

T-10383

T-10383

TEMPORARY

Name Bert and Terri Siddaway

By \_\_\_\_\_

Address PO Box 115Durkee OR 97905541-877-2444 541-403-0490 cellChange in POU APD

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

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

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

Date of order 6-22-07 Vol. 72, page 470

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

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

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

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

## DESCRIPTION OF WATER RIGHT

POD 1 Pritchard Creek  
 Name of stream 2 Alder Creek  
POD 1 Burnt River  
 Trib. of 2 Pritchard Creek County of Baker  
 Use IR

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

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

Date of priority 1880, 1881, 1882, 1884, 1908In name of TP MooreBurnt River Adjudication, Vol. \_\_\_\_\_, page \_\_\_\_\_App. No. \_\_\_\_\_ Per. No. \_\_\_\_\_ Cert. No. 5971

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

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

## FEES PAID

Date	Amount	Receipt No.
<u>5/7/07</u>	<u>275.00</u>	<u>87449</u>
TOTAL . . .		
	Cert. Fee	

## FEES REFUNDED

Date	Amount	Check No.
<u>7/13/07</u>	<u>18.00</u>	<u>83</u>

## REMARKS

Agent: Peggy Browne 50809 Ellis Road North Powder, OR 97867 541-898-2600 Fax  
ID: Burnt River Irrigation District 19498 Hwy #245, Hereford, OR 97837 541-519-4908 WR  
Baker County Planning Department 1995 3rd St. Baker City OR 97814 541-898-2805 HM



# 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

July 17, 2007

BERT SIDDOWAY  
TERRI SIDDOWAY  
PO BOX 115  
DURKEE OR 97905

Reference: Temporary Transfer 10383

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

The change shall be effective at the end of the 2006 irrigation season. The use shall revert to the authorized place of use at the end of the 2011 irrigation season. Enclosed is a refund check in the amount of \$18.00 for excess fees collected.

Sincerely,

*Don* Doug Parrow  
Natural Resource Specialist

DP:sh

cc: Watermaster #8  
Peggy Browne, Agent  
Burnt River Irrigation District  
Baker County Planning Department  
Fiscal

Enclosure



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

In the Matter of Transfer Application	)	FINAL ORDER APPROVING A
T-10383, Baker County	)	TEMPORARY CHANGE IN PLACE OF
	)	USE AND AN ADDITIONAL POINT OF
	)	DIVERSION

**Authority**

ORS 537.705 and 540.505 to 540.580 establish the process in which a water right holder may submit a request to temporarily transfer the place of use and, if necessary to convey the water to the temporary place of use, the point of diversion authorized under an existing water right. OAR Chapter 690, Division 380 implements the statutes and provides the Department's procedures and criteria for evaluating transfer applications.

**Applicant**

BERT AND TERRI SIDDOWAY  
PO BOX 115  
DURKEE OR 97905

**Findings of Fact**

1. On May 7, 2007, Bert and Terri Siddoway filed an application to temporarily change the place of use and to add an additional point of diversion under Certificate 5971 for a period of five years. The Department assigned the application number T-10383.

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

**Certificate:** 5971 in the name of T. P. MOORE (confirmed by Burnt River Decree)

**Use:** IRRIGATION of 82.0 ACRES

**Priority Date:** 1880, 1882 and 1908

**Limit/Duty:** not to exceed 3 acre feet per acre during the irrigation season (with the further limitations contained in Paragraph 64 of said decree)

**Source:** ALDER CREEK, tributary to PRITCHARD CREEK

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

This is an order in other than a contested case. This order is subject to judicial review under ORS 183.484. Any petition for judicial review must be filed within the 60 day time period specified by ORS 183.484(2). Pursuant to ORS 536.075 and OAR 137-004-0080, you may 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.

**Authorized Points of Diversion:**

Ditch Name	Priority Date
MOORE DITCH #5	1908
MOORE DITCH #2	1882
MOORE DITCH #3	1880
MOORE DITCH #6	1882

**Authorized Place of Use:**

Twp	Rng	Mer	Sec	Q-Q	Priority	Acres
11 S	43 E	WM	18	NE SW	1882	5.0
11 S	43 E	WM	18	NW SE	1882	14.0
11 S	43 E	WM	18	SW SE	1882	5.0
11 S	43 E	WM	18	SW SE	1908	23.0
11 S	43 E	WM	18	SE SE	1880	15.0
11 S	43 E	WM	19	NE NE	1908	15.5
11 S	43 E	WM	19	SE NE	1908	4.5

3. An additional point of diversion is necessary to convey the water to the proposed temporary place of use. Application T-10383 proposes to add a point of diversion located approximately 2100 feet upstream from the existing authorized point of diversion described as Moore Ditch #2 and 3500 feet upstream from the existing authorized point of diversion described as Moore Ditch #3. The additional point of diversion is described as follows:

Twp	Rng	Mer	Sec	Q-Q	Survey Coordinates
11 S	43 E	WM	18	SW NW	650 FEET NORTH AND 400 FEET EAST FROM THE W1/4 CORNER OF SECTION 18

4. Application T-10383 proposes to change the place of use of the right to:

Twp	Rng	Mer	Sec	Q-Q	Acres	Priority
11 S	43 E	WM	18	SE SW	2.0	1882
11 S	43 E	WM	18	SW SE	14.0	1882
11 S	43 E	WM	18	SW SE	6.0	1880
11 S	43 E	WM	18	SE SE	4.0	1880
11 S	43 E	WM	19	NE NE	1.0	1880
11 S	43 E	WM	19	NE NE	10.0	1908
11 S	43 E	WM	19	NW NE	26.0	1908
11 S	43 E	WM	19	NW NE	4.0	1880
11 S	43 E	WM	19	NW NE	6.0	1882
11 S	43 E	WM	19	SW NE	4.0	1908
11 S	43 E	WM	19	NE NW	3.0	1908
11 S	43 E	WM	19	NE NW	2.0	1882

5. Notice of the application for temporary transfer was published on May 22, 2007, pursuant to ORS 540.520 and OAR 690-380-4000. No comments were filed in response to the notice. However, the Oregon Department of Fish and Wildlife (ODFW) did indicate that the new point of diversion requires a fish screening and/or by-pass device. However, the diversion may be used for up to two years pending a determination of whether cost share assistance



under ODFW's cost share program is available. If cost share funds do not become available, the water user must screen within the indicated time period regardless of the availability of cost share funding.

6. Application T-10383 proposes to temporarily transfer water rights within the boundaries of Burnt River Irrigation District. The district was notified of the proposed temporary transfer and did not provide any comments.
7. Water has been used within the last five years according to the terms and conditions of the right, and there is no information in the record that would demonstrate that the right is subject to forfeiture under ORS 540.610.
8. A diversion structure and ditch sufficient to use the full amount of water allowed under the existing right are present.
9. The proposed change would not result in enlargement of the right.
10. The proposed change would not result in injury to other water rights. This finding is made through an abbreviated review recognizing that the transfer may be revoked under ORS 540.523(6) if the Department later finds that the transfer is causing injury to any existing water right.

#### **Conclusions of Law**

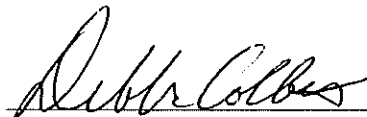
The temporary changes in place of use and an additional point of diversion proposed in application T-10383 are consistent with the requirements of ORS 540.523 and OAR 690-380-8000.

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

1. The changes in place of use and an additional point of diversion proposed in application T-10383 are approved.
2. The former place of use **shall not** be irrigated as part of this water right during the 2007, 2008, 2009, 2010 and 2011 irrigation seasons.
3. The use shall revert to the authorized place of use at the end of the 2011 irrigation season. The authorization to use the additional point of diversion shall be terminated concurrently.
4. The approval of this temporary transfer may be revoked or modified if the Department finds the change causes injury to any existing water right.
5. A subsequent application for permanent transfer of Certificate 5971 shall be subject to a full and complete review to determine consistency with the requirements of OAR Chapter 690, Division 380. Approval of this temporary transfer does not establish a precedent for approval of a subsequent application filed for a permanent transfer.

6. The use of water at the temporary place of use authorized by this transfer shall be in accordance with the terms and conditions of Certificate 5971.
7. The time during which water is used under this approved temporary transfer does not apply toward a finding of forfeiture under ORS 540.610.
8. Prior to diverting water at the new point of diversion, the water user shall install an in-line flow meter or other suitable device for measuring and recording the quantity of water used. 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.
9. The use of the remaining water right described by Certificate 5971 shall continue to be in accordance with the terms and conditions of Certificate 5971.
10. Within **two** years after the date of this order, the water user shall install a fish screening and/or by-pass device, as appropriate, at the new point of diversion consistent with the Oregon Department of Fish and Wildlife's (ODFW) design and construction standards. Prior to installation, the water user shall obtain written approval from ODFW that the required screen and/or by-pass device meets ODFW's criteria. The water user may withdraw water at the new point of diversion without screening or by-pass devices until two years after the date of this order. Prior to submitting a Claim of Beneficial Use, the water user must obtain written approval from ODFW that the required screening and/or by-pass device was installed to the state's criteria. The water user shall maintain and operate the fish screen and/or by-pass device, as appropriate, at the point of diversion consistent with ODFW's operational and maintenance standards.

Dated at Salem, Oregon this 22<sup>nd</sup> day of June 2007.

  
Phillip C. Ward, Director

PM

Mailing Date: JUL 18 2007

# Water Right Transfer Checklist

Transfer T-10383

Transfer Specialist: Susan

Transfer Type: Temporary

Applicant Name/Address: Bert & Terri Siddoway; PO Box 115; Durkee OR 97905

Agent Name/Address: Peggy Browne; 50809 Ellis Rd; North Powder OR 97867

CWRE Name/Number: NONE

Rec Landowner Name/Address: NONE

Irr. District Name/Address: Burnt River Irrigation District; 19498 Hwy #245; Hereford, OR 97837

Affected Gov'ts Name/Address: Baker County Planning Department; 1995 3<sup>rd</sup> St.; Baker City, OR 97874

Commentors: Name/Address: NONE

*Temp  
5yr  
2007-2011*

## Water Rights Affected

Records Marked	Records Copied	App File No. or Decree Name	Permit No.	Certificate No.	RR/CR Needed	RR/CR Nos.
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<u>Burnt River Decree</u>		5971	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<u>Temp</u>
<input type="checkbox"/>	<input type="checkbox"/>				<input type="checkbox"/> Yes <input type="checkbox"/> No	
<input type="checkbox"/>	<input type="checkbox"/>				<input type="checkbox"/> Yes <input type="checkbox"/> No	

## Key Dates & Initial Actions

Rec'd: <u>05/07/07</u>	Proposed Action(s): POU POD HST APOD USE OTHER: POU/APOD	
Fees Pd: <u>275</u>	WM District: <u>8</u>	ODFW District: <u>Nadine Craft</u>
Initial Notice: <u>05/22/07</u>	WM Review sent: <u>05/22/07</u>	ODFW Review sent: <u>05/22/07</u>
Acknowledgement Letter Sent <input checked="" type="checkbox"/>		GW Review sent: <u>NONE</u>

## Processing Dates & Actions

Deficiency Contacts: \_\_\_\_\_

Newspaper Pub Affid Due: \_\_\_\_\_

☐ not required

DPD Mailed: \_\_\_\_\_

Affid of Pub Rec'd: \_\_\_\_\_

☐ ODFW contact sheet sent with DPD, or ☐ N/A

Last Day Published: \_\_\_\_\_

PD Mailed: \_\_\_\_\_

Affidavit Reminder Sent: \_\_\_\_\_

PD Weekly Notice: \_\_\_\_\_

Reminder Deadline: \_\_\_\_\_

## Preliminary Determination

☐ Electronic Files uploaded

☐ Preliminary Determination

☐ PD Cover letter

☐ Fee Refund Due

☐ PD Notice

☐ Remaining Rights

☐ File Assigned/ ModPod updated

DPD Review (Optional)	PD Review (Salem)	Final Order Review (Salem)
Reviewer: _____ Date: _____ Coordinator: _____ Date: _____	Reviewer: _____ Date: _____ Coordinator: _____ Date: _____	Reviewer: _____ Date: <u>6-21-07</u> Coordinator: <u>POP</u> Date: <u>6/22/07</u>
Comments/Special Issues: <u>Added fish screen condition as per ODFW review.</u>		

Special Order Volume: Vol 72 Pages 470 Final Order Signature Date: 6-22-07

Notice of FO email'd to processors Susan



### Application

- ☒ The type of change is clearly indicated.
- ☒ The application is appropriately signed.
- ☒ Appropriate fees were paid. *NO* ☒ If overpayment, Refund Request to be sent with FO
- ☒ Land use form matches affected tax lots and is signed by proper official. (from ALL affected Govt's)
- ☒ Ditch company, district and/or BOR, sent a copy of the application and map, if appropriate.
- ☐ All required attachments received.

### Water right subject to transfer

- ☒ Certificated right or Proof accepted "to the satisfaction..."
- ☒ The right been exercised according to terms & conditions of certificate.
- ☒ Delivery system has the capacity to fully divert the rate/duty of the right.
- ☒ No information in record that suggests forfeiture.
- ☒ No conflicts identified on the plat cards and plat card reports printed.
- ☒ Affidavits prepared for rights that need to be canceled or diminished.

### Application Map

- ☒ The map has an original CWRE signature.
- ☒ The map size and scale accurate and appropriate per OAR 690-380-3100(1)(b)(c)&(d).
- ☒ All authorized and proposed POD's/POA's and POU's shown and clearly labeled.
- ☒ Metes and bounds for the POD's/POA's are properly described on the map.
- ☒ The POD/POA dimensions & 1/4 1/4 on map match the transfer application and certificate descriptions.
- ☒ Map acres match the tabulation on the certificate.
- ☒ Have final proof maps/deed maps for the rights. ☒ Application map matches certificate FPS.
- ☒ Have necessary aerial photos.

### Determining the "From" and "To" Lands (make working copy of application and certificates to mark on)

- ☒ Only the authorized POD's/POA's and POU's to be transferred are listed.
- ☒ Application & certificate tabulations match. (Mark on appl. and cert. copies and note corrections needed)
- ☒ Marked on certificate the acreage being transferred, cancelled and remaining by 1/4 1/4.

### Ownership

- ☒ The deed/ROLI matches the "from" lands. (Don't need to check "to" lands.)
- ☒ Have current tax lot map. (If transfer application is several years old, contact assessor's office)
- ☒ The applicant is the owner of the "from" lands.
- ☒ All owners on the deed/ROLI have signed the application.
- ☒ If necessary, there is a notarized, signed statement of consent from landowners other than applicant.
- ☒ If necessary, there is a copy of written notification to each lien holder identified on ROLI.
- ☒ Agent has authorization to make decisions.

### Evaluation (materials needed for peer reviewer in bold)

- |  |   |  |   |   |
|--|---|--|---|---|
| <input checked="" type="checkbox"/> application complete | <input checked="" type="checkbox"/> map         | <input checked="" type="checkbox"/> FPS (decree map)     | <input checked="" type="checkbox"/> evidence of use | <input checked="" type="checkbox"/> land-use form |
| <input checked="" type="checkbox"/> deed/ROLI            | <input checked="" type="checkbox"/> certificate | <input checked="" type="checkbox"/> fees paid            | <input checked="" type="checkbox"/> well logs       | <input checked="" type="checkbox"/> plat card     |
| <input checked="" type="checkbox"/> audit                | <input checked="" type="checkbox"/> dpd         | <input checked="" type="checkbox"/> needs refund of \$18 |   |   |

Reviews/comments/conditions received?

Headgate

Measuring Devices

Injury: Y N

Conditions to avoid enlargement/injury -

☐ When in the judgment

☐ When in the judgment

Enlargement: Y N

☒ Watermaster

☒ Prior to diverting

☒ Prior to diverting

☒ ODFW

☐ Existing and maintain

☐ Existing and maintain

☒ GW

**WATER RESOURCES DEPARTMENT**  
**REQUEST FOR DISTRIBUTION OF FUNDS**

TO: **Fiscal Services Section**

DATE: June 21, 2007

FROM: Susan Douthit, Transfer Specialist  
Phone: 6-0858

SUBJECT: **TRANSFER FILE**                      **Request for Refund**

**TRANSFER FILE #: T-10383      RECEIPT #:87449**

Please prepare payment in the amount of \$18.00, made payable to:

Name: Bert Siddoway  
Address: PO Box 115  
City: Durkee, OR 97905

These funds are being refunded as a result of (check one):

☐ Request for file to be Rejected/Withdrawn/Misfiled  
☒ ~~XXXX~~ Excess fees were collected for application  
☐ Payment of PON  
☐ Protest filing fee  
☐ Other: \_\_\_\_\_

I have reviewed this distribution request and have determined the request to be justified as to the purpose indicated above. Fiscal Services is hereby authorized to process the requested distribution.

Authorized Signature: \_\_\_\_\_

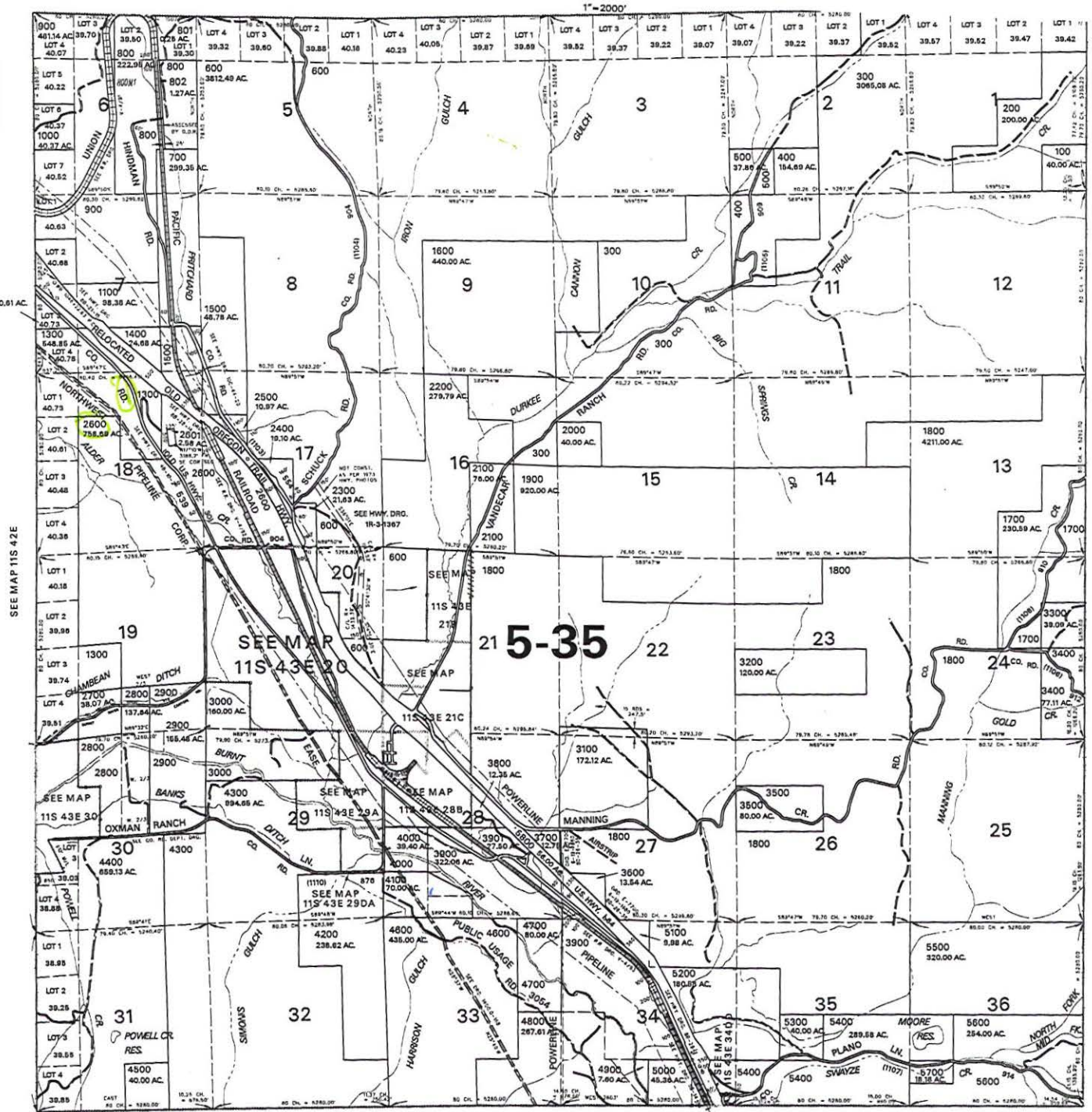
*Susan Douthit*

Date: \_\_\_\_\_

*6/22/07*

*0205  
46111*





# 11S 43E & INDEX

CANCELLED NO.  
1700M1  
1800M1 THRU  
1800M4

SEE MAP 11S 44E

REVISED: DJ  
08/17/04

# 11S 43E & INDEX

SEE MAP 12S 43E



Name and Postoffice Address of Appropriator	Date of Relative Priority	Amount Cable Feet Per Second	Number Acres	Use	Name of Ditch	Stream	Description of Land or Place of Use
Moore, Mount  (Continued) 44926 55008 & 759105 18342 T# 3639	1879		94	Irrigation	7.5 ac. to / place Brown 115 ac. to / place	Manning Creek	17 acres in SW 1/4 NE 1/4 8 acres in NE 1/4 SE 1/4 25 acres in NW 1/4 SE 1/4 33 acres in SW 1/4 SE 1/4 3 acres in SE 1/4 SE 1/4 Section 34, 8 acres in NW 1/4 SW 1/4 Section 35, T. 11 S. R. 43 E. W. M.
May 29, 1888	101		Irrigation	Shook	Burnt River		2 acres in NE 1/4 NW 1/4 31 acres in NW 1/4 NW 1/4 18 acres in SW 1/4 NW 1/4 33 acres in SE 1/4 NW 1/4 17 acres in NE 1/4 SW 1/4 Section 34, T. 11 S. R. 43 E. W. M.
5969 Moore, T. B. Baker, Oregon.	1881		65	Irrigation	Moore #8	Pritchard Creek	5 acres in SE 1/4 SE 1/4 Section 7, 5 acres in NW 1/4 SW 1/4 Section 17, 30 acres in NE 1/4 NE 1/4 22 acres in SE 1/4 NE 1/4 3 acres in NE 1/4 SE 1/4 Section 18, T. 11 S. R. 43 E. W. M.
1882	30		Irrigation	Moore #9	Pritchard Creek		5 acres in NW 1/4 SW 1/4 25 acres in SE 1/4 SW 1/4 Section 17, T. 11 S. R. 43 E. W. M.
1884	45		Irrigation	Hindman #1	Pritchard Creek		25 acres in SE 1/4 SE 1/4 Section 7, 15 acres in SW 1/4 NW 1/4 Section 17, 5 acres in NE 1/4 NE 1/4 Section 18, T. 11 S. R. 43 E. W. M.
5971 Moore, T. P. Durkee, Oregon.	1881		32	Irrigation	Moore #8	Pritchard Creek	32 acres in SW 1/4 SW 1/4 Section 17, T. 11 S. R. 43 E. W. M.
1882 650' N + 400' E, W 1/4 18	46		Irrigation	Moore Nos. 1, 2, 4, & 6.	Alder Creek		5 acres in NE 1/4 SW 1/4 36 acres in NW 1/4 SE 1/4 5 acres in SW 1/4 SE 1/4 Section 18, T. 11 S. R. 43 E. W. M.
(Note: 35 acres under ditches #2 and #4 also irrigated from Pritchard Creek through ditch #8)	1880		35	Irrigation	Moore #3	Alder Creek	35 acres in SE 1/4 SE 1/4 Section 18, T. 11 S. R. 43 E. W. M.
1884	6		Irrigation	Moore #7	Alder Creek		6 acres in SW 1/4 SW 1/4 Section 17, T. 11 S. R. 43 E. W. M.
50'S + 975' W 1/4 (uncertainties), 18	1908		23	Irrigation	Moore #5	Alder Creek	23 acres in SW 1/4 SE 1/4 Section 18, T. 11 S. R. 43 E. W. M.
1908 650' N + 400' E, W 1/4, 18	20		Irrigation	Moore #2 and #8	Alder & Pritchard Creeks		15.5 acres in NE 1/4 NE 1/4 4.5 acres in SE 1/4 NE 1/4 Section 19, T. 11 S. R. 43 E. W. M.
5972 Morfitt, Wm. L. Unity, Oregon. Ch. Pto. Div Sp. Or. Vol. 5 p 571	1888		360	Irrigation & Storage	Campbell Elms	S. Fork Burnt	40 acres in NE 1/4 SW 1/4 40 acres in SE 1/4 SW 1/4

# Water Rights Platcard Report

Meridian: WILLAMETTE Township: 11 South Range: 43 East Section: 19 Records per Page: 100 Search

Water Right	Changing Xfers	Priority	Use	Use Status	DLC	Gov't Lot	QQ(40): Q(160):	NE NE	NW NE	SW NE	SE NE	NE NW	NW NW	SW NW	SE NW	NE SW	NW SW	SW SW	SE SW	NE SE	NW SE	SW SE	SE SE	Unknwn QQ
Select Permit:S 45121 CN Additional Info: NORTHWEST PIPELINE CORP. App: S60550 Permit: S45121		8/27/1980	INDUSTRIAL/MANUFACTURING USES	CN				*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*
Select Permit:S 45272 CN Additional Info: NORTHWEST PIPELINE CORP. App: S60971 Permit: S45272		11/7/1980	INDUSTRIAL/MANUFACTURING USES	CN				*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*
Select Cert:5821 OR * Additional Info: JOE ALMADA Decree: BURNT RIVER Cert: 5821		3/18/1877	IRRIGATION																			13		
Select Cert:5907 OR * Additional Info: FRANCIS M GLENN Decree: BURNT RIVER Cert: 5907			IRRIGATION																			7	26	
Select Cert:5971 OR * Additional Info: T MOORE Decree: BURNT RIVER Cert: 5971	T10383	12/31/1908	IRRIGATION				15.5			4.5														
Select Cert:6000 OR * Additional Info: J F POWELL Decree: BURNT RIVER Cert: 6000		12/31/1890	IRRIGATION															8						
Select Cert:51711 OR * Additional Info: U.S. BUREAU OF RECLAMATION App: S16069 Cert: 51711	T6639, T6717	9/30/1935	IRRIGATION															18.8			22.6	24.2		
Select Cert:51711 OR * Additional Info: U.S. BUREAU OF RECLAMATION	T6639, T6717	9/30/1935	IRRIGATION			4												3.4						

App: S16069  
Cert: 51711

Acreage Legend:	12.25 Regular acreage	<del>12.25</del> Acreage is on a canceled right	(12.25) Acreage is part of a transfer and has not been proven up on yet (inchoate)	* Acreage is not specified
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# Water Rights Platcard Report

Meridian: WILLAMETTE Township: 11 South Range: 43 East Section: 18 Records per Page: 100 Search

Water Right	Changing Xfers	Priority	Use	Use Status	DLC	Gov't Lot	QQ(40):	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Unknown
Select Permit:S 45121 CN		8/27/1980	INDUSTRIAL/MANUFACTURING USES	CN						*		*	*	*	*					*	*	*	*	
Additional Info: NORTHWEST PIPELINE CORP. App: S60550 Permit: S45121																								
Select Permit:S 45272 CN		11/7/1980	INDUSTRIAL/MANUFACTURING USES	CN				*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	
Additional Info: NORTHWEST PIPELINE CORP. App: S60971 Permit: S45272																								
Select Cert:5969 OR *		12/31/1881	IRRIGATION				30				22									3				
Additional Info: T B MOORE Decree: BURNT RIVER Cert: 5969																								
Select Cert:5969 OR *		12/31/1884	IRRIGATION				5																	
Additional Info: T B MOORE Decree: BURNT RIVER Cert: 5969																								
Select Cert:5971 OR *	T10383	12/31/1880	IRRIGATION																				35	
Additional Info: T MOORE Decree: BURNT RIVER Cert: 5971																								
Select Cert:5971 OR *	T10383	12/31/1882	IRRIGATION												5						36	5		
Additional Info: T MOORE Decree: BURNT RIVER Cert: 5971																								
Select Cert:5971 OR *	T10383	12/31/1908	IRRIGATION																			23		
Additional Info: T MOORE Decree: BURNT RIVER Cert: 5971																								
Select Cert:6000 OR *		12/13/1889	IRRIGATION																	4				
Additional Info: T MOORE Decree: BURNT RIVER Cert: 6000																								

✓  
prior  
notified  
WRIS



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-10383

Review Due Date: 6.8.2007

Applicant Name: Bert & Terri Siddoway

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

Reviewer(s): Rick Lusk

Date of Review: 6.8.2007

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: N/A
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: The Burnt River is regulated yearly by the Burnt River Irrigation District. Stored water from Unity Reservoir is available
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: N/A
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: I don't believe there are 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: \_\_\_\_\_
10. What alternatives may be available for addressing any issues identified above: N/A



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:

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

Please return by 6-20-07  
Susan

RECEIVED

JUN 04 2007

WATER RESOURCES DEPT  
SALEM, OREGON

Oregon Department of Fish and Wildlife  
Water Right and Diversion Transfer Comment Form

(ODFW provides to WRD so that WRD can make findings according to statutory requirements)

Reference Transfer #: 10383

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

- ☐ The Oregon Department of Fish and Wildlife (ODFW) believes this proposed transfer may injure an instream water right(s) on

\_\_\_\_\_, tributary to \_\_\_\_\_. Because,  
(Stream)

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

(Please attach any available supporting information.)

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

B. Please check one of the following four boxes related to requiring a fish screen and/or by-pass device pursuant to ORS 540.525 or 540.532:

- ☐ 1. The new Point of Diversion (POD) requires a fish screening and/or by-pass device and is currently equipped with an appropriate fish screening and/or by-pass device.

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

**Finding of Fact:** The Oregon Department of Fish and Wildlife has determined that a fish screening and/or by-pass device is necessary at the new point of diversion to prevent fish from entering the diversion and/or safely transport fish back to the body of water from which the fish were diverted and that the diversion is currently equipped with an appropriate fish screening and/or by-pass device.

**Condition:** The water user shall maintain and operate a fish screening and/or by-pass device, as appropriate, at the point of diversion consistent with the Oregon Department of Fish and Wildlife's operational and maintenance standards.

- ☐ 2. The new Point of Diversion (POD) requires a fish screening and/or by-pass device prior to water being diverted. The diversion may be eligible for cost share assistance under ODFW's cost share program.

Option 2 should generally be selected if listed fish species are present at the point of diversion and/or the originating water right diversion is currently screened. If Option 2 is

Please return all 4 pages to: Transfers Section, Water Resources Department,  
725 Summer St. NE, Suite A, Salem, OR 97301-1271

The electronic version of this form is available at: <http://www1.wrd.state.or.us/msword/ODFWScreen.doc>.

*selected, provide contact information on the "Fish Screening and Passage Information" sheet. The new diversion may be eligible for cost-share.*

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

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

**Condition:** *Prior to diverting water, the water user shall install a fish screening and/or by-pass device, as appropriate, at the new point of diversion consistent with the Oregon Department of Fish and Wildlife's (ODFW) design and construction standards. Prior to installation, the water user shall obtain written approval from ODFW that the required screen and/or by-pass device meets ODFW's criteria. Prior to submitting a Claim of Beneficial Use, the water user must obtain written approval from ODFW that the required screening and/or by-pass device was installed to the state's criteria. The water user shall maintain and operate the fish screen and/or by-pass device, as appropriate, at the point of diversion consistent with ODFW's operational and maintenance standards.*

- ☒ 3. The new Point of Diversion (POD) requires a fish screening and/or by-pass device. However, the diversion may be used for up to two years pending a determination of whether cost share assistance under ODFW's cost share program is available.

*If Option 3 is selected, provide contact information on the "Fish Screening and Passage Information" sheet. Except in extraordinary circumstances, Option 3 should NOT be checked if listed fish species are present at the point of diversion, the originating water right diversion is screened, cost-share funds are currently available, or the diversion is not eligible for ODFW's cost-share program. If extraordinary circumstances are present, please explain:*

---

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

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

**Condition:** *Within two years after the date of this order, the water user shall install a fish screening and/or by-pass device, as appropriate, at the new point of diversion consistent with the Oregon Department of Fish and Wildlife's (ODFW) design and construction standards. Prior to installation, the water user shall obtain written approval from ODFW that the required screen and/or by-pass device meets ODFW's criteria. The water user may withdraw water at the new point of diversion without screening or by-pass devices until two years after the date of this order. Prior to submitting a Claim of Beneficial Use, the water user must obtain written approval from ODFW that the required screening and/or by-pass device was installed to the state's criteria. The water user shall maintain and operate the fish screen and/or by-pass device, as appropriate, at the point of diversion consistent with ODFW's operational and maintenance standards.*



- ☐ 4. The new Point of Diversion (POD) does not currently require a fish screen and/or by-pass device, however, the permittee may be required in the future to install, maintain, and operate fish screening and/or by-pass devices.

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

**Finding of Fact:** *The Oregon Department of Fish and Wildlife has determined that a fish screening and/or by-pass device may be required in the future at the new point of diversion to prevent fish from entering the diversion and/or safely transport fish back to the body of water from which the fish were diverted and that the diversion is not currently equipped with an appropriate fish screening and/or by-pass device.*

**Condition:** *Within one year after receiving written notification from the Oregon Department of Fish and Wildlife (ODFW) that a fish screening and/or by-pass device is required, the water user shall install a screening and/or by-pass device, as appropriate, at the new point of diversion. The fish screening and/or by-pass device must meet ODFW's design and construction standards. Prior to installation, the water user shall obtain written approval from ODFW that the required screening and/or by-pass device meets ODFW's criteria. Once installed the water user shall maintain and operate the fish screening and/or by-pass device, as appropriate, at the point of diversion consistent with ODFW's operational and maintenance standards.*

James D. Bailey 5-29-07  
Signature

Timothy D. Baden  
Printed Name

District Fish Biologist  
Title

(541) 962-1829  
Phone

**RECEIVED**

**JUN 04 2007**

**WATER RESOURCES DEPT  
SALEM OREGON**

copy made  
+ mailed  
of final  
order  
JH

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

Transfer # 10383

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

- ☒ Fish screening and/or fish by-pass devices are required as a condition of this transfer. The fish screen and/or by-pass device must meet ODFW's design, construction, operational and maintenance standards. Fish screening prevents fish from entering the diversion, while a by-pass device safely transports fish back to the body of water from which the fish were diverted.

Pursuant to ORS 498.306, cost share funds may be available to assist in the installation of fish screening and by-pass devices at diversions.

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

ODFW staff name: Kelly Stokes  
Address: P.O. Box 515  
City/State/Zip: John Day, OR 97845  
Phone: (541) 575-0561

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

ODFW staff name: Tim Bailey  
Address: 107 20th Street  
City/State/Zip: La Grande, OR 97850  
Phone: (541) 962-1829



# 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

May 18, 2007

BERT & TERRI SIDDOWAY  
PO BOX 115  
DURKEE OR 97905

Reference: Temporary Transfer 10383

On May 7, 2007 we received your water right transfer application requesting a change in place of use, additional point of diversion for use of water from PRITCHARD CREEK AND ALDER CREEK, tributary to BURNT RIVER AND PRITCHARD CREEK. The application was accompanied by \$275.00. Our receipt 87449 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.

Pursuant to OAR 690-380-8010, the lands from which an irrigation water right is to be transferred and the land to which the right is to be transferred may not both receive water during the same season. If the temporary transfer is approved during an irrigation season and water has already been used at the currently authorized location during that season, then the temporary transfer will not take effect until the following season.

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)986-0900.

cc: Watermaster #8  
Nadine Craft, ODFW  
Peggy Browne, Agent  
Burnt River Irrigation District  
Baker County Planning Department

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 05/22/07

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. 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.

County: BAKER  
Transfer: 10383  
Water Right: CERT 5971  
Priority Date: 1880, 1881, 1882, 1884, 1908  
Name: BERT & TERRI SIDDOWAY  
Address: PO BOX 115; DURKEE OR 97905  
Change: POU/APOD  
Source: PRITCHARD CR/ALDER CR  
Authorized APOD: T11S R43E 18  
Proposed APOD: T11S R43E 18  
Authorized POU: T11S R43E 18, 19  
Proposed POU: T11S R43E 18, 19

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. Comments should be sent to the Transfers Section at the Department's Salem office.

Indicate in this column whether or not the item is satisfied.

## Temporary Transfer Application – OAR 690-380 3000 & 3100

### Completeness Checklist

Applicant's Name: Siddoway

(Form last revised: March 13, 2007)

#### Section A – Status of Right

Is this a Water Right that can be transferred?

[OAR 690-380-0100(14)]

**NOTE:** The Department can accept a Transfer application for any right that is:

- OK
- 1) an adjudication with a court decree; *or*
  - 2) a certificate that is not cancelled; *or*
  - 3) a transfer that's been approved & A COBU has been received by the Department

If the subject right does not fall into any of the above categories, **RETURN** the application & fee to the applicant.

#### Section B – Type of Change

Is the proposed change(s) allowed under the Temporary Transfer process?

[ORS 540.523]

**NOTE:** Only **POU** changes are allowed on Temporary Transfers.

**UNLESS...** POA/POD change is necessary to convey water to the new temp place of use.

**OR** - Character of Use of storage right (R-xxxxx)

**OR** - In the Deschutes Basin, a change in Use from irrigation to municipal is allowed.

OK  
If the application proposes a change other than those listed above, **RETURN** the application & fee to the applicant.

#### Section C - Fees

Have the appropriate fees been paid?

Total Required Fees: 257

OK  
     Fee Schedule – ORS 536.050(1)(i)

Total Fees Paid: 275

\$175 - Base (1<sup>st</sup> CFS of water)

+ \$ 1 - Per acre of land irrigated

+ \$ 75 - For each cfs or fraction thereof beyond the 1<sup>st</sup> cfs for non-irrigated land

Fees Due (if any):     

Refund Due (if any): 18

If the applicant has **NOT** submitted the total fees required, **RETURN** the application & deficient fee to the applicant.

#### Section D – Completeness

Indicate in this column whether an item is incomplete, and if so, identify the deficiency.

Is the Temporary Transfer application complete?

All required elements necessary for a complete temporary transfer application are listed below.

**Indicate whether or not the applicant has answered and/or supplied attachments to adequately address each of the following items.** If any one of the items is deficient, then the application is incomplete.

**NOTE:** For reference, the application page number upon which each item is requested is identified.

If the application is **NOT** complete, **RETURN** the application & fee to the applicant.

OK • Type of transfer application clearly marks Temporary and indicates the number of years. (Page 1)

OK • Applicant's name, mailing address and contact information. (Page 1)

OK • Agent's name, mailing address and contact information, if applicable. (Page 1)

OK • Are the water rights to be affected by this temporary transfer listed? (Page 2)

If there are multiple water rights listed..... The applicant must supply a separate "set" of Supplemental Form A for each water right to be transferred.



	Checklist for Supplemental Form A – (Attachments)	
OK	• Certificate # filled in on each page?	(Page 1)
OK	• Type of change(s) proposed clear?	(Page 1)
OK	• Current Water Right information is complete?	(Page 2)
OK	<p>• If for a change in <b>POU</b>... (Page 2)</p> <p>Are there any “layered” irrigation rights, permits, or GR registrations appurtenant to the same place of use as the water right proposed to be transferred?    <b>YES</b>    <b>NO</b></p> <p>    If <b>YES</b>.... the other “layered” water uses subject to transfer must either change concurrently or be cancelled, except as provided in OAR 690-380-2240(5).</p> <p>    OR...applicant indicates supplemental right will not be exercised on “From” lands</p> <p>Are they included in application? If not, contact applicant or agent.</p>	
OK	<p>• Location description of the authorized POA/POD to be changed. (Page 3)</p> <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> <p>Additionally, if the existing authorized source is ground water (POA), the applicant must either:</p> <p>_____ 1) supply a copy of the well log(s), <u>or</u></p> <p>_____ 2) if well logs are <b>not available</b>, describe the construction of the well(s) in the table provided on page 3 of the supplemental form A application.</p>	
OK	<p>• Location description of the existing authorized POU and associated acres (if applicable). (Page 4)</p> <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 ?	<p>• Location description of the proposed POA/POD. (Page 5)</p> <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> <p>Additionally, if the proposed source is ground water (POA), the applicant must either:</p> <p>_____ 1) supply a copy of the well log(s), <u>or</u></p> <p>_____ 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 5 of the application.</p>	
OK	<p>• Location description of the proposed POU and associated acres (if applicable). (Page 6)</p> <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>	
	<b>Return back to Page 2 of transfer application</b>	
OK	• The type of change(s) being proposed.	(Page 2)
OK	• Reason for the temporary transfer.	(Page 2)
OK	• Description of current water delivery system.	(Page 2)
OK	• System Capacity.	(Page 2)
	<b>Checklist for Supplemental Form B – (Attachments)</b>	
OK	• Is there a box checked in #1?	(Page 1)



OK	<ul style="list-style-type: none"> <li>Is there a box checked in #2?</li> </ul>	(Page 1)
OK	<ul style="list-style-type: none"> <li>Does the description of POU on page 4 of the supplemental form A application, match authorized POU in question #3?</li> </ul>	(Page 1)
OK	<ul style="list-style-type: none"> <li>In question #4 and #5 are they filled out.</li> </ul>	(Page 2)
OK	<ul style="list-style-type: none"> <li>Is there a box checked in #6?</li> </ul>	(Page 2)
OK	<ul style="list-style-type: none"> <li>Is the #6 supporting documentation included with application?</li> </ul>	(Page 2)
OK	<ul style="list-style-type: none"> <li>Is there an original signature of the notary and notary stamp?</li> </ul>	(Page 2)
	<b>Return back to Page 3 of transfer application</b>	
OK	<ul style="list-style-type: none"> <li>Affected districts and local governments. If within a district/local government jurisdiction, ensure that name &amp; mailing address is provided. And agreement with district to deliver water to "To" lands</li> </ul>	(Page 3)
OK	<ul style="list-style-type: none"> <li>Is the applicant the Landowner of the "from" and "to" Lands? <b>YES</b> NO If <b>NO</b>..... The applicant must list current landowner name &amp; address. And include a notarized statement granting consent to the transfer from each landowner.</li> </ul>	(Page 4)
OK	<ul style="list-style-type: none"> <li>Who will be responsible for completion of the changes? Is a box checked? If no box is checked the applicant or agent must be contacted.</li> </ul>	(Page 4)
	<ul style="list-style-type: none"> <li>Map.....              ___ if more than 3 rights are included in transfer, is there a separate map for each water right?              ___ If larger than 8 1/2 X 14 - then 3 copies of map is needed &amp; an electronic pdf of map              ___ north arrow ___ size &amp; scale ___ other: _____              ___ authorized acreage per 1/4 1/4 matches the water right              ___ authorized POD/POA and POU (clearly shown, labeled &amp; matches application listing)              ___ point plotted for the authorized POD/POA agrees with location coordinates on supplemental form A and WR              ___ proposed POD/POA and/or POU (clearly shown, labeled &amp; matches application "proposed" listing)              ___ location coordinates accurately describe the point identified as the proposed POD/POA           </li> </ul>	(Page 5)
OK	<ul style="list-style-type: none"> <li>Land Use form, if applicable. Is the form signed by the local planning department staff? May be needed if the POD/POA or POU is moving a great distance <u>and</u> off of land originally involved in WR.</li> </ul>	(Page 5)
N/A	<ul style="list-style-type: none"> <li>If a groundwater right is involved, are the well logs or a description included.</li> </ul>	(Page 5)
OK	<ul style="list-style-type: none"> <li>Is a copy of the current deed included for the From lands?</li> </ul>	(Page 5)
OK	<ul style="list-style-type: none"> <li>Signature(s) of applicant(s): Are one of the boxes checked? (not needed for Temporary Transfer) <u>All</u> applicants listed on page 1 of the application <u>must</u> sign the application.</li> </ul>	(Page 6)
WRD Completeness Reviewer's Name: <u>Sarah Henderson</u> Date: <u>5-9-07</u>		

**STATE OF OREGON  
WATER RESOURCES DEPARTMENT**

RECEIPT # **87449**

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

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

RECEIVED FROM: Bert Saddoway  
BY: \_\_\_\_\_

APPLICATION	
PERMIT	
TRANSFER	T 10383

CASH: ☐ CHECK: # ☒ 1074 OTHER: (IDENTIFY) ☐ \_\_\_\_\_

TOTAL REC'D \$ 275.00

**1083 TREASURY 4170 WRD MISC CASH ACCT**

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

**4270 WRD OPERATING ACCT**

**MISCELLANEOUS**

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

**WATER RIGHTS:**

0201 SURFACE WATER	EXAM FEE \$ _____	0202 RECORD FEE \$ _____
0203 GROUND WATER	\$ _____	0204 \$ _____
0205 TRANSFER	\$ <u>275.00</u>	

**WELL CONSTRUCTION**

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

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

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

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

**0607 TREASURY 0467 HYDRO ACTIVITY LIC NUMBER**

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

**TREASURY OTHER / RDX**

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

RECEIPT: **87449**

DATE: 5/7/07

BY: Kath A. Burt





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

# Application for Water Right Transfer

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 TRANSFER APPLICATION

Please check one	
<input type="checkbox"/> Permanent Transfer	<input type="checkbox"/> Instream Transfer
<input checked="" type="checkbox"/> Temporary Transfer	<input type="checkbox"/> Permanent
• total number of years: <u>5</u>	<input type="checkbox"/> Time-Limited
(begin year: <u>2007</u> )	<input type="checkbox"/> Drought Transfer
(end year: <u>2012</u> )	<input type="checkbox"/> Other

## 2. APPLICANT INFORMATION

Name: Bert and Terri Siddoway  
First Last  
Address: PO Box 115  
Durkee Oregon 97905  
City State Zip  
Phone: (541)-877-2444 Same Cell: (541) 403-0490  
Home Work Other  
Fax: \_\_\_\_\_ E-Mail address: bertteri@bakervalley.net

## 3. AGENT INFORMATION

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

Name: Peggy Browne  
First Last  
Address: 50809 Ellis Road  
North Powder Oregon 97867  
City State Zip  
Phone: (541) 898-2805 (541) 519-4908  
Home Work Other  
Fax: (541) 898-2600 E-Mail address: pegbrowne@eoni.com

▪ 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.

RECEIVED

Jul 07 2007



#### 4. PROPOSED CHANGE(S) TO WATER RIGHT(S)

- List **all** water rights to be affected by this transfer. Indicate the certificate, permit, decree or other identifying number(s) in the table below: *(Attach additional pages as necessary.)*

	Application / Decree	Permit / Previous Transfer	Certificate
1.	Burnt River	N/A	5971
2.			
3.			
4.			
5.			
6.			

- Attach a **separate Supplemental Form A** *(Description of Proposed Change(s) to a Water Right)* for **each** water right listed above.
- Check **all** proposed change(s) included in this transfer application:  
☒ Place of Use      ☐ Point of Diversion      ☒ Additional Point of Diversion  
☐ Character of Use      ☐ Point of Appropriation      ☐ Additional Point of Appropriation  
☐ Instream Transfer      ☐ Surface Water source to Ground Water source
- Reason(s) for change(s): Move water to a more efficient irrigation system for better cropping and a more cost-effective use. All PODs will be maintained.

#### 5. WATER DELIVERY SYSTEM

- Describe the **current** water delivery system **or** the system that **was in place** at some time **within the last 5 years**. Include information on the pumps, canals, pipelines and sprinklers used to divert, convey and apply the water at the authorized place of use. If the transfer involves multiple rights that have independent systems, describe each system separately.

*The description must be sufficient to demonstrate that the full quantity of water to be transferred can be conveyed from the authorized source and applied at the authorized location and that the applicant is ready, willing, and able to exercise the right.*

Physical information of the ditches that currently deliver water:

Moore Ditch #5 delivers water from Alder Creek point of diversion (POD) of SW1/4NW1/4 Sec. 18 R43E T11S via an open irrigation ditch to 23 acres in the SW1/4SE1/4 Sec. 18 and 2 acres in SE1/4SE1/4 Sec. 18.

Moore Ditch #2 POD is Alder Creek in NE1/4SW1/4 Sec. 18 and currently delivers to 5 acres to NE1/4SW1/4 Sec. 18, 14 acres in NW1/4SE1/4 Sec. 18, 5 acres in SW1/4SE1/4 in Sec. 18, 13 acres in SE1/4SE1/4 Sec. 18, 15.5 acres in NE1/4NE1/4 Sec. 19, and 4.5 acres in SE1/4NE1/4 Sec. 19. The water is fed directly from the irrigation ditch and flood irrigated on all 82 acres mentioned above.

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- System capacity: \_total: 2.73\_\_ cubic feet per second (cfs). If the transfer involves multiple rights that have independent systems, describe the capacity for each system separately.

Moore Ditch #5 has water rights for 25 acres so the system capacity is 0.69 cfs.

Moore Ditch #2 has water rights for 80 acres so the system capacity is 2.04 cfs.

The 25 acres in Moore Ditch #5 is being combined with 57 acres from Moore Ditch #2 for a new pivot from Moore Ditch #5.

## 6. EVIDENCE OF BENEFICIAL WATER USE

- Attach one or more **Evidence of Use Affidavits** (Supplemental Form B) demonstrating that each of the right(s) involved in the transfer have been exercised in the last five years in accordance with the terms and conditions of the right or that a presumption of forfeiture for non-use could be rebutted. The Evidence of Use Affidavit(s) **must include supporting documentation** such as the following:
  - ▶ Copies of receipts from sales of irrigated crops or for expenditures relating to use of water;
  - ▶ Records such as Farm Service Agency crop reports, irrigation district records, an NRCS farm management plan, or records of other water suppliers;
  - ▶ Dated aerial photographs of the lands or other photographs containing sufficient detail to establish location and date of the photograph; *or*
  - ▶ If the right has **not** been used during the past five years, documentation that the presumption of forfeiture would be rebutted under ORS 540.610(2).

## 7. AFFECTED DISTRICTS AND LOCAL GOVERNMENTS

- Are any of the water rights proposed for transfer located within or served by an irrigation or other water district? ☒ Yes ☐ No
- Will any of the water rights be located within or served by an irrigation or other water district after the proposed transfer? ☒ Yes ☐ No
- Is water for any of the rights supplied under a water service agreement or other contract for stored water with a federal agency or other entity? ☐ Yes ☒ No

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

Burnt River Irrigation District, 19498 Hwy #245, Hereford, OR 97837

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

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

Baker County Planning Department      1995 3<sup>rd</sup> Street      Baker City, OR 97814

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

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## 8. LAND OWNERSHIP

- Does the applicant own the lands **FROM** which the right is being transferred? ☒ Yes ☐ No

*If "No", provide the following information. For Temporary Transfers, also include a notarized statement granting consent to the transfer from each of the landowners:*

Names of Current Landowner(s): \_\_\_\_\_  
First Last

Address: \_\_\_\_\_  
\_\_\_\_\_  
City State Zip

- Does the applicant own the lands **TO** which the right is being transferred?  
☒ Yes ☐ No ☐ N/A - NOT APPLICABLE TO INSTREAM TRANSFERS

*If "No", provide the following information:*

Names of Receiving Landowner(s): \_\_\_\_\_  
First Last

Address: \_\_\_\_\_  
\_\_\_\_\_  
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.
- ☐ N/A. (Not applicable. Application is for an Instream Water Right Transfer.)

## 9. ATTACHMENTS

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

### Supplemental Form A –

#### Description of Proposed Change(s) to a Water Right

- ☒ A separate Supplemental Form A is enclosed for each water right to be affected by this transfer.

### Supplemental Form B –

#### Evidence of Use Affidavit(s)

- ☐ At least one Evidence of Use Affidavit documenting that the right has been used during the last five years or that the right is not subject to forfeiture under ORS 540.610 is attached. The affidavit provided must be the original (not a copy), and
- ☒ The Evidence of Use Affidavit must be accompanied by supporting documentation.

### Map

- ☐ *Water Right Transfer*  
The map must be prepared by a Certified Water Right Examiner and meet the requirements of OAR 690-380-3100 unless a waiver has been granted. The map provided must be the original, not a copy.
- ☒ *Temporary Transfer or Historical POD Change*  
A map meeting the requirements of OAR 690-380-3100 must be included but need not be prepared by a Certified Water Right Examiner.

### Water Well Report(s)/Well Log(s):

- ☐ The application is for 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.)

### Land Use Information Form:

- ☒ Enclosed; *or*
- ☐ Not Required if all of the following are met:
- ① In EFU zone or irrigation district,
  - ② Change in place of use only,
  - ③ No structural changes needed, including diversion works, delivery facilities, other structures, *and*
  - ④ Irrigation only.

### Fees:

- ☒ Amount enclosed: \$ 275  
See the Department's Fee Schedule at [www.wrd.state.or.us](http://www.wrd.state.or.us) or call (503) 986-0900.

### Instream Water Right Transfers, also include:

### Supplemental Form C –

#### Instream Water Right Transfer

- ☐ Complete this form to describe the desired nature and attributes for the proposed instream water right.

### Temporary Transfers, also include:

### Recorded Deed:

- ☒ The applicant must submit a copy of the current deed of record for the land **from** which the authorized place of use or point of diversion/appropriation is being moved.

### Affidavit of Consent:

- ☐ If the applicant is **NOT** the owner of record for the land **from** which the authorized place of use or point of diversion/appropriation is being moved, a notarized statement from the actual owner of record consenting to the proposed transfer must be submitted.

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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.

**10. SIGNATURES**

- Check one of the following, as appropriate, and sign the application in the signature box below:


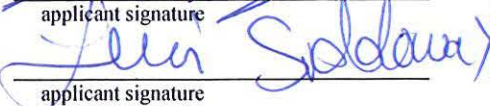
☒ In accordance with OAR 690-380-3000(13)(a), I (we) understand that prior to Department approval of a permanent transfer and upon my receipt of a draft Preliminary Determination for the proposed transfer, I (we) will be required [pursuant to OAR 690-380-4010(5)] to provide the following landownership information and evidence demonstrating that I (we) are authorized to pursue the transfer:

- (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 transfer 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 agreement and identification of the owner of the lands at the time the agreement was recorded must be submitted; and*
- (c) If the landowner identified in the report of ownership and lien information is not the applicant, a **notarized statement consenting to the transfer** (*attached*) signed by the landowner identified in the report or an authorized representative of the entity to whom the interest in the water right has been conveyed as identified in a water right conveyance agreement or other documentation demonstrating that the applicant is authorized to pursue the transfer in the absence of the consent of the landowner.

☐ 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 690-380-3000(13)(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 water right proposed for transfer is appurtenant by condemnation. Documentation is provided with this application supporting this statement. Therefore, pursuant to OAR 690-380-3000(13)(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 a transfer under this subsection if it has filed a condemnation action to acquire the property.*)

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

 applicant signature	Bert Siddoway name (print)	4-30-07 date
 applicant signature	Terri Siddoway name (print)	4-30-07 date

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## Water Right Transfer Supplemental Form A

### DESCRIPTION OF PROPOSED CHANGE(S) TO A WATER RIGHT

List only one water right per page. A separate Supplemental Form A must be completed for each certificate, permit, decree, or other right involved in the proposed transfer.

Attach additional copies of Supplemental Form A as needed to describe other certificates, permits, decrees or other rights involved in this transfer.

▪ Certificate Number or other identifying number: 5971 \_\_\_\_\_

### 1. TYPE OF CHANGE(S) PROPOSED

(Check *all* that apply.)

Point of Diversion or Appropriation	Place of Use	Character of Use
<input 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 transfer.) <input checked="" 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 transfer.) <input type="checkbox"/> <b>Historic Point of Diversion or Appropriation Change</b> (Unauthorized point of diversion or appropriation used for more than 10 years.) <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.) <input type="checkbox"/> <b>Point of Diversion Change due to Government Action</b> (The old point of diversion or appropriation can no longer be used due to government action.) <input type="checkbox"/> <b>Exchange</b> (Water from another source will be used in exchange for supplying an equal amount of replacement water to that source.)	<input type="checkbox"/> <b>All of the right will be exercised at a different location than currently authorized</b> (Use of water at the current location will be discontinued.) <input checked="" type="checkbox"/> <b>Only a portion of the right will be exercised at a different location than currently authorized</b> (Use of water at the current location will be discontinued.)	Proposed new use: <input checked="" type="checkbox"/> <b>Irrigation</b> <input type="checkbox"/> <b>Municipal</b> <input type="checkbox"/> <b>Quasi-municipal</b> <input type="checkbox"/> <b>Commercial</b> <input type="checkbox"/> <b>Industrial</b> <input type="checkbox"/> <b>Instream</b> (complete and attach <i>Supplemental Form C</i> ) <input type="checkbox"/> <b>Domestic</b> (indicate number of households) _____ <input type="checkbox"/> <b>Other</b> _____  <input type="checkbox"/> <b>Substitution</b> (A supplemental ground water right will be substituted for a primary surface water right.) <input type="checkbox"/> <b>Supplemental Use to Primary Use</b> (Primary water right shall be cancelled and the supplemental water right will change to primary use.)

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## 2. CURRENT WATER RIGHT INFORMATION

Water Right Subject to Transfer (check and complete one of the following):

<input checked="" type="checkbox"/> Certificated Right	5971	
	Certificate Number	Permit Number or Decree Name
<input type="checkbox"/> Adjudicated, Non-certificated Right		
	Name of Decree	Page Number
<input type="checkbox"/> Permit for which Proof has been Approved		
	Permit Number	Date Claim of Beneficial Use Submitted
<input type="checkbox"/> Transferred Right for which Proof has been Filed		
	Previous Transfer Number	Date Claim of Beneficial Use Submitted

- Name on Permit, Certificate, or Decree: I.P. Moore \_\_\_\_\_
- County: Baker \_\_\_\_\_
- Authorized Use(s) to be Affected by Transfer: irrigation \_\_\_\_\_
- Priority Date(s): 1880, 1882, 1908, and 1908 \_\_\_\_\_

*If there are multiple Priority Dates identified on the water right, any information provided on pages 3 through 6 of this form must identify which priority date is associated with each of the authorized and proposed points of diversion or appropriation and places of use.*

- Source(s) of Water to be Affected by Transfer: Alder Creek \_\_\_\_\_

Tributary to: Prichard Creek \_\_\_\_\_

*If there are multiple Sources listed on the water right, any information provided on pages 3 through 6 of this form must identify which source is associated with each of the authorized and proposed points of diversion or appropriation and places of use.*

### For applications proposing a Change in Place of Use or Character of Use:

- Are there **Other Water Rights**, Permits or Ground Water Registrations associated with this land?

☐ Yes    ☒ No    ☐ N/A – No Change in Place of Use or Character of Use

*If "Yes", what are the Permit, Registration or Certificate Numbers?* \_\_\_\_\_

*Pursuant to ORS 540.510, any "layered" water use or a right that is supplemental to a primary right proposed for transfer must be included in the transfer or be cancelled, except as provided in OAR 690-380-2240(5).*

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▪ Certificate Number or other identifying number: 5971 \_\_\_\_\_

*The following information must be provided only for those points of diversion or appropriation that are involved in the transfer (i.e., list only the portion of the water right you propose to transfer.) 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 water right.*

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

*(i.e., the allowed point(s) of diversion or appropriation listed on the water right that will be affected by the proposed transfer, the "FROM" point(s) of diversion or 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)
	Alder Creek 1882, 1908	11S	43E	EW	18	SWNW	1300	400'E and 650'N from West Center Quarter corner of Sec. 18 (Estimation – based on Adjudication Survey Map)
	Alder Creek 1880	11S	43E	EW	18	NWSE	2600	975'W and 950'S from Center of Sec. 18 (Estimation – based on Adjudication Survey Map)
	Alder Creek 1882, 1908	11S	43E	EW	18	NESW	2600	425'W and 500'S from Center of Sec. 18 (Estimation – based on Adjudication Survey Map)

- Does the water right being transferred 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:*

A. *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 web page at: <http://www.wrd.state.or.us>)*

**or**

B. *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



■ Certificate Number or other identifying number: 5971 \_\_\_\_\_

*The following information must be provided only for those places of use that **are involved in the transfer** (i.e., list only the portion of the water right you propose to transfer.) 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 water right.*

**Location of Existing Authorized Place of Use to be Affected:**

(i.e., the allowed lands listed on the water right that will be affected by the proposed transfer, the "FROM" lands)

[illegible]

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■ Certificate Number or other identifying number: 5971 \_\_\_\_\_

### 3. PROPOSED CHANGES TO THE WATER RIGHT

*Describe proposed changes to the water right 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 or appropriation)

☐ N/A – Instream Water Right Transfer

(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)
Alder Creek	11S	43E		18	SW NW	1300	400'E and 650'N from West Center Quarter corner of Sec. 18 (Estimation – based on Adjudication Survey Map)

- 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 web page at: <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



■ Certificate Number or other identifying number: 5971 \_\_\_\_\_

*Describe proposed changes to the water right involving place of use. Information described below should accurately correspond to the proposed place of use shown on the accompanying application map. Attach additional pages as necessary.*

**Location of Proposed Place of Use:** (i.e., the "TO" lands) ☐ N/A – Instream Water Right Transfer  
(NOTE: Complete this table only if a Change in Place of Use is being proposed.)

Source	Township	Range	Mer	Sec	¼ ¼ Section	Tax Lot, DLC or Gov't Lot	Acres (if applicable)
Alder Creek	11S	43E		18	SE SW	2600	2
Alder Creek	11S	43E		18	SW SE	2600	20
Alder Creek	11S	43E		18	SE SE	2600	4
Alder Creek	11S	43E		19	NE NW	2600	5
Alder Creek	11S	43E		19	SW NE	2600	36
Alder Creek	11S	43E		19	NE NE	2600	11
Alder Creek	11S	43E		19	SE NE	2600	4

Remarks: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_



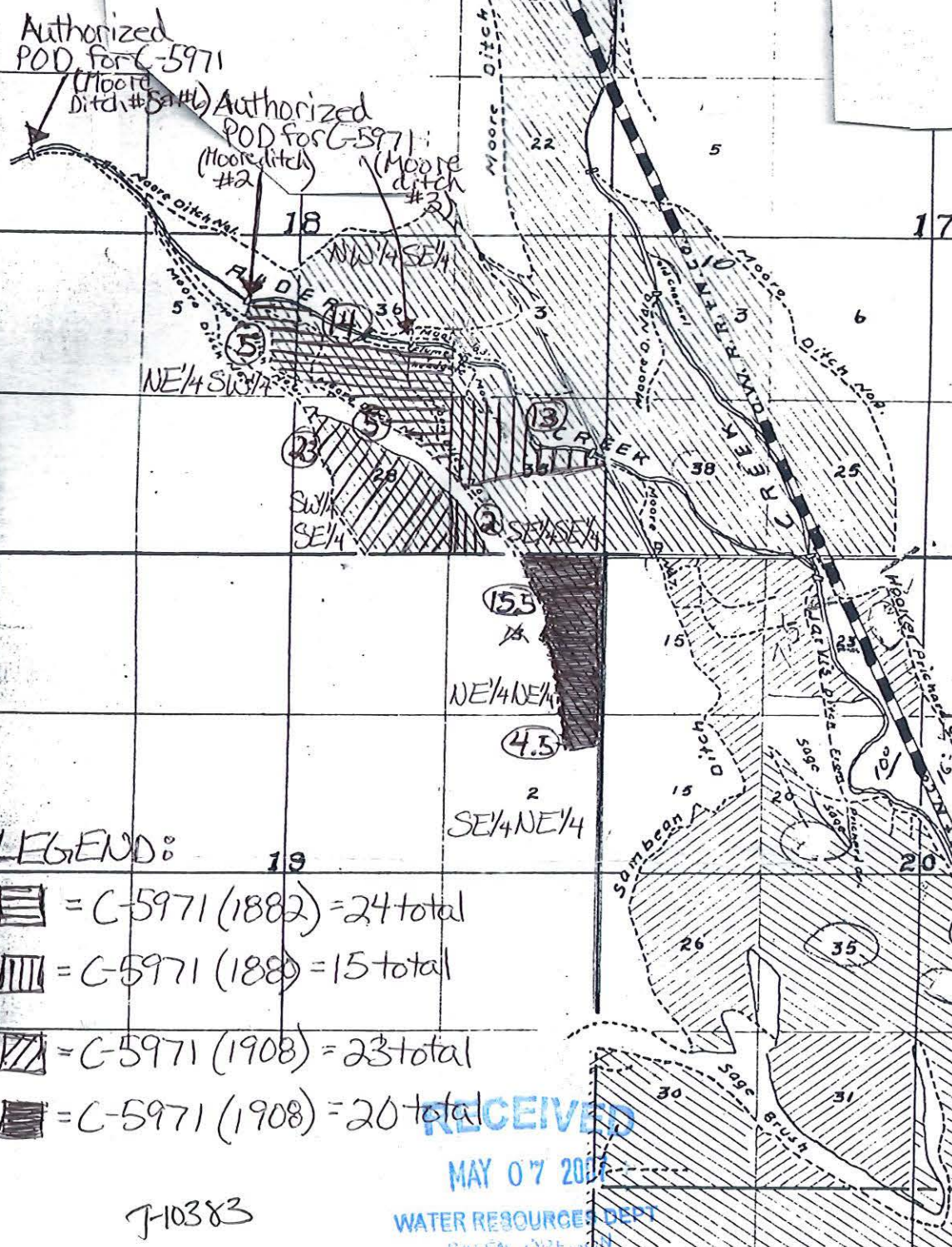
"FROM"  
Map 1 of 2

Source: Adjudication  
Survey Map of Burnt  
River & Tributaries (1916)

1"=1320'



T11S R43E  
Sec. 18 & 19



LEGEND:

= C-5971 (1882) = 24 total

= C-5971 (1880) = 15 total

= C-5971 (1908) = 23 total

= C-5971 (1908) = 20 total

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"TO"  
Map 2 of 2

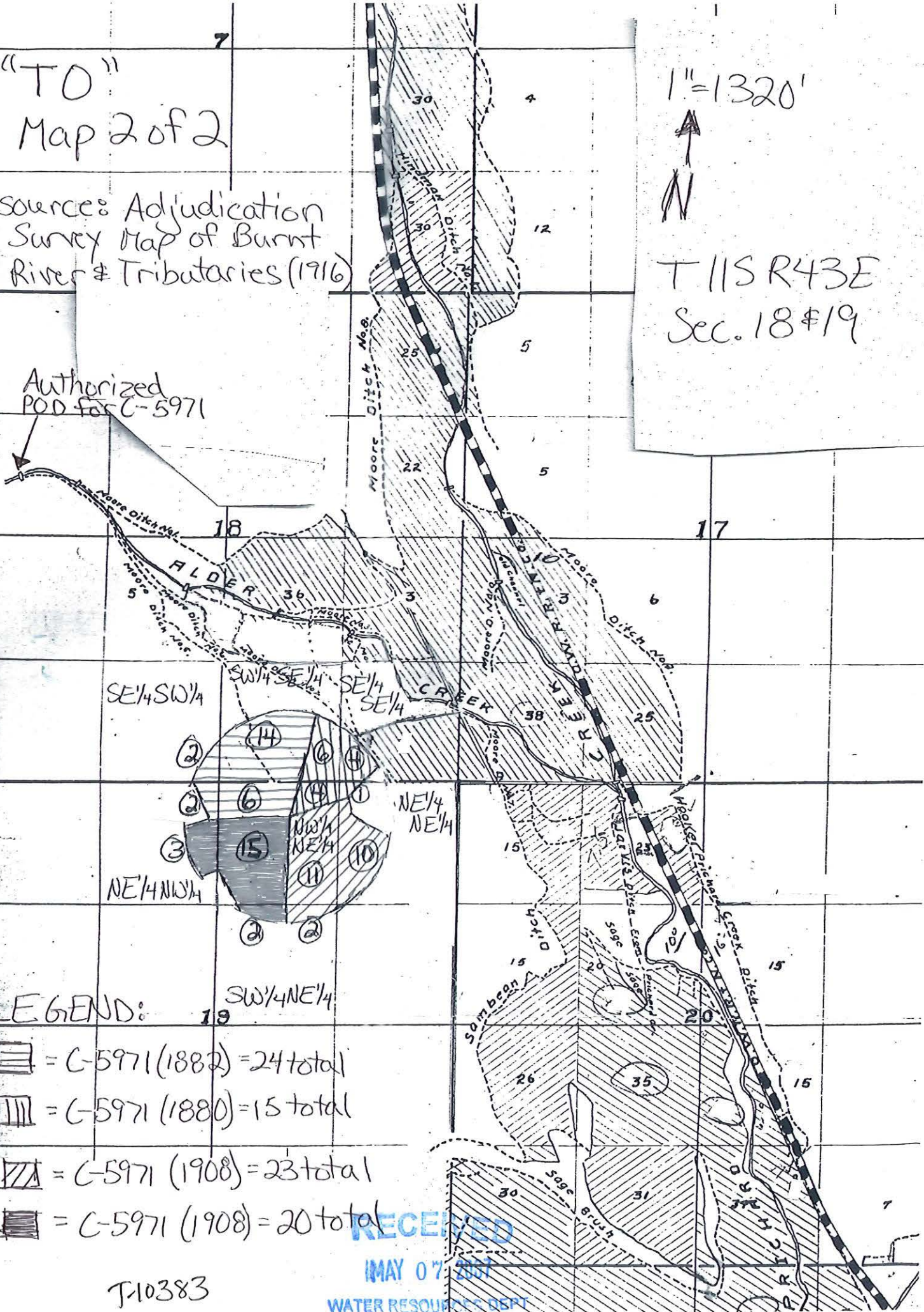
Source: Adjudication  
Survey Map of Burnt  
River & Tributaries (1916)

1" = 1320'



T11S R43E  
Sec. 18 & 19

Authorized  
POD for C-5971



LEGEND:



= C-5971 (1882) = 24 total



= C-5971 (1880) = 15 total



= C-5971 (1908) = 23 total



= C-5971 (1908) = 20 total

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## STATE OF OREGON

COUNTY OF BAKER

## CERTIFICATE OF WATER RIGHT

This is to Certify, That T. P. MOORE

of Darksee, State of Oregon has a right to the use of

the waters of Pritchard and Alder Creeks, tributaries of Burnt River (See below)

for the purpose of Irrigation

and that said right has been confirmed by decree of the Circuit Court of the State of Oregon for County, and the said decree entered of record at Salem, in the Order Record of the <sup>Baker</sup> STATE ENGINEER, in Volume 8, at page 134; that the priority of the right thereby confirmed dates from (See below)

that the amount of water to which such right is entitled, for the purposes aforesaid, is limited to an amount actually beneficially used for said purposes, and shall not exceed Three acre feet per acre during any irrigation season (with the further limitations contained in Paragraph 64 of said decree);

A description of the lands irrigated under such right, and to which the water is appurtenant (or, if for other purposes, the place where such water is put to beneficial use), is as follows:

DATE OF PRIORITY	NUMBER ACRES	DITCH	STREAM	DESCRIPTION OF LAND
1881	32	Moore #8	Pritchard Creek	32 acres in SE $\frac{1}{4}$ SW $\frac{1}{4}$ Section 17, T. 11 S.R. 43 E.W.M.
1882	46	Moore Nos. 1, 2, 4, & 6	Alder Creek	5 acres in NE $\frac{1}{4}$ SW $\frac{1}{4}$ 36 acres in NW $\frac{1}{4}$ SE $\frac{1}{4}$ 5 acres in SW $\frac{1}{4}$ SE $\frac{1}{4}$ Section 18, T. 11 S.R. 43 E.W.M.
(NOTE: 35 acres under ditches #2 and #4 also irrigated from Pritchard Creek through ditch #8)				
1880	35	Moore #3	Alder Creek	35 acres in SE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 18, T. 11 S.R. 43 E.W.M.
1884	6	Moore #7	Alder Creek	6 acres in SW $\frac{1}{4}$ SW $\frac{1}{4}$ Section 17, T. 11 S.R. 43 E.W.M.
1906	23	Moore #5	Alder Creek	23 acres in SW $\frac{1}{4}$ SE $\frac{1}{4}$ Section 18, T. 11 S.R. 43 E.W.M.
1908	20	Moore #2 & #8	Alder & Pritchard Creeks	15.5 acres in NE $\frac{1}{4}$ NE $\frac{1}{4}$ 4.5 acres in SE $\frac{1}{4}$ NE $\frac{1}{4}$ Section 19, T. 11 S.R. 43 E.W.M.

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And said right shall be subject to all other conditions and limitations contained in said decree.

WITNESS the signature of the State Engineer,  
affixed this \_\_\_\_\_ day  
of \_\_\_\_\_ 21st, 192  
January 6.

State Engineer

Harold King  
4293 Braden Road  
Walla Walla, WA 99362

May 1, 2007

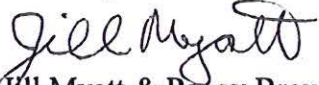
Dear Mr. King:

The purpose of this letter is to notify you, as lien holder, about an application for a water right transfer on a portion of M. R. King Ranches, Inc.

Mr. and Mrs. Bert Siddoway are applying to temporarily transfer 82 acres of water rights currently in irrigation south of Alder Creek and west of Old Hwy 30, to a proposed pivot just west of these lands. Legal description: T11S R43W Sec. 18 & 19.

Please refer to the enclosed maps in regards to the locations of the transfer.

Sincerely,

  
Jill Myatt & Peggy Browne  
Browne Consulting  
(for Bert & Terri Siddoway)



enclosures

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2005 aerial  
Source: NRCS

11  
42  
13

11  
43  
18

11  
43  
17

11  
42  
24

11  
43  
19

↑  
proposed  
pivot  
center

1,600 0 1,600 3,200 4,800 6,400 Feet

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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: Bert & Teri Siddoway  
Mailing Address: PO Box 115  
City: Durkee State: OR Zip: 97905 Day Phone: 541/4030490

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	¼ ¼	Tax Lot #	Plan Designation (e.g. Rural Residential/RR-5)	Water to be:	Proposed Land Use:
11S	43E	18		2600		<input type="checkbox"/> Diverted <input type="checkbox"/> Conveyed <input checked="" type="checkbox"/> Used	
11S	43E	18		1300		<input checked="" 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. Baker County

### 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) Alder Creek

Estimated quantity of water needed: 900 ☐ 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: New pivot to water 82 acres.

**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

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MAY 07 2007  
WATER RESOURCES DEPT  
SALEM, OREGON

T-10383

## 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): 301.

☐ 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

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.

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Name: Laura Livingston Title: Lead Planner  
Signature: [Signature] Phone: 503 8219 Date: 4-30-07  
Government Entity: Baker Co Planning Dept.

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

### Receipt for Request for Land Use Information

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

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

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

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Last updated 12/22/06 WR

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SALEM OREGON

T-10383



# **Water Right Transfer Supplemental Form B** **AFFIDAVIT ATTESTING TO THE USE OF WATER**

State of Oregon )  
 ) ss  
 County of \_\_\_\_\_ Baker )

I, Bert & Terri Siddoway \_\_\_\_\_, in my capacity as landowners \_\_\_\_\_,  
 mailing address PO Box 115, Durkee, OR 97905 \_\_\_\_\_  
 telephone number (541)877-2444, being first duly sworn depose and say:

1. I attest that:

- ☒ Water was used during the previous five years on the entire authorized place of use of the water right proposed for transfer as described on the accompanying transfer application; **or**
- ☐ The water right was leased instream at some time within the last five years. The instream lease number is as follows: \_\_\_\_\_; **or**
- ☐ The water right is not subject to forfeiture and documentation that a presumption of forfeiture for non-use would be rebutted under ORS 540.610(2) is attached.

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

- ☒ Personal observation                      ☐ Professional expertise

3. My knowledge is specific to the use of water at the following locations:

Township		Range		Mer	Sec	¼ ¼ Section	Gov't Lot or DLC	Acres (if applicable)
11	S	43	E		18	NE SW		5
11	S	43	E		18	NW SE		14
11	S	43	E		18	SE SE		15
11	S	43	E		18	SW SE		28
11	S	43	E		19	NE NE		15.5
11	S	43	E		19	SE NE		4.5

(continues on reverse side)

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

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**USE OF WATER SECTION**



4. The water right was exercised for the authorized purpose described below (e.g., crops grown):  
82 acres of acres of alfalfa/grass. \_\_\_\_\_

5. The water delivery system used to apply water as authorized by the right is described below:

Physical information of the ditches that currently deliver water: Moore Ditch #5 delivers water from Alder Creek point of diversion (POD) of SW1/4NW1/4 Sec. 18 R43E T11S via an open irrigation ditch to 23 acres in the SW1/4SE1/4 Sec. 18 and 2 acres in SE1/4SE1/4 Sec. 18. Moore Ditch #2 POD is Alder Creek in NE1/4SW1/4 Sec. 18 and currently delivers 5 acres to NE1/4SW1/4 Sec. 18. Additional acres it delivers to are 14 acres in NW1/4SE1/4 Sec. 18 and 5 acres in SW1/4SE1/4 in Sec. 18. Finally it delivers via an open irrigation ditch to 13 acres in SE1/4SE1/4 Sec. 18, 15.5 acres in NE1/4NE1/4 Sec. 19, and 4.5 acres in SE1/4NE1/4 Sec. 19. The water is fed directly from the irrigation ditch and flood irrigated on all acres. (82 acres total)

6. One or more of the following documentation supporting the above statements is attached:

- ☐ Copy of a water right certificate that was issued within the last five years (not a remaining right certificate),
- ☒ Copies of receipts from sales of irrigated crops or for expenditures relating to the use of water,
- ☒ Records such as Farm Service Agency crop reports, irrigation district records, an NRCS farm management plan, or records of other water suppliers,
- ☒ Dated aerial photographs of the lands or other photographs containing sufficient detail to establish the location and date of the photograph,
- ☐ Dedicated power usage records or receipts,
- ☐ Instream lease number \_\_\_\_\_,
- ☐ Other: \_\_\_\_\_

Lynn S. Todd  
Signature of Affiant

4-30-07  
Date

Signed and sworn to (or affirmed) before me this 30th day of APRIL, 2007.



Lynne M. Todd  
Notary Public for Oregon

My Commission Expires: 8-22-07

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

Supplemental Form B

- 2 -

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Affidavit Attesting to the Use of Water

WATER RESOURCES DEPT  
SALEM, OREGON

T10383

Tax lot 2600

OFFICIAL RECORD OF DESCRIPTIONS OF REAL PROPERTY BAKER COUNTY ASSESSOR'S OFFICE									
TWP. S. RGE. E. SEC. 1/4 1/16				TAX LOT NUMBER	TYPE	SPEC. INT. IN REAL PROP.	CODE AREA NUMBER	FORMERLY PART OF T.L. NO.	CITY
MAP NUMBER				ACCOUNT NUMBER					
11	43			1200			5-35 5-7		
INDENT EACH NEW COURSE TO THIS POINT				ADDITIONAL DESCRIPTION AND RECORD OF CHANGE				DATE OF ENTRY ON THIS CARD	DEED RECORD VOL. PG.
REF 06838				Portion of 1500, 2400, 2500, 2600					
Sec. 7 SE $\frac{1}{4}$ SE $\frac{1}{4}$				40.00					
17 SW $\frac{1}{4}$ NW $\frac{1}{4}$ , SW $\frac{1}{4}$				200.00				169	957
18 E $\frac{1}{2}$ NE $\frac{1}{4}$ , SE $\frac{1}{4}$ , SE $\frac{1}{4}$ NW $\frac{1}{4}$ , E $\frac{1}{2}$ SW $\frac{1}{4}$				360.00					959
19 NE $\frac{1}{4}$ , N $\frac{1}{2}$ SE $\frac{1}{4}$ , E $\frac{1}{2}$ NW $\frac{1}{4}$				320.00					961
All in T11S R13EWM									920.00
Except:									
Hwy				5.79					
Co. Rd.				5.59					
R.R.				20.98					887.64
Subject to:									
Utility Easement by DV 65-06-022									
Except:									
TL 1201(Freeway)				51.56				5063	1/17/66
								L-4677	836.08
1. Kirby, V S: $\frac{1}{2}$ et al $\frac{1}{2}$									
c/o Robt P & Jane E Jones				12697				9/8/71	AF# 782 contract
								10/24/80	80-38-098 Util Ease
c/o M R King Ranches Inc CP*				40924				9/16/85	85-34-005 A of C
2. Kirby, LaVaughan M									
% M R King Ranches, Inc. CP*				50081				3-27-91	91-12-074 DC
3. Jones, Robert P & Jane E									
% M R King Ranches, Inc CP*				53025				4-23-92	92-15-124 WD
4. M R King Ranches, Inc				53025				4-23-92	92-15-129 WD

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SALEM, OREGON

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Sec. 18: SE $\frac{1}{4}$ , E $\frac{1}{2}$ SW $\frac{1}{4}$ , SE $\frac{1}{4}$ NW $\frac{1}{4}$ , EXCEPTING THEREFROM all that portion conveyed to Baker County from State of Oregon, by and through its State Highway Commission, by Agreement recorded December 7, 1966, Deed 66 49 054.

E $\frac{1}{2}$ NE $\frac{1}{4}$ , EXCEPTING THEREFROM the following four parcels:

Parcel No. 1: All that portion conveyed to Oregon Railway and Navigation Company, recorded December 24, 1883, Book "J", Page 398, Deeds.

Parcel No. 2: All that portion conveyed to Baker County from from State of Oregon, by and through its State Highway Commission, by Agreement recorded December 7, 1966, Deed 66 49 054.

Parcel No. 3: All that portion conveyed to State of Oregon, by and through its State Highway Commission, recorded November 1, 1965, Court 65 44 050.

Parcel No. 4: A parcel in the SE $\frac{1}{4}$ NW $\frac{1}{4}$  described as follows:

Beginning at a point from which the Southeast corner of said section bears S. 17° 10' E., 3188.2 feet;

thence N. 08° 45' W., 500 feet;

thence S. 81° 15' W., 225 feet;

thence S. 08° 45' E., 500 feet;

thence N. 81° 15' E., 225 feet to the point of beginning.

Sec. 19: NE $\frac{1}{4}$ , E $\frac{1}{2}$ NW $\frac{1}{4}$ , N $\frac{1}{2}$ SE $\frac{1}{4}$ , EXCEPTING THEREFROM that portion conveyed to Baker County by Deed recorded August 19, 1939, Book 127, Page 378.

14118

August 16, 1985

REL 222 f4

RECORDS, CLERK, CO.

*Janette L. Leach, Chief Clerk*

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# PARCEL RECORD - Cartographic Unit

Page 2 of 2

Code Area 5-35	Township 11	Range 43	Section	1/4	1/16	Parcel Number 2600	Type	Number	Formerly part of _____										
Map Number						Special Interest		History of Parcel											
Tax Lot Number								Exceptions/Additions	Date of Entry/ Acquisition										
History of Parcel Prior to Re-mapping Ref 06838								Volume	Page										
Previous Account Number						Previous Tax Lot Number PART OF 1200		Acres Remaining											
Remarks																			

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SALEM OREGON

710383



RA184  
1 of 2

Land in Baker County, Oregon, as follows:

In Twp. 20 S., R. 42 E., W.M.:

Sec. 34: All that portion of SE $\frac{1}{4}$ SE $\frac{1}{4}$  lying Southwesterly of Oregon-Washington Railroad and Navigation Company right of way.

EXCEPTING THEREFROM all that portion conveyed to State of Oregon, by and through its State Highway Commission, recorded November 1, 1969, Court 65 44 050.

Sec. 35: All that portion of SW $\frac{1}{4}$ SW $\frac{1}{4}$  lying Southerly of Oregon-Washington Railroad and Navigation Company right of way.

In Twp. 11 S., R. 42 E., W.M.:

Sec. 2: SW $\frac{1}{4}$ , SW $\frac{1}{4}$ NW $\frac{1}{4}$ , SW $\frac{1}{4}$ SE $\frac{1}{4}$ .

All that portion of Lots 3 and 4 lying South of the Oregon-Washington Railroad and Navigation Company right of way.

EXCEPTING THEREFROM all that portion conveyed to State of Oregon, by and through its State Highway Commission, recorded November 1, 1965, Court 65 44 050.

SE $\frac{1}{4}$ NW $\frac{1}{4}$ , NW $\frac{1}{4}$ SE $\frac{1}{4}$ , SE $\frac{1}{4}$ SE $\frac{1}{4}$ , EXCEPTING THEREFROM all that portion conveyed to State of Oregon, by and through its State Highway Commission, recorded November 1, 1965, Court 65 44 050.

Sec. 3: SE $\frac{1}{4}$ , SE $\frac{1}{4}$ NE $\frac{1}{4}$ , SE $\frac{1}{4}$ SW $\frac{1}{4}$ .

Lot 1, EXCEPTING THEREFROM that portion conveyed to State of Oregon, by and through its State Highway Commission, recorded November 1, 1965, Court 65 44 050.

Sec. 11: NW $\frac{1}{4}$ .

Sec. 18: E $\frac{1}{2}$ SW $\frac{1}{4}$ , SE $\frac{1}{4}$ NW $\frac{1}{4}$ , NW $\frac{1}{4}$ SE $\frac{1}{4}$ .

Sec. 19: NW $\frac{1}{4}$ NE $\frac{1}{4}$ , NE $\frac{1}{4}$ NW $\frac{1}{4}$ .

In Twp. 11 S., R. 43 E., W.M.:

~~Sec. 7: SE $\frac{1}{4}$ SE $\frac{1}{4}$ , EXCEPTING THEREFROM all that portion conveyed to Oregon Railway and Navigation Company, recorded December 24, 1885, Book "J", Page 368, Deeds.~~

Sec. 17: SW $\frac{1}{4}$ , SW $\frac{1}{4}$ NW $\frac{1}{4}$ , EXCEPTING THEREFROM the following four parcels:

Parcel No. 1: All that portion conveyed to Oregon Railway and Navigation Company, recorded December 24, 1885, Book "J", Page 368, Deeds.

Parcel No. 2: A parcel in W $\frac{1}{2}$ SW $\frac{1}{4}$ , SW $\frac{1}{4}$ NW $\frac{1}{4}$  described as follows:  
Commencing at the intersection of the West boundary of Oregon Railway & Navigation Company right of way with the south line of the SW $\frac{1}{4}$  of said section;  
thence West on said South line to a point 50 feet from said right of way, at right angles;  
thence Northerly, parallel to and 50 feet from said right of way 1260 feet;  
thence Easterly at right angles to said Westerly line of said right of way;  
thence Southerly to the point of beginning.

Parcel No. 3: All that portion conveyed to Baker County by Deed recorded August 19, 1939, Book 127, Page 378.

Parcel No. 4: All that portion conveyed to State of Oregon, by and through its State Highway Commission, recorded November 1, 1965, Court 65 44 050.

(Continued)

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SALEM, OREGON

T10383



## Page 1 of 2

150-303-050 (3-87)

WATER RESOURCES DEPT  
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T10383



11S 43E

2600

5-35

*Baker*

REF# 6838

Exc: Parcel 2601 (Durkee Cemetery)

-2.58 BS 8/16/2004 BK 134 Pg 492 758.69

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SALEM OREGON

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Tax lot 1300

11	43			1100			<del>5-6</del> 5-75-35
TWP. S.	RGE. E.	SEC.	1/4	1/16	TAX LOT NUMBER	TYPE	SPEC. INT. IN REAL PROP.
MAP NUMBER				ACCOUNT NUMBER		CODE AREA NUMBER	

OFFICIAL RECORD OF DESCRIPTIONS OF  
REAL PROPERTY  
BAKER COUNTY ASSESSOR'S OFFICE

INDENT EACH NEW COURSE TO THIS POINT	REF 06832	ADDITIONAL DESCRIPTION AND RECORD OF CHANGE	DATE OF ENTRY ON THIS CARD	DEED RECORD		ACRES REMAINING
				VOL.	PG.	
<p>Portion of 1300, 1400</p> <p>F. T. L. P. O.</p> <p>Sec. 7 Lot 4, SE<math>\frac{1}{4}</math>SW<math>\frac{1}{4}</math>, SW<math>\frac{1}{4}</math>SE<math>\frac{1}{4}</math> 120.78</p> <p>18 W<math>\frac{1}{2}</math>NE<math>\frac{1}{4}</math>, NE<math>\frac{1}{4}</math>NW<math>\frac{1}{4}</math>, Lots 1 thru 4 282.18</p> <p>19 Lots 1 thru 4, NE<math>\frac{1}{4}</math>SW<math>\frac{1}{4}</math> 199.39</p> <p>All in T11S R43EWM</p> <p>1. U.S.A. BLM</p>					602.35	

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WATER RESOURCES DEPT  
SALEM OREGON



1143.1300

F.T.L.P.O.

T.11S. R.43E. W.M.

Section 7:	Lot 4, SE1/4SW1/4, SW1/4SE1/4 .....	120.78 ac.
Section 18:	Lots 1, 2, 3, 4, W1/2NE1/4, NE1/4NW1/4 .....	282.18 ac.
Section 19:	Lots 1, 2, 3, 4, NE1/4SW1/4 .....	199.39 ac.

-----  
Total area ..... 602.35 ac.

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SALEM, OREGON

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## Page .. of

150-303-050 (3-87)





BAKER CITY SERVICE CENTER  
3990 MIDWAY DR  
BAKER CITY, OR 97814-1453  
5415237121 ext. 112

TRAVIS BLOOMER/EILEEN LARKIN  
DISTRICT CONSERVATIONIST/SOIL CON

## Conservation Plan

BERT SIDDOWAY  
P.O. BOX 115  
DURKEE, OR 97905

### OBJECTIVE(S)

This plan covers fields 12 & 13. These fields are HEL and sodbusted. This rotation is 5 years alfalfa one year corn and one year grain. Conventional tillage, fall tillage is allowed during grain/corn years. Crops will be irrigated by pivot system.

### Crop

Tract: 3685

### Conservation Crop Rotation

Rotation of 4 to 6 years hay, 1 year corn, and 1 year grain.

Field	Planned Amount	Month	Year	Applied Amount	Date
12	125.6 ac	5	2007		
13	51.9 ac	5	2007		
Total:	177.5 ac				

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## CERTIFICATION OF PARTICIPANTS

BERT SIDDOWNAY

DATE

## CERTIFICATION OF:

DISTRICT CONSERVATIONIST/SOIL CON

*Travis Bloomer*  
TRAVIS BLOOMER/EILEEN LARKIN

DATE

CONSERVATION DISTRICT

Burnt River SWCD

DATE

### PUBLIC BURDEN STATEMENT

According to the Paperwork Reduction Act of 1995, an agency may not conduct or sponsor, and a person is not required to respond to a collection of information unless it displays a valid OMB control number. The valid OMB control number for this information collections is 0578-0013. The time required to complete this information collection is estimated to average 45/0.75 minutes per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection information.

### PRIVACY ACT

The above statements are made in accordance with the Privacy Act of 1974 (5 U.S.C 522a). Furnishing this information is voluntary; however failure to furnish correct, complete information will result in the withholding or withdrawal of such technical or financial assistance. The information may be furnished to other USDA agencies, the Internal Revenue Service, the Department of Justice, or other state or federal law enforcement agencies, or in response to orders of a court, magistrate, or administrative tribunal.

### USDA NON-DISCRIMINATION STATEMENT

"The U.S. Department of Agriculture (USDA) prohibits discrimination in all its programs and activities on the basis of race, color, national origin, age, disability, and where applicable, sex, marital status, family status, parental status, religion, sexual orientation, genetic information, political beliefs, reprisal, or because all or a part of an individual's income is derived from any public assistance program. (Not all prohibited bases apply to all programs.) Persons with disabilities who require alternative means for communication of program information (Braille, large print, audiotape, etc.) should contact USDA's TARGET Center at (202) 720-2600 (voice and TDD). To file a complaint of discrimination, write USDA, Director, Office of Civil Rights, 1400 Independence Avenue, S.W., Washington, DC 20250-9410 or call (800) 795-3272 (voice) or (202) 720-6382 (TDD). USDA is an equal opportunity provider and employer."

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J-10383



**INVOICE****SEPTEMBER 11, 2006**

**BERT SIDDOWAY  
P.O. BOX 115  
DURKEE, OR 97905  
541-877-2444 home  
541-403-0490 cell**

**KITCHEN CREEK RANCH  
74758 KITCHEN CREEK ROAD  
BAKER CITY, OR 97814**

**HAY PURCHASE AND DELIVERED**

**TRUCK WEIGHT HEAVY 72620 LBS  
TRUCK WEIGHT LIGHT 29480 LBS**

**TOTAL HAY WEIGHT 43140 LBS**

**43140 lbs divided by 2000 lbs = 21.57 TONS**

**LESS 17.57 TON TO LEE McCALL**

**4 ton X \$85.00 per ton = \$340.00**

**TOTAL DUE \$340.00**

*mailed  
9-18-06*

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**MAY 07 2007**

**WATER RESOURCES DEPT  
SALEM, OREGON**

*T-10383*

# INVOICE

October 30, 2006

BERT SIDDOWAY  
P.O. BOX 115  
DURKEE, OR 97905  
541-877-2444 home  
541-403-0490 cell

32 RANCH  
DEWARD THOMPSON  
26510 HWY 30  
HUNTINGTON, OR 97907

*Mailed  
10-31-06*

*Howl  
Hay Truck*

*m*  
10/26/06  
71600 lb

034

## HAY SALES

42.17 TON 2<sup>nd</sup> CROP ALFALFA

\$105.00 PER TON

42.17 ton X \$105.00 = \$4427.85

*2nd crop  
Baker  
sold to  
Deward*

TOTAL DUE \$4427.85

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SALEM, OREGON

T-10383



**INVOICE**

Lee McCall  
Hay

**BERT SIDDOWAY**  
**P.O. BOX 115**  
**DURKEE, OR 97905**  
**541-877-2444 home**  
**541-403-0490 cell**

08/22/06

12:5

72620 lb

**LEE MCCALL**  
**36943 HILL CREEK ROAD**  
**BAKER CITY, OR 97814**  
**541-877-2338**

**HAY PURCHASE AND DELIVERED****1 LOAD DELIVERED**

**TRUCK WEIGHT HEAVY 72620 LBS**  
**TRUCK WEIGHT LIGHT 29480 LBS**

**TOTAL HAY WEIGHT 43140 LBS**

**43140 lbs divided by 2000 lbs = 21.57 TONS**

**LESS 4 TON TO KITCHEN CREEK RANCH**

**17.57 ton X \$85.00 per ton = \$1493.45**

**TOTAL DUE \$1493.45**

mailed  
9-19-06

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# ELKHORN TITLE COMPANY

1725 Main Street Baker City, Oregon 97814  
(541)523-6477 FAX (541)523-9372

M R King Ranches Inc.  
P O Box 115  
Durkee OR 97905

LOT BOOK SERVICE  
April 30, 2007  
Order No. 00017117

RE: M R KING

We have searched our Tract Indices as to the following described property:

See EXHIBIT "A" attached;  
and as of April 25, 2007, at 8:00 a.m.:  
We find that the last deed of record runs to

M. R. KING RANCHES, INC.

We also find the following apparent monetary incumbrances WITHIN TEN YEARS prior to the effective date hereof:

1. Trust Deed, including the terms and provisions thereof, given by M. R. King Ranches, Inc., as grantor, to Elkhorn Title Company as trustee, and Harold King as beneficiary, dated August 30, 2004, recorded August 31, 2004, in Book 04 35 0268, to secure payment of \$950,000.00. (AFFECTS ADDITIONAL PROPERTY)
2. Financing Statement recorded April 4, 2007, in the office of County Clerk for Baker County in Book 07 14 0262, indicating a security agreement between Bert Roy Siddoway and Terri D. Siddoway as debtor, and Diversified Financial Services LLC as secured party, and relating to irrigation equipment.

We have also searched our General Index for judgments and state and federal tax liens against the above named grantees and find the following: NONE.

We also find the following unpaid taxes and city liens:

1. Taxes for 2006-2007: \$129.63  
+ 54.40 Burnt River Irrigation  
\$184.03 balance of \$61.35 unpaid.  
(535 1143 1500 #15690)
- Taxes for 2006-2007: \$1816.98  
+ 438.40 Burnt River Irrigation  
\$2255.38 balance of \$751.80 unpaid.  
(535 1143 2600 #6838)

NOTE: Taxes for 2006-2007: \$2.74 PAID. (535 1143 2400 #15679)

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Taxes for 2006-2007: \$1.57 PAID. (535 1143 2500 #15680)

THIS IS NOT A TITLE REPORT, since no examination has been made of the title to the above described property. Our search for apparent incumbrances was limited to our tract indices, and therefore above listings do not include additional matters which might have been disclosed by an examination of the record title. The liability in connection with this Lot Book Service is expressly limited to the sum paid therefor, and the issuing company will not otherwise be responsible for errors and omissions therein. The charge for this service will not include supplemental reports.

ELKHORN TITLE COMPANY

*Lamera A. Pierce*  
Lamera A. Pierce

Title Officer

TAP/s

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EXHIBIT "A"

IN TOWNSHIP 11 SOUTH, RANGE 43 EAST of the Willamette Meridian,  
County of Baker and State of Oregon:

Section 7: The Southeast quarter of the Southeast quarter;  
EXCEPTING THEREFROM all that portion conveyed to  
Oregon Railway and Navigation Company, recorded  
December 24, 1885, in Deed Book "J" page 398.

Section 17: The Southwest quarter; and the Southwest quarter  
of the Northwest quarter;  
EXCEPTING THEREFROM the following four parcels:  
Parcel No. 1: All that portion conveyed to  
Oregon Railway and Navigation Company, recorded  
December 24, 1885, in Deed Book "J" page 368.  
Parcel No. 2: A parcel in the West half of the  
Southwest quarter, and the Southwest quarter of  
the Northwest quarter described as follows:  
Commencing at the intersection of the West  
boundary of Oregon Railway & Navigation Company  
right of way with the South line of the South-  
west quarter of said section;  
thence West on said South line to a point 50  
feet from said right of way, at right angles;  
thence Northerly, parallel to and 50 feet from  
said right of way 1260 feet;  
thence Easterly at right angles to said Westerly  
line of said right of way;  
thence Southerly to the point of beginning.  
Parcel No. 3: All that portion conveyed to Baker  
County by deed recorded August 19, 1939, in Deed  
Book 127, page 378.  
Parcel No. 4: All that portion conveyed to the State  
of Oregon, by and through its State Highway  
Commission, recorded November 1, 1965, in Court  
65 44 050.

Section 18: The Southeast quarter;  
EXCEPT that portion conveyed to the State of Oregon,  
by and through its State Highway Commission, recorded  
January 9, 1930, in Deed Book 113, page 425.

The East half of the Southwest quarter;  
the Southeast quarter of the Northwest quarter;

EXCEPTING THEREFROM all that portion conveyed to  
Baker County from the State of Oregon, by and  
through its State Highway Commission, by Agreement  
recorded December 7, 1966, in Deeds 66 49 054.

The East half of the Northeast quarter;

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EXCEPTING THEREFROM the following five parcels:

Parcel No. 1: All that portion conveyed to Oregon Railway and Navigation Company, recorded December 24, 1885, Deed Book "J" page 398.

Parcel No. 2: All that portion conveyed to the State of Oregon, by and through its State Highway Commission, by Warranty Deed recorded January 9, 1930, in Deed Book 113, page 425.

Parcel No. 3: All that portion conveyed to Baker County from the State of Oregon, by and through its State Highway Commission, by Agreement recorded December 7, 1966, in Deeds 66 49 054.

Parcel No. 4: All that portion conveyed to State of Oregon, by and through its State Highway Commission, recorded November 1, 1965, in Court 65 44 050.

Parcel No. 5: A parcel in the Southeast quarter of the Northeast described as follows:

Beginning at a point from which the Southeast corner of said section bears South 17°10' East, 3188.2 feet;

thence North 08°45' West 500 feet;

thence South 81°15' West 225 feet;

thence South 08°45' East 500 feet;

thence North 81°15' East 225 feet to the point of beginning.

Section 19: The Northeast quarter;  
the East half of the Northwest quarter, and  
the North half of the Southeast quarter,  
EXCEPTING THEREFROM that portion conveyed to  
Baker County by deed recorded August 19, 1939,  
in Deed Book 127, page 378.

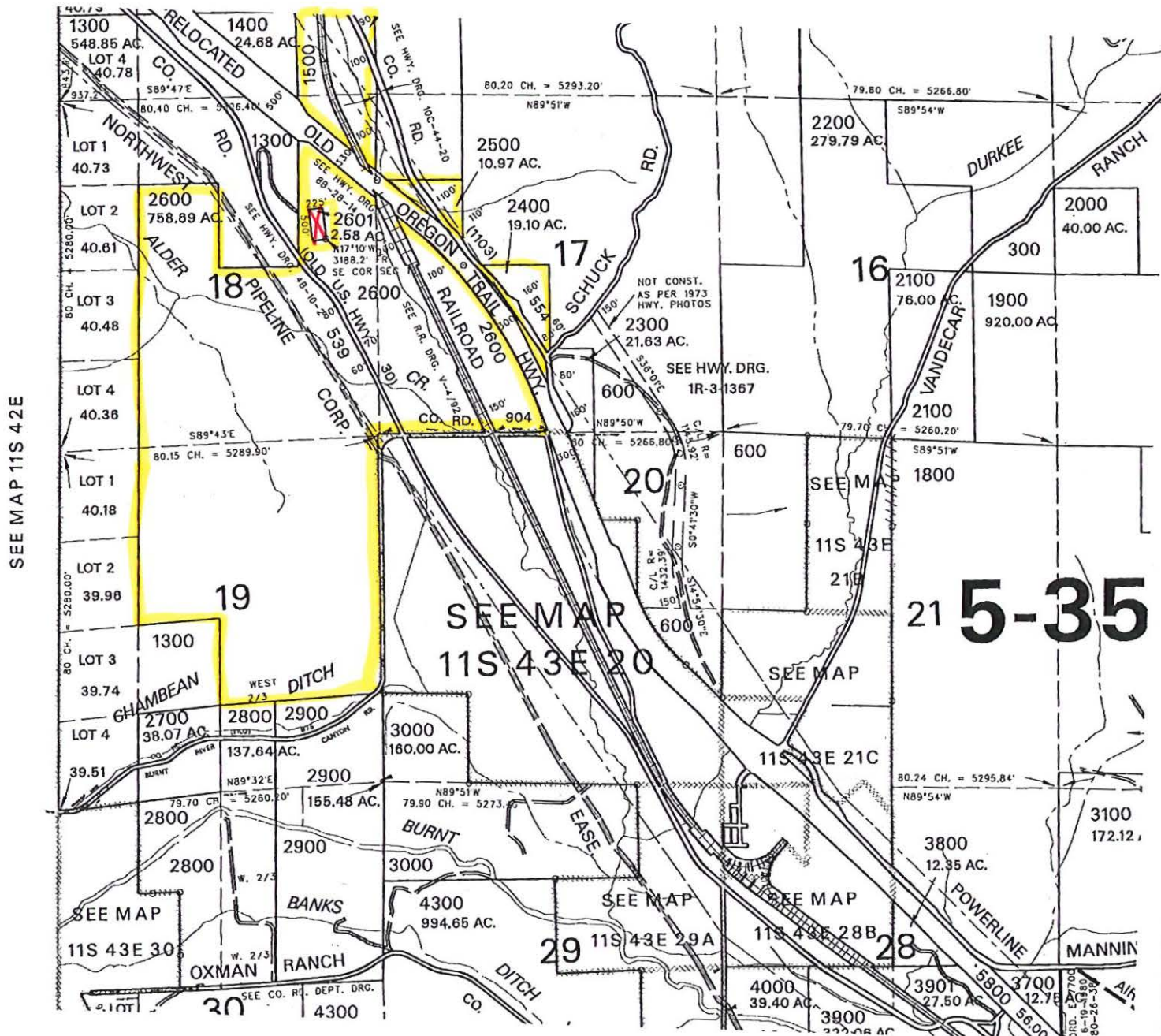
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# Elkhorn Title Company



This sketch is for location purposes only, and no warranties are implied as to variations, if any, in dimensions or location as revealed by an accurate survey. It is not a survey and does not show the locations of improvements. It is provided for identification of lands only, and this company accepts no liability for the accuracy of the boundary lines, easements, roads or other matters shown thereon.

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Map # 11 43

Order # 17117

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