

T-14549

Instream

T-14549

Name Seth and Larissa BeckAddress PO Box 3442
La Pine, OR 97739
sbeck@ksstone.comChange in USE, POUDate Filed 10/11/2024Initial notice date 10/29/2024

DPD issued date

PD issued date 4/8/2025PD notice date 4/15/2025Date of FO 6/11/2025 Vol 134 Page 959-967

C-Date

COBU due date

COBU Received date

Certificate issued

DESCRIPTION OF WATER RIGHT(s)

Name of Stream Little Deschutes RiverTrib. of Deschutes RiverUse IrrigationCounty Deschutes, Klamath

Quantity of water (CFS)

No. of Acres

Name of ditch

App# Decree Per # Deschutes R. Cert # 95746 PR Date 12-31-1897

App# Per # Cert # PR Date

App# Per # Cert # PR Date

App# Per # Cert # PR Date

App# Per # Cert # PR Date

FEES PAID		
Date	Amount	Receipt #
10-11-24	\$1,225.00	143988

FEES REFUNDED		
Date	Amount	Receipt #

Assignments:

Irrigation District

Agent John Short

CWRE

CC's list City of La Pine ; Deschutes County Community Development; City of Bend Planning;
Jefferson County Planning Department; Klamath County Community Development;
Confederated Tribes of Warm Springs☐ - Oversized map - Location



Oregon

Tina Kotek, Governor

Water Resources Department

North Mall Office Building

725 Summer St NE, Suite A

Salem, OR 97301

Phone 503 986-0900

Fax 503 986-0904

www.oregon.gov/owrd

DATE: JUN 11 2025

Seth H. Beck
Larissa Beck
PO Box 3442
La Pine, OR 97739

Re: Instream Transfer T-14549 & Mitigation Credit Project MP-329

Thank you for participating in the Instream Transfer and Deschutes Mitigation Credit programs. I want to express appreciation for your participation in these programs and cooperation in helping to improve streamflows for fish and aquatic life and to provide mitigation water to groundwater users in the Deschutes Groundwater Study Area.

As identified in the attached Final Order, this Instream Transfer has been approved and awarded mitigation credits. Mitigation credits awarded to this project have been assigned to **Seth H. Beck and Larissa Beck**.

These mitigation credits may be used to satisfy the mitigation obligation of a groundwater permit or application or may be assigned to any person or mitigation bank. The **4.5** mitigation credits awarded to this project are valid upon issuance of the instream certificate and until used to fulfill the mitigation obligation of a groundwater permit application(s) and/or an existing groundwater right(s). The **4.5** mitigation credits may be used in the **Little Deschutes Zone of Impact**. Of the 4.5 mitigation credits awarded to this project, up to **4.2** credits may also be used in the **Upper Deschutes, Middle Deschutes, and General Zones of Impact**. A groundwater user wanting to demonstrate that mitigation credits are being used to satisfy a mitigation obligation needs to submit documentary evidence to the Department showing that mitigation credits have been obtained and assigned to them.

Mitigation credit transactions should be reported to the Water Resources Department. The Department has a Documentary Evidence form, copy enclosed (along with an example), available for your use or any subsequent mitigation credit holder, to assign the credits to a groundwater user. The Department's Documentary Evidence form contains pertinent information needed by the Department to evaluate the use and validity of the mitigation credits.

If you decide to assign the mitigation credits to someone other than a groundwater user, the Department would like to suggest that the enclosed Assignment of Mitigation Credits form (chain-of-custody) be used to assign credits to another party. An additional Assignment of

Mitigation Credit form is also enclosed. Assignment forms will help establish a chain-of-custody for the ownership of the mitigation credits. Please provide a copy of the complete assignment record (from original credit holder to current credit holder) and a blank assignment form to any new credit holders so that they may continue the mitigation credit assignment record as well. A general example is enclosed for your reference.

Once the mitigation credits are assigned to a groundwater user, the groundwater user will need to submit documentary evidence that valid mitigation credits have been obtained to satisfy their mitigation obligation. If credits have changed hands beyond the original credit holder, the Department will ask the groundwater user to demonstrate that the credits they are intending to use are indeed valid. A complete assignment record will help demonstrate the validity of the credits being used.

Also enclosed is a copy of the final order and new instream water right certificate. If you have any questions regarding the instream transfer and new certificate or the award of mitigation credits, please call me at (503) 979-9872 or email at Sarah.A.Henderson@water.oregon.gov.

Sincerely,



Sarah Henderson
Flow Restoration Program Coordinator
Transfer and Conservation Section

cc: Transfer Application file T-14549 (MP-329)
Jeremy Giffin, District 11 Watermaster (via e-mail)
John Short, Water Right Services, LLC, Agent (via e-mail)
Bryce Withers, Water Right Services, LLC, CWRE (via e-mail)
Oregon Department of Fish and Wildlife (via e-mail)
(danette.l.faucera@odfw.oregon.gov; Gerald.j.jeorge@odfw.oregon.gov)
Oregon Department of Environmental Quality (via e-mail)
(cole.hendrickson@deg.oregon.gov)
Oregon Department of Parks and Recreation (via e-mail)
(matt.rippee@opr.oregon.gov; Tabitha.hendricksen@opr.oregon.gov)
Confederated Tribes of Warm Springs (via e-mail) (Robert.brunoe@ctwsbnr.org;
alison.toivola@bbklaw.com)

encs

**BEFORE THE WATER RESOURCES DEPARTMENT
OF THE
STATE OF OREGON**

In the Matter of Instream Transfer)	FINAL ORDER APPROVING A CHANGE IN
Application T-14549, and Mitigation)	PLACE OF USE AND CHARACTER OF USE
Project MP-329, Deschutes and Klamath)	AND FINAL AWARD OF MITIGATION
Counties)	CREDITS

Authority

Oregon Revised Statute (ORS) 540.505 to 540.580 establishes the process in which a water right holder may submit a request to transfer the point of diversion, place of use, or character of use authorized under an existing water right. Oregon Administrative Rule (OAR) Chapter 690, Division 380 implements the statutes and provides the Department's procedures and criteria for evaluating transfer applications. OAR Chapter 690, Division 077 provides additional criteria for evaluating transfers to instream water rights.

OAR 690-521-0100 to 690-521-0600 establishes the process in which anyone may submit a ground water mitigation project to the Department for the purpose of establishing mitigation credits in the Deschutes Ground Water Study Area.

Pursuant to OAR 690-521-0400 (2), any mitigation credits awarded to a mitigation project are valid until used to fulfill a mitigation obligation of a ground water use in the Deschutes Ground Water Study Area. Valid mitigation credits may be assigned by any person or recognized mitigation bank to any person or other mitigation bank. Mitigation credits are used when a person submits to the Department documentary evidence that valid credits have been obtained and assigned to satisfy a mitigation obligation.

Applicants

Seth H. Beck
Larissa Beck
PO Box 3442
La Pine, OR 97739

Findings of Fact

1. On October 11, 2024, Seth H. Beck and Larissa Beck filed an application to change the place of use and character of use under Certificate 95746 to instream use. The Department assigned the application number T-14549.

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

2. Notice of the application for transfer was published on October 29, 2024, pursuant to OAR 690-380-4000. No comments were filed in response to the notice.
3. Consistent with land use requirements, prior to submitting the instream transfer application, the applicant provided notification of the intent to file the instream transfer application to City of LaPine, Deschutes County, Klamath County, Jefferson County, City of Bend, and the Confederated Tribes of the Warm Springs. Additionally, the Department provided notice of the proposed action to City of LaPine, Deschutes County, Klamath County, Jefferson County, City of Bend and the Confederated Tribes of the Warm Springs upon receipt of Transfer Application T-14549.
4. Certificate 95746 describes the authorized place of use by township, range, section, quarter quarter, and tax lots. The tax lots, from which the portion of the right is proposed for transfer, have changed since the original water right was issued. Some tax lot configurations no longer match those shown on the map of the water right and some of the original tax lots identified on the water right of record have been partitioned or subdivided. The portion of the water right to be transferred is described in Finding of Fact No. 7 and is consistent with the water right of record in so far as possible.
5. On December 2, 2024, the Department received correspondence from Josh Newton, Attorney for the Confederated Tribes of the Warm Springs Reservation of Oregon (Tribe). The Tribe does not object to the Department processing the Transfer Application T-14549, in accordance with applicable law, and the Department's customary practice.
6. On December 31, 2024, the Department mailed a copy of the draft Preliminary Determination proposing to approve Transfer Application T-14549 and Mitigation Project MP-329 to the applicants. The draft Preliminary Determination cover letter set forth a deadline of January 30, 2025, for the applicants to respond. The applicants requested that the Department proceed with the issuance of a Preliminary Determination and provided the necessary information to demonstrate that the applicants are authorized to pursue the transfer.
7. On April 8, 2025, the Department issued a Preliminary Determination proposing to approve Instream Transfer T-14549 and mailed a copy to the applicants. Additionally, notice of the Preliminary Determination for the transfer application was published on the Department's weekly notice on April 15, 2025, and in the Bend Bulletin newspaper on April 11 and April 18, 2025, pursuant to ORS 540.520 and OAR 690-380-4020. No protests were filed in response to the notices.
8. The portion of the right to be transferred is as follows:

Certificate:	95746 in the name of LA PINE COOPERATIVE WATER ASSOCIATION (confirmed by Deschutes River Decree, of record in Salem, in the Order Record of the Water Resources Director in Volume 16, at Page 185)
Use:	IRRIGATION of 2.5 ACRES

Priority Date: 1897

Limit/Duty: The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands, is limited to a diversion of ONE-FORTIETH of one cubic foot per second, or its equivalent for each acre irrigated, from May 23 to August 20, and ONE-EIGHTIETH of one cubic foot per second, or its equivalent for each acre irrigated, from April 1 to May 23 and from August 20 to November 1, and shall be further limited to a diversion of not to exceed 4.0 acre-feet per acre for each acre irrigated during the irrigation season of each year.

Priority Date	April 1 to May 23 (cfs)	May 23 to Aug 20 (cfs)	Aug 20 to Nov 1 (cfs)	Duty (af)
1897	0.031	0.063	0.031	10.0

Period of Use: April 1 to November 1

Source: LITTLE DESCHUTES RIVER, tributary to the DESCHUTES RIVER

Authorized Point of Diversion:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
23 S	9 E	WM	34	SW SW	550 FEET NORTH AND 1150 FEET EAST FROM THE SW CORNER OF SECTION 34

Authorized Place of Use:

Twp	Rng	Mer	Sec	Q-Q	Cert Tax Lot	New Tax Lot	Acres	Owner Name on Certificate
23 S	10 E	WM	3	SE SW	800	800	2.5	Neil and Pam Falconer

9. A total of 10.0 Acre-Feet of water may be beneficially used annually under the existing right.
10. Transfer Application T-14549 proposes to change the character of use to instream use for conservation, maintenance and enhancement of aquatic and fish life, wildlife, fish and wildlife habitat and other ecological values; recreation and pollution abatement; and to establish mitigation credits in the Deschutes Ground Water Study Area.
11. Transfer Application T-14549 proposes to change the place of use of the right to create an instream reach from the point of diversion on the Little Deschutes River, into the mainstem Deschutes River, and down to Lake Billy Chinook.
12. The applicant proposes the quantities of water to be transferred instream be protected as follows:

Priority Date	April 1 to May 23 (cfs)	May 23 to Aug 20 (cfs)	Aug 20 to Nov 1 (cfs)	Duty (af)
1897	0.031	0.063	0.031	10.0

13. The applicant has requested that any instream water right established as a result of this instream transfer be additive to existing instream water rights for the same reach established pursuant to ORS 537.348 (instream transfer process) and ORS 537.470 (allocation of conserved water process). The applicant has also requested that any instream water rights established as a result of this instream transfer replace a portion of

any existing instream rights established pursuant to ORS 537.346 (minimum streamflow conversion) and ORS 537.341 (state agency instream application process), with a more senior priority date.

Instream Transfer Review Criteria (OAR 690-77-0075 and 690-380-4010)

14. Water has been used within the last five years according to the terms and conditions of the right, and there is no information in the record that would demonstrate that the right is 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 right were present within the five-year period prior to submittal of Transfer Application T-14549.
16. The transfer application requests to protect water instream from the Little Deschutes River into the mainstem Deschutes River. An instream reach is generally from the point of diversion to the mouth of the source stream (Little Deschutes River) but may be protected further if measurable in the receiving stream (the Deschutes River) (OAR 690-077-0015 (8)). The quantity that may be protected instream from the Little Deschutes River is measurable into the Deschutes River and may be protected instream in the Deschutes River.
17. The segment of the reach on the mainstem Deschutes River between the confluence with the Little Deschutes River and Bend is a losing reach and loses approximately 7% of its flows. The quantity of water that may be protected instream in the mainstem Deschutes River (Instream Reach 2 below) requires additional modification to prevent injury and enlargement.
18. Based on Findings of Fact No. 17, the Department proposes to modify the quantities to be transferred and protected instream as follows:

Instream Reach 1: From POD (as described in Finding of Fact No. 8) to the mouth of the Little Deschutes River

Priority Date	April 1 - May 22 (CFS)	May 23 - August 19 (CFS)	August 20 - Oct. 31 (CFS)	Volume (AF)
1897	0.031	0.063	0.031	10.0

Instream Reach 2: In the Deschutes River from the confluence with the Little Deschutes River to Lake Billy Chinook

Priority Date	April 1 - May 22 (CFS)	May 23 - August 19 (CFS)	August 20 - Oct. 31 (CFS)	Volume (AF)
1897	0.029	0.058	0.029	9.3

19. The proposed changes, as modified, would not result in enlargement of the right.
20. The proposed changes, as modified, would not result in injury to other water rights.

21. The amount and timing of the proposed instream flow, as modified, is allowable within the limits and use of the original water right.
22. The protection of flows, as modified, within the proposed reach is appropriate, considering:
 - a) The instream water right begins at the recorded point of diversion;
 - b) The location of confluences with other streams downstream of the point of diversion;
 - c) There are known areas of natural loss of streamflow to the river bed downstream from the point of diversion and channel losses have been accounted for within Reach No. 2; and
 - d) Any return flows resulting from the exercise of the existing water right would re-enter the river downstream of the reach of the instream water.
23. Within the reach on the Little Deschutes River there is an existing instream water right, Certificate 73226, with a priority date of October 11, 1990, that was established under ORS 537.341 (state agency application process), for the purpose of fish migration, spawning, egg incubation, fry emergence and juvenile rearing. There are existing instream water rights established under ORS 537.348 (instream transfer process) and ORS 537.470 (allocation of conserved water process), for the purposes of conservation, maintenance and enhancement of aquatic and fish life, wildlife, fish and wildlife habitat and any other ecological values; pollution abatement; and recreation.
24. Within the proposed instream reach on the mainstem Deschutes River, there are numerous existing instream water rights. There is one instream water right, Certificate 59777, established under ORS 537.346 (minimum streamflow conversion) for the purpose of supporting aquatic life and minimizing pollution, from the confluence of the Little Deschutes River to the confluence with Spring River. There is another instream water right, Certificate 59778, also established under ORS 537.346 for the purpose of supporting aquatic life and minimizing pollution, from the confluence with Spring River to the Central Oregon Irrigation District (COID) North Canal Dam. There is also a pending instream water right application, IS-70695, filed by the ODFW pursuant to ORS 537.341 (state agency application process), with the Department to establish an instream water right from the COID North Canal Dam to Lake Billy Chinook. These existing and pending instream water rights have priority dates ranging from 1983 to 1990. The remaining instream water rights were established under ORS 537.348 (instream transfer process) and ORS 537.470 (allocation of conserved water process). Most of these instream rights are located between the Central Oregon Canal and Lake Billy Chinook and have priority dates ranging from 1885 to 1961.
25. The existing instream water rights, established under and ORS 537.341 (state agency application process) and ORS 537.346 (minimum streamflow conversion), within the

proposed reach on the Little Deschutes River and the Deschutes River are sufficient to protect the monthly quantities of water necessary for supporting aquatic life and anadromous and resident fish habitat, but are not always met. By replacing a portion of these instream water rights, any instream water right created as a result of this transfer will provide protection of stream flows identified as necessary for supporting aquatic life and anadromous and resident fish habitat under an earlier priority date.

26. By adding to other instream water rights, established pursuant to ORS 537.348 (instream transfer and instream lease process) and ORS 537.470 (allocation of conserved water process), located within the proposed reach on the Little Deschutes River and the Deschutes River, any new instream water right established by this transfer would provide protection for additional flows identified as necessary for conservation, maintenance and enhancement of aquatic and fish life, wildlife, fish and wildlife habitat and other ecological values, pollution abatement and recreation.
27. During the period April 1 through October 31, any instream water right established by this transfer application may replace a portion of instream water rights established pursuant to ORS 537.341 or ORS 537.346 and be in addition to instream water rights established pursuant to ORS 537.348 or ORS 537.470, unless otherwise specified in an order approving a new instream water right under these statutes.
28. The total monthly quantities of water to be protected under the existing and proposed instream rights within the proposed reach will provide for a beneficial purpose and do not exceed the estimated average natural flow.
29. Instream Lease IL-1742, involving portions of the right proposed for transfer to instream use, terminated on October 31, 2024, and is of no further force or effect. The subsequent credits created by the instream lease expired on December 31, 2024.
30. All other application requirements are met.

Preliminary Award of Deschutes Basin Mitigation Credits

31. Seth H. Beck and Larissa Beck (the Applicants) have requested this instream transfer application be used to establish mitigation credits in the Deschutes Ground Water Study Area. The Applicants have requested that any mitigation credits generated from this project be assigned to Seth H. Beck and Larissa Beck.
32. The Department assigned this mitigation credit project number MP-329.
33. The Department provided notice of the mitigation credit project pursuant to OAR 690-521-0300 (6) on October 29, 2024. No comments were received in response to this notice.
34. The Department consulted with representatives from Oregon Department of Fish and Wildlife, Oregon State Parks and Recreation Department, Oregon Department of State Lands, the Oregon Department of Environmental Quality (DEQ), and the Department's

Watermaster pursuant to OAR 690-521-0300 (7) and OAR 690-505-0630 (2) on October 25, 2024. Comments from DEQ were received in response to this notice and in favor of the application.

35. As part of the public notice of the mitigation project, the Department identified that the project may result in 4.5 mitigation credits. This preliminary determination was based upon the proposal to transfer 2.5 acres of irrigation use to instream use with a priority date of 1897. Irrigation of 2.5 acres has an average consumptive use of 4.5 acre-feet (2.5 acres * 1.8 AF/acre = 4.5 AF). However, this volume may only be protected instream to the mouth of the Little Deschutes River (the Little Deschutes Zone of Impact).
36. The Department also identified that a portion of the mitigation credits may be available for use in the Upper Deschutes, Middle Deschutes and General Zones of Impact, because the reach of the instream use described in Finding of Fact No. 18 extends through the lower portion of the Upper Deschutes Zone of Impact and then into the Middle Deschutes Zone of Impact and ending at the General Zone of Impact. However, these credits must be reduced by 7% to account for the losing reach as identified in Finding of Fact No. 17.
37. Therefore, a maximum of 4.5 mitigation credits may be awarded to this mitigation credit project. The mitigation credits may be used to mitigate for ground water permit applications and existing conditioned ground water permits and certificates, providing mitigation pursuant to the Deschutes Ground Water Mitigation Rules, OAR Chapter 690, Division 505, within the Little Deschutes Zone of Impact. Of the 4.5 mitigation credits within the **Little Deschutes** Zone of impact awarded to this mitigation project, up to 4.2 mitigation credits may be used in the **Upper Deschutes, Middle Deschutes, and General Zones of Impact**.
38. A maximum of 10.0 AF is proposed to be transferred to instream use and up to 4.5 AF of that, as identified above, may be used for mitigation purposes. The amount of water transferred instream and not used for mitigation purposes will benefit instream flow.
39. The Department shall award final mitigation credits upon completion of the approved project by the applicant and verification by the Department that the project is complete. The issuance of a certificate for the proposed instream water right shall result in completion of the project and verification that the project is complete.
40. Mitigation credits awarded to this mitigation credit project will be valid beginning the first calendar year that water will be protected instream under any new instream water right created as a result of this instream transfer application.

Conclusions of Law

The changes in character of use and place of use to instream use proposed in application T-14549 are consistent with the requirements of ORS 540.505 to 540.580, ORS 537.348, OAR 690-380-5000, and OAR 690-077-0075.

This mitigation project does result in mitigation credits pursuant to ORS 537.746 and OAR 690-521-0300 and 690-521-0400.

Now, therefore, it is ORDERED:

1. The changes in character of use and place of use to instream use proposed in application T-14549 are approved.
2. Water right certificate 95746 is modified. The Department will issue a superseding certificate describing the right when it determines that it is necessary for record keeping.

3. The instream water right shall provide for the protection of streamflows as follows:

Instream Reach 1: From POD (as described in Finding of Fact No. 8) to the mouth of the Little Deschutes River

Priority Date	April 1 - May 22 (CFS)	May 23 - August 19 (CFS)	August 20 - Oct. 31 (CFS)	Volume (AF)
1897	0.031	0.063	0.031	10.0

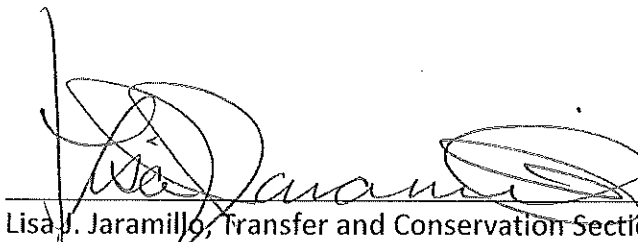
Instream Reach 2: In the Deschutes River from the confluence with the Little Deschutes River to Lake Billy Chinook

Priority Date	April 1 - May 22 (CFS)	May 23 - August 19 (CFS)	August 20 - Oct. 31 (CFS)	Volume (AF)
1897	0.029	0.058	0.029	9.3

4. Water rights upstream of the original point of diversion shall not be subject to regulation for flows in excess of the quantities to which this instream water right is entitled at the original point of diversion.
5. Within the specified stream reach, the amount of water to which this right is entitled shall not exceed the quantity of water legally available at the original point of diversion. Stream channel losses and gains calculated based on available data and the use of senior appropriators will determine the amount of water to which this right is entitled downstream from the original point of diversion within the specified stream reach.
6. The instream right established by this transfer shall replace a portion of instream water rights established pursuant to ORS 537.341 or 537.346 and be in addition to instream water rights established pursuant to ORS 537.348 or 537.470 unless otherwise specified by an order approving a new instream water right under these statutes.
7. The right to the use of the water is restricted to beneficial use at the place of use described and is subject to all other conditions and limitations contained in Certificate 95746 and any related decree.
8. The former place of use of the transferred water shall no longer receive water as part of this right.

9. **Final Award of Mitigation Credits:** Final Award of Mitigation Credits may be made upon completion of the project and verification by the Department that the project has been completed as proposed. Issuance of a new instream water right certificate, as described herein, will result in completion of the project and verification by the Department that the project is complete. If completed as proposed, mitigation credits, in the amount of **4.5 credits**, as described herein, may be awarded to this mitigation project and assigned to Seth H. Beck and Larissa Beck. Mitigation credits awarded may be used to satisfy a mitigation obligation of a ground water permit applicant and/or ground water permit/certificate holder in the **Little Deschutes Zone of Impact**. Of the 4.5 mitigation credits awarded to this project, up to **4.2 credits** may also be used in the **Upper Deschutes, Middle Deschutes, and General Zones of Impact**. Mitigation credits generated by this project will be available for use as mitigation beginning the first calendar year that water will be protected instream under a new instream water right.
10. Mitigation credits are valid until used to satisfy a mitigation obligation of a ground water permit applicant and/or ground water permit/certificate holder within the Deschutes Ground Water Study Area pursuant to the Deschutes Ground Water Mitigation Rules. Mitigation credits are used when a person submits to the Department documentary evidence that valid credits have been obtained and assigned to satisfy a mitigation obligation.
11. The instream certificate created as a result of the approval of this transfer shall be identified as a mitigation credit project for a ground water permit applicant and/or ground water permit/certificate holder. Within each instream certificate, the number of mitigation credits, the zone of impact in which the mitigation credits were generated and may be used, and the volume of water dedicated instream solely for instream benefits shall also be specified.

Dated at Salem, Oregon this day JUN 11 2025.



Lisa J. Jaramillo, Transfer and Conservation Section Manager, for
Ivan Gall, Director
Oregon Water Resources Department

Mailing date: JUN 12 2025

STATE OF OREGON

COUNTIES OF DESCHUTES AND KLAMATH

CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

STATE OF OREGON
WATER RESOURCES DEPARTMENT

confirms the right to use the waters of the Little Deschutes River, tributary to the Deschutes River, for instream use for conservation, maintenance and enhancement of aquatic and fish life, wildlife, fish and wildlife habitat and other ecological values.

This right was confirmed by decree of the Circuit Court of the State of Oregon for Deschutes County. The decree is of record at Salem in the Order Record of the Water Resources Director, in Volume 16, at Page 185. The date of priority is 1897.

The location of the diversion authorized previously under Certificate 95746 is located approximately at:

Twp	Rng	Mer	Sec	Q Q	Measured Distance
23 S	9 E	W.M.	34	SW SW	550 FEET NORTH AND 1150 FEET EAST FROM THE SW CORNER OF SECTION 34

The description of the stream reaches in which flows are to be maintained is as follows:

Instream Reach 1: From POD (as described above) to the mouth of the Little Deschutes River

Priority Date	April 1 - May 22 (CFS)	May 23 - August 19 (CFS)	August 20 - Oct. 31 (CFS)	Volume (AF)
1897	0.031	0.063	0.031	10.0

Instream Reach 2: In the Deschutes River from the confluence with the Little Deschutes River to Lake Billy Chinook

Priority Date	April 1 - May 22 (CFS)	May 23 - August 19 (CFS)	August 20 - Oct. 31 (CFS)	Volume (AF)
1897	0.029	0.058	0.029	9.3

Within the specified stream reach, the amount of water to which this right is entitled shall not exceed the quantity of water legally available at the original point of diversion. Stream channel losses and gains calculated based on available data and the use of water by senior appropriators will determine the amount of water to which this right is entitled downstream from the original point of diversion within the specified stream reach.

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.

Mitigation Credit Award

Mitigation Project: MP-329
Mitigation Credits Awarded: 4.5
Zone of Impact: These mitigation credits may be used to satisfy a mitigation obligation within the Little Deschutes Zone of Impact. Of the 4.5 credits awarded, 4.2 credits may be used within the Upper Deschutes, Middle Deschutes, and General Zones of Impact.

Each mitigation credit equals 1.0 AF of mitigation water, as determined by the Department.

The number of mitigation credits awarded is a portion of the total volume transferred instream, being up to 10.0 AF. The remaining balance of water dedicated to instream use and not used to satisfy the mitigation obligation of a ground water permit (and subsequent certificate(s)), will benefit instream flows.

The mitigation credits or mitigation water established by this instream water right may be used to satisfy a mitigation obligation of a ground water permit application(s) and/or a ground water permit(s)/certificate(s) within the Deschutes Ground Water Study Area pursuant to the Deschutes Ground Water Mitigation Rules.

Mitigation credits are valid until used to satisfy a mitigation obligation of a ground water permit applicant and/or ground water permit/certificate holder.

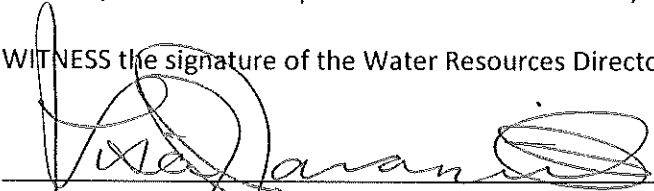
Water rights upstream of the original point of diversion shall not be subject to regulation for flows in excess of the quantities to which this instream water right is entitled at the original point of diversion.

The instream right established by this transfer shall replace a portion of instream water rights established pursuant to ORS 537.341 or 537.346 and shall be in addition to instream water rights established pursuant to ORS 537.348 or 537.470, unless otherwise specified by a subsequent order establishing a new instream water right.

The right is subject to all other terms and conditions of Certificate 95746, and any related decree.

This certificate is issued to confirm a change in use and place of use approved by an order of the Water Resources Director recorded in Special Order Volume 134, Page 959, approving Instream Transfer T-14549, and modifies a portion of Certificate 95746, State Record of Water Right Certificates.

WITNESS the signature of the Water Resources Director, affixed JUN 11 2025.



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

TRANSFER COVER SHEET

Transfer: T-14549

GR Application #: GR-

File Assigned- Transfer Specialist: Sarah A. Henderson

Transfer Type: Instream Transfer

Reimbursement Authority? ☐

Applicant: Seth H. and Larissa Beck PO Box 3442 La Pine, OR 97339	Receiving Landowner: 	CWRE Agent: John A. Short PO Box 1830 Bend, OR 97709
Interested Parties: BOR (date): _____ Tribal Gov't: _____ Gov'ts: City Of La Pine County: DESCHUTES, KLAMATH _____	Irrigation District: Check area of interest on map <input type="checkbox"/>	Additional Contact Information:

Key Dates & Initial Actions (Support Staff)

Type of change(s) proposed- attach additional review checklists as necessary			
PLACE OF USE; USE			
If change is Historic or Substitution, application will go directly to Final Order. Add'l questions on last page for Historic and Gov't Action.			
Fees Pd:	\$1225.00	WM Review request date sent - WM District: 11	10/22/2024
Received Date:	October 11, 2024	WM Review - date received:	
Acknowledgement Letter Sent	Date: 10/22/2024	GW Review - date sent:	
County sent cc: of Ack Letter	Date: 10/22/2024	GW Review - date received:	
Initial Public Notice Date:	10/29/2024	ODFW Review - date sent: ODFW District:	
Comments Received:	Yes <input type="checkbox"/> No: <input type="checkbox"/>	ODFW Review - date received:	

Water Rights Affected

File Marked	No.	App. File # or Decree Name	Permit	Certificate	RR/CR Needed	RR/CR Nos.
<input type="checkbox"/>	1	Decree: Deschutes River		95746	<input type="checkbox"/> Yes <input type="checkbox"/> No	
<input type="checkbox"/>	2				<input type="checkbox"/> Yes <input type="checkbox"/> No	
<input type="checkbox"/>	3				<input type="checkbox"/> Yes <input type="checkbox"/> No	

I have confirmed that the information on this document is correct (or has been corrected): initials

Caseworker Actions:

Assigned in WRIS:	DPD Workflow updated:	WRIS Notes:
PD and RR sent to Data Entry:	Certified mail date:	
Newspaper notice needed: Yes <input type="checkbox"/> No: <input type="checkbox"/>	Name of Newspaper:	
PD notice email coordinator:	PD notice Request Date:	Amount Due: \$
		Received date:
Last day of publication:	Affidavit received:	

DOCUMENT	Drafted		Peer Review		Policy Review		Changes		ODFW contact info: <input type="checkbox"/> Included NA: <input type="checkbox"/>	
	Date	initials	Date	initials	Date	initials	Date	initials	WM contact info: <input type="checkbox"/> included NA: <input type="checkbox"/>	
DPD									Number of Docs for signature:	
NOTICE									Date in Signature bin	Signature date
PD										
FO										
RR										
Special Issues:										

PERMANENT TRANSFER APPLICATION CHECKLIST

☐ RA

Transfer #: T-1454914549

CW	PR	Coord	
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Save all certificates in electronic "T" folder and highlight Priority Date, Rate, Use and Limit/Duty paragraph
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Supplemental checklist for transfers w/in a District (S:\groups\wr\TACS\WRISApps Templates\Transfer Checklists\SUPP_Within District Processing Checklist 9-5-2019) If this is a Living Certificate – check with Ann Reece See Supplemental Language document for language

Transfer Application Review and Deficiencies

CW	PR	Coord			
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Are all applicants/agents listed in WRIS with email addresses, if available?	<input type="checkbox"/> Yes	<input type="checkbox"/> No
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Have all permit/certificates been entered in WRIS under Transfer #?	<input type="checkbox"/> Yes	<input type="checkbox"/> No
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Were timely Public Comments received? (If yes, enter commenter names/email on mailing list)	<input type="checkbox"/> Yes	<input type="checkbox"/> No
Add finding for any comments received (see Supplemental Language document)					

Groundwater Modification Application Review and Deficiencies

CW	PR	Coord	<input type="checkbox"/> N/A		
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	If for a Groundwater Modification, were there any assignments? All GR Mod applicants must be the holder of record.	<input type="checkbox"/> Yes <input type="checkbox"/> No
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Are there any past GR Modifications and/or letters documenting changes to the GR These must be accounted for in the GR Mod Order.	<input type="checkbox"/> Yes <input type="checkbox"/> No

Review "From" and "To" Lands and/or POD/POA

CW	PR	Coord			
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Are only the authorized POD(s)/POA(s)/POU listed on the "from" map?	<input type="checkbox"/> Yes <input type="checkbox"/> No
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Does the "from" map match the certificate map? If No, what is different?	<input type="checkbox"/> Yes <input type="checkbox"/> No
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Compare FROM POU in application (Table 2) with certificate. Mark certificate with acres being xferred, any RR acres and any acres being cancelled.	
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Compare TO POU in Table 2 with the TO Lands on map (for accuracy)	
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Are any of the "from" lands being cancelled/diminished?	<input type="checkbox"/> Yes <input type="checkbox"/> No
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	If Yes, were cancellation/diminution affidavits submitted? (see findings and additional authority in Supplemental Language doc)	<input type="checkbox"/> Yes <input type="checkbox"/> No
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Are any instream water rights affected? If Yes, Cert # (If Yes, check criteria for injury-upstream POD move, moving closer to SW, or return flows affected)	<input type="checkbox"/> Yes <input type="checkbox"/> No

Layered/Supplemental Rights

CW	PR	Coord	<input type="checkbox"/> N/A		
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Are there any layered irrigation rights?	<input type="checkbox"/> Yes <input type="checkbox"/> No
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	If Yes, were they included in application? If No, they must move with the primary, to a "like" primary, or they will be cancelled though the transfer process	<input type="checkbox"/> Yes <input type="checkbox"/> No
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Layered right(s) Cert:	

**STATE OF OREGON
WATER RESOURCES DEPARTMENT**

725 Summer St. N.E. Ste. A

SALEM, OR 97301-4172

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

RECEIPT # **144895**

INVOICE # _____

RECEIVED FROM: Empire Construction and Development LLC
BY: _____

APPLICATION	
PERMIT	
TRANSFER	7-14547

CASH: ☐ CHECK: # 22040 OTHER: (IDENTIFY) _____

TOTAL REC'D \$ 462.00

1083 TREASURY 4170 WRD MISC CASH ACCT

0407 COPIES <u>46118</u>	\$
<u>0207</u> OTHER: (IDENTIFY) <u>Newspaper Notice</u>	\$ <u>462.00</u>

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	EXAM FEE	0202	RECORD FEE
0203 GROUND WATER	\$	0204	\$
0205 TRANSFER	\$		\$

WELL CONSTRUCTION

0218 WELL DRILL CONSTRUCTOR	EXAM FEE	0219	LICENSE FEE
LANDOWNER'S PERMIT	\$	0220	\$

OTHER (IDENTIFY) _____

0536 TREASURY 0437 WELL CONST. START FEE

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

OTHER (IDENTIFY) _____

0607 TREASURY 0467 HYDRO ACTIVITY LIC NUMBER

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

TREASURY OTHER / RDX

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

RECEIPT:

144895

DATED:

3-19-25

BY:

[Signature]

Affidavit of Publication
STATE OF OREGON, COUNTY OF DESCHUTES

I, Julius Black, a citizen of the United State and a resident of the county aforesaid; I am over the age of eighteen years, and not part to or interested in the above-entitled matter. I am the principal clerk of the printer of

The Bulletin

P.O. BOX 6020, BEND, OR 97708

a daily newspaper of general circulation, published in the aforesaid county and state as defined by ORS 192.010 and ORS 192.020, that

Acct Name: OREGON WATER RESOURCES DEPT

PO Number:

Legal Description: NOTICE OF PRELIMINARY DETERMINATION FOR WATER RIGHT TRANSFER T-14549 T-14549 FILED BY SETH H BECK AND LARISSA BECK PO BOX 3442 LA PINE OR 97739 PROPOSES A CHANGE IN THE PLACE OF USE AND CHARACTER OF

a printed copy of which is hereto affixed was published in each regular and entire issue of the said newspaper and not in any supplement thereof on the following dates to wit:

4/11/25, 4/18/25

I certify (or declare) under penalty of perjury that the foregoing is true and correct.



Signature

Dated at Bend, Oregon, this 18th day of April, 2025

AdName: 475463

State of Oregon, County of Deschutes

Subscribed and Sworn to before me this 28TH day of April, 2025 by



Notary Public for Oregon

Received

MAY 02 2025

OWRD

No. _____

in the _____ Court of the

STATE OF OREGON
for the
COUNTY OF DESCHUTES

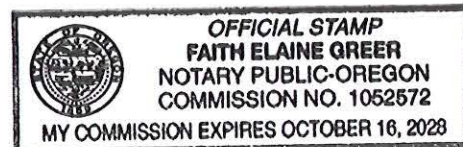
AFFIDAVIT OF PUBLICATION

Filed. _____

By _____

From the office of _____

Attorney for _____



**Notice of Preliminary
Determination for Water Right
Transfer T-14549**

T-14549 filed by Seth H. Beck and Larissa Beck, PO Box 3442, La Pine, OR 97739, proposes a change in the place of use and character of use to instream use under Certificate 95746. The right allows the use of up to 0.063 cubic foot per second (cfs) under 1897 priority date from the Little Deschutes River in Sec. 34, T23S, R9E, WM for irrigation in Sec. 3, T23S, R10E, WM. The applicant proposes to create an instream use in the Little Deschutes River from the point of diversion to Lake Billy Chinook on the Deschutes River at a maximum of 0.063 cfs, and to establish mitigation credits in the Deschutes Groundwater Study Area. The Water Resources Department proposes to approve the transfer, based on the requirements of ORS Chapter 540 and OAR 690-380-5000 and OAR 690-077-0075. The Department has also concluded that the proposed transfer appears to result in mitigation credits pursuant to OAR 690-521-0300 and OAR 690-521-0400. Any person may file, jointly or severally, a protest or standing statement within 30 days after the last date of newspaper publication of this notice, 04/18/2025. Call (503) 986-0935 to obtain additional information. If no protests are filed, the Department will issue a final order consistent with the preliminary determination.

Received
MAY 02 2025
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

DATE: APR 08 2025

VIA CERTIFIED MAIL AND E-MAIL

Seth H. Beck and Larissa Beck
PO Box 3442
La Pine, OR 97739

SUBJECT: Water Right Instream Transfer Application T-14549 (MP-329)

Please find enclosed the Preliminary Determination indicating that, based on the information available, the Department intends to approve application T-14549 and mitigation project MP-329.

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

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

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

Please don't hesitate to contact me at 503-979-9872 or sarah.a.henderson@water.oregon.gov, if I may be of assistance.

Sincerely,

Flow Restoration Program Coordinator
Transfer and Conservation Section

cc: Transfer Application file T-14549 (MP-329)
Jeremy T. Giffin, District 11 Watermaster (via e-mail)
John Short, Water Right Services, LLC, Agent for the applicant (via e-mail)
Bryce Withers, Water Right Services, LLC, CWRE (via e-mail)

encs

**BEFORE THE WATER RESOURCES DEPARTMENT
OF THE
STATE OF OREGON**

In the Matter of Instream Transfer)	PRELIMINARY DETERMINATION
Application T-14549, and Mitigation)	PROPOSING APPROVAL OF A CHANGE IN
Project MP-329, Deschutes and Klamath)	PLACE OF USE AND CHARACTER OF USE
Counties)	AND PRELIMINARY AWARD OF
)	MITIGATION CREDITS

Authority

Oregon Revised Statute (ORS) 540.505 to 540.580 establishes the process in which a water right holder may submit a request to transfer the point of diversion, place of use, or character of use authorized under an existing water right. Oregon Administrative Rule (OAR) Chapter 690, Division 380 implements the statutes and provides the Department's procedures and criteria for evaluating transfer applications. OAR Chapter 690, Division 077 provides additional criteria for evaluating transfers to instream water rights.

OAR 690-521-0100 to 690-521-0600 establishes the process in which anyone may submit a ground water mitigation project to the Department for the purpose of establishing mitigation credits in the Deschutes Ground Water Study Area.

Pursuant to OAR 690-521-0400 (2), any mitigation credits awarded to a mitigation project are valid until used to fulfill a mitigation obligation of a ground water use in the Deschutes Ground Water Study Area. Valid mitigation credits may be assigned by any person or recognized mitigation bank to any person or other mitigation bank. Mitigation credits are used when a person submits to the Department documentary evidence that valid credits have been obtained and assigned to satisfy a mitigation obligation.

Applicants

Seth H. Beck
Larissa Beck
PO Box 3442
La Pine, OR 97739

Findings of Fact

1. On October 11, 2024, Seth H. Beck and Larissa Beck filed an application to change the place of use and character of use under Certificate 95746 to instream use. The Department assigned the application number T-14549.

Pursuant to OAR 690-380-4030, any person may file a protest or standing statement within 30 days after the last date of publication of notice of this preliminary determination.

2. Notice of the application for transfer was published on October 29, 2024, pursuant to OAR 690-380-4000. No comments were filed in response to the notice.
3. Consistent with land use requirements, prior to submitting the instream transfer application, the applicant provided notification of the intent to file the instream transfer application to City of LaPine, Deschutes County, Klamath County, Jefferson County, City of Bend, and the Confederated Tribes of the Warm Springs. Additionally, the Department provided notice of the proposed action to City of LaPine, Deschutes County, Klamath County, Jefferson County, City of Bend and the Confederated Tribes of the Warm Springs upon receipt of Transfer Application T-14549.
4. Certificate 95746 describes the authorized place of use by township, range, section, quarter quarter, and tax lots. The tax lots, from which the portion of the right is proposed for transfer, have changed since the original water right was issued. Some tax lot configurations no longer match those shown on the map of the water right and some of the original tax lots identified on the water right of record have been partitioned or subdivided. The portion of the water right to be transferred is described in Finding of Fact No. 7 and is consistent with the water right of record in so far as possible.
5. On December 2, 2024, the Department received correspondence from Josh Newton, Attorney for the Confederated Tribes of the Warm Springs Reservation of Oregon (Tribe). The Tribe does not object to the Department processing the Transfer Application T-14549, in accordance with applicable law, and the Department's customary practice.
6. On December 31, 2024, the Department mailed a copy of the draft Preliminary Determination proposing to approve Transfer Application T-14549 and Mitigation Project MP-329 to the applicants. The draft Preliminary Determination cover letter set forth a deadline of January 30, 2025, for the applicants to respond. The applicants requested that the Department proceed with issuance of a Preliminary Determination and provided the necessary information to demonstrate that the applicants are authorized to pursue the transfer.
7. The portion of the right to be transferred is as follows:

Certificate:	95746 in the name of LA PINE COOPERATIVE WATER ASSOCIATION (confirmed by Deschutes River Decree, of record in Salem, in the Order Record of the Water Resources Director in Volume 16, at Page 185)
Use:	IRRIGATION of 2.5 ACRES
Priority Date:	1897
Limit/Duty:	The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands, is limited to a diversion of ONE-FORTIETH of one cubic foot per second, or its equivalent for each acre irrigated, from May 23 to August 20, and ONE-EIGHTIETH of one cubic foot per second, or its equivalent for each acre irrigated, from April 1 to May 23 and from August 20 to November 1, and shall be further limited to

a diversion of not to exceed 4.0 acre-feet per acre for each acre irrigated during the irrigation season of each year.

Priority Date	April 1 to May 23 (cfs)	May 23 to Aug 20 (cfs)	Aug 20 to Nov 1 (cfs)	Duty (af)
1897	0.031	0.063	0.031	10.0

Period of Use: April 1 to November 1

Source: LITTLE DESCHUTES RIVER, tributary to the DESCHUTES RIVER

Authorized Point of Diversion:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
23 S	9 E	WM	34	SW SW	550 FEET NORTH AND 1150 FEET EAST FROM THE SW CORNER OF SECTION 34

Authorized Place of Use:

Twp	Rng	Mer	Sec	Q-Q	Cert Tax Lot	New Tax Lot	Acres	Owner Name on Certificate
23 S	10 E	WM	3	SE SW	800	800	2.5	Neil and Pam Falconer

8. A total of 10.0 Acre-Feet of water may be beneficially used annually under the existing right.
9. Transfer Application T-14549 proposes to change the character of use to instream use for conservation, maintenance and enhancement of aquatic and fish life, wildlife, fish and wildlife habitat and other ecological values; recreation and pollution abatement; and to establish mitigation credits in the Deschutes Ground Water Study Area.
10. Transfer Application T-14549 proposes to change the place of use of the right to create an instream reach from the point of diversion on the Little Deschutes River, into the mainstem Deschutes River, and down to Lake Billy Chinook.
11. The applicant proposes the quantities of water to be transferred instream be protected as follows:

Priority Date	April 1 to May 23 (cfs)	May 23 to Aug 20 (cfs)	Aug 20 to Nov 1 (cfs)	Duty (af)
1897	0.031	0.063	0.031	10.0

12. The applicant has requested that any instream water right established as a result of this instream transfer be additive to existing instream water rights for the same reach established pursuant to ORS 537.348 (instream transfer process) and ORS 537.470 (allocation of conserved water process). The applicant has also requested that any instream water rights established as a result of this instream transfer replace a portion of any existing instream rights established pursuant to ORS 537.346 (minimum streamflow conversion) and ORS 537.341 (state agency instream application process), with a more senior priority date.

Instream Transfer Review Criteria (OAR 690-77-0075 and 690-380-4010)

13. Water has been used within the last five years according to the terms and conditions of the right, and there is no information in the record that would demonstrate that the right is subject to forfeiture under ORS 540.610.
14. A diversion structure and ditch sufficient to use the full amount of water allowed under the existing right were present within the five-year period prior to submittal of Transfer Application T-14549.
15. The transfer application requests to protect water instream from the Little Deschutes River into the mainstem Deschutes River. An instream reach is generally from the point of diversion to the mouth of the source stream (Little Deschutes River) but may be protected further if measurable in the receiving stream (the Deschutes River) (OAR 690-077-0015 (8)). The quantity that may be protected instream from the Little Deschutes River is measurable into the Deschutes River and may be protected instream in the Deschutes River.
16. The segment of the reach on the mainstem Deschutes River between the confluence with the Little Deschutes River and Bend is a losing reach and loses approximately 7% of its flows. The quantity of water that may be protected instream in the mainstem Deschutes River (Instream Reach 2 below) requires additional modification to prevent injury and enlargement.
17. Based on Findings of Fact No. 16, the Department proposes to modify the quantities to be transferred and protected instream as follows:

Instream Reach 1: From POD (as described in Finding of Fact No. 7) to the mouth of the Little Deschutes River

Priority Date	April 1 - May 22 (CFS)	May 23 - August 19 (CFS)	August 20 - Oct. 31 (CFS)	Volume (AF)
1897	0.031	0.063	0.031	10.0

Instream Reach 2: In the Deschutes River from the confluence with the Little Deschutes River to Lake Billy Chinook

Priority Date	April 1 - May 22 (CFS)	May 23 - August 19 (CFS)	August 20 - Oct. 31 (CFS)	Volume (AF)
1897	0.029	0.058	0.029	9.3

18. The proposed changes, as modified, would not result in enlargement of the right.
19. The proposed changes, as modified, would not result in injury to other water rights.
20. The amount and timing of the proposed instream flow, as modified, is allowable within the limits and use of the original water right.
21. The protection of flows, as modified, within the proposed reach is appropriate, considering:

- a) The instream water right begins at the recorded point of diversion;
 - b) The location of confluences with other streams downstream of the point of diversion;
 - c) There are known areas of natural loss of streamflow to the river bed downstream from the point of diversion and channel losses have been accounted for within Reach No. 2; and
 - d) Any return flows resulting from the exercise of the existing water right would re-enter the river downstream of the reach of the instream water.
22. Within the reach on the Little Deschutes River there is an existing instream water right, Certificate 73226, with a priority date of October 11, 1990, that was established under ORS 537.341 (state agency application process), for the purpose of fish migration, spawning, egg incubation, fry emergence and juvenile rearing. There are existing instream water rights established under ORS 537.348 (instream transfer process) and ORS 537.470 (allocation of conserved water process), for the purposes of conservation, maintenance and enhancement of aquatic and fish life, wildlife, fish and wildlife habitat and any other ecological values; pollution abatement; and recreation.
23. Within the proposed instream reach on the mainstem Deschutes River, there are numerous existing instream water rights. There is one instream water right, Certificate 59777, established under ORS 537.346 (minimum streamflow conversion) for the purpose of supporting aquatic life and minimizing pollution, from the confluence of the Little Deschutes River to the confluence with Spring River. There is another instream water right, Certificate 59778, also established under ORS 537.346 for the purpose of supporting aquatic life and minimizing pollution, from the confluence with Spring River to the Central Oregon Irrigation District (COID) North Canal Dam. There is also a pending instream water right application, IS-70695, filed by the ODFW pursuant to ORS 537.341 (state agency application process), with the Department to establish an instream water right from the COID North Canal Dam to Lake Billy Chinook. These existing and pending instream water rights have priority dates ranging from 1983 to 1990. The remaining instream water rights were established under ORS 537.348 (instream transfer process) and ORS 537.470 (allocation of conserved water process). Most of these instream rights are located between the Central Oregon Canal and Lake Billy Chinook and have priority dates ranging from 1885 to 1961.
24. The existing instream water rights, established under and ORS 537.341 (state agency application process) and ORS 537.346 (minimum streamflow conversion), within the proposed reach on the Little Deschutes River and the Deschutes River are sufficient to protect the monthly quantities of water necessary for supporting aquatic life and anadromous and resident fish habitat, but are not always met. By replacing a portion of these instream water rights, any instream water right created as a result of this transfer

will provide protection of stream flows identified as necessary for supporting aquatic life and anadromous and resident fish habitat under an earlier priority date.

25. By adding to other instream water rights, established pursuant to ORS 537.348 (instream transfer and instream lease process) and ORS 537.470 (allocation of conserved water process), located within the proposed reach on the Little Deschutes River and the Deschutes River, any new instream water right established by this transfer would provide protection for additional flows identified as necessary for conservation, maintenance and enhancement of aquatic and fish life, wildlife, fish and wildlife habitat and other ecological values, pollution abatement and recreation.
26. During the period April 1 through October 31, any instream water right established by this transfer application may replace a portion of instream water rights established pursuant to ORS 537.341 or ORS 537.346 and be in addition to instream water rights established pursuant to ORS 537.348 or ORS 537.470, unless otherwise specified in an order approving a new instream water right under these statutes.
27. The total monthly quantities of water to be protected under the existing and proposed instream rights within the proposed reach will provide for a beneficial purpose and do not exceed the estimated average natural flow.
28. Instream Lease IL-1742, involving portions of the right proposed for transfer to instream use, terminated on October 31, 2024, and is of no further force or effect. The subsequent credits created by the instream lease expired on December 31, 2024.
29. All other application requirements are met.

Preliminary Award of Deschutes Basin Mitigation Credits

30. Seth H. Beck and Larissa Beck (the Applicants) have requested this instream transfer application be used to establish mitigation credits in the Deschutes Ground Water Study Area. The Applicants have requested that any mitigation credits generated from this project be assigned to Seth H. Beck and Larissa Beck.
31. The Department assigned this mitigation credit project number MP-329.
32. The Department provided notice of the mitigation credit project pursuant to OAR 690-521-0300 (6) on October 29, 2024. No comments were received in response to this notice.
33. The Department consulted with representatives from Oregon Department of Fish and Wildlife, Oregon State Parks and Recreation Department, Oregon Department of State Lands, the Oregon Department of Environmental Quality (DEQ), and the Department's Watermaster pursuant to OAR 690-521-0300 (7) and OAR 690-505-0630 (2) on October 25, 2024. Comments from DEQ were received in response to this notice and in favor of the application.

34. As part of the public notice of the mitigation project, the Department identified that the project may result in 4.5 mitigation credits. This preliminary determination was based upon the proposal to transfer 2.5 acres of irrigation use to instream use with a priority date of 1897. Irrigation of 2.5 acres has an average consumptive use of 4.5 acre-feet (2.5 acres * 1.8 AF/acre = 4.5 AF). However, this volume may only be protected instream to the mouth of the Little Deschutes River (the Little Deschutes Zone of Impact).
35. The Department also identified that a portion of the mitigation credits may be available for use in the Upper Deschutes, Middle Deschutes and General Zones of Impact, because the reach of the instream use described in Finding of Fact No. 17 extends through the lower portion of the Upper Deschutes Zone of Impact and then into the Middle Deschutes Zone of Impact and ending at the General Zone of Impact. However, these credits must be reduced by 7% to account for the losing reach as identified in Finding of Fact No. 16.
36. Therefore, a maximum of 4.5 mitigation credits may be awarded to this mitigation credit project. The mitigation credits may be used to mitigate for ground water permit applications and existing conditioned ground water permits and certificates, providing mitigation pursuant to the Deschutes Ground Water Mitigation Rules, OAR Chapter 690, Division 505, within the Little Deschutes Zone of Impact. Of the 4.5 mitigation credits within the Little Deschutes Zone of impact awarded to this mitigation project, up to 4.2 mitigation credits may be used in the Upper Deschutes, Middle Deschutes, and General Zones of Impact.
37. A maximum of 10.0 AF is proposed to be transferred to instream use and up to 4.5 AF of that, as identified above, may be used for mitigation purposes. The amount of water transferred instream and not used for mitigation purposes will benefit instream flow.
38. The Department shall award final mitigation credits upon completion of the approved project by the applicant and verification by the Department that the project is complete. The issuance of a certificate for the proposed instream water right shall result in completion of the project and verification that the project is complete.
39. Mitigation credits awarded to this mitigation credit project will be valid beginning the first calendar year that water will be protected instream under any new instream water right created as a result of this instream transfer application.

Determination and Proposed Action

The changes in character of use and place of use to instream use proposed in application T-14549 appear to be consistent with the requirements of ORS 540.505 to 540.580, ORS 537.348, OAR 690-380-5000, and OAR 690-077-0075. If protests are not filed pursuant to OAR 690-380-4030, the application will be approved.

This mitigation project appears to result in mitigation credits pursuant to ORS 537.746 and OAR 690-521-0300 and 690-521-0400.

If Transfer Application T-14549 is approved, the final order will include the following:

- 1. The changes in character of use and place of use to instream use proposed in application T-14549 are approved.*
- 2. Water right certificate 95746 is modified. The Department will issue a superseding certificate describing the right when it determines that it is necessary for record keeping.*

- 3. The instream water right shall provide for the protection of streamflows as follows:*

Instream Reach 1: From POD (as described in Finding of Fact No. 7) to the mouth of the Little Deschutes River

<i>Priority Date</i>	<i>April 1 - May 22 (CFS)</i>	<i>May 23 - August 19 (CFS)</i>	<i>August 20 - Oct. 31 (CFS)</i>	<i>Volume (AF)</i>
<i>1897</i>	<i>0.031</i>	<i>0.063</i>	<i>0.031</i>	<i>10.0</i>

Instream Reach 2: In the Deschutes River from the confluence with the Little Deschutes River to Lake Billy Chinook

<i>Priority Date</i>	<i>April 1 - May 22 (CFS)</i>	<i>May 23 - August 19 (CFS)</i>	<i>August 20 - Oct. 31 (CFS)</i>	<i>Volume (AF)</i>
<i>1897</i>	<i>0.029</i>	<i>0.058</i>	<i>0.029</i>	<i>9.3</i>

- 4. Water rights upstream of the original point of diversion shall not be subject to regulation for flows in excess of the quantities to which this instream water right is entitled at the original point of diversion.*
- 5. Within the specified stream reach, the amount of water to which this right is entitled shall not exceed the quantity of water legally available at the original point of diversion. Stream channel losses and gains calculated based on available data and the use of senior appropriators will determine the amount of water to which this right is entitled downstream from the original point of diversion within the specified stream reach.*
- 6. The instream right established by this transfer shall replace a portion of instream water rights established pursuant to ORS 537.341 or 537.346 and be in addition to instream water rights established pursuant to ORS 537.348 or 537.470 unless otherwise specified by an order approving a new instream water right under these statutes.*
- 7. The right to the use of the water is restricted to beneficial use at the place of use described and is subject to all other conditions and limitations contained in Certificate 95746 and any related decree.*
- 8. The former place of use of the transferred water shall no longer receive water as part of this right.*
- 9. Preliminary Award of Mitigation Credits: Final Award of Mitigation Credits may be made upon completion of the project and verification by the Department that the project has been completed as proposed. Issuance of a new instream water right certificate, as described herein, will result in completion of the project and verification by the Department*

that the project is complete. If completed as proposed, mitigation credits, in the amount of **4.5 credits**, as described herein, may be awarded to this mitigation project and assigned to Seth H. Beck and Larissa Beck. Mitigation credits awarded may be used to satisfy a mitigation obligation of a ground water permit applicant and/or ground water permit/certificate holder in the **Little Deschutes Zone of Impact**. Of the 4.5 mitigation credits awarded to this project, up to **4.2 credits** may also be used in the **Upper Deschutes, Middle Deschutes, and General Zones of Impact**. Mitigation credits generated by this project will be available for use as mitigation beginning the first calendar year that water will be protected instream under a new instream water right.

10. Mitigation credits are valid until used to satisfy a mitigation obligation of a ground water permit applicant and/or ground water permit/certificate holder within the Deschutes Ground Water Study Area pursuant to the Deschutes Ground Water Mitigation Rules. Mitigation credits are used when a person submits to the Department documentary evidence that valid credits have been obtained and assigned to satisfy a mitigation obligation.
11. The instream certificate created as a result of the approval of this transfer shall be identified as a mitigation credit project for a ground water permit applicant and/or ground water permit/certificate holder. Within each instream certificate, the number of mitigation credits, the zone of impact in which the mitigation credits were generated and may be used, and the volume of water dedicated instream solely for instream benefits shall also be specified.

Dated at Salem, Oregon this day APR 08 2025.



Lisa J. Jaramillo, Transfer and Conservation Section Manager, for
Ivan Gall, Director
Oregon Water Resources Department

This Preliminary Determination was prepared by Sarah Henderson. If you have questions about the information in this document, you may reach me at 503-979-9872 or Sarah.A.Henderson@water.oregon.gov.

Protests

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

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

- The person's name, address, and telephone number;
- All reasonably ascertainable issues and all reasonably available arguments supporting the person's position by the close of the protest period. Failure to raise a reasonably ascertainable issue in a protest or failure to provide sufficient specificity to afford the Department an opportunity to respond to the issue may preclude consideration of the issue during the hearing;
- If you are the applicant, a protest fee of \$480 required by ORS 536.050; and
- If you are not the applicant, a protest fee of \$950 required by ORS 536.050 and proof of service of the protest upon the applicant.

Requests for Standing

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

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

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

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

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

If after hearing the Department issues a proposed Final Order finding that a change in point of diversion or appropriation will result in injury, the applicant may file a notification of intent to pursue approval of the transfer under OAR 690-380-5030 to 690-380-5050 within 15 days of receipt of the proposed order. Notwithstanding 690-002-0175, if the applicant files a notification of intent to pursue approval of the transfer under 690-380-5030 to 690-380-5050, the deadline for filing exceptions to the proposed order shall be 30 days after the Department provides notice to the parties that the transfer does not meet the requirements of 690-380-5030 to 690-380-5050.

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

You may be represented by an attorney at the hearing. Legal aid organizations may be able to assist a party with limited financial resources. Generally, partnerships, corporations, associations, governmental subdivisions, or public or private organizations are represented by an attorney. However, consistent with OAR 690-002-0020 and OAR 690-137-0555, an agency representative may represent partnerships, corporations, associations, governmental subdivisions or public, or private organizations if the Department determines that appearance

of a person by an authorized representative will not hinder the orderly and timely development of the record in this case.

Notice Regarding Servicemembers: Active-duty servicemembers have a right to stay proceedings under the federal Servicemembers Civil Relief Act. 50 U.S.C. App. §§501-597b. For more information contact the Oregon State Bar at 800-452-8260, the Oregon Military Department at 971-355-4127, or the nearest United States Armed Forces Legal Assistance Office through <http://legalassistance.law.af.mil>.

If you have questions about how to file a protest or if you have previously filed a protest and you want to know the status, please contact Will Davidson at 503-507-2749.

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

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

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-14549

Review Due Date: 11/21/2024

Applicant Name: Seth Beck

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

Reviewer(s): Giffin

Date of Review: 10/23/2024

1. Do you have evidence that the right has not been used in the last 5 years and that the presumption of forfeiture would not likely be rebuttable? ☐ Yes ☒ No If "Yes", attach evidence (e.g. dated aerial photo showing pavement or building on the land for >5 yrs.)
2. Is there a history of regulation on the source that serves this (or these) right(s) that has involved the transferred right(s) and downstream water rights? ☒ Yes ☐ No Generally characterize the frequency of any regulation or explain why regulation has not occurred:
We regulate off the 1902 priority during the driest 3% of the years.
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:

Yes there are known channel losses through the proposed reach and the proposed ISWR should be diminished the same percent losses at the same locations as Certificate 95105.

☐ 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:

As long as the applicant does not divert the water in the ditch.

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

☐ Yes ☒ No If "Yes", explain:

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

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

☐ Yes ☐ No If "Yes", explain:

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

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

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

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

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

- iv. Do you have any other observations regarding the temporary transfer?

☐ Yes ☐ No If "Yes", describe:

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

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

- i. "Injury" will occur to other water rights that share the same source?

☐ Yes ☒ No If "Yes", explain:

- ii. "Enlargement" of the water right being transferred will occur?

☐ Yes ☒ No If "Yes", explain:

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

☐ Yes ☒ No If "Yes", explain:

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

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

☐

Submerged Orifice

☐

Parshall Flume

☐

Flow Restrictor

☐

Other: ____

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

Transfer #: T-

☐ In order to avoid enlargement of the right or injury to other rights, a _____ 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:

District:

Address:

City/State/Zip:

Phone:

Email:

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

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Are any supplemental rights being transferred? (verify that it is <i>actually</i> a supplemental right)	<input type="checkbox"/> Yes	<input type="checkbox"/> No
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	If Yes, are they being transferred to a "like" primary (i.e. similar reliability)?	<input type="checkbox"/> Yes	<input type="checkbox"/> No
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Notes:		

Transfer Review Criteria					
CW	PR	Coord			
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Validity of the right – Has the right been used in the last 5 years and is not subject to forfeiture?	<input type="checkbox"/> Yes	<input type="checkbox"/> No
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Evidence of use and supporting documentation <input type="checkbox"/> Confirming (not a remaining right) cert issued within the last 5 years <input type="checkbox"/> Rebuttal to forfeiture (ORS 540.610)		
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Ready, Willing and Able – <input type="checkbox"/> Current delivery system sufficiently described in application. Does delivery system have capacity to fully divert and use the authorized rate/duty of the right?	<input type="checkbox"/> Yes	<input type="checkbox"/> No
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Would the proposed transfer result in enlargement? If Yes, why? What conditions, if any, will avoid?	<input type="checkbox"/> Yes	<input type="checkbox"/> No
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Would the proposed transfer result in injury? If Yes, why? What conditions, if any, will avoid?	<input type="checkbox"/> Yes	<input type="checkbox"/> No
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	If injury, has WM or GW provided a list of injured water right holders? <input type="checkbox"/> N/A	<input type="checkbox"/> Yes	<input type="checkbox"/> No
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	If POD/POA/APOD/APOA change, will it be from the same source? If No, deny per OAR 690-380-2110(2) <input type="checkbox"/> N/A	<input type="checkbox"/> Yes	<input type="checkbox"/> No
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Notes:		

Draft Preliminary Determination and Cover Letter – 12 pt. Calibri font			
CW	PR	Coord	
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Prepare ModPod workareas
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Prepare DPD (save as T-XXXXX-dpd-approve/deny (where XXXXX is the transfer number)
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Prepare DPD Cover letter (save as T-XXXXX-dpd-cov)
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Prepare Public Notice <input type="checkbox"/> and/or <input type="checkbox"/> newspaper notice (if required) (save as T-XXXXX-pd-notice)
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Prepare Remaining Right(s) (if applicable). Send with DPD, cover letter and notice for peer review.

Issue Draft Preliminary Determination	
CW	
<input type="checkbox"/>	Copy DPD and cover letter for paper file
<input type="checkbox"/>	Save DPD and cover letter as PDF
<input type="checkbox"/>	Mail/email to applicant/agent/WM
<input type="checkbox"/>	Add workflow item "Draft PD Issued"

Report of Ownership Information (ROI)				
CW	PR	Coord		
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Does legal description in ROI/Deed match "from" lands?	<input type="checkbox"/> Yes <input type="checkbox"/> No
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Have all owners on the ROI/Deed signed the application?	<input type="checkbox"/> Yes <input type="checkbox"/> No
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Has a notarized statement of consent been submitted? (if applicable) <input type="checkbox"/> N/A	<input type="checkbox"/> Yes <input type="checkbox"/> No

Newspaper Notice (if required)				
CW	PR	Coord		
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> N/A	
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Prepare/send letter to applicant/agent regarding newspaper notice cost	<input type="checkbox"/> Yes <input type="checkbox"/> No
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	TACS Support delivered receipted funds to caseworker	<input type="checkbox"/> Yes <input type="checkbox"/> No

Preliminary Determination and Cover Letter Preparation

CW	PR	Coord		
			<i>See cheat sheet at (S:\groups\wr\TACS\6. Transfers\Procedures\DPD to PD Conversion 12-8-2016) for more detailed instructions</i>	
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Was application amended after DPD was issued? - Make sure amended pages were scanned to WRIS (see support staff) and make sure you mark amended (replaced) pages with SUPERSEDED. Also make findings in PD.	<input type="checkbox"/> Yes <input type="checkbox"/> No
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	If Yes, what was amended?	
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Did amendment change outcome from denial to approval? <i>If Yes, make findings in PD.</i>	<input type="checkbox"/> Yes <input type="checkbox"/> No
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> If POD/POA changes or changes in "from" lands – re-review required from WM <input type="checkbox"/> If POA changes – re-review required from GW	
<i>Note: If POD was amended and changed from a downstream move to upstream within an ISWR reach – Consent to Injury may be required.</i>				
<input type="checkbox"/>	Save DPD as a new document (T-XXXXX-pd-approve/deny.doc) – 12 pt. Calibri font			
<input type="checkbox"/>	Remove "Draft" from document			
<input type="checkbox"/>	Unhide hidden findings (cntrl-A, select Font, uncheck "hidden" box) and add dates			
<input type="checkbox"/>	If application was amended, add finding including date of amendment			
<input type="checkbox"/>	Change language resulting from any amendments in response to the DPD, including language under Determination and Proposed Action			
<input type="checkbox"/>	Unhide appeal (protest) language at the end of the document			
<input type="checkbox"/>	Prepare PD Cover Letter (save as T-XXXXX-pd-cov)			
<input type="checkbox"/>	Check email address(s) for accuracy			
<input type="checkbox"/>	Notes:			
<input type="checkbox"/>	Send to caseworker/coordinator for Peer Review			

Data Center Review of PD

CW	PR	Coord	
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Email PD and RR(s)(with new cert numbers) to Data* for review – indicate if file is RA *email address is in key
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Data Center will send notification that file is complete
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Make any necessary changes to PD or prepare Revised DPD (if substantive changes)

Issue Preliminary Determination

CW	
<input type="checkbox"/>	Print PD and put in Manager's box for signature and issuance (support will print cover letter)
<input type="checkbox"/>	Add workflow notes

Protest

CW	PR	Coor	
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Have protests been received? <input type="checkbox"/> Yes <input type="checkbox"/> No If YES, STOP! Coordinate with Protest section.

Final Order

CW	See cheat sheet at (S:\groups\wr\TACS\6. Transfers\Procedures\PD to FO Conversion 12-8-2016) for more detailed instructions
Do not issue Final Order before this date: (protest period end date or 30 days after date of last newspaper publication)	
<input type="checkbox"/>	If application had a newspaper notice, verify that Affidavit of Publication was received. Date:
<input type="checkbox"/>	Save PD as a new document (T-XXXXX-ord-approve (or deny))
<input type="checkbox"/>	Remove "PRELIMINARY DETERMINATION" from document title and replace with "FINAL ORDER." Unhide hidden findings (cntrl-a, select Font, uncheck "hidden" box)
<input type="checkbox"/>	Replace "PROPOSING APPROVAL/DENIAL OF" with APPROVING/DENYING
<input type="checkbox"/>	Replace the "judicial review/reconsideration rights" box in the first page footer for the "Final Order" judicial review language; unhide and add Special Order Volume (support will add page #)
<input type="checkbox"/>	Update the hidden paragraph following the public notice and amendments findings (regarding issuance of PD)
<input type="checkbox"/>	Change "Determination and Proposed Action" to "Conclusions of Law" and update paragraph
<input type="checkbox"/>	Replace "If application T-XXXXX is approved . . ." with Now, therefore, it is ORDERED:"
<input type="checkbox"/>	Select list of conditions below "It is ORDERED" section and turn off Italics. Check numbering (start at "1").
<input type="checkbox"/>	Delete Protest language, Document preparation box, and Notice Regarding Servicemembers; Insert "Mailing Date: _____"
<input type="checkbox"/>	Final Check: All Conclusions of Law are supported by Findings and Transfer Review Criteria

Remaining Rights

CW	PR	Coord	<input type="checkbox"/> N/A
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Make sure all RR certs have new cert numbers and are entered on the right side of the footer of each RR
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Update left side of footer to read: T-XXXXX.rr.YYYYYY.ini, where YYYYYY is original cert number and .ini stands for your initials. New certificate should be on the right.
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Print RR on certificate paper and include with Final Order for signature

Issue Final Order

CW	
<input type="checkbox"/>	Pull "Working Copy" folder from file
<input type="checkbox"/>	Print and put FO and RR in Manager's box for signature (manager will deliver to support for processing and issuance)
Notes:	



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

October 22, 2024

Seth and Larissa Beck

PO Box 3442

La Pine, OR 97339

Reference: Instream Transfer T- 14549

On October 11, 2024, we received your water right Transfer application. The application was accompanied by \$1225.00. Our receipt number 143988 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.

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

Except as provided under ORS 540.510(3) for municipalities, you may not use water for the new use or in the new place of use until a final order approving the transfer application has been issued by the Department.

In order to avoid any possible forfeiture of the water right, you should continue to use the water as described by your existing water right.

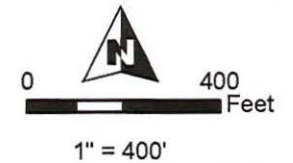
If the land is sold before the application is approved, the buyer's consent to the application will be required unless a recorded deed or other legal document clearly established that the water right was not conveyed in the sale.


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

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

Cc: Watermaster Dist. #11 (via email)
John A. Short, Agent
City of La Pine, Local Government

**T23S R10E, WM
KLAMATH COUNTY, OR**



-  POU IR 1897 Priority "OFF"
-  POU IR 1897 Priority (in NESW & SESW QQ)
-  POU IR 1902 Priority (in NESW & SESW QQ)
-  Section
-  Quarter Quarter
-  Tax Lot



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Sec.3

Sec.10

NWSE

SWSE

Beal Rd

Long Prairie Dr

Long Prairie Ct

NESW

SESW

**INSTREAM TRANSFER "OFF" POU MAP
SETH & LARISSA BECK**

Date: 9/13/2024

C-95746

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

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



RENEWS: 06/30/2026

●

POD

River

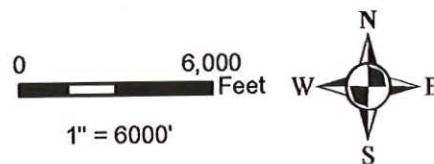
Canal

Township

Section

Place of Use

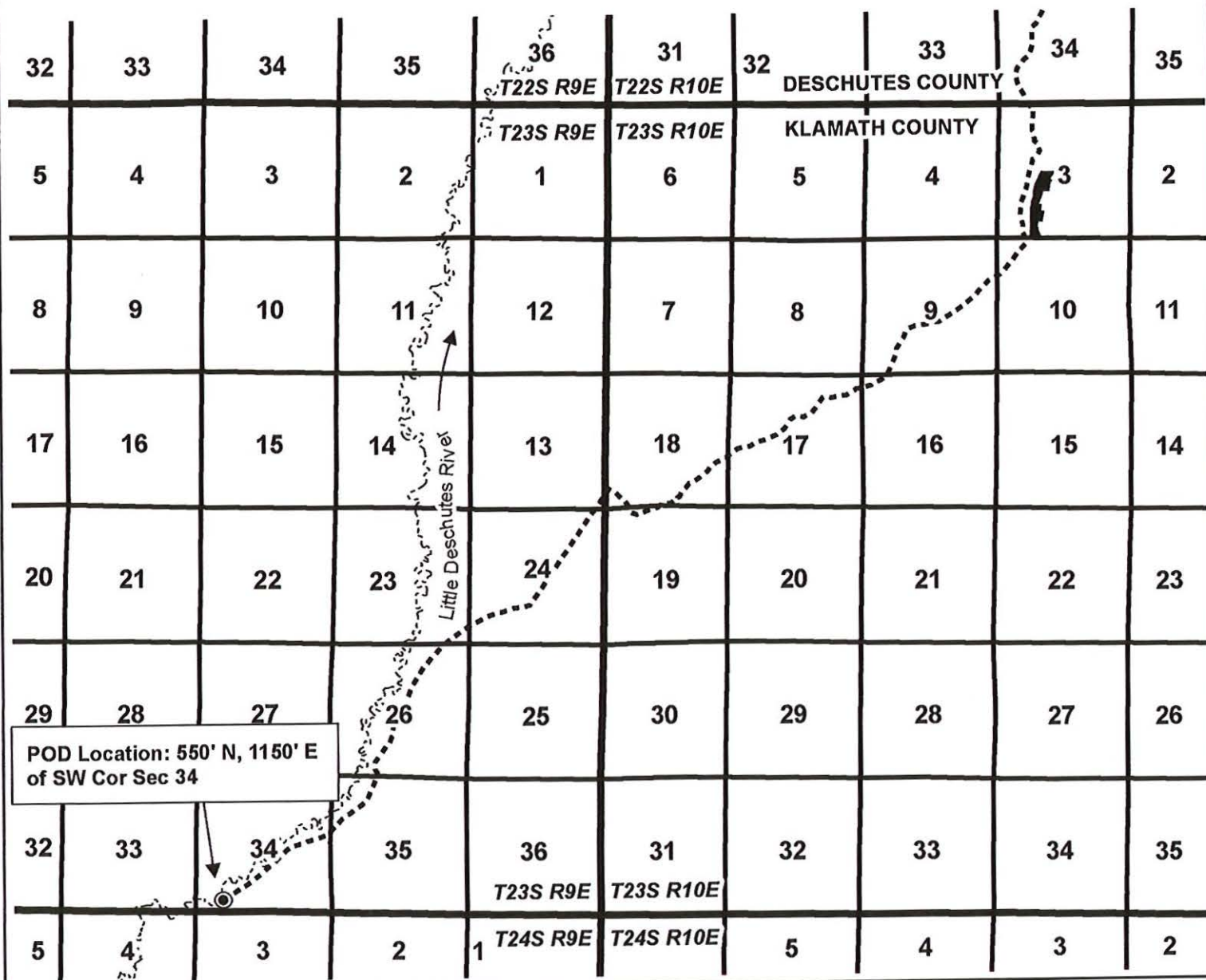
T23S R10E &
T23S R9E, WM
KLAMATH COUNTY, OR



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INSTREAM TRANSFER "OFF" POD MAP
Seth & Larissa Beck

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

WATER RIGHT SERVICES, LLC

PO BOX 1830, BEND, OR 97709

WWW.OREGONWATER.US 541-389-2837

johnshort@usa.com

CCB # 197121

Date: 9/13/2024

C-95746

14549 -

**STATE OF OREGON
WATER RESOURCES DEPARTMENT**

725 Summer St. N.E. Ste. A

SALEM, OR 97301-4172

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

RECEIPT # **143988**

INVOICE # _____

RECEIVED FROM: Empire Construction + Development LLC
BY: _____

APPLICATION	
PERMIT	
TRANSFER	T-14549

CASH: ☐ CHECK: # 21634 OTHER: (IDENTIFY) ☐

TOTAL REC'D \$ 1,225.00

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 \$ 1,225.00

WELL CONSTRUCTION

0218 WELL DRILL CONSTRUCTOR \$ _____ 0219 \$ _____

LANDOWNER'S PERMIT 0220 \$ _____

OTHER (IDENTIFY) _____

0536 TREASURY 0437 WELL CONST. START FEE

0211 WELL CONST START FEE \$ _____ CARD# _____

0210 MONITORING WELLS \$ _____ CARD# _____

OTHER (IDENTIFY) _____

0607 TREASURY 0467 HYDRO ACTIVITY LIC NUMBER

0233 POWER LICENSE FEE (FW/WRD) \$ _____

0231 HYDRO LICENSE FEE (FW/WRD) \$ _____

HYDRO APPLICATION \$ _____

TREASURY OTHER / RDX

FUND _____ TITLE _____

OBJ. CODE _____ VENDOR # _____

DESCRIPTION \$ _____

RECEIPT: **143988**

DATED: 10-11-24 BY: [Signature]

Distribution - White Copy - Customer, Yellow Copy - Fiscal, Blue Copy - File, Buff Copy - Fiscal

Application for Water Right Instream Transfer

Part 1 of 6 – Minimum Requirements Checklist



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

This transfer application will be returned if Parts 1 through 6 and all required attachments are not completed and included.

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

FOR ALL INSTREAM TRANSFER APPLICATIONS

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

- ☒ Part 1 – Completed Minimum Requirements Checklist.
- ☒ Part 2 – Completed 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. If you have questions, call Customer Service at (503) 986-0801.

Note: Instream transfers are considered both a change in place of use and character of use. In addition, an automatic 50% fee waiver applies to all instream transfers.

- ☒ Part 4 – Completed Applicant Information and Signature.
- ☒ Part 5 – Completed Instream Use Information.
- ☒ Part 6 – Information about the Transferred Water Rights: **How many water rights are to be transferred? 1 List them here: 95746**
Please include a separate Part 6 for each water right. (See instructions on page 8)

Attachments:

- ☒ Completed Instream Transfer Application Map.
- ☒ Completed Evidence of Use Affidavit and supporting documentation.
- ☐ ☒ N/A Affidavit(s) of Consent from Landowner(s) (if the applicant does not own the land the water right is on.)
- ☐ ☒ N/A Supplemental Form D – For water rights served by or issued in the name of an irrigation district. Complete when the transfer applicant is not the irrigation district.
- ☒ Land Use Notice - Notice of the intent to file an instream transfer application must be provided to each affected local government along the proposed reach. Copies of the notices must be enclosed with the instream transfer application.

(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"/> Additional signature(s) required | <input type="checkbox"/> Part _____ is incomplete |

Other/Explanation _____

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

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Part 2 of 6 – Map Checklist

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

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

- ☒ ☐ N/A Certified Water Right Examiner (CWRE) Stamp and Original Signature. For list of CWREs see http://apps.wrd.state.or.us/apps/wr/cwre_license_view/.
- OR**
- ☐ ☒ N/A Waiver of requirement that map be prepared by a CWRE. Completed map waiver form is signed by the Department's Regional Manager and included in the application. The map **must** still meet Department mapping requirements described below.
- ☐ ☒ N/A If **more than three** water rights are involved, separate maps are needed for each water right.
- ☒ Permanent quality printed with dark ink on good quality paper.
- ☒ The size of the map can be 8½ x 11 inches, 8½ x 14 inches, 11 x 17 inches, or up to 30 x 30 inches. For 30 x 30 inch maps, one extra copy is required.
- ☒ A north arrow, a legend, and scale.
- ☒ The scale of the map must be: 1 inch = 400 feet, 1 inch = 1,320 feet, the scale of the Final Proof/Claim of Beneficial Use Map (the map used when the permit was certificated), the scale of the county assessor map if the scale is not smaller than 1 inch = 1,320 feet, or a scale that has been pre-approved by the Department.
- ☒ Township, Range, Section, quarter-quarter, DLC, Government Lot, and other recognized public land survey lines.
- ☒ Tax lot boundaries (property lines) are required. Tax lot numbers are recommended.
- ☒ Major physical features including rivers and creeks showing direction of flow, lakes and reservoirs, roads, and railroads.
- ☒ Major water delivery system features from the point(s) of diversion/appropriation such as main pipelines, canals, and ditches.
- ☒ Existing place of use that includes separate hachuring for each water right, priority date and use including number of acres in each quarter-quarter section, government lot, or in each quarter-quarter section as projected within government lots, donation land claims, or other recognized public land survey subdivisions. If less than the entirety of the water right is being changed, a separate hachuring is needed for lands left unchanged.
- ☒ Existing diversion point(s) with distance and bearing or coordinates from a recognized survey corner. This information can generally be found in your water right certificate or permit.

FEE WORKSHEET for INSTREAM TRANSFER			
1	Base Fee (includes Place of Use and Character of Use to Instream changes to one water right for up to 1 cfs)	1	\$2,450
2	Number of water rights included in transfer <u>1 (2a)</u> Subtract 1 from the number in 2a above: <u>0 (2b)</u> <i>If only one water right, this will be 0</i> Multiply line 2b by \$610 and enter » » » » » » » » » » » » » » »	2	\$0
3	Enter the cfs for the portions of the rights to be transferred (see example below*): <u>0.0625 (3a)</u> Subtract 1.0 from the number in 3a above: <u>-.9375 (3b)</u> If 3b is 0, enter 0 on line 3 » » » » » » » » » » » » » » » If 3b is greater than 0, round up to the nearest whole number: <u>0(3c)</u> and multiply 3c by \$410, then enter on line 3 » » » » » » » » »	3	\$0
4	Add entries on lines 1 through 3 above » » » » » » » » » Subtotal:	4	\$2450
5	Multiply line 4 by 0.5 and enter on line 5 » » » » » » » » » » » » » » »	5	\$1225
6	Subtract line 5 from line 4 » » » » » » » » » » » » » » Transfer Fee:	6	\$1225

*Example for Line 3a calculation to transfer 45.0 acres of Primary Certificate 12345 (total 1.25 cfs for 100 acres) and 45.0 acres of Supplemental Certificate 87654 (1/80 cfs per acre) on the same land:

1. For irrigation calculate cfs for each water right involved as follows:
 - a. Divide total authorized cfs by total acres in the water right (*for C12345, 1.25 cfs ÷ 100 ac*); then multiply by the number of acres to be transferred to get the transfer cfs (*x 45 ac = 0.56 cfs*).
 - b. If the water right certificate does not list total cfs, but identifies the allowable use as 1/40 or 1/80 of a cfs per acre; multiply number of acres proposed for change by either 0.025 (1/40) or 0.0125 (1/80). (*For C87654, 45.0 ac x 0.0125 cfs/ac = 0.56 cfs*)
2. Add cfs for the portions of water rights on all the land included in the transfer; however **do not count cfs for supplemental rights on acreage for which you have already calculated the cfs fee for the primary right on the same land.** The fee should be assessed only once for each "on the ground" acre included in the transfer. (*In this example, blank 3a would be only 0.56 cfs, since both rights serve the same 45.0 acres. Blank 3b would be 0 and Line 3 would then also become 0.*)

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Part 4 of 6 – Applicant Information and Signature

Is this a ☒ Permanent Instream Transfer or ☐ Time-Limited Instream Transfer?

Applicant Information

APPLICANT/BUSINESS NAME Seth H. Beck & Larissa Beck			PHONE NO. 808-989-8707	ADDITIONAL CONTACT NO.
ADDRESS PO Box 3442			FAX NO.	
CITY La Pine	STATE OR	ZIP 97739	E-MAIL sbeck@ksstone.com	
BY PROVIDING AN E-MAIL ADDRESS, CONSENT IS GIVEN TO RECEIVE ALL CORRESPONDENCE FROM THE DEPARTMENT ELECTRONICALLY. COPIES OF THE FINAL ORDER DOCUMENTS WILL ALSO BE MAILED.				

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

AGENT/BUSINESS NAME John A. Short / Water Right Services, LLC			PHONE NO. 541-389-2837	ADDITIONAL CONTACT NO.
ADDRESS PO Box 1830			FAX NO.	
CITY Bend	STATE OR	ZIP 97709	E-MAIL johnshort@usa.com & brycewrs@gmail.com	
BY PROVIDING AN E-MAIL ADDRESS, CONSENT IS GIVEN TO RECEIVE ALL CORRESPONDENCE FROM THE DEPARTMENT ELECTRONICALLY. COPIES OF THE FINAL ORDER DOCUMENTS WILL ALSO BE MAILED.				

Explain in your own words what you propose to accomplish with this transfer application, and why: Permanently Transfer a 2.5 acre portion of Surface Water Primary Irrigation under C-95746 In-Stream for Credits. A Groundwater Application on the same tax lot as the "OFF" lands and will applied for simultaneously, the awarded credits will be used offset the Groundwater Application Mitigation Obligation once assigned.

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

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

Check one box

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

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

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


Applicant Signature

Seth H. Beck
Print Name (and Title if applicable)

10-9-24
Date


Applicant Signature

Larissa Beck
Print Name (and Title if applicable)

10-9-24
Date

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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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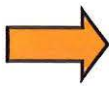
Check the following boxes that apply:

- ☐ Check here if any of the water rights proposed for transfer are located within or served by an irrigation district or other water district before the transfer. (Tip: Complete and attach Supplemental Form D.) **N/A The La Pine Cooperative Water Association is not a district, and is administratively dissolved per the Secretary of State website.**

IRRIGATION DISTRICT NAME	ADDRESS	
CITY	STATE	ZIP

- ☐ Check here if water for any of the rights is 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 the proposed instream reach will be located.

ENTITY NAME City of La Pine	ADDRESS PO Box 2460	
CITY La Pine	STATE OR	ZIP 97739

ENTITY NAME Deschutes County Community Development	ADDRESS PO Box 6005	
CITY Bend	STATE OR	ZIP 97708-6005

ENTITY NAME Jefferson County Planning Department	ADDRESS 85 SE D St	
CITY Madras	STATE OR	ZIP 97741

ENTITY NAME City of Bend Planning	ADDRESS 710 NW Wall St	
CITY Bend	STATE OR	ZIP 97703

ENTITY NAME Klamath County Community Development	ADDRESS 305 Main St #1	
CITY Klamath Falls	STATE OR	ZIP 97601

ENTITY NAME Confederated Tribes of Warm Springs	ADDRESS PO Box C	
CITY Warm Springs	STATE OR	ZIP 97761

Part 5 of 6 – Proposed Instream Use Information

Identify the Public Use for which the instream right is requested (check at least one box):

- ☒ Conservation, maintenance and enhancement of aquatic and fish life, wildlife, fish and wildlife habitat and other ecological values.
- ☒ Recreation
- ☐ Navigation
- ☒ Pollution Abatement

Instream use proposed to be created by the instream transfer:

Originating Water Right Number (as identified in Part 5)	Priority Date	Source	Proposed Instream Period	Rate (cfs)*	Volume (ac-ft)**
95746	1897	Little Deschutes River	April 1 - May 23	.031 cfs @ 1/80th	3.29
"	"	"	May 24- Aug. 19	.063 cfs @ 1/40th	7.19
"	"	"	Aug. 20- Oct. 31	.031 cfs @ 1/80th	4.52
TOTAL VOLUME					10.0 af

*Tip: To calculate rate (if other than the rate allowed by the right), divide the volume by the number of days in the period and then divide by 1.983471; or

**Tip: To calculate volume, multiply the rate by the number of days in the instream period and then multiply by 1.983471.

Note: The instream rate may not exceed the max rate allowed by the existing right(s) and the total volume may not exceed to max volume or duty allowed by the existing right(s).

Additional Information: C-95746 is limited to a diversion of 1/40th cfs per acre from May 23-Aug.20, and a rate of 1/80th cfs per acre from Apr. 1-May 23 and Aug.20-Oct.31. The right is further limited to 4.0 af per acre per year.

Identify the location of the proposed instream water right.

- ☐ Water is requested to be protected at a point.
Location (i.e. the point of diversion (POD) – use the POD Name or Number from Table 1): _____.
- ☒ Water is requested to be protected within a reach:
Location of proposed reach (If an instream water right reach is requested, identify the upstream and downstream extent of the reach): From the authorized POD to Lake Billy Chinook ~ River Mile 120.

Recommendations for conditions on the instream use to avoid taking away or impairing existing water rights.

- ☒ None ☐ Other (such conditions may include, but are not limited to, reductions in the instream flow levels in cfs per month or total ac-ft, the effective reach(es) or lake levels of the instream flow, measuring locations and the strategy for monitoring the instream flow or lake levels): _____.

Are there any existing instream water rights on the same point or within the same requested reach(es) or lake, or on a portion thereof?

☐ No ☒ Yes (identify other instream water rights): **There are many; including Certificate 90238, Certificate 87047, Certificate 83652, and IL-1450. See OWRD maintained list of all instream water rights for the identified reach.**

Note: New instream water rights are generally (but not always) additive to instream water rights established under ORS 537.348 (instream transfer application process) and ORS 537.470 (allocation of conserved water) and replace a portion of instream water rights established under ORS 537.341 (state agency application process) or ORS 537.346 (conversion of minimum perennial streamflows) with an earlier priority date.

Is it your intent to have the proposed instream water right transfer be additive to any instream water right established under ORS 537.348 and ORS 537.470 and replace a portion of any instream water right established under ORS 537.341 and ORS 537.346 with an earlier priority date?

☒ Yes ☐ No. If no, please explain your intent: _____.

If the proposed conversion would add to the amounts of an existing instream water right(s) established under ORS 537.341 or 537.346, provide documentation demonstrating why additional instream flows are necessary. Supporting documentation should include information from the Oregon Dept. of Fish and Wildlife (ODFW) (fish life), Dept. of Environmental Quality (DEQ) (pollution abatement), and/or Parks and Recreation Dept. (recreation).

Is the requested instream flow intended to exceed the estimated average natural flow or level occurring from the drainage system?

- ☒ No; OR
- ☐ Yes (Provide supporting documentation that demonstrates why additional flows are significant for the public use requested.); OR
- ☐ Yes, and it is presumed that flows that exceed the estimated average natural flow or natural lake levels are significant because:
- ☐ The requested flow does not exceed the maximum amount of any instream water right application applied for under ORS 537.341 (state agency instream water right application process) for the same reach or portion thereof, and the requested public use is for the same public use as the afore mentioned instream water right application, and
 - ☐ For the specified time period that flows are requested to exceed the estimated average natural flow or lake level, the stream is in an ODFW flow restoration priority watershed. A copy of the priority watershed map indicating the specific watershed involved should be included with the application. Priority watershed maps may be found on the OWRD web page; or
 - ☐ The stream is listed as water quality limited and DEQ has provided scientific information that demonstrates that increased flows would improve water quality. The scientific information provided by DEQ should be included with the transfer application.

For a Time Limited Instream Transfer, please answer the following:

- ☐ The time-limited instream transfer is for a specific number of years:
_____ Begin Year to _____ End Year
- ☐ Time-limited instream transfer is to terminate based upon other conditions: Conditions: _____.

Part 6 of 6 – Water Right Information

Please use a separate Part 6 for each water right being changed. See instructions on page 8, to copy and paste additional Part 6s, or to add additional rows to tables within the form.

CERTIFICATE # 95746

Name on Certificate: La Pine Cooperative Water Association

Date(s) of Priority: 1897

Source(s) of Water to be Affected by the Transfer: Little Deschutes River

Description of Water Delivery System

System capacity: 26.9 cubic feet per second (cfs) **OR**

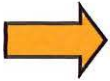
_____ gallons per minute (gpm)

Describe the current water delivery system or the system that was in place at some time within the last five years. Include information on the pumps, canals, pipelines and sprinklers used to divert, convey and apply the water at the authorized place of use. The Authorized POD is located in the SWSW QQ, Section 34, T23S R9E, WM, and has a capacity to divert the entire water right in Certificate 90239, which can reach 26.9 during the peak irrigation season..

Other Water Rights

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

If YES, list the certificate, water use permit, or ground water registration numbers:_____.



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

Table 1. Location of Authorized Point(s) of Diversion (POD)

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

Also, if the POD is not described in the Certificate, provide a description below)

POD Name or Number	Priority Date (if different between PODs)	Twp		Rng		Sec	¼ ¼		Tax Lot, DLC or Gov't Lot	Measured Distances (from a recognized survey corner)
POD	1897	23	S	9	E	34	SW	SW	3400	550' N, 1150' E of SW Cor Sec 34

Will the proposed instream transfer affect the entire water right?

☐ Yes Then Table 2 on Page 10 does not need to be completed.

☒ No Then complete all of Table 2 to describe the portion of the water right to be changed.

Please use additional pages of Table 2 as needed. See page 8 for instructions. If you have further questions about how to fill out the tables, contact the Department at 503-986-0900 and ask for Transfer Staff.

Table 2. Description of Change to Water Right Certificate # 95746

List only the part of the right that will be changed. If more than one POD serves the lands, specify the acreage associated with each POD.

Twp		Rng		Sec	¼ ¼		Tax Lot	Gov't Lot or DLC	Acreage if Applicable	Type of USE listed on Certificate	Priority Date (if not the same for all acres or type of use)	POD(s) (name or number from Table 1)
2	S	9	E	14	NE	NW	100		15.0	Irrigation	4/1/1900	POD #1 POD #2
"	"	"	"	"	"	"	"	"	EXAMPLE	"	"	"
23	S	10	E	3	SE	SW	800		2.5	IR	1897	POD
TOTAL ACRES									2.5			

Additional remarks: _____

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September 15th, 2024

Klamath Co. Community Development
305 Main St. #1
Klamath Falls, OR 97601

City of La Pine
PO Box 2460
La Pine, OR 97739

Deschutes Co. Community Development
PO Box 6005
Bend, OR 97708-6005

City of Bend, Planning Department
710 NW Wall St.
Bend, OR 97703

Jefferson Co. Planning Department
85 SE D St.
Madras, OR 97741

Confederated Tribes of Warm Springs
PO Box C
Warm Springs, OR 97761

Re: Proposed Instream Water Right Transfer

To Whom it May Concern:

On behalf of applicants Seth H. Beck and Larissa Beck, we are providing notification of intent to transfer a water right to instream use. The transfer application is requesting to change a portion of water right certificate 95746 to instream use. The portion of the water right consists of an irrigation use on 2.5 acres in Tax Lot 800 (located in the SE ¼ of the SW ¼, Section 3, T23S R10E, W.M.).

The proposed transfer will place up to 0.063 cubic feet per second instream with an 1897 priority date from April 1 to October 31. We have requested that the water be protected from the authorized Little Deschutes River Point of Diversion (located in the SW ¼ of the SW ¼, Section 34, T23S R9E, W.M.), to the mouth of the Little Deschutes River, into the Deschutes River down to Lake Billy Chinook (~River Mile 120).

If you have any questions regarding the proposed transfer application or you are interested in receiving additional information, please contact me at 541-408-1400 or brycewrs@gmail.com.

Sincerely,

Bryce Withers
Certified Water Right Examiner
Water Right Services, LLC
PO Box 1830
Bend, OR 97709

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P.O. Box 1830
Bend, OR 97709

Water Right Services, LLC
John A. Short CCB# 197121
541-389-2837

johnshort@usa.com
www.oregonwater.us

14549 -

Application for Water Right Transfer

Evidence of Use Affidavit



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

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

State of Oregon)
County of DESCHUTES) ss

I, BRYCE M. WITHERS / WATER RIGHT SERVICES, LLC, in my capacity as WATER RIGHT SPECIALIST,
mailing address P.O. BOX 1830, BEND, OR 97709

telephone number (541)389-2837, being first duly sworn depose and say:

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

☐ Personal observation ☒ Professional expertise

2. I attest that:

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

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

Certificate #	Township		Range		Mer	Sec	¼ ¼		Gov't Lot or DLC	Acres (if applicable)
96746	23	S	10	E	WM	3	SE	SW		2.5

OR

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

(continues on reverse side)

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

B. J. K.

Signature of Affiant

9-18-2024

Date

Signed and sworn to (or affirmed) before me this 18 day of Sept, 2024.



Linda Lee Miller
Notary Public for Oregon

My Commission Expires: July 12, 2025

Supporting Documents	Examples
<input type="checkbox"/> Copy of a water right certificate that has been issued within the last five years. (not a remaining right certificate)	Copy of confirming water right certificate that shows issue date
<input type="checkbox"/> Copies of receipts from sales of irrigated crops or for expenditures related to use of water	<ul style="list-style-type: none"> • 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	<p>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.</p> <p>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</p>
<input type="checkbox"/> Approved Lease establishing beneficial use within the last 5 years	Copy of instream lease or lease number

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Good Morning Bryce,

Your request to use the 1"=6000' for the location of the Point of Diversion is granted. Please include a copy of this correspondence as an attachment to the Instream Transfer Application when it is submitted to our Department.

Thank you,

Sarah

[Sarah A. Henderson](#)

Flow Restoration Program Coordinator

Transfer and Conservation Section

725 Summer St. NE, Suite A | Salem, OR 97301

Work Cell 503-979-9872

Email: sarah.a.henderson@water.oregon.gov

Work Hours 7:30 AM – 4:00 PM



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NOTE: The Salem office is now open to the public. Given that many staff will continue teleworking remotely or have job duties that take them into the field on a regular basis, availability of staff in the office is not guaranteed 8 a.m. - 5 p.m. every day. The Salem office of OWRD is closed for customer service drop-ins from Noon – 1pm. **Customers and visitors are encouraged to schedule an appointment in advance if they wish to meet in person with specific staff members.** Alternative methods for meeting, such as by phone or virtually via Teams, are also available.

[Quoted text hidden]

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14549 -

September 15th, 2024

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

Re: Proposed Instream Water Right Transfer

To Whom it May Concern:

Please accept the enclosed Application for Water Right Instream Transfer. It is the intent of the applicant to apply any resulting credits to a simultaneously submitted Groundwater Application. Also enclosed is a check for \$1,225 for the Transfer Fee.

If you have any questions regarding the enclosed materials, please contact me at 541-408-1400 or brycewrs@gmail.com; or John Short at 541-389-2837 or johnshort@usa.com.

Sincerely,



Bryce Withers
Certified Water Right Examiner
Water Right Services, LLC
PO Box 1830
Bend, OR 97709

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P.O. Box 1830
Bend, OR 97709

Water Right Services, LLC
John A. Short CCB# 197121
541-389-2837

johnshort@usa.com
www.oregonwater.us

T-14549

Instream Water Right Transfer Application Checklist

Checked by JSM Date 10/16/24

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

- ☒ 1. Page 1 of application: Are all attachments that have been checked actually included?
If not, what is missing? _____
- ☒ 2. Are fees included and correct?
If not, the correct fee would be: _____, so the amount missing is: _____
- ☒ 3. Page 3 of application: Have all the applicants listed at the top of the page signed at the bottom?
If not, whose signature is missing? _____
- ☒ 4. Are all signatures on the application and any affidavits "original"?
If not, whose "original" signature is missing? _____
- ☒ 5. Are all listed certificates or permits shown by WRIS as non-cancelled?
If not, which are cancelled? _____
For each cancelled certificate, if there has been a remaining right certificate issued that covers the lands in the left side of Table 2, list its number _____ and check the #4 box at left on this checklist.
- ☒ 6. If any certificate is in the name of a "district", is a Supplemental Form D from that district enclosed?
☒ N/A ☐ Form D needed from _____ (district)
7. If all #1-#6 boxes on this checklist are checked (with no remaining deficiencies identified), accept the application. Put this check sheet in the transfer folder. If #1, #2, #3, #4, #5 or #6 is deficient, the application cannot be accepted. It should be returned and the **deficiencies listed in the "staff" section at the bottom of Application Page 1**, unless the applicant or agent can resolve the deficiencies within 2-3 days.

W/T-14309

LAPINE Cooperative Water Association -
Cert # 95746