON THE AFFIDAVIT.**

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MAR 27 2023

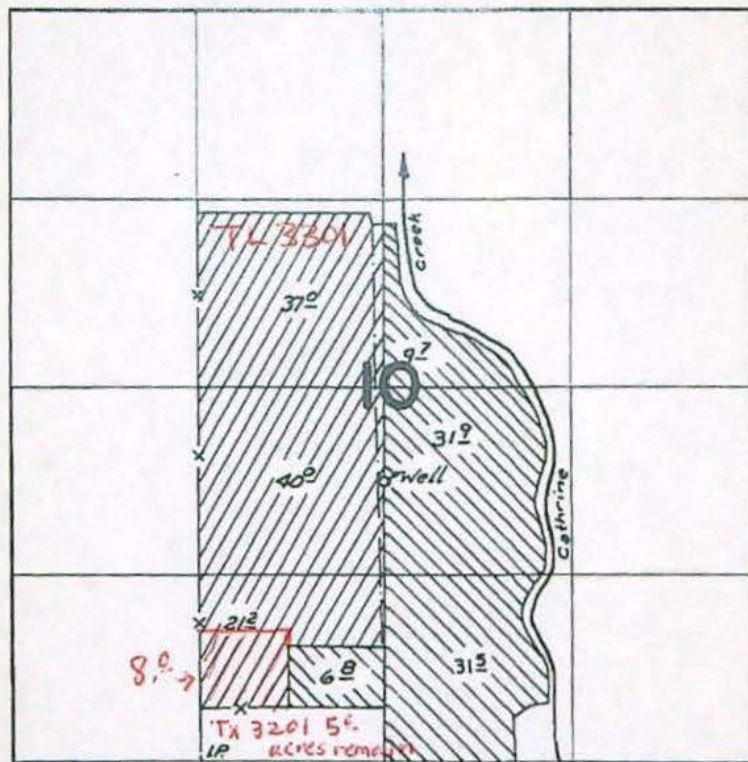
OWRD





Certificate 6411  
Area inside red to  
be cancelled.

T.4 S., R.39 E., W.M.

No map available  
for C.6411



Well Loc.: 1980' N. from  $5\frac{1}{4}$  Cor. Sec. 10

 Primary  
 Suppl.

**FINAL PROOF SURVEY**  
UNDER

Application No. G-6314 Permit No. G-5804  
IN NAME OF


David C. Baum

Surveyed Sept 24, 1976, by D. M. Norby

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PTS-1976-C 





## Affidavit of Voluntary Cancellation or Diminution of a Water Right Certificate

**VOLUNTARY CANCELLATION** is how the legal holder(s) of a water right certificate may cancel an abandoned water right or an abandoned portion of a water right. Abandonment means water use has or will have ceased under the cancellation. A cancellation can apply to an entire certificate or to a specific place of use and acreage. The rate of water must be proportionately cancelled to match the portion of the right being cancelled. If a certificate is partially cancelled, a remaining water right certificate will be issued describing the uncanceled portion.

[see also Oregon Revised Statute (ORS) 540.621 and Administrative Rule (OAR) 690-017-0100.]

**VOLUNTARY DIMINUTION** is how the legal holder(s) of a water right certificate may diminish an entire water right or a portion of it from a primary purpose to a supplemental purpose. The overall authorized rate of water on the certificate will remain the same, but the proportions between primary use and supplemental use will change. In the diminution process, the originating water right will be cancelled, and a new water right will be issued describing the diminution. [see also Oregon Administrative Rule (OAR) 690-330-0040.]

Describe in your own words what you want to accomplish with this affidavit: We wish to cancel a portion of water right certificate 81467 that is appurtenant to tax lot 3301, for the purpose of making the underlying supplemental groundwater right primary.

### Certificate of Water Right Information:

Certificate Number: 81467

Issued for use within the State of Oregon, County of Union.

Issued in the name of: Amalgamated Sugar Co.

Date of priority: November 1903

Rate or Volume on entire certificate: 2.375 (cubic foot per second *or* gallons per minute *or* acre-feet).

Source(s) of water on certificate: Catherine Creek.

Use(s) of water listed on certificate: Irrigation (purposes),

If for irrigation (IR), total number of acres on certificate for primary IR 95.0, supplemental IR 0.

### Statements of Oath:

I/We (or authorized agent), \_\_\_\_\_,

residing at \_\_\_\_\_,

with a mailing address of (if different) \_\_\_\_\_,

and a telephone number of \_\_\_\_\_, being first duly sworn depose and say:

1. I/We are the legal owners of property appurtenant to ☐ *all* ☒ *a portion* (*check one box*) of the water right described above. My/Our property is described on a recorded property deed in my/our/an entity name(s). The property is located within the following legal description [*must include at a*

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MAR 27 2023

OV



# Affidavit for the VOLUNTARY CANCELLATION or DIMINUTION of a Water Right Certificate

minimum, township(s), range(s), section number(s), quarter-quarter(s) and tax lot number(s)].

Examples:

- Township 3 South, Range 5 East, Section 12, NW¼, NW¼ SW¼ & SW¼ SW¼; Section 13 NWNW, SWNW, all within Tax Lot 700.
- T16S, R18E, Sec18, SWSE & SESE, TL 1700
- T6N, R35E, Sec 27, S¼, TL 1100

Enter legal description here: T4S R39E Section 10 Tax Lot 3301 (SENW, NESW, SESW).

2. I/We are requesting a [**check one box - the affidavit will be returned if more than one box is checked**]:

☐ voluntary cancellation of and have abandoned any and all interest in the ENTIRE water right Certificate # \_\_\_\_\_.

☒ voluntary cancellation of and have abandoned any and all interest a PORTION of water right Certificate # 81467.

☐ voluntary diminution of the ENTIRE water right Certificate # \_\_\_\_\_.

☐ voluntary diminution of a PORTION of water right Certificate # \_\_\_\_\_.

3. The appurtenant water right ☐ is or ☒ is not (**check one box**) located within the boundaries of an irrigation, drainage, water improvement, or water control district, or federal reclamation project (district). If the right is located within a district or reclamation project, name it here: N/A.

a. The water right, or portion thereof, being ☐ cancelled or ☐ diminished (**check one box**) is in the name of or served by a district. The signature of district manager on the line below documents the concurrence of the district to the changes to the water right specified in this affidavit, for the portion of the water right in the name of or served by the district.

\_\_\_\_\_  
Signature of district manager

\_\_\_\_\_  
Printed Name

\_\_\_\_\_  
Date

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MAR 27 2023

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4. Complete this item (#4) only if this is a CANCELLATION for a PORTION of the water right.

I/We have abandoned any and all interest in and wish to cancel the following portion(s) of the water right certificate number listed in Item #2, above:

☐ A place of use, or use.

- For the use of (specify irrigation, domestic, etc.) Irrigation
- IF FOR IRRIGATION OR NURSERY USE: Total number of acres to be cancelled 95.0
- In the amount of 2.375 cubic foot per second
- From the water source (s) Catherine Creek
- At the following location(s) (attach a larger table if needed):

ABANDONED PORTION TO BE CANCELLED										
Township	N or S	Range	E or W	Mer	Section #	DLC #	G-LOT #	Quarter-Quarter	Acres	Tax Lot #
<u>4</u>	<u>S</u>	<u>39</u>	<u>E</u>	WM	<u>10</u>			<u>SENW</u>	<u>40.0</u>	<u>3301</u>
<u>4</u>	<u>S</u>	<u>39</u>	<u>E</u>	WM	<u>10</u>			<u>NESW</u>	<u>40.0</u>	<u>3301</u>
<u>4</u>	<u>S</u>	<u>39</u>	<u>E</u>	WM	<u>10</u>			<u>SESW</u>	<u>15.0</u>	<u>3301</u>
				WM						



**Affidavit for the VOLUNTARY CANCELLATION or DIMINUTION of a Water Right Certificate**

- Locations of the place of use or acres being cancelled are clearly identified on a copy of the certificate map of record (decree map, final proof map, or claim of beneficial use map); or, if there is no certificate map of record, then an alternate map is being submitted with information sufficient to determine the lands on which the right is to be cancelled)
- Locations of the place of use or acres **NOT** being cancelled are clearly identified on a copy of the certificate map of record; or if there is no certificate map of record, then an alternate map is being submitted with information sufficient to determine the lands on which the right is NOT to be cancelled.

**AND/OR (less common)**

- ☐ One or more of the authorized points of diversion (surface water) or points of appropriation (groundwater) authorized under the certificate.
- For the use of (specify irrigation, domestic, etc.) \_\_\_\_\_
  - From the water source (s) \_\_\_\_\_
  - Located within the \_\_\_\_\_<sup>1</sup>/<sub>4</sub>, Section \_\_\_\_\_, Township \_\_\_\_\_ (N ☐ or S ☐), Range \_\_\_\_\_ (E ☐ or W ☐, W.M.
  - Location Description (if given on the certificate) \_\_\_\_\_

**5. Complete this section (Item #5a-c) for a DIMINUTION of ALL or a PORTION of the water right.**

- a. I/We have found a more dependable source of primary water, and therefore request the water right certificate ☐ in its entirety, **or** ☐ as described in Item #6, below, (check one box) be diminished from a right for primary use to a right for supplemental use.
- b. I/We agree that if this change is approved, it is permanent and the right to the use of water from \_\_\_\_\_ (source) cannot be changed back to the primary use unless otherwise provided by law.
- c. I/We also agree that so long as there is sufficient water available from the new primary source, I am/we are not entitled to use any water from \_\_\_\_\_ (source of water) for primary use on these lands.

**6. Complete this item (#6) for a DIMINUTION of a PORTION of the water right.**

I/We, being the legal owners of the property described below are requesting a partial diminution of the water right certificate (identified in Item #2 above in the amount of \_\_\_\_\_ (cfs) from \_\_\_\_\_ (sources) for irrigation (if applicable) of \_\_\_\_\_ acres at the following location(s) as listed on the certificate (attach a larger table if needed):

PORTION TO BE DIMINISHED FROM PRIMARY TO SUPPLEMENTAL IRRIGATION										
Township	N or S	Range	E or W	Mer	Section #	DLC #	G-LOT #	Quarter-Quarter	Acres	Tax Lot #
_____	_____	_____	_____	WM	_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	WM	_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	WM	_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	WM	_____	_____	_____	_____	_____	_____

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MAR 27 2023

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Affidavit for the VOLUNTARY CANCELLATION or DIMINUTION of a Water Right Certificate

Signatures and Notary:

Steve Bauer

Signature of legal owner as listed on deed, or authorized agent

Printed Name Steve Bauer

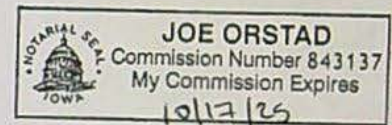
Date 3/8/23

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

Printed Name \_\_\_\_\_

Date \_\_\_\_\_

Subscribed and Sworn to Before Me this 8 day of March, 20 23.



Joe Orstad

Signature of Notary Public for Oregon Iowa

My Commission Expires 10/17/25

**REQUIRED ATTACHMENTS (LEGIBLE COPIES):**

- 1) A recorded property deed which lists landowner(s) and includes a legal description of lands affected by this affidavit of cancellation or diminution.
- 2) An adjudication map, water right final proof map, or a tax lot map that clearly shows:
  - a. Location and acreages within each township, range and quarter-quarter of the lands described on the water right being cancelled or diminished, and
  - b. the remaining locations and acreages within each township, range and quarter-quarter of the lands described on entire water right NOT being cancelled or diminished, if any.
- 3) A list of names and addresses of other property owners with lands appurtenant to portions of the water right certificate not legally owned by the person(s) signing the affidavit.
- 4) If acting as an authorized agent, include a copy of the Power of Attorney or other documents granting authority to act on behalf of legal owner(s) as listed on the deed.

**MISSING ATTACHMENTS WILL RESULT IN THE AFFIDAVIT BEING RETURNED, AND NO ACTION TAKEN ON THE AFFIDAVIT.**

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MAR 27 2023

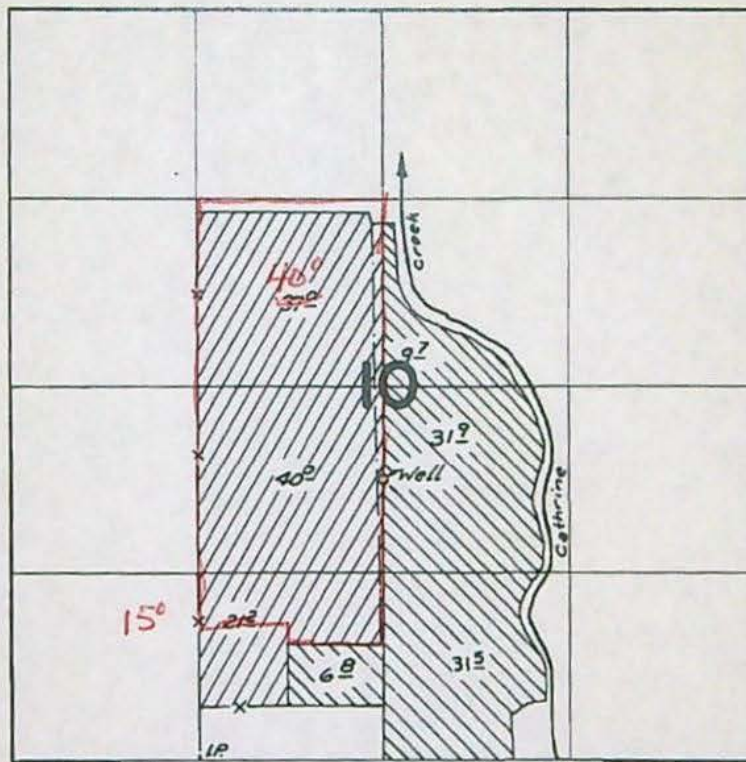
OWRD





Certificate 81467  
Area inside red to  
cancel.

T.4S., R.39E., W.M.

No map available  
for C. 81467



Well Loc.: 1980' N. from  $5\frac{1}{4}$  Cor. Sec. 10

 Primary  
 Suppl.

**FINAL PROOF SURVEY**  
UNDER

Application No. G-6314 Permit No. G-5804  
IN NAME OF

David C. Baum

Surveyed Sept 24, 1976, by D. M. Norby

RECEIVED

MAR 27 2023

OWRD

PTS-1976-C *SB*



21-34303

After recording return to:  
Eastern Oregon Title, Inc.  
1601 Adams Avenue  
La Grande, Oregon 97850

Until a change is requested all tax statements shall be sent to the following address:

SPV Hot Lakes Organics, LLLP  
12119 Stratford Dr. Ste. B  
Clive, IA 50325

UNION COUNTY, OR

20211696

Pgs= 2

\$95.00

05/04/2021 02:38:02 PM

I, Robin Church, County Clerk for Union County, Oregon certify that the instrument identified herein was recorded in the Co. Clerk's records.

*R Church*

Robin Church, Union County Clerk

## STATUTORY WARRANTY DEED

Fred S. Bell and Tara L. Bell, husband and wife, as tenants by the entirety, Grantor, conveys and warrants to SPV Hot Lakes Organics, LLLP, an Iowa limited liability limited partnership, Grantee, the following described real property free of liens and encumbrances, except as specifically set forth herein:

SEE EXHIBIT "A" ATTACHED HERETO FOR DETAILED LEGAL DESCRIPTION

This property is free from liens and encumbrances, EXCEPT:

Those of record

"BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON TRANSFERRING FEE TITLE SHOULD INQUIRE ABOUT THE PERSON'S RIGHTS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, AND SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009, AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010. THIS INSTRUMENT DOES NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY THAT THE UNIT OF LAND BEING TRANSFERRED IS A LAWFULLY ESTABLISHED LOT OR PARCEL, AS DEFINED IN ORS 92.010 OR 215.010, TO VERIFY THE APPROVED USES OF THE LOT OR PARCEL, TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES, AS DEFINED IN ORS 30.930, AND TO INQUIRE ABOUT THE RIGHTS OF NEIGHBORING PROPERTY OWNERS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, AND SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009, AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010."

The true consideration for this conveyance is \$935,000.00. (Here comply with requirements of ORS 93.030)

Dated this 3rd day of May, 2021.

*Fred S. Bell*  
Fred S. Bell

*Tara L. Bell*  
Tara L. Bell

STATE OF OREGON )

)ss.

COUNTY OF UNION )

Signed or attested before me on this 3rd day of May, 2021 by Fred S. Bell and Tara L. Bell, husband and wife, as tenants by the entirety.



*Karin Haag Sturm*  
Notary Public for the State of Oregon  
My commission expires: Nov. 1, 2024

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**EXHIBIT "A"**

**TRACT "A"**

The Southeast quarter of the Northwest quarter of Section 10, Township 4 South, Range 39 East of the Willamette Meridian, Union County, Oregon, and all that portion of the Southwest quarter of the Northeast quarter of said Section 10 lying West and South of the center of the channel of Catherine Creek.

(04S39-3100; Ref.# 9078)

**TRACT "B"**

The East half of the Southwest quarter of Section 10, Township 4 South, Range 39 East of the Willamette Meridian, Union County, Oregon;

EXCEPTING THEREFROM a parcel of land in the Southeast quarter of the Southwest quarter of said Section 10, more particularly described as follows:

With reference to map of survey made for David Baum, dated February, 1974, as filed in the office of Union County Surveyor: Commencing at a point on the centerline of the existing county road, said point being South 88°48'21" East 1,373.67 feet from the Southwest corner of said Section 10; said point also being South 88°48'21" East 637.67 feet from P.O.T. Sta. 628+74.67 on the Union Pacific Railroad main line; Thence North 1°36'33" East 30.0 feet to the True Point of Beginning; Thence South 88°48'21" East 1,293.82 feet; Thence North 0°03'21" East 337.94; Thence North 88°48'21" West 1,284.66 feet; Thence South 1°36'33" West 337.88 feet to the True Point of Beginning.

(04S39-3200; Ref.# 9079)

This legal description was created prior to January 1, 2008.

**TRACT "C"**

Unsurveyed Parcel 2 of Partition Plat Number 20210010, as filed April 27, 2021 in Plat Cabinet "E", Slides 531-532, and recorded as Microfilm Document No. 20211591, Records of Union County Oregon, more specifically described as follows:

All that portion of the North half of the Southeast quarter and the Southwest quarter of the Southeast quarter of Section 10, in Township 4 South, Range 39 East of the Willamette Meridian, Union County, Oregon, lying West of the center of the channel of Catherine Creek.

EXCEPTING THEREFROM Parcel 1 of Partition Plat Number 20210010, as filed April 27, 2021 in Plat Cabinet "E", Slides 531-532, and recorded as Microfilm Document No. 20211591, Records of Union County Oregon.

(Portion of 04S39-3300; Ref.# 9081)

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# Land Use Information Form



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

Applicant(s): SPV Hot Lakes Organic, Alternative Equity Advisors LLC

Mailing Address: 12119 Stratford Drive, Suite B

City: Clive

State: Iowa

Zip Code: 50325

Daytime Phone: (515) 222-1347

## A. Land and Location

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

Township	Range	Section	¼ ¼	Tax Lot #	Plan Designation (e.g., Rural Residential/RR-5)	Water to be:			Proposed Land Use:
<u>4S</u>	<u>39E</u>	<u>10</u>	<u>SENW</u>	<u>3301</u>	<u>EFU</u>	<input checked="" type="checkbox"/> Diverted	<input checked="" type="checkbox"/> Conveyed	<input checked="" type="checkbox"/> Used	<u>Irrigation</u>
<u>4S</u>	<u>39E</u>	<u>10</u>	<u>SWNE</u>	<u>3301</u>	<u>EFU</u>	<input checked="" type="checkbox"/> Diverted	<input checked="" type="checkbox"/> Conveyed	<input checked="" type="checkbox"/> Used	<u>Irrigation</u>
<u>4S</u>	<u>39E</u>	<u>10</u>	<u>SW</u>	<u>3301</u>	<u>EFU</u>	<input checked="" type="checkbox"/> Diverted	<input checked="" type="checkbox"/> Conveyed	<input checked="" type="checkbox"/> Used	<u>Irrigation</u>
<u>4S</u>	<u>39E</u>	<u>10</u>	<u>W1/2 SE</u>	<u>3301</u>	<u>EFU</u>	<input checked="" type="checkbox"/> Diverted	<input checked="" type="checkbox"/> Conveyed	<input checked="" type="checkbox"/> Used	<u>Irrigation</u>

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

Union

## 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) \_\_\_\_\_

Estimated quantity of water needed: 2.23    ☐ 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:

Applicant proposes to reconfigure the irrigation on the place of use, and change the supplemental portion of the water right to primary irrigation of Certificate 46514.

**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. →

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## For Local Government Use Only

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

**Please check the appropriate box below and provide the requested information**

☒ Land uses to be served by the proposed water 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:	
		<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being Pursued <input type="checkbox"/> Not Being Pursued
		<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being Pursued <input type="checkbox"/> Not Being Pursued
		<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being Pursued <input type="checkbox"/> Not Being Pursued
		<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being Pursued <input type="checkbox"/> Not Being Pursued
		<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being Pursued <input type="checkbox"/> Not Being Pursued

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

Name: Stacy Warren Title: Associate Planner  
 Signature: [Signature] Phone: 541-963-1014 Date: 03/06/2023  
 Government Entity: Union 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: \_\_\_\_\_



## NOTICE TO WATER WELL CONTRACTOR

The original and five copies  
of this report are to be  
filed with the

**RECEIVED**  
JUL 24 1973

## WATER WELL REPORT

STATE OF OREGON

STATE ENGINEER, SALEM, OREGON 97310

within 30 days from the date of well completion

of well completion

ENGINEER

SALEM OREGON

(Please type or print)

(Do not write above this line)

State Well No.

45/39E-10

State Permit No.

## (1) OWNER:

Name DAVID BAUMAddress LAGRANDE, ORE.

## (2) TYPE OF WORK (check):

New Well ☒ Deepening ☐ Reconditioning ☐ Abandon ☐

If abandonment, describe material and procedure in Item 12.

## (3) TYPE OF WELL:

Rotary ☒ Driven ☐Cable ☐ Jetted ☐Dug ☐ Bored ☐

## (4) PROPOSED USE (check):

Domestic ☐ Industrial ☐ Municipal ☐Irrigation ☒ Test Well ☐ Other ☐

## CASING INSTALLED:

16" Diam. from 0 ft. to 432 ft. Gage 25

" Diam. from " ft. to " ft. Gage

" Diam. from " ft. to " ft. Gage

## PERFORATIONS:

Perforated? ☒ Yes ☐ No.Type of perforator used FACTORY PERF.Size of perforations 1/8 in. by 3 in.4160 perforations from 40 ft. to 180 ft.1602 perforations from 220 ft. to 270 ft.2560 perforations from 350 ft. to 430 ft.

## (7) SCREENS:

Well screen installed? ☐ Yes ☒ No

Manufacturer's Name

Type Model No.

Diam. Slot size Set from ft. to ft.

Diam. Slot size Set from ft. to ft.

## (8) WELL TESTS:

Drawdown is amount water level is lowered below static level

Was a pump test made? ☐ Yes ☒ No If yes, by whom?

Yield: gal./min. with ft. drawdown after hrs.

Baller test 100 gal./min. with 12 ft. drawdown after 6 hrs.

Artesian flow g.p.m.

Temperature of water 54 Depth artesian flow encountered ft.

## (9) CONSTRUCTION:

Well seal—Material used CEMENTWell sealed from land surface to 20 ft.Diameter of well bore to bottom of seal 24 in.Diameter of well bore below seal 24 in.Number of sacks of cement used in well seal 15 sacks

Number of sacks of bentonite used in well seal sacks

Brand name of bentonite

Number of pounds of bentonite per 100 gallons of water lbs./100 gals.

Was a drive shoe used? ☐ Yes ☒ No Plugs Size: location ft.Did any strata contain unusable water? ☐ Yes ☒ No

Type of water? depth of strata

Method of sealing strata off

Was well gravel packed? ☒ Yes ☐ No Size of gravel: 3/8Gravel placed from 20 ft. to 430 ft.

## (10) LOCATION OF WELL:

County UNION Driller's well numberSection 10 T. 45 R. 39 E W.M.

Bearing and distance from section or subdivision corner

Apr. 1980 N. 30° E. of SW corner of above

## (11) WATER LEVEL: Completed well.

Depth at which water was first found 42 ft.Static level 3 ft. below land surface. Date

Artesian pressure lbs. per square inch. Date

## (12) WELL LOG:

Diameter of well below casing 9 7/8Depth drilled 500 ft. Depth of completed well 430 ft.

Formation: Describe color, texture, grain size and structure of materials; and show thickness and nature of each stratum and aquifer penetrated, with at least one entry for each change of formation. Report each change in position of Static Water Level and indicate principal water-bearing strata.

MATERIAL	From	To	SWL
Topsoil	0	3	
Gray clay	3	28	
Gravel w/ streaks of clay	28	54	
Boulders, small	54	72	
Clay, brown	72	81	
Coarse gravel	81	100	
Brown clay	100	119	
Gravel & coarse sand	119	184	
Blue clay	184	220	
Medium sand	220	270	
Blue clay sand streaks	270	345	
Medium to fine sand	345	429	
Blue clay, sand streaks	429	500	

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MAR 27 1973

Work started Apr 28 1973 Completed JUNE 8 1973Date well drilling machine moved off of well JUNE 5 1973

## Drilling Machine Operator's Certification:

This well was constructed under my direct supervision. Materials used and information reported above are true to my best knowledge and belief.

[Signed] J. P. Penner Date 7/1 1973

(Drilling Machine Operator)

Drilling Machine Operator's License No. 388

## Water Well Contractor's Certification:

This well was drilled under my jurisdiction and this report is true to the best of my knowledge and belief.

Name CORRIELL & SODGWICK, INC.

(Person, firm or corporation)

(Type or print)

Address Box 613 LAGRANDE, ORE.[Signed] J. P. Penner

(Water Well Contractor)

Contractor's License No. 517 Date 7/1 1973

(USE ADDITIONAL SHEETS IF NECESSARY)

SP-456-119





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MAR 27 2023

# Transfer Application Map From Lands Certificate 46514

T4S, R39E, W.M.  
Section 10  
SE 1/4, SW 1/4  
Union County, Oregon

## Legend

- Property Boundary Line
- Well
-  C46514 Supplemental
-  C46514 Primary

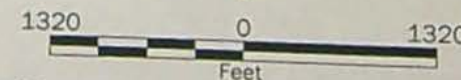
## Well Location

Located 1960 feet North from the S 1/4 corner, section 10  
T4S R39E, W.M.

## Certified Water Rights Examiner Stamp



EXPIRES: 6/30/24




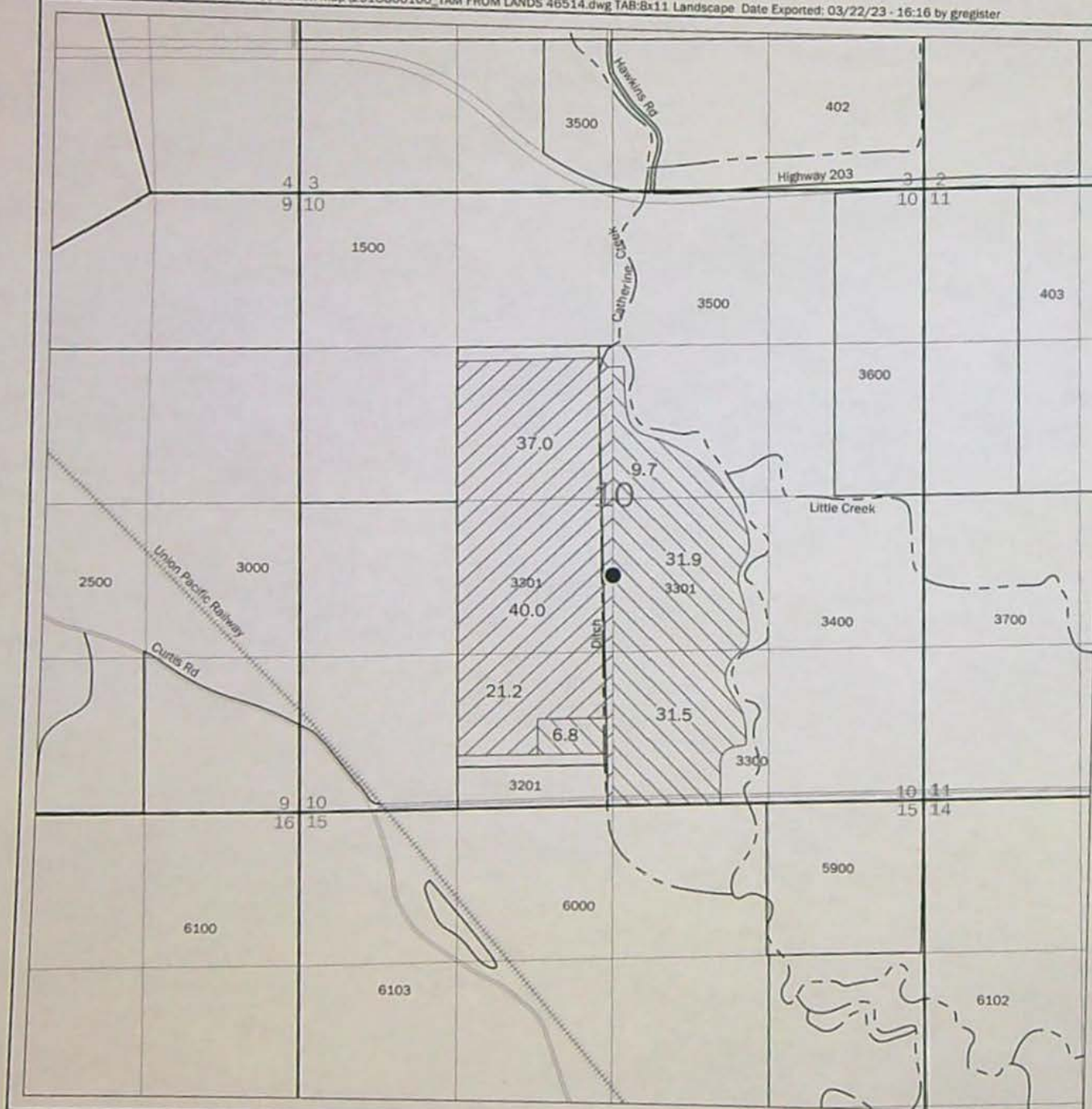
## Disclaimer

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

## Map Notes

Date: XX/XX/XX  
Data Sources: ESRI  
Prepared By: GeoEngineers

GEOENGINEERS 

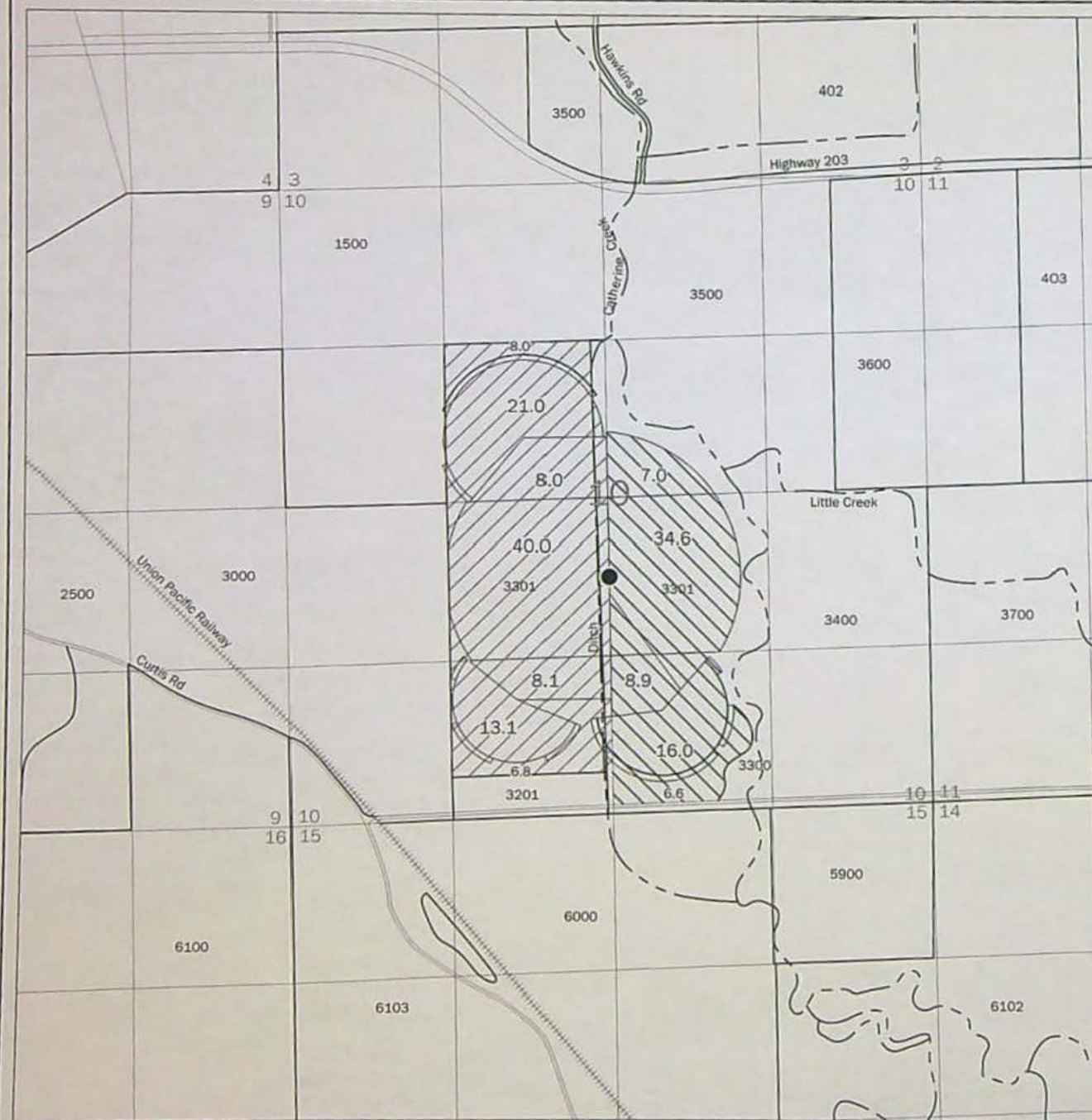




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MAR 27 2023

P:\25\25108001\CAD\00\Transfer Application Map\2510800100\_TAM TO LANDS 46514.dwg TAB:8x11 Landscape Date Exported: 03/22/23 - 16:22 by register





OWRP

**Transfer Application Map  
TO Lands Certificate 46514**

T4S, R39E, W.M.  
Section 10  
SE 1/4, SW 1/4  
Union County, Oregon

**Legend**

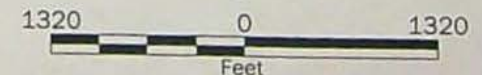
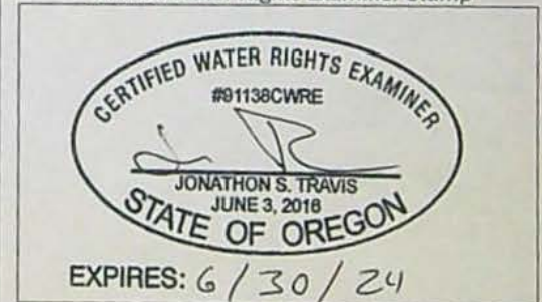
- Property Boundary Line
- Well
-  C46514 Primary
-  C46514 Supplemental to Become Primary

**Well Location**

**New Well**

Located 1980 feet North from the S 1/4 corner, section 10  
T4S R39E, W.M.

**Certified Water Rights Examiner Stamp**




**Disclaimer**

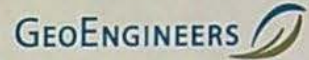
This map was prepared for the purpose of identifying the location of a water right only and it is not intended to provide legal dimensions or location of property ownership lines.

**Map Notes**

Date: XX/XX/XX  
Data Sources: ESRI  
Prepared By: GeoEngineers

**GEOENGINEERS** 





8019 West Quinault Avenue, Suite 201  
Kennewick, Washington 99336  
509.209-2846

March 22, 2023

Kelly Starnes, Transfer Section  
Oregon Water Resources Department  
725 Summer Street NE, Suite A  
Salem, OR 97301

RE: Place of Use and Supplemental to Primary Transfer Application for Certificate 46514 and Reimbursement Authority Request (SPV Hot Lake Organics)

Dear Kelly:

On behalf of our client, SPV Hot Lake Organics, please find enclosed a place of use and supplemental to primary groundwater transfer application for Certificate 46514, and a request for reimbursement authority processing.

Should you have any questions regarding the application or estimate request, please do not hesitate to contact me.

Sincerely,

A handwritten signature in blue ink that reads "Molly Reid".

Molly Reid  
Senior Planner  
(509) 209-2846 Direct Line  
(541) 310-7264 Cell

Enclosures: Transfer Application and Attachments  
Check #08023  
Check #08024

Cc: Steve Bruere, SPV Hot Lakes Organics LLLP  
File



## Permanent Transfer Application Checklist

Check the Certificates in WRIS

Transfer # T- 14204

Checked by <u>Dante</u>	Type of Change(s) Proposed: <u>NO</u> other changes allowed other than those listed	
Date <u>3/30/2023</u>		
Fee Received: \$3270	<input checked="" type="checkbox"/> POU <input type="checkbox"/> POD <input type="checkbox"/> APOD <input type="checkbox"/> POA <input type="checkbox"/> APOA <input checked="" type="checkbox"/> USE	
Calculated Fee: \$3270		How many rights to be Transferred? <u>1</u>
Deficiencies and Observations: Has affidavit for voluntary cancellation of a portion of a right.		Certificate #(s) <u>46514</u>

If OK, check box; if not, fill in.

- ☒ 1. Is the applicant information complete? Have all the applicants listed at the top of the page signed at the bottom?  
If not, what is missing? Whose signature is missing? \_\_\_\_\_
- ☒ 2. Has the applicant indicated that the place of use is in or near an irrigation district? Have they included a Form D? ☒ N/A.  
Name of the District \_\_\_\_\_
- ☒ 3. Part 5 of application, has the applicant completed the entire page and does the information match the description of the explanation of the reasons on Part 4 of the application?  
If not, you may need to contact the applicant or agent? \_\_\_\_\_
- ☒ 4. For multiple certificates, do each of the certificates listed on Application Page 1 have their own separate completed Part 5 tables 1 & 2? (compare with OAR 690-380-3220-may need to return)  
If no, which certificates are missing a separate Part 5, tables 1 & 2? \_\_\_\_\_
- ☒ 5. Has the map been completed and signed by a CWRE? Does the map meet the requirements?  
If not, what is missing? \_\_\_\_\_. Map waiver included? ☐
- ☒ 6. If a change in point of appropriation, have the well logs been included? ☒ N/A.
- ☒ 7. If a change in place of use within Umatilla County, have the applicant(s) provided a Supplemental Form U? ☒ N/A.
- ☒ 8. Has applicant filled out the Minimum Requirements Checklist (Part 1 of 5)? Is the application complete? If not, what is missing (check Evidence of Use and Land Use)? \_\_\_\_\_
- ☒ 9. If all boxes on this checklist are checked (with no remaining deficiencies identified), accept the application. Put this check sheet in the transfer folder.

OR:

- ☐ 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 \_\_\_\_\_



## 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
	Types of change proposed: <input type="checkbox"/> Place of Use <input type="checkbox"/> Character of Use <input type="checkbox"/> 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		
2	Multiply line 2b by \$930 and enter » » » » » » » » » » » » » » » »	2	0
	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		
3	Multiply line 3b by \$520 and enter » » » » » » » » » » » » » » » »	3	0
	Do you propose to add or change a well, or change from a surface water POD to a well? <input type="checkbox"/> No: enter 0 » <input type="checkbox"/> Yes: enter \$410 »		
4		4	0
	Do you propose to change the place of use or character of use? <input type="checkbox"/> No: enter 0 on line 5 » <input type="checkbox"/> Yes: enter the cfs for the portions of the rights to be transferred (see example below*): _____ (5a) Subtract 1.0 from the number in 5a above: _____ (5b) If 5b is 0 or less, enter 0 on line 5 » If 5b is greater than 0, round up to the nearest whole number: _____ (5c) and multiply 5c by \$350, then enter on line 5 » » » » » » » » » »		
5		5	0
6	Add entries on lines 1 through 5 above » » » » » » » » » » Subtotal:	6	0
	Is this transfer: <input type="checkbox"/> necessary to complete a project funded by the Oregon Watershed Enhancement Board (OWEB) under ORS 541.932? <input type="checkbox"/> 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	