

T-10366

T-10366

SCANNED

SEP 08 2025

GR-MOD

Name Anthony & Joyce Turner

By \_\_\_\_\_

Address 84822 Didion LaneMilton-Freewater, OR 97862hm 541-938-5605 wk 541-966-3959cell 541-861-9297Change in POA

Date filed \_\_\_\_\_

Date of hearing \_\_\_\_\_

Place of hearing \_\_\_\_\_

Date of order 11-30-07 Vol. 73, page 729

Date for application of water \_\_\_\_\_

Proof mailed \_\_\_\_\_

Proof received \_\_\_\_\_

Certificate issued \_\_\_\_\_ Vol. \_\_\_\_\_, page \_\_\_\_\_

## DESCRIPTION OF WATER RIGHT

Name of stream WellTrib. of Walla Walla R. County of UmatillaUse IR

Quantity of water \_\_\_\_\_ No. of acres \_\_\_\_\_

Name of ditch \_\_\_\_\_

Date of priority 1908In name of Andrew Gilmore

\_\_\_\_\_ Adjudication, Vol. \_\_\_\_\_, page \_\_\_\_\_

App. No. GR-1133 Per. No. \_\_\_\_\_ Cert. No. 1093

Certificate cancelled \_\_\_\_\_

Notation made on record by \_\_\_\_\_

## FEES PAID

Date	Amount	Receipt No.
<u>4/9/07</u>	<u>500.00</u>	<u>87040</u>
TOTAL . . .		
	Cert. Fee	

## FEES REFUNDED

Date	Amount	Check No.

## REMARKS

NOID/CUREUmatilla County





# Oregon

Theodore R. Kulongoski, Governor

**Water Resources Department**

North Mall Office Building  
725 Summer Street NE, Suite A  
Salem, OR 97301-1266  
503-986-0900  
FAX 503-986-0904

September 5, 2007

Anthony B. Turner and Joyce L. Turner  
84822 Didion Lane  
Milton-Freewater, Oregon 97862

Reference: GR Statement GR-1133, GR Certificate of Registration GR-1093

The assignment by proof from Andrew J. and Mabel Gilmore, has been recorded in the records of the Water Resources Department.

Our records have been changed accordingly and the original request is enclosed. Receipt number 89490 covering the recording fee of \$50 is also enclosed.

Sincerely,

Jerry Sauter  
Water Rights Program Analyst

Enclosure: Receipt 89490

cc: Watermaster 5

Andrew J. and Mabel Gilmore

Data Center, OWRD (Complete Copy of Assignment Request)

Sarah Henderson - for Transfers

Water Availability

File



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

# Request for Assignment

By Proof of Ownership  
(If Permit/Transfer Holder is not available)

RE: Ground Water Registration Modification  
T-10366

If for multiple rights, a separate form and fee for each right will be required.

I, Anthony B. Turner and Joyce L. Turner  
(Name of Party Requesting Assignment)

84822 Didion Lane, Milton-Freewater OR 97862 (541) 938-5605  
(Mailing Address) (City) (State) (Zip) (Phone #)

☒ ...hereby request assignment of application/permit/transfer;

☐ ...hereby request assignment of a portion of application/permit/transfer;  
(You must include a map showing the portion of the application/permit/transfer to be assigned.)

I have attached proof of ownership that may include but not be limited to: a copy of the deed to the land, a copy of a land sales contract, a court order or decree, documentation of survivorship of property held jointly. The Department cannot accept a copy of a tax statement. (Remember to include \$5 for each additional page.)

Application # \_\_\_\_\_; Permit # \_\_\_\_\_; Transfer# \_\_\_\_\_

-OR-  
GR Statement # GR-1133; GR Certificate of Registration # GR-1093

Andrew J. and Mabel Gilmore (Both deceased)  
(Name of Permit/Transfer Holder of Record)

(Mailing Address) (City) (State) (Zip) (Phone #)

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WATER RESOURCES DEPT  
SALEM, OREGON

**Note:** You are required to furnish proof acceptable to the Department that notice of the assignment has been given or attempted for each identified property owner not a party to the assignment. ORS 537.220(2) Failure to submit this proof will result in the return of your request. (Proof may include but not be limited to: a copy of returned certified mailing, copy of a Death Certificate, or a court order.)

- 1) I certify that I am the current owner of the property described in this application, Permit or Certificate of Registration.
- 2) I have the legal right to request assignment under OAR 690-310-0280 and 690-320-0060.
- 3) I have not been able to contact the owner(s) of record for the above referenced application or water right.
- 4) I further certify that the information provided herein is true and correct to the best of my knowledge.

Witness my hand this 31<sup>st</sup> day of August, 2007.

Party Requesting Assignment Anthony B. Turner

Party Requesting Assignment Joyce L. Turner

OK GASS 164 By Person  
J.H.P. 2/5/2007

## DO NOT WRITE IN THIS BOX

This certifies assignment and record change at Oregon Water Resources Department effective 8:00 a.m. on date of receipt at Salem, Oregon.  
Fee receipt # 89490  
For Director by Jerry Sauter, Program Analyst in Water Rights Division Jerry Sauter

The completed "Request for Assignment form must be submitted to the Department along with a recording fee of \$50.

Last updated: June 1, 2007

Request for Assignment

WR



RECEIVED

2007-5160190

1 of 2

MAR 09 2007

UMATILLA COUNTY  
RECORDS

After recording return to:

Anthony B. Turner  
84822 Didion Lane  
Milton Freewater, OR 97862

Until a change is requested all  
tax statements shall be sent to  
The following address:

Anthony B. Turner  
84822 Didion Lane  
Milton Freewater, OR 97862

Escrow No. MF0058571  
Title No. 0058571

SWD

COF State of Oregon )  
County of Umatilla )

This instrument was received  
and recorded on

03-09-07 at 11:30

in the record of instrument  
code type DE-WD

Instrument Number 2007-5160190  
Fee 31.00

Office of County Records

  
Records Officer

## STATUTORY WARRANTY DEED

Kevin R. Weaver and Dena R. Weaver, as tenants by the entirety, Grantor(s) hereby convey and warrant to Anthony B. Turner and Joyce Turner, husband and wife, Grantee(s) the following described real property in the County of Umatilla and State of Oregon free of encumbrances except as specifically set forth herein:

Beginning at the Northeast corner of Section 26, Township 6 North, Range 35, E.W.M.; thence West on Section line, 31.74 chains; thence South 281.46 feet to the true point of beginning for this description; thence South 281.46 feet; thence East to a point 55 feet West of the North-South centerline of the Northeast Quarter of said Section 26, and 563.2 feet South of the North line of said Section 26; thence North and parallel with said North-South centerline of the Northeast Quarter of said Section 26, a distance of 281.6 feet; thence West to the point of beginning;

EXCEPTING THEREFROM 1/2 Interest in the Well located thereon, as conveyed to Ernest and Norman Kessler, recorded in Book 173, Page 49, Deed Records, Umatilla County, Oregon;

All being East of the Willamette Meridian, County of Umatilla, State of Oregon;

SUBJECT to any and all water rights of way and roads.

Serial #128947

6N 35 26 A 1500 7-11

The above-described property is free of encumbrances except all those items of record, if any, as of the date of this deed and those shown below, if any:

~~NONE~~ Real Taxes, plus interest, if any, by reason of Farm Use Assesment.

The true and actual consideration for this conveyance is \$235,000.00.

BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON TRANSFERRING FEE TITLE SHOULD INQUIRE ABOUT THE PERSON'S RIGHTS, IF ANY, UNDER ORS 197.352. 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 APPROVED USES AND 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 197.352.

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WATER RESOURCES DEPT  
SALEM, OREGON



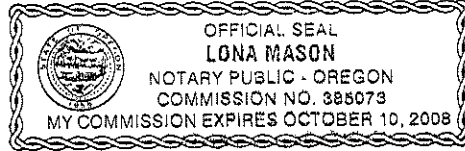


2007-5160190 2 of 2

Dated this 8<sup>th</sup> day of March, 07.

Kevin R. Weaver  
Kevin R. Weaver

Dena R. Weaver  
Dena R. Weaver



State of Oregon  
County of Umatilla

This instrument was acknowledged before me on 3/8, 2007 by Kevin R. Weaver and Dena R. Weaver.

[Signature]  
(Notary Public for Oregon)

My commission expires 10/10/08

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SEP 04 2007  
WATER RESOURCES DEPT  
SALEM, OREGON







# Oregon

Theodore R. Kulongoski, Governor

## Water Resources Department

North Mall Office Building  
725 Summer Street NE, Suite A  
Salem, OR 97301-1266  
503-986-0900  
FAX 503-986-0904

April 13, 2007

ANTHONY & JOYCE TURNER  
84822 DIDION LANE  
MILTON-FREEWATER OR 97862

Reference: Transfer 10366

On April 9, 2007 we received your water right transfer application requesting a change in point of appropriation for use of water from A WELL, tributary to EAST LIT WALLA WALLA RIVER. The application was accompanied by \$500.00. Our receipt 87040 is enclosed.

By copy of this letter, we are asking the Watermaster for his report regarding the potential for injury to existing water rights which may be caused by the change.

Your application will be examined to determine if additional information is needed. You will be contacted following this examination.

We will notify you if additional information or corrections to the application or map are required.

If you have any questions, please call the Transfer Section, (503)986-0883.

cc: Watermaster #5  
Groundwater

enclosure



# Oregon

Theodore R. Kulongoski, Governor

## Water Resources Department

725 Summer Street NE, Suite A

Salem, OR 97301-1271

503-986-0900

FAX 503-986-0904

### Notice of Application for Water Right Transfer, Temporary Transfer, or Permit Amendment 04/17/07

The Department seeks comment on the recently-filed application listed below. Any person may comment on the application. Comments must be received by the Department within 30 days of the date of this notice.

County: UMATILLA  
Transfer: 10366  
Water Right: GR-CERT-1093  
Priority Date: 1907  
Name: ANTHONY & JOYCE TURNER  
Address: 84822 DIDION LN; MILTON FREEWATER OR 97862  
Change: POA  
Source: WELL  
Authorized POA: T6N R35E 26  
Proposed POA: T6N R35E 26

The holder of a water right may apply to permanently change an existing water use subject to transfer. A transfer application may involve any of the following changes: Point of diversion or appropriation (POD; POA); Additional point of diversion or appropriation (APOD; APOA); Historic POD (HIST); Place of use (POU); Character of use (USE); Instream (ISWR); Substitution (SUB); or Exchange (EXCH).

The holder of a water right subject to transfer may request to temporarily change the place of use of the water for up to 5 years and, if necessary to convey the water, to temporarily change the point of diversion or appropriation.

The holder of a water right permit may apply to change a point of diversion (POD) or appropriation (POA) or to change the place of use (POU).

Any person who provides comments within the comment period will receive a copy of the Department's preliminary determination of whether the application should be approved or rejected after the Department has completed a review of the application and will be provided an opportunity to protest the application and preliminary determination at that time. The Director may presume that the transfer would be allowed by, and compatible with comprehensive plans unless an affected local government informs the Director otherwise within 30 days of this notice. Comments should be sent to the Transfers Section at the Department's Salem office.



RECEIVED  
MAR 17 1958  
STATE ENGINEER  
SALEM, OREGON

Registration No. GR - 1133

Certificate No. GR - 1093

## Registration Statement

### OF CLAIMANT OF RIGHT TO APPROPRIATE GROUND WATER.

TO THE STATE ENGINEER OF OREGON:

I, Andrew J. Gilmore & Mabel Gilmore  
of Rt 3 Box 215 Milton Freewater County of Umatilla  
(Mailing address)

State of Oregon, do hereby make application for a certificate of registration as evidence  
of a right to appropriate ground water.

1. Source from which water is withdrawn is pump well  
(Flowing well, pump well, infiltration trench, or tunnel)

2. Location is: 4 mile North of Milton Freewater Oregon  
(Approximate distance and direction from nearest city or town)

and is more particularly described as follows:

558 ~~ft~~ south of N. line of Section 26 and 75' west of N. and S. center

(a) line of NE 1/4 of Section 26  
(Give distance and bearing to corner of section or other legal subdivision)

being within NE 1/4 NW 1/4 NE of Sec. 26, Twp. 1 N., Rge. 35 E. 24 M.  
(Smallest legal subdivision) (N. or S.) (E. or W.)

or (b) within limits of recorded platted property, town or city:

in Lot \_\_\_\_\_ Block \_\_\_\_\_ of \_\_\_\_\_  
(Name of plat or addition)

County of \_\_\_\_\_  
(If within city or town, give name)

3. Construction Work was begun on June 1909, was completed on June 1909  
(Date) (Date)

and the ground water claimed was first used for the purposes set out below on June 1909  
(Date)

since which time the water has been used intermittently  
(Continuously or intermittently)

from March to Oct 31  
(Date) (Date)

4. Quantity of water claimed and used is 100 gallons per minute; \_\_\_\_\_ acre  
feet per year.

5. Purpose or Purposes for which water is used irrigation  
(Domestic, irrigation, municipal, manufacturing, industrial, etc.)

6. Description of Well: Depth 25 feet, Type Dug  
(Dug or drilled)

diameter 5 ft inches, Elevation of ground at well site 20 ft feet, mean sea level.  
(As near as known)

Depth to water table 15 feet.

7. Capacity of Well: \_\_\_\_\_ g.p.m. with \_\_\_\_\_ feet drawdown.

\_\_\_\_\_ g.p.m. with \_\_\_\_\_ feet drawdown.

Date of test 2-2-58

If Flowing Well: Measured discharge \_\_\_\_\_ g.p.m. on \_\_\_\_\_  
(Date)

Shut-in pressure at ground surface \_\_\_\_\_ lbs. per sq. in. on \_\_\_\_\_  
(Date)

Water is controlled by \_\_\_\_\_  
(Cap. valve, etc.)

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WATER RESOURCES DEPT  
SALEM, OREGON

T 10366

5.11.11	inch diameter	from	to	feet
	inch diameter	from	to	feet
	inch diameter	from	to	feet
	inch diameter	from	to	feet

Describe and show depth of shoe, plug, adapter, liner or other details:

### 9. Perforated Casings or Screens:

(Number per foot and size of perforations, or describe screen)

10. Log of Well: (Describe each stratum or formation clearly, indicate if water bearing, and give thickness and depth as indicated.)

[illegible]

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SALEM, OREGON

GR - 1192

10366



If log of well is not available, give name and address of driller: Unknown

Unknown

11. Infiltration Trench: Covered or open

Dimensions: Length \_\_\_\_\_ ft. Minimum depth \_\_\_\_\_ ft. Maximum depth \_\_\_\_\_ ft.

Bottom width ..... ft. Discharge ..... g.p.m. Rate of test .....

12. Tunnel: Type of lining

Dimensions: \_\_\_\_\_  
(Length, course, and cross sectional size)

Position of water bearing stratum with reference to portal of tunnel.

Log of tunnel: (Preceding table for log of well may be used, if desired. Give footage from portal and character of materials, as pertinent.)

### 13. Pumping Equipment:

(a) Pump 2 1/2 in open Discharge, J. & P. Co. Capacity                      g.p.m.

(b) Motor 1 1/2 horsepower - Master Electric  
(Type and horsepower)

14. Location of area irrigated or to be irrigated, or place of use if for purposes other than irrigation:

[illegible]

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~~APR 09 200~~

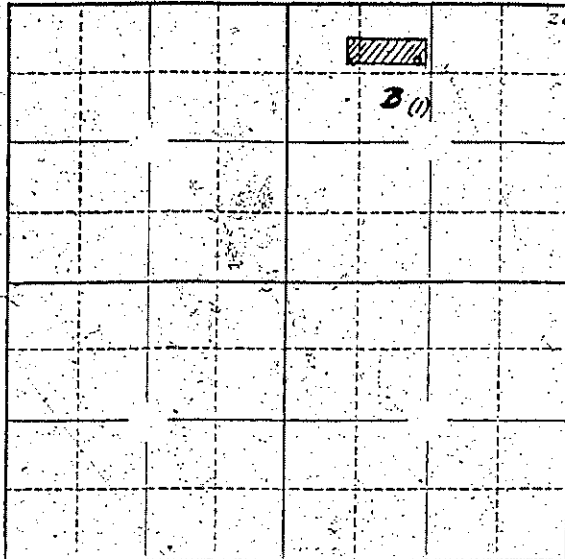
WATER RESOURCES DEPT  
SALEM, OREGON

15. If the ground water supply is supplemental to an existing water supply, identification of any application for a permit, permit, certificate or adjudicated right to appropriate water made or held by the registrant.

10366

GR-1093

Township \_\_\_\_\_ Range \_\_\_\_\_ W.M.  
North



Locate well and acreage of irrigated land on plat.  
Scale:  $\frac{1}{2}$  - 1 Mile

STATE OF OREGON

County of \_\_\_\_\_

ss.

I, \_\_\_\_\_, being first duly sworn, do hereby certify that I have read the foregoing Registration Statement and that all of the items therein contained are true to the best of my knowledge and belief.

(Signature of Registrant)

Subscribed and sworn to before me this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_.

My commission expires \_\_\_\_\_

(Notary Public)

(SEAL)

CERTIFICATE OF REGISTRATION

STATE OF OREGON

County of Marion

ss.

This is to certify that the foregoing Registration Statement was received in the office of the State Engineer on the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_, at \_\_\_\_\_ o'clock \_\_\_\_\_ M. and has been duly recorded in said office in Book No. 6 of Registration Statements on page GR-1093.

Witness my hand this 20 day of August, 1958.

(State Engineer)

By \_\_\_\_\_

(Deputy)

GR - 1093

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WATER RESOURCES DEPT  
SALEM, OREGON

10366



STATE ENGINEER  
Salem, Oregon

UMAT  
4704

## Well Record

GR- 1093

STATE WELL NO. 6N/35-26B(1)  
COUNTY Umatilla  
APPLICATION NO. GR-1133

OWNER: Andrew J. & Mabel Gilmore

MAILING

ADDRESS: Rt. 3, Box 215

LOCATION OF WELL: Owner's No.

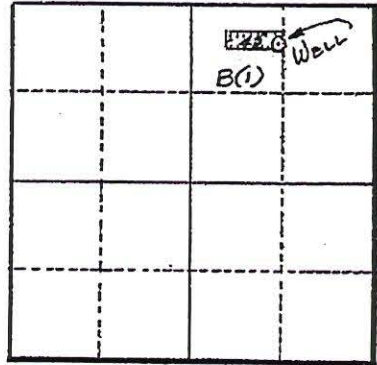
CITY AND

STATE: Milton-Freewater, Oregon

NW ¼ NE ¼ Sec. 26 T. 6 N. R. 35 E. W.M.

Bearing and distance from section or subdivision

corner 558' S. & 75' W. of NE cor. of NW ¼ of  
Section 26.



Section 26

Altitude at well 900 ft.

TYPE OF WELL: Dug Date Constructed 1909

Depth drilled 25 ft. Depth cased 12 ft.

### CASING RECORD:

5' x 5' concrete curb from 0 to 12 ft.

### FINISH:

### AQUIFERS:

### WATER LEVEL:

15 ft.

PUMPING EQUIPMENT: Type Pump, pipe & power 2½ in. H.P. 1½  
Capacity G.P.M.

### WELL TESTS:

Drawdown ft. after hours G.P.M.

Drawdown ft. after hours G.P.M.

USE OF WATER Irrigation Temp. °F., 19

SOURCE OF INFORMATION G. R. Record

DRILLER or DIGGER

### ADDITIONAL DATA:

Log Water Level Measurements Chemical Analysis Aquifer Test

### REMARKS:

Log: Top soil & gravel  
Clay & gravel

0 to 12 ft.  
12 to 25 ft.

Irrigation of 4½ acres.

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SALEM, OREGON

State Printing 89318

10366



New well

STATE OF OREGON  
WATER WELL REPORT  
(as required by ORS 537.765)

UMAT  
4632

RECEIVED RECEIVED

NOV - 7 1988

AUG - 5 1988

2729  
6N/35E-26a

(1) OWNER: Name A. J. & Mable Gilmore Well Number: 108  
Address Box 215 City Millton State OR Zip 97862  
City Millton State OR Zip 97862

(2) TYPE OF WORK:

☒ New Well ☐ Deepen ☐ Recondition ☐ Abandon

(3) DRILL METHOD

☒ Rotary Air ☐ Rotary Mud ☐ Cable  
☐ Other

(4) PROPOSED USE:

☒ Domestic ☐ Community ☐ Industrial ☐ Irrigation  
☐ Thermal ☐ Injection ☐ Other

(5) BORE HOLE CONSTRUCTION:

Special Construction approval Yes ☐ No ☒ Depth of Completed Well 80 ft.  
Explosives used ☐ Yes ☒ No ☐ Type \_\_\_\_\_ Amount \_\_\_\_\_

HOLE		SEAL		Amount	
Diameter	From To	Material	From To	sacks	or pounds
6	18	80	18	74	

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

☒ Other Paired

Backfill placed from \_\_\_\_\_ ft. to \_\_\_\_\_ ft. Material \_\_\_\_\_

Gravel placed from \_\_\_\_\_ ft. to \_\_\_\_\_ ft. Size of gravel \_\_\_\_\_

(6) CASING/LINER:

Diameter	From	To	Gauge	Steel	Plastic	Welded	Threaded
Casing: 6	1	59	250	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Liner:				<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Location of shoe(s) \_\_\_\_\_

(7) PERFORATIONS/SCREENS:

☐ Perforations Method NO  
☐ Screens Type \_\_\_\_\_ Material \_\_\_\_\_

From	To	Slot size	Number	Diameter	Tele/pipe size	Casing	Liner
						<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"/>

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

☐ Pump ☐ Bailer ☒ Air ☐ Flowing ☐ Artesian

Yield gal/min	Drawdown	Drill stem at	Time
150+	67	80	1 hr.

Temperature of water 56 Depth Artesian Flow Found \_\_\_\_\_

Was a water analysis done? ☐ Yes By whom NO

Did any strata contain water not suitable for intended use? ☐ Too little

☐ Salty ☐ Muddy ☐ Odor ☐ Colored ☐ Other NO

Depth of strata: \_\_\_\_\_

(9) LOCATION OF WELL by legal description:

County Clatsop Longitude \_\_\_\_\_  
Township 6 North, Range 35 East, WM.  
Section 26 NE 1/4 NW 1/4  
Tax Lot \_\_\_\_\_ Lot \_\_\_\_\_ Block \_\_\_\_\_ Subdivision \_\_\_\_\_  
Street Address of Well (or nearest address) Same

(10) STATIC WATER LEVEL:

18 ft. below land surface. Date 8-2-88  
Artesian pressure \_\_\_\_\_ lb. per square inch. Date \_\_\_\_\_

(11) WATER BEARING ZONES:

From	To	Estimated Flow Rate	SWL
65	80	150+	18

(12) WELL LOG:

Material	From	To	SWL
Soil	0	8	
Gravel + Clay	8	31	
Cement Gravel	31	50	
Gravel Loose	50	54	
Cement Gravel	54	80	

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WATER RESOURCES DEPT  
SALEM, OREGON

Date started 8-1-88 Completed 8-2-88

(unbonded) Water Well Constructor Certification:

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

Signed \_\_\_\_\_ WWC Number \_\_\_\_\_ Date \_\_\_\_\_

(bonded) Water Well Constructor Certification:

I accept responsibility for the construction, 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 well construction standards. This report is true to the best of my knowledge and belief.

Signed Charles L. Lamm WWC Number 575 Date 8-2-88

WHITE COPIES - WATER RESOURCES DEPARTMENT

YELLOW COPY - CONSTRUCTOR

PINK COPY - CUSTOMER

9809C 10/86

10366



# Oregon

Theodore R. Kulongoski, Governor

## Water Resources Department

North Mall Office Building  
725 Summer Street NE, Suite A  
Salem, OR 97301-1266  
503-986-0900  
FAX 503-986-0904

December 4, 2007

ANTHONY B. TURNER  
JOYCE L. TURNER  
84822 DIDION LANE  
MILTON FREEWATER OR 97862

Reference: Ground Water Registration Modification 10366

Enclosed is a copy of the order approving recognition of your Ground Water Registration Modification application.

If you have any questions, please call the Transfer Section, (503)986-0900.

Sincerely,

*for* Doug Parrow  
Natural Resource Specialist

DP:sh

cc: Watermaster #5

Enclosure

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

In the Matter of Ground Water	)	FINAL ORDER APPROVING
Registration Modification Application	)	RECOGNITION OF A MODIFICATION
T-10366, Umatilla County	)	IN POINT OF APPROPRIATION

**Authority**

ORS 537.610, 537.705 and 540.505 to 540.580 establish the process in which the holder of a certificate of registration may submit a request for recognition of modifications to the place of use, character of use or point of appropriation under a ground water certificate of registration.

OAR Chapter 690, Divisions 382 and 380 implement the statutes and provide the Department's procedures and criteria for evaluating ground water registration modification applications.

**Applicants**

ANTHONY B. TURNER  
JOYCE L. TURNER  
84822 DIDION LANE  
MILTON-FREEWATER, OREGON 97862

**Findings of Fact**

***Background***

1. On April 9, 2007, Anthony B. Turner and Joyce L. Turner filed a ground water registration modification application to modify the point of appropriation under Registration Application GR-1133 (Certificate of Registration GR-1093). The Department assigned the application number T-10366.
2. The applicant submitted a revised application map on September 4, 2007, that correctly identifies the scale of the map.
3. On September 5, 2007, Registration Application GR-1133 (Certificate of Registration GR-1093) was assigned from Andrew J. and Mabel Gilmore to Anthony B. Turner and Joyce L. Turner.

**NOTICE OF RIGHT TO PETITION FOR RECONSIDERATION OR JUDICIAL REVIEW**

This is an order other than a contested case. This order is subject to judicial review under ORS 183.484. Any petition for judicial review must be filed within the 60 day time period specified by ORS 183.484(2).

Pursuant to ORS 536.075 and OAR 137-004-080 and OAR 690-01-005, you may either 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. The entirety of the ground water registration to be modified is as follows:

**Registration:** Application GR-1133 (Certificate of Registration GR-1093), in the name of Andrew J. and Mabel Gilmore (*assigned to Anthony B. Turner and Joyce L. Turner*)

**Use:** IRRIGATION of 4.5 ACRES

**Tentative Priority Date:** PRIOR TO 1909

**Quantity:** 100 GALLONS PER MINUTE (GPM), further limited to 80 acre feet per year

**Source:** A WELL, in the East Little Walla Walla River Basin

**Original Point of Appropriation:**

Twp	Rng	Mer	Sec	¼ ¼	Survey Coordinates
6 N	35 E	WM	26	NW NE	558 FEET SOUTH OF THE NORTH LINE OF SECTION 26 AND 75 FEET WEST OF THE NORTH AND SOUTH CENTER LINE OF THE NE¼ OF SECTION 26

**Original Place of Use:**

IRRIGATION					
Twp	Rng	Mer	Sec	¼ ¼	Acres
6 N	35 E	WM	26	NW NE	4.5

5. The Department received information that better describes the location of the original point of appropriation in Finding #4 as follows:

Twp	Rng	Mer	Sec	¼ ¼	Survey Coordinates
6 N	35 E	WM	26	NW NE	558 FEET SOUTH AND 75 FEET WEST FROM THE NE CORNER OF THE NW¼ NE¼ OF SECTION 26

6. Application T-10366 proposes to modify the point of appropriation under the ground water registration. The proposed new point of appropriation, located approximately 75 feet north from the original well, is located as follows:

Twp	Rng	Mer	Sec	¼ ¼	Tax Lot	Survey Coordinates
6 N	35 E	WM	26	NW NE	1500	900 FEET NORTH AND 99 FEET WEST FROM THE CENTER OF THE NE¼ OF SECTION 26

7. Notice of the application for ground water registration modification was published on April 17, 2007, pursuant to OAR 690-382-0600. No comments were filed in response to the notice.
8. On October 5, 2007, the Department mailed a copy of the draft Preliminary Determination proposing to approve recognition of Ground Water Registration Modification Application T-10366 to the applicants. The draft Preliminary Determination set forth a deadline of November 5, 2007, for the applicants to respond. On October 10, 2007, the applicants requested that the Department proceed with issuance of a Preliminary Determination and provided the necessary information to demonstrate that the applicant is authorized to pursue the transfer.

9. On October 17, 2007, the Department issued a Preliminary Determination proposing to approve recognition of Ground Water Registration Modification Application T-10366 and mailed a copy to the applicants. Additionally, notice of the Preliminary Determination for the application was published on the Department's weekly notice on October 23, 2007, pursuant to ORS 540.520 and OAR 690-380-4020. No protests were filed in response to the notice.

***Review Criteria for Ground Water Registration Modification Applications [OAR 690-382-0700(2)]***

10. The proposed modification would not result in enlargement of the ground water registration.
11. The proposed modification would not result in a state Scenic Waterway not receiving previously available water during periods in which streamflows are less than the quantities determined by the Department to be necessary to meet the requirements of ORS 390.835.
12. The proposed modification would not result in injury to other water rights.

**Conclusions of Law**

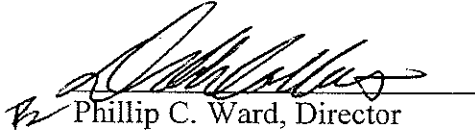
The modification in point of appropriation proposed in Application T-10366 is consistent with the requirements of ORS 537.610, 537.705, 540.505 to 540.580 and OAR 690-382-1000.

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

1. The modification to Registration Application GR-1133 (Certificate of Registration GR-1093) proposed in Application T-10366 is recognized. Recognition of the modification shall not be construed as a final determination of the right to appropriate ground water under the certificate of registration or modification. Such a determination will occur in an adjudication proceeding under ORS 537.670 to 537.695.
2. 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 Registration Application GR-1133 (Certificate of Registration GR-1093) and any related decree.
3. Water shall be acquired from the same ground water aquifer (water source) as the original point of appropriation.
4. Water shall no longer be appropriated from the original point of appropriation as part of this ground water certificate of registration.
5. The quantity of water diverted at the new point of appropriation shall not exceed the quantity of water lawfully available at the original point of appropriation.

6. When required by the Department, the water user shall install and maintain an in-line flow meter or other suitable device for measuring and recording the quantity of water appropriated. The type and plans of the measuring device must be approved by the Department prior to beginning construction and shall be installed under the general supervision of the Department.

Dated at Salem, Oregon this 30 day of November 2007.

  
Phillip C. Ward, Director

Mailing date: DEC 05 2007

# Ground Water Registration Modification Completion Checklist

GR Modification No. T-10366

Transfer Specialist: Lisa Jaramillo

## Ground Water Registration Affected:

Application No.	Certificate of Registration No.
GR-1133	GR-1093

## Copies Needed:

Watermaster District: #5 – Tony Justus

CWRE No.: N/A

Agent Name/Address: N/A

Irrig Dist Name/Address: N/A

Commentors Name/Address: NONE

## Draft PD

- ☒ DPD Mailed: 10-5-07
- ☒ DPD Response: 10-10-07
- ☒ Workflow

## Preliminary Determination

- ☒ Electronic Files Uploaded
- ☒ Preliminary Determination
- ☒ PD Cover Letter
- ☐ Newspaper Notice (if required)
- ☐ Workflow/Date Sent to Salem
- ☐ File Folder Updated
- ☐ Fee Refund Due
- ☐ Public Notice, Salem
- ☐ Audit Sheet
- ☐ Other: \_\_\_\_\_

## Comments/Special Issues:

Modification of the POA. GW Review indicated no injury and same source.

## DPD Review (Optional)

Reviewer: \_\_\_\_\_ Date: \_\_\_\_\_  
Coordinator: \_\_\_\_\_ Date: \_\_\_\_\_

## PD Review (Salem)

Reviewer: PKS Date: 10/15/07  
Coordinator: SLP Date: 10/15/07

## Final Order Review (Salem)

Reviewer: SLP Date: 11/27/07  
Coordinator: SLP Date: 11/30/07

Special Order Volume: 73, Pages 729

Final Order Signature Date: \_\_\_\_\_

☐ WRIS clone correction needed

NOV 30 2007





# Oregon

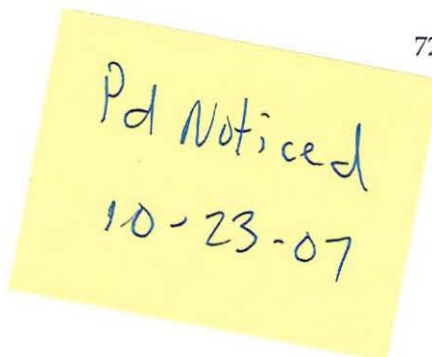
Theodore R. Kulongoski, Governor

## Water Resources Department

North Mall Office Building  
725 Summer Street NE, Suite A  
Salem, OR 97301-1266  
503-986-0900  
FAX 503-986-0904

October 16, 2007

Anthony B. Turner  
Joyce L. Turner  
84822 Didion Lane  
Milton-Freewater, Oregon 97862



SUBJECT: Ground Water Registration Modification T-10366

Please find enclosed the Preliminary Determination indicating that, based on the information available, the Department intends to approve application T-10366. This document is an intermediate step in the approval process; water may not be used legally as proposed in the ground water registration modification 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 30-day 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.

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 do not hesitate to contact me at 503-986-0880 or [Lisa.J.Jaramillo@wrdd.state.or.us](mailto:Lisa.J.Jaramillo@wrdd.state.or.us) if I may be of assistance.

Sincerely,

*for* Lisa J. Jaramillo  
Transfer Specialist  
Field Services Division

cc: GR Modification T-10366  
Watermaster District #05

encs



BEFORE THE WATER RESOURCES DEPARTMENT  
OF THE  
STATE OF OREGON

In the Matter of Ground Water	)	PRELIMINARY DETERMINATION
Registration Modification Application	)	PROPOSING TO APPROVE
T-10366, Umatilla County	)	RECOGNITION OF A MODIFICATION
	)	IN POINT OF APPROPRIATION

**Authority**

ORS 537.610, 537.705 and 540.505 to 540.580 establish the process in which the holder of a certificate of registration may submit a request for recognition of modifications to the place of use, character of use or point of appropriation under a ground water certificate of registration.

OAR Chapter 690, Divisions 382 and 380 implement the statutes and provide the Department's procedures and criteria for evaluating ground water registration modification applications.

**Applicants**

ANTHONY B. TURNER  
JOYCE L. TURNER  
84822 DIDION LANE  
MILTON-FREEWATER, OREGON 97862

**Findings of Fact**

***Background***

1. On April 9, 2007, Anthony B. Turner and Joyce L. Turner filed a ground water registration modification application to modify the point of appropriation under Registration Application GR-1133 (Certificate of Registration GR-1093). The Department assigned the application number T-10366.
2. The applicant submitted a revised application map on September 4, 2007, that correctly identifies the scale of the map.
3. On September 5, 2007, Registration Application GR-1133 (Certificate of Registration GR-1093) was assigned from Andrew J. and Mabel Gilmore to Anthony B. Turner and Joyce L. Turner.
4. The entirety of the ground water registration to be modified is as follows:  
**Registration:** Application GR-1133 (Certificate of Registration GR-1093), in the name of Andrew J. and Mabel Gilmore (*assigned to Anthony B. and Joyce L. Turner*)  
**Use:** IRRIGATION of 4.5 ACRES  
**Tentative Priority Date:** PRIOR TO 1909  
**Quantity:** 100 GALLONS PER MINUTE (GPM), further limited to 80 acre feet per year

**Source:** A WELL, in the East Little Walla Walla River Basin

**Original Point of Appropriation:**

Twp	Rng	Mer	Sec	¼ ¼	Survey Coordinates
6 N	35 E	WM	26	NW NE	558 FEET SOUTH OF THE NORTH LINE OF SECTION 26 AND 75 FEET WEST OF THE NORTH AND SOUTH CENTER LINE OF THE NE¼ OF SECTION 26

**Original Place of Use:**

IRRIGATION					
Twp	Rng	Mer	Sec	¼ ¼	Acres
6 N	35 E	WM	26	NW NE	4.5

5. The Department received information that better describes the location of the original point of appropriation in Finding #4 as follows:

Twp	Rng	Mer	Sec	¼ ¼	Survey Coordinates
6 N	35 E	WM	26	NW NE	558 FEET SOUTH AND 75 FEET WEST FROM THE NE CORNER OF THE NW¼ NE¼ OF SECTION 26

6. Application T-10366 proposes to modify the point of appropriation under the ground water registration. The proposed new point of appropriation, located approximately 75 feet north from the original well, is located as follows:

Twp	Rng	Mer	Sec	¼ ¼	Tax Lot	Survey Coordinates
6 N	35 E	WM	26	NW NE	1500	900 FEET NORTH AND 99 FEET WEST FROM THE CENTER OF THE NE¼ OF SECTION 26

7. Notice of the application for ground water registration modification was published on April 17, 2007, pursuant to OAR 690-382-0600. No comments were filed in response to the notice.
8. On October 5, 2007, the Department mailed a copy of the draft Preliminary Determination proposing to approve recognition of Ground Water Registration Modification Application T-10366 to the applicants. The draft Preliminary Determination set forth a deadline of November 5, 2007, 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 applicant is authorized to pursue the transfer.

***Review Criteria for Ground Water Registration Modification Applications [OAR 690-382-0700(2)]***

9. The proposed modification would not result in enlargement of the ground water registration.
10. The proposed modification would not result in a state Scenic Waterway not receiving previously available water during periods in which streamflows are less than the quantities determined by the Department to be necessary to meet the requirements of ORS 390.835.
11. The proposed modification would not result in injury to other water rights.


### **Determination and Proposed Action**

The modification in point of appropriation proposed in Application T-10366 appears to be consistent with the requirements of ORS 537.610, 537.705, 540.505 to 540.580 and OAR 690-382-1000, and will be recognized provided that protests are not filed pursuant to OAR 690-382-0900.

*If Ground Water Registration Modification Application T-10366 is recognized, the final order will include the following:*

- 1. The modification to Registration Application GR-1133 (Certificate of Registration GR-1093) proposed in Application T-10366 is recognized. Recognition of the modification shall not be construed as a final determination of the right to appropriate ground water under the certificate of registration or modification. Such a determination will occur in an adjudication proceeding under ORS 537.670 to 537.695.*
- 2. 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 Registration Application GR-1133 (Certificate of Registration GR-1093) and any related decree.*
- 3. Water shall be acquired from the same ground water aquifer (water source) as the original point of appropriation.*
- 4. Water shall no longer be appropriated from the original point of appropriation as part of this ground water certificate of registration.*
- 5. The quantity of water diverted at the new point of appropriation shall not exceed the quantity of water lawfully available at the original point of appropriation.*
- 6. When required by the Department, the water user shall install and maintain an in-line flow meter or other suitable device for measuring and recording the quantity of water appropriated. The type and plans of the measuring device must be approved by the Department prior to beginning construction and shall be installed under the general supervision of the Department.*

Dated at Salem, Oregon this 17 day of October 2007.

  
Phillip C. Ward, Director

This Preliminary Determination was prepared by Lisa Jaramillo. If you have any questions about the information in this draft preliminary determination, you may reach me at (503) 986-0880 or [Lisa.J.Jaramillo@wrdd.state.or.us](mailto:Lisa.J.Jaramillo@wrdd.state.or.us).

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



**Notice of Preliminary Determination for  
Ground Water Registration Modification T-10366**

T-10366 filed by Anthony B. Turner and Joyce L. Turner, 84822 Didion Lane, Milton-Freewater, Oregon 97862, proposes to modify the point of appropriation under Registration Application GR-1133 (Certificate of Registration GR-1093). The ground water registration allows the use of 100 gallons per minute (tentative priority date: Prior to 1909) from a well in Sec. 26, T 6 N, R 35 E, W.M. (East Little Walla Walla River Basin) for irrigation of 4.5 acres in Sec. 26. The applicant proposes to modify the point of appropriation to a well approximately 75 feet north (Sec. 26, T 6 N, R 35 E, W.M.). The Water Resources Department has concluded that the proposed modification appears to be consistent with the requirements of ORS Chapter 540 and OAR 690-382-1000.

Any person may file, jointly or severally, with the Department a protest or standing statement within 30 days after the date of final publication of notice in the Department's weekly notice or of this newspaper notice, whichever is later. A protest form and additional information on filing protests may be obtained by calling (503) 986-0852. The last date of newspaper publication is ***[DATE OF LAST PUBLICATION]***. If no protests are filed, the Department will issue a final order consistent with the preliminary determination.

**Lisa Jaramillo**

---

**From:** Lisa Jaramillo  
**Sent:** Wednesday, October 10, 2007 8:46 AM  
**To:** Tony Turner  
**Subject:** RE: Our response to the Draft Preliminary Determination

Mr. Turner,

Thank you for contacting me. Since you agree with the Department's Draft Preliminary Determination, I will now be able to issue the Preliminary Determination. It needs to go through Peer Review before it get signed, so you can expect to see it in the next couple of weeks.

Upon issuance of the Preliminary Determination, a 30-day Protest Period begins. Assuming no protests are filed, a Final Order will be issued shortly after the close of the protest period.

Please feel free to contact me if you have any further questions.

Lisa Jaramillo

---

**From:** Tony Turner [mailto:anthonybturner@msn.com]  
**Sent:** Tuesday, October 09, 2007 10:50 PM  
**To:** Lisa Jaramillo  
**Subject:** Our response to the Draft Preliminary Determination

Lisa Jaramillo,

Thank you for October 5, 2007 letter regarding **Ground Water Registration Modification T-10366** and for **Draft of Preliminary Determination Proposing to Approve Recognition of a Modification in Point of Appropriation.**

You indicated in your letter that it would be appropriate for us to comment on your office's findings and conclusions and to indicate whether we agree with your proposed actions. We have reviewed your proposal and find your proposed action consistent with our desire to modify the point of appropriation of ground water use.

Thank you for allowing us to comment on this matter.

Anthony B. Turner and Joyce L. Turner

10/10/2007

**Lisa Jaramillo**

---

**From:** Tony Turner [anthonybturner@msn.com]  
**Sent:** Tuesday, October 09, 2007 10:50 PM  
**To:** Lisa Jaramillo  
**Subject:** Our response to the Draft Preliminary Determination

Lisa Jaramillo,

Thank you for October 5, 2007 letter regarding **Ground Water Registration Modification T-10366** and for **Draft of Preliminary Determination Proposing to Approve Recognition of a Modification in Point of Appropriation**.

You indicated in your letter that it would be appropriate for us to comment on your office's findings and conclusions and to indicate whether we agree with your proposed actions. We have reviewed your proposal and find your proposed action consistent with our desire to modify the point of appropriation of ground water use.

Thank you for allowing us to comment on this matter.

Anthony B. Turner and Joyce L. Turner

10/10/2007



# Oregon

Theodore R. Kulongoski, Governor

**Water Resources Department**

North Mall Office Building  
725 Summer Street NE, Suite A  
Salem, OR 97301-1266  
503-986-0900  
FAX 503-986-0904

October 5, 2007

ANTHONY B. TURNER  
JOYCE L. TURNER  
84822 DIDION LANE  
MILTON-FREEWATER, OR 97862

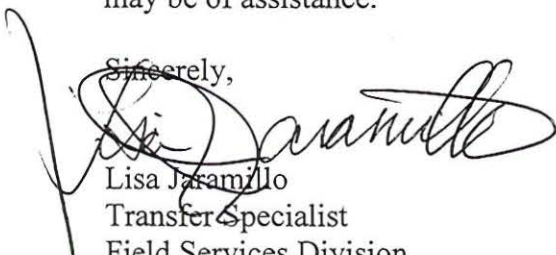
SUBJECT: Ground Water Registration Modification T-10366

Enclosed, please find a draft of our Preliminary Determination regarding Ground Water Registration Modification Application T-10366. The document reflects the Department's conclusion that, based on the information currently available, recognition of the ground water registration modification will be approved. This draft is intended to provide you with an opportunity to comment on our findings and conclusions should you wish to do so. Please review the draft carefully to evaluate whether the document is consistent with your intent in seeking the ground water registration modification, and whether you agree with the proposed action.

Issuance of the Preliminary Determination will occur shortly after we receive your response to the Draft Preliminary Determination. If we do not receive your response by **Monday, November 5, 2007**, a Preliminary Determination may be issued denying the application. You may provide your response in writing or via e-mail.

Please do not hesitate to contact me at 503-986-0880 or [Lisa.J.Jaramillo@wrdd.state.or.us](mailto:Lisa.J.Jaramillo@wrdd.state.or.us) if I may be of assistance.

Sincerely,

  
Lisa Jaramillo  
Transfer Specialist  
Field Services Division

cc: GR Modification T-10366  
Tony Justus, Watermaster District #05

enc



BEFORE THE WATER RESOURCES DEPARTMENT  
OF THE  
STATE OF OREGON

In the Matter of Ground Water  
Registration Modification Application  
T-10366, Umatilla County

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**D R A F T**

PRELIMINARY DETERMINATION  
PROPOSING TO APPROVE  
RECOGNITION OF A MODIFICATION  
IN POINT OF APPROPRIATION

**Authority**

ORS 537.610, 537.705 and 540.505 to 540.580 establish the process in which the holder of a certificate of registration may submit a request for recognition of modifications to the place of use, character of use or point of appropriation under a ground water certificate of registration.

OAR Chapter 690, Divisions 382 and 380 implement the statutes and provide the Department's procedures and criteria for evaluating ground water registration modification applications.

**Applicants**

ANTHONY B. TURNER  
JOYCE L. TURNER  
84822 DIDION LANE  
MILTON-FREEWATER, OR 97862

**Findings of Fact**

***Background***

1. On April 9, 2007, Anthony B. Turner and Joyce L. Turner filed a ground water registration modification application to modify the point of appropriation under Registration Application GR-1133 (Certificate of Registration GR-1093). The Department assigned the application number T-10366.
2. The applicant submitted a revised application map on September 4, 2007, that correctly identifies the scale of the map.
3. On September 5, 2007, Registration Application GR-1133 (Certificate of Registration GR-1093) was assigned from Andrew J. and Mabel Gilmore to Anthony B. Turner and Joyce L. Turner.
4. The entirety of the ground water registration to be modified is as follows:  
**Registration:** Application GR-1133 (Certificate of Registration GR-1093), in the name of Andrew J. and Mabel Gilmore (*assigned to Anthony B. and Joyce L. Turner*)  
**Use:** IRRIGATION of 4.5 ACRES



**Tentative Priority Date:** PRIOR TO 1909  
**Quantity:** 100 GALLONS PER MINUTE (GPM), further limited to 80 acre feet per year  
**Source:** A WELL, in the East Little Walla Walla River Basin

**Original Point of Appropriation:**

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**Original Place of Use:**

IRRIGATION					
Twp	Rng	Mer	Sec	¼ ¼	Acres
6 N	35 E	WM	26	NW NE	4.5

5. The Department received information that better describes the location of the original point of appropriation in Finding #4 as follows:

Twp	Rng	Mer	Sec	¼ ¼	Survey Coordinates
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6. Application T-10366 proposes to modify the point of appropriation under the ground water registration. The proposed new point of appropriation, located approximately 75 feet north from the original well, is located as follows:

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7. Notice of the application for ground water registration modification was published on April 17, 2007, pursuant to OAR 690-382-0600. No comments were filed in response to the notice.

***Review Criteria for Ground Water Registration Modification Applications [OAR 690-382-0700(2)]***

8. The proposed modification would not result in enlargement of the ground water registration.
9. The proposed modification would not result in a state Scenic Waterway not receiving previously available water during periods in which streamflows are less than the quantities determined by the Department to be necessary to meet the requirements of ORS 390.835.
10. The proposed modification would not result in injury to other water rights.

## **Determination and Proposed Action**

The modification in point of appropriation proposed in Application T-10366 appears to be consistent with the requirements of ORS 537.610, 537.705, 540.505 to 540.580 and OAR 690-382-1000, and will be recognized provided that protests are not filed pursuant to OAR 690-382-0900.

*If Ground Water Registration Modification Application T-10366 is recognized, the final order will include the following:*

- 1. The modification to Registration Application GR-1133 (Certificate of Registration GR-1093) proposed in Application T-10366 is recognized. Recognition of the modification shall not be construed as a final determination of the right to appropriate ground water under the certificate of registration or modification. Such a determination will occur in an adjudication proceeding under ORS 537.670 to 537.695.*
- 2. 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 Registration Application GR-1133 (Certificate of Registration GR-1093) and any related decree.*
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- 6. When required by the Department, the water user shall install and maintain an in-line flow meter or other suitable device for measuring and recording the quantity of water appropriated. The type and plans of the measuring device must be approved by the Department prior to beginning construction and shall be installed under the general supervision of the Department.*

Dated at Salem, Oregon this \_\_\_\_ day of \_\_\_\_\_ 2007.

**DRAFT**

\_\_\_\_\_  
Phillip C. Ward, Director

This draft Preliminary Determination was prepared by Lisa Jaramillo. If you have any questions about the information in this draft preliminary determination, you may reach me at (503) 986-0880 or [Lisa.J.Jaramillo@wrdd.state.or.us](mailto:Lisa.J.Jaramillo@wrdd.state.or.us).



# Oregon

Theodore R. Kulongoski, Governor

Water Resources Department

725 Summer Street NE, Suite A

Salem, OR 97301-1271

503-986-0900

FAX 503-986-0904

## INTEROFFICE MEMO

FORWARD TO:



Lisa Taramillo  
FIELD PROCESSOR WORKING ON THIS TRANSFER

DATE: 4-13-07

FROM:

X WATERMASTER, DISTRICT # \_\_\_\_\_  
GROUNDWATER SECTION

(SIGNATURE) Mike Zwart date signed 10/2/07  
signed by injury reviewer

SUBJECT: WATER RIGHT TRANSFER # 10366

**GR-MOD**

A change in: POU POD POA USE of water.

In the name(s) of Anthony + Joyce Turner

In my opinion (assuming the right is valid), the proposed change

☒ MAY BE MADE WITHOUT INJURY WOULD RESULT IN INJURY\* to an existing water right.

\*The approval of this transfer application would result in injury to other water rights because

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

The existing right may not be valid because \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Headgate notices HAVE HAVE NOT Been issued for diversion from the source(s) which serve(s) this right.

If for change in point of diversion, is there any intervening point(s) for diversion between the authorized and proposed points of diversion? (Yes or No) \_\_\_\_\_

In my opinion, the order approving the subject transfer application should include the following in regard to the appropriator installing suitable measuring devices in the diversion works:

\_\_\_\_\_ (1) PRIOR to the diverting of water at the new point of diversion . . .

\_\_\_\_\_ (2) WHEN IN the judgement of the watermaster it becomes necessary . . .

The enclosed copy of the transfer application and map(s) is for your records.

wmtrans.frm

**OREGON WATER RESOURCES DEPARTMENT  
INTEROFFICE MEMO**

To: Ground Water files

Date: October 2, 2007

From: Michael J. Zwart

Subject: Application Review: T-10366, Anthony and Joyce Turner (GR  
Modification)

This application proposes a change in POA as a result of replacement of an old dug well with a drilled well. The authorized well (UMAT 4704) was reportedly constructed in or prior to 1909 and is no longer usable. The proposed well (UMAT 4632) develops the same alluvial ground-water source as does the original well.

I find that the proposed change may be made without injury provided the following: the right is valid and the Watermaster can approve the proposal.





# Oregon

Theodore R. Kulongoski, Governor

## Water Resources Department

North Mall Office Building  
725 Summer Street NE, Suite A  
Salem, OR 97301-1266  
503-986-0900  
FAX 503-986-0904

April 13, 2007

ANTHONY & JOYCE TURNER  
84822 DIDION LANE  
MILTON-FREEWATER OR 97862

Reference: Transfer 10366

On April 9, 2007 we received your water right transfer application requesting a change in point of appropriation for use of water from A WELL, tributary to EAST LIT WALLA WALLA RIVER. The application was accompanied by \$500.00. Our receipt 87040 is enclosed.

By copy of this letter, we are asking the Watermaster for his report regarding the potential for injury to existing water rights which may be caused by the change.

Your application will be examined to determine if additional information is needed. You will be contacted following this examination.

We will notify you if additional information or corrections to the application or map are required.

If you have any questions, please call the Transfer Section, (503)986-0883.

cc: Watermaster #5  
Groundwater

enclosure



# Oregon

Theodore R. Kulongoski, Governor

## Water Resources Department

725 Summer Street NE, Suite A

Salem, OR 97301-1271

503-986-0900

FAX 503-986-0904

### Notice of Application for Water Right Transfer, Temporary Transfer, or Permit Amendment 04/17/07

The Department seeks comment on the recently-filed application listed below. Any person may comment on the application. Comments must be received by the Department within 30 days of the date of this notice.

County: UMATILLA  
Transfer: 10366  
Water Right: GR-CERT-1093  
Priority Date: 1907  
Name: ANTHONY & JOYCE TURNER  
Address: 84822 DIDION LN; MILTON FREEWATER OR 97862  
Change: POA  
Source: WELL  
Authorized POA: T6N R35E 26  
Proposed POA: T6N R35E 26

The holder of a water right may apply to permanently change an existing water use subject to transfer. A transfer application may involve any of the following changes: Point of diversion or appropriation (POD; POA); Additional point of diversion or appropriation (APOD; APOA); Historic POD (HIST); Place of use (POU); Character of use (USE); Instream (ISWR); Substitution (SUB); or Exchange (EXCH).

The holder of a water right subject to transfer may request to temporarily change the place of use of the water for up to 5 years and, if necessary to convey the water, to temporarily change the point of diversion or appropriation.

The holder of a water right permit may apply to change a point of diversion (POD) or appropriation (POA) or to change the place of use (POU).

Any person who provides comments within the comment period will receive a copy of the Department's preliminary determination of whether the application should be approved or rejected after the Department has completed a review of the application and will be provided an opportunity to protest the application and preliminary determination at that time. The Director may presume that the transfer would be allowed by, and compatible with comprehensive plans unless an affected local government informs the Director otherwise within 30 days of this notice. Comments should be sent to the Transfers Section at the Department's Salem office.





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

## Watermaster Review Form: Water Right Transfer

Transfer Application: T-10366

Review Due Date: 5-12-07

Applicant Name: Anthony and Joyce Turner

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

Reviewer(s): Tony Justus

Date of Review: Apr. 20, 2007

1. Do you have information suggesting that the water rights may be subject to forfeiture?  
☐ Yes ☒ No If "Yes", describe the information and indicate if you intend to file a cancellation affidavit or if you need additional time to determine if a cancellation affidavit should be filed: \_\_\_\_\_
2. Is there a history of regulation on the source that serves the right proposed for transfer that has involved the right and downstream water rights? ☐ Yes ☒ No Generally characterize the frequency of any regulation or explain why regulation has not occurred: \_\_\_\_\_
3. Check here if it appears that downstream water rights benefit from return flows resulting from the current use of the right? ☐ If you check the box, generally characterize the locations where the return flows likely occur and list the water rights that benefit most: No change in POU.
4. Are there upstream water rights that would be affected by the proposed change?  
☐ Yes ☒ No If "Yes", describe how the rights would be affected and list the rights most affected: \_\_\_\_\_
5. 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: \_\_\_\_\_
6. Would distribution of water for the right after the proposed change result in regulation of other water rights that would not have occurred if use of the existing right was maximized?  
☐ Yes ☒ No If "Yes", explain: \_\_\_\_\_
7. For POU changes, would the original place of use continue to receive water from the same source? ☐ Yes ☐ No ☒ N/A If "Yes", explain: \_\_\_\_\_
8. For POU or USE changes, 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: \_\_\_\_\_
9. Are there other issues not identified through the above questions? ☒ Yes ☐ No If "Yes", explain: Needs groundwater determination of same source.
10. What alternatives may be available for addressing any issues identified above: \_\_\_\_\_

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SALEM, OREGON

11. Have headgate notices been issued for the source that serves the right? ☐ Yes ☒ No
12. What water control and measurement conditions should be included in the transfer:

Measurement Devices	<input type="checkbox"/> Present and should be maintained.	<input type="checkbox"/> Should be required prior to diverting water.	<input checked="" type="checkbox"/> May be required in the future.
Headgates	<input type="checkbox"/> Present and should be maintained.	<input type="checkbox"/> Should be required prior to diverting water.	<input type="checkbox"/> May be required in the future.

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# Oregon Water Resources Department



State of Oregon  
Water Resources Department  
725 Summer Street NE, Suite A, Salem, OR. 97301-1271  
Phone: 503-986-0900  
<http://www.wrd.state.or.us>

Faxed  
8-22-07  
@ 10:15 am

## FAX TRANSMITTAL

To: Center for Health Statistics Fax Number: 971-673-1203  
Date: 8-22-07 Pages: 3, including cover sheet  
From: Lisa Jaramillo Phone: 503-986-0880

**Comments:**

Request for  
Verification of  
Oregon Vital  
Record Facts.

**DIRECTOR'S OFFICE**

- Water Resources Commission
- Legislation and Rules
- Public Information

**FIELD SERVICES**

- Regional Liaisons
- Transfers
- Hydrographics

**NORTHWEST REGION**

- District 16 Watermaster

**ADMINISTRATIVE SERVICES**

- Fiscal / Accounting
- Human Resources / Personnel
- Water Development Loan Fund
- Support Services

**TECHNICAL SERVICES**

- Dam Safety
- Enforcement
- Ground Water
- Information Services
- GIS/Mapping
- Water Use Reporting

Fax: 503-986-0902

**WATER RIGHTS**

- Water Rights Information
- Adjudications
- Hydroelectric
- Certificates / Final Proofs
- Hearings / Contested Cases

Fax: 503-986-0901

Fax: 503-986-0903 or  
503-986-0904



# Oregon

Theodore R. Kulongoski, Governor

## Water Resources Department

725 Summer Street NE, Suite A

Salem, OR 97301-1271

503-986-0900

FAX 503-986-0904

### Notice of Application for Water Right Transfer, Temporary Transfer, or Permit Amendment 04/17/07

The Department seeks comment on the recently-filed application listed below. Any person may comment on the application. Comments must be received by the Department within 30 days of the date of this notice.

County: UMATILLA  
Transfer: 10366  
Water Right: GR-CERT-1093  
Priority Date: 1907  
Name: ANTHONY & JOYCE TURNER  
Address: 84822 DIDION LN; MILTON FREEWATER OR 97862  
Change: POA  
Source: WELL  
Authorized POA: T6N R35E 26  
Proposed POA: T6N R35E 26

The holder of a water right may apply to permanently change an existing water use subject to transfer. A transfer application may involve any of the following changes: Point of diversion or appropriation (POD; POA); Additional point of diversion or appropriation (APOD; APOA); Historic POD (HIST); Place of use (POU); Character of use (USE); Instream (ISWR); Substitution (SUB); or Exchange (EXCH).

The holder of a water right subject to transfer may request to temporarily change the place of use of the water for up to 5 years and, if necessary to convey the water, to temporarily change the point of diversion or appropriation.

The holder of a water right permit may apply to change a point of diversion (POD) or appropriation (POA) or to change the place of use (POU).

Any person who provides comments within the comment period will receive a copy of the Department's preliminary determination of whether the application should be approved or rejected after the Department has completed a review of the application and will be provided an opportunity to protest the application and preliminary determination at that time. The Director may presume that the transfer would be allowed by, and compatible with comprehensive plans unless an affected local government informs the Director otherwise within 30 days of this notice. Comments should be sent to the Transfers Section at the Department's Salem office.





# Oregon

Theodore R. Kulongoski, Governor

## Water Resources Department

North Mall Office Building  
725 Summer Street NE, Suite A  
Salem, OR 97301-1266  
503-986-0900  
FAX 503-986-0904

April 13, 2007

ANTHONY & JOYCE TURNER  
84822 DIDION LANE  
MILTON-FREEWATER OR 97862

Reference: Transfer 10366

On April 9, 2007 we received your water right transfer application requesting a change in point of appropriation for use of water from A WELL, tributary to EAST LIT WALLA WALLA RIVER. The application was accompanied by \$500.00. Our receipt 87040 is enclosed.

By copy of this letter, we are asking the Watermaster for his report regarding the potential for injury to existing water rights which may be caused by the change.

Your application will be examined to determine if additional information is needed. You will be contacted following this examination.

We will notify you if additional information or corrections to the application or map are required.

If you have any questions, please call the Transfer Section, (503)986-0883.

cc: Watermaster #5  
Groundwater

enclosure

# TRANSFER CHECK OFF LIST

TRANSFER FILE #

T-10366

DATE RECEIVED

4-9-07

DATE MONEY SLIPPED

"

DATE RECEIPTED

"

VALID WATER RIGHT?

X Yes        No

TEMP ALT AC

IRR DIST

PERM AMEND

DIV 15

TEMP Div 15

ISWR

GR-MOD

LETTER FROM ATTORNEY

       YES (PUT INFO ON FRONT COVER)

X NO

FOLDER FILLED OUT\*

yes

ENTERED IN DB

yes

CONTENTS MARKED

yes

COLOR CODED

+ Yes

4 COPIES MADE & STAMPED

yes

CERTIFICATE MARKED

GR yes

CERTIFICATE COPIED

GR yes

PULL APPLICATIONS

GR yes

APP FOLDER MARKED

GR yes

FINAL PROOF MAP COPIED

no

PERMIT MARKED

/

PERMIT COPIED

/

PERMIT MAP COPIED

/

DECREE MARKED

/

DECREE COPIED

/

ADJUDICATION MAP COPIED

/

ENTRIES CHECKED

CHECKED BY        INIT FOLDER       

PUBLIC NOTICE DATE

4-17-07 (PREPARED & COPIED) yes

LETTER SENT

yes Irrigation District no (copy of app & map)

COPY TO WM

yes

COPY FORM TO WM

yes

COPY TO GW

yes

COPY FORM TO GW

yes

COPY TO CWRE

no

LETTER TO ODFW

no

TRANSFER SENT TO:

Lisa J

ALL Surface water POU/USE (POD and APOD FISH SCREENS)  
SW -- NCR -- SCR -- ER

PRINT DATA IF THERE ARE MANY FILES INVOLVED AND GLUE TO FOLDER

TRANCHK10/25



<p>Indicate in this column whether or not the item is satisfied.</p> <p align="center"><b>Ground Water Registration Modification Application – OAR 690-382</b></p> <p align="center"><b>Completeness Checklist</b></p> <p>Applicant's Name: <u>Anthony &amp; Joyce Turner</u> (Last revised: Dec. 1, 2006)</p>	
<b>Section A – Type of Change</b>	
OK	<p>Is the proposed change(s) allowed under the Ground Water Registration Modification process? YES NO --- Type of Change Proposed: <u>POA</u> POU USE [OAR 690-382-0010]</p> <p><b>NOTE: Only POA, POU or USE changes are allowed on GR Modifications.</b></p> <p>If the application proposes a change <u>other</u> than those listed above, <b>RETURN</b> the application &amp; fee to the applicant.</p>
<b>Section B - Fees</b>	
OK	<p>Have the appropriate fees been paid? (Stat. Authority: ORS 537.610) Total Required Fees: <u>500</u></p> <p>Fee Schedule – OAR 690-382-0400(18) Total Fees Paid: <u>500</u></p> <p><input type="checkbox"/> \$350 - Examination of an application to <b>ONLY</b> change the <u>POU</u> under a Ground Water Registration Fees Due (if any): <u>0</u></p> <p>-OR-</p> <p><input type="checkbox"/> \$500 - Examination of all other applications to modify a Ground Water Registration Refund Due (if any): <u>0</u></p> <p><b>NOTE: For a POA modification...if the applicant abandons the original well identified in the claim according to well construction standards within one year of the Department's recognition of the modification, the application may request a refund of \$100 of the fee paid under OAR 690-382-0400(18)(b).</b></p> <p>If the applicant has <b>NOT</b> submitted the total fees required, <b>RETURN</b> the application &amp; deficient fee to the applicant.</p>
<b>Section C – Completeness</b>	
Indicate in this column whether an item is incomplete, and if so, identify the deficiency.	<p>Is the Ground Water Registration Modification application complete? [OAR 690-382-0400]</p> <p>All required elements necessary for a complete GR Modification application are listed below. <b>Indicate whether or not the applicant has answered and/or supplied attachments to adequately address each of the following items.</b> If any one of the items is deficient, then the application is incomplete.</p> <p><b>NOTE: For reference, the application page number upon which each item is requested is identified.</b></p> <p>If the application is <b>NOT</b> complete, <b>RETURN</b> the application &amp; fee to the applicant.</p>
OK	<ul style="list-style-type: none"> <li>Applicant's name, mailing address and contact information. (Page 1)</li> </ul>
N/A	<ul style="list-style-type: none"> <li>Agent's name, mailing address and contact information, if applicable. (Page 1)</li> </ul>
OK	<ul style="list-style-type: none"> <li>Are multiple Ground Water Registrations being amended? YES <u>NO</u> (Pages 2 &amp; 3)</li> <li>If YES..... a <u>separate</u> application must be submitted for <u>each</u> Ground Water Registration, <u>unless</u> the Ground Water Registrations to be modified are <u>layered</u> [refer to OAR 690-382-0300(2)].</li> </ul>
OK	<ul style="list-style-type: none"> <li>The type of change (modification) being proposed: <u>POA</u> POU USE (Page 2)</li> </ul>
OK	<ul style="list-style-type: none"> <li>Reason for the Ground Water Registration modification. (Page 2)</li> </ul>
OK	<ul style="list-style-type: none"> <li>Current Ground Water Registration information – registration number, use, priority date, source(s), etc. (Page 3)</li> </ul>
N/A	<ul style="list-style-type: none"> <li>If for a change in <b>POU</b>, are there any other “layered” irrigation rights, permits, or Ground Water Registrations appurtenant to the same place of use as the Ground Water Registration proposed to be modified? YES NO (Page 3)</li> <li>If YES..... the other “layered” water uses subject to transfer, permits or other ground water registrations <b>must</b> either change concurrently or be cancelled, except as provided in OAR 690-382-0200(5).</li> </ul>



OK	<ul style="list-style-type: none"> <li>Location description of the <b>authorized</b> POA to be modified. (Page 4)</li> </ul> <p><b>NOTE:</b> Ensure that the location coordinates listed in the application match the point and location coordinates illustrated on the application map.</p>
OK	<ul style="list-style-type: none"> <li>For the <b>authorized</b> POA, the applicant must either: (Page 4) <ul style="list-style-type: none"> <li>1) supply a copy of the well log(s), <u>or</u></li> <li>2) if well logs are <b>not available</b>, describe the construction of the well(s) in the table provided on page 4 of the application.</li> </ul> </li> </ul>
OK	<ul style="list-style-type: none"> <li>Location description of the existing <b>authorized</b> POU and associated acres (if applicable). (Page 5)</li> </ul> <p><b>NOTE:</b> Ensure that the location and number of acres listed per ¼ ¼ in the application match those illustrated on the application map.</p>
OK	<ul style="list-style-type: none"> <li>Location description of the <b>proposed</b> POA. (Page 6)</li> </ul> <p><b>NOTE:</b> Ensure that the proposed location coordinates listed in the application match the proposed point and location coordinates illustrated on the application map.</p>
OK	<ul style="list-style-type: none"> <li>For the <b>proposed</b> POA, the applicant must either: (Page 6) <ul style="list-style-type: none"> <li>1) supply a copy of the well log(s), <u>or</u></li> <li>2) if well logs are <b>not available</b> <u>or</u> the well is <b>not yet constructed</b>, describe the construction of the well(s) in the table provided on page 6 of the application.</li> </ul> </li> </ul>
N/A	<ul style="list-style-type: none"> <li>Location description of the <b>proposed</b> POU and associated acres (if applicable). (Page 7)</li> </ul> <p><b>NOTE:</b> Ensure that the location and number of acres listed per ¼ ¼ in the application match those illustrated on the application map.</p>
OK	<ul style="list-style-type: none"> <li>Affected districts and local governments. (Page 8)</li> </ul> <p>If within a district/local government jurisdiction, ensure that name &amp; mailing address is provided.</p>
OK	<ul style="list-style-type: none"> <li>Is the applicant the owner of the land <b>"FROM"</b> which the Ground Water Registration is being moved? <del>YES</del> <del>NO</del> <u>Yes</u> (Page 9)</li> </ul> <p>If <b>NO</b>..... the applicant must provide the name and mailing address of the current landowner.</p>
OK	<ul style="list-style-type: none"> <li>Is the applicant the owner of the land <b>"TO"</b> which the Ground Water Registration is being moved? <b>YES</b> <b>NO</b> (Page 9)</li> </ul> <p>If <b>NO</b>..... the applicant must provide the name and mailing address of the "receiving" landowner and indicate who (applicant or receiving landowner) will be responsible for completing the change(s).</p>
OK	<ul style="list-style-type: none"> <li>Map..... (OAR 690-380-3100, except <b>NOT</b> required to be prepared by a CWRE). (Page 10) <ul style="list-style-type: none"> <li><input checked="" type="checkbox"/> north arrow <input checked="" type="checkbox"/> size &amp; scale <input checked="" type="checkbox"/> other: _____</li> <li><input checked="" type="checkbox"/> authorized acreage per ¼ ¼ matches the ground water registration</li> <li><input checked="" type="checkbox"/> authorized POA and POU (clearly shown, labeled &amp; matches application listing)</li> <li><input checked="" type="checkbox"/> point plotted for the authorized POA agrees with location coordinates</li> <li><input checked="" type="checkbox"/> proposed POA and/or POU (clearly shown, labeled &amp; matches application "proposed" listing)</li> <li><input checked="" type="checkbox"/> location coordinates accurately describe the point identified as the proposed POA</li> </ul> </li> </ul>
OK	<ul style="list-style-type: none"> <li>Land Use form, if applicable. (Page 10)</li> </ul> <p><b>NOTE:</b> May <b>not</b> be needed if the modification meets <b>all</b> four requirements outlined in OAR 690-382-0400(12).</p>
OK	<ul style="list-style-type: none"> <li>Signature(s) of applicant(s): (Page 11)</li> </ul> <p><u>All</u> applicants listed on page 1 of the application <b>must</b> sign the application.</p>
WRD Completeness Reviewer's Name: <u>Sarah Henderson</u> Date: <u>4-10-07</u>	

**NOTE:** A Report of Ownership and Lien Information will be requested from the applicant at the time a Draft Preliminary Determination is mailed, unless applicant is an entity meeting OAR 690-382-0400(16)(b) or (c).



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

# Application for Permit Amendment or Ground Water Registration Modification

Please type or print legibly in dark ink. If your application is incomplete or inaccurate, we will return it to you. If any requested information does not apply to your application, insert "N/A" to indicate Not Applicable. As you complete this form, please refer to notes and guidance included on the application. A summary of review criteria and procedures that are generally applicable to these applications is available at [www.wrd.state.or.us/OWRD/PUBS/forms.shtml](http://www.wrd.state.or.us/OWRD/PUBS/forms.shtml).

## 1. TYPE OF APPLICATION

Please check **one** of the following:

☐ Permit Amendment

☒ Ground Water Registration Modification

## 2. APPLICANT INFORMATION

Name: Anthony B. + Joyce L. Turner  
First Last

Address: 84822 Didion Lane

Milton-Freewater OR 97862  
City State Zip

Phone: (541) 938-5605 (541) 966-3959 cell - (541) 861-9297  
Home Work Other

Fax: \_\_\_\_\_ E-Mail address: anthonybturner@msn.com

## 3. AGENT INFORMATION

(The agent listed is authorized to represent the applicant in all matters relating to this application.)

Name: NA  
First Last

Address: \_\_\_\_\_

\_\_\_\_\_  
City State Zip  
Phone: \_\_\_\_\_  
Home Work Other

Fax: \_\_\_\_\_ E-Mail address: \_\_\_\_\_

- If an agent is listed above, please check **one** of the following:

☐ Please send all correspondence to Agent. Send *copies* of correspondence to Applicant; **or**

☐ Please send all correspondence to Applicant. Send *copies* of correspondence to Agent.

Last Updated: 10/30/2006

Permit Amendment or GW Modification/1

FS

T 10366

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Permit Amendments

- If you propose to amend multiple permits under this application, a separate set of pages 3 through 7 must be provided for each permit. (**NOTE:** Concurrent changes to a water right must be filed separately on a transfer application.)

Ground Water Registration Modifications

- You may propose modification of only one ground water registration per application, unless in accordance with OAR 690-382-0300(2), the ground water registrations to be modified are layered. (**NOTE:** Concurrent changes to a water right must be filed separately on a transfer application.)

4. TYPE OF AMENDMENT OR MODIFICATION PROPOSED

Please check **all** of the following that apply:

Point of Diversion or Appropriation	Place of Use	Character of Use
<div><input checked="" type="checkbox"/> <b>Change</b> (The old point of diversion or appropriation will <u>not</u> be used for the portion of the water right affected by the amendment or modification.)</div> <div><input type="checkbox"/> <b>Additional</b> (Both the old <u>and</u> new points of diversion or appropriation will be used for the portion of the water right affected by the amendment or modification.)</div> <div><p><i>Not Available for Ground Water Registrations</i></p><input type="checkbox"/> <b>Surface Water to Ground Water</b> (A new point of appropriation will be used <u>instead of</u> the old point of diversion. The old point of diversion will <u>not</u> be used.)</div>	<div><input type="checkbox"/> <b>All of the Permit or Registration will be exercised at a different location than currently authorized</b> (Use of water at the current authorized location will be discontinued.)</div> <div><input type="checkbox"/> <b>Only a portion of the Permit or Registration will be exercised at a different location than currently authorized</b> (Use of water at a <u>portion</u> of the current authorized location will be discontinued.)</div>	<div><p><i>Not Available for Permit Amendments</i></p><p>Change existing authorized use to the following proposed <u>new</u> use:</p><div><input type="checkbox"/> Irrigation</div><div><input type="checkbox"/> Municipal</div><div><input type="checkbox"/> Quasi-municipal</div><div><input type="checkbox"/> Commercial</div><div><input type="checkbox"/> Industrial</div><div><input type="checkbox"/> Domestic (indicate number of households): _____</div><div><input type="checkbox"/> Other _____</div></div>

- Reason(s) for amendment/modification(s): Old well no longer useable, Replaced with new well. New well was drilled.

## 5. CURRENT PERMIT OR REGISTRATION INFORMATION

Permit or Registration to be Amended/Modified (check and complete one of the following):

<input type="checkbox"/> Permit to be Amended:	Permit Number _____	Current Completion Date of Permit _____
<input checked="" type="checkbox"/> Ground Water Registration to be Modified:	<u>GR-1133</u> Ground Water Registration Number	NOTE: Concurrent changes to a water right must be filed separately on a transfer application.

- Name on Permit or Registration: Andrew Gilmore
- County: Umatilla
- Authorized Use(s) to be affected by this Amendment/Modification: Irrigation

- Priority Date(s): 1907

If there are **multiple Priority Dates** identified on the Permit or Registration, any information provided on **pages 4 through 7 must identify which priority date** is associated with each of the authorized and proposed points of diversion or appropriation and places of use.

- All Source(s) of Water to be affected by this Amendment/Modification: ground water

Tributary to: Walla Walla River

If there are **multiple Sources** listed on the Permit or Registration, any information provided on **pages 4 through 7 must identify which source** is associated with each of the authorized and proposed points of diversion or appropriation and places of use.

### **For an application proposing a Change in Place of Use or Character of Use:**

- Are there any other "Layered" Water Rights, Permits, or Ground Water Registrations issued for **Irrigation** purposes that are appurtenant to the same place of use as the Permit or Registration being Amended/Modified? ☐ Yes ☐ No ☒ N/A -No Change in Use or Place of Use

If "Yes", pursuant to ORS 540.510, OAR 690-380-2240 and OAR 690-382-0200, the other "layered" water uses subject to transfer **must either change concurrently or be cancelled**, except as provided in OAR 690-380-2240(5).

- Remarks: NA

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WATER RESOURCES DEPT  
SALEM, OREGON



- The following information **must be provided** only for those points of diversion or appropriation that **are involved in the permit amendment or ground water registration modification** (i.e., list only the portion of the permit/registration you propose to amend/modify.) Attach additional pages as necessary.

Government lot and donation land claim numbers must be included in the tables below **only** if the information is reflected on the existing permit or ground water registration.

#### Location of Existing Authorized Point(s) of Diversion or Appropriation to be Changed:

(i.e., the allowed point(s) of diversion/appropriation that will be affected by the proposed amendment/modification, the "FROM" point(s) of diversion/appropriation)

If Ground Water, OWRD Well Log ID No. (or Well ID Tag No. L-____)	Source and Priority Date	Township	Range	Mer	Sec	¼ ¼	Tax Lot, DLC or Gov't Lot	Survey Coordinates (coordinates from a recognized survey corner)
umat 4704	ground water 1907	6 N	35 E	WM	26	NW/NE	1500	558' S + 75' W of NE corner of NW/NE of section 26

- Does the permit/registration being amended/modified involve a ground water source(s)?  
☒ Yes      ☐ No (Surface water source only.)

If "Yes", for each authorized point of appropriation (well) involved, you must either:

- Supply a copy of the well log(s) for each point of appropriation that is **clearly labeled** and associated with the corresponding well in the table above and on the accompanying application map.

(NOTE: You may search for well logs on the Department's website at: [www.wrd.state.or.us](http://www.wrd.state.or.us))

**or**

- If a well log is **not** available, you must describe the construction of the authorized point of appropriation by completing the table below. Attach additional copies as necessary.

#### Construction of Existing Authorized Point(s) of Appropriation – (Only needed if no well log is available.)

Wells in this listing must be **clearly tied** to corresponding well location(s) described in the table above and shown on the accompanying application map.

OWRD Well No. as identified in table above	Diameter	Type and size of casing	No. of feet of casing	Intervals casing is perforated (in feet)	Seal depth	Est. depth to water	Est. depth to water bearing stratum	Type of access port or measuring device	Total well depth
NA									

## 6. PROPOSED PERMIT AMENDMENT OR REGISTRATION MODIFICATION

- Describe proposed changes to the permit or registration involving point(s) of diversion and/or appropriation. Survey coordinates described below should accurately correspond to the points shown on the accompanying application map. Attach additional pages as necessary.

**Location of Proposed Point(s) of Diversion or Appropriation:** (i.e., the "TO" point(s) of diversion/appropriation)

(NOTE: Complete this table only if a Change in Point of Diversion or Appropriation is being proposed.)

Source	Township	Range	Mer	Sec	¼ ¼ Section	Tax Lot, DLC or Gov't Lot	Survey Coordinates (coordinates from a recognized survey corner)
ground water	6 N	35 E	WM	26	NW¼ NE¼	1500	approximately 991 W + 900' N of center of the NE¼ of Section 26

- If there are proposed point(s) of appropriation (wells) listed in the table above, are the well(s) already constructed? ☒ Yes ☐ No ☐ N/A - No proposed well(s) listed above.

If "Yes", attach and **clearly label** the corresponding well log(s) for each proposed well, or if well log(s) are **not** available, describe the construction of the well(s) using the table below.

(NOTE: You may search for well logs on the Department's website at: [www.wrd.state.or.us](http://www.wrd.state.or.us))

If "No", describe the anticipated construction for the proposed well(s) in the following table:

### Construction of Proposed Point(s) of Appropriation or Well(s):

Well numbers in this listing must be clearly tied to corresponding well location(s) described in the table above and shown on the accompanying application map.

Well already built? (Yes/No)	If an existing well, OWRD Well Log ID No. (or Well ID Tag No. L-___)	Diameter	Type and size of casing	No. of feet of casing	Intervals casing is perforated (in feet)	Seal depth	Est. depth to water	Est. depth to water bearing stratum	Type of access port or measuring device	Total well depth
Yes	Umat 4632 <del>NA</del>	see log	6"	60'	see log	see log	50'	65'	see log	80'

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## 7. AFFECTED DISTRICTS AND LOCAL GOVERNMENTS

- Are any of the Permit(s) or Registration(s) proposed for amendment/modification located within or served by an irrigation or other water district? ☐ Yes ☒ No
- Will any of the Permit(s) or Registration(s) be located within or served by an irrigation or other water district after the proposed amendment/modification? ☐ Yes ☒ No
- Is water for any of the Permit(s) or Registration(s) supplied under a water service agreement or other contract for stored water with a federal agency? ☐ Yes ☒ No

*If "Yes", for any of the above, list the name and mailing address of the district and/or agency:*

NA

- List the name and mailing address of all affected local governments (e.g., county, city, municipal corporation, and tribal governments within whose jurisdiction the right(s) are located).

Umatilla County

## 8. PERMIT HOLDER OF RECORD

*This section is to be completed only for Permit Amendment applications.*

☒ *N/A – This is a Ground Water Registration Modification application.*

- Is the applicant the permit holder of record? ☐ Yes ☐ No

*If "No", the applicant must either:*

A. *Be assigned as a permit holder of record by submitting a completed **Request for Assignment** form and the required statutory fee for an assignment;*

or

B. *Submit an **Affidavit of Consent** from the permit holder of record that gives permission for the applicant to amend the permit.*



## 9. LAND OWNERSHIP

### If for a Permit Amendment proposing a Change in Place of Use:

- Does the permit holder of record own or control the land **TO** which the place of use is being moved? ☒ Yes ☐ No

If "No", the owner of the land **TO** which the place of use is being moved must be assigned to the permit as a permit holder of record by submitting a completed *Request for Assignment* form and the required statutory fee for an assignment.

- Check one of the following:
  - ☐ The permit holder of record will be responsible for completion of the proposed changes after the final order is issued. All notices and correspondence should be sent to the permit holder of record.
  - ☒ The applicant will remain responsible for completion of changes. Notices and correspondence should continue to be sent to the applicant and applicant's agent.

### If for a Ground Water Registration Modification:

- Does the applicant own the lands **FROM** which the registration is being moved? ☐ Yes ☐ No

If "No", provide the following information:

Names of Current Landowner(s): Anthony B. + Joyce L. Turner  
First Last  
Address: 84822 Didion Lane  
Milton-Freewater OR 97862  
City State Zip

- Does the applicant own the lands **TO** which the registration is being moved? ☐ Yes ☐ No

If "No", provide the following information:

Names of Receiving Landowner(s): Anthony B. + Joyce L. Turner  
First Last  
Address: 84822 Didion Lane  
Milton-Freewater OR 97862  
City State Zip

- Check one of the following:
  - ☐ The receiving landowner will be responsible for completion of the proposed changes after the final order is issued. All notices and correspondence should be sent to this landowner.
  - ☒ The applicant will remain responsible for completion of changes. Notices and correspondence should continue to be sent to the applicant and applicant's agent.

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## 10. ATTACHMENTS

Check each of the following attachments included with this application.  
The application will be returned if all required attachments are not included.

### Map:

- ☒ A map meeting the requirements of OAR 690-380-3100 must be included but need **not** be prepared by a Certified Water Right Examiner.

### Land Use Information Form:

- ☒ Enclosed; **or**
- ☐ Not required if **all** of the following are met:
- ❶ In EFU zone or irrigation district;
  - ❷ Change in place of use only;
  - ❸ No structural changes needed, including diversion works, delivery facilities, other structures; **and**
  - ❹ Irrigation only.

### Water Well Reports/Well Logs:

- ☒ The application involves a change in point of appropriation or change from surface water to ground water and copies of all water well reports are attached.
- ☐ Water well reports are not available and a description of construction details including well depth, static water level, and information necessary to establish the ground water body developed or proposed to be developed is attached.
- ☐ N/A. The application does **not** involve a change in point of appropriation or a change from surface water to ground water, so water well reports are **not** required.

### Fees:

- ☒ Amount enclosed: \$ 500.<sup>00</sup>  
See the Department's Fee Schedule at [www.wrd.state.or.us/OWRD/PUBS/forms.shtml](http://www.wrd.state.or.us/OWRD/PUBS/forms.shtml) or call (503) 986-0900.

### For Permit Amendments Only...

#### Request for Assignment:

- ☐ Enclosed. The applicant is **NOT** the permit holder of record and needs to be assigned to the permit; **OR** the landowner of the proposed place of use is **NOT** the permit holder of record and needs to be assigned to the permit.  
*The Request for Assignment form is available online at: [www.wrd.state.or.us/OWRD/PUBS/forms.shtml](http://www.wrd.state.or.us/OWRD/PUBS/forms.shtml) ; **or***
- ☐ N/A. The applicant is the permit holder of record and owns or controls the proposed place of use; **OR** the applicant is **not** the permit holder of record but **is** supplying an Affidavit of Consent from the permit holder.

#### Affidavit of Consent:

- ☐ Enclosed. Because the applicant is **NOT** the permit holder of record, an Affidavit of Consent is being supplied that gives permission for the applicant to amend the permit; **or**
- ☐ N/A. Not required because the applicant is the permit holder of record.

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**Before submitting your application to the Department, be sure you have:**

- Answered each question completely.
- Included all the required attachments.
- Provided original signatures for all named deed holders, or other parties, with an interest in the water right.
- Included a check payable to the Oregon Water Resources Department for the appropriate amount.

**11. SIGNATURES**

- **For Ground Water Registration Modification Applications only, check the appropriate one and sign the application in the signature box below:**

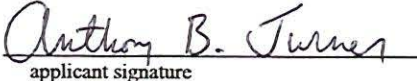
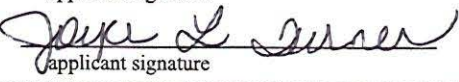
☐ In accordance with OAR 690-382-0400(16)(a), I (we) understand that prior to Department approval of a permanent modification and upon my receipt of a draft Preliminary Determination for the proposed modification, I (we) will be required [pursuant to OAR 690-382-0700(5)] to provide the following landownership information and evidence demonstrating that I (we) are authorized to pursue the modification:

- (a) A report of ownership and lien information that has been prepared by a title company *within the last three months*;
- (b) A copy of written notification of the proposed modification provided by the applicant to all lien holders on the subject lands unless the report of ownership and lien information shows that a water right conveyance agreement has been recorded for the subject lands. *If a water right conveyance agreement has been recorded for the subject lands, a copy of the recorded agreement and a listing of the owner(s) of the lands at the time the agreement was recorded must be submitted; and*
- (c) If the applicant is not both the person named on the ground water registration or the assignee and the owner of the lands to which the registration is appurtenant, as identified in the report of ownership and lien information, then either of the following must be provided:
- A) Notarized statements consenting to the modification by all persons, other than the applicant, who are named on the ground water registration or identified as landowners in the report of ownership and lien information or who are authorized representatives of an entity to whom the interest in the water right has been conveyed as identified in a water right conveyance agreement; or
- B) Documentation demonstrating that the applicant is authorized to pursue the modification in the absence of consent of the persons named on the ground water registration or the assignee and the owner of the lands to which the registration is appurtenant.

☐ I (we) affirm that 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. Therefore, pursuant to OAR 690-382-0400(16)(b), the applicant is NOT required to provide the above described report of ownership and lien information.

☐ I (we) affirm that the applicant is an entity with the authority to condemn property and is acquiring the property to which the ground water registration proposed for modification is appurtenant by condemnation. Documentation is provided with this application supporting this statement. Therefore, pursuant to OAR 690-382-0400(16)(c), the applicant is NOT required to provide the above described report of ownership and lien information. (NOTE: Such an entity may only apply for recognition of a modification under this subsection if it has filed a condemnation action to acquire the property and deposited the funds with the court as required by ORS 35.265.)

- **For both Permit Amendment and Ground Water Registration Modification Applications, I (we) affirm that the information contained in this application is true and accurate.**

 applicant signature	<u>Anthony B. Turner</u> name (print)	<u>April 3, 2007</u> date
 applicant signature	<u>Joyce L. Turner</u> name (print)	<u>April 3, 2007</u> date

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Last Updated: 10/30/2006

Permit Amendment or GW Modification/11

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SALEM, OREGON



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MAR 17 1958  
STATE ENGINEER  
SALEM, OREGON

Registration No. GR - 1133

Certificate No. GR - 1093

## Registration Statement

### OF CLAIMANT OF RIGHT TO APPROPRIATE GROUND WATER

TO THE STATE ENGINEER OF OREGON:

I, Andrew J. Gilmore & Mabel Gilmore  
of Rt 3 Box 215 Milton Freewater County of Umatilla  
(Mailing address)

State of Oregon do hereby make application for a certificate of registration as evidence of a right to appropriate ground water:

1. Source from which water is withdrawn is pump well  
(Flowing well, pump well, infiltration trench, or tunnel)

2. Location is: 4 mile North of Milton Freewater  
(Approximate distance and direction from nearest city or town)

and is more particularly described as follows:

558' south of N. line of Section 26 and 75' west of N. and S. center

(a) line of NE 1/4 of Section 26  
(Give distance and bearing to corner of section or other legal subdivision)

being within NE 1/4 NW 1/4 NE of Sec. 26, Twp. 1 N., Rge. 35 E. 2 N.  
(Smallest legal subdivision) (N. or S.) (E. or W.)

or (b) within limits of recorded platted property, town or city:

in Lot \_\_\_\_\_ Block \_\_\_\_\_ of \_\_\_\_\_  
(Name of plat or addition)

(If within city or town, give name) County of \_\_\_\_\_

3. Construction Work was begun on June 1909; was completed on June 1909  
(Date) (Date)

and the ground water claimed was first used for the purposes set out below on June 1909  
(Date)

since which time the water has been used intermittently  
(Continuously or intermittently)

from March 1 to Oct 31  
(Date) (Date)

4. Quantity of water claimed and used is 100 gallons per minute; \_\_\_\_\_ acre feet per year.

5. Purpose or Purposes for which water is used irrigation  
(Domestic, irrigation, municipal, manufacturing, industrial, etc.)

6. Description of Well: Depth 25 feet. Type Dug  
(Dug or drilled)

diameter 5 1/2 inches. Elevation of ground at well site 721 ft. feet, mean sea level.  
(As near as known)

Depth to water table 15 feet.

7. Capacity of Well: \_\_\_\_\_ g.p.m. with \_\_\_\_\_ feet drawdown.

\_\_\_\_\_ g.p.m. with \_\_\_\_\_ feet drawdown.

Date of test 9 Feb

If Flowing Well: Measured discharge \_\_\_\_\_ g.p.m. on \_\_\_\_\_  
(Date)

Shut-in pressure at ground surface \_\_\_\_\_ lbs. per sq. in. on \_\_\_\_\_  
(Date)

Water is controlled by \_\_\_\_\_  
(Cap, valve, etc.)

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5 inch diameter from to feet

inch diameter from to feet

inch diameter from to feet

inch diameter from to feet

### 9. Perforated Casings or Screens:

(Number per foot and size of perforations, or describe screen)

from ..... to

from ..... to

from ..... to

from ..... to .....

10. Log of Well: (Describe each stratum or formation clearly, indicate if water bearing, and give thickness and depth as indicated.)

[illegible]

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GR-1193

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Unknown

- Dimensions: Length \_\_\_\_\_ ft. Minimum depth \_\_\_\_\_ ft. Maximum depth \_\_\_\_\_ ft.  
Bottom width \_\_\_\_\_ ft. Discharge \_\_\_\_\_ g.p.m. Date of test \_\_\_\_\_

- Dimensions: \_\_\_\_\_  
(Length, course, and cross sectional size)

Position of water bearing stratum with reference to portal of tunnel.

Log of tunnel: (Preceding table for log of well may be used, if desired. Give footage from portal  
center of materials, as pertinent.)

- (a) Pump 2 1/2 in open Discharge, Pump Pipe Capacity \_\_\_\_\_ g.p.m.  
(Make, type and size)
- (b) Motor 1 1/2 horse power - Mantex E. L. L.  
(Type and horsepower)

14. Location of area irrigated or to be irrigated, or place of use if for purposes other than irrigation.

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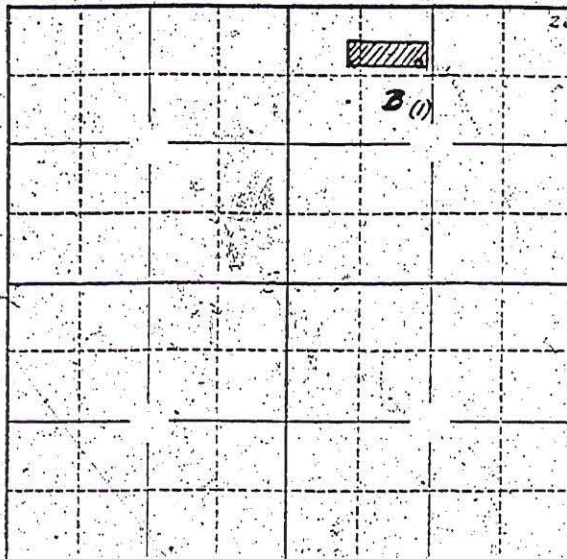
15. If the ground water supply is supplemental to an existing water supply, identification of any application for a permit, permit, certificate or adjudicated right to appropriate water made or held by the registrant.

10366

GR-1093



Township \_\_\_\_\_ Range \_\_\_\_\_, W.M.  
North



Locate well and acreage of irrigated land on plat.  
Scale:  $\frac{1}{2}$  - 1 Mile

STATE OF OREGON

County of \_\_\_\_\_ ss.

I, \_\_\_\_\_ being first duly sworn, do hereby certify that I have read the foregoing Registration Statement and that all of the items therein contained are true to the best of my knowledge and belief.

(Signature of Registrant)

Subscribed and sworn to before me this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_.

My commission expires \_\_\_\_\_

(Notary Public)

(SEAL)

### CERTIFICATE OF REGISTRATION

STATE OF OREGON }  
County of Marion ss.

This is to certify that the foregoing Registration Statement was received in the office of the State Engineer on the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_, at \_\_\_\_\_ o'clock \_\_\_\_\_ M. and has been duly recorded in said office in Book No. 6 of Registration Statements on page GR-1093.

Witness my hand this 20 day of August, 1958.

(State Engineer)

By \_\_\_\_\_

(Deputy)

GR - 1093

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SALEM, OREGON

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GR well

STATE ENGINEER  
Salem, Oregon



# Well Record

STATE WELL NO. 6N/35-26B(1)  
COUNTY Umatilla  
APPLICATION NO. GR-1133

GR- 1093

OWNER: Andrew J. & Mabel Gilmore

MAILING  
ADDRESS:

Rt. 3, Box 215

LOCATION OF WELL: Owner's No.

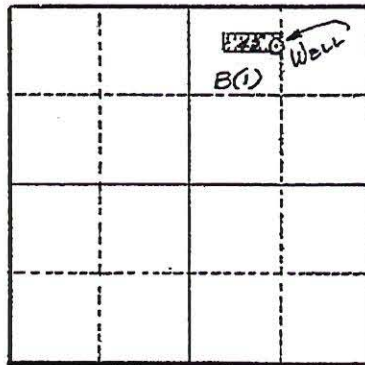
CITY AND

STATE: Milton-Freewater, Oregon

NW 1/4 NE 1/4 Sec. 26 T. 6 N. R. 35 E., W.M.

Bearing and distance from section or subdivision

corner 558' S. & 75' W. of NE cor. of NW 1/4 of  
Section 26.



Altitude at well 900 ft.

TYPE OF WELL: Dug Date Constructed 1909

Depth drilled 25 ft. Depth cased 12 ft.

Section 26

## CASING RECORD:

5' x 5' concrete curb from 0 to 12 ft.

## FINISH:

## AQUIFERS:

## WATER LEVEL:

15 ft.

PUMPING EQUIPMENT: Type Pump, pipe & power 2 1/2 in. H.P. 1 1/2  
Capacity G.P.M.

## WELL TESTS:

Drawdown ft. after hours G.P.M.

Drawdown ft. after hours G.P.M.

USE OF WATER Irrigation Temp. °F. 19

SOURCE OF INFORMATION G. R. Record

DRILLER or DIGGER

## ADDITIONAL DATA:

Log Water Level Measurements Chemical Analysis Aquifer Test

## REMARKS:

Log: Top soil & gravel 0 to 12 ft.  
Clay & gravel 12 to 25 ft.

Irrigation of 4 1/2 acres.

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SALEM, OREGON

State Printing 69318

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2729  
6N/35E 26ba

9809C 10/86

[illegible]

believe. WWC Number 575  
Signed Charles L. Lawrence Date 8-2-88

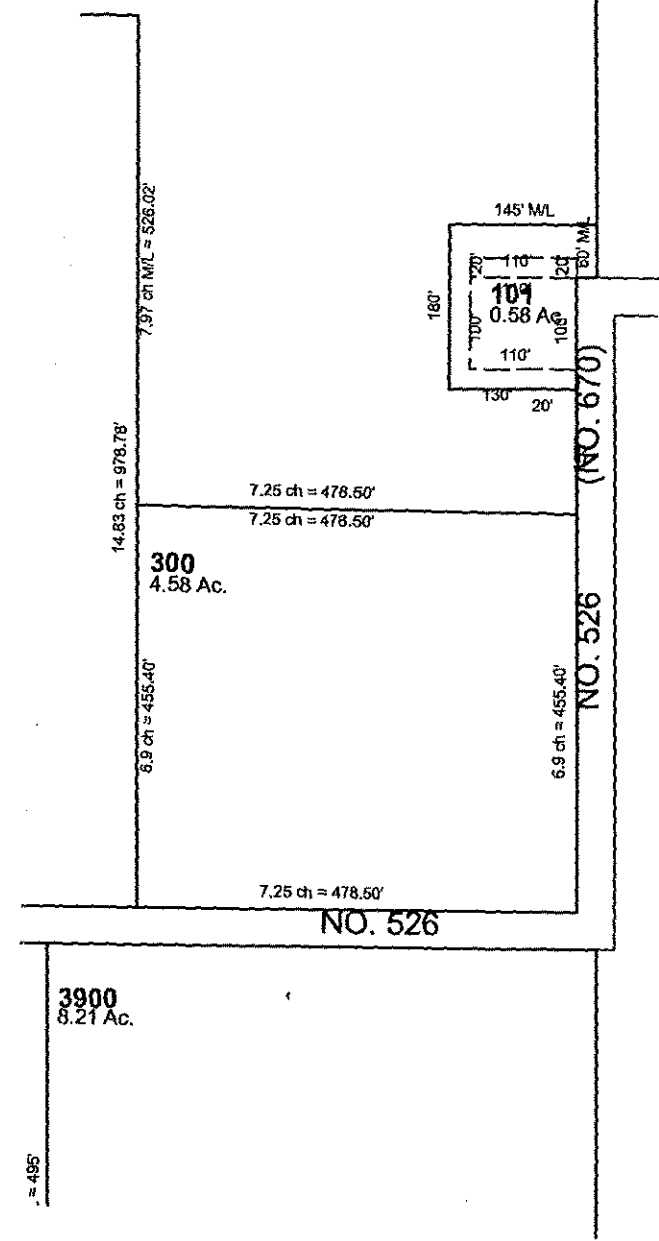






26 25

id 75' W of NE Corner  
1/4 of Section 26  
July 99' W + 900' N of center  
Section 26, T6N R.35E, WM.



Anthony B. Turner and Joyce L. Turner  
84822 Didion Lane  
Milton-Freewater, OR 97862

April 3, 2007

Oregon Water Resources Department  
725 Summer Street N.E., Suite "A"  
Salem, OR 97301-1271

To whom it may concern:

The purpose of this letter and accompanying materials is to request a Ground Water Registration Modification. The following are enclosed with this letter:

1. Application for Permit Amendment or Ground Water Registration Modification,
2. A copy of Well Record for Gr- 1133 (registration number of old well),
3. A copy of Registration Statement of claimant of right to appropriate ground water,
4. A copy of State of Oregon Water Well Report for UMAT 4632 (new well),
5. Oregon Water Resources Department Land Use Information Form,
6. A report of ownership and lien information – The documents enclosed as this proof are:
  - A. a copy of Owners' Policy Schedule A, B, and C, and
  - B. a copy of Statutory Warranty Deed received March 09, 2007, by Umatilla County Records,
7. A copy of a letter sent to our property lien holder (Bank of America,)
8. A map of our property and surrounding area,
9. A check for \$500.00 to The Oregon Water Resources Department.

If you have any questions, please do not hesitate to contact me.

Sincerely,



Anthony B. Turner and Joyce L. Turner

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WATER RESOURCES DEPT  
SALEM, OREGON

Anthony B. Turner and Joyce L. Turner  
84822 Didion Lane  
Milton-Freewater, OR 97862

April 3, 2007

Bank of America  
121 S.W. Morrison  
Portland, OR 97204

To whom it may concern:

The purpose of this letter is to inform you that we are making application to the Oregon Water Resources Department for a Ground Water Registration Modification. As owners of 84822 Didion Lane in Milton-Freewater, Oregon and Ground Water Registration Modification applicants, we are required by application policy to inform all lien holders of our intent to abandon the use of the well (hand dug to 25 feet prior to 1909) and instead to use the newer well (drilled to 80 feet in 1988.) The older hand dug well has become unusable and in order to continue to irrigate our property we need to make this change.

Sincerely,



Anthony B. Turner and Joyce L. Turner

Cc: Oregon Water Resources Department

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OWNERS POLICY

SCHEDULE A

Order No.: MF0058571LM

Policy No.: 73106-80589

Amount of Insurance: \$235,000.00

Premium: \$787.50

Date of Policy: MARCH 9, 2007 AT 11:30 A.M.

1. Name of Insured:

*ANTHONY B. TURNER AND JOYCE TURNER*

2. The estate or interest in the land described or referred to in Schedule C and which is covered by this policy is:

A FEE

3. Title to the estate or interest in the land referred to herein is at Date vested in:

*ANTHONY B. TURNER AND JOYCE TURNER,  
As tenants by the entirety.*

4. The land referred to in this Policy is described on the attached Schedule "C" and made a part hereof.

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## SCHEDULE B

This policy does not insure against loss or damage (and the Company will not pay costs, attorney's fees or expenses) which arise by reason of the following:

## GENERAL EXCEPTIONS:

1. Taxes or assessments which are not shown as existing liens by the records of any taxing authority that levies taxes or assessments on real property or by the public records. Proceedings by a public agency which may result in taxes or assessments, or notices of such proceedings, whether or not shown by the records of such agency or by the public records.
2. Facts, rights, interests or claims which are not shown by the public records but which could be ascertained by an inspection of the land or by making inquiry of persons in possession thereof.
3. Easements, or claims of easements, not shown by the public records; reservations or exceptions in patents or in Acts authorizing the issuance thereof; water rights, claims or title to water.
4. Discrepancies, conflicts in boundary lines, shortage in area, encroachments, or any other facts which a correct survey would disclose
5. Any lien, or right to a lien, for services, labor, material, equipment rental or workers compensation heretofore or hereafter furnished, imposed by law and not shown by the public records.
6. Unpatented mining claims whether or not shown by the public records.

## SPECIAL EXCEPTIONS:

7. The assessment roll and the tax roll disclose that the within described premises were specially assessed as Farm Use Land. If the land becomes disqualified for the special assessment under the statute, an additional tax, interest and penalties thereon may be levied for the years in which the land was subject to the special land use assessment.
8. These premises are within the boundaries of the Milton-Freewater Water Control District, and are subject to the levies, assessments and easements thereof, if any.
9. These premises are within the boundaries of the Walla Walla River Irrigation District, and are subject to the levies, assessments and easements thereof, if any.
10. Access Easement and Well Agreement, including the terms and provisions thereof, in Deed from Mabel Talbert to Ernest Kessler and Norman Kessler, recorded February 27, 1945 in Book 173, Page 49, Umatilla County Deed Records.
11. Deed of Trust, including the terms and provisions thereof, executed by Anthony B. Turner and Joyce Turner, Husband and Wife as grantor, to First American Title Insurance Company as trustee for Bank of America, N.A., Beneficiary, Dated March 8, 2007, Recorded March 9, 2007, Instrument No. 2007-5160191, Umatilla County Microfilm Records, given to secure the payment of \$188,000.00.

NOTE: Any map or sketch enclosed for information purposes only to assist in identifying other parcels. No representation or liability for any loss occurring

with is furnished for with reference to streets and and the company assumes no thereon.

Bank of America  
(Beneficiary)  
has been  
notified.

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SCHEDULE "C"

The land referred to in the Policy is described as follows:

Beginning at the Northeast corner of Section 26, Township 6 North, Range 35, E.W.M.; thence West on Section line, 31.74 chains; thence South 281.46 feet to the true point of beginning for this description; thence South 281.46 feet; thence East to a point 55 feet West of the North-South centerline of the Northeast Quarter of said Section 26, and 563.2 feet South of the North line of said Section 26; thence North and parallel with said North-South centerline of the Northeast Quarter of said Section 26, a distance of 281.6 feet; thence West to the point of beginning;

EXCEPTING THEREFROM 1/2 Interest in the Well located thereon, as conveyed to Ernest and Norman Kessler, recorded in Book 173, Page 49, Deed Records, Umatilla County, Oregon;

All being East of the Willamette Meridian, County of Umatilla, State of Oregon;

SUBJECT to any and all water rights of way and roads.

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WATER RESOURCES DEPT  
SALEM, OREGON



2007 5160190



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2007-5160190

1 of 2

MAR 09 2007

UMATILLA COUNTY  
RECORDS

After recording return to:

Anthony B. Turner

84822 Didion Lane

Milton Freewater, OR 97862

Until a change is requested all

tax statements shall be sent to

The following address:

Anthony B. Turner

84822 Didion Lane

Milton Freewater, OR 97862

Escrow No. MF0058571

Title No. 0058571

SWD

COF State of Oregon

County of Umatilla

This instrument was received  
and recorded on

03-09-07 at 11:30

in the record of instrument  
code type DE-WD

Instrument Number 2007-5160190  
Fee 31.00

Office of County Records

Records Officer

### STATUTORY WARRANTY DEED

**Kevin R. Weaver and Dena R. Weaver, as tenants by the entirety**, Grantor(s) hereby convey and warrant to **Anthony B. Turner and Joyce Turner, husband and wife**, Grantee(s) the following described real property in the County of **Umatilla** and State of Oregon free of encumbrances except as specifically set forth herein:

Beginning at the Northeast corner of Section 26, Township 6 North, Range 35, E.W.M.; thence West on Section line, 31.74 chains; thence South 281.46 feet to the true point of beginning for this description; thence South 281.46 feet; thence East to a point 55 feet West of the North-South centerline of the Northeast Quarter of said Section 26, and 563.2 feet South of the North line of said Section 26; thence North and parallel with said North-South centerline of the Northeast Quarter of said Section 26, a distance of 281.6 feet; thence West to the point of beginning;

EXCEPTING THEREFROM 1/2 Interest in the Well located thereon, as conveyed to Ernest and Norman Kessler, recorded in Book 173, Page 49, Deed Records, Umatilla County, Oregon;

All being East of the Willamette Meridian, County of Umatilla, State of Oregon;

SUBJECT to any and all water rights of way and roads.

Serial #128947

6N 35 26 A 1500 7-11

The above-described property is free of encumbrances except all those items of record, if any, as of the date of this deed and those shown below, if any:

~~NONE~~ Real Taxes, plus interest, if any, by reason of Farm Use Assesment.

The true and actual consideration for this conveyance is **\$235,000.00**.

BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON TRANSFERRING FEE TITLE SHOULD INQUIRE ABOUT THE PERSON'S RIGHTS, IF ANY, UNDER ORS 197.352. 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 APPROVED USES AND 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 197.352.

✓ - OK.  
← This describes  
T.L. 1500  
in T. 6N,  
R. 35E,  
Sec. 26.  
8-14-07

RECEIVED

APR 09 2007

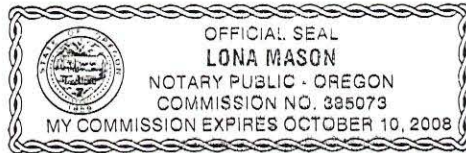
WATER RESOURCES DEPT  
SALEM, OREGON



2007-5160190 2 of 2

Dated this 8<sup>th</sup> day of March, 07.

Kevin R. Weaver  
Kevin R. Weaver



10366

Dena R. Weaver  
Dena R. Weaver

State of Oregon  
County of Umatilla

This instrument was acknowledged before me on 3/8, 2007 by Kevin R. Weaver and Dena R. Weaver.

[Signature]  
(Notary Public for Oregon)

My commission expires 10/10/08

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WATER RESOURCES DEPT  
SALEM, OREGON





Oregon Water Resources Department  
Land Use Information Form

THIS FORM IS NOT REQUIRED IF: 1) water is to be diverted, conveyed, and/or used only on federal lands; or 2) the application is for a water-right transfer, allocation of conserved water, exchange, permit amendment, or ground water registration modification, and all of the following apply: a) only the place of use is proposed for change, b) there are no structural changes, c) the use of water is for irrigation, and d) the use is located in an irrigation district or exclusive farm-use zone.

Applicant Name: Anthony B. + Joyce L. Turner  
Mailing Address: 84822 Didion Lane  
City: Millon-Freewater State: OR Zip: 97862 Day Phone: (541) 966-3959

This application is related to a Measure 37 claim. ☐ Yes ☒ No

**A. Land and Location**

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

Township	Range	Section	1/4 1/4	Tax Lot #	Plan Designation (e.g. Rural Residential/RR-5)	Water to be:	Proposed Land Use:
<u>6N</u>	<u>35E</u>	<u>26</u>	<u>none</u>	<u>1500</u>	<u>BB-4</u>	<input checked="" type="checkbox"/> Diverted <input checked="" type="checkbox"/> Conveyed <input checked="" type="checkbox"/> Used	<u>Irrigation</u>
						<input type="checkbox"/> Diverted <input type="checkbox"/> Conveyed <input type="checkbox"/> Used	
						<input type="checkbox"/> Diverted <input type="checkbox"/> Conveyed <input type="checkbox"/> Used	
						<input type="checkbox"/> Diverted <input type="checkbox"/> Conveyed <input type="checkbox"/> Used	

List all counties and cities where water is proposed to be diverted, conveyed, or used. \_\_\_\_\_

**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      ☐ Exchange of Water  
☐ Allocation of Conserved Water      ☐ Limited Water Use License  
☒ Permit Amendment or Ground Water Registration Modification

Source of water: ☐ Reservoir/Pond ☒ Ground Water ☐ Surface Water (name) \_\_\_\_\_

Estimated quantity of water needed: 13.5 ☐ 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: GR well no longer useable, replaced with new well.

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

**Receipt for Request for Land Use Information**

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

RECEIVED

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WATER RESOURCES DEPT  
SALEM, OREGON

T 10366

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 proposed water uses (including proposed construction) are allowed outright or are not regulated by your comprehensive plan. Cite applicable ordinance section(s): 152.156 (1) Farm Use  
pursuant to Section 152.027
- ☐ Land uses to be served by proposed water uses (including proposed construction) involve discretionary land-use approvals as listed in the table below. (Please attach documentation of applicable land-use approvals which have already been obtained. Record of Action/land-use decision and accompanying findings are sufficient.)  
If approvals have been obtained but all appeal periods have not ended, check "Being pursued".

Type of Land-Use Approval Needed (e.g. plan amendments, rezones, conditional-use permits, etc.)	Cite Most Significant, Applicable Plan Policies & Ordinance Section References	Land-Use Approval:	
		<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being pursued <input type="checkbox"/> Not being pursued
		<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being pursued <input type="checkbox"/> Not being pursued
		<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being pursued <input type="checkbox"/> Not being pursued
		<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being pursued <input type="checkbox"/> Not being pursued
		<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being pursued <input type="checkbox"/> Not being pursued
		<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: CAROL JOHNSON Title: Planner

Signature: Carol Johnson Phone: 541 278-6252 Date: 4-3-07

Government Entity: \_\_\_\_\_

**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: \_\_\_\_\_