

Regular

RA

Name Phillip & Penelope Knight

Address 34145 SW Clarendon in Hillsboro OR 97123

Change in POU use, POU

Date Filed 1/24/2022

Initial notice date 2/8/2022

DPD issued date \_\_\_\_\_

PD issued date \_\_\_\_\_

PD notice date \_\_\_\_\_

Date of FO \_\_\_\_\_ Vol \_\_\_\_\_ Page \_\_\_\_\_

C-Date \_\_\_\_\_

COBU due date \_\_\_\_\_

COBU Received date \_\_\_\_\_

Certificate issued \_\_\_\_\_

DESCRIPTION OF WATER RIGHT(S)

Name of Stream Crooked river

Trib. of Deschutes

Use Irrigation County Crook

Quantity of water (CFS) \_\_\_\_\_ No. of Acres \_\_\_\_\_

Name of ditch \_\_\_\_\_

App# Decree Per # Crooked river Cert # 83732 PR Date 12/31/1892

App# \_\_\_\_\_ Per # \_\_\_\_\_ Cert # \_\_\_\_\_ PR Date \_\_\_\_\_

App# \_\_\_\_\_ Per # \_\_\_\_\_ Cert # \_\_\_\_\_ PR Date \_\_\_\_\_

App# \_\_\_\_\_ Per # \_\_\_\_\_ Cert # \_\_\_\_\_ PR Date \_\_\_\_\_

App# \_\_\_\_\_ Per # \_\_\_\_\_ Cert # \_\_\_\_\_ PR Date \_\_\_\_\_

FEES PAID		
Date	Amount	Receipt #
1-24-2022	\$3540. <sup>00</sup>	137305
1-24-2022	\$125. <sup>00</sup>	137306
3-7-2022	\$1,549. <sup>89</sup>	137625

FEES REFUNDED		
Date	Amount	Receipt #

Assignments: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Irrigation District Central Oregon Irrigation district

Agent John Short johnshort@duesa.com

CWRE \_\_\_\_\_

CC's list Jefferson county community development

- Oversized map - Location

**WATER RIGHT TRANSFER COVER SHEET**

Transfer: T- 13897

Transfer Specialist: *B*

Transfer Type: Regular Transfer

*LA*

<b>Applicant:</b> PHILIP KNIGHT 34645 SW CLOUDREST LANE HILLSBORO, OR 97123 Email: _____ Phone: _____	<b>Agent:</b> <input type="checkbox"/> N/A JOHN A. SHORT PO BOX 1830 BEND, OR 97709 Email: _____ Phone: _____
<b>Irrigation District:</b> <input type="checkbox"/> N/A Central Oregon Irrigation District Email: _____	<b>CWRE:</b> <input type="checkbox"/> N/A Email: _____
<b>Affected Local Gov'ts:</b> <input type="checkbox"/> N/A Jefferson County Community Development Email: _____	<b>Affected Tribal Gov't:</b> <input type="checkbox"/> N/A UNAVAILABLE Email: _____
<b>Current Landowner if other than Applicant:</b> <input type="checkbox"/> N/A Email: _____	<b>Receiving Landowner:</b> <input type="checkbox"/> N/A Email: _____

**Water Rights Affected**

File Marked	App. File # or Decree Name	Permit	Certificate	RR/CR Needed	RR/CR Nos.
<input type="checkbox"/>	DECREE <i>1892</i>	CROOKED RIVER	<i>83732</i> <i>7</i>	<input type="checkbox"/> Yes <input type="checkbox"/> No	
<input type="checkbox"/>				<input type="checkbox"/> Yes <input type="checkbox"/> No	
<input type="checkbox"/>				<input type="checkbox"/> Yes <input type="checkbox"/> No	

**Key Dates & Initial Actions:**

Rec'd: January 24, 2022	Proposed Action(s): POINT OF DIVERSION; PLACE OF USE; USE	
Fees Pd: 3540.00	WM District: 11	ODFW District:
Initial Public Notice: February 8, 2022	WM Review sent: <i>626 - NEW</i>	ODFW Review sent:
Acknowledgement Letter Sent <input checked="" type="checkbox"/>		GW Review sent: <input checked="" type="checkbox"/> N/A
County sent cc: of Ack Letter <input type="checkbox"/>	BOR notified (date): <i>COLD</i> <input type="checkbox"/> N/A	<i>Bend Bulletin</i>
Newspaper quote requested:	Request for news \$ sent:	News \$ received:
Request to publish sent:	Affidavit of publication received:	Last day of publication:

Document	Drafted	Peer Review	Changes Made	Coordinator	Changes Made	Signature Bin	Signature Date
DPD	Date: _____ Initials: _____	CW Sent: _____	N/A				
PD	Date: _____ Initials: _____	Date: _____	Date: _____				
FO	Date: _____ Initials: _____	Date: _____	Date: _____				

Special Issues: *COLD conditions - see letter*

Special Order Volume: Vol. \_\_\_\_\_ Pages \_\_\_\_\_

## Regular Transfer Review Checklist

T- 13892

Caseworker: B

TYPE OF TRANSFER	
<input checked="" type="checkbox"/>	POD, APOD or POA, APOA and/or Place of Use (690-380-2110 and 690-380-2200)
Transfers Requiring Supplemental Review Criteria	
<input type="checkbox"/>	Character of Use (690-380-2300)
<input type="checkbox"/>	Instream, ORS 537.348, (690-380-2200, 690-380-2300 and 690-077-065 thru 075)
<input type="checkbox"/>	Consent to Injury of Instream (CTI) ORS 540.530, (690-380-5050)
<input type="checkbox"/>	Surface Water to Ground Water (SW to GW), ORS 540.531, (690-380-2130)
<input type="checkbox"/>	Supplemental Use to Primary Use (S to P), ORS 540.524, (690-380-2320)
<i>If transfer type not listed above, see separate checklists</i>	

83232 FILE PREPARATION																							
<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 20px; text-align: center;">CW</td> <td><input type="checkbox"/> File Assigned (Computer Entry)</td> </tr> <tr> <td style="text-align: center;"><input type="checkbox"/></td> <td>Is transfer within a district boundary? <input type="checkbox"/> Yes   <input type="checkbox"/> No <i>If yes, attach "Supplemental Processing Checklist for Transfers with a District" for additional required information.</i></td> </tr> <tr> <td style="text-align: center;"><input checked="" type="checkbox"/></td> <td>Make Copies and Place in Working File: <input type="checkbox"/> Application   <input type="checkbox"/> Map</td> </tr> <tr> <td style="text-align: center;"><input checked="" type="checkbox"/></td> <td>Verify all Certificates/Permits are shown in WRIS to be non-cancelled <input type="checkbox"/> Print Certificates and Place in Working File</td> </tr> <tr> <td style="text-align: center;"><input checked="" type="checkbox"/></td> <td>Add Working file to T-file</td> </tr> <tr> <td style="text-align: center;"><input checked="" type="checkbox"/></td> <td>Check Public Comments <a href="https://apps.wrd.state.or.us/apps/wr/wr_public_comment_mgmt/default.aspx">https://apps.wrd.state.or.us/apps/wr/wr_public_comment_mgmt/default.aspx</a></td> </tr> </table>	CW	<input type="checkbox"/> File Assigned (Computer Entry)	<input type="checkbox"/>	Is transfer within a district boundary? <input type="checkbox"/> Yes <input type="checkbox"/> No <i>If yes, attach "Supplemental Processing Checklist for Transfers with a District" for additional required information.</i>	<input checked="" type="checkbox"/>	Make Copies and Place in Working File: <input type="checkbox"/> Application <input type="checkbox"/> Map	<input checked="" type="checkbox"/>	Verify all Certificates/Permits are shown in WRIS to be non-cancelled <input type="checkbox"/> Print Certificates and Place in Working File	<input checked="" type="checkbox"/>	Add Working file to T-file	<input checked="" type="checkbox"/>	Check Public Comments <a href="https://apps.wrd.state.or.us/apps/wr/wr_public_comment_mgmt/default.aspx">https://apps.wrd.state.or.us/apps/wr/wr_public_comment_mgmt/default.aspx</a>	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 20px; text-align: center;">CW</td> <td>All Stakeholders accurately listed in WRIS with email addresses if available, including <input type="checkbox"/> <input checked="" type="checkbox"/> Irrigation District   <input type="checkbox"/> BOR   <input type="checkbox"/> Tribes Is this a Living Certificate? <input type="checkbox"/> Yes   <input type="checkbox"/> No <i>COID - see ltr.</i></td> </tr> <tr> <td style="text-align: center;"><input type="checkbox"/></td> <td>Double check all water rights/permits are included in WRIS under Transfer #</td> </tr> <tr> <td style="text-align: center;"><input checked="" type="checkbox"/></td> <td>Copy and Place in Working File: <i>rcvd WDM 4-28</i> <input type="checkbox"/> Watermaster Review   <input checked="" type="checkbox"/> Groundwater Review <input type="checkbox"/> ODFW Review</td> </tr> <tr> <td style="text-align: center;"><input type="checkbox"/></td> <td>Public Comments Received? <input type="checkbox"/> Yes   <input checked="" type="checkbox"/> No</td> </tr> <tr> <td style="text-align: center;"><input type="checkbox"/></td> <td>If yes, print comments and place in file <input type="checkbox"/> Timely   <input type="checkbox"/> Untimely Notes:</td> </tr> </table>	CW	All Stakeholders accurately listed in WRIS with email addresses if available, including <input type="checkbox"/> <input checked="" type="checkbox"/> Irrigation District <input type="checkbox"/> BOR <input type="checkbox"/> Tribes Is this a Living Certificate? <input type="checkbox"/> Yes <input type="checkbox"/> No <i>COID - see ltr.</i>	<input type="checkbox"/>	Double check all water rights/permits are included in WRIS under Transfer #	<input checked="" type="checkbox"/>	Copy and Place in Working File: <i>rcvd WDM 4-28</i> <input type="checkbox"/> Watermaster Review <input checked="" type="checkbox"/> Groundwater Review <input type="checkbox"/> ODFW Review	<input type="checkbox"/>	Public Comments Received? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/>	If yes, print comments and place in file <input type="checkbox"/> Timely <input type="checkbox"/> Untimely Notes:
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PR Initials

BASIC APPLICATION REVIEW and NOTICE (OAR 680-380-3000 and -4000)					
CW	N/A		CW	N/A	
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	Appropriately signed	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Check Area of Interest – Print if needed, include in WRIS stakeholder as interested party <i>COID</i>
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	All required Attachments Received	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Ditch Co., Irr. Dist and/or BOR sent copies
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	Appropriate Fees Paid	<input type="checkbox"/>	<input type="checkbox"/>	Overpayment of Fees, Refund Request w/FO
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Local Government [County] noticed Copy of Acknowledgment Letter	<input type="checkbox"/>	<input type="checkbox"/>	<u>OWRD</u> Land Use Form matches Tax Lots, is signed by proper official and is <b>APPROVED</b> N/A = Must meet all 4 criteria for exemption (OAR 690-380-3000(19))

**BASIC APPLICATION REVIEW and NOTICE (OAR 680-380-3000 and -4000) Cont'd**

CW	N/A		CW	N/A	
<input type="checkbox"/>	<input type="checkbox"/>	Supp. Form D or Letter of approval from Irrigation or Water Control District	<input type="checkbox"/>	<input type="checkbox"/>	Evidence of Use is submitted with supporting documentation
<input type="checkbox"/>	<input type="checkbox"/>	Are the supplemental water rights included in the Transfer? <input type="checkbox"/> Yes <input type="checkbox"/> No If no, are they cancelling? <input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/>		Map meets criteria of OAR 690-380-3100
<input type="checkbox"/>		Water Use Subject to Transfer (OAR 690-380-0100(14)) Is the water right(s) proposed for transfer a water use(s) subject to transfer? <input type="checkbox"/> Adjudicated or decreed <input type="checkbox"/> Certificated <input type="checkbox"/> Water use permit with CBU and proof to satisfaction issued <input type="checkbox"/> Transfer app for which an order approving change has been issued and proper proof of the completion of the change has been filed	<input type="checkbox"/>		Any application deficiencies that need to be addressed? <input type="checkbox"/> Yes <input type="checkbox"/> No Notes: _____ <i>Leaving NH in COID - see other T-files - COID woman almost coming along - Wm D'Id.</i>

PR Initials

**Reviewing the "From" and "To" Lands**  
(Use working copy of application and certificates to mark on)

CW		CW	
<input checked="" type="checkbox"/>	<b>From:</b> Only the authorized POD's/POA's and POU's involved are listed.	<input checked="" type="checkbox"/>	<b>From:</b> Application & certificate tabulations match. (Mark on appl. and cert. copies and note corrections needed)
<input checked="" type="checkbox"/>	<b>From:</b> Marked on certificate the acreage being affected and remaining by ¼ ¼.	<input checked="" type="checkbox"/>	<b>From:</b> Marked on certificate the quantity of water being transferred, cancelled, and remaining
<input checked="" type="checkbox"/>	<b>From and To:</b> Print Plat Card(s), check and note conflicts (change in pou and use only)	<input checked="" type="checkbox"/>	<b>From and To:</b> Compare water right map to Application tabulation (Table 2) to Application map for accuracy

PR Initials

**Amended Application Pages and Maps**

CW	N/A		CW	N/A	Notes/Documentation
<input type="checkbox"/>	<input type="checkbox"/>	Amended Application Pages Rec'd _____ Amended Application Map Rec'd _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Scan new pages <input type="checkbox"/> Update WRIS with new pages <input type="checkbox"/> Mark replaced pages in red with 'SUPERSEDED' and place in back of file
<input type="checkbox"/>	<input type="checkbox"/>	Did the amendment change the location of the proposed POD or POA? <input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> For POD changes, re-review from Watermaster or other documentation <input type="checkbox"/> For POA changes, re-review from GW section

**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 # 83732

**Description of Water Delivery System**

System capacity: 0.137 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 POD TO PIPELINE FOR FLOOD IRRIGATION.**

**Table 1. Location of Authorized and Proposed Point(s) of Diversion (POD) or Appropriation (POA)**  
 (Note: If the POD/POA name is not specified on the certificate, assign it a name or number here.)

POD/POA Name or Number	Is this POD/POA Authorized on the Certificate or Is it Proposed?	If POA, OWRD Well Log ID# (or Well ID Tag # L-___)	Twp		Rng		Sec		¼ ¼	Tax Lot, DLC or Gov't Lot	Measured Distances (from a recognized survey corner)
POD "OFF"	<input checked="" type="checkbox"/> Authorized <input type="checkbox"/> Proposed		14	S	14	E	20	SE	SW	100	1896' S, 1717' E OF W ¼ COR SEC 20
POD "ON"	<input type="checkbox"/> Authorized <input checked="" type="checkbox"/> Proposed		13	S	13	E	34	SE	SW	103	1250' N, 2220' E OF SW COR SEC 34

*9.27  
miles  
stream*

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

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

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

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JAN 21 2012

OWRD

13897

**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:

C-94956 IR & C-76714 IS.



Pursuant to ORS 540.510, any "layered" water use such as an irrigation right that is supplemental to a primary right proposed for transfer must be included in the transfer or be cancelled. Any change to a ground water registration must be filed separately in a ground water registration modification application.

**For Substitution (ground water supplemental irrigation will be substituted for surface water primary irrigation)**

Ground water supplemental Permit or Certificate # \_\_\_\_\_;  
Surface water primary Certificate # \_\_\_\_\_.

**For a change from Supplemental Irrigation Use to Primary Irrigation Use**

Identify the primary certificate to be cancelled. Certificate # \_\_\_\_\_

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

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

**Tip:** You may search for well logs on the Department's web page at:  
[http://apps.wrd.state.or.us/apps/gw/well\\_log/Default.aspx](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

RECEIVED

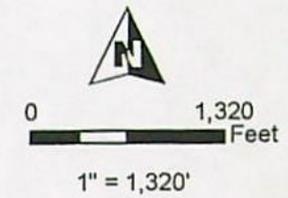
JAN 11 2022

13897  
OWRD

TACS



T14S R14E, WM,  
CROOK COUNTY, OR

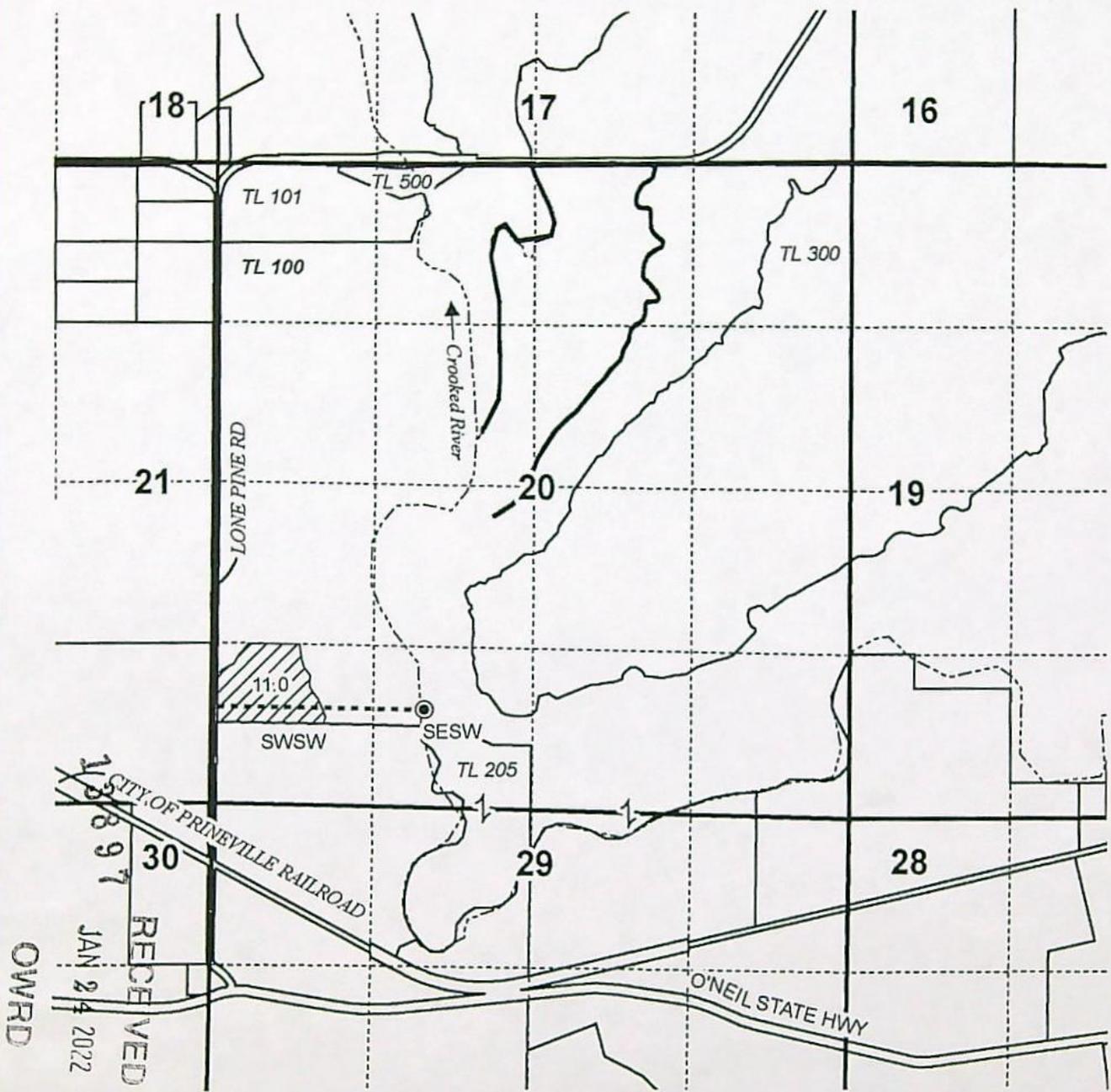


- POD
- Pipeline
- C-83732 POU IR 1892 Priority "OFF"
- Section
- Quarter Quarter
- Tax Lot

POD LOCATION:  
1,896' S, 1,717' E OF W 1/4 COR SEC 20



RENEWAL DATE 12/31/2022



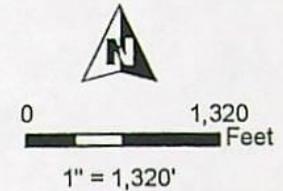
PERMANENT TRANSFER "OFF" MAP  
Knight Ranch  
C-83732

Date: 12/6/2021

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

**WATER RIGHT SERVICES, LLC**  
PO BOX 1830, BEND, OR 97709  
WWW.OREGONWATER.US CCB # 197121  
johnshort@usa.com 541-389-2837

**T13S R13E, WM**  
**JEFFERSON COUNTY, OREGON**

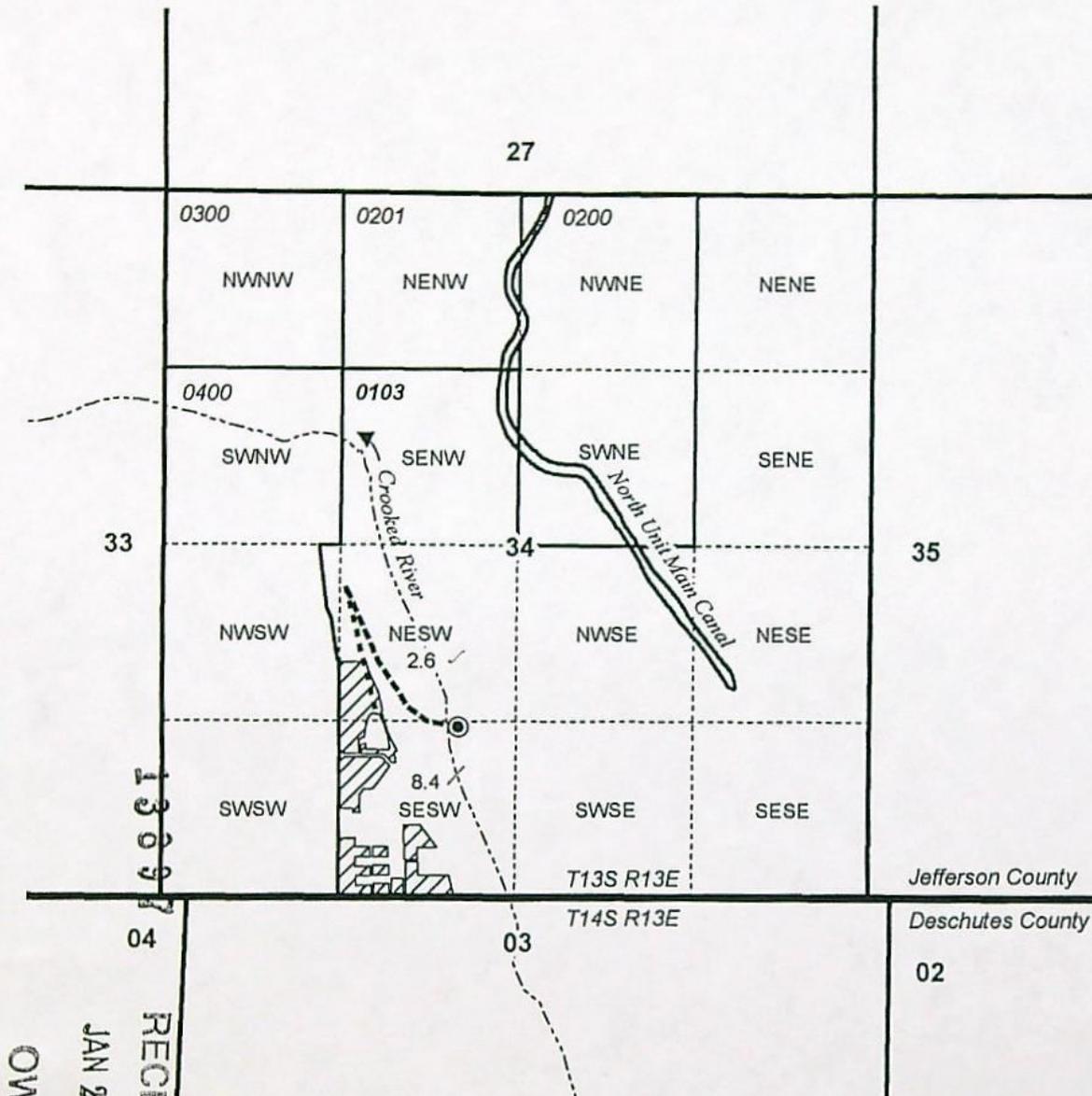


- ⊙ POD, Meter, & Fishscreen
- River
- Pipeline
- POU NU 1892 Priority "ON"
- Township
- Section
- Quarter Quarter
- Tax Lot

POD LOCATION:  
 1,250' N, 2,200' E OF SW COR SEC 34



RENEWAL DATE 12/31/2022



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 JAN 24 2022  
 OWRD

**PERMANENT TRANSFER "ON" MAP**

**Knight Ranch**

C-83732

Date: 12/7/2021

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

**WATER RIGHT SERVICES, LLC**

PO BOX 1830, BEND, OR 97709  
 WWW.OREGONWATER.US CCB # 197121  
 johnshort@usa.com 541-389-2837

STATE OF OREGON

COUNTY OF CROOK

CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

BUTLER RANCH, INC.  
5294 NW LONE PINE ROAD  
TERREBONNE, OREGON 97760

confirms the right to use the waters of the CROOKED RIVER, a tributary of the DESCHUTES RIVER for IRRIGATION of 11.0 ACRES.

This right was confirmed by decree of the Circuit Court of the State of Oregon for Crook County. The decree is of record at Salem, in the Order Record of the Water Resources Director in Volume 1, at Page 449. The date of priority is 1892.

The amount of water to which this right is entitled is limited to an amount actually beneficially used, and shall not exceed 0.137 CUBIC FOOT PER SECOND if available at the original point of diversion: NW $\frac{1}{4}$  SW $\frac{1}{4}$ , SECTION 8, T 15 S, R 16 E, W.M., 744.2 FEET SOUTH AND 321 FEET EAST FROM THE WEST  $\frac{1}{4}$  CORNER OF SECTION 8, or its equivalent in case of rotation, measured at the point of diversion.

The point of diversion is located as follows:

SE  $\frac{1}{4}$  SW  $\frac{1}{4}$ , Section 20, T. 14 S., R. 14 E., W.M.;  
1896 feet South and 1717 feet East from the West  $\frac{1}{4}$  Corner of  
Section 20.

The amount of water used for irrigation, 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 for each acre irrigated, and shall be further limited to a diversion of not to exceed 4.0 acre-feet per acre for each acre irrigated during the irrigation season of each year.

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

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

SW ¼ SW ¼ 11.0 ACRES  
SECTION 20  
TOWNSHIP 14 SOUTH, RANGE 14 EAST, W.M.

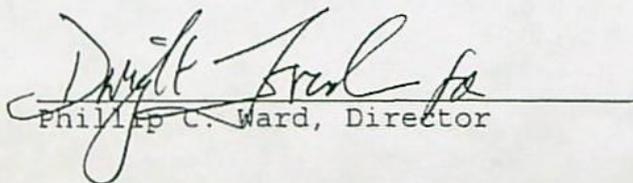
This certificate is issued to confirm a change in POINT OF DIVERSION approved by an order of the Water Resources Director entered July 9, 1997, approving Transfer Application T-7248, and together with certificates 72947, 74199, and 74200 supersedes Certificate 52183, State Record of Water Right Certificates.

The following conditions apply to this right:

1. The quantity of water diverted at the new point of diversion, together with that diverted at the old diversion, shall not exceed the quantity of water lawfully available at the original point of diversion.
2. When required by the Department, the water user shall install and maintain a headgate, an in-line flow meter, weir, or other suitable device for measuring and recording the quantity of water diverted. The type and plans of the headgate and measuring device must be approved by the Department prior to beginning construction and shall be installed under the general supervision of the Department.

The right to the use of the water for the above purpose is restricted to beneficial use on the lands or place of use described and is subject to all other conditions and limitations contained in the decree.

Issued JAN 09 2008.

  
Phillip C. Ward, Director

Recorded in State Record of Water Right Certificates numbered 83732.

T-7248.RA

STATE OF OREGON

COUNTY OF CROOK

CERTIFICATE OF WATER RIGHT

Exhibit A

Entirety of  
the right

you use / POD  
12 → NW

THIS CERTIFICATE ISSUED TO

BUTLER RANCH, INC.  
5294 NW LONE PINE ROAD  
TERREBONNE, OREGON 97760

confirms the right to use the waters of the CROOKED RIVER, a tributary of the DESCHUTES RIVER for IRRIGATION of 11.0 ACRES.

This right was confirmed by decree of the Circuit Court of the State of Oregon for Crook County. The decree is of record at Salem, in the Order Record of the Water Resources Director in Volume 1, at Page 449. The date of priority is 1892.

The amount of water to which this right is entitled is limited to an amount actually beneficially used, and shall not exceed 0.137 CUBIC FOOT PER SECOND if available at the original point of diversion: NW¼ SW¼, SECTION 8, T 15 S, R 16 E, W.M., 744.2 FEET SOUTH AND 321 FEET EAST FROM THE WEST ¼ CORNER OF SECTION 8, or its equivalent in case of rotation, measured at the point of diversion.

The point of diversion is located as follows:

SE ¼ SW ¼, Section 20, T. 14 S., R. 14 E., W.M.;  
1896 feet South and 1717 feet East from the West ¼ Corner of Section 20. ✓

The amount of water used for irrigation, 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 for each acre irrigated, and shall be further limited to a diversion of not to exceed 4.0 acre-feet per acre for each acre irrigated during the irrigation season of each year.

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

T-7248.RA

Certificate Number 83732

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

SW ¼ SW ¼ 11.0 ACRES  
SECTION 20  
TOWNSHIP 14 SOUTH, RANGE 14 EAST, W.M.

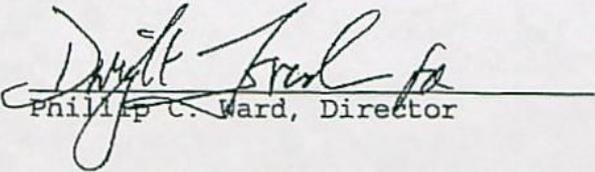
This certificate is issued to confirm a change in POINT OF DIVERSION approved by an order of the Water Resources Director entered July 9, 1997, approving Transfer Application T-7248, and together with certificates 72947, 74199, and 74200 supersedes Certificate 52183, State Record of Water Right Certificates.

The following conditions apply to this right:

1. The quantity of water diverted at the new point of diversion, together with that diverted at the old diversion, shall not exceed the quantity of water lawfully available at the original point of diversion.
2. When required by the Department, the water user shall install and maintain a headgate, an in-line flow meter, weir, or other suitable device for measuring and recording the quantity of water diverted. The type and plans of the headgate and measuring device must be approved by the Department prior to beginning construction and shall be installed under the general supervision of the Department.

The right to the use of the water for the above purpose is restricted to beneficial use on the lands or place of use described and is subject to all other conditions and limitations contained in the decree.

Issued JAN 09 2008

  
Phillip C. Ward, Director

Recorded in State Record of Water Right Certificates numbered 83732.

T-7248.RA

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13897

OWRD



December 28, 2021

Oregon Water Resources Department  
725 Summer St NE Ste 100  
Salem, OR 97301

RE: Supplement Form D for Water Right Transfer Application involving C-83732

To Whom It May Concern:

John Short and Water Rights Services, LLC prepared a draft water right transfer application on behalf of Philip H. Knight and Penelope P. Knight involving C-83732. Because the "ON" lands for the proposed transfer are located within the boundary of Central Oregon Irrigation District (COID) and already receive water delivered by COID pursuant to COID's water rights, Mr. Short notified COID of the proposed transfer and requested that COID consent to the proposed transfer and complete Supplemental Form D.

COID is conditionally consenting to the proposed transfer, and has completed the Supplemental Form D accordingly. The consent is conditioned as set forth below. We would request that this letter be included as part of the record for the proposed transfer, and be taken into consideration by the Department in determining whether to ultimately approve or deny the transfer application.

COID holds two certificates, C-94956, a 1900 primary irrigation right to use Deschutes live flow, and C-76714, a 1913 supplemental irrigation right to use storage from Crane Prairie Reservoir. Both of these certificates are appurtenant to the "ON" lands that are the subject of the transfer application, and the proposed transfer application map places water onto lands fully irrigated by the appurtenant COID water rights.

We have the following comments and concerns:

As an initial matter, the proposed transfer application proposes to change the authorized use under C-83732 from irrigation to nursery use, with the nursery use to be layered with COID's primary irrigation and supplemental irrigation rights "for use when a shortage in district supplied water occurs."

After speaking with the current farm operator for the "ON" lands, Eric Hagerty, we understand that the intention here is to only use the C-83732 water in a truly supplemental manner, in that the operator is only wanting the transferred water in early April or at the end of the irrigation season, and only when COID water is not available and COID is not otherwise delivering water. With that said, COID is not aware of any intention to convert the current farming operation to nursery stock, and absent such conversion, COID is concerned that the transfer cannot be proven up. At a more general level, COID is concerned that transfer applications seeking to change the authorized use of water from irrigation to nursery use—when there will be no bona fide nursery use—amounts to an end-run around the standard approach taken to layering primary and supplemental irrigation rights within irrigation districts.

13897

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JAN 1 2022  
OWRD



Related to the above, COID is concerned that if the water under C-83732 is conveyed through the same irrigation system and used at the same time that COID water is also being conveyed and used, then the water will become co-mingled. If so, there will be no way to accurately document use under any transfer order for the required claim of beneficial use report. Similarly, there will be no way to document beneficial use following confirmation and certification of the transfer as well. And along these same lines, if water under C-83732 and water under COID's rights is being used at the same time, it will be impossible to know if and when the water user is exceeding COID's maximum delivery rate.

In sum, COID is consenting to the transfer on condition that if approved, the transfer order will prohibit co-mingling with COID water rights. To accomplish this, the use under the new nursery right should be limited to those times in which COID water is actually unavailable and COID is not otherwise delivering water, or to the months of November through March, when COID water would not be available to support nursery uses. We would note that these are the same conditions that COID requested to be placed on the approval of transfer application T-13793 in the event the Department decides to approve T-13793. This other application involves "ON" lands that are adjacent to the "ON" lands at issue under the immediate proposed transfer application. Finally, our consent is conditioned on the requirements that the nursery rights are limited to actual nursery use and the installation and use of totalizing flow meters to accurately track COID water use separate and apart from any use authorized under the transfer application.

Please let us know if you have any questions or would like to discuss further.

Sincerely,

A handwritten signature in black ink, appearing to read "Craig Horrell", written in a cursive style.

Craig Horrell  
Managing Director

# Supplemental Form D

## Water Right Transfers Within the Boundaries of or Served by an Irrigation District or other Water Supplier (Association, Ditch Co., etc.)

[For transfers submitted under OAR Chapter 690 Division 380]



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

The Department requires non-district applicants to communicate with districts/water suppliers during the planning and preparation of transfer applications involving water rights having a point of diversion or appropriation (POD/POA) or place of use (POU) served by or located within the boundaries of an irrigation district, or other type of water supplier to which assessments are paid. In some cases consent will be required from the district or water supplier.

This form must be included with any transfer application that involves rights served by or located within the boundaries of a district or other type of water supplier.

### 1. APPLICANT INFORMATION

NAME PHILIP H. KNIGHT & PENELOPE P. KNIGHT			PHONE (HM)
PHONE (WK)	CELL 541-977-5275	FAX	
ADDRESS 34645 SW CLOUDREST LN			
CITY HILLSBORO	STATE OR	ZIP 97123	E-MAIL**

### 2. DISTRICT or WATER SUPPLIER INFORMATION

DISTRICT/WATER SUPPLIER NAME CENTRAL OREGON IRRIGATION DISTRICT			PHONE (HM)
PHONE (WK) 541-548-6047	CELL	FAX	
ADDRESS 1055 SW LAKE RD			
CITY REDMOND	STATE OR	ZIP 97756	E-MAIL**

\*\* By providing an e-mail address, the applicant and/or the district/water supplier consents to receive all correspondence from the Department electronically. Copies of final order documents will also be mailed.

### 3. WATER RIGHTS ISSUED IN THE NAME OF, or LOCATED WITHIN, or SERVED BY AN IRRIGATION DISTRICT, OTHER DISTRICT, OR WATER SUPPLIER

a. List the water right(s) involved in this transfer:

	Application / Decree	Permit / Previous Transfer	Certificate	Is the water right in the name of a district, water supplier, or BOR*?
1.		-	83732	YES <input type="checkbox"/>
2.		-		YES <input type="checkbox"/>
3.		-		YES <input type="checkbox"/>

Attach additional pages for additional water rights if necessary.

\*Bureau of Reclamation

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b. Determine a district's/water supplier's connection to your points of diversion (POD) or appropriation (POA) and places of use (POU). [You may need to consult with your district/water supplier.]

**CURRENT ASSOCIATIONS** Please answer the following "yes" or "no" questions:

YES  NO  One or more of the current POD(s) / POA(s) involved in the transfer are served by a district/water supplier or rely on BOR water.

YES  NO  All or a portion of the current POU involved in this proposed transfer receives water for either primary or supplemental irrigation from the district/water supplier; i.e., the POU is currently layered with a district or BOR water supplied water right(s).

**PROPOSED ASSOCIATIONS** Please answer the following "yes" or "no" questions:

YES  NO  One or more of the proposed POD(s) / POA(s) involved in the transfer are currently served or will be served by a district/water supplier if the transfer is approved, or rely on BOR water.

YES  NO  All or a portion of the proposed POU involved in this proposed transfer currently receives or will receive either primary or supplemental irrigation from the district/water supplier; i.e., the POU will be layered with a district/water supplier or BOR water supplied water right(s).

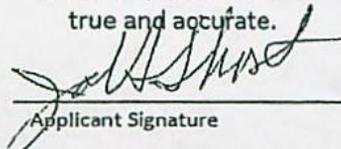
**COMMENTS OR ADDITIONAL INFORMATION: CHANGING TO NURSERY USE AND LAYERING WITH DISTRICT IR AND IS FOR USE WHEN A SHORTAGE IN DISTRICT SUPPLIED WATER OCCURS.**

**4. APPLICANT'S SIGNATURE**

(1) I certify that I have notified the district/water supplier about the proposed water right transfer application by [check one]:

email,  phone,  postal mail,  in person, or  other (please specify) \_\_\_\_\_

(2) I certify that to the best of my knowledge the information contained in this Supplemental Form D is true and accurate.

  
\_\_\_\_\_  
Applicant Signature

John A. Short  
\_\_\_\_\_  
Name (print) Agent

12-23-21  
\_\_\_\_\_  
Date

**5. (WHEN REQUIRED) DISTRICT or WATER SUPPLIER CONSENT TO THE PROPOSED WATER RIGHT TRANSFER**

District Manager or Water Supplier consent is required if any box on this form is marked "YES."

The district/water supplier certifies the following:

(1) The district/water supplier has reviewed the applicant's proposed water right transfer application and maps; and

(2) The district/water supplier consents to the proposed water right transfer application. *With conditions.*

13897

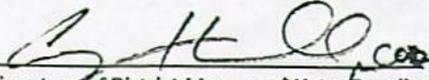
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YES  NO  After proof of completion, the confirming water right certificate is to remain in the name of the U.S. Bureau of Reclamation or the district/water supplier.

YES  NO  The district/water supplier will be responsible for submitting the claim of beneficial use prepared by a Certified Water Rights Examiner (CWRE).

 CRAG HORROCKS, Manager 9.27.21  
Signature of District Manager /Water Supplier Name (print), Title Date

COID consent to the proposed water right transfer is conditionally provided, as set forth in the attached letter.

RECEIVED  
JAN 1 2022  
OWRD

13897

BEFORE THE WATER RESOURCES DEPARTMENT  
OF THE  
STATE OF OREGON

In the Matter of Transfer Application  
T-13897, Crook County

)  
)  
)  
)  
)

**D R A F T** PRELIMINARY  
DETERMINATION PROPOSING  
[APPROVAL]  [DENIAL] OF CHANGES IN  
POINT OF DIVERSION, PLACE OF USE,  
AND CHARACTER OF USE

**Authority**

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

**Applicant**

PHILLIP H. KNIGHT AND PENELOPE P. KNIGHT  
34645 SW CLOUDREST LANE  
HILLSBORO, OR. 97123

**Receiving Landowner**

**Findings of Fact**

1. On January 24, 2022, PHILLIP H. KNIGHT AND PENELOPE P. KNIGHT filed an application to change the point of diversion, the place of use, and to change the character of use under Certificate 83732. The Department assigned the application number T-13897.
2. Notice of the application for transfer was published on February 8, 2022, pursuant to OAR 690-380-4000. No comments were filed in response to the notice.
3. The place of use identified as the "to lands" in this application is a part of Central Oregon Irrigation District's (COID) place of use as described in Certificates 94956 and 76714, the district has provided conditional consent to this application.
4. The portion of the right to be transferred is as follows:

**Certificate:** 83732 in the name of BUTLER RANCH INC. (confirmed by Crooked River Decree Volume 1, at Page 449)  
**Use:** IRRIGATION of 11.0 ACRES  
**Priority Date:** 1892  
**Rate:** 0.137 CUBIC FOOT PER SECOND

**Limit/Duty:** The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands, is limited to a diversion of ONE-EIGHTIETH of one cubic foot per second, or its equivalent for each acre irrigated, and shall be further limited to a diversion of not to exceed 4.0 acre-feet per acre for each acre irrigated during the irrigation season of each year.

**Source:** CROOKED RIVER, a tributary of the DESCHUTES RIVER

**Authorized Point of Diversion:**

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
14 S	14 E	WM	20	SE SW	1896 FEET SOUTH AND 1717 FEET EAST FROM W1/4 CORNER, SECTION 20

**Authorized Place of Use:**

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
14 S	14 E	WM	20	SW SW	11.00

5. Certificate 83732 does not describe the irrigation season; however, the Crooked River Decree describes the irrigation season as February 1 through December 1.

6. Transfer Application T-13897 proposes to move the authorized point of diversion approximately 5.6 miles downstream to:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
13 S	13 E	WM	34	SE SW	1250 FEET NORTH AND 2220 FEET EAST FROM THE SW CORNER OF SECTION 34

7. Transfer Application T-13897 also proposes to change the place of use of the right to:

SUPPLEMENTAL NURSERY USE					
Twp	Rng	Mer	Sec	Q-Q	Acres
13 S	13 E	WM	34	NE SW	2.6
13 S	13 E	WM	34	SE SW	8.4
Total					11.0

8. Transfer Application T-13897 proposes to change the character of use to Nursery uses.

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

***Transfer Review Criteria [OAR 690-380-4010(2)]***

10. Water has been used within the five-year period prior to submittal of the transfer application according to the terms and conditions of the right. There is no information in the record that would demonstrate that the right is subject to forfeiture under ORS 540.610.
11. A diversion structure and ditch sufficient to use the full amount of water allowed under the existing right were present within the five-year period prior to submittal of Transfer Application T-13897.
12. The proposed changes as conditioned would not result in enlargement of the right.
13. The proposed changes as conditioned would not result in injury to other water rights.
14. All other application requirements are met.

**Determination and Proposed Action**

*The change in point of diversion, change in place of use, and change in character of use proposed in Transfer Application T-13897 appear to be consistent with the requirements of ORS 540.505 to 540.580 and OAR 690-380-5000. If protests are not filed pursuant to OAR 690-380-4030, the transfer application will be approved.*

*If Transfer Application T-13897 is approved, the final order will include the following:*

1. *The change in point of diversion, change in place of use, and change in character of use proposed in Transfer Application T-13897 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 Certificate 83732 and any related decree.*
3. *Water right Certificate 83732 is cancelled.*
4. *The quantity of water diverted at the new point of diversion, together with that diverted at the original point of diversion, shall not exceed the quantity of water lawfully available at the original point of diversion.*
5. *Under Certificate 42373, the change in character of use from irrigation to the proposed nursery use shall be further limited such that:*
  - a) *The amount of water used for NURSERY OPERATIONS is limited to a diversion of 1.0 cubic foot per second per acre and 44.0 acre-feet during the irrigation season of each year.*

- b) *For the irrigation of containerized nursery plants, the amount of water diverted is limited to 1.0 cubic foot per second (or its equivalent) and 44.0 acre-feet during the irrigation season of each year.*
  - c) *For the irrigation of in-ground nursery plants, the amount of water diverted is limited to 1.0 cubic foot per second (or its equivalent) and 44.0 acre-feet during the irrigation season of each year.*
  - d) *For the irrigation of any other crop, the amount of water diverted is limited to 1.0 cubic foot per second (or its equivalent) and 44.0 acre-feet during the irrigation season of each year. The use of water for irrigation of any other crop shall be limited to 58.1 acres.*
6. *Under Certificate 89615, the rate of diversion for the change in character of use from irrigation to the proposed nursery operation use shall be limited to 0.137 cubic foot per second and shall be further limited to a total volume diverted of 44.0 acre-feet (11.0 acres X 4.0 acre-feet per acre) during the original season of use, being February 1 to December 1.*
7. *The change in character of use from irrigation to the proposed nursery use shall be further limited such that:*
- a) *The amount of water used for NURSERY OPERATIONS is limited to a diversion of 0.137 cubic foot per second per acre and 44.0 acre-feet during the irrigation season of each year.*
  - b) *For the irrigation of containerized nursery plants, the amount of water diverted is limited to 0.137 cubic foot per second (or its equivalent) and 44.0 acre-feet during the irrigation season of each year.*
  - c) *For the irrigation of in-ground nursery plants, the amount of water diverted is limited to 0.13 cubic foot per second (or its equivalent) and 44.0 acre-feet during the irrigation season of each year.*
  - d) *For the irrigation of any other crop, the amount of water diverted is limited to 0.137 cubic foot per second (or its equivalent) and 44.0 acre-feet during the irrigation season of each year. The use of water for irrigation of any other crop shall be limited to 11.0 acres.*
8. *Water use measurement conditions:*
- a. *Before water use may begin under this order, the water user shall install a totalizing flow meter, or, with prior approval of the Director, another suitable measuring device, at each point of diversion.*
  - b. *The water user shall maintain the meters or measuring devices in good working order.*

- c. The water user shall allow the Watermaster access to the meters or measuring devices; provided however, where the meters or measuring devices are located within a private structure, the Watermaster shall request access upon reasonable notice.
9. Prior to diverting water, the water user shall install a fish screening and/or by-pass device, as appropriate, at the new point of diversion consistent with the Oregon Department of Fish and Wildlife's (ODFW) design and construction standards. Prior to installation, the water user shall obtain written approval from ODFW that the required screen and/or by-pass device meets ODFW's criteria. Prior to submitting a Claim of Beneficial Use, the water user must obtain written approval from ODFW that the required screening and/or by-pass device was installed to the state's criteria. The water user shall maintain and operate the fish screen and/or by-pass device, as appropriate, at the point of diversion consistent with ODFW's operational and maintenance standards.
10. *Add - trigger ODFW - Finding here -*  
The former place of use of the transferred right shall no longer receive water under the right.
11. Water use is hereby conditioned and limited to use only when COID water is not available.
12. Full beneficial use of the water shall be made, consistent with the terms of this order, on or before **October 1, 2023**. 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.
13. After satisfactory proof of beneficial use is received, a new certificate confirming the right transferred will be issued.

Dated in Salem, Oregon on

**D R A F T**

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

This draft Preliminary Determination was prepared by Joan Smith. If you have questions about the information in this document, you may reach me at 503-986-0892 or Joan.M.Smith@oregon.gov.



**Oregon**  
Kate Brown, Governor

**Water Resources Department**  
725 Summer St NE, Suite A  
Salem, OR 97301  
(503) 986-0900  
Fax (503) 986-0904

FEBRUARY 8, 2022

VIA E-MAIL

JOHN A. SHORT  
PO BOX 1830  
BEND, OR 97709

SUBJECT: Water Right Transfer Application

Please find enclosed a REVISED Preliminary Determination regarding Transfer Application T-13793. The Department's conclusion that, based on the information currently available, the REVISED draft is intended to provide you with an opportunity to comment on the Department's conclusions should you wish to do so and to withdraw or modify your application. The issues that are prompting our decision to deny the application, and the reasons for denial of the application, are listed below.

The REVISED draft Preliminary Determination proposes to deny the transfer because: Land Use Form needs to be sent to all counties and Department, Form D needs to be sent to COID and Department, enlargement has been identified, as well as not same source. The issues that we have identified could be resolved by one of the following alternatives:

- Send approved Land Use forms from ALL COUNTIES involved in transfer to the Department, and;
- Send Supplemental Form D to COID and send signed Supplemental Form D to Department, and;
- Revise the proposed place of use so that enlargement is not occurring, and;
- Revise the proposed place of use so that same source is occurring, OR:
- Withdraw the application.

At this point, you may decide to continue processing the application (see below), or to send a letter requesting to withdraw the transfer application.

If you wish to proceed with your application, you must submit the following:

1. Provide a written response by March 10, 2022, that describes how you will overcome the issues identified above and submit modifications or additional information as needed, or that indicates you wish to protest a Preliminary Determination to deny the transfer.

*for  
13897 + 8  
reference*

*4-28 still need  
① COFD for  
13897  
② GW to 13898*



**Oregon**  
Kate Brown, Governor

**Water Resources Department**  
725 Summer St NE, Suite A  
Salem, OR 97301  
(503) 986-0900  
Fax (503) 986-0904

FEBRUARY 8, 2022

VIA E-MAIL

JOHN A. SHORT  
PO BOX 1830  
BEND, OR 97709

*for  
13897 + 8  
reference*

**SUBJECT: Water Right Transfer Application T-13793**

Please find enclosed a REVISED draft of our Preliminary Determination regarding Transfer Application T-13793. The document reflects the Department's conclusion that, based on the information currently available, the transfer will be DENIED. This REVISED draft is intended to provide you with an opportunity to comment on our findings and conclusions should you wish to do so and to withdraw or modify your application to resolve the issues that are prompting our decision to deny the application, as well as to correct previous errors and better describe reasons for denial of the application.

The REVISED draft Preliminary Determination proposes to deny the transfer because: Land Use Form needs to be sent to all counties and Department, Form D needs to be sent to COID and Department, enlargement has been identified, as well as not same source. The issues that we have identified could be resolved by one of the following alternatives:

- Send approved Land Use forms from ALL COUNTIES involved in transfer to the Department, and;
- Send Supplemental Form D to COID and send signed Supplemental Form D to Department, and;
- Revise the proposed place of use so that enlargement is not occurring, and;
- Revise the proposed place of use so that same source is occurring, OR:
- Withdraw the application.

At this point, you may decide to continue processing the application (see below), or to send a letter requesting to withdraw the transfer application.

**If you wish to proceed with your application, you must submit the following:**

1. **Provide a written response** by March 10, 2022, that describes how you will overcome the issues identified above and submit modifications or additional information as needed, or that indicates you wish to protest a Preliminary Determination to deny the transfer.

2. **REQUIRED:** You must submit a **Report of Ownership** for the lands where the water right(s) are currently located (i.e., the FROM lands). This report:
  - a) Must be prepared by a title company;
  - b) Shall include a "prepared by" statement and the date the title company prepared the report printed on the cover sheet;
  - c) Must be:
    - i. Prepared within 3 months of the Draft Preliminary Determination showing current ownership; **OR**
    - ii. Prepared within 3 months of recording of a water right conveyance agreement; **OR**
    - iii. Have a prepared date showing ownership at the time a water right conveyance agreement was recorded.  
*If water right conveyance agreements are involved, it is helpful to provide copies of those agreements along with the Report of Ownership.*
  - d) Must include a list of owners at the time the report was generated; **AND**
  - e) Must include a legal description of the property where the water right to be transferred is currently located (i.e., the FROM lands).
5. You must provide a notarized statement of consent signed by any landowner listed in the Report of Ownership who is not already included in the transfer application. The Department's statement of consent form (**Consent By Deeded Landowner**) is available at: [https://www.oregon.gov/OWRD/WRDFormsPDF/consent to transfer form.pdf](https://www.oregon.gov/OWRD/WRDFormsPDF/consent%20to%20transfer%20form.pdf)
6. Notice of this transfer will need to be published in a newspaper with general circulation in the area where the water rights are currently located. You will be responsible for the charges.

#### What happens next...

Once the Preliminary Determination is issued a publication period is required. Because there is more than ¼ mile between the new and the authorized points of diversion, the Department will publish notice of the transfer in a local newspaper having a general circulation in the area of the water right at least once per week for two consecutive weeks. You are responsible for sending a check to cover the cost of publication prior to the issuance of the Preliminary Determination and publication of notice (see below).

#### Conditions to your water right...

If you modify the application so as to allow approval, conditions may need to be added to the transfer. The Department will notify you of any required conditions prior to issuing the Preliminary Determination.

Issuance of the Preliminary Determination will occur shortly after we receive:

1. Your written response modifying the application to resolve the issues that we have identified or requesting that we proceed with processing of the application; and

2. The Report of Ownership, including affidavits of consent from any landowners shown in the ownership report who have not signed the transfer application. The title company must indicate/state the date that they prepared the ownership report on the coversheet and/or first page of the report.

**If we do not receive your response to withdraw the application or the items listed above by March 10, 2022, a Preliminary Determination may be issued denying the application as incomplete.**

Please do not hesitate to contact me at [tamera.l.smith@oregon.gov](mailto:tamera.l.smith@oregon.gov) or 503-979-9607 if I may be of assistance.

Kindest regards,



Transfer Caseworker  
Transfer and Conservation Section

cc: Transfer Application file T-13793  
Jeremy Giffin, District No. 11 Watermaster *(via e-mail)*  
John Short, Agent for the applicant *(via e-mail)*  
Bryce Withers, Agent for the applicant *(via e-mail)*  
OID and COID, commenters *(via e-mail)*

encs

BEFORE THE WATER RESOURCES DEPARTMENT  
OF THE  
STATE OF OREGON

In the Matter of Transfer Application  
T-13793, Crook County

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R E V I S E D  
D R A F T

PRELIMINARY DETERMINATION  
PROPOSING DENIAL OF CHANGES IN  
POINTS OF DIVERSION, PLACES OF USE,  
AND CHARACTER OF USE

**Authority**

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

**Applicant**

JOHN A. SHORT  
PO BOX 1830  
BEND, OR 97709

**Findings of Fact**

1. On August 13, 2021, JOHN A. SHORT filed an application to change the points of diversion, to change the places of use and to change the character of use under Certificates 42373 and 89615. The Department assigned the application number T-13793.
2. Notice of the application for transfer was published on August 31, 2021, pursuant to OAR 690-380-4000. Timely comments were filed in response to the notice.
3. Timely comments were submitted to the Department in response to the notice. The issues raised by the comments focused primarily on concerns that:
  - a) The applicant did not inform Central Oregon Irrigation District (COID) of the proposed transfer. COID has irrigation water rights appurtenant to the proposed lands in transfer application T-13793.
  - b) The availability and reliability of the proposed water at the proposed point of diversion (POD) on the Crooked River.

- c) Conditions be placed on the transfer, limiting any irrigation under the nursery right to the months of November through March and prohibiting co-mingling with COID water rights.
  - d) Ochoco Irrigation District (OID) maintains that water rights above their project may not be transferred below their project.
  - e) With co-mingling of so many rights and the water being used so far away from authorized location, the water will not be identifiable or measurable.
4. Not all the issues raised by the commenters are relevant to the criteria for review of a water right transfer as per OAR 690-380-4010 and approval of a transfer application under OAR 690-380-5000. Many of the issues noted in Finding of Fact No. 3, though important to the water right holders and water resources of the area, do not directly relate to the transfer review criteria. Rather, the statutory basis for approving a water right transfer application is relatively narrow and confined to the Department finding or determining:
- a) The water right proposed for transfer is a water use subject to transfer;
  - b) The portion of the water right proposed for transfer is not cancelled due to forfeiture for non-use pursuant to ORS 540.610;
  - c) The proposed transfer would not result in injury to other water rights.
5. If approved, the Final Order for T-13793 will contain conditions retaining the current rate limitations of the original water right.
6. The Department has not received a Land Use form from every county affected by the transfer application.
7. COID has water rights appurtenant to the proposed TO lands. Neither the Department nor COID have received a Supplemental Form D, requesting district approval.
8. On December 17, 2021, the Department mailed a copy of the draft Preliminary Determination proposing to deny Transfer Application T-13793 to the applicant. The draft Preliminary Determination cover letter set forth a deadline of January 16, 2022, for the applicants to respond.
9. On December 23, 2021, the agent for the applicant contacted the Department to point out a scrivener's error in the direction of the movement of the POD change, which should have been listed as a downstream point of diversion change of approximately 24.1 and 37.4 miles, respectively for Certificates 42373 and 89615, not an upstream point of diversion change.

10. On December 23, 2021, the agent for the applicant requested clarification for Finding of Fact (FOF) No. 19, which, in the draft Preliminary Determination read: "The proposed changes would result in enlargement of the rights. The current delivery system leaves the Ochoco Reservoir and travels over 20 miles where water is then distributed to the place of use. It is possible that the place of use may receive a source of water it is not authorized to receive, which would enlarge the right by watering more acres from a source than what is allowed." This revised draft Preliminary Determination is intended to further clarify the delivery system concerns.
11. FOF No. 20 in the draft Preliminary Determination listed injury to an instream water right. This was based on an upstream move of the point of diversion (POD). Since the move of the PODs is established as downstream, instead of upstream, injury to instream water right Certificate 87096 does not exist.
12. The first right to be transferred is as follows:

**Certificate:** 42373 in the name of FLOYD M. JONES (perfected under Permit S-30070)  
**Use:** IRRIGATION of 58.2 ACRES  
**Priority Date:** SEPTEMBER 29, 1964  
**Rate:** 1.0 CUBIC FOOT PER SECOND  
**Limit/Duty:** The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands, is limited to a diversion of ONE-FORTIETH of one cubic foot per second per acre, or its equivalent for each acre irrigated, and shall be further limited to a diversion of not to exceed 4.0 acre feet per acre for each acre irrigated during the irrigation season of each year.  
**Source:** MCKAY CREEK, a tributary of CROOKED RIVER

**Authorized Point of Diversion:**

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
13 S	16 E	WM	33	SW SW	300 FEET NORTH AND 1160 FEET EAST FROM THE NW CORNER OF SECTION 4, T14S, R16E

**Authorized Place of Use:**

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
13 S	16 E	WM	32	NE SE	11.0
13 S	16 E	WM	32	NW SE	8.1
13 S	16 E	WM	32	SW SE	2.0
13 S	16 E	WM	32	SE SE	24.8
13 S	16 E	WM	33	SW SW	12.3
TOTAL					58.2

13. Transfer Application T-13793 proposes to move the authorized point of diversion approximately 24.1 miles downstream to:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
13 S	13 E	WM	34	SE SW	POD "ON" - 1250 FEET NORTH AND 2200 FEET EAST FROM THE SW CORNER OF SECTION 34

14. Transfer Application T-13793 also proposes to change the place of use of the right to:

NURSERY USE					
Twp	Rng	Mer	Sec	Q-Q	Acres
13 S	13 E	WM	34	SW NW	1.3
13 S	13 E	WM	34	NW SW	28.5
13 S	13 E	WM	34	SW SW	28.4
TOTAL					58.2

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

**Certificate:** 89615 in the name of MILL CREEK LAND LLC (confirmed by Crooked River Decree (F))  
**Use:** IRRIGATION of 9.8 ACRES  
**Priority Date:** 1880  
**Rate:** 0.13 CUBIC FOOT PER SECOND  
**Limit/Duty:** The amount of water to which this right is entitled is limited to an amount actually beneficially used and shall not exceed a reasonable amount for stock use, the total quantity being limited to 4.0 acre feet per acre during each year if available at the original point of diversion, or its equivalent in case of rotation, measured at the point of diversion from the source:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
14 S	17 E	WM	36	SW SW	350 FEET SOUTH AND 350 FEET EAST FROM THE NW CORNER OF SW1/4 SW1/4 OF SECTION 36

**Source:** OCHOCO CREEK, a tributary of CROOKED RIVER

**Authorized Point of Diversion:**

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
14 S	17 E	WM	35	SE NW	2018 FEET SOUTH AND 2605 FEET EAST FROM THE SW CORNER OF SECTION 26

**Authorized Place of Use:**

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
14 S	17 E	WM	26	NW NE	5.4
14 S	17 E	WM	26	SW NE	2.7
14 S	17 E	WM	26	NE NW	0.9
14 S	17 E	WM	26	SE NW	0.8
TOTAL					9.8

16. Transfer Application T-13793 proposes to move the authorized point of diversion approximately 37.4 miles downstream to:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
13 S	13 E	WM	34	SE SW	1250 FEET NORTH AND 2200 FEET EAST FROM THE SW CORNER OF SECTION 34

17. Transfer Application T-13793 also proposes to change the place of use of the right to:

NURSERY					
Twp	Rng	Mer	Sec	Q-Q	Acres
13 S	13 E	WM	34	SW SW	9.8

18. Transfer Application T-13793 proposes to change the character of use of both rights to nursery.
19. Certificates 42373 and 89165 do not specify an irrigation season; however, consistent with the Crooked River Decree, the irrigation season is February 1 to December 1.
20. The Oregon Department of Fish and Wildlife (ODFW) has determined that a fish screening and/or by-pass device is necessary at the new point of diversion to prevent fish from entering the diversion and/or safely transport fish back to the body of water from which the fish were diverted and that the diversion is not currently equipped with an appropriate fish screening and/or by-pass device. This diversion may be eligible for screening cost share funds.

***Transfer Review Criteria [OAR 690-380-4010(2)]***

21. Water has been used within the last five years according to the terms and conditions of the right. There is no information in the record that would demonstrate that the rights are subject to forfeiture under ORS 540.610.
22. A pump, pipeline, and sprinkler system sufficient to use the full amount of water allowed under the existing rights were present within the five-year period prior to submittal of Transfer Application T-13793.
23. The proposed change in point of diversion could result in enlargement of the rights involved unless conditioned to limit the quantity of water diverted at the new point of diversion (POD "ON") to no more than the quantity of water lawfully available at the original points of diversion (POD "OFF").

24. The proposed point of diversion change is not consistent with OAR 690-380-2110(2). Absent a formal agreement with the operators of the storage facility at Ochoco Reservoir to release McKay Creek and Ochoco Creek water in an amount equal to the transferred quantity of water, there is a potential for the proposed point of diversion to receive water from an unauthorized source.
25. The proposed changes, as conditioned, would not result in injury to other water rights.
26. The application is not complete because Land Use reviews have not been completed by all affected land use jurisdictions and Form D has not been completed by Central Oregon Irrigation District.

#### **Determination and Proposed Action**

The changes in point of diversion, changes in place of use, and change in character of use proposed in Transfer Application T-13793 appear to **NOT** be consistent with the requirements of ORS 540.505 to 540.580 and OAR 690-380-5000. If protests are not filed pursuant to OAR 690-380-4030, the transfer application will be denied.

*If the enlargement issue, source issue, and deficiencies are resolved, and Transfer Application T-13793 is approved, the final order may include the following:*

1. *The changes in points of diversion, changes in place of use and change in character of use proposed in Transfer Application T-13793 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 42373 and 89615 and any related decree.*
3. *Water right Certificates 42373 and 89615 are cancelled. A new certificate will be issued describing that portion of Certificate 89615 not affected by this transfer.*
4. *Under Certificate 42373, the rate of diversion for the change in character of use from irrigation to the proposed nursery operation use shall be limited to 1.0 cubic foot per second and shall be further limited to a total volume diverted of 232.4 acre feet (58.1 acres X 4.0 acre feet per acre) during the original season of use, being February 1 to December 1.*
5. *Under Certificate 42373, the change in character of use from irrigation to the proposed nursery use shall be further limited such that:*
  - a) *The amount of water used for NURSERY OPERATIONS is limited to a diversion of 1.0 cubic foot per second per acre and 232.4 acre feet during the irrigation season of each year.*
  - b) *For the irrigation of containerized nursery plants, the amount of water diverted is limited to 1.0 cubic foot per second (or its equivalent) and 232.4 acre feet during the irrigation season of each year.*

- c) *For the irrigation of in-ground nursery plants, the amount of water diverted is limited to 1.0 cubic foot per second (or its equivalent) and 232.4 acre feet during the irrigation season of each year.*
  - d) *For the irrigation of any other crop, the amount of water diverted is limited to 1.0 cubic foot per second (or its equivalent) and 232.4 acre feet during the irrigation season of each year. The use of water for irrigation of any other crop shall be limited to 58.1 acres.*
- 6. *Under Certificate 89615, the rate of diversion for the change in character of use from irrigation to the proposed nursery operation use shall be limited to 0.13 cubic foot per second and shall be further limited to a total volume diverted of 39.2 acre feet (9.8 acres X 4.0 acre feet per acre) during the original season of use, being February 1 to December 1.*
- 7. *The change in character of use from irrigation to the proposed nursery use shall be further limited such that:*
  - a) *The amount of water used for NURSERY OPERATIONS is limited to a diversion of 0.13 cubic foot per second per acre and 39.2 acre feet during the irrigation season of each year.*
  - b) *For the irrigation of containerized nursery plants, the amount of water diverted is limited to 0.13 cubic foot per second (or its equivalent) and 39.2 acre feet during the irrigation season of each year.*
  - c) *For the irrigation of in-ground nursery plants, the amount of water diverted is limited to 0.13 cubic foot per second (or its equivalent) and 39.2 acre feet during the irrigation season of each year.*
  - d) *For the irrigation of any other crop, the amount of water diverted is limited to 0.13 cubic foot per second (or its equivalent) and 39.2 acre feet during the irrigation season of each year. The use of water for irrigation of any other crop shall be limited to 9.8 acres.*
- 8. *The quantity of water diverted at the new point of diversion (POD "ON"), shall not exceed the quantity of water lawfully available at the original points of diversion (PODs "OFF").*
- 9. *The diversion of water at the new point of diversion is restricted to the same source of water as authorized in Certificate 42373 and Certificate 89615, being McKay Creek and Ochoco Creek.*
- 10. *The original points of diversion shall be equipped with telemetry to measure the quantity of water available at the original points of diversion.*

11. *Prior to diverting water, the water user shall install a fish screening and/or by-pass device, as appropriate, at the new point of diversion consistent with the Oregon Department of Fish and Wildlife's (ODFW) design and construction standards. Prior to installation, the water user shall obtain written approval from ODFW that the required screen and/or by-pass device meets ODFW's criteria. Prior to submitting a Claim of Beneficial Use, the water user must obtain written approval from ODFW that the required screening and/or by-pass device was installed to the state's criteria. The water user shall maintain and operate the fish screen and/or by-pass device, as appropriate, at the point of diversion consistent with ODFW's operational and maintenance standards.*
12. *The former place of use of the transferred rights shall no longer receive water under the rights.*
13. *Full beneficial use of the water shall be made, consistent with the terms of this order, on or before **October 1, 2022**. 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.*
14. *After satisfactory proof of beneficial use is received, new certificates confirming the rights transferred will be issued.*

Dated in Salem, Oregon on

## REVISED DRAFT

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

This REVISED draft Preliminary Determination was prepared by: Tamera Smith. If you have any questions about the information in this document, you may reach me at 503-979-9607 or [tamera.l.smith@oregon.gov](mailto:tamera.l.smith@oregon.gov)

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Phil Knight + John

signed 3/1/22

WM - 4/28 626 New

DDFW - option 2

3-24 looks good see COID Tr. Need WM + ~~DDFW~~ / full rev.

↳ refer to T-13793 DDD deny / subsequently WDepp.

4-5 need reviews 4-28 end WM

**Part 4 of 5 – Applicant Information and Signature**

**Applicant Information**

APPLICANT/BUSINESS NAME PHILIP H. KNIGHT & PENELOPE P. KNIGHT		PHONE NO. 541-977-5275	ADDITIONAL CONTACT NO.
ADDRESS 34645 SW CLOUDREST LN			FAX NO.
CITY HILLSBORO	STATE OR	ZIP 97123	E-MAIL
BY PROVIDING AN E-MAIL ADDRESS, CONSENT IS GIVEN TO RECEIVE ALL CORRESPONDENCE FROM THE DEPARTMENT ELECTRONICALLY. COPIES OF THE FINAL ORDER DOCUMENTS WILL ALSO BE MAILED.			

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

AGENT/BUSINESS NAME JOHN A. SHORT / WATER RIGHT SERVICES, LLC		PHONE NO. 541-389-2837	ADDITIONAL CONTACT NO.
ADDRESS PO BOX 1830			FAX NO.
CITY BEND	STATE OR	ZIP 97709	E-MAIL JOHNSHORT@USA.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:  
**MOVE TO A NEW PLACE OF USE AND POINT OF DIVERSION, & CHANGE TO NURSERY USE.**

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

**Check One Box**

- By signing this application, I understand that, upon receipt of the draft preliminary determination and prior to Department approval of the transfer, I will be required to provide landownership information and evidence that I am authorized to pursue the transfer as identified in OAR 690-380-4010(5); OR
- I affirm the applicant is a municipality as defined in ORS 540.510(3)(b) and that the right is in the name of the municipality or a predecessor; OR
- I affirm the applicant is an entity with the authority to condemn property and is acquiring by condemnation the property to which the water right proposed for transfer is appurtenant and have supporting documentation.

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By my signature below, I confirm that I understand:

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



*Philip N. Knight*  
Applicant signature

PHILIP N. KNIGHT  
Print Name (and Title if applicable) 1/20/22  
Date

PENELOPE P. KNIGHT  
Applicant signature

PENELOPE P. KNIGHT  
Print Name (and Title if applicable) 1/20/2022  
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\* **NOTE: SEE ATTACHED QUITCLAIM DEED**

*\*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](https://www.oregon.gov/owrd/WRDFormsPDF/Transfer_Property_Transactions.pdf)

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

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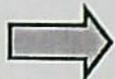
OWRD

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 <b>CENTRAL OREGON IRRIGATION DISTRICT</b>	ADDRESS <b>1055 SW LAKE RD</b>	
CITY <b>REDMOND</b>	STATE <b>OR</b>	ZIP <b>97756</b>

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 <b>JEFFERSON COUNTY COMMUNITY DEVELOPMENT</b>	ADDRESS <b>85 SE "D" ST</b>	
CITY <b>MADRAS</b>	STATE <b>OR</b>	ZIP <b>97741</b>

ENTITY NAME	ADDRESS	
CITY	STATE	ZIP

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BLK

NO PART OF ANY STEVENS-NESS FORM MAY BE REPRODUCED IN ANY FORM OR BY ANY ELECTRONIC OR MECHANICAL MEANS.

BUTLER RANCH, INC.  
5294 NW LONE PINE ROAD  
TERREBONNE, OR 97760

Grantor's Name and Address  
PHILIP & PENELOPE KNIGHT  
34645 SW CLOUDREST LANE  
HILLSBORO, OR 97123

After recording, return to (Name and Address):  
PHILIP & PENELOPE KNIGHT  
34645 SW CLOUDREST LANE  
HILLSBORO, OR 97123

Until requested otherwise, send all tax statements to (Name and Address):

SPACE RESERVED  
FOR  
RECORDERS USE

QUITCLAIM DEED  
KNOW ALL BY THESE PRESENTS that BUTLER RANCH, INC.

hereinafter called grantor, for the consideration hereinafter stated, does hereby remise, release and forever quitclaim unto PHILIP & PENELOPE KNIGHT

hereinafter called grantee, and unto grantee's heirs, successors and assigns, all of the grantor's right, title and interest in that certain real property, with the tenements, hereditaments and appurtenances thereunto belonging or in any way appertaining, situated in CROOK County, State of Oregon, described as follows (legal description of property):

THAT CERTAIN OREGON WATER RIGHT DESCRIBED IN OREGON WATER RESOURCES DEPARTMENT CERTIFICATE 83732 OR ANY SUPERCEEDING CERTIFICATES, EXHIBIT A, CONSISTING OF 11.0 ACRES AND 0.137 CFS APPERTENANT TO TAX LOT 100 IN SECTION 20, TOWNSHIP 14 SOUTH RANGE 14 EAST, WM AS DEPICTED IN EXHIBIT A ATTACHED HERETO AND INCORPORATED BY REFERENCE.

Return To:  
Deschutes County  
Title Company  
0615329

THIS DOCUMENT FILED FOR RECORD BY  
DESCHUTES COUNTY TITLE COMPANY AS  
AN ACCOMMODATION ONLY. IT HAS NOT  
BEEN EXAMINED AS TO ITS EXECUTION  
OR AS TO ITS EFFECT UPON THE TITLE

(IF SPACE INSUFFICIENT, CONTINUE DESCRIPTION ON REVERSE)

To Have and to Hold the same unto grantee and grantee's heirs, successors and assigns forever.

The true and actual consideration paid for this transfer, stated in terms of dollars, is \$ 165,000.00. However, the actual consideration consists of or includes other property or value given or promised which is  part of the  the whole (indicate which) consideration. (The sentence between the symbols @, if not applicable, should be deleted. See ORS 93.030.)

In construing this instrument, where the context so requires, the singular includes the plural, and all grammatical changes shall be made so that this instrument shall apply equally to businesses, other entities and to individuals.

IN WITNESS WHEREOF, grantor has executed this instrument on \_\_\_\_\_; any signature on behalf of a business or other entity is made with the authority of that entity.

BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON TRANSFERRING FEE TITLE SHOULD INQUIRE ABOUT THE PERSON'S RIGHTS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, SECTIONS 2 TO 8 AND 17, CHAPTER 635, OREGON LAWS 2009, AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010. THIS INSTRUMENT DOES NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY THAT THE UNIT OF LAND BEING TRANSFERRED IS A LAWFULLY ESTABLISHED LOT OR PARCEL, AS DEFINED IN ORS 92.010 OR 215.010, TO VERIFY THE APPROVED USES OF THE LOT OR PARCEL, TO DETERMINE ANY LIMITS OR LAWSUITS AGAINST FARMING OR FOREST PRACTICES, AS DEFINED IN ORS 30.930, AND TO INQUIRE ABOUT THE RIGHTS OF NEIGHBORING PROPERTY OWNERS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, SECTIONS 2 TO 9 AND 17, CHAPTER 635, OREGON LAWS 2009, AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010.

Butler Ranch Inc.  
By *[Signature]*  
Pres. BRI

STATE OF OREGON, County of Deschutes ) ss.

This instrument was acknowledged before me on \_\_\_\_\_

by \_\_\_\_\_

This instrument was acknowledged before me on August 4th, 2021

by David R. Butler  
as President  
of Butler Ranch, Inc.



*[Signature]*  
Notary Public for Oregon  
My commission expires Aug. 05, 2022

PUBLISHER'S NOTE: If using this form to convey real property subject to ORS 92.027, include the required reference.

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# 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 DESCHUTES

I, BRYCE WITHERS, in my capacity as WATER RIGHT SPECIALIST,

mailing address PO BOX 1830 BEND, OR 97709

telephone number (541)389-2837, 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 # 83732; 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)

OR

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

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(continues on reverse side) 13897 JAN 24 2022

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

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

B. WA

Signature of Affiant

12-8-2021

Date

Signed and sworn to (or affirmed) before me this 8 day of Dec, 2021.



Linda Lee Miller

Notary Public for Oregon

My Commission Expires: July 12, 2025

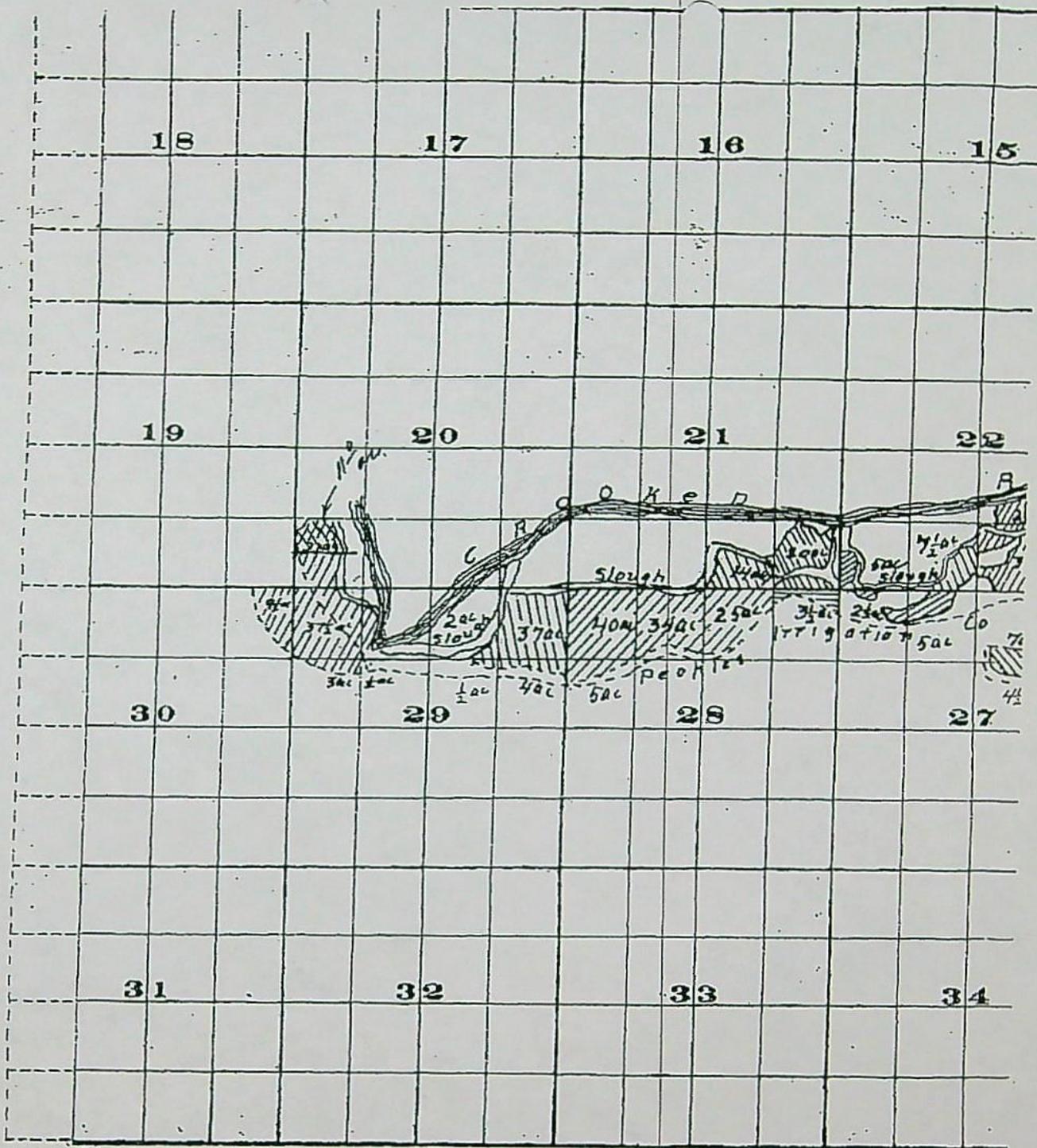
Supporting Documents	Examples
<input type="checkbox"/> Copy of a water right certificate that has been issued within the last five years. (not a remaining right certificate)	Copy of confirming water right certificate that shows issue date
<input type="checkbox"/> Copies of receipts from sales of irrigated crops or for expenditures related to use of water	<ul style="list-style-type: none"><li>• Power usage records for pumps associated with irrigation use</li><li>• Fertilizer or seed bills related to irrigated crops</li><li>• Farmers Co-op sales receipt</li></ul>
<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"><li>• District assessment records for water delivered</li><li>• Crop reports submitted under a federal loan agreement</li><li>• Beneficial use reports from district</li><li>• IRS Farm Usage Deduction Report</li><li>• Agricultural Stabilization Plan</li><li>• CREP Report</li></ul>
<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 – <a href="http://www.oregonexplorer.info/imagery">www.oregonexplorer.info/imagery</a> OWRD – <a href="http://www.wrd.state.or.us">www.wrd.state.or.us</a> Google Earth – <a href="http://earth.google.com">earth.google.com</a> TerraServer – <a href="http://www.terraserver.com">www.terraserver.com</a>
<input type="checkbox"/> Approved Lease establishing beneficial use within the last 5 years	Copy of instream lease or lease number

RECEIVED

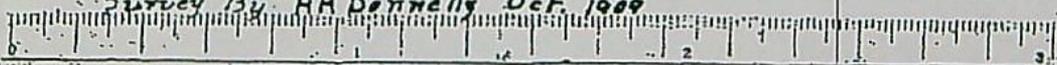
JAN 24 2022

13897

OWRD



Survey By H.H. Dannelly Oct. 1909



Scale of Feet.

John H. Lewis State Engineer

Examined O.

13897 RECEIVED

JAN 24 2022

OWRD

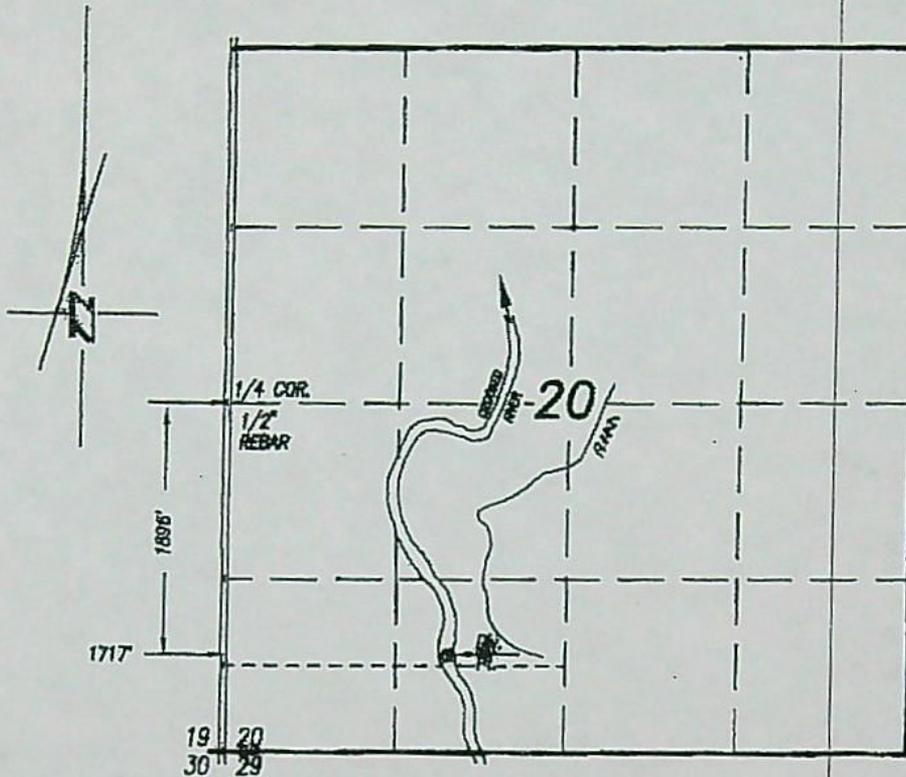
T.14S., R.14E., W.M.  
CROOK COUNTY

SCALE: 1" = 1320'

RECEIVED

SEP 27 1999

WATER RESOURCES DEPT.  
SALEM, OREGON



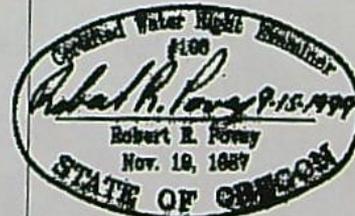
NOTE: THE  
ABANDONED DIVERSION  
POINT LOCATED 744.2'  
SOUTH BY 321' EAST  
OF W.1/4 CORNER OF  
SECTION 8, T.15S.,  
R.18E., W.M. (PEOPLE'S  
IRRIGATION CO.)

THE NEW DIVERSION  
POINT LOCATED 1896'  
SOUTH BY 1717' EAST  
OF W.1/4 CORNER OF  
SECTION 20, T.14S.,  
R.14E., W.M.

FINAL PROOF for  
POINT OF DIVERSION TRANSFER #7248  
BUTLER RANCH, INC.

I, Robert R. Povey, Oregon Certified Water Right  
Examiner #106, hereby certify this final  
proof map was prepared under my direct  
supervision.

The preparation of this map is for the purpose  
of identifying the location of the water right  
diversion point only and has no intent to provide  
dimensions or locations of property ownership lines.



D97-92FP.DWG

RECEIVED

13897

OWRD

# Land Use Information Form

Applicant(s): PHILIP H. & PENELOPE P. KNIGHT

Mailing Address: 34645 SW CLOUDREST LANE

City: HILLSBORO State: OR Zip Code: 97123 Daytime Phone: \_\_\_\_\_

## 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	X/4	Tax Lot #	Plan Designation (e.g., Rural Residential/RR-5)	Water to be:	Proposed Land Use:
<u>13 S</u>	<u>13 E</u>	<u>34</u>	_____	<u>103</u>	<u>EFU</u>	<input checked="" type="checkbox"/> Diverted <input checked="" type="checkbox"/> Conveyed <input checked="" type="checkbox"/> Used	<u>NU</u>
_____	_____	_____	_____	_____	_____	<input type="checkbox"/> Diverted <input type="checkbox"/> Conveyed <input type="checkbox"/> Used	_____
_____	_____	_____	_____	_____	_____	<input type="checkbox"/> Diverted <input type="checkbox"/> Conveyed <input type="checkbox"/> Used	_____

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

JEFFERSON 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) CROOKED RIVER

Estimated quantity of water needed: 0.137  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 NU – NURSERY USE

Briefly describe:

TRANSFER 11 ACRES OF IRRIGATION TO A NEW PLACE OF USE AND A NEW POINT OF APPROPRIATION, & CHANGE TO NURSERY USE.



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

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

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

JEFFERSON COUNTY  
COMMUNITY DEVELOPMENT DEPT.  
85 SE "D" STREET  
MADRAS OREGON 97741

Acct # 11098  
EPUA-1

Name: Tanya Cloutier Title: Assistant Planner  
 Signature: Tanya Cloutier Phone: 503-446-4462 Date: 12/9/21  
 Government Entity: Jefferson Co.

**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: \_\_\_\_\_

Oregon Water Resources Department
Measurement Condition Information for the Applicant
(To be sent with the Draft Preliminary Determination or Final Order)

Transfer #: T- 13897

- Checked box: In order to avoid enlargement of the right or injury to other rights, a Totalizing flowmeter 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
- [x] 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: Jeremy Giffin

District: 11

Address: 231 Scalehouse Lp, STE 103

City/State/Zip: Bend, OR 97702

Phone: 541-306-6885

Email: Jeremy.T.Giffin@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:

Two horizontal lines for describing the 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

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

Yes  No If "Yes", explain:

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

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

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

A Headgate should be required prior to diverting water.

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

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

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

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

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

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

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

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

- Weir
- Parshall Flume
- Other: \_\_\_\_\_

- Submerged Orifice
- Flow Restrictor

- 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:

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:

# 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-13897

Review Due Date:

Applicant Name: Phil/Penelope knight

Proposed Changes:  POU  POD  POA  USE  OTHER

Reviewer(s): Giffin

Date of Review: 04/28/2022

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:  
We regulate back the instream and out of stream flows between the old and new points of diversion every day of the irrigation season. This right is senior and has not been regulated off before.
  
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:

**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-13897, Knight      Date of review: 5-2-22

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

The Oregon Department of Fish and Wildlife (ODFW) believes this proposed transfer may injure an instream water right(s) on       /stream      , tributary to       , because       .  
(Please attach any available supporting information.)

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

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

**1. Screen Maintain**

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

**Note:** This option will yield the following:

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

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

**2. Screen Now**

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

**Note:** This option will yield the following:

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

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

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

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

**3. Screen 2 Year**

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

**Note:** This option will yield the following:

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

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

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

**4. Screen Future**

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

**Note:** This option will yield the following:

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

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

**5. No Screen Needed**

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

Danette L. Faucera

Signature

Danette Faucera  
Printed Name

(503) 947-6092

Phone

Water Policy 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-13897. Knight

**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: Hilary Doulos

Address: 3561 Klindt Dr

City/State/Zip: The Dalles, OR 97058

Phone: (541) 296-8026

- 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: Danette Faucera

Address: 4034 Fairview Industrial Dr. SE

City/State/Zip: Salem, OR 97302

Phone: (503) 947-6092

## Part 4 of 5 – Applicant Information and Signature

### Applicant Information

APPLICANT/BUSINESS NAME PHILIP H. KNIGHT & PENELOPE P. KNIGHT		PHONE NO. 541-977-5275	ADDITIONAL CONTACT NO.
ADDRESS 34645 SW CLOUDREST LN			FAX NO.
CITY HILLSBORO	STATE OR	ZIP 97123	E-MAIL
BY PROVIDING AN E-MAIL ADDRESS, CONSENT IS GIVEN TO RECEIVE ALL CORRESPONDENCE FROM THE DEPARTMENT ELECTRONICALLY. COPIES OF THE FINAL ORDER DOCUMENTS WILL ALSO BE MAILED.			

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

AGENT/BUSINESS NAME JOHN A. SHORT / WATER RIGHT SERVICES, LLC		PHONE NO. 541-389-2837	ADDITIONAL CONTACT NO.
ADDRESS PO BOX 1830			FAX NO.
CITY BEND	STATE OR	ZIP 97709	E-MAIL JOHNSHORT@USA.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:  
**MOVE TO A NEW PLACE OF USE AND POINT OF DIVERSION, & CHANGE TO NURSERY USE.**

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.

**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: **BEND BULLETIN**.
- 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.



*Philip H. Knight*  
Applicant signature

PHILIP H. KNIGHT  
Print Name (and Title if applicable)      1/20/22  
Date

PENELOPE P. KNIGHT  
Applicant signature

PENELOPE P. KNIGHT      1/20/2022  
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 \* **NOTE: SEE ATTACHED QUITCLAIM DEED**

*\*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](https://www.oregon.gov/owrd/WRDFormsPDF/Transfer_Property_Transactions.pdf)

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

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

IRRIGATION DISTRICT NAME <b>CENTRAL OREGON IRRIGATION DISTRICT</b>	ADDRESS <b>1055 SW LAKE RD</b>	
CITY <b>REDMOND</b>	STATE <b>OR</b>	ZIP <b>97756</b>

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 <b>JEFFERSON COUNTY COMMUNITY DEVELOPMENT</b>	ADDRESS <b>85 SE "D" ST</b>	
CITY <b>MADRAS</b>	STATE <b>OR</b>	ZIP <b>97741</b>

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 6, to copy and paste additional Part 5s, or to add additional rows to tables within the form.

**CERTIFICATE # 83732**

**Description of Water Delivery System**

System capacity: 0.137 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 POD TO PIPELINE FOR FLOOD IRRIGATION.**

**Table 1. Location of Authorized and Proposed Point(s) of Diversion (POD) or Appropriation (POA)**  
 (Note: If the POD/POA name is not specified on the certificate, assign it a name or number here.)

POD/POA Name or Number	Is this POD/POA Authorized on the Certificate or Is it Proposed?	If POA, OWRD Well Log ID# (or Well ID Tag # L-___)	Twp		Rng		Sec		¼ ¼	Tax Lot, DLC or Gov't Lot	Measured Distances (from a recognized survey corner)
POD "OFF"	<input checked="" type="checkbox"/> Authorized <input type="checkbox"/> Proposed		14	S	14	E	20	SE	SW	100	1896' S, 1717' E OF W ¼ COR SEC 20
POD "ON"	<input type="checkbox"/> Authorized <input checked="" type="checkbox"/> Proposed		13	S	13	E	34	SE	SW	103	1250' N, 2220' E OF SW COR SEC 34

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

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

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

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**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:

C-94956 IR & C-76714 IS.



Pursuant to ORS 540.510, any "layered" water use such as an irrigation right that is supplemental to a primary right proposed for transfer must be included in the transfer or be cancelled. Any change to a ground water registration must be filed separately in a ground water registration modification application.

**For Substitution** (ground water supplemental irrigation will be substituted for surface water primary irrigation)

Ground water supplemental Permit or Certificate # \_\_\_\_\_;  
Surface water primary Certificate # \_\_\_\_\_.

**For a change from Supplemental Irrigation Use to Primary Irrigation Use**

Identify the primary certificate to be cancelled. Certificate # \_\_\_\_\_

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

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

**AND/OR**

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

**Table 3. Construction of Point(s) of Appropriation**

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

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

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# Supplemental Form D

## Water Right Transfers Within the Boundaries of or Served by an Irrigation District or other Water Supplier (Association, Ditch Co., etc.)

[For transfers submitted under OAR Chapter 690 Division 380]



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

The Department requires non-district applicants to communicate with districts/water suppliers during the planning and preparation of transfer applications involving water rights having a point of diversion or appropriation (POD/POA) or place of use (POU) served by or located within the boundaries of an irrigation district, or other type of water supplier to which assessments are paid. In some cases consent will be required from the district or water supplier.

This form must be included with any transfer application that involves rights served by or located within the boundaries of a district or other type of water supplier.

### 1. APPLICANT INFORMATION

NAME <b>PHILIP H. KNIGHT &amp; PENELOPE P. KNIGHT</b>			PHONE (HM)
PHONE (WK)	CELL <b>541-977-5275</b>	FAX	
ADDRESS <b>34645 SW CLOUDREST LN</b>			
CITY <b>HILLSBORO</b>	STATE <b>OR</b>	ZIP <b>97123</b>	E-MAIL**

### 2. DISTRICT or WATER SUPPLIER INFORMATION

DISTRICT/WATER SUPPLIER NAME <b>CENTRAL OREGON IRRIGATION DISTRICT</b>			PHONE (HM)
PHONE (WK) <b>541-548-6047</b>	CELL	FAX	
ADDRESS <b>1055 SW LAKE RD</b>			
CITY <b>REDMOND</b>	STATE <b>OR</b>	ZIP <b>97756</b>	E-MAIL**

\*\* By providing an e-mail address, the applicant and/or the district/water supplier consents to receive all correspondence from the Department electronically. Copies of final order documents will also be mailed.

### 3. WATER RIGHTS ISSUED IN THE NAME OF, or LOCATED WITHIN, or SERVED BY AN IRRIGATION DISTRICT, OTHER DISTRICT, OR WATER SUPPLIER

a. List the water right(s) involved in this transfer:

	Application / Decree	Permit / Previous Transfer	Certificate	Is the water right in the name of a district, water supplier, or BOR*?
1.		-	<b>83732</b>	YES <input type="checkbox"/>
2.		-		YES <input type="checkbox"/>
3.		-		YES <input type="checkbox"/>

Attach additional pages for additional water rights if necessary.

\*Bureau of Reclamation

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b. Determine a district's/water supplier's connection to your points of diversion (POD) or appropriation (POA) and places of use (POU). [You may need to consult with your district/water supplier.]

**CURRENT ASSOCIATIONS** Please answer the following "yes" or "no" questions:

YES  NO  One or more of the current POD(s) / POA(s) involved in the transfer are served by a district/water supplier or rely on BOR water.

YES  NO  All or a portion of the current POU involved in this proposed transfer receives water for either primary or supplemental irrigation from the district/water supplier; i.e., the POU is currently layered with a district or BOR water supplied water right(s).

**PROPOSED ASSOCIATIONS** Please answer the following "yes" or "no" questions:

YES  NO  One or more of the proposed POD(s) / POA(s) involved in the transfer are currently served or will be served by a district/water supplier if the transfer is approved, or rely on BOR water.

YES  NO  All or a portion of the proposed POU involved in this proposed transfer currently receives or will receive either primary or supplemental irrigation from the district/water supplier; i.e., the POU will be layered with a district/water supplier or BOR water supplied water right(s).

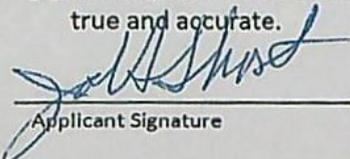
**COMMENTS OR ADDITIONAL INFORMATION: CHANGING TO NURSERY USE AND LAYERING WITH DISTRICT IR AND IS FOR USE WHEN A SHORTAGE IN DISTRICT SUPPLIED WATER OCCURS.**

**4. APPLICANT'S SIGNATURE**

(1) I certify that I have notified the district/water supplier about the proposed water right transfer application by [check one]:

email,  phone,  postal mail,  in person, or  other (please specify) \_\_\_\_\_

(2) I certify that to the best of my knowledge the information contained in this Supplemental Form D is true and accurate.

  
Applicant Signature

John A. Shortt  
Name (print) Agent

12-23-21  
Date

**5. (WHEN REQUIRED) DISTRICT or WATER SUPPLIER CONSENT TO THE PROPOSED WATER RIGHT TRANSFER**

District Manager or Water Supplier consent is required if any box on this form is marked "YES."

The district/water supplier certifies the following:

(1) The district/water supplier has reviewed the applicant's proposed water right transfer application and maps; and

(2) The district/water supplier consents to the proposed water right transfer application. *with conditions.*

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YES  NO  After proof of completion, the confirming water right certificate is to remain in the name of the U.S. Bureau of Reclamation or the district/water supplier.

YES  NO  The district/water supplier will be responsible for submitting the claim of beneficial use prepared by a Certified Water Rights Examiner (CWRE).

 COO CRAG HORVATH, Manager 9.27.21  
Signature of District Manager /Water Supplier      Name (print), Title      Date

COID consent to the proposed water right transfer is conditionally provided, as set forth in the attached letter.

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December 28, 2021

Oregon Water Resources Department  
725 Summer St NE Ste 100  
Salem, OR 97301

**RE: Supplement Form D for Water Right Transfer Application involving C-83732**

To Whom It May Concern:

John Short and Water Rights Services, LLC prepared a draft water right transfer application on behalf of Philip H. Knight and Penelope P. Knight involving C-83732. Because the "ON" lands for the proposed transfer are located within the boundary of Central Oregon Irrigation District (COID) and already receive water delivered by COID pursuant to COID's water rights, Mr. Short notified COID of the proposed transfer and requested that COID consent to the proposed transfer and complete Supplemental Form D.

COID is conditionally consenting to the proposed transfer, and has completed the Supplemental Form D accordingly. The consent is conditioned as set forth below. We would request that this letter be included as part of the record for the proposed transfer, and be taken into consideration by the Department in determining whether to ultimately approve or deny the transfer application.

COID holds two certificates, C-94956, a 1900 primary irrigation right to use Deschutes live flow, and C-76714, a 1913 supplemental irrigation right to use storage from Crane Prairie Reservoir. Both of these certificates are appurtenant to the "ON" lands that are the subject of the transfer application, and the proposed transfer application map places water onto lands fully irrigated by the appurtenant COID water rights.

We have the following comments and concerns:

As an initial matter, the proposed transfer application proposes to change the authorized use under C-83732 from irrigation to nursery use, with the nursery use to be layered with COID's primary irrigation and supplemental irrigation rights "for use when a shortage in district supplied water occurs."

After speaking with the current farm operator for the "ON" lands, Eric Hagerty, we understand that the intention here is to only use the C-83732 water in a truly supplemental manner, in that the operator is only wanting the transferred water in early April or at the end of the irrigation season, and only when COID water is not available and COID is not otherwise delivering water. With that said, COID is not aware of any intention to convert the current farming operation to nursery stock, and absent such conversion, COID is concerned that the transfer cannot be proven up. At a more general level, COID is concerned that transfer applications seeking to change the authorized use of water from irrigation to nursery use—when there will be no bona fide nursery use—amounts to an end-run around the standard approach taken to layering primary and supplemental irrigation rights within irrigation districts.

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Related to the above, COID is concerned that if the water under C-83732 is conveyed through the same irrigation system and used at the same time that COID water is also being conveyed and used, then the water will become co-mingled. If so, there will be no way to accurately document use under any transfer order for the required claim of beneficial use report. Similarly, there will be no way to document beneficial use following confirmation and certification of the transfer as well. And along these same lines, if water under C-83732 and water under COID's rights is being used at the same time, it will be impossible to know if and when the water user is exceeding COID's maximum delivery rate.

In sum, COID is consenting to the transfer on condition that if approved, the transfer order will prohibit co-mingling with COID water rights. To accomplish this, the use under the new nursery right should be limited to those times in which COID water is actually unavailable and COID is not otherwise delivering water, or to the months of November through March, when COID water would not be available to support nursery uses. We would note that these are the same conditions that COID requested to be placed on the approval of transfer application T-13793 in the event the Department decides to approve T-13793. This other application involves "ON" lands that are adjacent to the "ON" lands at issue under the immediate proposed transfer application. Finally, our consent is conditioned on the requirements that the nursery rights are limited to actual nursery use and the installation and use of totalizing flow meters to accurately track COID water use separate and apart from any use authorized under the transfer application.

Please let us know if you have any questions or would like to discuss further.

Sincerely,

A handwritten signature in blue ink, appearing to read "Craig Horrell", is written over a light blue horizontal line.

Craig Horrell  
Managing Director

BLX

NO PART OF ANY STEVENS-NESS FORM MAY BE REPRODUCED IN ANY FORM OR BY ANY ELECTRONIC OR MECHANICAL MEANS.



BUTLER RANCH, INC.  
5284 NW LONE PINE ROAD  
TERREBONNE, OR 97750

Grantor's Name and Address  
PHILIP & PENELOPE KNIGHT  
34645 SW CLOUDREST LANE  
HILLSBORO, OR 97123

Grantee's Name and Address  
After recording, return to (Name and Address):  
PHILIP & PENELOPE KNIGHT  
34645 SW CLOUDREST LANE  
HILLSBORO, OR 97123

Until requested otherwise, send all tax statements to (Name and Address):

SPACE RESERVED  
FOR  
RECORDERS USE

QUITCLAIM DEED

KNOW ALL BY THESE PRESENTS that BUTLER RANCH, INC.

hereinafter called grantor, for the consideration hereinafter stated, does hereby remise, release and forever quitclaim unto PHILIP & PENELOPE KNIGHT

hereinafter called grantee, and unto grantee's heirs, successors and assigns, all of the grantor's right, title and interest in that certain real property, with the tenements, hereditaments and appurtenances thereunto belonging or in any way appertaining, situated in CROOK County, State of Oregon, described as follows (legal description of property):

THAT CERTAIN OREGON WATER RIGHT DESCRIBED IN OREGON WATER RESOURCES DEPARTMENT CERTIFICATE 83732 OR ANY SUPERCEEDING CERTIFICATES, EXHIBIT A, CONSISTING OF 11.0 ACRES AND 0.137 CFS APPURTENANT TO TAX LOT 100 IN SECTION 20, TOWNSHIP 14 SOUTH RANGE 14 EAST, WM AS DEPICTED IN EXHIBIT A ATTACHED HERETO AND INCORPORATED BY REFERENCE.

Return To:  
Deschutes County  
Title Company  
0615329

THIS DOCUMENT FILED FOR RECORD BY  
DESCHUTES COUNTY TITLE COMPANY AS  
AN ACCOMMODATION ONLY. IT HAS NOT  
BEEN EXAMINED AS TO ITS EXECUTION  
OR AS TO ITS EFFECT UPON THE TITLE

(IF SPACE INSUFFICIENT, CONTINUE DESCRIPTION ON REVERSE)

To Have and to Hold the same unto grantee and grantee's heirs, successors and assigns forever.  
The true and actual consideration paid for this transfer, stated in terms of dollars, is \$165,000.00. However, the actual consideration consists of or includes other property or value given or promised which is  part of the  the whole (indicate which) consideration. (The sentence between the symbols  $\phi$ , if not applicable, should be deleted. See ORS 93.030.)

In construing this instrument, where the context so requires, the singular includes the plural, and all grammatical changes shall be made so that this instrument shall apply equally to businesses, other entities and to individuals.

IN WITNESS WHEREOF, grantor has executed this instrument on \_\_\_\_\_; any signature on behalf of a business or other entity is made with the authority of that entity.

BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON TRANSFERRING FEE TITLE SHOULD INQUIRE ABOUT THE PERSON'S RIGHTS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 9 TO 11, CHAPTER 424, OREGON LAWS 2007, SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009, AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010. THIS INSTRUMENT DOES NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY THAT THE UNIT OF LAND BEING TRANSFERRED IS A LAWFULLY ESTABLISHED LOT OR PARCEL, AS DEFINED IN ORS 92.010 OR 215.010, TO VERIFY THE APPROVED USES OF THE LOT OR PARCEL, AS DETERMINE ANY LIMITS OR LAWSUITS AGAINST FARMING OR FOREST PRACTICES, AS DEFINED IN ORS 30.930, AND TO INQUIRE ABOUT THE RIGHTS OF NEIGHBORING PROPERTY OWNERS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009, AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010.

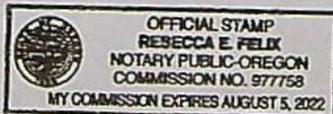
Butler Ranch Inc.  
By *[Signature]*  
Pres. BRI

STATE OF OREGON, County of Deschutes ) ss.

This instrument was acknowledged before me on \_\_\_\_\_

by \_\_\_\_\_ This instrument was acknowledged before me on August 4<sup>th</sup>, 2021

by David R. Butler  
as President  
of Butler Ranch, Inc.



*[Signature]*  
Notary Public for Oregon  
My commission expires Aug. 05, 2022

PUBLISHER'S NOTE: If using this form to convey real property subject to ORS 92.027, include the required reference.

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STATE OF OREGON

COUNTY OF CROOK

CERTIFICATE OF WATER RIGHT

Exhibit A

THIS CERTIFICATE ISSUED TO

BUTLER RANCH, INC.  
5294 NW LONE PINE ROAD  
TERREBONNE, OREGON 97760

confirms the right to use the waters of the CROOKED RIVER, a tributary of the DESCHUTES RIVER for IRRIGATION of 11.0 ACRES.

This right was confirmed by decree of the Circuit Court of the State of Oregon for Crook County. The decree is of record at Salem, in the Order Record of the Water Resources Director in Volume 1, at Page 449. The date of priority is 1892.

The amount of water to which this right is entitled is limited to an amount actually beneficially used, and shall not exceed 0.137 CUBIC FOOT PER SECOND if available at the original point of diversion: NW $\frac{1}{4}$  SW $\frac{1}{4}$ , SECTION 8, T 15 S, R 16 E, W.M., 744.2 FEET SOUTH AND 321 FEET EAST FROM THE WEST  $\frac{1}{4}$  CORNER OF SECTION 8, or its equivalent in case of rotation, measured at the point of diversion.

The point of diversion is located as follows:

SE  $\frac{1}{4}$  SW  $\frac{1}{4}$ , Section 20, T. 14 S., R. 14 E., W.M.;  
1896 feet South and 1717 feet East from the West  $\frac{1}{4}$  Corner of Section 20.

The amount of water used for irrigation, 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 for each acre irrigated, and shall be further limited to a diversion of not to exceed 4.0 acre-feet per acre for each acre irrigated during the irrigation season of each year.

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

T-7248.RA

Certificate Number 83732

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

SW ¼ SW ¼ 11.0 ACRES  
SECTION 20  
TOWNSHIP 14 SOUTH, RANGE 14 EAST, W.M.

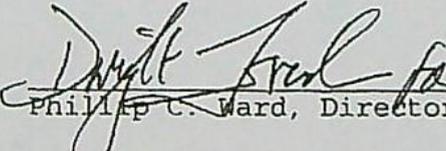
This certificate is issued to confirm a change in POINT OF DIVERSION approved by an order of the Water Resources Director entered July 9, 1997, approving Transfer Application T-7248, and together with certificates 72947, 74199, and 74200 supersedes Certificate 52183, State Record of Water Right Certificates.

The following conditions apply to this right:

1. The quantity of water diverted at the new point of diversion, together with that diverted at the old diversion, shall not exceed the quantity of water lawfully available at the original point of diversion.
2. When required by the Department, the water user shall install and maintain a headgate, an in-line flow meter, weir, or other suitable device for measuring and recording the quantity of water diverted. The type and plans of the headgate and measuring device must be approved by the Department prior to beginning construction and shall be installed under the general supervision of the Department.

The right to the use of the water for the above purpose is restricted to beneficial use on the lands or place of use described and is subject to all other conditions and limitations contained in the decree.

Issued JAN 09 2008

  
Phillip C. Ward, Director

Recorded in State Record of Water Right Certificates numbered 83732.

T-7248.RA

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# 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 DESCHUTES

I, BRYCE WITHERS, in my capacity as WATER RIGHT SPECIALIST,

mailing address PO BOX 1830 BEND, OR 97709

telephone number (541)389-2837, 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 # 83732; 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)

OR

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

(continues on reverse side)

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 13897 JAN 24 2022

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

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

B. W. T.  
Signature of Affiant

12-8-2021  
Date

Signed and sworn to (or affirmed) before me this 8 day of Dec, 2021.



Linda Lee Miller  
Notary Public for Oregon

My Commission Expires: July 12, 2025

Supporting Documents	Examples
<input type="checkbox"/> Copy of a water right certificate that has been issued within the last five years. (not a remaining right certificate)	Copy of confirming water right certificate that shows issue date
<input type="checkbox"/> Copies of receipts from sales of irrigated crops or for expenditures related to use of water	<ul style="list-style-type: none"><li>• Power usage records for pumps associated with irrigation use</li><li>• Fertilizer or seed bills related to irrigated crops</li><li>• Farmers Co-op sales receipt</li></ul>
<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"><li>• District assessment records for water delivered</li><li>• Crop reports submitted under a federal loan agreement</li><li>• Beneficial use reports from district</li><li>• IRS Farm Usage Deduction Report</li><li>• Agricultural Stabilization Plan</li><li>• CREP Report</li></ul>
<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 – <a href="http://www.oregonexplorer.info/imagery">www.oregonexplorer.info/imagery</a> OWRD – <a href="http://www.wrd.state.or.us">www.wrd.state.or.us</a> Google Earth – <a href="http://earth.google.com">earth.google.com</a> TerraServer – <a href="http://www.terraserver.com">www.terraserver.com</a>
<input type="checkbox"/> Approved Lease establishing beneficial use within the last 5 years	Copy of instream lease or lease number

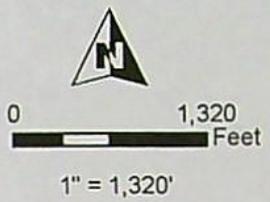
RECEIVED

JAN 24 2022

13897

OWRD

T14S R14E, WM,  
CROOK COUNTY, OR

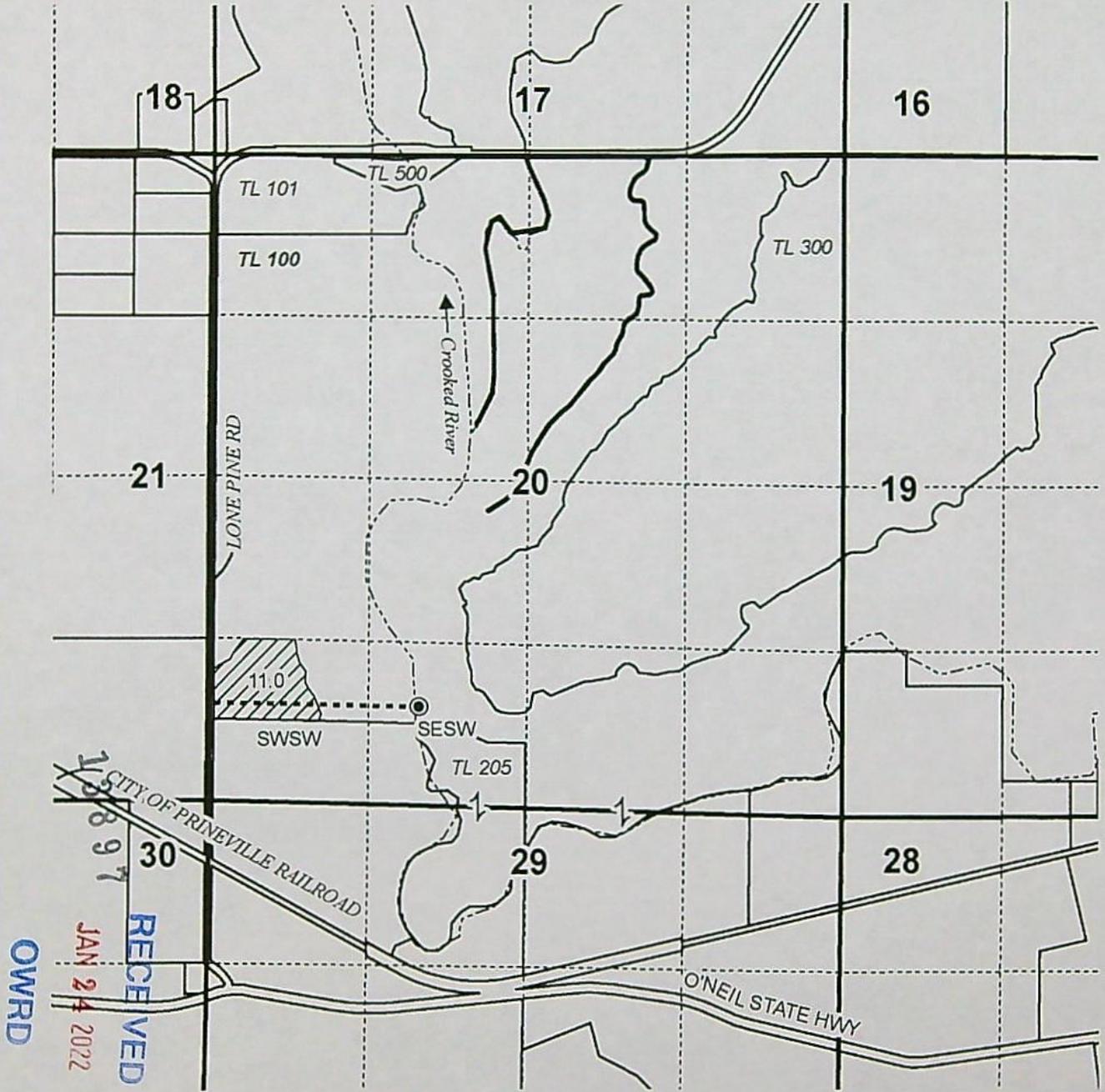


- POD
- Pipeline
- C-83732 POU IR 1892 Priority "OFF"
- Section
- Quarter Quarter
- Tax Lot

POD LOCATION:  
1,896' S, 1,717' E OF W 1/4 COR SEC 20



RENEWAL DATE 12/31/2022



12897  
 OWRD  
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 JAN 24 2022

PERMANENT TRANSFER "OFF" MAP  
Knight Ranch

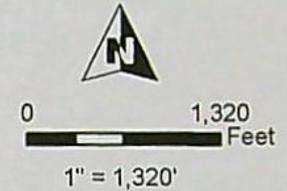
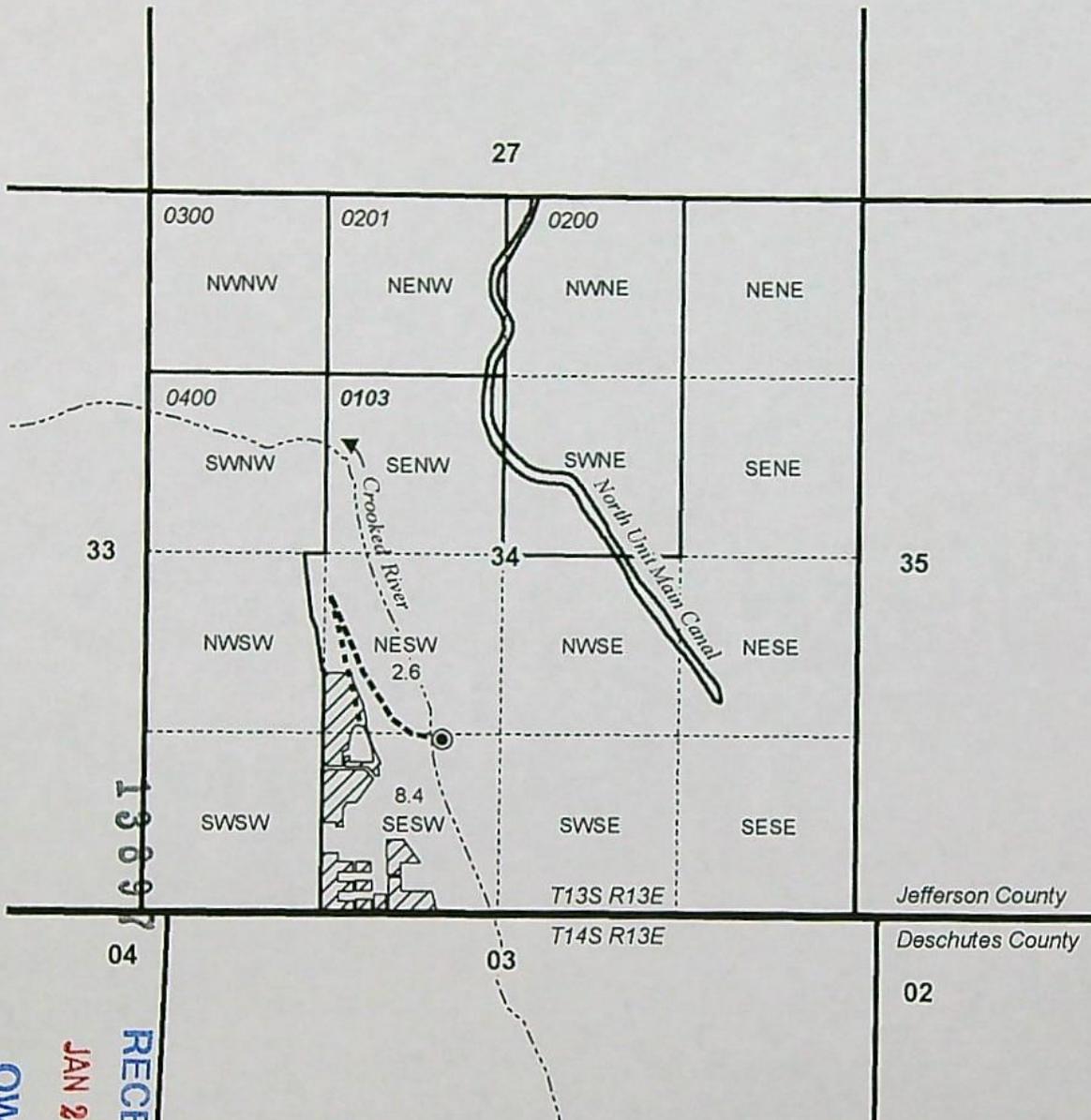
C-83732

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

Date: 12/6/2021

**WATER RIGHT SERVICES, LLC**  
 PO BOX 1830, BEND, OR 97709  
 WWW.OREGONWATER.US CCB # 197121  
 johnshort@usa.com 541-389-2837

**T13S R13E, WM**  
JEFFERSON COUNTY, OREGON



- POD, Meter, & Fishscreen
- River
- ..... Pipeline
- POU NU 1892 Priority "ON"
- Township
- Section
- Quarter Quarter
- Tax Lot

POD LOCATION:  
1,250' N, 2,200' E OF SW COR SEC 34



RENEWAL DATE 12/31/2022

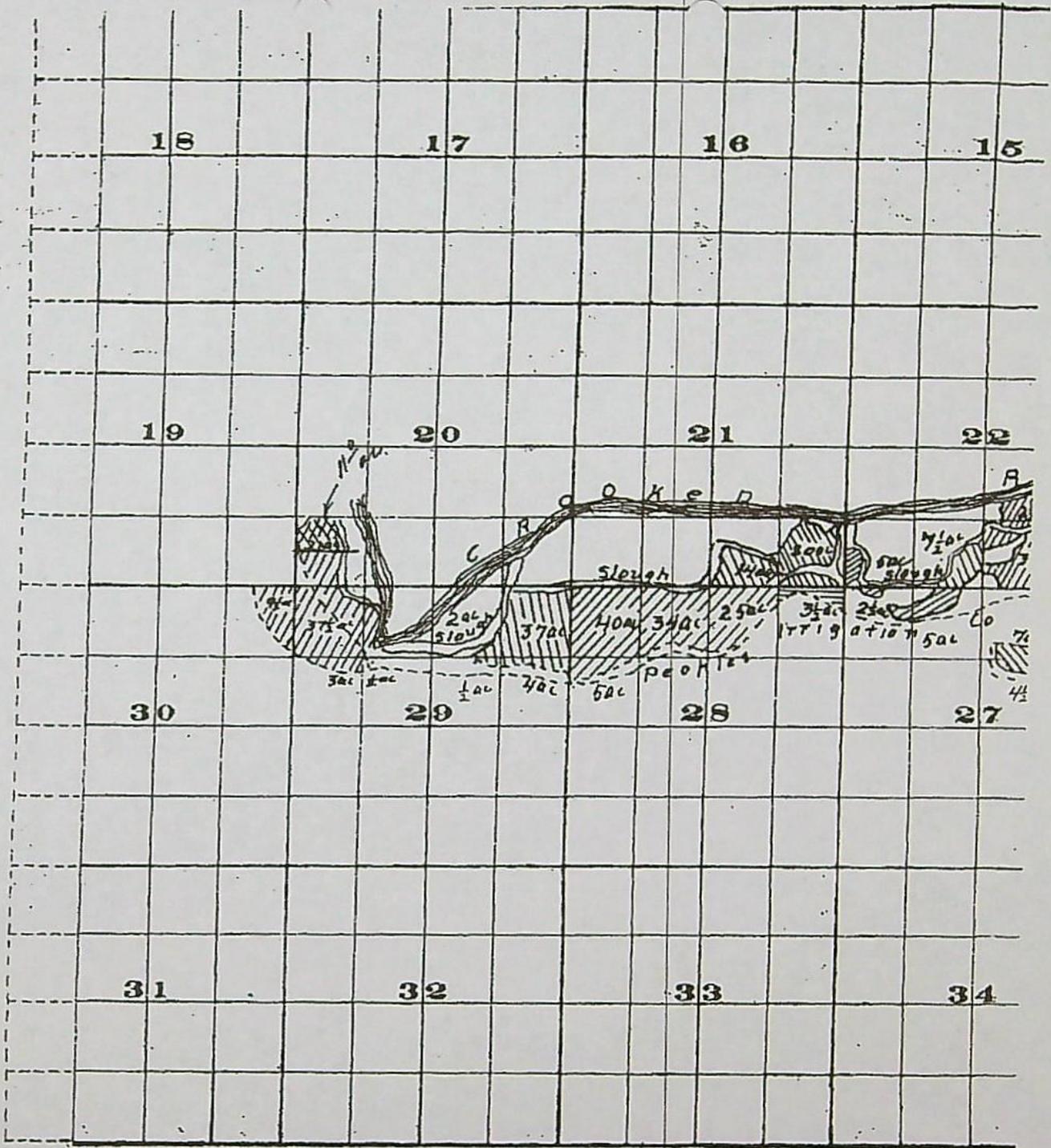
RECEIVED  
 JAN 24 2022  
 OWRD

**PERMANENT TRANSFER "ON" MAP**  
**Knight Ranch**  
 C-83732

Date: 12/7/2021

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

**WATER RIGHT SERVICES, LLC**  
 PO BOX 1830, BEND, OR 97709  
 WWW.OREGONWATER.US CCB # 197121  
 johnshort@usa.com 541-389-2837



Survey By H.H. Donnelly Oct. 1909

Scale of Feet.

John H. Lewis State Engineer

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Examined O.  
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JAN 24 2022

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T.14S., R.14E., W.M.

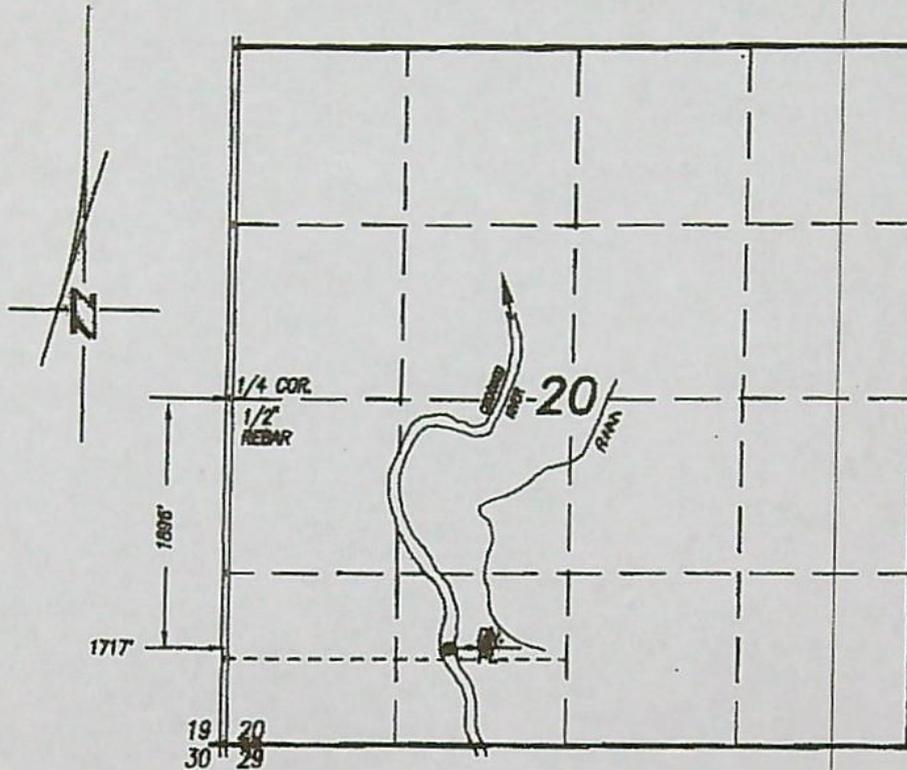
CROOK COUNTY

SCALE: 1" = 1320'

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SEP 27 1999

WATER RESOURCES DEPT.  
SALEM, OREGON



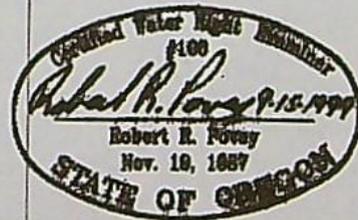
NOTE: THE  
ABANDONED DIVERSION  
POINT LOCATED 744.2'  
SOUTH BY 321' EAST  
OF W.1/4 CORNER OF  
SECTION 8, T.15S.,  
R.16E., W.M. (PEOPLE'S  
IRRIGATION CO.)

THE NEW DIVERSION  
POINT LOCATED 1896'  
SOUTH BY 1717' EAST  
OF W.1/4 CORNER OF  
SECTION 20, T.14S.,  
R.14E., W.M.

**FINAL PROOF for  
POINT OF DIVERSION TRANSFER #7248  
BUTLER RANCH, INC.**

I, Robert R. Povey, Oregon Certified Water Right  
Examiner #100, hereby certify this final  
proof map was prepared under my direct  
supervision.

The preparation of this map is for the purpose  
of identifying the location of the water right  
diversion point only and has no intent to provide  
dimensions or locations of property ownership lines.



D97-92FP.DWG

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13897 1 2022

OWRD

# Land Use Information Form

Applicant(s): PHILIP H. & PENELOPE P. KNIGHT

Mailing Address: 34645 SW CLOUDREST LANE

City: HILLSBORO State: OR Zip Code: 97123 Daytime Phone: \_\_\_\_\_

## 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>13 S</u>	<u>13 E</u>	<u>34</u>	_____	<u>103</u>	<u>EFU</u>	<input checked="" type="checkbox"/> Diverted <input checked="" type="checkbox"/> Conveyed <input checked="" type="checkbox"/> Used	<u>NU</u>
_____	_____	_____	_____	_____	_____	<input type="checkbox"/> Diverted <input type="checkbox"/> Conveyed <input type="checkbox"/> Used	_____
_____	_____	_____	_____	_____	_____	<input type="checkbox"/> Diverted <input type="checkbox"/> Conveyed <input type="checkbox"/> Used	_____

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

JEFFERSON 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) CROOKED RIVER

Estimated quantity of water needed: 0.137  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 NU – NURSERY USE

Briefly describe:

TRANSFER 11 ACRES OF IRRIGATION TO A NEW PLACE OF USE AND A NEW POINT OF APPROPRIATION, & CHANGE TO NURSERY USE.

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

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

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

**JEFFERSON COUNTY**  
**COMMUNITY DEVELOPMENT DEPT.**  
**85 SE "D" STREET**  
**MADRAS OREGON 97741**

Acct# 11098  
EFUA-1

Name: Tanya Cloutier Title: Assistant Planner  
 Signature: Tanya Cloutier Phone: 541-475-4462 Date: 12/9/21  
 Government Entity: Jefferson Co.

**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.

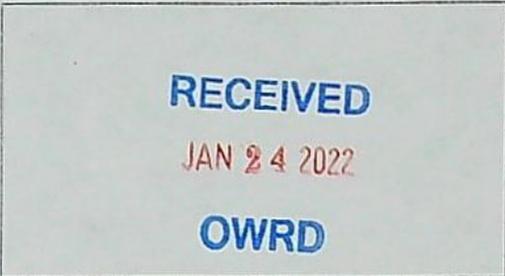
**Receipt for Request for Land Use Information**

Applicant name: \_\_\_\_\_  
 City or County: \_\_\_\_\_ Staff contact: \_\_\_\_\_  
 Signature: \_\_\_\_\_ Phone: \_\_\_\_\_ Date: \_\_\_\_\_

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Date Received (Date Stamp Here)

### OWRD Over-the-Counter Submission Receipt

Applicant Name(s) & Address: Philip H and (Penny Knight) Penelope P.  
34645 SW Cloudrest Lane, Hillsboro, OR. 97123

Transaction Type: application submission Transfer

Fees Received: \$ 3,540.00

Cash       Check:      Check No. 13286

Name(s) on Check: Philip H Knight, Penny Knight

Address on Check: 34645 SW Cloudrest Lane, Hillsboro

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

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

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

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

Sincerely,  
OWRD Customer Service Staff

Submission received by: John Smith  
(Name of OWRD staff)

**Instructions for OWRD staff:**

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

# Permanent Transfer Application Intake Completion Checklist

Check the Certificate(s) in WRIS

Transfer # T- 13897

Checked by: <u>Joan</u>	<b>Type of Change(s) Proposed:</b> <small>Mark the Proposed Changes</small>	Substitution	Supplemental to Primary	<input checked="" type="checkbox"/> POU	<input checked="" type="checkbox"/> POD	APOD
Date: <u>1/25/22</u>		Gov Action	Surface to Ground	<input checked="" type="checkbox"/> USE	POA	APOA
Fee Received: <u>\$ 3540.00</u>						
Calculated Fee:		<b>How many rights to be Transferred?</b>				
		Certificate # <u>83732</u>				
Additional Observations: <u>RA Request included</u>						
<u>use to nursery</u>						
<u>11AC-1/20 4af 0,137 CFS</u>						

If OK and complete, check box to the left; if NOT, fill in.

1. Is applicant information complete? Have all applicants listed at the top of the page signed at the bottom?  
If no, what is missing? Whose signature is missing? see quit claim
2. Does applicant indicate the place of use is in or near an irrigation district? Is a Form D included?  N/A.  
Name of the district: COID Central Oregon Irrigation District
3. Part 5 of application, has the applicant(s) completed the entire page and does the information match the description of the explanation of the reasons for transfer on Part 4 of the application?  
If no, you may need to contact the applicant or agent? \_\_\_\_\_
4. Is there only one (1) water right included in this transfer application?  
If no, are the criteria of OAR 690-380-3220 for more than one WR met? Yes or No \_\_\_\_\_  
If no, then the transfer application CANNOT be accepted. See attached "3220" Decision Tree Flowchart.
5. For multiple certificates do each of the certificates listed on Application Page 1 have their own separate completed Part 5 tables 1 & 2?  
If no, which certificate(s) are missing a separate Part 5 tables 1 & 2? \_\_\_\_\_
6. Is the map prepared and signed by a CWRE? Does the map meet requirements?  
If no, what is missing? \_\_\_\_\_. Map waiver included?  Yes  No
7. If a change in point of appropriation (POA), have the well logs been included?  N/A.
8. If a change in place of use (POU) within Umatilla County, have the applicant(s) provided a Supplemental Form U?  N/A.
9. If all boxes on this checklist are checked (with no remaining deficiencies identified), ACCEPT the application. Put this application intake completeness check sheet in the transfer folder.

OR:  If all boxes to the left are NOT checked, then this application is deficient and CANNOT be accepted. It should be returned and the deficiencies listed in the "staff" section at the bottom of Application Page 1, unless the applicant or agent can resolve the deficiencies within 2-3 days.

Actions taken: \_\_\_\_\_ Date: 1/25/22



# 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](http://www.oregon.gov/OWRD)

## NOTE TO APPLICANTS

In order for your application to be processed by the Water Resources Department (WRD), this Land Use Information Form must be completed by a local government planning official in the jurisdiction(s) where your water right will be used and developed. The planning official may choose to complete the form while you wait, or return the receipt stub to you. Applications received by WRD without the Land Use Form or the receipt stub will be returned to you. Please be aware that your application will not be approved without land use approval.

**This form is NOT required if:**

- 1) Water is to be diverted, conveyed, and/or used only on federal lands; **OR**
- 2) The application is for a water right transfer, allocation of conserved water, exchange, permit amendment, or ground water registration modification, and **all** of the following apply:
  - a) The existing and proposed water use is located entirely within lands zoned for exclusive farm-use or within an irrigation district;
  - b) The application involves a change in place of use only;
  - c) The change does not involve the placement or modification of structures, including but not limited to water diversion, impoundment, distribution facilities, water wells and well houses; **and**
  - d) The application involves irrigation water uses only.

## NOTE TO LOCAL GOVERNMENTS

The person presenting the attached Land Use Information Form is applying for or modifying a water right. The Water Resources Department (WRD) requires its applicants to obtain land-use information to be sure the water rights do not result in land uses that are incompatible with your comprehensive plan. Please complete the form or detach the receipt stub and return it to the applicant for inclusion in their water right application. You will receive notice once the applicant formally submits his or her request to the WRD. The notice will give more information about WRD's water rights process and provide additional comment opportunities. You will have 30 days from the date of the notice to complete the land-use form and return it to the WRD. If no land-use information is received from you within that 30-day period, the WRD may presume the land use associated with the proposed water right is compatible with your comprehensive plan. Your attention to this request for information is greatly appreciated by the Water Resources Department. If you have any questions concerning this form, please contact the WRD's Customer Service Group at 503-986-0801.

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JAN 24 2022

OWRD  
13897

C-83732 BUTLER/KNIGHT

5/2017 GOOGLE EARTH IMAGERY

Legend

SENW SWNE SENE SWNW SENW SWNE SENE

19

SWNW

SENW

SWNE

SENE

NESW

NWSE

NESE

NWSW

NESW

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19897 JAN 24 2022

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29

Survey

Google Earth

SWNE

SENE

SWNW

SENW

SWNE

SENE

2000 ft



# Application for Permanent Water Right Transfer

## Part 1 of 5 – Minimum Requirements Checklist

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

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

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

- Part 1 – Completed Minimum Requirements Checklist.
- Part 2 – Completed Transfer Application Map Checklist.
- Part 3 – Application Fee, payable by check to the Oregon Water Resources Department, and completed Fee Worksheet, page 3. Try the new online fee calculator at: [http://apps.wrd.state.or.us/apps/misc/wrd\\_fee\\_calculator](http://apps.wrd.state.or.us/apps/misc/wrd_fee_calculator).
- Part 4 – Completed Applicant Information and Signature.
- Part 5 – Information about Water Rights to be Transferred: **How many water rights are to be transferred? 1 List them here: C-83732**  
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.) **SEE ATTACHED DEED**
- 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 (or signed land use form receipt stub) 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: \_\_\_\_/\_\_\_\_/\_\_\_\_

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13897  
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## Part 2 of 5 – Transfer Application Map

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

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

- N/A Certified Water Right Examiner (CWRE) Stamp and Original Signature. For a list of CWREs, see [http://apps.wrd.state.or.us/apps/wr/cwre\\_license\\_view/](http://apps.wrd.state.or.us/apps/wr/cwre_license_view/). CWRE stamp and signature are not required for substitutions.
- N/A If more than three water rights are involved, separate maps are needed for each water right.
- Permanent quality printed with dark ink on good quality paper.
- The size of the map can be 8½ x 11 inches, 8½ x 14 inches, 11 x 17 inches, or up to 30 x 30 inches. For 30 x 30 inch maps, one extra copy is required.
- A north arrow, a legend, and scale.
- The scale of the map must be: 1 inch = 400 feet, 1 inch = 1,320 feet, the scale of the Final Proof/Claim of Beneficial Use Map (the map used when the permit was certificated), the scale of the county assessor map if the scale is not smaller than 1 inch = 1,320 feet, or a scale that has been pre-approved by the Department.
- Township, Range, Section, ¼ ¼, DLC, Government Lot, and other recognized public land survey lines.
- Tax lot boundaries (property lines) are required. Tax lot numbers are recommended.
- Major physical features including rivers and creeks showing direction of flow, lakes and reservoirs, roads, and railroads.
- Major water delivery system features from the point(s) of diversion/appropriation such as main pipelines, canals, and ditches.
- Existing place of use that includes separate hachuring for each water right, priority date, and use including number of acres in each quarter-quarter section, government lot, or in each quarter-quarter section as projected within government lots, donation land claims, or other recognized public land survey subdivisions. If less than the entirety of the water right is being changed, a separate hachuring is needed for lands left unchanged.
- N/A Proposed place of use that includes separate hachuring for each water right, priority date, and use including number of acres in each quarter-quarter section, government lot, or in each quarter-quarter section as projected within government lots, donation land claims, or other recognized public land survey subdivisions.
- Existing point(s) of diversion or well(s) with distance and bearing or coordinates from a recognized survey corner. This information can be found in your water right certificate or permit.
- N/A If you are proposing a change in point(s) of diversion or well(s), show the proposed location and label it clearly with distance and bearing or coordinates. If GPS coordinates are used, latitude-longitude coordinates may be expressed as either degrees-minutes-seconds with at least one digit after the decimal (example – 42°32'15.5") or degrees-decimal with five or more digits after the decimal (example – 42.53764°).

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13897  
WRD





# Oregon

Kate Brown, Governor

## Water Resources Department

725 Summer St NE, Suite A

Salem, OR 97301

(503) 986-0900

Fax (503) 986-0904

February 2, 2022

PHILIP KNIGHT  
34645 SW CLOUDREST LANE  
HILLSBORO, OR 97123

Reference: Application T-13897

On January 24, 2022, OWRD received your water right Permanent Transfer Application. The application was accompanied by \$3540.00. Our receipt number 137305 is enclosed.

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

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

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

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

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

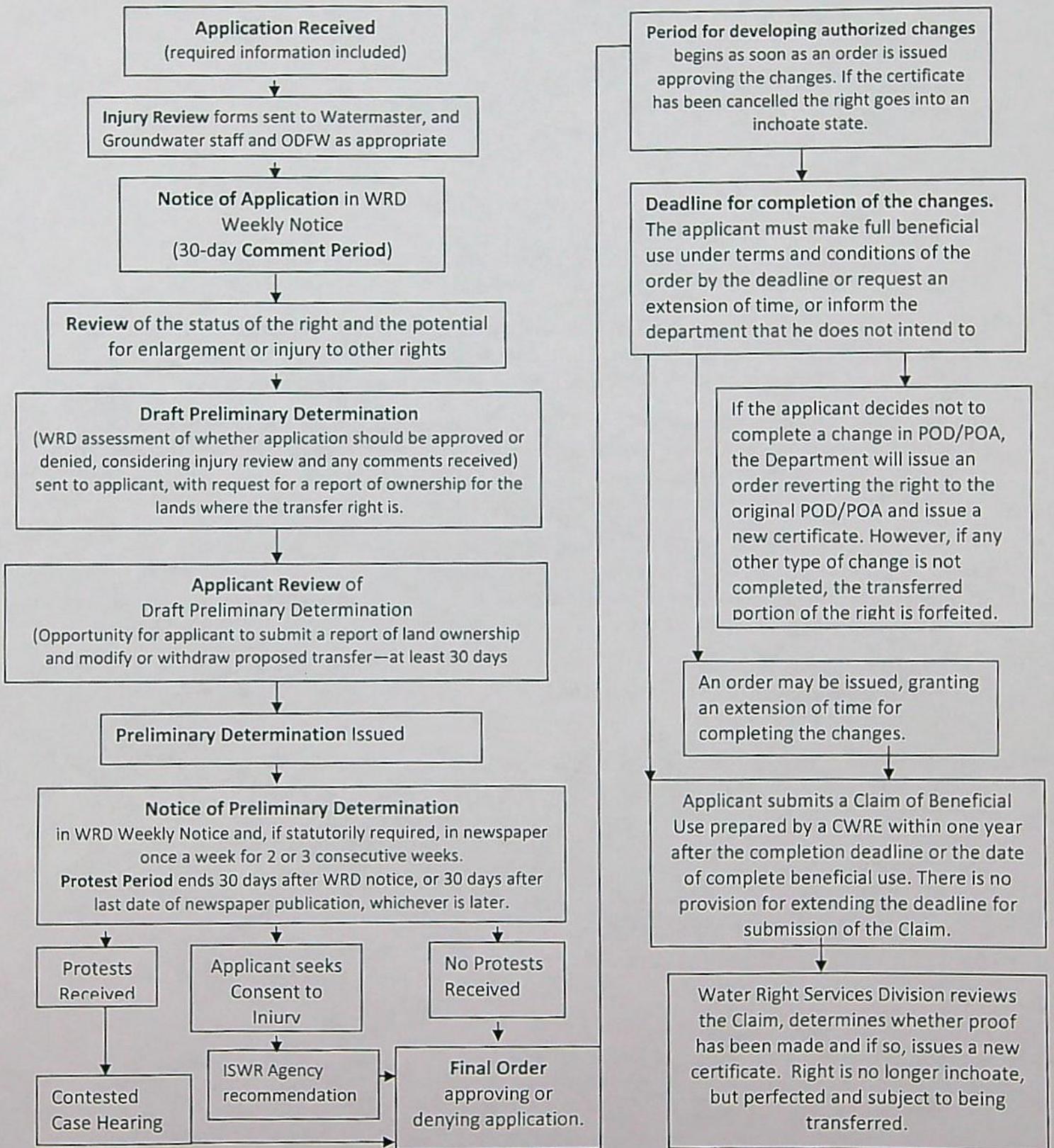
If you have any questions, please contact the Transfer Section at (503) 979-9931.

Cc: Watermaster Dist. #11, Jeremy T. Giffin (*via email*)  
Jefferson County Community Development  
John A. Short, Agent  
Central Oregon Irrigation District

Enclosure

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

OAR 690 Division 380





**OREGON WATER RESOURCES DEPARTMENT  
TRANSFER REIMBURSEMENT AUTHORITY  
ESTIMATE APPLICATION**



*ORS 536.055 authorizes the Oregon Water Resources Department to expedite or enhance regulatory processes voluntarily requested under the agreement.  
Please contact Transfer Personnel before submitting this request; as the application fee is a non-refundable \$125.00 fee per request. Checks submitted for this application should be separate from Transfer fees.  
The purpose of this application is to obtain estimates of the cost and time required to process a Transfer Application Request. There is a non-refundable application fee of \$125.00 per request.*

<u>REQUEST</u>	<u>TYPE</u>	<u>FILE NUMBER</u>
<input checked="" type="checkbox"/>	Transfer Application	Transfer Number <u>T-13897 t.b.d.</u>

	<u>Applicant Information</u>	<u>Applicant's Representative/Contact</u>
Name:	<u>Philip H. Knight &amp; Penelope P. Knight</u>	<u>Bryce Withers/Water Right Services, LLC</u>
Address:	<u>34645 Cloudrest Ln</u>	<u>PO Box 1830</u>
	<u>Hillsboro, OR 97123</u>	<u>Bend, OR 97709</u>
Phone:	_____	<u>541-389-2837</u>
Fax:	_____	_____
E-Mail Address:	_____	<u>johnshort@usa.com</u>

I understand the following:

- That upon receipt of my non-refundable application fee of \$ 125.00, OWRD will, within fourteen (14) days, notify me in writing of the estimate of costs and time frame for the expedited service.
- That this fee covers the reimbursement authority staff to evaluate and provide the estimate for processing of the request.
- That OWRD will, within fourteen (14) days, notify me in writing of the estimates of costs and time frame for the expedited service.
- That upon receiving the estimate I may agree or decline to enter into a formal contract to pay the estimated cost in advance to initiate the expedited service.
- An incomplete or inaccurate application may delay the process and increase the cost to process my request.
- Expedited processing does not guarantee a favorable review of my request.
- Send completed Application and payment to:

**Oregon Water Resources Department  
Transfer Reimbursement Authority Program  
725 Summer St. NE, Suite A  
Salem, OR 97301-1271**

I certify that I am the (check one):

Applicant  Applicant's Representative  Other (Please specify) \_\_\_\_\_

Name: Bryce Withers

Signature:

**RECEIVED**

**JAN 24 2022**

**OWRD**

**OWRD USE ONLY: Reimbursement Authority Number: R11- 349 -23**

RECEIVED

MAR 07 2022

OWRD

REIMBURSEMENT AUTHORITY  
APPLICANT'S AGREEMENT  
Contract Number: R11-349-23

This Agreement is between the Oregon Water Resources Department, hereafter OWRD, and Philip and Penelope Knight, hereafter Applicant, hereafter known together as the parties.

OWRD Information	Applicant's Information	Applicant's Representative
Contact: Kelly Starnes	Name: Philip and Penelope Knight	Name: Water Right Services, LLC
Title: Transfer Advisor	Contact:	Contact: Bryce Withers
Address: 725 Summer Street, NE, Suite A Salem, OR 97301-1266	Address: 34645 SW Cloudrest Ln. Hillsboro, OR 97123	Address: PO Box 1830 Bend, OR 97709
Phone: 503 979-3511	Phone:	Phone: (541) 389-2837
Fax: 503 986-0901	Fax:	Fax:
Email: <a href="mailto:patrick.k.starnes@water.oregon.gov">patrick.k.starnes@water.oregon.gov</a>	Email:	Email: <a href="mailto:johnshort@usa.com">johnshort@usa.com</a>

**Purpose** The purpose of this Agreement is to expedite the processing of the Transfer Application. (Application Number: T-13897)

- Authority.** The OWRD has been authorized pursuant to ORS 536.055 to enter into a voluntary agreement with any applicant, permittee or regulated entity (collectively Applicant) for expediting or enhancing a regulatory process. In making this agreement, OWRD shall require the applicant to pay the full cost of expedited process.
- Restrictions.** Applicant and OWRD agree that this Agreement shall not be construed to restrict in any way the decisions and actions by OWRD. OWRD shall be free to exercise independent judgment consistent with existing laws and regulations.
- Effective Date and Duration.** Unless otherwise terminated by non-deposit of funds by the Applicant, this Agreement shall become effective on the date on which both parties have signed the Agreement and the full deposit of the estimated cost of the proposed service.
- Consideration.**
  - Applicant shall pay OWRD in advance for actual costs incurred by OWRD. The estimated maximum reimbursement payable to OWRD under this Agreement is \$1,549.89. Applicant agrees to pay the full amount of \$1,549.89 to OWRD prior to commencement of any work stated in this Agreement. This payment will be placed in an account administered by OWRD and drawn upon as costs are actually incurred. If the actual cost of performing the work is less than payments received, OWRD will refund the unspent balance. If the actual cost of processing exceeds the estimate, the Applicant can either elect to terminate this Agreement or amend the Agreement to reflect the increase in cost.
  - The costs stated in this Agreement do not include the statutory application processing and filing fees.
- Confidentiality.** Applicant agrees that any information provided to or acquired by OWRD under this Agreement will be subject to the Oregon Public Records Law and shall be considered public records.
- Indemnity.** Applicant shall defend, save, hold harmless, and indemnify the State of Oregon, OWRD, and their officers, employees, and agents from and against all claims, suits, actions, losses, damages, liabilities, costs, and expenses of any nature resulting from or arising out of, or relating to the activities of Applicant or its representatives, officers, employees, contractors, or agents under this Agreement or with respect to the expedited service. The Applicant acknowledges that the Oregon Water Resources Department cannot and does not guarantee a favorable review under the subject regulatory process.



**STATE OF OREGON  
WATER RESOURCES DEPARTMENT**

725 Summer St. N.E. Ste. A  
SALEM, OR 97301-4172

RECEIPT # **137625**

(503) 986-0900 / (503) 986-0904 (fax)

INVOICE # \_\_\_\_\_

RECEIVED FROM: Philip H. Knight  
BY: Kathy Knight

APPLICATION	
PERMIT	
TRANSFER	<u>T-13897</u>

CASH:  CHECK: # 13338 OTHER: (IDENTIFY)

TOTAL REC'D \$ 1,549.89

**1083 TREASURY 4170 WRD MISC CASH ACCT**

0407 COPIES 47124 \$ \_\_\_\_\_  
0412 OTHER: (IDENTIFY) Transfer Reimbursement Authority \$ 1,549.89  
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		\$
<b>WATER RIGHTS:</b>			
0201	SURFACE WATER	EXAM FEE \$ _____	RECORD FEE \$ _____
0203	GROUND WATER	\$ _____	0204 \$ _____
0205	TRANSFER	\$ _____	
<b>WELL CONSTRUCTION</b>			
0218	WELL DRILL CONSTRUCTOR	EXAM FEE \$ _____	LICENSE FEE \$ _____
	LANDOWNER'S PERMIT		0220 \$ _____
_____	OTHER (IDENTIFY) _____		

**0536 TREASURY 0437 WELL CONST. START FEE**

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

**0607 TREASURY 0467 HYDRO ACTIVITY LIC NUMBER**

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

**TREASURY OTHER / RDX**

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

RECEIPT: **137625**

DATED: 3/7/02 BY: [Signature]

**STATE OF OREGON  
WATER RESOURCES DEPARTMENT**

725 Summer St. N.E. Ste. A  
SALEM, OR 97301-4172

RECEIPT # **137306**

(503) 986-0900 / (503) 986-0904 (fax)

INVOICE # \_\_\_\_\_

RECEIVED FROM: Philip H. Knight  
BY: Benny Knight

APPLICATION	
PERMIT	
TRANSFER	<u>T-13897</u>

CASH:  CHECK: #  13387 OTHER: (IDENTIFY)

TOTAL REC'D \$ 125.00

**1083 TREASURY 4170 WRD MISC CASH ACCT**

0407 COPIES	<u>47124</u>	<u>111349-23</u>	\$
<u>0412</u> OTHER:	(IDENTIFY) <u>Transfer Reimbursement Authority</u>		\$ <u>125.00</u>
0243 I/S Lease	0244 Muni Water Mgmt. Plan	0245 Cons. Water	

**4270 WRD OPERATING ACCT**

<b>MISCELLANEOUS</b>			
0407 COPY & TAPE FEES			\$
0410 RESEARCH FEES			\$
0408 MISC REVENUE: (IDENTIFY)			\$
TC162 DEPOSIT LIAB. (IDENTIFY)			\$
0240 EXTENSION OF TIME			\$
<b>WATER RIGHTS:</b>			
	<b>EXAM FEE</b>		<b>RECORD FEE</b>
0201 SURFACE WATER	\$	0202	\$
0203 GROUND WATER	\$	0204	\$
0205 TRANSFER	\$		
<b>WELL CONSTRUCTION</b>			
	<b>EXAM FEE</b>		<b>LICENSE FEE</b>
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 \_\_\_\_\_

**RECEIVED  
OVER THE COUNTER**

RECEIPT: **137306**

DATED: 1-24-2022 BY: Mindy Carlson

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 # **137305**

INVOICE # \_\_\_\_\_

RECEIVED FROM: Philip H. Knight  
 BY: Renny Knight

APPLICATION	
PERMIT	
TRANSFER	T-13897

CASH:  CHECK:#  13286 OTHER: (IDENTIFY)

TOTAL REC'D \$ 3540.00

**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	<u>46110</u>	\$
0410	RESEARCH FEES		\$
0408	MISC REVENUE: (IDENTIFY)		\$
TC162	DEPOSIT LIAB. (IDENTIFY)		\$
0240	EXTENSION OF TIME		\$
WATER RIGHTS:			
0201	SURFACE WATER		\$
0203	GROUND WATER		\$
0205	TRANSFER	<u>\$ 3540.00</u>	\$
WELL CONSTRUCTION			
0218	WELL DRILL CONSTRUCTOR		\$
	LANDOWNER'S PERMIT		\$
	OTHER (IDENTIFY)		

EXAM FEE
\$
\$
\$ <u>3540.00</u>
EXAM FEE
\$

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

**0536 TREASURY 0437 WELL CONST. START FEE**

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

**0607 TREASURY 0467 HYDRO ACTIVITY LIC NUMBER**

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

**TREASURY OTHER / RDX**

FUND \_\_\_\_\_ TITLE \_\_\_\_\_  
 OBJ. CODE \_\_\_\_\_ VENDOR # \_\_\_\_\_  
 DESCRIPTION \_\_\_\_\_

**RECEIVED  
 OVER THE COUNTER**

RECEIPT: **137305**

DATED: 1-24-2002 BY: Mindy Coalden