

REGULAR

Name Budd J. GablesAddress 101413 Lime Quarry Rd  
Enterprise, OR 97828  
bgables@com.comChange in PAJ APDDate Filed 6/13/2022Initial notice date 6/21/2022

DPD issued date

PD issued date 3/7/2025PD notice date 3/11/2025Date of FO 4/16/2025 Vol 134 Page 331-385

C-Date

COBU due date

COBU Received date

Certificate issued

## DESCRIPTION OF WATER RIGHT(S)

Name of Stream Weaver Creek, Silver CreekTrib. of Spring Creek, Lostine riverUse Irrigation livestock & Dam County Walla Walla

Quantity of water (CFS) No. of Acres

Name of ditch

App# Decree Per # Walla Walla Cert # 3041 PR DateApp# 541072 Per # 52749 Cert # 35108 PR Date

App# Per # Cert # PR Date

App# Per # Cert # PR Date

App# Per # Cert # PR Date

App# Per # Cert # PR Date

App# Per # Cert # PR Date

App# Per # Cert # PR Date

App# Per # Cert # PR Date

App# Per # Cert # PR Date

Assignments:

Irrigation District

Agent

CWRE

CC's list Walla Walla county☐ - Oversized map - Location

## FEES PAID

Date	Amount	Receipt #
6-13-2022	\$3060.00	138411

## FEES REFUNDED

Date	Amount	Receipt #
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# Oregon

Tina Kotek, Governor

## Water Resources Department

North Mall Office Building  
725 Summer St NE, Suite A  
Salem, OR 97301  
Phone 503 986-0900  
Fax 503 986-0904

April 16, 2025

Bill & Judy Ables  
61413 Lime Quarry Rd  
Enterprise, OR 97828

REFERENCE: Transfer Application T-14030

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

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

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

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

If you have any questions related to the approval of this transfer, you may contact your caseworker, Dante Luongo, by telephone at (971) 304-5006 or by e-mail at [Dante.j.luongo@water.oregon.gov](mailto:Dante.j.luongo@water.oregon.gov).

Sincerely,

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

cc: David D. Bates, Watermaster Dist. # 7 (via email)  
County of Wallowa, Local Government

Enclosure



BEFORE THE WATER RESOURCES DEPARTMENT  
OF THE  
STATE OF OREGON

In the Matter of Transfer Application	)	FINAL ORDER APPROVING AN
T-14030, Wallowa County	)	ADDITIONAL POINT OF DIVERSION AND A
	)	CHANGE IN PLACES 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**

BILL AND JUDY ABLES  
61413 LIME QUARRY RD  
ENTERPRISE, OR 97828

**Findings of Fact**

1. On June 13, 2022, Bill and Judy Ables filed an application for an additional point of diversion and to change the place of use under Certificate 3041, and to change the place of use under Certificate 3568. The Department assigned the application number T-14030.
2. Notice of the application for transfer was published on June 21, 2022, pursuant to OAR 690-380-4000. No comments were filed in response to the notice.
3. On May 2, 2024, the Department sent a copy of the draft Preliminary Determination proposing to approve Transfer Application T-14030 to the applicants. The draft Preliminary Determination cover letter set forth a deadline of June 1, 2024, for the applicants to respond. The applicants requested that the Department proceed with issuance of a Preliminary Determination and provided the necessary information to demonstrate that the applicants are authorized to pursue the transfer.

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



4. On March 7, 2025, the Department issued a Preliminary Determination proposing to approve Transfer Application T-14030 and sent a copy to the applicants. Additionally, notice of the Preliminary Determination for the transfer application was published in the Department's weekly notice on March 11, 2025, pursuant to ORS 540.520 and OAR 690-380-4020. No protests were filed in response to the notice.

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

**Certificate:** 3041 in the name of J. R. HAMMACK (confirmed by WALLOWA RIVER Decree)  
**Use:** IRRIGATION of 2.25 ACRES of LAND, DOMESTIC and STOCK USE  
**Priority Date:** 1885  
**Limit/Duty:** 1 acre foot per acre during any period of 30 days prior to July 31<sup>st</sup> of each year; and thereafter not to exceed 1 acre foot per acre during the entire remainder of the irrigation season; and said right shall be subject to all other conditions and limitations contained in said decree.  
**Source:** SPRING BRANCH near W line of NW¼ of Section 17, Township 2 South, Range 44 East and SPRING BRANCH, tributaries of WALLOWA RIVER

**Authorized Points of Diversion:**

Twp	Rng	Mer	Sec	Q-Q
Not specified in certificate				

**Authorized Place of Use:**

IRRIGATION, DOMESTIC AND STOCK USE					
Twp	Rng	Mer	Sec	Q-Q	Acres
2 S	44 E	WM	17	NE NE	2.25

6. Certificate 3041 does not describe the location of Point of Diversion (POD#1), however the Department received information from the applicant indicating that the point of diversion is located as follows:

**Authorized Point of Diversion:**

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
2 S	44 E	WM	17	NE NE	POD #1 - 650 FEET SOUTH AND 890 FEET WEST FROM THE NE CORNER OF SECTION 17

7. Transfer Application T-14030 proposes an additional point of diversion approximately 550 feet upstream from POD #1 to:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
2 S	44 E	WM	17	NW NE	POD #2 - 1260 FEET SOUTH AND 1440 FEET WEST FROM THE NE CORNER OF SECTION 17

8. Transfer Application T-14030 also proposes to change the place of use of the right to:

IRRIGATION, DOMESTIC, AND STOCK USE					
Twp	Rng	Mer	Sec	Q-Q	Acres
2 S	44 E	WM	17	NE NE	2.25



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

**Certificate:** 3568 in the name of SILVER CREEK DITCH COMPANY (perfected under Permit S-2749)  
**Use:** IRRIGATION OF 2.25 ACRES  
**Priority Date:** DECEMBER 6, 1915  
**Rate:** 0.03 CUBIC FOOT PER SECOND  
**Source:** SILVER CREEK, a tributary of SOUTH FORK WALLOWA RIVER

**Authorized Points of Diversion:**

Twp	Rng	Mer	Sec	Q-Q
Not specified in certificate				

**Authorized Place of Use:**

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
2 S	44 E	WM	17	NE NE	2.25

10. The Department received information from the applicant that better describes the authorized point of diversion under Certificate 3568, as follows:

Twp	Rng	Mer	Sec	Q-Q
2 S	44 E	WM	30	NE SW

11. Transfer Application T-14030 proposes to change the place of use of the right to:

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
2 S	44 E	WM	17	NE NE	2.25

**Transfer Review Criteria [OAR 690-380-0100(14), 690-380-4010(2), 690-380-2110(2), and 690-380-2200]**

12. Water has been used within the five-year period prior to submittal of Transfer Application T-14030 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.
13. A water delivery system sufficient to use the full amount of water allowed under the existing rights was present within the five-year period prior to submittal of Transfer Application T-14030.
14. The water rights are subject to transfer as defined in ORS 540.505(4) and OAR 690-380-0100(14).
15. The proposed point of diversion (POD 2) diverts water from the same source of surface water as the authorized point of diversion (POD 1), as required by OAR 690-380-2110(2).
16. The proposed changes, as conditioned, would not result in enlargement of the rights.



17. The proposed changes, as conditioned, would not result in injury to other existing water rights.
18. All other application requirements are met.

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

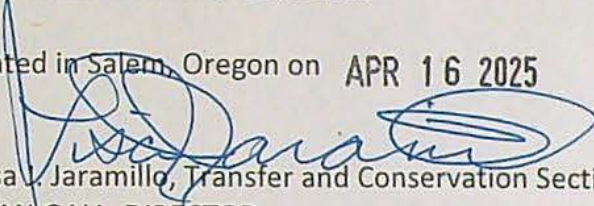
The additional point of diversion and change in places of use proposed in Transfer Application T-14030 are consistent with the requirements of ORS 540.505 to 540.580 and OAR 690-380-5000.

#### **Now, therefore, it is ORDERED:**

1. The additional point of diversion and change in places of use proposed in Transfer Application T-14030 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 3041, 3568, and any related decree.
3. Approval of this transfer application does not constitute nor grant legal access onto or through another person's property for purposes of accessing the new point of diversion or the new places of use.
4. Water right Certificates 3041 and 3568 are cancelled. New certificates will be issued describing those portions of the rights not affected by this transfer.
5. Under Certificate 3041, the quantity of water diverted at the new additional point of diversion (POD #2), together with that diverted at the original point of diversion (POD #1), shall not exceed the quantity of water lawfully available at the original point of diversion (POD #1).
6. Water shall be acquired from the same source of surface water as the original point of diversion.
7. The former place of use of the transferred rights shall no longer receive water under the rights.
8. Full beneficial use of the water shall be made, consistent with the terms of this order, on or before **October 1, 2026**. A Claim of Beneficial Use prepared by a Certified Water Right Examiner shall be submitted by the applicant to the Department within one year after the deadline for completion of the changes and full beneficial use of the water.

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

Dated in Salem, Oregon on **APR 16 2025**

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

Mailing Date: APR 17 2025



STATE OF OREGON

COUNTY OF WALLOWA

CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

J. R. HAMMACK  
ENTERPRISE, OR 97828

confirms the right to use the waters of SPRING BRANCH near W line of NW¼ of Section 17, Township 2 South, Range 44 East and SPRING BRANCH, tributaries of WALLOWA RIVER for IRRIGATION of 1.75 ACRES of LAND, DOMESTIC and STOCK USE.

This right was confirmed by decree of the Circuit Court of the State of Oregon for Wallowa County. The decree is of record at Salem, in the Order Record of the Water Resources Director in Volume 5, at Page 170. The date of priority is 1885.

The amount of water to which such right is entitled and hereby confirmed for the purposes aforesaid, is limited to an amount actually beneficially used for said purposes, and shall not exceed 1 acre foot during any period of 30 days prior to July 31<sup>st</sup> of each year; and thereafter not to exceed 1 acre foot per acre during the remainder of the irrigation season; and said right shall be subject to all other conditions and limitations contained in said decree.

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

IRRIGATION, DOMESTIC AND STOCK USE					
Twp	Rng	Mer	Sec	Q-Q	Acres
2 S	44 E	WM	17	NE NE	1.75

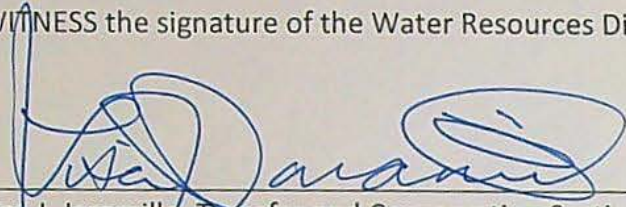
This certificate describes that portion of water right Certificate 3041, State Record of Water Right Certificates, NOT modified by the provisions of an order of the Water Resources Director entered APR 16 2025, approving Transfer Application T-14030.

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



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

WITNESS the signature of the Water Resources Director, affixed APR 16 2025.



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



STATE OF OREGON

COUNTY OF WALLOWA

CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

SILVER CREEK DITCH COMPANY  
ENTERPRISE, OR 97828

confirms the right to use the waters of SILVER CREEK, a tributary of SOUTH FORK WALLOWA RIVER for the purpose of IRRIGATION OF 244.07 ACRES.

This right was perfected under Permit S-2749 of the State Engineer, and that said right to the use of said waters has been perfected in accordance with the laws of Oregon and duly confirmed by order of the STATE WATER BOARD of Oregon, made and entered of record in the Record of Proceedings of said Board, at Salem, in Volume 1, at page 434, on the 19<sup>th</sup> day of April, 1922. The date of priority is DECEMBER 6, 1915. The amount of water to which such right is entitled and hereby confirmed, for the purposes aforesaid, is limited to an amount actually beneficially used for said purposes, and shall not exceed 3.05 CUBIC FEET PER SECOND, or its equivalent in case of rotation. The use hereunder for irrigation shall conform to such reasonable rotation system as may be ordered by the proper state officer.

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

IRRIGATION					
Twps	Rng	Mer	Sec	Q-Q	Acres
2 S	44 E	WM	9	NE NE	40.0
2 S	44 E	WM	9	NW NE	26.66
2 S	44 E	WM	9	SW NE	40.0
2 S	44 E	WM	9	SE NE	40.0
2 S	44 E	WM	16	SE SW	16.66
2 S	44 E	WM	17	NE NE	17.75
2 S	44 E	WM	21	NE NE	28.0
2 S	44 E	WM	21	SE NE	35.0
TOTAL					244.07

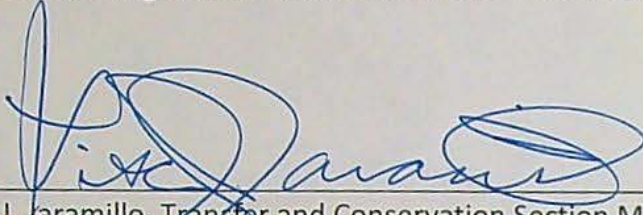
This certificate describes that portion of water right Certificate 3568, State Record of Water Right Certificates, NOT modified by the provisions of an order of the Water Resources Director entered APR 16 2025, approving Transfer Application T-14030.

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



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

WITNESS the signature of the Water Resources Director, affixed APR 16 2025.



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



# WATER RIGHT TRANSFER COVER SHEET

Transfer: T- 14030

Transfer Specialist:

Transfer Type: Regular Transfer

*Ante Longo*

<b>Applicant:</b> BILL & JUDY ABLE 61413 LIME QUARRY RD ENTERPRISE, OR 97828 Email: _____ Phone: _____		<b>Agent:</b> <input type="checkbox"/> N/A UNAVAILABLE Email: _____ Phone: _____	
<b>Irrigation District:</b> <input type="checkbox"/> N/A Email: _____		<b>CWRE:</b> <input type="checkbox"/> N/A Email: _____	
<b>Affected Local Gov'ts:</b> <input type="checkbox"/> N/A County Of Wallowaplaning Department 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	WALLOWA RIVER	3041	<input type="checkbox"/> Yes <input type="checkbox"/> No	
<input type="checkbox"/>	S4672	S2749	3568	<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: June 13, 2022	Proposed Action(s): ADDITIONAL POINT OF DIVERSION; PLACE OF USE	
Fees Pd: 3060.00	WM District: 7	ODFW District:
Initial Public Notice: June 21, 2022	WM Review sent:	ODFW Review sent:
Acknowledgement Letter Sent <input checked="" type="checkbox"/>		GW Review sent: <input type="checkbox"/> N/A
County sent cc: of Ack Letter <input type="checkbox"/>	BOR notified (date): <input type="checkbox"/> N/A	
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: <u>5-24-24</u> Initials: <u>BL</u>	Date: <u>4-9-24</u> Initials: <u>CC</u>	Date: <u>5-24-24</u> Initials: <u>BL</u>	Date: _____ Initials: _____	Date: _____ Initials: _____	CW Sent: _____	N/A
PD	Date: <u>9-17-24</u> Initials: <u>BL</u>	Date: <u>9-17-24</u> Initials: <u>JS</u>	Date: <u>9-30-24</u> Initials: <u>CC</u>	Date: <u>9-30-24</u> Initials: <u>CC</u>	Date: <u>2-27-25</u> Initials: <u>BL</u>	Date: <u>3-6-25</u>	Date: <u>3/7/2025</u>
FO	Date: <u>3-24-25</u> Initials: <u>BL</u>	Date: <u>3-24-25</u> Initials: <u>JS</u>	Date: _____ Initials: _____	Date: <u>3-25-25</u> Initials: <u>SH</u>	Date: <u>4-8-25</u> Initials: <u>BL</u>	Date: <u>30 Dec.</u> <u>4-10-25</u>	Date: <u>4/16/2025</u>

Special Issues: \_\_\_\_\_

Special Order Volume: Vol. 134 Pages 381-385





# Oregon

Tina Kotek, Governor

## Water Resources Department

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

March 7, 2025

VIA CERTIFIED MAIL AND E-MAIL

BILL & JUDY ABLES  
61413 LIME QUARRY RD  
ENTERPRISE, OR 97828

SUBJECT: Water Right Transfer Application T-14030

Please find enclosed the Preliminary Determination indicating that, based on the information available, the Department intends to approve application T-14030. This document is an intermediate step in the approval process; water may not be used legally as proposed in the transfer application until a Final Order has been issued by the Department. Please read this entire letter carefully to determine your responsibility for additional action.

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

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

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

Please don't hesitate to contact me at 971 304-5006 or [Dante.J.Luongo@water.oregon.gov](mailto:Dante.J.Luongo@water.oregon.gov), if I may be of assistance.

Sincerely,

Dante Luongo  
Transfer Specialist  
Transfer and Conservation Section

cc: Transfer Application file T-14030  
David D. Bates, District 7 Watermaster (*via e-mail*)



BEFORE THE WATER RESOURCES DEPARTMENT  
OF THE  
STATE OF OREGON

In the Matter of Transfer Application	)	PRELIMINARY DETERMINATION
T-14030, Wallowa County	)	PROPOSING APPROVAL FOR AN
	)	ADDITIONAL POINT OF DIVERSION AND A
	)	CHANGE IN PLACES 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**

BILL AND JUDY ABLES  
61413 LIME QUARRY RD  
ENTERPRISE, OR 97828

**Findings of Fact**

1. On June 13, 2022, Bill and Judy Ables filed an application for an additional point of diversion and to change the place of use under Certificate 3041, and a change the place of use under Certificate 3568. The Department assigned the application number T-14030.
2. Notice of the application for transfer was published on June 21, 2022, pursuant to OAR 690-380-4000. No comments were filed in response to the notice.
3. On May 2, 2024, the Department sent a copy of the draft Preliminary Determination proposing to approve Transfer Application T-14030 to the applicants. The draft Preliminary Determination cover letter set forth a deadline of June 1, 2024, for the applicants to respond. The applicants requested that the Department proceed with issuance of a Preliminary Determination and provided the necessary information to demonstrate that the applicants are authorized to pursue the transfer.

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



4. The portion of the first right to be transferred is as follows:

**Certificate:** 3041 in the name of J. R. HAMMACK (confirmed by WALLOWA RIVER Decree)  
**Use:** IRRIGATION of 2.25 ACRES of LAND, DOMESTIC and STOCK USE  
**Priority Date:** 1885  
**Limit/Duty:** 1 acre foot per acre during any period of 30 days prior to July 31<sup>st</sup> of each year; and thereafter not to exceed 1 acre foot per acre during the entire remainder of the irrigation season; and said right shall be subject to all other conditions and limitations contained in said decree.  
**Source:** SPRING BRANCH near W line of NW¼ of Section 17, Township 2 South, Range 44 East and SPRING BRANCH, tributaries of WALLOWA RIVER

**Authorized Points of Diversion:**

Twp	Rng	Mer	Sec	Q-Q
Not specified in certificate				

**Authorized Place of Use:**

IRRIGATION, DOMESTIC AND STOCK USE					
Twp	Rng	Mer	Sec	Q-Q	Acres
2 S	44 E	WM	17	NE NE	2.25

5. Certificate 3041 does not describe the location of Point of Diversion (POD#1), however the Department has received information from the applicant indicating that the point of diversion is located as follows:

**Authorized Point of Diversion:**

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
2 S	44 E	WM	17	NE NE	POD #1 - 650 FEET SOUTH AND 890 FEET WEST FROM THE NE CORNER OF SECTION 17

6. Transfer Application T-14030 proposes an additional point of diversion approximately 550 feet upstream to:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
2 S	44 E	WM	17	NW NE	POD #2 - 1260 FEET SOUTH AND 1440 FEET WEST FROM THE NE CORNER OF SECTION 17

7. Transfer Application T-14030 also proposes to change the place of use of the right to:

IRRIGATION, DOMESTIC AND STOCK USE					
Twp	Rng	Mer	Sec	Q-Q	Acres
2 S	44 E	WM	17	NE NE	2.25

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

**Certificate:** 3568 in the name of SILVER CREEK DITCH COMPANY (perfected under Permit S-2749)  
**Use:** IRRIGATION OF 2.25 ACRES  
**Priority Date:** DECEMBER 6, 1915



**Rate:** 0.03 CUBIC FOOT PER SECOND

**Source:** SILVER CREEK, a tributary of SOUTH FORK WALLOWA RIVER

**Authorized Points of Diversion:**

Twp	Rng	Mer	Sec	Q-Q
Not specified in certificate				

**Authorized Place of Use:**

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
2 S	44 E	WM	17	NE NE	2.25

9. The Department has received information from the applicant that better describes the authorized point of diversion under Certificate 3568, as follows:

Twp	Rng	Mer	Sec	Q-Q
2 S	44 E	WM	30	NE SW

10. Transfer Application T-14030 proposes to change the place of use of the right to:

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
2 S	44 E	WM	17	NE NE	2.25

**Transfer Review Criteria [OAR 690-380-0100(14), 690-380-4010(2), 690-380-2110(2), and 690-380-2200]**

11. Water has been used within the five-year period prior to submittal of Transfer Application T-14030 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.
12. A water delivery system sufficient to use the full amount of water allowed under the existing rights was present within the five-year period prior to submittal of Transfer Application T-14030.
13. The water rights are subject to transfer as defined in ORS 540.505(4) and OAR 690-380-0100(14).
14. The proposed point of diversion diverts water from the same source of surface water as the authorized point of diversion, as required by OAR 690-380-2110(2).
15. The proposed changes would not result in enlargement of the rights.
16. The proposed changes would not result in injury to other existing water rights.
17. All other application requirements are met.



### Determination and Proposed Action

The additional point of diversion and change in places of use proposed in Transfer Application T-14030 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-14030 is approved, the final order will include the following:*

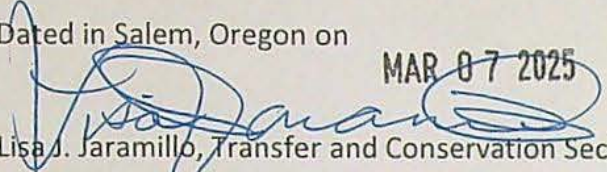
- 18. The additional point of diversion and change in places of use proposed in Transfer Application T-14030 are approved.*
- 19. The right to the use of the water is restricted to beneficial use at the place of use described and is subject to all other conditions and limitations contained in Certificates 3041, 3568, and any related decree.*
- 20. Approval of this transfer application does not constitute nor grant legal access onto or through another person's property for purposes of accessing the new point of diversion or the new places of use.*
- 21. Water right Certificates 3041 and 3568 are cancelled. New certificates will be issued describing those portions of the rights not affected by this transfer.*
- 22. Under Certificate 3041, the quantity of water diverted at the new additional point of diversion (POD #2), together with that diverted at the original point of diversion (POD #1), shall not exceed the quantity of water lawfully available at the original point of diversion (POD #1).*
- 23. Water shall be acquired from the same source of surface water as the original point of diversion.*
- 24. The former place of use of the transferred rights shall no longer receive water under the rights.*
- 25. Full beneficial use of the water shall be made, consistent with the terms of this order, on or before **October 1, 2026**. A Claim of Beneficial Use prepared by a Certified Water Right Examiner shall be submitted by the applicant to the Department within one year after the deadline for completion of the changes and full beneficial use of the water.*



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

Dated in Salem, Oregon on

MAR 07 2025

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

This Preliminary Determination was prepared by Dante Luongo. If you have questions about the information in this document, you may reach me at 971 304-5006 or [Dante.J.Luongo@water.oregon.gov](mailto:Dante.J.Luongo@water.oregon.gov).

## Protests

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

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

- The person's name, address, and telephone number;
- All reasonably ascertainable issues and all reasonably available arguments supporting the person's position by the close of the protest period. Failure to raise a reasonably ascertainable issue in a protest or failure to provide sufficient specificity to afford the Department an opportunity to respond to the issue may preclude consideration of the issue during the hearing;



- If you are the applicant, a protest fee of \$480 required by ORS 536.050; and
- If you are not the applicant, a protest fee of \$950 required by ORS 536.050 and proof of service of the protest upon the applicant.

### **Requests for Standing**

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

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

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

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

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

If after hearing the Department issues a proposed Final Order finding that a change in point of diversion or appropriation will result in injury, the applicant may file a notification of intent to pursue approval of the transfer under OAR 690-380-5030 to 690-380-5050 within 15 days of receipt of the proposed order. Notwithstanding 690-002-0175, if the applicant files a notification of intent to pursue approval of the transfer under 690-380-5030 to 690-380-5050, the deadline for filing exceptions to the proposed order shall be 30 days after the Department



provides notice to the parties that the transfer does not meet the requirements of 690-380-5030 to 690-380-5050.

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

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

**Notice Regarding Service Members:** Active-duty service members have a right to stay proceedings under the federal Service Members Civil Relief Act. 50 U.S.C. App. §§501-597b. You may contact the Oregon State Bar or the Oregon Military Department for more information. The toll-free telephone number for the Oregon State Bar is: 1 (800) 452-8260. The toll-free telephone number for the Oregon Military Department is: 1 (800) 452-7500. The Internet address for the United States Armed Forces Legal Assistance Legal Services Locator website is: <http://legalassistance.law.af.mil>.

If you have questions about how to file a protest or if you have previously filed a protest and you want to know the status, please contact Will Davidson at 503-986-0801.

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

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





**Oregon**  
Kate Brown, Governor

**Water Resources Department**

725 Summer St NE, Suite A

Salem, OR 97301

(503) 986-0900

Fax (503) 986-0904

June 21, 2022

BILL & JUDY ABLE  
61413 LIME QUARRY RD  
ENTERPRISE, OR 97828

Reference: Application T-14030

On June 13, 2022, OWRD received your water right Permanent Transfer Application. The application was accompanied by \$3060.00. Our receipt number 138411 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 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. #7, David D. Bates (*via email*)  
Wallowa County Planning Department

Enclosure



**STATE OF OREGON  
WATER RESOURCES DEPARTMENT**

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

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

RECEIPT # **138411**

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

RECEIVED FROM: Bill Ables; Judy Ables

BY: \_\_\_\_\_

CASH: ☐ CHECK: # 1154 OTHER: (IDENTIFY) ☐

APPLICATION	
PERMIT	
TRANSFER	<u>1-14030</u>

TOTAL REC'D \$ 3060.00

**1083 TREASURY 4170 WRD MISC CASH ACCT**

0407 COPIES \$ \_\_\_\_\_  
OTHER: (IDENTIFY) \$ \_\_\_\_\_

0243 I/S Lease \_\_\_\_\_ 0244 Muni Water Mgmt. Plan \_\_\_\_\_ 0245 Cons. Water \_\_\_\_\_

**4270 WRD OPERATING ACCT**

**MISCELLANEOUS**

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

**WATER RIGHTS:**

0201 SURFACE WATER \$ \_\_\_\_\_ 0202 \$ \_\_\_\_\_  
0203 GROUND WATER \$ \_\_\_\_\_ 0204 \$ \_\_\_\_\_

0205 TRANSFER \$ 3060.00

**WELL CONSTRUCTION**

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

OTHER (IDENTIFY) \_\_\_\_\_

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

0211 WELL CONST START FEE \$ \_\_\_\_\_ CARD# \_\_\_\_\_  
0210 MONITORING WELLS \$ \_\_\_\_\_ CARD# \_\_\_\_\_

OTHER (IDENTIFY) \_\_\_\_\_

**0607 TREASURY 0467 HYDRO ACTIVITY LIC NUMBER**

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

**TREASURY OTHER / RDX**

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

RECEIPT: **138411**

DATED: 6-13-2002 BY: Mindy Carlson



# Application for Permanent Water Right Transfer

## Part 1 of 5 – Minimum Requirements Checklist



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

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

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

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**JUN 13 2022**

**OWRD**

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? 2 List them here: 3041/3568**  
Please include a separate Part 5 for each water right. (See instructions on page 6)  
**NOTE: A separate transfer application is required for each water right unless the criteria in OAR 690-380-3220 are met.**

### Attachments:

- ☐ Completed Transfer Application Map.
- ☐ Completed Evidence of Use Affidavit and supporting documentation.
- ☐ ☐ N/A Affidavit(s) of Consent from Landowner(s) (if the applicant does not own the land the water right is on.)
- ☐ ☐ N/A Supplemental Form D – For water rights served by or issued in the name of an irrigation district. Complete when the transfer applicant is not the irrigation district.
- ☐ ☐ N/A Oregon Water Resources Department's Land Use Information Form with approval and signature (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: \_\_\_\_/\_\_\_\_/\_\_\_\_



JUN 13 2022

## 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°).



## FEE WORKSHEET for PERMANENT TRANSFER (except Substitution)

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

14030



## Part 4 of 5 – Applicant Information and Signature

### Applicant Information

APPLICANT/BUSINESS NAME <b>Bill and Judy Ables</b>		PHONE NO. <b>541-263-1327</b>	ADDITIONAL CONTACT NO.
ADDRESS <b>541-263-1327 61413 Lime Quarry Rd</b>		FAX NO.	
CITY <b>Enterprise</b>	STATE <b>OR</b>	ZIP <b>97828</b>	E-MAIL <b>bjables@eoni.com</b>
BY PROVIDING AN E-MAIL ADDRESS, CONSENT IS GIVEN TO RECEIVE ALL CORRESPONDENCE FROM THE DEPARTMENT ELECTRONICALLY. COPIES OF THE FINAL ORDER DOCUMENTS WILL ALSO BE MAILED.			

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

AGENT/BUSINESS NAME		PHONE NO.	ADDITIONAL CONTACT NO.
ADDRESS		FAX NO.	
CITY	STATE	ZIP	E-MAIL
BY PROVIDING AN E-MAIL ADDRESS, CONSENT IS GIVEN TO RECEIVE ALL CORRESPONDENCE FROM THE DEPARTMENT ELECTRONICALLY. COPIES OF THE FINAL ORDER DOCUMENTS WILL ALSO BE MAILED.			

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

Transfer of place of use from portions of property on Tax Lot 400 to Tax Lot 300 and to add a point of diversion to a point upstream of existing POD. *Our local watermaster assisted us in this process.*

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: \_\_\_\_\_.
- 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.

 Bill Ables 6-8-22 Bill Ables 6-8-22  
Applicant signature bjables@eoni.com Print Name (and Title if applicable) Date  
Verdy M. Ables Judy Ables 6-8-22  
Applicant signature Print Name (and Title if applicable) Date

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

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

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)

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JUN 13 2022

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RECEIVING LANDOWNER NAME <u>Bill Ables</u>		PHONE NO. <u>541-263-1327</u>	ADDITIONAL CONTACT NO.
ADDRESS <u>61413 Lime Quarry Rd</u>		FAX NO.	
CITY <u>Enterprise</u>	STATE <u>OR</u>	ZIP <u>97828</u>	E-MAIL <u>bjables@eoni.com</u>
Describe any special ownership circumstances:			
The confirming Certificate shall be issued in the name of: <input checked="" type="checkbox"/> Applicant <input type="checkbox"/> Receiving Landowner			



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

IRRIGATION DISTRICT NAME	ADDRESS	
CITY	STATE	ZIP

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

ENTITY NAME	ADDRESS	
CITY	STATE	ZIP



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

ENTITY NAME <b>Wallowa County</b>	ADDRESS <b>101 South River St</b>	
CITY <b>Enterprise</b>	STATE <b>OR</b>	ZIP <b>97828</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 # 3041/3568

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### Description of Water Delivery System

JUN 13 2022

System capacity: 0.06 cubic feet per second (cfs) OR

\_\_\_\_\_ gallons per minute (gpm)

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Describe the current water delivery system or the system that was in place at some time within the last five years. Include information on the pumps, canals, pipelines, and sprinklers used to divert, convey, and apply the water at the authorized place of use. POU is currently flood irrigated from POD#1

**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#1	<input checked="" type="checkbox"/> Authorized <input type="checkbox"/> Proposed		2 S	44 E	17	NE NE	300	APPROX 650' SOUTH AND 890' WEST OF NE COR SEC. 17 T2S R443E
POD#2	<input type="checkbox"/> Authorized <input checked="" type="checkbox"/> Proposed		2 S	44 E	17	NW NE	200	APPROX 990' SOUTH AND 1430' WEST OF NE COR SEC. 17 T2S R44E
POD#3	<input checked="" type="checkbox"/> Authorized <input type="checkbox"/> Proposed		2 S	44 E	30	NE SW	9000	
	<input type="checkbox"/> Authorized <input type="checkbox"/> Proposed							

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

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

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

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



Please use and attach additional pages of Table 2 as needed.  
See page 6 for instructions.

Do you have questions about how to fill-out the tables?  
Contact the Department at 503-986-0900 and ask for Transfer Staff.

**Table 2. Description of Changes to Water Right Certificate # 3041/3568**

List the change proposed for the acreage in each ¼ ¼. If more than one change is proposed, specify the acreage associated with each change.  
If there is more than one POD/POA involved in the proposed changes, specify the acreage associated with each POD/POA.

AUTHORIZED (the "from" or "off" lands) The listing that appears on the certificate BEFORE PROPOSED CHANGES List only that part or portion of the water right that will be changed.											Proposed Changes (see "CODES" from previous page)	PROPOSED (the "to" or "on" lands) The listing as it would appear AFTER PROPOSED CHANGES are made.										
Twp	Rng	Sec	¼ ¼	Tax Lot	Gvt Lot or DLC	Acres	Type of USE listed on Certificate	POD(s) or POA(s) (name or number from Table 1)	Priority Date	Twp		Rng	Sec	¼ ¼	Tax Lot	Gvt Lot or DLC	Acres	New Type of USE	POD(s)/ POA(s) to be used (from Table 1)	Priority Date		
EXAMPLE																						
2	S	9	E 15 NE NW	100		15.0	Irrigation	POD #1 POD #2	1901	POU/POD	2	S	9	E 1 NW NW	500	1	10.0		POD #5	1901		
											2	S	9	E 2 SW NW	500		5.0		POD #6	1901		
2	S	44	E 17 NE NE	100/400		2.46	IRRIGATION <i>Stock &amp; Dam</i>	POD#1	1885	POU/APOD	2	S	44	E 17 NE NE	300		2.46	IRRIGATION <i>Stock &amp; Dam</i>	POD#1/ POD#2	1885		
2	S	44	E 17 NE NE	300		2.46	IRRIGATION	POD#3	1915	POU/APOD	2	S	44	E 17 NE NE	100/400		2.46	IRRIGATION N	POD#3	1915		
TOTAL ACRES:						4.92					TOTAL ACRES:						4.92					

Additional remarks:\_\_\_\_\_.

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**For Place of Use or Character of Use Changes**

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

If YES, list the certificate, water use permit, or ground water registration numbers:\_\_\_\_\_



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

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

Ground water supplemental Permit or Certificate # \_\_\_\_\_;

Surface water primary Certificate # \_\_\_\_\_.

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

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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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# 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 WALLOWA

I, BILL ABLES, in my capacity as OWNER,

mailing address 61413 LIME QUARRY RD., ENTERPRISE, OR 97828

telephone number (541)263-1327, being first duly sworn depose and say:

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

☒ Personal observation

☐ Professional expertise

2. I attest that:

☒ Water was used during the previous five years on the **entire** place of use for Certificate # 3041; 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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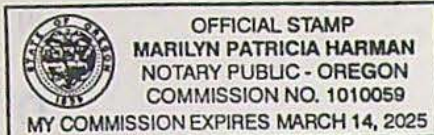
3. The water right was used for: (e.g., crops, pasture, etc.): PASTURE

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.

Bill Z. Clark  
Signature of Affiant

5-12-22  
Date

Signed and sworn to (or affirmed) before me this 12<sup>th</sup> day of May, 2022.



Marilyn Patricia Harman  
Notary Public for Oregon

My Commission Expires: 3-14-25

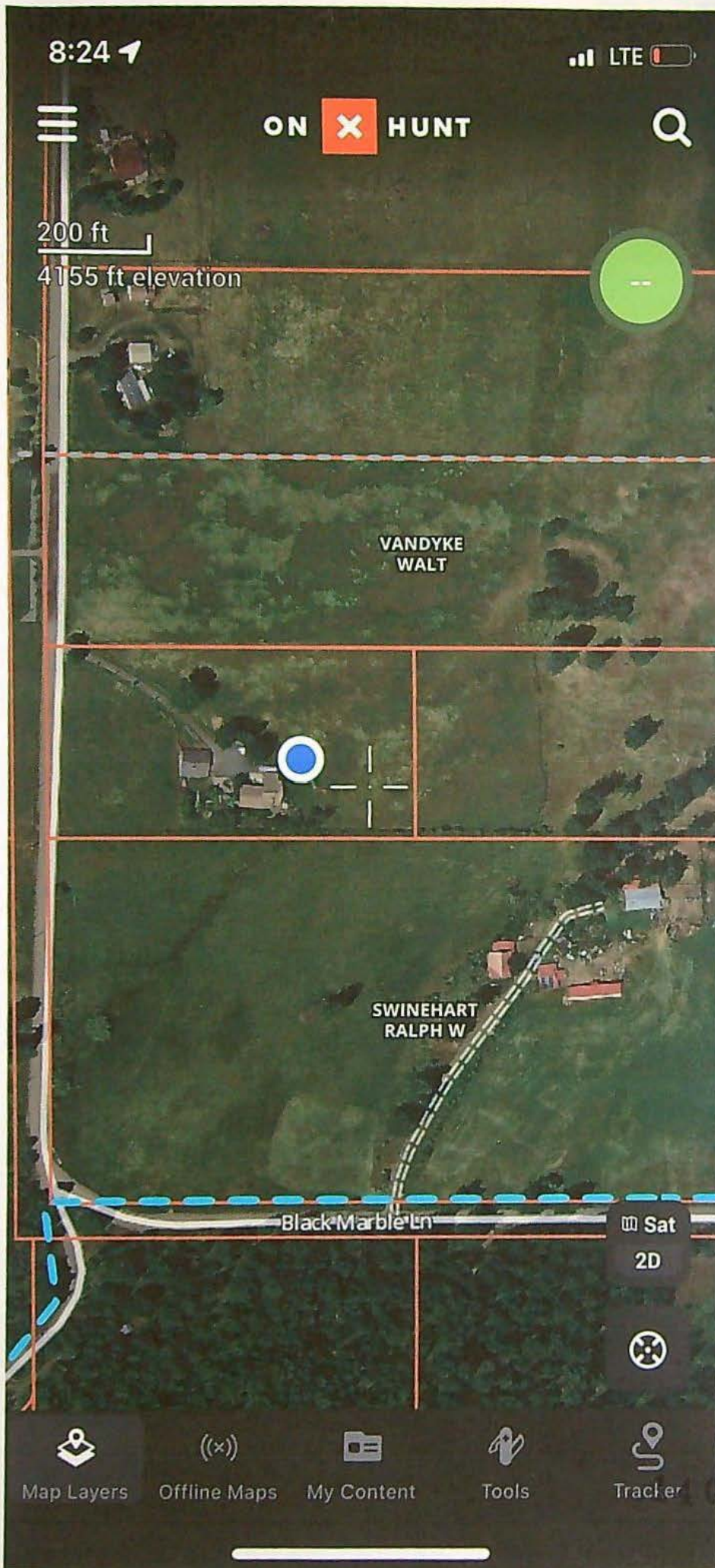
Supporting Documents	Examples
<input type="checkbox"/> Copy of a water right certificate that has been issued within the last five years. (not a remaining right certificate)	Copy of <b>confirming</b> water right certificate that shows issue date
<input type="checkbox"/> Copies of receipts from sales 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 checked="" 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 <u>2020 NAIP Imagery Photo is attached to this form.</u>	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.terra-server.com">www.terra-server.com</a>
<input type="checkbox"/> Approved Lease establishing beneficial use within the last 5 years	Copy of instream lease or lease number

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2020  
NAIP  
Imagery  
*[Signature]*

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TOWNSHIP 2 SOUTH RANGE 44 EAST

April 25, 2022  
APPLICATION MAP FOR TRANSFER  
OF A PLACE OF USE AND POINT  
OF DIVERSION

FOR  
BILL ABLES  
BY

BAGETT, GRIFFITH AND BLACKMAN  
2006 ADAMS AVE  
LA GRANDE, OREGON 97850

SCALE: 1"=400'

LEGEND



Place of use for Certificate 3041  
(Priority Date 1885) to remain in  
place



Place of use for Certificate 3041  
(Priority Date 1885) to be transferred  
and to receive right from Certificate  
3568 (Priority Date Dec. 6, 1915)



Place of use for Certificate 3568  
(Priority Date Dec. 6, 1915) to be  
transferred and to receive right from  
Certificate 3041 (Priority Date 1885)



Acres of Certificate 3041 to remain in  
place



Acreage of Certificate 3041 to be  
transferred, and to receive right from  
Certificate 3568



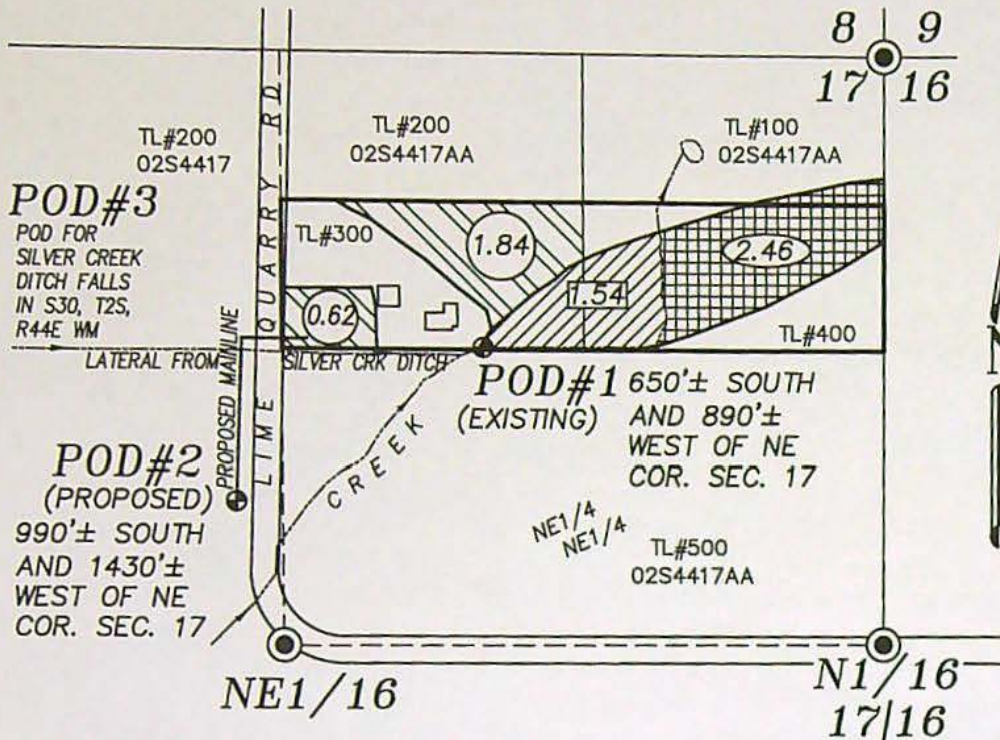
Acreage of Certificate 3568 to be  
transferred, and to receive right from  
Certificate 3041



Point of Diversion



Proposed Mainline



NOTE: The preparation of this map  
was for the purpose of identifying  
the location of proposed water  
rights and is not intended to provide  
dimensions or location of property  
ownership lines. Location  
information hereon was furnished by  
the applicant.



Renews: June 30,

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TOWNSHIP 2 SOUTH RANGE 44 EAST

April 25, 2022  
APPLICATION MAP FOR TRANSFER  
OF A PLACE OF USE AND POINT  
OF DIVERSION

FOR  
BILL ABLES

BY  
BAGETT, GRIFFITH AND BLACKMAN  
2006 ADAMS AVE  
LA GRANDE, OREGON 97850

SCALE: 1"=400'

LEGEND



Place of use for certificate  
3041 (Priority Date 1885) to  
remain in place



Place of use for Certificate  
3041 (Priority Date 1885) to  
be transferred



Place of use to receive  
supplemental right from  
Certificate 3041 (Priority Date  
1885)



Acres to remain in place



Acreage of right to be  
transferred



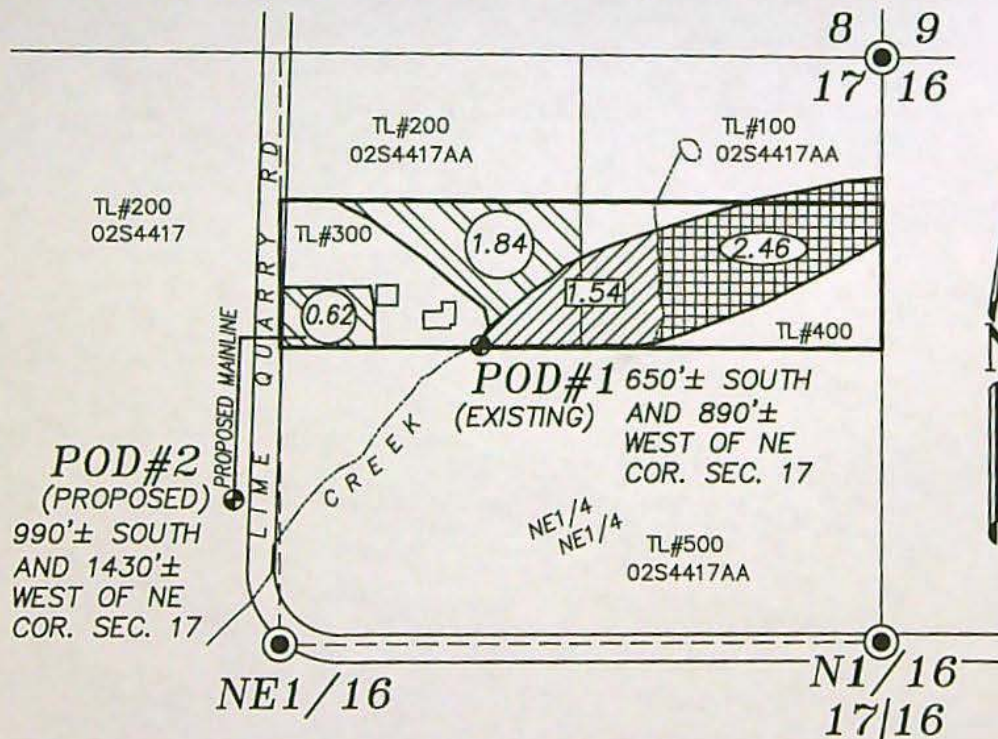
Acreage of right to receive  
transferred right



Point of Diversion



Proposed Mainline



Certified Water Right Examiner  
#83571  
**PRELIMINARY COPY**  
Jeffrey S. Hsu  
May 4, 2011  
**STATE OF OREGON**  
**SUBJECT TO REVISIONS**

Renews: June 30,

NOTE: The preparation of this map was for the purpose of identifying the location of proposed water rights and is not intended to provide dimensions or location of property ownership lines. Location information hereon was furnished by the applicant.

14030



# Application for Water Right Transfer



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

## Consent by Deeded Landowner

State of Oregon )  
 )ss  
County of Malheur )

I Walt VanDyke in my/our capacity as owner,

mailing address 4285 Remuda Ln., Ontario, OR 97914,

telephone number 541-216-1676, duly sworn depose and say that I/We

consent to the proposed change(s) to Water Right Certificate Number 3041

described in a Water Right Transfer Application (T-\_\_\_\_),

(transfer number, if known)

submitted by Bill Ables

on the property in tax lot number(s) 100,

Section 17 Township 2 South North/South Range 44 East East/West, W.M.,

located at Lime Quarry Rd., Enterprise, OR 97828

(site address)

Walter A. Van Dyke  
Signature of Affiant

5-4-22  
Date

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JUN 13 2022

\_\_\_\_\_  
Signature of Affiant

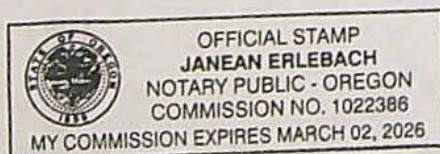
\_\_\_\_\_  
Date

OWRD

Subscribed and Sworn to before me this 4 day of May, 2022

Janean Erlebach  
Notary Public for Oregon

My commission expires March 2, 2026



14030



# Land Use Information Form



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

Applicant(s): Bill Ables

Mailing Address: 61413 Lime Quarry Rd.

City: Enterprise

State: OR

Zip Code: 97828

Daytime Phone: 541-263-1327

## 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>2-South</u>	<u>44-East</u>	<u>17</u>	<u>NENE</u>	<u>400</u>	<u>No Change</u>	<input type="checkbox"/> Diverted	<input type="checkbox"/> Conveyed	<input checked="" type="checkbox"/> Used	<u>Pasture</u>
<u>2-South</u>	<u>44-East</u>	<u>17</u>	<u>NENE</u>	<u>100</u>	<u>No Change</u>	<input type="checkbox"/> Diverted	<input type="checkbox"/> Conveyed	<input checked="" type="checkbox"/> Used	<u>Pasture</u>
<u>2-South</u>	<u>44-East</u>	<u>17</u>	<u>NENE</u>	<u>300</u>	<u>No Change</u>	<input checked="" type="checkbox"/> Diverted	<input type="checkbox"/> Conveyed	<input checked="" type="checkbox"/> Used	<u>Pasture</u>
_____	_____	_____	_____	_____	_____	<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:

Wallowa

## 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) Spring Branch

Estimated quantity of water needed: \_\_\_\_\_ ☐ cubic feet per second    ☐ gallons per minute    ☐ acre-feet

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

Briefly describe:

Relocating water right use from an area of rocky pasture to an area of higher quality pasture

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

See bottom of Page 3. →

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## For Local Government Use Only

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

**Please check the appropriate box below and provide the requested information**

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

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

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

Name: Franz Goebe Title: Planning Director

Signature: [Signature] Phone: 591 426 4543 Date: 5/12/2012

Government Entity: Walla Walla County

**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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**JUN 13 2012**

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Oregon Water Resources Department  
Transfer Fee Calculation for Permanent (Non-District) Transfer

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

Today's Date: Thursday, June 16, 2022

Fee Calculation

Base Fee (includes one type of change to one water right for up to 1 cfs) \$1,360.00

Fill in information below— Check each box that applies.

Types of Change Proposed:

- ☒ Place of Use  
☒ Point of Diversion (POD)/Appropriation (POA); and/or Additional POD/POA; and/or SW POD to GW POD  
☐ Character of Use

\$1,090.00

Enter total number of water rights included in transfer.

\$610.00

☐ Check this box if you propose to add or change a well, or change from a surface water POD to a well.

Enter total number of groundwater wells (POAs) included in transfer.

\$0.00

☐ Check this box if you propose to change the place of use or character of use for a NON-irrigation right.

☒ Check this box if you propose to change the place of use or character of use for an irrigation right.

Enter the following for the primary certificates on the land included in the transfer.

(If a supplemental certificate also covers the same land as an included primary right, only list the primary.)

Certificate #	Total acres in the water right	# of acres to be transferred	Total cfs in the water right certificate	OR If certificate does not list cfs, enter 1/___ cfs per acre	Transfer cfs
3041	4	2.46	0.05		0.03075
3568	246.32	2.46	3.08		0.03076

Total Transfer CFS(rounded up to the next whole cfs): 1.00

Subtotal:

\$3,060.00

Check each box that applies.

- ☐ The transfer is necessary to complete a project funded by the Oregon Watershed Enhancement Board (OWEB) under ORS 541.932.  
☐ The transfer is endorsed in writing by ODFW as a change that will result in a net benefit to fish and wildlife habitat.

Discount:

Transfer Fee:

\$3,060.00



Casebook

STATE OF OREGON

COUNTY OF WALLOWA

CERTIFICATE OF WATER RIGHT

(For Rights which have been confirmed by the Courts)

This is to Certify, That J. K. HAMMACK  
of Enterprise, State of Oregon has a right to the use of  
the waters of Spring Branch near W line of NW $\frac{1}{4}$  of Section 17, Township 2 South,  
Range 44 East and Spring Branch, tributaries of Wallowa River

for the purpose of the irrigation of 4 acres of land, domestic and stock use

and that said right has been confirmed by decree of the Circuit Court of the State of Oregon for  
Wallowa County, and the said decree entered of record at Salem, in the Order  
Record of the State Water Board of the State of Oregon, in Volume 5, at page 170 ;  
that the priority of the right hereby confirmed dates from 1885

that the amount of water to which such right is entitled and hereby confirmed for the purposes  
aforesaid, is limited to an amount actually beneficially used for said purposes, and shall not exceed  
1 acre foot per acre during any period of 30 days prior to July 31st of each year;  
and thereafter not to exceed 1 acre foot per acre during the entire remainder of the  
irrigation season; and said right shall be subject to all other conditions and  
limitations contained in said decree.

A description of the lands irrigated under such right, and to which the water hereby con-  
firmed is appurtenant, or, if for other purposes, the place where such water is put to beneficial use,  
is as follows: 4 acres in the NE $\frac{1}{4}$ NE $\frac{1}{4}$  of Section 17, Township 2 South, Range 44  
East of Willamette Meridian, in Wallowa County, Oregon. (Supplemental to  
Hammack ditch water for land described above)

The right to the use of the water aforesaid hereby confirmed is restricted to the lands or  
place of use herein described.

WITNESS the seal and signature of the State  
Water Board, affixed this 2nd day  
of April, 1921

STATE WATER BOARD

(Seal of State Water Board)

By PERCY A. CUPPER  
State Engineer, President

Attest:

H. W. POTTER

Secretary

Recorded in State Record of Water Right Certificates, Volume 4, page 3041



Casebook

## STATE OF OREGON

COUNTY OF WALLOWA

## CERTIFICATE OF WATER RIGHT

This is to Certify, That

Creek  
SILVER ~~LAW~~ DITCH COMPANY

of Enterprise, State of Oregon, has made proof to the satisfaction of the STATE WATER BOARD of Oregon, of a right to the use of the waters of Silver Creek

a tributary of South Fork Wallowa River for the purpose of irrigation under Permit No. 2749 of the State Engineer, and that said right to the use of said waters has been perfected in accordance with the laws of Oregon and duly confirmed by order of the STATE WATER BOARD of Oregon, made and entered of record in the Record of Proceedings of said Board, at Salem, in Volume 1, at page 434, on the 19th day of April, 1922; that the priority of the right hereby confirmed dates from December 6, 1915;

that the amount of water to which such right is entitled and hereby confirmed, for the purposes aforesaid, is limited to an amount actually beneficially used for said purposes, and shall not exceed 3.08 cubic feet per second, or its equivalent in case of rotation. The use hereunder for irrigation shall conform to such reasonable rotation system as may be ordered by the proper state officer.

A description of the lands under such right, and to which the water hereby confirmed is appurtenant, or, if for other purposes, the place where such water is put to beneficial use, is as follows: 40 acres in the Northeast quarter of Northeast quarter; 40 acres in the Southeast quarter of Northeast quarter; 40 acres in the Southwest quarter of Northeast quarter and 26-2/3 acres in the Northwest quarter of Northeast quarter of Section Nine; 20 acres in the Northeast quarter of Northeast quarter of Section Seventeen; 16-2/3 acres in the Southeast quarter of Southwest quarter of Section Sixteen; 28 acres in the Northeast quarter of Northeast quarter and 35 acres in the Southeast quarter of Northeast quarter of Section Twenty-one, Township Two South, Range Forty-four East of Willamette Meridian, in Wallowa County, Oregon. Being a total of 246-1/3 acres.

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

Rights to the use of water for power purposes are limited to a period of forty years from the date of priority of the right, as herein set forth, subject to a preference right of renewal under the laws existing at the date of the expiration of the right for power purposes, as hereby confirmed and limited.

WITNESS the seal and signature of the State

Water Board, affixed this 25th day

of April, 1922

STATE WATER BOARD

(Seal of State Water Board)

By PERCY A. CUPPER  
State Engineer, President

Attest: R. W. POTTER  
Secretary







# Permanent Transfer Application Intake Completion Checklist

Check the Certificate(s) in WRIS

Transfer # T-14030

Checked by: <u>JPM</u>	Type of Change(s) <b>Proposed:</b> Mark the Proposed Changes	Substitution	Supplemental to Primary	<input checked="" type="radio"/> POU	<input checked="" type="radio"/> POD	APOD
Date: <u>6/16/22</u>		Gov Action	Surface to Ground	USE	POA	APOA
Fee Received: <u>3060.00</u>		How many rights to be Transferred?				
Calculated Fee: <u>3060.00</u>		Certificate # <u>3041</u> <u>3568</u>				
Additional Observations:						
<u>Watermaster Assisted Application</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? \_\_\_\_\_
  - ☒ 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: \_\_\_\_\_
  - ☒ 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? Combined
  - ☒ 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? Combined tables but ok w/map
  - ☒ 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: \_\_\_\_\_

Watermaster Assisted App



## Permanent Transfer Application Intake Completion Checklist

<b>FEE WORKSHEET for PERMANENT TRANSFER (except Substitution)</b>			
<b>1</b>	Base Fee (includes one type of change to one water right for up to 1 cfs)	<b>1</b>	<b>\$1,360</b>
	Types of change proposed: <input type="checkbox"/> Place of Use <input type="checkbox"/> Character of Use <input type="checkbox"/> Point of Diversion/Appropriation Number of above boxes checked = _____ (2a) Subtract 1 from the number in line 2a = _____ (2b) If only one change, this will be 0. <b>2</b> Multiply line 2b by \$1,090 and enter » » » » » » » » » » » » » » » »	<b>2</b>	<b>0</b>
<b>3</b>	Number of water rights included in transfer _____ (3a) Subtract 1 from the number in 3a above: _____ (3b) If only one water right this will be 0 Multiply line 3b by \$610 and enter » » » » » » » » » » » » » » » »	<b>3</b>	<b>0</b>
<b>4</b>	Do you propose to add or change a well, change from a surface water POD to a well, or Substitute a Suppl GW right for a Primary SW right? <input type="checkbox"/> No: enter 0 » <input type="checkbox"/> Yes = \$480 (4a) If YES: enter the number of wells being proposed: _____ (4b) Subtract 1 from the number in line 4b = _____ (4c) If only one well this will be 0. Multiply line 4c by \$410 = _____ (4d) Add lines 4a and 4d and enter » » » » » » » » » » » » » » » »	<b>4</b>	<b>0</b>
<b>5</b>	Do you propose to change the place of use or character of use? <input type="checkbox"/> No: enter 0 on line 5 » <input type="checkbox"/> Yes: enter the cfs for the portions of the rights to be transferred (see example below*): _____ (5a) Subtract 1.0 from the number in 5a above: _____ (5b) If 5b is 0 or less, enter 0 on line 5 » » » » » » » » » » » » » » » » If 5b is greater than 0, round up to the nearest whole number: _____ (5c) and multiply 5c by \$350, then enter on line 5 » » » » » » » » » » » » » » » »	<b>5</b>	<b>0</b>
<b>6</b>	Add entries on lines 1 through 5 above » » » » » » » » » » Subtotal:	<b>6</b>	<b>0</b>
<b>7</b>	Is this transfer: <input type="checkbox"/> necessary to complete a project funded by the Oregon Watershed Enhancement Board (OWEB) under ORS 541.932? <input type="checkbox"/> endorsed in writing by ODFW as a change that will result in a net benefit to fish and wildlife habitat? If one or more boxes is checked, multiply line 6 by 0.5 and enter on line 7 » » » If no box is applicable, enter 0 on line 7» » » » » » » » » » » » » » » »	<b>7</b>	<b>0</b>
<b>8</b>	Subtract line 7 from line 6 » » » » » » » » » » » Transfer Fee:	<b>8</b>	