

Permit Amendment

RA

T-14418

Name JLPN, Inc.
C/O John Lewis
 Address 1118 Lancaster Dr. NE, PMB 409
Salem, OR 97301

DESCRIPTION OF WATER RIGHT(S)

Name of Stream Well 2, Well 3, Well 4

Trib. of Fruitland Creek

Use Irrigation

County Marion

Quantity of water (CFS) _____

No. of Acres _____

Name of ditch _____

App# G-12222

Per # G-11666

Cert # _____

PR Date 9-5-1990

App# _____

Per # _____

Cert # _____

PR Date _____

App# _____

Per # _____

Cert # _____

PR Date _____

App# _____

Per # _____

Cert # _____

PR Date _____

App# _____

Per # _____

Cert # _____

PR Date _____

Change in POA
 Date Filed 3/5/2024
 Initial notice date 3/19/2024
 DPD issued date _____
 PD issued date _____
 PD notice date _____
 Date of FO 11/13/2024 Vol 133 Page 351-353

C-Date _____
 COBU due date _____
 COBU Received date _____
 Certificate issued _____

Assignments: _____

Irrigation District _____

Agent Doann Hamilton
phgdmh@gmail.com

CWRE _____

CC's list Marion County Planning Division

☐ - Oversized map - Location _____

FEES PAID

Date	Amount	Receipt #
<u>3-5-2024</u>	<u>\$2,250.00</u>	<u>142512</u>
<u>3-5-2024</u>	<u>\$125.00</u>	<u>142506</u>
<u>4-4-2024</u>	<u>\$1,647.00</u>	<u>142643</u>

FEES REFUNDED

Date	Amount	Receipt #

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 # 143839

INVOICE # _____

RECEIVED FROM: JLPN, Inc.

BY: _____

CASH: ☐ CHECK: # ☒ 27112 OTHER: (IDENTIFY) ☐

APPLICATION
PERMIT
TRANSFER T-14418

TOTAL REC'D \$ 493.15

1083 TREASURY 4170 WRD MISC CASH ACCT

0407 COPIES 46118 \$
0207 OTHER: (IDENTIFY) Newspaper Notice \$ 493.15

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

4270 WRD OPERATING ACCT

MISCELLANEOUS

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

WATER RIGHTS:

0201 SURFACE WATER EXAM FEE \$ 0202 RECORD FEE \$
0203 GROUND WATER \$ 0204 \$
0205 TRANSFER \$

WELL CONSTRUCTION

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

OTHER (IDENTIFY) _____

0536 TREASURY 0437 WELL CONST. START FEE

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

OTHER (IDENTIFY) _____

0607 TREASURY 0467 HYDRO ACTIVITY LIC NUMBER

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

TREASURY OTHER / RDX

FUND _____ TITLE _____

OBJ. CODE _____ VENDOR # _____

DESCRIPTION _____ \$

RECEIPT: 143839

DATED: 9-18-24 BY: m-mills

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

STATE OF OREGON
WATER RESOURCES DEPARTMENT

725 Summer St. N.E. Ste. A

SALEM, OR 97301-4172

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

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

TREASURY OTHER / RDX

FUND _____ TITLE _____

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DESCRIPTION _____ \$

RECEIPT: 143839

DATED: 9-18-24 BY: m-mills

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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 # **142506**

INVOICE # _____

RECEIVED FROM: JLPN, Inc.
BY: _____

APPLICATION _____
PERMIT _____
TRANSFER 114418

CASH: ☐ CHECK: # 26912 OTHER: (IDENTIFY) _____

TOTAL REC'D \$ 125.00

1083 TREASURY 4170 WRD MISC CASH ACCT

0407 COPIES 47124 \$ _____
0412 OTHER: (IDENTIFY) Transfer R11487-25 \$ 125.00
Authority

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 \$ _____ RECORD FEE \$ _____
0203 GROUND WATER EXAM FEE \$ _____ RECORD FEE \$ _____
0205 TRANSFER EXAM FEE \$ _____ RECORD FEE \$ _____

WELL CONSTRUCTION

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

OTHER (IDENTIFY) _____

0536 TREASURY 0437 WELL CONST. START FEE

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

OTHER (IDENTIFY) _____

0607 TREASURY 0467 HYDRO ACTIVITY LIC NUMBER

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

TREASURY OTHER / RDX

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

RECEIPT: **142506**

DATED: 3-5-24 BY: [Signature]

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

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 # **142506**

INVOICE # _____

RECEIVED FROM: JLPN, Inc.
BY: _____

APPLICATION _____
PERMIT _____
TRANSFER 114418

CASH: ☐ CHECK: # 26912 OTHER: (IDENTIFY) _____

TOTAL REC'D \$ 125.00

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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 \$ _____ RECORD FEE \$ _____
0203 GROUND WATER EXAM FEE \$ _____ RECORD FEE \$ _____
0205 TRANSFER EXAM FEE \$ _____ RECORD FEE \$ _____

WELL CONSTRUCTION

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

OTHER (IDENTIFY) _____

0536 TREASURY 0437 WELL CONST. START FEE

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

OTHER (IDENTIFY) _____

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HYDRO APPLICATION \$ _____

TREASURY OTHER / RDX

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

RECEIPT: **142506**

DATED: 3-5-24 BY: [Signature]

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

**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 # **142643**

INVOICE # _____

RECEIVED FROM: ULPN, Inc.

APPLICATION _____

BY: _____

PERMIT _____

CASH: ☐ CHECK: # 26958 OTHER: (IDENTIFY) ☐ _____

TRANSFER T-14418

TOTAL REC'D \$ 1,647.66

1083 TREASURY 4170 WRD MISC CASH ACCT

0407 COPIES 47124 \$ _____

0412 OTHER: (IDENTIFY) Transfer Reimbursement Authority \$ 1,647.66

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:

EXAM FEE

RECORD FEE

0201 SURFACE WATER \$ _____ 0202 \$ _____

0203 GROUND WATER \$ _____ 0204 \$ _____

0205 TRANSFER \$ _____

WELL CONSTRUCTION

EXAM FEE

LICENSE FEE

0218 WELL DRILL CONSTRUCTOR \$ _____ 0219 \$ _____

LANDOWNER'S PERMIT 0220 \$ _____

OTHER (IDENTIFY) _____

0536 TREASURY 0437 WELL CONST. START FEE

0211 WELL CONST START FEE \$ _____ CARD# _____

0210 MONITORING WELLS \$ _____ CARD# _____

OTHER (IDENTIFY) _____

0607 TREASURY 0467 HYDRO ACTIVITY LIC NUMBER

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

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

HYDRO APPLICATION \$ _____

TREASURY OTHER / RDX

FUND _____ TITLE _____

OBJ. CODE _____ VENDOR # _____

DESCRIPTION \$ _____

RECEIPT: **142643**

DATED: 4/4/2024 BY: [Signature]



Oregon

Tina Kotek, Governor

Water Resources Department

North Mall Office Building

725 Summer St NE, Suite A

Salem, OR 97301

Phone 503 986-0900

Fax 503 986-0904

July 8, 2025

Kyle, Ashley, and Evan Latimer
PO BOX 310
Lebanon, OR 97355

REFERENCE: Transfer Application T-14118

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, Elyse Richman, by telephone at (971) 701-5485 or by e-mail at Elyse.d.richman@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-14118, Linn County)	POINT OF APPROPRIATION AND PARTIAL
)	CANCELLATION OF A WATER RIGHT

Authority

Oregon Revised Statutes (ORS) 537.705 and 540.505 to 540.580 establish the process in which a water right holder may submit a request to transfer the point of appropriation, 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.

ORS 540.621 establishes the process for the owner of land to which a water right is appurtenant to certify under oath that the water right, or a portion thereof, has been abandoned and request voluntary cancellation.

Applicants

KYLE, ASHLEY, AND EVAN LATIMER
PO BOX 310
LEBANON, OR 97355

Findings of Fact

1. On November 7, 2022, Kyle, Ashley, and Evan Latimer filed an application to change the point of appropriation under Certificate 86446. The Department assigned the application number T-14118.
2. Notice of the application for transfer was published on November 15, 2022, pursuant to OAR 690-380-4000. No comments were filed in response to the notice.
3. On March 4, 2025, the agent for the applicant requested the completion date of October 1, 2027 to allow extra time for the coordination between lot owners. The Department granted the longer time for completion per OAR 690-380-5140 (3).

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.

4. On March 10, 2025, the Department sent a copy of the draft Preliminary Determination to the applicants, proposing to approve Transfer Application T-14118. The draft Preliminary Determination cover letter provided a deadline of April 29, 2025, for the applicants to respond. The applicants requested that the Department proceed with issuance of a Preliminary Determination and provided the necessary information to demonstrate that the applicants are authorized to pursue the transfer.
5. On May 16, 2025, the Department issued a Preliminary Determination proposing to approve Transfer Application T-14118 and sent a copy to the applicants. Additionally, notice of the Preliminary Determination for the transfer application was published in the Department's weekly notice on May 20, 2025, pursuant to ORS 540.520 and OAR 690-380-4020. No protests were filed in response to the notice.

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

Certificate: 86446 in the name of R. G. GATES (perfected under Permit G-1573)
Use: IRRIGATION OF 10.9
Priority Date: APRIL 12, 1960
Rate: 0.138 CUBIC FOOT PER SECOND
Limit/Duty: The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands, is limited to a diversion of ONE-EIGHTIETH of one cubic foot per second, or its equivalent for each acre irrigated, and shall be further limited to a diversion of not to exceed 2.5 acre-feet per acre for each acre irrigated during the irrigation season of each year.
Source: WELL NO. 1 within the OWL CREEK BASIN (Willamette River)

Authorized Point of Appropriation:

Twp	Rng	Mer	Sec	Q-Q	DLC	Measured Distances
12 S	4 W	WM	8	NW SE	53	WELL NO. 1 - 6.25 CHAINS (412.5 FEET) SOUTH AND 6.0 CHAINS (396.0 FEET) EAST FROM THE NW CORNER OF HAMILTON DLC 53

Authorized Place of Use:

IRRIGATION						
Twp	Rng	Mer	Sec	Q-Q	DLC	Acres
12 S	4 W	WM	8	NE SW	53	4.4
12 S	4 W	WM	8	NW SE	53	6.5
					Total	10.9

7. The applicant has changed the name of authorized WELL NO. 1 to now be known as Well D. No change in well location is occurring for Well D.

8. Transfer Application T-14118 proposes a change in point of appropriation. The approximate distances from the existing point of appropriation (WELL D, formerly known as WELL NO. 1) are as follows:

Twp	Rng	Mer	Sec	Q-Q	DLC	Measured Distances	Approximate distance from authorized point of appropriation (POA) in feet (ft.)
12 S	4 W	WM	8	NE SW	53	WELL E (LINN 63951) - 555 FEET SOUTH AND 175 FEET EAST FROM THE NW CORNER OF DLC 53	267 ft. Southwest
12 S	4 W	WM	8	NW SE	53	WELL A (LINN 63923) - 175 FEET SOUTH AND 465 FEET EAST FROM THE NW CORNER OF DLC 53	223 ft. Northeast
12 S	4 W	WM	8	NW SE	53	WELL B (LINN 63924) - 225 FEET SOUTH AND 800 FEET EAST FROM THE NW CORNER OF DLC 53	448 ft. Northeast
12 S	4 W	WM	8	NW SE	53	WELL C (LINN 63925) - 260 FEET SOUTH AND 775 FEET EAST FROM THE NW CORNER OF DLC 53	413 ft. Northeast

9. The applicant has requested that certain wells be associated with certain lands as described in the table below:

IRRIGATION									
Twp	Rng	Mer	Sec	Q-Q	DLC	Acres	Taxlot	Existing Authorized POA	Proposed POA
12 S	4 W	WM	8	NE SW	53	2.37	1702	Well D	Well A
12 S	4 W	WM	8	NW SE	53	0.73	1702	Well D	Well A
12 S	4 W	WM	8	NW SE	53	2.60	1704	Well D	Well B
12 S	4 W	WM	8	NW SE	53	1.30	1705	Well D	Well C
12 S	4 W	WM	8	NW SE	53	1.00	1705	Well D	Well C
12 S	4 W	WM	8	NE SW	53	1.03	1706	Well D	No Change
12 S	4 W	WM	8	NW SE	53	0.87	1706	Well D	No Change
12 S	4 W	WM	8	NE SW	53	1.00	1701	Well D	Well E
					Total	10.9			

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

10. Water has been used within the last five years. There is no information in the record that would demonstrate that the right is subject to forfeiture under ORS 540.610.
11. A water delivery system sufficient to use the full amount of water allowed under the existing right was present within the five-year period prior to submittal of Transfer Application T-14118.
12. The water right is subject to transfer as defined in ORS 540.505(4) and OAR 690-380-0100(14).

13. The proposed points of appropriation develop groundwater from the same aquifer as the authorized point of appropriation, as required by OAR 690-380-2110(2).
14. The proposed change would not result in enlargement of the right.
15. The proposed change would not result in injury to other existing water rights.
16. All other application requirements are met.

Partial Cancellation of a Water Right

17. On November 7, 2022, an affidavit certifying that a portion of a water right has been abandoned and requesting cancellation of a portion of the right was received from Kyle, Ashley, and Evan Latimer. The portion of the right to be cancelled is as follows:

Certificate: 86446 in the name of R. G. GATES (perfected under Permit G-1573)
Use: IRRIGATION OF 0.4 ACRE
Priority Date: APRIL 12, 1960
Rate: 0.005 CUBIC FOOT PER SECOND
Limit/Duty: The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands, is limited to a diversion of ONE-EIGHTIETH of one cubic foot per second, or its equivalent for each acre irrigated, and shall be further limited to a diversion of not to exceed 2.5 acre-feet per acre for each acre irrigated during the irrigation season of each year.
Source: WELL NO. 1 within the OWL CREEK BASIN (Willamette River)

Authorized Point of Appropriation:

Twp	Rng	Mer	Sec	Q-Q	DLC	Measured Distances
12 S	4 W	WM	8	NW SE	53	WELL NO. 1 - 6.25 CHAINS (412.5 FEET) SOUTH AND 6.0 CHAINS (396.0 FEET) EAST FROM THE NW CORNER OF HAMILTON DLC 53

Authorized Place of Use to be Cancelled:

IRRIGATION						
Twp	Rng	Mer	Sec	Q-Q	DLC	Acres
12 S	4 W	WM	8	NE SW	53	0.3
12 S	4 W	WM	8	NW SE	53	0.1
					Total	0.4

Conclusions of Law

The change in point of appropriation proposed in Transfer Application T-14118 is consistent with the requirements of ORS 537.705 and 540.505 to 540.580 and OAR 690-380-5000 and the abandoned right will be cancelled.

Now, therefore, it is ORDERED:

1. The change in point of appropriation proposed in Transfer Application T-14118 is approved.
2. The portion of the right that has been abandoned is cancelled.
3. 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 86446 and any related decree.
4. 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 points of appropriation.
5. Water right Certificate 86446 is cancelled. A new certificate will be issued describing that portion of the right not affected by this transfer and cancellation.
6. The quantity of water diverted at the new points of appropriation (Wells A, B, C, and E) shall not exceed the quantity of water lawfully available at the original point of appropriation (Well No. 1 aka Well D).
7. Water shall be acquired from the same aquifer (water source) as the original point of appropriation.
8. Water use measurement conditions:
 - a. Before water use may begin under this order, the water user shall install a totalizing flow meter, or, with prior approval of the Director, another suitable measuring device, at each point of appropriation (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. Full beneficial use of the water shall be made, consistent with the terms of this order, on or before **October 1, 2027**. A Claim of Beneficial Use prepared by a Certified Water Right Examiner shall be submitted by the applicant to the Department within one year after the deadline for completion of the changes and full beneficial use of the water.

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

Dated in Salem, Oregon on JUL 08 2025



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

Mailing Date: JUL 09 2025

STATE OF OREGON

COUNTY OF LINN

CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

R. G. GATES
3000 WHITE OAK DR
CORVALLIS, OR 97330

confirms the right to use the waters of WELL NO. 1, within the OWL CREEK BASIN (Willamette River) for IRRIGATION of 0.4 ACRES.

This right was perfected under Permit G-1573. The date of priority is APRIL 12, 1960. The amount of water to which this right is entitled is limited to an amount actually used beneficially, and shall not exceed 0.005 CUBIC FOOT PER SECOND or its equivalent in case of rotation, measured at the well.

The well is located as follows:

Twp	Rng	Mer	Sec	Q-Q	DLC	Measured Distances
12 S	4 W	WM	8	NW SE	53	6.25 CHAINS (412.5 FEET) SOUTH AND 6.0 CHAINS (396.0 FEET) EAST FROM THE NW CORNER OF HAMILTON DLC 53

The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands, is limited to a diversion of ONE-EIGHTIETH of one cubic foot per second, or its equivalent for each acre irrigated, and shall be further limited to a diversion of not to exceed 2.5 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:

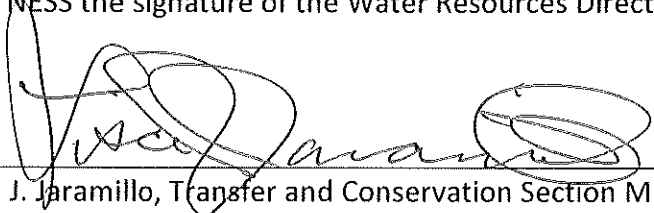
IRRIGATION						
Twp	Rng	Mer	Sec	Q-Q	DLC	Acres
12 S	4 W	WM	8	SE NW	38	0.4

This certificate describes that portion of water right Certificate 86446, State Record of Water Right Certificates, NOT modified by the provisions of an order of the Water Resources Director entered JUL 08 2025, approving Transfer Application T-14118.

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

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

WITNESS the signature of the Water Resources Director, affixed JUL 08 2025.

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

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

TRANSFER COVER SHEET

Transfer: T-14118

GR Application #: GR-

File Assigned- Transfer Specialist: Elyse Richman

Transfer Type: Regular

Reimbursement Authority? ☐

Applicants: Latimer, Kyle, Ashley, Evan PO Box 310 Lebanon, OR 97355	Receiving Landowner:	CWRE Agent: Will McGill 15333 Pletzer Rd SE Turner, OR 97392
Interested Parties: BOR (date): _____ Tribal Gov't: _____ Gov'ts: _____ County: <u>Linn</u>	Irrigation District: Check area of interest on map <input type="checkbox"/>	Additional Contact Information: _____

Key Dates & Initial Actions (Support Staff)

Type of change(s) proposed- attach additional review checklists as necessary POA			
If change is Historic or Substitution, application will go directly to Final Order. Add'l questions on last page for Historic and Gov't Action.			
Fees Pd:	\$3,070.00	WM Review request date sent - WM District: 2	11/15/2022
Received Date:	11/7/2022	WM Review - date received:	12/1/2022
Acknowledgement Letter Sent	Date: 11/16/2022	GW Review - date sent:	11/15/2022
County sent cc: of Ack Letter	Date: 11/16/2022	GW Review - date received:	9/10/2024
Initial Public Notice Date:	11/15/2022	ODFW Review - date sent: ODFW District:	
Comments Received:	Yes <input type="checkbox"/> No: <input checked="" type="checkbox"/>	ODFW Review - date received:	

Water Rights Affected

File Marked	No.	App. File # or Decree Name	Permit	Certificate	RR/CR Needed	RR/CR Nos.
<input type="checkbox"/>	1	G-1715	G-1573	86446	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
<input type="checkbox"/>	2				<input type="checkbox"/> Yes <input type="checkbox"/> No	
<input type="checkbox"/>	3				<input type="checkbox"/> Yes <input type="checkbox"/> No	

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

CP cancelled right??

Caseworker Actions:

Assigned in WRIS: 2/24/2024	DPD Workflow updated:	WRIS Notes:
PD and RR sent to Data Entry:	Certified mail date:	
Newspaper notice needed: Yes: <input type="checkbox"/> No: <input checked="" type="checkbox"/>	Name of Newspaper:	
PD notice email coordinator:	PD notice Request Date:	Amount Due: \$
		Received date:
Last day of publication:	Affidavit received:	

DOCUMENT	Drafted		Peer Review		Policy Review		Changes		ODFW contact info: <input type="checkbox"/> included NA: <input type="checkbox"/>	
	Date	initials	Date	initials	Date	initials	Date	initials	WM contact info: <input type="checkbox"/> included NA: <input type="checkbox"/>	
DPD			3/6	Joan					Number of Docs for signature:	
NOTICE									Date in Signature bin	Signature date
PD										5/16/2025
FO			6/23	Swiff						7/8/2025
RR										
Special Issues:										
Special Order Volume 135, Pages 57-62										

Withdrawal

Transfer Withdrawn? Yes: <input type="checkbox"/> No: <input type="checkbox"/>	Refund Required? Yes: <input type="checkbox"/> No: <input type="checkbox"/>
Withdrawal Request Rec'd: Yes: <input type="checkbox"/> No: <input type="checkbox"/> Date Rec'd:	Refund Request Completed? Yes: <input type="checkbox"/> No: <input type="checkbox"/>

PERMANENT TRANSFER APPLICATION CHECKLIST

☐ RA

Transfer #: T-14118

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

Transfer Application Review and Deficiencies

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

Groundwater Modification Application Review and Deficiencies

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

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

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

Layered/Supplemental Rights

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

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

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

Draft Preliminary Determination and Cover Letter – 12 pt. Calibri font			
CW	PR	Coord	
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Prepare ModPod workareas <i>unable to do this b/c ModPod is not working</i>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Prepare DPD (save as T-XXXXX-dpd-approve/deny (where XXXXX is the transfer number)
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Prepare DPD Cover letter (save as T-XXXXX-dpd-cov)
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Prepare Public Notice <input checked="" type="checkbox"/> and/or <input type="checkbox"/> newspaper notice (if required) (save as T-XXXXX-pd-notice)
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Prepare Remaining Right(s) (if applicable). Send with DPD, cover letter and notice for peer review.

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

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

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

Preliminary Determination and Cover Letter Preparation

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

Data Center Review of PD

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

Issue Preliminary Determination

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

Protest

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

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

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

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



Oregon

Tina Kotek, Governor

Water Resources Department

North Mall Office Building

725 Summer St NE, Suite A

Salem, OR 97301

Phone 503 986-0900

Fax 503 986-0904

www.oregon.gov/owrd

May 16, 2025

VIA CERTIFIED MAIL AND E-MAIL

KYLE, ASHLEY, AND EVAN LATIMER

PO BOX 310

LEBANON, OR 97355

SUBJECT: Water Right Transfer Application T-14118

Please find enclosed the Preliminary Determination indicating that, based on the information available, the Department intends to approve application T-14118. 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, simultaneously with issuance of the Preliminary Determination. The notice initiates a period in which any person may file either a protest opposing the decision proposed by the Department in the Preliminary Determination or a standing statement supporting the Department's decision. The protest period will end 30 days after the Department's notice.

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

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

Please don't hesitate to contact me at 971-701-5485 or at elyse.d.richman@water.oregon.gov if I may be of assistance.

Sincerely,

Transfer Specialist

Transfer and Conservation Section

cc: Transfer Application file T-14118
Lanaya F. Blakely, District 2 Watermaster (via e-mail)
William E. McGill, Agent for the applicant (via e-mail)

encs

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

In the Matter of Transfer Application)	PRELIMINARY DETERMINATION
T-14118, Linn County)	PROPOSING APPROVAL OF A CHANGE IN
)	POINT OF APPROPRIATION AND PARTIAL
)	CANCELLATION OF A WATER RIGHT

Authority

Oregon Revised Statutes (ORS) 537.705 and 540.505 to 540.580 establish the process in which a water right holder may submit a request to transfer the point of appropriation, 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.

ORS 540.621 establishes the process for the owner of land to which a water right is appurtenant to certify under oath that the water right, or a portion thereof, has been abandoned and request voluntary cancellation.

Applicants

KYLE, ASHLEY, AND EVAN LATIMER
PO BOX 310
LEBANON, OR 97355

Findings of Fact

1. On November 7, 2022, Kyle, Ashley, and Evan Latimer filed an application to change the point of appropriation under Certificate 86446. The Department assigned the application number T-14118.
2. Notice of the application for transfer was published on November 15, 2022, pursuant to OAR 690-380-4000. No comments were filed in response to the notice.
3. On March 10, 2025, the Department sent a copy of the draft Preliminary Determination to the applicants, proposing to approve Transfer Application T-14118. The draft Preliminary Determination cover letter provided a deadline of April 29, 2025, for the applicants to respond and submit the required information. The applicants requested that the Department proceed with issuance of a Preliminary Determination and provided the necessary information to demonstrate that the applicants are authorized to pursue the transfer.

4. On March 4, 2025, the agent for the applicant requested the completion date of the Transfer Application T-14118 be extended due to the coordination between lot owners needed to complete the changes pursuant to OAR 690-380-5140 (3). The Department has extended the completion date of the transfer to October 1, 2027.

5. The right to be transferred is as follows:

Certificate: 86446 in the name of R. G. GATES (perfected under Permit G-1573)
Use: IRRIGATION OF 10.9
Priority Date: APRIL 12, 1960
Rate: 0.138 CUBIC FOOT PER SECOND
Limit/Duty: The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands, is limited to a diversion of ONE-EIGHTIETH of one cubic foot per second, or its equivalent for each acre irrigated, and shall be further limited to a diversion of not to exceed 2.5 acre-feet per acre for each acre irrigated during the irrigation season of each year.

Source: WELL NO. 1 within the OWL CREEK BASIN (Willamette River)

Authorized Point of Appropriation:

Twp	Rng	Mer	Sec	Q-Q	DLC	Measured Distances
12 S	4 W	WM	8	NW SE	53	WELL NO. 1 - 6.25 CHAINS (412.5 FEET) SOUTH AND 6.0 CHAINS (396.0 FEET) EAST FROM THE NW CORNER OF HAMILTON DLC 53

Authorized Place of Use:

IRRIGATION						
Twp	Rng	Mer	Sec	Q-Q	DLC	Acres
12 S	4 W	WM	8	NE SW	53	4.4
12 S	4 W	WM	8	NW SE	53	6.5
					Total	10.9

6. Transfer Application T-14118 proposes a change in point of appropriation. The approximate distances from the existing point of appropriation (WELL NO. 1) are as follows:

Twp	Rng	Mer	Sec	Q-Q	DLC	Measured Distances	Approximate distance from authorized point of appropriation (POA) in feet (ft.)
12 S	4 W	WM	8	NE SW	53	WELL E (LINN 63951) - 555 FEET SOUTH AND 175 FEET EAST FROM THE NW CORNER OF DLC 53	267 ft.
12 S	4 W	WM	8	NW SE	53	WELL A (LINN 63923) - 175 FEET SOUTH AND 465 FEET EAST FROM THE NW CORNER OF DLC 53	223 ft.

Twp	Rng	Mer	Sec	Q-Q	DLC	Measured Distances	Approximate distance from authorized point of appropriation (POA) in feet (ft.)
12 S	4 W	WM	8	NW SE	53	WELL B (LINN 63924) - 225 FEET SOUTH AND 800 FEET EAST FROM THE NW CORNER OF DLC 53	448 ft.
12 S	4 W	WM	8	NW SE	53	WELL C (LINN 63925) - 260 FEET SOUTH AND 775 FEET EAST FROM THE NW CORNER OF DLC 53	413 ft.

7. The applicant has requested that certain wells be associated with certain lands as described in the table below, in addition; the applicant describes WELL NO. 1 as WELL D:

IRRIGATION								
Twp	Rng	Mer	Sec	Q-Q	DLC	Acres	Taxlot	Well
12 S	4 W	WM	8	NE SW	53	2.37	1702	A
12 S	4 W	WM	8	NE SW	53	0.90	1701	D
12 S	4 W	WM	8	NE SW	53	0.13	1702	D
12 S	4 W	WM	8	NE SW	53	1.00	1701	E
12 S	4 W	WM	8	NW SE	53	0.73	1702	A
12 S	4 W	WM	8	NW SE	53	2.60	1702	B
12 S	4 W	WM	8	NW SE	53	1.30	1702	C
12 S	4 W	WM	8	NW SE	53	1.00	1701	C
12 S	4 W	WM	8	NW SE	53	0.85	1701	D
12 S	4 W	WM	8	NW SE	53	0.02	1702	D
					Total	10.9		

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

8. Water has been used within the last five years. There is no information in the record that would demonstrate that the right is subject to forfeiture under ORS 540.610.
9. 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-14118.
10. The water right is subject to transfer as defined in ORS 540.505(4) and OAR 690-380-0100(14).
11. The proposed points of appropriation develop groundwater from the same aquifer as the authorized point of appropriation, as required by OAR 690-380-2110(2).
12. The proposed change would not result in enlargement of the right.
13. The proposed change would not result in injury to other existing water rights.
14. All other application requirements are met.

Partial Cancellation of a Water Right

15. On November 7, 2022, an affidavit certifying that a portion of a water right has been abandoned and requesting cancellation of a portion of the right was received from Kyle, Ashley, and Evan Latimer. The portion of the right to be cancelled is as follows:

Certificate: 86446 in the name of R. G. GATES (perfected under Permit G-1573)

Use: IRRIGATION OF 0.4 ACRE

Priority Date: APRIL 12, 1960

Rate: 0.005 CUBIC FOOT PER SECOND

Limit/Duty: The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands, is limited to a diversion of ONE-EIGHTIETH of one cubic foot per second, or its equivalent for each acre irrigated, and shall be further limited to a diversion of not to exceed 2.5 acre-feet per acre for each acre irrigated during the irrigation season of each year.

Source: WELL NO. 1 within the OWL CREEK BASIN (Willamette River)

Authorized Point of Appropriation:

Twp	Rng	Mer	Sec	Q-Q	DLC	Measured Distances
12 S	4 W	WM	8	NW SE	53	WELL NO. 1 - 6.25 CHAINS (412.5 FEET) SOUTH AND 6.0 CHAINS (396.0 FEET) EAST FROM THE NW CORNER OF HAMILTON DLC 53

Authorized Place of Use to be Cancelled:

IRRIGATION						
Twp	Rng	Mer	Sec	Q-Q	DLC	Acres
12 S	4 W	WM	8	NE SW	53	0.3
12 S	4 W	WM	8	NW SE	53	0.1
					Total	0.4

Determination and Proposed Action

The change in point of appropriation proposed in Transfer Application T-14118 appears to be consistent with the requirements of ORS 537.705 and 540.505 to 540.580 and OAR 690-380-5000 and the abandoned right will be cancelled. If protests are not filed pursuant to OAR 690-380-4030, the application will be approved, and the abandoned right will be cancelled.

If Transfer Application T-14118 is approved, the final order will include the following:

- 1. The change in point of appropriation proposed in Transfer Application T-14118 is approved.*
- 2. The portion of the right that has been abandoned is cancelled.*

3. *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 86446 and any related decree.*
4. *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 points of appropriation.*
5. *Water right Certificate 86446 is cancelled. A new certificate will be issued describing that portion of the right not affected by this transfer and cancellation.*
6. *The quantity of water diverted at the new points of appropriation (Wells A, B, C, and E) shall not exceed the quantity of water lawfully available at the original point of appropriation (Well No. 1 aka Well D).*
7. *Water shall be acquired from the same aquifer (water source) as the original point of appropriation.*
8. *Water use measurement conditions:*
 - a. *Before water use may begin under this order, the water user shall install a totalizing flow meter, or, with prior approval of the Director, another suitable measuring device, at each point of appropriation (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. *Full beneficial use of the water shall be made, consistent with the terms of this order, on or before **October 1, 2027**. A Claim of Beneficial Use prepared by a Certified Water Right Examiner shall be submitted by the applicant to the Department within one year after the deadline for completion of the changes and full beneficial use of the water.*
10. *After satisfactory proof of beneficial use is received, a new certificate confirming the right transferred will be issued.*

Dated in Salem, Oregon on **MAY 16 2025**


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

This Preliminary Determination was prepared by Elyse Richman. If you have questions about the information in this document, you may reach me at 971-701-5485 or at elyse.d.richman@water.oregon.gov.

Protests

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

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

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

Requests for Standing

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

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

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

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

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

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

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

You may be represented by an attorney at the hearing. Legal aid organizations may be able to assist a party with limited financial resources. Generally, partnerships, corporations, associations, governmental subdivisions, or public or private organizations are represented by

an attorney. However, consistent with OAR 690-002-0020 and OAR 690-137-0555, an agency representative may represent partnerships, corporations, associations, governmental subdivisions or public, or private organizations if the Department determines that appearance of a person by an authorized representative will not hinder the orderly and timely development of the record in this case.

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

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

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

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

RICHMAN Elyse D * WRD

From: RICHMAN Elyse D * WRD
Sent: Monday, March 10, 2025 12:04 PM
To: kyle@udelleng.com; willmcgill.surveying@gmail.com
Cc: BLAKELY Lanaya F * WRD
Subject: Kyle, Ashley, & Evan Latimer, T-14118
Attachments: T-14118-dpd-cov-final.pdf; T-14118-dpd-final.pdf; WM Review T-14118 measurement info form.pdf

Good afternoon,

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

Thank you,

Elyse D. Richman

she/her/hers

Transfer Specialist

725 Summer Street NE, Suite A, Salem, OR 97301

Phone: 971-701-5485



OREGON
WATER
RESOURCES
DEPARTMENT

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



Oregon

Tina Kotek, Governor

Water Resources Department

North Mall Office Building

725 Summer St NE, Suite A

Salem, OR 97301

Phone 503 986-0900

Fax 503 986-0904

www.oregon.gov/owrd

March 10, 2025

VIA E-MAIL

KYLE, ASHLEY, AND EVAN LATIMER

PO BOX 310

LEBANON, OR 97355

Reference: Water Right Transfer Application T-14118

Your water right transfer is in the first of three phases of processing. Enclosed is a draft of the Department's Preliminary Determination regarding Transfer Application T-14118. The document reflects the Department's conclusion that, based on the information currently available, the transfer will be approved. Your response and submittal of the items outlined below are required by April 8, 2025.

Required items needing your immediate attention:

1. Please carefully review the Draft Preliminary Determination to verify that it accurately reflects the changes you intend to make and to become familiar with the proposed conditions.
2. **Respond in writing** by April 8, 2025, with acknowledgement that you agree to the proposed action and conditions.
3. If you find any errors, please let me know.
4. **REQUIRED:** You must submit a **Report of Ownership** for the lands where the water right is currently located (i.e., the FROM lands). This report:
 - a) Must be prepared by a title company;
 - b) Shall include a "prepared by" statement and the date the title company prepared the report printed on the cover sheet;
 - c) Must:
 - i. Be prepared no earlier than 3 months prior to the date of issuance of the Draft Preliminary Determination showing current ownership; **OR**
 - ii. Be prepared within 3 months of the date the water right conveyance agreement was recorded; **OR**
 - iii. Show ownership for the FROM land at the time a water right conveyance agreement was recorded.

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

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

- d) Must include a list of owners at the time the report was generated; **AND**
 - e) Must include a legal description of the property where the water right to be transferred is currently located (i.e., the FROM lands).
5. You must provide a notarized statement of consent signed by any landowner listed in the Report of Ownership who is not already included in the transfer application. The Department's statement of consent form (**Consent By Deeded Landowner**) is available at: https://www.oregon.gov/OWRD/WRDFormsPDF/consent_to_transfer_form.pdf

Conditions of your water right...

The Watermaster has required water measurement devices at the new appropriation points prior to appropriation of water. Enclosed is a contact information sheet to assist you in pursuing additional information or approval of the required (or alternate) devices.

Please note the proposed date by which all conditions must be met: October 1, 2026. If the required completion date is insufficient to comply with any of the conditions, you may request more time, at no cost to you, during this stage of processing. **Please let me know by the comment deadline if you will need more time and explain the reasons why.**

What happens next...

Once the preliminary determination is issued a publication period is required. The Department will publish a notice in their weekly publication, which opens a 30-day period in which the transfer can be protested.

Issuance of the Preliminary Determination will occur shortly after we receive:

1. Your written response to the conditions and proposed action in the Draft Preliminary Determination (e-mail is acceptable); and
2. The Report of Ownership, including affidavits of consent from any landowners shown in the ownership report who have not signed the transfer application. The title company must indicate/state the date that they prepared the ownership report on the coversheet and/or first page of the report.

If we do not receive the items listed above by April 8, 2025, a Preliminary Determination may be issued denying the application as incomplete.

Please don't hesitate to contact me at elyse.d.richman@water.oregon.gov or at (971) 701-5485, if I may be of assistance.

Sincerely,

A handwritten signature in black ink, reading "Elyse Richman". The signature is written in a cursive, flowing style.

Transfer Specialist
Transfer and Conservation Section

cc: Transfer Application file T-14118
Lanaya F. Blakely, District 2 Watermaster *(via e-mail)*
William E. McGill, Agent for the applicant *(via e-mail)*

encs

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

In the Matter of Transfer Application
T-14118, Linn County

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D R A F T

PRELIMINARY DETERMINATION
PROPOSING APPROVAL OF A CHANGE IN
POINT OF APPROPRIATION AND PARTIAL
CANCELLATION OF A WATER RIGHT

Authority

Oregon Revised Statutes (ORS) 537.705 and 540.505 to 540.580 establish the process in which a water right holder may submit a request to transfer the point of appropriation, 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.

ORS 540.621 establishes the process for the owner of land to which a water right is appurtenant to certify under oath that the water right, or a portion thereof, has been abandoned and request voluntary cancellation.

Applicant

KYLE, ASHLEY, AND EVAN LATIMER
PO BOX 310
LEBANON, OR 97355

Findings of Fact

1. On November 7, 2022, Kyle, Ashley, and Evan Latimer filed an application to change the point of appropriation under Certificate 86446. The Department assigned the application number T-14118.
2. Notice of the application for transfer was published on November 15, 2022, pursuant to OAR 690-380-4000. No comments were filed in response to the notice.
3. The right to be transferred is as follows:

Certificate:	86446 in the name of R. G. GATES (perfected under Permit G-1573)
Use:	IRRIGATION OF 10.9
Priority Date:	APRIL 12, 1960
Rate:	0.138 CUBIC FOOT PER SECOND
Limit/Duty:	The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands, is limited to a diversion

of ONE-EIGHTIETH of one cubic foot per second, or its equivalent for each acre irrigated, and shall be further limited to a diversion of not to exceed 2.5 acre-feet per acre for each acre irrigated during the irrigation season of each year.

Source: WELL NO. 1 within the OWL CREEK BASIN (Willamette River)

Authorized Point of Appropriation:

Twp	Rng	Mer	Sec	Q-Q	DLC	Measured Distances
12 S	4 W	WM	8	NW SE	53	WELL NO 1 - 6.25 CHAINS (412.5 FEET) SOUTH AND 6.0 CHAINS (396.0 FEET) EAST FROM THE NW CORNER OF HAMILTON DLC 53

Authorized Place of Use:

IRRIGATION						
Twp	Rng	Mer	Sec	Q-Q	DLC	Acres
12 S	4 W	WM	8	NE SW	53	4.4
12 S	4 W	WM	8	NW SE	53	6.5
					TOTAL	10.9

4. Transfer Application T-14118 proposes additional points of appropriation. The approximate distances from the existing point of appropriation (WELL NO. 1) are as follows:

Twp	Rng	Mer	Sec	Q-Q	DLC	Measured Distances	Approximate distance from authorized point of appropriation (POA) in feet (ft.)
12 S	4 W	WM	8	NE SW	53	WELL E (LINN 63951) - 555 FEET SOUTH AND 175 FEET EAST FROM THE NW CORNER OF DLC 53	267 ft.
12 S	4 W	WM	8	NW SE	53	WELL A (LINN 63923) - 175 FEET SOUTH AND 465 FEET EAST FROM THE NW CORNER OF DLC 53	273 ft.
12 S	4 W	WM	8	NW SE	53	WELL B (LINN 63924) - 225 FEET SOUTH AND 800 FEET EAST FROM THE NW CORNER OF DLC 53	448 ft.
12 S	4 W	WM	8	NW SE	53	WELL C (LINN 63925) - 260 FEET SOUTH AND 775 FEET EAST FROM THE NW CORNER OF DLC 53	413 ft.

The applicant has requested that certain wells be associated with certain lands as described in the table below, in addition; the applicant describes WELL NO. 1 as WELL D:

IRRIGATION								
Twp	Rng	Mer	Sec	Q-Q	DLC	Acres	Taxlot	Well
12 S	4 W	WM	8	NE SW	53	2.37	1702	A
12 S	4 W	WM	8	NE SW	53	0.90	1701	D
12 S	4 W	WM	8	NE SW	53	0.13	1702	D
12 S	4 W	WM	8	NE SW	53	1.00	1701	E

IRRIGATION								
Twp	Rng	Mer	Sec	Q-Q	DLC	Acres	Taxlot	Well
12 S	4 W	WM	8	NW SE	53	0.73	1702	A
12 S	4 W	WM	8	NW SE	53	2.60	1702	B
12 S	4 W	WM	8	NW SE	53	1.30	1702	C
12 S	4 W	WM	8	NW SE	53	1.00	1702	C
12 S	4 W	WM	8	NW SE	53	0.85	1701	D
12 S	4 W	WM	8	NW SE	53	0.02	1701	D
					TOTAL	10.9		

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

5. Water has been used within the last five years. There is no information in the record that would demonstrate that the right is subject to forfeiture under ORS 540.610.
6. 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-14118.
7. The water right is subject to transfer as defined in ORS 540.505(4) and OAR 690-380-0100(14).
8. The proposed points of appropriation develop groundwater from the same aquifer as the authorized point of appropriation, as required by OAR 690-380-2110(2).
9. The proposed change would not result in enlargement of the right.
10. The proposed change would not result in injury to other existing water rights.
11. All other application requirements are met.

Partial Cancellation of a Water Right

12. On November 7, 2022, an affidavit certifying that a portion of a water right has been abandoned and requesting cancellation of a portion of the right was received from Kyle, Ashley, and Evan Latimer. The portion of the right to be cancelled is as follows:

Certificate: 86446 in the name of R. G. GATES (perfected under Permit G-1573)
Use: IRRIGATION OF 0.4 ACRE
Priority Date: APRIL 12, 1960
Rate: 0.005 CUBIC FOOT PER SECOND
Limit/Duty: The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands, is limited to a diversion of ONE-EIGHTIETH of one cubic foot per second, or its equivalent for each acre irrigated, and shall be further limited to a diversion of not to exceed

2.5 acre-feet per acre for each acre irrigated during the irrigation season of each year.

Source: WELL NO. 1 within the OWL CREEK BASIN (Willamette River)

Authorized Point of Appropriation:

Twp	Rng	Mer	Sec	Q-Q	DLC	Measured Distances
12 S	4 W	WM	8	NW SE	53	WELL NO. 1 - 6.25 CHAINS (412.5 FEET) SOUTH AND 6.0 CHAINS (396.0 FEET) EAST FROM THE NW CORNER OF HAMILTON DLC 53

Authorized Place of Use to be Cancelled:

IRRIGATION						
Twp	Rng	Mer	Sec	Q-Q	DLC	Acres
12 S	4 W	WM	8	NE SW	53	0.3
12 S	4 W	WM	8	NW SE	53	0.1
					TOTAL	0.4

Determination and Proposed Action

The change in point of appropriation proposed in Transfer Application T-14118 appears to be consistent with the requirements of ORS 537.705 and 540.505 to 540.580 and OAR 690-380-5000 and the abandoned right will be cancelled. If protests are not filed pursuant to OAR 690-380-4030, the application will be approved, and the abandoned right will be cancelled.

If Transfer Application T-14118 is approved, the final order will include the following:

- 1. The change in point of appropriation proposed in Transfer Application T-14118 is approved.*
- 2. The portion of the right that has been abandoned is cancelled.*
- 3. 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 86446 and any related decree.*
- 4. 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 points of appropriation.*
- 5. Water right Certificate 86446 is cancelled.*
- 6. The quantity of water diverted at the new points of appropriation (Wells A, B, C, and E) shall not exceed the quantity of water lawfully available at the original points of appropriation (Well No. 1 aka Well D).*
- 7. Water shall be acquired from the same aquifer (water source) as the original point of appropriation.*

8. *Water use measurement conditions:*
- a. *Before water use may begin under this order, the water user shall install a totalizing flow meter, or, with prior approval of the Director, another suitable measuring device, at each point of appropriation (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. *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.*
10. *After satisfactory proof of beneficial use is received, a new certificate confirming the right transferred will be issued.*

Dated in Salem, Oregon on

D R A F T

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

This draft Preliminary Determination was prepared by Elyse Richman. If you have questions about the information in this document, you may reach me at 971-701-5485 or at elyse.d.richman@water.oregon.gov.

Application for Water Right Transfer



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

Consent by Deeded Landowner

State of Oregon)
)ss
County of Linn)

I Leepakshi Arora in my/our capacity as Owners,

mailing address 953 SE Bayshore Cir., Corvallis, OR 97333,

telephone number (402) 315-7269, duly sworn depose and say that I/We

consent to the proposed change(s) to Water Right Certificate Number 86446

described in a Water Right Transfer Application (T-14118),

(transfer number, if known)

submitted by Kyle, Ashley, & Evan Latimer

on the property in tax lot number(s) 1706 (formerly 1701 & 1702),

Section 8 Township 12 South Range 4 West, W.M.,

located at 33029 SE White Oak Rd. (next to)
(site address)

Leepakshi Arora
Signature of Affiant

04/25/2025
Date

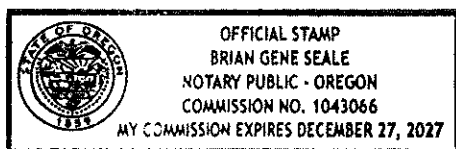
NA
Signature of Affiant

04/25/2025 LA
Date

NA
Signature of Affiant

NA
Date

Subscribed and Sworn to before me this 25 day of APRIL, 2025.



Brian Gene Seale
Notary Public for Oregon

My commission expires 12/27/27

Application for Water Right Transfer



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

Consent by Deeded Landowner

State of Oregon)
)ss
County of Linn)

I Aarushi Arora in my/our capacity as Owners,

mailing address 953 SE Bayshore Cir., Corvallis, OR 97333,

telephone number (402) 315-7269, duly sworn depose and say that I/We

consent to the proposed change(s) to Water Right Certificate Number 86446

described in a Water Right Transfer Application (T-14118),

(transfer number, if known)

submitted by Kyle, Ashley, & Evan Latimer

on the property in tax lot number(s) 1706 (formerly 1701 & 1702),

Section 8 Township 12 South Range 4 West, W.M.,

located at 33029 SE White Oak Rd. (next to)
(site address)

Aarushi Arora
Signature of Affiant

4/24/2025
Date

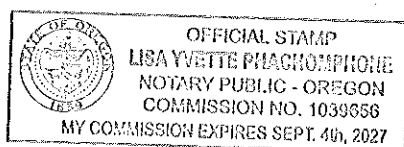
Signature of Affiant

Date

Signature of Affiant

Date

Subscribed and Sworn to before me this 24th day of April, 2025.



Lisa Yvette Phachomphone
Notary Public for Oregon

My commission expires 9/4/27.

Application for Water Right Transfer



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

Consent by Deeded Landowner

State of Oregon)
)ss
County of Linn)

I Vipin Arora in my/our capacity as Owners,

mailing address 953 SE Bayshore Cir., Corvallis, OR 97333,

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consent to the proposed change(s) to Water Right Certificate Number 86446

described in a Water Right Transfer Application (T-14118),

(transfer number, if known)

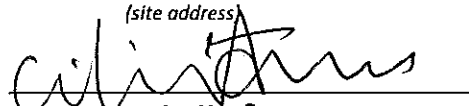
submitted by Kyle, Ashley, & Evan Latimer

on the property in tax lot number(s) 1706 (formerly 1701 & 1702),

Section 8 Township 12 South Range 4 West, W.M.,

located at 33029 SE White Oak Rd. (next to)

(site address)


Signature of Affiant

04/25/2025
Date

N/A
Signature of Affiant

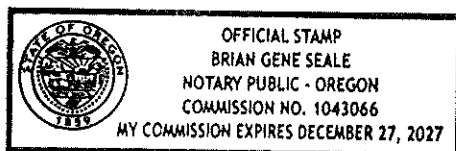
N/A
Date

N/A
Signature of Affiant

N/A
Date

Subscribed and Sworn to before me this 25 day of APRIL, 2025.


Notary Public for Oregon



My commission expires 12/27/27

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-14118

Review Due Date:

Applicant Name: Ashley Latimer, Kyle Latimer, Evan Latimer

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

Reviewer(s): L Blakely

Date of Review: 12/01/2022

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

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

☒ 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:

<input type="checkbox"/> Weir	<input type="checkbox"/> Submerged Orifice
<input type="checkbox"/> Parshall Flume	<input type="checkbox"/> Flow Restrictor
<input type="checkbox"/> Other: ____	

Oregon Water Resources Department

Measurement Condition Information for the Applicant

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

Transfer #: T-14118



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: 541-682-3620

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

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

Approval of an Alternate Measurement Device

T-

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

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

 Watermaster signature

 District

 Date

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

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

Groundwater Transfer Review Summary Form

Transfer/PA # T- 14118

GW Reviewer Phillip I. Marcy Date Review Completed: 10/27/2023

Summary of Same Source Review:

☐ The proposed change in point of appropriation is not within the same aquifer as per OAR 690-380-2110(2).

Summary of Injury Review:

☐ The proposed transfer will result in another, existing water right not receiving previously available water to which it is legally entitled or result in significant interference with a surface water source as per 690-380-0100(3).

Summary of GW-SW Transfer Similarity Review:

☐ The proposed SW-GW transfer doesn't meet the definition of "similarly" as per OAR 690-380-2130.

This is only a summary. Documentation is attached and should be read thoroughly to understand the basis for determinations.



Oregon Water Resources Department
725 Summer Street NE, Suite A
Salem, Oregon 97301-1271
(503) 986-0900
www.wrd.state.or.us

Ground Water Review Form:

- ☒ Water Right Transfer
☐ Permit Amendment
☐ GR Modification
☐ Other

Application: T-14118

Applicant Name: Kyle Latimer

Proposed Changes: ☐ POA ☒ APOA ☐ SW→GW ☐ RA
☐ USE ☐ POU ☐ OTHER

Reviewer(s): Phillip I. Marcy

Date of Review: 10/27/2023

Date Returned to WRSD: 9/9/2024

The information provided in the application is insufficient to evaluate whether the proposed transfer may be approved because:

- ☐ The water well reports provided with the application do not correspond to the water rights affected by the transfer.
- ☐ The application does not include water well reports or a description of the well construction details sufficient to establish the ground water body developed or proposed to be developed.
- ☐ Other _____

-
1. Basic description of the changes proposed in this transfer: The applicant proposes to add four APOA wells to the authorized POA, for a total of five authorized POA wells. The property is being divided into five separate lots and the desire is to have one authorized POA well for each lot.
 2. Will the proposed POA develop the same aquifer (source) as the existing authorized POA?
☒ Yes ☐ No Comments: All wells produce from sand and/or gravels at depths near 100' below land surface.
 3. a) Is there more than one source developed under the right (e.g., basalt and alluvium)?
☐ Yes ☒ No Current authorized POA LINN 10647 is authorized to produce from alluvium.
b) If yes, estimate the portion of the right supplied by each of the sources and describe any limitations that will need to be placed on the proposed change (rate, duty, etc.): NA
 4. a) Will this proposed change, at its maximum allowed rate of use, likely result in an increase in interference with **another ground water right**?
☒ Yes ☐ No Comments: Three of the proposed APOA wells are closer to LINN 56115, authorized under Certificate 88185, however, the distribution of pumping between five wells is anticipated to produce shallower drawdowns at each POA location due to a lower expected pumping rate.

b) If yes, would this proposed change, at its maximum allowed rate of use, likely result in another groundwater right not receiving the water to which it is legally entitled?

☐ Yes ☒ No If yes, explain: Drawdowns from proposed APOA wells seen at LINN 56115 are likely to be insignificant due the characteristics of the aquifer. At a distance of 300 feet from the nearest proposed POA, and an expected pumping rate of one fifth the authorized maximum rate under Certificate 86446, the anticipated drawdown at LINN 56115 is less than 10 feet. Given the depth of the affected well and the shallow static water levels in the productive aquifer, the likelihood of injury is very small.

5. a) Will this proposed change, at its maximum allowed rate of use, likely result in an increase in interference with **another surface water source**?

☒ Yes ☐ No Comments: Wells B and C (LINN 63924 and LINN 63925) are closer to the upper, intermittent reach of Owl Creek than the existing authorized POA well.

b) If yes, at its maximum allowed rate of use, what is the expected change in degree of interference with any **surface water sources** resulting from the proposed change?

Stream: Owl Creek

☒ Minimal ☐ Significant

Stream: _____

☐ Minimal ☐ Significant

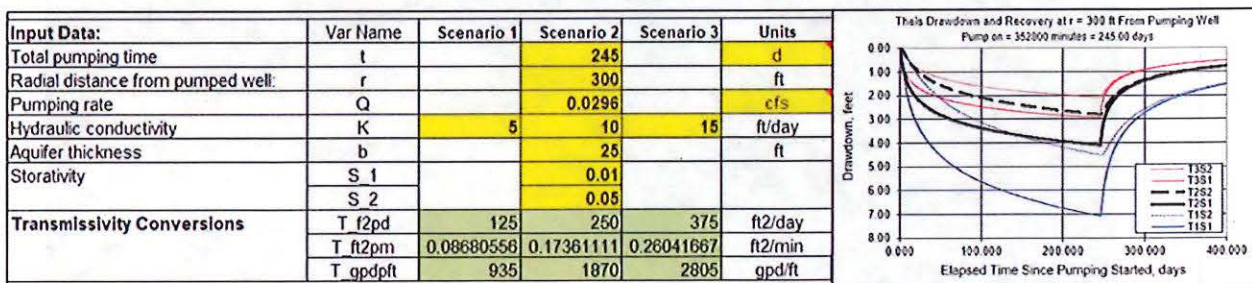
Provide context for minimal/significant impact: At the depth of the water-bearing zone accessed by the proposed wells, interference with local streams is likely to be diffuse, with effects propagated upward through fine-grained horizons over a wide geographic area. In addition, the anticipated pumping rate is fairly low at each well (0.148 cfs / 5 wells = 0.0296 cfs or 13.29 gpm).

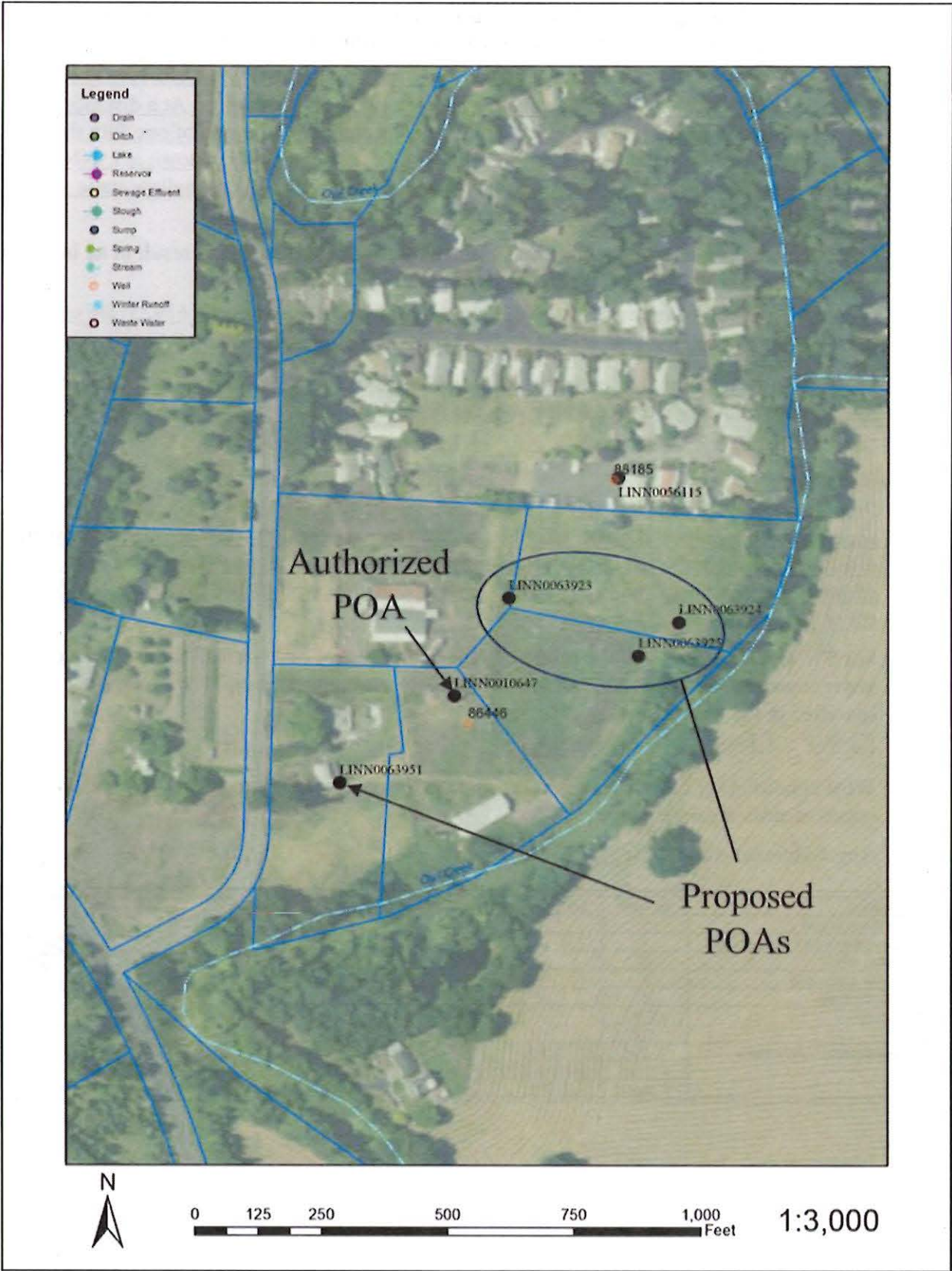
6. For SW-GW transfers, will the proposed change in point of diversion affect the surface water source similarly (as per OAR 690-380-2130) to the authorized point of diversion specified in the water use subject to transfer?

☐ Yes ☐ No Comments: NA

7. What conditions or other changes in the application are necessary to address any potential issues identified above: None

8. Any additional comments: _____







Oregon

Kate Brown, Governor

Water Resources Department

725 Summer St NE, Suite A

Salem, OR 97301

(503) 986-0900

Fax (503) 986-0904

November 16, 2022

KYLE, ASHLEY AND EVAN LATIMER
PO BOX 310
LEBANON, OR 97355

Reference: Application T-14118

On November 7, 2022, OWRD received your water right Permanent Transfer Application. The application was accompanied by \$3070.00. Our receipt number 139490 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 our groundwater staff to determine whether the proposed well accesses the same source of water as the original well or as the original POD.

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 from the new point of 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.

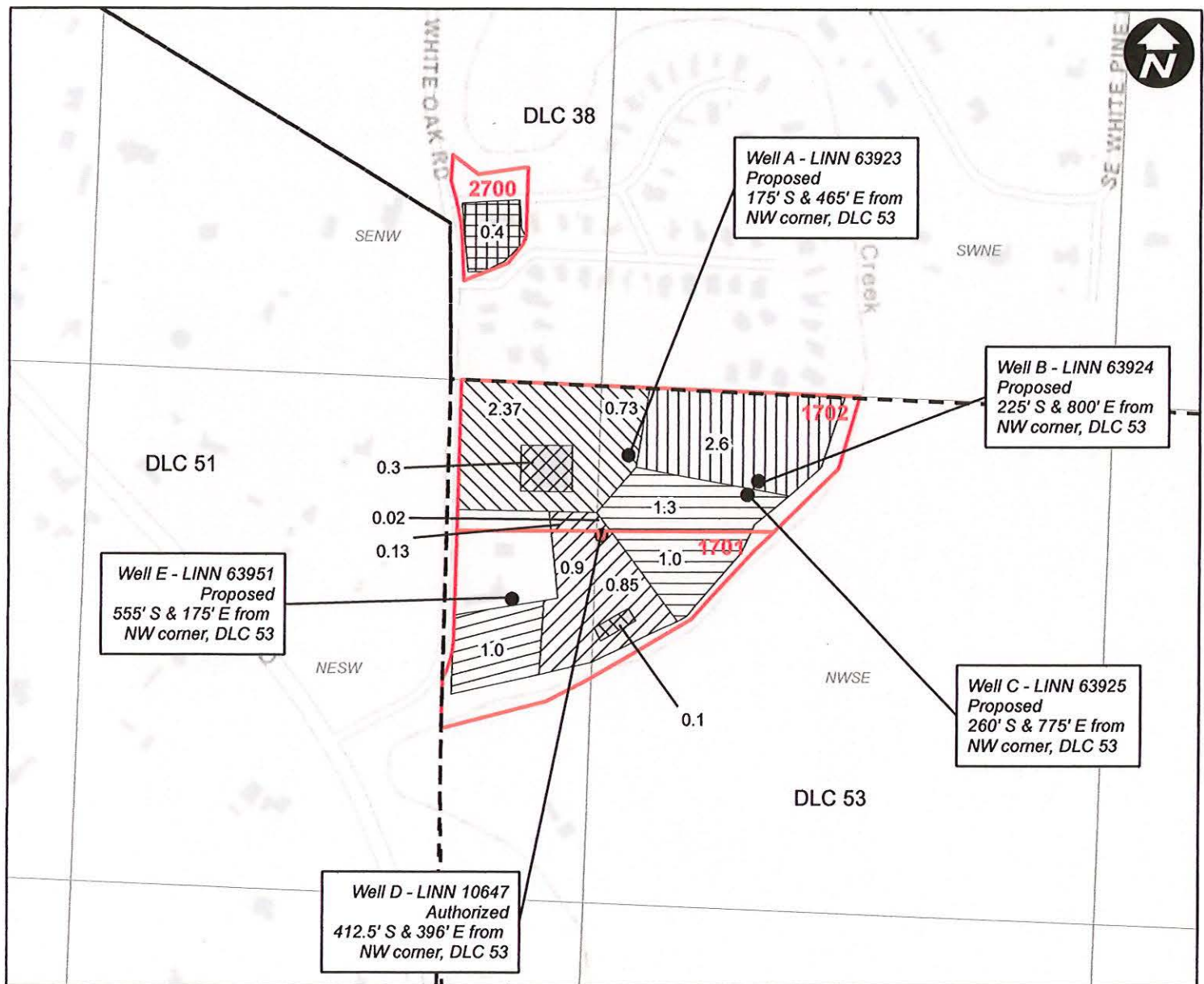
If you have any questions, please contact the Transfer Section at (503) 979-9931.

Cc: Watermaster Dist. #2, Lanaya F. Blakely (*via email*)
Linn County Planning
William E. McGill, Agent

Enclosure

Transfer Application - Latimer Certificate 86446

Township 12S, Range 4W, Section 8, W.M.



Legend

0 200 400 800 Feet

- Lot A - POU
- Lot B - POU
- Lot C - POU
- Lot D - POU
- Lot E - POU
- No Change
- Pending Cancellation
- Taxlot
- DLC

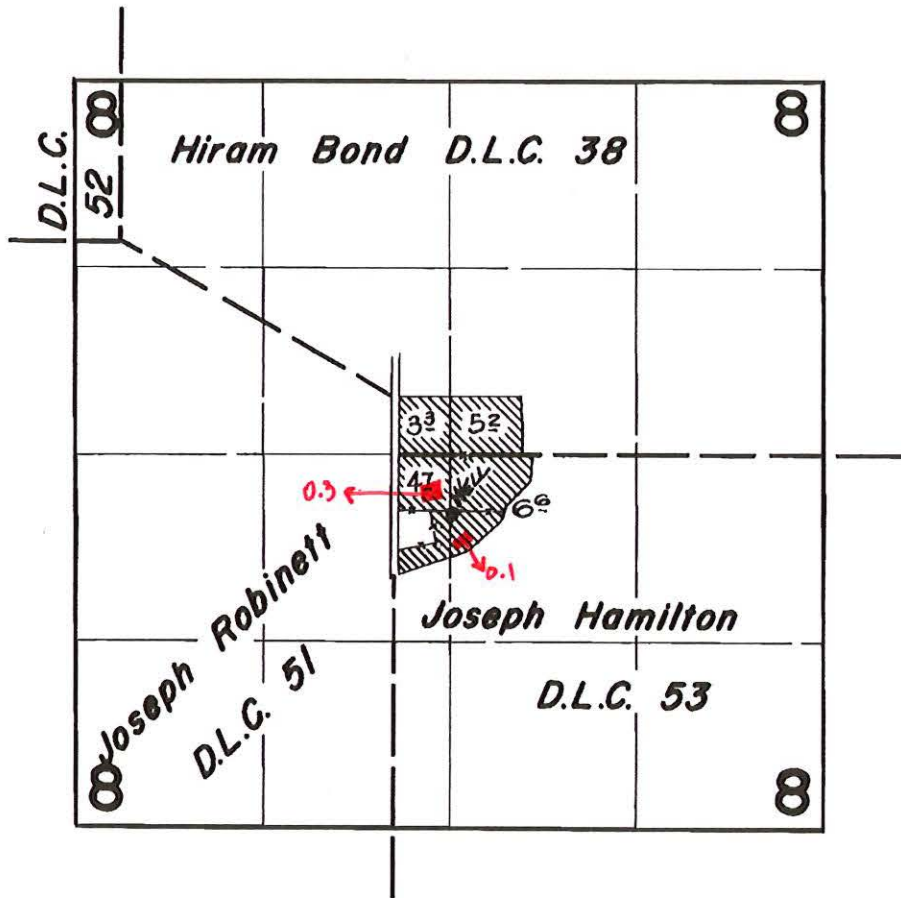


EXPIRES: 12-31-2022

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NOV 07 2022
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14118

T.12S.R.4 W.W.M.



FINAL PROOF SURVEY UNDER

Application No. G-1715... Permit No. G-1573...
IN NAME OF

R. G. GATES

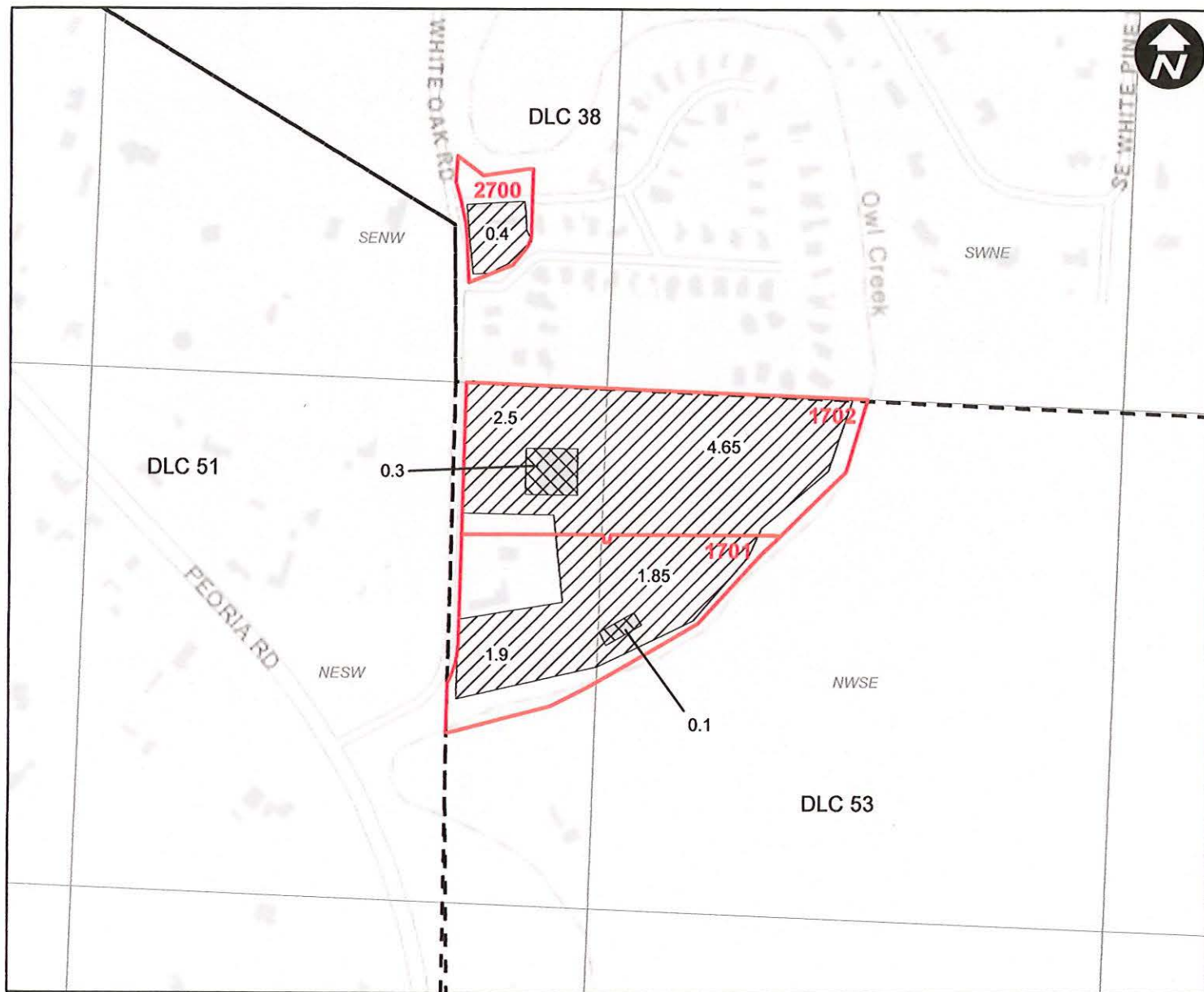
Surveyed July 1, 1963, by C. Baker

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Voluntary Cancellation Portion of Certificate 86446

Township 12S, Range 4W, Section 8, W.M.



Legend

- No Change
- Voluntary Cancellation
- Taxlot
- DLC

0 200 400 800 Feet

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WILL MCGILL SURVEYING LLC

**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 # **142512**

INVOICE # _____

RECEIVED FROM: JLPN, Inc.
BY: _____

APPLICATION	
PERMIT	
TRANSFER	T-14418

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

☐ ☒ 24911 ☐ _____

TOTAL REC'D \$ 2,250.00

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 \$ _____
0203 GROUND WATER \$ _____
0205 TRANSFER \$ 2,250.00

WELL CONSTRUCTION

0218 WELL DRILL CONSTRUCTOR \$ _____
LANDOWNER'S PERMIT \$ _____

OTHER (IDENTIFY) _____

0536 TREASURY 0437 WELL CONST. START FEE

0211 WELL CONST START FEE \$ _____
0210 MONITORING WELLS \$ _____

OTHER (IDENTIFY) _____

0607 TREASURY 0467 HYDRO ACTIVITY LIC NUMBER

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

TREASURY OTHER / RDX

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

RECEIPT: **142512**

DATED: 3-5-24 BY: [Signature]

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.

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.
- ☒ 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. 86446**

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: ____/____/____

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Part 2 of 5 – Transfer Application Map

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

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

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

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FEE WORKSHEET for PERMANENT TRANSFER (except Substitution)

FEE WORKSHEET for SUBSTITUTION

TACS

Part 4 of 5 – Applicant Information and Signature

Applicant Information

APPLICANT/BUSINESS NAME Kyle, Ashley, & Evan Latimer		PHONE NO. (541) 451-5125	ADDITIONAL CONTACT NO.
ADDRESS PO Box 310		FAX NO.	
CITY Lebanon	STATE OR	ZIP 97355	E-MAIL kyle@udelleng.com
BY PROVIDING AN E-MAIL ADDRESS, CONSENT IS GIVEN TO RECEIVE ALL CORRESPONDENCE FROM THE DEPARTMENT ELECTRONICALLY. COPIES OF THE FINAL ORDER DOCUMENTS WILL ALSO BE MAILED.			

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

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

Explain in your own words what you propose to accomplish with this transfer application, and why:
Taxlots 1702 and 1701 are being split into 5 lots. It is proposed to authorize the respective wells on each lot for their portion of Cert. 86446.

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.

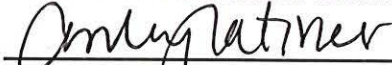
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NOV 07 2022
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14118


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: Corvallis Gazette-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.


Applicant signature

Ashley Latimer 10-27-22
Print Name (and Title if applicable) Date


Applicant signature

KYLE LATIMER 10-27-22
Print Name (and Title if applicable) Date


Applicant signature

EVAN LATIMER 10-27-22
Print Name (and Title if applicable) Date

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

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

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

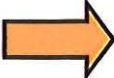
RECEIVING LANDOWNER NAME			PHONE NO.	ADDITIONAL CONTACT NO.
ADDRESS			FAX NO.	
CITY	STATE	ZIP	E-MAIL	
Describe any special ownership circumstances:				
The confirming Certificate shall be issued in the name of: <input type="checkbox"/> Applicant <input type="checkbox"/> Receiving Landowner				

☐ 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 Linn County	ADDRESS 300 SW 4th Ave.	
CITY Albany	STATE OR	ZIP 97321

ENTITY NAME	ADDRESS	
CITY	STATE	ZIP

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OWRD
14118

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 # 86446

Description of Water Delivery System

System capacity: 0.32 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. **5 HP submersible pump delivers water through 3" buried PVC mainline to risers. Water is applied by handline.**

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)
Well A	<input type="checkbox"/> Authorized <input checked="" type="checkbox"/> Proposed	LINN 63923	12 S	4 W	8	NW SE	53	175' S and 465' E from NW corner, DLC 53
Well B	<input type="checkbox"/> Authorized <input checked="" type="checkbox"/> Proposed	LINN 63924	12 S	4 W	8	NW SE	53	225' S and 800' E from NW corner, DLC 53
Well C	<input type="checkbox"/> Authorized <input checked="" type="checkbox"/> Proposed	LINN 63925	12 S	4 W	8	NW SE	53	260' S and 775' E from NW corner, DLC 53
Well D	<input checked="" type="checkbox"/> Authorized <input type="checkbox"/> Proposed	LINN 10647	12 S	4 W	8	NW SE	53	412.5' S and 396' E from NW corner, DLC 53
Well E	<input type="checkbox"/> Authorized <input checked="" type="checkbox"/> Proposed	LINN 63951	12 S	4 W	8	NE SW	53	555' S and 175' E from NW corner, DLC 53

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

- | | |
|--|---|
| <input 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 checked="" type="checkbox"/> Point of Appropriation/Well (POA) |
| <input 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.

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

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

Table 2. Description of Changes to Water Right Certificate # 86446

List the change proposed for the acreage in each $\frac{1}{4}$ $\frac{1}{4}$. If more than one change is proposed, specify the acreage associated with each change.
If there is more than one POD/POA involved in the proposed changes, specify the acreage associated with each POD/POA.


AUTHORIZED (the "from" or "off" lands) The listing that appears on the certificate BEFORE PROPOSED CHANGES List only that part or portion of the water right that will be changed.											Proposed Changes (see "CODES" from previous page)	PROPOSED (the "to" or "on" lands) The listing as it would appear AFTER PROPOSED CHANGES are made.														
Twp	Rng		Sec		¼ ¼		Tax Lot	Gvt Lot or DLC	Acres	Type of USE listed on Certificate		POD(s) or POA(s) (name or number from Table 1)	Priority Date	Twp	Rng		Sec		¼ ¼		Tax Lot	Gvt Lot or DLC	Acres	New Type of USE	POD(s)/ POA(s) to be used (from Table 1)	Priority Date
12	S	4	W	8	SE	NW	2700	38	0.4	Irrigation	Well D	1960		12	S	4	W	8	SE	NW	2700	38	0.4	Irrigation	Well D	1960
12	S	4	W	8	NE	SW	1701	53	1.9	Irrigation	Well D	1960	POA	12	S	4	W	8	NE	SW	1702	53	2.37	Irrigation	Well A	1960
12	S	4	W	8	NE	SW	1702	53	2.8	Irrigation	Well D	1960	POA	12	S	4	W	8	NW	SE	1702	53	0.73	Irrigation	Well A	1960
12	S	4	W	8	NW	SE	1701	53	1.95	Irrigation	Well D	1960	POA	12	S	4	W	8	NW	SE	1702	53	2.6	Irrigation	Well B	1960
12	S	4	W	8	NW	SE	1702	53	4.65	Irrigation	Well D	1960	POA	12	S	4	W	8	NW	SE	1702	53	1.3	Irrigation	Well C	1960
													POA	12	S	4	W	8	NW	SE	1701	53	1.0	Irrigation	Well C	1960
														12	S	4	W	8	NW	SE	1701	53	0.85	Irrigation	Well D	1960
														12	S	4	W	8	NW	SE	1702	53	0.02	Irrigation	Well D	1960
														12	S	4	W	8	NE	SW	1701	53	0.9	Irrigation	Well D	1960
														12	S	4	W	8	NE	SW	1702	53	0.13	Irrigation	Well D	1960
														12	S	4	W	8	NE	SW	1701	53	1.0	Irrigation	Well E	1960
TOTAL ACRES:									11.7					TOTAL ACRES:									11.3			

Additional remarks: **0.3 acres in NESW and 0.1 acres in NWSE of Section 8 are pending cancellation. This accounts for the 0.4-acre difference in from and to lands. 0.4 acres in tax lot 2700 is uninvolved with the transfer. The Lot D portion remains authorized on the original well.**

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

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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STATE OF OREGON
WATER SUPPLY WELL REPORT

Well C

LINN 63925

WELL I.D. LABEL# 145708

START CARD # 1057873

ORIGINAL LOG #

Page 1 of 2

(as required by ORS 537.545 & 537.765 and OAR 690-205-0210)

8/7/2022

(1) LAND OWNER

Owner Well I.D. DR-3619

First Name KYLE

Last Name LATIMER

Company

Address P. O. BOX 310

City LEBANON

State OR

Zip 97355

(2) TYPE OF WORK

☒ New Well ☐ Deepening ☐ Conversion

☐ Alteration (complete 2a & 10) ☐ Abandonment (complete 5a)

(2a) PRE-ALTERATION

Casing: Dia + From To Gauge Stl Plstc Wld Thrd

Material From To Amt sacks/lbs

Seal:

(3) DRILL METHOD

☒ Rotary Air ☐ Rotary Mud ☐ Cable ☐ Auger ☐ Cable Mud

☐ Reverse Rotary ☐ Other

(4) PROPOSED USE

☒ Domestic ☐ Irrigation ☐ Community

☐ Industrial/ Commercial ☐ Livestock ☐ Dewatering

☐ Thermal ☐ Injection ☐ Other

(5) BORE HOLE CONSTRUCTION

Special Standard ☐ (Attach copy)

Depth of Completed Well 91.00 ft.

BORE HOLE

SEAL

sacks/lbs

Dia	From	To	Material	From	To	Amt	lbs
10	0	19	Bentonite	0	19	9	S
6	19	102				Calculated	8.67
						Calculated	

How was seal placed: Method ☐ A ☐ B ☐ C ☐ D ☐ E

☒ Other POURED DRY

Backfill placed from ft. to ft. Material

Filter pack from ft. to ft. Material Size

Explosives used: ☐ Yes Type Amount

(5a) ABANDONMENT USING UNHYDRATED BENTONITE

Proposed Amount

Actual Amount

(6) CASING/LINER

Casing Liner Dia + From To Gauge Stl Plstc Wld Thrd

<input checked="" type="checkbox"/>	<input type="checkbox"/>	6	<input checked="" type="checkbox"/>	1.4	86	.250	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/>				<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/>				<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/>				<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/>				<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Shoe ☐ Inside ☒ Outside ☐ Other Location of shoe(s) 86

Temp casing ☐ Yes Dia From + To

(7) PERFORATIONS/SCREENS

Perforations Method

Screens Type

Material

Perf/ Screen	Casing/ Liner	Screen Dia	From	To	Scr/slot width	Slot length	# of slots	Tele/ pipe size

(8) WELL TESTS: Minimum testing time is 1 hour

☐ Pump ☐ Bailer ☒ Air ☐ Flowing Artesian

Yield gal/min	Drawdown	Drill stem/Pump depth	Duration (hr)
75		84	1

Temperature 53 °F Lab analysis ☐ Yes By

Water quality concerns? ☐ Yes (describe below) TDS amount 214 ppm

From	To	Description	Amount	Units

(9) LOCATION OF WELL (legal description)

County LINN Twp 12.00 S N/S Range 4.00 W E/W WM

Sec 8 NW 1/4 of the SE 1/4 Tax Lot 1702

Tax Map Number Lot C

Lat ° ' " or 44.54071984 DMS or DD

Long ° ' " or -123.20001343 DMS or DD

☒ Street address of well ☐ Nearest address

33027 SE WHITE OAK RD.

CORVALLIS OR. 97333

(10) STATIC WATER LEVEL

Existing Well / Pre-Alteration	Date	SWL(psi)	+ SWL(ft)
Completed Well	8/6/2022		13

Flowing Artesian? ☐ Dry Hole? ☐

WATER BEARING ZONES

Depth water was first found 79.00

SWL Date From To Est Flow SWL(psi) + SWL(ft)

8/6/2022	79	102	75		13

(11) WELL LOG

Ground Elevation

Material	From	To
Topsoil	0	2
Clay Brown Sandy	2	15
Clay Gray/Brown Very Sticky	15	18
Clay Gray Very Sticky	18	26
Clay Brown/Gray Sandy Silty	26	30
Gravel Blue w/ Clay	30	32
Clay Blue Sandy-Soft w/ Gravel	32	72
Gravel w/ Clay Blue	72	79
Gravel w/ Course Sand Blue	79	95
Sand Black w/ Gravel	95	102

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Date Started 8/6/2022

Completed 8/6/2022

(unbonded) Water Well Constructor Certification

I certify that the work I performed on the construction, deepening, alteration, or abandonment of this well is in compliance with Oregon water supply well construction standards. Materials used and information reported above are true to the best of my knowledge and belief.

License Number 1974

Date 8/7/2022

Signed CJ NUGENT (E-filed)

(bonded) Water Well Constructor Certification

I accept responsibility for the construction, deepening, alteration, or abandonment work performed on this well during the construction dates reported above. All work performed during this time is in compliance with Oregon water supply well construction standards. This report is true to the best of my knowledge and belief.

License Number 664

Date 8/7/2022

Signed CHARLES NUGENT (E-filed) 14118

Contact Info (optional) Nugent Drilling Co. Lebanon Oregon

ORIGINAL - WATER RESOURCES DEPARTMENT

THIS REPORT MUST BE SUBMITTED TO THE WATER RESOURCES DEPARTMENT WITHIN 30 DAYS OF COMPLETION OF WORK Form Version:

New exempt use wells must be submitted with a map and recording fee.

State Permit No. _____

Drawdown is amount water level is lowered below static level

14118

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, KYLE LATIMER, in my capacity as OWNER,

mailing address PO BOX 310, LEBANON, OR 97355

telephone number (541)451-5125, 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 or DLC	Acres (if applicable)
86446	12	S	4	W	WM	8	NE	SW	53	4.4
86446	12	S	4	W	WM	8	NW	SE	53	6.5

OR

☐ Confirming Certificate # ____ has been issued within the past five years; OR

☐ Part or all of the water right was leased instream at some time within the last five years. The
instream lease number is: ____ (Note: If the entire right proposed for
transfer was not leased, additional evidence of use is needed for the portion not leased instream.); OR

☐ The water right is not subject to forfeiture and documentation that a presumption of forfeiture for non-use
would be rebutted under ORS 540.610(2) is attached.

☐ Water has been used at the actual current point of diversion or appropriation for more than
10 years for Certificate # ____ (For Historic POD/POA Transfers)

(continues on reverse side)

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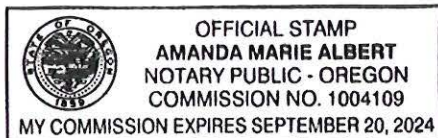
3. The water right was used for: (e.g., crops, pasture, etc.): PASTURE, CROPS

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.

K. J. L. L.
Signature of Affiant

10-27-2022
Date

Signed and sworn to (or affirmed) before me this 27 day of October, 2022.



Amanda Albert
Notary Public for Oregon

My Commission Expires: September 20, 2024

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

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Land Use Information Form

Applicant(s): Kyle, Ashley, & Evan Latimer

Mailing Address: PO Box 310

City: Lebanon

State: OR

Zip Code: 97355

Daytime Phone: (541) 451-5125

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>12S</u>	<u>4W</u>	<u>8</u>	<u>NESW</u>	<u>1701</u>	<u>RR-2.5</u>	<input checked="" type="checkbox"/> Diverted <input type="checkbox"/> Conveyed <input checked="" type="checkbox"/> Used	<u>Landscaping</u>
<u>12S</u>	<u>4W</u>	<u>8</u>	<u>NWSE</u>	<u>1701</u>	<u>RR-2.5</u>	<input type="checkbox"/> Diverted <input type="checkbox"/> Conveyed <input checked="" type="checkbox"/> Used	<u>Landscaping</u>
<u>12S</u>	<u>4W</u>	<u>8</u>	<u>NESW</u>	<u>1702</u>	<u>RR-2.5</u>	<input type="checkbox"/> Diverted <input type="checkbox"/> Conveyed <input checked="" type="checkbox"/> Used	<u>Landscaping</u>
<u>12S</u>	<u>4W</u>	<u>8</u>	<u>NWSE</u>	<u>1702</u>	<u>RR-2.5</u>	<input checked="" type="checkbox"/> Diverted <input type="checkbox"/> Conveyed <input checked="" type="checkbox"/> Used	<u>Landscaping</u>

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

Linn

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) _____

Estimated quantity of water needed: 27.25 ☐ 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:

This property is being split into 5 lots. It is proposed to authorize the portions of water right certificate 86446 overlaying each lot on their respective wells.

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

See bottom of Page 3. →

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For Local Government Use Only

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

Please check the appropriate box below and provide the requested information

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

Type of Land-Use Approval Needed (e.g., plan amendments, rezones, conditional-use permits, etc.)	Cite Most Significant, Applicable Plan Policies & Ordinance Section References	Land-Use Approval:	
Partition for TL 1701	LCC 924.200(B), 924.250(B)	<input checked="" type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being Pursued <input type="checkbox"/> Not Being Pursued
Partition for TL 1702	LCC 924.200(B), 924.250(B)	<input checked="" type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being Pursued <input type="checkbox"/> Not Being Pursued
		<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being Pursued <input type="checkbox"/> Not Being Pursued
		<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being Pursued <input type="checkbox"/> Not Being Pursued
		<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being Pursued <input type="checkbox"/> Not Being Pursued

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

Name: Kate Bentz 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: _____

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)

) SS

County of Linn

)

I/We (or authorized agent), Kyle, Ashley, & Evan Latimer, residing at PO Box 310, Lebanon, OR 97355, telephone number (541) 451-5125, being first duly sworn depose and say:

1. I/We are the legal and deeded owner(s) of the property described as tax lot number 1701 & 1702, within the NESW/NWSE ¼, Section 8, Township 12S, Range 4W, of the Willamette Meridian, in Linn County, Oregon, as shown on the attached map and described in the attached deed and legal description and made part of this affidavit.
2. I/We wish to cancel the following portion(s) of the water right certificate number 86446 issued to R. G. Gates with a date of priority of 4/12/1960.

☐ A place of use, or use.

- For the use of (specify irrigation, domestic, etc.) Irrigation

FOR IRRIGATION OR NURSERY USE:

- Total number of acres to be cancelled 0.4
- Location of acres to be cancelled must be clearly identified on a copy of the final proof map.
- In the amount of 0.005 cubic foot per second
- From the water source (s) **Well No. 1**

AND/OR (less common)

☐ One or more of the authorized points of diversion (surface water) or points of appropriation (groundwater) authorized under the certificate.

- For the use of (specify irrigation, domestic, etc.) _____
- From the water source (s) _____
- Located within the _____¹/₄, Section _____, Township _____ (N/S), Range _____ (E/W)

Location Description (if given on the certificate) _____

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3. The appurtenant water right is/is not located within the boundaries of an irrigation, drainage, water improvement, or water control district, or federal reclamation project (if the right is located within a district or reclamation project, name it here: _____)
4. The portion of the water right being cancelled is served by an irrigation district. The signature of the district manager on the line below indicates the concurrence of the district to the cancellation of the portion of the water right served by the district.

Signature of district manager

Printed Name

Date

5. If the water right is issued in the name of an irrigation district then the affiant must have the concurrence of the district to the cancellation of the portion of the water right. (Signature of district manager on the line below documents consent of the district.)

Signature of district manager

Printed Name

Date

6. I/We have abandoned any and all interest in the portion of the water right described in Item 2, above, and request that portion of the right be canceled.

[Signature]
Signature of legal owner as listed on deed, or authorized agent

10-27-2022
Date

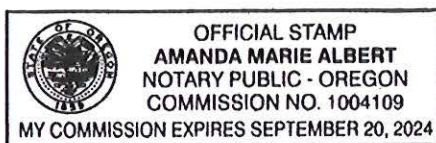
[Signature]
Signature of legal co-owner as listed on deed
(If applicable)

10-27-2022
Date

[Signature]
Signature of legal co-owner as listed on deed
(If applicable)

10/27/2022
Date

Subscribed and Sworn to Before Me this 27 day of October, 2022.



Amanda Albert
Notary Public for Oregon

My Commission Expires September 20, 2024

PLEASE ATTACH A LEGIBLE COPY OF:

- 1) A deed which lists landowners and includes a legal description of affected lands, and
- 2) A copy of a water right final proof map, or a tax lot map, or an adjudication map with the abandoned portion of the right clearly drawn and identified.
- 3) IF ACTING AS AN AUTHORIZED AGENT, include a copy of Power of Attorney or other documents granting authority to act on behalf of the legal owner(s).

RECORDING REQUESTED BY:



220 6th Ave SW, Ste 100
Albany, OR 97321

AFTER RECORDING RETURN TO:

Order No.: 471822117824-RS
Kyle Latimer and Ashley Latimer and Evan Latimer
33027 SE White Oak Road
Corvallis, OR 97333

SEND TAX STATEMENTS TO:

Kyle Latimer
33027 SE White Oak Road
Corvallis, OR 97333

APN: 0228003
0228011
0925641
0925642

Map: 12S04W0801701
12S04W0801702

LINN COUNTY, OREGON

2022-10609

D-WD

Stn=10131 S. WILSON

06/14/2022 03:57:58 PM

\$10.00 \$11.00 \$10.00 \$60.00 \$19.00

\$110.00

I, Steve Druckenmiller, County Clerk for Linn County, Oregon, certify
that the instrument identified herein was recorded in the Clerk
records.

Steve Druckenmiller - County Clerk

SPACE ABOVE THIS LINE FOR RECORDER'S USE

STATUTORY WARRANTY DEED

Pamela Jean Rieseberg, Trustee, of the Phyllis Richey Living Trust dated June 7, 2016, Grantor, conveys and warrants to Kyle Latimer and Ashley Latimer, as tenants by the entirety and Evan Latimer, as tenants in common, Grantee, the following described real property, free and clear of encumbrances except as specifically set forth below, situated in the County of Linn, State of Oregon:

PARCEL 1:

Beginning on the West line of and South 0°17'1/2" East 394.64 feet from the Northwest corner of the Joseph Hamilton D.L.C. 53, in Township 12 South, Range 4 West of the Willamette Meridian in Linn County, Oregon, and running thence North 88°55'1/2" East 386.69 feet to a 1/2" iron rod; thence South 0°20'1/2" East 12.0 feet to a 1/2" iron rod; thence North 88°55'1/2" East 12.0 feet to a 1/2" iron rod; thence North 0°20'1/2" West 12.0 feet to a 1/2" iron rod; thence North 88°55'1/2" East 434.49 feet to the centerline of Owl Creek; thence up the center of said Owl Creek as follows: South 43°19' West 86.37 feet, South 40°27' West 208.0 feet, South 54°37' West 250.0 feet, South 64°02' West 190.0 feet, and South 74°30' West 271.48 feet to the West line of said D.L.C. 53; thence leaving said Owl Creek and running North 0°17'1/2" West along the west line of said Claim 506.00 feet to the place of beginning.

PARCEL 2

Beginning on the Northwest corner of the Joseph Hamilton D.L.C. No. 53, in Township 12 South, Range 4 West of the Willamette Meridian in Linn County, Oregon, and running thence South 89°00' East along the North line of said Claim 1062 feet to the center of Hamilton Creek; thence along the center line of said creek South 16°19' West 191 feet, South 43°19' West 330 feet, South 40°27' West 208 feet, South 54°37' West 250 feet, South 64°02' West 190 feet, and South 74°30' West 282 feet to the West line of said claim; thence North 903.5 feet to the place of beginning.

EXCEPTING THEREFROM the following described portion thereof: Beginning on the West line of and South 0°17'1/2" East 394.64 feet from the Northwest corner of the Joseph Hamilton D.L.C. 53, in Township 12 South, Range 4 West of the Willamette Meridian in Linn County, Oregon, and running thence North 88°55'1/2" East 386.69 feet to a 1/2" iron rod; thence South 0°20'1/2" East 12.0 feet to a 1/2" iron rod; thence North 88°55'1/2" East 12.0 feet to a 1/2" iron rod; thence North 0°20'1/2" West 12.0 feet to a 1/2" iron rod; thence North 88°55'1/2" East 434.49 feet to the centerline of Owl Creek; thence up the center of said Owl Creek as follows: South 43°19' West 86.37 feet, South 40°27' West 208.0 feet, South 54°37' West 250.0 feet, South 64°02' West 190.0 feet, and South 74°30' West 271.48 feet to the West line of said D.L.C. 53; thence leaving said Owl Creek and running North 0°17'1/2" West along the west line of said Claim 506.00 feet to the place of beginning.

THE TRUE AND ACTUAL CONSIDERATION FOR THIS CONVEYANCE IS ONE MILLION ONE HUNDRED THOUSAND AND NO/100 DOLLARS (\$1,100,000.00). (See ORS 93.030).

Subject to:

Rights of the public to any portion of the Land lying within the area commonly known as streets, roads and highways.

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AFTER RECORDING RETURN TO
TICOR TITLE: 471822117824

STATUTORY WARRANTY DEED

(continued)

Any adverse claim based on the assertion that any portion of the subject land has been removed from or brought within the subject land's boundaries by the process of accretion or reliction or any change in the location of Hamilton Creek/Owl Creek.

Any adverse claim based on the assertion that any portion of the subject land has been created by artificial means or has accreted to such portions so created, or based on the provisions of ORS 274.905 through 274.940.

Any adverse claim based on the assertion that any portion of the subject land is now or at any time has been below the ordinary high water line of Hamilton Creek/Owl Creek.

Rights of fishing, navigation, commerce, flood control, propagation of anadromous fish, and recreation, and other rights of the public, Indian tribes or governmental bodies in and to the waters of Hamilton Creek/Owl Creek.

BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON TRANSFERRING FEE TITLE SHOULD INQUIRE ABOUT THE PERSON'S RIGHTS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009, AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010. THIS INSTRUMENT DOES NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY THAT THE UNIT OF LAND BEING TRANSFERRED IS A LAWFULLY ESTABLISHED LOT OR PARCEL, AS DEFINED IN ORS 92.010 OR 215.010, TO VERIFY THE APPROVED USES OF THE LOT OR PARCEL, TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES, AS DEFINED IN ORS 30.930, AND TO INQUIRE ABOUT THE RIGHTS OF NEIGHBORING PROPERTY OWNERS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009, AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010.

IN WITNESS WHEREOF, the undersigned have executed this document on the date(s) set forth below.

Dated: 6-13-22

Phyllis Richey Living Trust, dated June 7, 2016

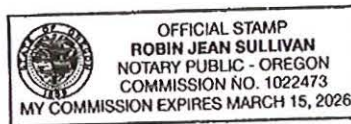
BY: Pamela Jean Rieseberg
Pamela Jean Rieseberg
Trustee

State of OR
County of Lin

This instrument was acknowledged before me on June 13, 2022 by Pamela Jean Rieseberg, Trustee, of the Phyllis Richey Living Trust, dated June 7, 2016.

[Signature]
Notary Public - State of Oregon

My Commission Expires: 3/15/2024



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STATE OF OREGON

COUNTY OF LINN

CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

R. G. GATES
3000 WHITE OAK DRIVE
CORVALLIS, OR 97330

confirms the right to use the waters of WELL NO. 1, within the OWL CREEK BASIN (Willamette River) for IRRIGATION of 11.7 ACRES.

This right was perfected under Permit G-1573. The date of priority is APRIL 12, 1960. The amount of water to which this right is entitled is limited to an amount actually used beneficially, and shall not exceed 0.148 CUBIC FEET PER SECOND or its equivalent in case of rotation, measured at the well.

The well is located as follows:

Twp	Rng	Mer	Sec	Q - Q	DLC	Measured Distances
12 S	4 W	WM	8	NW SE	53	6.25 CHAINS (412.5 FEET) SOUTH and 6.0 CHAINS (396.0 FEET) EAST FROM NW CORNER of HAMILTON DLC 53

The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands, is limited to a diversion of ONE-EIGHTIETH of one cubic foot per second, or its equivalent for each acre irrigated, and shall be further limited to a diversion of not to exceed 2.5 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
12 S	4 W	WM	8	SE NW	38	0.4
12 S	4 W	WM	8	NE SW	53	4.7 → CANCEL 0.3 ac.
12 S	4 W	WM	8	NW SE	53	6.6 → CANCEL 0.1 ac.

This certificate describes that portion of the water right confirmed by Certificate 32460, State Record of Water Right Certificates, NOT modified by the provisions of an order of the Water Resources Director entered JUL 27 2010, approving Transfer Application T-10400.

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

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

WITNESS the signature of the Water Resources Director, affixed JUL 27, 2010.


Phillip C. Ward, Director

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Permanent Transfer Application Intake Completion Checklist

Check the Certificate(s) in WRIS

Transfer # T- 14118

Checked by: <u>Debra</u>	Type of Change(s) Proposed: Mark the Proposed Changes	Substitution	Supplemental to Primary	POU	POD	APOD
Date: <u>11/8/22</u>		Gov Action	Surface to Ground	USE	<u>POA</u>	APOA
Fee Received: <u>3070-</u>						
Calculated Fee: <u>3070-</u>						
Additional Observations:			How many rights to be Transferred? <u>1</u>			
			Certificate # <u>86446</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: _____

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Date Received (Date Stamp Here)

OWRD Over-the-Counter Submission Receipt

Applicant Name(s) & Address: Kyle, Ashley and Evan Lotimer
PO Box 310 Lebanon, OR 97355

Transaction Type: Transfer

Fees Received: \$ 3070.00

☐ Cash

☒ Check:

Check No.

2072

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:

Dante Luango

(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.

14118