

Regular

RA

Name Q Bar X Ranch

Address PO Box 3210
Kerby, OR 97531

Change in POD

Date Filed 4/6/2023

Initial notice date 4/18/2023

DPD issued date _____

PD issued date _____

PD notice date _____

Date of FO 4/22/24 Vol 129 Page 1209-1211

C-Date _____

COBU due date _____

COBU Received date _____

Certificate issued _____

DESCRIPTION OF WATER RIGHT(S)

Name of Stream Illinois River

Trib. of Rogue River

Use Irrigation, Supplemental Irrigation County Josephine

Quantity of water (CFS) _____ No. of Acres _____

Name of ditch _____

App# S-5767 Per # S-3680 Cert # 3394 PR Date 9/28/1917

App# Decree Per # Illinois River Cert # 13935 PR Date 10/1/1898

App# S-28912 Per # S-22718 Cert # 20780 PR Date 11/20/1953

App# _____ Per # _____ Cert # _____ PR Date _____

App# _____ Per # _____ Cert # _____ PR Date _____

FEES PAID		
Date	Amount	Receipt #
<u>4/6/23</u>	<u>2,580.00</u>	<u>140439</u>
<u>4-6-2023</u>	<u>\$125.00</u>	<u>140438</u>
<u>4-17-2023</u>	<u>\$1325.90</u>	<u>140516</u>

FEES REFUNDED

Amount _____ Receipt # _____

Assignments: _____

Irrigation District _____

Agent Adkins Engineering + Surveying inc. - dscales@adkinsengineering.com

CWRE _____

CC's list _____

- 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

April 22, 2024

Q Bar X Ranch
PO Box 3210
Kerby, OR 97531

REFERENCE: Transfer Application T-14209

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

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

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

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

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

Sincerely,

Elyse D. Richman
Water Rights Services Support
Transfers and Conservation Section

cc: Scott C. Ceciliani, Watermaster Dist. # 14 (via email)
Adkins Engineering and Surveying, Agent

Enclosure

BEFORE THE WATER RESOURCES DEPARTMENT
OF THE
STATE OF OREGON

In the Matter of Transfer Application)	FINAL ORDER
T-14209, Josephine County)	APPROVING A CHANGE IN POINTS OF
)	DIVERSION

Authority

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

Applicant

Q BAR X RANCH
PO BOX 3210
KERBY, OR 97531

Findings of Fact

1. On April 6, 2023, Q BAR X RANCH filed an application to change the points of diversion under Certificates 13935, 20780, and 3394. The Department assigned the application number T-14209.
2. Notice of the application for transfer was published on April 18, 2023, pursuant to OAR 690-380-4000. No comments were filed in response to the notice.
3. On December 20, 2023, the Department sent a copy of the draft Preliminary Determination proposing to approve Transfer Application T-14209 to the applicant. The draft Preliminary Determination cover letter set forth a deadline of January 19, 2024, for the applicant to respond. The applicant requested that the Department proceed with issuance of a Preliminary Determination and provided the necessary information to demonstrate that the applicant is authorized to pursue the transfer.
4. On February 26, 2024, the Department issued a Preliminary Determination proposing to approve Transfer Application T-14209 and sent a copy to the applicant. Additionally, notice of the Preliminary Determination for the transfer application was published in the

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.

Department's weekly notice on February 27, 2024, and in the Daily Courier newspaper on March 1, 2024, and March 8, 2024, pursuant to ORS 540.520 and OAR 690-380-4020. No protests were filed in response to the notice.

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

Certificate: 3394 in the name of J. B. KURTZ (perfected under Permit S-3680)
Use: IRRIGATION OF 20.3 ACRES
Priority Date: SEPTEMBER 28, 1917
Rate: 0.255 CUBIC FOOT PER SECOND
Limit/Duty: 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 0.255 cubic feet per second, or its equivalent in case of rotation. The use hereunder for irrigation shall conform to such reasonable rotation system as may be ordered by the proper state officer.
Source: ILLINOIS RIVER, tributary of the ROGUE RIVER

Authorized Place of Use:

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
39 S	8 W	WM	8	SW SE	11.0
39 S	8 W	WM	8	SE SE	9.3
TOTAL					20.3

6. The applicant provided additional information to better describe the authorized point of diversion in Certificate 3394 as follows:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
39 S	8 W	WM	20	SW NE	(POD 1) - 2280 FEET SOUTH AND 1420 FEET WEST FROM THE NE CORNER OF SECTION 20

7. Transfer Application T-14209 proposes to move the authorized point of diversion downstream to:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances	Approximate Distance from Authorized Point of Diversion
39 S	8 W	WM	4	SW NW	POD 2 - 1440 FEET SOUTH AND 250 FEET EAST FROM THE NW CORNER OF SECTION 4	1.25 miles downstream
39 S	8 W	WM	16	NW NW	POD 3 - 750 FEET SOUTH AND 910 FEET EAST FROM THE NORTHWEST CORNER OF SECTION 16	3.2 miles downstream

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

Certificate: 13935 in the name of TWOHY BROTHERS CO. (confirmed by Illinois River Decree (F))

Use: IRRIGATION OF 49.5 ACRES AND SUPPLEMENTAL IRRIGATION OF 63.7 ACRES

Priority Date: OCTOBER 1, 1898

Limit/Duty: The amount of water to which such right is entitled, for the purposes aforesaid, is limited to an amount actually beneficially used for said purposes, and shall not exceed ONE CUBIC FOOT PER SECOND for each 50 ACRES of land irrigated during the irrigation season from April 1 to November 1 of each year.

Period of Use: April 1 to November 1

Source: ILLINOIS RIVER, tributary to the ROGUE RIVER

Authorized Place of Use:

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
38 S	8 W	WM	33	NW NW	0.9
38 S	8 W	WM	33	SW NW	3.6
39 S	8 W	WM	8	NE NE	25.0
39 S	8 W	WM	8	SE NE	20.0
TOTAL					49.5

SUPPLEMENTAL IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
38 S	8 W	WM	33	NW SW	4.0
39 S	8 W	WM	4	NW NW	12.0
39 S	8 W	WM	5	SE NE	17.7
39 S	8 W	WM	5	NE SE	10.0
39 S	8 W	WM	5	SE SE	20.0
TOTAL					63.7

9. Certificate 13935 does not describe the location of the authorized point of diversion. The applicant has provided location of the authorized point of diversion as follows:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
39 S	8 W	WM	20	SW NE	2280 FEET SOUTH AND 1420 FEET WEST FROM THE NE CORNER OF SECTION 20

10. Transfer Application T-14209 proposes to move the authorized point of diversion downstream to:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances	Approximate Distance from Authorized Point of Diversion
39 S	8 W	WM	4	SW NW	POD 2 - 1440 FEET SOUTH AND 250 FEET EAST FROM THE NW CORNER OF SECTION 4	1.25 miles downstream

Twp	Rng	Mer	Sec	Q-Q	Measured Distances	Approximate Distance from Authorized Point of Diversion
39 S	8 W	WM	16	NW NW	POD 3 - 750 FEET SOUTH AND 910 FEET EAST FROM THE NORTHWEST CORNER OF SECTION 16	3.2 miles downstream

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

Certificate: 20780 in the name of LLOYD A. JOHNSON; C/O ALLEN & SCHULTZ, ATTORNEYS (perfected under Permit S-22718)

Use: IRRIGATION OF 96.4 ACRES

Priority Date: NOVEMBER 20, 1953

Rate: 1.93 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-FIFTIETH 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 3.5 acre-feet per acre for each acre irrigated during the irrigation season of each year.

Source: ILLINOIS RIVER, tributary of the ROGUE RIVER

Authorized Point of Diversion:

Twp	Rng	Mer	Sec	Q-Q
39 S	8 W	WM	20	SW NE

Authorized Place of Use:

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
38 S	8 W	WM	33	SW NW	13.9
38 S	8 W	WM	33	NW SW	15.0
39 S	8 W	WM	4	SW NW	3.0
39 S	8 W	WM	5	NE SE	20.0
39 S	8 W	WM	5	SW SE	2.0
39 S	8 W	WM	5	SE SE	10.0
39 S	8 W	WM	8	NE NE	10.0
39 S	8 W	WM	8	NW NE	5.0
39 S	8 W	WM	8	SE NE	2.3
39 S	8 W	WM	8	NE SE	11.3
39 S	8 W	WM	8	NW SE	3.9
TOTAL					96.4

12. Certificate 20780 describes the location of the authorized point of diversion as described above; however, the applicant provided additional information to better describe the authorized point of diversion as follows:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
39 S	8 W	WM	20	SW NE	2280 FEET SOUTH AND 1420 FEET WEST FROM THE NE CORNER OF SECTION 20

13. Transfer Application T-14209 proposes to move the authorized point of diversion downstream to:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances	Approximate Distance from Authorized Point of Diversion
39 S	8 W	WM	4	SW NW	POD 2 - 1440 FEET SOUTH AND 250 FEET EAST FROM THE NW CORNER OF SECTION 4	1.25 miles downstream
39 S	8 W	WM	16	NW NW	POD 3 - 750 FEET SOUTH AND 910 FEET EAST FROM THE NORTHWEST CORNER OF SECTION 16	3.2 miles downstream

14. The following table describes the acreages to be irrigated under the new points of diversion:

IRRIGATION						
Twp	Rng	Mer	Sec	Q-Q	Acres	Proposed POD
38 S	8 W	WM	33	SW NW	13.9	POD 2 and POD 3
38 S	8 W	WM	33	NW SW	15.0	POD 2 and POD 3
39 S	8 W	WM	4	SW NW	3.0	POD 2 and POD 3
39 S	8 W	WM	5	NE SE	20.0	POD 2 and POD 3
39 S	8 W	WM	5	SW SE	2.0	POD 2 and POD 3
39 S	8 W	WM	5	SE SE	10.0	POD 2 and POD 3
39 S	8 W	WM	8	NE NE	10.0	POD 2 and POD 3
39 S	8 W	WM	8	NW NE	5.0	POD 2 and POD 3
39 S	8 W	WM	8	SE NE	2.3	POD 3
39 S	8 W	WM	8	NE SE	11.3	POD 3
39 S	8 W	WM	8	NW SE	3.9	POD 3
TOTAL					96.4	

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

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

16. Water has been used within the five-year period prior to submittal of Transfer Application T-14209 according to the terms and conditions of the right. There is no information in the record that would demonstrate that the rights are subject to forfeiture under ORS 540.610.

17. A water delivery system sufficient to use the full amount of water allowed under the existing rights was present within the five-year period prior to submittal of Transfer Application T-14209.
18. The water rights are subject to transfer as defined in ORS 540.505(4) and OAR 690-380-0100(14).
19. The proposed point of diversion diverts water from the same source of surface water as the authorized point of diversion, as required by OAR 690-380-2110(2).
20. The proposed changes, as conditioned, would not result in enlargement of the rights.
21. The proposed changes, as conditioned, would not result in injury to other existing water rights.
22. All other application requirements are met.

Conclusions of Law:

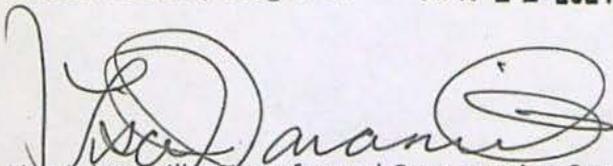
The change in points of diversion proposed in Transfer Application T-14209 are consistent with the requirements of ORS 540.505 to 540.580 and OAR 690-380-5000.

Now, therefore, it is ORDERED:

1. The change in points of diversion proposed in Transfer Application T-14209 is approved.
2. The right to the use of the water is restricted to beneficial use at the place of use described and is subject to all other conditions and limitations contained in Certificates 3394, 13935, and 20780 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 points of diversion.
4. Water right Certificates 3394, 13935, and 20780 are cancelled. New certificates will be issued describing the portion of the rights not affected by this transfer.
5. The quantity of water diverted at the new points of diversion shall not exceed the quantity of water lawfully available at the original point of diversion.
6. The quantity of water diverted at the new points of diversion, together with that diverted at the original points of diversion, shall not exceed the quantity of water lawfully available at the original points of diversion.
7. Water shall be acquired from the same source of surface water as the original points of diversion.
8. Water use measurement conditions:

- a. Before water use may begin under this order, the water user shall install a totalizing flow meter, or, with prior approval of the Director, another suitable measuring device, at each point of diversion.
 - b. The water user shall maintain the meters or measuring devices in good working order.
 - c. The water user shall allow the Watermaster access to the meters or measuring devices; provided however, where the meters or measuring devices are located within a private structure, the Watermaster shall request access upon reasonable notice.
9. Prior to diverting water, the water user shall install a headgate to control and regulate the quantity of water diverted. The type and plans of the headgate must be approved by the Department prior to beginning construction and shall be installed under the general supervision of the Department. The water user shall maintain the headgate as required by the Department.
 10. Prior to diverting water, the water user shall install a fish screening and/or by-pass device, as appropriate, at the new points of diversion consistent with the Oregon Department of Fish and Wildlife's (ODFW) design and construction standards. Prior to installation, the water user shall obtain written approval from ODFW that the required screen and/or by-pass device meets ODFW's criteria. Prior to submitting a Claim of Beneficial Use, the water user must obtain written approval from ODFW that the required screening and/or by-pass device was installed to the state's criteria. The water user shall maintain and operate the fish screen and/or by-pass device, as appropriate, at the point of diversion consistent with ODFW's operational and maintenance standards.
 11. 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.
 12. After satisfactory proof of beneficial use is received, new certificates confirming the rights transferred will be issued.

Dated in Salem, Oregon on **APR 22 2024**



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

Mailing date: APR 23 2024

STATE OF OREGON

COUNTY OF JOSEPHINE

CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

TWOHY BROTHERS CO.
623 UNDERWOOD BLDG
SAN FRANCISCO, CA

confirms the right to use the waters of ILLINOIS RIVER for the purposes of IRRIGATION FOR TRACT #1, AND SUPPLEMENTAL IRRIGATION FOR TRACT #2.

This right was confirmed by decree of the Circuit Court of the State of Oregon for Josephine County. The decree is of record at Salem, in the Order Record of the Water Resources Director in Volume 13, at Page 70. The date of priority is OCTOBER 1, 1898.

The amount of water to which such right is entitled, for the purposes aforesaid, is limited to an amount actually beneficially used for said purposes and shall not exceed ONE CUBIC FOOT PER SECOND for each 50 ACRES of land irrigated during the irrigation season from April 1 to November 1 of each year.

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

TRACT #1					
Twp	Rng	Mer	Sec	Q-Q	Acres
38 S	8 W	WM	28	SE SW	10.0
38 S	8 W	WM	33	NE NW	20.0
38 S	8 W	WM	33	NW NW	9.1
38 S	8 W	WM	33	SW NW	1.4
38 S	8 W	WM	33	SE NW	20.0
TOTAL					60.5

Tract #2					
Twp	Rng	Mer	Sec	Q-Q	Acres
38 S	8 W	WM	33	NE SW	20.0
38 S	8 W	WM	33	NW SW	1.0
38 S	8 W	WM	33	SW SW	10.0
38 S	8 W	WM	33	SE SW	5.0
39 S	8 W	WM	5	SE NE	12.3
39 S	8 W	WM	5	SW SE	20.0
TOTAL					68.3

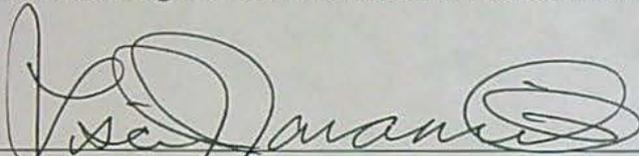
NOTE: The use of water for irrigation purposes from Illinois River, Big Spring Rice Creek, and Straw Creek is restricted to the quantity of water herein fixed.

This certificate describes that portion of water right Certificate 13935, State Record of Water Right Certificates, NOT modified by the provisions of an order of the Water Resources Director entered APR 22 2024, approving Transfer Application T-14209.

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 22 2024.

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

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

STATE OF OREGON

COUNTY OF JOSEPHINE

CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

LLOYD A. JOHNSON
 C/O ALLEN AND SCHULZ, ATTORNEYS
 PO BOX 378
 GRANTS PASS, OR

confirms the right to use the waters of ILLINOIS RIVER, a tributary of ROGUE RIVER for the purpose of IRRIGATION.

This right was perfected under Permit S-22718. The date of priority is NOVEMBER 20, 1953. 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 4.25 CUBIC FEET PER SECOND, or its equivalent in case of rotation, measured at the point of diversion.

The point of diversion is located as follows:

Twp	Rng	Mer	Sec	Q-Q
39 S	8 W	WM	20	SW NE

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-FIFTIETH 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 3.5 acre-feet per acre for each acre irrigated during the irrigation season of each year.

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

IRRIGATION						
Twp	Rng	Mer	Sec	Q-Q	GLot	Acres
38 S	8 W	WM	33	NW NW	10	10.0
38 S	8 W	WM	33	SW NW	9	1.1
38 S	8 W	WM	33	SW SW	7	8.0
39 S	8 W	WM	8	SE NE		17.7
39 S	8 W	WM	8	NE SE		28.7
39 S	8 W	WM	8	NW SE		6.1
39 S	8 W	WM	8	SE SE		9.0
39 S	8 W	WM	9	SW NW		20.0
39 S	8 W	WM	9	NE SW		2.0
39 S	8 W	WM	9	NW SW		35.0
39 S	8 W	WM	9	SW SW		40.0
39 S	8 W	WM	9	SE SW		15.0

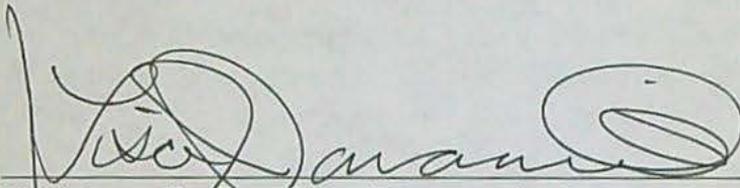
IRRIGATION						
Twp	Rng	Mer	Sec	Q-Q	GLot	Acres
39 S	8 W	WM	16	NW NW		20.0
TOTAL						212.6

This certificate describes that portion of water right Certificate 20780, State Record of Water Right Certificates, NOT modified by the provisions of an order of the Water Resources Director entered APR 22 2024, approving Transfer Application T-14209.

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.

WITNESS the signature of the Water Resources Director, affixed APR 22 2024.



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

STATE OF OREGON

COUNTY OF JOSEPHINE

CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

J. B. KURTZ
KERBY, OR

confirms the right to use the waters of ILLINOIS RIVER, a tributary of ROGUE RIVER for the purpose of IRRIGATION.

This right was perfected under Permit S-3680. The date of priority is SEPTEMBER 28, 1917. 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 0.385 cubic foot per second, or its equivalent in case of rotation. The use hereunder for irrigation shall conform to such reasonable rotation system as may be ordered by the proper state officer.

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

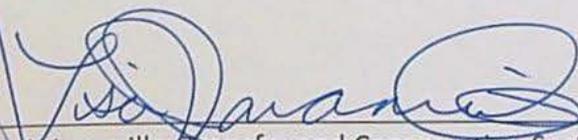
IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
39 S	8 W	WM	8	SE SE	30.7

This certificate describes that portion of water right Certificate 3394, State Record of Water Right Certificates, NOT modified by the provisions of an order of the Water Resources Director entered APR 22 2024, approving Transfer Application T-14209.

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.

WITNESS the signature of the Water Resources Director, affixed APR 22 2024.



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

WATER RIGHT TRANSFER COVER SHEET

Transfer: T- 14209
 Transfer Type: Permit

Reimbursement Authority?

Transfer Specialist: Dante L.

Applicant: <u>Q Bar V Ranch</u>	Agent: <u>Adkins Engineering</u>	Receiving Landowner: <u>N/A</u>
Current Landowner if other than Applicant:	CWRE: <u>Daniel Solas</u>	Irrigation District:
Affected Local Gov'ts:	Affected Tribal Gov't:	BOR Notified (date):

Water Rights Affected

File Marked	App. File # or Decree Name	Permit	Certificate	RR/CR Needed	RR/CR Nos.
<input type="checkbox"/>			<u>5394</u>	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
<input type="checkbox"/>			<u>13935</u>	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
<input type="checkbox"/>			<u>20780</u>	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	

Key Dates & Initial Actions (Support Staff)

Rec'd:	Proposed Action(s):	
Fees Pd: <u>\$2580 \$125 \$1325.40</u>	Acknowledgement Letter Sent <input type="checkbox"/>	Basin: <u>Rogue</u>
Initial Public Notice:	County sent cc: of Ack Letter <input type="checkbox"/>	County: <u>Josephine</u>
WM District:	WM Review request sent:	WM Review date received:
ODFW District:	ODFW Review sent:	ODFW Review date received:
Groundwater	GW Review sent:	GW Review date received:

Caseworker Actions: Newspaper & PD Notice:

Newspaper notice needed: <input checked="" type="checkbox"/>	Name of Newspaper:
Newspaper notice sent to coordinator:	Newspaper notice quote requested (NRS1):
Request for news \$ sent:	News \$ received:
Affidavit of publication received:	Last day of publication:

Peer Review:

Document	Drafted	Peer Review	Coordinator	Changes Made	Signature Bin	Signature Date
DPD	Date: <u>9-1-23</u> Initials: <u>AL</u>	Date: <u>10-18-23</u> Initials: <u>PRS</u>	Date: _____ Initials: _____	Date: <u>12-14-23</u> Initials: <u>AL</u>	CW Sent: _____ WM Sheet <input checked="" type="checkbox"/> ODFW Sheet: <input checked="" type="checkbox"/>	N/A
PD	Date: <u>12-14-23</u> Initials: <u>AL</u>	Date: <u>1-17-24</u> Initials: <u>PRS</u>	Date: _____ Initials: _____	Date: <u>1-18-24</u> Initials: <u>AL</u> Data Review Date: <u>1-25-24</u>	Date: _____	Date: <u>2-26-24</u>
FO	Date: <u>3-4-24</u> Initials: <u>AL</u>	Date: <u>3-7-24</u> Initials: <u>SH</u>	Date: <u>3-8-24</u> Initials: <u>A</u>	Date: <u>3-8-24</u> Initials: <u>AL</u>	Date: <u>4-18-24</u> No. of docs for sig: <u>4</u>	Date: <u>4/22/24</u>

Special Issues: _____

Special Order Volume: Vol. 129 Pages 1205-1211

Received
MAR 14 2024
OWRD

Grants Pass
Daily Courier

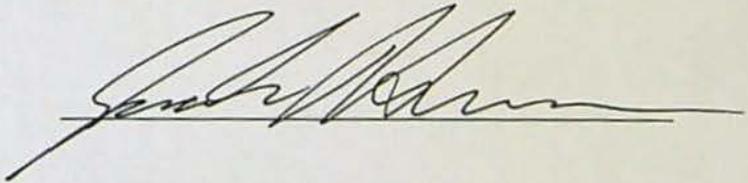
P.O. Box 1468, 409 S.E. 7th Street • Grants Pass, Oregon 97528

AFFIDAVIT OF PUBLICATION

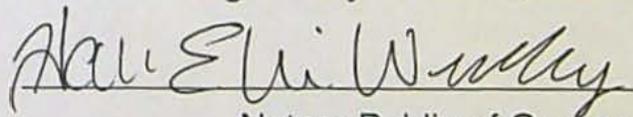
State of Oregon)
County of Josephine) ss.

I, Sarah Hannon, being first duly sworn, depose and say that I am a manager of Courier Publishing Co., printer of the Grants Pass Daily Courier, a newspaper of general circulation in Josephine and Jackson Counties in Oregon, as defined by ORS 193.010 and 193.020; printed and published at Grants Pass, in the aforesaid counties and state; that the LEGAL NOTICE, a printed copy of which is herein enclosed, was published in the entire issue of said paper, for two insertions, on the following dates:

March 1, 2024; March 8, 2024.



Subscribed and sworn to before me this eighth day of March, 2024.



Notary Public of Oregon

OFFICIAL STAMP
HANNAH ELAINE WOOLLEY
NOTARY PUBLIC - OREGON
COMMISSION NO. 1001871A
COMMISSION EXPIRES AUGUST 09, 2024

501638

OFFICIAL STAMP
HANNAH ELAINE WOOLLEY
NOTARY PUBLIC - OREGON
COMMISSION NO. 1001871A
MY COMMISSION EXPIRES AUGUST 09, 2024

LEGAL NOTICE

**Notice of Preliminary
Determination for
Water Right Transfer
T-14209**

T- filed by Q Bar X Ranch, PO Box 3210, Kerby, OR 97531, proposes a change in point of diversion under Certificates 3394, 13935, and 20780. Certificate 3394 allows the use of 0.255 cubic foot per second from the Illinois River in Sec. 20, T39S, R8W, WM for irrigation in Sec. 8, T39S, R8W, WM. The applicant proposes additional points of diversion in Sects. 4 and 16, T39S, R8W, WM. Certificate 13935 allows the use of 0.99 cubic foot per second from the Illinois River in Sec. 20, T39S, R8W, WM for irrigation and supplemental irrigation in Sec. 33, T38S, R8W, WM and Sects. 4, 5 and 8, T39S, R8W, WM. The applicant proposes additional points of diversion in Sects. 4 and 16, T39S, R8W, WM. Certificate 20780 allows the use of 1.93 cubic feet per second from the Illinois River in Sec. 20, T39S, R8W, WM for irrigation in Sec. 33, T38S, R8W, WM and Sects. 4, 5, and 8, T39S, R8W, WM. The applicant proposes additional points of diversion in Sects. 4 and 16, T39S, R8W, WM. 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, 03/08/2024. Call (503) 986-0935 to obtain additional information. If no protests are filed, the Department will issue a final order consistent with the preliminary determination.

No. 00501638 - 3/1, 3/8, 2024



Received
MAR 14 2024
OWRD



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

February 26, 2024

VIA CERTIFIED MAIL AND E-MAIL

Applicant

Q BAR X RANCH

PO BOX 3210

KERBY, OR 97531

SUBJECT: Water Right Transfer Application T-14209

Please find enclosed the Preliminary Determination indicating that, based on the information available, the Department intends to approve application T-14209. 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.

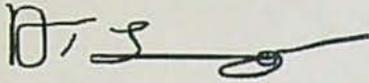
A public notice is being published in the Department's weekly publication and in the Daily Courier newspaper, simultaneously with issuance of the Preliminary Determination. The notice initiates a period in which any person may file either a protest opposing the decision proposed by the Department in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

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

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

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

Sincerely,

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

Dante Luongo
Transfer Specialist
Transfer and Conservation Section

cc: T-14209
Scott C. Ceciliani, District 14 Watermaster (*via e-mail*)
Adkins Engineering And Surveying, Agent for the applicant (*via e-mail*)

encs

BEFORE THE WATER RESOURCES DEPARTMENT
OF THE
STATE OF OREGON

In the Matter of Transfer Application)	PRELIMINARY DETERMINATION
T-14209, Josephine County)	PROPOSING APPROVAL OF A CHANGE IN
)	POINTS OF DIVERSION

Authority

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

Applicant

Q BAR X RANCH
PO BOX 3210
KERBY, OR 97531

Findings of Fact

1. On April 6, 2023, Q BAR X RANCH filed an application to change the points of diversion under Certificates 13935, 20780, and 3394. The Department assigned the application number T-14209.
2. Notice of the application for transfer was published on April 18, 2023, pursuant to OAR 690-380-4000. No comments were filed in response to the notice.
3. On December 20, 2023, the Department sent a copy of the draft Preliminary Determination proposing to approve Transfer Application T-14209 to the applicant. The draft Preliminary Determination cover letter set forth a deadline of January 19, 2024, for the applicant to respond. The applicant requested that the Department proceed with issuance of a Preliminary Determination and provided the necessary information to demonstrate that the applicant is authorized to pursue the transfer.
4. The portion of the first right to be transferred is as follows:
Certificate: 3394 in the name of J. B. KURTZ (perfected under Permit S-3680)
Use: IRRIGATION OF 20.3 ACRES
Priority Date: SEPTEMBER 28, 1917

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.

Rate: 0.255 CUBIC FOOT PER SECOND

Limit/Duty: 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 0.25 cubic feet per second, or its equivalent in case of rotation. The use hereunder for irrigation shall conform to such reasonable rotation system as may be ordered by the proper state officer.

Source: ILLINOIS RIVER, tributary of the ROGUE RIVER

Authorized Point of Diversion:

Twp	Rng	Mer	Sec	Q-Q
39 S	8 W	WM	20	SW NE

Authorized Place of Use:

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
39 S	8 W	WM	8	SW SE	11.0
39 S	8 W	WM	8	SE SE	9.3
TOTAL					20.3

5. Certificate 3394 describes the location of the authorized point of diversion as described above; however, the applicant provided additional information to better describe the authorized point of diversion as follows:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
39 S	8 W	WM	20	SW NE	(POD 1) - 2280 FEET SOUTH AND 1420 FEET WEST FROM THE NE CORNER OF SECTION 20

6. Transfer Application T-14209 proposes to move the authorized point of diversion downstream:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances	Approximate Distance from Authorized Point of Diversion
39 S	8 W	WM	4	SW NW	POD 2 - 1440 FEET SOUTH AND 250 FEET EAST FROM THE NW CORNER OF SECTION 4	1.25 miles downstream
39 S	8 W	WM	16	NW NW	POD 3 - 750 FEET SOUTH AND 910 FEET EAST FROM THE NORTHWEST CORNER OF SECTION 16	3.2 miles downstream

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

Certificate: 13935 in the name of TWOHY BROTHERS CO. (confirmed by Illinois River Decree (F))

Use: IRRIGATION OF 49.5 ACRES AND SUPPLEMENTAL IRRIGATION OF 63.7 ACRES

Priority Date: OCTOBER 1, 1898

Limit/Duty: The amount of water to which such right is entitled, for the purposes aforesaid, is limited to an amount actually beneficially used for said purposes, and shall not exceed ONE CUBIC FOOT PER SECOND for each 50 ACRES of land irrigated during the irrigation season from April 1 to November 1 of each year.

Period of Use: April 1 to November 1

Source: ILLINOIS RIVER, tributary to the ROGUE RIVER

Authorized Place of Use:

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
38 S	8 W	WM	33	NW NW	0.9
38 S	8 W	WM	33	SW NW	3.6
39 S	8 W	WM	8	NE NE	25.0
39 S	8 W	WM	8	SE NE	20.0
TOTAL					49.5

SUPPLEMENTAL IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
38 S	8 W	WM	33	NW SW	4.0
39 S	8 W	WM	4	NW NW	12.0
39 S	8 W	WM	5	SE NE	17.7
39 S	8 W	WM	5	NE SE	10.0
39 S	8 W	WM	5	SE SE	20.0
TOTAL					63.7

8. Certificate 13935 does not describe the location of the authorized point of diversion. The applicant has provided the location of the authorized point of diversion as follows:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
39 S	8 W	WM	20	SW NE	2280 FEET SOUTH AND 1420 FEET WEST FROM THE NE CORNER OF SECTION 20

9. Transfer Application T-14209 proposes to move the authorized point of diversion downstream to:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances	Approximate Distance from Authorized Point of Diversion
39 S	8 W	WM	4	SW NW	POD 2 - 1440 FEET SOUTH AND 250 FEET EAST FROM THE NW CORNER OF SECTION 4	2.0 miles downstream
39 S	8 W	WM	16	NW NW	POD 3 - 750 FEET SOUTH AND 910 FEET EAST FROM THE NORTHWEST CORNER OF SECTION 16	2.5 miles downstream

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

Certificate: 20780 in the name of LLOYD A. JOHNSON; C/O ALLEN & SCHULTZ, ATTORNEYS (perfected under Permit S-22718)
Use: IRRIGATION OF 96.4 ACRES
Priority Date: NOVEMBER 20, 1953
Rate: 1.93 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-FIFTIETH 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 3.5 acre-feet per acre for each acre irrigated during the irrigation season of each year.
Source: ILLINOIS RIVER, tributary of the ROGUE RIVER

Authorized Point of Diversion:

Twp	Rng	Mer	Sec	Q-Q
39 S	8 W	WM	20	SW NE

Authorized Place of Use:

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
38 S	8 W	WM	33	SW NW	13.9
38 S	8 W	WM	33	NW SW	15.0
39 S	8 W	WM	4	SW NW	3.0
39 S	8 W	WM	5	NE SE	20.0
39 S	8 W	WM	5	SW SE	2.0
39 S	8 W	WM	5	SE SE	10.0
39 S	8 W	WM	8	NE NE	10.0
39 S	8 W	WM	8	NW NE	5.0
39 S	8 W	WM	8	SE NE	2.3
39 S	8 W	WM	8	NE SE	11.3
39 S	8 W	WM	8	NW SE	3.9
TOTAL					96.4

11. Certificate 20780 describes the location of the authorized point of diversion as described above; however, the applicant provided additional information to better describe the authorized point of diversion as follows:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
39 S	8 W	WM	20	SW NE	2280 FEET SOUTH AND 1420 FEET WEST FROM THE NE CORNER OF SECTION 20

12. Transfer Application T-14209 proposes to move the authorized point of diversion downstream to:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances	Approximate Distance from Authorized Point of Diversion
39 S	8 W	WM	4	SW NW	POD 2 - 1440 FEET SOUTH AND 250 FEET EAST FROM THE NW CORNER OF SECTION 4	2.0 miles downstream
39 S	8 W	WM	16	NW NW	POD 3 - 750 FEET SOUTH AND 910 FEET EAST FROM THE NORTHWEST CORNER OF SECTION 16	2.5 miles downstream

13. The following table describes the acreages to be irrigated under the new points of diversion:

IRRIGATION						
Twp	Rng	Mer	Sec	Q-Q	Acres	Proposed POD
38 S	8 W	WM	33	SW NW	13.9	POD 2 and POD 3
38 S	8 W	WM	33	NW SW	15.0	POD 2 and POD 3
39 S	8 W	WM	4	SW NW	3.0	POD 2 and POD 3
39 S	8 W	WM	5	NE SE	20.0	POD 2 and POD 3
39 S	8 W	WM	5	SW SE	2.0	POD 2 and POD 3
39 S	8 W	WM	5	SE SE	10.0	POD 2 and POD 3
39 S	8 W	WM	8	NE NE	10.0	POD 2 and POD 3
39 S	8 W	WM	8	NW NE	5.0	POD 2 and POD 3
39 S	8 W	WM	8	SE NE	2.3	POD 3
39 S	8 W	WM	8	NE SE	11.3	POD 3
39 S	8 W	WM	8	NW SE	3.9	POD 3
TOTAL					96.4	

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

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

15. Water has been used within the five-year period prior to submittal of Transfer Application T-14209 according to the terms and conditions of the right. There is no information in the record that would demonstrate that the rights are subject to forfeiture under ORS 540.610.
16. A water delivery system sufficient to use the full amount of water allowed under the existing rights was present within the five-year period prior to submittal of Transfer Application T-14209.
17. The water rights are subject to transfer as defined in ORS 540.505(4) and OAR 690-380-0100(14).

18. The proposed point of diversion diverts water from the same source of surface water as the authorized point of diversion, as required by OAR 690-380-2110(2).
19. The proposed changes, as conditioned, would not result in enlargement of the rights.
20. The proposed changes, as conditioned, would not result in injury to other existing water rights.
21. All other application requirements are met.

Determination and Proposed Action

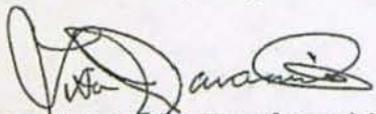
The change in points of diversion proposed in Transfer Application T-14209 appears to be consistent with the requirements of ORS 540.505 to 540.580 and OAR 690-380-5000. If protests are not filed pursuant to OAR 690-380-4030, the transfer application will be approved.

If Transfer Application T-14209 is approved, the final order will include the following:

1. *The change in points of diversion proposed in Transfer Application T-14209 is approved.*
2. *The right to the use of the water is restricted to beneficial use at the place of use described and is subject to all other conditions and limitations contained in Certificates 3394, 13935, and 20780 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 points of diversion.*
4. *Water right Certificates 3394, 13935, and 20780 are cancelled. New certificates will be issued describing the portion of the rights not affected by this transfer.*
5. *The quantity of water diverted at the new points of diversion shall not exceed the quantity of water lawfully available at the original point of diversion.*
6. *The quantity of water diverted at the new points of diversion, together with that diverted at the original points of diversion, shall not exceed the quantity of water lawfully available at the original points of diversion.*
7. *Water shall be acquired from the same source of surface water as the original points of diversion.*
8. *Water use measurement conditions:*
 - a. *Before water use may begin under this order, the water user shall install a totalizing flow meter, or, with prior approval of the Director, another suitable measuring device, at each point of diversion.*
 - b. *The water user shall maintain the meters or measuring devices in good working order.*

- c. *The water user shall allow the Watermaster access to the meters or measuring devices; provided however, where the meters or measuring devices are located within a private structure, the Watermaster shall request access upon reasonable notice.*
9. *Prior to diverting water, the water user shall install a headgate to control and regulate the quantity of water diverted. The type and plans of the headgate must be approved by the Department prior to beginning construction and shall be installed under the general supervision of the Department. The water user shall maintain the headgate as required by the Department.*
10. *Prior to diverting water, the water user shall install a fish screening and/or by-pass device, as appropriate, at the new points of diversion consistent with the Oregon Department of Fish and Wildlife's (ODFW) design and construction standards. Prior to installation, the water user shall obtain written approval from ODFW that the required screen and/or by-pass device meets ODFW's criteria. Prior to submitting a Claim of Beneficial Use, the water user must obtain written approval from ODFW that the required screening and/or by-pass device was installed to the state's criteria. The water user shall maintain and operate the fish screen and/or by-pass device, as appropriate, at the point of diversion consistent with ODFW's operational and maintenance standards.*
11. *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.*
12. *After satisfactory proof of beneficial use is received, new certificates confirming the rights transferred will be issued.*

Dated in Salem, Oregon on **FEB 26 2024**



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

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

Protests

Under the provisions of ORS 540.520(6) & (7) and OAR 690-380-4030, within 30 days after the last date of publication of the newspaper notice or the Department's weekly notice as

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

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

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

Requests for Standing

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

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

- The requester's name, mailing address and telephone number;
- If the requester is representing a group, association or other organization, the name, address and telephone number of the represented group;

- A statement that the requester supports the preliminary determination as issued.

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

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

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

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

You may be represented by an attorney at the hearing. Legal aid organizations may be able to assist a party with limited financial resources. Generally, partnerships, corporations, associations, governmental subdivisions, or public or private organizations are represented by an attorney. However, consistent with OAR 690-002-0020 and OAR 690-137-0555, an agency representative may represent partnerships, corporations, associations, governmental subdivisions or public, or private organizations if the Department determines that appearance of a person by an authorized representative will not hinder the orderly and timely development of the record in this case.

Notice Regarding Servicemembers: Active-duty servicemembers have a right to stay proceedings under the federal Servicemembers Civil Relief Act. 50 U.S.C. App. §§501-597b. For more information contact the Oregon State Bar at 800-452-8260, the Oregon Military

RA

PERMANENT TRANSFER APPLICATION CHECKLIST – Single Cert

Transfer #: T- 14209			Applicant: Q Bar V Ranch			Caseworker: Dante Luongo		
Applicant Contact: NA			Phone Number: 541 592 3382			Email:		
Applicant Agent: Adkins Engineering			Phone Number: 541 884 4666			Email: dscalas@adkinsengineering.com		
CW	PR	Coord	County:			Certificate: 3344 13935 20780		
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>						
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Type of Change(s) Proposed: <input type="checkbox"/> POU <input checked="" type="checkbox"/> POD <input type="checkbox"/> APOD <input type="checkbox"/> POA <input type="checkbox"/> APOA <input type="checkbox"/> USE <input type="checkbox"/> Substitution <input type="checkbox"/> Gov't Action					
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Transfer requiring supplemental review criteria (<i>supplemental checklists to be developed</i>) <input type="checkbox"/> CHAR OF USE <input type="checkbox"/> CONSENT TO INJURY OF ISWR <input type="checkbox"/> SW to GW <input type="checkbox"/> SUPPLEMENTAL IR to PRIMARY IR					
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Print for file or save all certificates in electronic "T" folder and highlight Priority Date, Rate, Use and Limit/Duty paragraph					
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Supplemental checklist for transfers w/in a District (S:\groups\wr\TACS\WRISApps Templates\Transfer Checklists\SUPP_Within District Processing Checklist 9-5-2019) <input checked="" type="checkbox"/> N/A District Name: _____ If this is a Living Certificate – check with Ann Reece					
Supplemental Language document referenced below is located here: S:\groups\wr\TACS\6. Transfers\2. Caseworker Tools and Training\Supplemental Language								

Transfer Application Review and Deficiencies				
CW	PR	Coord	Deficiencies that may cause a denial – please explain	
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	Assign file in WRIS	
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Are all applicants/agents listed in WRIS with email addresses, if available?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Have all permit/certificates been entered in WRIS under Transfer #?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Were Public Comments received? (<i>if yes, enter commenter names/email on mailing list</i>)	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	If yes, were they timely?	<input type="checkbox"/> Yes <input type="checkbox"/> No
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Add finding for any comments received (<i>see Supplemental Language document</i>)	
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Notes:	

Review "From" and "To" Lands and/or POD/POA				
CW	PR	Coord		
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Are the "from" acres on the map authorized POD(s)/POA(s)/POU?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Does the "from" map match the certificate map? If No, what is different?	<input type="checkbox"/> Yes <input type="checkbox"/> No
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Are any of the "from" lands being cancelled/diminished?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	If Yes, were cancellation/diminution affidavits submitted? (<i>see findings in Supplemental Language doc</i>)	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No

<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Compare FROM POU in application (Table 2) with certificate. <i>Mark certificate with acres being xferred (FROM acres), any RR acres and any acres being cancelled.</i>		
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Compare TO POU in Table 2 with the TO Lands on map (<i>for accuracy</i>)		
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Are any instream water rights affected? If Yes, Cert # (If Yes, check criteria for injury-upstream POD move, moving closer to SW, or return flows affected)	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No

Layered/Supplemental Rights					
CW	PR	Coord	<input type="checkbox"/> N/A		
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		Are any supplemental rights being transferred? (<i>verify that it is actually a supplemental right</i>)	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		If Yes, are they being transferred to a "like" primary (i.e. similar reliability) or are they moving with a primary under the transfer?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		Are there any layered irrigation rights not included in the transfer?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		If No, they must move with the primary, to a "like" primary, or be cancelled via a cancellation affidavit.	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		Layered right(s) Cert: 13935	
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		Notes:	

Transfer Review Criteria					
CW	PR	Coord			
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		Validity of the right – Has the right been used in the last 5 years and is not subject to forfeiture?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		<input checked="" type="checkbox"/> Evidence of use and supporting documentation <input type="checkbox"/> Confirming (not a remaining right) cert issued within the last 5 years <input type="checkbox"/> Rebuttal to forfeiture (ORS 540.610)	
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		Ready, Willing and Able – <input type="checkbox"/> Current delivery system sufficiently described in application. Does delivery system have capacity to fully divert and use the authorized rate/duty of the right?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		Would the proposed transfer result in enlargement? If Yes, why? What conditions, if any, will avoid?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		Would the proposed transfer result in injury? If Yes, why? What conditions, if any, will avoid?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		If injury, has WM or GW provided a list of injured water right holders? <input type="checkbox"/> N/A	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		If POD/POA/APOD/APOA change, will it be from the same source? <i>If No, deny per OAR 690-380-2110(2)</i> <input type="checkbox"/> N/A	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		Notes:	

Reviews and Conditions					
CW	PR	Coord			
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		<i>If review is required and has not been submitted, contact reviewer. DPD cannot be issued without reviews.</i> Has the Watermaster review been received? Conditions:	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		Has the ODFW review been received? (<i>required on SW POD or APOD change only</i>) <input type="checkbox"/> N/A Conditions:	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		Has the Groundwater review been received? <input type="checkbox"/> N/A Conditions: (<i>required on POA change, APOA or SW to GW only</i>)	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No

Draft Preliminary Determination and Cover Letter – 12 pt. Calibri font

CW	PR	Coord	
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Prepare ModPod workareas (see S:\groups\wr\TACS\Resources & Reference\Procedures ModPod Procedures 10-2022 for instructions on creating work areas through ModPod)
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Prepare DPD (save as T-XXXXX-dpd) (where XXXXX is the transfer number)
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Prepare DPD Cover letter (save as T-XXXXX-dpd-cov)
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Prepare Notice (save as T-XXXXX-pd-notice)

Remaining Right(s)

CW	PR	Coord	<input type="checkbox"/> N/A
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Prepare Remaining Right (RR) (if applicable). Save as T-XXXXX-rr-CCCCC-NNNNN (CCCCC = current certificate number, NNNNN = new certificate number). Send with DPD, cover letter and notice for peer review.
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Assign new certificate number to remaining right cert (send cert number to Data with PD)
			Orig Cert # RR Cert #
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Make sure all RRs are issued in the original name*, conditions match and duty paragraph matches (if irrigation)
			*Note: Remaining rights can only be issued in the name of the current landowner(s) of the remaining rights IF 1) the Report of Ownership information supplied for the transfer covers all of the remaining right lands (as well as the right being transferred) and 2) the applicant asks for the remaining right to be issued in their name. IF there is a change to remaining right (other than what transfer authorizes) – ADD RECONSIDERATION LANGUAGE "other than contested case."
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Send DPD, cover letter, remaining right and notice for Peer Review

Issue Draft Preliminary Determination

CW	PR	Coord	
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	DPD, cover letter and notice are peer reviewed and signed off by Analyst
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Copy DPD and cover letter for paper file
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Save DPD and cover letter as PDF
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Mail/email to applicant/agent/WM
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Add workflow item "Draft PD Issued"

Report of Ownership Information (ROI)

CW	PR	Coord		<input type="checkbox"/> Yes	<input type="checkbox"/> No
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Does legal description in ROI/Deed match "from" lands?		
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Have all owners on the ROI/Deed signed the application?		
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Has a notarized statement of consent been submitted? (if applicable) <input type="checkbox"/> N/A		

Newspaper Notice (if required)

CW	PR	Coord	<input type="checkbox"/> N/A		
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Name of newspaper: (A list of approved newspapers can be obtained from Elyse)		
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Prepare/send letter to applicant/agent regarding newspaper notice cost	<input type="checkbox"/> Yes	<input type="checkbox"/> No
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	NRS1 delivered receipted funds to caseworker	<input type="checkbox"/> Yes	<input type="checkbox"/> No

Preliminary Determination and Cover Letter Preparation

CW	PR	Coord		
			<i>See cheat sheet at (S:\groups\wr\TACS\6. Transfers\Procedures\DPD to PD Conversion 12-8-2016) for more detailed instructions</i>	
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Was application amended after DPD was issued? - Make sure amended pages were scanned to WRIS (see support staff) and make sure you mark amended (replaced) pages with SUPERSEDE. Also make findings in PD.	<input type="checkbox"/> Yes <input type="checkbox"/> No
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	If Yes, what was amended?	
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Did amendment change determination from denial to approval? <i>Make findings in PD.</i>	<input type="checkbox"/> Yes <input type="checkbox"/> No
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> If POD/POA changes or changes in "from" lands – re-review required from WM <input type="checkbox"/> If POA changes – re-review required from GW	
<i>Note: If POD was amended and changed from a downstream move to upstream within an ISWR reach – Consent to Injury may be required.</i>				
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Save DPD as a new document (T-XXXXX-pd.doc) – 12 pt. Calibri font	
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Remove "Draft" from document	
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Unhide hidden findings (cntrl-A, select Font, uncheck "hidden" box) and add dates	
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	If application was amended, add finding including date of amendment	
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Change language resulting from any amendments in response to the DPD, including language under Determination and Proposed Action	
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Unhide appeal (protest) language at the end of the document	
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Prepare PD Cover Letter (save as T-XXXXX-pd-cov)	
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Check email address(s) for accuracy	
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Notes:	
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Send to caseworker/Kelly for Peer Review	

Data Center Review of PD

CW	PR	Coord		
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Email PD and RR(s)(with new cert numbers) to Duff for review – indicate if file is RA	
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Data Center will send notification that file is complete	
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Make any necessary changes to PD or prepare Revised DPD (if substantive changes)	

Issue Preliminary Determination

CW	PR	Coord		
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Print PD and put in Manager's box for signature and issuance (support will print cover letter)	
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Add workflow notes	

Final Order

CW	PR	Coord	See cheat sheet at (S:\groups\wr\TACS\6. Transfers\Procedures\PD to FO Conversion 12-8-2016) for more detailed instructions
Do not issue Final Order before this date: (protest period end date or 30 days after date of last newspaper publication)			
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Have protests been received? If YES, STOP! Coordinate with Protest section.
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	If application had a newspaper notice, verify that Affidavit of Publication was received. Date:
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Save PD as a new document (T-XXXXX-ord-approve (or deny))
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Remove "PRELIMINARY DETERMINATION" from document title and replace with "FINAL ORDER." Unhide hidden findings (ctrl-a, select Font, uncheck "hidden" box)
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Replace "PROPOSING APPROVAL/DENIAL OF" with APPROVING/DENYING
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Replace the "judicial review/reconsideration rights" box in the first page footer for the "Final Order" judicial review language; unhide and add Special Order Volume (support will add page #)
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Update the hidden paragraph following the public notice and amendments findings (regarding issuance of PD)
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Change "Determination and Proposed Action" to "Conclusions of Law" and update paragraph
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Replace "If application T-XXXXX is approved . . ." with Now, therefore, it is ORDERED:"
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Select list of conditions below "It is ORDERED" section and turn off Italics. Check numbering (start at "1").
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Delete Protest language, Document preparation box, and Notice Regarding Servicemembers; Insert "Mailing Date: _____"
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Final Check: All Conclusions of Law are supported by Findings and Transfer Review Criteria

Remaining Rights

CW	PR	Coord	N/A
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Make sure all RR certs have new cert numbers and are entered on the right side of the footer of each RR
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Update left side of footer to read: T-XXXXX.rr.YYYYY.ZZZZ.ini, where YYYYY is original cert number, ZZZZ is the new cert number, and .ini stands for your initials
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Print RR on certificate paper and include with Final Order for signature

Issue Final Order

CW	PR	Coord	
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Pull "Working Copy" folder from file
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Print and put FO and RR in Manager's box for signature (manager will deliver to support for processing and issuance)

Watermaster Review Form: Water Right Transfer



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

Transfer Application: T-14209

Review Due Date:

Applicant Name: Q Bar X Ranch

Agent: Adkins Engineering & Surveying Inc.

Proposed Changes: POU POD POA USE OTHER

Scott
Ceciliani

Digitally signed by
Scott Ceciliani
Date: 2023.09.08
12:47:03 -07'00'

Reviewer(s): Scott Ceciliani

Date of Review: 09/08/2023

- 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.)
- 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:
No record of calls for water or regulation associated with these 3 rights.
- Have headgate notices been issued for the source that serves the transferred right(s)?
 Yes No Records not available.
- In your estimation, after the proposed change, would distribution of water for the right(s) result in regulation of other water rights that would not have occurred if use under the original right(s) was/were maximized? Yes No If "Yes", explain:
If approved, the points of diversion for the transferred rights would be moved below (downstream) points of diversion for junior water rights, which could lead to regulation in order to shepherd water.
- 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:
Limit the quantity of water that may be diverted under the transferred rights to the quantity that is legally available at the original points of diversion.

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:

10. For POU or USE changes: N/A In your best judgment, would use of the existing right at "full face value," result in the diversion of more water than can be used beneficially and without waste? Yes No If "Yes", explain:

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

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

Yes No If "Yes", explain:

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

Yes No If "Yes", answer the following:

i. Were there any problems with more acres being irrigated (or wetted) than were authorized under the temporary transfer? Yes No If "Yes", explain:

ii. Did the designated areas that were to remain dry (or not wetted) under the temporary transfer actually remain dry? Yes No If "No", explain:

iii. Did the applicant comply with and meet all of the conditions of the temporary transfer? Yes No If "No", explain:

iv. Do you have any other observations regarding the temporary transfer?

Yes No If "Yes", describe:

v. Did the applicant demonstrate to the Department through monitoring and site inspections by the Watermaster that neither injury nor enlargement occurred as a result of the temporary transfer? Yes No If "No", explain:

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

i. "Injury" will occur to other water rights that share the same source?

Yes No If "Yes", explain:

ii. "Enlargement" of the water right being transferred will occur?

Yes No If "Yes", explain:

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

Yes No If "Yes", explain:

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: Totalizing flow meter, or, with prior approval, another suitable measuring device
- 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- 14209

In order to avoid enlargement of the right or injury to other rights, a totalizing flow meter 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: Scott Ceciliani

District: 14

Address: 700 NW Dimmick Street

City/State/Zip: Grants Pass, OR 97526

Phone: Office: 541-476-1288 or Cell: 541-261-2213

Email: OWRD.District14@water.oregon.gov or Scott.C.Ceciliani@water.oregon.gov

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

Approval of an Alternate Measurement Device T- 14209
(to be filled out after consultation with the applicant, or after a site visit)

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

Watermaster signature District Date

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

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

Oregon Department of Fish and Wildlife
Water Right and Diversion Transfer Comment Form
(ODFW provides to WRD so that WRD can make findings according to statutory requirements.)

Reference Transfer #: T-14209

Date of review: 5/8/23

A. Please check box if you believe there is a potential for injury to an instream water right.

The Oregon Department of Fish and Wildlife (ODFW) believes this proposed transfer may injure an instream water right(s) on _____ [stream], tributary to _____, because _____.

(Please attach any available supporting information.)

Note: This will prompt WRD to make a determination whether the transfer will injure an instream water right. *(OWRD makes the determination of injury to a water right, while ODFW's role is to raise concerns, and to evaluate proposed mitigation and net benefit to the resource if OWRD consents to injury of an instream water right.)*

B. Please check one of the following five boxes related to fish screen requirements pursuant to ORS 540.525 or 540.532:

1. Screen Maintain

[Select this option if the new Point of Diversion (POD) requires a fish screen and is currently equipped with an appropriate fish screen that will still be in compliance if the transferred water is diverted from this POD.]

Note: This option will yield the following:

Finding of Fact: The Oregon Department of Fish and Wildlife has determined that a fish screen is necessary at the new point of diversion to prevent fish from entering the diversion and that the diversion is currently equipped with an appropriate fish screen.

Condition: The water user shall operate and maintain an approved fish screen at the new point of diversion. If Oregon Department of Fish and Wildlife (ODFW) determines the screen is not functioning properly, and is unsuccessful in working with the water user to meet ODFW standards, ODFW may request that OWRD regulate the use of water until OWRD receives notification from ODFW that the fish screen is functioning properly.

2. Screen Now

[Option 2 should generally be selected if listed fish species are present at the point of diversion and/or the originating water right diversion is currently screened. If Option 2 is selected, provide contact information on the "Fish Screening and Passage Information" sheet. The new diversion may be eligible for cost-share.]

Note: This option will yield the following:

Finding of Fact: The Oregon Department of Fish and Wildlife (ODFW) has determined that a fish screen is necessary at the new point of diversion to prevent fish from entering the diversion and that the diversion is not currently equipped with an appropriate fish screen. This diversion may be eligible for screening cost-share funds.

Condition: Prior to diverting water, the water user shall install an approved fish screen at the new point of diversion and shall provide to the OWRD a written statement from Oregon Department of Fish and Wildlife (ODFW) that the installed screen meets the state's criteria, or that ODFW has determined a screen is not necessary.

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

*Please return all 3 pages to: Transfers Section, Water Resources Department,
725 Summer St. NE, Suite A, Salem, OR 97301-1266*

3. Screen 2 Year

[Option 3 may be checked if the change is from an unscreened diversion to a HISTORIC POD or an existing POD in use for another water right, and cost-share funds are not currently available. It should NOT be checked if listed fish species are present at the point of diversion, the originating water right diversion is screened, cost-share funds are currently available, or the diversion is not eligible for ODFW's cost-share program. Please provide contact information on the "Fish Screening and Passage Information" sheet.] If extraordinary circumstances are present, please explain: _____

Note: This option will yield the following:

Finding of Fact: The Oregon Department of Fish and Wildlife (ODFW) has determined that a fish screen is necessary at the new point of diversion to prevent fish from entering the diversion and that the diversion is not currently equipped with an appropriate fish screen. Listed fish species are not present at the point of diversion, the originating water right diversion is not screened, cost-share funds are not currently available, and the proposed diversion may be eligible for ODFW's cost-share program. A grace period of two years is appropriate until such time as cost-share funds become available to assist in the construction of a fish screen. If cost-share funds do not become available, the water user must screen within the indicated time period regardless of the availability of cost-share funding.

Condition: By October 1, 20__ [Within **two** years after the date of this order] the water user shall install an approved fish screen at the new point of diversion. The water user may withdraw water at the new point of diversion without a screen until October 1, 20__. The water user shall provide to OWRD a written statement from Oregon Department of Fish and Wildlife (ODFW) that the installed screen meets the state's criteria, or that ODFW has determined a screen is not necessary.

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

4. Screen Future

[Use this option if fish are not currently present, but might possibly be at some future time.]

Note: This option will yield the following:

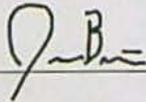
Finding of Fact: The Oregon Department of Fish and Wildlife has determined that the diversion is not currently equipped with an appropriate fish screen, but a fish screen may be required in the future at the new point of diversion to prevent fish from entering the diversion.

Condition: The Oregon Department of Fish and Wildlife (ODFW) may require the water user to install an approved fish screen at the new point of diversion within one year after receiving written notification that a fish screen is required. Once installed the water user shall maintain and operate the fish screen at the new point of diversion according to ODFW's operational and maintenance standards. If ODFW determines the screen is not functioning properly, and is unsuccessful in working with the water user to meet ODFW standards, ODFW may request that OWRD regulate the use of water until OWRD receives notification from ODFW that the fish screen is functioning properly.

5. No Screen Needed

[Check this box if fish are not currently present, and are not expected in the future.]

Signature



(541-) 315-6222

Phone

Jason Brandt

Printed Name

SW Hydro Coordinator

Title

Oregon Department of Fish and Wildlife
Additional Fish Screening and Passage Information for the Applicant

(To be completed by ODFW for WRD to provide to the applicant.)

Transfer #: T-14209

The applicant should be aware that fish screening and passage may be required for certain changes in point of diversion if the boxes below are checked.

- Fish screening is required as a condition of this transfer. The fish screen must meet ODFW's design, construction, operational and maintenance standards.

Pursuant to ORS 498.306, cost-share funds may be available to assist in the installation of fish screening.

The applicant should contact the ODFW staff member below to obtain additional information on the design, construction, operational, and maintenance standards for the fish screen and to obtain information about ODFW's cost-sharing program for screening. **Prior to installation, the water user must obtain written approval from ODFW that the required screen meets ODFW's criteria.**

ODFW staff name: Josh Kelsey

Address: 1495 E Gregory Rd

City/State/Zip: Central Point/OR/97502

Phone: (541) 826-8774

- This transfer may trigger requirements for fish passage under ORS 509.585 because a new point of diversion will be constructed, an existing point of diversion's capacity will be increased, or an existing point of diversion will be abandoned. The applicant should contact the ODFW staff member below for a determination of whether native migratory fish are or were present at the applicable location, which will determine whether fish passage must be addressed.

ODFW staff name: Jason Brandt

Address: 4192 N Umpqua Hwy

City/State/Zip: Roseburg/OR/97470

Phone: (541) 315-6222

**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 # **140516**

INVOICE # _____

RECEIVED FROM: <u>Water Watch of Oregon, Inc</u>	APPLICATION
BY: _____	PERMIT
	TRANSFER <u>T-14209</u>

CASH: CHECK: # 1014 OTHER: (IDENTIFY) _____

TOTAL REC'D \$1,375.90

1083 TREASURY 4170 WRD MISC CASH ACCT

0407 COPIES <u>PCA 47124 R11-430-23</u>	\$
<u>0412</u> OTHER: (IDENTIFY) <u>Transfer RA</u>	\$ <u>325.90</u>

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

4270 WRD OPERATING ACCT

MISCELLANEOUS

0407 COPY & TAPE FEES	\$
0410 RESEARCH FEES	\$
0408 MISC REVENUE: (IDENTIFY) _____	\$
TC162 DEPOSIT LIAB. (IDENTIFY) _____	\$
0240 EXTENSION OF TIME	\$

WATER RIGHTS:

0201 SURFACE WATER	EXAM FEE \$	0202	RECORD FEE \$
0203 GROUND WATER	\$	0204	\$
0205 TRANSFER	\$		

WELL CONSTRUCTION

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

OTHER (IDENTIFY) _____

0536 TREASURY 0437 WELL CONST. START FEE

0211 WELL CONST START FEE	\$	CARD#
0210 MONITORING WELLS	\$	CARD#

OTHER (IDENTIFY) _____

0607 TREASURY 0467 HYDRO ACTIVITY LIC NUMBER

0233 POWER LICENSE FEE (FWWRD)	\$
0231 HYDRO LICENSE FEE (FWWRD)	\$
HYDRO APPLICATION	\$

TREASURY OTHER / RDX

FUND _____ TITLE _____

OBJ. CODE _____ VENDOR # _____

DESCRIPTION _____ \$ _____

RECEIPT: **140516** DATED: 4-17-23 BY: umcalif

APR 18 2023

Salem, OR

**REIMBURSEMENT AUTHORITY
APPLICANT'S AGREEMENT
Contract Number: R11-430-23**

This Agreement is between the Oregon Water Resources Department, hereafter OWRD, and Q Bar X Ranch, hereafter Applicant, hereafter known together as the parties.

OWRD Information	Applicant's Information	Applicant's Representative
Contact: Kelly Starnes	Name: Q Bar X Ranch	Name: Adkins Engineering & Surveying, Inc.
Title: Transfer Advisor	Contact:	Contact:
Address: 725 Summer Street, NE, Suite A Salem, OR 97301-1266	Address: PO Box 3210 Kerby, OR 97531	Address: 1435 Esplanade Ave. Klamath Falls, OR 97601
Phone: 503 979-3511	Phone: (541) 592-3382	Phone: (541) 884-4666
Fax: 503 986-0901	Fax:	Fax:
Email: patrick.k.starnes@water.oregon.gov	Email:	Email: dscalas@adkinsengineering.com

Purpose The purpose of this Agreement is to expedite the processing of the Transfer Application. (Application Number: T-14209)

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 \$1,325.90. Applicant agrees to pay the full amount of \$1,325.90 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: *Daniel S. [Signature]* / Applicant's agent
 Name/Title:

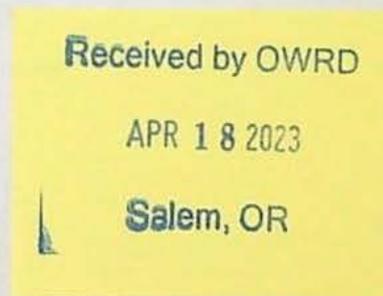
For OWRD: *Dwight French [Signature]*
 Dwight French – Administrator

4/14/23
 Date

4-26-2023
 Date

Mail signed Agreement to:

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



SMITH Joan M * WRD

From: Bryce McKinney <BMcKinney@adkinsengineering.com>
Sent: Wednesday, April 05, 2023 11:21 AM
To: STARNES Patrick K * WRD
Cc: SMITH Joan M * WRD; arla.l.heard@water.oregon.gov; CLARK Gerald E * WRD; Dan Scalas; Jim McCarthy
Subject: Completed Land Use Form for Permanent Transfer for Certificates 3394, 13935, & 20780
Attachments: Land Use Form - signed and completed.pdf

Good morning,

We submitted a permanent transfer yesterday for Certificates 3394, 13935, & 20780. The Land Use Form we submitted only included the receipt at the bottom completed by Josephine County planning department. This morning we received the approved and completed Land Use Form which I've attached to this email. Please let me know if there's anything else you need.

Thanks,



Bryce McKinney
Environmental Scientist

o / 541.884.4666
m / 503.737.4655
a / 1435 Esplanade Ave, Klamath Falls, OR 97601
w / AdkinsEngineering.com

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): Q Bar X Ranch

Mailing Address: P.O. Box 3210

City: Kerby

State: OR

Zip Code: 97531

Daytime Phone: 541-592-3382

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>38S</u>	<u>8W</u>	<u>4</u>	<u>SW NW</u>	<u>300</u>	<u>Exclusive Farm Use</u>	<input checked="" type="checkbox"/> Diverted	<input checked="" type="checkbox"/> Conveyed	<input checked="" type="checkbox"/> Used	<u>Agriculture</u>
<u>39S</u>	<u>8W</u>	<u>16</u>	<u>NW NW</u>	<u>1000</u>	<u>Exclusive Farm Use</u>	<input checked="" type="checkbox"/> Diverted	<input checked="" type="checkbox"/> Conveyed	<input type="checkbox"/> Used	<u>Agriculture</u>
<u>38S</u>	<u>8W</u>	<u>33</u>	<u>NW NW</u>	<u>500</u>	<u>Exclusive Farm Use</u>	<input type="checkbox"/> Diverted	<input checked="" type="checkbox"/> Conveyed	<input checked="" type="checkbox"/> Used	<u>Agriculture</u>
<u>38S</u>	<u>8W</u>	<u>33</u>	<u>SW NW</u>	<u>500</u>	<u>Exclusive Farm Use</u>	<input type="checkbox"/> Diverted	<input checked="" type="checkbox"/> Conveyed	<input checked="" type="checkbox"/> Used	<u>Agriculture</u>
<u>38S</u>	<u>8W</u>	<u>33</u>	<u>NW SW</u>	<u>500</u>	<u>Exclusive Farm Use</u>	<input type="checkbox"/> Diverted	<input checked="" type="checkbox"/> Conveyed	<input checked="" type="checkbox"/> Used	<u>Agriculture</u>
<u>39S</u>	<u>8W</u>	<u>8</u>	<u>SW SE</u>	<u>101</u>	<u>Exclusive Farm Use</u>	<input type="checkbox"/> Diverted	<input checked="" type="checkbox"/> Conveyed	<input checked="" type="checkbox"/> Used	<u>Agriculture</u>
<u>39S</u>	<u>8W</u>	<u>8</u>	<u>SE SE</u>	<u>101</u>	<u>Exclusive Farm Use</u>	<input type="checkbox"/> Diverted	<input checked="" type="checkbox"/> Conveyed	<input checked="" type="checkbox"/> Used	<u>Agriculture</u>
<u>39S</u>	<u>8W</u>	<u>8</u>	<u>NE NE</u>	<u>101</u>	<u>Exclusive Farm Use</u>	<input type="checkbox"/> Diverted	<input checked="" type="checkbox"/> Conveyed	<input checked="" type="checkbox"/> Used	<u>Agriculture</u>
<u>39S</u>	<u>8W</u>	<u>8</u>	<u>NE SE</u>	<u>101</u>	<u>Exclusive Farm Use</u>	<input type="checkbox"/> Diverted	<input checked="" type="checkbox"/> Conveyed	<input checked="" type="checkbox"/> Used	<u>Agriculture</u>
<u>39S</u>	<u>8W</u>	<u>8</u>	<u>NW SE</u>	<u>101</u>	<u>Exclusive Farm Use</u>	<input type="checkbox"/> Diverted	<input checked="" type="checkbox"/> Conveyed	<input checked="" type="checkbox"/> Used	<u>Agriculture</u>
<u>39S</u>	<u>8W</u>	<u>8</u>	<u>SE NE</u>	<u>101</u>	<u>Exclusive Farm Use</u>	<input type="checkbox"/> Diverted	<input checked="" type="checkbox"/> Conveyed	<input checked="" type="checkbox"/> Used	<u>Agriculture</u>
<u>39S</u>	<u>8W</u>	<u>8</u>	<u>NE NE</u>	<u>101</u>	<u>Exclusive Farm Use</u>	<input type="checkbox"/> Diverted	<input checked="" type="checkbox"/> Conveyed	<input checked="" type="checkbox"/> Used	<u>Agriculture</u>
<u>39S</u>	<u>8W</u>	<u>4</u>	<u>NW NW</u>	<u>300</u>	<u>Exclusive Farm Use</u>	<input type="checkbox"/> Diverted	<input checked="" type="checkbox"/> Conveyed	<input checked="" type="checkbox"/> Used	<u>Agriculture</u>
<u>39S</u>	<u>8W</u>	<u>5</u>	<u>SE NE</u>	<u>101</u>	<u>Exclusive Farm Use</u>	<input type="checkbox"/> Diverted	<input checked="" type="checkbox"/> Conveyed	<input checked="" type="checkbox"/> Used	<u>Agriculture</u>
<u>39S</u>	<u>8W</u>	<u>5</u>	<u>NE SE</u>	<u>101</u>	<u>Exclusive Farm Use</u>	<input type="checkbox"/> Diverted	<input checked="" type="checkbox"/> Conveyed	<input checked="" type="checkbox"/> Used	<u>Agriculture</u>
<u>39S</u>	<u>8W</u>	<u>5</u>	<u>SE SE</u>	<u>101</u>	<u>Exclusive Farm Use</u>	<input type="checkbox"/> Diverted	<input checked="" type="checkbox"/> Conveyed	<input checked="" type="checkbox"/> Used	<u>Agriculture</u>
<u>39S</u>	<u>8W</u>	<u>5</u>	<u>SW SE</u>	<u>101</u>	<u>Exclusive Farm Use</u>	<input type="checkbox"/> Diverted	<input checked="" type="checkbox"/> Conveyed	<input checked="" type="checkbox"/> Used	<u>Agriculture</u>

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

Kerby, Josephine County, Oregon

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) Illinois River

Estimated quantity of water needed: 11.66 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:

A portion of the authorized lands for Certificates 3394, 13935, and 20780 have been historically irrigated by POD 1 (Pomeroy Dam) through Pomeroy Ditch. The applicant is proposing to change the points of diversion to PODs 2 & 3.

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. →

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): Section 19.64.020.A - Outright Uses.
- 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.

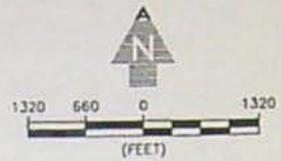
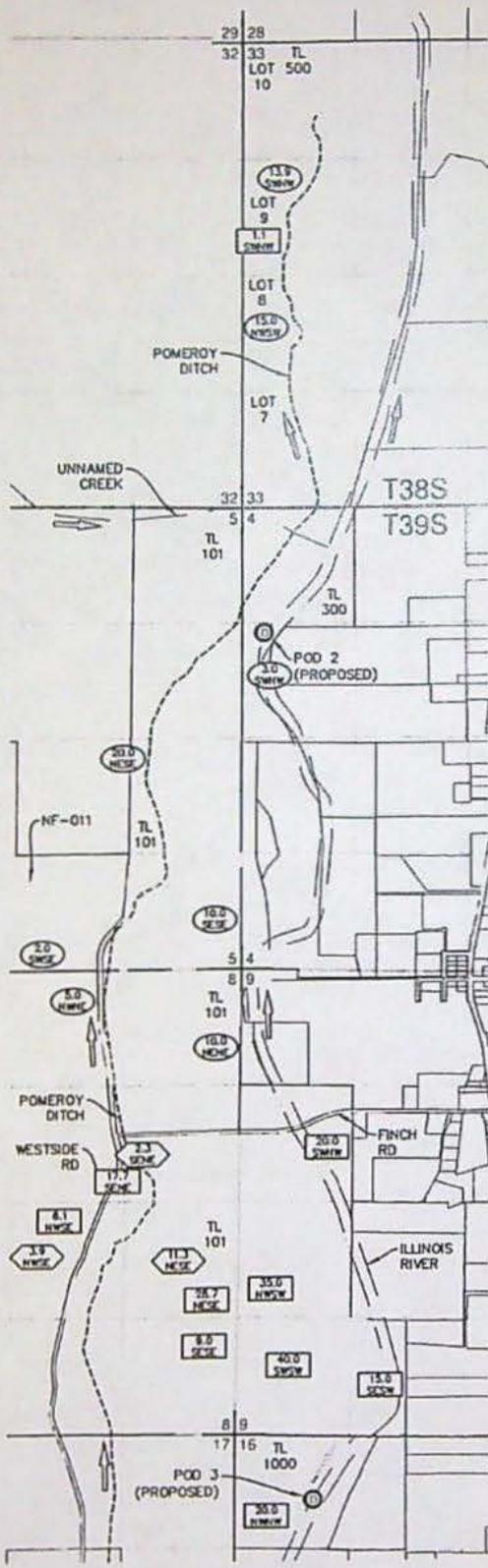
Josephine County Planning
700 NW Dimmick Street
Suite C
Grants Pass, OR 97526

Name: Annie Heater Title: Assistant Planner
 Signature: [Signature] Phone: 541 474 5109 Date: 4-4-23
 Government Entity: Josephine County - Planning Division X 2412

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: James McCarthy
 City or County: Josephine Staff contact: Annie Heater
 Signature: [Signature] Phone: _____ Date: 4-3-23

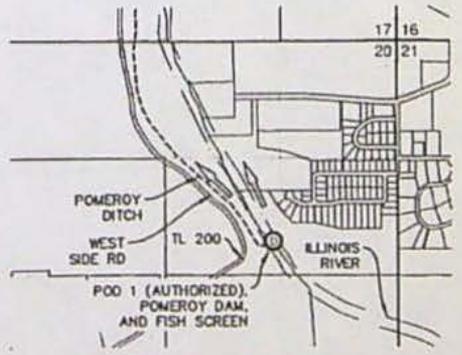


LEGEND

	TOWNSHIP LINE
	SECTION LINE
	1/4 1/4 LINE
	TAX LOT LINE
	RIVER
	DITCH LINE
	ROAD
	FLOW DIRECTION
	SECTION CORNER
	TAX LOT NUMBER
	GOVERNMENT LOT NUMBER
	POD
	CERTIFICATE 20780 TRANSFERRED TO POD 3
	CERTIFICATE 20780 TRANSFERRED TO PODS 2 & 3
	CERTIFICATE 20780 LANDS UNCHANGED

- NOTES:**
1. THIS MAP WAS PREPARED FROM FIELD MEASUREMENTS, NAIP 2023 AERIAL PHOTOGRAPHY, JOSEPHINE COUNTY TAX MAPS, AND OREGON GLO MAPS
 2. THE PURPOSE OF THIS MAP IS TO IDENTIFY THE LOCATION OF THE WATER RIGHT ONLY, AND IS NOT INTENDED TO PROVIDE DIMENSIONS OR LOCATION OF PROPERTY LINES.
 3. DATE OF PRIORITY FOR THIS CERTIFICATE IS NOVEMBER 20, 1953

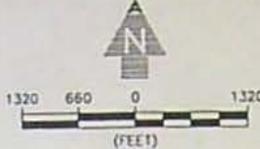
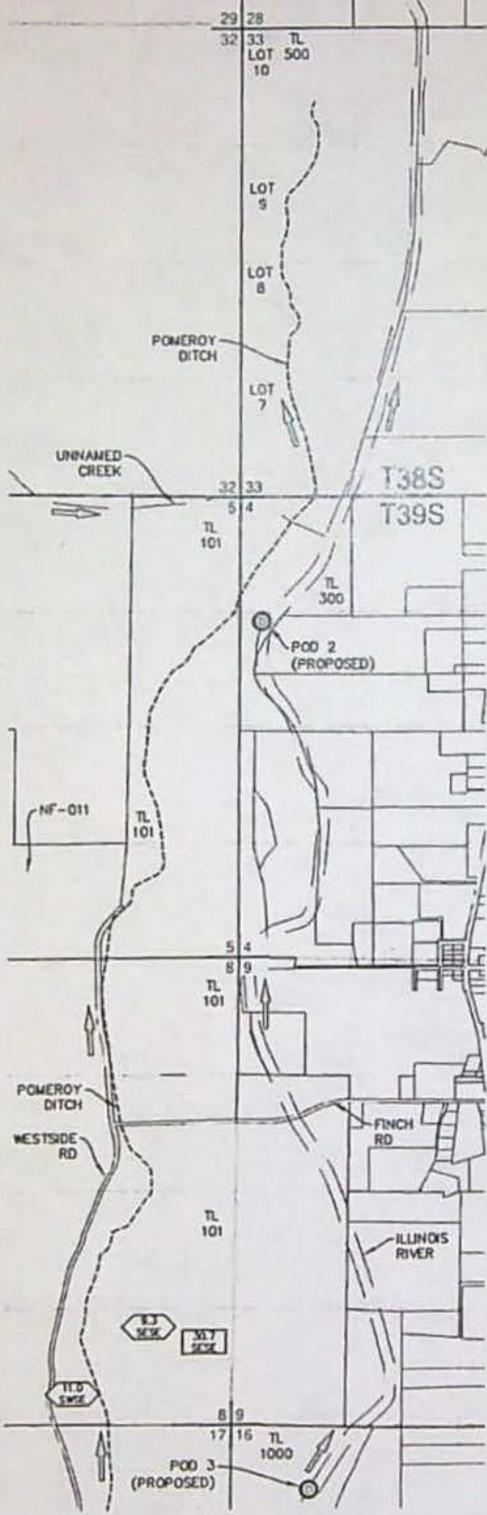
- POD LOCATIONS:**
- POD 1 (AUTHORIZED): 2280' SOUTH & 1420' WEST FROM THE NORTHEAST CORNER OF SECTION 20.
 - POD 2 (PROPOSED): 1440' SOUTH & 250' EAST FROM THE NORTHWEST CORNER OF SECTION 4.
 - POD 3 (PROPOSED): 750' SOUTH & 910' EAST FROM THE NORTHWEST CORNER OF SECTION 16.



AL ADKINS
 ENGINEERING & SURVEYING
 1415 ESPLANADE AVENUE, KIAMATH FALLS, OR 97601
 SERVING S. OREGON & N. CALIFORNIA
 ENGINEERING • SURVEYING • PLANNING • TESTING

CERTIFIED WATER RIGHT EXAMINER
 #88332CWRE
 Daniel B. Scalas
 April 23, 2015
 STATE OF OREGON
 RENEWAL 06/30/24

TRANSFER APPLICATION MAP
 FOR
 O BAR X RANCH
 T38S, R8W, W4, T39S, R8W, W4
 JOSEPHINE COUNTY, OREGON
 CERTIFICATE 20780
 APPLICATION S-28912
 PERMIT S-22718



LEGEND

- TOWNSHIP LINE
- SECTION LINE
- 1/4 1/4 LINE
- TAX LOT LINE
- RIVER
- DITCH LINE
- ROAD
- FLOW DIRECTION
- SECTION CORNER
- TAX LOT NUMBER
- GOVERNMENT LOT NUMBER
- POD
- CERTIFICATE 3394 TRANSFERRED TO POD 3
- CERTIFICATE 3394 LANDS UNCHANGED

NOTES:

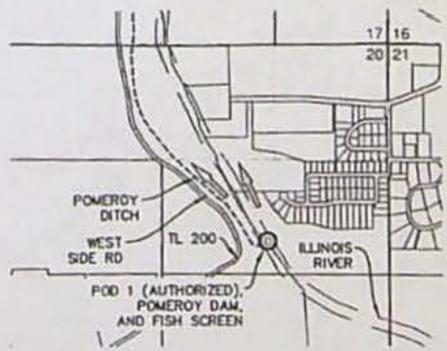
1. THIS MAP WAS PREPARED FROM FIELD MEASUREMENTS, NAIP 2023 AERIAL PHOTOGRAPHY, JOSEPHINE COUNTY TAX MAPS, AND OREGON GLO MAPS.
2. THE PURPOSE OF THIS MAP IS TO IDENTIFY THE LOCATION OF THE WATER RIGHT ONLY, AND IS NOT INTENDED TO PROVIDE DIMENSIONS OR LOCATION OF PROPERTY LINES.
3. DATE OF PRIORITY FOR THIS CERTIFICATE IS SEPTEMBER 28, 1917.

POD LOCATIONS:

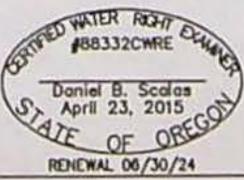
POD 1 (AUTHORIZED): 2280' SOUTH & 1420' WEST FROM THE NORTHEAST CORNER OF SECTION 20.

POD 2 (PROPOSED): 1440' SOUTH & 250' EAST FROM THE NORTHWEST CORNER OF SECTION 4.

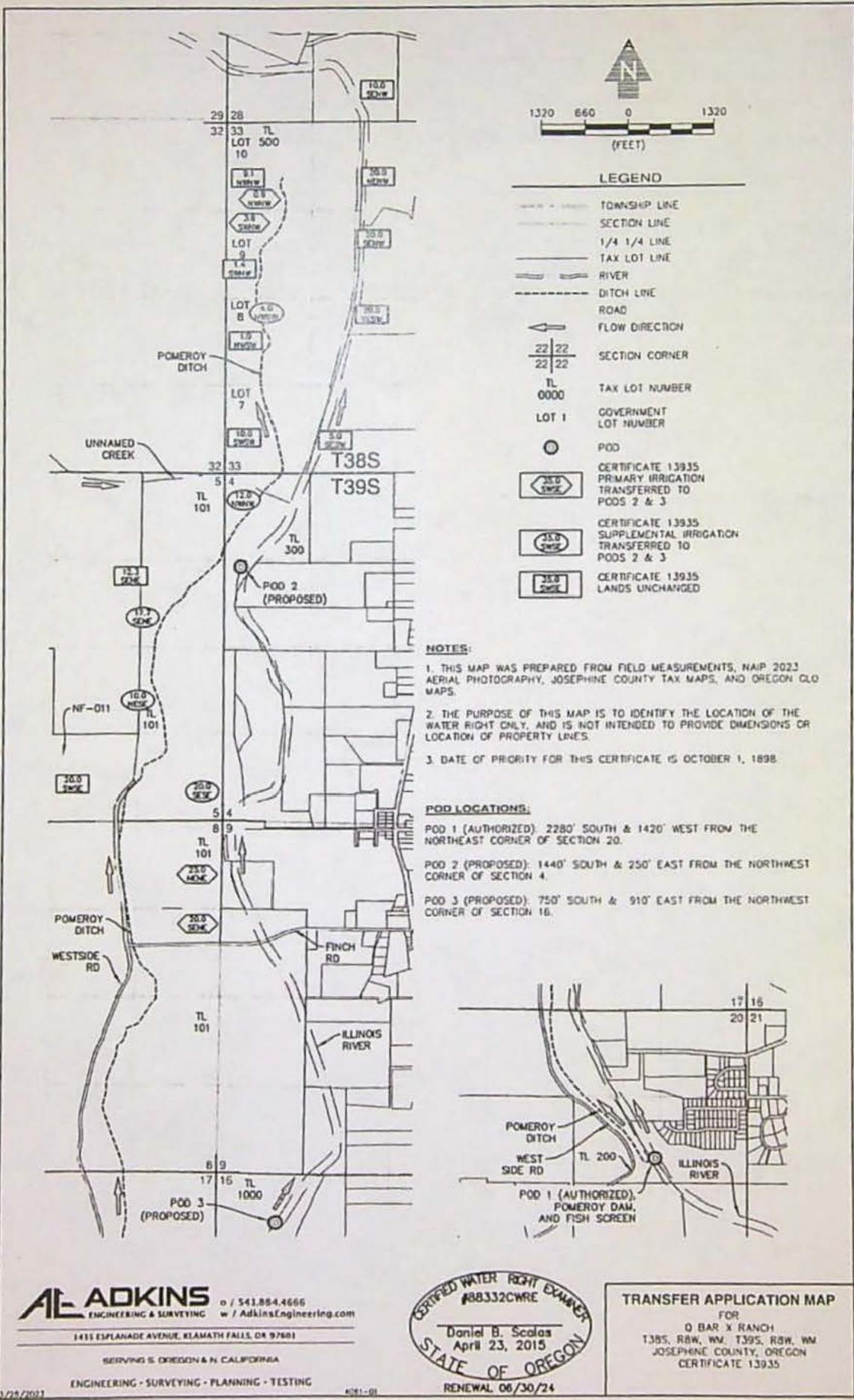
POD 3 (PROPOSED): 750' SOUTH & 910' EAST FROM THE NORTHWEST CORNER OF SECTION 16.



AL ADKINS
 ENGINEERING & SURVEYING
 1435 ESPLANADE AVENUE, KLAMATH FALLS, OR 97601
 TEL: 541.884.4666
 WWW: AdkinsEngineering.com



TRANSFER APPLICATION MAP
 FOR
 O BAR X RANCH
 T38S, RBW, WM, T39S, RBW, WM
 JOSEPHINE COUNTY, OREGON
 CERTIFICATE 3394
 APPLICATION S-5787
 PERMIT S-3680

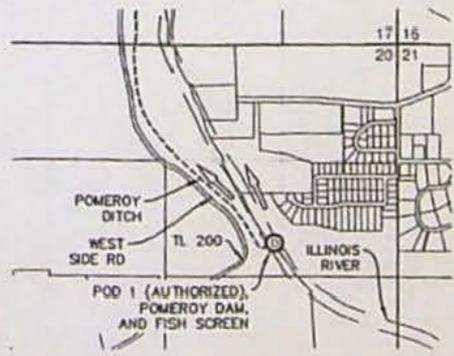


LEGEND

- TOWNSHIP LINE
- SECTION LINE
- 1/4 1/4 LINE
- TAX LOT LINE
- RIVER
- DITCH LINE
- ROAD
- FLOW DIRECTION
- 22 22 / 22 22 SECTION CORNER
- TL 0000 TAX LOT NUMBER
- LOT 1 GOVERNMENT LOT NUMBER
- POD
- 25.0 25.0 / 25.0 25.0 CERTIFICATE 13935 PRIMARY IRRIGATION TRANSFERRED TO PODS 2 & 3
- 25.0 25.0 / 25.0 25.0 CERTIFICATE 13935 SUPPLEMENTAL IRRIGATION TRANSFERRED TO PODS 2 & 3
- 25.0 25.0 / 25.0 25.0 CERTIFICATE 13935 LANDS UNCHANGED

- NOTES:**
- THIS MAP WAS PREPARED FROM FIELD MEASUREMENTS, NAIP 2023 AERIAL PHOTOGRAPHY, JOSEPHINE COUNTY TAX MAPS, AND OREGON CLO MAPS.
 - THE PURPOSE OF THIS MAP IS TO IDENTIFY THE LOCATION OF THE WATER RIGHT ONLY, AND IS NOT INTENDED TO PROVIDE DIMENSIONS OR LOCATION OF PROPERTY LINES.
 - DATE OF PRIORITY FOR THIS CERTIFICATE IS OCTOBER 1, 1898.

- POD LOCATIONS:**
- POD 1 (AUTHORIZED): 2280' SOUTH & 1420' WEST FROM THE NORTHEAST CORNER OF SECTION 20.
 - POD 2 (PROPOSED): 1440' SOUTH & 250' EAST FROM THE NORTHWEST CORNER OF SECTION 4.
 - POD 3 (PROPOSED): 750' SOUTH & 910' EAST FROM THE NORTHWEST CORNER OF SECTION 16.



AL ADKINS
 ENGINEERING & SURVEYING
 1433 ESPLANADE AVENUE, KLAMATH FALLS, OR 97601
 541.884.4666
 AdkinsEngineering.com
 SERVING S. OREGON & N. CALIFORNIA
 ENGINEERING - SURVEYING - PLANNING - TESTING

CERTIFIED WATER RIGHT EXAMINER
 #88332CWRE
 Daniel B. Scolas
 April 23, 2015
 STATE OF OREGON
 RENEWAL 06/30/24

TRANSFER APPLICATION MAP
 FOR
 O BAR X RANCH
 T385, RBW, WM, T395, RBW, WM
 JOSEPHINE COUNTY, OREGON
 CERTIFICATE 13935



Community Development - Planning Division
 700 NW Dimmick, Suite C
 Grants Pass, OR 97526

Receipt Number: PL23-00443

(541) 474-5421
 planning@josephinecounty.gov

Payer/Payee: JAMES MCCARTHY
 PO BOX 261
 ASHLAND OR 97520

Cashier: Onnie Heater

Date: 04/03/2023

Primary Parcel: 3908080000101 Project Description: Q Bar X Ranch Water Right Transfer - Water Right Transfer

PL-2023-00423 LAND USE INFORMATION RESPONSE 900 WEST SIDE RD

Fee Description	Fee Amount	Amount Paid	Fee Balance
Land Use Information Response	\$125.00	\$125.00	\$0.00
	\$125.00	\$125.00	\$0.00

Payment Method	Reference Number	Payment Amount
CASH		\$125.00
Total Paid:		\$125.00

Onnie Heater

* payment

From: James Black
Sent: Tuesday, March 28, 2023 12:17 PM
To: Onnie Heater
Subject: FW: Permit [PL-2023-00423] created online.

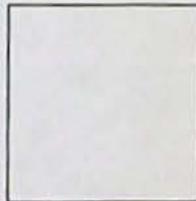


James Black, CFM
Deputy Director
Community Development Department
700 NW Dimmick, Suite C, Grants Pass, OR 97526
(541) 474-5418 | jblack@josephinecounty.gov

PUBLIC RECORDS LAW DISCLOSURE
This email is a public record of Josephine County and is subject to public disclosure unless exempt from disclosure under Oregon Public Records Law. This email is subject to retention.

From: noreply@smartgovcommunity.com <noreply@smartgovcommunity.com>
Sent: Tuesday, March 28, 2023 12:00 PM
To: James Black <JBlack@josephinecounty.gov>
Subject: Permit [PL-2023-00423] created online.

EXTERNAL EMAIL: Please verify links by hovering over them!



Permit PL-2023-00423 created online.

Permit #: PL-2023-00423
Site Address: 900 WEST SIDE RD
KERBY, OR 97531

Type: LAND USE INFORMATION RESPONSE
Contact: Bryce McKinney
1435 Esplanade Avenue
Klamath Falls, OR 97601

**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 # **140438**

INVOICE # _____

RECEIVED FROM: Water Works of Oregon, Inc.
BY: _____

APPLICATION	
PERMIT	
TRANSFER	T-14/209

CASH: CHECK: # 1013 OTHER: (IDENTIFY) _____

TOTAL REC'D	\$125.00
-------------	----------

1083 TREASURY 4170 WRD MISC CASH ACCT

0407 COPIES	<u>47124 R11430-23</u>	\$
<u>0412</u> OTHER:	(IDENTIFY) <u>Transfer RA</u>	\$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:		
0201 SURFACE WATER	EXAM FEE \$	0202 RECORD FEE \$
0203 GROUND WATER	\$	0204 \$
0205 TRANSFER	\$	
WELL CONSTRUCTION		
0218 WELL DRILL CONSTRUCTOR	EXAM FEE \$	0219 LICENSE FEE \$
LANDOWNER'S PERMIT		0220 \$
OTHER (IDENTIFY)	_____	

0536 TREASURY 0437 WELL CONST. START FEE

0211 WELL CONST START FEE	\$	CARD#
0210 MONITORING WELLS	\$	CARD#
OTHER (IDENTIFY)	_____	

0607 TREASURY 0467 HYDRO ACTIVITY LIC NUMBER

0233 POWER LICENSE FEE (FW/WRD)		\$
0231 HYDRO LICENSE FEE (FW/WRD)		\$
HYDRO APPLICATION		\$

TREASURY OTHER / RDX

FUND _____	TITLE RECEIVED
OBJ. CODE _____	VENDOR OVER THE COUNTER
DESCRIPTION _____	\$

RECEIPT: **140438**

DATED: 4-6-2023 BY: Lisa D-Miner



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.

REQUEST	TYPE	FILE NUMBER
<input checked="" type="checkbox"/>	Transfer Application	Transfer Number T-14209

	Applicant Information	Applicant's Representative/Contact
Name:	Q Bar X Ranch	Adkins Engineering & Surveying, Inc.
Address:	P.O. Box 3210	1435 Esplanade Ave.
	Kerby, OR 97531	Klamath Falls, OR 97601
Phone:	541-592-3382	541-884-4666
Fax:		
E-Mail Address:		dscalas@adkinsengineering.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) 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

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APR 06 2023

OWRD

I certify that I am the (check one):

Applicant's Representative Applicant Other (Please specify) _____

Name: Daniel Scalas

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APR 06 2023

OWRD

Signature: Daniel Scalas

OWRD USE ONLY: Reimbursement Authority Number: R11-430 -23

WATER RIGHT TRANSFER COVER SHEET

Transfer: T-14209

Transfer Specialist:

Transfer Type: Regular Transfer

Reimbursement Authority?

Applicant: Q BAR X RANCH PO BOX 3210 KERBY, OR 97531	Agent: ADKINS ENGINEERING AND SURVEYING 1435 ESPLANADE AVE KLAMATH FALLS, OR 97601	Receiving Landowner:
Current Landowner if other than Applicant:	CWRE:	Irrigation District:
Affected Local Gov'ts:	Affected Tribal Gov't:	BOR Notified (date):

Water Rights Affected

File Marked	App. File # or Decree Name	Permit	Certificate	RR/CR Needed	RR/CR Nos.
<input type="checkbox"/>	S-5767	S-3680	3394	<input type="checkbox"/> Yes <input type="checkbox"/> No	
<input type="checkbox"/>	Decree Illinois river		13935	<input type="checkbox"/> Yes <input type="checkbox"/> No	
<input type="checkbox"/>	S-28912	S-22718	20780	<input type="checkbox"/> Yes <input type="checkbox"/> No	

Key Dates & Initial Actions (Support Staff)

Rec'd: April 6, 2023	Proposed Action(s): POINT OF DIVERSION	
Fees Pd: 2580.00	Acknowledgement Letter Sent <input checked="" type="checkbox"/>	Basin: 15 Rogue
Initial Public Notice:	County sent cc: of Ack Letter <input type="checkbox"/>	County: JOSEPHINE
WM District: 14 Scott C. Ceciliani	WM Review request sent:	WM Review date received:
ODFW District:	ODFW Review sent:	ODFW Review date received:
Groundwater	GW Review sent:	GW Review date received:

Caseworker Actions: Newspaper & PD Notice:

Newspaper notice needed: <input type="checkbox"/>	Name of Newspaper:
Newspaper notice sent to coordinator:	Newspaper notice quote requested (NRS1):
Request for news \$ sent:	News \$ received:
Affidavit of publication received:	Last day of publication:

Peer Review:

Document	Drafted	Peer Review	Coordinator	Changes Made	Signature Bin	Signature Date
DPD	Date: _____ Initials: _____	Date: _____ Initials: _____	Date: _____ Initials: _____	Date: _____ Initials: _____	CW Sent: _____ WM Sheet <input type="checkbox"/> ODFW Sheet: <input type="checkbox"/>	N/A
PD	Date: _____ Initials: _____	Date: _____ Initials: _____	Date: _____ Initials: _____	Date: _____ Initials: _____ Data Review Date: _____	Date: _____	Date: _____
FO	Date: _____ Initials: _____	Date: _____ Initials: _____	Date: _____ Initials: _____	Date: _____ Initials: _____	Date: _____ No. of docs for sig: _____	Date: _____

Special Issues: _____

Special Order Volume: Vol. _____ Pages _____



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 11, 2023

Q BAR X RANCH

PO BOX 3210

KERBY, OR 97531

Reference: Application T-14209

On April 6, 2023, the Department received your water right Permanent Transfer Application. The application was accompanied by \$2580.00. Receipt number 140439 is enclosed.

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

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

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

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

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

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

Cc: Watermaster Dist. #14, Scott C. Cecilian (via email)
Adkins Engineering And Surveying, Agent

Enclosure

**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 # **140439**

INVOICE # _____

RECEIVED FROM: Water Watch of Oregon, Inc.
BY: _____

APPLICATION	
PERMIT	
TRANSFER	<u>T-14209</u>

CASH: CHECK: # 1005 OTHER: (IDENTIFY)

TOTAL REC'D \$ 2,580.00

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	\$	0202
0203 GROUND WATER	\$	0204
0205 TRANSFER	\$ <u>2,580.00</u>	
WELL CONSTRUCTION		
0218 WELL DRILL CONSTRUCTOR	\$	0219
LANDOWNER'S PERMIT	\$	0220
OTHER (IDENTIFY)		

EXAM FEE
\$
\$
\$ <u>2,580.00</u>
EXAM FEE
\$

RECORD FEE
\$
\$
LICENSE FEE
\$
\$

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		\$

**RECEIVED
OVER THE COUNTER**

RECEIPT: **140439**

DATED: 4/6/2023 BY: Cesar J. M...

Application for Permanent Water Right Transfer

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.

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

- Part 1 – Completed Minimum Requirements Checklist.
- Part 2 – Completed Transfer Application Map Checklist.
- Part 3 – Application Fee, payable by check to the Oregon Water Resources Department, and completed Fee Worksheet, page 3. Try the new online fee calculator at: http://apps.wrd.state.or.us/apps/misc/wrd_fee_calculator.
- Part 4 – Completed Applicant Information and Signature.
- Part 5 – Information about Water Rights to be Transferred: **How many water rights are to be transferred? 3** List them here: **Certificates 3394, 13935, and 20780**
 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.

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APR 06 2023

Attachments:

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

OWRD

(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/. 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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APR 06 2023

TACS

Part 4 of 5 – Applicant Information and Signature

Applicant Information

APPLICANT/BUSINESS NAME Q Bar X Ranch		PHONE NO. 541-592-3382	ADDITIONAL CONTACT NO.
ADDRESS P.O. Box 3210			FAX NO.
CITY Kerby	STATE OR	ZIP 97531	E-MAIL
BY PROVIDING AN E-MAIL ADDRESS, CONSENT IS GIVEN TO RECEIVE ALL CORRESPONDENCE FROM THE DEPARTMENT ELECTRONICALLY. COPIES OF THE FINAL ORDER DOCUMENTS WILL ALSO BE MAILED.			

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

AGENT/BUSINESS NAME Adkins Engineering & Surveying, Inc.		PHONE NO. 541-884-4666	ADDITIONAL CONTACT NO.
ADDRESS 1435 Esplanade Ave.			FAX NO.
CITY Klamath Falls	STATE OR	ZIP 97601	E-MAIL dscalas@adkinsengineering.com
BY PROVIDING AN E-MAIL ADDRESS, CONSENT IS GIVEN TO RECEIVE ALL CORRESPONDENCE FROM THE DEPARTMENT ELECTRONICALLY. COPIES OF THE FINAL ORDER DOCUMENTS WILL ALSO BE MAILED.			

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

A portion of the authorized lands for Certificates 3394, 13935, and 20780 have been historically irrigated by POD 1 (Pomeroy Dam) through Pomeroy Ditch. The applicant is proposing to change the points of diversion to PODs 2 & 3.

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:

- Prior to Department approval of the transfer application, I may be required to submit payment to the Department for publication of a notice in a newspaper with general circulation in the area where the water right is located, once per week for two consecutive weeks. If more than one qualifying newspaper is available, I suggest publishing the notice in the following newspaper: The Daily Courier.
- 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.



Janine M. Pfohl
Applicant signature

JANINE M. PFOHL
Print Name (and Title if applicable)

3-29-23
Date

Jacqueline A. Doherty
Applicant signature

JACQUELINE A. DOHERTY
Print Name (and Title if applicable)

3-29-23
Date

William Pfohl
Applicant signature

William Pfohl
Print Name (and Title if applicable)

3-31-23
Date

Mary L. Andrade
Applicant signature

MARY L. ANDRADE
Print Name (and Title if applicable)

3-31-2023
Date

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

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

Check the following boxes that apply:

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

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

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

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APR 06 2023

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

RECEIVING LANDOWNER NAME		PHONE NO.	ADDITIONAL CONTACT NO.
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	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	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	ADDRESS	
CITY	STATE	ZIP

ENTITY NAME	ADDRESS	
CITY	STATE	ZIP

RECEIVED

APR 06 2023

OWRD

Part 5 of 5 – Water Right Information

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

CERTIFICATE # 3394

Description of Water Delivery System

System capacity: **0.64** cubic feet per second (cfs)

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 diverted from Pomeroy Dam (POD 1) through Pomeroy Ditch to the authorized lands. The authorized lands are flood irrigated.

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)
POD 1	<input checked="" type="checkbox"/> Authorized <input type="checkbox"/> Proposed		39	S	8	W	20	SW	NE	200	2280' South & 1420' West from the Northeast Corner of Section 20
POD 2	<input type="checkbox"/> Authorized <input checked="" type="checkbox"/> Proposed		39	S	8	W	4	SW	NW	300	1440' South & 250' East from the Northwest Corner of Section 4
POD 3	<input type="checkbox"/> Authorized <input checked="" type="checkbox"/> Proposed		39	S	8	W	16	NW	NW	1000	750' South & 910' East from the Northwest Corner of Section 16

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

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

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

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

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

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

Table 2. Description of Changes to Water Right Certificate # 3394

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

AUTHORIZED (the "from" or "off" lands) The listing that appears on the certificate BEFORE PROPOSED CHANGES List only that part or portion of the water right that will be changed.													Proposed Changes (see "CODES" from previous page)	PROPOSED (the "to" or "on" lands) The listing as it would appear AFTER PROPOSED CHANGES are made.												
Twp	Rng	Sec	¼	¼	Tax Lot	Gvt Lot or DLC	Acres	Type of USE listed on Certificate	POD(s) or POA(s) (name or number from Table 1)	Priority Date	Twp	Rng		Sec	¼	¼	Tax Lot	Gvt Lot or DLC	Acres	New Type of USE	POD(s)/ POA(s) to be used (from Table 1)	Priority Date				
EXAMPLE																										
2	S	9	E	15	NE	NW	100		15.0	Irrigation	POD #1 POD #2	1901	POU/POD	2	S	9	E	1	NW	NW	500	1	10.0		POD #5	1901
														2	S	9	E	2	SW	NW	500		5.0		POD #6	1901
39	S	8	W	8	SW	SE	101		11.0	Primary Irrigation	POD 1	1917	POD	39	S	8	W	8	SW	SE	101		11.0	Primary Irrigation	PODs 2 & 3	1917
39	S	8	W	8	SE	SE	101		9.3	Primary Irrigation	POD 1	1917	POD	39	S	8	W	8	SE	SE	101		9.3	Primary Irrigation	PODs 2 & 3	1917
TOTAL ACRES:									20.3					TOTAL ACRES:									20.3			

Additional remarks: _____.

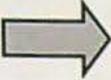
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 OWRD

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: Certificates 13857, 13858, 13859, and 20780.



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 # _____;
Surface water primary Certificate # _____.

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For a change from Supplemental Irrigation Use to Primary Irrigation Use

Identify the primary certificate to be cancelled. Certificate # _____

OWRD

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

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

Tip: You may search for well logs on the Department's web page at:
http://apps.wrd.state.or.us/apps/gw/well_log/Default.aspx

AND/OR

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

Table 3. Construction of Point(s) of Appropriation

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

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

Part 5 of 5 – Water Right Information

OWRD

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

CERTIFICATE # 13935

Description of Water Delivery System

System capacity: 4.84 cubic feet per second (cfs)

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 diverted from Pomeroy Dam (POD 1) through Pomeroy Ditch to the authorized lands. The authorized lands are flood irrigated.

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)
POD 1	<input checked="" type="checkbox"/> Authorized <input type="checkbox"/> Proposed		39	S	8	W	20	SW	NE	200	2280' South & 1420' West from the Northeast Corner of Section 20
POD 2	<input type="checkbox"/> Authorized <input checked="" type="checkbox"/> Proposed		39	S	8	W	4	SW	NW	300	1440' South & 250' East from the Northwest Corner of Section 4
POD 3	<input type="checkbox"/> Authorized <input checked="" type="checkbox"/> Proposed		39	S	8	W	16	NW	NW	1000	750' South & 910' East from the Northwest Corner of Section 16

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

- Place of Use (POU)
- Character of Use (USE)
- Point of Diversion (POD)
- Additional Point of Diversion (APOD)
- Surface Water POD to Ground Water POA (SW/GW)
- Supplemental Use to Primary Use (S to P)
- Point of Appropriation/Well (POA)
- Additional Point of Appropriation (APOA)
- Substitution (SUB)
- 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 # 13935

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

AUTHORIZED (the "from" or "off" lands) The listing that appears on the certificate BEFORE PROPOSED CHANGES List only that part or portion of the water right that will be changed.													Proposed Changes (see "CODES" from previous page)	PROPOSED (the "to" or "on" lands) The listing as it would appear AFTER PROPOSED CHANGES are made.												
Twp	Rng	Sec	¼	¼	Tax Lot	Gvt Lot or DLC	Acres	Type of USE listed on Certificate	POD(s) or POA(s) (name or number from Table 1)	Priority Date	Twp	Rng		Sec	¼	¼	Tax Lot	Gvt Lot or DLC	Acres	New Type of USE	POD(s) / POA(s) to be used (from Table 1)	Priority Date				
EXAMPLE																										
2	S	9	E	15	NE	NW	100		15.0	Irrigation	POD #1 POD #2	1901	POU/POD	2	S	9	E	1	NW	NW	500	1	10.0		POD #5	1901
														2	S	9	E	2	SW	NW	500		5.0		POD #6	1901
38	S	8	W	33	NW	NW	500	Lot 10	0.9	Primary Irrigation	POD 1	1898	POD	38	S	8	W	33	NW	NW	500	Lot 10	0.9	Primary Irrigation	PODs 2 & 3	1898
38	S	8	W	33	SW	NW	500	Lot 9	3.6	Primary Irrigation	POD 1	1898	POD	38	S	8	W	33	SW	NW	500	Lot 9	3.6	Primary Irrigation	PODs 2 & 3	1898
39	S	8	W	8	NE	NE	101		25.0	Primary Irrigation	POD 1	1898	POD	39	S	8	W	8	NE	NE	101		25.0	Primary Irrigation	PODs 2 & 3	1898
39	S	8	W	8	SE	NE	101		20.0	Primary Irrigation	POD 1	1898	POD	39	S	8	W	8	SE	NE	101		20.0	Primary Irrigation	PODs 2 & 3	1898
38	S	8	W	33	NW	SW	500	Lot 8	4.0	Supplemental Irrigation	POD 1	1898	POD	38	S	8	W	33	NW	SW	500	Lot 8	4.0	Supplemental Irrigation	PODs 2 & 3	1898
39	S	8	W	4	NW	NW	300		12.0	Supplemental Irrigation	POD 1	1898	POD	39	S	8	W	4	NW	NW	300		12.0	Supplemental Irrigation	PODs 2 & 3	1898
39	S	8	W	5	SE	NE	101		17.7	Supplemental Irrigation	POD 1	1898	POD	39	S	8	W	5	SE	NE	101		17.7	Supplemental Irrigation	PODs 2 & 3	1898
39	S	8	W	5	NE	SE	101		10.0	Supplemental Irrigation	POD 1	1898	POD	39	S	8	W	5	NE	SE	101		10.0	Supplemental Irrigation	PODs 2 & 3	1898
39	S	8	W	5	SE	SE	101		20.0	Supplemental Irrigation	POD 1	1898	POD	39	S	8	W	5	SE	SE	101		20.0	Supplemental Irrigation	PODs 2 & 3	1898
TOTAL ACRES:									113.2						TOTAL ACRES:									113.2		

14209

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: Certificates 13516, 13934, 20780, and 20781.



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 # _____;
Surface water primary Certificate # _____.

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For a change from Supplemental Irrigation Use to Primary Irrigation Use

Identify the primary certificate to be cancelled. Certificate # _____

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

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

Tip: You may search for well logs on the Department's web page at:
http://apps.wrd.state.or.us/apps/gw/well_log/Default.aspx

AND/OR

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

Table 3. Construction of Point(s) of Appropriation

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

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

Part 5 of 5 – Water Right Information

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

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CERTIFICATE # 20780

APR 06 2023

Description of Water Delivery System

System capacity: 6.18 cubic feet per second (cfs)

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

Water is diverted from Pomeroy Dam (POD 1) through Pomeroy Ditch to the authorized lands. The authorized lands are flood irrigated.

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)
POD 1	<input checked="" type="checkbox"/> Authorized <input type="checkbox"/> Proposed		39	S	8	W	20	SW	NE	200	2280' South & 1420' West from the Northeast Corner of Section 20
POD 2	<input type="checkbox"/> Authorized <input checked="" type="checkbox"/> Proposed		39	S	8	W	4	SW	NW	300	1440' South & 250' East from the Northwest Corner of Section 4
POD 3	<input type="checkbox"/> Authorized <input checked="" type="checkbox"/> Proposed		39	S	8	W	16	NW	NW	1000	750' South & 910' East from the Northwest Corner of Section 16

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

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

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

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

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 # 20780

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			
39	S	8	W	8	NE	SE	101	11.3	Primary Irrigation	POD 1	1953	POD	39	S	8	W	8	NE	SE	101	11.3	Primary Irrigation	POD 3	1953	
39	S	8	W	8	NW	SE	101	3.9	Primary Irrigation	POD 1	1953	POD	39	S	8	W	8	NW	SE	101	3.9	Primary Irrigation	POD 3	1953	
39	S	8	W	8	SE	NE	101	2.3	Primary Irrigation	POD 1	1953	POD	39	S	8	W	8	SE	NE	101	2.3	Primary Irrigation	POD 3	1953	
39	S	8	W	8	NE	NE	101	10.0	Primary Irrigation	POD 1	1953	POD	39	S	8	W	8	NE	NE	101	10.0	Primary Irrigation	PODs 2 & 3	1953	
39	S	8	W	8	NW	NE	101	5.0	Primary Irrigation	POD 1	1953	POD	39	S	8	W	8	NW	NE	101	5.0	Primary Irrigation	PODs 2 & 3	1953	
39	S	8	W	5	SW	SE	101	2.0	Primary Irrigation	POD 1	1953	POD	39	S	8	W	5	SW	SE	101	2.0	Primary Irrigation	PODs 2 & 3	1953	
39	S	8	W	5	SE	SE	101	10.0	Primary Irrigation	POD 1	1953	POD	39	S	8	W	5	SE	SE	101	10.0	Primary Irrigation	PODs 2 & 3	1953	
39	S	8	W	5	NE	SE	101	20.0	Primary Irrigation	POD 1	1953	POD	39	S	8	W	5	NE	SE	101	20.0	Primary Irrigation	PODs 2 & 3	1953	
39	S	8	W	4	SW	NW	300	3.0	Primary Irrigation	POD 1	1953	POD	39	S	8	W	4	SW	NW	300	3.0	Primary Irrigation	PODs 2 & 3	1953	
38	S	8	W	33	NW	SW	500	15.0	Primary Irrigation	POD 1	1953	POD	38	S	8	W	33	NW	SW	500	15.0	Primary Irrigation	PODs 2 & 3	1953	
38	S	8	W	33	SW	NW	500	13.9	Primary Irrigation	POD 1	1953	POD	38	S	8	W	33	SW	NW	500	13.9	Primary Irrigation	PODs 2 & 3	1953	
TOTAL ACRES:							96.4						TOTAL ACRES:							96.4					

Additional remarks: _____.

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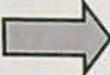
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For Place of Use or Character of Use Changes

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

If YES, list the certificate, water use permit, or ground water registration numbers: Certificates 3394, 13516, and 13935.

 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 # _____;
Surface water primary Certificate # _____.

For a change from Supplemental Irrigation Use to Primary Irrigation Use

Identify the primary certificate to be cancelled. Certificate # _____

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

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

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

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STATE OF OREGON

COUNTY OF JOSEPHINE

CERTIFICATE OF WATER RIGHT

This is to Certify, That J. B. KURTZ

of Kerby, State of Oregon, has made proof to the satisfaction of the STATE WATER BOARD of Oregon, of a right to the use of the waters of Illinois River

a tributary of Rogue River for the purpose of irrigation under Permit No. 3680 of the State Engineer, and that said right to the use of said waters has been perfected in accordance with the laws of Oregon and duly confirmed by order of the STATE WATER BOARD of Oregon, made and entered of record in the Record of Proceedings of said Board, at Salem, in Volume 1, at page 410, on the 17th day of October, 1921; that the priority of the right hereby confirmed dates from September 28, 1917

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 0.64 cubic feet per second, or its equivalent in case of rotation. The use hereunder for irrigation shall conform to such reasonable rotation system as may be ordered by the proper state officer.

A description of the lands under such right, and to which the water hereby confirmed is appurtenant, or, if for other purposes, the place where such water is put to beneficial use, is as follows: 40 acres in the Southeast quarter of Southeast quarter and 11 acres in the Southwest quarter of Southeast quarter of Section Eight, Township Thirty-nine South, Range Eight West of Willamette Meridian, in Josephine County, Oregon. (Being a total of 51 acres.)

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The right to the use of the water for irrigation purposes is restricted to the lands or place of use herein described.

Rights to the use of water for power purposes are limited to a period of forty years from the date of priority of the right, as herein set forth, subject to a preference right of renewal under the laws existing at the date of the expiration of the right for power purposes, as hereby confirmed and limited.

WITNESS the seal and signature of the State

Water Board, affixed this 17th day

of October, 1921

STATE WATER BOARD

(Seal of State Water Board)

By PERCY A. CUPPER
State Engineer, PresidentAttest: R. W. POTTER
Secretary

Recorded in State Record of Water Right Certificates, Volume 4, page 3394

14209

STATE OF OREGON

COUNTY OF JOSEPHINE

CERTIFICATE OF WATER RIGHT

This Is to Certify, That TWOBY BROS. COMPANY

623 Underwood Building of San Francisco, State of California, has a right to the use of

the waters of Illinois River

for the purpose of irrigation for Tract #1; supplemental irrigation for Tract #2

and that said right has been confirmed by decrees of the Circuit Court of the State of Oregon for Josephine County, and the said decrees entered of record at Salem, in the Order Record of the STATE ENGINEER, in Volume 13, at page 70; that the priority of the right thereby confirmed dates from October 1, 1898;

that the amount of water to which such right is entitled, for the purposes aforesaid, is limited to an amount actually beneficially used for said purposes, and shall not exceed one cubic foot per second for each 50 acres of land irrigated during the irrigation season from April 1 to November 1 of each year.

A description of the lands irrigated under such right, and to which the water is appurtenant (or, if for other purposes, the place where such water is put to beneficial use), is as follows:

<u>TRACT #1</u>	<u>TRACT #2</u>
10 acres in SE $\frac{1}{4}$ SW $\frac{1}{4}$ Section 28;	20 acres in NE $\frac{1}{4}$ SW $\frac{1}{4}$
20 acres in NE $\frac{1}{4}$ NW $\frac{1}{4}$	5 acres in NW $\frac{1}{4}$ SW $\frac{1}{4}$
10 acres in NW $\frac{1}{4}$ NW $\frac{1}{4}$	10 acres in SW $\frac{1}{4}$ SW $\frac{1}{4}$
5 acres in SW $\frac{1}{4}$ NW $\frac{1}{4}$	5 acres in SE $\frac{1}{4}$ SW $\frac{1}{4}$
20 acres in SE $\frac{1}{4}$ NW $\frac{1}{4}$ Section 33,	T. 38 S., R. 8 W., W. M.
T. 38 S., R. 8 W., W. M.	12 acres in NW $\frac{1}{4}$ NW $\frac{1}{4}$ Section 4;
25 acres in NE $\frac{1}{4}$ NE $\frac{1}{4}$	30 acres in SE $\frac{1}{4}$ NE $\frac{1}{4}$
20 acres in SE $\frac{1}{4}$ NE $\frac{1}{4}$ Section 8,	10 acres in NE $\frac{1}{4}$ SE $\frac{1}{4}$
T. 39 S., R. 8 W., W. M.	20 acres in SW $\frac{1}{4}$ SE $\frac{1}{4}$
	20 acres in SE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 5,
	T. 39 S., R. 8 W., W. M.

NOTE: The use of water for irrigation purposes from Illinois River, Big Spring Rice Creek, and Straw Creek is restricted to the quantity of water herein fixed.

And said right shall be subject to all other conditions and limitations contained in said decree.

The right to the use of the water for irrigation purposes is restricted to the lands or place of use herein described.

WITNESS the signature of the State Engineer,

affixed this 1st day

of September, 1940

CHAS. S. STRICKLIN
State Engineer.

Recorded in State Record of Water Right Certificates, Volume 12, page 13935

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STATE OF OREGON
 COUNTY OF JOSEPHINE
CERTIFICATE OF WATER RIGHT

This Is to Certify, That **LLOYD A. JOHNSON**
c/o Allen and Schultz, Attorneys

of P. O. Box 378, Grants Pass, State of Oregon, has made proof to the satisfaction of the STATE ENGINEER of Oregon, of a right to the use of the waters of Illinois River, a tributary of Rogue River for the purpose of irrigation under Permit No. 22718 of the State Engineer, 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 November 20, 1953

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 6.18 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 SW $\frac{1}{4}$ NE $\frac{1}{4}$, Section 20, Township 39 South, Range 8 West, W. M.

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-fiftieth 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 $\frac{1}{2}$ 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:

- | | |
|---|---|
| 10.0 acres in Lot 10 (NW $\frac{1}{4}$ NW $\frac{1}{4}$) | 10.0 acres in NE $\frac{1}{4}$ NE $\frac{1}{4}$ |
| 15.0 acres in Lot 9 (SW $\frac{1}{4}$ NW $\frac{1}{4}$) | 5.0 acres in NW $\frac{1}{4}$ NE $\frac{1}{4}$ |
| 15.0 acres in Lot 8 (NW $\frac{1}{4}$ SW $\frac{1}{4}$) | 20.0 acres in SE $\frac{1}{4}$ NE $\frac{1}{4}$ |
| 8.0 acres in Lot 7 (SW $\frac{1}{4}$ SW $\frac{1}{4}$) | 40.0 acres in NE $\frac{1}{4}$ SE $\frac{1}{4}$ |
| Section 33 | 10.0 acres in NW $\frac{1}{4}$ SE $\frac{1}{4}$ |
| Township 38 South, Range 8 West, W.M. | 9.0 acres in SE $\frac{1}{4}$ SE $\frac{1}{4}$ |
| | Section 8 |
| 3.0 acres in SW $\frac{1}{4}$ NW $\frac{1}{4}$ | 20.0 acres in SW $\frac{1}{4}$ NW $\frac{1}{4}$ |
| Section 4 | 2.0 acres in NE $\frac{1}{4}$ SW $\frac{1}{4}$ |
| 20.0 acres in NE $\frac{1}{4}$ SE $\frac{1}{4}$ | 35.0 acres in NW $\frac{1}{4}$ SW $\frac{1}{4}$ |
| 10.0 acres in SE $\frac{1}{4}$ SE $\frac{1}{4}$ | 15.0 acres in SE $\frac{1}{4}$ SW $\frac{1}{4}$ |
| 2.0 acres in SW $\frac{1}{4}$ SE $\frac{1}{4}$ | 40.0 acres in SW $\frac{1}{4}$ SW $\frac{1}{4}$ |
| Section 5 | Section 9 |
| Township 39 South, Range 8 West, W.M. | 20.0 acres in NW $\frac{1}{4}$ NW $\frac{1}{4}$ |
| | Section 16 |

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

WITNESS the signature of the State Engineer, affixed
 this 29th day of April, 1955

LEWIS A. STANLEY
 State Engineer

Recorded in State Record of Water Right Certificates, Volume 15, page 20780.

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 OWRD

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 JOSEPHINE

I, DANIEL SCALAS, in my capacity as a PROFESSIONAL ENGINEER AND CERTIFIED WATER RIGHTS EXAMINER,
mailing address 1435 ESPLANADE AVE., KLAMATH FALLS, OR 97601
telephone number (541) 884-4666, 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 # _____; 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)
3394	39 S	8 W	WM	8	SW SE		11.0
3394	39 S	8 W	WM	8	SE SE		9.3
13935	38 S	8 W	WM	33	NW NW	10	0.9
13935	38 S	8 W	WM	33	SW NW	9	3.6
13935	39 S	8 W	WM	8	NE NE		25.0
13935	39 S	8 W	WM	8	SE NE		20.0
13935	38 S	8 W	WM	33	NW SW	8	4.0
13935	39 S	8 W	WM	4	NW NW		12.0
13935	39 S	8 W	WM	5	SE NE		17.7
13935	39 S	8 W	WM	5	NE SE		10.0
13935	39 S	8 W	WM	5	SE SE		20.0
20780	39 S	8 W	WM	8	NE SE		11.3
20780	39 S	8 W	WM	8	NW SE		3.9
20780	39 S	8 W	WM	8	SE NE		2.3

20780	39	S	8	W	WM	8	NE	NE		10.0
20780	39	S	8	W	WM	8	NW	NE		5.0
20780	39	S	8	W	WM	5	SW	SE		2.0
20780	39	S	8	W	WM	5	SE	SE		10.0
20780	39	S	8	W	WM	5	NE	SE		20.0
20780	39	S	8	W	WM	4	SW	NW		3.0
20780	38	S	8	W	WM	33	NW	SW		15.0
20780	38	S	8	W	WM	33	SW	NW		13.9

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)

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(continues on reverse side)

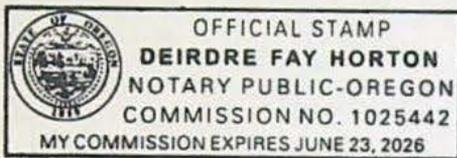
3. The water right was used for: (e.g., crops, pasture, etc.): CROPS

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]
Signature of Affiant

3/29/2023
Date

Signed and sworn to (or affirmed) before me this 29 day of MARCH, 2023.



[Signature]
Notary Public for Oregon

My Commission Expires: June 23, 2026

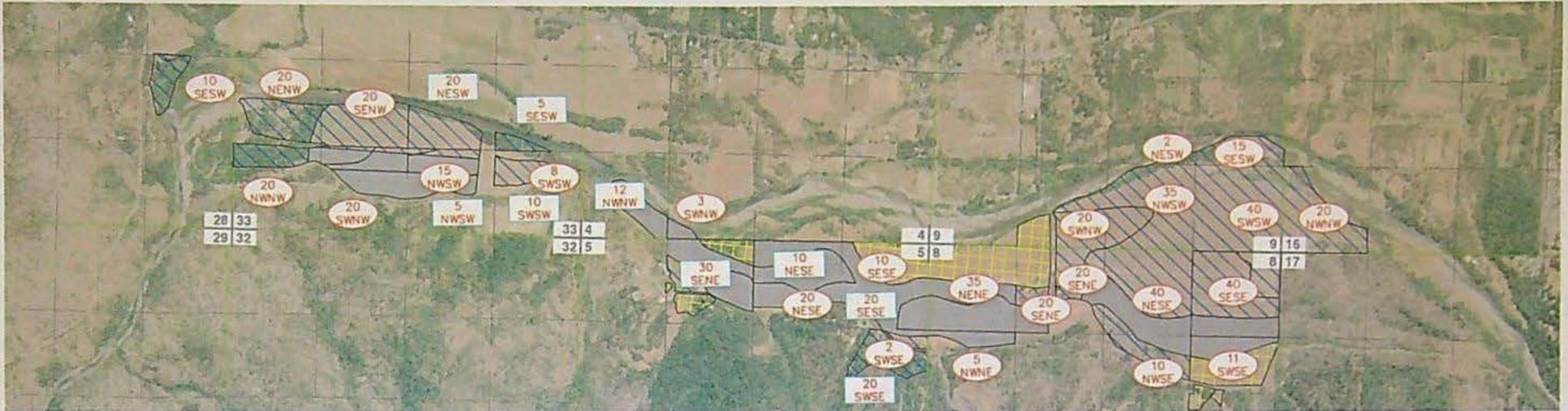
Supporting Documents	Examples
<input type="checkbox"/> Copy of a water right certificate that has been issued within the last five years. (not a remaining right certificate)	Copy of confirming water right certificate that shows issue date
<input checked="" type="checkbox"/> Copies of receipts from sales of irrigated crops or for expenditures related to use of water	<ul style="list-style-type: none"> • Power usage records for pumps associated with irrigation use • Fertilizer or seed bills related to irrigated crops • Farmers Co-op sales receipt
<input type="checkbox"/> Records such as FSA crop reports, irrigation district records, NRCS farm management plan, or records of other water suppliers	<ul style="list-style-type: none"> • District assessment records for water delivered • Crop reports submitted under a federal loan agreement • Beneficial use reports from district • IRS Farm Usage Deduction Report • Agricultural Stabilization Plan • CREP Report
<input checked="" type="checkbox"/> Aerial photos containing sufficient detail to establish location and date of photograph <p style="text-align: center;">RECEIVED APR 06 2023 OWRD</p>	<p>Multiple photos can be submitted to resolve different areas of a water right. If the photograph does not print with a "date stamp" or without the source being identified, the date of the photograph and source should be added.</p> <p>Sources for aerial photos: OSU – www.oregonexplorer.info/imagery OWRD – www.wrd.state.or.us Google Earth – earth.google.com TerraServer – www.terra-server.com</p>
<input type="checkbox"/> Approved Lease establishing beneficial use within the last 5 years	Copy of instream lease or lease number

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CWRD

Date of Inspection: September 15, 2017



LEGEND

-  PRIMARY IRRIGATED ACREAGE
-  SUPPLEMENTAL IRRIGATED ACREAGE
-  1/4 1/4 LINE
-  SECTION LINES
-  SECTION CORNERS
-  LANDS WITHOUT EVIDENCE OF IRRIGATION
-  LANDS WITH EVIDENCE OF IRRIGATION
-  LANDS NOT IRRIGATED BY POMEROY DITCH

NOTE:
 TOTAL PRIMARY ACREAGE OFF POMEROY DITCH - 461 ACRES
 TOTAL SUPPLEMENTAL ACREAGE OFF POMEROY DITCH - 132 ACRES
 PRIMARY ACREAGE WITH EVIDENCE OF IRRIGATION - 152 ACRES
 SUPPLEMENTAL ACREAGE WITH EVIDENCE OF IRRIGATION - 65 ACRES



Q Bar X Ranch
Pomeroiy Ditch Water Rights With/Without Evidence of Irrigation

Exhibit B

14209

March 22, 2023

To Whom it May Concern:

I currently have 8 rescued horses pastured on irrigated fields the last five years at the Q bar X ranch.

The location at the Q bar X ranch I keep them at are referred to by the owners as their north and south irrigated fields on Finch Road, Kerby.

Sincerely,

Cheryl Henderson

Cheryl L Henderson

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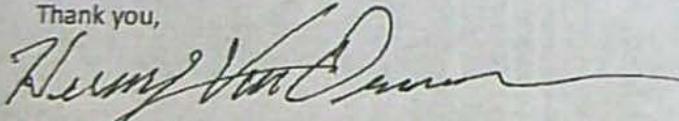
14209

3/22/2023

To Whom It May Concern;

I have been leasing irrigated acreage from the Q Bar X Ranch for the last several years for the purpose of grazing cattle. I graze between 100 and 300 head of cattle on this property year-round. My cattie graze from the far northern fields to the fields south of Finch Road.

Thank you,



Henry VanOrnum

Rising Cross 5

111 Dick George Road

Cave Junction, OR 97523

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OWRD

Text Message
Today 5:05 PM

Pomeroy Screen Installations

<u>YEAR</u>	<u>DATE</u>
2011	6/15
2012	6/19
2016	5/19
2017	5/3
2018	5/3
2019	4/1
2020	4/9
2021	4/21



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Land Use Information Form

Applicant(s): Q Bar X Ranch

Mailing Address: P.O. Box 3210

City: Kerby

State: OR

Zip Code: 97531

Daytime Phone: 541-592-3382

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>38S</u>	<u>8W</u>	<u>4</u>	<u>SW NW</u>	<u>300</u>	<u>Exclusive Farm Use</u>	<input checked="" type="checkbox"/> Diverted	<input checked="" type="checkbox"/> Conveyed	<input checked="" type="checkbox"/> Used	<u>Agriculture</u>
<u>39S</u>	<u>8W</u>	<u>16</u>	<u>NW NW</u>	<u>1000</u>	<u>Exclusive Farm Use</u>	<input checked="" type="checkbox"/> Diverted	<input checked="" type="checkbox"/> Conveyed	<input type="checkbox"/> Used	<u>Agriculture</u>
<u>38S</u>	<u>8W</u>	<u>33</u>	<u>NW NW</u>	<u>500</u>	<u>Exclusive Farm Use</u>	<input type="checkbox"/> Diverted	<input checked="" type="checkbox"/> Conveyed	<input checked="" type="checkbox"/> Used	<u>Agriculture</u>
<u>38S</u>	<u>8W</u>	<u>33</u>	<u>SW NW</u>	<u>500</u>	<u>Exclusive Farm Use</u>	<input type="checkbox"/> Diverted	<input checked="" type="checkbox"/> Conveyed	<input checked="" type="checkbox"/> Used	<u>Agriculture</u>
<u>38S</u>	<u>8W</u>	<u>33</u>	<u>NW SW</u>	<u>500</u>	<u>Exclusive Farm Use</u>	<input type="checkbox"/> Diverted	<input checked="" type="checkbox"/> Conveyed	<input checked="" type="checkbox"/> Used	<u>Agriculture</u>
<u>39S</u>	<u>8W</u>	<u>8</u>	<u>SW SE</u>	<u>101</u>	<u>Exclusive Farm Use</u>	<input type="checkbox"/> Diverted	<input checked="" type="checkbox"/> Conveyed	<input checked="" type="checkbox"/> Used	<u>Agriculture</u>
<u>39S</u>	<u>8W</u>	<u>8</u>	<u>SE SE</u>	<u>101</u>	<u>Exclusive Farm Use</u>	<input type="checkbox"/> Diverted	<input checked="" type="checkbox"/> Conveyed	<input checked="" type="checkbox"/> Used	<u>Agriculture</u>
<u>39S</u>	<u>8W</u>	<u>8</u>	<u>NE NE</u>	<u>101</u>	<u>Exclusive Farm Use</u>	<input type="checkbox"/> Diverted	<input checked="" type="checkbox"/> Conveyed	<input checked="" type="checkbox"/> Used	<u>Agriculture</u>
<u>39S</u>	<u>8W</u>	<u>8</u>	<u>NE SE</u>	<u>101</u>	<u>Exclusive Farm Use</u>	<input type="checkbox"/> Diverted	<input checked="" type="checkbox"/> Conveyed	<input checked="" type="checkbox"/> Used	<u>Agriculture</u>
<u>39S</u>	<u>8W</u>	<u>8</u>	<u>NW SE</u>	<u>101</u>	<u>Exclusive Farm Use</u>	<input type="checkbox"/> Diverted	<input checked="" type="checkbox"/> Conveyed	<input checked="" type="checkbox"/> Used	<u>Agriculture</u>
<u>39S</u>	<u>8W</u>	<u>8</u>	<u>SE NE</u>	<u>101</u>	<u>Exclusive Farm Use</u>	<input type="checkbox"/> Diverted	<input checked="" type="checkbox"/> Conveyed	<input checked="" type="checkbox"/> Used	<u>Agriculture</u>
<u>39S</u>	<u>8W</u>	<u>8</u>	<u>NE NE</u>	<u>101</u>	<u>Exclusive Farm Use</u>	<input type="checkbox"/> Diverted	<input checked="" type="checkbox"/> Conveyed	<input checked="" type="checkbox"/> Used	<u>Agriculture</u>
<u>39S</u>	<u>8W</u>	<u>4</u>	<u>NW NW</u>	<u>300</u>	<u>Exclusive Farm Use</u>	<input type="checkbox"/> Diverted	<input checked="" type="checkbox"/> Conveyed	<input checked="" type="checkbox"/> Used	<u>Agriculture</u>
<u>39S</u>	<u>8W</u>	<u>5</u>	<u>SE NE</u>	<u>101</u>	<u>Exclusive Farm Use</u>	<input type="checkbox"/> Diverted	<input checked="" type="checkbox"/> Conveyed	<input checked="" type="checkbox"/> Used	<u>Agriculture</u>
<u>39S</u>	<u>8W</u>	<u>5</u>	<u>NE SE</u>	<u>101</u>	<u>Exclusive Farm Use</u>	<input type="checkbox"/> Diverted	<input checked="" type="checkbox"/> Conveyed	<input checked="" type="checkbox"/> Used	<u>Agriculture</u>
<u>39S</u>	<u>8W</u>	<u>5</u>	<u>SE SE</u>	<u>101</u>	<u>Exclusive Farm Use</u>	<input type="checkbox"/> Diverted	<input checked="" type="checkbox"/> Conveyed	<input checked="" type="checkbox"/> Used	<u>Agriculture</u>
<u>39S</u>	<u>8W</u>	<u>5</u>	<u>SW SE</u>	<u>101</u>	<u>Exclusive Farm Use</u>	<input type="checkbox"/> Diverted	<input checked="" type="checkbox"/> Conveyed	<input checked="" type="checkbox"/> Used	<u>Agriculture</u>

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

Kerby, Josephine County, Oregon

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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) Illinois River

Estimated quantity of water needed: 11.66 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:

A portion of the authorized lands for Certificates 3394, 13935, and 20780 have been historically irrigated by POD 1 (Pomeroy Dam) through Pomeroy Ditch. The applicant is proposing to change the points of diversion to PODs 2 & 3.

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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WR / FS

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.

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Name: _____ Title: _____ OWRD

Signature: _____ Phone: _____ Date: _____

Government Entity: _____

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: O Bar X Ranch

City or County: Josephine Staff contact: O. Heater

Signature: [Signature] Phone: _____ Date: 4-3-23

541 474 5100 x 2412



Community Development - Planning Division
 700 NW Dimmick, Suite C
 Grants Pass, OR 97526

Receipt Number: PL23-00443

(541) 474-5421
 planning@josephinecounty.gov

Payer/Payee: JAMES MCCARTHY
 PO BOX 261
 ASHLAND OR 97520

Cashier: Onnie Heater

Date: 04/03/2023

Primary Parcel: 39080800000101 Project Description: Q Bar X Ranch Water Right Transfer - Water Right Transfer
 PL-2023-00423 LAND USE INFORMATION RESPONSE 900 WEST SIDE RD

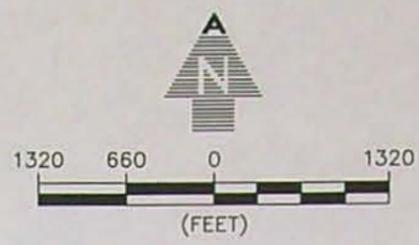
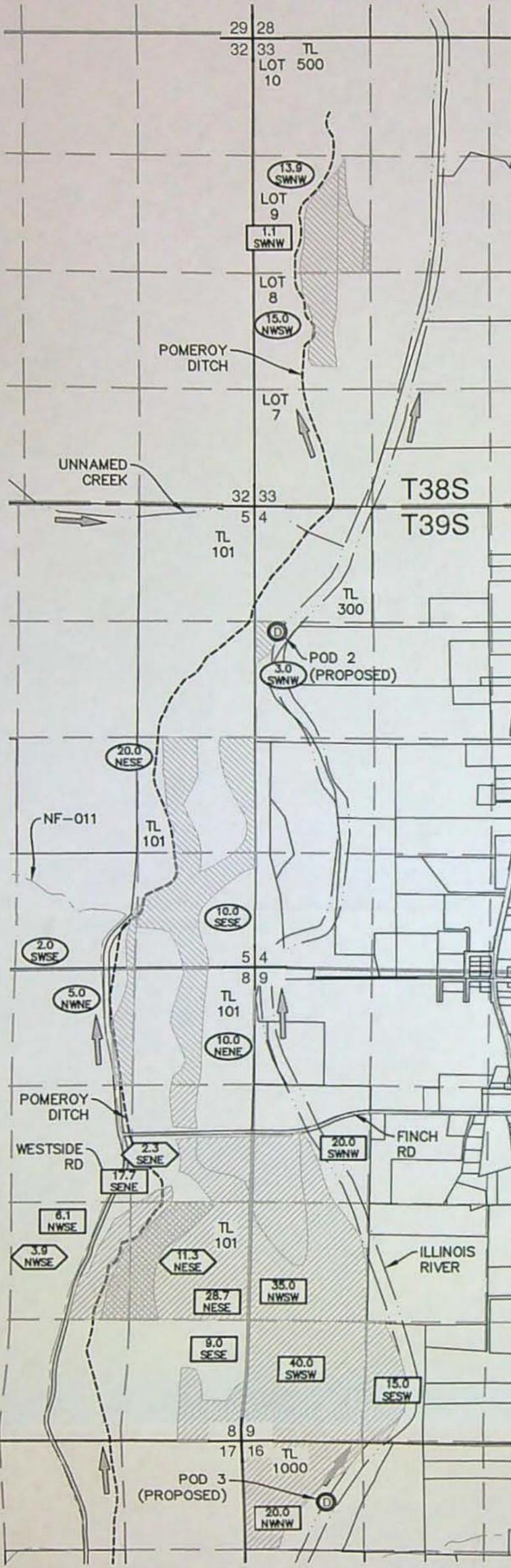
Fee Description	Fee Amount	Amount Paid	Fee Balance
Land Use Information Response	\$125.00	\$125.00	\$0.00
	\$125.00	\$125.00	\$0.00

Payment Method	Reference Number	Payment Amount
CASH		\$125.00
Total Paid:		\$125.00

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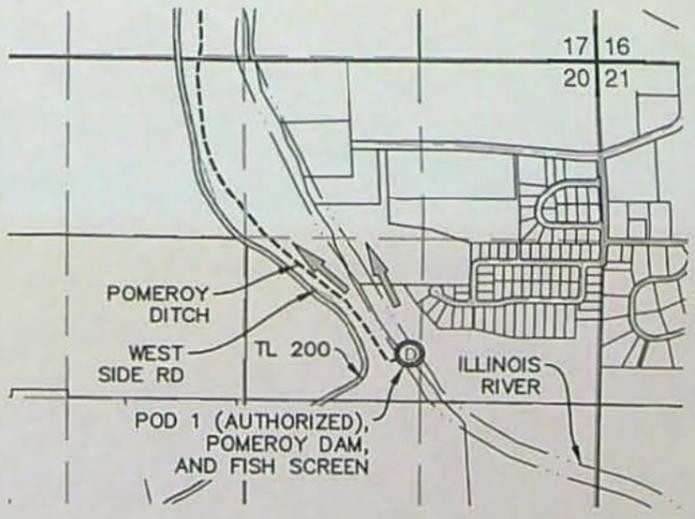
	TOWNSHIP LINE
	SECTION LINE
	1/4 1/4 LINE
	TAX LOT LINE
	RIVER
	DITCH LINE
	ROAD
	FLOW DIRECTION
	SECTION CORNER
TL 0000	TAX LOT NUMBER
LOT 1	GOVERNMENT LOT NUMBER
	POD
	CERTIFICATE 20780 TRANSFERRED TO POD 3
	CERTIFICATE 20780 TRANSFERRED TO PODS 2 & 3
	CERTIFICATE 20780 LANDS UNCHANGED

NOTES:

1. THIS MAP WAS PREPARED FROM FIELD MEASUREMENTS, NAIP 2023 AERIAL PHOTOGRAPHY, JOSEPHINE COUNTY TAX MAPS, AND OREGON GLO MAPS.
2. THE PURPOSE OF THIS MAP IS TO IDENTIFY THE LOCATION OF THE WATER RIGHT ONLY, AND IS NOT INTENDED TO PROVIDE DIMENSIONS OR LOCATION OF PROPERTY LINES.
3. DATE OF PRIORITY FOR THIS CERTIFICATE IS NOVEMBER 20, 1953.

POD LOCATIONS:

- POD 1 (AUTHORIZED): 2280' SOUTH & 1420' WEST FROM THE NORTHEAST CORNER OF SECTION 20.
- POD 2 (PROPOSED): 1440' SOUTH & 250' EAST FROM THE NORTHWEST CORNER OF SECTION 4.
- POD 3 (PROPOSED): 750' SOUTH & 910' EAST FROM THE NORTHWEST CORNER OF SECTION 16.



AL ADKINS ENGINEERING & SURVEYING
 o / 541.884.4666 w / AdkinsEngineering.com
 1435 ESPLANADE AVENUE, KLAMATH FALLS, OR 97601
 SERVING S. OREGON & N. CALIFORNIA
 ENGINEERING • SURVEYING • PLANNING • TESTING

CERTIFIED WATER RIGHT EXAMINER
 #883320WRE
 Daniel B. Scalas
 April 23, 2015
 STATE OF OREGON
 RENEWAL 06/30/24

TRANSFER APPLICATION MAP
 FOR
 Q BAR X RANCH
 T38S, R8W, WM; T39S, R8W, WM
 JOSEPHINE COUNTY, OREGON
 CERTIFICATE 20780
 APPLICATION S-28912
 PERMIT S-22718

14209

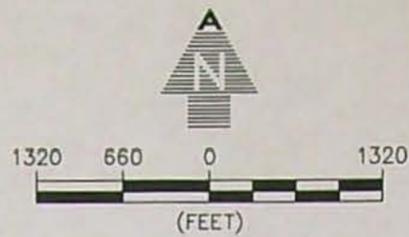
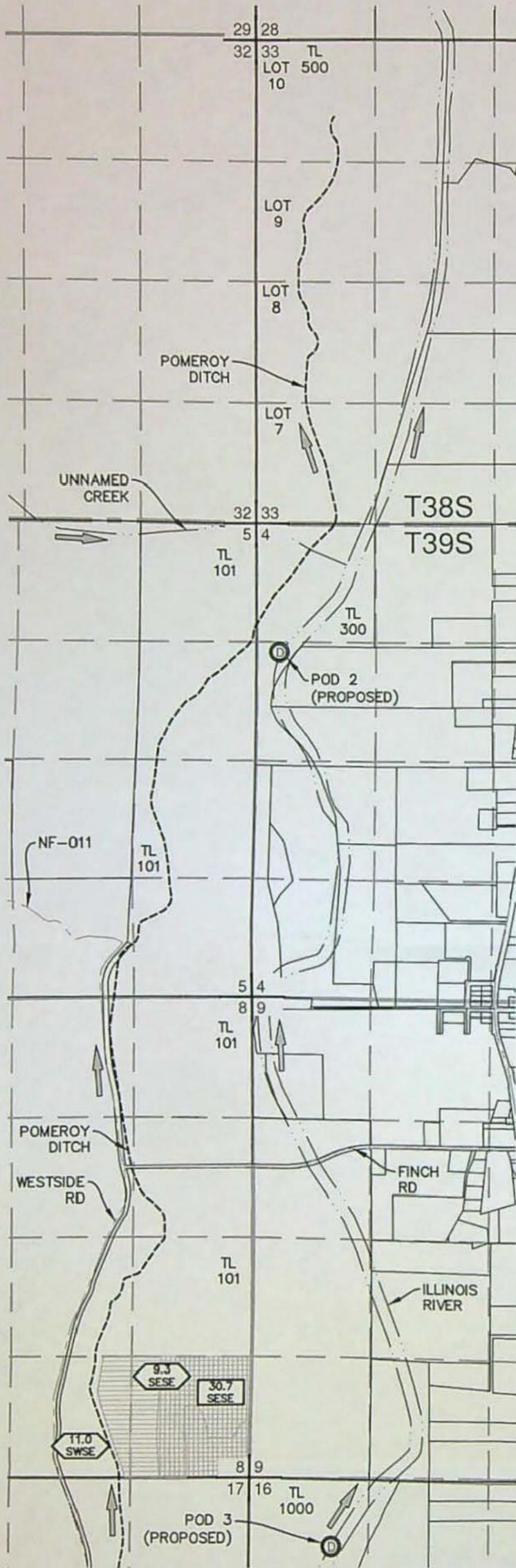
3/28/2023

4061-01

RENEWAL 06/30/24

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LEGEND

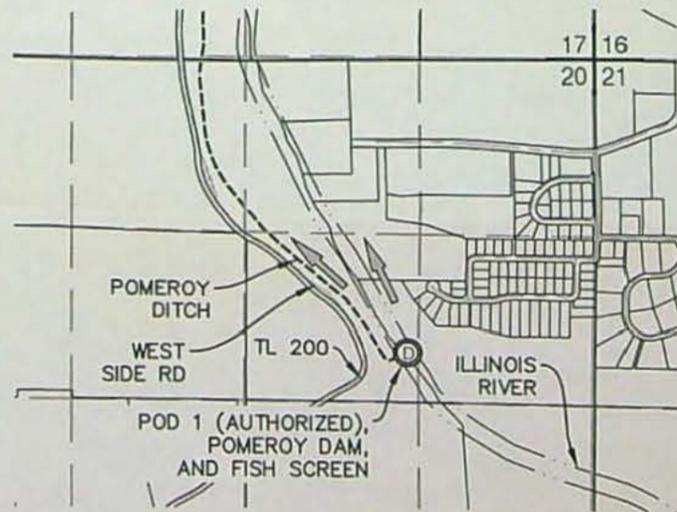
- TOWNSHIP LINE
- SECTION LINE
- 1/4 1/4 LINE
- TAX LOT LINE
- RIVER
- DITCH LINE
- ROAD
- FLOW DIRECTION
- SECTION CORNER
- TAX LOT NUMBER
- GOVERNMENT LOT NUMBER
- POD
- CERTIFICATE 3394 TRANSFERRED TO POD 3
- CERTIFICATE 3394 LANDS UNCHANGED

NOTES:

1. THIS MAP WAS PREPARED FROM FIELD MEASUREMENTS, NAIP 2023 AERIAL PHOTOGRAPHY, JOSEPHINE COUNTY TAX MAPS, AND OREGON GLO MAPS.
2. THE PURPOSE OF THIS MAP IS TO IDENTIFY THE LOCATION OF THE WATER RIGHT ONLY, AND IS NOT INTENDED TO PROVIDE DIMENSIONS OR LOCATION OF PROPERTY LINES.
3. DATE OF PRIORITY FOR THIS CERTIFICATE IS SEPTEMBER 28, 1917.

POD LOCATIONS:

- POD 1 (AUTHORIZED): 2280' SOUTH & 1420' WEST FROM THE NORTHEAST CORNER OF SECTION 20.
- POD 2 (PROPOSED): 1440' SOUTH & 250' EAST FROM THE NORTHWEST CORNER OF SECTION 4.
- POD 3 (PROPOSED): 750' SOUTH & 910' EAST FROM THE NORTHWEST CORNER OF SECTION 16.

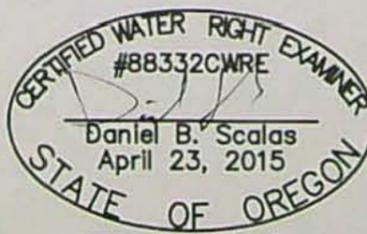


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TRANSFER APPLICATION MAP

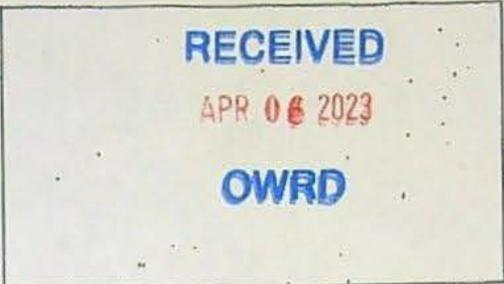
FOR
 Q BAR X RANCH
 T38S, R8W, WM; T39S, R8W, WM
 JOSEPHINE COUNTY, OREGON
 CERTIFICATE 3394
 APPLICATION S-5767
 PERMIT S-3680

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APR 06 2023

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Date Received (Date Stamp Here)

OWRD Over-the-Counter Submission Receipt

Applicant Name(s) & Address: Q Bar X Ranch

PO Box 3210, Kerby OR 97531

Transaction Type: RA

Fees Received: \$ 125.00

Cash Check; Check No. 1013

Name(s) on Check: Water Watch of OR

Thank you for your submission. Oregon Water Resources Department (Department) staff will review your submittal as soon as possible.

If your submission is determined to be complete, you will receive a receipt for the fees paid and an acknowledgement letter stating your submittal is complete.

If determined to be incomplete, your submission and the accompanying fees will be returned with an explanation of deficiencies that must be addressed in order for the submittal to be accepted.

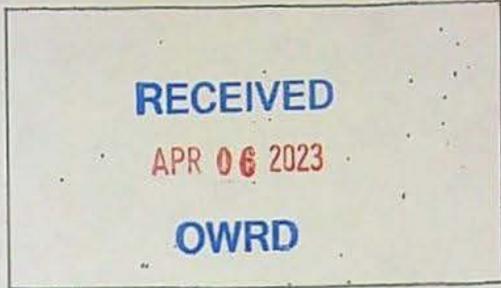
If you have any questions, please feel free to contact the Department's Customer Service staff at 503-986-0801 or 503-986-0810.

Sincerely,
OWRD Customer Service Staff

Submission received by: Corie Louisen
(Name of OWRD staff)

Instructions for OWRD staff:

- Complete this Submission Receipt and make two (2) copies. Place one copy with the check/cash; and place the other copy with the submission (i.e., the application or other document).
- Date-stamp all pages. (NOTE: Do not stamp check.)
- Give this original Submission Receipt to the applicant.
- Record Submission Receipt Information on the "RECEIVED OVER THE COUNTER" log sheet. 14209
- Fold and put one copy of the Submission Receipt with check/cash into the Safe slot. Place the other copy of the Submission Receipt with submission (application/other document) in the top drawer of filing cabinet.



Date Received (Date Stamp Here)

OWRD Over-the-Counter Submission Receipt

Applicant Name(s) & Address: Q Bar X Ranch P.O. Box 3210

Kerby, OR 97531

Transaction Type: Transfer

Fees Received: \$ 2580⁰⁰

Cash Check; Check No. 1005

Name(s) on Check: Water Watch of OR

Thank you for your submission. Oregon Water Resources Department (Department) staff will review your submittal as soon as possible.

If your submission is determined to be complete, you will receive a receipt for the fees paid and an acknowledgement letter stating your submittal is complete.

If determined to be incomplete, your submission and the accompanying fees will be returned with an explanation of deficiencies that must be addressed in order for the submittal to be accepted.

If you have any questions, please feel free to contact the Department's Customer Service staff at 503-986-0801 or 503-986-0810.

Sincerely,
OWRD Customer Service Staff

Submission received by: Nick Reece
(Name of OWRD staff)

Instructions for OWRD staff:

- Complete this Submission Receipt and make two (2) copies. Place one copy with the check/cash; and place the other copy with the submission (i.e., the application or other document).
- Date-stamp all pages. (NOTE: Do not stamp check.)
- Give this original Submission Receipt to the applicant.
- Record Submission Receipt Information on the "RECEIVED OVER THE COUNTER" log sheet.
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14209

Permanent Transfer Application Checklist

Check the Certificates in WRIS

Transfer # T- 14209

Checked by <u> Dante </u>	Type of Change(s) Proposed: NO other changes allowed other than those listed	
Date <u> 4/6/2023 </u>	<input type="checkbox"/> POU <input type="checkbox"/> POD <input checked="" type="checkbox"/> APOD <input type="checkbox"/> POA <input type="checkbox"/> APOA <input type="checkbox"/> USE	
Fee Received: \$2580		How many rights to be Transferred? 3
Calculated Fee: \$2580		Certificate #(s) 3394, 13935, 20780
Deficiencies and Observations: Check dates on Evidence of Use, and make sure looks normal.		

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 _____

Revised 12/2022.krf

14209

