

Regular

Name Bureau of Land Management

Address 28910 Hwy 20 W  
Hines, OR 97738  
Jakrauss@blm.gov

Change in USE

Date Filed 2-1-2023

Initial notice date 2-7-2023

DPD issued date \_\_\_\_\_

PD issued date 8/4/2025

PD notice date 6/5/2025

Date of FO \_\_\_\_\_ Vol \_\_\_\_\_ Page \_\_\_\_\_

C-Date \_\_\_\_\_

COBU due date \_\_\_\_\_

COBU Received date \_\_\_\_\_

Certificate issued \_\_\_\_\_

Assignments: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Irrigation District \_\_\_\_\_

Agent Jana Krauss - Jakrauss@BLM.gov

CWRE Harney County

CC's list \_\_\_\_\_

- Oversized map - Location \_\_\_\_\_

DESCRIPTION OF WATER RIGHT(S)

Name of Stream Willow creek

Trib. of Sage Hen creek

Use Fish Culture County Harney

Quantity of water (CFS) \_\_\_\_\_ No. of Acres \_\_\_\_\_

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

App# R45443 Per # R5371 Cert # 62226 PR Date 9/30/1968

App# \_\_\_\_\_ Per # \_\_\_\_\_ Cert # \_\_\_\_\_ PR Date \_\_\_\_\_

App# \_\_\_\_\_ Per # \_\_\_\_\_ Cert # \_\_\_\_\_ PR Date \_\_\_\_\_

App# \_\_\_\_\_ Per # \_\_\_\_\_ Cert # \_\_\_\_\_ PR Date \_\_\_\_\_

App# \_\_\_\_\_ Per # \_\_\_\_\_ Cert # \_\_\_\_\_ PR Date \_\_\_\_\_

FEES PAID		
Date	Amount	Receipt #
<u>2-1-2023</u>	<u>\$1,360.00</u>	<u>140055</u>

FEES REFUNDED		
Date	Amount	Receipt #

WATER RIGHT TRANSFER COVER SHEET

Transfer: T-14166

Transfer Specialist: *Jean*

Transfer Type: Regular Transfer

Reimbursement Authority?

<b>Applicant:</b> U.S. BUREAU OF LAND MANAGEMENT 28910 HWY 20 W HINES, OR 97738	<b>Agent:</b> JANA KRAUSS <i>Jane Jackson</i> 28910 HWY 20 W HINES, OR 97738	<b>Receiving Landowner:</b>
<b>Current Landowner if other than Applicant:</b>	<b>CWRE:</b>	<b>Irrigation District:</b>
<b>Affected Local Gov'ts:</b> County Of Harney planning Department	<b>Affected Tribal Gov't:</b>	<b>BOR Notified (date):</b>

Water Rights Affected

File Marked	App. File # or Decree Name	Permit	Certificate	RR/CR Needed	RR/CR Nos.
<input type="checkbox"/>	R45443	R5371	62226	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
<input type="checkbox"/>				<input type="checkbox"/> Yes <input type="checkbox"/> No	
<input type="checkbox"/>				<input type="checkbox"/> Yes <input type="checkbox"/> No	

Key Dates & Initial Actions (Support Staff)

Rec'd: February 1, 2023	Proposed Action(s): USE	
Fees Pd: 1360.00	Acknowledgement Letter Sent <input checked="" type="checkbox"/>	Basin: 12 Malheur Lake
Initial Public Notice:	County sent cc: of Ack Letter <input checked="" type="checkbox"/>	County: HARNEY
WM District: 10 J R. Johnson	WM Review request sent:	WM Review date received:
ODFW District:	ODFW Review sent:	ODFW Review date received:
Groundwater	GW Review sent:	GW Review date received:

Caseworker Actions: Newspaper & PD Notice:

Newspaper notice needed: <input type="checkbox"/>	Name of Newspaper:
Newspaper notice sent to:	Newspaper notice quote requested (NRS1):
Request for news \$ sent:	
Affidavit of publication re:	Publication:

**No Hurry**  
 needs affidavit & notice  
 LD - 9/21/25

Peer Review:

Document	Drafted	Pages Made	Signature Bin	Signature Date
DPD	Date: 11/1 Initials: <i>JW</i>	8/24 Initials: <i>JW</i>	CW Sent: 8/24 WM Sheet <input type="checkbox"/> ODFW Sheet: <input type="checkbox"/>	N/A
PD	Date: 8/2 Initials: <i>LD</i>	Initials: <i>AS</i> Review Date: <i>7/29/25</i>	Date: <i>7/29/25</i>	Date: <i>9/14/2025</i>
FO	Date: _____ Initials: <i>JW</i>	Date: _____ Initials: _____	Date: _____ No. of docs for sig: _____	Date: _____

Special Issues: Re-sent DPP - 2-12-24 yr's resub - 6/13/25 JP

Special Order Volume: Vol. \_\_\_\_\_ Pages \_\_\_\_\_

541-589-0778 →

WATER RIGHT TRANSFER COVER SHEET

Transfer: T-14166

Transfer Specialist: *Joan*

Transfer Type: Regular Transfer

Reimbursement Authority?

<b>Applicant:</b> U.S. BUREAU OF LAND MANAGEMENT 28910 HWY 20 W HINES, OR 97738	<b>Agent:</b> JANA KRAUSS <i>Jana Krauss</i> 28910 HWY 20 W HINES, OR 97738	<b>Receiving Landowner:</b>
<b>Current Landowner if other than Applicant:</b>	<b>CWRE:</b>	<b>Irrigation District:</b>
<b>Affected Local Gov'ts:</b> County Of Harney planning Department	<b>Affected Tribal Gov't:</b>	<b>BOR Notified (date):</b>

Water Rights Affected

File Marked	App. File # or Decree Name	Permit	Certificate	RR/CR Needed	RR/CR Nos.
<input type="checkbox"/>	R45443	R5371	62226	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
<input type="checkbox"/>				<input type="checkbox"/> Yes <input type="checkbox"/> No	
<input type="checkbox"/>				<input type="checkbox"/> Yes <input type="checkbox"/> No	

Key Dates & Initial Actions (Support Staff)

Rec'd: February 1, 2023	Proposed Action(s): USE	
Fees Pd: 1360.00	Acknowledgement Letter Sent <input checked="" type="checkbox"/>	Basin: 12 Malheur Lake
Initial Public Notice:	County sent cc: of Ack Letter <input checked="" type="checkbox"/>	County: HARNEY
WM District: 10 J R. Johnson	WM Review request sent:	WM Review date received:
ODFW District:	ODFW Review sent:	ODFW Review date received:
Groundwater	GW Review sent:	GW Review date received:

Caseworker Actions: Newspaper & PD Notice:

Newspaper notice needed: <input type="checkbox"/>	Name of Newspaper:
Newspaper notice sent to coordinator:	Newspaper notice quote requested (NRS1):
Request for news \$ sent:	News \$ received:
Affidavit of publication received:	Last day of publication:

Peer Review:

Document	Drafted	Peer Review	Coordinator	Changes Made	Signature Bin	Signature Date
DPD	Date: <i>11/28/23</i> Initials: <i>Joan</i>	Date: <i>11/29/23</i> Initials: <i>Scott</i>	Date: <i>8/24</i> Initials: <i>Cory</i>	Date: <i>8/24</i> Initials: <i>Joan</i>	CW Sent: <i>8/24</i> WM Sheet <input type="checkbox"/> ODFW Sheet: <input type="checkbox"/>	N/A
PD	Date: <i>2/26/25</i> Initials: <i>Joan</i>	Date: <i>3/4/24</i> Initials: <i>Scott</i>	Date: <i>3/6/24</i> Initials: <i>Cory</i>	Date: <i>AS</i> Initials: <i>AS</i> Data Review Date:	Date: <i>7/29/25</i>	Date: <i>9/14/2025</i>
FO	Date: <i>8/7/25</i> Initials: <i>Joan</i>	Date: <i>8/11/25</i> Initials: <i>Scott</i>	Date: _____ Initials: _____	Date: _____ Initials: _____	Date: _____ No. of docs for sig: _____	Date: _____

Special Issues: *Re-sent DPP - 2-12-24 JS resubmit - 6/13/25 JS*

Special Order Volume: Vol. \_\_\_\_\_ Pages \_\_\_\_\_

*541-589-0778 ->*

BEFORE THE WATER RESOURCES DEPARTMENT  
OF THE  
STATE OF OREGON

In the Matter of Transfer Application                    )     FINAL ORDER APPROVING A CHANGE  
T-14166, Harney County                                    )     IN CHARACTER OF USE

**Authority**

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

**Applicant**

U.S. BUREAU OF LAND MANAGEMENT  
28910 HWY 20 W  
HINES, OR 97738

**Findings of Fact**

1. On February 1, 2023, U.S. Bureau Of Land Management filed an application to change the character of use under Certificate 62226. The Department assigned the application number T-14166.
2. Notice of the application for transfer was published on February 7, 2023, pursuant to OAR 690-380-4000. No comments were filed in response to the notice.
3. On February 12, 2025, the Department mailed a copy of the draft Preliminary Determination proposing to approve Transfer Application T-14156 to the applicant. The draft Preliminary Determination cover letter set forth a deadline of March 12, 2025, for the applicant to respond. The applicant requested that the Department proceed with issuance of a Preliminary Determination and provided the necessary information to demonstrate that the applicant is authorized to pursue the transfer.

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

4. On August 4, 2025, the Department issued a Preliminary Determination proposing to approve Transfer T-14166 and mailed a copy to the applicant. Additionally, notice of the Preliminary Determination for the transfer application was published on the Department's weekly notice on August 5, 2025, and in the Burns Times Herald newspaper on August 13 and 20, 2025 pursuant to ORS 540.520 and OAR 690-380-4020. No protests were filed in response to the notice.

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

**Certificate:** 62226 in the name of OREGON STATE GAME COMMISSION (perfected under Permit R-5371)

**Use:** FISH CULTURE AND RECREATION

**Priority Date:** SEPTEMBER 30, 1968

**Rate:** 250.0 ACRE-FEET

**Source:** WILLOW CREEK, a tributary of SILVIES RIVER in WILLOW CREEK RESERVOIR

**Reservoir Location:**

Twp	Rng	Mer	Sec	Measured Distances
23 S	29 E	WM	13	THE W1/2 OF THE NW1/4
23 S	29 E	WM	14	THE E1/2 OF THE NE1/4

**Authorized Place of Use:**

FISH CULTURE AND RECREATION				
Twp	Rng	Mer	Sec	Q-Q
23 S	29 E	WM	13	NW NW
23 S	29 E	WM	13	SW NW
23 S	29 E	WM	14	NE NE
23 S	29 E	WM	14	SE NE

6. Transfer Application T-14166 proposes to change the character of use to livestock use.

**Transfer Review Criteria [OAR 690-380-0100(14), 690-380-4010(2) and 690-380-2300]**

7. Water has been used within the last five years according to the terms and conditions of the right. There is no information in the record that would demonstrate that the right is subject to forfeiture under ORS 540.610.

8. A water delivery system sufficient to use the full amount of water allowed under the existing right was present within the five-year period prior to submittal of Transfer Application T-14166.

9. The water right is subject to transfer as defined in ORS 540.505(4) and OAR 690-380-0100(14).

10. The proposed change would not result in enlargement of the right.

11. The proposed change would not result in injury to other existing water rights.

12. All other application requirements are met.

**Conclusions of Law**

The change in character of use proposed in Transfer Application T-14166 is consistent with the requirements of ORS 540.505 to 540.580 and OAR 690-380-5000.

**Now, therefore it is ORDERED:**

1. The right to the use of the water is restricted to beneficial use at the place of use described and is subject to all other conditions and limitations contained in Certificate 62226 and any related decree.
2. Water right Certificate 62226 is cancelled.
3. Full beneficial use of the water shall be made, consistent with the terms of this order, on or before **October 1, 2026**. A Claim of Beneficial Use prepared by a Certified Water Right Examiner shall be submitted by the applicant to the Department within one year after the deadline for completion of the change and full beneficial use of the water.
4. After satisfactory proof of beneficial use is received, a new certificate confirming the right transferred will be issued.

Dated in Salem, Oregon on

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

Mailing date: \_\_\_\_\_



**SMITH Joan M \* WRD**

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**From:** JONES JR David \* WRD  
**Sent:** Thursday, August 7, 2025 11:59 AM  
**To:** SMITH Joan M \* WRD  
**Subject:** RE: burns times T-14166 pd notice two weeks

The publication dates for this notice are 8/13 and 8/20.

*Dave Jones Jr*

Transfer and Conservation Section Support

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**From:** SMITH Joan M \* WRD <Joan.M.SMITH@water.oregon.gov>  
**Sent:** Wednesday, March 12, 2025 8:10 AM  
**To:** JONES JR David \* WRD <Dave.JONES@water.oregon.gov>  
**Subject:** RE: burns times T-14166 pd notice two weeks

Okay, thank you!

Joan Smith

My in office hours are Monday through Thursday from 8:00 a.m. to 5:30 p.m.  
My direct line is 503-986-0892

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**From:** JONES JR David \* WRD <Dave.JONES@water.oregon.gov>  
**Sent:** Wednesday, March 12, 2025 7:45 AM  
**To:** SMITH Joan M \* WRD <Joan.M.SMITH@water.oregon.gov>  
**Subject:** RE: burns times T-14166 pd notice two weeks

I sent off for a quote for this one already. The amount due from the applicant is \$216.00.

*Dave Jones Jr*

Transfer and Conservation Section Support

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**From:** SMITH Joan M \* WRD <Joan.M.SMITH@water.oregon.gov>  
**Sent:** Tuesday, March 11, 2025 5:06 PM  
**To:** JONES JR David \* WRD <Dave.JONES@water.oregon.gov>  
**Subject:** burns times T-14166 pd notice two weeks

Dave, I need a quote from the Burns Times Herald for two weeks for T-14166.

Thanks  
Joan

**JOAN M. SMITH | TRANSFER SPECIALIST**

**TRANSFER & CONSERVATION SECTION**

725 Summer Street NE, Suite A Salem, OR 97301 | Phone 503-986-0892

**NOTE:** OWRD offices are now open to the public. Given that many staff will continue teleworking remotely or have job duties that take them into the field on a regular basis, however, availability of staff in the office is not guaranteed 8 a.m. - 5 p.m. every day (M-F). OWRD's Salem office is closed for customer service drop-ins from Noon – 1pm. Customers and visitors are encouraged to schedule an appointment in advance if they wish to meet in person with specific staff members. Alternative methods for meeting, such as by phone or virtually via Teams, are also available.

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 Adult Signature Required \$ \_\_\_\_\_  
 Adult Signature Restricted Delivery \$ \_\_\_\_\_

Postmark  
Here

Postage

\$

Total Postage and Fees

\$

T-14166

Sent To

Street and Apt. No., or PO Box No.

City, State, ZIP+4®

9589 0710 5270 0208 3271 97



# Oregon

Tina Kotek, Governor

Water Resources Department

North Mall Office Building

725 Summer St NE, Suite A

Salem, OR 97301

Phone 503 986-0900

Fax 503 986-0904

www.oregon.gov/owrd

AUG 04, 2025

VIA CERTIFIED MAIL AND E-MAIL

U.S. BUREAU OF LAND MANAGEMENT  
28910 HWY 20 W  
HINES, OR 97738

SUBJECT: Water Right Transfer Application T-14166

Please find enclosed the Preliminary Determination indicating that, based on the information available, the Department intends to approve application T-14166. This document is an intermediate step in the approval process; water may not be used legally as proposed in the transfer application until a Final Order has been issued by the Department. Please read this entire letter carefully to determine your responsibility for additional action.

A public notice is being published in the Department's weekly publication and in the Burns Times Herald newspaper, simultaneously with issuance of the Preliminary Determination. The notice initiates a period in which any person may file either a protest opposing the decision proposed by the Department in the Preliminary Determination or a supporting statement supporting the Department's decision. The protest period begins 15 days after the last date of newspaper publication.

If no protest is filed, the Department will issue a Final Order with the Preliminary Determination. You should file any protest or supporting statement after the close of the protest period.

If a protest is filed, the application will be contested. A contested case provides an opportunity for the applicant to present evidence and arguments proposed in a quasi-judicial proceeding. The applicant may also file a supporting statement in their position.

Please don't hesitate to contact me at [redacted] for assistance. You may also contact the Department's website at [www.oregon.gov](http://www.oregon.gov), if I am not available.

Sincerely,

Joan Smith

Transfer Specialist

Transfer and Conservation Section

*Waiting for news notice*  
*Received funds !!*  
*Resent 6/11/2025*  
*Prepped refund of funds for sister file T-14176\**  
*need 2 do*



# Oregon

Tina Kotek, Governor

Water Resources Department

North Mall Office Building

725 Summer St NE, Suite A

Salem, OR 97301

Phone 503 986-0900

Fax 503 986-0904

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

AUG 04, 2025

VIA CERTIFIED MAIL AND E-MAIL

U.S. BUREAU OF LAND MANAGEMENT  
28910 HWY 20 W  
HINES, OR 97738

SUBJECT: Water Right Transfer Application T-14166

Please find enclosed the Preliminary Determination indicating that, based on the information available, the Department intends to approve application T-14166. This document is an intermediate step in the approval process; water may not be used legally as proposed in the transfer application until a Final Order has been issued by the Department. Please read this entire letter carefully to determine your responsibility for additional action.

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

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

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

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

Sincerely,

Joan Smith

Transfer Specialist

Transfer and Conservation Section

cc: Transfer Application file T-14166  
Donald (Dally) S. Swindlehurst, District 10 Watermaster (*via e-mail*)  
Brian M. Christensen, Agent for the applicant (*via e-mail*)

encs

BEFORE THE WATER RESOURCES DEPARTMENT  
OF THE  
STATE OF OREGON

In the Matter of Transfer Application	)	PRELIMINARY DETERMINATION
T-14166, Harney County	)	PROPOSING APPROVAL OF A CHANGE
	)	IN CHARACTER OF USE

**Authority**

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

**Applicant**

U.S. BUREAU OF LAND MANAGEMENT  
28910 HWY 20 W  
HINES, OR 97738

**Findings of Fact**

1. On February 1, 2023, U.S. Bureau Of Land Management filed an application to change the character of use under Certificate 62226. The Department assigned the application number T-14166.
2. Notice of the application for transfer was published on February 7, 2023, pursuant to OAR 690-380-4000. No comments were filed in response to the notice.
3. On February 12, 2025, the Department mailed a copy of the draft Preliminary Determination proposing to approve Transfer Application T-14156 to the applicant. The draft Preliminary Determination cover letter set forth a deadline of March 12, 2025, for the applicant to respond. The applicant requested that the Department proceed with issuance of a Preliminary Determination and provided the necessary information to demonstrate that the applicant is authorized to pursue the transfer.

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

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

**Certificate:** 62226 in the name of OREGON STATE GAME COMMISSION (perfected under Permit R-5371)  
**Use:** FISH CULTURE AND RECREATION  
**Priority Date:** SEPTEMBER 30, 1968  
**Rate:** 250.0 ACRE-FEET  
**Source:** WILLOW CREEK, a tributary of SILVIES RIVER in WILLOW CREEK RESERVOIR

**Reservoir Location:**

Twp	Rng	Mer	Sec	Measured Distances
23 S	29 E	WM	13	THE W1/2 OF THE NW1/4
23 S	29 E	WM	14	THE E1/2 OF THE NE1/4

**Authorized Place of Use:**

FISH CULTURE AND RECREATION				
Twp	Rng	Mer	Sec	Q-Q
23 S	29 E	WM	13	NW NW
23 S	29 E	WM	13	SW NW
23 S	29 E	WM	14	NE NE
23 S	29 E	WM	14	SE NE

5. Transfer Application T-14166 proposes to change the character of use to livestock use.

**Transfer Review Criteria [OAR 690-380-0100(14), 690-380-4010(2) and 690-380-2300]**

6. Water has been used within the last five years according to the terms and conditions of the right. There is no information in the record that would demonstrate that the right is subject to forfeiture under ORS 540.610.
7. A water delivery system sufficient to use the full amount of water allowed under the existing right was present within the five-year period prior to submittal of Transfer Application T-14166.
8. The water right is subject to transfer as defined in ORS 540.505(4) and OAR 690-380-0100(14).
9. The proposed change would not result in enlargement of the right.
10. The proposed change would not result in injury to other existing water rights.
11. All other application requirements are met.

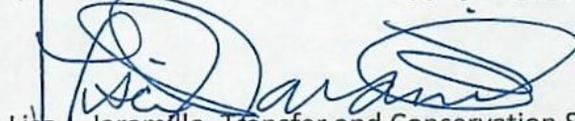
**Determination and Proposed Action**

The change in character of use proposed in Transfer Application T-14166 appears to be consistent with the requirements of ORS 540.505 to 540.580 and OAR 690-380-5000. If protests are not filed pursuant to OAR 690-380-4030, the transfer application will be approved.

*If Transfer Application T-14166 is approved, the final order will include the following:*

- 1. The right to the use of the water is restricted to beneficial use at the place of use described and is subject to all other conditions and limitations contained in Certificate 62226 and any related decree.*
- 2. Water right Certificate 62226 is cancelled.*
- 3. Full beneficial use of the water shall be made, consistent with the terms of this order, on or before **October 1, 2026**. A Claim of Beneficial Use prepared by a Certified Water Right Examiner shall be submitted by the applicant to the Department within one year after the deadline for completion of the change and full beneficial use of the water.*
- 4. After satisfactory proof of beneficial use is received, a new certificate confirming the right transferred will be issued.*

Dated in Salem, Oregon on **AUG 04 2025**



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

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

### **Protests**

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

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

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

#### **Requests for Standing**

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

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

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

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

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

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

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

You may be represented by an attorney at the hearing. Legal aid organizations may be able to assist a party with limited financial resources. Generally, partnerships, corporations, associations, governmental subdivisions, or public or private organizations are represented by an attorney. However, consistent with OAR 690-002-0020 and OAR 690-137-0555, an agency representative may represent partnerships, corporations, associations, governmental subdivisions or public, or private organizations if the Department determines that appearance of a person by an authorized representative will not hinder the orderly and timely development of the record in this case.

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

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

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

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

**SMITH Joan M \* WRD**

---

**From:** Christensen, Brian M <bchristensen@blm.gov>  
**Sent:** Monday, September 25, 2023 8:59 AM  
**To:** SMITH Joan M \* WRD; Jackson, Kyle W  
**Subject:** Re: [EXTERNAL] RE: Request to rescind application #14176

**Categories:** Red Category

Morning Joan,

Moving forward Kyle Jackson will be working on the application #14176. He is attached on this email and will be reaching out to you.

Have you found anything on application #14166 that you emailed on 9/19?

Thanks,

Brian Christensen  
Three Rivers Field Manager  
Bureau of Land Management  
Burns District  
Office - 541-573-4467  
Cell - 541-589-0778

---

**From:** Christensen, Brian M <bchristensen@blm.gov>  
**Sent:** Wednesday, September 13, 2023 8:49 AM  
**To:** SMITH Joan M \* WRD <Joan.M.SMITH@water.oregon.gov>  
**Subject:** Re: [EXTERNAL] RE: Request to rescind application #14176

Morning,

Where can I find a fillable PDF application to get this process started again? I am assuming I can't use the old application and signatures and just update the needed section.

Thanks,

Brian Christensen  
Three Rivers Field Manager  
Bureau of Land Management  
Burns District  
Office - 541-573-4467  
Cell - 541-589-0778

---

**From:** SMITH Joan M \* WRD <Joan.M.SMITH@water.oregon.gov>  
**Sent:** Wednesday, September 6, 2023 11:39 AM

To: Christensen, Brian M <bchristensen@blm.gov>  
Subject: [EXTERNAL] RE: Request to rescind application #14176

This email has been received from outside of DOI - Use caution before clicking on links, opening attachments, or responding.

Good Morning Brian, I have discussed the fee for T-14176 with my Manager and we are able to transfer the funds from the withdrawn order to the new application once you submit it, you can submit it directly to me through email, then send the wet signature copies in the mail to my attention.  
Let me know.  
Joan

Joan Smith  
My in office hours are Monday through Thursday from 6:00 a.m. to 4:30 p.m.  
My direct line is 503-986-0892



From: Christensen, Brian M <bchristensen@blm.gov>  
Sent: Thursday, August 24, 2023 11:28 AM  
To: SMITH Joan M \* WRD <joan.m.smith@water.oregon.gov>  
Subject: Request to rescind application #14176

You don't often get email from [bchristensen@blm.gov](mailto:bchristensen@blm.gov). [Learn why this is important](#)

The Bureau of Land Management (BLM) Burns District respectfully requests to rescind application #14176 to change surface water right designation. This application doesn't accurately identify our need. We will resubmit an application.

Please advise if our application fee may transfer to our resubmittal.

Thank you,

Brian Christensen  
Three Rivers Field Manager  
Bureau of Land Management  
Burns District  
Office - 541-573-4467  
Cell - 541-589-0778



\* T-14176 \*  
1-541-573-4488 7:44  
Kyle Jackson  
addition of livestock →  
not a from<sup>2</sup> - yes!

STATE OF OREGON  
COUNTY OF HARNEY  
CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

OREGON STATE GAME COMMISSION  
1634 W.W. ALDER STREET  
PORTLAND, OREGON 97208

confirms the right to store the waters of WILLOW CREEK, a tributary of SILVIES RIVER, in WILLOW CREEK RESERVOIR, appropriated under Permit 33949, for the purpose of FISH CULTURE & RECREATION.

The right to store these waters has been perfected under Reservoir Permit R-5371. The date of priority is SEPTEMBER 30, 1968. The amount of water entitled to be stored each year under such right is not more than 250 ACRE-FEET.

The reservoir is located as follows:

W 1/2 NW 1/4  
SECTION 13

E 1/2 NE 1/4  
SECTION 14  
TOWNSHIP 23 SOUTH, RANGE 29 EAST, W.M.

The dam is to be operated and maintained in accordance with the approved plans and specifications on file with the Water Resources Department.

The right to store and use the water for the above purpose is restricted to beneficial use at the place of use described.

WITNESS the signature of the Water Resources Director, affixed this date AUGUST 31, 1989.

/s/ WILLIAM H. YOUNG  
Water Resources Director

Recorded in State Record of Water Right Certificates numbered 62226

R-45443.VC

**SMITH Joan M \* WRD**

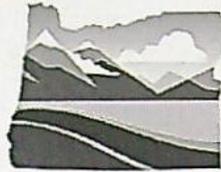
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**From:** Jackson, Kyle W <kwjackso@blm.gov>  
**Sent:** Thursday, September 28, 2023 8:30 AM  
**To:** SMITH Joan M \* WRD  
**Cc:** Christensen, Brian M  
**Subject:** Water Rights Application #14176 Eronos Willow Creek Reservoir

We would like to amend/clarify our application (#14176) it was our intention to add livestock grazing use to the existing use(s) of recreation/fisheries and not to remove the recreation use if we could amend our application for the Erenos Willow Creek reservoir to reflect our desire to maintain the existing uses and add livestock that would be greatly appreciated.

Kyle Jackson  
Rangeland Management Specialist  
Three Rivers Resource Area - Burns District  
28910 Hwy 20 W  
Hines, OR 97738  
Phone: 541-573-4488

# Watermaster Review Form: Water Right Transfer



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

Transfer Application: T- 14166

Review Due Date: \_\_\_\_\_

Applicant Name: Bureau of Land Management

Proposed Changes:  POU  POD  POA  USE  OTHER

Reviewer(s): Dally Swindlehurst

Date of Review: 03/24/23

1. Do you have evidence that the right has not been used in the last 5 years and that the presumption of forfeiture would not likely be rebuttable?  Yes  No If "Yes", attach evidence (e.g. dated aerial photo showing pavement or building on the land for >5 yrs.)
2. Is there a history of regulation on the source that serves this (or these) right(s) that has involved the transferred right(s) and downstream water rights?  Yes  No  
Generally characterize the frequency of any regulation or explain why regulation has not occurred: \_\_\_\_\_
3. Have headgate notices been issued for the source that serves the transferred right(s)?  
 Yes  No  Records not available.
4. In your estimation, after the proposed change, would distribution of water for the right(s) result in regulation of other water rights that would not have occurred if use under the original right(s) was/were maximized?  Yes  No If "Yes", explain: \_\_\_\_\_
5. In your estimation, if the proposed change is approved, are there upstream water rights that would be affected?  Yes  No If "Yes", describe how the rights would be affected and list the rights most affected: \_\_\_\_\_
6. Check here  if it appears that downstream water rights benefit from return flows resulting from the current use of the transferred right(s)? If you check the box, generally characterize the locations where the return flows likely occur and list the water rights that benefit most: \_\_\_\_\_.  N/A
7. For POD changes and instream transfers, check here  if there are channel losses between the old and new PODs or within the proposed instream reach? If you check the box, describe and, if possible, estimate the losses: \_\_\_\_\_.  N/A
8. For instream transfers that propose protection of a reach beyond the mouth of the source stream:  N/A Would the quantity be measureable into the receiving stream consistent with OAR 690-077-0015(8)?  Yes  No

9. For POU changes:  N/A Is it likely the original place of use would continue to receive water from the same source?  Yes  No If "Yes", explain: \_\_\_\_\_
10. For POU or USE changes:  N/A In your best judgment, would use of the existing right at "full face value," result in the diversion of more water than can be used beneficially and without waste?  Yes  No If "Yes", explain: \_\_\_\_\_
11. For POU changes that involve micro-irrigation:  N/A
- a. Has the applicant made changes (absent a transfer) to convert to micro-irrigation within the current place of use boundary of the water right proposed for transfer, and previously demonstrated to the Department through monitoring and site inspections by the Watermaster that the proposed transfer will not result in injury or enlargement?  Yes  No If "Yes", explain: \_\_\_\_\_
  - b. Has a temporary transfer of this nature been previously filed and approved on the same lands (or portions thereof) as those lands involved in this transfer?  
 Yes  No If "Yes", answer the following:
    - i. Were there any problems with more acres being irrigated (or wetted) than were authorized under the temporary transfer?  Yes  No  
If "Yes", explain: \_\_\_\_\_
    - ii. Did the designated areas that were to remain dry (or not wetted) under the temporary transfer actually remain dry?  Yes  No  
If "No", explain: \_\_\_\_\_
    - iii. Did the applicant comply with and meet all of the conditions of the temporary transfer?  Yes  No If "No", explain: \_\_\_\_\_
    - iv. Do you have any other observations regarding the temporary transfer?  
 Yes  No If "Yes", describe: \_\_\_\_\_
    - v. Did the applicant demonstrate to the Department through monitoring and site inspections by the Watermaster that neither injury nor enlargement occurred as a result of the temporary transfer?  Yes  No  
If "No", explain: \_\_\_\_\_
  - c. To the best of your knowledge, if this transfer is approved, does it appear that:
    - i. "Injury" will occur to other water rights that share the same source?  
 Yes  No If "Yes", explain: \_\_\_\_\_
    - ii. "Enlargement" of the water right being transferred will occur?  
 Yes  No If "Yes", explain: \_\_\_\_\_
12. Are there other issues not identified through the above questions that should be considered in determining whether the change "can be effected without injury to other rights"?  
 Yes  No If "Yes", explain: \_\_\_\_\_

13. What alternatives may be available for addressing any issues identified above: \_\_\_\_\_
14. Do conditions need to be included in the transfer order to avoid enlargement of the right or injury to other rights?  No  Yes, as checked and provided below:

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

A Headgate should be required prior to diverting water.

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

*a. Before water use may begin under this order, the water user shall install a **totalizing flow meter**\*, or, with prior approval of the Director, another suitable measuring device,  at each point of diversion/appropriation (new and existing)*

*OR  at each new point of diversion/appropriation*

*with the exception that water rights issued to the Bureau of Reclamation or an irrigation district (or similar entity) are not subject to this condition.*

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

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

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

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

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

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

Weir

Submerged Orifice

Parshall Flume

Flow Restrictor

Other: \_\_\_\_\_

Oregon Water Resources Department

Measurement Condition Information for the Applicant

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

Transfer #: T- 14166

- In order to avoid enlargement of the right or injury to other rights, a \_\_\_\_\_ will be required to be installed **prior to diversion of water**, as a condition of this transfer:
  - at each point of diversion/appropriation (new and existing) **OR**
  - at each new point of diversion/appropriation.

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

Watermaster name: Dally Swindlehurst

District: 10

Address: 450 N Buena Vista

City/State/Zip: Bureau of Land Management

Phone: 541-573-2591

Email: donald.s.swindlehurst@water.oregon.gov

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

\*\*\*\*\*

**Approval of an Alternate Measurement Device** T- \_\_\_\_\_  
(to be filled out after consultation with the applicant, or after a site visit)

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

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

\_\_\_\_\_  
Watermaster signature

\_\_\_\_\_  
District

\_\_\_\_\_  
Date

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

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



# Oregon

Tina Kotek, Governor

## Water Resources Department

North Mall Office Building

725 Summer St NE, Suite A

Salem, OR 97301

Phone 503 986-0900

Fax 503 986-0904

February 3, 2023

U.S. BUREAU OF LAND MANAGEMENT

28910 HWY 20 W

HINES, OR 97738

Reference: Application T-14166

On February 1, 2023, the Department received your water right Permanent Transfer Application. The application was accompanied by \$1360.00. Receipt number 140055 is enclosed.

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

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

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

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

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

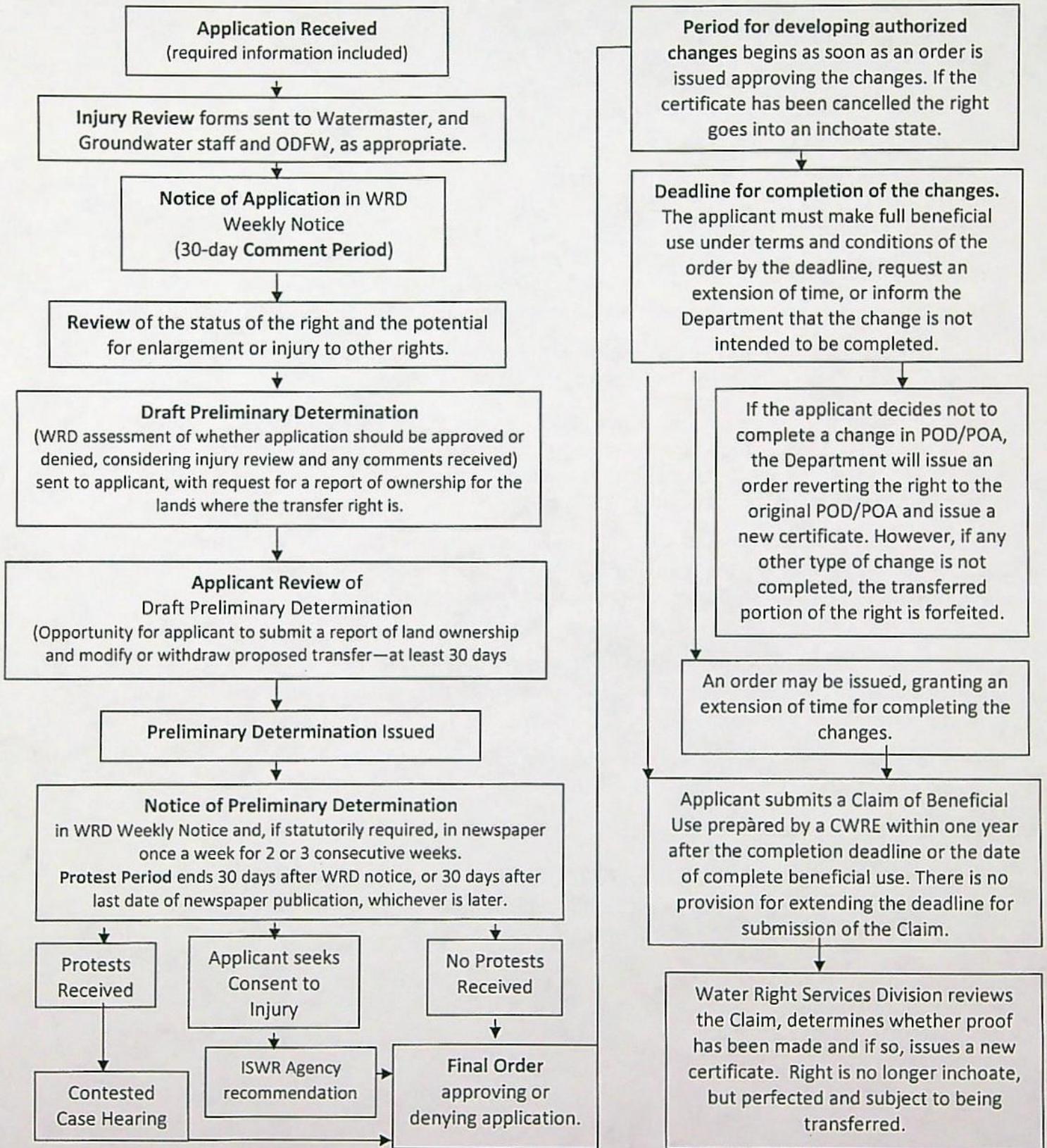
If you have any questions, please contact the Transfer Section at (503) 979-9931.

Cc: Watermaster Dist. #10, J R. Johnson (*via email*)  
Harney County  
Jana Krauss, Agent

Enclosure

## Regular Transfer Process (including "Proving Up" on the changes)

OAR 690 Division 380



# Application for Permanent Water Right Transfer



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

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

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

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FEB 01 2023

OWRD

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

- X Part 1 – Completed Minimum Requirements Checklist.
- X Part 2 – Completed Transfer Application Map Checklist.
- X Part 3 – Application Fee, payable by check to the Oregon Water Resources Department, and completed Fee Worksheet, page 3. Try the new online fee calculator at: [http://apps.wrd.state.or.us/apps/misc/wrd\\_fee\\_calculator](http://apps.wrd.state.or.us/apps/misc/wrd_fee_calculator).
- X Part 4 – Completed Applicant Information and Signature.
- X Part 5 – Information about Water Rights to be Transferred: **How many water rights are to be transferred? 1 List them here: C-62226**  
Please include a separate Part 5 for each water right. (See instructions on page 6)

**NOTE: A separate transfer application is required for each water right unless the criteria in OAR 690-380-3220 are met.**

### Attachments:

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

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DEC 05 2022

OWRD  
SALEM, OREGON

14166

(For Staff Use Only)

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

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

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DEC 05 2022

OWRD  
SALEM, OREGON

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FEB 01 2023

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FEB 01 2023

DEC 05 2022

Part 2 of 5 – Transfer Application Map

OWRD

OWRD  
SALEM, OREGON

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

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

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



this example, blank 5a would be only 0.56 cfs, since both rights serve the same 45.0 acres. Blank 5b would be 0 and Line 5 would then also become 0).

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

NO WELLS

**RECEIVED**  
DEC 05 2022  
OWRD  
SALEM, OREGON

**RECEIVED**  
FEB 01 2023  
OWRD

## Part 4 of 5 – Applicant Information and

### Applicant Information

APPLICANT/BUSINESS NAME Bureau of Land Management		PHONE NO. (541)573-4438	ADDITIONAL CONTACT NO.
ADDRESS 28910 Hwy 20 W			FAX NO.
CITY Hines	STATE OR	ZIP 97738	E-MAIL jakrauss@blm.gov
BY PROVIDING AN E-MAIL ADDRESS, CONSENT IS GIVEN TO RECEIVE ALL CORRESPONDENCE FROM THE DEPARTMENT ELECTRONICALLY. COPIES OF THE FINAL ORDER DOCUMENTS WILL ALSO BE MAILED.			

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

AGENT/BUSINESS NAME Jana Krauss		PHONE NO. (541)573-4438	ADDITIONAL CONTACT NO.
ADDRESS 28910 Hwy 20 W			FAX NO.
CITY Hines	STATE OR	ZIP 97738	E-MAIL JAKRAUSS@BLM.GOV
BY PROVIDING AN E-MAIL ADDRESS, CONSENT IS GIVEN TO RECEIVE ALL CORRESPONDENCE FROM THE DEPARTMENT ELECTRONICALLY. COPIES OF THE FINAL ORDER DOCUMENTS WILL ALSO BE MAILED.			

Explain in your own words what you propose to accomplish with this transfer application, and why:

Change the character of use from Fish Culture and Recreation to Livestock for Willow Creek Reservoir.

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

### Check One Box

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

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DEC 05 2022

OWRD  
SALEM, OREGON

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FEB 01 2023

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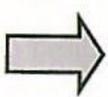
DEC 05 2022

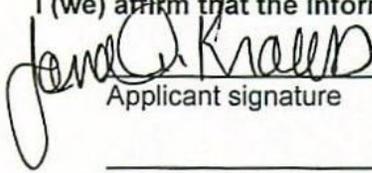
OWRD  
SALEM, OREGON

By my signature below, I confirm that I understand:

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

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




Jana A. Kraus
Water Rights Specialist
9/6/2022  
 Applicant signature Print Name (and Title if applicable) Date

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

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

Check the following boxes that apply:

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

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

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

If a property sells, the certificated water right(s) located on the land belong to the new owner, unless a sale agreement or other document states otherwise. For more information see: [https://www.oregon.gov/owrd/WRDFormsPDF/Transfer\\_Property\\_Transactions.pdf](https://www.oregon.gov/owrd/WRDFormsPDF/Transfer_Property_Transactions.pdf)

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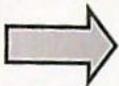
RECEIVING LANDOWNER NAME N/A		PHONE NO.	ADDITIONAL CONTACT NO.
ADDRESS			FAX NO.
CITY	STATE	ZIP	E-MAIL
Describe any special ownership circumstances:			
The confirming Certificate shall be issued in the name of: <input type="checkbox"/> Applicant <input type="checkbox"/> Receiving Landowner			

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

IRRIGATION DISTRICT NAME N/A	ADDRESS	
CITY	STATE	ZIP

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

ENTITY NAME N/A	ADDRESS	
CITY	STATE	ZIP



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

ENTITY NAME Harney County	ADDRESS 450 N. Buena Vista	
CITY Burns	STATE OR	ZIP 97720

ENTITY NAME	ADDRESS	
CITY	STATE	ZIP

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## Part 5 of 5 – Water Right

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

CERTIFICATE # C-62226

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**Description of Water Delivery System**

System capacity: N/A cubic feet per second (cfs) OR  
N/A gallons per minute (gpm)

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Describe the current water delivery system or the system that was in place at some time within the last five years. Include information on the pumps, canals, pipelines, and sprinklers used to divert, convey, and apply the water at the authorized place of use. The current system is for Fish Culture and Recreation. There are no delivery systems in place. The current use is from the reservoir.

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

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

POD/POA Name or Number	Is this POD/POA Authorized on the Certificate or is it Proposed?	If POA, OWRD Well Log ID# (or Well ID Tag # L- )	Twp		Rng		Sec	¼ ¼		Tax Lot, DLC or Gov't Lot	Measured Distances (from a recognized survey corner)
POD	<input checked="" type="checkbox"/> Authorized <input type="checkbox"/> Proposed		23	S	29	E	13	SW	NW	200	2380' South and 390' East from the NW corner of Section 13
POD	<input type="checkbox"/> Authorized <input checked="" type="checkbox"/> Proposed		23	S	29	E	13	SW	NW	200	2380' South and 390' East from the NW corner of Section 13
	<input type="checkbox"/> Authorized <input type="checkbox"/> Proposed										
	<input type="checkbox"/> Authorized <input type="checkbox"/> Proposed										

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

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

- Additional Point of Diversion (APOD)     Substitution (SUB)
- Surface Water POD to Ground Water POA (SW/GW)     Government Action POD (GOV)

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

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

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

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

**Table 2. Description of Changes to Water Right Certificate # C-62226**

List the change proposed for the acreage in each ¼ ¼. If more than one change is proposed, specify the acreage associated with each change.

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

AUTHORIZED (the "from" or "off" lands) The listing that appears on the certificate BEFORE PROPOSED CHANGES List only that part or portion of the water right that will be changed.											Proposed Changes (see "CODES" from previous page)	PROPOSED (the "to" or "on" lands) The listing as it would appear AFTER PROPOSED CHANGES are made.														
Twp	Rng	Sec	¼	¼	Tax Lot	Gvt Lot or DLC	Acres	Type of USE listed on Certificate	POD(s) or POA(s) (name or number from Table 1)	Priority Date		Twp	Rng	Sec	¼	¼	Tax Lot	Gvt Lot or DLC	Acres	New Type of USE	POD(s)/POA(s) to be used (from Table 1)	Priority Date				
EXAMPLE																										
2	S	9	E	15	NE	NW	100		15.0	Irrigation	POD #1 POD #2	1901	POU/POD	2	S	9	E	1	NW	NW	500	1	10.0		POD #5	1901
														2	S	9	E	2	SW	NW	500		5.0		POD #6	1901
23	S	29	E	13	SW	NW	200			Fish Culture & Recreation	POD	1968	USE	23	S	29	E	13	SW	NW	200			Livestock	POD	1968
23	S	29	E	13	NW	NW	200			Fish Culture & Recreation	POD	1968	USE	23	S	29	E	13	NW	NW	200			Livestock	POD	1968
23	S	29	E	14	NE	NE	200			Fish Culture & Recreation	POD	1968	USE	23	S	29	E	14	NE	NE	200			Livestock	POD	1968
23	S	29	E	14	SE	NE	200			Fish Culture & Recreation	POD	1968	USE	23	S	29	E	14	SE	NE	200			Livestock	POD	1968
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**For Place of Use or Character of Use Changes**

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

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



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

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

Ground water supplemental Permit or Certificate # N/A;  
Surface water primary Certificate # N/A.

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

Identify the primary certificate to be cancelled. Certificate # N/A

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

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

**Tip:** You may search for well logs on the Department's web page at:  
[http://apps.wrd.state.or.us/apps/gw/well\\_log/Default.aspx](http://apps.wrd.state.or.us/apps/gw/well_log/Default.aspx)

**AND/OR**

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

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

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

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

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# Land Use Information Form



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

## NOTE TO APPLICANTS

In order for your application to be processed by the Water Resources Department (WRD), this Land Use Information Form must be completed by a local government planning official in the jurisdiction(s) where your water right will be used and developed. The planning official may choose to complete the form while you wait, or return the receipt stub to you. Applications received by WRD without the Land Use Form or the receipt stub will be returned to you. Please be aware that your application will not be approved without land use approval.

**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) The existing and proposed water use is located entirely within lands zoned for exclusive farm-use or within an irrigation district;
  - b) The application involves a change in place of use only;
  - c) The change does not involve the placement or modification of structures, including but not limited to water diversion, impoundment, distribution facilities, water wells and well houses; and
  - d) The application involves irrigation water uses only.

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## NOTE TO LOCAL GOVERNMENTS

The person presenting the attached Land Use Information Form is applying for or modifying a water right. The Water Resources Department (WRD) requires its applicants to obtain land-use information to be sure the water rights do not result in land uses that are incompatible with your comprehensive plan. Please complete the form or detach the receipt stub and return it to the applicant for inclusion in their water right application. You will receive notice once the applicant formally submits his or her request to the WRD. The notice will give more information about WRD's water rights process and provide additional comment opportunities. You will have 30 days from the date of the notice to complete the land-use form and return it to the WRD. If no land-use information is received from you within that 30-day period, the WRD may presume the land use associated with the proposed water right is compatible with your comprehensive plan. Your attention to this request for information is greatly appreciated by the Water Resources Department. If you have any questions concerning this form, please contact the WRD's Customer Service Group at 503-986-0801.

# Land Use Information Form

CERTIFICATE # 62226



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

Applicant(s): BUREAU OF LAND MANAGEMENT

Mailing Address: 28910 HWY 20 W

City: Hines State: OR Zip Code: 97738 Daytime Phone: 541-573-4400

## A. Land and Location

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

Township	Range	Section	¼ ¼	Tax Lot #	Plan Designation (e.g., Rural Residential/RR-5)	Water to be:			Proposed Land Use:
23S	29E	13	SWNW	200		<input type="checkbox"/> Diverted	<input type="checkbox"/> Conveyed	<input checked="" type="checkbox"/> Used	LIVESTOCK
						<input type="checkbox"/> Diverted	<input type="checkbox"/> Conveyed	<input type="checkbox"/> Used	
						<input type="checkbox"/> Diverted	<input type="checkbox"/> Conveyed	<input type="checkbox"/> Used	
						<input type="checkbox"/> Diverted	<input type="checkbox"/> Conveyed	<input type="checkbox"/> Used	

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

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## B. Description of Proposed Use

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

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

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

Estimated quantity of water needed: 250   
 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:

EXISTING RESERVOIR SINCE 1968. ABANDONED BY OREGON STATE GAME COMMISSION. USES WERE FISH + RECREATION. BLM TOOK OVER THE RIGHT AS WE ARE THE LAND OWNERS AND CHANGED USE TO LIVESTOCK.

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

See bottom of Page 3. →

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## For Local Government Use Only

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

**Please check the appropriate box below and provide the requested information**

- Land uses to be served by the proposed water uses (including proposed construction) are allowed outright or are not regulated by your comprehensive plan. Cite applicable ordinance section(s): HCZO 3.010 / EFRV-1
- Land uses to be served by the proposed water uses (including proposed construction) involve discretionary land-use approvals as listed in the table below. (Please attach documentation of applicable land-use approvals which have already been obtained. Record of Action/land-use decision and accompanying findings are sufficient.) **If approvals have been obtained but all appeal periods have not ended, check "Being pursued."**

Type of Land-Use Approval Needed (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
	<b>RECEIVED</b>	<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being Pursued <input type="checkbox"/> Not Being Pursued
	<b>FEB 01 2023</b>	<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being Pursued <input type="checkbox"/> Not Being Pursued
	<b>OWRD</b>	<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being Pursued <input type="checkbox"/> Not Being Pursued
		<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being Pursued <input type="checkbox"/> Not Being Pursued

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

Name: Brandon McMillon Title: Planning Director  
 Signature: [Signature] Phone: (541) 573-6655 Date: 1/27/25  
 Government Entity: Hanney County

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



**Receipt for Request for Land Use Information**

Applicant name: BUREAU OF LAND MANAGEMENT  
 City or County: HARNEY Staff contact: Jana Krauss  
 Signature: Jana Krauss Phone: 541-529-4613 Date: 1/25/23

# Application for Water Right Transfer

## Evidence of Use Affidavit



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

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

State of Oregon )  
 ) ss  
 County of HARNEY )

I, JANA KRAUSS, in my capacity as WATER RIGHTS SPECIALIST BURNS DIST. BLM  
 mailing address 28910 Hwy 20 W HINES OR 97738  
 telephone number (541) 573-4438, being first duly sworn depose and say:

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

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2. I attest that:

Water was used during the previous five years on the entire place of use for Certificate # 62226; OR

My knowledge is specific to the use of water at the following locations within the last five years:

Certificate #	Township	Range	Mer	Sec	¼ ¼	Gov't Lot or DLC	Acres (if applicable)
<u>62226</u>	<u>23 S</u>	<u>29 E</u>		<u>13</u>	<u>SUNNW</u>	<u>200</u>	<u>—</u>

OR

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

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141 141 TACB

FISH CULTURE +  
RECREATION

3. The water right was used for: (e.g., crops, pasture, etc.): \_\_\_\_\_
4. I understand that if I do not attach one or more of the documents shown in the table below to support the above statements, my application will be considered incomplete.

Jana Wilkerson  
Signature of Affiant

1/12/2023  
Date



Signed and sworn to (or affirmed) before me this 13<sup>th</sup> day of January, 2023.

Derrin Robinson, Harney County Clerk

[Signature]  
Notary Public for Oregon

Notarial Official as per ORS 194.255 (1)(c)

My Commission Expires: upon being elected after

Supporting Documents	Examples
<input type="checkbox"/> Copy of a water right certificate that has been issued within the last five years. (not a remaining right certificate)	Copy of <b>confirming</b> water right certificate that shows issue date
<input type="checkbox"/> Copies of receipts from sales of irrigated crops or for expenditures related to use of water	<ul style="list-style-type: none"> <li>• Power usage records for pumps associated with irrigation use</li> <li>• Fertilizer or seed bills related to irrigated crops</li> <li>• Farmers Co-op sales receipt</li> </ul>
<input type="checkbox"/> Records such as FSA crop reports, irrigation district records, NRCS farm management plan, or records of other water suppliers	<ul style="list-style-type: none"> <li>• District assessment records for water delivered</li> <li>• Crop reports submitted under a federal loan agreement</li> <li>• Beneficial use reports from district</li> <li>• IRS Farm Usage Deduction Report</li> <li>• Agricultural Stabilization Plan</li> <li>• CREP Report</li> </ul>
<input checked="" type="checkbox"/> Aerial photos containing sufficient detail to establish location and date of photograph  <u>Reservoir constructed and in use on BLM Land since 1968</u>	Multiple photos can be submitted to resolve different areas of a water right. If the photograph does not print with a "date stamp" or without the source being identified, the date of the photograph and source should be added.  Sources for aerial photos: OSU – <a href="http://www.oregonexplorer.info/imagery">www.oregonexplorer.info/imagery</a> OWRD – <a href="http://www.wrd.state.or.us">www.wrd.state.or.us</a> Google Earth – <a href="http://earth.google.com">earth.google.com</a> TerraServer – <a href="http://www.terraserver.com">www.terraserver.com</a>
<input type="checkbox"/> Approved Lease establishing beneficial use within the last 5 years	Copy of instream lease or lease number

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**Willow Creek Reservoir  
Certificate #62227  
2020 Imagery Proof of Use**

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DWRD

14  
T23S R29E USA

13 USA

NREP IMAGERY 2020  
on 1/12/2023

**Willow Creek Reservoir  
Certificate #62227  
2017 Imagery Proof of Use**

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T23S R29E USA

13 : USA

NAEP IMAGERY 2017  
on 1/12/2023

**Willow Creek Reservoir  
Certificate #62227  
2016 Imagery Proof of Use**

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14  
T23S R29E USA

13 USA

NAIP IMAGERY 2016  
on 1/12/2023

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**Willow Creek Reservoir  
Certificate #62227  
2009 Imagery Proof of Use**

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14  
T23S R29E USA

13 USA

NADP IMAGERY 2009  
ON 1/12/2023

# Application for Water Right Transfer

## Evidence of Use Affidavit

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

State of Oregon )  
 ) ss  
 County of HARNEY )

I, RONDA PURDY, in my capacity as RANGELAND MANAGEMENT SPECIALIST  
 mailing address 28910 HWY 20 W HINES OR 97138  
 telephone number (541) 573-4400, being first duly sworn depose and say:

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

- Personal observation
  Professional expertise

2. I attest that:

Water was used during the previous five years on the entire place of use for Certificate # 62226; OR

My knowledge is specific to the use of water at the following locations within the last five years:

Certificate #	Township	Range	Mer	Sec	¼ ¼	Gov't Lot or DLC	Acres (if applicable)
<u>62226</u>	<u>23 S</u>	<u>29 E</u>		<u>13</u>	<u>SWNW</u>	<u>200</u>	<u>—</u>

OR

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

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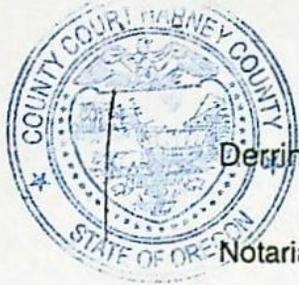
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3. The water right was used for: (e.g., crops, pasture, etc.): FISH CULTURE + RECREATION
4. I understand that if I do not attach one or more of the documents shown in the table below to support the above statements, my application will be considered incomplete.

Randa S Purdy  
Signature of Affiant

1/13/2023  
Date

Signed and sworn to (or affirmed) before me this 13<sup>th</sup> day of January, 2023.



Derrin Robinson, Harney County Clerk

[Signature]  
Notary Public for Oregon

Notarial Official as per ORS 194.255 (1)(c)

My Commission Expires: when I am elected officer

Supporting Documents	Examples
<input type="checkbox"/> Copy of a water right certificate that has been issued within the last five years. (not a remaining right certificate)	Copy of <b>confirming</b> water right certificate that shows issue date
<input type="checkbox"/> Copies of receipts from sales of irrigated crops or for expenditures related to use of water	<ul style="list-style-type: none"> <li>• Power usage records for pumps associated with irrigation use</li> <li>• Fertilizer or seed bills related to irrigated crops</li> <li>• Farmers Co-op sales receipt</li> </ul>
<input type="checkbox"/> Records such as FSA crop reports, irrigation district records, NRCS farm management plan, or records of other water suppliers	<ul style="list-style-type: none"> <li>• District assessment records for water delivered</li> <li>• Crop reports submitted under a federal loan agreement</li> <li>• Beneficial use reports from district</li> <li>• IRS Farm Usage Deduction Report</li> <li>• Agricultural Stabilization Plan</li> <li>• CREP Report</li> </ul>
<input checked="" type="checkbox"/> Aerial photos containing sufficient detail to establish location and date of photograph  <u>Reservoir constructed and in use on BLM Land since 1968.</u>	<p>Multiple photos can be submitted to resolve different areas of a water right. If the photograph does not print with a "date stamp" or without the source being identified, the date of the photograph and source should be added.</p> <p>Sources for aerial photos: OSU – <a href="http://www.oregonexplorer.info/imagery">www.oregonexplorer.info/imagery</a> OWRD – <a href="http://www.wrd.state.or.us">www.wrd.state.or.us</a> Google Earth – <a href="http://earth.google.com">earth.google.com</a> TerraServer – <a href="http://www.terraserver.com">www.terraserver.com</a></p>
<input type="checkbox"/> Approved Lease establishing beneficial use within the last 5 years	Copy of instream lease or lease number

RECEIVED  
FEB 01 2023  
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**Willow Creek Reservoir  
Certificate #62226  
2020 Imagery Proof of Use**

RECEIVED  
FEB 01 2023  
DWRD

14  
T23S R29E USA

13 USA

NAIP IMAGERY 2020  
on 1/12/2023

**Willow Creek Reservoir  
Certificate #62226  
2017 Imagery Proof of Use**

RECEIVED  
FEB 01 2023  
DWRD

14  
T23S R29E USA

13 USA

NAIP IMAGERY 2017  
ON 1/12/2023

141.66

**Willow Creek Reservoir  
Certificate #62226  
2016 Imagery Proof of Use**

RECEIVED  
FEB 01 2023  
OWRED

14  
T23S R29E USA

13 USA

NAIP IMAGERY 2016  
on 4/12/2023  
14166

**Willow Creek Reservoir  
Certificate #62226  
2009 Imagery Proof of Use**

RECEIVED  
FEB 01 2023  
DWRD

14  
T23S R29E USA

13 USA

NAIP IMAGERY 2009  
ON 1/2/2023  
14166



**Oregon**  
Kate Brown, Governor

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

**RECEIVED**  
DEC 12 2022

December 7, 2022

By: \_\_\_\_\_

Bureau of Land Management  
Attn: Jana Krauss  
28910 Highway 20 W  
Hines, OR 97738

**RECEIVED**

**FEB 01 2023**

**OWRD**

RE: Permanent Transfer Application for Certificates 62226

Dear Applicant,

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

- Indication of the amount of CFS being transferred  $.034532 = \frac{250 \text{ AF}}{\text{YR}}$
- Additional fees which correlate to the amount of CFS to be included in the application *NONE*
- Completed and notarized Evidence of Use Affidavit and supporting documentation for each water right *Added*
- Completed and signed Oregon Water Resources Department's Land Use Form *Added*

OAR 690-380-3000

(12) Evidence that the water has been used over the past five years in accordance with the terms and conditions of the right or that the right is not subject to forfeiture under ORS 540.610. The evidence shall include the following information:

(a) If the right has been used during the past five years, one or more affidavits from persons, such as the owner or operator, a neighbor, crop field person for a cannery or other product buyer, or Natural Resources Conservation Service (NRCS) representatives, who can attest from personal knowledge or professional expertise that the right was exercised at the authorized location and for the authorized purpose. Such affidavits shall state the specific grounds for the affiant's knowledge, the specific use to which the water was put (e.g., the crops grown, the nursery stock watered), and the delivery system used to apply the water and include supporting documentation such as:

- (A) Copies of receipts from sales of irrigated crops or for expenditures relating to use of water;
- (B) Records such as Farm Service Agency crop reports, irrigation district records, an NRCS farm management plan, or records of other water suppliers; or

14166

(C) Dated aerial photographs of the lands or other photographs containing sufficient detail to establish the location and date of the photograph, or

(b) 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).

690-380-4000

**(2) If the Department determines that the application does not include the required information or that the water rights proposed for transfer are not subject to transfer, the Department shall return the application and any fees to the applicant along with a written description of the deficiencies in the application.**

OAR 690-380-3000 (19)

(19) Land use information as outlined in the Department's Land Use Planning Procedures Guide, except for those transfers that meet the following four requirements:

- a) Where existing and proposed water uses would be located entirely within lands zoned for exclusive farm use as provided in ORS 215.203 or within irrigation districts;
- b) That involve changes in place of use only;
- c) That do not involve the placement or modification of structures including but not limited to water diversion, impoundment, or distribution facilities, water wells, and well houses; and
- d) That involve irrigation water uses only.

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

Please do not hesitate to contact me, at [arla.l.davis@water.oregon.gov](mailto:arla.l.davis@water.oregon.gov) or 503-979-3129 if I may be of assistance.

Sincerely,

*Arla L Davis*

Arla L Davis  
Transfer and Conservation Specialist  
Transfer and Conservation Section

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FEB 01 2023

OWRD

Cc: OWRD Fiscal



# United States Department of the Interior

BUREAU OF LAND MANAGEMENT  
Burns District Office  
28910 Highway 20 West  
Hines, OR 97738  
[www.blm.gov/office/burns-district-office](http://www.blm.gov/office/burns-district-office)



NOV 29 2022

Oregon Water Resources Department  
Attn: Transfer Department  
North Mall Office Building  
725 Summer Street NE, Suite A  
Salem, Oregon 97301-1266

RECEIVED  
FEB 01 2023  
OWRD

This letter is in reference to: Certificate # 62226 Erenos Willow Creek Reservoir.

Please find enclosed:

1. Completed Permanent Water Right Transfer Form
2. Change of Use Application Map - Exhibit B
3. Check for \$1,360.00
4. Affidavits
5. Land Use Form

Sincerely,

Jeffrey Rose  
District Manager

Enclosures (3)

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DEC 05 2022

OWRD  
SALEM, OREGON

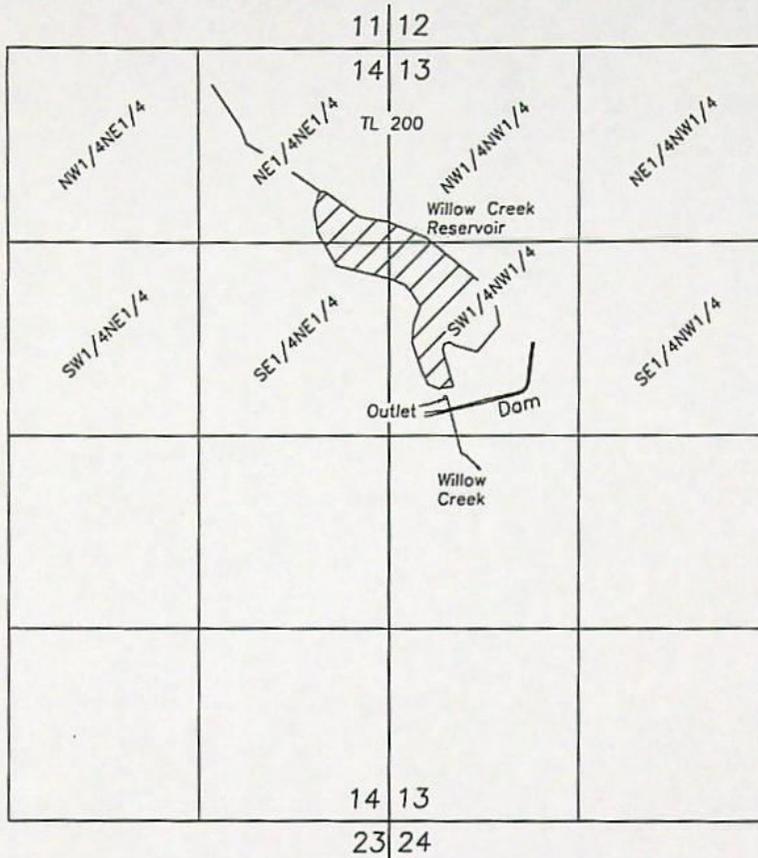
14166

Harney County, Oregon  
T23S, R29E, W.M.

RECEIVED

DEC 05 2022

OWRD  
SALEM, OREGON



SCALE 1"=1320'

RECEIVED

FEB 01 2023

OWRD

Outlet is located 2380' South & 390' East of the  
NW corner of Section 13.

Measuring device is located 45' South of the outlet

APPLICATION MAP FOR  
CHANGE OF USE

C-62226

May 26, 2022

LEGEND

 C-62226  
Priority 9/30/1968

A portion of Tax Lot  
23-29 TL200

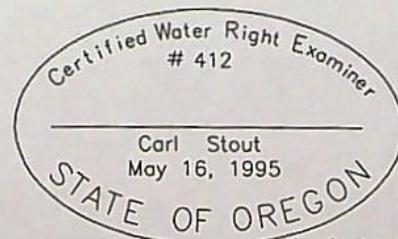
NOTE: Tax Lot 200 is owned by the BLM  
and is more that 21,200 acres.  
Therefore only a portion of the tax  
lot can be shown.

NOTE: The preparation of this map  
was for the purpose of identifying  
the location of the proposed water  
right and has no intent to provide  
dimensions or location of property  
ownership lines.

For

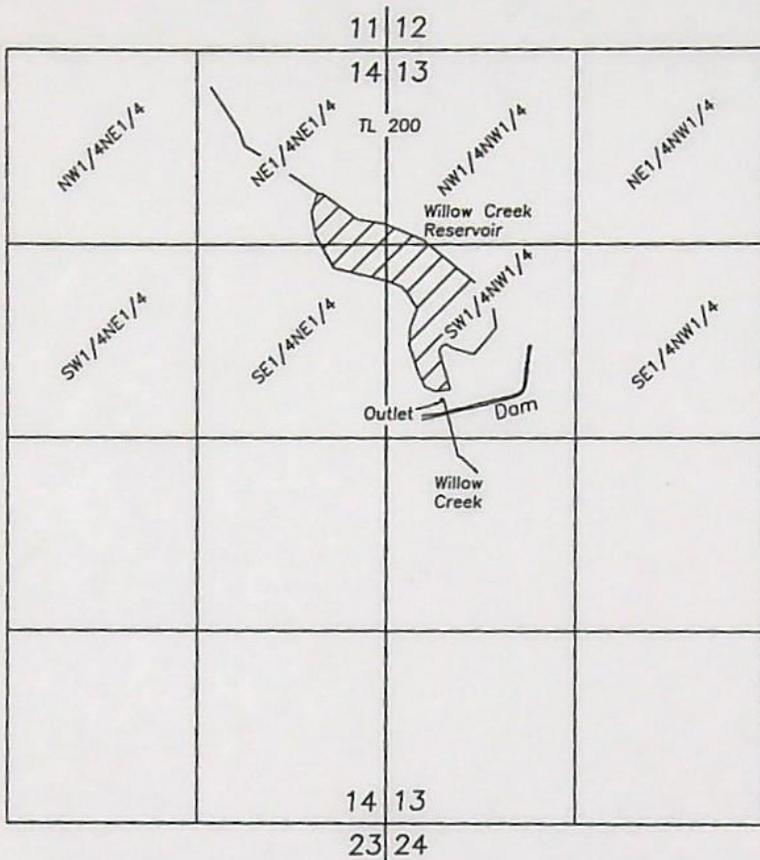
Bureau of Land Management

28910 Hwy 20 W  
Hines, OR 97738



14166

Harney County, Oregon  
T23S, R29E, W.M.



SCALE 1"=1320'

RECEIVED  
FEB 01 2023  
OWRD

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APPLICATION MAP FOR  
CHANGE OF USE  
C-62226  
May 26, 2022

LEGEND

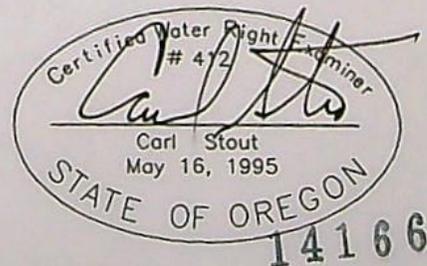
 C-62226  
Priority 9/30/1968

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ownership lines.

For  
Bureau of Land Management  
28910 Hwy 20 W  
Hines, OR 97738



**STATE OF OREGON  
WATER RESOURCES DEPARTMENT**

725 Summer St. N.E. Ste. A

SALEM, OR 97301-4172

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

RECEIPT # **140055**

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

RECEIVED FROM: <i>United States Government</i>	APPLICATION
BY: <i>Department of the Interior</i>	PERMIT
<i>Bureau of Land Management</i>	TRANSFER <i>T-14166</i>
CASH: <input type="checkbox"/>	TOTAL REC'D <i>\$1,360.00</i>
CHECK: # <i>109</i> <input checked="" type="checkbox"/>	
OTHER: (IDENTIFY) <input type="checkbox"/>	

<b>1083 TREASURY</b>	<b>4170 WRD MISC CASH ACCT</b>
0407 COPIES	\$
OTHER: (IDENTIFY)	\$
0243 I/S Lease	0244 Muni Water Mgmt. Plan
	0245 Cons. Water

<b>4270 WRD OPERATING ACCT</b>	
MISCELLANEOUS <i>46110</i>	
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 \$
0203 GROUND WATER	\$ 0204 \$
0205 TRANSFER	<i>\$1,360.00</i>
WELL CONSTRUCTION	
0218 WELL DRILL CONSTRUCTOR	EXAM FEE \$ 0219 \$
LANDOWNER'S PERMIT	0220 \$
OTHER (IDENTIFY)	

<b>0536 TREASURY</b>	<b>0437 WELL CONST. START FEE</b>
0211 WELL CONST START FEE	\$ CARD#
0210 MONITORING WELLS	\$ CARD#
OTHER (IDENTIFY)	

<b>0607 TREASURY</b>	<b>0467 HYDRO ACTIVITY</b>	LIC NUMBER
0233 POWER LICENSE FEE (FWWRD)		\$
0231 HYDRO LICENSE FEE (FWWRD)		\$
HYDRO APPLICATION		\$

<b>TREASURY</b>	<b>OTHER / RDX</b>
FUND _____	TITLE _____
OBJ. CODE _____	VENDOR # _____
DESCRIPTION _____	\$

RECEIPT: **140055** DATED: *2-1-2023* BY: *[Signature]*