

Historic

Name Julie Zaccane
 Address 4103rd Fish Lake road
PO Box 851
Halfway Oregon 97834
 Change in POD
 Date Filed 7/21/2023
 Initial notice date 8/11/2023
 DPD issued date _____
 PD issued date _____
 PD notice date _____
 Date of FO 5/30/2024 Vol 131 Page 180-184
 C-Date _____
 COBU due date _____
 COBU Received date _____
 Certificate issued _____

DESCRIPTION OF WATER RIGHT(s)

Name of Stream McMullen Slough Pine Creek
 Trib. of Pine Creek
 Use Irrigation, livestock & Domestic County Baker
 Quantity of water (CFS) _____ No. of Acres _____
 Name of ditch _____
 App# 1 ecree Per # Pine Creek Cert # 10216 PR Date _____
 App# 11 Per # 11 Cert # 10238 PR Date _____
 App# _____ Per # _____ Cert # _____ PR Date _____
 App# _____ Per # _____ Cert # _____ PR Date _____
 App# _____ Per # _____ Cert # _____ PR Date _____

FEES PAID		
Date	Amount	Receipt #
<u>7-21-23</u>	<u>\$1970.00</u>	<u>141226</u>

FEES REFUNDED		
Date	Amount	Receipt #

Assignments: _____

Irrigation District _____

Agent _____

CWRE _____
 CC's list Baker County

☐ - Oversized map - Location _____



Oregon

Tina Kotek, Governor

Department of Fish and Wildlife

Grande Ronde Watershed

107 20th St

La Grande, OR 97850

(541)963-2138



June 3rd, 2024

Julie Zaccone
PO Box 851
Halfway, OR 97834

RE: Fish Passage for T-14285

To whom it may concern,

The Oregon Department of Fish and Wildlife (ODFW) is submitting this letter regarding fish passage for the historic point of diversion transfer T-14285 in the name of Julie Zaccone. ODFW submitted a review on 8/22/2023, indicating that the point of diversion must be screened, and the transfer may trigger fish passage requirements. On 4/12/2024 Julie Zaccone contacted the La Grande District Fish Biologist about the potential fish passage requirement. Coordination between the ODFW Water Right Specialist, ODFW Screen Shop, and Julie Zaccone concluded on 6/3/2024 after the screen had been installed. The screened pump is submerged near the bank of the stream, with no evidence of channel spanning structures.

Based on information provided, ODFW has determined that the proposed point of diversion related to T-14285 does not currently pose an artificial obstruction to fish passage. However, the permittee shall maintain adequate passage of native migratory fish at all times (ORS 509.610) at the point of diversion and shall not construct, operate, or maintain any dam or artificial obstruction to fish passage across any waters of the state that are inhabited, or were historically inhabited, by native migratory fish (ORS 509.585).

Sincerely,

Jordan Smith
East Region Hydro & Water Rights Coordinator
Jordan.D.Smith@odfw.oregon.gov
(541)805-1990

CC via email: Ethan Brandt, ODFW La Grande District Fish Biologist
Danette Faucera, ODFW Water Policy Coordinator
OWRD Transfer Section
ODFW Fish Passage Coordinator

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-14285

Review Due Date: 08/24/2023

Applicant Name: Julie Zaccone

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

Reviewer(s): Marcy Osborn

Date of Review: 08/14/2023

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:

I do not know if there are channel losses between the old and new PODs

☐ 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:

Instream water right 97023 is within the area of this POD change however, it is a downstream movement - not causing injury to C-97023.

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

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

☐ Yes ☒ No If "Yes", explain:

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

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

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

☐ A Headgate should be required prior to diverting water.

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

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

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

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

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

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

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

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

☐ Weir
☐ Parshall Flume
☐ Other: _____

☐ Submerged Orifice
☐ Flow Restrictor

Oregon Water Resources Department

Measurement Condition Information for the Applicant

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

Transfer #: T- 14285

☐ In order to avoid enlargement of the right or injury to other rights, a **totalizing flow meter** will be required to be installed **prior to diversion of water**, as a condition of this transfer:

☐ at each point of diversion/appropriation (new and existing) **OR**

☒ at each new point of diversion/appropriation.

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

Watermaster name: Marcy Osborn

District: 8

Address: 39155 Pocahontas Rd.

City/State/Zip: Baker City, OR 97814

Phone: 541-519-6395

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

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

Approval of an Alternate Measurement Device

T-

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

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

Watermaster signature

District

Date

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

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



Oregon

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

May 31, 2024

Julie Zaccone
PO Box 851
Halfway, OR 97834

REFERENCE: Transfer Application T-14285

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

Also enclosed are certificates issued to confirm the historic change in point of diversion approved by the final order contained herein. Please read the documents carefully and abide by the requirements.

If you have any questions related to the approval of this transfer, you may contact your caseworker, Corey Courchane, by telephone at (503) 979-3917 or by e-mail at Corey.a.courchane@water.oregon.gov.

Sincerely,

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

cc: Marcy J. Osborn, Watermaster Dist. # 8 (via email)
Baker County Planning Department, Local Government
Enclosures

BEFORE THE WATER RESOURCES DEPARTMENT
OF THE
STATE OF OREGON

In the Matter of Transfer Application)	FINAL ORDER APPROVING A CHANGE IN
T-14285, Baker County)	POINTS OF DIVERSION TO REFLECT HISTORIC
)	USE

Authority

ORS 540.532 establishes the process in which a water right holder may submit a request for a change in point of diversion to reflect historical use under an existing water right. OAR Chapter 690-380-2120 implements the statute and provides the Department's procedures and criteria for evaluating historic point of diversion/appropriation transfer applications.

Applicant

JULIE F. ZACCONE
PO BOX 851
HALFWAY, OR 97834

Findings of Fact

1. On July 21, 2023, JULIE F. ZACCONE filed a transfer application for authorization of historic points of diversion under Certificates 10238 and 10266. The Department assigned the application number T-14285.
2. Notice of the application for transfer was published on August 1, 2023, pursuant to OAR 690-380-4000. One comment was timely filed in response to the notice. The issue raised by the commenter included:
 - Not allowing changes to the water rights concerning the commenter's property.
3. The issue raised by the commenter does not address the criteria for review of a water right transfer as per OAR 690-380-4010 and approval of a transfer application under OAR 690-380-5000. The comment involves Certificate 87454, which is for irrigation of 46.6 acres, livestock, and domestic. Changes are not being made to Certificate 87454, and the commenter does not indicate how the proposed actions under T-14285 will injure

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.

Certificate 87454. The statutory basis for approving a water right transfer application is relatively narrow and confined to the department finding or determining:

- a) The water right proposed for transfer is a water use subject to transfer;
 - b) The portion of the water right proposed for transfer is not cancelled due to forfeiture for non-use pursuant to ORS 540.610;
 - c) The proposed transfer would not result in enlargement of the water right proposed for transfer; and
 - d) The proposed transfer would not result in injury to other water rights.
4. The portion of the first right to be transferred is as follows:

Certificate: 10238 in the name of A. E. CARLSON (confirmed by PINE CREEK, BAKER COUNTY Decree)
Use: IRRIGATION of 1.0 ACRE, and DOMESTIC and STOCK USE
Priority Date: 1895 for TRACT NO. 2
Rate: ONE-FORTIETH OF A CUBIC FOOT PER SECOND PER ACRE, MEASURED AT THE POINT OF DIVERSION, AND A TOTAL LIMITATION OF ONE ACRE-FOOT PER ACRE DURING JULY, ONE ACRE-FOOT PER ACRE DURING AUGUST, AND ONE-HALF ACRE FOOT PER ACRE DURING SEPTEMBER, OF EACH YEAR
Source: PINE CREEK for TRACT NO. 2

Authorized Point of Diversion:

Twp	Rng	Mer	Sec	Q-Q
Not specified in certificate				

Authorized Place of Use:

IRRIGATION, DOMESTIC AND STOCK USE – TRACT NO. 2					
Twp	Rng	Mer	Sec	Q-Q	Acres
8 S	46 E	WM	8	NE NW	1.0

5. The Department has received information from the applicant that better describes the authorized point of diversion under Certificate 10238:

Twp	Rng	Mer	Sec	Q-Q	POD
7 S	46 E	WM	31	NW SW	MCMULLEN SLOUGH

6. Transfer Application T-14285 proposes to move the authorized point of diversion to reflect historical use, approximately 2.3 miles downstream to:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
8 S	46 E	WM	8	NW NE	PUMP - 730 FEET SOUTH AND 233 FEET EAST FROM THE N1/4 CORNER OF SECTION 8

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

Certificate: 10266 in the name of GEO. DEARTH (confirmed by PINE CREEK, BAKER COUNTY Decree)
Use: IRRIGATION of 6.25 ACRES, and DOMESTIC and STOCK USE
Priority Date: 1887
Rate: ONE-FORTIETH OF A CUBIC FOOT PER SECOND PER ACRE, MEASURED AT THE POINT OF DIVERSION, AND A TOTAL LIMITATION OF ONE ACRE-FOOT PER ACRE DURING JULY, ONE ACRE-FOOT PER ACRE DURING AUGUST, AND ONE-HALF ACRE FOOT PER ACRE DURING SEPTEMBER, OF EACH YEAR
Source: PINE CREEK

Authorized Point of Diversion:

Twp	Rng	Mer	Sec	Q-Q
Not specified in certificate				

Authorized Place of Use:

Twp	Rng	Mer	Sec	Q-Q	Acres
8 S	46 E	WM	8	NW NE	6.25

8. The Department has received information from the applicant that better describes the authorized point of diversion under Certificate 10238:

Twp	Rng	Mer	Sec	Q-Q	POD
8 S	46 E	WM	8	NE NW	THAD LEEP DITCH

9. Transfer Application T-14285 proposes to move the authorized point of diversion to reflect historical use, approximately 539 feet downstream to:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
8 S	46 E	WM	8	NW NE	PUMP - 730 FEET SOUTH AND 233 FEET EAST FROM THE N1/4 CORNER OF SECTION 8

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

Transfer Review Criteria (ORS 540.532 and OAR 690-380-2120)

11. Pursuant to OAR 690-380-2120(2)(a), evidence has been submitted that the actual, current point of diversion for the water right in question, as described in Finding Nos. 5 and 8, has been in use for more than 10 years.

12. Pursuant to OAR 690-380-2120(2)(c), the Watermaster provided a statement that to her knowledge there has been no complaint of injury due to the use of water at the actual, current point of diversion, prior to the transfer request.
13. Pursuant to OAR 690-380-2120(3), the Department provided the applicant a list of the affected water rights and a copy of the notice to be provided to each affected water right holder. The applicant has provided written proof of service of notice of the proposed transfer on all affected water right holders.
14. 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.
15. A diversion structure and ditch sufficient to use the full amount of water allowed under the existing rights are present.
16. The proposed change would not result in enlargement of the rights.
17. The proposed change would not result in injury to other water rights.

Conclusions of Law

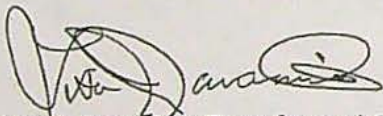
The proposed change in points of diversion to reflect historical use in application T-14285 is consistent with the requirements of ORS 540.532, and OAR 690-380-2120.

Now, therefore, it is ORDERED:

1. The change proposed in T-14285 is approved and effective immediately.
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 10238 and 10266, and any related decree.
3. Water right certificates 10238 and 10266 are cancelled. Certificate 97781 will be issued to describe the change in point of diversion for the portion of Certificate 10238 included in T-14285. Certificate 97782 will be issued to describe the change in point of diversion for the portion of Certificate 10266 included in T-14285. Certificate 97783 shall be issued to describe the portion of Certificate 10238 not modified by this order. Certificate 97784 shall be issued to describe the portion of Certificate 1023866 not modified by this order. Together, the new Certificates supersede Certificates 10238 and 10266.
4. Under Certificate 10238, the quantity of water diverted at the new point of diversion (Pump) shall not exceed the quantity of water lawfully available at the original point of diversion (McMullen Slough).

5. Under Certificate 10266, the quantity of water diverted at the new point of diversion (Pump) shall not exceed the quantity of water lawfully available at the original point of diversion (Thad Leep Ditch).
6. Water use measurement conditions:
 - a. Prior to October 1, 2025, 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, 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.
7. Prior to October 1, 2025, the water user shall install a fish screening and/or by-pass device, as appropriate, at the new point of diversion consistent with the Oregon Department of Fish and Wildlife's (ODFW) design and construction standards. Prior to installation, the water user shall obtain written approval from ODFW that the required screen and/or by-pass device meets ODFW's criteria. Prior to submitting a Claim of Beneficial Use, the water user must obtain written approval from ODFW that the required screening and/or by-pass device was installed to the state's criteria. The water user shall maintain and operate the fish screen and/or by-pass device, as appropriate, at the point of diversion consistent with ODFW's operational and maintenance standards.

Dated in Salem, Oregon on **MAY 30 2024**



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

Mailing date: **MAY 31 2024**

STATE OF OREGON

COUNTY OF BAKER

CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

JULIE F. ZACCONE
PO BOX 851
HALFWAY, OR 97834

confirms the right to use the waters of PINE CREEK for TRACT NO. 2, for the purpose of IRRIGATION of 1.0 ACRE, and DOMESTIC and STOCK USE; and that said right has been confirmed by decree of the Circuit Court of the State of Oregon for Baker County, and the said decree entered of record at Salem, in the Order Record of the STATE ENGINEER, in Volume 11, at pages 399 & 235, that the priority of the right thereby confirmed dates from 1895 for TRACT NO. 2.

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

The point of diversion is located as follows:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
8 S	46 E	WM	8	NW NE	PUMP - 730 FEET SOUTH AND 233 FEET EAST FROM THE N1/4 CORNER OF SECTION 8

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

IRRIGATION, DOMESTIC AND STOCK USE – TRACT NO. 2					
Twp	Rng	Mer	Sec	Q-Q	Acres
8 S	46 E	WM	8	NE NW	1.0

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.

Water use measurement conditions:

- a. Prior to October 1, 2025, 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, 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.

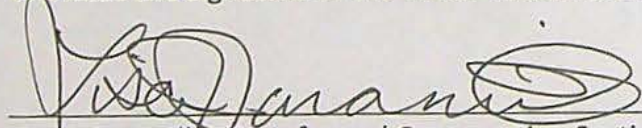
Prior to October 1, 2025, the water user shall install a fish screening and/or by-pass device, as appropriate, at the new point of diversion consistent with the Oregon Department of Fish and Wildlife's (ODFW) design and construction standards. Prior to installation, the water user shall obtain written approval from ODFW that the required screen and/or by-pass device meets ODFW's criteria. Prior to submitting a Claim of Beneficial Use, the water user must obtain written approval from ODFW that the required screening and/or by-pass device was installed to the state's criteria. The water user shall maintain and operate the fish screen and/or by-pass device, as appropriate, at the point of diversion consistent with ODFW's operational and maintenance standards.

This certificate is issued to confirm an HISTORIC CHANGE IN POINT OF DIVERSION approved by an order of the Water Resources Director entered MAY 30 2024, approving Transfer Application T-14285, and supersedes Certificate 10238, State Record of Water Right Certificates.

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

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

WITNESS the signature of the Water Resources Director, affixed MAY 30 2024.



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

STATE OF OREGON

COUNTY OF BAKER

CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

JULIE F. ZACCONE
PO BOX 851
HALFWAY, OR 97834

confirms the right to use the waters of PINE CREEK for the purpose of IRRIGATION of 6.25 ACRES, and DOMESTIC and STOCK USE; and that said right has been confirmed by decree of the Circuit Court of the State of Oregon for Baker County, and the said decree entered of record at Salem, in the Order Record of the STATE ENGINEER, in Volume 11, at page 235, that the priority of the right thereby confirmed dates from 1887.

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

The point of diversion is located as follows:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
8 S	46 E	WM	8	NW NE	PUMP - 730 FEET SOUTH AND 233 FEET EAST FROM THE N1/4 CORNER OF SECTION 8

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

IRRIGATION, DOMESTIC AND STOCK USE					
Twp	Rng	Mer	Sec	Q-Q	Acres
8 S	46 E	WM	8	NW NE	6.25

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.

Water use measurement conditions:

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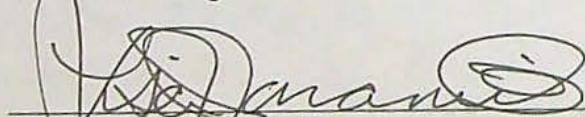
Prior to October 1, 2025, the water user shall install a fish screening and/or by-pass device, as appropriate, at the new point of diversion consistent with the Oregon Department of Fish and Wildlife's (ODFW) design and construction standards. Prior to installation, the water user shall obtain written approval from ODFW that the required screen and/or by-pass device meets ODFW's criteria. Prior to submitting a Claim of Beneficial Use, the water user must obtain written approval from ODFW that the required screening and/or by-pass device was installed to the state's criteria. The water user shall maintain and operate the fish screen and/or by-pass device, as appropriate, at the point of diversion consistent with ODFW's operational and maintenance standards.

This certificate is issued to confirm an HISTORIC CHANGE IN POINT OF DIVERSION approved by an order of the Water Resources Director entered MAY 30 2024, approving Transfer Application T-14285, and supersedes Certificate 10266, State Record of Water Right Certificates.

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

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

WITNESS the signature of the Water Resources Director, affixed MAY 30 2024.



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

STATE OF OREGON

COUNTY OF BAKER

CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

A. E. CARLSON
HALFWAY, OR 97834

confirms the right to use the waters of MCMULLEN SLOUGH, tributary of PINE CREEK for TRACT NO. 1, and PINE CREEK for TRACT NO. 2, for the purpose of IRRIGATION of 27.0 ACRES, and DOMESTIC and STOCK USE; and that said right has been confirmed by decree of the Circuit Court of the State of Oregon for Baker County, and the said decree entered of record at Salem, in the Order Record of the STATE ENGINEER, in Volume 11, at pages 399 & 235, that the priority of the right thereby confirmed dates from 1886 for TRACT NO. 1, and 1895 for TRACT NO. 2.

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

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

IRRIGATION, DOMESTIC AND STOCK USE – TRACT NO. 1					
Twp	Rng	Mer	Sec	Q-Q	Acres
8 S	46 E	WM	8	NW NW	2.0
8 S	46 E	WM	8	SW NW	1.0
Total					3.0

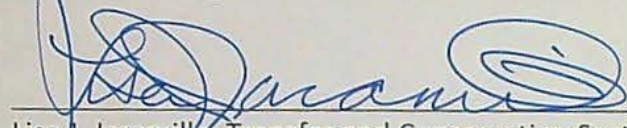
IRRIGATION, DOMESTIC AND STOCK USE – TRACT NO. 2					
Twp	Rng	Mer	Sec	Q-Q	Acres
8 S	46 E	WM	8	NE NW	24.0

This certificate describes that portion of water right Certificate 10238, State Record of Water Right Certificates, NOT modified by the provisions of an order of the Water Resources Director entered MAY 30 2024, approving Transfer Application T-14285.

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

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

WITNESS the signature of the Water Resources Director, affixed MAY 30 2024.

A handwritten signature in blue ink, appearing to read "Lisa J. Jaramillo", is written over a horizontal line.

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

STATE OF OREGON

COUNTY OF BAKER

CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

GEO. DEARTH
HALFWAY, OR 97834

confirms the right to use the waters of PINE CREEK for the purpose of IRRIGATION of 19.75 ACRES, and DOMESTIC and STOCK USE; and that said right has been confirmed by decree of the Circuit Court of the State of Oregon for Baker County, and the said decree entered of record at Salem, in the Order Record of the STATE ENGINEER, in Volume 11, at page 235, that the priority of the right thereby confirmed dates from 1887.

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

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

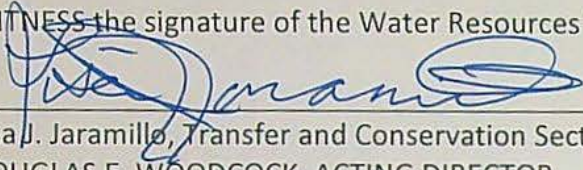
IRRIGATION, DOMESTIC AND STOCK USE					
Twp	Rng	Mer	Sec	Q-Q	Acres
8 S	46 E	WM	8	NW NE	19.75

This certificate describes that portion of water right Certificate 10266, State Record of Water Right Certificates, NOT modified by the provisions of an order of the Water Resources Director entered MAY 30 2024, approving Transfer Application T-14285.

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

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

WITNESS the signature of the Water Resources Director, affixed MAY 30 2024.



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

WATER RIGHT TRANSFER COVER SHEET

Transfer: T-14285

Transfer Specialist: *Corey*

Transfer Type: Historic POD Transfer

Reimbursement Authority? ☐

Applicant: JULIE ZACCONE PO BOX 851 HALFWAY, OR 97834	Receiving Landowner:
Current Landowner if other than Applicant:	CWRE:
Affected Local Gov'ts: Baker County Planning Department	Affected Tribal Gov't:
Irrigation District:	BOR Notified (date):

Water Rights Affected

File Marked	App. File # or Decree Name	Permit	Certificate	RR/CR Needed	RR/CR Nos.
<input type="checkbox"/>	Decree	Pine Creek	10266	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	97784
<input type="checkbox"/>	Decree	Pine Creek	10238	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	97783
<input type="checkbox"/>				<input type="checkbox"/> Yes <input type="checkbox"/> No	

Key Dates & Initial Actions (Support Staff)

Rec'd: July 21, 2023	Proposed Action(s): POINT OF DIVERSION	
Fees Pd: 1970.00	Acknowledgement Letter Sent <input checked="" type="checkbox"/>	Basin: 9 Powder
Initial Public Notice: 8/1/2023	County sent cc: of Ack Letter <input checked="" type="checkbox"/>	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: <input type="checkbox"/>	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 <input type="checkbox"/> ODFW Sheet: <input type="checkbox"/>	N/A
PD	Date: _____ Initials: _____	Date: _____ Initials: _____	Date: _____ Initials: _____	Date: _____ Initials: _____ Data Review Date: _____	Date: _____	Date: _____
FO	Date: 10/3/23 Initials: CC	Date: 10/17/23 Initials: AUD	Date: 1/23/24 Initials: PKS	Date: 1/25/24 Initials: AC	Date: 5/23/24 No. of docs for sig: 5	Date: 5/30/24

Special Issues: _____

Special Order Volume: Vol. 131 Pages 180-184

Oregon Water Resources Department

Measurement Condition Information for the Applicant

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

Transfer #: T- 14285

☐ In order to avoid enlargement of the right or injury to other rights, a totalizing flow meter will be required to be installed prior to diversion of water as a condition of this transfer:

☐ at each point of diversion/appropriation (new and existing) OR

☒ at each new point of diversion/appropriation.

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

Watermaster name: Marcy Osborn

District: 8

Address: 39155 Pocahontas Rd.

City/State/Zip: Baker City, OR 97814

Phone: 541-519-6395

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

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

Approval of an Alternate Measurement Device

T-

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

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

Watermaster signature

District

Date

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

Oregon Water Resources Department

725 Summer Street NE, Suite A

Salem, OR 97301-1266

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

Transfer #: T-14285, Julie Zaccone

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

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

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

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

ODFW staff name: Nathaniel Ashley

Address: PO Box 515; W Hwy 26 Patterson Rd

City/State/Zip: John Day, OR 97845

Phone: (541) 575-0561

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

ODFW staff name: Ethan Brandt

Address: 107 20th Street

City/State/Zip: La Grande, OR 97850

Phone: (541) 962-1829

PROOF OF SERVICE

I, Julie F. Laccone, certify that the Notice of Change in Historic Points of Diversion for Transfer Application T- 14285 was delivered to the following individuals/entities in the manner and dates identified:

Cert. #	Name and Address	Service Date
10238	✓ Name: Mathew T and Darnell M Francis Address: PO Box 386 City, State, Zip: Halfway, OR 97834	<u>3-21-24</u> <input checked="" type="checkbox"/> mailing date or _____ <input type="checkbox"/> hand delivered
10238	✓ Name: Seven Maples Ranch LLC Address: 4923 Jump Crk Rd City, State, Zip: Homedale, ID 83628	<u>3-21-24</u> <input checked="" type="checkbox"/> mailing date or _____ <input type="checkbox"/> hand delivered
10238	✓ Name: Anne R and Leslie M Ayhens Address: PO Box 392 City, State, Zip: Halfway, OR 97834	<u>3-21-24</u> <input checked="" type="checkbox"/> mailing date or _____ <input type="checkbox"/> hand delivered
10266	✓ Name: Jerry M and Susan M Duncan Address: PO Box 725 City, State, Zip: Halfway, OR 97834	<u>3-21-24</u> <input checked="" type="checkbox"/> mailing date or _____ <input type="checkbox"/> hand delivered
10280	✓ Name: Phyllis R and Carey Thomas, Trustee Address: 37178 Goodwin Sawmill Lane City, State, Zip: Halfway, OR 97834	<u>3-21-24</u> <input checked="" type="checkbox"/> mailing date or _____ <input type="checkbox"/> hand delivered
10282	✓ Name: Timothy J and Kellee Ford Address: 37141 Goodwin Sawmill Ln City, State, Zip: Halfway, OR 97834	<u>3-21-24</u> <input checked="" type="checkbox"/> mailing date or _____ <input type="checkbox"/> hand delivered
10282	✓ Name: Joseph E Young, et al Address: 47533 Cornucopia Hwy City, State, Zip: Halfway, OR 97834	<u>3-21-24</u> <input checked="" type="checkbox"/> mailing date or _____ <input type="checkbox"/> hand delivered

Return this completed form to:
Oregon Water Resources Department,
725 Summer St. NE, Suite A
Salem, OR 97301-1266

RECEIVED

MAR 26 2024

OWRD

✓ 10282	Name: Kelly Premo, et al Address: 5770 SE Gaitgill Ct City, State, Zip: Milwaukie, OR 97267	<u>3-21-24</u> <input checked="" type="checkbox"/> mailing date or _____ <input type="checkbox"/> hand delivered
✓ 10282	Name: Mary L McLellan, Trustee Address: PO Box 804 City, State, Zip: Halfway, OR 97834	<u>3-21-24</u> <input checked="" type="checkbox"/> mailing date or _____ <input type="checkbox"/> hand delivered
✓ 10306	Name: Clear Creek Cattle & Farm LLC Address: 970 Petry Ln City, State, Zip: Baker City, OR 97814	<u>3-21-24</u> <input checked="" type="checkbox"/> mailing date or _____ <input type="checkbox"/> hand delivered
✓ 10491	Name: Aaron S and Ann Ingalls, Trustee Address: 46183 Slaughterhouse Rd City, State, Zip: Halfway, OR 97834	<u>3-21-24</u> <input checked="" type="checkbox"/> mailing date or _____ <input type="checkbox"/> hand delivered
✓ 10491	Name: Deven and Cathy Thompson Address: 36288 Carnahan Ln City, State, Zip: Richland, OR 97870	<u>3-21-24</u> <input checked="" type="checkbox"/> mailing date or _____ <input type="checkbox"/> hand delivered
✓ 10491	Name: Belinda F Gyer Address: 46053 Slaughterhouse Rd City, State, Zip: Halfway, OR 97834	<u>3-21-24</u> <input checked="" type="checkbox"/> mailing date or _____ <input type="checkbox"/> hand delivered
✓ 10491	Name: Donald Rober and Claudia Strom Address: PO Box 744 City, State, Zip: Halfway, OR 97834	<u>3-21-24</u> <input checked="" type="checkbox"/> mailing date or _____ <input type="checkbox"/> hand delivered
✓ 10491	Name: Halfway Enterprises, LLC Address: PO Box 215 City, State, Zip: Oxbow, OR 97840	<u>3-21-24</u> <input checked="" type="checkbox"/> mailing date or _____ <input type="checkbox"/> hand delivered
✓ 10491	Name: Donald M Thatcher, Trustee et al Address: PO Box 891 City, State, Zip: Halfway, OR 97834	<u>3-21-24</u> <input checked="" type="checkbox"/> mailing date or _____ <input type="checkbox"/> hand delivered

Return this completed form to:
Oregon Water Resources Department,
725 Summer St. NE, Suite A
Salem, OR 97301-1266

RECEIVED
MAR 26 2024

10491 ✓	Name: Blaine K and Kathleen M Kidd Address: PO Box 469 City, State, Zip: Halfway, OR 97834	<u>3-21-24</u> <input checked="" type="checkbox"/> mailing date or _____ <input type="checkbox"/> hand delivered
10491 ✓	Name: Elizabeth Hardy, Trustee et al Address: PO Box 1082 City, State, Zip: Logandale, NV 89021	<u>3-21-24</u> <input checked="" type="checkbox"/> mailing date or _____ <input type="checkbox"/> hand delivered
10491 ✓	Name: Randy Blaine Curt, Trustee Address: 46366 Slaughterhouse Rd City, State, Zip: Halfway, OR 97834	<u>3-21-24</u> <input checked="" type="checkbox"/> mailing date or _____ <input type="checkbox"/> hand delivered
35917 and 48214 ✓	Name: Summers Ranch Properties, LLC c/o Jon Summers Address: 805 SW Broadway Ste 2440 City, State, Zip: Portland, OR 97205	<u>3-21-24</u> <input checked="" type="checkbox"/> mailing date or _____ <input type="checkbox"/> hand delivered
35917 ✓	Name: Tess Stringham Address: PO Box 691 City, State, Zip: Halfway, OR 97834	<u>3-21-24</u> <input checked="" type="checkbox"/> mailing date or _____ <input type="checkbox"/> hand delivered
35917 ✓	Name: Realyann Burgraff, Trustee et al Address: PO Box 409 City, State, Zip: Halfway, OR 97834	<u>3-21-24</u> <input checked="" type="checkbox"/> mailing date or _____ <input type="checkbox"/> hand delivered
39023 and 52583 ✓	Name: Pine Valley Land, LLC Address: 40117 Pine Town Lane City, State, Zip: Halfway, OR 97834	<u>3-21-24</u> <input checked="" type="checkbox"/> mailing date or _____ <input type="checkbox"/> hand delivered
87454 ✓	Name: Hoplite Incorporated Address: 59-780 Kapuhi Place City, State, Zip: Haleiwa, HI 96712	<u>3-21-24</u> <input checked="" type="checkbox"/> mailing date or _____ <input type="checkbox"/> hand delivered

Return this completed form to:
Oregon Water Resources Department,
725 Summer St. NE, Suite A
Salem, OR 97301-1266

RECEIVED

MAR 26 2024

OWRD

87454 ✓	Name: Jerri Kay Goodwin Address: 1844 Tracy Ct City, State, Zip: Meridian, ID 83646	3-21-24 <input checked="" type="checkbox"/> mailing date or <input type="checkbox"/> hand delivered
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Dated this 21st day of March, 2024.

Julie F. Laccone
 Applicant or Applicant's Agent (printed name)

Julie F. Laccone
 Applicant or Applicant's Agent (signature)

Return this completed form to:
 Oregon Water Resources Department,
 725 Summer St. NE, Suite A
 Salem, OR 97301-1266

RECEIVED
 MAR 26 2024
 OWRD

IMPORTANT NOTICE

OF

PROPOSED CHANGE IN A WATER RIGHT

POINTS OF DIVERSION

Received
MAR 29 2024
OWRD

Julie F. Zaccone, 46397 Fish Lake Rd., Halfway, OR 97834, submitted a transfer application to the Oregon Water Resources Department under ORS 540.532 requesting a change in points of diversion of Water Right Certificates 10238 and 10266 to reflect more than 10 years of historical use of water at a point of diversion other than that described in the water right Certificate. The Transfer Application number is T-14285.

There is no authorized point of diversion evidenced by Certificate 10238. However, the Department has received information from the applicant that better describes the authorized point of diversion under Certificate 10238:

Twp	Rng	Mer	Sec	Q-Q	POD
7 S	46 E	WM	31	NW SW	MCMULLEN SLOUGH

There is no authorized point of diversion evidenced by Certificate 10266. However, the Department has received information from the applicant that better describes the authorized point of diversion under Certificate 10266:

Twp	Rng	Mer	Sec	Q-Q	POD
8 S	46 E	WM	8	NE NW	THAD LEEP DITCH

Julie F. Zaccone, 46397 Fish Lake Rd., Halfway, OR 97834 proposes to officially change the points of diversion to the following location:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
8 S	46 E	WM	8	NW NE	PUMP - 730 FEET SOUTH AND 233 FEET EAST FROM THE N1/4 CORNER OF SECTION 8

Why You Received This Notice

You have received this notice because the Oregon Water Resources Department has identified you as the owner of the land or water right that may be affected by the proposed change in points of diversion. By law, it is the responsibility of the applicant to provide you notice of the proposed change in points of diversion. The applicant is also required to provide the Department with written proof that this notice was delivered to you.

The Purpose of This Notice

The purpose of this notice is to provide you an opportunity to comment upon whether the proposed change will cause injury to the exercise of your water right. **A 30-day comment period begins upon receipt of this notice.** Comments should reference the Transfer Application number T-14285, identify the water right subject to injury by permit or certificate number or decree name, and describe the nature of the injury caused by the change in point of diversion.

Mail Your Comments To:
Oregon Water Resources Department
Transfer Section
725 Summer Street NE, Suite A
Salem, OR 97301

Received
MAR 29 2024
OWRD

How the Department Will Use Your Comments

The Department will use these comments to determine whether the proposed change in point of diversion would injure other water rights. The transfer application shall be approved if the Department finds no injury to other water rights.

March 25, 2024

To Whom It May Concern:

Thank you for your inquiry into the T-14285 Transfer Application. I will not allow any charges to the water rights concerning my property. Water rights belong to the land. This is deeded property that has been in ^{my} family for over 100 years, by a Buchanan family ^{member} who were Pioneers to Pine Valley. The family land and water rights will continue to remain the same/ status quo.

Sincerely,
Jarri Kay Whiteley
Goodwin



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

March 5, 2024

VIA E-MAIL

Applicant

JULIE F. ZACCONE

PO BOX 851

HALFWAY, OR 97834

SUBJECT: Water Right Transfer Application T-14285

Your water right transfer change in point of diversion to reflect historical use is in the first phase of processing. On January 25, 2024, the Department sent correspondence to the email address listed in the application, requesting completion of the Proof of Service, and a report of ownership from a title company. The correspondence identified a deadline of February 26, 2024, and the Department has not received a response.

Submittal of the following required items are needed at this time:

1. We are required by rule to provide you with a list of affected water right holders affected by your proposed change in point of diversion to reflect historical use. The listing of the potential affected water right holders is set out in the enclosed Proof of Service form.

You are responsible for mailing or hand-delivering a copy of the enclosed Notice to the persons listed on the Proof of Service form. In addition, you must provide proof to the Department that you mailed or hand-delivered a copy of the Notice to all of the identified affected water right holders.

Upon completion of mailing or hand-delivering a copy of the enclosed Notice to the persons listed, **please complete the enclosed Proof of Service form and return it to my attention at:**

Oregon Water Resources Department

Attn: Corey Courchane

725 Summer Street NE, Suite A

Salem, OR 97301

2. You must submit a **Report of Ownership** for the lands where the water right(s) are currently located (i.e., the FROM lands). This report:
 - a) Must be prepared by a title company;

b) Shall include a "prepared by" statement and the date the title company prepared the report printed on the cover sheet;

c) Must be:

- i. Prepared within 3 months of the Draft Preliminary Determination showing current ownership; **OR**
- ii. Prepared within 3 months of recording of a water right conveyance agreement; **OR**
- iii. Have a prepared date showing ownership at the time a water right conveyance agreement was recorded.

If water right conveyance agreements are involved, it is helpful to provide copies of those agreements along with the Report of Ownership.

IMPORTANT: In order for the Department to clearly understand the date that the title company prepared the Report of Ownership, the title company must indicate/state the date that they prepared the report on the coversheet and/or first page of the report.

d) Must include a list of owners at the time the report was generated; **AND**

e) Must include a legal description of the property where the water right to be transferred is currently located (i.e., the FROM lands).

After you have mailed or hand-delivered the Notice to the persons identified in the Proof of Service, a 30-day comment period will run. This time period will allow the affected holders of the water rights identified to provide comments on whether the requested change in point of diversion will cause injury. After this 30-day comment period, we will determine whether you have satisfied the requirements, the change does not cause injury, or if any conditions will need to be met to prevent injury.

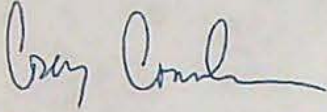
Enclosed is a copy of Oregon Department of Fish and Wildlife (ODFW) Additional Fish Screening and Passage Information for the Applicant. You will note that ODFW requires a fish screening and/or by-pass device to be installed. We will establish a deadline for compliance with this condition. Please contact the ODF&W personnel listed on the document for assistance.

The Watermaster has determined that a water measurement device is necessary at the diversion point. Enclosed is a contact information sheet to assist you in pursuing additional information or approval of the required (or alternate) device.

Issuance of the Final Order will occur shortly after we receive your response, the proof of service, and the report of ownership. An order shall be issued denying the application as incomplete if I do not receive your response, proof of service, and the report of ownership by **April 4, 2024.**

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

Sincerely,

A handwritten signature in blue ink, appearing to read "Corey Courchane", with a long horizontal flourish extending to the right.

Corey Courchane
Allocation of Conserved Water
Transfer and Conservation Section

cc: Transfer Application file T-14285
Marcy J. Osborn, District 8 Watermaster *(via e-mail)*

Enclosures:

Notice
Proof of Service
ODFW Contact Sheet
Watermaster Contact Sheet

COURCHANE Corey A * WRD

From: COURCHANE Corey A * WRD
Sent: Thursday, January 25, 2024 10:27 AM
To: jzaccone@gmail.com
Cc: OSBORN Marcy J * WRD
Subject: Julie F. Zaccone, T-14285
Attachments: 14285-hist-cov-final.pdf; 14285-meter-screen-forms.pdf; 14285-Historic notice-final.pdf; 14285-Historic proof of service.pdf

Good morning,

Please see attached and let me know if I may be of further assistance.

Thank you,

Corey Courchane

**COREY A COURCHANE |
ALLOCATION OF CONSERVED WATER**

Water Resources Department | 725 Summer St. NE, Suite A | Salem, Oregon 97301

Work cell: 503 979-3917 | Fax: 503 986-0901

Email: corey.a.courchane@water.oregon.gov | Web: <http://www.oregon.gov/OWRD>



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

January 25, 2024

VIA E-MAIL

Applicant

JULIE F. ZACCONE
PO BOX 851
HALFWAY, OR 97834

SUBJECT: Water Right Transfer Application T-14285

Your water right transfer change in point of diversion to reflect historical use is in the first phase of processing.

Submittal of the following required items are needed at this time:

1. We are required by rule to provide you with a list of affected water right holders affected by your proposed change in point of diversion to reflect historical use. The listing of the potential affected water right holders is set out in the enclosed Proof of Service form.

You are responsible for mailing or hand-delivering a copy of the enclosed Notice to the persons listed on the Proof of Service form. In addition, you must provide proof to the Department that you mailed or hand-delivered a copy of the Notice to all of the identified affected water right holders.

Upon completion of mailing or hand-delivering a copy of the enclosed Notice to the persons listed, **please complete the enclosed Proof of Service form and return it to my attention at:**

Oregon Water Resources Department
Attn: Corey Courchane
725 Summer Street NE, Suite A
Salem, OR 97301

2. You must submit a **Report of Ownership** for the lands where the water right(s) are currently located (i.e., the FROM lands). This report:
 - a) Must be prepared by a title company;
 - b) Shall include a "prepared by" statement and the date the title company prepared the report printed on the cover sheet;
 - c) Must be:

- i. Prepared within 3 months of the Draft Preliminary Determination showing current ownership; **OR**
- ii. Prepared within 3 months of recording of a water right conveyance agreement; **OR**
- iii. Have a prepared date showing ownership at the time a water right conveyance agreement was recorded.

If water right conveyance agreements are involved, it is helpful to provide copies of those agreements along with the Report of Ownership.

IMPORTANT: In order for the Department to clearly understand the date that the title company prepared the Report of Ownership, the title company must indicate/state the date that they prepared the report on the coversheet and/or first page of the report.

- d) Must include a list of owners at the time the report was generated; **AND**
- e) Must include a legal description of the property where the water right to be transferred is currently located (i.e., the FROM lands).

After you have mailed or hand-delivered the Notice to the persons identified in the Proof of Service, a 30-day comment period will run. This time period will allow the affected holders of the water rights identified to provide comments on whether the requested change in point of diversion will cause injury. After this 30-day comment period, we will determine whether you have satisfied the requirements, the change does not cause injury, or if any conditions will need to be met to prevent injury.

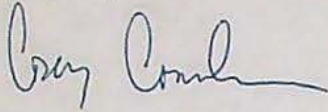
Enclosed is a copy of Oregon Department of Fish and Wildlife (ODFW) Additional Fish Screening and Passage Information for the Applicant. You will note that ODFW requires a fish screening and/or by-pass device to be installed. We will establish a deadline for compliance with this condition. Please contact the ODF&W personnel listed on the document for assistance.

The Watermaster has determined that a water measurement device is necessary at the diversion point. Enclosed is a contact information sheet to assist you in pursuing additional information or approval of the required (or alternate) device.

Issuance of the Final Order will occur shortly after we receive your response, the proof of service, and the report of ownership. The order may be issued denying the application as incomplete if I do not receive your response, proof of service, and the report of ownership by **February 26, 2024.**

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

Sincerely,

A handwritten signature in blue ink, appearing to read "Corey Courchane".

Corey Courchane
Allocation of Conserved Water
Transfer and Conservation Section

cc: Transfer Application file T-14285
Marcy J. Osborn, District 8 Watermaster (*via e-mail*)

Enclosures:

Notice
Proof of Service
ODFW Contact Sheet
Watermaster Contact Sheet



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

July 25, 2023

JULIE ZACCONE
PO BOX 851
HALFWAY, OR 97834

Reference: Application T- 14285

On July 21, 2023, OWRD received your water right application for an Historic POD Transfer. The application was accompanied by \$1970.00. Our receipt number 141226 is enclosed.

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

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

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

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

Cc: Watermaster Dist. #8, Marcy J. Osborn (via email)
Baker County Planning Department

Enclosure

**STATE OF OREGON
WATER RESOURCES DEPARTMENT**

RECEIPT #

141226

725 Summer St. N.E. Ste. A
SALEM, OR 97301-4172
(503) 986-0900 / (503) 986-0904 (fax)

INVOICE # _____

RECEIVED FROM: Julie F. Zaccaro

BY: _____

APPLICATION	
PERMIT	
TRANSFER	<u>T-14285</u>

CASH: ☐ CHECK: # X 4031 OTHER: (IDENTIFY) ☐ _____

TOTAL REC'D \$ 1,970.00

1083 TREASURY 4170 WRD MISC CASH ACCT

0407 COPIES \$ _____

OTHER: (IDENTIFY) \$ _____

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

4270 WRD OPERATING ACCT

MISCELLANEOUS

0407 COPY & TAPE FEES \$ _____

0410 RESEARCH FEES \$ _____

0408 MISC REVENUE: (IDENTIFY) \$ _____

TC162 DEPOSIT LIAB. (IDENTIFY) \$ _____

0240 EXTENSION OF TIME \$ _____

WATER RIGHTS:

0201 SURFACE WATER \$ _____ 0202 \$ _____

0203 GROUND WATER \$ _____ 0204 \$ _____

0205 TRANSFER \$ 1,970.00

WELL CONSTRUCTION

0218 WELL DRILL CONSTRUCTOR \$ _____ 0219 \$ _____

LANDOWNER'S PERMIT

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:

141226

DATED:

7/21/2023

BY:

[Signature]

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



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

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

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

RECEIVED

JUL 21 2023

OWRD
SALEM, OREGON

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

- ☒ Part 1 – Completed Minimum Requirements Checklist.
- ☒ Part 2 – Completed Application Map Checklist.
- ☒ Part 3 – Application Fee, payable by check to the Oregon Water Resources Department, and completed Fee Worksheet, page 3. Try the new online fee calculator at:
http://apps.wrd.state.or.us/apps/misc/wrd_fee_calculator.
- ☒ Part 4 – Completed Applicant Information and Signature.
- ☒ Part 5 – Information about the Transferred Water Rights: How many water rights are to be transferred? 2 List them here: 10266, 10238
Please include a separate Part 5 for each water right. (See instructions on page 5)
NOTE: A separate transfer application is required for each water right unless the criteria in OAR 690-380-3220 are met.

Attachments:

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

(For Staff Use Only)

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

- | | |
|--|--|
| <input type="checkbox"/> Application fee not enclosed/insufficient | <input type="checkbox"/> Map not included or incomplete |
| <input type="checkbox"/> Land Use Form not enclosed or incomplete | <input type="checkbox"/> Evidence of Use Form not enclosed or incomplete |
| <input type="checkbox"/> Additional signature(s) required | <input type="checkbox"/> Part _____ is incomplete |

Other/Explanation _____

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

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

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

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

- ☒ ☒ N/A If more than three water rights are involved, separate maps are needed for each water right.
- ☒ Permanent quality printed with dark ink on white or clear paper or film.
- ☒ The size of the map can be 8½ x 11 inches, 8½ x 14 inches, or up to 30 x 30 inches. For 30 x 30 inch maps, three (3) paper copies and an electronic copy in a .pdf, .tiff or .jpg format are required.
- ☒ A north arrow, a legend, and scale.
- ☒ The scale of the map must be: 1 inch = 400 feet, 1 inch = 1,320 feet, the scale of the Final Proof/Claim of Beneficial Use Map (the map used when the permit was certificated), the scale of the county assessor map if the scale is not smaller than 1 inch = 1,320 feet, or a scale that has been pre-approved by the Department.
- ☒ Township, Range, Section, ¼ ¼, DLC, Government Lot, and other recognized public land survey lines.
- ☒ Tax lot boundaries (property lines) and county tax lot numbers are required.
- ☒ Major physical features including rivers and creeks showing direction of flow, lakes and reservoirs, roads, and railroads.
- ☒ Major water delivery system features from the point(s) of diversion/appropriation such as main pipelines, canals, and ditches.
- ☒ Authorized point(s) of diversion or well(s) with distance and bearing or coordinates from a recognized survey corner. This information can be found in your water right certificate.
- ☒ Actual, current point of diversion/appropriation. Show the location and label it clearly with distance and bearing or coordinates. If GPS coordinates are used, latitude-longitude coordinates may be expressed as either degrees-minutes-seconds with at least one digit after the decimal (example – 42°32'15.5") or degrees-decimal with five or more digits after the decimal (example – 42.53764°).
- ☒ Existing place of use that includes separate hachuring for each water right, priority date, and use including number of acres in each quarter-quarter section, government lot, or in each quarter-quarter section as projected within government lots, donation land claims, or other recognized public land survey subdivisions. If less than the entirety of the water right is being changed, a separate hachuring is needed for lands left unchanged.
- ☐ ☒ N/A If for more than one actual, current point of diversion/appropriation. separate hachuring is needed for each place of use served by each point of diversion/appropriation, including the number of acres in each quarter-quarter section, government lot, or in each quarter-quarter section as projected within government lots, donation land claims, or other recognized public land survey subdivisions.

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Revised 7/1/2021

Historic Change in Point of Diversion/Appropriation Application – Page 3 of 10

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OWTAES

14285

Part 3 of 5 – Fee Worksheet

FEE WORKSHEET for HISTORIC POD/POA TRANSFER			
1	Base Fee (includes Historic POD change to one water right for up to 1 cfs)	1	\$1,360
2	Number of water rights included in transfer <u>2</u> (2a) Subtract 1 from the number in 2a above: <u>1</u> (2b) <i>If only one water right this will be 0</i> Multiply line 2b by \$610 and enter » » » » » » » » » » » » » » » »	2	610
3	Do you propose to add or change a well, or change from a surface water POD to a well? <input checked="" type="checkbox"/> No: enter 0 <input type="checkbox"/> Yes: enter \$480 for the 1 st well to be added or changed _____ (3a) Do you propose to add or change additional wells? <input checked="" type="checkbox"/> No: enter 0 <input type="checkbox"/> Yes: multiply the number of additional wells by \$410 _____ (3b) Add line 3a to line 3b and enter » » » » » » » » » » » » » » » »	3	0
4	Add entries on lines 1 through 3 above » » » » » » » » » » » » » » » » Transfer Fee:	4	1970.00

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

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Part 4 of 5 – Applicant Information and Signature

Applicant Information

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

APPLICANT/BUSINESS NAME <i>Julie F. Zaccone</i>			PHONE NO. <i>541-742-2220</i>	ADDITIONAL CONTACT NO. <i>541-519-4488</i>
ADDRESS <i>46397 Fish Lake Rd. P.O. Box 851</i>			FAX NO.	
CITY <i>Halfway</i>	STATE <i>OR</i>	ZIP <i>97834</i>	E-MAIL <i>jzaccone@gmail.com</i>	
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.				

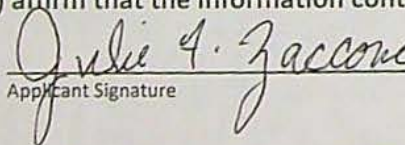
Agent Information – The agent is authorized to represent the applicant in all matters relating to this application.

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:
Original Thad Leep Ditch no longer in existence and making Historic Pad Legal.
 If you need additional space, continue on a separate piece of paper and attach to the application as "Attachment 1".

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

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


 Applicant Signature

Julie F. Zaccone
 Print Name (and Title if applicable)

8/11/2022
 Date

Is the applicant the sole owner of the land on which the water right, or portion thereof, proposed for transfer is located? ☒ Yes ☐ No *If NO, include signatures of all deeded landowners (and mailing and/or e-mail addresses if different than the applicant's) or attach affidavits of consent (and mailing and/or e-mail addresses) from all landowners or individuals/entities to which the water right(s) were conveyed.*

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

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

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

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

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

Describe any special ownership circumstances here: _____

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

ENTITY NAME	ADDRESS	
CITY	STATE	ZIP



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

ENTITY NAME <i>Baker County</i>	ADDRESS <i>1995 3rd St.</i>	
CITY <i>Baker City</i>	STATE <i>OR</i>	ZIP <i>97814</i>
ENTITY NAME	ADDRESS	
CITY	STATE	ZIP

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SALEM, OREGON

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

🏠 Main

🔍 Help

🔍 Return

📄 Contact Us

Today's Date: Thursday, May 25, 2023

Fee Calculation

Base fee (includes Historic POD/POA change to one water right).

\$1,360.00

Fill in information below-- Check each box that applies.

Enter total number of water rights included in application.

2

\$610.00

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

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

0

\$0.00

Historic POD/POA Transfer Fee

\$1,970.00

[Return to Edit](#)

[Clear](#)

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SALEM, OREGON

Land Use Information Form



Oregon Water
Resources

Applicant(s): Julie Zaccone

Mailing Address: 46397 Fish Lake Rd.

43 * P.O. Box 851

City: Halfway

State: OR

Zip Code: 97834

Daytime Phone: 541-519-4488

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	1/4 1/4	Tax Lot #	Plan Designation (e.g., Rural Residential/RR-5)	Water to be:			Proposed Land Use
<u>8S</u>	<u>46E</u>	<u>8</u>	<u>NWNE</u>	<u>300</u>	<u>RR-5</u>	<input checked="" type="checkbox"/> Diverted	<input checked="" type="checkbox"/> Conveyed	<input checked="" type="checkbox"/> Used	<u>Irrigation</u>
<u>8S</u>	<u>46E</u>	<u>8</u>	<u>NENW</u>	<u>100</u>	<u>RR-5</u>	<input checked="" type="checkbox"/> Diverted	<input checked="" type="checkbox"/> Conveyed	<input checked="" type="checkbox"/> Used	<u>Irrigation</u>
_____	_____	_____	_____	_____	_____	<input type="checkbox"/> Diverted	<input type="checkbox"/> Conveyed	<input type="checkbox"/> Used	_____
_____	_____	_____	_____	_____	_____	<input type="checkbox"/> Diverted	<input type="checkbox"/> Conveyed	<input type="checkbox"/> Used	_____

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

Baker County

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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) Pine Creek

Estimated quantity of water needed: 81 ☐ 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:

I am applying for an Historic Point of Diversion change to reflect historical use of my pump in the creek.

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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14285

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): BCCO Section 510.04, A.2
- ☐ 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: Tara L. Micka Title: Senior Planner

Signature: Tara L. Micka Phone: 541-523-8219 Date: 11-16-2022

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: _____

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SALEM, OREGON

Land Use Information Form - Page 3 of 3

14285

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Application for Water Right
Historic POD/POA Transfer
Watermaster Statement



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

I, Marcy Osborn, Watermaster of District 8,

state that to my knowledge, there has been no claim of injury due to use of an historic point of

diversion/appropriation for Certificate 10238

from Pine Creek (*source*) located as follows:

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

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

OR

☒ by GPS coordinates: Latitude: 44.88972

Longitude: -117.11337

OR

☐ as shown on the attached map.

Marcy Osborn
Signature

5/25/23
Date

RECEIVED

JUL 21 2023

OWRD
SALEM, OREGON

RECEIVED

JUN 20 2023

OWRD

14285

STATE OF OREGON

COUNTY OF BAKER

CERTIFICATE OF WATER RIGHT

This is to Certify, That A. E. CARLSON

of Halfway, State of Oregon has a right to the use of

the waters of McAllen Slough, tributary of Pine Creek for Tract No. 1, and Pine Creek for Tract No. 2; for the purpose of Irrigation of 28.0 acres, and domestic and stock use;

and that said right has been confirmed by decree of the Circuit Court of the State of Oregon for Baker County, and the said decree entered of record at Salem, in the Order Record of the STATE ENGINEER, in Volume 11, at pages 399 & 255; that the priority of the right thereby confirmed dates from 1886 for Tract No. 1, and 1895 for Tract No. 2.

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

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

I TRACT No. 1
2.0 acres in NW $\frac{1}{4}$ NW $\frac{1}{4}$
1.0 acre in SW $\frac{1}{4}$ NW $\frac{1}{4}$,
Section 8,
Township 8 South, Range 46 East, W.M. RR

1.0 TRACT No. 2
25.0 acres in NE $\frac{1}{4}$ NW $\frac{1}{4}$,
Section 8,
Township 8 South, Range 46 East, W.M. 24.0

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

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

WITNESS the signature of the State Engineer,

affixed this 18th day

of October, 1933.

CHAS. E. STRICKLIN

State Engineer.

Recorded in State Record of Water Right Certificates, Volume 9, page 10,238.

STATE OF OREGON

COUNTY OF BAKER

CERTIFICATE OF WATER RIGHT

This is to Certify, That GEO. DEARTH

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

for the purpose of Irrigation of 26.0 acres, and domestic and stock use,

and that said right has been confirmed by decree of the Circuit Court of the State of Oregon for Baker County, and the said decree entered of record at Salem, in the Order Record of the STATE ENGINEER, in Volume 11, at page 255; that the priority of the right thereby confirmed dates from 1887;

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

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

I
6.25

26.0 acres in NW 1/4 NE 1/4,
Section 8,
Township 8 South, Range 46 East, W.M.

RR
19.75

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

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

WITNESS the signature of the State Engineer,
affixed this 18th day
of October, 1983.

CHAS. E. STRICKLIN

State Engineer.

Recorded in State Record of Water Right Certificates, Volume 9, page 10,266

Part 5 of 5 – Water Right Information

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

CERTIFICATE # 10238

Description of Water Delivery System

System capacity: 10 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. McMULLEN SLOUGH IS AN OPEN DITCH FROM PINE CREEK.

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

POD/POA Name or Number	Is this POD/POA Authorized on the Certificate or is it the Current POD/POA that has been used for more than 10 years?	If POA, OWRD Well Log ID# (or Well ID Tag # L-___)	Twp	Rng	Sec	1/4 1/4	Tax Lot, DLC or Gov't Lot	Measured Distances (from a recognized survey corner)
<u>McMullen Slough</u>	<input checked="" type="checkbox"/> Authorized <input type="checkbox"/> Current		<u>7 S</u>	<u>46 E</u>	<u>31</u>	<u>NW SW</u>		<u>NONE GIVEN</u>
<u>PUMP</u>	<input type="checkbox"/> Authorized <input checked="" type="checkbox"/> Current		<u>8 S</u>	<u>46 E</u>	<u>8</u>	<u>NW NE</u>		<u>730'S : 233'E FR. N 1/4 CORN, SECT 8</u>
	<input type="checkbox"/> Authorized <input type="checkbox"/> Current							
	<input type="checkbox"/> Authorized <input type="checkbox"/> Current							

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

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

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

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

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

Table 2. Description of Changes to Water Right Certificate # 10238

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 actual, current POD/POA, specify the acreage associated with each actual, current POD/POA.

Authorized ("from" lands) as they appear before the changes										Proposed Change (POD, POA, APOD, or APOA)	Current (in use for more than ten years) POD(s)/ POA(s) to be used (from Table 1)	Priority Date	
Twp	Rng		Sec	¼ ¼		Tax Lot	Gvt Lot or DLC	Acre (if applicable)	POD(s) or POA(s) (name or number from Table 1)				
2	S	9	E	15	NE	NW	100		15.0	POD #1 POD #2	POD	POD #5	1897
..	EXAMPLE
8S	46E	8			NE	NW	100		1.0	McMullen SLough	POD	PUMP	1895

Additional remarks: _____

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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 current 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/)

OR

- ☐ Describe the construction of the authorized and current well(s) in Table 3 for any wells that do not have a well log.

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 adequate information is likely to delay the processing of your transfer application.

Current or Authorized POA Name or Number	OWRD Well ID Tag No. L- (if available)	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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Part 5 of 5 – Water Right Information

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

CERTIFICATE # 10266

Description of Water Delivery System

System capacity: 6 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. THAD LEEP DITCH IS AN OPEN DITCH FROM PINE CREEK

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

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

POD/POA Name or Number	Is this POD/POA Authorized on the Certificate or is it the Current POD/POA that has been used for more than 10 years?	If POA, OWRD Well Log ID# (or Well ID Tag # L-___)	Twp	Rng	Sec	1/4 1/4	Tax Lot, DLC or Gov't Lot	Measured Distances (from a recognized survey corner)
<u>THAD LEEP</u>	<input checked="" type="checkbox"/> Authorized <input type="checkbox"/> Current		<u>8 S</u>	<u>46 E</u>	<u>8</u>	<u>NE NW</u>		<u>NONE GIVEN</u>
<u>PUMP</u>	<input type="checkbox"/> Authorized <input checked="" type="checkbox"/> Current		<u>8 S</u>	<u>46 E</u>	<u>8</u>	<u>NW NE</u>		<u>730' S : 233' E FR N 1/4 CORN. SECT 8</u>
	<input type="checkbox"/> Authorized <input type="checkbox"/> Current							
	<input type="checkbox"/> Authorized <input type="checkbox"/> Current							

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

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

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

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

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

Table 2. Description of Changes to Water Right Certificate # 1D266

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 actual, current POD/POA, specify the acreage associated with each actual, current POD/POA.

Authorized ("from" lands) as they appear before the changes										Proposed Change (POD, POA, APOD, or APOA)	Current (in use for more than ten years) POD(s)/ POA(s) to be used (from Table 1)	Priority Date	
Twp	Rng		Sec	¼ ¼		Tax Lot	Gvt Lot or DLC	Acre(s) (if applicable)	POD(s) or POA(s) (name or number from Table 1)				
2	S	9	E	15	NE	NW	100		15.0	POD #1 POD #2	POD	POD #5	1897
..	EXAMPLE
8	S	46	E	8	NW	NE	300		6.25	THAD LEEP	POD	PUMP	1887

Additional remarks: _____

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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 current 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/)

OR

- ☐ Describe the construction of the authorized and current well(s) in Table 3 for any wells that do not have a well log.

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 adequate information is likely to delay the processing of your transfer application.

Current or Authorized POA Name or Number	OWRD Well ID Tag No. L- (if available)	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)

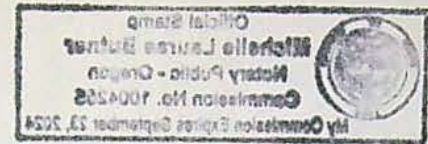
) ss

County of Baker

Julie F. Zaccane Property
I, ^, in my capacity as owner

mailing address P.O. Box 851 Halfway, OR 97834

telephone number (541) 742-2220, 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 # 10266; OR

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

Certificate #	Township	Range	Mer	Sec	1/4 1/4	Gov't Lot or DLC	Acres (if applicable)
<u>10266</u>	<u>8</u>	<u>46</u>		<u>8</u>	<u>NW NE</u>	<u>300</u>	<u>16.25</u>
<u>10238</u>	<u>8</u>	<u>46</u>		<u>8</u>	<u>NE NW</u>	<u>100</u>	<u>1.0</u>

OR

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

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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.

Julie J. Zaccare
Signature of Affiant

7-11-2023
Date

Signed and sworn to (or affirmed) before me this 11 day of July, 2023.



Michelle L. Butner
Notary Public for Oregon

My Commission Expires: 9/23/2024

Supporting Documents	Examples
<input type="checkbox"/> Copy of a water right certificate that has been issued within the last five years. (not a remaining right certificate)	Copy of confirming water right certificate that shows issue date
<input type="checkbox"/> Copies of receipts from sales of irrigated crops or for expenditures related to use of water	<ul style="list-style-type: none">• Power usage records for pumps associated with irrigation use• Fertilizer or seed bills related to irrigated crops• Farmers Co-op sales receipt
<input type="checkbox"/> Records such as FSA crop reports, irrigation district records, NRCS farm management plan, or records of other water suppliers	<ul style="list-style-type: none">• District assessment records for water delivered• Crop reports submitted under a federal loan agreement• Beneficial use reports from district• IRS Farm Usage Deduction Report• Agricultural Stabilization Plan• CREP Report
<input checked="" type="checkbox"/> Aerial photos containing sufficient detail to establish location and date of photograph	Multiple photos can be submitted to resolve different areas of a water right. If the photograph does not print with a "date stamp" or without the source being identified, the date of the photograph and source should be added. Sources for aerial photos: OSU – www.oregonexplorer.info/imagery OWRD – www.wrd.state.or.us Google Earth – earth.google.com TerraServer – www.terra-server.com
<input type="checkbox"/> Approved Lease establishing beneficial use within the last 5 years	Copy of instream lease or lease number

Julie Zaccone

T.8S, R. 46E, Sect. 8

Legend

Feature 1

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Google Earth

700 ft

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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

June 27, 2023

Julie F. Zaccone
46397 Fish Lake Road
PO Box 851
Halfway, OR 97834

RE: Historic Transfer Application of Water Rights

Dear Julie,

The Water Resources Department has received your Application for a Historic Transfer of a Point of Diversion. We are returning your application at your request.

- The Evidence of Use Affidavit is incomplete as it is not notarized.

If you have questions, please contact me at 503-979-3129 or arla.l.davis@water.oregon.gov

Sincerely,

Arla L Davis

Arla L Davis

Transfer and Conservation Section

Cc: OWRD Fiscal

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Done!
Q2

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Historic Change in POD or POA Transfer Application Intake Checklist

Transfer # T-14285

Reviewer Arla Date 06/27/2023	Type of Change(s) Proposed: <input checked="" type="checkbox"/> POD <input type="checkbox"/> POA
Calculated Fee \$	Use fee calculator on back of this form
Fee Received \$1970.00	
Certificate(s): 10238, 10266	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	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> N/A
Notes:	

Application: OAR 690-380-3000; OAR 690-380-3220			
1.	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	Have <u>ALL</u> of the applicant's signed and dated the application? If no, whose signature is missing?	
2.	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	Part 5 of application: Does the information match the description of the explanation on Part 4 of the application?	
3.	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> 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.	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	Does the map meet mapping requirements?	
5.	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO <input type="checkbox"/> N/A	Map Waiver? The map waiver must be issued by the Department	
Notes:			

Attachments: OAR 690-380-3000			
6.	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	Evidence of Use included, signed, & notarized w/supporting documentation?	
7.	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> N/A	Land Use Form included and signed by the County?	
8.	<input type="checkbox"/> YES <input type="checkbox"/> NO <input checked="" type="checkbox"/> N/A	Consent Form included, signed, and notarized?	
9.	<input type="checkbox"/> YES <input type="checkbox"/> NO <input checked="" type="checkbox"/> 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.	<input type="checkbox"/> YES <input type="checkbox"/> NO <input checked="" type="checkbox"/> N/A	For changes in POA/APOA – are the well logs included?	
11.	<input type="checkbox"/> YES <input type="checkbox"/> NO <input checked="" type="checkbox"/> N/A	For change in POU within Umatilla County, Supplemental Form U included?	

<input checked="" type="checkbox"/>	Application complete: no deficiencies identified, assign a T-number and put this checklist in T-folder.
<input type="checkbox"/>	Application DEFICIENT: DO NOT accept - return to applicant with letter explaining deficiencies identified.

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$\uparrow N$
 $1'' = 1320'$

AUTH
* POD - McMULLEN SL.
T. 7S R. 46E
SECT 31
NWSW

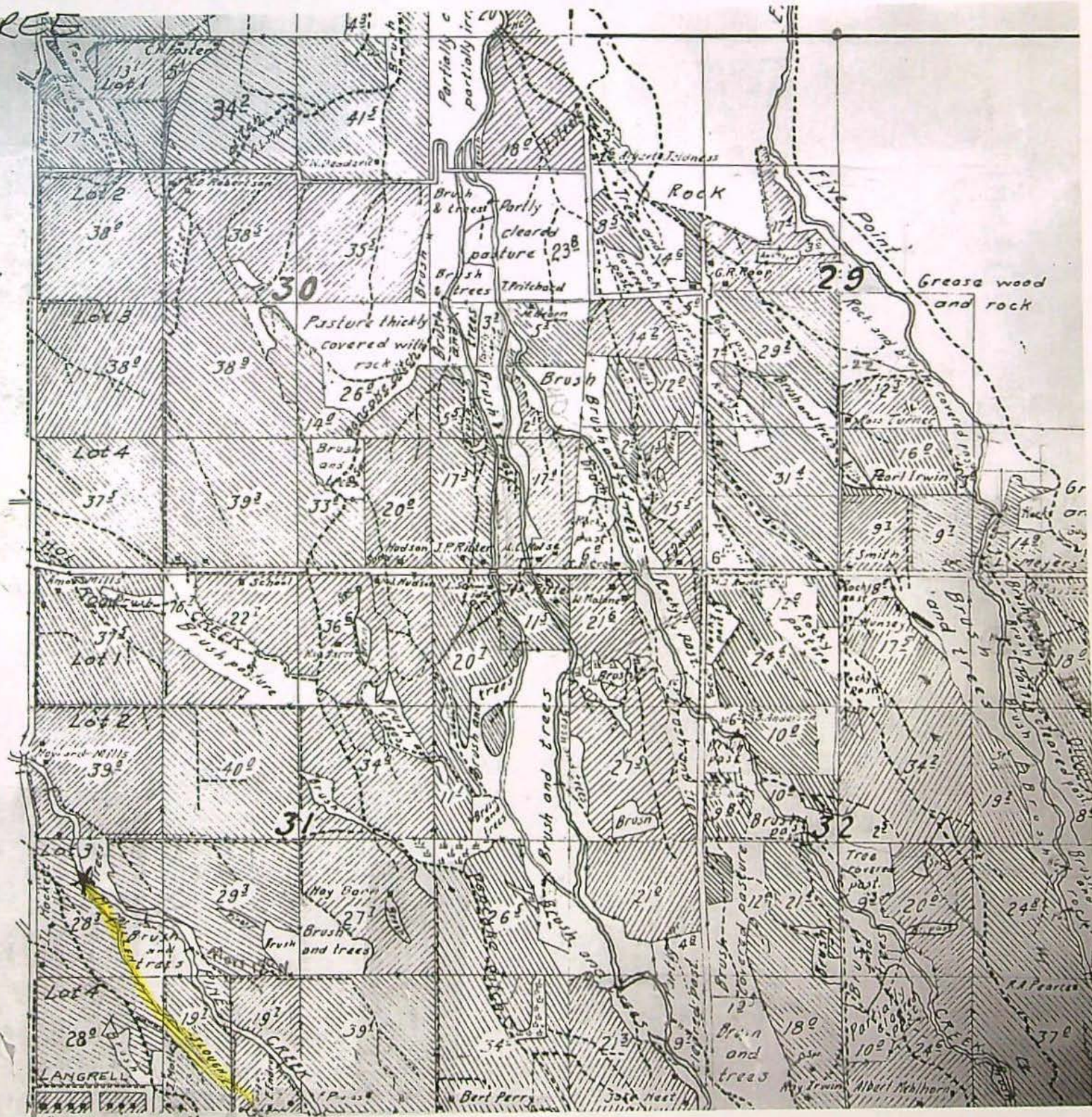
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PINE CREEK DECREE T. 8S R. 46 E

↑ N
1"=1320'

• AUTH POD - THAD LEEP
T. 8S R. 46 E
SECT 8 NENW

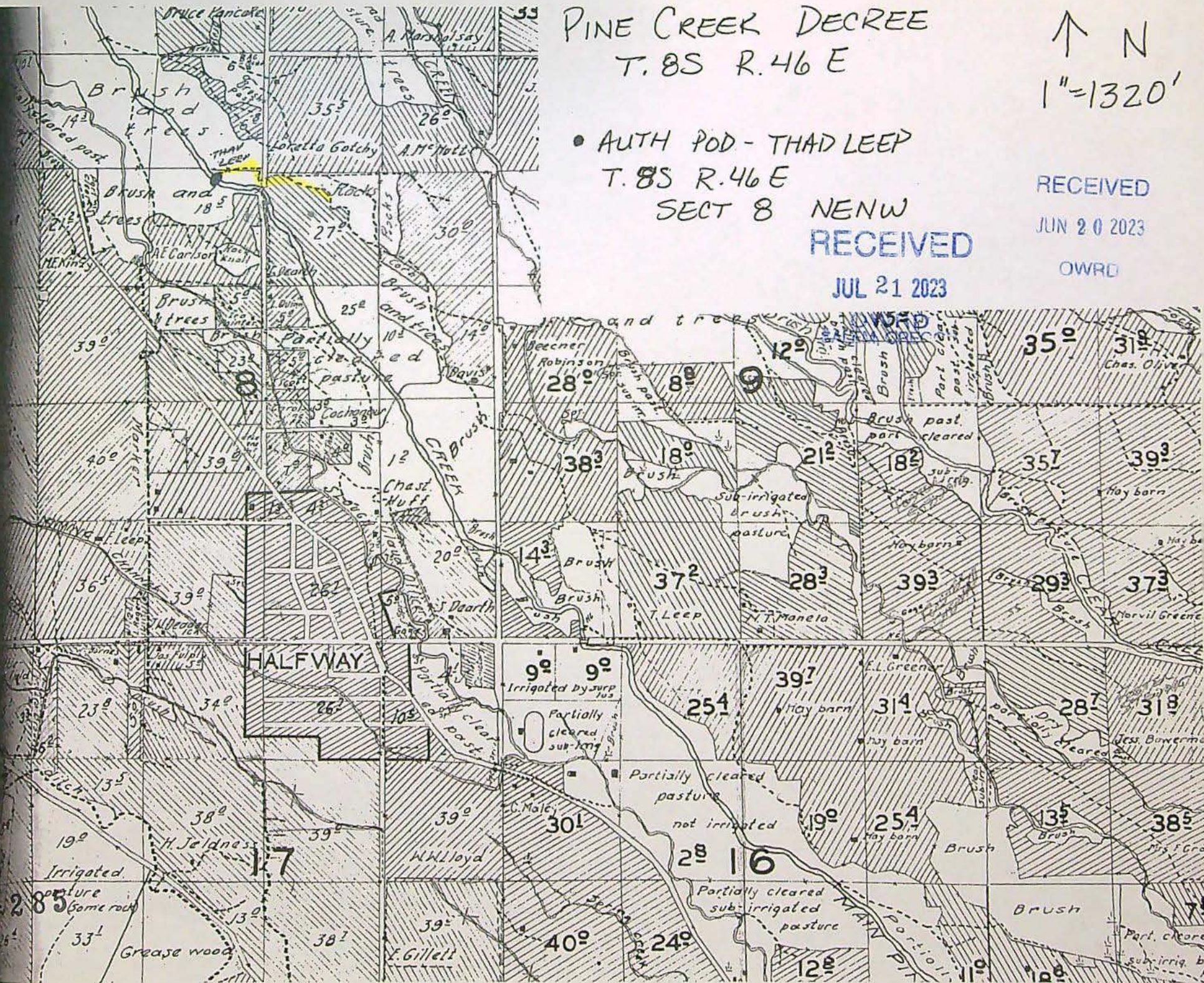
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THIS MAP WAS PREPARED FOR
ASSESSMENT PURPOSE ONLY


0 100 200 300 400 Feet


N.E. 1/4 SEC. 8 T. 8S. R. 46E. W.M.
BAKER COUNTY
1" = 200'

08S46E08A

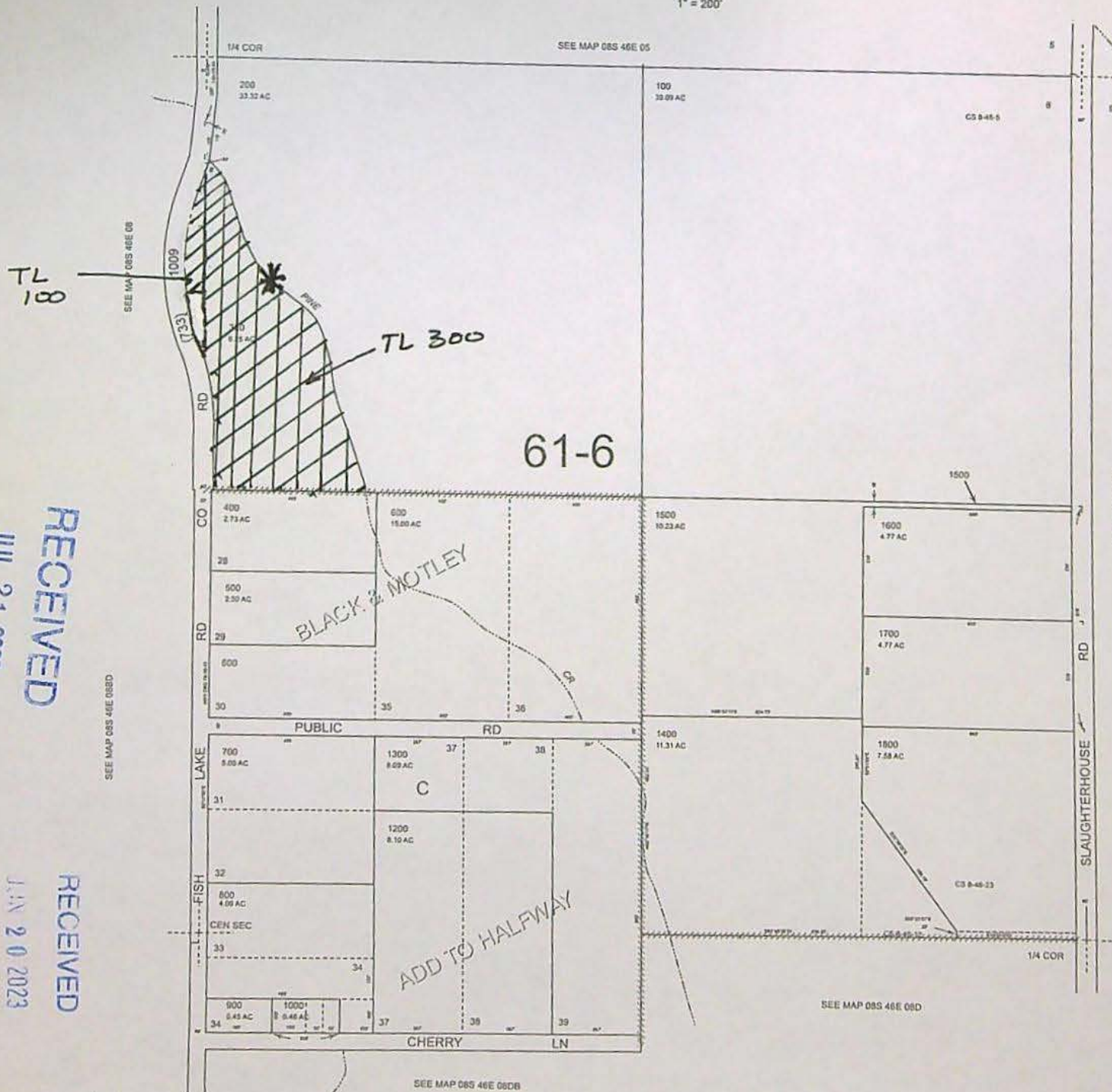
Cancelled
1100



 C-10238
1.0 AC 1895

 C-10266
6.25 AC 1887

* PROPOSED POD:
PUMP -
44.88972
-117.11337
730's : 233' E
FR. N 1/4 CORN.
SECT. 8



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12/24/2008

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