

T-14227

Regular

T-14227

Name James & Sue GilmourAddress 30427 Stellmacher Dr.
Albany, OR 97321
riverbottomfarms@gmail.comChange in POU
Date Filed 4-24-2023
Initial notice date 5-2-2023
DPD issued date _____
PD issued date 2/3/2025
PD notice date 2/4/2025
Date of FO 3/11/2025 Vol 134 Page 78-82C-Date _____
COBU due date _____
COBU Received date _____
Certificate issued _____Assignments: _____

Irrigation District _____

Agent Scott Montgomery - scott@apeands.com

CWRE _____

CC's list _____

_____☐ - Oversized map - Location _____

DESCRIPTION OF WATER RIGHT(s)

Name of Stream A WellTrib. of Malheur Lake Basin ; South Fork Malheur River
BasinUse Irrigation County Harney

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

Name of ditch _____

App# G1-15009 Per # G1-15163 Cert # 91034 PR Date 7/8/1999App# G1-17575 Per # G1-18086 Cert # 916822 PR Date 8/22/2012

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

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

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

FEES PAID

Date 4-24-2023 Amount \$1,570.00 Receipt # 140569

FEES REFUNDED

Date _____ Amount _____ Receipt # _____

WATER RIGHT TRANSFER COVER SHEET

Transfer: T-14227

Transfer Specialist: *Joan*

Transfer Type: Regular Transfer

Reimbursement Authority? ☐

Applicant: JAMES AND SUE GILMOUR 30427 SW STELLMACHER DR ALBANY, OR 97320	Agent: SCOTT D. MONTGOMERY PO BOX 767 TERREBONNE, OR 97760	Receiving Landowner:
Current Landowner if other than Applicant:	CWRE:	Irrigation District:
Affected Local Gov'ts:	Affected Tribal Gov't:	BOR Notified (date):

Water Rights Affected

File Marked	App. File # or Decree Name	Permit	Certificate	RR/CR Needed	RR/CR Nos.
<input type="checkbox"/>	G-15009	G-15663	91034	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
<input type="checkbox"/>	G-17575	G-18086	96822	<input checked="" 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: April 24, 2023	Proposed Action(s): PLACE OF USE	
Fees Pd: 1970.00	Acknowledgement Letter Sent <input type="checkbox"/>	Basin: 12 Malheur Lake
Initial Public Notice:	County sent cc: of Ack Letter <input type="checkbox"/>	County: HARNEY
WM District: 10 J R. Johnson	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: <i>NO Newspaper PDND</i>
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: <i>10/31/23</i> Initials: <i>Joan</i>	Date: <i>10/31/23</i> Initials: <i>Scott</i>	Date: <i>Coney</i> Initials: <i>6/14/24</i>	Date: <i>→</i> Initials: _____	CW Sent: <i>10/9/24</i> WM Sheet <input type="checkbox"/> ODFW Sheet: <input type="checkbox"/>	N/A
PD	Date: <i>11/20/24</i> Initials: <i>Joan</i>	Date: <i>11/27/24</i> Initials: <i>Scott</i>	Date: <i>Keri</i> Initials: _____	Date: _____ Initials: _____ Data Review Date: _____	Date: _____ <i>3-5-25</i> <i>2025</i>	Date: <i>2/3/2025</i>
FO	Date: <i>2/4/25</i> Initials: <i>Joan</i>	Date: _____ Initials: <i>AKIA</i>	Date: <i>2-24/25</i> Initials: <i>Sarah</i>	Date: <i>2-24-25</i> Initials: <i>Joan</i>	Date: <i>2025</i> No. of docs for sig: <i>2</i>	Date: <i>3/11/2025</i>

Special Issues: *I got a copy of Claim map - somehow this one got lost... JS 6/12*

Special Order Volume: Vol. *134* Pages *78-82*



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

March 11, 2025

James And Sue Gilmour
30427 SW Stellmacher Dr
Albany, OR 97320

REFERENCE: Transfer Application T-14227

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

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

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

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

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

Sincerely,

David V. Jones Jr
Water Rights Services Support
Transfers and Conservation Section

cc: Donald (dally) S. Swindlehurst, Watermaster Dist. # 10 (via email)
Scott D. Montgomery, Agent

Enclosure

BEFORE THE WATER RESOURCES DEPARTMENT
OF THE
STATE OF OREGON

In the Matter of Transfer Application)	FINAL ORDER APPROVING
T-14227, HARNEY County)	A CHANGE IN PLACES OF USE

Authority

Oregon Revised Statutes (ORS) 537.705 and 540.505 to 540.580 establish the process in which a water right holder may submit a request to transfer the point of appropriation, place of use, or character of use authorized under an existing water right. Oregon Administrative Rules (OAR) Chapter 690, Division 380 implement the statutes and provides the Department's procedures and criteria for evaluating transfer applications.

Applicant

JAMES AND SUE GILMOUR
30427 STELLMACHER DR
ALBANY, OR 97321

Findings of Fact

1. On April 24, 2023, James and Sue Gilmour, filed an application to change the place of use under Certificates 91034 and 96822. The Department assigned the application number T-14227.
2. Notice of the application for transfer was published on May 2, 2023, pursuant to OAR 690-380-4000. No comments were filed in response to the notice.
3. On March 18, 2024, the agent for the applicant provided a map for Certificate 96822 depicting the off acres.
4. On October 9, 2024, the Department mailed a copy of the draft Preliminary Determination proposing to approve Transfer Application T-14227 to the applicants. The draft Preliminary Determination cover letter set forth a deadline of November 9, 2024, for the applicants to respond. The applicants requested that the Department proceed with issuance of a Preliminary Determination and provided the necessary information to demonstrate that the applicant is authorized to pursue the transfer.

This final order is subject to judicial review by the Court of Appeals under ORS 183.482. Any petition for judicial review must be filed within the 60-day time period specified by ORS 183.482(1). Pursuant to ORS 536.075 and OAR 137-003-0675, you may petition for judicial review or petition the Director for reconsideration of this order. A petition for reconsideration may be granted or denied by the Director, and if no action is taken within 60 days following the date the petition was filed, the petition shall be deemed denied.

5. On February 3, 2025, the Department issued a Preliminary Determination proposing to approve Transfer T-14227 and mailed a copy to the applicant. Additionally, notice of the Preliminary Determination for the transfer application was published on the Department's weekly notice on February 4, 2025, pursuant to ORS 540.520 and OAR 690-380-4020. No protests were filed in response to the notice.

6. The first right to be transferred is as follows:

Certificate: 91034 in the name of JAMES AND SUE GILMOUR (perfected under Permit G-15663)
Use: IRRIGATION OF 33.3 ACRES
Priority Date: JULY 8, 1999
Rate: 0.416 CUBIC FOOT PER SECOND
Limit/Duty: The amount of water used for irrigation under this right, together with the amount secured under any other right existing for the same lands, is limited to a diversion of ONE-EIGHTIETH of one cubic foot per second, (or its equivalent) and 3.0 acre-feet for each acre irrigated during the irrigation season of each year.
Period of Use: May 1 through September 30
Source: WELL 2 (HARN 50318) in the MALHEUR LAKE BASIN

Authorized Point of Appropriation:

Twp	Rng	Mer	Sec	Q-Q	GLot	Measured Distances
27 S	34 E	WM	5	NW NW	4	WELL 2 (HARN 50318) - 35 FEET SOUTH AND 975 FEET EAST FROM NW CORNER OF SECTION 5

Authorized Place of Use:

IRRIGATION						
Twp	Rng	Mer	Sec	Q-Q	GLot	Acres
27 S	34 E	WM	5	NW NW	4	22.7
27 S	34 E	WM	5	SW NW		10.6
Total						33.3

7. Transfer Application T-14227 proposes to change the place of use of the right to:

IRRIGATION						
Twp	Rng	Mer	Sec	Q-Q	GLot	Acres
27 S	34 E	WM	5	NW NW	4	8.3
27 S	34 E	WM	5	SW NW		2.1
27 S	34 E	WM	6	NE NE	1	13.4
27 S	34 E	WM	6	NW NE	2	7.5
27 S	34 E	WM	6	SW NE		2.0
Total						33.3

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

Certificate: 96822 in the name of JAMES GILMOUR, SUE GILMOUR (perfected under Permit G-18086)
Use: IRRIGATION OF 9.2 ACRES
Priority Date: AUGUST 22, 2012
Rate: 0.15 CUBIC FOOT PER SECOND FROM WELL 2 FOR IRRIGATION OF 9.2 ACRES
Limit/Duty: The amount of water used for irrigation under this right, together with the amount secured under any other right existing for the same lands, is limited to a diversion of ONE-SIXTIETH of one cubic foot per second and 3.0 acre-feet per acre for each acre irrigated during the irrigation season of each year.
Period of Use: MARCH 1 THROUGH OCTOBER 31
Source: WELL 2 (HARN 50318/L18168) IN SOUTH FORK MALHEUR RIVER BASIN

Authorized Point of Appropriation:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
27 S	34 E	WM	5	NW NW	WELL 2 (HARN 50318/L18168) -35 FEET SOUTH AND 973 FEET EAST FROM THE NW CORNER OF SECTION 5

Authorized Place of Use:

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
27 S	34 E	WM	5	SW NW	9.2

9. Transfer Application T-14227 proposes to change the place of use of the right to:

IRRIGATION						
Twp	Rng	Mer	Sec	Q-Q	GLot	Acres
27 S	34 E	WM	5	NW NW	4	2.7
27 S	34 E	WM	5	SW NW		0.6
27 S	34 E	WM	6	NE NE	1	2.8
27 S	34 E	WM	6	NW NE	2	2.6
27 S	34 E	WM	6	SW NE		0.5
Total						9.2

Transfer Review Criteria [OAR 690-380-0100(14), 690-380-4010(2) and OAR 690-380-2200]

10. Water has been used within the last five years prior to the submittal of Transfer Application T-14227 according to the terms and conditions of the rights. There is no information in the record that would demonstrate that the rights are subject to forfeiture under ORS 540.610.
11. The water rights are subject to transfer as defined in ORS 540.505(4) and OAR 690-380-0100(14).
12. The proposed changes, as conditioned, would not result in enlargement of the rights.

13. The proposed change, as conditioned, would not result in injury to other existing water rights.

14. All other application requirements are met.

Conclusions of Law

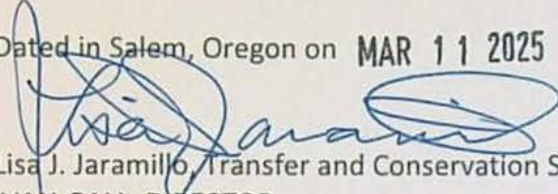
The change in places of use proposed in Transfer Application T-14227 is consistent with the requirements of ORS 537.705 and 540.505 to 540.580 and OAR 690-380-5000.

Now, therefore it is ORDERED:

1. The change in places of use proposed in Transfer Application T-14227 are approved.
2. The right to the use of the water is restricted to beneficial use at the place of use described and is subject to all other conditions and limitations contained in Certificates 91034, 96822, and any related decree.
3. Approval of this transfer application does not constitute nor grant legal access onto or through another person's property for purposes of accessing the new places of use.
4. Water right Certificates 91034 and 96822 are cancelled. A new certificate will be issued describing those portions of 96822 not affected by this transfer.
5. The former place of use of the transferred rights shall no longer receive water under the rights.
6. Water use measurement conditions:
 - a. Before water use may begin under this order, the water user shall install a totalizing flow meter, or, with prior approval of the Director, another suitable measuring device, at each point of appropriation.
 - 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.

7. Full beneficial use of the water shall be made, consistent with the terms of this order, on or before **October 1, 2026**. A Claim of Beneficial Use prepared by a Certified Water Right Examiner shall be submitted by the applicant to the Department within one year after the deadline for completion of the changes and full beneficial use of the water.
8. After satisfactory proof of beneficial use is received, new certificates confirming the rights transferred will be issued.

Dated in Salem, Oregon on **MAR 11 2025**


Lisa J. Jaramillo, Transfer and Conservation Section Manager, for
IVAN GALL, DIRECTOR
Oregon Water Resources Department

Mailing date: MAR 12 2025

STATE OF OREGON

COUNTY OF HARNEY

CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

JAMES GILMOUR
SUE GILMOUR
30427 STELLMACHER DR
ALBANY, OR 97320

confirms the right to the use of water perfected under the terms of Permit G-18086. The amount of water used to which this right is entitled is limited to the amount used beneficially, and shall not exceed the amount specified, or its equivalent in the case of rotation, measured at the point of diversion from the source. The specific limits and conditions of the use are listed below.

APPLICATION FILE NUMBER: G-17575

SOURCE OF WATER: WELL 1 (HARN 51541/L96564) AND WELL 4 (HARN 51764/L88119) IN MALHEUR LAKE BASIN

PURPOSE or USE: IRRIGATION OF 31.5 ACRES

MAXIMUM RATE: 0.53 CUBIC FOOT PER SECOND (CFS); FURTHER LIMITED TO 0.53 CFS FROM WELLS 1 AND 4 FOR IRRIGATION OF 31.5 ACRES

PERIOD OF USE: MARCH 1 THROUGH OCTOBER 31

DATE OF PRIORITY: AUGUST 22, 2012

The wells are located as follows:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
27 S	33 E	WM	1	NE NW	WELL 4 (HARN 51764/L88119) - 1230 FEET SOUTH AND 1515 FEET EAST FROM THE NW CORNER OF SECTION 1
27 S	33 E	WM	1	NW NW	WELL 1 (HARN 51541/L96564) - 90 FEET SOUTH AND 235 FEET EAST FROM THE NW CORNER OF SECTION 1

The amount of water used for irrigation under this right, together with the amount secured under any other right existing for the same lands, is limited to a diversion of ONE-SIXTIETH of one cubic foot per second and 3.0 acre-feet for each acre irrigated during the irrigation season of each year.

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

IRRIGATION						
Twp	Rng	Mer	Sec	Q-Q	Acres	Well
27 S	33 E	WM	1	SW NW	31.5	1 and 4

Measurement, recording and reporting conditions:

- A. The water user shall maintain, in good working order, a totalizing flow meter at each point of appropriation.
- B. The water user shall allow the watermaster access to the device; provided however, where any device is located within a private structure, the watermaster shall request access upon reasonable notice.
- C. The water user shall keep a complete record of the volume of water used each month, and shall submit a report which includes the recorded water-use measurements to the Department annually or more frequently as may be required by the Director. Further, the Director may require the water user to report general water-use information, including the place and nature of use of water under the right.
- D. The Director may provide an opportunity for the water user to submit alternative measuring and reporting procedures for review and approval.

The Department requires the water user to obtain, from a qualified individual (see below), and report annual static water levels for each well on the right. The static water level shall be measured in the month of March. Reports shall be submitted to the Department within 30 days of measurement.

The water user shall report annual March static water-level measurements whether or not the well is used. The reference level against which future measurements will be compared is 15.0 feet below ground surface for Well 1, and 13.25 feet below land surface for Well 4. The Director may require the user to obtain and report additional water levels each year if more data are needed to evaluate the aquifer system.

All measurements shall be made by a certified water rights examiner, registered professional geologist, registered professional engineer, licensed well constructor or pump installer licensed by the Construction Contractors Board. Measurements shall be submitted on forms provided by, or specified by, the Department. Measurements shall be made with equipment that is accurate to at least the standards specified in OAR 690-217-0045. The Department requires the individual performing the measurement to:

- A. Associate each measurement with an owner's well name or number and a Department well log ID; and
- B. Report water levels to at least the nearest tenth of a foot as depth-to-water below ground surface; and

- C. Specify the method of measurement; and
- D. Certify the accuracy of all measurements and calculations reported to the Department.

The water user shall discontinue use of, or reduce the rate or volume of withdrawal from, the well(s) if any of the following events occur:

- A. Annual water-level measurements reveal an average water-level decline of three or more feet per year for five consecutive years; or
- B. Annual water-level measurements reveal a water-level decline of 15 or more feet in fewer than five consecutive years; or
- C. Annual water-level measurements reveal a water-level decline of 25 or more feet; or
- D. Hydraulic interference leads to a decline of 25 or more feet in any neighboring well with senior priority.

The period of restricted use shall continue until the water level rises above the decline level which triggered the action, or the Department determines, based on the water user's and/or the Department's data and analysis, that no action is necessary because the aquifer in question can sustain the observed declines without adversely impacting the resource or causing substantial interference with senior water rights. The water user shall not allow excessive decline, as defined in Commission rules, to occur within the aquifer as a result of use under this right. If more than one well is involved, the water user may submit an alternative measurement and reporting plan for review and approval by the Department.

The water user shall ensure that the well has been assigned an OWRD Well Identification Number (Well ID tag), which shall be permanently attached to the well. The Well ID shall be used as a reference in any correspondence regarding the well, including any reports of water use, water level, or pump test data.

Failure to comply with any of the provisions of this right may result in action including, but not limited to, restrictions on the use, civil penalties, or cancellation of the right.

If substantial interference with a senior water right occurs due to withdrawal of water from any well listed on this right, then use of water from the well(s) shall be discontinued or reduced and/or the schedule of withdrawal shall be regulated until or unless the Department approves or implements an alternative administrative action to mitigate the interference. The Department encourages junior and senior appropriators to jointly develop plans to mitigate interferences.

The well(s) shall be maintained in accordance with the General Standards for the Construction and Maintenance of Water Wells in Oregon. The works shall be equipped with a usable access port and may also include an air line and pressure gauge adequate to determine the water level elevation in the well at all times.

Where two or more water users agree among themselves as to the manner of rotation in the use of water and such agreement is placed in writing and filed by such water users with the watermaster, and such rotation system does not infringe upon such prior rights of any water user not a party to such rotation plan, the watermaster shall distribute the water according to such agreement.

The Director may require water level or pump test results every ten years.

This right is for the beneficial use of water without waste. The water user is advised that new regulations may require the use of best practical technologies or conservation practices to achieve this end.

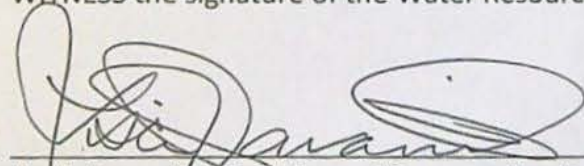
By law, the land use associated with this water use must be in compliance with statewide land-use goals and any local acknowledged land-use plan.

This certificate describes that portion of water right Certificate 96822, State Record of Water Right Certificates, NOT modified by the provisions of an order of the Water Resources Director entered MAR 11 2025, approving Transfer Application T-14227.

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

The right to the use of the water for the above purpose is restricted to beneficial use on the lands or place of use described.

WITNESS the signature of the Water Resources Director, affixed MAR 11 2025.



Lisa J. Jaramillo, Transfer and Conservation Section Manager, for
IVAN GALL, DIRECTOR
Oregon Water Resources Department

☐ RA

PERMANENT TRANSFER APPLICATION CHECKLIST – Single Cert

Transfer #: T- 14227			Applicant:		Caseworker: Joan	
Applicant Contact:			Phone Number:		Email:	
Applicant Agent:			Phone Number:		Email:	
CW	PR	Coord	County:	Certificate:		
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>				
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Type of Change(s) Proposed: <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 <input type="checkbox"/> Substitution <input type="checkbox"/> Gov't Action			
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Transfer requiring supplemental review criteria (supplemental checklists to be developed) <input type="checkbox"/> CHAR OF USE <input type="checkbox"/> CONSENT TO INJURY OF ISWR <input type="checkbox"/> SW to GW <input type="checkbox"/> SUPPLEMENTAL IR to PRIMARY IR			
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Print for file or save all certificates in electronic "T" folder and highlight Priority Date, Rate, Use and Limit/Duty paragraph			
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Supplemental checklist for transfers w/in a District (S:\groups\wr\TACS\WRISApps Templates\Transfer Checklists\SUPP_Within District Processing Checklist 9-5-2019) <input type="checkbox"/> N/A District Name: _____ If this is a Living Certificate – check with Ann Reece			
Supplemental Language document referenced below is located here: S:\groups\wr\TACS\6. Transfers\2. Caseworker Tools and Training\Supplemental Language						

Transfer Application Review and Deficiencies

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

Review "From" and "To" Lands and/or POD/POA

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

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

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

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

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

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

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

Remaining Right			
CW	PR	Coord	<input type="checkbox"/> N/A
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Prepare Remaining Right (RR) (if applicable). Save as T-XXXXX-rr-CCCCC-NNNNN (CCCCC = current certificate number, NNNNN = new certificate number). Send with DPD, cover letter and notice for peer review.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Assign new certificate number to remaining right cert (send cert number to Data with PD)
			Orig Cert # <u>916022</u> RR Cert # <u>97693</u>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Make sure all RRs are issued in the original name*, conditions match and duty paragraph matches (if irrigation)
			*Note: Remaining rights can only be issued in the name of the current landowner(s) of the remaining rights IF 1) the Report of Ownership information supplied for the transfer covers all of the remaining right lands (as well as the right being transferred) and 2) the applicant asks for the remaining right to be issued in their name. IF there is a change to remaining right (other than what transfer authorizes) – ADD RECONSIDERATION LANGUAGE “other than contested case.”
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Send DPD, cover letter, remaining right and notice for Peer Review

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

Report of Ownership Information (ROI)				
CW	PR	Coord		
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Does legal description/tax lot map in ROI/Deed match “from” lands?	<input type="checkbox"/> Yes <input type="checkbox"/> No
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Have all owners on the ROI/Deed signed the application? (if No, a statement of consent must be included)	<input type="checkbox"/> Yes <input type="checkbox"/> No
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Has a notarized statement of consent been submitted? (if applicable) <input type="checkbox"/> N/A	<input type="checkbox"/> Yes <input type="checkbox"/> No

Newspaper Notice (if required)				
CW	PR	Coord	<input type="checkbox"/> N/A	
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		Name of newspaper: (A list of approved newspapers can be obtained from Julie)
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		Request for publishing cost sent to Analyst (if applicable) <input type="checkbox"/> Yes <input type="checkbox"/> No
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		Prepare/send letter to applicant/agent regarding newspaper notice cost <input type="checkbox"/> Yes <input type="checkbox"/> No
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		Support delivered funds receipt to caseworker <input type="checkbox"/> Yes <input type="checkbox"/> No

Preliminary Determination and Cover Letter Preparation

CW	PR	Coord	See cheat sheet at (S:\groups\wr\TACS\6. Transfers\Procedures\DPD to PD Conversion 10-19-2023) for more detailed instructions
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Was application amended after DPD was issued? - <i>If Yes, make sure amended pages were scanned to WRIS (see support staff) and make sure you mark amended (replaced) pages with SUPERSEDE. Also make findings in PD.</i> <input type="checkbox"/> Yes <input type="checkbox"/> No
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	If Yes, what was amended?
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Did amendment change determination from denial to approval? <i>Make findings in PD.</i> <input type="checkbox"/> Yes <input type="checkbox"/> No
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> If POD/POA changes or changes in "from" lands – re-review required from WM <input type="checkbox"/> If POA changes – re-review required from GW
<i>Note: If POD was amended and changed from a downstream move to upstream within an ISWR reach – Consent to Injury may be required.</i>			
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Save DPD as a new document (T-XXXXX-pd.doc) – 12 pt. Calibri font
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Remove "Draft" from document
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	If application was amended, add finding including date of amendment
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Unhide hidden findings (cntrl-A, select Font, uncheck "hidden" box) and add dates
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Change language resulting from any amendments in response to the DPD, including language under Determination and Proposed Action
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Unhide appeal (protest) language at the end of the document
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Prepare PD Cover Letter (save as T-XXXXX-pd-cov)
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Check email address(s) for accuracy
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Notes:
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Send to caseworker/Kelly for Peer Review

Data Center Review of PD

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

Issue Preliminary Determination

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

Final Order			
CW	PR	Coord	See cheat sheet at (S:\groups\wr\TACS\6. Transfers\Procedures\PD to FO Conversion 10-19-2023) for more detailed instructions
Do not issue Final Order before this date: (protest period end date or 30 days after date of last newspaper publication)			
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Have protests been received? If YES, STOP! Coordinate with Protest section.
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	If application had a newspaper notice, verify that Affidavit of Publication was received. Date:
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Save PD as a new document (T-XXXXX-ord-approve (or deny))
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Remove "PRELIMINARY DETERMINATION" from document title and replace with "FINAL ORDER." Unhide hidden findings (cntrl-a, select Font, uncheck "hidden" box)
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Replace "PROPOSING APPROVAL/DENIAL OF" in document title with APPROVING/DENYING
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Replace the "judicial review/reconsideration rights" box in the first page footer for the "Final Order" judicial review language; unhide and add Special Order Volume (support will add page #)
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Update the hidden paragraph following the public notice and amendments findings (regarding issuance of PD)
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Change "Determination and Proposed Action" to "Conclusions of Law" and update paragraph (delete protest sentence)
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Replace "If application T-XXXXX is approved . . ." with Now, therefore, it is ORDERED:" (make BOLD)
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Select list of conditions below "It is ORDERED" section and turn off Italics. Check numbering (start at "1").
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Delete Document preparation box, Protest language, Request for Standing , and Notice Regarding Servicemembers; Insert "Mailing Date: _____"
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Final Check: All Conclusions of Law are supported by Findings and Transfer Review Criteria

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

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

[illegible]



Oregon

Tina Kotek, Governor

Water Resources Department

North Mall Office Building
725 Summer St NE, Suite A
Salem, OR 97301
Phone 503 986-0900
Fax 503 986-0904
www.oregon.gov/owrd

February, 3, 2025

VIA CERTIFIED MAIL AND E-MAIL

JAMES AND SUE GILMOUR
30427 STELLMACHER DR
ALBANY, OR 97320

SUBJECT: Water Right Transfer Application T-14227

Please find enclosed the Preliminary Determination indicating that, based on the information available, the Department intends to approve application T-14227. This document is an intermediate step in the approval process; water may not be used legally as proposed in the transfer application until a Final Order has been issued by the Department. Please read this entire letter carefully to determine your responsibility for additional action.

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

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

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

Please don't hesitate to contact me at 503-986-0892 or Joan.M.Smith@water.oregon.gov, if I may be of assistance.

Sincerely,

Joan Smith
Transfer Specialist
Transfer and Conservation Section

**BEFORE THE WATER RESOURCES DEPARTMENT
OF THE
STATE OF OREGON**

In the Matter of Transfer Application)	PRELIMINARY DETERMINATION
T-14227, HARNEY County)	PROPOSING APPROVAL OF A
)	CHANGE IN PLACES OF USE

Authority

Oregon Revised Statutes (ORS) 537.705 and 540.505 to 540.580 establish the process in which a water right holder may submit a request to transfer the point of appropriation, place of use, or character of use authorized under an existing water right. Oregon Administrative Rules (OAR) Chapter 690, Division 380 implement the statutes and provides the Department's procedures and criteria for evaluating transfer applications.

Applicant

JAMES AND SUE GILMOUR
30427 STELLMACHER DR
ALBANY, OR 97320

Findings of Fact

1. On April 24, 2023, James and Sue Gilmour, filed an application to change the place of use under Certificates 91034 and 96822. The Department assigned the application number T-14227.
2. Notice of the application for transfer was published on May 2, 2023, pursuant to OAR 690-380-4000. No comments were filed in response to the notice.
3. On March 18, 2024, the agent for the applicant provided a map for Certificate 96822 depicting the off acres.
4. On October 9, 2024, the Department mailed a copy of the draft Preliminary Determination proposing to approve Transfer Application T-14227 to the applicants. The draft Preliminary Determination cover letter set forth a deadline of November 9, 2024, for the applicants to respond. The applicants requested that the Department proceed with issuance of a Preliminary Determination and provided the necessary information to demonstrate that the applicant is authorized to pursue the transfer.

Pursuant to OAR 690-380-4030, any person may file a protest or standing statement within 30 days after the last date of publication of the newspaper notice or the Department's weekly notice as prescribed by OAR 690-380-4020, whichever is later, of this preliminary determination.

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

Certificate: 91034 in the name of JAMES AND SUE GILMOUR (perfected under Permit G-15663)
Use: IRRIGATION OF 33.3 ACRES
Priority Date: JULY 8, 1999
Rate: 0.416 CUBIC FOOT PER SECOND
Limit/Duty: The amount of water used for irrigation under this right, together with the amount secured under any other right existing for the same lands, is limited to a diversion of ONE-EIGHTIETH of one cubic foot per second, (or its equivalent) and 3.0 acre-feet for each acre irrigated during the irrigation season of each year.
Period of Use: May 1 through September 30
Source: WELL 2 (HARN 50318) in the MALHEUR LAKE BASIN

Authorized Point of Appropriation:

Twp	Rng	Mer	Sec	Q-Q	GLot	Measured Distances
27 S	34 E	WM	5	NW NW	4	WELL 2 (HARN 50318) - 35 FEET SOUTH AND 975 FEET EAST FROM NW CORNER OF SECTION 5

Authorized Place of Use:

IRRIGATION						
Twp	Rng	Mer	Sec	Q-Q	GLot	Acres
27 S	34 E	WM	5	NW NW	4	22.7
27 S	34 E	WM	5	SW NW		10.6
Total						33.3

6. Transfer Application T-14227 proposes to change the place of use of the right to:

IRRIGATION						
Twp	Rng	Mer	Sec	Q-Q	GLot	Acres
27 S	34 E	WM	5	NW NW	4	8.3
27 S	34 E	WM	5	SW NW		2.1
27 S	34 E	WM	6	NE NE	1	13.4
27 S	34 E	WM	6	NW NE	2	7.5
27 S	34 E	WM	6	SW NE		2.0
Total						33.3

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

Certificate: 96822 in the name of JAMES GILMOUR, SUE GILMOUR (perfected under Permit G-18086)
Use: IRRIGATION OF 9.2 ACRES
Priority Date: AUGUST 22, 2012
Rate: 0.15 CUBIC FOOT PER SECOND FROM WELL 2 FOR IRRIGATION OF 9.2 ACRES

Limit/Duty: The amount of water used for irrigation under this right, together with the amount secured under any other right existing for the same lands, is limited to a diversion of ONE-SIXTIETH of one cubic foot per second and 3.0 acre-feet per acre for each acre irrigated during the irrigation season of each year.

Period of Use: MARCH 1 THROUGH OCTOBER 31

Source: WELL 2 (HARN 50318/L18168) IN SOUTH FORK MALHEUR RIVER BASIN

Authorized Point of Appropriation:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
27 S	34 E	WM	5	NW NW	WELL 2 (HARN 50318/L18168) -35 FEET SOUTH AND 973 FEET EAST FROM THE NW CORNER OF SECTION 5

Authorized Place of Use:

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
27 S	34 E	WM	5	SW NW	9.2

6. Transfer Application T-14227 proposes to change the place of use of the right to:

IRRIGATION						
Twp	Rng	Mer	Sec	Q-Q	GLot	Acres
27 S	34 E	WM	5	NW NW	4	2.7
27 S	34 E	WM	5	SW NW		0.6
27 S	34 E	WM	6	NE NE	1	2.8
27 S	34 E	WM	6	NW NE	2	2.6
27 S	34 E	WM	6	SW NE		0.5
Total						9.2

Transfer Review Criteria [OAR 690-380-0100(14), 690-380-4010(2) and OAR 690-380-2200]

8. Water has been used within the last five years prior to the submittal of Transfer Application T-14227 according to the terms and conditions of the rights. There is no information in the record that would demonstrate that the rights are subject to forfeiture under ORS 540.610.
9. The water rights are subject to transfer as defined in ORS 540.505(4) and OAR 690-380-0100(14).
10. The proposed changes, as conditioned, would not result in enlargement of the rights.
11. The proposed change, as conditioned, would not result in injury to other existing water rights.
12. All other application requirements are met.

Determination and Proposed Action

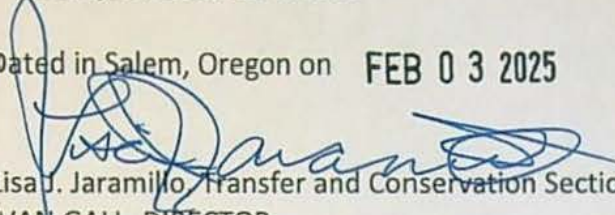
The change in places of use proposed in Transfer Application T-14227 appears to be consistent with the requirements of ORS 537.705 and 540.505 to 540.580 and OAR 690-380-5000. If protests are not filed pursuant to OAR 690-380-4030, the application will be approved.

If Transfer Application T-14227 is approved, the final order will include the following:

- 1. The change in places of use proposed in Transfer Application T-14227 are approved.*
- 2. The right to the use of the water is restricted to beneficial use at the place of use described and is subject to all other conditions and limitations contained in Certificates 91034, 96822, and any related decree.*
- 3. Approval of this transfer application does not constitute nor grant legal access onto or through another person's property for purposes of accessing the new places of use.*
- 4. Water right Certificates 91034 and 96822 are cancelled. A new certificate will be issued describing those portions of 96822 not affected by this transfer.*
- 5. The former place of use of the transferred rights shall no longer receive water under the rights.*
- 6. Water use measurement conditions:*
 - a. Before water use may begin under this order, the water user shall install a totalizing flow meter, or, with prior approval of the Director, another suitable measuring device, at each point of appropriation.*
 - 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.*
- 7. Full beneficial use of the water shall be made, consistent with the terms of this order, on or before **October 1, 2026**. A Claim of Beneficial Use prepared by a Certified Water Right Examiner shall be submitted by the applicant to the Department within one year after the deadline for completion of the changes and full beneficial use of the water.*

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

Dated in Salem, Oregon on **FEB 03 2025**


Lisa J. Jaramillo, Transfer and Conservation Section Manager, for
IVAN GALL, DIRECTOR
Oregon Water Resources Department

This Preliminary Determination was prepared by Joan Smith. If you have questions regarding the content of this document, you may contact me at Joan.m.smith@water.oregon.gov

Protests

Under the provisions of ORS 540.520(6) & (7) and OAR 690-380-4030, within 30 days after the last date of publication of the newspaper notice or the Department's weekly notice as prescribed by OAR 690-380-4020, whichever is later, any person may file, jointly or severally, a protest expressing opposition of approval of the transfer application and disagreement with this Preliminary Determination or a standing statement in support of this Preliminary Determination. If this Preliminary Determination determines that a change in point of diversion or appropriation would result in injury, the applicant may file a notification of intent to pursue approval of the transfer under OAR 690-380-5030 to 690-380-5050. Protests and standing statements must be received by the Water Resources Department within 30 days after the last date of publication of the newspaper notice or the Department's weekly notice as prescribed by OAR 690-380-4020, whichever is later.

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

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

Requests for Standing

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

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

- The requester's name, mailing address and telephone number;
- If the requester is representing a group, association or other organization, the name, address and telephone number of the represented group;
- A statement that the requester supports the preliminary determination as issued.

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

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

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

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

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

Notice Regarding Servicemembers: Active-duty servicemembers have a right to stay proceedings under the federal Servicemembers Civil Relief Act. 50 U.S.C. App. §§501-597b. For more information contact the Oregon State Bar at 800-452-8260, the Oregon Military Department at 971-355-4127, or the nearest United States Armed Forces Legal Assistance Office through <http://legalassistance.law.af.mil>.

If you have questions about how to file a protest or if you have previously filed a protest and you want to know the status, please contact Will Davidson at 503-507-2749.

If you have questions about the Department or any of its programs, please contact our Water Resources Customer Service Group at 503-986-0900.

Address any correspondence to: Oregon Water Resources Department, Transfer and Conservation Section, 725 Summer Street NE, Suite A, Salem OR 97301-1266.

Watermaster Review Form: Water Right Transfer



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

Transfer Application: T- 14227

Review Due Date: _____

Applicant Name: James & Sue Gilmour

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

Reviewer(s): Dally Swindlehurst

Date of Review: 05/30/23

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 type text here
Generally characterize the frequency of any regulation or explain why regulation has not occurred: _____
3. Have headgate notices been issued for the source that serves the transferred right(s)?
☐ Yes ☒ No ☐ Records not available.
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 text here
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 text here
8. For instream transfers that propose protection of a reach beyond the mouth of the source stream: ☒ N/A text here 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 next item If "Yes", explain: _____
10. For POU or USE changes: ☐ N/A In your best judgment, would use of the existing right at "full face value," result in the diversion of more water than can be used beneficially and without waste? ☐ Yes ☒ No If "Yes", explain: _____
11. For POU changes that involve micro-irrigation: ☒ N/A
- a. Has the applicant made changes (absent a transfer) to convert to micro-irrigation within the current place of use boundary of the water right proposed for transfer, and previously demonstrated to the Department through monitoring and site inspections by the Watermaster that the proposed transfer will not result in injury or enlargement? ☐ Yes ☐ No If "Yes", explain: _____
- b. Has a temporary transfer of this nature been previously filed and approved on the same lands (or portions thereof) as those lands involved in this transfer?
☐ Yes ☐ No If "Yes", answer the following:
- i. Were there any problems with more acres being irrigated (or wetted) than were authorized under the temporary transfer? ☐ Yes ☐ No
If "Yes", explain: _____
- ii. Did the designated areas that were to remain dry (or not wetted) under the temporary transfer actually remain dry? ☐ Yes ☐ No
If "No", explain: _____
- iii. Did the applicant comply with and meet all of the conditions of the temporary transfer? ☐ Yes ☐ No If "No", explain: _____
- iv. Do you have any other observations regarding the temporary transfer?
☐ Yes ☐ No If "Yes", describe: _____
- v. Did the applicant demonstrate to the Department through monitoring and site inspections by the Watermaster that neither injury nor enlargement occurred as a result of the temporary transfer? ☐ Yes ☐ No
If "No", explain: _____
- c. To the best of your knowledge, if this transfer is approved, does it appear that:
- i. "Injury" will occur to other water rights that share the same source?
☐ Yes ☐ No If "Yes", explain: _____
- ii. "Enlargement" of the water right being transferred will occur?
☐ Yes ☐ No If "Yes", explain: _____
12. Are there other issues not identified through the above questions that should be considered in determining whether the change "can be effected without injury to other rights"?
☐ Yes ☐ No If "Yes", explain: _____

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

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

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

☐ A Headgate should be required prior to diverting water.

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

a. Before water use may begin under this order, the water user shall install a **totalizing flow meter***, or, with prior approval of the Director, another suitable measuring device, ☒ at each point of diversion/appropriation (new and existing)

OR ☐ at each new point of diversion/appropriation

☐ with the exception that water rights issued to the Bureau of Reclamation or an irrigation district (or similar entity) are not subject to this condition.

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

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

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

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

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

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

☐ Weir

☐ Submerged Orifice

☐ Parshall Flume

☐ Flow Restrictor

☐ Other: _____

Oregon Water Resources Department

Measurement Condition Information for the Applicant

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

Transfer #: T- 14227

☒ 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: Dally SwindlehurstDistrict: 10Address: 450 N Buena VistaCity/State/Zip: Burns OR 97720Phone: 541-573-2591Email: donald.s.swindlehurst@water.oregon.gov

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

Approval of an Alternate Measurement Device

T- _____

(to be filled out after consultation with the applicant, or after a site visit)

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

Watermaster signature_____
District_____
Date

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

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



Oregon

Tina Kotek, Governor

Water Resources Department

North Mall Office Building

725 Summer St NE, Suite A

Salem, OR 97301

Phone 503 986-0900

Fax 503 986-0904

April 28, 2023

JAMES AND SUE GILMOUR
30427 SW STELLMACHER DR
ALBANY, OR 97320

Reference: Application T-14227

On April 24, 2023, the Department received your water right Permanent Transfer Application. The application was accompanied by \$1970.00. Receipt number 140569 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.

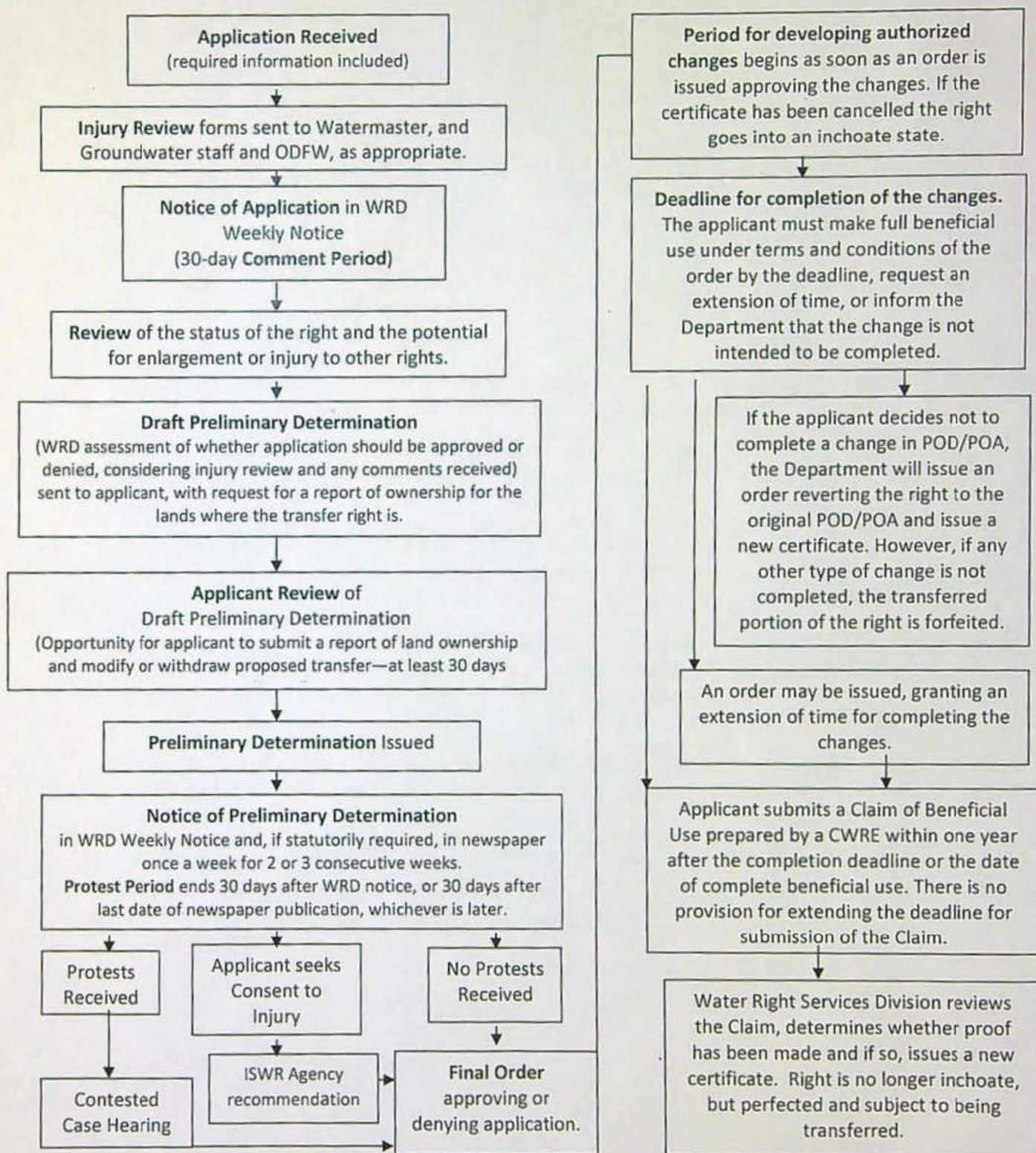
If you have any questions, please contact the Transfer Section at (503) 986-0935.

Cc: Watermaster Dist. #10, J R. Johnson (*via email*)
Scott D. Montgomery, Agent

Enclosure

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

OAR 690 Division 380



**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 # **140569**

INVOICE # _____

RECEIVED FROM: Gilmore Mint Farms
BY: LLC

APPLICATION	
PERMIT	
TRANSFER	T-14227

CASH: ☐ CHECK: # 2624 OTHER: (IDENTIFY) ☐

TOTAL REC'D \$ 1,970.00

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 \$ 1,970.00

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: **140569**

DATED: 4-24-23 BY: Luc D. Miller

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.

RECEIVED

APR 24 2023

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

OWRD

- ☒ 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? 2 List them here: C 91034 & C 96822**
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.)
- ☐ ☒ 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

OWRD

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°).

FEE WORKSHEET for PERMANENT TRANSFER (except Substitution)

RECEIVED
APR 24 2023
OWRD

1. For irrigation calculate cfs for each water right involved as follows:
 - a. Divide total authorized cfs by total acres in the water right (for C12345, $1.25 \text{ cfs} \div 100 \text{ ac}$); then multiply by the number of acres to be transferred to get the transfer cfs ($\times 45 \text{ ac} = 0.56 \text{ cfs}$).
 - b. If the water right certificate does not list total cfs, but identifies the allowable use as $1/40$ or $1/80$ of a cfs per acre; multiply number of acres proposed for change by either 0.025 ($1/40$) or 0.0125 ($1/80$). (For C87654, $45.0 \text{ ac} \times 0.0125 \text{ cfs/ac} = 0.56 \text{ cfs}$)
2. Add cfs for the portions of water rights on all the land included in the transfer; however **do not count cfs for supplemental rights on acreage for which you have already calculated the cfs fee for the primary right on the same land**. The fee should be assessed only once for each "on the ground" acre included in the transfer. (In this example, blank 5a would be only 0.56 cfs, since both rights serve the same 45.0 acres. Blank 5b would be 0 and Line 5 would then also become 0).

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	

Part 4 of 5 – Applicant Information and Signature

Applicant Information

APPLICANT/BUSINESS NAME James & Sue Gilmour		PHONE NO. (541) 979-4120	ADDITIONAL CONTACT NO.
ADDRESS 30427 Stellmacher Drive		FAX NO.	
CITY Albany	STATE OR	ZIP 97321	E-MAIL riverbottomfarms@gmail.com
BY PROVIDING AN E-MAIL ADDRESS, CONSENT IS GIVEN TO RECEIVE ALL CORRESPONDENCE FROM THE DEPARTMENT ELECTRONICALLY. COPIES OF THE FINAL ORDER DOCUMENTS WILL ALSO BE MAILED.			

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

AGENT/BUSINESS NAME All Points Engineering & Surveying, Inc.		PHONE NO. (541) 548-5833	ADDITIONAL CONTACT NO. (541) 420-0401
ADDRESS P.O. Box 767		FAX NO.	
CITY Terrebonne	STATE OR	ZIP 97760	E-MAIL scott@apeands.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:
Propose to move corner areas to a new 1/2 center pivot 1 mile south.

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.

RECEIVED
APR 24 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: Burns Times Herald.
- 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 Gilmour, Owner
Print Name (and Title if applicable)

4/12/23
Date

Applicant signature

Sue Gilmour, Owner
Print Name (and Title if applicable)

4/12/23
Date

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

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

Check the following boxes that apply:

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

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

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

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

https://www.oregon.gov/owrd/WRDFormsPDF/Transfer_Property_Transactions.pdf

RECEIVED

APR 24 2023

RECEIVING LANDOWNER NAME			PHONE NO.	ADDITIONAL CONTACT NO.
ADDRESS			FAX NO.	
CITY	STATE	ZIP	E-MAIL	
Describe any special ownership circumstances:				
The confirming Certificate shall be issued in the name of: <input type="checkbox"/> Applicant <input type="checkbox"/> Receiving Landowner				

☐ Check here if any of the water rights proposed for transfer are or will be located within or served by an irrigation or other water district. (Tip: Complete and attach Supplemental Form D.)

IRRIGATION DISTRICT NAME	ADDRESS	
CITY	STATE	ZIP

☐ Check here if water for any of the rights supplied under a water service agreement or other contract for stored water with a federal agency or other entity.

ENTITY NAME	ADDRESS	
CITY	STATE	ZIP



To meet State Land Use Consistency Requirements, you must list all county, city, municipal corporation, or tribal governments within whose jurisdiction water will be diverted, conveyed or used.

ENTITY NAME	ADDRESS	
CITY	STATE	ZIP

ENTITY NAME	ADDRESS	
CITY	STATE	ZIP

RECEIVED

APR 24 2023

OWRD

Part 5 of 5 – Water Right Information

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

CERTIFICATE # **91034**

RECEIVED

Description of Water Delivery System

APR 24 2023

System capacity: **0.42** cubic feet per second (cfs) OR

OWRD

_____ gallons per minute (gpm)

Describe the current water delivery system or the system that was in place at some time within the last five years. Include information on the pumps, canals, pipelines, and sprinklers used to divert, convey, and apply the water at the authorized place of use. **Water is pumped from the authorized POA and conveyed to a mainline and wheel lines that irrigate the POU.**

Table 1. Location of Authorized and Proposed Point(s) of Diversion (POD) or Appropriation (POA)

(Note: If the POD/POA name is not specified on the certificate, assign it a name or number here.)

POD/POA Name or Number	Is this POD/POA Authorized on the Certificate or is it Proposed?	If POA, OWRD Well Log ID# (or Well ID Tag # L-_____)	Twp	Rng	Sec	¼ ¼	Tax Lot, DLC or Gov't Lot	Measured Distances (from a recognized survey corner)
Buffalo	<input checked="" type="checkbox"/> Authorized <input type="checkbox"/> Proposed	HARN 50318	27 S	34 E	5	NW NW	601	35' S & 975' E from NW cor S5

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.

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 # 91034

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			
										POU	27	S	34	E	5	NW	NW	601	4	8.3	IR	Buffalo	1999
																SW	NW			2.1			
															6	NE	NE		1	13.4			
																NW	NE		2	7.5			
																SW	NE			2.0			
TOTAL ACRES:											TOTAL ACRES:						33.3						

Additional remarks:Existing wheel line configuration changed to 1/2 center pivot system.

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 # _____.

RECEIVED

APR 24 2023

For a change from Supplemental Irrigation Use to Primary Irrigation Use

OWRD

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

CERTIFICATE # 96822

RECEIVED

APR 24 2023

OWRD

Description of Water Delivery System

System capacity: 0.12 cubic feet per second (cfs) OR

_____ gallons per minute (gpm)

Describe the current water delivery system or the system that was in place at some time within the last five years. Include information on the pumps, canals, pipelines, and sprinklers used to divert, convey, and apply the water at the authorized place of use. Water is pumped from the authorized POA and conveyed to a mainline and wheel lines that irrigate the POU.

Table 1. Location of Authorized and Proposed Point(s) of Diversion (POD) or Appropriation (POA)

(Note: If the POD/POA name is not specified on the certificate, assign it a name or number here.)

POD/POA Name or Number	Is this POD/POA Authorized on the Certificate or is it Proposed?	If POA, OWRD Well Log ID# (or Well ID Tag # L-____)	Twp	Rng	Sec	¼ ¼	Tax Lot, DLC or Gov't Lot	Measured Distances (from a recognized survey corner)
Buffalo	<input checked="" type="checkbox"/> Authorized <input type="checkbox"/> Proposed	HARN 50318	27 S	34 E	5	NW NW	601	35' S & 975' E from NW cor S5

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.

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 # 96822

List the change proposed for the acreage in each $\frac{1}{4}$ $\frac{1}{4}$. 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	$\frac{1}{4}$ $\frac{1}{4}$	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	$\frac{1}{4}$ $\frac{1}{4}$	Tax Lot	Gvt Lot or DLC	Acres	New Type of USE	POD(s)/ POA(s) to be used (from Table 1)	Priority Date			
										POU	27	S	34	E	5	NW	NW	601	4	2.7	IR	Buffalo	1999
																SW	NW			0.6			
															6	NE	NE		1	2.8			
																NW	NE		2	2.6			
																SW	NE			0.5			
TOTAL ACRES:											TOTAL ACRES:						9.2						

RECEIVED
APR 24 2023
OWRD

Additional remarks: Existing wheel line configuration changed to 1/2 center pivot system.

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 # _____.

RECEIVED

APR 24 2023

OWRD

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

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 HARNEY)

I, JAMES & SUE GILMOUR, in my capacity as LANDOWNER,
mailing address 30427 STELLMACHER DR, ALBANY, OR 97321
telephone number (541)979-4120, being first duly sworn depose and say:

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

☒ Personal observation ☐ Professional expertise

RECEIVED

2. I attest that:

APR 24 2023

OWRD

☒ Water was used during the previous five years on the **entire** place of use for
Certificate # 91034; **OR**

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

Certificate #	Township	Range	Mer	Sec	1/4 1/4	Gov't Lot or DLC	Acres (if applicable)

OR

☒ Confirming Certificate # 96822 has been issued within the past five years; **OR**

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

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

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

(continues on reverse side)

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

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

Signature of Affiant

Date

4/12/23

Signature of Affiant

Date

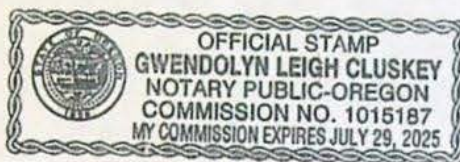
4/12/23

RECEIVED

APR 24 2023

OWRD

Signed and sworn to (or affirmed) before me this 12* day of April, 2023.



Notary Public for Oregon

My Commission Expires:

7/29/25

Supporting Documents	Examples
<input checked="" 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.terra-server.com
<input type="checkbox"/> Approved Lease establishing beneficial use within the last 5 years	Copy of instream lease or lease number

STATE OF OREGON

COUNTY OF HARNEY

CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

JAMES AND SUE GILMOUR
30427 SW STELLMACHER DR
ALBANY, OR 97321

confirms the right to use the waters of WELL 2 (HARN 50318) in the MALHEUR LAKE BASIN for IRRIGATION OF 33.3 ACRES.

This right was perfected under Permit G-15663. The date of priority is JULY 8, 1999. The amount of water to which this right is entitled is limited to an amount actually used beneficially, and shall not exceed 0.416 CUBIC FOOT PER SECOND or its equivalent in case of rotation, measured at the well.

The period of use is May 1 through September 30.

The well is located as follows:

Twp	Rng	Mer	Sec	Q-Q	GLot	Measured Distances
27 S	34 E	WM	5	NW NW	4	WELL 2 (HARN 50318) - 35 FEET SOUTH AND 975 FEET EAST FROM THE NW CORNER OF SECTION 5

The amount of water used for irrigation under this right, together with the amount secured under any other right existing for the same lands, is limited to a diversion of ONE-EIGHTIETH of one cubic foot per second (or its equivalent) and 3.0 acre-feet for each acre irrigated during the irrigation season of each year.

The place of use is located as follows:

IRRIGATION						
Twp	Rng	Mer	Sec	Q-Q	GLot	Acres
27 S	34 E	WM	5	NW NW	4	22.7
27 S	34 E	WM	5	SW NW		10.6

RECEIVED

APR 24 2023

OWRD

This certificate describes that portion of the water right confirmed by Certificate 89795, State Record of Water Right Certificates, NOT modified by the provisions of an order of the Water Resources Director entered DEC 08 2015, approving Transfer Application T-12032.

Measurement, recording and reporting conditions:

- a) The water user shall maintain the meter or other suitable measuring device in good working order.
- b) The water user shall allow the watermaster access to the meter or measuring device; provided however, where the meter or measuring device is located within a private structure, the watermaster shall request access upon reasonable notice.
- c) The Director may require the water user to keep and maintain a record of the amount (volume) of water used and may require the water user to report water use on a periodic schedule as established by the Director. In addition, the Director may require the water user to report general water use information, the periods of water use and the place and nature of use of water under the right. The Director may provide an opportunity for the water user to submit alternative reporting procedures for review and approval.

If substantial interference with a senior water right occurs due to withdrawal of water from any well listed on this right, then use of water from the well shall be discontinued or reduced and/or the schedule of withdrawal shall be regulated until or unless the Department approves or implements an alternative administrative action to mitigate the interference. The Department encourages junior and senior appropriators to jointly develop plans to mitigate interference.

The well shall be maintained in accordance with the General Standards for the Construction and Maintenance of Water Wells in Oregon. The works shall be equipped with a usable access port, and may also include an air line and pressure gauge to determine the water level elevation in the well at all times.

The Director may require water level or pump test results every ten years.

Failure to comply with any of the provisions of this right may result in action including, but not limited to, restriction on the use, civil penalties, or cancellation of the right.

This right is for beneficial use of water without waste. The water user is advised that new regulation may require the use of best practical technologies or conservation practices to achieve this end.

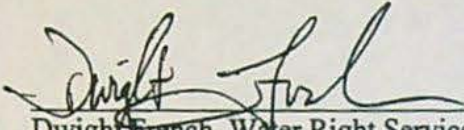
By law, the land use associated with this water use must be in compliance with statewide land use goals and any local acknowledged land use plan.

The use of water shall be limited when it interferes with any prior surface or ground water rights.

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

The right to the use of the water for the above purpose is restricted to beneficial use on the lands or place of use described.

WITNESS the signature of the Water Resources Director, affixed DEC 08 2015.



Dwight French, Water Right Services Administrator, for
Thomas M. Byler, Director
Oregon Water Resources Department

RECEIVED

APR 24 2023

OWRD

STATE OF OREGON
COUNTY OF HARNEY
CERTIFICATE OF WATER RIGHT

RECEIVED

APR 24 2023

OWRD

THIS CERTIFICATE ISSUED TO

JAMES GILMOUR
SUE GILMOUR
30427 STELLMACHER DR
ALBANY OR 97321

confirms the right to the use of water perfected under the terms of Permit G-18086. The amount of water used to which this right is entitled is limited to the amount used beneficially, and shall not exceed the amount specified, or its equivalent in the case of rotation, measured at the point of diversion from the source. The specific limits and conditions of the use are listed below.

APPLICATION FILE NUMBER: G-17575

SOURCE OF WATER: WELL 1 (HARN 51541/L96564) AND WELL 4 (HARN 51764/L88119) IN MALHEUR LAKE BASIN; AND WELL 2 (HARN 50318/L18168) IN SOUTH FORK MALHEUR RIVER BASIN

PURPOSE or USE: IRRIGATION OF 40.7 ACRES

MAXIMUM RATE: 0.68 CUBIC FOOT PER SECOND (CFS); FURTHER LIMITED TO 0.53 CFS FROM WELLS 1 AND 4 FOR IRRIGATION OF 31.5 ACRES, AND 0.15 CFS FROM WELL 2 FOR IRRIGATION OF 9.2 ACRES

PERIOD OF USE: MARCH 1 THROUGH OCTOBER 31

DATE OF PRIORITY: AUGUST 22, 2012

The wells are located as follows:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
27 S	33 E	WM	1	NE NW	WELL 4 (HARN 51764/L88119) - 1230 FEET SOUTH AND 1515 FEET EAST FROM NW CORNER, SECTION 1
27 S	33 E	WM	1	NW NW	WELL 1 (HARN 51541/L96564) - 90 FEET SOUTH AND 235 FEET EAST FROM NW CORNER, SECTION 1
27 S	34 E	WM	5	NW NW	WELL 2 (HARN 50318/L18168) - 35 FEET SOUTH AND 973 FEET EAST FROM NW CORNER, SECTION 5

The amount of water used for irrigation under this right, together with the amount secured under any other right existing for the same lands, is limited to a diversion of ONE-SIXTIETH of one cubic foot per second and 3.0 acre-feet for each acre irrigated during the irrigation season of each year.

NOTICE OF RIGHT TO PETITION FOR RECONSIDERATION OR JUDICIAL REVIEW

This is an order in other than a contested case. This order is subject to judicial review under ORS 183.484 and ORS 536.075. Any petition for judicial review must be filed within the 60-day time period specified by ORS 183.484(2). Pursuant to ORS 183.484, ORS 536.075 and OAR 137-004-0080, you may petition for judicial review and 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. In addition, under ORS 537.260 any person with an application, permit or water right certificate subsequent in priority may jointly or severally contest the issuance of the certificate within three months after issuance of the certificate.

A description of the place of use is as follows:

Twp	Rng	Mer	Sec	Q-Q	Acres	Well
27 S	33 E	WM	1	SW NW	31.5	1 and 4
27 S	34 E	WM	5	SW NW	9.2	2

RECEIVED

APR 24 2023

OWRD

Measurement, recording and reporting conditions:

- A. The water user shall maintain, in good working order, a totalizing flow meter at each point of appropriation.
- B. The water user shall allow the watermaster access to the device; provided however, where any device is located within a private structure, the watermaster shall request access upon reasonable notice.
- C. The water user shall keep a complete record of the volume of water used each month, and shall submit a report which includes the recorded water-use measurements to the Department annually or more frequently as may be required by the Director. Further, the Director may require the water user to report general water-use information, including the place and nature of use of water under the right.
- D. The Director may provide an opportunity for the water user to submit alternative measuring and reporting procedures for review and approval.

The Department requires the water user to obtain, from a qualified individual (see below), and report annual static water levels for each well on the right. The static water level shall be measured in the month of March. Reports shall be submitted to the Department within 30 days of measurement.

The water user shall report annual March static water-level measurements whether or not the well is used. The reference level against which future measurements will be compared is 15.0 feet below ground surface for Well 1, 21.1 feet below land surface for Well 2, and 13.25 feet below land surface for Well 4. The Director may require the user to obtain and report additional water levels each year if more data are needed to evaluate the aquifer system.

All measurements shall be made by a certified water rights examiner, registered professional geologist, registered professional engineer, licensed well constructor or pump installer licensed by the Construction Contractors Board. Measurements shall be submitted on forms provided by, or specified by, the Department. Measurements shall be made with equipment that is accurate to at least the standards specified in OAR 690-217-0045. The Department requires the individual performing the measurement to:

- A. Associate each measurement with an owner's well name or number and a Department well log ID; and
- B. Report water levels to at least the nearest tenth of a foot as depth-to-water below ground surface; and
- C. Specify the method of measurement; and
- D. Certify the accuracy of all measurements and calculations reported to the Department.

The water user shall discontinue use of, or reduce the rate or volume of withdrawal from, the well(s) if any of the following events occur:

- A. Annual water-level measurements reveal an average water-level decline of three or more feet per year for five consecutive years; or
- B. Annual water-level measurements reveal a water-level decline of 15 or more feet in fewer than five consecutive years; or
- C. Annual water-level measurements reveal a water-level decline of 25 or more feet; or
- D. Hydraulic interference leads to a decline of 25 or more feet in any neighboring well with senior priority.

The period of restricted use shall continue until the water level rises above the decline level which triggered the action or the Department determines, based on the water user's and/or the Department's data and analysis, that no action is necessary because the aquifer in question can sustain the observed declines without adversely impacting the resource or causing substantial interference with senior water rights. The water user shall not allow excessive decline, as defined in Commission rules, to occur within the aquifer as a result of use under this right. If more than one well is involved, the water user may submit an alternative measurement and reporting plan for review and approval by the Department.

The water user shall ensure that the well has been assigned an OWRD Well Identification Number (Well ID tag), which shall be permanently attached to the well. The Well ID shall be used as a reference in any correspondence regarding the well, including any reports of water use, water level, or pump test data.

Failure to comply with any of the provisions of this right may result in action including, but not limited to, restrictions on the use, civil penalties, or cancellation of the right.

If substantial interference with a senior water right occurs due to withdrawal of water from any well listed on this right, then use of water from the well(s) shall be discontinued or reduced and/or the schedule of withdrawal shall be regulated until or unless the Department approves or implements an alternative administrative action to mitigate the interference. The Department encourages junior and senior appropriators to jointly develop plans to mitigate interferences.

The well(s) shall be maintained in accordance with the General Standards for the Construction and Maintenance of Water Wells in Oregon. The works shall be equipped with a usable access port, and may also include an air line and pressure gauge adequate to determine the water level elevation in the well at all times.

Where two or more water users agree among themselves as to the manner of rotation in the use of water and such agreement is placed in writing and filed by such water users with the watermaster, and such rotation system does not infringe upon such prior rights of any water user not a party to such rotation plan, the watermaster shall distribute the water according to such agreement.

The Director may require water level or pump test results every ten years.

This right is for the beneficial use of water without waste. The water user is advised that new regulations may require the use of best practical technologies or conservation practices to achieve this end.

By law, the land use associated with this water use must be in compliance with statewide land-use goals and any local acknowledged land-use plan.

The right to the use of the water for the above purpose is restricted to beneficial use on the place of use described.

Issued JAN 27 2023



Dwight French
Water Right Services Division Administrator, for
Thomas M. Byler, Director
Oregon Water Resources Department

RECEIVED

APR 24 2023

OWRD

HARN
50318STATE OF OREGON
WATER SUPPLY WELL REPORT
(as required by ORS 537.765)

Instructions for completing this report are on the last page of this form.

WELL I.D. # L 19168
START CARD # 106124(1) OWNER: Well Number _____
Name Roger & Virginia Harworth
Address P.O. Box 3030
City Princeton State OR Zip 97721(2) TYPE OF WORK
☒ New Well ☐ Deepening ☐ Alteration (repair/recondition) ☐ Abandonment(3) DRILL METHOD:
☐ Rotary Air ☐ Rotary Mud ☒ Cable ☐ Auger
☐ Other _____(4) PROPOSED USE:
☐ Domestic ☐ Community ☐ Industrial ☒ Irrigation
☐ Thermal ☐ Injection ☐ Livestock ☐ Other _____(5) BORE HOLE CONSTRUCTION:
Special Construction approval ☐ Yes ☒ No Depth of Completed Well 208 ft.
Explosives used ☐ Yes ☒ No Type _____ Amount _____HOLE SEAL
Diameter From To Material From To Sacks or bags
20" 0 20' Cement 0 20' 26
12" 20' 208' _____How was seal placed: Method ☐ A ☐ B ☐ C ☐ D ☒ E
☐ Other _____Backfill placed from _____ ft. to _____ ft. Material _____
Gravel placed from _____ ft. to _____ ft. Size of gravel _____(6) CASING/LINER:
Diameter From To Gauge Steel Plastic Welded Threaded
Casing: 12" +12" 208' 250 ☒ ☐ ☒ ☐
Liner: _____Final location of shoe(s) 208'(7) PERFORATIONS/SCREENS:
☐ Perforations Method _____
☐ Screens Type _____ Material _____
From To Slot size Number Diameter Telo/pipe size Casing Liner
NONE

(8) WELL TESTS: Minimum testing time is 1 hour

☒ Pump ☐ Bailor ☐ Air ☐ Flowing
Yield gal/min Drawdown Drill stem at Time
950 44 6 hr
950 44 6 hrTemperature of water 56 Depth Artesian Flow Found _____
Was a water analysis done? ☐ Yes By whom _____
Did any strata contain water not suitable for intended use? NO ☐ Too little☐ Salty ☐ Muddy ☐ Odor ☐ Colored ☐ Other _____
Depth of strata: _____(9) LOCATION OF WELL by legal description:
County Harney Latitude _____ Longitude _____
Township 27 ☒ or S Range 34 E or ☒ WM
Section 5 NW 1/4 SE 1/4
Tax Lot 600 Lot _____ Block _____ Subdivision _____
Street Address of Well (or nearest address) Princeton Spur Rd.(10) STATIC WATER LEVEL:
14 ft. below land surface. Date 6-24-98
Artesian pressure _____ lb. per square inch. Date _____(11) WATER BEARING ZONES:
Depth at which water was first found 21'

From	To	Estimated Flow Rate	SWL
<u>21'</u>	<u>23'</u>	<u>5 GPM</u>	<u>14'</u>
<u>96'</u>	<u>124'</u>	<u>100 GPM</u>	<u>14'</u>
<u>203'</u>	<u>208'</u>	<u>1200</u>	<u>14'</u>

(12) WELL LOG:
Ground Elevation _____

Material	From	To	SWL
<u>Top Soil Sandy Loam</u>	<u>0</u>	<u>3'</u>	
<u>Brown Clay</u>	<u>3'</u>	<u>96'</u>	<u>14</u>
<u>Brown Sand</u>	<u>96'</u>	<u>124'</u>	
<u>Brown Clay</u>	<u>124'</u>	<u>162'</u>	
<u>Gray Clay</u>	<u>162'</u>	<u>203'</u>	<u>14</u>
<u>Coarse Sand</u>	<u>203'</u>	<u>208'</u>	<u>14</u>

RECEIVED

RECEIVED

JUL 21 1998

APR 24 2023

WATER RESOURCES DEPT.
SALEM, OREGON

OWRD

Date started 4-14-98 Completed 6-24-98

(unbonded) Water Well Constructor Certification:

I certify that the work performed on the construction, alteration, or abandonment of this well is in compliance with Oregon water supply well construction standards. Materials used and information reported above are true to the best of my knowledge and belief.

Signed George Valentine WWC Number 11675
Date 7-16-98

(bonded) Water Well Constructor Certification:

I accept responsibility for the construction, alteration, or abandonment work performed on this well during the construction dates reported above. All work performed during this time is in compliance with Oregon water supply well construction standards. This report is true to the best of my knowledge and belief.

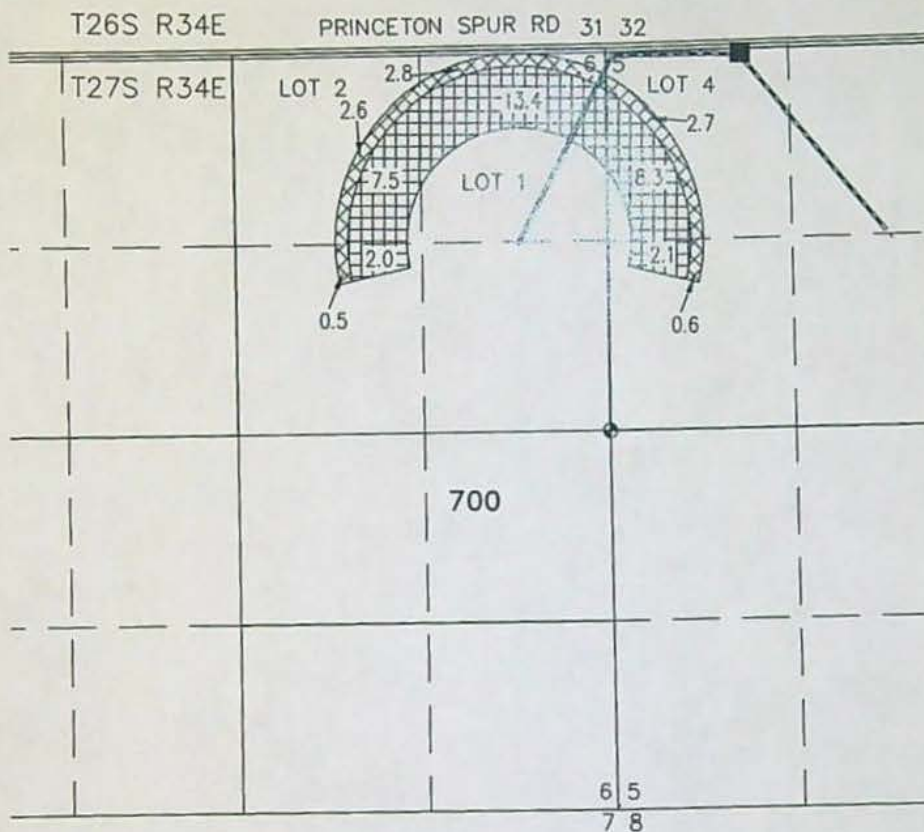
Signed Joe Valentine WWC Number 1435
Date 7-16-98

TRANSFER MAP TO ACCOMPANY APPLICATION TO CHANGE PLACE OF USE FOR JAMES & SUE GILMOUR

TOWNSHIP 27 SOUTH, RANGE 34 EAST, SECTIONS 5 & 6, W.M.

TAX LOTS: 601

"TO"



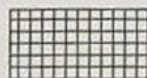
RECEIVED

APR 24 2023

OWRD

BUFFALO WELL (HARN 50318)

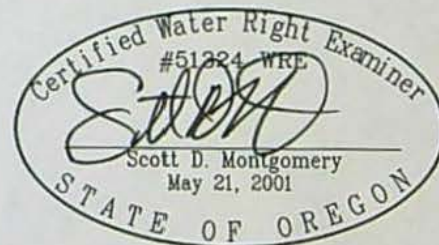
LOCATED IN THE NW 1/4 NW 1/4 SECTION 5, T27S R34E, W.M. AND 35 FEET SOUTH AND 975 FEET EAST FROM THE NW CORNER OF SECTION 5.



33.3 ACRES WATER RIGHTS FROM
CERTIFICATE 91034 (PERMIT G-15663),
TRANSFERRED 'ON', AS SHOWN.



9.2 ACRES WATER RIGHTS FROM
CERTIFICATE 96822 (PERMIT G-18086),
TRANSFERRED 'ON', AS SHOWN.



RENEWAL DATE: 12/31/2024

THIS MAP IS FOR THE PURPOSE OF LOCATING A WATER
RIGHT ONLY AND HAS NO INTENT TO PROVIDE LEGAL
DIMENSIONS OR THE LOCATION OF PROPERTY LINES

PROJECT No. 22-136

PREPARED AT THE REQUEST OF:

RIVERBOTTOM FARMS
30427 STELLMACHER DRIVE
ALBANY, OR 97321

ALL POINTS ENGINEERING
& SURVEYING, INC.



P.O. BOX 767
TERREBONNE, OREGON 97760
(541) 548-5833 PH
Scott@APEandS.com
www.APEandS.com

T27S R 34E, W.M.

June 2020 aerial imagery from NRCS Gateway website imported into ArcMap GIS software in statewide Lambert projection.



RECEIVED
APR 24 2023
OWRD



0 0.25 0.5 Miles



ALL POINTS
ENGINEERING & SURVEYING, INC.
P.O. Box 767 (CRR)
Terrebonne, Oregon 97760

RECEIVED

APR 24 2023

OWRD

TRANSMITTAL

To: Oregon Water Resources Dept
725 Summer St NE, Suite A
Salem, OR 97301-1266

Date:
Attention: Transfers
RE: 2 Applications for Transfer

[X] Prints ☐ Plans ☐ Plat ☐ Specifications.

Attached are two Applications for Transfer, One on C-95966 & one on C-91034/96822 for Jim & Sue Gilmour.

If you have any questions please don't hesitate to call or email me.

Copies	No.	Description
1	1	App for Transfer C-95966 (9 pages letter bond)
1	2	Transfer Maps C-95966 (2 pages bond)
1	3	Evid of Use Affidavit w/supporting doc C-95966 (3 pages letter bond)
1	4	Land Use Form C-95966 (2 pages letter bond)
1	5	Well logs C-95966 (6 pages letter bond)
1	6	Check for \$2930
1	7	Aerial imagery (1 page letter bond)
1	8	Ownership update w/supporting docs (7 pages letter bond)
1	9	App for Transfer C-91034/96822 (12 pages letter bond)
1	10	Transfer Map C-91034/96822 (1 page bond)
1	11	Evid of Use Affidavit & supporting doc C-91034/96822 (8 pages letter bond)
1	12	Well logs C-91034/96822 (1 page letter bond)
1	13	Check for \$1970

Signed: _____

Devin Morgan

Permanent Transfer Application Intake Checklist

Checked by <u> H </u> Date <u>4/25/23</u>	Type of Change(s) Proposed: <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 <input type="checkbox"/> Substitution <input type="checkbox"/> Gov't Action <input type="checkbox"/> Sup to Primary <input type="checkbox"/> SW to GW
Calculated Fee \$ <u>1970⁰⁰</u>	Certificate(s): <u>91034 & 91622</u>
Fee Received \$ <u>1970</u>	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 checked="" type="checkbox"/> YES <input type="checkbox"/> NO <input 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 checked="" 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 type="checkbox"/> YES	<input type="checkbox"/> NO	<input checked="" 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 or 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 checked="" type="checkbox"/> YES	<input type="checkbox"/> NO	<input 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 checked="" type="checkbox"/> YES	<input type="checkbox"/> NO	<input 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: _____

FEE WORKSHEET for PERMANENT TRANSFER (except Substitution)

Revised 4/2023