

Temporary

Name John & Kate Bohner

Address 40533 Pocahontas Rd
Baker City, OR 97814

Change in POU, POU

Date Filed _____

Initial notice date _____

DPD issued date _____

PD issued date _____

PD notice date _____

Date of FO 6/10/2024 Vol 131 Page 438-442

C-Date _____

COBU due date _____

COBU Received date _____

Certificate issued _____

DESCRIPTION OF WATER RIGHT(s)

Name of Stream A Dug, Pine Creek

Trib. of Power River, Salmon Creek

Use Irrigation County Baker

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

Name of ditch _____

App# 616514 Per # 616126 Cert # 657161 PR Date 4-26-1974

App# Volume 5 pg 322 Per # _____ Cert # 67236 PR Date _____

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

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

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

FEES PAID

Date	Amount	Receipt #
<u>6-8-2023</u>	<u>\$1,559.43</u>	<u>140896</u>

FEES REFUNDED

Date	Amount	Receipt #

Assignments: _____

Irrigation District _____

Agent _____

CWRE _____

CC's list Baker

☐ - Oversized map - Location _____



Oregon

Tina Kotek, Governor

Water Resources Department

North Mall Office Building

725 Summer St NE, Suite A

Salem, OR 97301

Phone 503 986-0900

Fax 503 986-0904

www.oregon.gov/owrd

June 18, 2024

John & Kathryn Rohner
40535 Pocahontas Rd.
Baker City, OR 97814

REFERENCE: District Temporary Transfer Application T-14263

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

The temporary change shall be effective at the **beginning of the 2023** irrigation season. The use shall revert to the original authorized place of use at the **end of the 2027** irrigation season.

If you have any questions related to the approval of this temporary transfer, you may contact your caseworker, Scott Grew, by telephone at (503) 986-0890 or by e-mail at Scott.a.grew@water.oregon.gov.

Sincerely,

Elyse D. Richman
Water Rights Services Support
Transfers and Conservation Section

cc: Marcy J. Osborn, Watermaster Dist. # 8 (via email)

Enclosure

BEFORE THE WATER RESOURCES DEPARTMENT
OF THE
STATE OF OREGON

In the Matter of Transfer Application	)	FINAL ORDER APPROVING TEMPORARY
T-14263, Baker County	)	CHANGES IN PLACE OF USE AND A POINT
	)	OF DIVERSION

Authority

Oregon Revised Statute (ORS) 537.705 and 540.505 to 540.580 establish the process in which a water right holder may submit a request to temporarily transfer the place of use and, if necessary to convey the water to the temporary place of use, the point of appropriation authorized under an existing water right. Oregon Administrative Rule (OAR) Chapter 690, Division 380 implements the statutes and provides the Department's procedures and criteria for evaluating transfer applications.

Applicant

JOHN AND KATE (KM) ROHNER
40535 POCAHONTAS RD.
BAKER CITY, OR 97814

Findings of Fact

1. On June 8, 2023, JOHN AND KATE (KM) ROHNER filed an application to temporarily change the place of use under Certificates 65761 and temporarily change the place of use and change the point of appropriation to serve the proposed place of use under Certificate 67236 for a period of 5 years. The Department assigned the application number T-14263.
2. Notice of the application for transfer was published on June 13, 2023, pursuant to OAR 690-380-4000.
3. The portion of the first right to be transferred is as follows:

Certificate:	65761 in the name of LAWRENCE JEPSON AND SON'S (perfected under Permit G-6126)
Use:	IRRIGATING 46.8 ACRES and SUPPLEMENTAL IRRIGATION of 15.2 ACRES
Priority Date:	APRIL 26, 1974
Rate:	0.71 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, shall be limited to ONE-

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 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.

EIGHTIETH 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 3.0 acre-feet per acre for each acre irrigated during the irrigation season of each year. The right shall be limited to any deficiency in the available supply of any prior right for the same land and shall not exceed the limitation allowed herein.

Source: A DUG POND in the POWDER RIVER BASIN

Authorized Point of Appropriation:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
8 S	39 E	WM	23	SE SE	900 FEET NORTH AND 940 FEET WEST FROM THE SE CORNER OF SECTION 23

Authorized Place of Use:

PRIMARY IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
8 S	39 E	WM	23	NE SW	8.0
8 S	39 E	WM	23	SW SW	8.0
8 S	39 E	WM	26	NE NE	25.2
8 S	39 E	WM	26	SE NE	5.6
				Total	46.8

SUPPLEMENTAL IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
8 S	39 E	WM	26	NE NE	8.8
8 S	39 E	WM	26	SE NE	6.4
				Total	15.2

4. Temporary Transfer Application T-14263 proposes to temporarily change the place of use of the right to:

PRIMARY IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
8 S	39 E	WM	22	NE NE	29.8
8 S	39 E	WM	22	NW NE	17.0
				Total	46.8

SUPPLEMENTAL IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
8 S	39 E	WM	22	SE NE	15.2

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

Certificate: 67236 in the name of JEPSON BROTHERS RANCH COMPANY (confirmed by the Powder River Decree)

Use: IRRIGATING 64.1 ACRES

Priority Dates: 1865 for SALMON CREEK and 1867 for PINE CREEK

Rate: 1.6 CUBIC FEET PER SECOND, if available at the original points of diversions on SALMON and PINE CREEKS

Limit/Duty: The amount of water used for IRRIGATION under this right is limited to a diversion of ONE-FORTIETH of one cubic foot per second per acre (or its equivalent) and shall be subject to all other conditions and limitations contained in said decree.

Source: SALMON CREEK and PINE CREEK, tributaries of POWDER RIVER

Authorized Points of Diversion:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
8 S	39 E	WM	23	SE SE	DIVERSION E - 25 FEET NORTH AND 800 FEET WEST FROM THE SE CORNER OF SECTION 23
8 S	39 E	WM	23	SE SE	DIVERSION F - 740 FEET NORTH AND 870 FEET WEST FROM THE SE CORNER OF SECTION 23

Authorized Place of Use:

IRRIGATION						
Twp	Rng	Mer	Sec	Q-Q	Acres	Diversion
8 S	39 E	WM	23	NE SE	1.3	E/F
8 S	39 E	WM	23	NW SE	5.0	E/F
8 S	39 E	WM	23	SE SE	5.5	E/F
8 S	39 E	WM	23	SE SE	12.1	F
8 S	39 E	WM	26	NE NE	8.8	F
8 S	39 E	WM	26	NW NE	10.0	F
8 S	39 E	WM	26	SW NE	15.0	F
8 S	39 E	WM	26	SE NE	6.4	F
Total					64.1	

6. Temporary Transfer Application T-14263 proposes to temporarily change the place of use of the right to:

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
8 S	39 E	WM	22	NW NE	4.5
8 S	39 E	WM	22	SW NE	29.8
8 S	39 E	WM	22	SE NE	29.8
Total					64.1

7. The delivery system for the change in POD for certificate 67236 was not shown on the application map, therefore the proposed point of diversion suggest it could not be included in this Temporary Transfer.

Temporary Transfer Review Criteria

8. Water has been used within the last five years according to the terms and conditions of the rights. There is no evidence available that would demonstrate that the rights are subject to forfeiture under ORS 540.610.

9. A pump, pipeline, and sprinkler system sufficient to use the full amount of water allowed under the existing rights are present.
10. The proposed changes would prevent the lands from which the water right is removed during the period of the temporary transfer from receiving water under the transferred rights, as required by ORS 540.523(7).
11. The proposed changes would not result in injury to other water rights. This finding is made through an abbreviated review recognizing that the transfer may be revoked under ORS 540.523(5) if the Department later finds that the transfer is causing injury to any existing water right.

Conclusions of Law

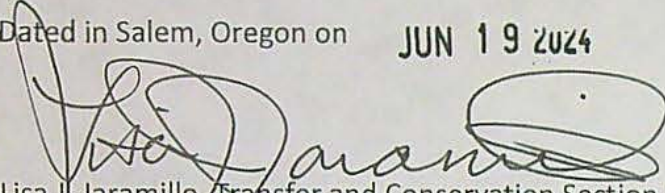
The temporary changes in place of use proposed in Temporary Transfer Application T-14263 are consistent with the requirements of ORS 540.523 and OAR 690-380-8000.

Now, therefore, it is ORDERED:

1. The temporary change in places of use proposed in Temporary Transfer Application T-14263 are approved.
2. The former place of use **shall not** be irrigated as part of these water rights during the 2023, 2024, 2025, 2026 and 2027 irrigation seasons.
3. The use shall revert to the authorized place of use at the end of the 2027 irrigation season.
4. The approval of this temporary transfer may be revoked or modified if the Department finds the changes cause injury to any existing water right.
5. A subsequent application for permanent transfer of Certificates 65761 and 67236 shall be subject to a full and complete review to determine consistency with the requirements of OAR Chapter 690, Division 380. Approval of this temporary transfer does not establish a precedent for approval of a subsequent application filed for a permanent transfer.
6. The use of water at the temporary place of use authorized by this transfer shall be in accordance with the terms and conditions of Certificates 65761 and 67236.
7. The time during which water is used under this approved temporary transfer does not apply toward a finding of forfeiture under ORS 540.610.
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 appropriation.
 - b. The water user shall maintain the meters or measuring devices in good working order.

- c. The water user shall allow the Watermaster access to the meters or measuring devices; provided however, where the meters or measuring devices are located within a private structure, the Watermaster shall request access upon reasonable notice.
9. The use of the remaining water rights described by Certificates 65761 and 67236 shall continue to be in accordance with the terms and conditions of Certificates 65761 and 67236.

Dated in Salem, Oregon on **JUN 19 2024**



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

Mailing Date: **JUN 20 2024**

TEMP

WATER RIGHT TRANSFER COVER SHEET

Transfer: T-14263

Transfer Specialist: *Scott*

Transfer Type: Temporary Transfer

Reimbursement Authority? ☐

Applicant: JOHN & KATHRYN A. ROHNER 40535 POCAHONTAS RD. BAKER CITY, OR 97814	Agent:	Receiving Landowner:
Current Landowner if other than Applicant:	CWRE:	Irrigation District:
Affected Local Gov'ts:	Affected Tribal Gov't:	BOR Notified (date):

Water Rights Affected

File Marked	App. File # or Decree Name	Permit	Certificate	RR/CR Needed	RR/CR Nos.
☐	G6514	G6126	65761	☐ Yes ☐ No	
☐			67236	☐ Yes ☐ No	
☐				☐ Yes ☐ No	

Key Dates & Initial Actions (Support Staff)

Rec'd: June 8, 2023	Proposed Action(s): POINT OF DIVERSION; PLACE OF USE	
Fees Pd: 1558.43	Acknowledgement Letter Sent ☐	Basin: 9 Powder
Initial Public Notice:	County sent cc: of Ack Letter ☐	County: BAKER
WM District: 8 Marcy J. Osborn	WM Review request sent:	WM Review date received:
ODFW District:	ODFW Review sent:	ODFW Review date received:
Groundwater	GW Review sent:	GW Review date received:

Caseworker Actions: Newspaper & PD Notice:

Newspaper notice needed: ☐	Name of Newspaper:
Newspaper notice sent to coordinator:	Newspaper notice quote requested (NRS1):
Request for news \$ sent:	News \$ received:
Affidavit of publication received:	Last day of publication:

Peer Review:

Document	Drafted	Peer Review	Coordinator	Changes Made	Signature Bin	Signature Date
DPD	Date: _____ Initials: _____	Date: _____ Initials: _____	Date: _____ Initials: _____	Date: _____ Initials: _____	CW Sent: _____ WM Sheet ☐ ODFW Sheet: ☐	N/A
PD	Date: _____ Initials: _____	Date: _____ Initials: _____	Date: _____ Initials: _____	Date: _____ Initials: _____ Data Review Date: _____	Date: _____	Date: _____
FO	Date: 10/31/23 Initials: <i>Scott</i>	Date: 11/01/23 Initials: <i>Joan</i> 11/8/23 <i>cc</i>	Date: 6/14/24 Initials: <i>Scott</i>	Date: 6/14/24 Initials: <i>Scott</i>	Date: 6/14/24 No. of docs for sig: 1	Date: 6/18/24

Special Issues: _____

Special Order Volume: Vol. 131 Pages _____

438-442

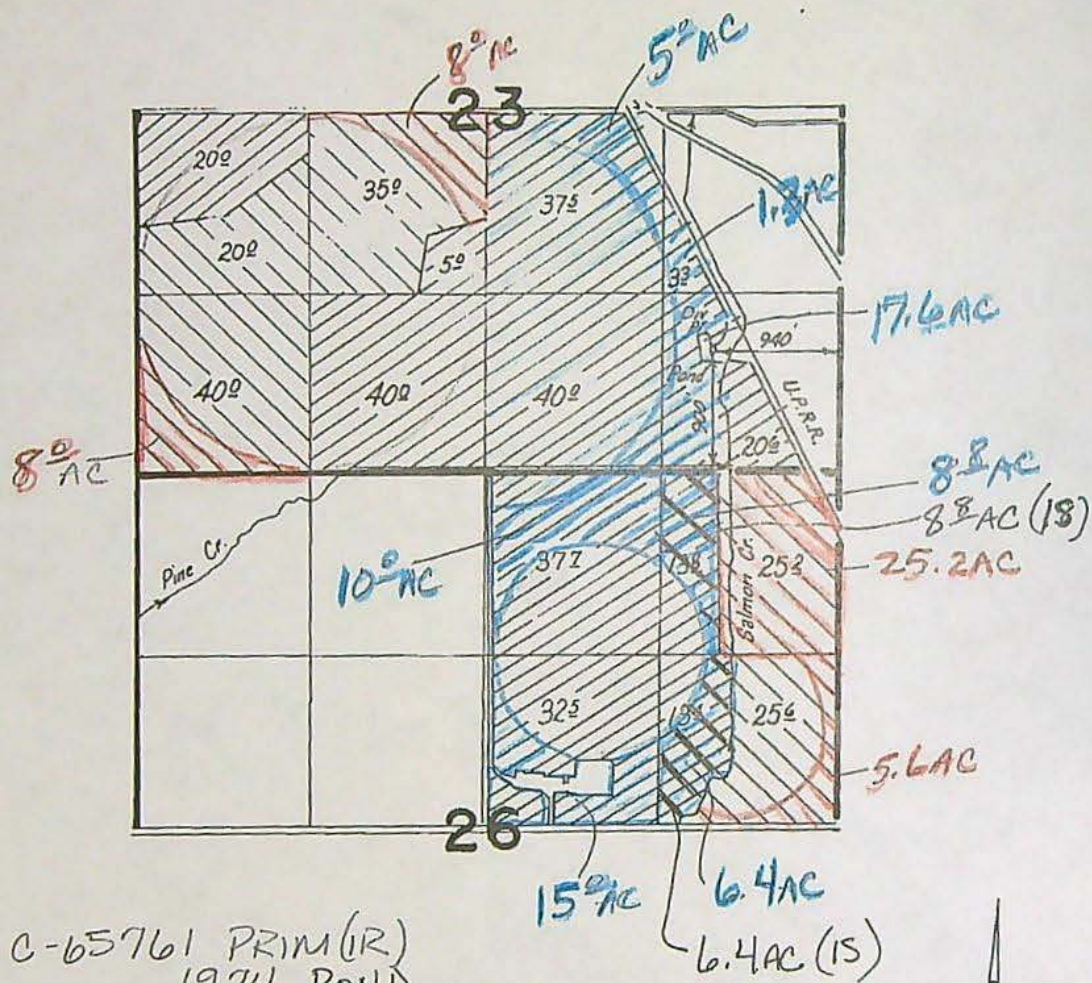
*Also Termination of T-13354
See attached*

[illegible]

Salem, OR

AMENDED

T.8S., R.39E., W.M.



 C-65761 PRIM(IR)
1974 POND

 C-67236 PRIM(IR)
1865 SALMON CR
1867 PINE CR.

 C-65761 SUPP(IS)
1974 POND



Primary



Supplemental

SUPERSEDING

KMR

Received by OWRD

JAN 09 2024

Salem, OR

AMENDED

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 Temporary Changes to Water Right Certificate # 65761

List only the part of the right that will be changed. For the acreage in each ¼ ¼, list the change proposed. If more than one change, specify the acreage associated with each change. If more than one POD/POA, 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	Acre	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	Acre	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		
"	"	"	" " " "	"	"	"	EXAMPLE	"	"	"	2	S	9	E 2 SW NW	500		5.0		POD #6	1901		
8	S	39E	23 NE SW	4401		8	IR	Pond	1974	POU	8	S	39E	22 NE NE	5000 5100		29.8	IR	Pond	1974		
8	S	39E	23 SW SW	4401		8	IR	Pond	1974	POU	8	S	39E	22 NW NE	5000 5100		17	IR	Pond	1974		
8	S	39E	26 NE NE	200		25.2	IR	Pond	1974	POU	8	S	39E	22 SE NE	5100		15.2	IS	Pond	1974		
8	S	39E	26 SE NE	200		5.6	IR	Pond	1974	POU												
8	S	39E	26 NE NE	200		8.8	IS	Pond	1974	POU												
8	S	39E	26 SE NE	200		6.4	IS	Pond	1974	POU												
TOTAL ACRES						62	TOTAL ACRES															62

Additional remarks: DURING TEMP. TRANSFER - PLEASE DIMINTSH C-82921 TO SUPPLEMENTAL
IRRIGATION. Received by OWRD

KMR

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-14263

Review Due Date: 07/13/2023

Applicant Name: John & Kathryn Rohner

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

Reviewer(s): Marcy Osborn

Date of Review: 06/26/2023

1. Do you have evidence that the right has not been used in the last 5 years and that the presumption of forfeiture would not likely be rebuttable? ☐ Yes ☒ No If "Yes", attach evidence (e.g. dated aerial photo showing pavement or building on the land for >5 yrs.)
2. Is there a history of regulation on the source that serves this (or these) right(s) that has involved the transferred right(s) and downstream water rights? ☒ Yes ☐ No Generally characterize the frequency of any regulation or explain why regulation has not occurred:
Pine Creek is heavily regulated every year.
3. Have headgate notices been issued for the source that serves the transferred right(s)?
☐ Yes ☒ No ☐ Records not available.
4. In your estimation, after the proposed change, would distribution of water for the right(s) result in regulation of other water rights that would not have occurred if use under the original right(s) was/were maximized? ☐ Yes ☒ No If "Yes", explain:
5. In your estimation, if the proposed change is approved, are there upstream water rights that would be affected? ☐ Yes ☒ No If "Yes", describe how the rights would be affected and list the rights most affected:

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

☒ N/A

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

☒ N/A

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

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

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

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

☐ Yes ☒ No If "Yes", explain:

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

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

☐ Yes ☐ No If "Yes", explain:

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

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

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

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

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

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

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

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

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

- ii. "Enlargement" of the water right being transferred will occur? ☐ Yes ☒ No If "Yes", explain:

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

☐ Yes ☒ No If "Yes", explain:

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

There is currently a temporary transfer for the grounds involved in this temporary transfer. The previous temp. transfer will need to be canceled before this one can be approved.

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

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

☐ A Headgate should be required prior to diverting water.

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

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

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

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

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

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

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

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

☐ Weir
☐ Parshall Flume
☐ Other: _____

☐ Submerged Orifice
☐ Flow Restrictor

Oregon Water Resources Department

Measurement Condition Information for the Applicant

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

Transfer #: T- 14263



In order to avoid enlargement of the right or injury to other rights, a **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



at each new point of diversion/appropriation.

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

Watermaster name: Marcy Osborn

District: 8

Address: 39155 Pocahontas Rd.

City/State/Zip: Baker City, OR 97814

Phone: 541-519-6395

Email: marcy.j.osborn@water.oregon.gov

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

Approval of an Alternate Measurement Device

T-

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

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

Watermaster signature

District

Date

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

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

GREW Scott A * WRD

From: OSBORN Marcy J * WRD
Sent: Monday, August 7, 2023 9:21 AM
To: GREW Scott A * WRD
Subject: RE: Temporary T-14263 Rohner
Attachments: T_6350 (1).pdf

Hey Scott,

I have attached a map that shows the Diversions E and F as well as the pond. The applicant uses the pond as a source of water, but they also divert their water from Pine Creek and Salmon Creek into the pond and then pump directly from the pond to the pivots. Everything from the pond is piped underground so I do not know where exactly the delivery system is located. There are measuring devices on both Salmon Creek and Pine Creek, so we know what they are diverting into the pond. The pond is a re-diversion for Pine and Salmon Creeks.

Let me know if you need more.

Marcy J. Osborn

Watermaster Dist. 8
39155 Pocahontas Rd.
Baker City, OR 97814
541-519-6395
marcy.j.osborn@water.oregon.gov

From: GREW Scott A * WRD <Scott.A.GREW@water.oregon.gov>
Sent: Wednesday, August 02, 2023 11:02 AM
To: OSBORN Marcy J * WRD <Marcy.J.OSBORN@water.oregon.gov>
Cc: GREW Scott A * WRD <Scott.A.GREW@water.oregon.gov>
Subject: Temporary T-14263 Rohner

Hello Marcy,

I am starting to work on temp transfer [T-14263](#) for John and Kathryn Rohner.

The application does not specify the delivery system nor does it show it of the PODs or POA on the maps.

- I was wondering if you could add that to the application and the maps.

Also we are unable to change the POD as they are different sources. 65761 is a groundwater right and 67236 is a surface right. We have no authority to change surface to ground on a temporary.

I know the previous temporary ([T-13354](#)) was POU only from these two rights but do not see a description of the delivery system on that one either.

Thank you in advance for the clarification.

GREW Scott A * WRD

From: GREW Scott A * WRD
Sent: Wednesday, August 2, 2023 11:02 AM
To: OSBORN Marcy J * WRD
Cc: GREW Scott A * WRD
Subject: Temporary T-14263 Rohner

Hello Marcy,

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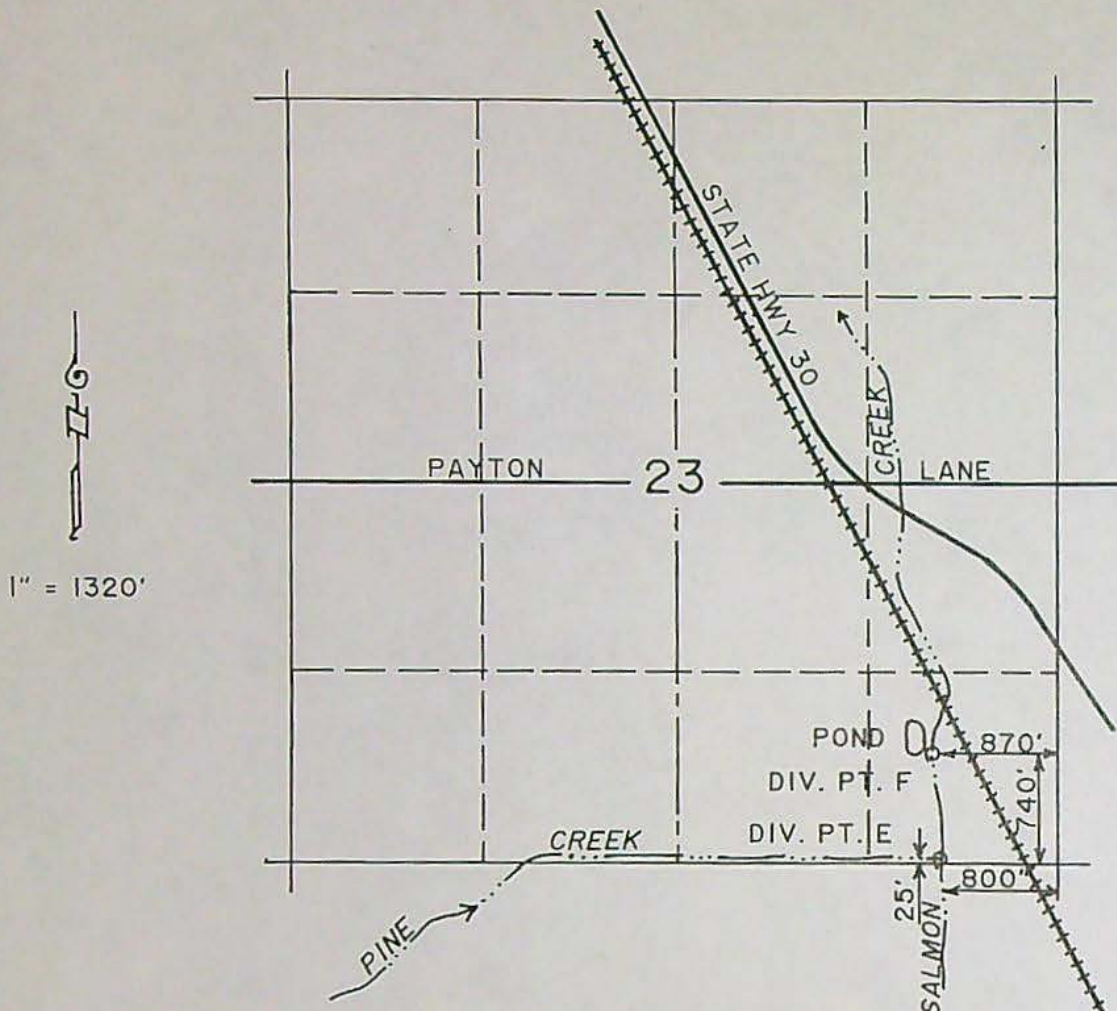
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Thank you in advance for the clarification.

Scott Grew
Transfer Specialist
Oregon Water Resources Department
503-986-0890

T. 8 S., R. 39 E., W. M.



THE PURPOSE OF THIS MAP IS FOR IDENTIFYING THE LOCATION OF THE WATER RIGHT ONLY AND IS NOT INTENDED TO PROVIDE LEGAL DIMENSIONS OF PROPERTY OWNERSHIP LINES.

FINAL PROOF SURVEY

UNDER

TRANSFERS 6242
6350

IN NAME OF

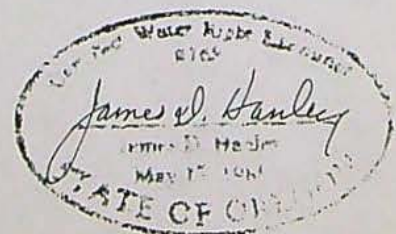
JEPSON BROTHERS RANCH COMPANY

SURVEYED JUNE 1, 1991

Received by OWRD

AUG 07 2023

Salem, OR



2018

Write a description for your map.

Legend

-  44.8509332818, -117.9109788819
-  Chandler Herefords Inc

 44.8509332818, -117.9109788819

Pine Creek

Google Earth

Image © 2023 Maxar Technologies

2000 ft



2020

Write a description for your map.

Legend

- 44.8509332818, -117.9109788819
- Chandler Herefords Inc

44.8509332818, -117.9109788819

Pine Creek

Google Earth

Image © 2023 CNES / Airbus

2000 ft



6-6-2023

We need to withdraw Temporary Transfer #13354, dated Jan 2020, as some acres & water rights overlap with those on the enclosed application.

Please contact me if you have questions.

Kate Rohner

jkrohner@thegeo.net

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OWRD

14263 -



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

June 15, 2023

JOHN & KATHRYN A.
ROHNER 40535 POCAHONTAS RD.
BAKER CITY, OR 97814

Reference: Application T-14263

On June 13, 2023, the Department received your water right Temporary Transfer Application. The application was accompanied by \$1558.43. Receipt number 140896 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.

Except as provided under ORS 540.510(3) for municipalities, you may not **temporarily** use water at the new place of use or from the new point of diversion until a final order approving the temporary transfer application has been issued by the Department. Additionally, pursuant to OAR 690-380-8010, the lands from which an irrigation water right is to be temporarily transferred and the land to which the right is to be temporarily transferred may not both receive water during the same season. If the temporary transfer is approved during an irrigation season and water has already been used at the currently authorized location during that season, then the temporary transfer will not take effect until the following season.

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

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

Cc: Watermaster Dist. #8, Marcy J. Osborn (via email)

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 # **140896**

INVOICE # _____

RECEIVED FROM: Rohner Farms, Inc.
BY: _____

APPLICATION	
PERMIT	
TRANSFER	T-14263

CASH: ☐ CHECK: # 28415 OTHER: (IDENTIFY) ☐ _____

TOTAL REC'D \$ 1,559.43

1083 TREASURY 4170 WRD MISC CASH ACCT

0407 COPIES \$ _____

OTHER: (IDENTIFY) \$ _____

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

4270 WRD OPERATING ACCT

MISCELLANEOUS

0407 COPY & TAPE FEES \$ _____

0410 RESEARCH FEES \$ _____

0408 MISC REVENUE: (IDENTIFY) \$ _____

TC162 DEPOSIT LIAB. (IDENTIFY) \$ _____

0240 EXTENSION OF TIME \$ _____

WATER RIGHTS:

0201 SURFACE WATER \$ _____ 0202 \$ _____

0203 GROUND WATER \$ _____ 0204 \$ _____

0205 TRANSFER \$ 1,559.43

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: **140896**

DATED: 6/18/2013 BY: Legia D. M...

Application for Water Right Temporary or Drought Temporary 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 temporary 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.

FOR ALL TEMPORARY TRANSFER APPLICATIONS

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

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☒ Part 1 – Completed Minimum Requirements Checklist.

☒ Part 2 – Completed Temporary 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 online fee calculator at:
http://apps.wrd.state.or.us/apps/misc/wrd_fee_calculator.

☒ Part 4 – Completed Applicant Information and Signature.

☒ Part 5 – Information about Transferred Water Rights: **How many water rights are to be transferred?** 2 **List them here:** C.65761 + C.67236

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

☒ ☐ N/A For standard Temporary Transfer (one to five years) **Begin Year** 2023 **End Year** 2028

☐ ☒ N/A Temporary Drought Transfer (Only in counties where the Governor has declared drought)

Attachments:

- | | | |
|-------------------------------------|---|--|
| ☒ | | Completed Temporary Transfer Application Map. |
| ☒ | | Completed Evidence of Use Affidavit and supporting documentation. |
| ☒ | | Current recorded deed for the land from which the authorized place of use is temporarily being moved. |
| ☐ | ☒ N/A | Affidavit(s) of Consent from Landowner(s) (if the applicant does not own the land upon which the water right is located.) |
| ☐ | ☒ N/A | Supplemental Form D – For water rights served by or issued in the name of a district. Complete when the temporary transfer applicant is not the district. |
| ☒ | ☒ N/A | Oregon Water Resources Department's Land Use Information Form with approval and signature from each local land use authority in which water is to be diverted, conveyed, and/or used. Not required if water is to be diverted, conveyed, and/or used only on federal lands or if <u>all</u> 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 (if necessary to convey water to the proposed place of use). |

(For Staff Use Only)

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

Application fee not enclosed/insufficient

Map not included or incomplete

Land Use Form not enclosed or incomplete

Part _____ is incomplete

☐ Additional signature(s) required
 ☐ Part _____ is incomplete

Other/Explanation _____

Staff: _____ Phone: _____ Date: ____/____/____

Part 2 of 5 – Temporary Transfer Application Map Checklist

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

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

- ☐ ☒ N/A If more than three water rights are involved, separate maps are needed for each water right.
- ☒ Permanent quality printed with dark ink on 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 temporary 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) to convey water to the new temporary place of use, 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°).

Part 3 of 5 – Fee Worksheet

FEE WORKSHEET for TEMPORARY (not drought) TRANSFERS			
1	Base Fee (includes temporary change to one water right for up to 1 cfs)	1	\$950.00
2	Number of water rights included in transfer: <u>2</u> (2a) Subtract 1 from the number in 3a above: <u>1</u> (2b) <i>If only one water right this will be 0</i> Multiply line 2b by \$310.00 and enter » » » » » » » » » » » » » » » »	2	310
3	Do you propose to change the place of use for a non-irrigation use? ☒ No: enter 0 on line 3 » » » » » » » » » » » » » » » » ☐ Yes: enter the cfs for the portions of the rights to be transferred: _____ (3a) Subtract 1.0 from the number in 3a above: _____ (3b) If 3b is 0, enter 0 on line 3 » » » » » » » » » » » » » » » » If 3b is greater than 0, round up to the nearest whole number: _____ (3c) and multiply 4c by \$230.00, then enter on line 3	3	0
4	Do you propose to change the place of use for an irrigation use? ☐ No: enter 0 on line 4 » » » » » » » » » » » » » » » » ☒ Yes: enter the number of acres in the footprint of the place of use for the portions of the rights to be transferred: <u>110.9</u> (4a) Multiply the number of acres in 4a above by \$2.70 and enter on line 4 » »	4	299.43
5	Add entries on lines 1 through 4 above » » » » » » » » » » Subtotal:	5	1559.43
6	Is this transfer: ☐ necessary to complete a project funded by the Oregon Watershed Enhancement Board (OWEB) under ORS 541.932? ☐ 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 5 by 0.5 and enter on line 6 »	6	
7	If no box is applicable, enter 0 on line 7 » » » » » » » » » » » » » » » »	7	0
	Subtract line 6 from line 5 » » » » » » » » » » » » » » » » Transfer Fee:		1559.43

FEE WORKSHEET for TEMPORARY DROUGHT TRANSFERS			
1	Base Fee (includes drought application and recording fee for up to 1 cfs)	1	\$200.00
2	Enter the cfs for the portions of the rights to be transferred (see example below*): _____ (2a) Subtract 1.0 from the number in 2a above: _____ (2b) If 2b is 0, enter 0 on line 2 » » » » » » » » » » » » » » » » If 2b is greater than 0, round up to the nearest whole number: _____ (2c) and multiply 2c by \$50, then enter on line 2 » » » » » » » » » »	2	
3	Add entries on lines 1 through 2 above » » » » » » » » » » Transfer Fee:	3	

*Example for Line 2a calculation to transfer 45.0 acres of Primary Certificate 12345 (total 1.25 cfs for 100 acres) and 45.0 acres of Supplemental Certificate 87654 (1/80 cfs per acre) on the same land:

1. 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 ($\times 45 \text{ ac} = 0.56 \text{ cfs}$).
2. 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, $45.0 \text{ ac} \times 0.0125 \text{ cfs/ac} = 0.56 \text{ cfs}$)
3. 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 2a would be only 0.56 cfs, since both rights serve the same 45.0 acres. Blank 2b would be 0 and Line 2 would then also become 0).

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Part 4 of 5 – Applicant Information and Signature

Applicant Information

APPLICANT/BUSINESS NAME John + Kate (KM) Rohner			PHONE NO. 541-403-0186	ADDITIONAL CONTACT NO.
ADDRESS 40533 Pocahontas Rd			FAX NO.	
CITY Baker City	STATE OR	ZIP 97814	E-MAIL jkrohner@thegeo.net	
BY PROVIDING AN E-MAIL ADDRESS, CONSENT IS GIVEN TO RECEIVE ALL CORRESPONDENCE FROM THE DEPARTMENT ELECTRONICALLY. COPIES OF THE FINAL ORDER DOCUMENTS WILL ALSO BE MAILED.				

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

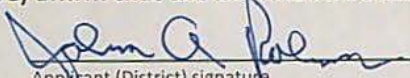
AGENT/BUSINESS NAME			PHONE NO.	ADDITIONAL CONTACT NO.
ADDRESS			FAX NO.	
CITY	STATE	ZIP	E-MAIL	
BY PROVIDING AN E-MAIL ADDRESS, CONSENT IS GIVEN TO RECEIVE ALL CORRESPONDENCE FROM THE DEPARTMENT ELECTRONICALLY. COPIES OF THE FINAL ORDER DOCUMENTS WILL ALSO BE MAILED.				

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

Apply water to adjacent acres through a pivot already in place

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

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


Applicant (District) signature
KM Rohner
Applicant (District) signature

John Rohner
Print Name (and Title if applicable)
Kate (KM) Rohner
Print Name (and Title if applicable)

6-6-23
Date
6-6-23
Date

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

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

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NA

☐ 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. (NOTE: If this box is checked, you must complete and attach Supplemental Form D.)

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 local governments (each county, city, municipal corporation, or tribal government) within whose jurisdiction water will be diverted, conveyed and/or used.

ENTITY NAME	ADDRESS	
CITY	STATE	ZIP

ENTITY NAME	ADDRESS	
CITY	STATE	ZIP

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Part 5 of 5 – Water Right Information

QWRD

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 rows to tables within the form.

Water Right Certificate # 67236

Description of Water Delivery System

System capacity: 5 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.

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)
E	☒ Authorized ☐ Proposed		8 S	39 E	23	SE SE		25' N : 800' W FR. SE CORN. SECT 23
F	☒ Authorized ☐ Proposed		8 S	39 E	23	SE SE		740' N : 870' W FR. SE CORN. SECT 23
POND	☐ Authorized ☒ Proposed		8 S	39 E	23	SE SE		900' N : 940' W FR. SE CORN. SECT 23
	☐ Authorized ☐ Proposed							

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

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

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

- | | |
|---|---|
| ☐ Place of Use (POU) | ☐ Point of Appropriation/Well (POA) |
| ☐ Character of Use (USE) | ☐ Additional Point of Appropriation (APOA) |
| ☐ Point of Diversion (POD) | ☐ Additional Point of Diversion (APOD) |

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

- ☐ Yes Complete only the Proposed ("to" 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 Temporary Changes to Water Right Certificate # 67236

List only the part of the right that will be changed. For the acreage in each ¼ ¼, list the change proposed. If more than one change, specify the acreage associated with each change. If more than one POD/POA, 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				
"	"	"	"	"	"	"	EXAMPLE	"	"	"	2	S	9	E 2 SW NW	500		5.0		POD #6	1901				
8	5	39	E 23 NW SE	6000		5.0	IR	E, F	1865/ 1867	Pou	8	5	39	E 22 SE NE	5100		29.8	IR	Pond	1865/ 1867				
			23 NE SE	6000		1.3	IR	E, F		Pou				SW NE	5100		29.8	IR						
			23 SE SE	6000		17.6	IR	E, F		Pou				NW NE	5100		4.5	IR						
			26 NE NE	200		8.8	IR																	
			26 NW NE	200		10.0	IR																	
			26 SW NE	200		15.0	IR																	
			26 SE NE	200		6.4	IR																	
TOTAL ACRES													64.1	TOTAL ACRES										64.1

Additional remarks:

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JUN 08 2023

Part 5 of 5 – Water Right Information

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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 rows to tables within the form.

Water Right Certificate # 65761

Description of Water Delivery System

System capacity: 5 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. _____

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	1/4 1/4	Tax Lot, DLC or Gov't Lot	Measured Distances (from a recognized survey corner)
POND	☒ Authorized ☒ Proposed		8 S	39 E	23	5E SE	6000	900' N ! 940' E FR. SE CORN. SECT 23
	☐ Authorized ☐ Proposed							
	☐ Authorized ☐ Proposed							
	☐ Authorized ☐ Proposed							

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

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

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

- ☐ Place of Use (POU)
 ☐ Point of Appropriation/Well (POA)
☐ Character of Use (USE)
 ☐ Additional Point of Appropriation (APOA)
☐ Point of Diversion (POD)
 ☐ Additional Point of Diversion (APOD)

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

- ☐ Yes Complete only the Proposed ("to" 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 Temporary Changes to Water Right Certificate # 65761

List only the part of the right that will be changed. For the acreage in each $\frac{1}{4}$ $\frac{1}{4}$, list the change proposed. If more than one change, specify the acreage associated with each change. If more than one POD/POA, 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	
"	"	"	"	"	"	"	"	"	"	EXAMPLE	"	"	"	2	S	9	E	2	SW	NW	500		5.0		POD #6	1901	
8	S	39	E	23	NE	SW	4401		8.0	IR	Pond	1974	POU	8	S	39	E	22	NE	NE	5000 5100		29.8	IR	Pond		
8	S	39	E	23	SW	SW	4401		8.0	IR	Pond	1974	POU	8	S	39	E	22	NW	NE	50.00 5100		17.0	IR	Pond		
8	S	39	E	26	NE	NE	200		25.2	IR	Pond	1974	POU	8	S	39	E	22	SE	NE	5100		23.4	IS	Pond		
8	S	39	E	26	SE	NE	200		5.6	IR	Pond	1974	POU	8	S	39	E	22	SW	NE	5100		23.4	IS	Pond		
8	S	39	E	23	NE	SW	4401		8.0	IS	Pond	1974	POU														
8	S	39	E	23	SW	SW	4401		8.0	IS	Pond	1974	POU														
8	S	39	E	26	NE	NE	200		25.2	IS	Pond	1974	POU														
8	S	39	E	26	SE	NE	200		5.6	IS	Pond	1974	POU														
TOTAL ACRES													93.6	TOTAL ACRES													93.6

Additional remarks:

For Place 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-65235, C-82921

Pursuant to ORS 540.525, any "layered" water use such as an irrigation right that is supplemental to a primary right proposed for temporary transfer can be included in the transfer or remain unused on the authorized place of use. If the primary water right does not revert soon enough to allow use of the supplemental right within five years, the supplemental right shall become subject to cancellation for nonuse under ORS 540.610.

If a change in point(s) of appropriation (well(s)) or additional point(s) of appropriation is necessary to convey the water to the new temporary place of use you must provide:

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

AND/OR

- ☐ Describe the construction of the authorized and proposed well(s) in Table 3 below for any well that does not have a well log. For a *proposed well(s) 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)
County of BAKER) ss

I, KATE ROHNER, in my capacity as OWNER
mailing address 40533 POCAHONTAS RD.
telephone number (541) 403-0186, 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 # 6723665761 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)

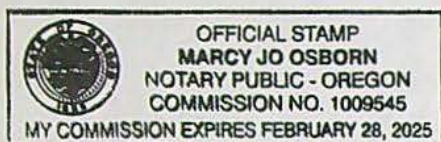
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3. The water right was used for: (e.g., crops, pasture, etc.): CROPS/PASTURE
4. I understand that if I do not attach one or more of the documents shown in the table below to support the above statements, my application will be considered incomplete.

KM Rohner
Signature of Affiant

6-5-2023
Date

Signed and sworn to (or affirmed) before me this 5 day of JUNE, 2023.



Marcy Jo Osborn
Notary Public for Oregon
My Commission Expires: 2/28/2025

Supporting Documents	Examples
☐ Copy of a water right certificate that has been issued within the last five years. (not a remaining right certificate)	Copy of confirming water right certificate that shows issue date
☐ Copies of receipts from sales of irrigated crops or for expenditures related to use of water	• Power usage records for pumps associated with irrigation use • Fertilizer or seed bills related to irrigated crops • Farmers Co-op sales receipt
☐ Records such as FSA crop reports, irrigation district records, NRCS farm management plan, or records of other water suppliers	• District assessment records for water delivered • Crop reports submitted under a federal loan agreement • Beneficial use reports from district • IRS Farm Usage Deduction Report • Agricultural Stabilization Plan • CREP Report
☒ Aerial photos containing sufficient detail to establish location and date of photograph	Multiple photos can be submitted to resolve different areas of a water right. If the photograph does not print with a "date stamp" or without the source being identified, the date of the photograph and source should be added. Sources for aerial photos: OSU – www.oregonexplorer.info/imagery OWRD – www.wrd.state.or.us Google Earth – earth.google.com TerraServer – www.terra-server.com
☐ Approved Lease establishing beneficial use within the last 5 years	Copy of instream lease or lease number

BARGAIN AND SALE DEED

JOHN A. ROHNER and KATHRYN M. ROHNER, husband and wife, "Grantors," convey to JOHN A. ROHNER and KATHRYN M. ROHNER, Trustees of the Rohner Family Revocable Trust, UAD 11-11-02, herein "Grantee," that certain real property situate in Baker County, Oregon, described more fully as follows:

That more fully described on Exhibit "A" attached hereto and incorporated herein by reference.

TOGETHER WITH any and all improvements, tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining including any appurtenant easements.

SUBJECT TO reservations in federal patents and state deeds, covenants, conditions, restrictions, reservations and easements for roads, ditches and utility installations all as the same appear of record or are visible thereon.

The true consideration for this conveyance is \$-0-.

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 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, TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES, AS DEFINED IN ORS 30.830, 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.

DATED this 9th day of May, 2013.

John A. Rohner
JOHN A. ROHNER

Kathryn M. Rohner
KATHRYN M. ROHNER

STATE OF OREGON

} ss.

County of Baker

SUBSCRIBED and SWORN to before me this 9th day of May, 2013.



Lynne D. Ewing
Notary Public for Oregon
My Commission Expires: 12/28/16

SEND TAX STATEMENTS TO:
John A. & Kathryn M. Rohner, Trustees
40533 Pocahontas Road
Baker City, Oregon 97814

AFTER RECORDING RETURN TO:
Silven Schmeits & Vaughan
P.O. Box 965
Baker City, Oregon 97814

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EXHIBIT "A"

In TOWNSHIP 9 SOUTH, RANGE 39 EAST of the Willamette Meridian, In County of Baker and State of Oregon, as follows:

Section 2: The East half of the Southwest quarter.

(9S39 700)

Section 11: The East half of the Northwest quarter;
EXCEPTING THEREFROM the East 20 feet of the Northeast quarter
Of the Northwest quarter of said Section 11, as reserved by W.C.
Hindman and Tollie M. Hindman, in instrument recorded March 30,
1901, in Deed Book 39, Page 211, Records of Baker County,
Oregon.
FURTHER EXCEPTING THEREFROM that portion conveyed to Baker
County for road, by deed recorded July 18, 1974, in Deed 74 29
049, Records of Baker County, Oregon.

(9S3911 200)

Section 12: All of Parcel 2 of Partition Plat No. P2008-032, recorded September
8, 2008, in Book 08 37 0191, Records of Baker County, Oregon.

(9S39 1800)

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STATE OF OREGON)
COUNTY OF BAKER)
I CERTIFY THAT THIS
INSTRUMENT WAS RECEIVED
AND RECORDED IN THE BOOK
OF RECORDS OF SAID COUNTY
TAMARA J. GREEN, BAKER CO. CLERK
BY Karen Phillips DEPUTY
DOC#: 13190025B

5/10/2013 3:30 PM

REF .00 46.00

ETC

C 46

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): John + Kate Rohner
Mailing Address: 40533 Pocahontas Rd
City: Baker City State: OR Zip Code: 97814 Daytime Phone: 541.403.0186

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:
8S	39E	23	SW ¼	4401	EFU	☐ Diverted	☒ Conveyed	☐ Used	
8S	39E	23	SE ¼	6000	EFU	☒ Diverted	☒ Conveyed	☐ Used	
8S	39E	26	NE ¼	200	EFU	☐ Diverted	☐ Conveyed	☐ Used	
8S	39E	22	NE ¼	5000 5100	EFU	☐ Diverted	☐ Conveyed	☒ Used	

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

Baker

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) Salmon, Pine

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:

Take water rights from unproductive 'corners', temporarily

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

See bottom of Page 3. →

For Local Government Use Only

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

Please check the appropriate box below and provide the requested information

☒ Land uses to be served by the proposed water uses (including proposed construction) are allowed outright or are not regulated by your comprehensive plan. Cite applicable ordinance section(s): BC20 Section 410.02.A.1

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

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

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

Name: Tara L. Micka Title: Senior Planner

Signature: Tara L. Micka Phone: 541-523-8219 Date: 6-8-2023

Government Entity: Baker City - Co. Planning Dept.

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

Receipt for Request for Land Use Information

Applicant name: _____

City or County: _____ Staff contact: _____

Signature: _____ Phone: _____ Date: _____

Dear Customer Service Group :

This application has received our assistance here in Watermaster District 8.

by MARCY OSBORN Phone # 541-519-6395
(Name)

Please let us know if there is anything else that might be needed.

Assistance was provided in the preparation of the:

- ☒ Application
- ☒ Map
- ☐ Other

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Rohner Property

2018  Boundary

Legend

 Feature 1



Google Earth

Image © 2023 Maxar Technologies

Rohner Property

2020 Boundary

Legend

Feature 1



ngville

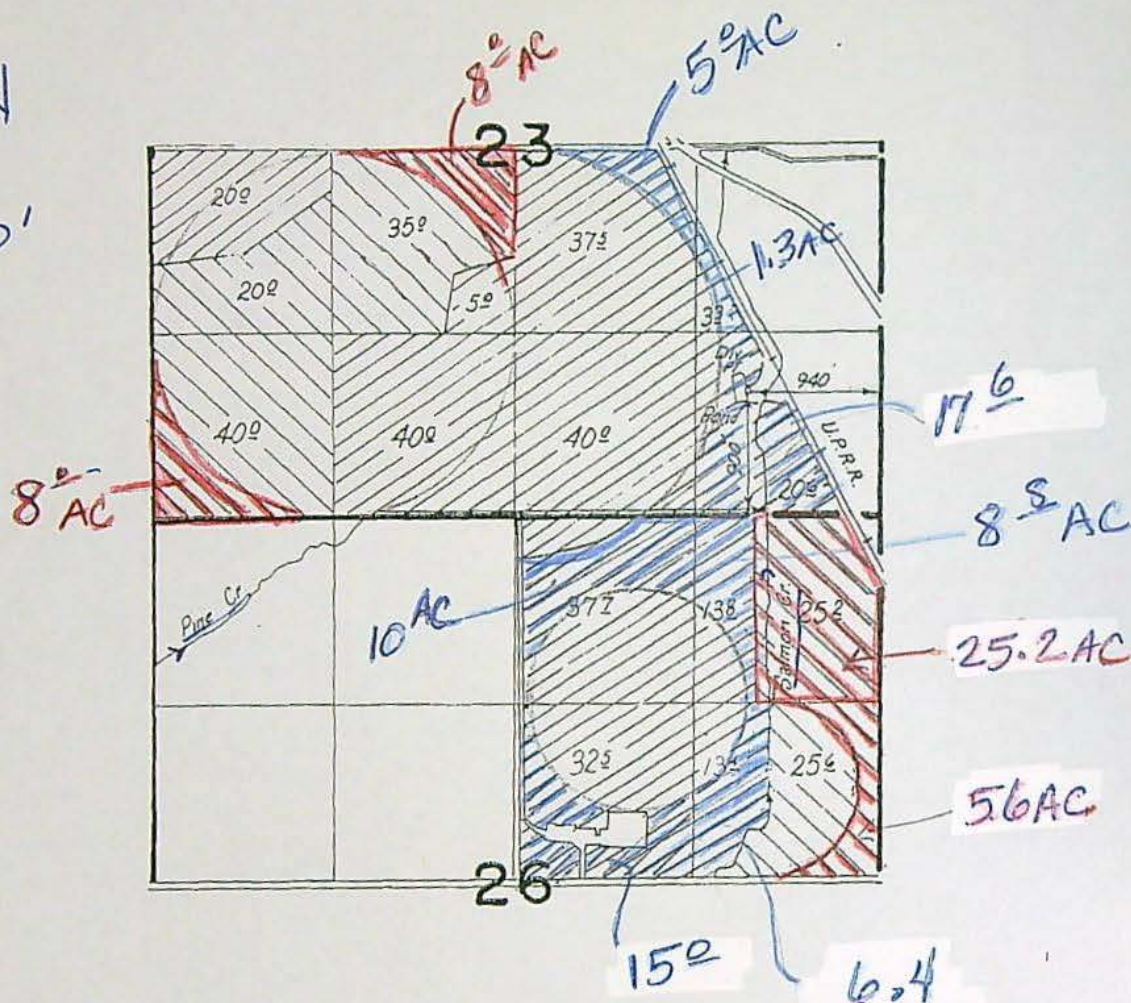
Google Earth

Image © 2023 CNES / Airbus

Image © 2023 Maxar Technologies

14253

↑ N

$$1'' = 1320'$$


 C-67236 PRIM IR 1865/1867 64.1 AC
 C-65761 SUPP IS 1974 46⁸ AC

 > NO COLOR ON UNCHANGED

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Temporary Transfer Application Intake Checklist

Transfer # T-14263

Reviewer Arla Date 6/9/23	Type of Change(s) Proposed: <u>MUST INCLUDE A CHANGE IN PLACE OF USE</u> ☐ POU ☒ POU/POD ☐ POU/APOD ☐ POU/POA ☐ POU/APOA
Calculated Fee \$1559.43 Use fee calculator on back of this form	Fee Received \$1559.43
Certificate(s): 65761 and 67236	Check <u>ALL</u> Certs in WRIS to confirm they are not cancelled
For multiple certificates, does application meet requirement of OAR 690-380-3220? If no, why? Use the flow chart for multiple Certs	☐ YES ☐ NO ☐ N/A
Notes: request 2023-2028 which is 6 years. will need to clarify with applicant 5 year period of time	

Application: OAR 690-380-3000; OAR 690-380-3220

1.	☒ YES ☐ NO	Have <u>ALL</u> of the applicant's signed and dated the application? If no, whose signature is missing?
2.	☒ YES ☐ NO	Part 5 of application: Does the information match the description of the explanation on Part 4 of the application?
3.	☒ YES ☐ NO ☐ N/A	For multiple certificates: Each certificate proposed for transfer has their own separate completed Part 5, Tables 1 & 2? If no, which certificate(s) are missing separate Part 5, Tables 1 & 2?

Map Requirements: OAR 690-380-3100

4.	☒ YES ☐ NO	Map included and meets mapping requirements?
5.	☐ YES ☐ NO ☒ N/A	Map Waiver? The map waiver must be issued by the Department
Notes:		

Attachments: OAR 690-380-3000

6.	☒ YES ☐ NO	Evidence of Use included, signed, & notarized w/supporting documentation?
	☒ YES ☐ NO	Current recorded deed for the land from which the authorized place of use is temporarily being moved included?
	☐ YES ☐ NO ☒ N/A	Affidavit of Consent from Landowner(s) described on the deed?
7.	☒ YES ☐ NO ☐ N/A	Land Use Form included and signed by the County?
8.	☐ YES ☐ NO ☒ N/A	Consent Form included, signed, and notarized?
9.	☐ YES ☐ NO ☒ N/A	District: Place of use is in <u>or</u> near an irrigation district? If Yes, is Form D included? Name of the District
10.	☐ YES ☐ NO ☒ N/A	For changes in POA/APOA – are the well logs included?
11.	☐ YES ☐ NO ☒ N/A	For change in POU within Umatilla County, Supplemental Form U included?

☒	Application complete: no deficiencies identified, assign a T-number and put this checklist in T-folder.
☐	Application DEFICIENT: DO NOT accept - return to applicant with letter explaining deficiencies identified.

Temporary Transfer Application Intake Checklist

[illegible]