

T-14321

Regular RA

T-14321

Name Grande Ronde, alfalfa
James KropfAddress 58355 Godley rd
La Grande, Or 97850
grac@emypeople.netChange in PODate Filed 9/15/2023Initial notice date 9/12/2023

DPD issued date

PD issued date

PD notice date

Date of FO 6/7/2024 Vol 131 Page 96

C-Date

COBU due date

COBU Received date

Certificate issued

Assignments:

Irrigation District

Agent Paul Garvin Garvin hydrogeo

CWRE

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

DESCRIPTION OF WATER RIGHT(s)

Name of Stream Catherine CreekTrib. of Grande Ronde riverUse Irrigation County Union

Quantity of water (CFS) No. of Acres

Name of ditch

App# Decree Per # Grande R. River Cert # 44330 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 #
9-5-2023	\$125.00	141559
9-5-2023	\$1,360.00	141576
10-16-2023	\$2,130.77	141776
4-15-2024	2,130.00	142256

FEES REFUNDED

Date	Amount	Receipt #
4/12/2024	\$1699.25	VP056154

WATER RESOURCES DEPARTMENT
REQUEST FOR DISTRIBUTION OF FUNDS

TO: Fiscal Services Section

DATE: June 8, 2024

FROM: Kim R. French

RE: Request for Refund

TRANSFER: T-14321

RECEIPT #: 141776

Please prepare a refund in the amount of \$699.25, made payable to:

GRANDE RONDE ALFALFA LLC
58355 GODLEY RD
LA GRANDE, OR 97850

These funds are being paid or refunded as a result of (check one):

☒ XX Unearned Reimbursement Authority fees

☐ Protest filing fees

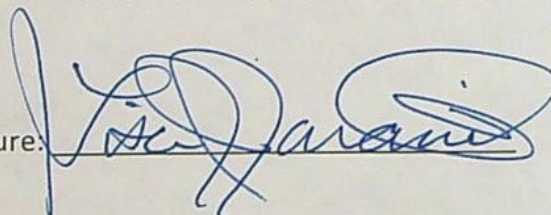
☐ Standing fees

☐ Other:

47124
0412
Dm 6/12/2024

I have reviewed this distribution request and have determined the request to be justified as to the purpose indicated above. Fiscal Services is hereby authorized to process the requested distribution.

Authorized Signature: _____



Date: _____

6-6-2024



Oregon

Tina Kotek, Governor

Water Resources Department

North Mall Office Building

725 Summer St NE, Suite A

Salem, OR 97301

Phone 503 986-0900

Fax 503 986-0904

www.oregon.gov/owrd

June 8, 2024

GRANDE RONDE ALFALFA LLC
JAMES KROPF
58355 GODLEY RD
LA GRANDE, OR 97850

Reference: Transfer T-14321

Dear Applicant:

The above-mentioned application has been withdrawn. A refund check in the amount of \$699.25 for unearned fees under reimbursement authority is being processed and will be sent separately.

If you have any questions, please contact me at Kim.R.French@water.oregon.gov.

Sincerely,

Kim French
Transfer Application Specialist

cc: File T-14321
Paul Garvin, Garvin Hydrogeo LLC; 1705 Main St, Suite 101, Baker City OR, 97814
Watermaster District #6, Shad Hattan

BEFORE THE WATER RESOURCES DEPARTMENT
OF THE
STATE OF OREGON

In the Matter of Transfer Application)	FINAL ORDER WITHDRAWING
T-14321, Union County, Oregon)	AN APPLICATION FOR A PERMANENT
)	TRANSFER APPLICATION

Authority

Oregon Revised Statute (ORS) 537.211 establishes the process in which a water right permit holder may submit a request to change the point of appropriation and/or place of use authorized under an existing water right permit.

Applicant

GRANDE RONDE ALFALFA LLC
JAMES KROPF
58355 GODLEY RD
LA GRANDE, OR 97850

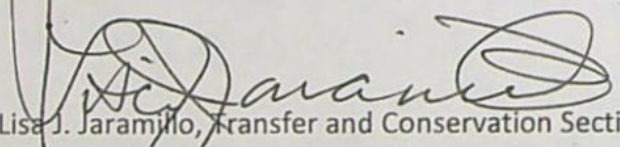
Findings of Fact

1. On September 5, 2023, applicant Grande Ronde Alfalfa LLC/James Kropf, ~~Error! Reference source not found.~~ submitted Permanent Transfer Application T-14321.
2. On May 16, 2024, the agent for the applicant, submitted a written request to withdraw Permanent Transfer Application T-14321.

Now, therefore, it is ORDERED:

Permanent Transfer Application T-14321, in the name of Grande Ronde Alfalfa LLC/James Kropf, is withdrawn and of no further force or effect.

DATED JUN -7 2024


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

Mailing date: JUN 10 2024

NOTICE OF RIGHT TO PETITION FOR RECONSIDERATION OR JUDICIAL REVIEW

This is a Final Order in other than contested case. This order is subject to judicial review under ORS 536.075 and 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 OAR 137-004-0080, you may 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.

FRENCH Kim R * WRD

From: Paul Garvin <garvin.hydrogeo@gmail.com>
Sent: Thursday, May 16, 2024 3:18 PM
To: FRENCH Kim R * WRD
Cc: Grande Ronde Alfalfa
Subject: Re: Transfer T-14321 I made an error

Hi Kim,

No worries, I was mistaken in thinking that we could make the APOD change after the transfer had been accepted.

Let go ahead and withdraw the original application since we would like to keep the additional changes and submit a new application under a new transfer number. Please send out a revised RA contract.

Thanks!

On Thu, May 16, 2024 at 2:48 PM FRENCH Kim R * WRD <Kim.R.FRENCH@water.oregon.gov> wrote:

Thanks Paul,

I made an error in the information that I gave you. I've been told by management that because we've already done the DPD, we cannot accept any changes to an application (like the addition of the POD and the POD change). We can only accept an amendment to the map to address the deficiency in the map, identified by the DPD to deny.

If you want us to process the changes, we will have to accept that application as a new application and give it a new transfer number. We will also have to send out a new RA contract (if you still want it processed through RA). We will be able to refund unused RA fees from the original application if/when the original application is withdrawn.

The application fees that were submitted with the "new" application were enough to cover it, so we would consider the "new" application fee (but not the RA fee) paid in full.

If you want us to continue processing the original application as it was submitted, we can. I will just need an amended map to address only what was identified in the DPD, so the WM can do their review. Once I get the review, I will be able to process the PD and move forward, but only with the POU changes as originally requested.

Please let me know how you wish to proceed. Sorry I got it wrong the first time. I'm still learning all of this transfer stuff.

Thank you,

Kim French | Water Rights Transfer Specialist

Water Resources Department | 725 Summer St. NE, Suite A | Salem, Oregon 97301

Phone: 503 979-9607 Email: kim.r.french@water.oregon.gov

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

Life is too short to spend one minute unhappy! Be Happy!

The Salem office re-opened to the public on May 1, 2022. Given that many staff will continue teleworking remotely or have job duties that take them into the field on a regular basis, availability of staff in the office is not guaranteed 8 a.m. - 5 p.m. every day. **Customers and visitors are encouraged to schedule an appointment in advance if they wish to meet in person with specific staff members.** Alternative methods for meeting, such as by phone or virtually via Teams, are also available.

From: Paul Garvin <garvin.hydrogeo@gmail.com>
Sent: Thursday, May 16, 2024 2:31 PM
To: FRENCH Kim R * WRD <Kim.R.FRENCH@water.oregon.gov>
Subject: Re: Transfer T-14321 updated materials

Hi Kim,

Wow, I am sorry to hear about your illness, that's scary, glad to hear you are on the mend though.

Thank you for the update.

On Thu, May 16, 2024 at 8:18 AM FRENCH Kim R * WRD <Kim.R.FRENCH@water.oregon.gov> wrote:

Hi Paul,

I'm not sure if you got these questions answered. I was out longer than expected. I ended up with pneumonia after my vacation and was in the hospital on a ventilator. I'm good now, just a still little weak.

Anyway, to answer the questions below:

1. We do not return original application materials. They stay with the file.
2. Yes, the original fee check was cashed when the original application was accepted.
3. I forwarded the revised map to the watermaster to complete his review. When I receive that back from him, I will be able to continue processing the revised application.

Because of the revisions, we will be sending a revised RA agreement, and there may be additional RA fees due. I will confirm that when I calculate the fees that were sent with the amended application.

Let me know if you have any further questions.

Thanks,

Kim French | Water Rights Transfer Specialist

Water Resources Department | 725 Summer St. NE, Suite A | Salem, Oregon 97301

Phone: 503 979-9607 Email: kim.r.french@water.oregon.gov

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From: Paul Garvin <garvin.hydrogeo@gmail.com>
Sent: Thursday, March 14, 2024 5:13 PM
To: FRENCH Kim R * WRD <Kim.R.FRENCH@water.oregon.gov>
Subject: Transfer T-14321 updated materials

Hi Kim,

Welcome back from vacation, hope you had a good one!

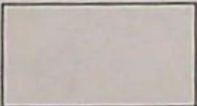
Looking forward to getting the Transfer T-14321 application wrapped up and I have a couple questions regarding next steps.

-Did the original application materials get returned to the applicant? He is unclear.

-In addition to addressing all of your comments and concerns, the applicant is revising the application to add a point of appropriation. We will include an updated fee check, has the original application fee check been cashed?

Thank you,

Paul Garvin



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-14321

Review Due Date:

Applicant Name: James Kropf/Grande Ronde alfalfa

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

Reviewer(s): Shad Hattan

Date of Review: 11/02/2023

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:
Catherine Creek is managed annually.
3. Have headgate notices been issued for the source that serves the transferred right(s)?
☐ Yes ☒ No ☐ Records not available.
4. In your estimation, after the proposed change, would distribution of water for the right(s) result in regulation of other water rights that would not have occurred if use under the original right(s) was/were maximized? ☐ Yes ☐ No If "Yes", explain:
5. In your estimation, if the proposed change is approved, are there upstream water rights that would be affected? ☐ Yes ☐ No If "Yes", describe how the rights would be affected and list the rights most affected:

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

☐ N/A

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

☐ N/A

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

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

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

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:

There are several problems with this application. The first page in the scanned mapped file is a final proof map for an unrelated water right. The second page appears to address the requests in the application. I will include my list of additional deficiencies in my email.

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

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

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

☐ A Headgate should be required prior to diverting water.

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

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

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

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

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

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

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

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

☐ Weir
☐ Parshall Flume
☐ Other: _____

☐ Submerged Orifice
☐ Flow Restrictor

Oregon Water Resources Department

Measurement Condition Information for the Applicant

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

Transfer #: T-

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

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

☐ at each new point of diversion/appropriation.

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

Watermaster name:

District:

Address:

City/State/Zip:

Phone:

Email:

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

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

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

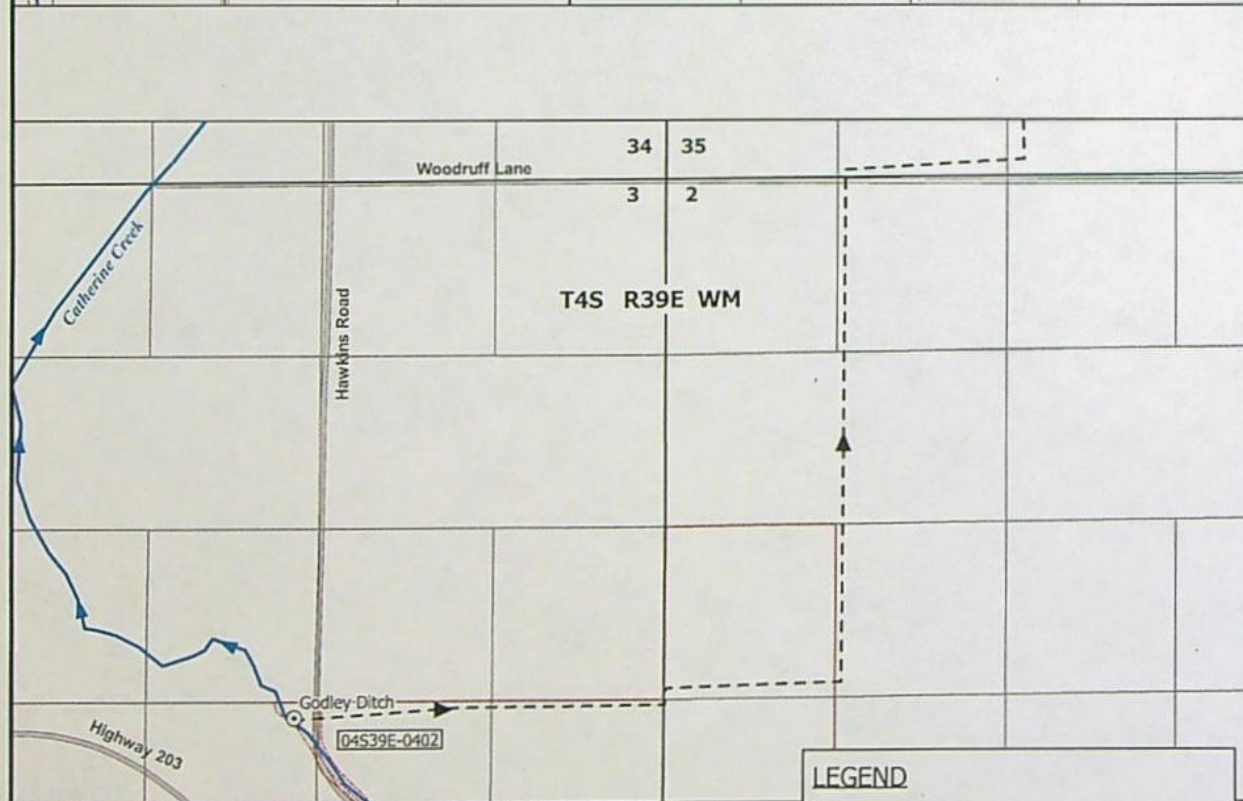
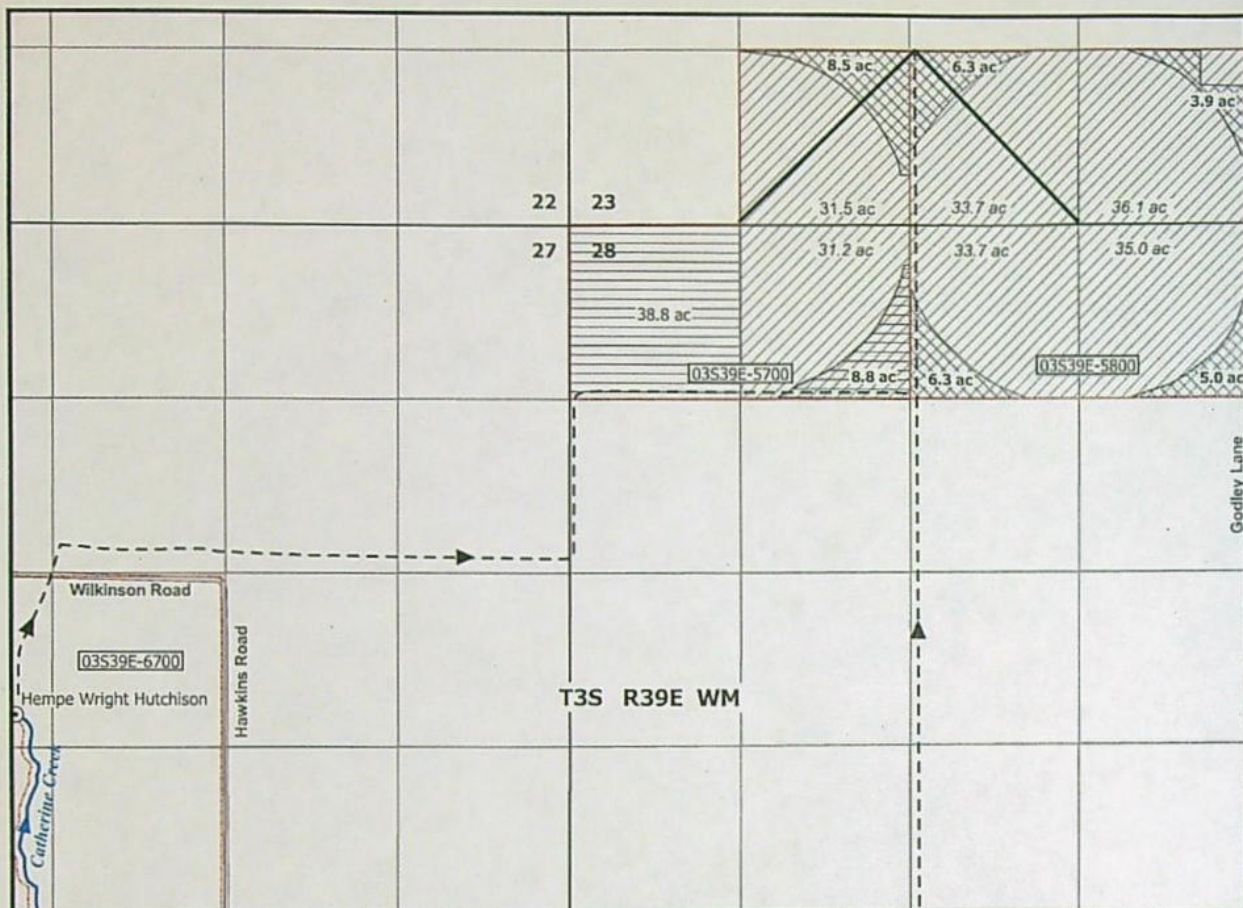
Watermaster signature

District

Date

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

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



Map to Accompany Transfer Application
Certificate 44330
Union County, OR

Prepared on behalf of James Kropf

1 inch = 1,320 feet



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

Godley Ditch Point of Diversion:
 1,188 feet N and 2,448 feet E from the SW Corner of Section 3

Hempe-Wright Hutchison Point of Diversion:
 3,850 feet S and 1,000 ft E from the NW corner of Section 27

LEGEND

- 44330 Certificated Place of Use
- Transfer "To" Lands (38.8 acres total)
- Transfer "From" Lands (38.8 acres total)
- Certificated Point of Diversion
- Union County Taxlot Boundary 04S39E-0402
- Ditch
- Mainline
- Road

**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 # **141776**

INVOICE # _____

RECEIVED FROM: Grande Ronde ALFA LLC

BY: _____

APPLICATION	
PERMIT	
TRANSFER	<u>T-14321</u>

CASH: ☐ CHECK: # 9006 OTHER: (IDENTIFY) ☐ _____

TOTAL REC'D \$ 2,130.77

1083 TREASURY 4170 WRD MISC CASH ACCT

0407 COPIES PCA 47124 R11464-25 \$ _____
0412 OTHER: (IDENTIFY) Transfer Ruminant \$ 2130.77
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	\$ _____		

WELL CONSTRUCTION

0218	WELL DRILL CONSTRUCTOR	\$ _____	0219	\$ _____
	LANDOWNER'S PERMIT		0220	\$ _____

OTHER (IDENTIFY) _____

0536 TREASURY 0437 WELL CONST. START FEE

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

0607 TREASURY 0467 HYDRO ACTIVITY LIC NUMBER

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

TREASURY OTHER / RDX

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

RECEIPT:

141776

DATED:

10-16-2023

BY:

m-mills

**REIMBURSEMENT AUTHORITY
APPLICANT'S AGREEMENT**
Contract Number: R11-464-25

RECEIVED

OCT 23 2023

OWRD

This Agreement is between the Oregon Water Resources Department, hereafter OWRD, and Grande Ronde Alfalfa, hereafter Applicant, hereafter known together as the parties.

OWRD Information

Contact: **Kelly Starnes**
Title: Transfer Advisor
Address: 725 Summer Street, NE, Suite A
Salem, OR 97301-1266

Phone: 503 979-3511
Fax: 503 986-0901
Email:

Applicant's Information

Name: Grande Ronde Alfalfa
Contact: James Kropf
Address: 58355 Godley Rd.
La Grande, OR 97850

Phone: (541) 786-2912
Fax:
Email:

Applicant's Representative

Name: Garvin HydroGeo, LLC
Contact: Paul Garvin
Address: 1705 Main St Suite 101
Baker City, OR 97814

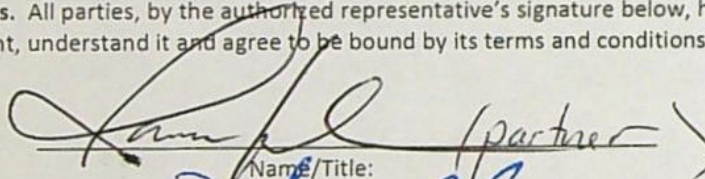
Phone: (503) 347-7188
Fax:
Email:

Purpose The purpose of this Agreement is to expedite the processing of the Transfer Application. (Application Number: T-14321)

1. **Authority.** The OWRD has been authorized pursuant to ORS 536.055 to enter into a voluntary agreement with any applicant, permittee or regulated entity (collectively Applicant) for expediting or enhancing a regulatory process. In making this agreement, OWRD shall require the applicant to pay the full cost of expedited process.
2. **Restrictions.** Applicant and OWRD agree that this Agreement shall not be construed to restrict in any way the decisions and actions by OWRD. OWRD shall be free to exercise independent judgment consistent with existing laws and regulations.
3. **Effective Date and Duration.** Unless otherwise terminated by non-deposit of funds by the Applicant, this Agreement shall become effective on the date on which both parties have signed the Agreement and the full deposit of the estimated cost of the proposed service.
4. **Consideration.**
 - a. Applicant shall pay OWRD in advance for actual costs incurred by OWRD. The estimated maximum reimbursement payable to OWRD under this Agreement is \$2,130.77. Applicant agrees to pay the full amount of \$2,130.77 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.

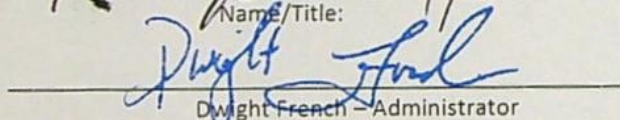
7. **Termination.** Applicant may request to terminate this agreement only in writing at anytime during the process. The Applicant agrees to pay for the work done by OWRD up until the time of the written termination request. OWRD, upon receiving such written termination request from the Applicant, will 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:

 (partner)
Name/Title:

Oct 6/23
Date

For OWRD:


Dwight French - Administrator

NOV / 1 2023
Date

Mail signed Agreement to:

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

GRANDE RONDE ALFALFA RA R11-464-25 T-14321					
Review Step					
Front Desk Staff receipts received AA funds					
Transfer Support process Application					
Administrator signs AA					
NRS 1 Support enters workflow record in WRIS and updates RA spreadsheet					
NRS 2 completes initial review of file for deficiencies					
NRS 2 consults with Analyst and/or Manager					
NRS 2 writes and sends deficiency ltr (email and hard copy)					
NRS 2 addresses correspondence from app/agent regarding deficiencies					
Watermaster completes review					
NRS 2 completes DPD, PN, and RR					
Transfer staff peer reviews DPD, PN, RR					
Transfer Analyst completes policy check at DPD stage					
NRS 2 sends DPD to app/agent by email and/or mail					
NRS 2 reviews report of ownership					
NRS 2 completes PD					
Transfer Staff peer reviews PD					
Transfer Analyst peer reviews PD					
Data Center reviews PD AND RR: (RR where applicable)					
Transfer Analyst completes peer review of PN review for newspaper noticing					
Transfer Support requests newspaper quote for PN publishing					
NRS 2 sends publishing fee request to applicant					
Transfer Support processes fee and newspaper publishing					
Transfer Support processes public notice (dept notice)					
Administrator signs PD					
Transfer Support issues PD, updates WRIS, copy to file, and mails hard copy to applicant					
Transfer Staff peer reviews FO					
Transfer Analyst peer reviews FO					
Administrator signs FO					
Transfer Support issues FO, updates WRIS, copy to file, record markings, and sends hard copy					
NRS 1 closes out RA Contract					
TOTAL ESTIMATED HOURS			37.38		
				TOTAL	\$2,130.77

**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 # **141559**

INVOICE # _____

RECEIVED FROM: Grande Ronde Alliance LLC
BY: _____

APPLICATION	
PERMIT	
TRANSFER	T-14321

CASH: ☐ CHECK: # 8928 OTHER: (IDENTIFY) ☐

TOTAL REC'D \$ 125.00

1083 TREASURY 4170 WRD MISC CASH ACCT

0407 COPIES	<u>47124 R11-464-25</u>	\$
<u>0412</u> OTHER:	(IDENTIFY) <u>Transfer Balance</u>	\$ <u>125.00</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 (FW/WRD)	\$
0231 HYDRO LICENSE FEE (FW/WRD)	\$
HYDRO APPLICATION	\$

TREASURY OTHER / RDX

FUND	TITLE
OBJ. CODE	VENDOR #
DESCRIPTION	\$

RECEIPT: **141559**

DATED: 9-5-23 BY: [Signature]



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 _____

	Applicant Information	Applicant's Representative/Contact
Name:	James Kropf/Grande Ronde Alfalfa	Paul Garvin/Garvin HydroGeo LLC
Address:	58355 Godley Rd. LaGrande, OR 97850	1705 Main St. Ste. 101 Baker City, OR 97814
Phone:	541-786-2912	503-347-7188
Fax:		
E-Mail Address:	gra@emypeople.net	Garvin.hydrogeo@gmail.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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I certify that I am the (check one):

☐ Applicant ☒ Applicant's Representative ☐ Other (Please specify) _____

Name: Paul Garvin

Signature: _____

OWRD USE ONLY: Reimbursement Authority Number: R11-464-25



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 11, 2023

GRANDE RONDE ALFALFA
JAMES KROPF
58355 GODLEY RD
LA GRANDE, OR 97850

Reference: Application T-14321

On September 5, 2023, the Department received your water right Permanent Transfer Application. The application was accompanied by \$1360.00. Receipt number 141576 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.

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 in the new place of use until a final order approving the transfer application has been issued by the Department. In order to avoid any possible forfeiture of the water right, you should continue to use the water as described by your existing water right.

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

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

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

Cc: Watermaster Dist. #6, Shad L. Hattan (*via email*)
Union County Planning
Paul Garvin, Agent

Enclosure

WATER RIGHT TRANSFER COVER SHEET

Transfer: T-14321

Transfer Specialist:

Transfer Type: Regular Transfer

Reimbursement Authority? ☐

Applicant GRANDE RONDE ALFALFA JAMES KROPP 58355 GODLEY RD LA GRANDE, OR 97850	Agent: PAUL GARVIN 1705 MAIN ST SUITE 101 BAKER CITY, OR 97814	Receiving Landowner:
Current Landowner if other than Applicant:	CWRE:	Irrigation District:
Affected Local Gov'ts: Union County Planning Department	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"/>	Decree	Grand Ronde River	44330	<input type="checkbox"/> Yes <input type="checkbox"/> No	
<input type="checkbox"/>				<input type="checkbox"/> Yes <input type="checkbox"/> No	
<input type="checkbox"/>				<input type="checkbox"/> Yes <input type="checkbox"/> No	

Key Dates & Initial Actions (Support Staff)

Rec'd: September 5, 2023	Proposed Action(s): PLACE OF USE	
Fees Pd: 1360.00	Acknowledgement Letter Sent <input checked="" type="checkbox"/>	Basin: 8 Grande Ronde
Initial Public Notice: 9/12/2023	County sent cc: of Ack Letter <input checked="" type="checkbox"/>	County: UNION
WM District: 6 Shad L. Hattan	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: _____

**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 # **141576**

INVOICE # _____

RECEIVED FROM: Grande Banks Alfalfa LLC
BY: _____

APPLICATION	
PERMIT	
TRANSFER	T-14321

CASH: ☐ CHECK: # 8832 OTHER: (IDENTIFY) ☐

TOTAL REC'D \$ 1,360.00

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 \$ 1,360.00

WELL CONSTRUCTION

0218 WELL DRILL CONSTRUCTOR \$ _____ 0219 \$ _____

LANDOWNER'S PERMIT 0220 \$ _____

OTHER (IDENTIFY) _____

0536 TREASURY 0437 WELL CONST. START FEE

0211 WELL CONST START FEE \$ _____ CARD# _____

0210 MONITORING WELLS \$ _____ CARD# _____

OTHER (IDENTIFY) _____

0607 TREASURY 0467 HYDRO ACTIVITY LIC NUMBER

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

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

HYDRO APPLICATION \$ _____

TREASURY OTHER / RDX

FUND _____ TITLE _____

OBJ. CODE _____ VENDOR # _____

DESCRIPTION \$ _____

RECEIPT: **141576**

DATED: 9-5-23 BY: Lisa D. Myers

Application for Permanent Water Right Transfer



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

Part 1 of 5 – Minimum Requirements Checklist

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

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

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SEP 05 2023 OWRD

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

- ☒ Part 1 – Completed Minimum Requirements Checklist.
- ☒ Part 2 – Completed Transfer Application Map Checklist.
- ☒ Part 3 – Application Fee, payable by check to the Oregon Water Resources Department, and completed Fee Worksheet, page 3. Try the new online fee calculator at:
http://apps.wrd.state.or.us/apps/misc/wrd_fee_calculator.
- ☒ Part 4 – Completed Applicant Information and Signature.
- ☒ Part 5 – Information about Water Rights to be Transferred: **How many water rights are to be transferred? 1 List them here: 44330**

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

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

Attachments:

- ☒ Completed Transfer Application Map.
- ☒ Completed Evidence of Use Affidavit and supporting documentation.
- ☒ ☐ N/A Affidavit(s) of Consent from Landowner(s) (if the applicant does not own the land the water right is on.) Note: **Affidavit of consent attached for both parcels involved in this transfer (tax parcels 5700 and 5800)**
- ☐ ☒ 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.

(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°).

14321

FEE WORKSHEET for PERMANENT TRANSFER (except Substitution)

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OWRD

2. Add cfs for the portions of water rights on all the land included in the transfer; however do not count cfs for supplemental rights on acreage for which you have already calculated the cfs fee for the primary right on the same land. The fee should be assessed only once for each "on the ground" acre included in the transfer. (In this example, blank 5a would be only 0.56 cfs, since both rights serve the same 45.0 acres. Blank 5b would be 0 and Line 5 would then also become 0).

FEE WORKSHEET for SUBSTITUTION

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

1 4 3 2 1

Part 4 of 5 – Applicant Information and Signature

Applicant Information

APPLICANT/BUSINESS NAME James Kropf/Grande Ronde Alfalfa			PHONE NO. (541) 786-2912	ADDITIONAL CONTACT NO.
ADDRESS 58355 Godley Rd.				FAX NO.
CITY La Grande	STATE OR	ZIP 97850	E-MAIL gra@emypeople.net	
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 Paul Garvin/Garvin HydroGeo LLC			PHONE NO. 503-347-7188	ADDITIONAL CONTACT NO.
ADDRESS 1705 Main St. Ste. 101				FAX NO.
CITY Baker City	STATE OR	ZIP 97814	E-MAIL Garvin.hydrogeo@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.				

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

The applicant seeks to transfer places of use from six corners to a full Quarter-Quarter. This is because the "To" lands currently do not have any water rights associated with them.

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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RECEIVED

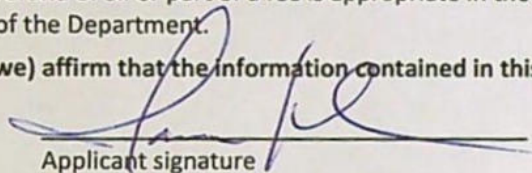
AUG 02 2023

OWRD

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: LaGrande Observer.
- Amendments to the application may only be made in response to the Department's Draft Preliminary Determination (DPD). The applicant will have a period of at least 30 days to amend the application to address any issues identified by the Department in the DPD, or to withdraw the application. Note that amendments may be subject to additional fees, pursuant to ORS 536.050.
- Failure to complete an approved change in place of use and/or change in character of use, will result in loss of the water right (OAR 690-380-6010).
- Refunds may only be granted upon request and, as set forth in ORS 536.050(4)(a), if the Director determines that a refund of all or part of a fee is appropriate in the interests of fairness to the public or necessary to correct an error of the Department.

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


Applicant signature

James Kropp Irrigator 6/27/23
Print Name (and Title if applicable) Date

Applicant signature

Print Name (and Title if applicable) Date

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

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

Check the following boxes that apply:

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

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

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

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

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				

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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. (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 Union County	ADDRESS 1106 K Ave	
CITY LaGrande	STATE OR	ZIP 97850

ENTITY NAME	ADDRESS	
CITY	STATE	ZIP

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Part 5 of 5 – Water Right Information

CERTIFICATE # 44330

Description of Water Delivery System

System capacity: 10 cubic feet per second (cfs) OR
 _____ gallons per minute (gpm)

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SEP 05 2023

OWRD

OWRD

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 appropriated from the two approved PODs on Catherine Creek, the Godley Ditch No. 2 POD and the Hempe-Wright Hutchison ditch then conveyed to the northeast via pipelines and ditches to where it enters the property approximately 5,700 ft E and 13,200 ft N of the Godley Ditch No. 2 POD. Water is applied to the authorized places of use via center pivots.

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)
Godley Ditch	<input checked="" type="checkbox"/> Authorized <input type="checkbox"/> Proposed		4 S	39 E	3	SE SW	0402	1,188 ft N and 2,448 ft E from the SW Corner of Section 3
Hempe-Wright Hutchison	<input checked="" type="checkbox"/> Authorized <input type="checkbox"/> Proposed		3 S	39 E	27	NW SW	6700	3,850 ft S and 1,000 ft E from the NW corner of Section 27

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

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

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

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

14321

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 # 44330

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	1	NW NW	500	1	10.0		POD #5	1901	
												2	S	9	2	SW NW	500		5.0		POD #6	1901	
3	S	39	E 23	SE SE	5800		3.9	Irrigation	Hempe-Wright Hutchison	1905	POU	3	S	39	26	NW NW	5700		38.8	Irrigation	Godley, Hempe- Wright Hutchison	1884, 1905	
3	S	39	E 23	SW SE	5800		6.3	Irrigation	Godley	1884	POU												
3	S	39	E 26	NE NE	5800		5.0	Irrigation	Hempe-Wright Hutchison	1905	POU												
3	S	39	E 26	NW NE	5800		6.3	Irrigation	Godley	1884	POU												
3	S	39	E 23	SE SW	5700		8.5	Irrigation	Godley	1884	POU												
3	S	39	E 26	NE NW	5700		8.8	Irrigation	Godley	1884	POU												
TOTAL ACRES:						38.8						TOTAL ACRES:						38.8					

Additional remarks: _____.

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For Place of Use or Character of Use Changes

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

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

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 # _____

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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

14321

Application for Water Right Transfer



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

Consent by Deeded Landowner

State of Oregon)
County of Union)ss
)

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AUG 02 2023
OWRD

I Virginia L. Bertels in my/our capacity as deeded landowner

mailing address 10102 COUNTRY CLUB LANE, ISLAND CITY, OR 97850

telephone number 541-962-7507), duly sworn depose and say that I/We

consent to the proposed change(s) to Water Right Certificate Number 44330

described in a Water Right Transfer Application (T-), (Application Number not yet issued)
(transfer number, if known)

submitted by James Kropf

on the property in tax lot number(s) 5700 and 5800

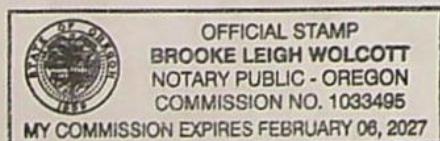
Section 23 and 26 Township 3 South Range 39 East, W.M.

located at no street Address
(site address)

Virginia L. Bertels
Signature of Affiant

7.14.23
Date

Subscribed and Sworn to before me this 14 day of July, 2023.



[Signature]
Notary Public for Oregon

My commission expires 2.06.27.

14321

Application for Water Right Transfer



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

Consent by Deeded Landowner

State of ~~Oregon~~ TH Texas)
County of ~~Union~~ TH San Patricio) ss

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AUG 02 2023

QWRD

I James Withycombe in my/our capacity as deeded landowner

mailing address 102 BLACK DIAMOND, PORTLAND, TX 78374

telephone number 903-217-3885), duly sworn depose and say that I/We

consent to the proposed change(s) to Water Right Certificate Number 44330

described in a Water Right Transfer Application (T-), (Application Number not yet issued)
(transfer number, if known)

submitted by James Kropf

on the property in tax lot number(s) 5700 and 5800

Section 23 and 26 Township 3 South Range 39 East, W.M.

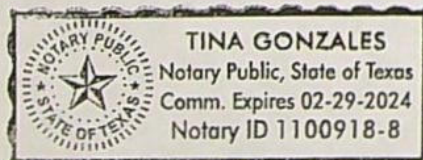
located at no street Address
(site address)

James W. Withycombe Jr
Signature of Affiant

5-16-2023

Date

Subscribed and Sworn to before me this 16 day of May, 2023.



Tina Gonzales
Notary Public for Oregon TH Texas

My commission expires 2-29-2024

14321

Application for Water Right Transfer

Evidence of Use Affidavit



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

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

State of Oregon)
) ss

County of UNION

I, James Withycombe, in my capacity as PROPERTY OWNER,

mailing address 102 BLACK DIAMOND, PORTLAND, TX 78374

telephone number (903-217-3885), 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)
<u>44330</u>	3	S	39	E	WM	23	SW	SE		40.0
<u>44330</u>	3	S	39	E	WM	23	SE	SE		37.7
<u>44330</u>	3	S	39	E	WM	26	NE	NE		40.0
<u>44330</u>	3	S	39	E	WM	26	NW	NE		40.0

OR

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

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

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

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

(continues on reverse side)

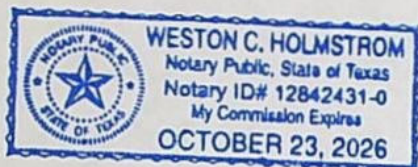
3. The water right was used for: (e.g., crops, pasture, etc.): CROPS

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

James Withycombe
Signature of Affiant

4-11-2023
Date

Signed and sworn to (or affirmed) before me this 11 day of April, 2023.



[Signature]
Notary Public for Oregon

My Commission Expires: 10-23-2026

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 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>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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Map to Accompany evidence of Use Affidavit

Blue shaded area denotes irrigated area under Certificate 44330. Acreage numbers per QQ are overlain.

Township 3S, Range 39E

QQs are as follows (clockwise from top left): SWSE Section 23, SESE Section 23, NENE Section 26, NWNE Section 26

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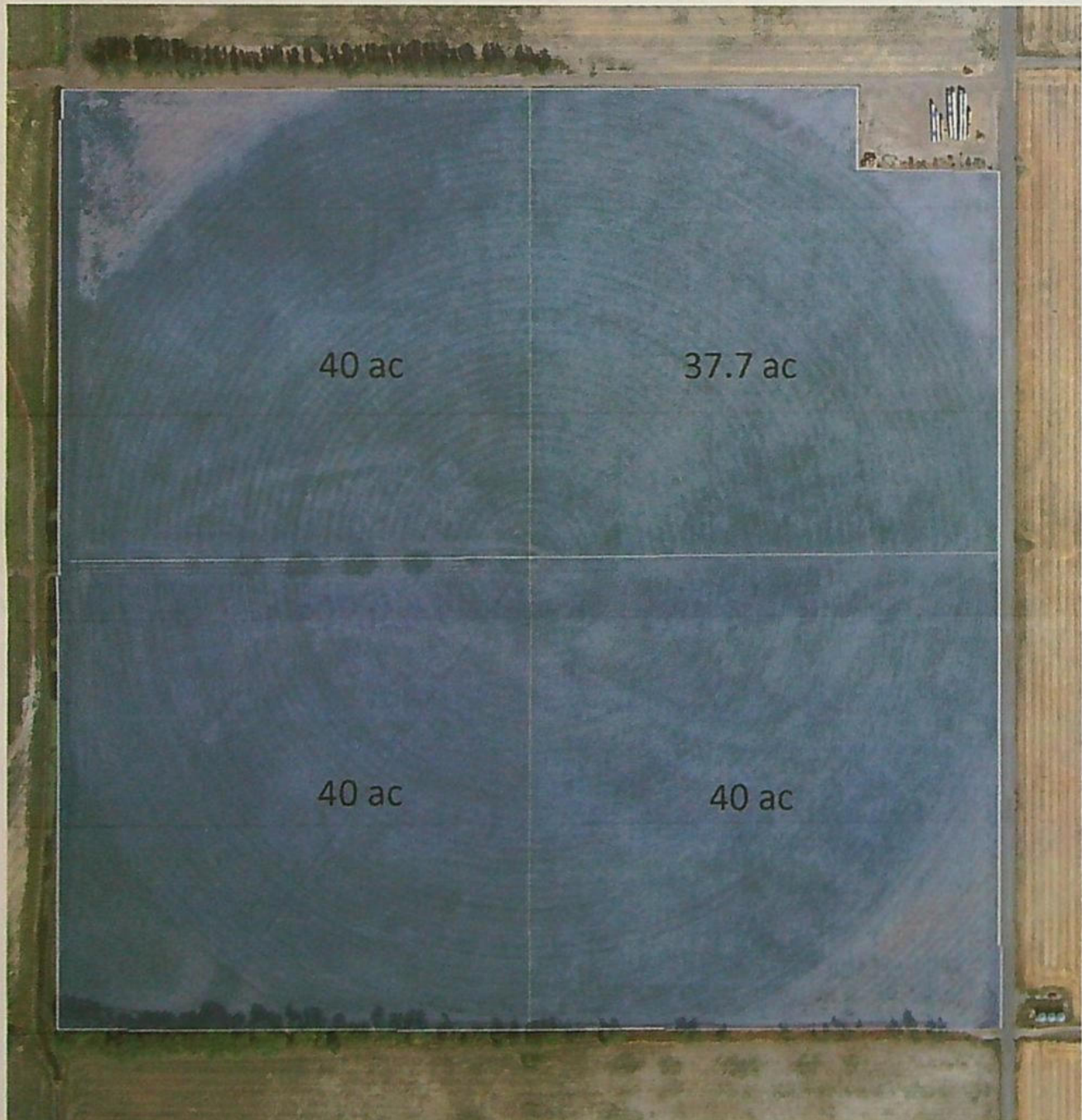
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Permanent Transfer Application Intake Checklist

T-14321

Checked by <u>Kim French</u>	Type of Change(s) Proposed:
Date <u>9/11/23</u>	<input checked="" type="checkbox"/> POU <input type="checkbox"/> POD <input type="checkbox"/> APOD <input type="checkbox"/> POA <input type="checkbox"/> APOA <input type="checkbox"/> USE
Calculated Fee \$1360	<input type="checkbox"/> Substitution <input type="checkbox"/> Gov't Action <input type="checkbox"/> Sup to Primary <input type="checkbox"/> SW to GW
Fee Received \$1360	Certificate(s): 44330
Check all Certs in WRIS to make sure they are not cancelled	
If application involves multiple certificates, does it meet OAR 690-380-3220? If no, why?	<input type="checkbox"/> YES <input type="checkbox"/> NO <input checked="" type="checkbox"/> N/A
Is the application complete? <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO If no, why?	
Notes:	

1.	<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO	Have all the applicants signed? If not, whose signature is missing?
2.	<input type="checkbox"/> YES	<input type="checkbox"/> NO	Evidence of Use included?
3.	<input type="checkbox"/> YES	<input type="checkbox"/> NO	<input checked="" type="checkbox"/> N/A Land Use Form included?
4.	<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO	<input type="checkbox"/> N/A Consent Form included
5.	<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO	Part 5 of application: Has the applicant completed the entire page and does the information match the description of the explanation on Part 4 of the application?
6.	<input type="checkbox"/> YES	<input type="checkbox"/> NO	<input checked="" type="checkbox"/> N/A Has the applicant indicated that the place of use is in <u>or</u> near an irrigation district? Name of the District
	<input type="checkbox"/> YES	<input type="checkbox"/> NO	<input checked="" type="checkbox"/> N/A If Yes, have they included a Form D?
7.	<input type="checkbox"/> YES	<input type="checkbox"/> NO	<input checked="" type="checkbox"/> N/A For multiple certificates: Do each of the certificates listed on the Min Req Checklist 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?
8.	<input type="checkbox"/> YES	<input type="checkbox"/> NO	<input checked="" type="checkbox"/> N/A If a change in point of appropriation, have the well logs been included?
9.	<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO	Has the map been completed and signed by a CWRE?
10.	<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO	Does the map meet the requirements? If not, what is missing?
11.	<input type="checkbox"/> YES	<input type="checkbox"/> NO	<input checked="" type="checkbox"/> N/A Map waiver included?
12.	<input type="checkbox"/> YES	<input type="checkbox"/> NO	<input checked="" type="checkbox"/> N/A If a change in place of use is within Umatilla County, is there a Supplemental Form U included?

If there are no deficiencies identified, accept the application. Put this checklist in the transfer folder. If this application is deficient, it **CANNOT** be accepted. It should be returned with a letter explaining the deficiencies identified.

☐ Application Returned Date: _____

14321

FEE WORKSHEET for PERMANENT TRANSFER (except Substitution)

FEE WORKSHEET for PERMANENT TRANSFER (except Substitution)			
1	Base Fee (includes one type of change to one water right for up to 1 cfs)	1	\$1,360
	Types of change proposed: <input checked="" type="checkbox"/> Place of Use <input type="checkbox"/> Character of Use <input type="checkbox"/> Point of Diversion/Appropriation Number of above boxes checked = <u>1 (2a)</u> Subtract 1 from the number in line 2a = <u>0 (2b)</u> <i>If only one change, this will be 0</i>		
2	Multiply line 2b by \$1090 and enter » » » » » » » » » » » » » » » »	2	\$0.00
	Number of water rights included in transfer <u>1 (3a)</u> Subtract 1 from the number in 3a above: <u>0 (3b)</u> <i>If only one water right this will be 0</i>		
3	Multiply line 3b by \$610 and enter » » » » » » » » » » » » » » » »	3	\$0.00
	Do you propose to add or change a well, or change from a surface water POD to a well? <input type="checkbox"/> No: enter 0 <input type="checkbox"/> Yes: enter \$480 for the 1st well to be added or changed _____ (4a) Do you propose to add or change additional wells? <input type="checkbox"/> No: enter 0 <input type="checkbox"/> Yes: number of additional wells: _____ multiplied by \$410 <u>\$0.00 (4b)</u>		
4	Add line 4a to line 4b and enter » » » » » » » » » » » » » » » »	4	\$0.00
	Do you propose to change the place of use or character of use? <input type="checkbox"/> No: enter 0 on line 5 » » » » » » » » » » » » » » » » <input type="checkbox"/> Yes: enter the cfs for the portions of the rights to be transferred (see example below*): _____ (5a) Subtract 1.0 from the number in 5a above: <u>-1.00 (5b)</u> If 5b is 0 or less, enter 0 on line 5 » » » » » » » » » » » » » » » » If 5b is greater than 0, round up to the nearest whole number: <u>0 (5c)</u>		
5	Multiply 5c by \$410, then enter on line 5 » » » » » » » » » » » » » » » »	5	\$0.00
6	Add entries on lines 1 through 5 above » » » » » » » » » » Subtotal:	6	\$1,360.00
	Is this transfer: <input type="checkbox"/> necessary to complete a project funded by the Oregon Watershed Enhancement Board (OWEB) under ORS 541.932? <input type="checkbox"/> endorsed in writing by ODFW as a change that will result in a net benefit to fish and wildlife habitat? If one or more boxes is checked, multiply line 6 by 0.5 and enter on line 7 »		
7	If no box is applicable, enter 0 on line 7 » » » » » » » » » » » » » » » »	7	
8	Subtract line 7 from line 6 » » » » » » » » » » » » » » » » Transfer Fee:	8	\$1,360.00

Application for Water Right Transfer Evidence of Use Affidavit



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

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

State of Oregon)
County of UNION) ss

I, JAMES KROPE, in my capacity as IRRIGATOR,
mailing address 58355 GODLEY ROAD, LAGRANDE, OR, 97850
telephone number (541)786-2912, being first duly sworn depose and say:

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OWRD OWRD

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)
<u>44330</u>	3	S	39	E	WM	23	SE	SW		40.0
<u>44330</u>	3	S	39	E	WM	26	NE	NW		40.0

OR

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

(continues on reverse side)

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

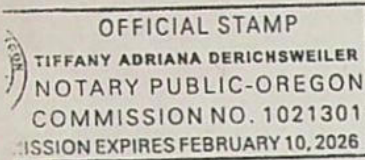
4. I understand that if I do not attach one or more of the documents shown in the table below to support the above statements, my application will be considered incomplete.

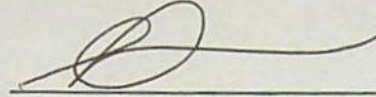
Signature of Affiant

July 19/23
Date



Signed and sworn to (or affirmed) before me this 19th day of July, 2023.




Tiffany Derichsweiler
Notary Public for Oregon

My Commission Expires: Feb. 10 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 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	Multiple photos can be submitted to resolve different areas of a water right. If the photograph does not print with a "date stamp" or without the source being identified, the date of the photograph and source should be added. Sources for aerial photos: OSU – www.oregonexplorer.info/imagery OWRD – www.wrd.state.or.us Google Earth – earth.google.com TerraServer – www.terraserver.com
<input type="checkbox"/> Approved Lease establishing beneficial use within the last 5 years	Copy of instream lease or lease number

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SEP 05 2023

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Map to Accompany evidence of Use Affidavit (Kropf)

Blue shaded area denotes irrigated area under Certificate 44330. Acreage numbers per QQ are overlain.

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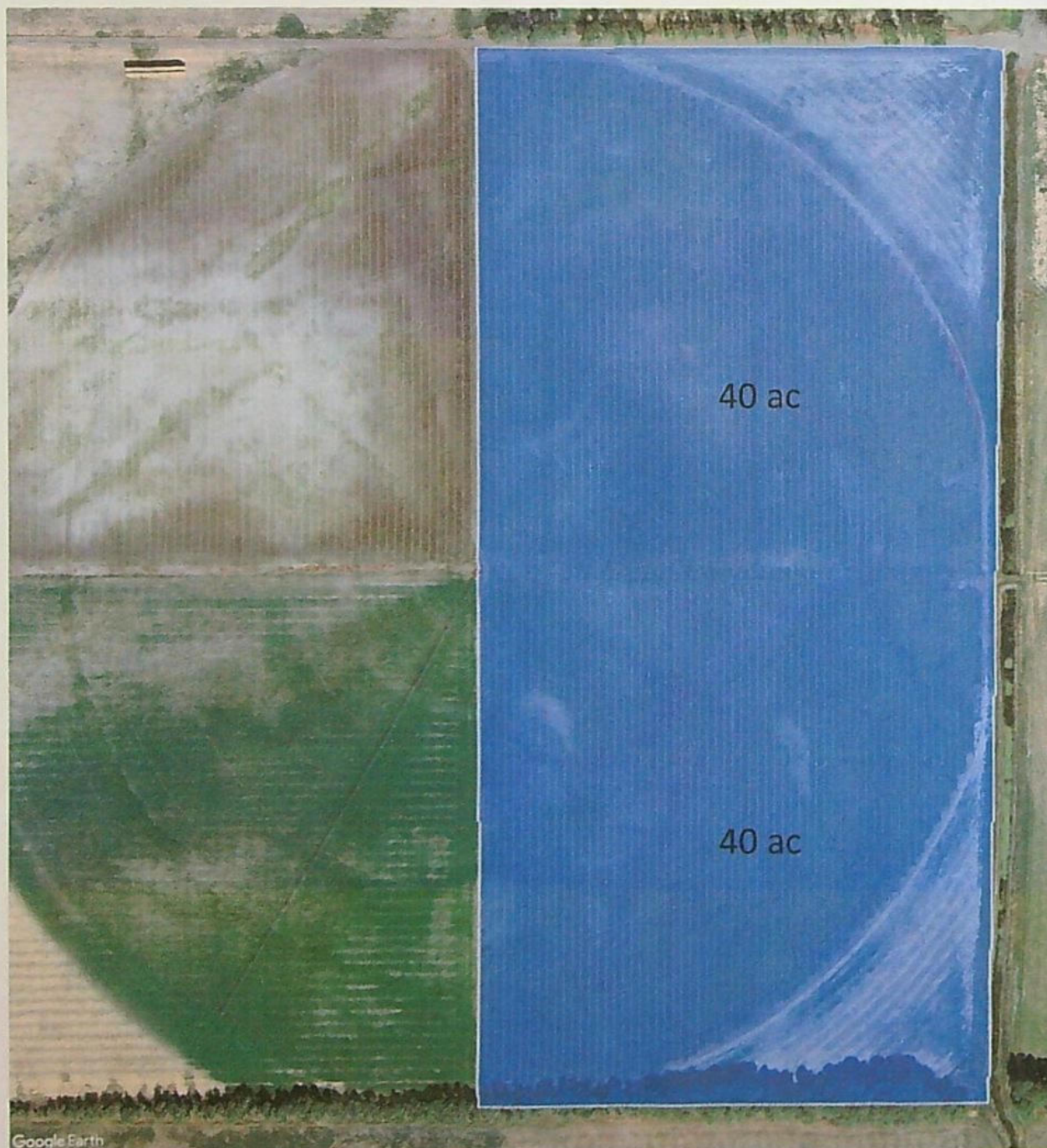
AUG 02 2023

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Township 3S, Range 39E

QQs are as follows (top to bottom): SESW of Section 23 and NENW of Section 26

Imager Source: Google, Imagery Date: 9/24/2022



14321

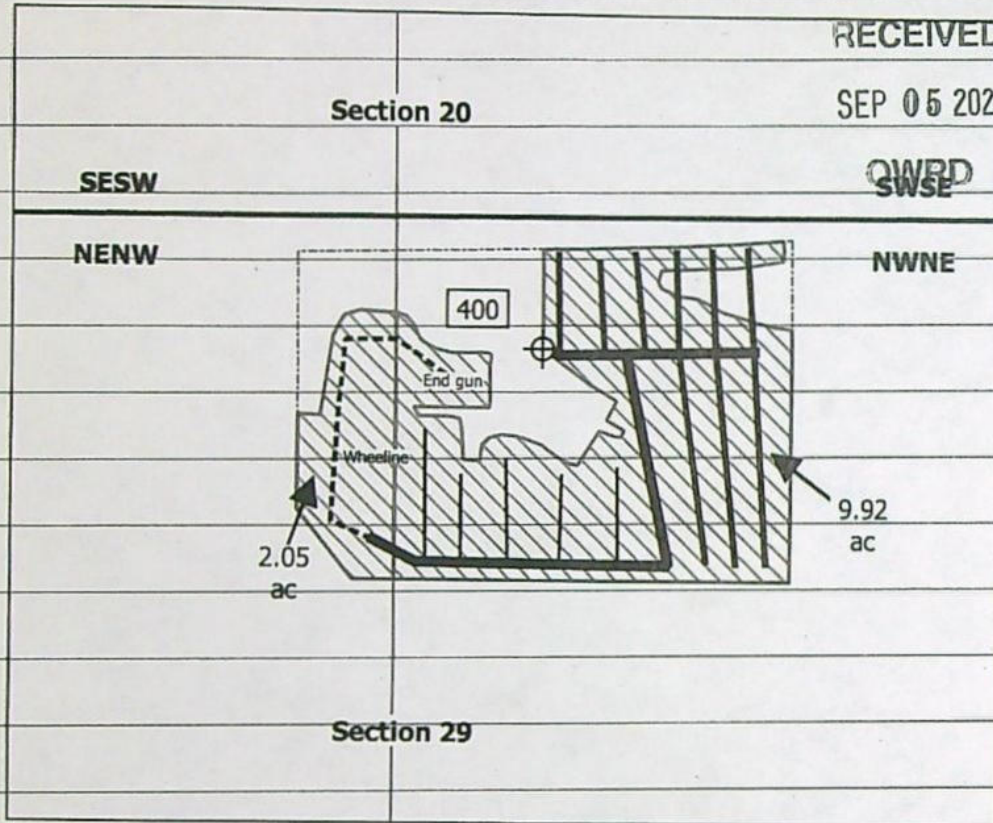
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






SEP 04 2023

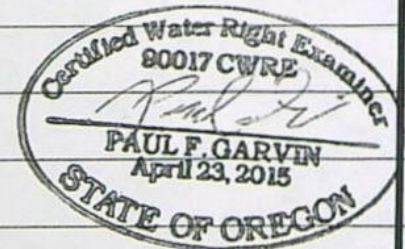
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SEP 05 2023



LEGEND

-  Well
-  Place of Use
-  Malheur County Property Boundary
-  2" Lateral
-  3" Handline
-  3" Lateral
-  4" Mainline



Claim of Beneficial Use Map
Application G-18654, Permit G-18247
Malheur County, OR

Prepared on behalf of Vern and Amelia Keffer

1 Inch = 400 feet



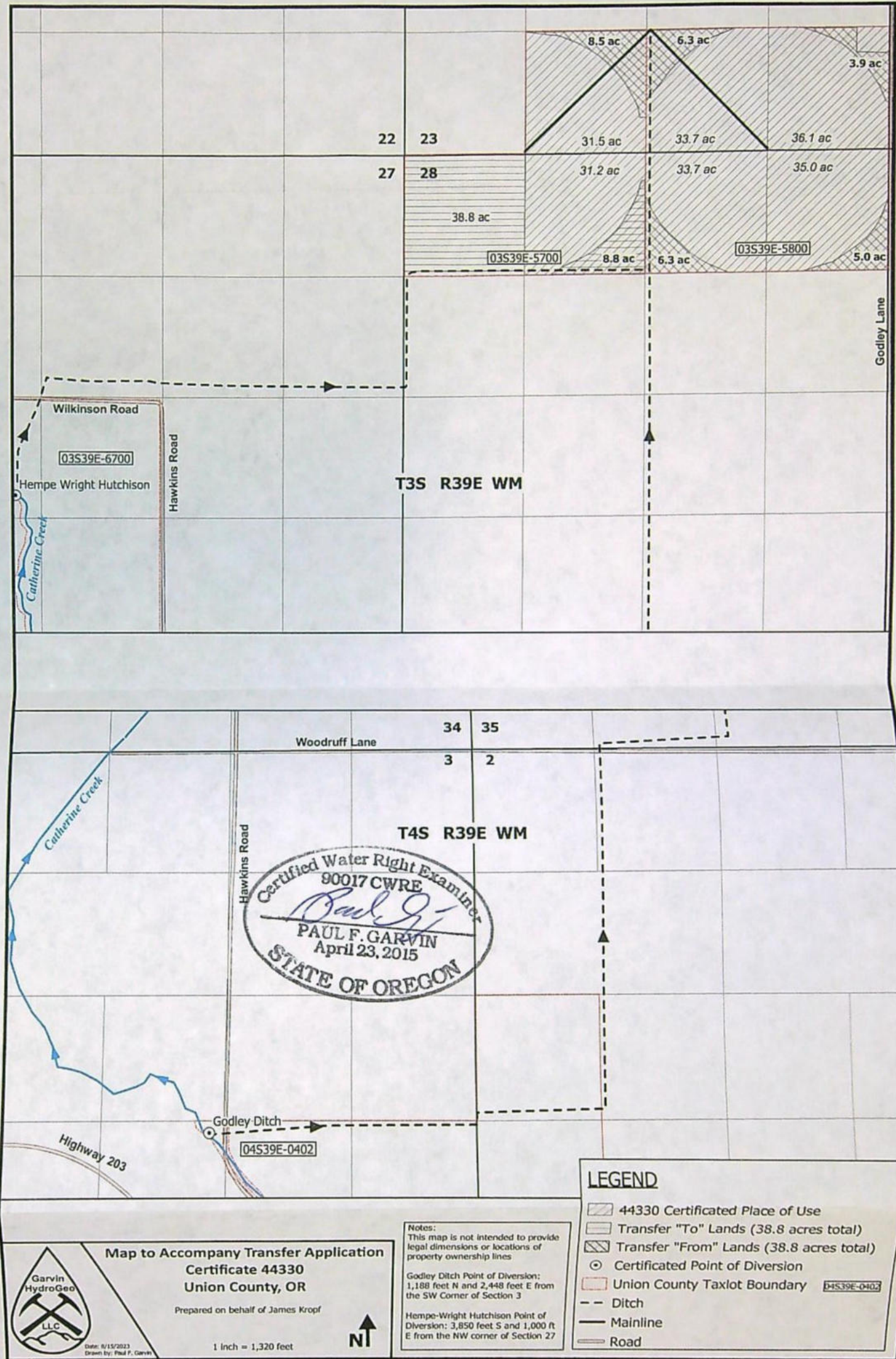
Notes:

Well 2 (L-126977): 330' South and 2,225' west from the NE corner of Section 29

Flow measurement device located within a 5 foot radius of Well 2

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

14321



14321

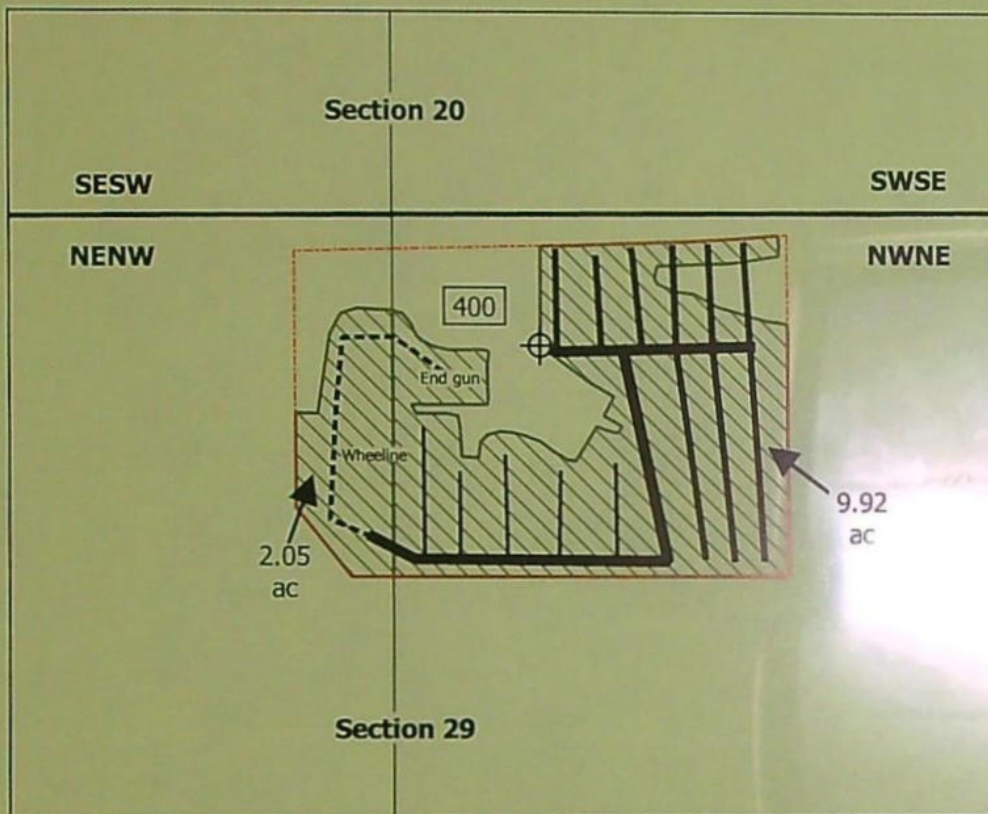
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SEP 05 2023
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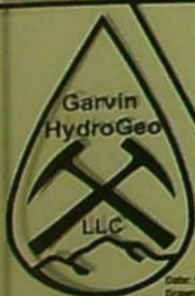
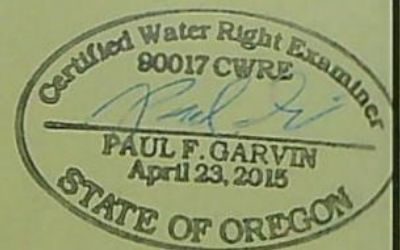
SEP 06 2015

OWRD



LEGEND

- Well
- Place of Use
- Malheur County Property Boundary
- 2" Lateral
- 3" Handline
- 3" Lateral
- 4" Mainline



**Claim of Beneficial Use Map
Application G-18654, Permit G-18247
Malheur County, OR**

Prepared on behalf of Vern and Amelia Keffer

1 inch = 400 feet



Notes:

Well 2 (L-126977): 330' South and 2,226' west from the NE corner of Section 29

Flow measurement device located within a 5 foot radius of Well 2

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

BAUSTIAN Julie C * WRD

From: HATTAN Shad L * WRD
Sent: Thursday, November 02, 2023 10:28 AM
To: WRD_DL_transferreviews
Subject: WM review for T-14321
Attachments: Kropf_T-14321.pdf

Transfer Staff,

After reviewing this application, I have found enough deficiencies such that I can not complete all the items in the review form until revisions are made.

The PDF Transfer review section 12 will not expand enough to cover all the deficiencies. Please include the following under item 12 in the injury review:

- 45
39E
JBC 3
JESW
- 1) The map shows a common corner with sections 22,23,27 and 28. No such corner exists in the public land survey. I believe the corner labeled 28 is a typo and should be 26. The application appears to correctly describe the from acreage as being in Section 26.
 - 2) The map and application indicate the Hempe Wright Hutchinson Ditch to be in Section 27 T3S R39E. This is not correct. The Hempe Wright Hutchinson Ditch is several miles upstream. The ditch described as Hempe Wright Hutchinson in the application and map is an additional diversion approved by Special Order V13-419 that included portions of the original water right describe by C-6394. C-44330 is a remaining right whose lands are not included under this additional diversion and is therefore not an authorized diversion for the subject land.
 - 3) The authorized diversion for the 1905 priority ground is not described at all in the application. As the 1884 priority right and 1905 priority right have separate authorized diversions, it would appear that an unauthorized diversion may be being used for the 1905 ground.
 - 4) The from ground involves two different priority dates. These distinctions are not made on the from portions of the map but worse yet, are not defined on the TO portion of the map where all the from pieces are matched together in a single QQ with no priority delineation.

This application cannot be approved as submitted. Further, due to historic changes to the location of the Hempe Wright Hutchinson Ditch, it is likely that a POD change will likely be needed for an amended application.

Shad Hattan
Watermaster District 6
Oregon Water Resources Dept.
10507 N. McAlister Rd. Ste 6
La Grande, OR 97850

Phone: 541-963-1031
Agency web site <http://www.oregon.gov/OWRD>

STATE OF OREGON

COUNTY OF UNION

CERTIFICATE OF WATER RIGHT

This Is to Certify, That

W. R. HUTCHINSON

of Union

a right to the use of the waters of Catherine Creek, State of Oregon, 97883, has

a tributary of Grand Ronde River
irrigation of 400 acres

for the purpose of

and that said right has been confirmed by decree of the Circuit Court of the State of Oregon for Union County, and the said decree entered of record at Salem, in the Order Record of the WATER RESOURCES DIRECTOR, in Volume 8, at page 1; that the priority of the right thereby confirmed dates from (See Below*)

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 three acre feet per acre in any irrigation season diverted at a rate of not to exceed one-fortieth of one cubic foot per second per acre;

The point of diversion is located in the

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

DATE OF PRIORITY	NUMBER OF ACRES	USE	DITCH	STREAM	DESCRIPTION OF LAND
1870	80	Irrigation	Dobbin	Catherine Creek	40 acres NE $\frac{1}{4}$ SE $\frac{1}{4}$ 40 acres NW $\frac{1}{4}$ SE $\frac{1}{4}$ Section 1 T. 4 S., R. 39 E., W.M.
1884	160	Irrigation	Godley	Catherine Creek	40 acres SW $\frac{1}{4}$ SE $\frac{1}{4}$ 40 acres SE $\frac{1}{4}$ SW $\frac{1}{4}$ Section 23 40 acres NE $\frac{1}{4}$ NW $\frac{1}{4}$ 40 acres NW $\frac{1}{4}$ NE $\frac{1}{4}$ Section 26 T. 3 S., R. 39 E., W. M.
1898	80	Irrigation	Hutchinson	Catherine Schoonover Creek Swackhamer	40 acres SW $\frac{1}{4}$ SE $\frac{1}{4}$ 40 acres SE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 1 T. 4 S., R. 39 E., W. M.
March 1905	80	Irrigation	Hempe-Wright Hutchinson	Catherine Creek	40 acres SE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 23 40 acres NE $\frac{1}{4}$ NE $\frac{1}{4}$ Section 26 T. 3 S., R. 39 E., W. M.

RR OF
83238

This certificate describes that portion of the water right confirmed by the prior certificate 33238, NOT modified by the provisions of an order entered on November 9, 1976, approving transfer application 3079.

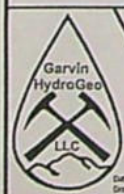
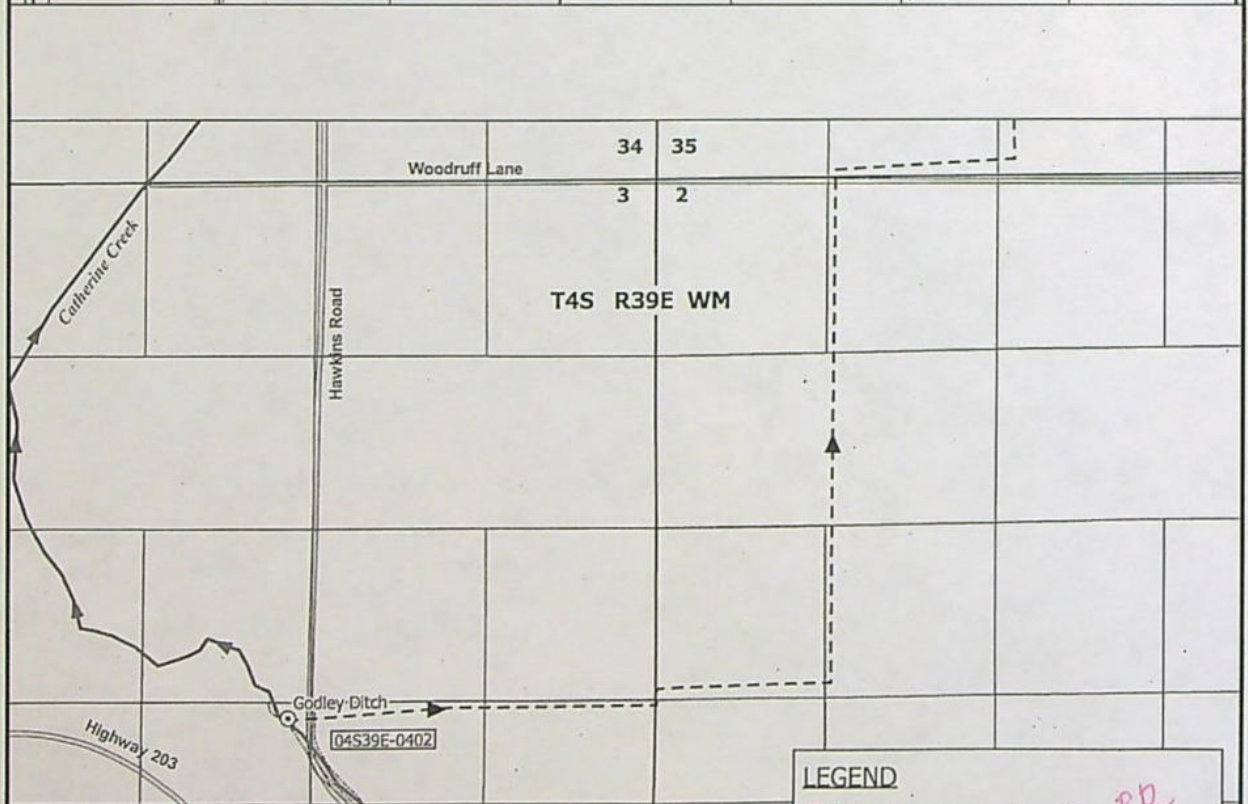
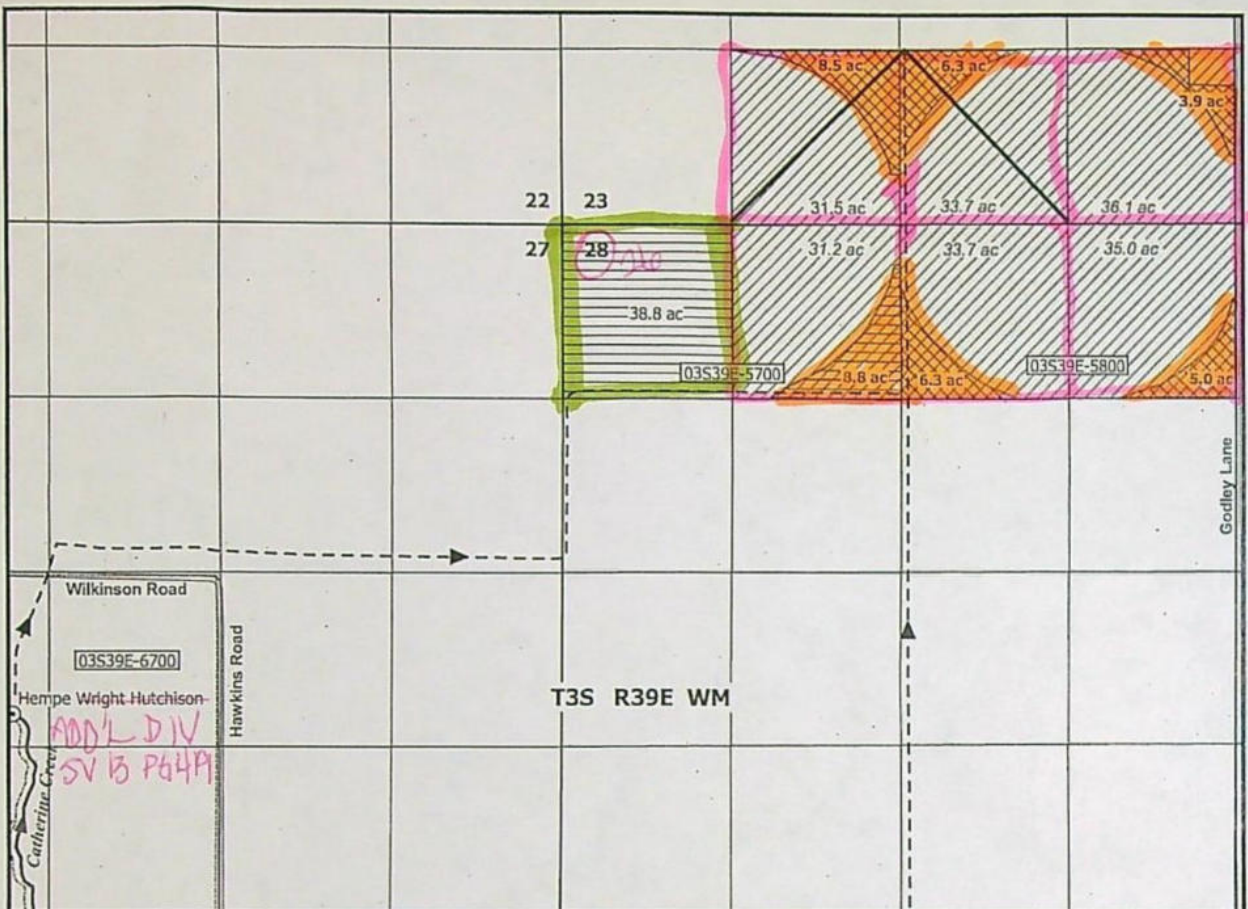
The issuance of this superseding certificate does not confirm the status of the water right in reference to ORS 540.610.

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 the purposes aforesaid is restricted to the lands or place of use herein described.

WITNESS the signature of the Water Resources Director, affixed

this date April 15, 1977.

James E. Sexson
Water Resources Director



Map to Accompany Transfer Application
Certificate 44330
Union County, OR
 Prepared on behalf of James Kroft

Notes:
 This map is not intended to provide legal dimensions or locations of property ownership lines.
 Godley Ditch Point of Diversion: 1,188 feet N and 2,448 feet E from the SW Corner of Section 3
 Hempe-Wright Hutchison Point of Diversion: 3,650 feet S and 1,000 ft E from the NW corner of Section 27

- LEGEND**
- 44330 Certificated Place of Use RR
 - Transfer "To" Lands (38.8 acres total)
 - Transfer "From" Lands (38.8 acres total)
 - Certificated Point of Diversion
 - Union County Taxlot Boundary 04S39E-0402
 - Ditch
 - Mainline
 - Road

Date: 6/15/2023
 Drawn by: Paul G. Garvin



1 inch = 1,320 feet

Part 5 of 5 – Water Right Information

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CERTIFICATE # 44330

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Description of Water Delivery System

SEP 05 2023

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System capacity: 10 cubic feet per second (cfs) OR
_____ gallons per minute (gpm)

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Describe the current water delivery system or the system that was in place at some time within the last five years. Include information on the pumps, canals, pipelines, and sprinklers used to divert, convey, and apply the water at the authorized place of use. Water is appropriated from the two approved PODs on Catherine Creek, the Godley Ditch No. 2 POD and the Hempe-Wright Hutchison ditch then conveyed to the northeast via pipelines and ditches to where it enters the property approximately 5,700 ft E and 13,200 ft N of the Godley Ditch No. 2 POD. Water is applied to the authorized places of use via center pivots.

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)
Godley Ditch	<input checked="" type="checkbox"/> Authorized <input type="checkbox"/> Proposed		4 S	39 E	3	SE SW	0402	1,188 ft N and 2,448 ft E from the SW Corner of Section 3
Hempe-Wright Hutchison	<input checked="" type="checkbox"/> Authorized <input type="checkbox"/> Proposed		3 S	39 E	27	NW SW	6700	3,850 ft S and 1,000 ft E from the NW corner of Section 27

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

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

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

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

PUT IN
UNDER
V13 PAGE
BUT NOT
FOR THIS
PAGE

14321

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 # 44330

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	1 NW NW	500	1	10.0		POD #5	1901		
												2	S	9	2 SW NW	500		5.0		POD #6	1901		
3	S	39	E 23	SE SE	5800		3.9	Irrigation	Hempe-Wright Hutchison	1905	POU	3	S	39	26 NW NW	5700		38.8	Irrigation	Godley, Hempe- Wright Hutchison	1884, 1905		
3	S	39	E 23	SW SE	5800		6.3	Irrigation	Godley	1884	POU												
3	S	39	E 26	NE NE	5800		5.0	Irrigation	Hempe-Wright Hutchison	1905	POU												
3	S	39	E 26	NW NE	5800		6.3	Irrigation	Godley	1884	POU												
3	S	39	E 23	SE SW	5700		8.5	Irrigation	Godley	1884	POU												
3	S	39	E 26	NE NW	5700		8.8	Irrigation	Godley	1884	POU												
TOTAL ACRES:						38.8						TOTAL ACRES:						38.8					

Additional remarks: _____.

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Revised 7/7/2022

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: _____.

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 # _____

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

14321

BEFORE THE STATE ENGINEER OF OREGON

Union County

IN THE MATTER OF THE APPLICATION)
OF MABEL HUTCHINSON FOR THE APPRO-)
VAL OF A CHANGE IN POINT OF DIVER-)
SION OF WATER FROM CATHERINE CREEK)

ORDER APPROVING
TRANSFER NO. H-146

On March 4, 1964, Mabel Hutchinson of Union, Oregon, filed an application in the office of the State Engineer for the approval of a change in point of diversion of water from Catherine Creek, pursuant to the provisions of ORS 540.510 to 540.530.

By Decree of the Circuit Court for Union County, Oregon, entered August 8, 1925, In the Matter of the Determination of the Relative Rights to the Use of the Waters of Grande Ronde River and its Tributaries, a water right was established in the name of Steve Hutchinson for the use of the waters of Catherine Creek for the irrigation of 40.0 acres in the NE $\frac{1}{4}$ SW $\frac{1}{4}$, 20.0 acres in the NW $\frac{1}{4}$ SW $\frac{1}{4}$, 40.0 acres in the SW $\frac{1}{4}$ SW $\frac{1}{4}$, 40.0 acres in the SE $\frac{1}{4}$ SW $\frac{1}{4}$, 40.0 acres in the NE $\frac{1}{4}$ SE $\frac{1}{4}$ and 40.0 acres in the NW $\frac{1}{4}$ SE $\frac{1}{4}$, Section 22, Township 3 South, Range 39 East, W.M. This right is evidenced by certificate recorded at page 6392, Volume 6, State Record of Water Right Certificates. In the same proceedings, a water right was established in the name of W. R. Hutchinson for the use of the waters of Catherine Creek for the irrigation of, among other lands, 40.0 acres in the SW $\frac{1}{4}$ SE $\frac{1}{4}$, Section 22 and 40.0 acres in the NW $\frac{1}{4}$ NE $\frac{1}{4}$, 40.0 acres in the SW $\frac{1}{4}$ NE $\frac{1}{4}$, 40.0 acres in the SE $\frac{1}{4}$ NE $\frac{1}{4}$, 40.0 acres in the NE $\frac{1}{4}$ NW $\frac{1}{4}$, 40.0 acres in the NW $\frac{1}{4}$ NW $\frac{1}{4}$, 40.0 acres in the SW $\frac{1}{4}$ NW $\frac{1}{4}$ and 40.0 acres in the SE $\frac{1}{4}$ NW $\frac{1}{4}$, Section 27, all in Township 3 South, Range 39 East, W.M. This right is evidenced by certificate recorded at page 6394, Volume 6, State Record of Water Right Certificates. All of these lands have a date of priority of 1884 and are irrigated through Godley Ditch No. 2, the point of diversion of said ditch being located 1188 feet north and 2448 feet east from the southwest corner of Section 3, and being within the SE $\frac{1}{4}$ SW $\frac{1}{4}$, said Section 3, Township 4 South, Range 39 East, W.M.

The applicant herein, owner of the lands above described, proposes to maintain the Godley Ditch No. 2 and also irrigate these lands by means of an additional diversion point to be located 3680 feet south and 920 feet east from the northwest corner of Section 27, and being within the NW $\frac{1}{4}$ SW $\frac{1}{4}$, said Section 27, Township 3 South, Range 39 East, W.M.

Notice of the filing of the application was given by publication setting forth a time and place certain for hearing objections to the proposed change in point of diversion of water, if any there were, namely: at the county courthouse in La Grande, Oregon, on May 7, 1964, at 9:30 o'clock a.m. The notice was published in The Union Republic, a newspaper printed and having general circulation in Union County, Oregon, for a period of three weeks in the issues of March 13, 20 and 27, 1964. The date set for hearing in said notice was not less than thirty days after the last publication of the notice.

Mr. Ward Miller, Watermaster of District No. 6, has filed a report to the effect that the proposed change in point of diversion may be made without injury to existing rights.

No objections having been filed and it appearing that the proposed change in point of diversion may be made without injury to existing rights, the application should be approved.

NOW, THEREFORE, it hereby is ORDERED that the applicant may maintain a ditch, in addition to Godley Ditch No. 2, the point of diversion of said ditch to be located as follows:

3680 feet south and 920 feet east from the northwest corner of Section 27, and being within the NW $\frac{1}{4}$ SW $\frac{1}{4}$, said Section 27, Township 3 South, Range 39 East, W.M.

for the irrigation of 40.0 acres in the NE $\frac{1}{4}$ SW $\frac{1}{4}$, 20.0 acres in the NW $\frac{1}{4}$ SW $\frac{1}{4}$, 40.0 acres in the SW $\frac{1}{4}$ SW $\frac{1}{4}$, 40.0 acres in the SE $\frac{1}{4}$ SW $\frac{1}{4}$, 40.0 acres in the NE $\frac{1}{4}$ SE $\frac{1}{4}$, 40.0 acres in the NW $\frac{1}{4}$ SE $\frac{1}{4}$ and 40.0 acres in the SW $\frac{1}{4}$ SE $\frac{1}{4}$, Section 22, and 40.0 acres in the NW $\frac{1}{4}$ NE $\frac{1}{4}$, 40.0 acres in the SW $\frac{1}{4}$ NE $\frac{1}{4}$, 40.0 acres in the SE $\frac{1}{4}$ NE $\frac{1}{4}$, 40.0 acres in the NE $\frac{1}{4}$ NW $\frac{1}{4}$, 40.0 acres in the NW $\frac{1}{4}$ NW $\frac{1}{4}$, 40.0 acres in the SW $\frac{1}{4}$ NW $\frac{1}{4}$ and 40.0 acres in the SE $\frac{1}{4}$ NW $\frac{1}{4}$, Section 27, Township 3 South, Range 39 East, W.M., with a date of priority of 1884.

It is FURTHER ORDERED that the construction work shall be completed and the change in point of diversion of water made on or before October 1, 1965, or within such extension of time as may be granted by the State Engineer for good cause shown.

It is FURTHER ORDERED that the quantity of water diverted at the new point of diversion shall not exceed the quantity of water that is available at the old point of diversion.

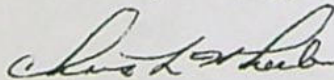
It is FURTHER ORDERED that the following provisions shall be carried out prior to the diverting of water at the new point of diversion as herein confirmed:

That the diversion works shall include a weir or other suitable device for measuring the water to which the applicant is entitled.

That the plans of the weir or other suitable device be approved by the watermaster before the beginning of construction work and that the weir or measuring device be installed under the general supervision of said watermaster.

It is FURTHER ORDERED that certificates of water right heretofore issued to Steve Hutchinson and W. R. Hutchinson and recorded at pages 6392 and 6394, Volume 6, State Record of Water Right Certificates, are canceled and in lieu thereof a new certificate be issued covering the balance of the lands under certificate 6394 not involved in this proceeding, and upon receipt of proof satisfactory to the State Engineer of completion of point of diversion, a certificate of water right shall be issued to Mabel Hutchinson confirming said change in point of diversion.

Dated at Salem, Oregon, this 23rd day of July, 1964.



CHRIS L. WHEELER
State Engineer

*Noted on Decree
Vol. 8 p. 50 & 51
Cert. # 6392
& 6394*