

Regular

Name Sayer land Company LLCAddress 37177 Highway 228  
Brownsville Oregon 97327  
ars1014@gmailChange in POD POD  
Date Filed 11/1/2022  
Initial notice date 11/8/2022  
DPD issued date  
PD issued date 6/16/2025  
PD notice date 6/17/2025  
Date of FO 8/8/2025 Vol 135 Page 328-332C-Date  
COBU due date  
COBU Received date  
Certificate issued

Assignments:

Irrigation District

Agent WHL McGill Surveying

CWRE

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

## DESCRIPTION OF WATER RIGHT(S)

Name of Stream Cahoonia riverTrib. of Willamette riverUse irrigation County linn

Quantity of water (CFS) No. of Acres

Name of ditch

App# 540547 Per # 530219 Cert # 37601 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 # |
| 11-1-2022 | \$2,860. <sup>00</sup> | 137453    |

| FEES REFUNDED |        |           |
|---------------|--------|-----------|
| Date          | Amount | Receipt # |



# 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

August 8, 2025

Sayer Land Company LLC  
37177 Hwy 228  
Brownsville, OR 97327

REFERENCE: Transfer Application T-14114

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, Joan Smith, by telephone at (503) 986-0892 or by e-mail at [Joan.m.smith@water.oregon.gov](mailto:Joan.m.smith@water.oregon.gov).

Sincerely,

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

cc: Lanaya F. Blakely, Watermaster Dist. # 2 (via email)  
William E. McGill, Agent  
Linn 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 A CHANGE IN  |
| T-14114, Linn County                  | ) | 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**

SAYER LAND COMPANY LLC  
37177 HIGHWAY 228  
BROWNSVILLE, OR 97327

**Findings of Fact**

1. On November 1, 2022, Sayer Land Company LLC filed an application to change the point of diversion and to change the place of use under Certificate 37601. The Department assigned the application number T-14114.
2. Notice of the application for transfer was published on November 8, 2022, pursuant to OAR 690-380-4000. No comments were filed in response to the notice.
3. On April 4, 2024, the Department mailed a copy of the draft Preliminary Determination proposing to approve Transfer Application T-14114 to the applicant. The draft Preliminary Determination cover letter set forth a deadline of May 6, 2024, for the applicant to respond.
4. The draft Preliminary Determination was re-sent on September 24, 2024, due to emailing issues the first draft was not received. The applicant requested that the Department proceed with issuance of a Preliminary Determination and provided the necessary information to demonstrate that the applicant is authorized to pursue the transfer.

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

5. The applicant's agent requested a completion date of October 1, 2030, to allow the applicant to make improvements to the irrigation system. The Department granted the longer time for completion per OAR 690-380-5140(3).
6. On June 16, 2025, the Department issued a Preliminary Determination proposing to approve Transfer T-14114 and mailed a copy to the applicant. Additionally, notice of the Preliminary Determination for the transfer application was published on the Department's weekly notice on June 17, 2025, and in the Times newspaper on June 18 and 25, 2025 pursuant to ORS 540.520 and OAR 690-380-4020. No protests were filed in response to the notice.

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

**Certificate:** 37601 in the name of LAWRENCE J. BERTSCH (perfected under Permit S-30219)

**Use:** IRRIGATION OF 176.3 ACRES

**Priority Date:** JANUARY 27, 1965

**Rate:** 1.18 CUBIC FEET 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:** CALAPOOIA RIVER, a tributary of WILLAMETTE RIVER

**Authorized Point of Diversion:**

| Twp  | Rng | Mer | Sec | Q-Q   | Measured Distances                                                               |
|------|-----|-----|-----|-------|----------------------------------------------------------------------------------|
| 14 S | 2 W | WM  | 12  | SW SW | (POD-1) - 1580 FEET SOUTH AND 420 FEET WEST FROM THE NE CORNER OF OSBORNE DLC 53 |

**Authorized Place of Use:**

| IRRIGATION |     |     |     |       |     |       |
|------------|-----|-----|-----|-------|-----|-------|
| Twp        | Rng | Mer | Sec | Q-Q   | DLC | Acres |
| 14 S       | 2 W | WM  | 12  | SW NE | 54  | 30.0  |
| 14 S       | 2 W | WM  | 12  | SE NE | 54  | 8.5   |
| 14 S       | 2 W | WM  | 12  | SW NW | 52  | 0.3   |
| 14 S       | 2 W | WM  | 12  | SW NW | 52  | 0.9   |
| 14 S       | 2 W | WM  | 12  | SE NW | 53  | 0.4   |
| 14 S       | 2 W | WM  | 12  | SE NW | 52  | 2.7   |
| 14 S       | 2 W | WM  | 12  | SE NW | 54  | 25.3  |
| 14 S       | 2 W | WM  | 12  | NE SW | 53  | 0.3   |
| 14 S       | 2 W | WM  | 12  | NE SW | 54  | 22.3  |
| 14 S       | 2 W | WM  | 12  | NW SW | 53  | 0.1   |
| 14 S       | 2 W | WM  | 12  | SE SW | 54  | 5.4   |
| 14 S       | 2 W | WM  | 12  | NE SE | 54  | 26.8  |
| 14 S       | 2 W | WM  | 12  | NW SE | 54  | 40.0  |
| 14 S       | 2 W | WM  | 12  | SW SE | 54  | 11.3  |

| IRRIGATION |     |     |     |       |     |       |
|------------|-----|-----|-----|-------|-----|-------|
| Twp        | Rng | Mer | Sec | Q-Q   | DLC | Acres |
| 14 S       | 2 W | WM  | 12  | SE SE | 54  | 2.0   |
| Total      |     |     |     |       |     | 176.3 |

8. Transfer Application T-14114 proposes to move the authorized point of diversion approximately 1.8 miles downstream to:

| Twp  | Rng | Mer | Sec | Q-Q   | Measured Distances                                                      |
|------|-----|-----|-----|-------|-------------------------------------------------------------------------|
| 14 S | 2 W | WM  | 3   | SE SE | POD A - 65 FEET NORTH AND 600 FEET WEST FROM THE SE CORNER OF SECTION 3 |

9. Transfer Application T-14114 also proposes to change the place of use of the right to:

| IRRIGATION |     |     |     |       |     |       |
|------------|-----|-----|-----|-------|-----|-------|
| Twp        | Rng | Mer | Sec | Q-Q   | DLC | Acres |
| 14 S       | 2 W | WM  | 10  | NE NE | 49  | 29.5  |
| 14 S       | 2 W | WM  | 10  | NW NE | 49  | 32.2  |
| 14 S       | 2 W | WM  | 10  | SW NE | 49  | 19.3  |
| 14 S       | 2 W | WM  | 10  | SE NE | 49  | 26.2  |
| 14 S       | 2 W | WM  | 10  | NE NW | 49  | 3.6   |
| 14 S       | 2 W | WM  | 10  | SE NW | 49  | 3.1   |
| 14 S       | 2 W | WM  | 11  | NE NW | 49  | 1.6   |
| 14 S       | 2 W | WM  | 11  | NW NW | 49  | 25.2  |
| 14 S       | 2 W | WM  | 11  | SW NW | 49  | 33.3  |
| 14 S       | 2 W | WM  | 11  | SE NW | 49  | 2.3   |
| Total      |     |     |     |       |     | 176.3 |

10. The Oregon Department of Fish and Wildlife (ODFW) has determined that a fish screen is necessary at the new point of diversion to prevent fish from entering the diversion and that the diversion is not currently equipped with an appropriate fish screen. This diversion may be eligible for screening cost share funds.

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

11. Water has been used within the five-year period prior to submittal of Transfer Application T-14114 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.
12. 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-14114.
13. The water right is subject to transfer as defined in ORS 540.505(4) and OAR 690-380-0100(14).

14. The proposed point of diversion diverts water from the same source of surface water as the authorized point of diversion, as required by OAR 690-380-2110(2).
15. The proposed changes, as conditioned, would not result in enlargement of the right.
16. The proposed changes, as conditioned, would not result in injury to other existing water right.
17. All other application requirements are met.

#### **Conclusions of Law**

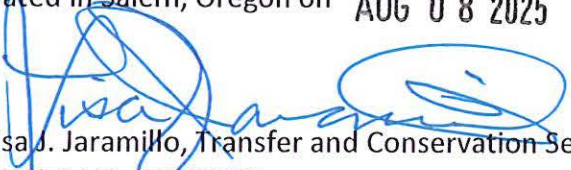
The change in point of diversion and change in place of use proposed in Transfer Application T-14114 are consistent with the requirements of ORS 540.505 to 540.580 and OAR 690-380-5000.

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

1. The change in point of diversion and change in place of use proposed in Transfer Application T-14114 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 37601 and any related decree.
3. Approval of this transfer application does not constitute nor grant legal access onto or through another person's property for purposes of accessing the new point of diversion and the new place of use.
4. Water right Certificate 37601 is cancelled. A new certificate will be issued describing that portion of the right not affected by this transfer.
5. The quantity of water diverted at the new point of diversion (POD A) shall not exceed the quantity of water lawfully available at the original point of diversion (POD 1).
6. Water shall be acquired from the same source of surface water as the original point of diversion.
7. The former place of use of the transferred right shall no longer receive water under the right.
8. Water use measurement conditions:
  - a. Before water use may begin under this order, the water user shall install a totalizing flow meter, or, with prior approval of the Director, another suitable measuring device, at each point of 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.
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, 2030**. 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 **AUG 08 2025**

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

Mailing date: **AUG 11 2025**

## STATE OF OREGON

## COUNTY OF LINN

## CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

LAWRENCE J BERTSCH  
 2145 TURNAGE NW  
 SALEM, OR 97304

confirms the right to use the waters of the CALAPOOIA RIVER, a tributary of WILLAMETTE RIVER for IRRIGATION of 111.7 ACRES.

This right was perfected under Permit S-30219. The date of priority is JANUARY 27, 1965. The amount of water to which this right is entitled is limited to an amount actually used beneficially, and shall not exceed 0.75 CUBIC FOOT PER SECOND, or its equivalent in case of rotation, measured at the point of diversion.

The point of diversion is located as follows:

| Twp  | Rng | Mer | Sec | Q-Q   | Measured Distances                                             |
|------|-----|-----|-----|-------|----------------------------------------------------------------|
| 14 S | 2 W | WM  | 12  | SW SW | 1580 FEET SOUTH AND 420 FEET WEST FROM THE NE CORNER OF DLC 53 |

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.

The use 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   | DLC | Acres |
| 14 S       | 2 W | WM  | 12  | SW NW | 53  | 0.6   |
| 14 S       | 2 W | WM  | 12  | SW NW | 52  | 0.6   |
| 14 S       | 2 W | WM  | 12  | NE SW | 54  | 1.7   |
| 14 S       | 2 W | WM  | 12  | NE SW | 53  | 2.8   |
| 14 S       | 2 W | WM  | 12  | NW SW | 53  | 14.1  |
| 14 S       | 2 W | WM  | 12  | SW SW | 53  | 0.1   |
| 14 S       | 2 W | WM  | 12  | SE SW | 53  | 1.5   |
| 14 S       | 2 W | WM  | 12  | SE SW | 54  | 14.1  |
| 14 S       | 2 W | WM  | 12  | SW SE | 54  | 22.7  |
| 14 S       | 2 W | WM  | 12  | SE SE | 54  | 23.9  |
| 14 S       | 2 W | WM  | 13  | NE NE | 54  | 11.1  |

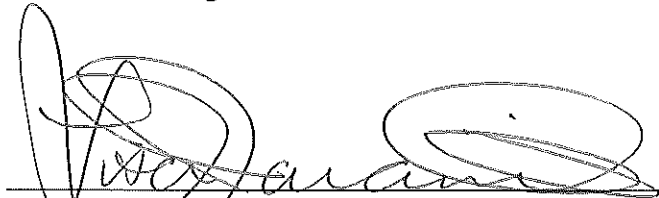
| IRRIGATION |     |     |     |       |     |       |
|------------|-----|-----|-----|-------|-----|-------|
| Twp        | Rng | Mer | Sec | Q-Q   | DLC | Acres |
| 14 S       | 2 W | WM  | 13  | NW NE | 54  | 17.2  |
| 14 S       | 2 W | WM  | 13  | NE NW | 54  | 1.5   |
| Total      |     |     |     |       |     | 111.9 |

This certificate describes that portion of water right Certificate 37601, State Record of Water Right Certificates, NOT modified by the provisions of an order of the Water Resources Director entered AUG 08 2025, approving Transfer Application T-14114.

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 AUG 08 2025.



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

# WATER RIGHT TRANSFER COVER SHEET

Transfer: T- 14114

Transfer Specialist: *Joan*

Transfer Type: Regular Transfer

|                                                                                                                        |  |                                                                                                                                         |  |
|------------------------------------------------------------------------------------------------------------------------|--|-----------------------------------------------------------------------------------------------------------------------------------------|--|
| <b>Applicant:</b><br>SAYER LAND COMPANY LLC<br>37177 HIGHWAY 228<br>BROWNSVILLE, OR 97327<br>Email: _____ Phone: _____ |  | <b>Agent:</b> <input type="checkbox"/> N/A<br>WILLIAM E. MCGILL<br>15333 PLETZER RD SE<br>TURNER, OR 97392<br>Email: _____ Phone: _____ |  |
| <b>Irrigation District:</b> <input type="checkbox"/> N/A<br>Email: _____                                               |  | <b>CWRE:</b> <input type="checkbox"/> N/A<br>Email: _____                                                                               |  |
| <b>Affected Local Gov'ts:</b> <input type="checkbox"/> N/A<br>Linn County Planning Department<br>Email: _____          |  | <b>Affected Tribal Gov't:</b> <input type="checkbox"/> N/A<br>UNAVAILABLE<br>Email: _____                                               |  |
| <b>Current Landowner if other than Applicant:</b> <input type="checkbox"/> N/A<br>Email: _____                         |  | <b>Receiving Landowner:</b> <input type="checkbox"/> N/A<br>Email: _____                                                                |  |

## Water Rights Affected

| File Marked              | App. File # or Decree Name | Permit | Certificate | RR/CR Needed                                                        | RR/CR Nos. |
|--------------------------|----------------------------|--------|-------------|---------------------------------------------------------------------|------------|
| <input type="checkbox"/> | S40547                     | S30219 | 37601       | <input checked="" 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: November 1, 2022                                         | Proposed Action(s): POINT OF DIVERSION; PLACE OF USE |                                              |
| Fees Pd: 2860.00                                                | WM District: 2                                       | ODFW District:                               |
| Initial Public Notice: November 8, 2022                         | WM Review sent:                                      | ODFW Review sent:                            |
| Acknowledgement Letter Sent <input checked="" type="checkbox"/> | Measurement devices at each po <del>v</del>          | GW Review sent: <input type="checkbox"/> N/A |
| County sent cc: of Ack Letter <input type="checkbox"/>          | BOR notified (date): <input type="checkbox"/> N/A    |                                              |
| Newspaper quote requested:                                      | Request for news \$ sent:                            | News \$ received:                            |
| Request to publish sent:                                        | Affidavit of publication received:                   | Last day of publication:                     |

| Document | Drafted                                        | Peer Review                                     | Changes Made                         | Coordinator                                  | Changes Made                                 | Signature Bin          | Signature Date         |
|----------|------------------------------------------------|-------------------------------------------------|--------------------------------------|----------------------------------------------|----------------------------------------------|------------------------|------------------------|
| DPD      | Date: <u>11/29/23</u><br>Initials: <u>Joan</u> | Date: <u>12/11/23</u><br>Initials: <u>Scott</u> | Date: _____<br>Initials: _____       | Date: <u>3/27/24</u><br>Initials: <u>PKS</u> | Date: <u>4/4/24</u><br>Initials: <u>Joan</u> | CW Sent: <u>4/4/24</u> | N/A                    |
| PD       | Date: <u>11/20/24</u><br>Initials: <u>Joan</u> | Date: <u>11/21/24</u><br>Initials: <u>Scott</u> | Date: _____<br>Initials: <u>Joan</u> | Date: _____<br>Initials: _____               | Date: _____<br>Initials: _____               | Date: <u>6/4/25</u>    | Date: <u>6/16/2025</u> |
| FO       | Date: <u>6/17/25</u><br>Initials: <u>Joan</u>  | Date: <u>6/23</u><br>Initials: <u>Scott</u>     | Date: _____<br>Initials: _____       | Date: <u>6/24/25</u><br>Initials: <u>KS</u>  | Date: _____<br>Initials: _____               | Date: _____            | Date: <u>8/18/2025</u> |

Special Issues: Resent DPD - 9/24/24 - email issues.

Special Order Volume: Vol. 135 Pages 328-332

July 26

**STATE OF OREGON  
WATER RESOURCES DEPARTMENT**

RECEIPT # **145357**

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

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

RECEIVED FROM: Will McGill Surveying, LLC  
BY: \_\_\_\_\_

|             |         |
|-------------|---------|
| APPLICATION |         |
| PERMIT      |         |
| TRANSFER    | T-14114 |

CASH: ☐ CHECK: # 2406 OTHER: (IDENTIFY) ☐

TOTAL REC'D \$ 178.63

**1083 TREASURY 4170 WRD MISC CASH ACCT**

0407 COPIES 4618 \$ \_\_\_\_\_  
0207 OTHER: (IDENTIFY) Newspaper Notice \$ 178.63  
0243 I/S Lease \_\_\_\_\_ 0244 Muni Water Mgmt. Plan \_\_\_\_\_ 0245 Cons. Water \_\_\_\_\_

**4270 WRD OPERATING ACCT**

**MISCELLANEOUS**

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

**WATER RIGHTS:**

|      |               |    |      |    |
|------|---------------|----|------|----|
| 0201 | SURFACE WATER | \$ | 0202 | \$ |
| 0203 | GROUND WATER  | \$ | 0204 | \$ |
| 0205 | TRANSFER      | \$ |      |    |

**WELL CONSTRUCTION**

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

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

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

|      |                        |    |       |  |
|------|------------------------|----|-------|--|
| 0211 | WELL CONST START FEE   | \$ | CARD# |  |
| 0210 | MONITORING WELLS       | \$ | CARD# |  |
|      | OTHER (IDENTIFY) _____ |    |       |  |

**0607 TREASURY 0467 HYDRO ACTIVITY LIC NUMBER**

|      |                           |    |
|------|---------------------------|----|
| 0233 | POWER LICENSE FEE (FWWRD) | \$ |
| 0231 | HYDRO LICENSE FEE (FWWRD) | \$ |
|      | HYDRO APPLICATION         | \$ |

**TREASURY OTHER / RDX**

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

RECEIPT:

**145357**

DATED: 6/7/25 BY: [Signature]

Affidavit of Publication

**STATE OF OREGON  
COUNTY OF LINN**

I, Miriam Swanson, being  
first duly sworn, depose and say that I am the  
Publisher of  
The New Era, a newspaper of general  
circulation as defined by ORS 193.010 and  
193.020: printed and published at Sweet  
Home in the aforesaid county and state; that I  
know from my personal knowledge that the

**T-14114**

a printed copy of which is hereto annexed, was  
Published in the entire issue of said newspaper  
For 2 successive and consecutive  
week(s) in the following issue(s):

06/18/2025

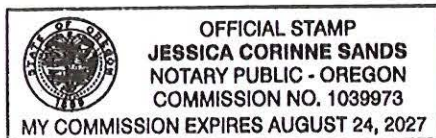
06/25/2025

**\$148.86**

**Notice of Preliminary  
Determination for Water Right  
Transfer T-14114**

T-14114 filed by Sayer Land Company  
LLC, 37177 Highway 228, Brownsville,  
OR 97327, proposes a change in point  
of diversion and place of use under  
Certificate 37601. The right allows  
the use of 1.18 cubic foot per second  
from the Calapooia River in Sec. 12,  
T14S, R2W, WM for irrigation in Sec.  
12, T14S, R2W, WM. The applicant  
proposes to move the point of diver-  
sion to Sec. 3, T14S, R2W, WM and to  
change the place of use to Sects. 10  
and 11, T14S, R2W, WM. The Water  
Resources Department proposes to  
approve the transfer, based on the  
requirements of ORS Chapter 540 and  
OAR 690-380-5000.

Any person may file, jointly or sever-  
ally, a protest or standing statement  
within 30 days after the last date of  
newspaper publication of this notice,  
MM/DD/YEAR. 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.



**Publisher** Miriam Swanson

subscribed and sworn before me on:

July 1 2025  
Jessica Sands

Notary Public of Oregon

My Commission expires: August 24, 2027



# Oregon

Tina Kotek, Governor

## Water Resources Department

North Mall Office Building

725 Summer St NE, Suite A

Salem, OR 97301

Phone 503 986-0900

Fax 503 986-0904

[www.oregon.gov/owrd](http://www.oregon.gov/owrd)

June 16, 2025

VIA CERTIFIED MAIL AND E-MAIL

SAYER LAND COMPANY LLC  
37177 HIGHWAY 228  
BROWNSVILLE, OR 97327

SUBJECT: Water Right Transfer Application T-14114

Please find enclosed the Preliminary Determination indicating that, based on the information available, the Department intends to approve application T-14114. This document is an intermediate step in the approval process; water may not be used legally as proposed in the transfer application until a Final Order has been issued by the Department. Please read this entire letter carefully to determine your responsibility for additional action.

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

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

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

Please don't hesitate to contact me at 503-986-0892 or [Joan.M.Smith@water.oregon.gov](mailto:Joan.M.Smith@water.oregon.gov), if I may be of assistance.

Sincerely,

Joan Smith

Transfer Specialist

Transfer and Conservation Section

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

|                                       |   |                                    |
|---------------------------------------|---|------------------------------------|
| In the Matter of Transfer Application | ) | PRELIMINARY DETERMINATION          |
| T-14114, Linn County                  | ) | PROPOSING APPROVAL OF A 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**

SAYER LAND COMPANY LLC  
37177 HIGHWAY 228  
BROWNSVILLE, OR 97327

**Findings of Fact**

1. On November 1, 2022, Sayer Land Company LLC filed an application to change the point of diversion and to change the place of use under Certificate 37601. The Department assigned the application number T-14114.
2. Notice of the application for transfer was published on November 8, 2022, pursuant to OAR 690-380-4000. No comments were filed in response to the notice.
3. On April 4, 2024, the Department mailed a copy of the draft Preliminary Determination proposing to approve Transfer Application T-14114 to the applicant. The draft Preliminary Determination cover letter set forth a deadline of May 6, 2024, for the applicant to respond.
4. The draft Preliminary Determination was re-sent on September 24, 2024, due to emailing issues the first draft was not received. The applicant requested that the Department proceed with issuance of a Preliminary Determination and provided the necessary information to demonstrate that the applicant is authorized to pursue the transfer.

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

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

**Certificate:** 37601 in the name of LAWRENCE J. BERTSCH (perfected under Permit S-30219)  
**Use:** IRRIGATION OF 176.3 ACRES  
**Priority Date:** JANUARY 27, 1965  
**Rate:** 1.18 CUBIC FEET 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:** CALAPOOIA RIVER, a tributary of WILLAMETTE RIVER

**Authorized Point of Diversion:**

| Twp  | Rng | Mer | Sec | Q-Q   | Measured Distances                                                               |
|------|-----|-----|-----|-------|----------------------------------------------------------------------------------|
| 14 S | 2 W | WM  | 12  | SW SW | (POD-1) - 1580 FEET SOUTH AND 420 FEET WEST FROM THE NE CORNER OF OSBORNE DLC 53 |

**Authorized Place of Use:**

| IRRIGATION |     |     |     |       |     |       |
|------------|-----|-----|-----|-------|-----|-------|
| Twp        | Rng | Mer | Sec | Q-Q   | DLC | Acres |
| 14 S       | 2 W | WM  | 12  | SW NE | 54  | 30.0  |
| 14 S       | 2 W | WM  | 12  | SE NE | 54  | 8.5   |
| 14 S       | 2 W | WM  | 12  | SW NW | 52  | 0.3   |
| 14 S       | 2 W | WM  | 12  | SW NW | 53  | 0.9   |
| 14 S       | 2 W | WM  | 12  | SE NW | 53  | 0.4   |
| 14 S       | 2 W | WM  | 12  | SE NW | 52  | 2.7   |
| 14 S       | 2 W | WM  | 12  | SE NW | 54  | 25.3  |
| 14 S       | 2 W | WM  | 12  | NE SW | 53  | 0.3   |
| 14 S       | 2 W | WM  | 12  | NE SW | 54  | 22.3  |
| 14 S       | 2 W | WM  | 12  | NW SW | 53  | 0.1   |
| 14 S       | 2 W | WM  | 12  | SE SW | 54  | 5.4   |
| 14 S       | 2 W | WM  | 12  | NE SE | 54  | 26.8  |
| 14 S       | 2 W | WM  | 12  | NW SE | 54  | 40.0  |
| 14 S       | 2 W | WM  | 12  | SW SE | 54  | 11.3  |
| 14 S       | 2 W | WM  | 12  | SE SE | 54  | 2.0   |
| Total      |     |     |     |       |     | 176.3 |

6. Transfer Application T-14114 proposes to move the authorized point of diversion approximately 1.8 miles downstream to:

| Twp  | Rng | Mer | Sec | Q-Q   | Measured Distances                                                      |
|------|-----|-----|-----|-------|-------------------------------------------------------------------------|
| 14 S | 2 W | WM  | 3   | SE SE | POD A - 65 FEET NORTH AND 600 FEET WEST FROM THE SE CORNER OF SECTION 3 |

7. Transfer Application T-14114 also proposes to change the place of use of the right to:

| IRRIGATION |     |     |     |       |     |       |
|------------|-----|-----|-----|-------|-----|-------|
| Twp        | Rng | Mer | Sec | Q-Q   | DLC | Acres |
| 14 S       | 2 W | WM  | 10  | NE NE | 49  | 29.5  |
| 14 S       | 2 W | WM  | 10  | NW NE | 49  | 32.2  |
| 14 S       | 2 W | WM  | 10  | SW NE | 49  | 19.3  |
| 14 S       | 2 W | WM  | 10  | SE NE | 49  | 26.2  |
| 14 S       | 2 W | WM  | 10  | NE NW | 49  | 3.6   |
| 14 S       | 2 W | WM  | 10  | SE NW | 49  | 3.1   |
| 14 S       | 2 W | WM  | 11  | NE NW | 49  | 1.6   |
| 14 S       | 2 W | WM  | 11  | NW NW | 49  | 25.2  |
| 14 S       | 2 W | WM  | 11  | SW NW | 49  | 33.3  |
| 14 S       | 2 W | WM  | 11  | SE NW | 49  | 2.3   |
| Total      |     |     |     |       |     | 176.3 |

8. The Oregon Department of Fish and Wildlife (ODFW) has determined that a fish screen is necessary at the new point of diversion to prevent fish from entering the diversion and that the diversion is not currently equipped with an appropriate fish screen. This diversion may be eligible for screening cost share funds.

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

9. Water has been used within the five-year period prior to submittal of Transfer Application T-14114 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.
10. 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-14114.
11. The water right is subject to transfer as defined in ORS 540.505(4) and OAR 690-380-0100(14).
12. The proposed point of diversion diverts water from the same source of surface water as the authorized point of diversion, as required by OAR 690-380-2110(2).
13. The proposed changes, as conditioned, would not result in enlargement of the right.
14. The proposed changes, as conditioned, would not result in injury to other existing water right.
15. All other application requirements are met.

## **Determination and Proposed Action**

The change in point of diversion and change in place of use proposed in Transfer Application T-14114 appears to be consistent with the requirements of ORS 540.505 to 540.580 and OAR 690-380-5000. If protests are not filed pursuant to OAR 690-380-4030, the transfer application will be approved.

*If Transfer Application T-14114 is approved, the final order will include the following:*

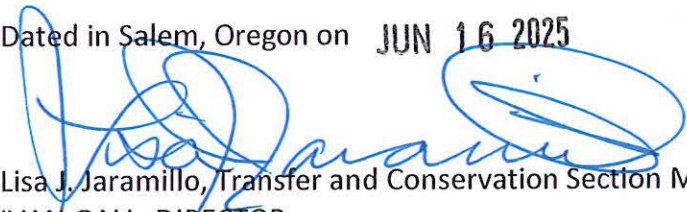
- 1. The change in point of diversion and change in place of use proposed in Transfer Application T-14114 are approved.*
- 2. The right to the use of the water is restricted to beneficial use at the place of use described and is subject to all other conditions and limitations contained in Certificate 37601 and any related decree.*
- 3. Approval of this transfer application does not constitute nor grant legal access onto or through another person's property for purposes of accessing the new point of diversion and the new place of use.*
- 4. Water right Certificate 37601 is cancelled. A new certificate will be issued describing that portion of the right not affected by this transfer.*
- 5. The quantity of water diverted at the new point of diversion (POD A) shall not exceed the quantity of water lawfully available at the original point of diversion (POD 1).*
- 6. Water shall be acquired from the same source of surface water as the original point of diversion.*
- 7. The former place of use of the transferred right shall no longer receive water under the right.*
- 8. Water use measurement conditions:*
  - a. Before water use may begin under this order, the water user shall install a totalizing flow meter, or, with prior approval of the Director, another suitable measuring device, at each point of 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.*

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 **JUN 16 2025**

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

This Preliminary Determination was prepared by Joan Smith. If you have questions about the information in this document you may contact me at 503-986-0892 or [Joan.M.Smith@water.oregon.gov](mailto:Joan.M.Smith@water.oregon.gov).

*Protests should be addressed to the attention of Water Rights Division, Water Resources Department, 725 Summer St. NE, Suite A, Salem, OR 97301-1266*

### **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.



# Oregon

Tina Kotek, Governor

## Water Resources Department

North Mall Office Building

725 Summer St NE, Suite A

Salem, OR 97301

Phone 503-986-0900

Fax 503 986-0904

[www.oregon.gov/owrd](http://www.oregon.gov/owrd)

June 6, 2025

SAYER LAND COMPANY LLC  
37177 HWY 228  
BROWNSVILLE, OR 97327

SUBJECT: Water Right Transfer Application T-14114

Your water right transfer will be ready for issuance of the Preliminary Determination, once the Department receives payment for publication of the newspaper notice.

### Items needed before the next phase of processing...

At this time you need to:

1. submit a check in the amount of \$178.63 (to cover cost of publication of the notice), made out to the Oregon Water Resources Department.
2. **write "for T-14114 NOTICE" on the front of your check, and**
3. submit it with the tracking stub at the bottom of this letter.

Mail the check to 725 Summer St. NE, Suite A, Salem, OR 97301-1266, **no later than July 9, 2025.**

### What happens next...

Shortly after receiving payment, the Department will issue the Preliminary Determination, initiate publication in the New Era newspaper, and also publish the notice on the Department's weekly notice. Publication of the notice will initiate a protest period during 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.

**If we do not receive payment for newspaper notice by July 9, 2025, a Preliminary Determination may be issued denying the application as incomplete.**

Please don't hesitate to contact me at 503-986-0896 or [Joan.M.Smith@water.oregon.gov](mailto:Joan.M.Smith@water.oregon.gov) if I may be of assistance.

Sincerely,

Joan Smith  
Transfer Specialist  
Transfer and Conservation Section

X-----

**Attached** is a check in the amount of \$178.63 (PCA #46118) for Newspaper Notice for Transfer T-14114 made out to Oregon Water Resources Department ( or WRD)

- **"for T- 14114 NOTICE" written on front of check**

Mail to: Oregon Water Resources Department  
725 Summer St. NE, Suite A  
Salem, OR 97301-1266

Caseworker: Joan Smith

## 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-14114

Review Due Date:

Applicant Name: Sayer Land Company LLC / McGill

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

Reviewer(s): L. Blakely

Date of Review: 08/25/2023

1. Do you have evidence that the right has not been used in the last 5 years and that the presumption of forfeiture would not likely be rebuttable? ☐ Yes ☒ No If "Yes", attach evidence (e.g. dated aerial photo showing pavement or building on the land for >5 yrs.)
2. Is there a history of regulation on the source that serves this (or these) right(s) that has involved the transferred right(s) and downstream water rights? ☒ Yes ☐ No Generally characterize the frequency of any regulation or explain why regulation has not occurred:  
Calapooia is regulated annually to satisfy instream water right C-66857 (pdate 6/22/64). Given the low flows this year, it is possible that this WR will be regulated off.
3. Have headgate notices been issued for the source that serves the transferred right(s)?  
☐ Yes ☐ No ☒ Records not available.
4. In your estimation, after the proposed change, would distribution of water for the right(s) result in regulation of other water rights that would not have occurred if use under the original right(s) was/were maximized? ☐ Yes ☒ No If "Yes", explain:
5. In your estimation, if the proposed change is approved, are there upstream water rights that would be affected? ☐ Yes ☐ No If "Yes", describe how the rights would be affected and list the rights most affected:

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

☒ N/A

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

☒ N/A

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

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

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

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

☐ Yes ☒ No If "Yes", explain:

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

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

☐ Yes ☐ No If "Yes", explain:

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

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

- i. Were there any problems with more acres being irrigated (or wetted) than were authorized under the temporary transfer? ☐ Yes ☐ No If "Yes", explain:
- ii. Did the designated areas that were to remain dry (or not wetted) under the temporary transfer actually remain dry? ☐ Yes ☐ No If "No", explain:
- iii. Did the applicant comply with and meet all of the conditions of the temporary transfer? ☐ Yes ☐ No If "No", explain:
- iv. Do you have any other observations regarding the temporary transfer? ☐ Yes ☐ No If "Yes", describe:
- v. Did the applicant demonstrate to the Department through monitoring and site inspections by the Watermaster that neither injury nor enlargement occurred as a result of the temporary transfer? ☐ Yes ☐ No If "No", explain:

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

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

☐ Yes ☐ No If "Yes", explain:

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

☐ Yes ☐ No If "Yes", explain:

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

☐ Yes ☒ No If "Yes", explain:

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

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

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

☐ A Headgate should be required prior to diverting water.

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

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

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

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

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

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

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

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

☐ Weir  
☐ Parshall Flume  
☐ Other: \_\_\_\_\_

☐ Submerged Orifice  
☐ Flow Restrictor

## Oregon Water Resources Department

## Measurement Condition Information for the Applicant

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

Transfer #: T- 14114



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: Lanaya Blakely

District: 2

Address: 125 E. 8th Ave

City/State/Zip: Eugene, OR 97401

Phone: 541-913-1154

Email: Lanaya.F.Blakely@water.oregon.gov

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

\*\*\*\*\*

## Approval of an Alternate Measurement Device

T-

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

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

---

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---

Watermaster signature

---

District

---

Date

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

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

**Oregon Department of Fish and Wildlife**  
**Water Right and Diversion Transfer Comment Form**  
(ODFW provides to WRD so that WRD can make findings according to statutory requirements.)

Reference Transfer #: T-14114

Date of review: 12/6/22

**A. Please check box if you believe there is a potential for injury to an instream water right.**

☐ The Oregon Department of Fish and Wildlife (ODFW) believes this proposed transfer may injure an instream water right(s) on \_\_\_\_\_ [stream], tributary to \_\_\_\_\_, because \_\_\_\_\_.  
(Please attach any available supporting information.)

**Note:** This will prompt WRD to make a determination whether the transfer will injure an instream water right. (OWRD makes the determination of injury to a water right, while ODFW's role is to raise concerns, and to evaluate proposed mitigation and net benefit to the resource if OWRD consents to injury of an instream water right.)

**B. Please check one of the following five boxes related to fish screen requirements pursuant to ORS 540.525 or 540.532:**

☐ **1. Screen Maintain**

[Select this option if the new Point of Diversion (POD) requires a fish screen and is currently equipped with an appropriate fish screen that will still be in compliance if the transferred water is diverted from this POD.]

**Note:** This option will yield the following:

**Finding of Fact:** The Oregon Department of Fish and Wildlife has determined that a fish screen is necessary at the new point of diversion to prevent fish from entering the diversion and that the diversion is currently equipped with an appropriate fish screen.

**Condition:** The water user shall operate and maintain an approved fish screen at the new point of diversion. If Oregon Department of Fish and Wildlife (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.

☒ **2. Screen Now**

[Option 2 should generally be selected if listed fish species are present at the point of diversion and/or the originating water right diversion is currently screened. If Option 2 is selected, provide contact information on the "Fish Screening and Passage Information" sheet. The new diversion may be eligible for cost-share.]

**Note:** This option will yield the following:

**Finding of Fact:** The Oregon Department of Fish and Wildlife (ODFW) has determined that a fish screen is necessary at the new point of diversion to prevent fish from entering the diversion and that the diversion is not currently equipped with an appropriate fish screen. This diversion may be eligible for screening cost-share funds.

**Condition:** 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.

*Please return all 3 pages to: Transfers Section, Water Resources Department,  
725 Summer St. NE, Suite A, Salem, OR 97301-1266*

☐ **3. Screen 2 Year**

*[Option 3 may be checked if the change is from an unscreened diversion to a HISTORIC POD or an existing POD in use for another water right, and cost-share funds are not currently available. It should NOT be checked if listed fish species are present at the point of diversion, the originating water right diversion is screened, cost-share funds are currently available, or the diversion is not eligible for ODFW's cost-share program. Please provide contact information on the "Fish Screening and Passage Information" sheet.] If extraordinary circumstances are present, please explain: \_\_\_\_\_*

**Note:** This option will yield the following:

Finding of Fact: The Oregon Department of Fish and Wildlife (ODFW) has determined that a fish screen is necessary at the new point of diversion to prevent fish from entering the diversion and that the diversion is not currently equipped with an appropriate fish screen. Listed fish species are not present at the point of diversion, the originating water right diversion is not screened, cost-share funds are not currently available, and the proposed diversion may be eligible for ODFW's cost-share program. A grace period of two years is appropriate until such time as cost-share funds become available to assist in the construction of a fish screen. If cost-share funds do not become available, the water user must screen within the indicated time period regardless of the availability of cost-share funding.

Condition: By October 1, 20\_\_ [Within two years after the date of this order] the water user shall install an approved fish screen at the new point of diversion. The water user may withdraw water at the new point of diversion without a screen until October 1, 20\_\_. The water user shall provide to 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 maintain and operate 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.

☐ **4. Screen Future**

*[Use this option if fish are not currently present, but might possibly be at some future time.]*

**Note:** This option will yield the following:

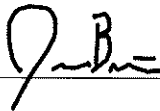
Finding of Fact: The Oregon Department of Fish and Wildlife has determined that the diversion is not currently equipped with an appropriate fish screen, but a fish screen may be required in the future at the new point of diversion to prevent fish from entering the diversion.

Condition: The Oregon Department of Fish and Wildlife (ODFW) may require the water user to install an approved fish screen at the new point of diversion within one year after receiving written notification that a fish screen is required. Once installed the water user shall maintain and operate the fish screen at the new point of diversion according to 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.

☐ **5. No Screen Needed**

*[Check this box if fish are not currently present, and are not expected in the future.]*

Signature



(541) 315-6222

Phone

Jason Brandt

Printed Name

SW Hydro Coordinator

Title

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

Transfer #: T-14114

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

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

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

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

ODFW staff name: Bryce Macnab

Address: 3561 Klindt Dr

City/State/Zip: The Dalles/OR/97058

Phone: (541) 296-8026

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

ODFW staff name: Jason Brandt

Address: 4192 North Umpqua Hwy

City/State/Zip: Roseburg/OR/97470

Phone: (541) 315-6222



**Oregon**  
Kate Brown, Governor

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

November 8, 2022

SAYER LAND COMPANY LLC  
37177 HIGHWAY 228  
BROWNSVILLE, OR 97327

Reference: Application T-14114

On November 1, 2022, OWRD received your water right Permanent Transfer Application. The application was accompanied by \$2860.00. Our receipt number 139453 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. #21, Kenneth C. Thiemann (*via email*)  
Linn County Planning Department  
William E. McGill, Agent

**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 # **139453**

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

RECEIVED FROM: Will McGill Surveying, LLC

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

CASH: ☐ CHECK: # 2070 OTHER: (IDENTIFY) ☐ \_\_\_\_\_

|             |                |
|-------------|----------------|
| APPLICATION | _____          |
| PERMIT      | _____          |
| TRANSFER    | <u>7-14114</u> |

TOTAL REC'D \$ 2860.00

**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      | \$ <u>2860.00</u> |                          |

**WELL CONSTRUCTION**

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

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

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

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

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

**0607 TREASURY 0467 HYDRO ACTIVITY LIC NUMBER**

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

**TREASURY OTHER / RDX**

|                   |                |                                      |
|-------------------|----------------|--------------------------------------|
| FUND _____        | TITLE _____    | <b>RECEIVED<br/>OVER THE COUNTER</b> |
| OBJ. CODE _____   | VENDOR # _____ |                                      |
| DESCRIPTION _____ |                |                                      |

RECEIPT: **139453**

DATED: 11/1/2022 BY: Mindy Carlson

# 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.

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

- ☒ Part 1 – Completed Minimum Requirements Checklist.
- ☒ Part 2 – Completed Transfer Application Map Checklist.
- ☒ Part 3 – Application Fee, payable by check to the Oregon Water Resources Department, and completed Fee Worksheet, page 3. Try the new online fee calculator at:  
[http://apps.wrd.state.or.us/apps/misc/wrd\\_fee\\_calculator](http://apps.wrd.state.or.us/apps/misc/wrd_fee_calculator).
- ☒ Part 4 – Completed Applicant Information and Signature.
- ☒ Part 5 – Information about Water Rights to be Transferred: **How many water rights are to be transferred? 1 List them here: Cert. 37601**  
Please include a separate Part 5 for each water right. (See instructions on page 6)  
**NOTE: A separate transfer application is required for each water right unless the criteria in OAR 690-380-3220 are met.**

### Attachments:

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

### (For Staff Use Only)

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

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

Other/Explanation \_\_\_\_\_

Staff: \_\_\_\_\_ 503- \_\_\_\_\_ Date: 11/1/22

## Part 2 of 5 – Transfer Application Map

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

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

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

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## FEE WORKSHEET for PERMANENT TRANSFER (except Substitution)

**\*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)<br>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 » » » » » » <b>Fee for Substitution:</b>                                                                  | 3 |          |

141 14 NOV 01 2022

## Part 4 of 5 – Applicant Information and Signature

### Applicant Information

|                                                                                                                                                                             |                    |                     |                                    |                        |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------|---------------------|------------------------------------|------------------------|
| APPLICANT/BUSINESS NAME<br><b>Sayer Land Company, LLC</b>                                                                                                                   |                    |                     | PHONE NO.<br><b>(541) 409-6974</b> | ADDITIONAL CONTACT NO. |
| ADDRESS<br><b>37177 Highway 228</b>                                                                                                                                         |                    |                     |                                    | FAX NO.                |
| CITY<br><b>Brownsville</b>                                                                                                                                                  | STATE<br><b>OR</b> | ZIP<br><b>97327</b> | E-MAIL<br><b>ars1014@gmail.com</b> |                        |
| BY PROVIDING AN E-MAIL ADDRESS, CONSENT IS GIVEN TO RECEIVE ALL CORRESPONDENCE FROM THE DEPARTMENT ELECTRONICALLY. COPIES OF THE FINAL ORDER DOCUMENTS WILL ALSO BE MAILED. |                    |                     |                                    |                        |

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

|                                                                                                                                                                             |                    |                     |                                                 |                                                 |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------|---------------------|-------------------------------------------------|-------------------------------------------------|
| AGENT/BUSINESS NAME<br><b>Will McGill Surveying, LLC</b>                                                                                                                    |                    |                     | PHONE NO.<br><b>(503) 931-0210</b>              | ADDITIONAL CONTACT NO.<br><b>(503) 510-3026</b> |
| ADDRESS<br><b>15333 Pletzer Rd. SE</b>                                                                                                                                      |                    |                     |                                                 | FAX NO.                                         |
| CITY<br><b>Turner</b>                                                                                                                                                       | STATE<br><b>OR</b> | ZIP<br><b>97392</b> | E-MAIL<br><b>willmcgill.surveying@gmail.com</b> |                                                 |
| BY PROVIDING AN E-MAIL ADDRESS, CONSENT IS GIVEN TO RECEIVE ALL CORRESPONDENCE FROM THE DEPARTMENT ELECTRONICALLY. COPIES OF THE FINAL ORDER DOCUMENTS WILL ALSO BE MAILED. |                    |                     |                                                 |                                                 |

Explain in your own words what you propose to accomplish with this transfer application, and why:  
*It is proposed to move 176.3 acres of Certificate 37601 downstream to tax lot 101 and move the POD to a more accessible location.*

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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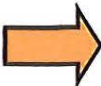
OWRD

14114

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: Brownsville, The Times.
- 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.



*[Signature]*  
Applicant signature

Austin R. Sayer  
Print Name (and Title if applicable)

10/51/2022  
Date

\_\_\_\_\_  
Applicant signature

\_\_\_\_\_  
Print Name (and Title if applicable)

\_\_\_\_\_  
Date

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

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

Check the following boxes that apply:

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

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

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

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

[https://www.oregon.gov/owrd/WRDFormsPDF/Transfer\\_Property\\_Transactions.pdf](https://www.oregon.gov/owrd/WRDFormsPDF/Transfer_Property_Transactions.pdf)

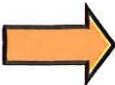
|                                                                                                                                            |       |     |           |                        |
|--------------------------------------------------------------------------------------------------------------------------------------------|-------|-----|-----------|------------------------|
| 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 |       |     |           |                        |

☐ 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<br><b>Linn County</b> | ADDRESS<br><b>300 SW 4<sup>th</sup> Ave.</b> |                     |
| CITY<br><b>Albany</b>             | STATE<br><b>OR</b>                           | ZIP<br><b>97321</b> |

|             |         |     |
|-------------|---------|-----|
| ENTITY NAME | ADDRESS |     |
| CITY        | STATE   | ZIP |

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## Part 5 of 5 – Water Right Information

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

**CERTIFICATE # 37601**

### Description of Water Delivery System

System capacity: **2.03** cubic feet per second (cfs) **OR**  
 \_\_\_\_\_ gallons per minute (gpm)

Describe the current water delivery system or the system that was in place at some time within the last five years. Include information on the pumps, canals, pipelines, and sprinklers used to divert, convey, and apply the water at the authorized place of use. **45 HP centrifugal PTO pump on a tractor was used to convey water through 6" above-ground aluminum mainline and applied by an 1,800' hose reel traveler with a big gun.**

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

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

| POD/POA Name or Number | Is this POD/POA Authorized on the Certificate or is it Proposed?                    | If POA, OWRD Well Log ID# (or Well ID Tag # L-___) | Twp  | Rng | Sec | ¼ ¼   | Tax Lot, DLC or Gov't Lot | Measured Distances (from a recognized survey corner) |
|------------------------|-------------------------------------------------------------------------------------|----------------------------------------------------|------|-----|-----|-------|---------------------------|------------------------------------------------------|
| POD 1                  | <input checked="" type="checkbox"/> Authorized<br><input type="checkbox"/> Proposed |                                                    | 14 S | 2 W | 12  | SW SW | 53                        | 1580' S and 420' W from NE corner, Osborne DLC 53    |
| POD A                  | <input type="checkbox"/> Authorized<br><input checked="" type="checkbox"/> Proposed |                                                    | 14 S | 2 W | 3   | SE SE | 49                        | 65' N and 600' W from SE corner, section 3           |
|                        | <input type="checkbox"/> Authorized<br><input type="checkbox"/> Proposed            |                                                    |      |     |     |       |                           |                                                      |
|                        | <input type="checkbox"/> Authorized<br><input type="checkbox"/> Proposed            |                                                    |      |     |     |       |                           |                                                      |

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

- |                                                                        |                                                                   |
|------------------------------------------------------------------------|-------------------------------------------------------------------|
| <input checked="" type="checkbox"/> Place of Use (POU)                 | <input type="checkbox"/> Supplemental Use to Primary Use (S to P) |
| <input type="checkbox"/> Character of Use (USE)                        | <input type="checkbox"/> Point of Appropriation/Well (POA)        |
| <input checked="" type="checkbox"/> Point of Diversion (POD)           | <input type="checkbox"/> Additional Point of Appropriation (APOA) |
| <input 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)              |

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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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**Table 2. Description of Changes to Water Right Certificate # 37601**

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)<br>The listing that appears on the certificate BEFORE PROPOSED CHANGES<br>List only that part or portion of the water right that will be changed. |     |     |     |    |         |                      |       |                                         |                                                         |                  |       | Proposed<br>Changes (see<br>“CODES” from<br>previous<br>page) | PROPOSED (the “to” or “on” lands)<br>The listing as it would appear AFTER PROPOSED CHANGES<br>are made. |              |     |   |         |                      |       |                    |                                                      |               |       |            |       |      |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----|-----|-----|----|---------|----------------------|-------|-----------------------------------------|---------------------------------------------------------|------------------|-------|---------------------------------------------------------------|---------------------------------------------------------------------------------------------------------|--------------|-----|---|---------|----------------------|-------|--------------------|------------------------------------------------------|---------------|-------|------------|-------|------|
| Twp                                                                                                                                                                                      | Rng | Sec | ¼ ¼ |    | Tax Lot | Gvt<br>Lot or<br>DLC | Acres | Type of USE<br>listed on<br>Certificate | POD(s) or<br>POA(s) (name or<br>number from<br>Table 1) | Priority<br>Date | Twp   |                                                               | Rng                                                                                                     | Sec          | ¼ ¼ |   | Tax Lot | Gvt<br>Lot or<br>DLC | Acres | New Type of<br>USE | POD(s)/<br>POA(s) to<br>be used<br>(from Table<br>1) | Priority Date |       |            |       |      |
| 14                                                                                                                                                                                       | S   | 2   | W   | 12 | SW      | NE                   | 600   | 54                                      | 30.0                                                    | Irrigation       | POD 1 | 1965                                                          | POU/POD                                                                                                 | 14           | S   | 2 | W       | 10                   | NE    | NE                 | 101                                                  | 49            | 29.5  | Irrigation | POD A | 1965 |
| 14                                                                                                                                                                                       | S   | 2   | W   | 12 | SE      | NE                   | 600   | 54                                      | 8.5                                                     | Irrigation       | POD 1 | 1965                                                          | POU/POD                                                                                                 | 14           | S   | 2 | W       | 10                   | NW    | NE                 | 101                                                  | 49            | 32.2  | Irrigation | POD A | 1965 |
| 14                                                                                                                                                                                       | S   | 2   | W   | 12 | SW      | NW                   | 600   | 52                                      | 0.9                                                     | Irrigation       | POD 1 | 1965                                                          | POU/POD                                                                                                 | 14           | S   | 2 | W       | 10                   | SW    | NE                 | 101                                                  | 49            | 19.3  | Irrigation | POD A | 1965 |
| 14                                                                                                                                                                                       | S   | 2   | W   | 12 | SW      | NW                   | 600   | 53                                      | 0.3                                                     | Irrigation       | POD 1 | 1965                                                          | POU/POD                                                                                                 | 14           | S   | 2 | W       | 10                   | SE    | NE                 | 101                                                  | 49            | 26.2  | Irrigation | POD A | 1965 |
| 14                                                                                                                                                                                       | S   | 2   | W   | 12 | SE      | NW                   | 600   | 52                                      | 2.7                                                     | Irrigation       | POD 1 | 1965                                                          | POU/POD                                                                                                 | 14           | S   | 2 | W       | 10                   | NE    | NW                 | 101                                                  | 49            | 3.6   | Irrigation | POD A | 1965 |
| 14                                                                                                                                                                                       | S   | 2   | W   | 12 | SE      | NW                   | 600   | 53                                      | 0.4                                                     | Irrigation       | POD 1 | 1965                                                          | POU/POD                                                                                                 | 14           | S   | 2 | W       | 10                   | SE    | NW                 | 101                                                  | 49            | 3.1   | Irrigation | POD A | 1965 |
| 14                                                                                                                                                                                       | S   | 2   | W   | 12 | SE      | NW                   | 600   | 54                                      | 25.3                                                    | Irrigation       | POD 1 | 1965                                                          | POU/POD                                                                                                 | 14           | S   | 2 | W       | 11                   | NE    | NW                 | 101                                                  | 49            | 1.6   | Irrigation | POD A | 1965 |
| 14                                                                                                                                                                                       | S   | 2   | W   | 12 | NE      | SW                   | 600   | 53                                      | 0.3                                                     | Irrigation       | POD 1 | 1965                                                          | POU/POD                                                                                                 | 14           | S   | 2 | W       | 11                   | NW    | NW                 | 101                                                  | 49            | 25.2  | Irrigation | POD A | 1965 |
| 14                                                                                                                                                                                       | S   | 2   | W   | 12 | NE      | SW                   | 600   | 54                                      | 22.3                                                    | Irrigation       | POD 1 | 1965                                                          | POU/POD                                                                                                 | 14           | S   | 2 | W       | 11                   | SW    | NW                 | 101                                                  | 49            | 33.3  | Irrigation | POD A | 1965 |
| 14                                                                                                                                                                                       | S   | 2   | W   | 12 | NW      | SW                   | 600   | 53                                      | 0.1                                                     | Irrigation       | POD 1 | 1965                                                          | POU/POD                                                                                                 | 14           | S   | 2 | W       | 11                   | SE    | NW                 | 101                                                  | 49            | 2.3   | Irrigation | POD A | 1965 |
| 14                                                                                                                                                                                       | S   | 2   | W   | 12 | SE      | SW                   | 600   | 54                                      | 5.4                                                     | Irrigation       | POD 1 | 1965                                                          |                                                                                                         |              |     |   |         |                      |       |                    |                                                      |               |       |            |       |      |
| 14                                                                                                                                                                                       | S   | 2   | W   | 12 | NE      | SE                   | 600   | 54                                      | 26.8                                                    | Irrigation       | POD 1 | 1965                                                          |                                                                                                         |              |     |   |         |                      |       |                    |                                                      |               |       |            |       |      |
| 14                                                                                                                                                                                       | S   | 2   | W   | 12 | NW      | SE                   | 600   | 54                                      | 40.0                                                    | Irrigation       | POD 1 | 1965                                                          |                                                                                                         |              |     |   |         |                      |       |                    |                                                      |               |       |            |       |      |
| 14                                                                                                                                                                                       | S   | 2   | W   | 12 | SW      | SE                   | 600   | 54                                      | 11.3                                                    | Irrigation       | POD 1 | 1965                                                          |                                                                                                         |              |     |   |         |                      |       |                    |                                                      |               |       |            |       |      |
| 14                                                                                                                                                                                       | S   | 2   | W   | 12 | SE      | SE                   | 600   | 54                                      | 2.0                                                     | Irrigation       | POD 1 | 1965                                                          |                                                                                                         |              |     |   |         |                      |       |                    |                                                      |               |       |            |       |      |
| TOTAL ACRES:                                                                                                                                                                             |     |     |     |    |         |                      |       |                                         | 176.3                                                   |                  |       |                                                               |                                                                                                         | TOTAL ACRES: |     |   |         |                      |       |                    |                                                      |               | 176.3 |            |       |      |

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

**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 # \_\_\_\_\_.

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

Identify the primary certificate to be cancelled. Certificate # \_\_\_\_\_

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

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

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

[http://apps.wrd.state.or.us/apps/gw/well\\_log/Default.aspx](http://apps.wrd.state.or.us/apps/gw/well_log/Default.aspx)

**AND/OR**

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

**Table 3. Construction of Point(s) of Appropriation**

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

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

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## Business Registry Business Name Search

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## Business Entity Data

10-24-2022  
13:39

| Registry Nbr | Entity Type             | Entity Status | Jurisdiction | Registry Date | Next Renewal Date | Renewal Due? |
|--------------|-------------------------|---------------|--------------|---------------|-------------------|--------------|
| 1173192-93   | DLLC                    | ACT           | OREGON       | 12-30-2015    | 12-30-2022        |              |
| Entity Name  | SAYER LAND COMPANY, LLC |               |              |               |                   |              |
| Foreign Name |                         |               |              |               |                   |              |

[New Search](#)

## Associated Names

|        |               |                             |       |                                  |
|--------|---------------|-----------------------------|-------|----------------------------------|
| Type   | PPB           | PRINCIPAL PLACE OF BUSINESS |       |                                  |
| Addr 1 | 37177 HWY 228 |                             |       |                                  |
| Addr 2 |               |                             |       |                                  |
| CSZ    | BROWNSVILLE   | OR                          | 97327 | Country UNITED STATES OF AMERICA |

Please click [here](#) for general information about registered agents and service of process.

|           |                            |                  |            |            |                          |  |
|-----------|----------------------------|------------------|------------|------------|--------------------------|--|
| Type      | AGT                        | REGISTERED AGENT | Start Date | 12-22-2021 | Resign Date              |  |
| Of Record | <a href="#">1815979-99</a> | AWS LAWYER LLC   |            |            |                          |  |
| Addr 1    | 3550 LIBERTY RD S STE 290  |                  |            |            |                          |  |
| Addr 2    |                            |                  |            |            |                          |  |
| CSZ       | SALEM                      | OR               | 97302      | Country    | UNITED STATES OF AMERICA |  |

|        |              |  |    |                 |  |  |         |                          |  |
|--------|--------------|--|----|-----------------|--|--|---------|--------------------------|--|
| Type   | MAL          |  |    | MAILING ADDRESS |  |  |         |                          |  |
| Addr 1 | PO BOX 12814 |  |    |                 |  |  |         |                          |  |
| Addr 2 |              |  |    |                 |  |  |         |                          |  |
| CSZ    | SALEM        |  | OR | 97309           |  |  | Country | UNITED STATES OF AMERICA |  |

|        |                   |         |       |  |         |                          |  |
|--------|-------------------|---------|-------|--|---------|--------------------------|--|
| Type   | MGR               | MANAGER |       |  |         | Resign Date              |  |
| Name   | AUSTIN            |         | SAYER |  |         |                          |  |
| Addr 1 | 37177 HIGHWAY 228 |         |       |  |         |                          |  |
| Addr 2 |                   |         |       |  |         |                          |  |
| CSZ    | BROWNSVILLE       | OR      | 97327 |  | Country | UNITED STATES OF AMERICA |  |

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## Name History

| Business Entity Name    | Name Type | Name Status | OWRD Start Date | End Date |
|-------------------------|-----------|-------------|-----------------|----------|
| SAYER LAND COMPANY, LLC | EN        | CUR         | 12-30-2015      |          |

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Please [read](#) before ordering [Copies](#).

# 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 LINN)

I, AUSTIN SAYER, in my capacity as OWNER,

mailing address 37177 HIGHWAY 228, BROWNSVILLE, OR 97327

telephone number (541)409-6974, 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 # \_\_\_\_; 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<br>or DLC | Acres<br>(if applicable) |
|---------------|----------|---|-------|---|-----|-----|-----|----|---------------------|--------------------------|
| 37601         | 14       | S | 2     | W | WM  | 12  | SW  | NE | 54                  | 30.0                     |
| 37601         | 14       | S | 2     | W | WM  | 12  | SE  | NE | 54                  | 8.5                      |
| 37601         | 14       | S | 2     | W | WM  | 12  | SW  | NW | 52                  | 0.9                      |
| 37601         | 14       | S | 2     | W | WM  | 12  | SW  | NW | 53                  | 0.3                      |
| 37601         | 14       | S | 2     | W | WM  | 12  | SE  | NW | 52                  | 2.7                      |
| 37601         | 14       | S | 2     | W | WM  | 12  | SE  | NW | 53                  | 0.4                      |
| 37601         | 14       | S | 2     | W | WM  | 12  | SE  | NW | 54                  | 25.3                     |
| 37601         | 14       | S | 2     | W | WM  | 12  | NE  | SW | 53                  | 0.3                      |
| 37601         | 14       | S | 2     | W | WM  | 12  | NE  | SW | 54                  | 22.3                     |
| 37601         | 14       | S | 2     | W | WM  | 12  | NW  | SW | 53                  | 0.1                      |
| 37601         | 14       | S | 2     | W | WM  | 12  | SE  | SW | 54                  | 5.4                      |
| 37601         | 14       | S | 2     | W | WM  | 12  | NE  | SE | 54                  | 26.8                     |
| 37601         | 14       | S | 2     | W | WM  | 12  | NW  | SE | 54                  | 40.0                     |
| 37601         | 14       | S | 2     | W | WM  | 12  | SW  | SE | 54                  | 11.3                     |
| 37601         | 14       | S | 2     | W | WM  | 12  | SE  | SE | 54                  | 2.0                      |

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OR

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

(continues on reverse side)

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3. The water right was used for: (e.g., crops, pasture, etc.): CROPS, PASTURE

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

[Signature]  
Signature of Affiant

10/31/2022  
Date

Signed and sworn to (or affirmed) before me this 31 day of October, 2022.



[Signature]  
Notary Public for Oregon

My Commission Expires: 11/13/23

| Supporting Documents                                                                                                                                   | Examples                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |
|--------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <input type="checkbox"/> Copy of a water right certificate that has been issued within the last five years. (not a remaining right certificate)        | Copy of <b>confirming</b> water right certificate that shows issue date                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |
| <input type="checkbox"/> Copies of receipts from sales of irrigated crops or for expenditures related to use of water                                  | <ul style="list-style-type: none"><li>● Power usage records for pumps associated with irrigation use</li><li>● Fertilizer or seed bills related to irrigated crops</li><li>● Farmers Co-op sales receipt</li></ul>                                                                                                                                                                                                                                                                                                                                                                                 |
| <input type="checkbox"/> Records such as FSA crop reports, irrigation district records, NRCS farm management plan, or records of other water suppliers | <ul style="list-style-type: none"><li>● District assessment records for water delivered</li><li>● Crop reports submitted under a federal loan agreement</li><li>● Beneficial use reports from district</li><li>● IRS Farm Usage Deduction Report</li><li>● Agricultural Stabilization Plan</li><li>● CREP Report</li></ul>                                                                                                                                                                                                                                                                         |
| <input checked="" type="checkbox"/> Aerial photos containing sufficient detail to establish location and date of photograph                            | Multiple photos can be submitted to resolve different areas of a water right.<br>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.<br><br>Sources for aerial photos:<br>OSU – <a href="http://www.oregonexplorer.info/imagery">www.oregonexplorer.info/imagery</a><br>OWRD – <a href="http://www.wrd.state.or.us">www.wrd.state.or.us</a><br>Google Earth – <a href="http://earth.google.com">earth.google.com</a><br>TerraServer – <a href="http://www.terraserver.com">www.terraserver.com</a> |
| <input type="checkbox"/> Approved Lease establishing beneficial use within the last 5 years                                                            | Copy of instream lease or lease number                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |



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Google Earth

Imagery Date: 10/28/2019 lat 44.366418° lon -122.879626° elev 447 ft eye alt 9776 ft

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# 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): Sayer Land Company, LLC

Mailing Address: 37177 Highway 228

City: Brownsville

State: OR

Zip Code: 97327

Daytime Phone: (541) 409-6974

## A. Land and Location

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

| Township   | Range     | Section   | ¼ ¼                                                                                    | Tax Lot #  | Plan Designation (e.g., Rural Residential/RR-5) | Water to be:                                                                                                 | Proposed Land Use: |
|------------|-----------|-----------|----------------------------------------------------------------------------------------|------------|-------------------------------------------------|--------------------------------------------------------------------------------------------------------------|--------------------|
| <u>14S</u> | <u>2W</u> | <u>3</u>  | <u>SESE</u>                                                                            | <u>100</u> | <u>EFU</u>                                      | <input checked="" type="checkbox"/> Diverted <input type="checkbox"/> Conveyed <input type="checkbox"/> Used | <u>Farming</u>     |
| <u>14S</u> | <u>2W</u> | <u>10</u> | <u>NENE</u><br><u>NWNE</u><br><u>SWNE</u><br><u>SENE</u><br><u>NENW</u><br><u>SENW</u> | <u>101</u> | <u>EFU</u>                                      | <input type="checkbox"/> Diverted <input type="checkbox"/> Conveyed <input checked="" type="checkbox"/> Used | <u>Farming</u>     |
| <u>14S</u> | <u>2W</u> | <u>11</u> | <u>NENW</u><br><u>NWNW</u><br><u>SWNW</u><br><u>SENW</u>                               | <u>101</u> | <u>EFU</u>                                      | <input type="checkbox"/> Diverted <input type="checkbox"/> Conveyed <input checked="" type="checkbox"/> Used | <u>Farming</u>     |

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

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## B. Description of Proposed Use

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

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

Source of water: ☐ Reservoir/Pond ☐ Ground Water ☒ Surface Water (name) Calapooia River

Estimated quantity of water needed: 440.75 ☐ cubic feet per second ☐ gallons per minute ☒ acre-feet

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

Briefly describe:

*It is proposed to move a 176.3-acre portion of Certificate 37601 from tax lot 600 downstream to tax lot 101 and divert water from a more accessible pump site.*

**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): LCC 928.310(1)
- ☐ Land uses to be served by the proposed water uses (including proposed construction) involve discretionary land-use approvals as listed in the table below. (Please attach documentation of applicable land-use approvals which have already been obtained. Record of Action/land-use decision and accompanying findings are sufficient.) **If approvals have been obtained but all appeal periods have not ended, check "Being pursued."**

| Type of Land-Use Approval Needed<br>(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<br><input type="checkbox"/> Denied | <input type="checkbox"/> Being Pursued<br><input type="checkbox"/> Not Being Pursued |
|                                                                                                     |                                                                                | <input type="checkbox"/> Obtained<br><input type="checkbox"/> Denied | <input type="checkbox"/> Being Pursued<br><input type="checkbox"/> Not Being Pursued |
|                                                                                                     |                                                                                | <input type="checkbox"/> Obtained<br><input type="checkbox"/> Denied | <input type="checkbox"/> Being Pursued<br><input type="checkbox"/> Not Being Pursued |
|                                                                                                     |                                                                                | <input type="checkbox"/> Obtained<br><input type="checkbox"/> Denied | <input type="checkbox"/> Being Pursued<br><input type="checkbox"/> Not Being Pursued |
|                                                                                                     |                                                                                | <input type="checkbox"/> Obtained<br><input type="checkbox"/> Denied | <input type="checkbox"/> Being Pursued<br><input type="checkbox"/> Not Being Pursued |

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

Name: Kate Burtz Title: Assistant Planner

Signature: [Signature] Phone: 541-967-3816 Date: 10/25/22

Government Entity: Linn County

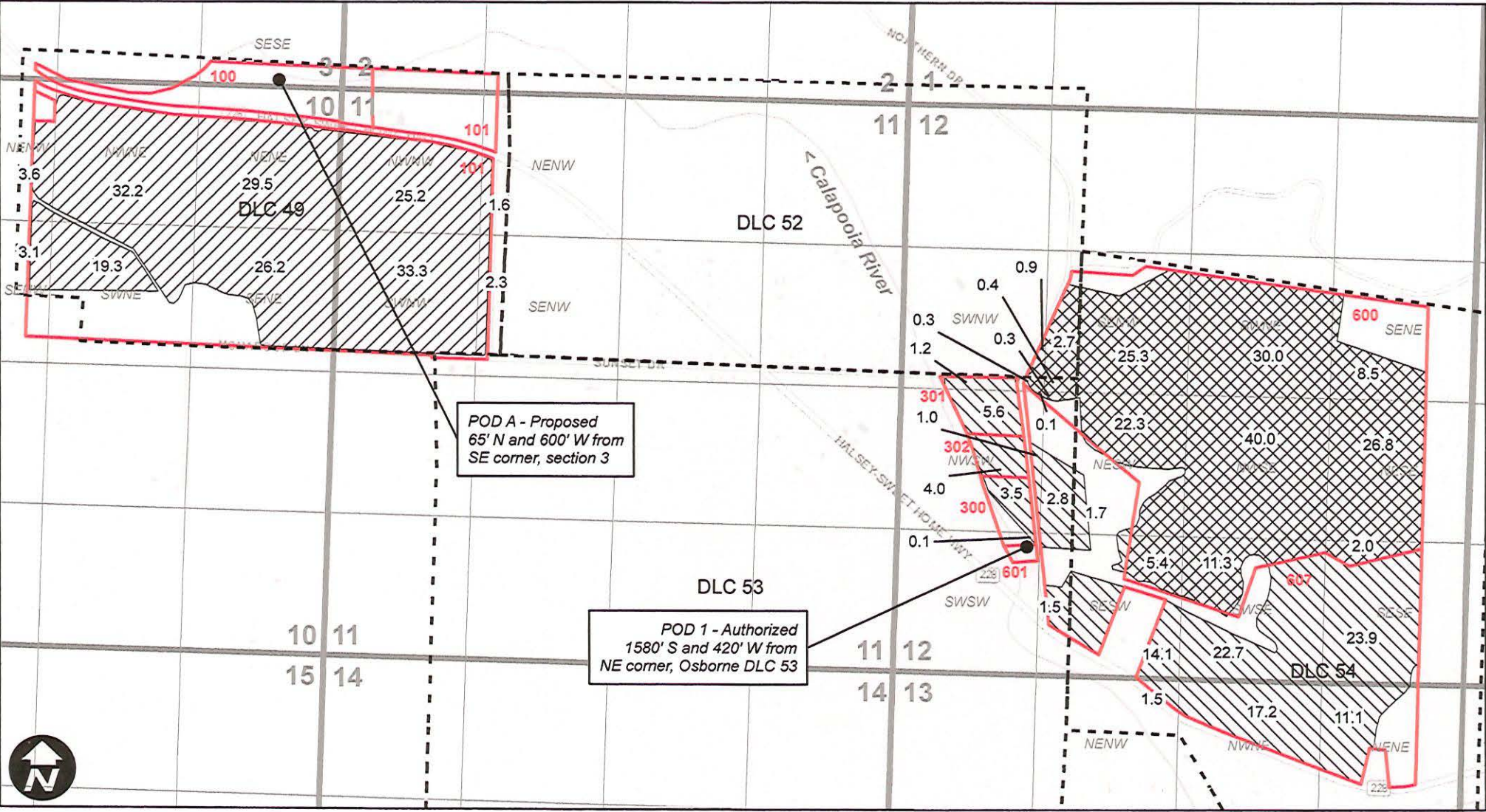
**Note to local government representative:** Please complete this form or sign the receipt below and return it to the applicant. If you sign the receipt, you will have 30 days from the Water Resources Department's notice date to return the completed Land Use Information Form or WRD may presume the land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

**Receipt for Request for Land Use Information**

Applicant name: \_\_\_\_\_

City or County: \_\_\_\_\_ Staff contact: \_\_\_\_\_

Signature: \_\_\_\_\_ Phone: \_\_\_\_\_ Date: \_\_\_\_\_



POD A - Proposed  
65' N and 600' W from  
SE corner, section 3

POD 1 - Authorized  
1580' S and 420' W from  
NE corner, Osborne DLC 53

Legend

- Cert. 37601 - From
- Cert. 37601 - No Change
- DLC
- Cert. 37601 - To
- Taxlot



Received by OWRD  
JUN 09 2025  
Salem, OR

Date Received (Date Stamp Here)

## OWRD Over-the-Counter Submission Receipt

Applicant Name(s) & Address: Sayer Land Company LLC  
37177 Hwy 228 Brownsville, OR 97327  
Transaction Type: Newspaper Notice  
Fees Received: \$ 178.63

☐ Cash

☒ Check:

Check No. 2406

Name(s) on Check: Will McGill Surveying

Thank you for your submission. Oregon Water Resources Department (Department) staff will review your submittal as soon as possible.

If your submission is determined to be complete, you will receive a receipt for the fees paid and an acknowledgement letter stating your submittal is complete.

If determined to be incomplete, your submission and the accompanying fees will be returned with an explanation of deficiencies that must be addressed in order for the submittal to be accepted.

If you have any questions, please feel free to contact the Department's Customer Service staff at 503-986-0801 or 503-986-0810.

Sincerely,

OWRD Customer Service Staff

Submission received by: Sarah Benham  
(Name of OWRD staff)

### Instructions for OWRD staff:

- Complete this Submission Receipt and make two (2) copies. Place one copy with the check/cash; and place the other copy with the submission (i.e., the application or other document).
- Date-stamp all pages. (NOTE: Do not stamp check.)
- Give this original Submission Receipt to the applicant.
- Record Submission Receipt information on the "RECEIVED OVER THE COUNTER" log sheet.
- Fold and put one copy of the Submission Receipt with check/cash into the Safe slot. Place the other copy of the Submission Receipt with submission (application/other document) in the top drawer of filing cabinet.



RECEIVED

NOV 01 2022

OWRD

Date Received (Date Stamp Here)

## OWRD Over-the-Counter Submission Receipt

Applicant Name(s) & Address: Sajer Land Company LLC

37177 Hwy 228, Brownsville OR 97327

Transaction Type: transfer

Fees Received: \$ 2860.00

☐ Cash

☒ Check:

Check No. 2070

Name(s) on Check: Will McGill Surveying LLC

Thank you for your submission. Oregon Water Resources Department (Department) staff will review your submittal as soon as possible.

If your submission is determined to be complete, you will receive a receipt for the fees paid and an acknowledgement letter stating your submittal is complete.

If determined to be incomplete, your submission and the accompanying fees will be returned with an explanation of deficiencies that must be addressed in order for the submittal to be accepted.

If you have any questions, please feel free to contact the Department's Customer Service staff at 503-986-0801 or 503-986-0810.

Sincerely,

OWRD Customer Service Staff

Submission received by: Corie Lowrie  
(Name of OWRD staff)

### Instructions for OWRD staff:

- Complete this Submission Receipt and make two (2) copies. Place one copy with the check/cash; and place the other copy with the submission (i.e., the application or other document).
- Date-stamp all pages. (NOTE: Do not stamp check.)
- Give this original Submission Receipt to the applicant.
- Record Submission Receipt information on the "RECEIVED OVER THE COUNTER" log sheet.
- Fold and put one copy of the Submission Receipt with check/cash into the Safe slot. Place the other copy of the Submission Receipt with submission (application/other document) in the top drawer of filing cabinet.

# Permanent Transfer Application Intake Completion Checklist

Check the Certificate(s) in WRIS

Transfer # T-14114

|                                                                           |                                                             |              |                                                                  |                                      |                                      |      |
|---------------------------------------------------------------------------|-------------------------------------------------------------|--------------|------------------------------------------------------------------|--------------------------------------|--------------------------------------|------|
| Checked by: <u>Jan</u>                                                    | Type of Change(s)<br>Proposed:<br>Mark the Proposed Changes | Substitution | Supplemental to Primary                                          | <input checked="" type="radio"/> POU | <input checked="" type="radio"/> POD | APOD |
| Date: <u>11/3/22</u>                                                      |                                                             | Gov Action   | Surface to Ground                                                | USE                                  | POA                                  | APOA |
| Fee Received:<br>\$ <u>2860.00</u>                                        |                                                             |              |                                                                  |                                      |                                      |      |
| Calculated Fee:<br>\$ <u>2860.00</u>                                      |                                                             |              | How many rights to be Transferred?<br>Certificate # <u>37601</u> |                                      |                                      |      |
| Additional Observations:<br><u>old land use form 2010 (but ok signed)</u> |                                                             |              |                                                                  |                                      |                                      |      |

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

- ☒ 1. Is applicant information complete? Have all applicants listed at the top of the page signed at the bottom?  
If no, what is missing? Whose signature is missing? \_\_\_\_\_
  - ☒ 2. Does applicant indicate the place of use is in or near an irrigation district? Is a Form D included? ☒ N/A.  
Name of the district: \_\_\_\_\_
  - ☒ 3. Part 5 of application, has the applicant(s) completed the entire page and does the information match the description of the explanation of the reasons for transfer on Part 4 of the application?  
If no, you may need to contact the applicant or agent? \_\_\_\_\_
  - ☒ 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: \_\_\_\_\_