

Temporary

Name James Hall

Rachel Schelbe

Address 2441 Old Pioneer rd

Oakland Oregon 97462

Jimmer.Hall@gmail

Change in POW APP

Date Filed 9/1/2023

Initial notice date 9/12/2023

DPD issued date

PD issued date

PD notice date

Date of FO 1/26/2024

Vol 129 Page 690-692

C-Date

COBU due date

COBU Received date

Certificate issued

DESCRIPTION OF WATER RIGHT(S)

Name of Stream Catapaya Creek

Trib. of Umpqua river

Use Irrigation County Douglas

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

Name of ditch _____

App# 525295 Per # 519857 Cert # 50899 PR Date _____

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

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

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

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

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

FEES PAID		
Date	Amount	Receipt #
<u>9-1-2023</u>	<u>\$1,004.00</u>	<u>141537</u>

FEES REFUNDED		
Date	Amount	Receipt #

Assignments: _____

Irrigation District _____

Agent Nathan Reed

CWRE _____

CC's list Douglas County

- Oversized map - Location _____



Oregon

Tina Kotek, Governor

Water Resources Department

North Mall Office Building

725 Summer St NE, Suite A

Salem, OR 97301

Phone 503 986-0900

Fax 503 986-0904

January 26, 2024

James Hall & Rachel Schelble
2441 Old Pioneer Rd
Oakland, OR 97462

Reference: Transfer Application T-14319

The above referenced transfer application was denied in the records of the Water Resources Department on January 26, 2024, by Special Order Volume 129, Page 670 (copy enclosed).

The transfer application is of no further force or effect.

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

Sincerely,

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

cc: Susan M. Douthit, Watermaster Dist. # 15 (via email)
Nathan R. Reed, Agent
Douglas County Planning Dept., Local Government

Enclosure

BEFORE THE WATER RESOURCES DEPARTMENT
OF THE
STATE OF OREGON

In the Matter of Transfer Application)	FINAL ORDER DENYING TEMPORARY
T-14319, DOUGLAS County)	CHANGES IN PLACE OF USE AND FOR AN
)	ADDITIONAL POINT OF DIVERSION

Authority

Oregon Revised Statute (ORS) 540.505 to 540.580 establish the process in which a water right holder may submit a request to temporarily transfer the place of use and, if necessary to convey the water to the temporary place of use, the point of diversion authorized under an existing water right.

Oregon Administrative Rule (OAR) Chapter 690, Division 380 implements the statutes and provides the Department's procedures and criteria for evaluating transfer applications.

Applicant

JAMES HALL AND RACHEL SCHELBLE
2441 OLD PIONEER ROAD
OAKLAND, OR 97462

Findings of Fact

1. On September 1, 2023, JAMES HALL and RACHEL SCHELBLE filed an application to temporarily change the place of use and to add a point of diversion to serve the proposed place of use under Certificate 50899 for a period of 5 years. The Department assigned the application number T-14319.
2. Notice of the application for transfer was published on September 12, 2023, pursuant to OAR 690-380-4000.

This is a final order in other than a contested case. This order is subject to judicial review under ORS 183.484. Any petition for judicial review must be filed within the 60-day time period specified by ORS 183.484(2). Pursuant to ORS 536.075 and OAR 137-004-0080, 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.

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

Certificate: 50899 in the name of CREIGHTON BAXTER, JR. (perfected under Permit S-19857)
Use: IRRIGATION of 28.05 ACRES
Priority Date: SEPTEMBER 22, 1950
Rate: 0.35 CUBIC FOOT PER SECOND
Limit/Duty: The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands, shall be limited to ONE-EIGHTIETH of one cubic foot per second per acre, or its equivalent for each acre irrigated, and shall be further limited to a diversion of not to exceed 2.5 acre-feet per acre for each acre irrigated during the irrigation season of each year.
Source: CALAPOOYA CREEK, a tributary of UMPQUA RIVER

Authorized Point of Diversion:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
24 S	5 W	WM	35	NE NE	4430 FEET NORTH AND 4080 FEET EAST FROM THE SW CORNER OF SECTION 35

Authorized Place of Use:

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
24 S	5 W	WM	35	SE NE	28.05

4. Temporary Transfer Application T-14319 proposes to temporarily change the place of use of the right to:

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
24 S	5 W	WM	36	SW NW	20.15
24 S	5 W	WM	36	SE NW	0.70
24 S	5 W	WM	36	NW SW	7.20
Total					28.05

5. An additional point of diversion is necessary to convey the water to the proposed temporary place of use. Temporary Transfer Application T-14319 proposes an additional point of diversion approximately 0.73 mile upstream to:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
24 S	5 W	WM	36	NW NW	POD 1 - 1244 FEET SOUTH AND 1282 FEET EAST FROM THE NE CORNER OF SECTION 35

Temporary Transfer Review Criteria

6. Water has been used within the last five years according to the terms and conditions of the right. There is no evidence available that would demonstrate that the right is subject to forfeiture under ORS 540.610.

7. A pump, pipeline, and sprinkler system sufficient to use the full amount of water allowed under the existing right are present.
8. The proposed changes would prevent the lands from which the water right is removed during the period of the temporary transfer from receiving water under the transferred right, as required by ORS 540.523(7).
9. The proposed changes would result in injury to water right Certificate 59902. This finding is made under ORS 540.523(5) OAR 690-380-8000(2).

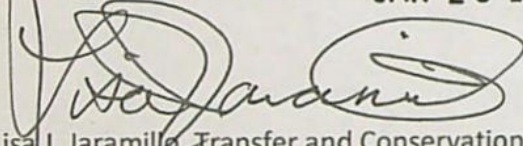
Conclusions of Law

The temporary changes in place of use and additional point of diversion to convey water to the temporary place of use proposed in Temporary Transfer Application T-14319 are NOT consistent with the requirements of ORS 540.523 and OAR 690-380-8000. Pursuant to OAR 690-380-8000(2) the proposed additional point of diversion would injure an instream water right.

Now, therefore, it is ORDERED:

1. The temporary change in place of use and additional point of diversion to convey water to the temporary place of use proposed in Temporary Transfer Application T-14319 are DENIED.

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



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

Mailing Date: **JAN 29 2024**

WATER RIGHT TRANSFER COVER SHEET

Transfer: T-14319

Transfer Specialist: *Joan*

Transfer Type: Temporary Transfer

DROUGHT?

Applicant: JAMES HALL 2441 OLD PIONEER RD OAKLAND, OR 97462	Agent: NATHAN R. REED 157 W BODIE ST ROSEBURG, OR 97471	Receiving Landowner:
Current Landowner if other than Applicant:	CWRE:	Irrigation District:
Affected Local Gov'ts: Douglas County Planning Department/land Use	Affected Tribal Gov't:	BOR Notified (date):

Water Rights Affected

File Marked	App. File # or Decree Name	Permit	Certificate
<input type="checkbox"/>	S25295	S19857	50849
<input type="checkbox"/>			50899
<input type="checkbox"/>			

Key Dates & Initial Actions (Support Staff)

Rec'd: September 1, 2023	Proposed Action(s): ADDITIONAL POINT OF DIVERSION; PLACE OF USE	
Fees Pd: 1004.00	Acknowledgement Letter Sent <input checked="" type="checkbox"/>	Basin: 16 Umpqua
Initial Public Notice: 9/12/2023	County sent cc: of Ack Letter <input checked="" type="checkbox"/>	County: DOUGLAS
WM District: 15 Susan M. Douthit	WM Review request sent:	WM Review date received:
Groundwater	GW Review sent:	GW Review date received:

Peer Review:

Document	Drafted	Peer Review	Coordinator	Changes Made	Signature Bin	Signature Date
FO	Date: <i>12/28/23</i> Initials: <i>Joan</i>	Date: <i>1/2/24</i> Initials: <i>Scott</i>	Date: <i>1/23/24</i> Initials: <i>PKS</i>	Date: _____ Initials: _____	Date: _____ No. of docs for sig: _____ WM Sheet <input type="checkbox"/>	Date: _____

Special Issues: 5 year Temp Transfer Denial (Injurious)
 Special Order Volume: Vol. 129 Pages 690-692



50899

59946

88999

72482

50902

Instream
59902

0.2mi

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-14319

Review Due Date: 10/06/2023

Applicant Name: James Hall and Rachel Schelbe

Proposed Changes: POU POD POA USE OTHER

Reviewer(s): Jenna Seim, Jake Johnstone

Date of Review: 12/19/2023

1. Do you have evidence that the right has not been used in the last 5 years and that the presumption of forfeiture would not likely be rebuttable? Yes No If "Yes", attach evidence (e.g. dated aerial photo showing pavement or building on the land for >5 yrs.)

2. Is there a history of regulation on the source that serves this (or these) right(s) that has involved the transferred right(s) and downstream water rights? Yes No Generally characterize the frequency of any regulation or explain why regulation has not occurred:
Calapooya regulated to 1958 every year due to IS 59698 not being met, measured at the mouth.

3. Have headgate notices been issued for the source that serves the transferred right(s)?
 Yes No Records not available.

4. In your estimation, after the proposed change, would distribution of water for the right(s) result in regulation of other water rights that would not have occurred if use under the original right(s) was/were maximized? Yes No If "Yes", explain:

Junior upstream user (C-72482) could be impacted as more water is available at the original POD than the APOD due to tributary(s) coming in between current and proposed PODs.

5. In your estimation, if the proposed change is approved, are there upstream water rights that would be affected? Yes No If "Yes", describe how the rights would be affected and list the rights most affected:

This transfer if approved would cause injury to instream right 59902. Junior right C-72482 - APOD would be moved upstream of junior's POD, potentially resulting in injury.

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:

In-stream right C-80817 would likely be impacted. Also, consider pending IS app #88996

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

Utilization of the currently permitted POD would avoid injury to the instream and potential injury to junior POD between permitted POD and proposed POD for this transfer.

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

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

A Headgate should be required prior to diverting water.

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

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

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

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

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

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

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

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

- Weir
- Parshall Flume
- Other: ___

- Submerged Orifice
- Flow Restrictor

STATE OF OREGON
CERTIFICATE OF WATER RIGHT

80817

THIS CERTIFICATE ISSUED TO

STATE OF OREGON
WATER RESOURCES DEPARTMENT
725 SUMMER STREET NE, SUITE A
SALEM, OREGON 97301

The specific limits for the use are listed below along with conditions of use.

Source: CALAPOOYA CREEK, TRIBUTARY TO UMPQUA RIVER

County: Douglas

Purpose use: Providing required stream flows for Oregon chub, sea-run and resident cutthroat trout, coho and fall chinook salmon, winter steelhead, and rainbow trout for migration, spawning, egg incubation, fry emergence, and juvenile rearing.

To be maintained in: CALAPOOYA CREEK FROM COON CREEK, RIVER MILE 34.5 (NW 1/4 NW 1/4, SECTION 21, TOWNSHIP 24 SOUTH, RANGE 3 WEST); TO OLDHAM CREEK, RIVER MILE 19 (SE 1/4 SE 1/4, SECTION 26, TOWNSHIP 24 SOUTH, RANGE 5 WEST).

The right is established under Oregon Revised Statutes 537.341.

The date of priority is January 10, 1991.

The following conditions apply to the use of water under this certificate:

1. The right is limited to not more than the amounts, in cubic feet per second, during the time periods listed below:

<u>JAN</u>	<u>FEB</u>	<u>MAR</u>	<u>APR</u>	<u>MAY</u>	<u>JUN</u>	<u>JUL</u>	<u>AUG</u>	<u>SEP</u>	<u>OCT</u>	<u>NOV</u>	<u>DEC</u>
70	70	70	70	50	30	20	18.6	17.5	29	70	70

2. The water right holder shall measure and report the in-stream flow along the reach of the stream or river described in the certificate as may be required by the standards for in-stream water right reporting of the Water Resources Commission.

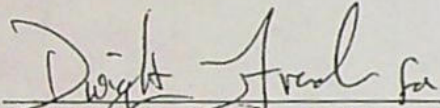
IS-71181.GC

Certificate Number 80817

80817

3. For purposes of water distribution, this instream right shall not have priority over human or livestock consumption.
4. The instream flow allocated pursuant to this water right is not in addition to other instream flows created by a prior water right or designated minimum perennial stream flow.
5. The flows are to be measured at the lower end of the stream reach to protect necessary flows throughout the reach.
6. As of January 2004, water is available for further appropriation at a 50% exceedence level November through March.

Issued July 13, 2004.


Phillip C. Ward, Acting Director
Water Resources Department

Recorded in State Record of Water Right Certificates Number 80817.

IS-71181.GC

STATE OF OREGON
COUNTY OF DOUGLAS
CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

C. V. RANCH LTD.
C/O MARK CORNILSEN
3300 DRIVER VALLEY ROAD
OAKLAND, OREGON 97462

72482

confirms the right to use the waters of CALAPOOYA CREEK, BACHELOR CREEK, AND OLDHAM CREEK, tributaries of UMPQUA RIVER, for IRRIGATION OF 116.51 ACRES AND LIVESTOCK.

This right was perfected under Permit 50637. The date of priority is NOVEMBER 30, 1987 - FOR USE OF 0.79 CUBIC FOOT PER SECOND FROM CALAPOOYA CREEK AND USE OF 0.58 CFS FROM BACHELOR CREEK FOR IRRIGATION; AND DECEMBER 16, 1988 - FOR USE OF 0.09 CFS FROM BACHELOR CREEK FOR IRRIGATION AND USE OF 0.05 CFS FROM EACH CREEK (CALAPOOYA, BACHELOR, AND OLDHAM) FOR LIVESTOCK.

The amount of water to which this right is entitled is limited to an amount actually beneficially used and shall not exceed 1.61 CUBIC FEET PER SECOND, BEING 0.79 CFS FROM CALAPOOYA CREEK FOR IRRIGATION OF 63.31 ACRES; 0.67 CFS FROM BACHELOR CREEK FOR IRRIGATION OF 53.20 ACRES; AND 0.15 CFS FOR LIVESTOCK (0.05 CFS FROM EACH CREEK - CALAPOOYA CREEK, BACHELOR CREEK AND OLDHAM CREEK), or its equivalent in case of rotation, measured at the point of diversion from the source.

The point of diversion is located as follows:

POD 1 (CALAPOOYA CREEK) - NE 1/4 NW 1/4, SECTION 36, T 24 S, R 5 W, W.M.; 400 FEET SOUTH AND 1300 FEET WEST FROM THE S 1/4 CORNER OF SECTION 25.

POD 2 (BACHELOR CREEK) - SE 1/4 SW 1/4, SECTION 25, T 24 S, R 5 W, W.M.; 1060 FEET NORTH AND 1130 FEET WEST FROM THE S 1/4 CORNER OF SECTION 25.

POD 4 (BACHELOR CREEK) - NW 1/4 SE 1/4, SECTION 25, T 24 S, R 5 W, W.M.; 2100 FEET NORTH AND 250 FEET EAST FROM THE S 1/4 CORNER OF SECTION 25.

POD 5 (OLDHAM CREEK) - SE 1/4 SE 1/4, SECTION 25, T 24 S, R 5 W, W.M.; 1150 FEET NORTH AND 1880 FEET EAST FROM THE S 1/4 CORNER OF SECTION 25.

The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands, is limited to ONE-EIGHTIETH of one cubic foot per second per acre, or its equivalent for each acre irrigated and shall be further limited to a diversion of not to exceed 2.5 acre-feet per acre for each acre irrigated during the irrigation season of each year.

The use 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:

SEE NEXT PAGE

72482

CALAPOOYA CREEK

SE 1/4 SW 1/4 8.52 ACRES
 NE 1/4 SE 1/4 26.00 ACRES
 NW 1/4 SE 1/4 0.40 ACRE
 SW 1/4 SE 1/4 14.60 ACRES
 SE 1/4 SE 1/4 1.30 ACRE

SECTION 25

NW 1/4 NE 1/4 0.70 ACRE
 NE 1/4 NW 1/4 11.79 ACRES AND STOCK

SECTION 36

BACHELOR CREEK

NE 1/4 SW 1/4 3.60 ACRES
 SE 1/4 SW 1/4 14.10 ACRES
 NW 1/4 SE 1/4 20.60 ACRES AND STOCK
 SW 1/4 SE 1/4 14.70 ACRES
 SE 1/4 SE 1/4 0.20 ACRE

SECTION 25

OLDHAM CREEK

SW 1/4 SE 1/4 STOCK
 SE 1/4 SE 1/4 STOCK

SECTION 25

TOWNSHIP 24 SOUTH, RANGE 5 WEST, W.M.

THIS CERTIFICATE IS ISSUED TO CORRECTLY DESCRIBE THE QUANTITY OF WATER AND SUPERSEDES CERTIFICATE 72237.

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. The use confirmed herein may be made only at times when sufficient water is available to satisfy all prior rights, including rights for maintaining instream flows.

WITNESS the signature of the Water Resources Director, affixed AUGUST 19, 1996.

st Steven P. Applegate

Martha O. Pagel

Recorded in State Record of Water Right Certificates numbered 72482.

STATE OF OREGON
COUNTY OF DOUGLAS
CERTIFICATE OF WATER RIGHT

59902

THIS CERTIFICATE ISSUED TO

STATE OF OREGON
WATER RESOURCES DEPARTMENT
SALEM, OREGON 97310

confirms the right to use the waters of CALAPOOYA CREEK, a tributary of the UMPQUA RIVER, in the UMPQUA RIVER BASIN to maintain an instream flow for the purpose of SUPPORTING AQUATIC LIFE.

The right is for flows to be maintained IN CALAPOOYA CREEK FROM ITS CONFLUENCE WITH GASSY CREEK, (SE 1/4, SECTION 2, T 25 S, R 4 W, W.M.), TO ITS CONFLUENCE WITH WILLIAMS CREEK, (NE 1/4, SECTION 12, T 25 S, R 6 W, W.M.).

The right is established under Oregon Revised Statutes 537.346.

The date of priority is MARCH 26, 1974.

The right is limited to not more than the amounts during the time periods listed below:

<u>Period</u>	<u>Flows (cubic feet per second)</u>
OCT 1 - OCT 15	10
OCT 16- OCT 31	30
NOV 1 - APR 30	70
MAY 1 - MAY 31	50
JUN 1 - JUN 30	25
JUL 1 - SEP 30	10

This instream water right shall not have priority over appropriations of water for human consumption, livestock consumption and irrigation of non-commercial gardens not to exceed one-half acre in area and waters legally released from storage.

Witness the signature of the Water Resources Director affixed this 9th day of JUNE, 1989.

William N. Young
Water Resources Director

Recorded in State Record of Water Right Certificates number 59902.

MF290 16.CALAPOOYA CREEK MISC.VOL1B.DIST15

BEFORE THE WATER RESOURCES DEPARTMENT
OF THE
STATE OF OREGON

T-13544
not the same
POU
as
T-14319

In the Matter of Transfer Application)
T-13544, Douglas County)
FINAL ORDER APPROVING)
TEMPORARY CHANGES IN PLACE)
OF USE AND POINT OF DIVERSION)

Authority

Oregon Revised Statute (ORS) 540.505 to 540.580 establish the process in which a water right holder may submit a request to temporarily transfer the place of use and, if necessary to convey the water to the temporary place of use, the point of diversion authorized under an existing water right.

Oregon Administrative Rule (OAR) Chapter 690, Division 380 implements the statutes and provides the Department's procedures and criteria for evaluating transfer applications.

Applicant

JESSE AND RACHEL DEAN
2005 GREEN VALLEY RD.
OAKLAND, OR 97462

1. On November 5, 2020, JESSE AND RACHEL DEAN filed an application to temporarily change the place of use and change the point of diversion to serve the proposed place of use under Certificate 50899 for a period of 5 years. The Department assigned the application number T-13544.
2. Notice of the application for transfer was published on November 10, 2020, pursuant to OAR 690-380-4000. No comments were filed in response to the notice.
3. The portion of the right to be temporarily transferred is as follows:
Certificate: 50899 in the name of CREIGHTON BAXTER, JR. (perfected under Permit S-19857)
Use: IRRIGATION of 25.82 ACRES
Priority Date: SEPTEMBER 22, 1950
Rate: 0.32 CUBIC FOOT PER SECOND

This is a final order in other than a contested case. This order is subject to judicial review under ORS 183.484. Any petition for judicial review must be filed within the 60-day time period specified by ORS 183.484(2). Pursuant to ORS 536.075 and OAR 137-004-0080, 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.

Limit/Duty: The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands, shall be limited to ONE-EIGHTIETH of one cubic foot per second per acre, or its equivalent for each acre irrigated and shall be further limited to a diversion of not to exceed 2.5 acre-feet per acre for each acre irrigated during the irrigation season of each year.

Source: CALAPOOYA CREEK a tributary of UMPQUA RIVER

Authorized Point of Diversion:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
24 S	5 W	WM	35	NE NE	4430 FEET NORTH AND 4080 FEET EAST FROM THE SW CORNER OF SECTION 35

Authorized Place of Use:

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
24 S	5 W	WM	35	NE NE	1.45
24 S	5 W	WM	35	NW NE	3.02
24 S	5 W	WM	35	SW NE	13.40
24 S	5 W	WM	35	SE NE	7.95
Total					25.82

4. Temporary Transfer Application T-13544 proposes to temporarily change the place of use of the right to:

IRRIGATION						
Twp	Rng	Mer	Sec	Q-Q	DLC	Acres
25 S	5 W	WM	6	SW SE	55	9.32
25 S	5 W	WM	7	NW NE	55	16.50
Total						25.82

5. A change in point of diversion is necessary to convey the water to the proposed temporary place of use. Temporary Transfer Application T-13544 proposes to move the authorized point of diversion approximately 6.3 miles downstream to:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
25 S	5 W	WM	7	SW NE	POD #2 - 1950 FEET SOUTH AND 2080 FEET WEST FROM THE NE CORNER OF SECTION 7

Temporary Transfer Review Criteria

6. Water has been used within the last five years according to the terms and conditions of the right. There is no evidence available that would demonstrate that the right is subject to forfeiture under ORS 540.610.
7. A pump, pipeline, and sprinkler system sufficient to use the full amount of water allowed under the existing right are present.

8. The proposed change would not prevent the lands from which the water right is removed during the period of the temporary transfer from receiving water under the transferred right, as required by ORS 540.523(7).
9. The proposed changes would not result in injury to other water rights. This finding is made through an abbreviated review recognizing that the transfer may be revoked under ORS 540.523(5) if the Department later finds that the transfer is causing injury to any existing water right.

Conclusions of Law

The temporary changes in place of use and point of diversion to convey water to the temporary place of use proposed in Temporary Transfer Application T-13544 are consistent with the requirements of ORS 540.523 and OAR 690-380-8000.

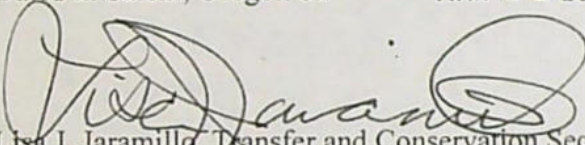
Now, therefore, it is ORDERED:

1. The temporary change in place of use and change in point of diversion to convey water to the temporary place of use proposed in Temporary Transfer Application T-13544 are approved.
2. The former place of use **shall not** be irrigated as part of this water right during the 2021, 2022, 2023, 2024 and 2025 irrigation seasons.
3. The proposed place of use under T-13544 will become layered with Certificate 38942. The place of use under Certificate 38942 that will become layered with the temporary place of use under Certificate 50899, shall not be irrigated for the duration of this temporary transfer, being the 2021 and 2025 irrigations seasons.
4. The use shall revert to the authorized place of use at the end of the 2025 irrigation season. The authorization to use the additional point of diversion shall be terminated concurrently.
5. The approval of this temporary transfer may be revoked or modified if the Department finds the changes cause injury to any existing water right.
6. A subsequent application for permanent transfer of Certificate 50899 shall be subject to a full and complete review to determine consistency with the requirements of OAR Chapter 690, Division 380. Approval of this temporary transfer does not establish a precedent for approval of a subsequent application filed for a permanent transfer.
7. The use of water at the temporary place of use authorized by this transfer shall be in accordance with the terms and conditions of Certificate 50899.
8. The time during which water is used under this approved temporary transfer does not apply toward a finding of forfeiture under ORS 540.610.

9. Water use measurement conditions:
 - a. Before water use may begin under this order, the water user shall install a totalizing flow meter, or, with prior approval of the Director, another suitable measuring device, at each new 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.
10. The use of the remaining water right described by Certificate 50899 shall continue to be in accordance with the terms and conditions of Certificate 50899.

Dated in Salem, Oregon on

MAR 0 2 2021



Lisa J. Jaramillo, Transfer and Conservation Section Manager, for
THOMAS M BYLER, DIRECTOR
Oregon Water Resources Department

Mailing Date:

MAR 0 3 2021



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Temporary Transfer Map
Jesse & Rachel Dean
T.25S. R5W. Sections 6 & 7
T.24S. R5W. Section 35
Douglas County
Scale: 1"= 1320

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 AUG 14 2019
 OWRD

Certificate No. 50899
 Priority date: September 22,
 1950

3.02 acres NWNE
 13.4 acres SWNE
 1.45 acres NENE
 7.95 acres SENE






18251

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 SEP 16 2019

OWRD

Legend

-  Cert. No. 50899 Temporary Transfer of 26.0 acres
-  Cert No. 50899 Remaining Right
-  Transferred 26.0 acres

25.82

Primary Certificate No.
 38942
 Priority date: March 21,
 1966

9.32 acres SWSE
 16.68 acres NWNE
 16.50



Temporary Point of Diversion is 1950 ft. South and 2080 ft. West from the NE Corner of Section 7.

Transfer 26.0 acres of irrigation from Certificate No. 50899 located in the SWNE of T24S. R5W. Section 35 to the SWSE & NWNE of T25S. R5W. Sections 6 & 7.

The purpose of this map is to identify the location of a Water Right. Not intended to show property ownership.

13544

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13544

Oregon Explorer Topics Oregon x Oregon Imagery Explorer x +

Not secure imagery.oregonexplorer.info

Movies FINANCES Concerts & Travel Quilting/Sewing Ancestry Gmail Inbox Facebook CALCULATOR Dropbox AMAZON HP ENVY 5510 e-All 20150528_OR_Imagery LIFE HACKS Other bookmarks

OREGON EXPLORER
Natural Resources Digital Library

Learn more Contact us

2014 NAIP (Color)

Search for Address 2138 Driver Valley Rd Oakland Search

Explore Gridpane Imagery



Transfer From this property:

Type here to search

Windows taskbar icons: File Explorer, Edge, Mail, Photos, Settings, Task View, Search, Task View, Settings, Network, Volume, Bluetooth, Date/Time, System Tray

EST DATE
Late June, Early July

IRRIGATED AREA

13251

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Transfer to this property:
2005 Green Valley Rd, Oakland Oregon 97462

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JUL 29 2020

OWRD

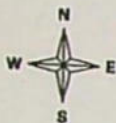
~~13544~~

13544

RECEIVED

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Temporary Transfer Map
 Jesse & Rachel Dean
 T.25S. R.5W. Sections 6 & 7
 T.24S. R.5W. Section 35
 Douglas County
 Scale: 1"= 1320

RECEIVED
 AUG 14 2019
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Temporary Point of Diversion is 1950 ft. South and 2080 ft. West from
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Transfer 26.0 acres of irrigation from Certificate No. 50899
 located in the SWNE of T24S. R5W. Section 35 to the SWSE & NWNE
 of T25S. R5W. Sections 6 & 7.

13544



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13544

13544

EST DATE
Late June, Early July

IRRIGATED AREA



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~~13544~~

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SEP 16 2019
OWRD

13544

T-14319 - APOD/POU

50899

STATE OF OREGON

COUNTY OF DOUGLAS

CERTIFICATE OF WATER RIGHT

This Is to Certify, That CREIGHTON BAXTER, JR.

of Route 1, Box 120, Oakland, State of Oregon 97462, has made proof to the satisfaction of the Water Resources Director of a right to the use of the waters of Calapooya Creek

a tributary of Umpqua River for the purpose of irrigation of 58.5 acres

0.06 RR

under Permit No. 19857 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 September 22, 1950

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 0.73 cubic foot per second, if available at the original point of diversion, NE 1/4 SE 1/4 as projected within Green DLC 41, Section 34, T24S, R5W, WM; 520 feet South and 740 feet West from E 1/2 Corner, Section 34,

or its equivalent in case of rotation, measured at the point of diversion from the stream. The point of diversion is located in the NE 1/4 NE 1/4, Section 35, T24S, R5W, WM; 4,430 feet North and 4,080 feet East from SW Corner, Section 35.

The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands, shall be limited to one-eightieth of one cubic foot per second per acre, or its equivalent for each acre irrigated and shall be further limited to a diversion of not to exceed 2 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:

T-14319
0.35

T-14319

- 2.2 acres NE 1/4 NE 1/4 - 1.45
- 3.5 acres NW 1/4 NE 1/4 - 3.02
- 13.8 acres SW 1/4 NE 1/4 - 13.40
- 28.05 - 36.0 acres SE 1/4 NE 1/4 - 7.95
- 1.2 acres NE 1/4 SE 1/4 - 25.82
- 1.8 acres SW 1/4 NW 1/4 Section 36 Township 24 South, Range 5 West, WM

0.32 OFF

This certificate describes that portion of the water right confirmed by the prior certificate recorded at page 49174, Volume 42, State Record of Water Right Certificates, NOT modified by the provisions of an order of the Water Resources Director entered December 23, 1981, approving Transfer Application 4781. 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 purposes aforesaid is restricted to the lands or place of use herein described and is subject to the existing minimum flow policies established by the Water Policy Review Board.

WITNESS the signature of the Water Resources Director, affixed

this date. May 27, 1982

James B. Seaman
Water Resources Director

0.73
- 0.32
0.41 ✓



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

September 6, 2023

JAMES HALL
RACHEL SCHELBE
2441 OLD PIONEER RD
OAKLAND, OR 97462

Reference: Application T-14319

On September 1, 2023, the Department received your water right Temporary Transfer Application. The application was accompanied by \$1004.00. Receipt number 141537 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.

Except as provided under ORS 540.510(3) for municipalities, you may not *temporarily* use water at the new place of use or from the new point of diversion/appropriation until a final order approving the temporary transfer application has been issued by the Department. Additionally, pursuant to OAR 690-380-8010, the lands from which an irrigation water right is to be temporarily transferred and the land to which the right is to be temporarily transferred may not both receive water during the same season. If the temporary transfer is approved during an irrigation season and water has already been used at the currently authorized location during that season, then the temporary transfer will not take effect until the following season.

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

If you have any questions, please contact the Transfer Section at (503) 986-0935.

Cc: Watermaster Dist. #15, Susan M. Douthit (via email)
Nathan R. Reed, Agent
Douglas County Planning Department

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 # **141537**

INVOICE # _____

RECEIVED FROM: James Hale
BY: Rachel Schelble

APPLICATION	
PERMIT	
TRANSFER	<u>7-14319</u>

CASH: CHECK: # 1028 OTHER: (IDENTIFY)

TOTAL REC'D \$ 1,004.00

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 46110

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

WATER RIGHTS:

EXAM FEE		RECORD FEE
\$ _____	0202	\$ _____
\$ _____	0204	\$ _____
\$ <u>1,004.00</u>		

WELL CONSTRUCTION

EXAM FEE		LICENSE FEE
\$ _____	0219	\$ _____
	0220	\$ _____

0201 SURFACE WATER
0203 GROUND WATER
0205 TRANSFER
0218 WELL DRILL CONSTRUCTOR
LANDOWNER'S PERMIT
OTHER (IDENTIFY) _____

0536 TREASURY 0437 WELL CONST. START FEE

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

0607 TREASURY 0467 HYDRO ACTIVITY LIC NUMBER

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

TREASURY OTHER / RDX

FUND _____ TITLE _____
OBJ. CODE _____ VENDOR # _____
DESCRIPTION _____ \$ _____

**RECEIVED
OVER THE COUNTER**

RECEIPT: **141537**

DATED: 9/11/2023

BY: [Signature]

**Application for Water Right
Temporary or Drought Temporary Transfer
Part 1 of 5 – Minimum Requirements Checklist**



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

This temporary 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.

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FOR ALL TEMPORARY TRANSFER APPLICATIONS

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

- Part 1 – Completed Minimum Requirements Checklist.
- Part 2 – Completed Temporary 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 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 Transferred Water Rights: **How many water rights are to be transferred? 1 List them here: 50899**
Please include a separate Part 5 for each water right. (See instructions on page 6)
- N/A For standard Temporary Transfer (one to five years) **Begin Year: 2024 End Year: 2029.**
- N/A Temporary Drought Transfer (Only in counties where the Governor has declared drought)

Attachments:

- Completed Temporary Transfer Application Map.
- Completed Evidence of Use Affidavit and supporting documentation.
- Current recorded deed for the land **from** which the authorized place of use is temporarily being moved.
- N/A Affidavit(s) of Consent from Landowner(s) (if the applicant does not own the land upon which the water right is located.)
- N/A Supplemental Form D – For water rights served by or issued in the name of a district. Complete when the temporary transfer applicant is not the 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 (if necessary to convey water to the proposed place of use).

(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"/> Additional signature(s) required
<input type="checkbox"/> Other/Explanation _____	<input type="checkbox"/> Part _____ is incomplete

Staff: _____ Phone: _____ Date: 14319 / /

Part 2 of 5 – Temporary Transfer Application Map Checklist

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

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

- N/A If **more than three** water rights are involved, separate maps are needed for each water right.
- Permanent quality printed with dark ink on 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 temporary 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) to convey water to the new temporary place of use, 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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Applicant Information

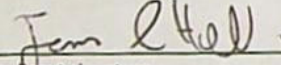
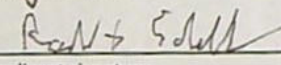
APPLICANT/BUSINESS NAME James Hall & Rachel Schelble		PHONE NO. 970-406-2466	ADDITIONAL CONTACT NO. NA
ADDRESS 2441 Old Pioneer Road			FAX NO. NA
CITY Oakland	STATE OR	ZIP 97462	E-MAIL jimmer.hall@gmail.com
BY PROVIDING AN E-MAIL ADDRESS, CONSENT IS GIVEN TO RECEIVE ALL CORRESPONDENCE FROM THE DEPARTMENT ELECTRONICALLY. COPIES OF THE FINAL ORDER DOCUMENTS WILL ALSO BE MAILED.			

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

AGENT/BUSINESS NAME Nathan Reed		PHONE NO. 541-784-7191	ADDITIONAL CONTACT NO. NA
ADDRESS 157 West Bodie Street			FAX NO. NA
CITY Roseburg	STATE OR	ZIP 97471	E-MAIL nreed68@hotmail.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: Requesting a temporary transfer that is necessary to irrigate grapes for a new local vineyard, winery and tasting room. This will provide a significant boost to tourism to Oakland and the surrounding area.
If you need additional space, continue on a separate piece of paper and attach to the application as "Attachment 1".

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

 Applicant signature	<u>DR JAMES HALL</u> Print Name (and Title if applicable)	<u>08/31/23</u> Date
 Applicant signature	<u>DR. RACHEL SCHELBLE</u> Print Name (and Title if applicable)	<u>08/31/23</u> 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 landowners (and mailing and/or e-mail addresses if different than the applicant's) or attach affidavits of consent from all landowners or individuals/entities (and mailing and/or e-mail addresses) to which the water right(s) has been conveyed.

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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. (NOTE: If this box is checked, you must complete and attach Supplemental Form D.)

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 local governments (each county, city, municipal corporation, or tribal government) within whose jurisdiction water will be diverted, conveyed and/or used.

ENTITY NAME Douglas County	ADDRESS 1036 SE Douglas Ave	
CITY Roseburg	STATE OR	ZIP 97470

ENTITY NAME	ADDRESS	
CITY	STATE	ZIP

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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 rows to tables within the form.

Water Right Certificate # 50899

Description of Water Delivery System

System capacity: 0.35 cubic feet per second (cfs) OR
 _____ gallons per minute (gpm)

Describe the current water delivery system or the system that was in place at some time within the last five years. Include information on the pumps, canals, pipelines, and sprinklers used to divert, convey, and apply the water at the authorized place of use. **A 1.5 Hp centrifugal pump draws water from authorized POD out a 2" ABS line to a big gun irrigator that is moved about to cover the POU.**

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	<input checked="" type="checkbox"/> Authorized <input type="checkbox"/> Proposed		25 S	5 W	35	NE	NE		4430 ft N. & 4080 ft E. fr. SW COR SEC. 35.
POD1	<input type="checkbox"/> Authorized <input checked="" type="checkbox"/> Proposed		25 S	5 W	36	N W	N W		1244 ft S. & 1282 ft E. fr. NE COR SEC. 35.
	<input type="checkbox"/> Authorized <input type="checkbox"/> Proposed								
	<input type="checkbox"/> Authorized <input type="checkbox"/> Proposed								

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

- Place of Use (POU)
- Point of Diversion (POD)
- Additional Point of Diversion (APOD)
- Appropriation/Well (POA)
- Additional Point of Appropriation (APOA)

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

- Place of Use (POU)
- Character of Use (USE)
- Point of Diversion (POD)
- Point of Appropriation/Well (POA)
- Additional Point of Appropriation (APOA)
- Additional Point of Diversion (APOD)

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

- Yes Complete only the Proposed ("to" 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.

14319

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 Temporary Changes to Water Right Certificate # 50899

List only the part of the right that will be changed. For the acreage in each ¼ ¼, list the change proposed. If more than one change, specify the acreage associated with each change. If more than one POD/POA, specify the acreage associated with each POD/POA.

14319

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								
"	"	"	" " "	"	"	"	EXAMPLE	"	"	"	2	S	9	E 2 SW NW	500		5.0		POD #6	1901								
25	S	5	W 35 SE NE	100		28.05	Irrigation	POD	1950	POU/POD	24	S	5	W 36 SW NW	202		20.15	Irrigation	POD1	1950								
										POU/POD	24	S	5	W 36 SE NW	202		0.7	Irrigation	POD1	1950								
										POU/POD	24	S	5	W 36 NW SW	202		7.2	Irrigation	POD1	1950								
TOTAL ACRES						28.05																TOTAL ACRES						28.05

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Additional remarks: _____

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For Place 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: 50902

Pursuant to ORS 540.525, any "layered" water use such as an irrigation right that is supplemental to a primary right proposed for temporary transfer can be included in the transfer or remain unused on the authorized place of use. If the primary water right does not revert soon enough to allow use of the supplemental right within five years, the supplemental right shall become subject to cancellation for nonuse under ORS 540.610.

If a change in point(s) of appropriation (well(s)) or additional point(s) of appropriation is necessary to convey the water to the new temporary place of use you must provide:

- Well log(s) 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 below for any well that does not have a well log. For a *proposed well(s) 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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Klamath Basin/County Drought Transfer Applications

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Table 4. Klamath Basin/County Well Information (DROUGHT TRANSFER APPLICATIONS ONLY)

Is there currently a flowmeter installed on each of the POAs listed in Table 1 of this application? Yes No*

**Please note that watermaster staff will visit the well to confirm flowmeter presence. Where possible, watermaster staff will take a static water level measurement. Alterations to the well head may be required in order to make the water level measurements.*

For each well, please provide a description of the flowmeter location, the serial number, the current flowmeter reading and the date the reading was taken in the table below.

OWNER'S WELL NAME OR NUMBER.	WELL TAG NUMBER (IF AVAILABLE)	WELL LOG ID (E.G., KLAM 1234)	FLOWMETER SERIAL NUMBER	FLOWMETER READING	FLOWMETER DATE	FLOWMETER LOCATION

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 DOUGLAS)

I, JEFFREY BAXTER AND/OR PENNY BAXTER, in my capacity as LANDOWNERS,
 mailing address 2138 DRIVER VALLEY ROAD, OAKLAND, OREGON 97462
 telephone number (541)459-4760, 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)
50899	24	S	5	W	WM	35	NE	NE		1.45
50899	24	S	5	W	WM	35	NW	NE		3.02
50899	24	S	5	W	WM	35	SW	NE		13.4
50899	24	S	5	W	WM	35	SE	NE		7.95
50899	24	S	5	W	WM	35	SE	NE		28.05

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

(continues on reverse side)

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

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.

Penny K Baxter
Signature of Affiant

8/31/2023
Date

Signed and sworn to (or affirmed) before me this 31st day of August, 2023.



Dolores M Baker
Notary Public for Oregon

My Commission Expires: June 08, 2027

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



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

Applicant(s): James A. Hall

Mailing Address: 2441 Old Pioneer Road

City: Oakland

State: OR

Zip Code: 97462

Daytime Phone: 970-406-2466

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>24S</u>	<u>5W</u>	<u>36</u>	<u>SE</u> <u>NW</u>	<u>202</u>	_____	<input checked="" type="checkbox"/> Diverted	<input checked="" type="checkbox"/> Conveyed	<input checked="" type="checkbox"/> Used	_____
<u>24S</u>	<u>5W</u>	<u>36</u>	<u>SW</u> <u>NW</u>	<u>202</u>	_____	<input type="checkbox"/> Diverted	<input checked="" type="checkbox"/> Conveyed	<input checked="" type="checkbox"/> Used	_____
<u>24S</u>	<u>5W</u>	<u>36</u>	<u>NW</u> <u>SW</u>	<u>202</u>	_____	<input type="checkbox"/> Diverted	<input checked="" type="checkbox"/> Conveyed	<input checked="" type="checkbox"/> Used	_____
<u>24S</u>	<u>5W</u>	<u>36</u>	<u>NE</u> <u>SW</u>	<u>202</u>	_____	<input type="checkbox"/> Diverted	<input checked="" type="checkbox"/> Conveyed	<input checked="" type="checkbox"/> Used	_____

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

Douglas

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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) Calapooya Creek

Estimated quantity of water needed: 10 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:

Requesting a temporary transfer of Certificate No. 50899 originating at T24S, R5W, SECTION 35, TL 100 for irrigation of the land and location listed above.

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

See bottom of Page 3. →

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For Local Government Use Only

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

Please check the appropriate box below and provide the requested information

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

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

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

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Name: _____ Title: _____

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: _____

City or County: _____ Staff contact: _____

Signature: _____ Phone: _____ Date: _____

Dr. James Hall
PO BOX 496
Oakland, OR, 79462

August 31, 2023

Oregon Water Resources Department
725 Summer Street NE, Suite A
Salam, OR, 97301

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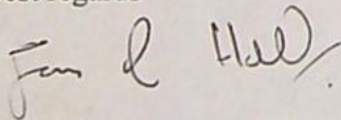
To Whom It May Concern,

Please find enclosed my application for Water Right Temporary Transfer from my direct neighbor, the Baxter family, to our ranch. My family and I moved to Oakland, Oregon this past summer and are planning to expand a vineyard, build a winery, and construct a tasting room on our 80 acre ranch. This will provide a significant boost to tourism in the area, and we are looking forward to building a family friendly, community focused business in the coming years.

As a Ph.D. Environmental Scientist with a 20 year career overseeing Environmental Impact Assessments in the US and globally, I appreciate the need for systematic and careful review of all types of projects to ensure regulatory compliance, and most of important of all, that no real harm is done to the environment. Our project here will focus on sustainability, organic production, renewable energy use and water use minimization. Our water use needs will decrease in later years once the new vines become established. We are committed to improving and preserving the natural landscape with our project, as an example, working with the USDA and Oregon Forestry Department, we have just completed clearing all invasive species from our 80 acre property, a significant undertaking.

Thank you for your consideration, my family and I look forward to working with you in partnership to help continue to move this project forward,

Best regards



Dr. James Hall

Cell: 970 406 2466
E-mail: jimmer.hall@gmail.com

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Temporary Transfer Application Checklist

IF drought mark drought here

Check the Certificate(s)

Transfer # T- 14319

Checked by: <u>Joan</u>	Type of Change(s) <i>No other changes other than those listed: (Mark the proposed changes)</i>	POU/POD	<u>POU/APOD</u>	POU
Date: <u>9/5/23</u>		POU/POA	POU/APOA	
Fee Received:		How many rights to be Transferred?		
Calculated Fee: <u>\$1004.00</u>		Certificate # <u>50899</u>		
Additional observations: <u>5 year temp trans for vineyard</u>				

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

1. Is the applicant information complete? Have all the applicants listed at the top of the page signed at the bottom?

If not, what is missing? Whose signature is missing? _____

2. Has the applicant indicated that the place of use is in or near an irrigation district? Have they included a Form D? N/A.

Name of the District _____

3. Part 5 of application, have the applicants 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?

If no, which certificates are missing a separate Part 5 tables 1 & 2? _____

5. Has the map been completed? Does the map meet the requirements? Can you tell which lands are off and on and where the lands are located? If not, what is missing?

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. 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 _____

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Temporary Transfer Application Checklist

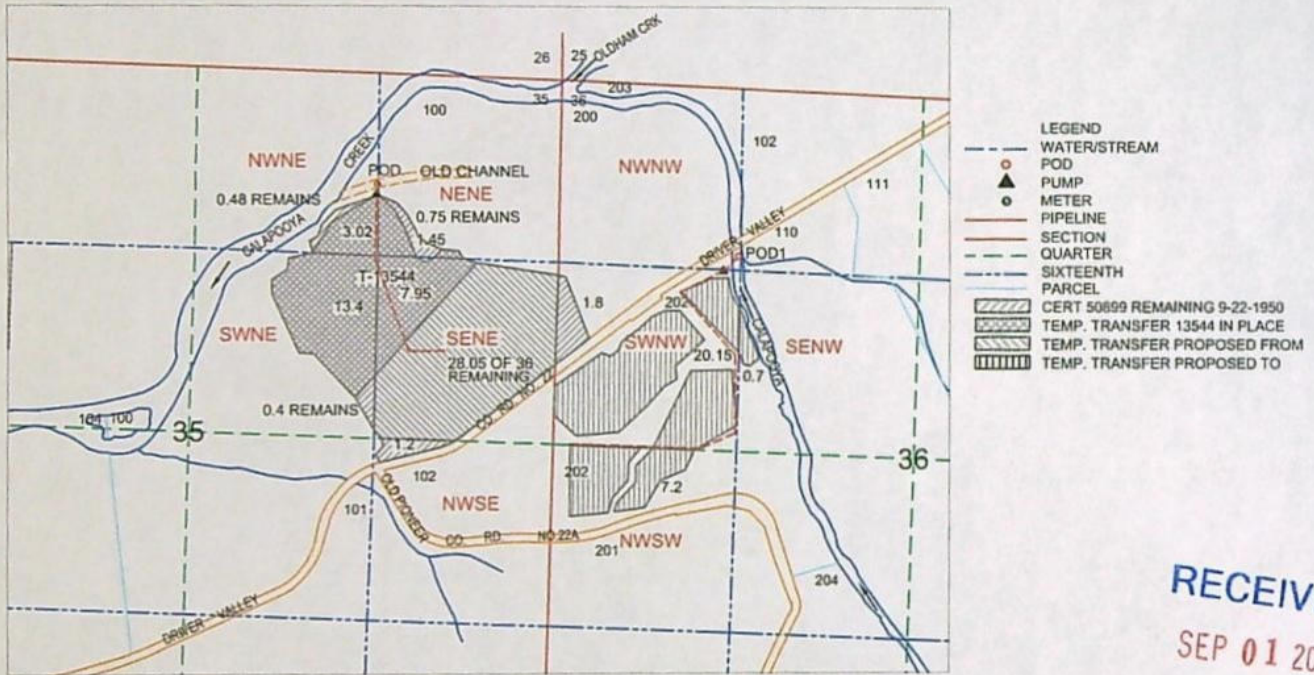
FEE WORKSHEET for TEMPORARY DROUGHT TRANSFERS			
1	Base Fee (includes drought application and recording fee for up to 1.0 cubic foot per second (cfs))	Line -1	\$200.00
2	Enter the cfs for the portions of the rights to be transferred (see example below*) _____ (2a) Subtract 1.0 from the number in 2a above _____ (2b) If <u>2b</u> is <u>0</u> enter <u>0</u> on line 2 If 2b is greater than 0, round to the nearest whole number: _____ (2c) and multiply by \$50.00, then enter on line 2	Line -2	
3	Add entries on lines 1 through 2 above	Total Fee	Line -3

*Example for Line 2a calculation to transfer 45.0 acres of Primary Certificate 12345 (total 1.25 cfs for 100 acres) and 45.0 acres of Supplemental Certificate 87654 (1/80 cfs per acre) on the same land: 1. Divide total authorized cfs by total acres in the water right (for C12345, $1.25 \text{ cfs} \div 100 \text{ ac}$); then multiply by the number of acres to be transferred to get the transfer cfs ($\times 45 \text{ ac} = 0.56 \text{ cfs}$). 2. If the water right certificate does not list total cfs, but identifies the allowable use as 1/40 or 1/80 of a cfs per acre; multiply number of acres proposed for change by either 0.025 (1/40) or 0.0125 (1/80). (For C87654, $45.0 \text{ ac} \times 0.0125 \text{ cfs/ac} = 0.56 \text{ cfs}$) 3. Add cfs for the portions of water rights on all the land included in the transfer; however do not count cfs for supplemental rights on acreage for which you have already calculated the cfs fee for the primary right on the same land. The fee should be assessed only once for each "on the ground" acre included in the transfer. (In this example, blank 2a would be only 0.56 cfs, since both rights serve the same 45.0 acres. Blank 2b would be 0 and Line 2 would then also become 0).

TEMPORARY TRANSFER APPLICATION MAP

FOR JAMES HALL & RACHEL SCHELBLE
 BY NATHAN REED PE CWRE
 T24S, R5W, W.M. SECTION 36
 T24S, R5W, W.M. SECTION 35

SCALE: 1" = 1320'



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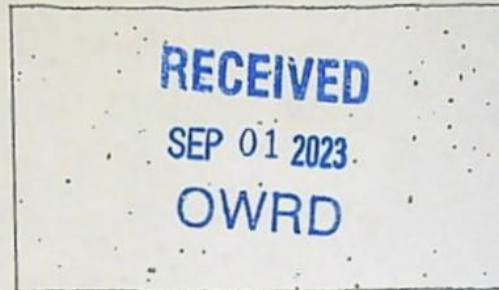
POD OF RECORD IS 4430 FEET NORTH AND 4080 FEET EAST FROM SW CORNER, SECTION 35.

POD1 PROPOSED TO LOCATE AT 1244 FEET SOUTH AND 1282 FEET EAST FROM NE CORNER, SECTION 35.

MAP PREPARED FOR:
 JAMES HALL & RACHEL SCHELBLE
 2441 OLD PIONEER ROAD
 OAKLAND, OR 97462

THE PURPOSE OF THIS MAP IS TO IDENTIFY THE LOCATION OF THE WATER RIGHT. IT IS NOT INTENDED TO PROVIDE INFORMATION RELATIVE TO THE LOCATION OF PROPERTY OWNERSHIP BOUNDARY LINES.

MAP PREPARED BY:
 NATHAN REED PE, CWRE
 157 WEST BODIE STREET
 ROSEBURG, OR 97471
14319



Date Received (Date Stamp Here)

OWRD Over-the-Counter Submission Receipt

Applicant Name(s) & Address: James Hall + Rachel Scheible
2441 Old Pioneer Road Oakland, OR 97462

Transaction Type: Transfer

Fees Received: \$ 1004⁰⁰

Cash

Check

Check No. 1028

Name(s) on Check: James Hall; Rachel Scheible

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.
- 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.

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