

T-14257

T-14257

Historic

Name Janet OliverAddress 38594 Sunny Dell
Halfway 10R 97834Change in Appl
Date Filed 5-30-2023

Initial notice date

DPD issued date

PD issued date

PD notice date

Date of FO 11/22/2023 Vol 129 Page 425-26
with drawn

C-Date

COBU due date

COBU Received date

Certificate issued

DESCRIPTION OF WATER RIGHT(S)

Name of Stream East Pine CreekTrib. of Pine CreekUse Irrigation

County

Quantity of water (CFS)

No. of Acres

Name of ditch

App# Volume pg 11.255 Per #Cert # 10427 PR Date 12-31-1882

App# Per #

Cert # PR Date

App# Per #

Cert # PR Date

App# Per #

Cert # PR Date

App# Per #

Cert # PR Date

FEES PAID

Date 5-30-23 Amount \$1,360.00 Receipt # 140833

FEES REFUNDED

Date 11/22/2023 Amount \$460.00 Receipt # VP056940

Assignments:

Irrigation District

Agent A

CWRE

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

WATER RIGHT TRANSFER COVER SHEET

Transfer: T-14257

Transfer Specialist: *Corey C.*

Transfer Type: Historic POD Transfer

Reimbursement Authority? ☐

Applicant: JANET OLIVER 38594 SUNNY DELL RD HALFWAY, OR 97834	Agent:	Receiving Landowner:
Current Landowner if other than Applicant:	CWRE:	Irrigation District:
Affected Local Gov'ts: Baker County	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.
☐	VOLUME PG 11, 235		10427	☐ Yes ☒ No	
☐				☐ Yes ☐ No	
☐				☐ Yes ☐ No	

Key Dates & Initial Actions (Support Staff)

Rec'd: June 6, 2023	Proposed Action(s): ADDITIONAL POINT OF DIVERSION	
Fees Pd: 1360.00	Acknowledgement Letter Sent ☐	Basin: 9 Powder
Initial Public Notice:	County sent cc: of Ack Letter ☐	County: BAKER
WM District: 8 Marcy J. Osborn	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: ☐	Name of Newspaper:
Newspaper notice sent to coordinator:	Newspaper notice quote requested (NRS1):
Request for news \$ sent:	News \$ received:
Affidavit of publication received:	Last day of publication:

Peer Review:

Document	Drafted	Peer Review	Coordinator	Changes Made	Signature Bin	Signature Date
DPD	Date: _____ Initials: _____	Date: _____ Initials: _____	Date: _____ Initials: _____	Date: _____ Initials: _____	CW Sent: _____ WM Sheet ☐ ODFW Sheet: ☐	N/A
PD	Date: _____ Initials: _____	Date: _____ Initials: _____	Date: _____ Initials: _____	Date: _____ Initials: _____ Data Review Date: _____	Date: _____	Date: _____
FO <i>to withdraw</i>	Date: 11/6/23 Initials: ce	Date: 11/8/23 Initials: Jow	Date: 11/15/23 Initials: PKG	Date: 11/17/23 Initials: ce	Date: 11/17/23 No. of docs for sig: 2	Date: 11/20/2023

Special Issues: _____

Special Order Volume: Vol. 129 Pages 425-216

WATER RESOURCES DEPARTMENT
REQUEST FOR DISTRIBUTION OF FUNDS

TO: Fiscal Services Section

DATE: November , 2023

FROM: Corey Courchane - TACS

RE: Request for Refund

APPLICATION: T-14257

RECEIPT #: 140833

Please prepare a refund in the amount of \$460.00, made payable to:

Name: Janet Oliver

Address: 38594 Sunny Dell

City: Halfway, OR 97834

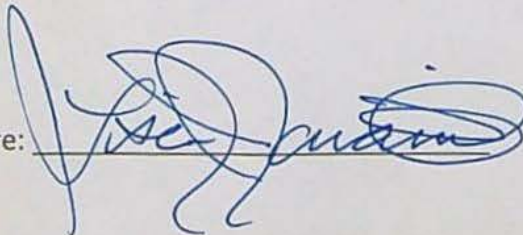
460.00
0205

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

- ☒ Request for file to be Withdrawn
- ☐ Excess fees were collected for application
- ☐ Protest filing fees
- ☐ Standing fees
- ☐ Permit recording fees
- ☐ Other: Claim of Beneficial Use returned – Water user did not qualify to self-certify their permit

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

Authorized Signature: _____



Date: _____

11-17-23



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

November , 2023

JANET OLIVER
38594 SUNNY DELL
HALFWAY, OR 97834

Reference: Historical Change in Point of Diversion Application T-14257

On November 1, 2023, a request to withdraw Historical Change in Point of Diversion Application T-14257 was submitted to the Oregon Water Resources Department.

A refund check in the amount of \$460.00 is currently being processed and will be arriving separately at a later time.

Sincerely,

Corey Courchane
Allocation of Conserved Water
Transfer and Conservation Section

Cc: Marcy J. Osborn, Watermaster, District #8 (via e-mail)

BEFORE THE WATER RESOURCES DEPARTMENT
OF THE
STATE OF OREGON

In the Matter of Transfer Application	)	FINAL ORDER WITHDRAWING
T-14257, Baker County, Oregon	)	AN APPLICATION FOR HISTORIC CHANGE
	)	IN POINT OF DIVERSION

Authority

ORS 540.505 to 540.580 establishes the process in which a water right holder may submit a request to transfer the point of diversion, place of use, or character of use authorized under an existing water right.

Applicant

JANET OLIVER
38594 SUNNY DELL
HALFWAY, OR 97834

Findings of Fact

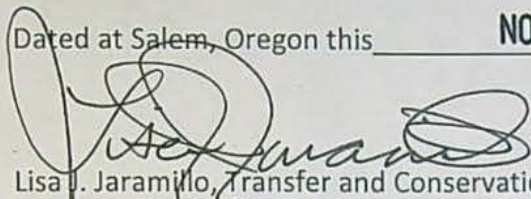
1. Historic Change in Point of Diversion Application T-14257, in the name of JANET OLIVER, was received on May 30, 2023.
2. On July 24, 2023, the Oregon Department of Fish and Wildlife determined that the proposed historical point of diversion (POD) is upstream from the authorized POD within a reach of East Pine Creek where instream water right Certificate 97025 exists.
3. On September 28, 2023, the Department sent correspondence to the applicant, asking that a Request to Withdraw T-14257 be submitted by November 8, 2023, or a Final Order would be issued denying the application for potential injury to an instream water right.
4. On November 1, 2023, the applicant submitted a written request asking that Historical Change in Point of Diversion Application T-14257 be withdrawn and unused fees returned.

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.

Now, therefore, it is ORDERED:

Historical Change in Point of Diversion Application T-14257, in the name of JANET OLIVER, is withdrawn and is of no further force or effect.

Dated at Salem, Oregon this NOV 20 2023.



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

Mailing date: NOV 21 2023

COURCHANE Corey A * WRD

From: DENNIS OLIVER <doliver@pinetel.com>
Sent: Wednesday, November 1, 2023 9:20 AM
To: COURCHANE Corey A * WRD
Subject: transfer application T-14257

Dear Sir: This e-mail is in reference to my application for Historic Change in Point of Diversion T-14257, submitted in June, along with my check #7830 dated May 24, 2023.

At this time I wish to withdraw my request T-14257 and request that my application fee of \$1,360.00 be mailed to me..

Thank you for your consideration on this matter.

Janet Oliver
38594 Sunny Dell Lane
Halfway, Oregon 97834

**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 # **140833**

INVOICE #

RECEIVED FROM:

BY:

APPLICATION

PERMIT

TRANSFER

CASH:

CHECK: #

OTHER: (IDENTIFY)

TOTAL REC'D

\$ 1,360.00

1083 TREASURY 4170 WRD MISC CASH ACCT

0407 COPIES

\$

OTHER: (IDENTIFY)

\$

0243 I/S Lease

0244 Muni Water Mgmt. Plan

0245 Cons. Water

4270 WRD OPERATING ACCT

MISCELLANEOUS

0407 COPY & TAPE FEES

\$

0410 RESEARCH FEES

\$

0408 MISC REVENUE: (IDENTIFY)

\$

TC162 DEPOSIT LIAB. (IDENTIFY)

\$

0240 EXTENSION OF TIME

\$

WATER RIGHTS:

EXAM FEE

RECORD FEE

0201 SURFACE WATER

\$

0202

\$

0203 GROUND WATER

\$

0204

\$

0205 TRANSFER

\$ 1,360.00

WELL CONSTRUCTION

EXAM FEE

LICENSE FEE

0218 WELL DRILL CONSTRUCTOR

\$

0219

\$

LANDOWNER'S PERMIT

0220

\$

OTHER (IDENTIFY)

0536 TREASURY 0437 WELL CONST. START FEE

0211 WELL CONST START FEE

\$

CARD#

0210 MONITORING WELLS

\$

CARD#

OTHER (IDENTIFY)

0607 TREASURY 0467 HYDRO ACTIVITY

LIC NUMBER

0233 POWER LICENSE FEE (FWWRD)

\$

0231 HYDRO LICENSE FEE (FWWRD)

\$

HYDRO APPLICATION

\$

TREASURY

OTHER / RDX

FUND TITLE

OBJ. CODE VENDOR #

DESCRIPTION

\$

RECEIPT:

140833

DATED:

5.30.23

BY:

[Signature]

Application for
**Historic Change in Point of
Diversion/Appropriation**
Part 1 of 5 – Minimum Requirements Checklist



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

**This historic change in point of diversion/appropriation application will be returned if
Parts 1 through 5 and all required attachments are not completed and included.**

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

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

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MAY 30 2023

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- ☒ Part 1 – Completed Minimum Requirements Checklist.
- ☒ Part 2 – Completed 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 the Transferred Water Rights: How many water rights are to be transferred? 1 List them here: 10427
Please include a separate Part 5 for each water right. (See instructions on page 5)
NOTE: A separate transfer application is required for each water right unless the criteria in OAR 690-380-3220 are met.

Attachments:

- ☒ Completed Application Map (Does not have to be prepared by a Certified Water Right Examiner).
- ☒ Completed Evidence of Use Affidavit and supporting documentation showing that water has been used on the land for five years prior to transfer filing AND diverted at the actual, current point of diversion/appropriation for more than 10 years.
- ☒ Statement from the local Watermaster, based upon the Watermaster's knowledge and Department records, that no complaint of injury has been made due to the use of water at the actual, current point of diversion/appropriation.
- ☒ Land Use Information Form with approval and signature (or signed land use form receipt stub).
- ☐ ☒ N/A Affidavit(s) of Consent from Landowner (if the applicant does not own the land the water right is on.)
- ☐ ☒ N/A Water Well Report/Well Log for changes in point(s) of appropriation (well(s)) or additional point(s) of appropriation.

(For Staff Use Only)

WE ARE RETURNING YOUR APPLICATION FOR THE FOLLOWING REASON(S):

- | | |
|--|--|
| ☐ Application fee not enclosed/insufficient | ☐ Map not included or incomplete |
| ☐ Land Use Form not enclosed or incomplete | ☐ Evidence of Use Form not enclosed or incomplete |
| ☐ Additional signature(s) required | ☐ Part _____ is incomplete |

Other/Explanation _____

Staff: _____ 503- _____ Date: ____/____/____

Part 2 of 5 – Historic Change in Point of Diversion/Appropriation Application Map Checklist

Your historic change in point of diversion/appropriation application will be returned if any of the map requirements listed below are not met.

Please be sure that the historic change in point of diversion/appropriation application map you submit includes all the required items and matches the existing water right map. Check all boxes that apply.

- ☒ ☒ N/A If more than three water rights are involved, separate maps are needed for each water right.
- ☒ Permanent quality printed with dark ink on white or clear paper or film.
- ☒ The size of the map can be 8½ x 11 inches, 8½ x 14 inches, or up to 30 x 30 inches. For 30 x 30 inch maps, three (3) paper copies and an electronic copy in a .pdf, .tiff or .jpg format are 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) and county tax lot numbers are required.
- ☒ 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.
- ☒ Authorized 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.
- ☒ Actual, current point of diversion/appropriation. Show the 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").
- ☒ 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 If for more than one actual, current point of diversion/appropriation, separate hachuring is needed for each place of use served by each point of diversion/appropriation, including the 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.

Part 4 of 5 – Applicant Information and Signature

Applicant Information

Note: Applicant must be an INDIVIDUAL, as defined by OAR 690-380-2120, that is "a natural person and does not include a government body, organization, business enterprise, or other such entity."

APPLICANT/BUSINESS NAME JANET OLIVER		PHONE NO. 541-742-5515	ADDITIONAL CONTACT NO.
ADDRESS 38594 SUNNY DELL		FAX NO.	
CITY HALFWAY	STATE OR	ZIP 97834	E-MAIL doliver@pinetel.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		PHONE NO.	ADDITIONAL CONTACT NO.
ADDRESS		FAX NO.	
CITY	STATE	ZIP	E-MAIL
BY PROVIDING AN E-MAIL ADDRESS, CONSENT IS GIVEN TO RECEIVE ALL CORRESPONDENCE FROM THE DEPARTMENT ELECTRONICALLY. COPIES OF THE FINAL ORDER DOCUMENTS WILL ALSO BE MAILED.			

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

I HAVE BEEN USING THE WATER FROM THE WRONG POD FOR 40 YEARS.

If you need additional space, continue on a separate piece of paper and attach to the application as "Attachment 1".

By signing this application, I understand that prior to Department approval of the historic change in point of diversion/appropriation, I will be required to provide landownership information and evidence that I am authorized to pursue the change as identified in OAR 690-380-4010(5).

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


Janet L. Oliver Janet L. Oliver 5/24/23
 Applicant signature Print Name (and Title if applicable) Date

 Applicant signature Print Name (and Title if applicable) 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.

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Part 3 of 5 — Fee Worksheet

FEE WORKSHEET for HISTORIC POD/POA TRANSFER			
1	Base Fee (includes Historic POD change to one water right for up to 1 cfs)	1	\$1,360
	Number of water rights included in transfer _____ (2a) Subtract 1 from the number in 2a above: _____ (2b) <i>If only one water right this will be 0</i>		
2	Multiply line 2b by \$610 and enter » » » » » » » » » » » » » » » » » »	2	
	Do you propose to add or change a well, or change from a surface water POD to a well? ☐ No: enter 0 ☐ Yes: enter \$480 for the 1 st well to be added or changed _____ (3a) Do you propose to add or change additional wells? ☐ No: enter 0 ☐ Yes: multiply the number of additional wells by \$410 _____ (3b)		
3	Add line 3a to line 3b and enter » » » » » » » » » » » » » » » » » »	3	
4	Add entries on lines 1 through 3 above » » » » » » » » Transfer Fee:	4	

☐ Check this box if this project is fully or partially funded by the American Recovery and Reinvestment Act. (Federal stimulus dollars)

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At this time, are the lands in this 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:

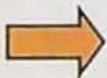
<http://www.oregon.gov/owrd/docs/transfer-propertytransactions.pdf>

RECEIVING LANDOWNER NAME			PHONE NO.	ADDITIONAL CONTACT NO.
ADDRESS				FAX NO.
CITY	STATE	ZIP	E-MAIL	

Describe any special ownership circumstances here: _____

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

ENTITY NAME	ADDRESS	
CITY	STATE	ZIP



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

ENTITY NAME BAKER COUNTY	ADDRESS 1995 3 RD ST.	
CITY BAKER CITY	STATE OR	ZIP 97814
ENTITY NAME	ADDRESS	
CITY	STATE	ZIP

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Part 5 of 5 – Water Right Information

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

CERTIFICATE # 10427

Description of Water Delivery System

System capacity: 25 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. THE H.K. OLIVER DITCH IS DIVERTED FROM E. PINE CR - THRU OPEN DITCH - CARRIED TO MY PROPERTY WHERE I FLOOD IRRIGATE.

Table 1. Location of Authorized and Current 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 the Current POD/POA that has been used for more than 10 years?	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)
<u>OLIVER SULLIVAN</u>	☒ Authorized ☐ Current		<u>8S</u>	<u>46E</u>	<u>4</u>	<u>SW SE</u>		<u>NONE GIVEN</u>
<u>H.K. OLIVER</u>	☐ Authorized ☒ Current	<u>3.3 miles upstream</u>	<u>7S</u>	<u>46E</u>	<u>29</u>	<u>SW NE</u> <u>SE NW</u>		<u>44.917609</u> <u>-117.108155</u>
	☐ Authorized ☐ Current							
	☐ Authorized ☐ Current							

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

- ☐ Point of Diversion (POD)
 ☒ Additional Point of Diversion (APOD)
 ☐ Point of Appropriation/Well (POA)
 ☐ Additional Point of Appropriation (APOA)

Will the historic change in point of diversion/appropriation affect the entire water right?

- ☐ Yes Complete only the proposed section of Table 2 on the next page.
☒ No Complete all of Table 2 to describe the portion of the water right to be changed.

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Please use and attach additional pages of Table 2 as needed. Do you have questions about how to fill-out the tables? See page 5 for instructions, or contact the Department at 503-986-0900 and ask for Transfer Staff.

Table 2. Description of Changes to Water Right Certificate # 10427

List only the part of the right that will be changed. For the acreage in each $\frac{1}{4}$ %, list the change proposed. If more than one actual, current POD/POA, specify the acreage associated with each actual, current POD/POA.

[illegible]

Additional remarks:

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14257-

STATE OF OREGON

COUNTY OF BAKER

CERTIFICATE OF WATER RIGHT

This is to Certify, That. JOSEPH D. OLIVER

of Halfway, State of Oregon, has a right to the use of
the waters of East Pine Creek

for the purpose of Irrigation of 40.0 acres, domestic and stock use,

and that said right has been confirmed by decree of the Circuit Court of the State of Oregon for
Baker County, and the said decree entered of record at Salem, in the Order
Record of the STATE ENGINEER, in Volume 11, at page 235; that the priority
of the right thereby confirmed dates from 1882;

that the amount of water to which such right is entitled, for the purposes aforesaid, is limited to an
amount actually beneficially used for said purposes, and shall not exceed one-fortieth of a cubic
foot per second per acre, measured at the point of diversion, and a total limita-
tion of one acre-foot per acre during July, one acre-foot per acre during August,
and one-half acre-foot per acre during September, of each year.

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

I
25.0

15.0 acres in SW $\frac{1}{4}$ SW $\frac{1}{4}$
25.0 acres in SE $\frac{1}{4}$ SW $\frac{1}{4}$
Section 5,
Township 8 South, Range 46 East, W. M.

RR
15.0
2

AND said right shall be subject to all other conditions and limitations
contained in said Decree.

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

WITNESS the signature of the State Engineer,

affixed this 18th day
of October, 1935.

CHAS. E. STRICKLIN

State Engineer.

Recorded in State Record of Water Right Certificates, Volume 10, page 10,427.

THIS MAP WAS PREPARED FOR
ASSESSMENT PURPOSE ONLY

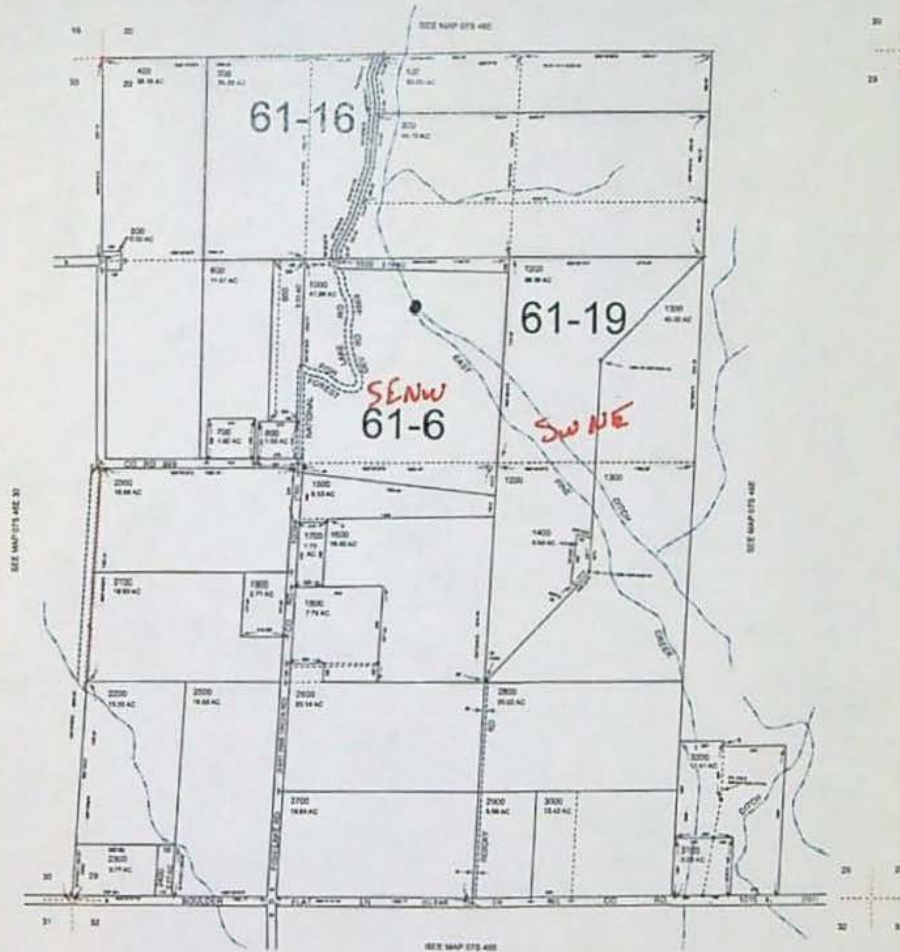
0 100 200 300 Feet

SECTION 29 T.7S. R.46E. W.M.
BAKER COUNTY
1" = 400'

07S46E29

Cancelled
1981
2001

• H.K OLIVER -
44.917609
-117.108155



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MAY 30 2023
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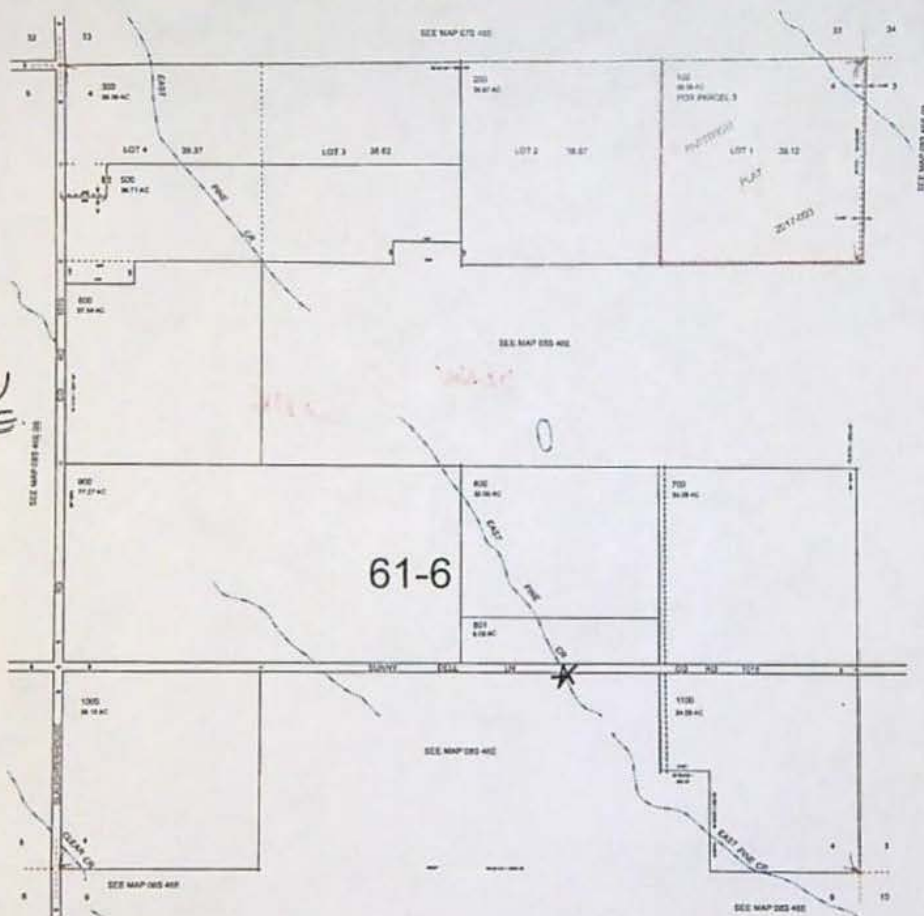
07S46E29

14257 -

Figure 1 is a line graph showing the change in the number of individuals in the population of the common carp (*Cyprinus carpio*) over time. The x-axis represents time in years (0 to 100), and the y-axis represents the number of individuals (0 to 1000). The population starts at approximately 100 individuals at year 0, increases to about 200 at year 20, and then fluctuates between 200 and 400 individuals until year 100.

08S46E04

Continued



* AUTH POD
OLIVER SULLIVAN
FROM DECREE.

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Raymond, TX
05/15/2017

08S46E04

14257 -

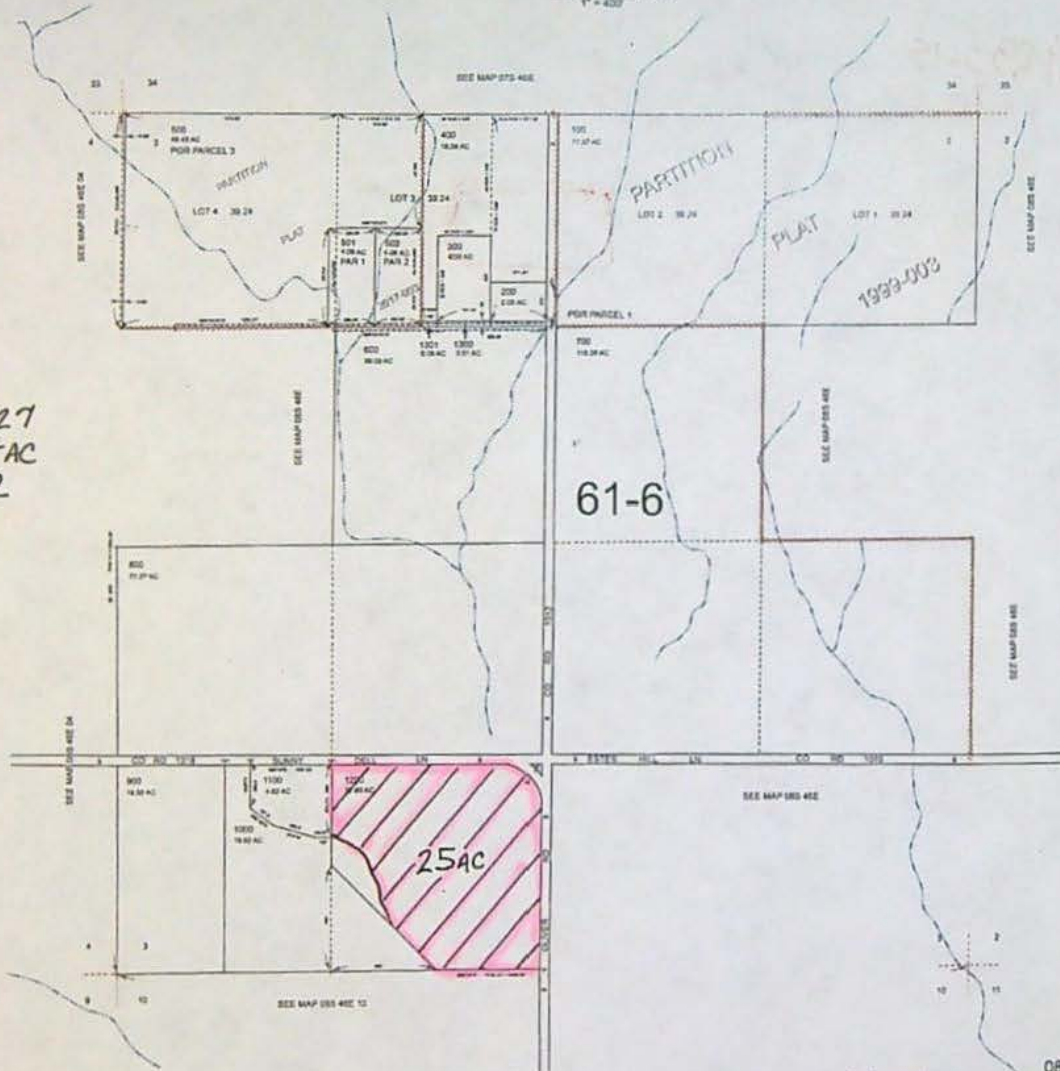
ASSESSMENT PURPOSE ONLY



SECTION 3 1.00 N. 40.00 E. 11.00 W.
BAKER COUNTY
1" = 400'

08S46E03

 C-10427
25[±] AC
1882



RECEIVED
MAY 30 2023
OWRD

Revised: TK
08/15/2017

08S46E03

14257-

Does not meet evidence of use
criteria - past 5 years

Buildings should
be removed from
acreage



Does not meet EOU criteria - past 5 years





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

September 28, 2023

JANET OLIVER
38594 SUNNY DELL
HALFWAY, OR 97834

Reference: Application for Historic Change in Point of Diversion T-14257

The Department has completed a full review of your application for a historic change in point of diversion (POD). Unfortunately, the Department will not be able to continue processing T-14257.

Upon review from the Oregon Department of Fish and Wildlife (ODFW), ODFW has determined that Instream Water Right Certificate 97025 exists within the reach of your proposed historic change in POD. Certificate 97025 authorizes the use of water for migration, spawning, egg incubation, fry emergence, and juvenile rearing of rainbow trout. Because the historical POD is upstream from the authorized POD in East Pine Creek, ODFW has determined that there is potential for injury to the instream water right.

Currently, there is no legal mechanism for the Department to request Consent to Injury from ODFW on a Historic Change in Point of Diversion. Therefore, the only path forward is for you to submit a Request to Withdraw T-14257 and submit an Application for Permanent Water Right Transfer.

If the Department does not receive a Request to Withdraw T-14257 by November 8, 2023, a Final Order shall be issued denying the application for potential injury to an instream water right.

Please do not hesitate to contact me, at corey.a.courchane@water.oregon.gov or (503) 979-3917, if I may be of assistance.

Sincerely,

Corey Courchane
Allocation of Conserved Water
Transfer and Conservation Section

cc: Transfer Application T-14257
Marcy Osborn, Watermaster District 8 (via e-mail)

BAUSTIAN Julie C * WRD

From: SMITH Jorden D * ODFW
Sent: Thursday, July 27, 2023 4:40 PM
To: WRD_DL_transferreviews
Cc: FAUCERA Danette L * ODFW
Subject: RE: T-14257 ODFW Transfer Review

Good afternoon,

My apologies, I did not realize there was a separate review form for historical transfers. Please disregard the section of my review about injured ISWRs.

That being said, would anyone be able to answer the questions highlighted below relevant to the injury of ISWRs through historical transfers? The statute language is included for reference.

540.532 Request for change in point of diversion to reflect historical use; requirements.

(1) Notwithstanding ORS 537.797, 540.510, 540.520 and 540.530, an individual may request a change in the point of diversion to reflect the historical use of water at a point of diversion other than that described in the water right certificate or decree if the individual complies with the provisions of subsection (2) of this section.

(2) An individual may request a change in the point of diversion under subsection (1) of this section if:

(a) The actual, current point of diversion has been in use for more than 10 years;

(b) The Water Resources Department has received no claim of injury as a result of the use of water from the current point of diversion prior to the request for the change of diversion;

Would WRD ever file a claim of injury for an ISWR held in trust in their name? Could regulation history for the ISWR be used to show injury?

(c) The individual requesting the change provides written notice to any other affected water right holder, as identified by the Water Resources Department, and the Water Resources Department provides notice of the request in the department's public notice of water right applications; and

What can affected water right holders (including WRD for ISWRs) do if they feel there is injury at the time of the request? Claim of injury needs to be prior to the request for the change per (b). How does WRD address public comment, potentially including our injury statement in the email body?

(d) The individual provides a map of sufficient detail and clarity to identify the true point of diversion including but not limited to:

(A) The county tax lot number, township, range and section, and to the nearest quarter-quarter section or latitude and longitude as established by a global positioning system; and

(B) The locations of the point of diversion as specified in the water right certificate or decree and the actual, current point of diversion.

(3) Upon receipt of a request for a change in the point of diversion under subsection (1) of this section, the Water Resources Department shall consult with the State Department of Fish and Wildlife to determine whether the historical point of diversion is:

(a) Equipped with an appropriate fish screening or by-pass device; or

(b) Included on the priority list of screening projects established pursuant to section 8, chapter 933, Oregon Laws 1989.

(4) If the historical point of diversion is included in the priority list of screening projects established pursuant to section 8, chapter 933, Oregon Laws 1989, the Water Resources Department, after consulting with the State Department of Fish and Wildlife, may require the installation of an appropriate fish screening or by-pass device at the point of diversion.

(5) When consulting with the State Department of Fish and Wildlife, the Water Resources Department shall determine whether the installation of an appropriate fish screening or by-pass device is necessary to prevent fish from leaving the body of water and entering the diversion.

(6) Any individual who is required to install a fish screening or by-pass device under this section at a point of diversion may participate in the State Department of Fish and Wildlife's cost-sharing program for the installation of screening or by-pass devices. [1995 c.359 §3; 2007 c.625 §12]

Note: 540.532 was enacted into law by the Legislative Assembly but was not added to or made a part of ORS chapter 540 or any series therein by legislative action. See Preface to Oregon Revised Statutes for further explanation.

540.510 Appurtenancy of water to premises; restrictions on change of use, place of use or point of diversion; application for transfer of primary and supplemental water rights; right to use conserved water.

(5) The relocation of a point of diversion as necessary to follow the movements of a naturally changing stream channel does not constitute a change in point of diversion for purposes of ORS 540.520 if:

(a) The diversion point stays within 500 feet of the point of diversion on record with the Water Resources Department;

(b) The change does not move the diversion point upstream or downstream beyond the diversion point of another appropriator; and

Where would the POD be for an ISWR? The reach? Is WRD considered an appropriator of an ISWR?

(c) The diversion is provided with a proper fish screen, if requested by the State Department of Fish and Wildlife.

Thank you!

Jorden Smith

Hydro & Water Rights Coordinator

East Region

Cell: (541)805-1990

Fax: (541)963-6670

From: SMITH Jorden D * ODFW

Sent: Monday, July 24, 2023 12:30 PM

To: WRD_DL_transferreviews <WRD_DL_transferreviews@water.oregon.gov>

Subject: T-14257 ODFW Transfer Review

Thanks!

As an FYI - I never received an email notification about this transfer. I just happened to see it on the pending list on the website.

Best,

Jorden Smith

Hydro & Water Rights Coordinator

East Region

Cell: (541)805-1990

Fax: (541)963-6670

Watermaster Review Form: Water Right Transfer



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

Transfer Application: T-14257

Review Due Date: 07/21/2023

Applicant Name: Janet Oliver

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

Reviewer(s): Marcy Osborn

Date of Review: 07/21/2023

1. Do you have evidence that the right has not been used in the last 5 years and that the presumption of forfeiture would not likely be rebuttable? ☐ Yes ☒ No If "Yes", attach evidence (e.g. dated aerial photo showing pavement or building on the land for >5 yrs.)
2. Is there a history of regulation on the source that serves this (or these) right(s) that has involved the transferred right(s) and downstream water rights? ☒ Yes ☐ No Generally characterize the frequency of any regulation or explain why regulation has not occurred:
Pine Creek is heavily regulated every year.
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:
She has been using this ditch for over 10 years with no complaint of injury.

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

☒ N/A

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

☒ N/A

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

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

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

10. For POU or USE changes: ☒ N/A In your best judgment, would use of the existing right at "full face value," result in the diversion of more water than can be used beneficially and without waste?

☐ Yes ☐ No If "Yes", explain:

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

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

☐ Yes ☐ No If "Yes", explain:

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

☐ Yes ☒ No If "Yes", answer the following:

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

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

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

- iv. Do you have any other observations regarding the temporary transfer? ☐ Yes ☐ No If "Yes", describe:

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

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

- i. "Injury" will occur to other water rights that share the same source? ☒ Yes ☐ No If "Yes", explain:

There is an instream water right, C-97023.

- 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:

The landowner may be part of the PVIA (Pine Valley Irrigation Association) which made a settlement agreement with ODFW.

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

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

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

☐ A Headgate should be required prior to diverting water.

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

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

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

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

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

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

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

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

☒ Weir
☐ Parshall Flume
☐ Other: _____

☐ Submerged Orifice
☐ Flow Restrictor

Oregon Water Resources Department

Measurement Condition Information for the Applicant

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

Transfer #: T- 14257

- ☒ In order to avoid enlargement of the right or injury to other rights, a **weir** 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: Marcy Osborn

District: 8

Address: 39155 Pocahontas Rd.

City/State/Zip: Baker City, OR 97814

Phone: 541-519-6395

Email: marcy.j.osborn@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 Department of Fish and Wildlife
Water Right and Diversion Transfer Comment Form

(ODFW provides to WRD so that WRD can make findings according to statutory requirements.)

Reference Transfer #: T-14257

Date of review: 07/24/2023

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

☒ The Oregon Department of Fish and Wildlife (ODFW) believes this proposed transfer may injure an instream water right(s) on East Pine Creek, tributary to Pine Creek, because the historical POD is upstream from the authorized POD within a section of East Pine Creek covered by instream water rights MF 237 and Cert 97025.

(Please attach any available supporting information.)

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

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

☐ **1. Screen Maintain**

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

Note: This option will yield the following:

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

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

☒ **2. Screen Now**

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

Note: This option will yield the following:

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

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

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

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

☐ **3. Screen 2 Year**

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

Note: This option will yield the following:

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

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

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

☐ **4. Screen Future**

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

Note: This option will yield the following:

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

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

☐ **5. No Screen Needed**

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

Jorden D Smith

Digitally signed by Jorden D Smith
Date: 2023.07.24 12:26:12 -07'00'

Signature

Jorden Smith
Printed Name

(541) 805-1990

Phone

East Region Hydro and Water Rights Coordinator
Title

Oregon Department of Fish and Wildlife
Additional Fish Screening and Passage Information for the Applicant
(To be completed by ODFW for WRD to provide to the applicant.)

Transfer #: T-14257

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

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

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

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

ODFW staff name: Nathaniel Ashley

Address: 357 Patterson Bridge Rd

City/State/Zip: John Day, OR 97845

Phone: (541)826-8774

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

ODFW staff name: Ethan Brandt

Address: 107 20th Street

City/State/Zip: La Grande, OR 97850

Phone: (541)962-1829



Oregon

Tina Kotek, Governor

Water Resources Department

North Mall Office Building

725 Summer St NE, Suite A

Salem, OR 97301

Phone 503 986-0900

Fax 503 986-0904

www.oregon.gov/owrd

June 6, 2023

JANET OLIVER
38594 SUNNY DELL RD
HALFWAY, OR 97834

Reference: Application T- 14257

On June 6, 2023, OWRD received your water right application for an Historic POD Transfer. The application was accompanied by \$1360.00. Our receipt number 140833 is enclosed.

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

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

Please 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. #8, Marcy J. Osborn (via email)
BAKER COUNTY

Enclosure

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

RECEIVED
MAY 30 2023
OWRD

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

State of Oregon)
County of BAKER) ss

I, JANET L. OLIVER, in my capacity as OWNER
mailing address 38594 SUNNY DELL, HALFWAY, OR 97834
telephone number (541) 742-5515, 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

2. I attest that:

☐ Water was used during the previous five years on the entire place of use for
Certificate # _____; OR

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

Certificate #	Township	Range	Mer	Sec	¼ ¼	Gov't Lot or DLC	Acres (if applicable)
10427	8 S	46 E	WM	3	SESW		25 AC

OR

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

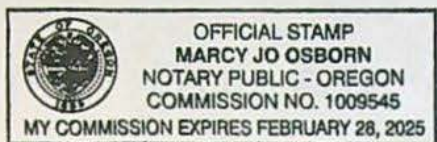
(continues on reverse side)

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

Janet L. Osborn
Signature of Affiant

May 24, 2023
Date

Signed and sworn to (or affirmed) before me this 24 day of MAY, 2023



Marcy Jo Osborn
Notary Public for Oregon

My Commission Expires: 2/28/2025

Supporting Documents	Examples
☐ Copy of a water right certificate that has been issued within the last five years. (not a remaining right certificate) ☐ Copies of receipts from sales of irrigated crops or for expenditures related to use of water	Copy of confirming water right certificate that shows issue date • Power usage records for pumps associated with irrigation use • Fertilizer or seed bills related to irrigated crops • Farmers Co-op sales receipt
☐ Records such as FSA crop reports, irrigation district records, NRCS farm management plan, or records of other water suppliers	• 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
☒ 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
☐ Approved Lease establishing beneficial use within the last 5 years	Copy of instream lease or lease number

RECEIVED

MAY 30 2023

OWRD

Application for Water Right
Historic POD/POA Transfer
Watermaster Statement



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

I, MARCY OSBORN, Watermaster of District 8

state that to my knowledge, there has been no claim of injury due to use of an historic point of
diversion/appropriation for Certificate 10427

from EAST PINE CREEK located as follows:
(source)

RECEIVED

MAY 30 2023

OWRD

By Township, Range Section and distances from a Survey Corner:

Twp	Rng	Mer	Sec	Q-Q	DLC	GLot	Measured Distances
		W.M.					

OR

☒ by GPS coordinates: Latitude: 44.917609
Longitude: -117.108155

OR

☐ as shown on the attached map.

Marcy J. Osborn
Signature

5/24/23
Date

Land Use Information Form



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

Applicant(s): Janet L. Oliver

Mailing Address: 38594 Sunny Dell Lane

City: Halfway

State: OR

Zip Code: 97834

Daytime Phone: 541-742-5515

A. Land and Location

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

Township	Range	Section	¼ ¼	Tax Lot #	Plan Designation (e.g., Rural Residential/RR-5)	Water to be:			Proposed Land Use:
<u>BS</u>	<u>46E</u>	<u>3</u>	<u>SESW</u>	<u>1200</u>	<u>EFU</u>	☐ Diverted	☒ Conveyed	☒ Used	<u>IRR</u>
—	—	—	—	—	—	☐ Diverted	☐ Conveyed	☐ Used	—
—	—	—	—	—	—	☐ Diverted	☐ Conveyed	☐ Used	—
—	—	—	—	—	—	☐ Diverted	☐ Conveyed	☐ Used	—

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

BAKER COUNTY

B. Description of Proposed Use

Type of application to be filed with the Water Resources Department:

- ☐ Permit to Use or Store Water
 ☒ Water Right Transfer
 ☐ Permit Amendment or Ground Water Registration Modification
☐ Limited Water Use License
 ☐ Allocation of Conserved Water
 ☐ Exchange of Water

Source of water: ☐ Reservoir/Pond ☐ Ground Water ☒ Surface Water (name) E. Pine Cr.

Estimated quantity of water needed: 625 ☒ cubic feet per second ☐ gallons per minute ☐ acre-feet

Intended use of water: ☒ Irrigation ☐ Commercial ☐ Industrial ☐ Domestic for _____ household(s)
☐ Municipal ☐ Quasi-Municipal ☐ Instream ☐ Other _____

Briefly describe:

TRANSFERRING MY POINT OF DIVERSION TO REFLECT HISTORICAL USE TO USE THE OLIVER SULLIVAN DITCH : H.K. OLIVER DITCH.

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

See bottom of Page 3. →

For Local Government Use Only

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

Please check the appropriate box below and provide the requested information

- ☒ Land uses to be served by the proposed water uses (including proposed construction) are allowed outright or are not regulated by your comprehensive plan. Cite applicable ordinance section(s): BC20 Section 4D.02.A
- ☐ Land uses to be served by the proposed water uses (including proposed construction) involve discretionary land-use approvals as listed in the table below. (Please attach documentation of applicable land-use approvals which have already been obtained. Record of Action/land-use decision and accompanying findings are sufficient.) **If approvals have been obtained but all appeal periods have not ended, check "Being pursued."**

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

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

RECEIVED

MAY 30 2023

OWRD

Name: Tara L Micka Title: Senior Planner

Signature: Tara L Micka Phone: 541-523-8219 Date: 5/24/2023

Government Entity: Baker City-Co. Planning Dept.

Note to local government representative: Please complete this form or sign the receipt below and return it to the applicant. If you sign the receipt, you will have 30 days from the Water Resources Department's notice date to return the completed Land Use Information Form or WRD may presume the land use associated with the proposed use of water is compatible with local comprehensive plans.

Receipt for Request for Land Use Information

Applicant name: _____

City or County: _____ Staff contact: _____

Signature: _____ Phone: _____ Date: _____

Janet Oliver Property

Legend
Feature 1

ummy Dell Ln

Google Earth

1000 ft

N

Janet Oliver Property

Legend

Feature 1

Sunny Dell Ln



Google Earth

Image: USDA/FFA © GEO

RECEIVED

MAY 30 2023

OWRD

1000 ft

14257 -

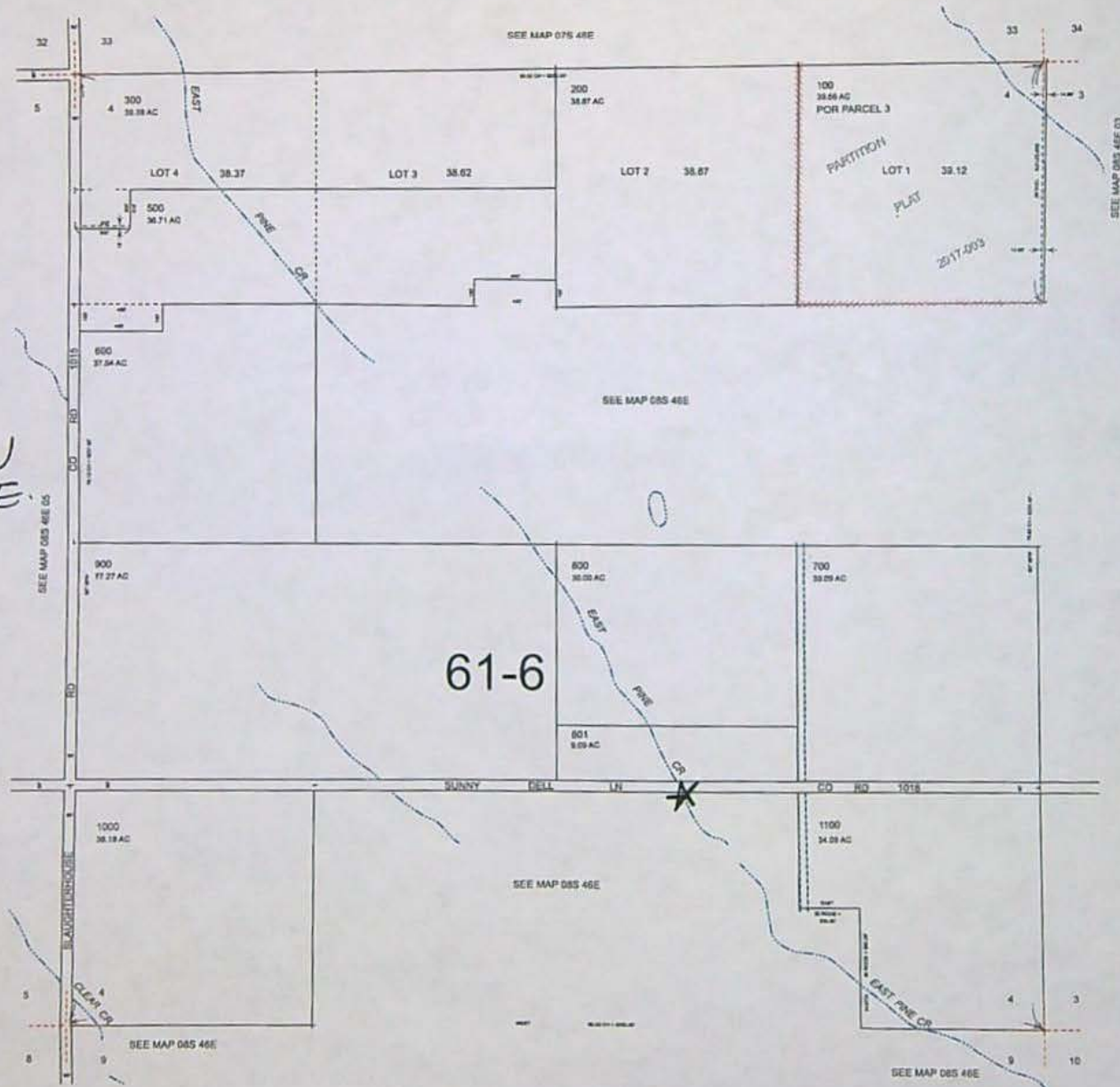
THIS MAP WAS PREPARED FOR
ASSESSMENT PURPOSE ONLY

0 200 400 600 800 Feet

SECTION 4 T.8S. R.46E. W.M.
BAKER COUNTY
1" = 400'

08S46E04

Cancelled
400



★ AUTH POD
OLIVER SULLIVAN
FROM DECREE

RECEIVED
MAY 30 2023
OWRD

Revised: TK
09/15/2017

08S46E04

14257 -

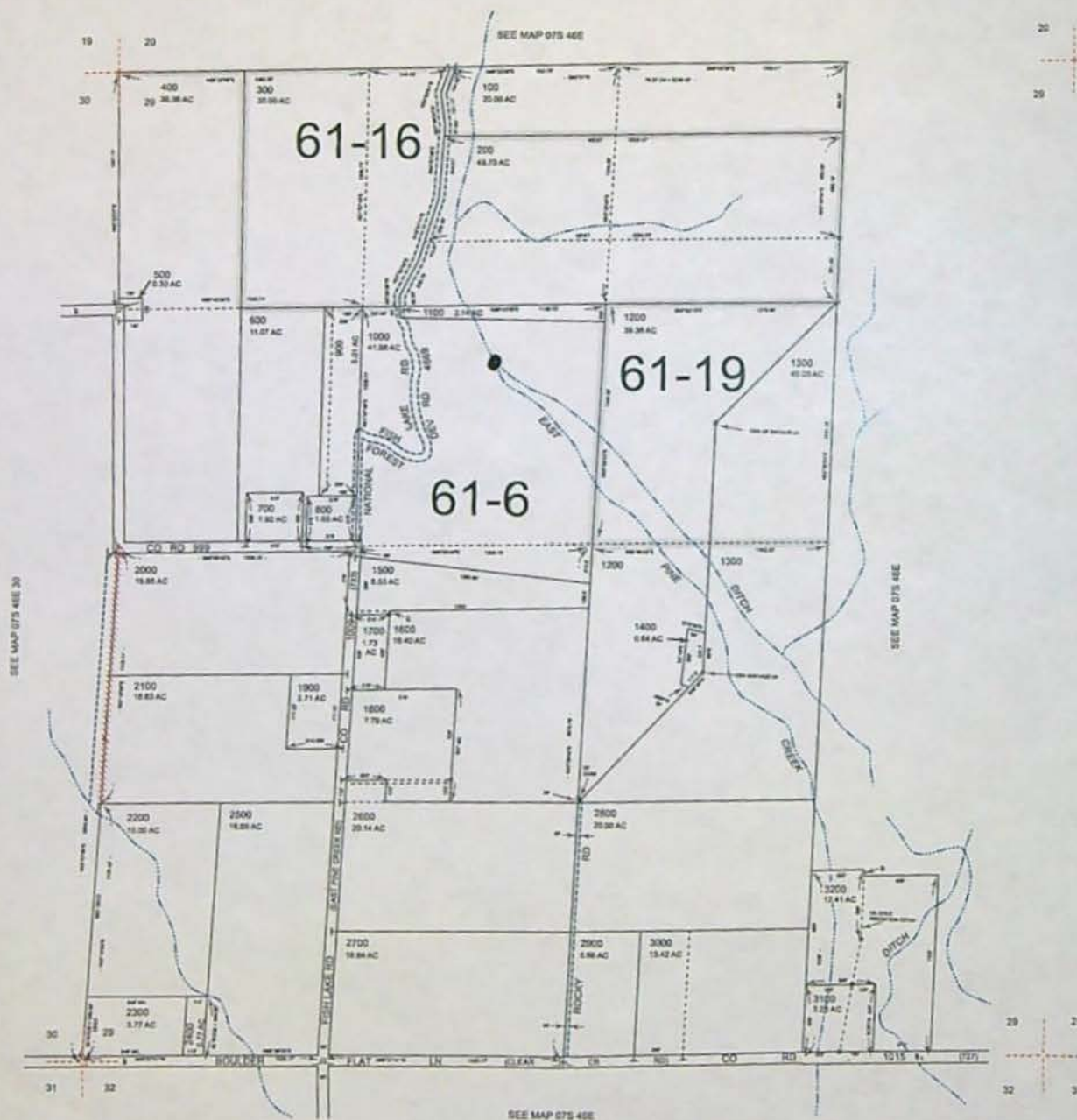
THIS MAP WAS PREPARED FOR
ASSESSMENT PURPOSE ONLY

0 200 400 600 800 Feet

SECTION 29 T.7S. R.46E. W.M.
BAKER COUNTY
1" = 400'

07S46E29

Cancelled
1801
2001



• H.K OLIVER -
44,917609
-117,108155

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MAY 30 2023
OWRD

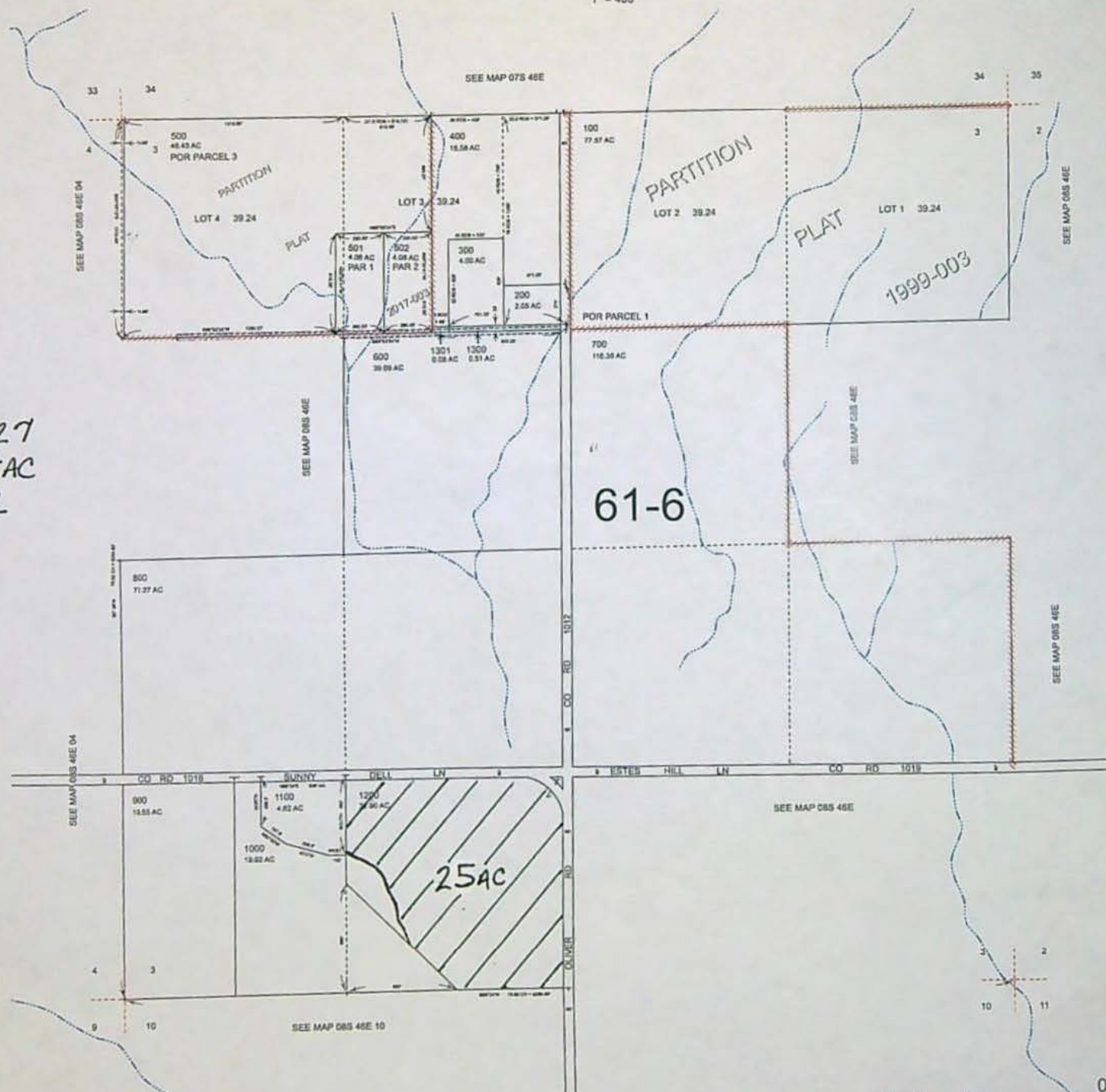
Revised: DBJ
08/31/2010

07S46E29

14257 -



C-10427
25th AC
1882



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MAY 30 2023
OWRD

Revised: TK
09/15/2017

08S46E03

14257-

Oregon Water Resources Department
Transfer Fee Calculation for Historic POD/POA Transfer

[Main](#) [Help](#)
[Return](#) [Contact Us](#)

Today's Date: Tuesday, May 16, 2023	Fee Calculation
Base fee (includes Historic POD/POA change to one water right).	\$1,360.00
Fill in information below-- Check each box that applies.	
Enter total number of water rights included in application. 1	\$0.00
☐ Check this box if you propose to add or change a well location, or change from a surface water POD to a well.	
Enter total number of groundwater wells (POAs) included in transfer. 0	\$0.00
Historic POD/POA Transfer Fee	\$1,360.00
Return to Edit Clear	

RECEIVED

MAY 30 2023

OWRD

CR # 7830
5/24/23

Historic Change in POD/POA Water Right Transfer Application Completeness Checklist

Checked by: Scott

Date: 6/2/23

(If OK, check box to left; if not, fill in the blank)

- ☒ 1. Page 1 of application: Are all attachments that have been checked actually included?
If not, what is missing? _____
- ☒ 2. Does the attached local "Watermaster Statement" indicate that, based upon the watermaster's knowledge and Department records, no complaint of injury has been made due to use of water at the actual, current point of diversion or appropriation (i.e., the historic POD/POA)?
- If **NO**, a complaint of injury has NOT been made – proceed to Item #3.
 - If **YES**, a complaint of injury has been made – **STOP!**
The application does **not** meet the criteria for ORS 540.532 (OAR 690-380-2120).
→ Return the application/fees and direct the applicant to *instead* use the standard POD/POA change Transfer Application and process under ORS 540.520 & 540.530 (OAR 690-380-2110).
- ☒ 3. Is the applicant an "individual" as required by ORS 540.532 and defined in OAR 690-380-2120(7)?
- If **YES**, the applicant is an "individual" – proceed to Item #4.
 - If **NO**, the applicant is not an "individual" – **STOP!**
The application does **not** meet the criteria for ORS 540.532 and OAR 690-380-2120(7).
→ Return the application/fees and direct the applicant to *instead* use the standard POD/POA change Transfer Application and process under ORS 540.520 & 540.530 (OAR 690-380-2110).
- ☒ 4. Are fees included and correct? yes
If not, the correct fee would be: _____, so the amount missing is: _____
- ☒ 5. Page 3 of application: Have all the applicants listed at the top of the page signed at the bottom?
If not, whose signature is missing? _____
- ☒ 6. Are all listed certificates or permits shown by WRIS as non-cancelled?
If not, which are cancelled? _____
For each cancelled certificate, if there has been a remaining right certificate issued that covers the lands in the left side of Table 2, list its number _____ and check the #4 box at left on this checklist.
- ☒ 7. If any certificate is in the name of a "district", is a Supplemental Form D from that district enclosed?
☒ N/A ☐ Form D needed from _____ (district)
8. If all #1-#7 boxes on this checklist are checked, accept the application. Put this check sheet in the transfer folder. If #1, #2, #3, #4, #5, #6 or #7 on this checklist is deficient, the application cannot be accepted. It should be returned and the deficiencies listed in the "staff" section at the bottom of Application Page 1, unless the applicant or agent can resolve the deficiencies within 2-3 days.