

T-14044

Regular

T-14044

Name Georgia Mayea & Julie Kelleher

DESCRIPTION OF WATER RIGHT(S)

Address 93773 Elk river road
Port Arford 97465gmayea@gmail
JKelleher@gmailChange in POD APDDate Filed 7/15/2022Initial notice date 8/2/2022

DPD issued date

PD issued date 3/4/2024PD notice date 3/5/2024Date of FO 7/25/2025 Vol 135 Page 203-216

C-Date

COBU due date

COBU Received date

Certificate issued

Name of Stream Elk riverTrib. of Pacific OceanUse IrrigationCounty Curry

Quantity of water (CFS)

No. of Acres

Name of ditch

App# 527510 Per # 521147 Cert # 26303 PR Date

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 #
<u>07/15/22</u>	<u>\$200.00</u>	<u>138675</u>

FEES REFUNDED

Date	Amount	Receipt #
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Assignments:

Irrigation District

Agent Russ Dodge rdodge@currycc.com

CWRE

CC's list Curry county☐ - 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

July 25, 2025

Georgia Mayea
205 West Cleveland Street
Lafayette, CO 80026

Julie Kelleher
24 Geer Circle
Port Orford, OR 97465

REFERENCE: Transfer Application T-14044

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

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

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

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

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

Sincerely,

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

cc: Scott C. Ceciliani, Watermaster Dist. # 14 (via email)
Russ S Dodge, Agent
Curry County Planning Department, Local Government

Enclosure

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

In the Matter of Transfer Application	)	FINAL ORDER APPROVING AN
T-14044, Curry County	)	ADDITIONAL POINT OF DIVERSION,
	)	CHANGE IN POINT OF DIVERSION, AND A
	)	CHANGE IN PLACE OF USE

Authority

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

Applicant:

GEORGIA MAYEA
JULIE KELLEHER
93773 ELK RIVER RD
PORT ORFORD, OR 97465

Findings of Fact

1. On July 15, 2022, Georgia Mayea and Julie Kelleher filed an application for an additional point of diversion, change in point of diversion, and change in place of use under Certificate 26303. The Department assigned the application number T-14044.
2. Notice of the application for transfer was published on August 2, 2022, pursuant to OAR 690-380-4000. No comments were filed in response to the notice.
3. In the Claim of Beneficial Use (COBU) for Certificate 26303, and the COBU map dated April 18, 1958, the Field Engineer, Myron Bish, identifies that there are 4 Points of Diversion (pumps). These pumps, being located in the NWSE and SESE of Section 27, T32S R15W and in the SWSW of Section 26, T32S and R15W, WM.
4. The transfer application did not include a transfer application map that meets the requirements of OAR 690-380-3100. Specifically, the location identified as being where land is to be moved "from" was missing.

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.

5. On February 27, 2023, the applicant's agent sent an email with a revised map that meets the map requirements of OAR 690-380-3100 and a revised Table 2 to more accurately reflect the changes being made to the water right.
6. On August 2, 2023, the Department sent a copy of the draft Preliminary Determination proposing to deny Transfer Application T-14044 to the applicant. The draft Preliminary Determination cover letter set forth a deadline of September 1, 2023, for the applicant to respond. The applicant requested that the Department proceed with issuance of a Preliminary Determination, and to pursue Consent to Injury for Instream Certificates 59869 and 78508, and provided the necessary information to demonstrate that the applicant is authorized to pursue the transfer.
7. On March 4, 2024, the Department issued a Preliminary Determination proposing to deny Transfer Application T-14044 and sent a copy to the applicants. Additionally, notice of the Preliminary Determination for the transfer application was published in the Department's weekly notice on March 5, 2024, pursuant to ORS 540.520 and OAR 690-380-4020. No protests were filed in response to the notice.
8. On November 4, 2024, the Department concluded that the proposed transfer application did not accurately reflect the changes being made under Certificate 26303 and that further revisions to the application and application map were required to complete the transfer as intended.
9. On November 15, 2024, the applicant's agent submitted a revised Map and Table 2 for the application to more accurately reflect the changes being made.
10. On May 9, 2025, a recommendation from ODFW and DEQ concluded that the transfer would result in net benefits to the resource if conditioned as follows:
 1. ODFW recommends the transfer applicant (permittee) comply with terms of the associated ODFW's Recommendation for T-14044 (Mitigation Plan), attached as Exhibit A, to minimize detrimental impacts to fish, wildlife, and/or their habitat. The Mitigation Plan includes:
 - a. Regulation of the use of the certificate if the required mitigation is not maintained.
 2. This recommendation to consent to injury is contingent upon:
 - a. The final rates, as identified in Exhibit A, are assigned to each POD by OWRD in the new certificate.
 3. The permittee shall install, maintain, and operate fish screening on the new point of diversion consistent with current Oregon Department of Fish and Wildlife (ODFW) standards. Fish screening is to prevent fish from entering the proposed diversion. The required screen is to be in place and functional, and approved in writing by ODFW prior

to diversion of water. The permittee is hereby directed to contact the ODFW Fish Screening Coordinator prior to diversion of water.

4. Prior to development of the new point of diversion, the permittee shall submit, to the Oregon Water Resources Department, a Riparian Mitigation Plan approved in writing by ODFW unless ODFW provides documentation that riparian mitigation is not necessary. The permittee shall maintain the riparian area for the life of the permit and subsequent certificate per the approved Riparian Mitigation Plan. If ODFW determines the riparian area is not being maintained and is unsuccessful in working with the water user to fulfill the obligation, ODFW may request that OWRD regulate the use of water until OWRD receives notification from ODFW that the mitigation is sufficient. The permittee is hereby directed to contact the local ODFW Fish Biologist prior to development of the new point of diversion.
5. Construction must occur during the established in-water work period (July 15 - September 30) unless otherwise approved by ODFW.
6. Site-specific conditions: Ensure that the portable pump and associated equipment are free from invasive species if being moved from another waterway.
11. On May 9, 2025, the Oregon Department of Fish and Wildlife evaluated the proposed Transfer Application and found that the overall benefit of what the transfer provides, are a net benefit to the resource, and offsets the injury to the instream water right
13. On May 27, 2025, the Department issued a public notice regarding the recommendations received from ODFW and DEQ, for any person to review the recommendations and submit written comments or submit a written request for a public meeting in order to review the recommendations. No request for a public meeting was made.
14. The portion of the right to be transferred is as follows:

Certificate:	26303 in the name of N. B. MARSH (perfected under Permit S-21647)
Use:	IRRIGATION OF 35.6 ACRES
Priority Date:	JULY 31, 1952
Rate:	0.445 CUBIC FOOT PER SECOND
Limit/Duty:	The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands, shall be limited to ONE-EIGHTIETH of one cubic foot per second per acre, or its equivalent for each acre irrigated and shall be further limited to a diversion of not to exceed 2.5 acre-feet per acre for each acre irrigated during the irrigation season of each year.
Source:	ELK RIVER, tributary to the PACIFIC OCEAN

Authorized Points of Diversion:

Twp	Rng	Mer	Sec	GLot	Q-Q
32 S	15 W	WM	26	4	SW SW
32 S	15 W	WM	26		SW SW
32 S	15 W	WM	27		NW SE
32 S	15 W	WM	27		SE SE

Authorized Place of Use:

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
32 S	15 W	WM	27	NE SE	10.4
32 S	15 W	WM	27	NE SE	3.0
32 S	15 W	WM	27	NW SE	19.2
32 S	15 W	WM	27	NW SE	3.0
TOTAL					35.6

15. The applicant's agent has provided a better description of the points of diversion for Certificate 26303:

Twp	Rng	Mer	Sec	Q-Q	GLot	Measured Distance
32 S	15 W	WM	26	SW SW	4	(POD 3) - 885 FEET NORTH AND 972 FEET EAST FROM THE SW CORNER OF SECTION 26
32 S	15 W	WM	26	SE SW		(POD 4) - 773 FEET NORTH AND 1087 FEET EAST FROM THE SW CORNER OF SECTION 26
32 S	15 W	WM	27	NW SE		(POD 1) - 1670 FEET NORTH AND 1705 FEET WEST OF THE SE CORNER OF SECTION 27
32 S	15 W	WM	27	SE SE		(POD 2) - 1006 FEET NORTH AND 1262 FEET WEST OF THE SE CORNER OF SECTION 27

16. Due to changes in modern mapping technology, the mapping of POD 4 has shifted from the SW SW of Section 26, as identified in Finding of Fact 3 above, to the SE SW of Section 26, T32S, R15W, WM. For the purposes of this transfer, the location for POD 4 is re-described in the table above for Finding of Fact 11.
17. Transfer Application T-14044 proposes to change the authorized point of diversion for 29.6 acres and to change the place of use and add a point of diversion (POD 5) for 6.0 acres under the right, as illustrated in the tables below:

FROM the currently AUTHORIZED Place of Use and Points of Diversion:

IRRIGATION							Type of Change(s) affecting Authorized POU / PODs
Twp	Rng	Mer	Sec	Q-Q	Acres	POD's Used	
32 S	15 W	WM	27	NE SE	10.4	POD 1, 2, 3 & 4	POD only
32 S	15 W	WM	27	NW SE	19.2	POD 1, 2, 3 & 4	POD only
32 S	15 W	WM	27	NE SE	3.0	POD 1, 2, 3 & 4	POU & APOD
32 S	15 W	WM	27	NW SE	3.0	POD 1, 2, 3 & 4	POU & APOD

18. TO the **PROPOSED** Place of Use and Points of Diversion:

IRRIGATION								
Twsp	Rng	Mer	Sec	Q-Q	Acres	Proposed Changes	POD(s) to be Used	Approximate Distances
32 S	15 W	WM	27	NE SE	10.4	POD only	POD 2 (as described in FOF #10 above)	Distance to POD 2 from: POD 1- 1400 feet upstream POD 3- 2175 feet downstream POD 4- 2400 feet downstream
32 S	15 W	WM	27	NW SE	19.2	POD only	POD 1 (as described in FOF #10 above)	Distance to POD 1 from: POD 2- 1400 feet downstream POD 3- 3000 feet downstream POD 4- 3200 feet downstream
32 S	15 W	WM	27	SE SE	6.0	POU & APOD	Existing – POD 1, 2, 3 & 4 (as described in FOF #10 above) and Additional – POD 5 (located in the SE ¼ SE ¼ of Section 27, T. 32 south, R. 15 west, W.M., being 584 feet north and 940 feet west from the SE corner of Section 27)	Distance to POD 5 from: POD 1- 1,340 feet upstream POD 2- 250 feet upstream POD 3- 2,838 feet downstream POD 4- 2,935 feet downstream

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

Transfer Review Criteria [OAR 690-380-4000(14), 690-380-4010(2), 690-380-2110(2), and 690-380-2200]

20. Water has been used within the five-year period prior to submittal of Transfer Application T-14044 according to the terms and conditions of the right. There is no information in the record that would demonstrate that the right is subject to forfeiture under ORS 540.610.
21. A water delivery system sufficient to use the full amount of water allowed under the existing right was present within the five-year period prior to submittal of Transfer Application T-14044.
22. The water right is subject to transfer as defined in ORS 540.505(4) and OAR 690-380-0100(14).
23. The proposed point of diversion diverts water from the same source of surface water as the authorized points of diversion, as required by OAR 690-380-2110(2).
24. The proposed changes would not result in enlargement of the right.

25. Instream water rights, Certificates 78508 and 59869, exist for the reach of the river in which the authorized point of diversion would be moved upstream, and stream flows within the reach are frequently below the levels allocated under the instream water rights. Thus, the instream water rights would be injured as a result of the proposed change in point of diversion.
26. Instream water right Certificates 78508 and 59869 are for flows to be maintained in Elk River from Anvil Creek to the mouth.
27. Transfer Application T-14044 shall be conditioned by ODFW's Consent to Injury Recommendation for T-14044 (Mitigation Plan), attached as Exhibit A, to mitigate for the injury to the Instream water rights, Certificates 78508 and 59869.
28. All other application requirements are met.

Conclusions of Law

The additional point of diversion and change in place of use as proposed in Transfer Application T-14044 are consistent with the requirements of ORS 540.505 to 540.580 and OAR 690-380-5000. The Oregon Department of Fish and Wildlife, the Department and Department of Environmental Quality have recommended that the Department consent to injury of an instream water right (Certificates 78508 and 59869) pursuant to OAR 690-380-5050.

Now, therefore, it is ORDERED:

1. The additional point of diversion and change in place of use proposed in Transfer Application T-14044 are approved.
2. The right to the use of the water is restricted to beneficial use at the place of use described, and is subject to all other conditions and limitations contained in Certificate 26303 and any related decree.
3. Water right Certificate 26303 is cancelled. A new certificate will be issued describing that portion of the right not affected by this transfer.
4. The quantity of water diverted at the new additional point of diversion (POD 5), together with that diverted at the original points of diversion (POD 1, POD 2, POD 3, and POD 4), shall not exceed the quantity of water lawfully available at the original points of diversion (POD 1, POD 2, POD 3, and POD 4).
5. Water shall be acquired from the same source of surface water as the original points of diversion.
6. The former place of use of the transferred right shall no longer receive water under the right.

7. Water use measurement conditions:
 - a. Before water use may begin under this order, the water user shall install a totalizing flow meter, or, with prior approval of the Director, another suitable measuring device, at each point of diversion (new and existing).
 - 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.
8. Transfer Application T-14044 shall comply with terms of the associated with a Mitigation Plan (incorporated herein as Exhibit A) to minimize detrimental impacts to fish, wildlife, and/or their habitat. ODFW understands that the mitigation conditions will be fully incorporated into the requirements of the new certificate and may only be altered by written mutual agreement of all parties.
 - a) Regulation of the use of the certificate if the required mitigation is not maintained. This recommendation to consent to injury of the instream water right is contingent upon the implementation of the mitigation measures outlined in the attached Mitigation Plan prior to diversion of water.
9. Prior to diverting water, the water user shall install an approved fish screen at the new point of diversion and shall provide to the OWRD a written statement from Oregon Department of Fish and Wildlife (ODFW) that the installed screen meets the state's criteria, or that ODFW has determined a screen is not necessary.

The water user shall operate and maintain the fish screen at the new point of diversion consistent with ODFW's operational and maintenance standards. If ODFW determines the screen is not functioning properly, and is unsuccessful in working with the water user to meet ODFW standards, ODFW may request that OWRD regulate the use of water until OWRD receives notification from ODFW that the fish screen is functioning properly
10. Full beneficial use of the water shall be made, consistent with the terms of this order, on or before **October 1, 2026**. A Claim of Beneficial Use prepared by a Certified Water Right Examiner shall be submitted by the applicant to the Department within one year after the deadline for completion of the changes and full beneficial use of the water.

11. After satisfactory proof of beneficial use is received, a new certificate confirming the right transferred will be issued.

Dated in Salem, Oregon on JUL 25, 2025



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

Mailing Date: JUL 28 2025

**Exhibit A: Oregon Department of Fish and Wildlife's
CONSENT TO INJURY RECOMMENDATION
for T-14044 (revised)**

5/9/25

The Water Resources Department (WRD) has determined that this transfer will injure at least one instream water right (ISWR). ORS 540.530 allows the WRD to consent to injury of an instream water right only if the agency who applied for the instream water right recommends that WRD consent to the injury. For the recommendation and consent to injury to occur, the agency that requested the instream water right must describe the extent of the injury to the instream water right, the effect on the resource, and the net benefit that will occur as a result of the proposed change. Consent to injury can only occur if the "change will result in net benefit to resource consistent with the purposes of the instream water right" (ORS 540.530(1)(c)). The recommendation may include any proposed conditions that are necessary to ensure that the proposed change will be consistent with the recommendation and ensure that the change will result in a continued net benefit to the resource consistent with the purposes of the instream water right (ORS 540.530(1)(e)(B)). In determining whether a net benefit will result from the proposed change, the recommendation of an agency must include an analysis of the cumulative impact of any previous changes that allow injury to the affected instream water right.

This is the Oregon Department of Fish and Wildlife's (ODFW) analysis of the transfer and determination of whether a net benefit to the resource will occur based on consistency with the goals and standards of OAR 635-415-0025 (ODFW Habitat Mitigation Recommendations).

Section 1: Location of Proposed Transfer

Basin: Elk River Stream: Elk River Tributary to: Pacific Ocean
TRSQQ: 32S15W27SESE (optional)

Section 2: Extent of Injury to the Instream Water Right(s)

- A) Description of the proposed transfer: The applicant is proposing to add a point of diversion for C26303 on the south side of the Elk River to irrigate 6 acres with 0.075 cfs via a portable pump. Four PODs are currently authorized for 1.26 cfs under C26303 with no specified rate at any one POD. The new APOD 5 will be located between the uppermost PODs (POD 3 and 4) and the lowermost PODs (POD 1 and 2). The transfer will result in 0.815 cfs moving upstream a maximum of 1,340 feet and 0.445 cfs moving downstream a minimum of 2,838 feet (see schematic).
- B) Description of alternatives to the proposed transfer: The applicant can continue utilizing the four PODs during the March – October irrigation season without a specified rate at each POD, allowing the full right to be utilized at any one time at any POD, including the full rate from the uppermost POD 4.
- C) There is an instream water right(s) that supports aquatic life that will be injured by the proposed transfer.

Certificate(s): C59869**Purposes of the instream water right:** supporting aquatic life**Period of Injury¹:** According to the Water Resources Department's Water Availability Reporting System, the instream water right is not being met in May as well as September - November within the ELK R> PACIFIC OCEAN- AT MOUTH Water Availability Basin. Therefore, the instream water right would be injured as a result of this transfer during the irrigation season months of May and September - October.**Certificate(s): C78508****Purposes of the instream water right:** providing required stream flows for coho and fall Chinook salmon, winter steelhead, and cutthroat trout for migration, spawning, egg incubation, fry emergence, and juvenile rearing**Period of Injury¹:** According to the Water Resources Department's Water Availability Reporting System, the instream water right is not being met April - November within the ELK R> PACIFIC OCEAN- AT MOUTH Water Availability Basin. Therefore, the instream water right would be injured as a result of this transfer during the irrigation season months of April - October.**Section 3: Potential Impacts to the Resource**

A) The following species are present during the period of injury:

Species	Listing Status ¹				Life Stage Present			Habitat Impacted by Proposed Use		
	S	T	E	N/A	Egg	Juvenile	Adult	Spawning	Rearing	Migration
<input type="checkbox"/> Chinook, spring	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> Chinook, summer	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input checked="" type="checkbox"/> Chinook, fall	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
<input type="checkbox"/> Chinook, winter	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> Chum	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input checked="" type="checkbox"/> Coho	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
<input type="checkbox"/> Sockeye	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> Steelhead, summer	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input checked="" type="checkbox"/> Steelhead, winter	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
<input type="checkbox"/> Bull trout	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input checked="" type="checkbox"/> Cutthroat trout	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
<input type="checkbox"/> Redband trout	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input checked="" type="checkbox"/> Pacific lamprey	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

¹ S = sensitive; T = threatened; E = endangered; N/A = not applicable

- B) Description of habitat within the impacted reach: The impacted reach is on the mainstem of the Elk River and consists of gravels, pools, and a generally intact riparian area. The reach is low gradient with no tidal influence. During April – October (the injured period) many of the above species rear and migrate through the area. Winter steelhead and Pacific lamprey spawn in this reach during April – May.
- C) Impacts to biologically necessary flow: Available information from WRD or local stream gauges shows flows within the impacted reach are currently wholly or partially below those essential to support the habitat

¹ Injury occurs when the instream water right is not met at the 80% exceedance level within the WAB during the proposed period of use.

and biological needs of fish. Without appropriate mitigation or additional measures, a further reduction in flow or alteration of habitat from the proposed transfer will impair or be detrimental to fish and/or their habitat. The proposed use will diminish physical habitat and alter the flow regime to which fish are naturally adapted, negatively impacting their distribution, productivity, and abundance.

Other impacts: type here

D) ODFW evaluates potential impacts and associated mitigation proposals based on consistency with the goals and standards of OAR 635-415-0025 (ODFW Habitat Mitigation Recommendations). Based on this evaluation, the proposed transfer will impact the following Habitat Category per OAR 635-415-0025:

- ☐ The proposed transfer will impact **irreplaceable**, essential habitat that is limited on either a physiographic province or site-specific basis (**Habitat Category 1**).
- ☒ The proposed transfer will reduce/degrade **essential and limited** spawning, rearing, and/or migration habitat that will result in depletion of a species if diminished (**Habitat Category 2**).
- ☐ The proposed transfer will reduce/degrade **essential but not limited** spawning, rearing, and/or migration habitat that will result in depletion of a species if diminished (**Habitat Category 3**).
- ☐ The proposed transfer will reduce/degrade **important and limited** habitat recognized as a contributor to sustaining populations over time (**Habitat Category 3**).
- ☐ The proposed transfer will reduce/degrade **important but not limited** habitat recognized as a contributor to sustaining populations over time (**Habitat Category 4**).
- ☐ The proposed transfer will reduce/degrade habitat that has a **high potential** to become essential or important (**Habitat Category 5**).
- ☐ The proposed transfer will reduce/degrade habitat that has a **low potential** to become essential or important (**Habitat Category 6**).

Section 4: Evaluation of Net Benefit

A) Per OAR 635-415, the mitigation goal (plus a net benefit, as required in ORS 540.530) is as follows:

☐ **Habitat Category 1**

The mitigation goal is no loss of either habitat quantity or quality. ODFW recommends avoidance of the impact through alternatives to the proposed use or no authorization of the proposed use if impacts cannot be avoided.

☒ **Habitat Category 2**

The mitigation goal is no net loss of either habitat quantity or quality and to provide a net benefit of habitat quantity or quality. ODFW recommends mitigation of impacts through reliable in-kind, in-proximity habitat mitigation to achieve no net loss of either pre-development habitat quantity or quality. In addition, a net benefit of habitat quantity or quality should be provided. Mitigation should provide habitat of the same quantity and quality that may be harmed by the proposed action to meet biological requirements of the same population affected by the proposed action.

REQUIREMENT: No net loss of habitat quality or quantity plus a *net benefit* through in-kind, in-proximity mitigation

☐ **Habitat Category 3**

The mitigation goal is no net loss of either habitat quantity or quality. ODFW recommends mitigation of impacts through reliable in-kind, in-proximity habitat mitigation to achieve no net loss in either pre-development habitat quantity or quality. Mitigation should provide habitat of the same quantity and quality that may be harmed by the proposed action to meet biological requirements of the same population affected by the proposed action.

REQUIREMENT: No net loss of habitat quality or quantity plus a *net benefit* (as required in ORS 540.530) through in-kind, in-proximity mitigation

☐ **Habitat Category 4**

The mitigation goal is no net loss in either existing habitat quantity or quality. ODFW recommends mitigation of impacts through reliable in-kind or out-of-kind, in-proximity or off proximity habitat mitigation to achieve no net loss in either pre-development habitat quantity or quality. Mitigation should provide habitat replacement to meet biological requirements for either the affected species or a higher priority fish species.

REQUIREMENT: No net loss in either pre-development habitat quantity or quality plus a *net benefit* (as required in ORS 540.530) through in-kind or out-of-kind, in-proximity or off-proximity mitigation

☐ **Habitat Category 5**

The mitigation goal, if impacts are unavoidable, is to provide a net benefit in habitat quantity or quality. ODFW recommends mitigation of impacts through actions that contribute to essential or important habitat. Mitigation should provide some improvement of either essential or important habitat.

REQUIREMENT: Net benefit in habitat quantity or quality through in-kind or out-of-kind, in-proximity or off-proximity mitigation actions that improve habitat conditions

☐ **Habitat Category 6**

The mitigation goal is to minimize impacts plus a *net benefit* (as required in ORS 540.530). ODFW recommends mitigation of impacts through minimizing direct habitat loss and avoiding impacts to off-site habitat.

REQUIREMENT: Minimize impacts

B) Cumulative impacts of any previously approved transfers injuring the same instream water right as the proposed transfer (as identified by WRD): none identified

C) Overview of mitigation actions from the proposed Mitigation Plan (OAR 635-0415-0020(8)) or additional measures and corresponding benefit intended to achieve a net benefit to the resource:

Action: As part of the transfer, OWRD will assign specific rates for each POD in the new certificates. The final result will be 0.24 cfs from POD 1, 0.13 cfs from POD 2, 0.075 cfs from the new APOD 5, and 0.815 cfs total from POD 4 and POD 5.

Benefit: Limiting the rate allowed to be pumped at PODs 3 and 4 allows for 0.445 cfs more water to be left instream from PODs 3 and 4 down to the lowermost PODs. The units of benefit from the transfer outweigh the units of injury, resulting in a net benefit to the resource (also see attached schematic):

- 0.815 cfs moving upstream a maximum of 1,340 feet
- 0.445 cfs moving downstream a minimum of 2,838 feet

$$0.445 * 2,838 = 1,262.91 \text{ units of benefit} > 0.815 * 1,340 = 1,092.1 \text{ units of injury}$$

D) Protocols, methods, and reporting schedule for monitoring mitigation actions: None needed, as the final rates will be permanent in the new certificate.

Section 5: Recommendation and Conditions

A) Overview: The new certificate issued as a result of the proposed transfer will identify specific rates at each POD. This will provide a net benefit to instream flow due to the limitation placed on the rate of withdrawal for the uppermost PODs, POD 3 and POD 4, allowing an additional 0.445 cfs to be instream for 2,838 feet.

B) Recommendation

☒ **The proposed transfer, with conditions, provides a net benefit to the resource. ODFW hereby recommends that WRD consent to the injury with the following condition(s):**

- ☒ ODFW recommends the permittee comply with terms of the associated Mitigation Plan and/or conditions identified below to minimize detrimental impacts to fish, wildlife, and/or their habitat. ODFW understands that the mitigation and/or the following conditions will be fully incorporated into the requirements of the new certificate and may only be altered by written mutual agreement of all parties. ODFW recommends
 - ☐ the mitigation provided be legally protected and maintained for the life of the permit and subsequent certificate and/or
 - ☒ regulation of the use and/or cancellation of the certificate(s) if the required mitigation and/or conditions are not maintained.
- ☒ This recommendation to consent to injury is contingent upon: final rates, as previously identified, assigned to each POD by OWRD in the new certificate.
- ☒ The permittee shall not construct, operate, or maintain any dam or artificial obstruction to fish passage without obtaining approval from the Oregon Department of Fish and Wildlife (ODFW). The permittee is hereby directed to contact an ODFW Fish Passage Coordinator prior to construction of any in-channel obstruction or prior to diversion of water that may create an artificial obstruction due to low flow.
 - ☐ A Fish Passage Plan, Waiver, or Exemption has been granted for the proposed POD that fulfills the fish passage requirements for this use.
- ☒ The permittee shall install, maintain, and operate fish screening on the new point of diversion consistent with current Oregon Department of Fish and Wildlife (ODFW) standards. Fish screening is to prevent fish from entering the proposed diversion. The required screen is to be in place, functional, and approved in writing by ODFW prior to diversion of water. The permittee is hereby directed to contact the ODFW Fish Screening Coordinator prior to diversion of water.
 - ☐ The new POD is currently equipped with an appropriate fish screen.
- ☒ If the riparian area is disturbed in the process of developing the new point of diversion, the permittee shall be responsible for restoration and enhancement of such riparian area in accordance with the Oregon Department of Fish and Wildlife's Fish and Wildlife Habitat Mitigation Policy OAR 635-415. Prior to development of the new point of diversion, the permittee shall submit, to the Oregon Water Resources Department, a Riparian Mitigation Plan approved in writing by ODFW unless ODFW provides documentation that riparian mitigation is not necessary. The permittee shall maintain the riparian area for the life of the permit and subsequent certificate per the approved Riparian Mitigation

Plan. If ODFW determines the riparian area is not being maintained and is unsuccessful in working with the water user to fulfill the obligation, ODFW may request that OWRD regulate the use of water until OWRD receives notification from ODFW that the mitigation is sufficient. The permittee is hereby directed to contact the local ODFW Fish Biologist prior to development of the new point of diversion.

- ☒ Construction must occur during the established in-water work period (July 15 – September 30) unless otherwise approved by ODFW.
- ☒ Site-specific condition(s): Ensure that the portable pump and associated equipment are free from invasive species if being moved from another waterway.
- ☐ Other comments: type here
- ☐ **ODFW cannot support the proposed transfer because it does not provide a net benefit to the resource consistent with the criteria in OAR 635-415.**
 - ☐ The proposed mitigation will result in a net loss of habitat for: list species here
 - ☐ Other goals and standards not met and why: type here

STATE OF OREGON

COUNTY OF CURRY

CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

N. B. MARSH
PORT ORFORD, OR 97465

confirms the right to use the waters of ELK RIVER, a tributary of the PACIFIC OCEAN for the purpose of IRRIGATION of 65.1 ACRES.

This right was perfected under Permit S-21647. The date of priority is JULY 31, 1952. The amount of water to which this right is entitled is limited to an amount actually used beneficially, and shall not exceed .815 cubic feet per second, or its equivalent in case of rotation, measured at the points of diversion.

The points of diversion are located as follows:

Twp	Rng	Mer	Sec	Q-Q	Glott
32 S	15 W	WM	26	SW SW	4
32 S	15 W	WM	27	NW SE	
32 S	15 W	WM	27	SE SE	

The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands, shall be limited to ONE-EIGHTIETH of one cubic foot per second per acre, or its equivalent for each acre irrigated and shall be further limited to a diversion of not to exceed 2.5 acre-feet per acre for each acre irrigated during the irrigation season of each year, and shall conform to such reasonable rotation system as may be ordered by the proper state officer

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

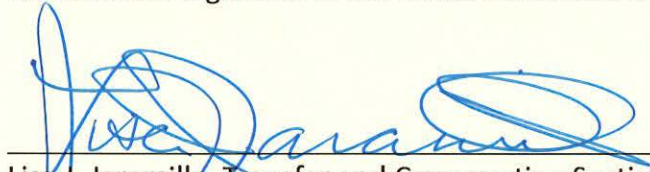
IRRIGATION						
Twp	Rng	Mer	Sec	Q-Q	Glott	Acres
32 S	15 W	WM	26	NE SW		3.0
32 S	15 W	WM	26	NW SW	3	1.0
32 S	15 W	WM	26	SW SW	4	16.8
32 S	15 W	WM	26	SE SW		17.6
32 S	15 W	WM	27	SW SE		1.8
32 S	15 W	WM	27	SE SE		12.2
32 S	15 W	WM	35	NE NW		10.4
32 S	15 W	WM	35	NW NW	1	2.3
Total						65.1

This certificate describes that portion of water right Certificate 26303, State Record of Water Right Certificates, NOT modified by the provisions of an order of the Water Resources Director entered JUL 25 2025, approving Transfer Application T-14044.

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

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

WITNESS the signature of the Water Resources Director, affixed JUL 25 2025.



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

WATER RIGHT TRANSFER COVER SHEET

Please notify me when it goes out (instream injury)

Transfer: T- 14044

Transfer Type: Regular Transfer

Transfer Specialist:

Daniel



Applicant: GEORGIA MAYEA JULIE KELLEHER 93773 ELK RIVER ROAD PORT ORFORD, OR 97465 Email: _____ Phone: _____		Agent: <input type="checkbox"/> N/A RUSS S DODGE 656 S 12TH COURT COOS BAY, OR 97420 Email: _____ Phone: _____	
Irrigation District: <input type="checkbox"/> N/A Email: _____		CWRE: <input type="checkbox"/> N/A Email: _____	
Affected Local Gov'ts: <input type="checkbox"/> N/A Curry County Planning Department Email: _____		Affected Tribal Gov't: <input type="checkbox"/> N/A UNAVAILABLE Email: _____	
Current Landowner if other than Applicant: <input type="checkbox"/> N/A Email: _____		Receiving Landowner: <input type="checkbox"/> N/A Email: _____	

Water Rights Affected

File Marked	App. File # or Decree Name	Permit	Certificate	RR/CR Needed	RR/CR Nos.
<input type="checkbox"/>	S27510	S21647	26303	<input type="checkbox"/> Yes <input type="checkbox"/> No	
<input type="checkbox"/>				<input type="checkbox"/> Yes <input type="checkbox"/> No	
<input type="checkbox"/>				<input type="checkbox"/> Yes <input type="checkbox"/> No	

Key Dates & Initial Actions:

Rec'd: July 15, 2022	Proposed Action(s): ADDITIONAL POINT OF DIVERSION; PLACE OF USE	
Fees Pd: 2450.00	WM District: 14	ODFW District:
Initial Public Notice: August 2, 2022	WM Review sent:	ODFW Review sent:
Acknowledgement Letter Sent <input type="checkbox"/>		GW Review sent: <input type="checkbox"/> N/A
County sent cc: of Ack Letter <input type="checkbox"/>	BOR notified (date): <input type="checkbox"/> N/A	
Newspaper quote requested:	Request for news \$ sent:	News \$ received:
Request to publish sent:	Affidavit of publication received:	Last day of publication:

Document	Drafted	Peer Review	Changes Made	Coordinator	Changes Made	Signature Bin	Signature Date
DPD	Date: 7-7-23 Initials: JZ	Date: 7-18-23 Initials: KS	Date: 7-19-23 Initials: JZ	Date: _____ Initials: _____	Date: _____ Initials: _____	CW Sent: _____	N/A
PD	Date: 9-5-23 Initials: JZ	Date: 12-26-23 Initials: KS	Date: 12-27-23 Initials: JZ	Date: 1-4-25 Initials: CL	Date: 1-10-25 Initials: JZ	Date: 2-28-24	Date: 3/4/24
FO	Date: 5-12-25 Initials: JZ	Date: _____ Initials: _____	Date: _____ Initials: _____	Date: 5-12-25 Initials: CL	Date: 6-28-25 Initials: JZ	Date: 2 days 7-10-25	Date: 7/25/2025

Special Issues: _____

Special Order Volume: Vol. 135 Pages 203-216

**Notice of Receipt of Recommendation to Consent to Injury for
Water Right Transfer T-14044**

T-14044 filed by Georgia Mayea and Julie Kelleher, 93773 Elk River Rd, Port Orford, OR 97465, proposes to change the points of diversion, add an additional point of diversion, and to change the place of use under Certificate 26303. The right allows the use of 0.445 cubic foot per second from Elk River in Sects. 26 and 27, T32S, R15W, WM for irrigation in Sects. 26, and 27, T32S, R15W, WM. The applicant proposes to change the points of diversion, and an additional point of diversion within Sec. 27, T32S, R15W, WM and to change the place of use within Sec. 27, T32S, R15W, WM. The Water Resources Department proposes to deny the transfer, based on the requirements of ORS Chapter 540 and OAR 690-380-5000.

The applicant proposes an additional point of diversion approximately 1340 feet upstream on the Elk River in Sec. 27, T32S, R15W, WM. The Water Resources Department determined that the transfer would injure instream water right Certificate 78508. The Oregon Department of Fish and Wildlife (ODFW) concluded that the transfer would result in net benefits to the resource if conditioned as follows:

- a) ODFW recommends the transfer applicant comply with terms of the associated Mitigation Plan to minimize detrimental impacts to fish, wildlife, and/or their habitat. ODFW understands that the mitigation and following conditions will be fully incorporated into the requirements of the new certificate and may only be altered by written mutual agreement of all parties. ODFW recommends:
 - i) Regulation of the use and/or cancellation of the certificate(s) if the required mitigation is not maintained.
 - ii) This recommendation for consent to injury is contingent upon: The final rates, identified as 0.24 cfs for POD 1, 0.13 cfs from POD 2, 0.075 cfs from APOD 5 for the portion involved in Transfer Application T-14044, and a combined 0.815 cfs from POD's 4 and 5 for the portion of the water right not involved in the transfer, are assigned to each POD by OWRD in the new certificates.
- b) The permittee shall not construct, operate, or maintain any dam or artificial obstruction to fish passage without obtaining approval from the Oregon Department of Fish and Wildlife (ODFW). The permittee is hereby directed to contact an ODFW Fish Passage Coordinator prior to construction of any in-channel obstruction or prior to diversion of water that may create an artificial obstruction due to low flow.
- c) The permittee shall install, maintain, and operate fish screening on the new point of diversion consistent with current Oregon Department of Fish and Wildlife (ODFW) standards. Fish screening is to prevent fish from entering the proposed diversion. The required screen is to be in place and functional and approved in writing by ODFW prior

to diversion of water. The permittee is hereby directed to contact the ODFW Fish Screening Coordinator prior to diversion of water.

- d) If the riparian area is disturbed in the process of developing the new point of diversion, the permittee shall be responsible for restoration and enhancement of such riparian area in accordance with the Oregon Department of Fish and Wildlife's Fish and Wildlife Habitat Mitigation Policy OAR 635-415. Prior to development of the new point of diversion, the permittee shall submit, to the Oregon Water Resources Department, a Riparian Mitigation Plan approved in writing by ODFW unless ODFW provides documentation that riparian mitigation is not necessary. The permittee shall maintain the riparian area for the life of the permit and subsequent certificate per the approved Riparian Mitigation Plan. If ODFW determines the riparian area is not being maintained and is unsuccessful in working with the water user to fulfill the obligation, ODFW may request that OWRD regulate the use of water until OWRD receives notification from ODFW that the mitigation is sufficient. The permittee is hereby directed to contact the local ODFW Fish Biologist prior to development of the new point of diversion.
- e) Construction must occur during the established in-water work period (July 15 – September 30) unless otherwise approved by ODFW.
- f) Ensure that the portable pump and associated equipment are free from invasive species if being moved from another waterway.

Copies of the OWRD's Preliminary Determination proposing approval of the transfer and ODFW's recommendations are available for viewing at the Salem office of the Water Resources Department. Any person may review the recommendation and submit written comments or may submit a written request for a public meeting to review the recommendation. The comments or request for a meeting must be received by OWRD on or before June 26, 2025.

OWRD will provide copies of any comments submitted in response to this notice to ODFW. If a meeting is requested, OWRD will schedule a joint public meeting with ODFW to review the recommendation.

To review the recommendation, contact Dante Luongo or e-mail dante.j.luongo@water.oregon.gov. Written comments and requests for a public meeting should be mailed to Attn: Dante Luongo, Water Resources Department, 725 Summer St NE, Suite A, Salem, OR 97301-1266 or faxed to 503-986-0901.

Received

FEB 24 2025

QWRD

CURRY
COASTAL PILOT

AFFIDAVIT OF PUBLICATION

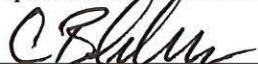
Country Media Inc. - Curry County
519 Chetco Avenue, Suite 7, Brookings, OR 97415
P.O. Box 700, Brookings, OR 97415

STATE OF OREGON - COUNTY OF CURRY

Oregon Department of Water Resources

REFERENCE: Account 47231 Ad 407289

I, **Charles Blakeslee**, am over the age of eighteen years, and am not party to or interested in the above-entitled matter. I first duly sworn, deposed and say that I am the Legal Clerk for the CURRY COASTAL PILOT, a newspaper of general circulation, as defined by sections 193.010 and 193.020 O.R.S.; and published in Brookings, Oregon, in the aforesaid county and state; that I know from my personal knowledge that the **Notice of Preliminary Determination** copy was published in the entire issue of said newspaper 2 time(s) in the following issue(s): **1/29 & 2/5/2025**.



Legal Clerk, **Charles Blakeslee**, Subscribed and sworn before me on this **5th day of February, 2025**.



Notary Public of Oregon



**Notice of Preliminary
Determination for Water Right
Transfer T-14044**

T-14044 filed by Georgia Mayea and Julie Kelleher 205 West Cleveland St Lafayette, CO 80026, proposes an additional point of diversion, change in point of diversion, and change in place of use under Certificate 26303. The right allows the use of .445 cubic foot per second from Elk River in Sects. 26 and 27, T32S, R15W, WM for irrigation in Sec. 27, T32S, R15W, WM. The applicant proposes an additional point of diversion in Sec. 27, T32S, R15W, WM, to change the point of diversion within Sec. 27, T32S, R15W, WM and to change the place of use within Sec. 27, T32S, R15W, WM. The Water Resources Department proposes to deny the transfer, based on the requirements of ORS Chapter 540 and OAR 690-380-5000.

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, 2/5/2025. 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.

1/29 & 2/5/2025, Pilot, 407289



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

February 12, 2024

VIA CERTIFIED MAIL AND E-MAIL

Applicant

GEORGIA MAYEA
JULIE KELLEHER
93773 ELK RIVER RD
PORT ORFORD, OR 97465

SUBJECT: Water Right Transfer Application T-14044

Please find enclosed the Preliminary Determination indicating that, based on the information available, the Department has concluded that approval of the additional point of diversion proposed in application T-14044 would result in injury to instream water right certificates 59869 and 78508. Consistent with your request that we seek a recommendation from the Oregon Department of Fish and Wildlife (ODFW) on whether we should consent to the injury to the instream water right, we are proceeding with that process concurrently with issuance of the preliminary determination.

The Water Resources Department holds instream water rights in trust for the benefit of the people of Oregon. Under ORS 540.530(c), we may approve the transfer only if the agency that requested the instream water right concludes that the changes proposed will result in net benefits to the resources protected by the instream water right, and recommends that we consent to the injury of the right. Please contact the agency staff person to whom the agency review letter has been sent, to discuss whether you may be able to assist in providing information needed for the analysis.

After we have received recommendations from ODFW on whether to consent to the injury, provided no protests have been filed, we will issue an order either:

- Approving the transfer with conditions, if any, identified in the agency recommendations as necessary to ensure that the change will result in net benefits, or
- Reaffirming our decision that the instream water right would be injured and denying the transfer.

The timing for issuance of the order will depend on the availability of information needed by ODFW to perform the net benefits analysis upon which their recommendation must be based, and the time necessary to allow public review and comment on the recommendation. You are

not authorized to use water from the proposed points of diversion pending a final decision by the Department on your transfer application.

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

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

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

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

Sincerely,

A handwritten signature in black ink, appearing to read 'D. Luongo', with a long horizontal stroke extending to the right.

Dante Luongo
Transfer Specialist
Transfer and Conservation Section

cc: Transfer Application file T-14044
Scott C. Ceciliani, District 14 Watermaster (*via e-mail*)
Russ S. Dodge, Agent for the applicant (*via e-mail*)

encs

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

In the Matter of Transfer Application	)	PRELIMINARY DETERMINATION
T-14044, Curry County	)	PROPOSING DENIAL OF AN ADDITIONAL
	)	POINT OF DIVERSION AND A CHANGE IN
	)	PLACE OF USE

Authority

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

Applicant:

GEORGIA MAYEA
JULIE KELLEHER
93773 ELK RIVER RD
PORT ORFORD, OR 97465

Findings of Fact

1. On July 15, 2022, Georgia Mayea and Julie Kelleher filed an application for an additional point of diversion and to change the place of use under Certificate 26303. The Department assigned the application number T-14044.
2. Notice of the application for transfer was published on August 2, 2022, pursuant to OAR 690-380-4000. No comments were filed in response to the notice.
3. The transfer application did not include a transfer application map that meets the requirements of OAR 690-380-3100. Specifically, the location identified as being where land is to be moved "from" was missing.
4. On February 27, 2023, the applicant's agent sent an email with a revised map that meets the map requirements of OAR 690-380-3100 and a revised Table 2 to more accurately reflect the changes being made to the water right.
5. On August 2, 2023, the Department sent a copy of the draft Preliminary Determination proposing to deny Transfer Application T-14044 to the applicant. The draft Preliminary Determination cover letter set forth a deadline of September 1, 2023, for the applicant to

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

respond. The applicant requested that the Department proceed with issuance of a Preliminary Determination, and to pursue Consent to Injury for Instream Certificates 59869 and 78508, and provided the necessary information to demonstrate that the applicant is authorized to pursue the transfer.

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

Certificate: 26303 in the name of N. B. MARSH (perfected under Permit S-21647)
Use: IRRIGATION OF 6.0 ACRES
Priority Date: JULY 31, 1952
Rate: 0.075 CUBIC FOOT PER SECOND
Limit/Duty: The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands, shall be limited to ONE-EIGHTIETH of one cubic foot per second per acre, or its equivalent for each acre irrigated and shall be further limited to a diversion of not to exceed 2.5 acre-feet per acre for each acre irrigated during the irrigation season of each year.
Source: ELK RIVER, tributary to the PACIFIC OCEAN

Authorized Points of Diversion:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
32 S	15 W	WM	27	NW SE	(POD 1) - 1670 FEET NORTH AND 1705 FEET WEST OF THE SE CORNER OF SECTION 27
32 S	15 W	WM	27	SE SE	(POD 2) - 1006 FEET NORTH AND 1262 FEET WEST OF THE SE CORNER OF SECTION 27

Authorized Place of Use:

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
32 S	15 W	WM	27	NE SE	3.0
32 S	15 W	WM	27	NW SE	3.0
TOTAL					6.0

7. Transfer Application T-14044 proposes an additional point of diversion to:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances	Distance from authorized POD	
						POD 1	POD 2
32 S	15 W	WM	27	SE SE	POD 5 - 584 FEET NORTH AND 940 FEET WEST FROM THE SE CORNER OF SECTION 27	1340 feet upstream	250 feet upstream

8. Transfer Application T-14044 also proposes to change the place of use of the right to:

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
32 S	15 W	WM	27	SE SE	6.0

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

Transfer Review Criteria [OAR 690-380-4000(14), 690-380-4010(2) and 690-380-2110(2)]

10. Water has been used within the five-year period prior to submittal of Transfer Application T-14044 according to the terms and conditions of the right. There is no information in the record that would demonstrate that the right is subject to forfeiture under ORS 540.610.
11. A water delivery system sufficient to use the full amount of water allowed under the existing right was present within the five-year period prior to submittal of Transfer Application T-14044.
12. The water right is subject to transfer as defined in ORS 540.505(4) and OAR 690-380-0100(14).
13. The proposed point of diversion diverts water from the same source of surface water as the authorized points of diversion, as required by OAR 690-380-2110(2).
14. The proposed changes would not result in enlargement of the right.
15. Two instream water rights, Certificates 59869 and 78508 exist for the reach of the river in which the authorized point of diversion would be moved upstream, and stream flows within the reach are frequently below the levels allocated under the instream water rights. Thus, the instream water rights would be injured as a result of the proposed change in point of diversion.
16. All other application requirements are met.

Determination and Proposed Action

The additional point of diversion and change in place of use as proposed in Transfer Application T-14044 cannot be affected without injury to instream Water Right Certificates 59869 and 78508. Pursuant to ORS 540.530, the application will be denied unless, on the recommendation of the Oregon Department of Fish and Wildlife, the Department consents to injury of the instream water right, pursuant to OAR 690-380-5050, or protests are filed pursuant to OAR 690-380.


If the transfer is approved on the recommendation of the Oregon Department of Fish and Wildlife to consent to the injury, the changes and subsequent use of water shall be subject to any conditions identified by Oregon Department of Fish and Wildlife as necessary to ensure that the transfer results in net benefit to the resource and to the following conditions:

1. *The additional point of diversion and change in place of use proposed in Transfer Application T-14044 are approved.*
2. *The right to the use of the water is restricted to beneficial use at the place of use described, and is subject to all other conditions and limitations contained in Certificate 26303 and any related decree.*
3. *Water right Certificate 26303 is cancelled. A new certificate will be issued describing that portion of the right not affected by this transfer.*
4. *The quantity of water diverted at the new additional point of diversion (POD 5), together with that diverted at the original points of diversion (POD 1 and POD 2), shall not exceed the quantity of water lawfully available at the original points of diversion (POD 1 and POD 2).*
5. *Water shall be acquired from the same source of surface water as the original points of diversion.*
6. *The former place of use of the transferred right shall no longer receive water under the right.*
7. *Water use measurement conditions:*
 - a. *Before water use may begin under this order, the water user shall install a totalizing flow meter, or, with prior approval of the Director, another suitable measuring device, at each point of diversion (new and existing).*
 - 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.*
8. *Prior to diverting water, the water user shall install a fish screening and/or by-pass device, as appropriate, at the new point of diversion consistent with the Oregon Department of Fish and Wildlife's (ODFW) design and construction standards. Prior to installation, the water user shall obtain written approval from ODFW that the required screen and/or by-pass device meets ODFW's criteria. Prior to submitting a Claim of Beneficial Use, the water user must obtain written approval from ODFW that the required screening and/or by-pass device was installed to the state's criteria. The water user shall maintain and operate the fish screen and/or by-pass device, as appropriate, at the point of diversion consistent with ODFW's operational and maintenance standards.*
9. *Full beneficial use of the water shall be made, consistent with the terms of this order, on or before **October 1, 2025**. A Claim of Beneficial Use prepared by a Certified Water Right*

Examiner shall be submitted by the applicant to the Department within one year after the deadline for completion of the changes and full beneficial use of the water.

10. *After satisfactory proof of beneficial use is received, a new certificate confirming the right transferred will be issued.*

Dated in Salem, Oregon on **MAR 4 - 2024**



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

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

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.

Application for Water Right Transfer



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

Consent by Deeded Landowner

State of Oregon)
)ss
County of _____)

I Scott Fogarty in my/our capacity as Executive Director, Wild Rivers Land Trust,

mailing address PO Box 1158, Port Orford, OR 97465,

telephone number 541 - 366 - 2130, duly sworn depose and say that I/We

consent to the proposed change(s) to Water Right Certificate Number 59869 & 78508

described in a Water Right Transfer Application (T- 14044),
(transfer number, if known)

submitted by Georgia Mayea & Julie Kelleher

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

Section 27 Township 32 North South Range 15 East West, W.M.

located at 93773 Elk River Road, Port Orford, OR 97465
(site address)

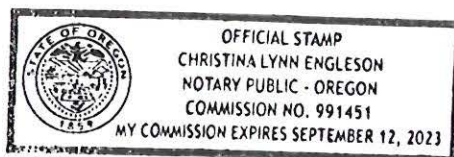
[Signature]
Signature of Affiant

08/22/23
Date

Signature of Affiant

Date

Subscribed and Sworn to before me this 22 day of August, 20 23.



[Signature]
Notary Public for Oregon

My commission expires September 12, 2023

LUONGO Dante J * WRD

From: LUONGO Dante J * WRD
Sent: Thursday, February 16, 2023 8:46 AM
To: gmayea@gmail.com; jkelleher@gmail.com
Cc: Russ Dodge
Subject: T-14044 Table 2 Proposed Change

Hello Georgia and Julie,

With regard to the transfer application that you submitted to the department (T-14044), Table 2 as it is written would cause the owner of the property to show proof that the entirety of the right (1.26 cfs on 100.7 acres) is being used beneficially. I believe this interpretation of Table 2 was filled out in error as only 6 acres are changing Place of Use (POU), and a new Point of Diversion (POD) to serve the new POU is being added. To make the proof of beneficial use easier on the property owner, I propose that the 6 acres of land being changed be in the table, instead of the entire right.

In order to achieve this, the four current POD's combined cfs (1.26) be split amongst the 4 of them based on acreage being irrigated, and the new POD and change in acreage be split in the same manner. Flow totalizing measurement devices would also need to be installed on each Point of Diversion if the transfer is approved.

Please let me know if you would like for me to make these changes, and if so I will ask Russ Dodge if he could send me an updated Table 2 with only the acreage being changed for our records.

If you have any questions feel free to contact me at 971-304-5006.

Best Regards,

Dante Luongo

Transfer Specialist- Transfers and Conservation Section

725 Summer Street NE Ste A

Salem, Oregon 97301

(971)-304-5006



Integrity | Service | Technical Excellence | Teamwork | Forward-Looking

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.

BAUSTIAN Julie C * WRD

From: CECILIANI Scott C * WRD
Sent: Friday, November 18, 2022 4:50 PM
To: WRD_DL_transferreviews@oregon.gov
Subject: WM Review T-14044
Attachments: WMR_Transfer_Review_T-14044_Signed.pdf

Good afternoon,

I've attached my WM Review for T-14044.

A few items that I want to point out:

1. The application map does not define the from lands, only the to lands.
2. Table 2 defines the to lands for 6 acres of IR in 32s-15w-27, SESE, but does not appear to define the from lands.

Please let me know if you have any questions.

Thank you,

Scott

Scott Ceciliani, GIT

Watermaster, District 14

700 NW Dimmick St., Grants Pass, OR 97526.

Cell 541-261-2213

Office 541-476-1288



OREGON
WATER
RESOURCES
DEPARTMENT

Integrity | Service | Technical Excellence | Teamwork | Forward-Looking

NOTE: OWRD offices re-open to the public on Monday, May 2, 2022. Given that many staff continue to work 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. 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.

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-14044

Review Due Date:

Applicant Name: Georgia Mayea & Julie Kelleher

Agent: Russ Dodge

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

Reviewer(s): Scott Ceciliani

Date of Review: 11/18/2022

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

Unknown

☐ 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:

Unknown

☐ N/A

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

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

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

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

☐ Yes ☒ No If "Yes", explain:

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

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

☐ Yes ☐ No If "Yes", explain:

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

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

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

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

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

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

☐ Yes ☐ No If "Yes", describe:

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

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

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

☐ Yes ☐ No If "Yes", explain:

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

☐ Yes ☐ No If "Yes", explain:

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

☐ Yes ☒ No If "Yes", explain:

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

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:

<input type="checkbox"/> Weir	<input type="checkbox"/> Submerged Orifice
<input type="checkbox"/> Parshall Flume	<input type="checkbox"/> Flow Restrictor
<input checked="" type="checkbox"/> Other: <u>Or</u> other approved suitable measuring device	

Oregon Water Resources Department

Measurement Condition Information for the Applicant

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

Transfer #: T- 14044



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



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



at each new point of diversion/appropriation.

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

Watermaster name: Scott Ceciliani

District: 14

Address: 700 NW Dimmick Street

City/State/Zip: Grants Pass, OR 97526

Phone: Office: 541-476-1288; Cell: 541-261-2213

Email: Scott.C.Ceciliani@water.oregon.gov

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

Approval of an Alternate Measurement Device

T- 14044

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

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

Watermaster signature

District

Date

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

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



Oregon
Kate Brown, Governor

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

August 2, 2022

GEORGIA MAYEA
JULIE KELLEHER
93773 ELK RIVER ROAD
PORT ORFORD, OR 97465

Reference: Application T-14044

On July 15, 2022, OWRD received your water right Permanent Transfer Application. The application was accompanied by \$2450.00. Our receipt number 138675 is enclosed.

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

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

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

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

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

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

Cc: Watermaster Dist. #14, Scott C. Ceciliani (*via email*)
Curry County Planning Department
Russ S Dodge, Agent

Enclosure

**STATE OF OREGON
WATER RESOURCES DEPARTMENT**

725 Summer St. N.E. Ste. A

SALEM, OR 97301-4172

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

RECEIPT # **138675**

INVOICE # _____

RECEIVED FROM: Dodge Surveying & Planning
BY: _____

APPLICATION	
PERMIT	
TRANSFER	T-14044

CASH: ☐ CHECK: # 1836 OTHER: (IDENTIFY) ☐

TOTAL REC'D \$ 2,450.00

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

0205 TRANSFER \$ 2,450.00

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

TREASURY OTHER / RDX

FUND _____ TITLE _____

OBJ. CODE _____ VENDOR # _____

DESCRIPTION _____ \$

RECEIPT: **138675**

DATED: 07/15/02 BY: _____

Application for Permanent Water Right Transfer



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

Part 1 of 5 – Minimum Requirements Checklist

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

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

RECEIVED

MAY 19 2022

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

OWRD

- ☒ Part 1 – Completed Minimum Requirements Checklist.
- ☒ Part 2 – Completed Transfer Application Map Checklist.
- ☒ Part 3 – Application Fee, payable by check to the Oregon Water Resources Department, and completed Fee Worksheet, page 3. Try the new online fee calculator at:
http://apps.wrd.state.or.us/apps/misc/wrd_fee_calculator.
- ☒ Part 4 – Completed Applicant Information and Signature.
- ☒ Part 5 – Information about Water Rights to be Transferred: **How many water rights are to be transferred? 1 List them here: 26303**
Please include a separate Part 5 for each water right. (See instructions on page 6)
NOTE: A separate transfer application is required for each water right unless the criteria in OAR 690-380-3220 are met.

RECEIVED

JUL 15 2022

OWRD

Attachments:

- ☒ Completed Transfer Application Map.
- ☒ Completed Evidence of Use Affidavit and supporting documentation.
- ☐ ☒ N/A Affidavit(s) of Consent from Landowner(s) (if the applicant does not own the land the water right is on.)
- ☐ ☒ N/A Supplemental Form D – For water rights served by or issued in the name of an irrigation district. Complete when the transfer applicant is not the irrigation district.
- ☒ ☐ N/A Oregon Water Resources Department's Land Use Information Form with approval and signature (or signed land use form receipt stub) from each local land use authority in which water is to be diverted, conveyed, and/or used. Not required if water is to be diverted, conveyed, and/or used only on federal lands or if **all** of the following apply: a) a change in place of use only, b) no structural changes, c) the use of water is for irrigation only, and d) the use is located within an irrigation district or an exclusive farm use zone.
- ☐ ☒ N/A Water Well Report/Well Log for changes in point(s) of appropriation (well(s)) or additional point(s) of appropriation.
- ☐ ☒ N/A Geologist Report for a change from a surface water point of diversion to a ground water point of appropriation (well), if the proposed well is more than 500' from the surface water source and more than 1000' upstream or downstream from the point of diversion. See OAR 690-380-2130 for requirements and applicability.

(For Staff Use Only)

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

- | | |
|--|--|
| <input type="checkbox"/> Application fee not enclosed/insufficient | <input type="checkbox"/> Map not included or incomplete |
| <input type="checkbox"/> Land Use Form not enclosed or incomplete | <input type="checkbox"/> Evidence of Use Form not enclosed or incomplete |
| <input type="checkbox"/> Additional signature(s) required | <input type="checkbox"/> Part <u>14044</u> is incomplete |

Other/Explanation _____

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

Part 2 of 5 – Transfer Application Map

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

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

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

Part 3 of 5 – Fee Worksheet

FEE WORKSHEET for PERMANENT TRANSFER (except Substitution)

1	Base Fee (includes one type of change to one water right for up to 1 cfs)		\$1,360
2	Types of change proposed: <input checked="" type="checkbox"/> Place of Use <input type="checkbox"/> Character of Use <input checked="" type="checkbox"/> Point of Diversion/Appropriation Number of above boxes checked = <u> 2 (2a) </u> Subtract 1 from the number in line 2a = <u> 1 (2b) If only one change, this will be 0</u> Multiply line 2b by \$1090 and enter » 	2	\$1090
3	Number of water rights included in transfer <u> 1 (3a) </u> Subtract 1 from the number in 3a above: <u> 0 (3b) If only one water right this will be 0</u> Multiply line 3b by \$610 and enter » 	3	0
4	Do you propose to add or change a well, or change from a surface water POD to a well? <input checked="" type="checkbox"/> No: enter 0 <input type="checkbox"/> Yes: enter \$480 for the 1 st well to be added or changed _____ (4a) Do you propose to add or change additional wells? <input checked="" type="checkbox"/> No: enter 0 <input type="checkbox"/> Yes: multiply the number of additional wells by \$410 _____ (4b) Add line 4a to line 4b and enter » » » » » » » » » » » » » » » » » 	4	0
5	Do you propose to change the place of use or character of use? <input type="checkbox"/> No: enter 0 on line 5 <input checked="" type="checkbox"/> Yes: enter the cfs for the portions of the rights to be transferred (see below*) <u> 0.1 (5a) </u> Subtract 1.0 from the number in 5a above: <u> 0 (5b) </u> If 5b is 0 or less, enter 0 on line 5 » » » » » » » » » » » » » » » » » » If 5b is greater than 0, round up to the nearest whole number: <u> 0 (5c) </u> and multiply 5c by \$410, then enter on line 5 » 	5	0
6	Add entries on lines 1 through 5 above » » » » » » » » Subtotal:	6	\$2450
7	Is this transfer: <input type="checkbox"/> necessary to complete a project funded by the Oregon Watershed Enhancement Board (OWEB) under ORS 541.932? <input type="checkbox"/> endorsed in writing by ODFW as a change that will result in a net benefit to fish and wildlife habitat? If one or more boxes is checked, multiply line 6 by 0.5 and enter on line 7 » If no box is applicable, enter 0 on line 7 » » » » » » » » » » » » » » » » » » 	7	0
8	Transfer Fee:	8	\$2450

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

FEE WORKSHEET for SUBSTITUTION

1	Base Fee (includes change to one well)	1	\$990.00
	Number of wells included in substitution _____ (2a) Subtract 1 from the number in 2a above: _____ (2b) <i>If only one well this will be 0</i>		
2	Multiply line 2b by \$480 and enter » » » » » » » » » » » » » » »	2	
3	Add entries on lines 1 through 2 above » » » » » » Fee for Substitution:	3	

Part 4 of 5 – Applicant Information and Signature

Applicant Information

APPLICANT/BUSINESS NAME Georgia Mayea And Julie Kelleher		GEORGIA MAYEA (720) 989-7082 JULIE KELLEHER (541) 977-2949		ADDITIONAL CONTACT NO.
93773 ELK RIVER ROAD (MAYEA)				FAX NO.
CITY Port Orford	OR	97465	E-MAIL Georgia Mayea – gmayea@gmail.com JULIE KELLEHER – JKELLEHER@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.				

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

AGENT/BUSINESS NAME Russ Dodge / dodge surveying & planning		PHONE NO. (541) 404-3799		ADDITIONAL CONTACT NO.
ADDRESS 656 S. 12th CT				FAX NO.
CITY Coos Bay	STATE OR	ZIP 97420	E-MAIL rdodgesurvey@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:
We are adding a Point of Diversion and revising the Place of Beneficial Use. This would allow us to irrigate a 6 Acre portion of an Open Field lying South of Elk River. This would involve the use of a Portable Pump System, (resembling the ones currently in use) to be located on the southerly bank of the river. It will be taken or withdrawing (3 Acers) from the 22.2 Acre Irrigated Section located in the NW ¼ of the SE ¼ of Section 27, T. 32 S. – R.15 W.,WM. Thus reducing that area to 19.2 Acres. And, taking or withdrawing (3 Acres) from the 13.4 Acre Irrigated Section located in the NE ¼ of the SE ¼ of Section 27, T. 32 S. – R. 15 W.,W.M. Thus reducing that area to 10.4 Acres.

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

Check One Box

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

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By my signature below, I confirm that I understand:

- Prior to Department approval of the transfer application, I may be required to submit payment to the Department for publication of a notice in a newspaper with general circulation in the area where the water right is located, once per week for two consecutive weeks. If more than one qualifying newspaper is available, I suggest publishing the notice in the following newspaper: Port Orford News.
- Amendments to the application may only be made in response to the Department's Draft Preliminary Determination (DPD). The applicant will have a period of at least 30 days to amend the application to address any issues identified by the Department in the DPD, or to withdraw the application. Note that amendments may be subject to additional fees, pursuant to ORS 536.050.
- Failure to complete an approved change in place of use and/or change in character of use, will result in loss of the water right (OAR 690-380-6010).
- Refunds may only be granted upon request and, as set forth in ORS 536.050(4)(a), if the Director determines that a refund of all or part of a fee is appropriate in the interests of fairness to the public or necessary to correct an error of the Department.

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



Georgia Mayea
Applicant signature

Georgia Mayea
Print Name (and Title if applicable)

5-9-22
Date

Julie Kelleher
Applicant signature

Julie Kelleher
Print Name (and Title if applicable)

5-6-22
Date

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

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

Check the following boxes that apply

- ☒ The applicant is responsible for completion of change(s). Notices and correspondence should continue to be sent to the applicant.
- ☐ The receiving landowner will be responsible for completing the proposed change(s) after the final order is issued. Copies of notices and correspondence should be sent to this landowner.
- ☐ Both the receiving landowner and applicant will be responsible for completion of change(s). Copies of notices and correspondence should be sent to this landowner and the applicant.

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

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

If a property sells, the certificated water right(s) located on the land belong to the new owner, unless a sale agreement or other document states otherwise. For more information see https://www.oregon.gov/owrd/Forms/PDF/Transfer_Property_Tribunal_Fee.pdf

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

Revised 1/1/2021

Permanent Transfer Application Form - Page 5 of 13

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By my signature below, I confirm that I understand:

- Prior to Department approval of the transfer application, I may be required to submit payment to the Department for publication of a notice in a newspaper with general circulation in the area where the water right is located, once per week for two consecutive weeks. If more than one qualifying newspaper is available, I suggest publishing the notice in the following newspaper: Port Orford News.
- Amendments to the application may only be made in response to the Department's Draft Preliminary Determination (DPD). The applicant will have a period of at least 30 days to amend the application to address any issues identified by the Department in the DPD, or to withdraw the application. Note that amendments may be subject to additional fees, pursuant to ORS 536.050.
- Failure to complete an approved change in place of use and/or change in character of use, will result in loss of the water right (OAR 690-380-6010).
- Refunds may only be granted upon request and, as set forth in ORS 536.050(4)(a), if the Director determines that a refund of all or part of a fee is appropriate in the interests of fairness to the public or necessary to correct an error of the Department.

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

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Applicant signature

Georgia Mayea

Print Name (and Title if applicable)

Date

Applicant signature

Julie Kelleher

Print Name (and Title if applicable)

Date

5-6-22

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

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

Check the following boxes that apply:

- ☒ The applicant is responsible for completion of change(s). Notices and correspondence should continue to be sent to the applicant.
- ☐ The receiving landowner will be responsible for completing the proposed change(s) after the final order is issued. Copies of notices and correspondence should be sent to this landowner.
- ☐ Both the receiving landowner and applicant will be responsible for completion of change(s). Copies of notices and correspondence should be sent to this landowner and the applicant.

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

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

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

https://www.oregon.gov/owrd/WRDFormsPDF/Transfer_Property_Transactions.pdf

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

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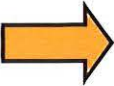
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☐ Check here if any of the water rights proposed for transfer are or will be located within or served by an irrigation or other water district. (Tip: Complete and attach Supplemental Form D.)

IRRIGATION DISTRICT NAME	ADDRESS	
CITY	STATE	ZIP

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

ENTITY NAME	ADDRESS	
CITY	STATE	ZIP

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

ENTITY NAME Curry County – Community Development	ADDRESS 94235 Moore St. – Suite 113	
CITY Gold Beach	STATE OR	ZIP 97444

ENTITY NAME	ADDRESS	
CITY	STATE	ZIP

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Part 5 of 5 – Water Right Information

Please use a separate Part 5 for each water right being changed. See instructions on page 6, to copy and paste additional Part 5s, or to add additional rows to tables within the form.

CERTIFICATE # 26303

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Description of Water Delivery System

System capacity: 1.26 cubic feet per second (cfs) OR
567 gallons per minute (gpm)

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

The existing system consists of Portable Irrigation Sprinkler Lines that are moved across the fields. Currently the fields are leased to separate parties. The Pumps are mounted on small wheeled trailers and are located on the Bank of the River directly adjacent and or above the Points of Diversion. The Pump Units run daily during the irrigation season for 2 to 3 hour periods. Most of the distribution lines are 3" to 4" Aluminum Pipe. The Intakes consist of 4" Flexpipe or Hoses. Each Intake is screened and removed from the River after the Sprinkler Period. The Pumps are 15 Horsepower and appear to be standard Briggs and Stratton Motors. The pumps are inline suction units with no manufacturer information available. At this time the Distribution Systems are broken down and transported to another field depending upon needs.

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

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

POD/POA Name or Number	Is this POD/POA Authorized on the Certificate or is it Proposed?	If POA, OWRD Well Log ID# (or Well ID Tag # L-___)	Twp	Rng	Sec	¼ ¼	Tax Lot, DLC or Gov't Lot	Measured Distances (from a recognized survey corner)
1	<input checked="" type="checkbox"/> Authorized		32 S	15 W	27	NW SE		1670' NORTH / 1705 WEST OF SE COR. SEC 27
2	<input checked="" type="checkbox"/> Authorized <input type="checkbox"/> Proposed		32 S	15 W	27	SE SE		1006' NORTH / 1262' WEST OF SE COR SEC 27
3	<input checked="" type="checkbox"/> Authorized <input type="checkbox"/> Proposed		32 S	15 W	26		4	885' NORTH / 972' EAST OF SW COR SEC 26
4	<input checked="" type="checkbox"/> Authorized <input type="checkbox"/> Proposed		32 S	15 W	26	SE SW		773' NORTH / 1087' EAST OF SW COR SEC 26
5	PROPOSED		32 S	15 W	27	SE SE		584' NORTH / 940' WEST OF SE COR SEC 27

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

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

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

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

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

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

Table 2. Description of Changes to Water Right Certificate # 26303

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

AUTHORIZED (the "from" or "off" lands) The listing that appears on the certificate BEFORE PROPOSED CHANGES List only that part or portion of the water right that will be changed.											Proposed Changes (see "CODES" from previous page)	PROPOSED (the "to" or "on" lands) The listing as it would appear AFTER PROPOSED CHANGES are made.													
Twp	Rng	Sec	¼	¼	Tax Lot	Gvt Lot or DLC	Acres	Type of USE listed on Certificate	POD(s) or POA(s) (name or number from Table 1)	Priority Date		Twp	Rng	Sec	¼	¼	Tax Lot	Gvt Lot or DLC	Acres	New Type of USE	POD(s)/ POA(s) to be used (from Table 1)	Priority Date			
RECEIVED MAY 19 2022 OWRD																									
32	S	15	W	27	NW	SE		22.2	IRR	1	6-31-1952	POU	32	S	15	W	27	NW	SE		19.2	IRR	1	6-31-1952	
32	S	15	W	27	NE NW	SE		13.4	IRR	2	6-31-1952	POU	32	S	15	W	27	NE NW	SE		10.4	IRR	2	6-31-1952	
32	S	15	W	27	SE	SE		12.2	IRR	2	6-31-1952		32	S	15	W	27	SE	SE		12.2	IRR	2	6-31-1952	
32	S	15	W	27	SW	SE		1.8	IRR	2	6-31-1952		32	S	15	W	27	SW	SE		1.8	IRR	2	6-31-1952	
32	S	15	W	35	NE	NW		10.4	IRR	4	6-31-1952		32	S	15	W	35	NE	NW		10.4	IRR	4	6-31-1952	
32	S	15	W	26	NE	SW		3	IRR	4	6-31-1952		32	S	15	W	26	NE	SW		3	IRR	4	6-31-1952	
32	S	15	W	26	SE	SW		17.6	IRR	4	6-31-1952		32	S	15	W	26	SE	SW		17.6	IRR	4	6-31-1952	
32	S	15	W	26			3	1	IRR	3	6-31-1952		32	S	15	W	26			3	1	IRR	3	6-31-1952	
32	S	15	W	26			4	16.8	IRR	3	6-31-1952		32	S	15	W	26			4	16.8	IRR	3	6-31-1952	
32	S	15	W	35			1	2.3	IRR	3	6-31-1952		32	S	15	W	35			1	2.3	IRR	3	6-31-1952	
TOTAL ACRES:								100.7					TOTAL ACRES:								94.7				

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

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

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Additional remarks:

THE TRANSFER WILL INVOLVE ADDING A POINT OF DIVERSION (#5) TO PROVIDE IRRIGATION TO A 6 ACRE PORTION OF AN OPEN FIELD LOCATED IN

32 S 15 W 27 SE1/4-SE1/4 6 ACRES IRR POD #5 DATE OF PRIORITY – 6-31-1952

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For Place of Use or Character of Use Changes

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

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

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

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

Ground water supplemental Permit or Certificate # _____;

Surface water primary Certificate # _____.

RECEIVED**MAY 19 2022****For a change from Supplemental Irrigation Use to Primary Irrigation Use**

Identify the primary certificate to be cancelled. Certificate # _____

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

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

Tip: You may search for well logs on the Department's web page at:

http://apps.wrd.state.or.us/apps/gw/well_log/Default.aspx

AND/OR

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

Table 3. Construction of Point(s) of Appropriation

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

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

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Application for Water Right Transfer

Evidence of Use Affidavit



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

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

State of Oregon)
County of CURRY) ss

I, GEORGIA MAYEA, in my capacity as CO- TRUSTEE OF THE DOLORES A. MAYEA LIVING TRUST,
mailing address 205 W. CLEVELAND STREET / LAFAYETTE, CO. 80026.
telephone number (720)989-7082, being first duly sworn depose and say:

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

☒ Personal observation ☐ Professional expertise

2. I attest that:

☒ Water was used during the previous five years on the **entire** place of use for
Certificate # 26303; **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)
26303	32	S	15	W	W	27	NE	SE		13.4
26303	32	S	15	W	W	27	NW	SE		22.2
26303	32	S	15	W	W	27	SW	SE		1.8
26303	32	S	15	W	W	27	SE	SE		12.2

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 # 26303 (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

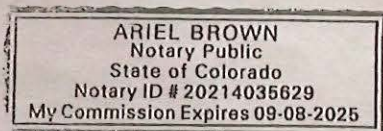
4. I understand that if I do not attach one or more of the documents shown in the table below to support the above statements, my application will be considered incomplete.

OWRD

Georgia Magee
Signature of Affiant

5-6-2022
Date

Signed and sworn to (or affirmed) before me this 6th day of May, 2022.



Ariel Brown
Notary Public for ~~Oregon~~ Colorado
My Commission Expires: 9/8/25

Supporting Documents	Examples
<input type="checkbox"/> Copy of a water right certificate that has been issued within the last five years. (not a remaining right certificate)	Copy of confirming water right certificate that shows issue date
<input checked="" 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 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.terraserver.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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Application for Water Right Transfer

Evidence of Use Affidavit



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

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

State of Oregon)
) ss
County of CURRY

I, JULIE KELLEHER, in my capacity as CO- TRUSTEE OF THE DOLORES A. MAYEA LIVING TRUST,
mailing address P.O. BOX 367 / SISTERS, OREGON 97759
telephone number (541)977-2949, being first duly sworn depose and say:

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

☒ Personal observation ☐ Professional expertise

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2. I attest that:

☒ Water was used during the previous five years on the **entire** place of use for
Certificate # 26303; **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)
26303	32	S	15	W	W	27	NE	SE		13.4
26303	32	S	15	W	W	27	NW	SE		22.2
26303	32	S	15	W	W	27	SW	SE		1.8
26303	32	S	15	W	W	27	SE	SE		12.2

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 # 26303 (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.

Julie Kelleher
Signature of Affiant

5-6-22
Date

Signed and sworn to (or affirmed) before me this 6 day of May, 2022.



[Signature]
Notary Public for Oregon

My Commission Expires: 10.20.25

Supporting Documents	Examples
<input type="checkbox"/> Copy of a water right certificate that has been issued within the last five years. (not a remaining right certificate)	Copy of confirming water right certificate that shows issue date
<input checked="" 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 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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Electric Location History - 3215270025

Read Date	Meter Read	Read Type	KWH	Days	Bill Amount	Avg KWH	Bill Type	Demand Read
04/11/22	13805	Coop Read	0	0	.00	0	Pending	0
03/12/22	13805	Coop Read	0	28	39.29	0	Minimum	0
02/12/22	13805	Coop Read	0	32	39.29	0	Minimum	0
01/11/22	13805	Coop Read	0	30	39.29	0	Minimum	0
12/12/21	13805	Coop Read	0	30	39.29	0	Minimum	0
11/12/21	13805	Coop Read	0	32	39.29	0	Minimum	0
10/11/21	13805	Coop Read	717	29	101.74	24	Normal	14.260
09/12/21	13088	Coop Read	8,162	32	750.20	255	Normal	14.478
08/11/21	4926	Coop Read	4,926	31	468.34	158	Normal	14.478
07/11/21	0	Coop Read	0	29	39.29	0	Minimum	0
06/12/21	0	Coop Read	0	32	39.29	0	Minimum	0
05/11/21	0	Coop Read	0	29	39.29	0	Minimum	0
04/12/21	25741	Special	0	26	39.29	0	Minimum	0

Estimated Bills: 0 Multiplier of most rece
Minimum Bills: 9 YL KWH: 0

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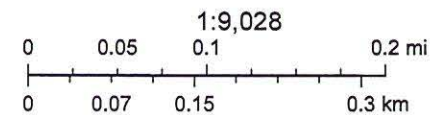
14044

Curry County Web Map



2/5/2022, 3:00:38 PM

- | | | | |
|------------------------------|------------------------------|---------------|-------------------------|
| World Imagery | High Resolution 30cm Imagery | Parcels | Highways (1) |
| Low Resolution 15m Imagery | Citations | Parcel Labels | Situs Address (Current) |
| High Resolution 60cm Imagery | 2.4m Resolution Metadata | All Roads | Townships |



Maxar, Bureau of Land Management, State of Oregon, State of Oregon DOT, State of Oregon GEO, Esri Canada, Esri, HERE, Garmin, Intermap, USGS,

Created by LCOG for Curry County

The information on this map was derived from digital databases from the Curry County regional geographic information system by LCOG. Care was taken in the creation of this map, but is provided "as-is". Curry County and LCOG cannot accept any responsibility for

APPLICATION FOR PERMIT

To appropriate the Public Waters of the State of Oregon

I, E. B. Marsh,
of Port Orford, Oregon,
State of Oregon, do hereby make application for a permit to appropriate the
following described public waters of the State of Oregon, SUBJECT TO EXISTING RIGHTS:

If the applicant is a corporation, give date and place of incorporation

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1. The source of the proposed appropriation is Elk River,
a tributary of Pacific Ocean,
2. The amount of water which the applicant intends to apply to beneficial use is 164/80
cubic feet per second.

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**3. The use to which the water is to be applied is irrigation.

4. The point of diversion is located ft. and ft. from the
corner of Use three portable pumps from any point on Elk River in
SE $\frac{1}{4}$ of Section 27; SW $\frac{1}{4}$ of the SW $\frac{1}{4}$ of Section 26; NW $\frac{1}{4}$ of the NW $\frac{1}{4}$ of
Section 35 and the NE $\frac{1}{4}$ of the NW $\frac{1}{4}$ of Section 35, all in T. 32 S.,
R. 15 W. W. M.

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being within the as above of Sec. 26 Tp. 32 S.
R. 15 W. W. M., in the county of Curry
5. The pipe line to be 1200 ft.
in length, terminating in the SE $\frac{1}{4}$ SW $\frac{1}{4}$ of Sec. 26 Tp. 32 S.
R. 15 W. W. M., the proposed location being shown throughout on the accompanying map

DESCRIPTION OF WORKS

Diversion Works—

6. (a) Height of dam none feet, length on top feet length at bottom feet
feet; material to be used and character of construction rock and brush, timber crib, etc., walkway over or around dam

(b) Description of headgate

(Timber, concrete, etc., number and size of openings)

(c) If water is to be pumped give general description three 3 inch centrifugal
pumps each powered by 15 horse power electric motor operating
sprinkler systems.

*A different form of application is provided where storage works are contemplated

**Application for permit to appropriate water for the generation of electricity, with the exception of those applications which are made to the
Hydro-Electric Commission. Either of the above forms may be secured, with instructions, together with a list of the Hydro-Electric Commission,
Oregon.

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21647

Canal System or Pipe Line—

7. (a) Give dimensions at each point of canal where materially changed in size, stating miles from headgate. At headgate: width on top (at water line) feet; width on bottom feet; depth of water feet; grade feet fall per one thousand feet.

(b) At miles from headgate: width on top (at water line) feet; width on bottom feet; depth of water feet; grade feet fall per one thousand feet.

(c) Length of pipe, 8000 ft.; size at intake, 6 in.; size at 500 ft. from intake 3 in.; size at place of use 3 in.; difference in elevation between intake and place of use, 20 ft. Is grade uniform? no Estimated capacity, 150/100 sec. ft.

8. Location of area to be irrigated, or place of use

Township	Range E. or W. of Williamsia Meridian	Section	Forty-acre Tract	Number Acres To Be Irrigated
32 S.	15 W.	27	SW $\frac{1}{4}$, NE $\frac{1}{4}$	.5
32 S.	15 W.	27	NW $\frac{1}{4}$, SE $\frac{1}{4}$	26.74
32 S.	15 W.	27	SW $\frac{1}{4}$, SE $\frac{1}{4}$	3.5
32 S.	15 W.	27	NE $\frac{1}{4}$, SE $\frac{1}{4}$	8.24
32 S.	15 W.	27	SE $\frac{1}{4}$, SE $\frac{1}{4}$	34.9
32 S.	15 W.	26	NW $\frac{1}{4}$, SW $\frac{1}{4}$	.4
32 S.	15 W.	26	SW $\frac{1}{4}$, SW $\frac{1}{4}$	23.6
32 S.	15 W.	26	SE $\frac{1}{4}$, SW $\frac{1}{4}$	25.0
32 S.	15 W.	35	NW $\frac{1}{4}$, NW $\frac{1}{4}$	14.72
32 S.	15 W.	35	NE $\frac{1}{4}$, NW $\frac{1}{4}$	25.2
32 S.	15 W.	26	NE $\frac{1}{4}$, SW $\frac{1}{4}$	1.0

(If more space required, attach separate sheet)

(a) Character of soil sandy and clay loam

(b) Kind of crops raised grass, clover pasture

Power or Mining Purposes—

9. (a) Total amount of power to be developed

(b) Quantity of water to be used for power sec. ft.

(c) Total fall to be utilized feet.

(d) The nature of the works by means of which the power is to be developed

(e) Such works to be located in

(Legal subdivision)

Tp. R. W. M.

(No N or S) (No E or W)

(f) Is water to be returned to any stream? Yes or No

(g) If so, name stream and locate point of return

Sec. Tp. R. W. M.

(No N or S) (No E or W)

(h) The use to which power is to be applied is

(i) The nature of the mines to be served

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Proposed or Domestic Supply

10. (a) To supply the city of _____
 _____ County, having a present population of _____
 and an estimated population of _____ in 19____

(b) If for domestic use state number of families to be supplied _____
 (Answer questions 11, 12, 13, and 14 in all cases)

11. Estimated cost of proposed works, \$ 5000.00
12. Construction work will begin on or before Aug. 15, 1952.
13. Construction work will be completed on or before Sept. 1, 1952
14. The water will be completely applied to the proposed use on or before Sept. 1, 1955.

D.B. Marsh
 (Signature of applicant)

Remarks: _____

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The NE $\frac{1}{4}$ of Section 27, T. 32 S., R. 15 W. N. M.
 The E $\frac{1}{4}$ of the SE $\frac{1}{4}$ of Section 27, T. 32 S., R. 15 W. W. M.
 All the W $\frac{1}{4}$ of the SE $\frac{1}{4}$ of Section 27, T. 32 S., R. 15 W. W. M.,
 excepting parcel sold as indicated by boundary lines on the
 accompanying map.

The SW $\frac{1}{4}$ of Section 26, T. 32 S., R. 15 W. W. M.
 All the NE $\frac{1}{4}$ of the NW $\frac{1}{4}$ of Section 35, T. 32 S., R. 15 W. W. M.
 north of Elk River.
 All the NW $\frac{1}{4}$ of the NW $\frac{1}{4}$ of Section 35, T. 32 S., R. 15 W. W. M.
 excepting the parcels sold as indicated on the accompanying
 map.

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STATE OF OREGON, }
 County of Marion, } ss.

This is to certify that I have examined the foregoing application, together with the accompanying
 maps and data, and return the same for _____

In order to retain its priority, this application must be returned to the State Engineer, with correc-
 tions on or before _____, 19____

WITNESS my hand this _____ day of _____, 19____

STATE ENGINEER

14044

STATE OF OREGON,

County of Marion,

PERMIT

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This is to certify that I have examined the foregoing application and do hereby grant the same
SUBJECT TO EXISTING RIGHTS and the following limitations and conditions:

The right hereto granted is limited to the amount of water which can be applied to beneficial use
and shall not exceed 2.087 cubic feet per second measured at the point of diversion from the
stream, or its equivalent in case of rotation with other water users, from Klk River

The use to which this water is to be applied is irrigation

If for irrigation, this appropriation shall be limited to 1/80 of one cubic foot per
second or its equivalent for each acre irrigated and shall be further limited to a
diversion of not to exceed 2 1/2 acre feet per acre for each acre irrigated during the
irrigation season of each year,

and shall be subject to such reasonable rotation system as may be ordered by the proper state officer

The priority date of this permit is July 31, 1952

Actual construction work shall begin on or before December 31, 1953 and shall
thereafter be prosecuted with reasonable diligence and be completed on or before
October 1, 1954

Complete application of the water to the proposed use shall be made on or before
October 1, 1955

WITNESS my hand this 31st day of December 1952

Charles E. Smith
STATE ENGINEER

Permits for power development are subject to the payment of annual fees as provided in sections 1 and 2, chapter 24, Oregon Laws 1949

PERMIT

TO APPROPRIATE THE PUBLIC
WATERS OF THE STATE
OF OREGON

District No. District No.

This instrument was first received in the
office of the State Engineer at Salem, Oregon,
on the 31st day of July
1952 at 2:00 o'clock P. M.
Returned to applicant:

Corrected application received:

Approved:

December 31, 1952

Recorded in book No. 71

Plants on page 21647

STATE ENGINEER

Deed/Basin No. 4 Page 40

Fees Paid 4

STATE OF OREGON
COUNTY OF CURRY
CERTIFICATE OF WATER RIGHT

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This Is to Certify, That N. B. MARSH

of Port Orford, State of Oregon, has made proof to the satisfaction of the STATE ENGINEER of Oregon, of a right to the use of the waters of Elk River, a tributary of Pacific Ocean, for the purpose of irrigation of 100.7 acres,

under Permit No. 21647 of the State Engineer, and that said right to the use of said waters has been perfected in accordance with the laws of Oregon; that the priority of the right hereby confirmed dates from July 31, 1952,

that the amount of water to which such right is entitled and hereby confirmed, for the purposes aforesaid, is limited to an amount actually beneficially used for said purposes, and shall not exceed 1.26 cubic feet per second,

or its equivalent in case of rotation, measured at the point of diversion from the stream. The point of diversion is located in the Lot 4 (SW $\frac{1}{4}$ SW $\frac{1}{4}$), Section 26; NW $\frac{1}{4}$ SE $\frac{1}{4}$, SE $\frac{1}{4}$ SE $\frac{1}{4}$, Section 27; Township 32 South, Range 15 West, W.M.

The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands, shall be limited to one-eightieth of one cubic foot per second per acre, or its equivalent for each acre irrigated and shall be further limited to a diversion of not to exceed 2 $\frac{1}{2}$ acre feet per acre for each acre irrigated during the irrigation season of each year,

and shall conform to such reasonable rotation system as may be ordered by the proper state officer.

A description of the place of use under the right hereby confirmed, and to which such right is appurtenant, is as follows:

3.0 acres NE $\frac{1}{4}$ SW $\frac{1}{4}$
1.0 acres Lot 3 (NW $\frac{1}{4}$ SW $\frac{1}{4}$)
16.8 acres Lot 4 (SW $\frac{1}{4}$ SW $\frac{1}{4}$)
17.6 acres SE $\frac{1}{4}$ SW $\frac{1}{4}$
Section 26
13.4 acres NE $\frac{1}{4}$ SE $\frac{1}{4}$
22.2 acres NW $\frac{1}{4}$ SE $\frac{1}{4}$
1.8 acres SW $\frac{1}{4}$ SE $\frac{1}{4}$
12.2 acres SE $\frac{1}{4}$ SE $\frac{1}{4}$
Section 27
10.4 acres NE $\frac{1}{4}$ NW $\frac{1}{4}$
2.3 acres Lot 1 (NW $\frac{1}{4}$ NW $\frac{1}{4}$)
Section 35
Township 32 South, Range 15 West, W.M.

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

WITNESS the signature of the State Engineer, affixed

this date, NOVEMBER 19 1959

LEWIS A. STANLEY
State Engineer

Recorded in State Record of Water Right Certificates, Volume 18, page 26303

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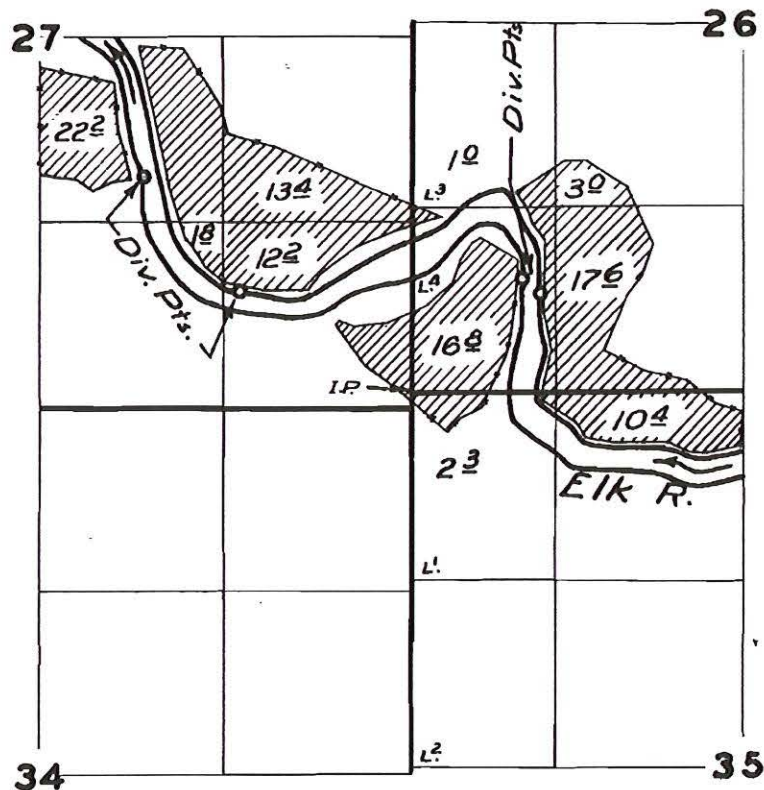
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T.32 S.R.15 W.W.M.

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FINAL PROOF SURVEY
UNDER

Application No. 27510 Permit No. 21647
IN NAME OF

N. B. Marsh

Surveyed 18 April 1958, by M. B. Bish

14044

1958-A

Curry County Community Development – Planning Department



**NOTICE OF REQUEST
FOR CURRY COUNTY ADMINISTRATIVE ACTION
ON A SPECIFIC LAND USE PROPOSAL**

Application P-2201

February 9, 2022

I. LAND USE ACTION

Type of Land Use Action: Applicant requests preliminary approval to divide a 285-acre property into two (2) parcels to separate an existing, legally established dwelling. As proposed, Parcel 1 will be about 275.42 acres and Parcel 2 will be about 9.60 acres. This property has Forestry-Grazing (FG) zoning and is located outside the Port Orford Urban Growth Boundary.

Nature of Use Which Could Be Authorized:
Preliminary approval of a partition as stated above.

II. APPLICABLE CRITERIA

Curry County Zoning Ordinance

Section 3.050 Forestry-Grazing (FG)
Section 3.054 Lot Size
Section 4.050 Access Management

Curry County Land Division Ordinance

Article II: Minor Partitions
Article VI: Requirements for All Divisions of Land

III. APPLICANT AND SUBJECT PROPERTY

Property Owner: Delores Mayea, Living Trust

Applicant: Julie L Kelleher & Georgia Mayea

Agent: Russ Dodge

Location: 93773 Elk River Rd, Port Orford, OR 97465
About 2.5 miles east of Elk River Rd's intersection with US Hwy 101

Legal Description: Township 32 South, Range 15 West W.M., Index Map, Tax Lot 100

IV. PLANNING DIRECTOR'S REVIEW

You are invited to submit written comment regarding the pending decision on this matter. The decision for this request will be rendered by the Planning Director after **Thursday, March 10, 2022**. Written comments regarding this matter must be received by the Planning Director no later than 5:00 pm **Thursday, March 10, 2022** to be considered in the decision.

Send written responses to this notice to:

Planning Director, Curry County Community Development
94235 Moore St. Suite 113
Gold Beach, Oregon, 97444

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V. OTHER INFORMATION

REQUIRED STATUTORY NOTICE: ORS 197.763 (3)(e) states that failure to raise an issue either in person or by letter or failure to provide statements or evidence sufficient to allow the decision maker an opportunity to respond to the issue precludes appeal to Land Use Board of Appeals on that issue.

DOCUMENTS AND STAFF REPORT: A copy of the file containing the application, all documents and evidence submitted by or on behalf of the applicant and applicable criteria are available for review at no cost at the Department of Community Development office. Copies (\$0.25 per page) can be requested.

GENERAL EXPLANATION of the Requirements for submission of testimony and the procedure for conduct of hearings:

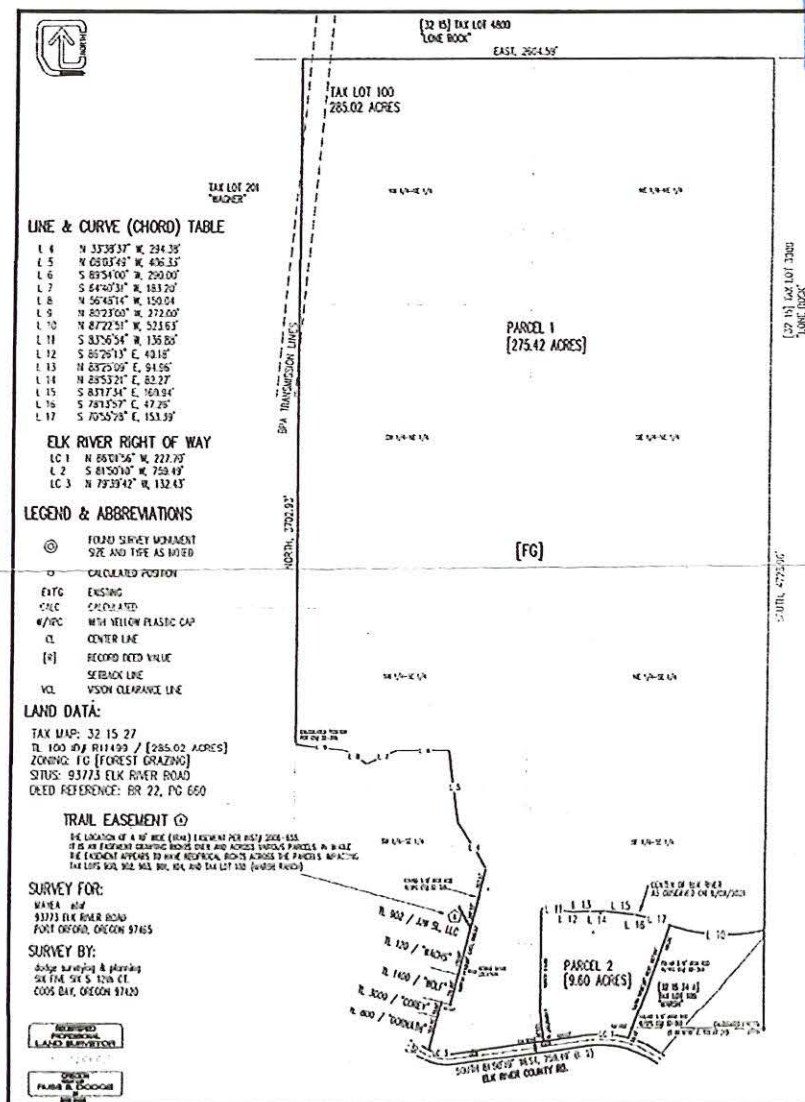
Persons may submit documents or evidence to the record of the decision on this matter until the comment period is declared closed by the Planning Director. All written evidence or documents submitted by mail, e-mail or FAX must be received by the staff prior to the end of the comment period to ensure that the material will be submitted to the record. All written evidence and documents submitted should be legible, page numbered and identified with the application number indicated on this notice.

For further information regarding this notice, please email: planning@co.curry.or.us
Or call Nancy O'Dwyer (541-247-3284) or Becky Crockett (541-247-3228)

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1" = 400'

Cancelled



V27

1444

Submitted TO:
Oregon Department of Water Resources
Transfer Application

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

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SUBMITTALS:

Transfer Application W/Fee
Evidence of Use Affidavit (2)
Certificate 26303 (Copy)
Permit 21647 (Copy)
Transfer Map (Paper Copy)
Transfer Map (Mylar)
Assessor Map
Curry County Land Use Decision

Background Information

The Applicant/Owner by this submittal wishes to apply for a Water Right Transfer. The Transfer would only alter or change that portion of Certificate 26303 applying to the Lands Located in Section 27, Township 32 South – Range 15 West, W.M. Curry County Oregon. These Lands are owned by the Mayea Family. This will not change any of the remaining irrigated lands located on the Marsh Lands.

Water is applied to the Irrigated Lands by Portable Pump Units mounted on small rubber tired trailers. The Intakes are screened and are for the most part 4" Flex Pipes. The Water is pumped up to the fields located about 15' above the normal Inlet. From that point water is conveyed through a standard sprinkler irrigation system. The Wheeled 4" Aluminum distribution pipes are both manually and mechanically moved across the crop lands.

There are no land use changes proposed, the farm lands have been in operation for many years.

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dodge surveying & planning
SIX FIVE SIX S. 12th CT – STE 1
Coos Bay, Oregon 97420
(541) 404-3799
May 12, 2022

Land Use Information Form



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

Applicant(s): GEORGIA MAYEA & JULIE KELLEHER

Mailing Address: 93773 ELK RIVER ROAD

City: PORT ORFORD State: OR Zip Code: 97465 Daytime Phone: (720) 989-7082

A. Land and Location

Please include the following information for all tax lots where water will be diverted (taken from its source), conveyed (transported), and/or used or developed. Applicants for municipal use, or irrigation uses within irrigation districts may substitute existing and proposed service-area boundaries for the tax-lot information requested below.

Township	Range	Section	¼ ¼	Tax Lot #	Plan Designation (e.g., Rural Residential/RR-5)	Water to be:			Proposed Land Use:
32S	15W	27	SE	100	FG	<input checked="" type="checkbox"/> Diverted	<input checked="" type="checkbox"/> Conveyed	<input checked="" type="checkbox"/> Used	R / FG
						<input type="checkbox"/> Diverted	<input type="checkbox"/> Conveyed	<input type="checkbox"/> Used	
						<input type="checkbox"/> Diverted	<input type="checkbox"/> Conveyed	<input type="checkbox"/> Used	
						<input type="checkbox"/> Diverted	<input type="checkbox"/> Conveyed	<input type="checkbox"/> Used	

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

CURRY COUNTY, OREGON

B. Description of Proposed Use

Type of application to be filed with the Water Resources Department:

- ☐ Permit to Use or Store Water ☒ Water Right Transfer ☐ Permit Amendment or Ground Water Registration Modification
☐ Limited Water Use License ☐ Allocation of Conserved Water ☐ Exchange of Water

Source of water: ☐ Reservoir/Pond ☐ Ground Water ☒ Surface Water (name) ELK RIVER

Estimated quantity of water needed: N/A ☐ cubic feet per second ☐ gallons per minute ☐ acre-feet

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

Briefly describe:

A Water Right Transfer altering or shifting 6 Acres from two fields North of Elk River to an area of 6 Acres South of Elk River. No additional water has been applied for in the Transfer. No change in Use has been applied.

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

See bottom of Page 3. →

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For Local Government Use Only

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

Please check the appropriate box below and provide the requested information

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


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

Type of Land-Use Approval Needed (e.g., plan amendments, rezones, conditional-use permits, etc.)	Cite Most Significant, Applicable Plan Policies & Ordinance Section References	Land-Use Approval:	
		<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being Pursued <input type="checkbox"/> Not Being Pursued
	RECEIVED	<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being Pursued <input type="checkbox"/> Not Being Pursued
	JUL 15 2022	<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being Pursued <input type="checkbox"/> Not Being Pursued
	OWNED	<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being Pursued <input type="checkbox"/> Not Being Pursued
		<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being Pursued <input type="checkbox"/> Not Being Pursued

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

Existing single-family residence on property is non-conforming use. Replacement dwelling will be moved prior to completion of an approved partition separating the dwelling from the resource land.

Name: Nancy O'Dwyer Title: Planner

Signature:  Phone: 541-247-3284 Date: 7/11/2022

Government Entity: Curry County Community Development - Planning Department

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

Receipt for Request for Land Use Information

Applicant name: _____

City or County: _____ Staff contact: _____

Signature: _____ Phone: _____ Date: _____

ds&p

Six Five Six S. 12th CT.
Coos Bay, Oregon 97420

July 13, 2022

**OREGON WATER RESOURCES DEPARTMENT
725 SUMMER ST. NE, SUITE A
SALEM, Oregon 97301-1266**

Please find the enclosed Transfer Application which includes the missing Check List filled out along with the LUCS Form signed by Curry County.

I have included all of the pages and maps originally submitted but if I am missing something please let me know.

Reference Certificate 26303 [Marsh]

If you have any questions or need additional information please call me at (541) 404-3799, or email at rdodgesurvey@gmail.com



Thank you,
Russ S. Dodge LS, CWRE

C: File Copy
20-36 WR T [Mayea]

RECEIVED

JUL 15 2022

OWRD

dodge surveying & planning
(541) 404-3799 / rdodgesurvey@gmail.com



Oregon

Kate Brown, Governor

Water Resources Department

725 Summer St NE, Suite A

Salem, OR 97301

(503) 986-0900

Fax (503) 986-0904

May 26, 2022

RUSS DODGE
DODGE SURVEYING & PLANNING
656 S. 12TH CT
COOS BAY, OR 97420

RE: Incomplete Transfer Application

Dear Applicant,

The Water Resources Department has received an application for a permanent transfer for one certificated water right. The application is considered incomplete as the Department did not receive all of the required documentation to process the transfer. Pursuant to OAR 690-380, the following are missing from your application:

- **The Department's Land Use Form is missing. Please fill out the included Land Use Form and have signed and return with the application.**
- **Page one and two checklists are incomplete. Please fill them out completely to indicate what is included in the application.**

We are hereby returning the permanent transfer application and the fees submitted.

Please resend the complete application in its entirety.

Please contact the customer service number at 503-986-0801
If you need assistance with your application.

Transfer and Conservation Section
Oregon Department of Water Resources

Cc: OWRD Fiscal



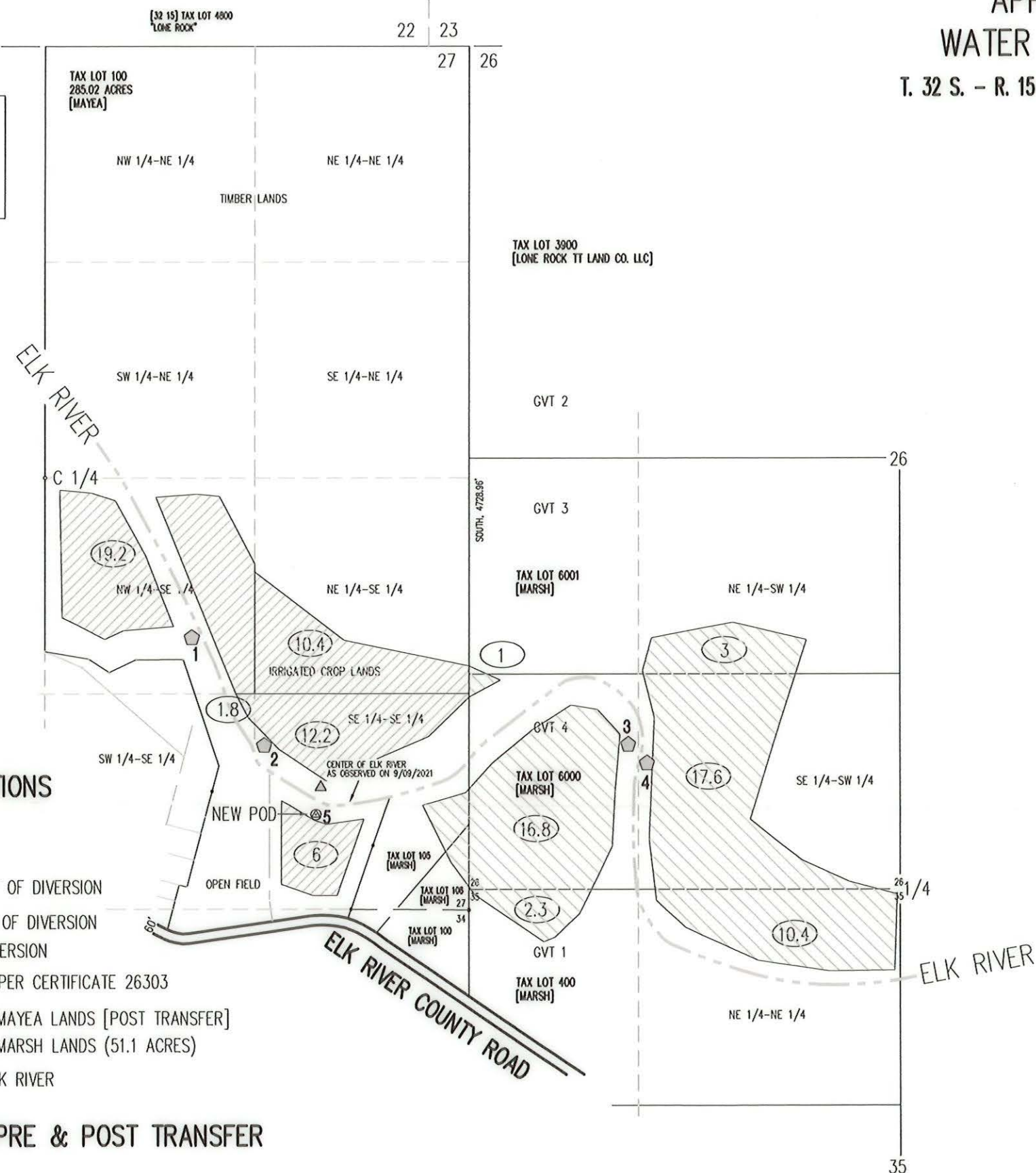
NOTE: THIS MAP WAS PREPARED FOR THE PURPOSE OF IDENTIFYING THE LOCATION OF A WATER RIGHT ONLY AND IS NOT INTENDED TO PROVIDE LEGAL DIMENSIONS OR LOCATION OF PROPERTY OWNERSHIP LINES.

LEGEND & ABBREVIATIONS

- | | |
|--------|--|
| EXT'G | EXISTING |
| CALC | CALCULATED |
| △ | (OBSERVED) POINT OF DIVERSION |
| ⬠ X | HISTORICAL POINT OF DIVERSION |
| ⊙ X | NEW POINT OF DIVERSION |
| (XX.X) | IRRIGATED LANDS PER CERTIFICATE 26303 |
| | WATER RIGHT ON MAYEA LANDS [POST TRANSFER] |
| | WATER RIGHT ON MARSH LANDS (51.1 ACRES) |
| --- | CENTERLINE OF ELK RIVER |

IRRIGATED LANDS - PRE & POST TRANSFER

MAYEA LANDS: 49.6 ACRES
MARSH LANDS: 51.1 ACRES



APPLICATION FOR WATER RIGHT TRANSFER

T. 32 S. - R. 15 W., W.M. - CURRY COUNTY, OREGON

CERTIFICATE 26303
PERMIT 21647
APPLICATION 27510

IN NAME OF: N.B. MARSH
PRIORITY DATE: JULY 31, 1952
USE: IRRIGATION
RATE: 1.26 CFS (YEARLY IRRIGATION SEASON)
TOTAL ACREAGE: 100.7 ACRES

RECEIVED

JUL 15 2022

OWRD

RECEIVED

MAY 19 2022

OWRD



APPLICATION FOR
WATER RIGHT TRANSFER
T. 32 S. - R. 15 W., W.M. - CURRY COUNTY, OREGON

DRAWN BY rd

SCALE: 1" = 800'

DATE: MAY 11, 2022

DS&P 21-36.WR T



dodge surveying & planning
(541) 404-3799 | rdodgesurvey@gmail.com

SIX FIVE SIX S. 12TH CT
COOS BAY, OREGON 97420

[Main](#)
[Help](#)

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

Fee Calculation

\$1,360.00

\$1,090.00

\$0.00

\$0.00

[illegible]

\$2,450.00

\$2,450.00

Return to Edit Clear

Permanent Transfer Application Intake Completion Checklist

Check the Certificate(s) in WRIS

Transfer # T-

62ers

Checked by: <u>S20H</u> Date: <u>7-19-22</u>	Type of Change(s) Proposed: <i>Mark the Proposed Changes</i>	Substitution	Supplemental to Primary	<input checked="" type="checkbox"/> POU	POD	<input checked="" type="checkbox"/> APOD
Fee Received: <u>2450</u>		Gov Action	Surface to Ground	<input type="checkbox"/> USE	<input type="checkbox"/> POA	<input checked="" type="checkbox"/> APOA
Calculated Fee: <u>2450</u>				How many rights to be Transferred? <u>1</u>		
				Certificate # <u>20303</u>		
Additional Observations: _____						

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

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

Actions taken: _____ Date: _____