

T-10399

T-10399

TEMPORARY

Name Delbert Stephens
 By _____
 Address 46226 Rock Creek Town Rd
Haines, OR. 97833
541-910-1001

Change in POU/APOD
 Date filed 5-29-07
 Date of hearing _____
 Place of hearing _____
 Date of order 7-13-07 Vol. 72, page 618
 Date for application of water _____
 Proof mailed _____
 Proof received _____
 Certificate issued _____ Vol. _____, page _____

DESCRIPTION OF WATER RIGHT

Name of stream Van Patton Lake Res./North Powder River
 Trib. of N. Powder River/Powder River County of Baker
 Use Irrigation
 Quantity of water _____ No. of acres _____
 Name of ditch _____
 Date of priority 1911, 1871, 1873
 In name of Chris Mahson/Richard Stevens/Laura Nelson
 _____ Adjudication, Vol. _____, page 1458
 App. No. S-1567 Per. No. S-789 Cert. No. 8394
72286
 Certificate cancelled _____
 Notation made on record by _____

FEES PAID

Date	Amount	Receipt No.
<u>5-29-07</u>	<u>246</u>	<u>87817</u>
TOTAL . . .		
	Cert. Fee	

FEES REFUNDED

Date	Amount	Check No.

REMARKS

Agent: Peggy Browne: 50809 Ellis Rd. North Powder. OR. 97867
Re Landowner: Chester A Riley III Trustee/Revocable Living Trust: 102 Hope Drive: Bailing Springs. PA. 17007
Powder Valley Water Control District: Po Box 189, 690 E Street. North Powder. OR. 97867
NO CURE

**STATE OF OREGON
WATER RESOURCES DEPARTMENT**

RECEIPT # **87817**

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

INVOICE # _____

RECEIVED FROM: 58 Delbert or Janelle
BY: Stephens

APPLICATION	
PERMIT	
TRANSFER	T-10399

CASH: ☐ CHECK:# 3550 OTHER: (IDENTIFY) ☐

TOTAL REC'D \$ 246.00

1083 TREASURY 4170 WRD MISC CASH ACCT

0407 COPIES	\$
OTHER: (IDENTIFY)	\$

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

4270 WRD OPERATING ACCT

MISCELLANEOUS

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

WATER RIGHTS:

0201 SURFACE WATER	EXAM FEE	0202	RECORD FEE
0203 GROUND WATER	\$	0204	\$
0205 TRANSFER	\$ 246.00		

WELL CONSTRUCTION

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

OTHER (IDENTIFY) _____

0536 TREASURY 0437 WELL CONST. START FEE

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

OTHER (IDENTIFY) _____

0607 TREASURY 0467 HYDRO ACTIVITY LIC NUMBER

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

TREASURY OTHER / RDX

FUND _____ TITLE _____

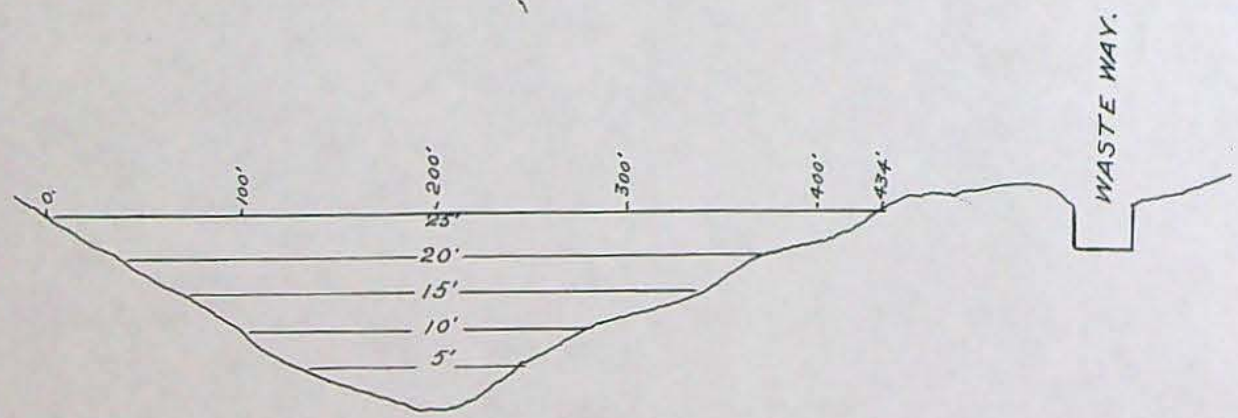
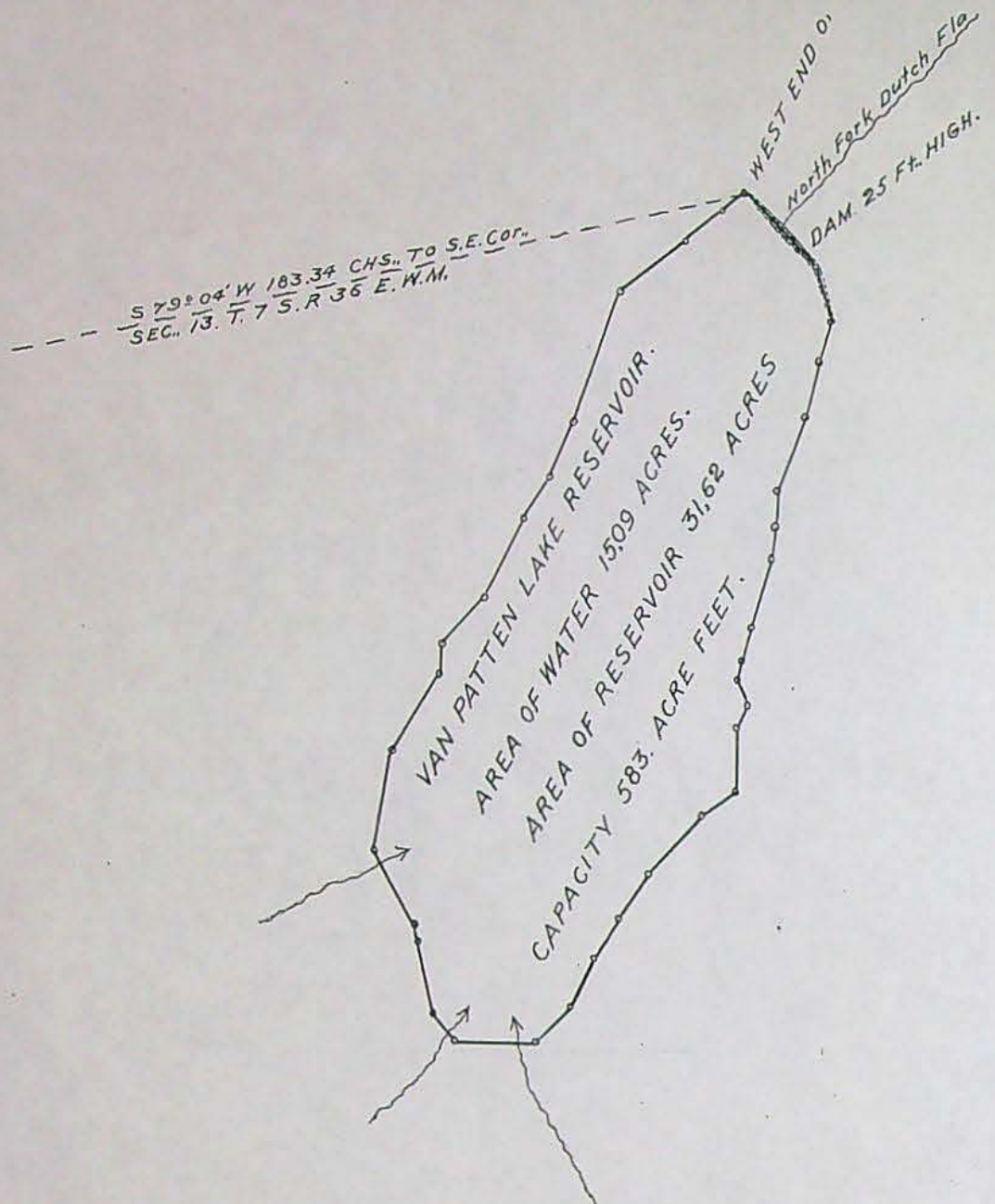
OBJ. CODE _____ VENDOR # _____

DESCRIPTION _____ \$ _____

RECEIPT: **87817**

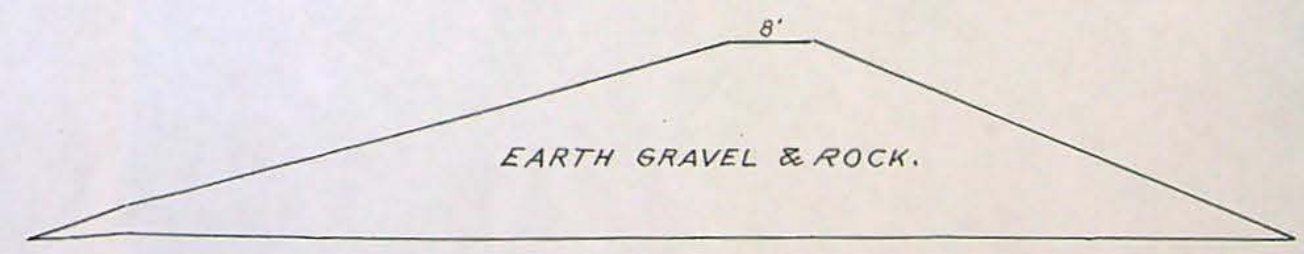
DATED: 5/29/07

BY: S. Powell



PROFILE OF DAM.

Horizontal Scale 100 Ft. = One Inch.
Vertical Scale 25 Ft. = One Inch.



CROSS SECTION OF DAM.

Horizontal Scale 100 Ft. = ONE INCH.
Vertical Scale 25 Ft. = ONE INCH.

CERTIFICATE OF SURVEYOR.

I, C.M. Foster of Baker Oregon, do hereby certify, that this map was made from notes taken during an actual survey made by me on the 11th 12th 13th & 14th days of August 1911, and that it correctly represents the works described in the application of James Dalton and J.T. York, heretofore made; together with the location of streams and other ditches in the immediate vicinity. This map is made to amend and make definite the map heretofore filed with said application, so far as the same relates to the reservoir site of Van Patten Lake.

C. M. Foster
Surveyor.

Application
Permit 1
F. O. C. 1911
AUG 30 1911
SALEM, OREG.

25

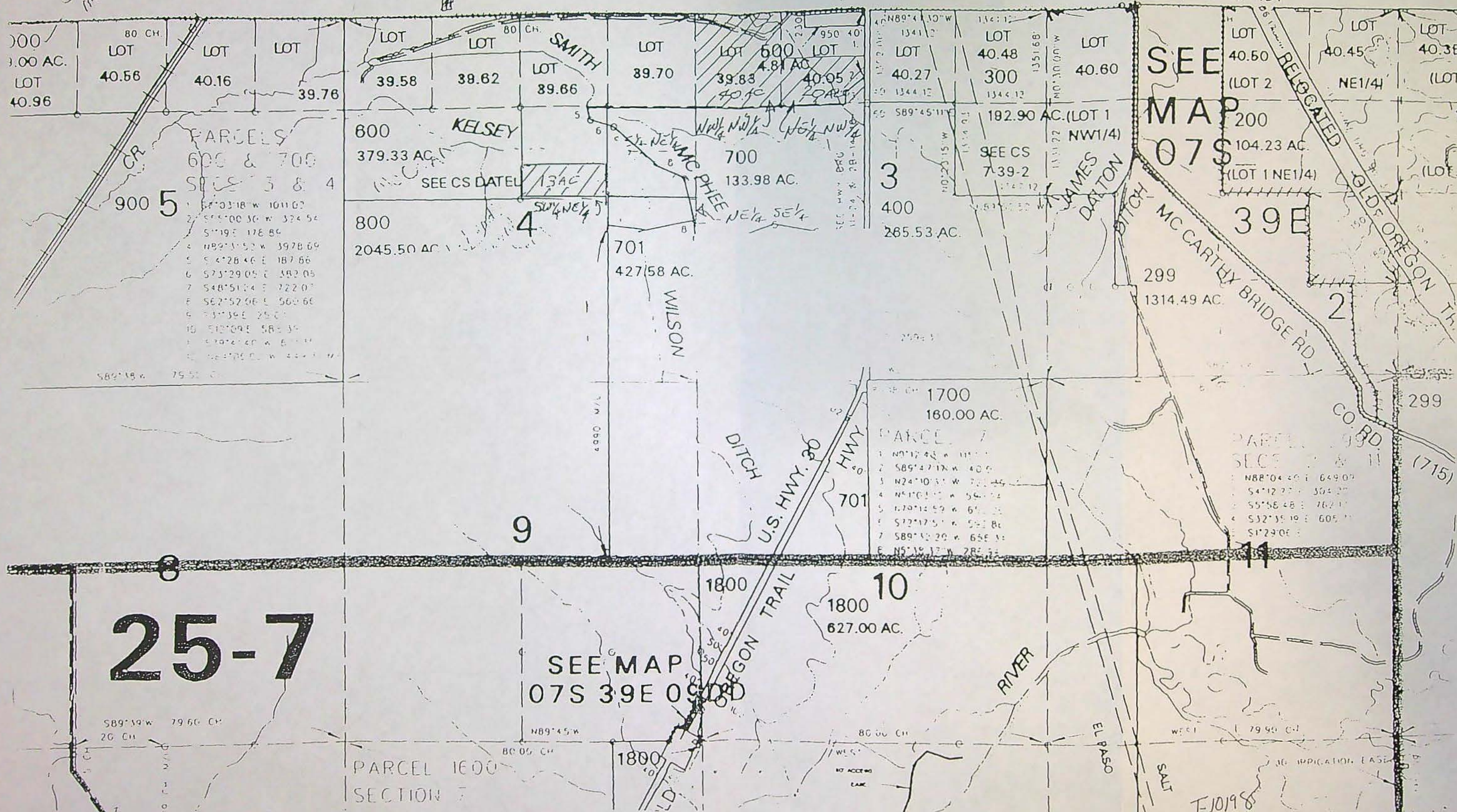
11 From 11
Map 6 of 6

Amended
6-19-2007
RML
SEE MAP 06S 39E

T.07S. R.39E. W.M
BAKER COUNTY

SCALE 4" = 1 MILE

Stephens Water Right Transfer
VED
19: C-8394 (1911 Van Patten) 2000
Stored water)
CES DEPT
3 ac 80 AF of stored water
GON
under contract





Oregon

Theodore R. Kulongoski, Governor

Water Resources Department

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

July 16, 2007

DELBERT STEPHENS
46226 ROCK CREEK TOWN RD
HAINES OR 97833

Reference: Temporary Transfer 10399

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

The change shall be effective at the end of the 2006 irrigation season. The use shall revert to the authorized place of use at the end of the 2009 irrigation season.

Sincerely,

Sarah Henderson

for Doug Parrow
Natural Resource Specialist

DP:sh

cc: Watermaster #8
Peggy Browne, Agent
Chester A Riley III Trustee
Powder Valley Water Control District

Enclosure

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

In the Matter of Transfer Application	)	FINAL ORDER APPROVING
T-10399, Baker County	)	TEMPORARY CHANGE IN PLACE OF
	)	USE

Authority

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

Applicant

Delbert Stephens
46226 Rock Creek Town Rd.
Haines, OR 97833

Agent

Peggy Browne
50809 Ellis Rd.
North Powder, OR 97867

Findings of Fact

1. On May 29, 2007, Delbert Stephens filed an application to temporarily change the place of use under Certificates 1458 and 72286 and to temporarily change the place of use and add an additional point of diversion under Certificate 8394 for a period of three years. The Department assigned the application number T-10399.
2. On July 2, 2007, the Department received amendments to the application that clarified the lands affected by this transfer and the proposed term (length) of the temporary transfer application.
3. On July 3, 2007, the Department received a request from the applicant's agent to remove the request for an additional point of diversion under Certificate 8394.
4. The portion of the first right to be transferred is as follows:

Certificate: 1458 in the name of LAURA A. DODSON (confirmed by North Powder River Decree)

Use: IRRIGATION of 73 ACRES

Priority Date: 1873

NOTICE OF RIGHT TO PETITION FOR RECONSIDERATION OR JUDICIAL REVIEW

This is an order in other than a contested case. This order is subject to judicial review under ORS 183.484. Any petition for judicial review must be filed within the 60 day time period specified by ORS 183.484(2). Pursuant to ORS 536.075 and OAR 137-004-0080, you may either petition for judicial review or petition the Director for reconsideration of this order. A petition for reconsideration may be granted or denied by the Director, and if no action is taken within 60 days following the date the petition was filed, the petition shall be deemed denied.

Rate: 1.9 CUBIC FEET PER SECOND (cfs) from March 1 – July 1 and 0.91 from July 1 to October 1 of each year

Limit: Total quantity diverted each irrigation season shall not exceed 243 acre-feet

Source: NORTH POWDER RIVER, tributary to POWDER RIVER

Authorized Point of Diversion:

Twp	Rng	Mer	Sec	Q-Q
6 S	38 E	WM	32	SW SE

Authorized Place of Use:

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
6 S	38 E	WM	35	NE SW	33.0
6 S	38 E	WM	35	SE SW	40.0

5. Application T-10399 proposes to change the place of use of the right to:

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
6 S	38 E	WM	33	NW SE	35.0
6 S	38 E	WM	33	NE SE	38.0

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

Certificate: 72286 in the name of RICHARD STEVENS (confirmed by North Powder River Decree)

Use: IRRIGATION of 73 ACRES

Priority Date: DECEMBER 31, 1871

Rate: 1.83 CUBIC FEET PER SECOND (cfs) from March 1 – July 1 and 0.91 cfs from July 1 to October 1 of each year

Source: NORTH POWDER RIVER, tributary to POWDER RIVER

Authorized Point of Diversion:

Twp	Rng	Mer	Sec	Q-Q	Ditch Name	Survey Coordinates
7 S	38 E	WM	5	NW NE	HUTCHINSON – HILLSIDE DITCH	140 FEET SOUTH AND 2380 FEET WEST FROM THE NE CORNER OF SECTION 5

Authorized Place of Use:

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
6 S	38 E	WM	33	NE SE	37.5
6 S	38 E	WM	33	NW SE	18.6
6 S	38 E	WM	33	SE SE	16.9

7. Application T-10399 proposes to change the place of use of the right to:

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
6 S	38 E	WM	35	NE SW	33.0
6 S	38 E	WM	35	SE SW	40.0

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

Certificate: 8394 in the names of CHRIS JOHNSON AND JAMES DALTON (perfected under Permit S-789)

Use: IRRIGATION of 73 ACRES

Priority Date: JULY 24, 1911

Rate: 0.91 CUBIC FOOT PER SECOND (cfs)

Limit/Duty: ONE-EIGHTIETH cfs per acre, not to exceed UNAVAILABLE acre-feet per acre per year

Source: SUMMIT LAKE RESERVOIR, tributary to NORTH POWDER RIVER

Authorized Points of Diversion:

Twp	Rng	Mer	Sec
6 S	39 E	WM	32
6 S	38 E	WM	35

Authorized Place of Use:

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
7 S	39 E	WM	3	NE NW	20.0
7 S	39 E	WM	3	NW NW	40.0
7 S	39 E	WM	4	SW NE	13.0

9. Application T-10399 proposes to change the place of use of the right to:

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
6 S	38 E	WM	35	NE SW	33.0
6 S	38 E	WM	35	SE SW	40.0

10. Notice of the application for temporary transfer was published on June 5, 2007, pursuant to ORS 540.520 and OAR 690-380-4000. No comments were filed in response to the notice.
11. Application T-10399 proposes to temporarily transfer water rights within the boundaries of Powder Valley Water Control District. The district was notified of the proposed temporary transfer and did not provide any comments.
12. Water has been used within the last five years according to the terms and conditions of the rights, and there is no information in the record that would demonstrate that the rights are subject to forfeiture under ORS 540.610.
13. A diversion structure, ditch and pipeline sufficient to use the full amount of water allowed under the existing rights were present within the five-year period prior to submittal of Application T-10399.
14. The proposed change would not result in enlargement of the rights.

15. The proposed change would not result in injury to other water rights. This finding is made through an abbreviated review recognizing that the transfer may be revoked under ORS 540.523(6) if the Department later finds that the transfer is causing injury to any existing water right.

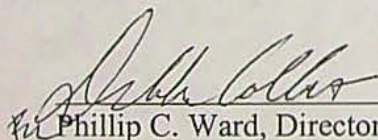
Conclusions of Law

The temporary change in place of use proposed in application T-10399 are consistent with the requirements of ORS 540.523 and OAR 690-380-8000.

Now, therefore, it is ORDERED:

1. The changes in place of use proposed in application T-10399 are approved.
2. The former place of use **shall not** be irrigated as part of this water right during the 2007, 2008 and 2009 irrigation seasons.
3. The use shall revert to the authorized place of use at the end of the 2009 irrigation season.
4. The approval of this temporary transfer may be revoked or modified if the Department finds the change causes injury to any existing water right.
5. A subsequent application for permanent transfer of Certificates 1458, 72286 and 8394 shall be subject to a full and complete review to determine consistency with the requirements of OAR Chapter 690, Division 380. Approval of this temporary transfer does not establish a precedent for approval of a subsequent application filed for a permanent transfer.
6. The use of water at the temporary place of use authorized by this transfer shall be in accordance with the terms and conditions of Certificates 1458, 72286 and 8394.
7. The portions of the water right evidenced by Permit S-50717, appurtenant to the authorized place of use ("from" lands) shall not be exercised during the 2007, 2008 or 2009 irrigation seasons.
8. The time during which water is used under this approved temporary transfer does not apply toward a finding of forfeiture under ORS 540.610.
9. The use of the remaining water right described by Certificates 1458, 72286 and 8394 shall continue to be in accordance with the terms and conditions of Certificates 1458, 72286 and 8394.

Dated at Salem, Oregon this 13th day of July 2007.


Phillip C. Ward, Director

Mailing Date: JUL 18 2007

Water Right Transfer Checklist

Transfer T-10399

Transfer Specialist: Susan Douthit

Transfer Type: Temporary

Applicant Name/Address: Delbert Stephens, 46226 Rock Creek Town Road, Haines, OR 97833

Agent Name/Address: Peggy Browne, 50809 Ellis Road, North Powder, OR 97867

CWRE Name/Number: NONE

Rec Landowner Name/Address: Chester A Riley III Trustee, Revocable Living Trust, 102 Hope Drive, Boiling Springs, PA 17007

Irr. District Name/Address: Powder Valley Water Control District, PO Box 189, North Powder, OR 97867

Affected Gov'ts Name/Address: NONE

Commentors: Name/Address: NONE

Water Rights Affected

Records Marked	Records Copied	App File No. or Decree Name	Permit No.	Certificate No.	RR/CR Needed	RR/CR Nos.
☒	☒	<u>N. Powder R Decree</u>		1458	☐ Yes ☒ No	<u>temp</u>
☒	☒	<u>S 1567</u>	<u>S 789</u>	8394	☐ Yes ☒ No	
☒	☒	<u>N. Powder R Decree</u>		72286	☐ Yes ☒ No	<u>✓</u>

Key Dates & Initial Actions

Rec'd: <u>05/29/07</u>	Proposed Action(s): <u>POU POD HST APOD USE OTHER: POU/APOD</u>	
Fees Pd: <u>246.00</u>	WM District: <u>8</u>	ODFW District: <u>Nadine Craft</u>
Initial Notice: <u>06/05/07</u>	WM Review sent: <u>06/13/07</u>	ODFW Review sent: <u>06/13/07</u>
Acknowledgement Letter Sent ☒	<u>6-12-07</u>	GW Review sent: <u>NONE</u>

Processing Dates & Actions

Deficiency Contacts: by telephone on 4/14 left message
rec'd amendments 7/2

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

PD Mailed: _____
 PD Weekly Notice: _____

Newspaper Pub Affid Due: _____
☐ not required
 Affid of Pub Rec'd: _____
 Last Day Published: _____
 Affidavit Reminder Sent: _____
 Reminder Deadline: _____

Preliminary Determination

- | | |
|--|--|
| ☐ Electronic Files uploaded | ☐ Preliminary Determination |
| ☐ PD Cover letter | ☐ Fee Refund Due |
| ☐ PD Notice | ☐ Remaining Rights |
| ☐ File Assigned/ ModPod updated | |

DPD Review (Optional)	PD Review (Salem)	Final Order Review (Salem)
Reviewer: _____	Reviewer: _____	Reviewer: <u>ASD</u>
Date: _____	Date: _____	Date: <u>7/5/07</u>
Coordinator: _____	Coordinator: _____	Coordinator: _____
Date: _____	Date: _____	Date: _____
Comments/Special Issues:		

Special Order Volume: Vol 72 Pages 618 Final Order Signature Date: 7-13-07
 Notice of FO email'd to processors Susan



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

Application for Water Right Transfer

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

1. TYPE OF TRANSFER APPLICATION

Please check one	
☐ Permanent Transfer	☐ Instream Transfer
☒ Temporary Transfer	☐ Permanent
• total number of years: <u>3</u>	☐ Time-Limited
(begin year: <u>2007</u>)	☐ Drought Transfer
(end year: <u>2009</u>)	☐ Other

*amendments
rec'd 7-2*

2. APPLICANT INFORMATION

Name: Delbert Stephens
First Last

Address: 46226 Rock Creek Town Road

Haines OR 97833
City State Zip

Phone: (541) 910-1001
Home Work Other

Fax: _____ E-Mail address: _____

3. AGENT INFORMATION

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

Name: Peggy Browne
First Last

Address: 50809 Ellis Road

North Powder Oregon 97867
City State Zip

Phone: (541) 898-2805 (541) 519-4908
Home Work Other

Fax: (541) 898-2600 E-Mail address: pegbrowne@eoni.com

- If an agent is listed above, please check one of the following:
 - ☐ Please send all correspondence to Agent. Send *copies* of correspondence to Applicant; or
 - ☒ Please send all correspondence to Applicant. Send *copies* of correspondence to Agent.

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

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

	Application / Decree	Permit / Previous Transfer	Certificate
1.			1458
2.			72286
3.		789	8394
4.			
5.			
6.			

- Attach a **separate Supplemental Form A** (*Description of Proposed Change(s) to a Water Right*) for **each** water right listed above.
- Check **all** proposed change(s) included in this transfer application:
☒ Place of Use ☐ Point of Diversion ☒ Additional Point of Diversion
☐ Character of Use ☐ Point of Appropriation ☐ Additional Point of Appropriation
☐ Instream Transfer ☐ Surface Water source to Ground Water source
- Reason(s) for change(s): To provide added water for high value crops, such as potatoes, during the irrigation season and late season irrigation.
- The portions of the water right evidenced by Permit 50717, appurtenant to the authorized place of use ("from" lands) shall not be exercised during the 2007, 2008, or 2009 irrigation seasons.

removed
7-3-07

5. WATER DELIVERY SYSTEM

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

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

C-1458 (Section 35, NESW & SESW QQ): Water from Hutchinson Hillside Ditch goes to a surge pond, then through a screen system into gravity pressurized North Pipeline to the mainline onsite with risers every 120 feet for wheel-line irrigation.

C-72286 (Section 33, NWSE & NESE QQ): Water from Hutchinson Hillside Ditch goes through a screen system into a gravity pressurized pipeline to mainline onsite with risers every 120 feet for wheel-line irrigation.

C-72286 (Section 33, SESE QQ): Water from Hutchinson Hillside Ditch goes through same screen system, pipeline, to mainline onsite for flood irrigation.



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

Watermaster Review Form: Water Right Transfer

Transfer Application: T-10399

Review Due Date: 6.22.2007

Applicant Name: Delbert Stephens

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

Reviewer(s): Rick Lusk

Date of Review: 6.22.2007

1. Do you have information suggesting that the water rights may be subject to forfeiture?
☐ Yes ☒ No If "Yes", describe the information and indicate if you intend to file a cancellation affidavit or if you need additional time to determine if a cancellation affidavit should be filed: N/A
2. Is there a history of regulation on the source that serves the right proposed for transfer that has involved the right and downstream water rights? ☒ Yes ☐ No Generally characterize the frequency of any regulation or explain why regulation has not occurred: regulation occurs yearly to protect senior out of stream use
3. Check here if it appears that downstream water rights benefit from return flows resulting from the current use of the right? ☐ If you check the box, generally characterize the locations where the return flows likely occur and list the water rights that benefit most: this transfer is a flip flop of priority dates and transferring in of stored water
4. Are there upstream water rights that would be affected by the proposed change?
☐ Yes ☒ No If "Yes", describe how the rights would be affected and list the rights most affected: N/A
5. For POD changes and instream transfers, check here if there are channel losses between the old and new PODs or within the proposed instream reach? ☐ If you check the box, describe and, if possible, estimate the losses: N/A
6. Would distribution of water for the right after the proposed change result in regulation of other water rights that would not have occurred if use of the existing right was maximized?
☐ Yes ☒ No If "Yes", explain: N/A
7. For POU changes, would the original place of use continue to receive water from the same source? ☒ Yes ☐ No ☐ N/A If "Yes", explain: partly so with a flip flop of priority dates
8. For POU or USE changes, would use of the existing right at "full face value," result in the diversion of more water than can be used beneficially and without waste? ☐ Yes ☒ No If "Yes", explain: N/A
9. Are there other issues not identified through the above questions? ☐ Yes ☒ No If "Yes", explain: N/A

RECEIVED

JUN 25 2007

**WATER RESOURCES DEPT
SALEM, OREGON**

10. What alternatives may be available for addressing any issues identified above: N/A
11. Have headgate notices been issued for the source that serves the right? ☒ Yes ☐ No
12. What water control and measurement conditions should be included in the transfer:

Measurement Devices	☐ Present and should be maintained.	☒ Should be required prior to diverting water.	☐ May be required in the future.
Headgates	☐ Present and should be maintained.	☒ Should be required prior to diverting water.	☐ May be required in the future.

Search

subject

40	17	40	40
----	----	----	----

from

Search

IRRIGATION
subject

[illegible]

Acreage Legend: 12.25 Regular acreage ~~12.25~~ Acreage is on a canceled right (12.25) Acreage is part of a transfer and has not been proven up on yet (inchoate) * Acreage is not specified

Water Rights Platcard Report

Meridian: WILLAMETTE

Township: 6

South Range: 38

East Section: 35 Records per Page: 100

Search

Water Right	Changing Xfers	Priority	Use	Use Status	DLC	Gov't Lot	QQ(40): Q(160):	NE NE	NW NE	SW NE	SE NE	NE NW	NW NW	SW NW	SE NW	NE SW	NW SW	SW SW	SE SW	NE SE	NW SE	SW SE	SE SE	Unknown QQ
Select Inchoate: T 7749 CF (REG) * Additional Info: WILSON CATTLE CO. INC. Decree: NORTH POWDER RIVER, 1916		12/31/1887	IRRIGATION				(30)																	
Select Permit: S 50717 * Additional Info: POWDER RIVER WATER CONTROL DISTRICT App: S67687 Permit: S50717		2/26/1987	IRRIGATION				5.5		10	17		25		5										
Select Cert: 1473 OR * Additional Info: MARY F HUTCHINSON Decree: NORTH POWDER RIVER Cert: 1473		12/31/1871	IRRIGATION													40	40							
Select Cert: 75370 RR CN Additional Info: WILSON CATTLE CO. Decree: NORTH POWDER RIVER, 1916 Cert: 75370		12/31/1874	IRRIGATION	CN						17.5									33.5					
Select Cert: 75370 RR CN Additional Info: WILSON CATTLE CO. Decree: NORTH POWDER RIVER, 1916 Cert: 75370		12/31/1887	IRRIGATION	CN			4.5			8														
Select Cert: 75629 RR CR * Additional Info: WILSON CATTLE CO. INC. Decree: NORTH POWDER RIVER, 1916 Cert: 75629		12/31/1874	IRRIGATION							17.5									33.5					
Select Cert: 75629 RR CR * Additional Info: WILSON CATTLE CO. INC. Decree: NORTH POWDER RIVER, 1916 Cert: 75629		12/31/1887	IRRIGATION				4.5			8														
Select Cert: 1456 OR CN Additional Info: J.S. DAVIS Decree: POWDER RIVER	T7885	12/31/1874	IRRIGATION AND DOMESTIC	CN						17.5									33.5					

Cert: 1456																			
Select	Cert:1456 OR CN	T7885	12/31/1887	IRRIGATION AND DOMESTIC	CN	34.5		8											
Additional Info: J.S. DAVIS Decree: POWDER RIVER Cert: 1456																			
Select	Cert:1458 CF *	T10399		IRRIGATION AND DOMESTIC			30				30	37		40		37	40		
Additional Info: LAURA A DODSON Decree: NORTH POWDER RIVER Cert: 1458																			
Select	Inchoate: T 3889 CF (REG) *			IRRIGATION, LIVESTOCK AND DOMESTIC					(10)	(21.5)									
Additional Info: J H HUTCHINSON Decree: NORTH POWDER RIVER (F)																			
Select	Cert:1455 OR *			IRRIGATION, LIVESTOCK AND DOMESTIC											1.5		38.5		
Additional Info: C.E./A.B. DAVIS Decree: POWDER RIVER Cert: 1455																			
Select	Cert:1469 OR CN			IRRIGATION, LIVESTOCK AND DOMESTIC	CN				10	21.5									
Additional Info: J.H. HUTCHINSON Decree: NORTH POWDER RIVER Cert: 1469																			
Select	Cert:1506 OR *		12/31/1869	IRRIGATION, LIVESTOCK AND DOMESTIC		40		37.5											
Additional Info: JOHN POWERS Decree: NORTH POWDER RIVER Cert: 1506																			
Select	Cert:1473 OR *		12/31/1871	LIVESTOCK								*	*						
Additional Info: MARY F HUTCHINSON Decree: NORTH POWDER RIVER Cert: 1473																			
Select	Cert:79578 RR CR *		12/31/1890	LIVESTOCK					*	*	*								
Additional Info: HENRY STEELE Decree: NORTH POWDER RIVER, 1916 Cert: 79578																			
Select	Permit:S 44222 *		5/20/1977	SUPPLEMENTAL IRRIGATION (Suppl'mtl)													27.6		
Additional Info: ELMER SATTERBERG App: S55949 Permit: S44222																			
Select	Permit:S 50717 *		2/26/1987	SUPPLEMENTAL IRRIGATION		34.5	40	10	8	37.5	10								

subject

moved
T-10399
moved

Acreage Legend: 12.25 Regular acreage ~~12.25~~ Acreage is on a canceled right (12.25) Acreage is part of a transfer and has not been proven up on yet (inchoate) * Acreage is not specified

Water Rights Platcard Report

Meridian: WILLAMETTE

Township: 7

South Range: 39

East

Section: 4

Records per Page: 100

Search

Water Right	Changing Xfers	Priority	Use	Use Status	DLC	Gov't Lot	QQ(40): Q(160):	NE NE	NW NE	SW NE	SE NE	NE NW	NW NW	SW NW	SE NW	NE SW	NW SW	SW SW	SE SW	NE SE	NW SE	SW SE	SE SE	Unkown QQ
Select Permit:S 39905 CN Additional Info: ALLAN H BANTA App: S52877 Permit: S39905		9/17/1975	IRRIGATION	CN						22.5	3			39	28.5					18.5			24	
Select Permit:S 50717 * Additional Info: POWDER RIVER WATER CONTROL DISTRICT App: S67687 Permit: S50717		2/26/1987	IRRIGATION							22.5	3			39	28.5					18.5			24	
Select Cert:1491 OR CN Additional Info: J.B. LUSTER Decree: POWDER RIVER Cert: 1491		12/31/1901	IRRIGATION	CN								15.5	15											
Select Cert:1491 OR CN Additional Info: J.B. LUSTER Decree: POWDER RIVER Cert: 1491		12/31/1902	IRRIGATION	CN								24.5	22.5	1	11.5									
Select Cert:5053 CR * Additional Info: GEO F YOUNG Decree: NORTH POWDER RIVER Cert: 5053		12/31/1901	IRRIGATION									15.5	15											
Select Cert:5053 CR * Additional Info: GEO F YOUNG Decree: NORTH POWDER RIVER Cert: 5053		12/31/1902	IRRIGATION									24.5	22.5	1	11.5									
Select Cert:8394 OR * Additional Info: CHRIS JOHNSON App: S1567 Permit: S789 Cert: 8394	T10198, T9502, T10399	7/24/1911	IRRIGATION							20	40									35			25	
Select Cert:72429 CF *		12/31/1888	IRRIGATION							1.5	21.4									13.5			16	

subject

[illegible]

Acreage Legend: 12.25 Regular acreage ~~12.25~~ Acreage is on a canceled right (12.25) Acreage is part of a transfer and has not been proven up on yet (inchoate) * Acreage is not specified

0 400 800
SCALE IN FEET

29 28
32 33

1"=400'

005 JUL 33
CANCELLED NO.
300
400

SEE MAP 065 38E

100
188.84 AC.

26 27
33 34

SEE MAP 065 38E

SLOUGH

HUTCHINSON

POWERS DITCH

ANTHONY LAKES

ANTHONY LAKES - HAINS SECONDARY HWY

HIGHWAY

SEE MAP 065 38E 34

200
186.30 AC.

600
144.08 AC.

500
0.98 AC.

25-3

CANYON

MILL

RACE

DITCH

HUTCHINSON

DITCH

SEE MAP 065 38E 32

201
2.81 AC.

32 33

33 34

SEE MAP 075 38E

REVISED: DJ
03/27/03

06S 38E 33

THIS MAP WAS PREPARED FOR
ASSESSMENT PURPOSE ONLY

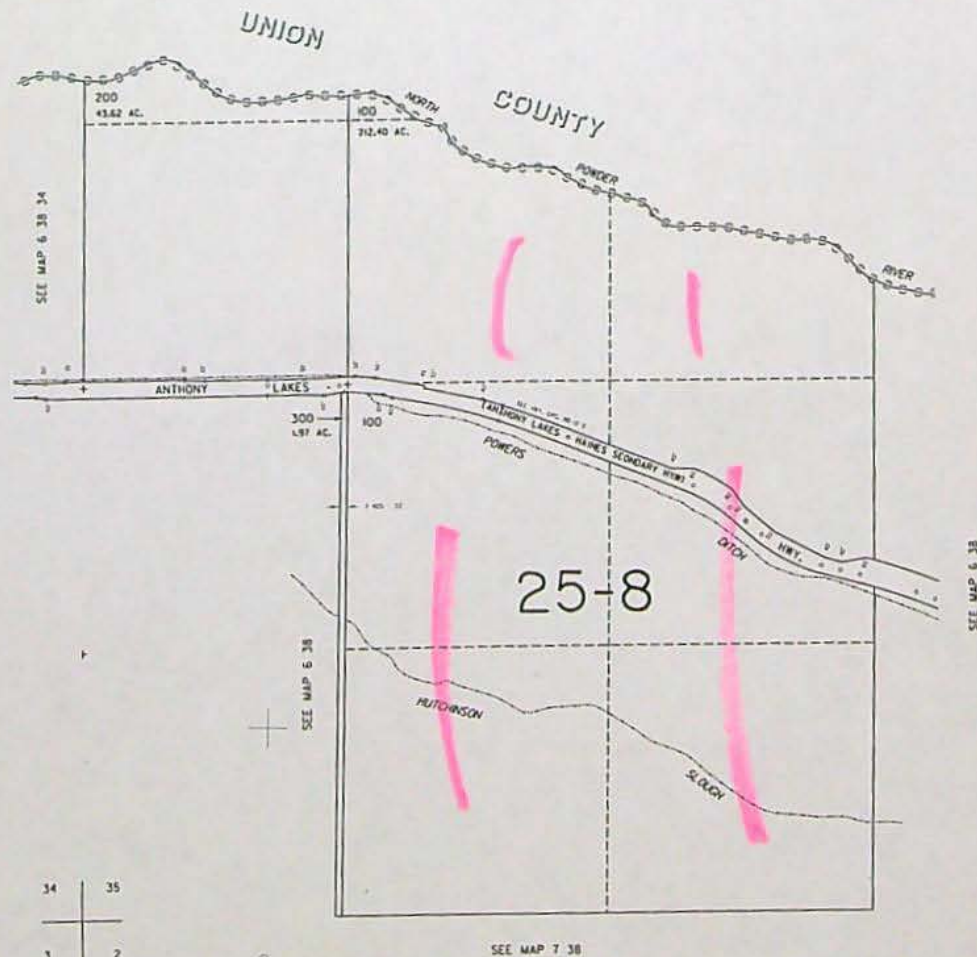
SECTION 35 T.6S. R.38E. W.M.
BAKER COUNTY
1" = 400'

6 38 35

0 400 800
SCALE IN FEET

27 26
34 35

26 25
35 36



34 35
3 2

35 36
2 1

REVISED 1-28-99, BPH

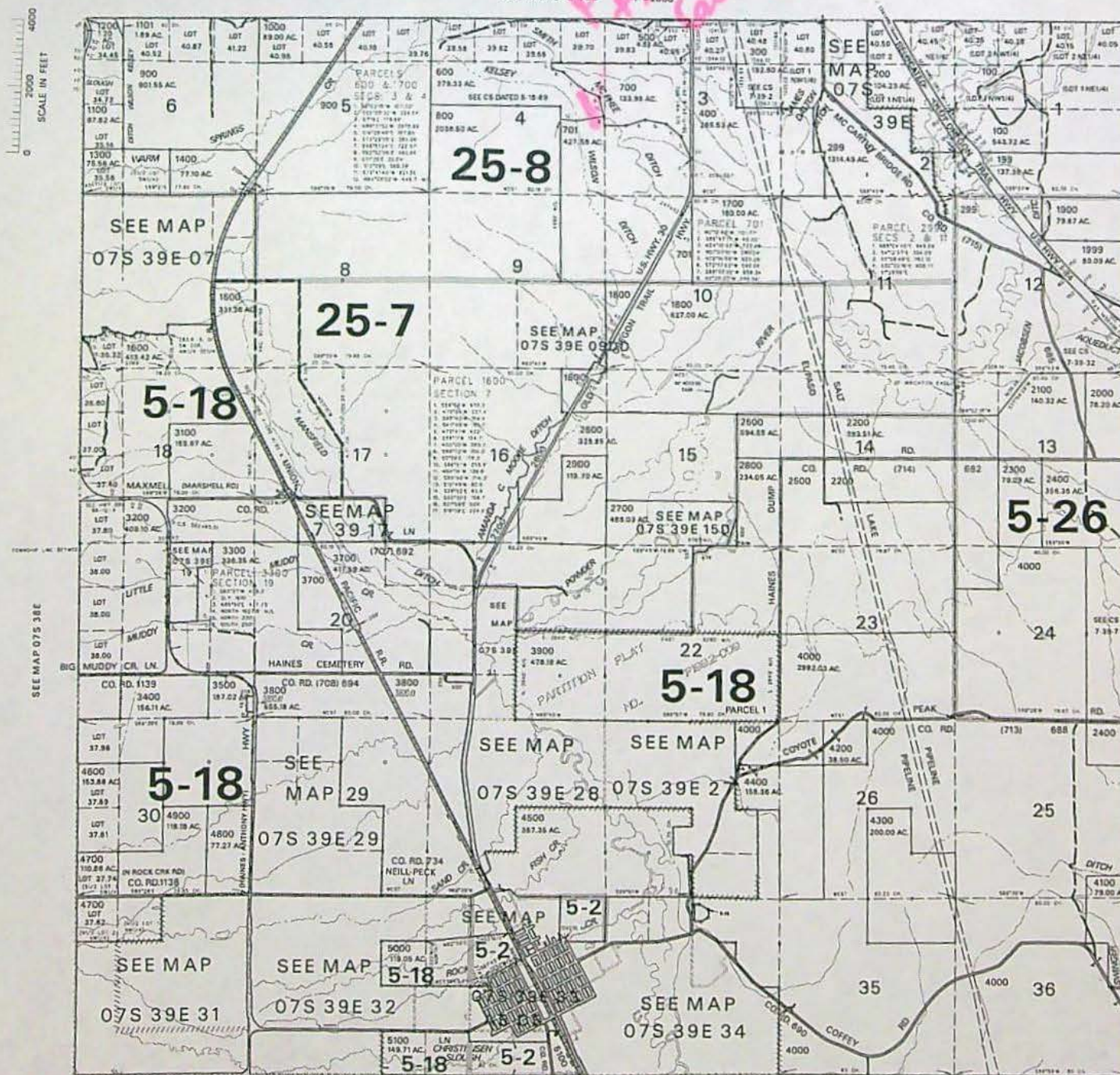
6 38 35

06539E 1"-2000"

06539E 1"-2000"

CANCELLED NO.
1501
3000
3001
3201
3500

SEE MAP 07S 40E

07S 39E
& INDEX

SEE MAP OBS 39E

Application

- ☒ The type of change is clearly indicated.
- ☒ The application is appropriately signed.
- ☒ Appropriate fees were paid. ☐ If overpayment, Refund Request to be sent with FO
- ☒ Land use form matches affected tax lots and is signed by proper official. (from ALL affected Govt's)
- ☒ Ditch company, district and/or BOR, sent a copy of the application and map, if appropriate. *district notified 6-12-07*
- ☒ All required attachments received.

Water right subject to transfer

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

Application Map

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

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

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

Ownership

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

Evaluation (materials needed for peer reviewer in bold)

- | | | | | |
|--|---|---|---|---|
| ☒ application complete | ☒ map | ☒ FPS | ☐ evidence of use | ☒ land-use form |
| ☒ deed/ROLI | ☒ certificate | ☒ fees paid | ☒ well logs | ☒ plat card |
| ☒ audit | ☒ dpd | | | |

Reviews/comments/conditions received? ☒ Watermaster

- | | | | |
|-------------------|---|--|--|
| Headgate | ☐ When in the judgment | ☒ Prior to diverting | ☐ Existing and maintain |
| Measuring Devices | ☐ When in the judgment | ☒ Prior to diverting | ☐ Existing and maintain |

Injury: Y N

Enlargement: Y N

Conditions to avoid enlargement/injury -



Oregon

Theodore R. Kulongoski, Governor

Water Resources Department

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

June 18, 2007

Delbert Stephens
46226 Rock Creek Town Rd.
Haines, OR 97833

Peggy Browne
50809 Ellis Rd.
North Powder, OR 97867

REFERENCE: Temporary Transfer T-10399

We are examining your water right transfer application. There are some problems that need to be resolved before we can continue processing your application.

1. It appears that your application, as submitted, would result in enlargement by increasing the acreage irrigated under Certificate 8394. The authorized place of use lists a total of 62.6 acres but the proposed place of use lists 73 acres. In order for this application to be processed, resolution of this issue is necessary. I have included copies of the map and relevant pages of the application. Amendments to both these documents will be necessary. You may either cross out and change the figures on the application copy (and initial and date the changes), or submit a separate addendum to the application that spells out the changes. ✓
2. The application requests a temporary transfer for the requested areas for a period of three years. However, the application lists four irrigation seasons (2007, 2008, 2009 and 2010). Please clarify the time period requested. ✓
3. There is a supplemental right, Permit S-50717, which is appurtenant to the authorized place of use in the NWNW and NENW of Section 3, T7S39E. Pursuant to OAR 690-380-8020(3), in order to approve this transfer, following the resolution of the deficiency listed above, it will be necessary to include the following condition: ✓
The portions of the water right evidenced by Permit 50717, appurtenant to the authorized place of use ("from" lands) shall not be exercised during the 2007, 2008 or 2009 (as clarified by #2 above) irrigation seasons.

Please submit resolution to the enlargement issue, clarification of the length proposed for temporary transfer and acknowledgement of the inclusions of the condition listed under #3 above **by July 18, 2007**, to Susan Douthit, Water Resources Department, 725 Summer St. NE, Suite A, Salem, OR 97301-1271. If you have any questions, please call me at 503-986-0858.

Sincerely,

Susan M. Douthit
Water Rights Transfer Specialist

cc: Rick Lusk, Watermaster, District 8

enclosures

▪ Certificate Number or other identifying number: 8394

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

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

Location of Existing Authorized Place of Use to be Affected:

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

[illegible]

RECEIVED

JUN 06 2007

WATER RESOURCES DEPT
SALEM, OREGON

▪ Certificate Number or other identifying number: 8394

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

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

Source	Township	Range	Mer	Sec	¼ ¼ Section	Tax Lot, DLC or Gov't Lot	Acres (if applicable)
North Powder River	6S	38E	W M	35	NE SW	100	33
North Powder River	6S	38E	W M	35	SE SW	100	40

Remarks: This is a temporary transfer of stored water released from Van Patton Lake Reservoir and to be reddiverted into the Hutchinson Hillside Ditch.

RECEIVED

MAY 29 2007

WATER RESOURCES DEPT
SALEM, OREGON

"TO"
Map 5 of 6

Stephens Water Right Transfer

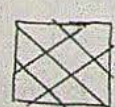
33

34

35

T6 S R38E

LEGEND

 = C-8394 (1911), 80 acre feet from Van Patton Lake Reservoir

 = Hutchinson Hillside Ditch

 = mainline/pipeline from Hutchinson Hillside Ditch

1" = 1320'

RECEIVED

MAY 29 2007

WATER RESOURCES DEPT
SALEM, OREGON



N

10399

"FROM"
Map 6 of 6



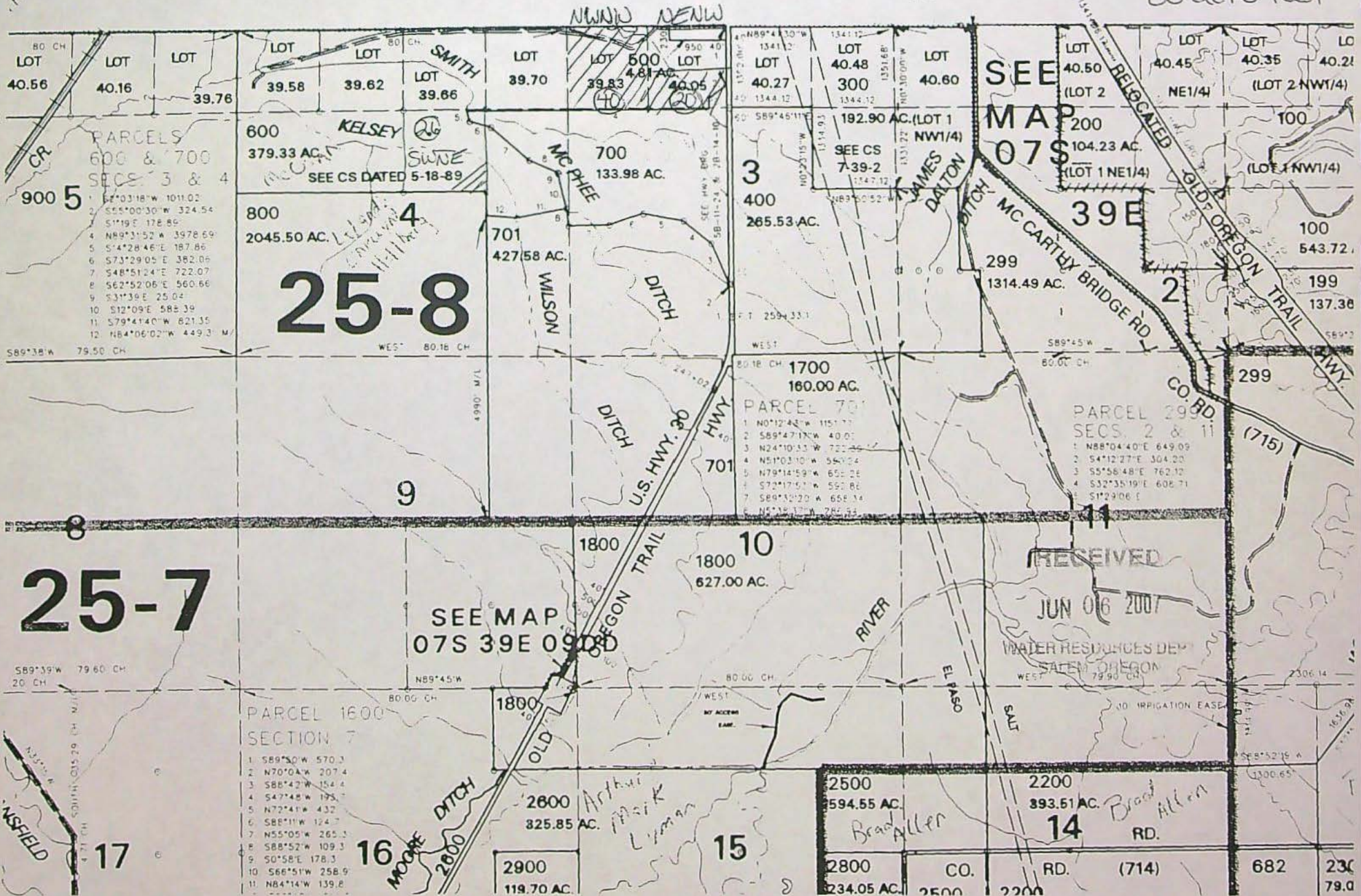
T.07S. R.39E. W.M.
BAKER COUNTY

1"=2000'

SEE MAP 06S 39E

Stephens Water Right Transfer

T 10399
= C-8394 (1911) 62.6 acres,
80 acre feet





Oregon

Theodore R. Kulongoski, Governor

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

June 18, 2007

Delbert Stephens
46226 Rock Creek Town Rd.
Haines, OR 97833

Peggy Browne
50809 Ellis Rd.
North Powder, OR 97867

REFERENCE: Temporary Transfer T-10399

We are examining your water right transfer application. There are some problems that need to be resolved before we can continue processing your application.

1. It appears that your application, as submitted, would result in enlargement by increasing the acreage irrigated under Certificate 8394. The authorized place of use lists a total of 62.6 acres but the proposed place of use lists 73 acres. In order for this application to be processed, resolution of this issue is necessary. I have included copies of the map and relevant pages of the application. Amendments to both these documents will be necessary. You may either cross out and change the figures on the application copy (and initial and date the changes), or submit a separate addendum to the application that spells out the changes.
2. The application requests a temporary transfer for the requested areas for a period of three years. However, the application lists four irrigation seasons (2007, 20078, 2009 and 2010). Please clarify the time period requested.
3. There is a supplemental right, Permit S-50717, which is appurtenant to the authorized place of use in the NWNW and NENW of Section 3, T7S39E. Pursuant to OAR 690-380-8020(3), in order to approve this transfer, following the resolution of the deficiency listed above, it will be necessary to include the following condition:
The portions of the water right evidenced by Permit 50717, appurtenant to the authorized place of use ("from" lands" shall not be exercised during the 2007, 2008 or 2009 irrigation seasons.)

Please submit resolution to the enlargement issue, clarification of the length proposed for temporary transfer and acknowledgement of the inclusions of the condition listed under #3 above **by July 18, 2007**, to Susan Douthit, Water Resources Department, 725 Summer St. NE, Suite A, Salem, OR 97301-1271. If you have any questions, please call me at 503-986-0858.

Sincerely,

Susan M. Douthit
Water Rights Transfer Specialist

cc: Rick Lusk, Watermaster, District 8

enclosures



Oregon

Theodore R. Kulongoski, Governor

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

June 12, 2007

DELBERT STEPHENS
46226 ROCK CREEK TOWN RD
HAINES OR 97833

Reference: Temporary Transfer 10399

On May 29, 2007 we received your water right transfer application. The application was accompanied by \$246.00. Our receipt 87817 is enclosed.

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

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

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

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

cc: Watermaster #8
Nadine Craft, ODFW
Peggy Browne, Agent
Chester Riley III Trustee, Landowner
Powder Valley Water Control District

enclosure



Oregon

Theodore R. Kulongoski, Governor

Water Resources Department

725 Summer Street NE, Suite A

Salem, OR 97301-1271

503-986-0900

FAX 503-986-0904

Notice of Application for Water Right Transfer, Temporary Transfer, or Permit Amendment 06/05/07

The Department seeks comment on the recently-filed application listed below. Any person may comment on the application. Comments must be received by the Department within 30 days of the date of this notice. The Director may presume that the transfer would be allowed by, and compatible with comprehensive plans unless an affected local government informs the Director otherwise within 30 days of this notice.

County: Baker
Transfer: T -10399
Water Right: Cert:1458 CF * , Cert:72286 CF *, Cert:8394 CF *
Priority Date: 1871, 1882, 1865, 1873, 1886, 1911
Name: DELBERT STEPHENS
Address: 46226 ROCK CREEK TOWN RD; HAINES OR 97833
Change: POU, APOD
Source: NORTH POWDER RIVER > POWDER RIVER
Authorized POU: T7S R39E 3,4
T6S R38E 33,35
Proposed POU: T6S R38E 33,35
Authorized APOD: T6S R38E 35
T6S R39E 32
T7S R38E 5
Proposed APOD: T7S R38E 5

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

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

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

Any person who provides comments within the comment period will receive a copy of the Department's preliminary determination of whether the application should be approved or rejected after the Department has completed a review of the application and will be provided an opportunity to protest the application and preliminary determination at that time. Comments should be sent to the Transfers Section at the Department's Salem office.

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

Temporary Transfer Application – OAR 690-380 3000 & 3100

Completeness Checklist

Applicant's Name:

Delbert Stephens

(Form last revised: March 13, 2007)

Section A – Status of Right

Is this a Water Right that can be transferred?

[OAR 690-380-0100(14)]

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

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

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

Section B – Type of Change

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

[ORS 540.523]

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

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

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

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

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

Section C – Fees

Have the appropriate fees been paid?

Total Required Fees: _____

Fee Schedule – ORS 536.050(1)(i)

Total Fees Paid: _____

\$175 - Base (1st CFS of water)

+ \$ 1 - Per acre of land irrigated

Fees Due (if any): _____

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

Refund Due (if any): _____

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

Section D – Completeness

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

Is the Temporary Transfer application complete?

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

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

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

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

OK

- Type of transfer application clearly marks Temporary and indicates the number of years.

(Page 1)

OK

- Applicant's name, mailing address and contact information.

(Page 1)

OK

- Agent's name, mailing address and contact information, if applicable.

(Page 1)

OK

- Are the water rights to be affected by this temporary transfer listed?

(Page 2)

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

1458 / 1286 / 8394			Checklist for Supplemental Form A – (Attachments)
OK	OK	OK	• Certificate # filled in on each page? (Page 1)
OK	OK	OK	• Type of change(s) proposed clear? (Page 1)
OK	OK	OK	• Current Water Right information is complete? (Page 2)
OK	OK	OK	• If for a change in POU... (Page 2) Are there any “layered” irrigation rights, permits, or GR registrations appurtenant to the same place of use as the water right proposed to be transferred? YES NO If YES..... the other “layered” water uses subject to transfer must either change concurrently or be cancelled, except as provided in OAR 690-380-2240(5). OR...applicant indicates supplemental right will not be exercised on “From” lands Are they included in application? If not, contact applicant or agent.
OK	OK	OK	• Location description of the authorized POA/POD to be changed. (Page 3) NOTE: Ensure that the location coordinates listed in the application match the point and location coordinates illustrated on the application map. Additionally, if the existing authorized source is ground water (POA), the applicant must either: <u>N/A</u> 1) supply a copy of the well log(s), <u>or</u> 2) if well logs are not available , describe the construction of the well(s) in the table provided on page 3 of the supplemental form A application.
OK	OK	OK	• Location description of the existing authorized POU and associated acres (if applicable). (Page 4) NOTE: Ensure that the location and number of acres listed per ¼ ¼ in the application match those illustrated on the application map.
OK	OK	OK	• Location description of the proposed POA/POD. (Page 5) NOTE: Ensure that the proposed location coordinates listed in the application match the proposed point and location coordinates illustrated on the application map. Additionally, if the proposed source is ground water (POA), the applicant must either: <u>N/A</u> 1) supply a copy of the well log(s), <u>or</u> 2) if well logs are not available <u>or</u> the well is not yet constructed , describe the construction of the well(s) in the table provided on page 5 of the application.
OK	OK		• Location description of the proposed POU and associated acres (if applicable). (Page 6) NOTE: Ensure that the location and number of acres listed per ¼ ¼ in the application match those illustrated on the application map.
Return back to Page 2 of transfer application			
OK			• The type of change(s) being proposed. (Page 2)
OK			• Reason for the temporary transfer. (Page 2)
OK			• Description of current water delivery system. (Page 2)
OK			• System Capacity. (Page 2)
Checklist for Supplemental Form B – (Attachments)			
OK			• Is there a box checked in #1? (Page 1)

OK	Is there a box checked in #2?	(Page 1)
	Does the description of POU on page 4 of the supplemental form A application, match authorized POU in question #3?	(Page 1)
	In question #4 and #5 are they filled out.	(Page 2)
	Is there a box checked in #6?	(Page 2)
	Is the #6 supporting documentation included with application?	(Page 2)
	Is there an original signature of the notary and notary stamp?	(Page 2)
	Return back to Page 3 of transfer application	
OK	Affected districts and local governments. If within a district/local government jurisdiction, ensure that name & mailing address is provided. And agreement with district to deliver water to "To" lands	(Page 3)
OK	Is the applicant the Landowner of the "from" and "to" Lands? YES NO If NO..... The applicant must list current landowner name & address. And include a notarized statement granting consent to the transfer from each landowner.	(Page 4)
OK	Who will be responsible for completion of the changes? Is a box checked? If no box is checked the applicant or agent must be contacted.	(Page 4)
	Map..... if more than 3 rights are included in transfer, is there a separate map for each water right? If larger than 8 1/2 X 14 - then 3 copies of map is needed & an electronic pdf of map north arrow size & scale other: authorized acreage per 1/4 1/4 matches the water right authorized POD/POA and POU (clearly shown, labeled & matches application listing) point plotted for the authorized POD/POA agrees with location coordinates on supplemental form A and WR proposed POD/POA and/or POU (clearly shown, labeled & matches application "proposed" listing) location coordinates accurately describe the point identified as the proposed POD/POA	(Page 5)
OK	Land Use form, if applicable. Is the form signed by the local planning department staff? May be needed if the POD/POA or POU is moving a great distance <u>and</u> off of land originally involved in WR.	(Page 5)
N/A	If a groundwater right is involved, are the well logs or a description included.	(Page 5)
OK	Is a copy of the current deed included for the From lands?	(Page 5)
OK	Signature(s) of applicant(s): Are one of the boxes checked? (not needed for Temporary Transfer) <u>All</u> applicants listed on page 1 of the application <u>must</u> sign the application.	(Page 6)
WRD Completeness Reviewer's Name: _____ Date: _____		

ORIGINALS

Transfer Application and Map

Receipt

Deed or Lot Book Report

Notarized Consent

Evidence of Use Affidavit

Land Use Information Form

Lien Holder Notification *(if applicable)*

Report of Ownership and Lien Info *(if applicable)*

&

Other Supporting Documentation



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

Application for Water Right Transfer

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

1. TYPE OF TRANSFER APPLICATION

Please check one	
☐ Permanent Transfer	☐ Instream Transfer
☒ Temporary Transfer	☐ Permanent
• total number of years: <u>3</u>	☐ Time-Limited
(begin year: <u>2007</u>)	☐ Drought Transfer
(end year: <u>2009</u>)	☐ Other

2. APPLICANT INFORMATION

Name: Delbert Stephens
First Last
Address: 46226 Rock Creek Town Road
Haines OR 97833
City State Zip
Phone: (541) 910-1001
Home Work Other
Fax: _____ E-Mail address: _____

3. AGENT INFORMATION

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

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

- If an agent is listed above, please check one of the following:
 - ☐ Please send all correspondence to Agent. Send *copies* of correspondence to Applicant; or
 - ☒ Please send all correspondence to Applicant. Send *copies* of correspondence to Agent.

amendments
rec'd
7-2

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

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

	Application / Decree	Permit / Previous Transfer	Certificate
1.			1458
2.			72286
3.		789	8394
4.			
5.			
6.			

- Attach a **separate Supplemental Form A** (*Description of Proposed Change(s) to a Water Right*) for **each** water right listed above.
- Check **all** proposed change(s) included in this transfer application:
☒ Place of Use ☐ Point of Diversion ☒ Additional Point of Diversion
☐ Character of Use ☐ Point of Appropriation ☐ Additional Point of Appropriation
☐ Instream Transfer ☐ Surface Water source to Ground Water source
- Reason(s) for change(s): To provide added water for high value crops, such as potatoes, during the irrigation season and late season irrigation.
- The portions of the water right evidenced by Permit 50717, appurtenant to the authorized place of use ("from" lands) shall not be exercised during the 2007, 2008, or 2009 irrigation seasons.

5. WATER DELIVERY SYSTEM

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

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

C-1458 (Section 35, NESW & SESW QQ): Water from Hutchinson Hillside Ditch goes to a surge pond, then through a screen system into gravity pressurized North Pipeline to the mainline onsite with risers every 120 feet for wheel-line irrigation.

C-72286 (Section 33, NWSE & NESE QQ): Water from Hutchinson Hillside Ditch goes through a screen system into a gravity pressurized pipeline to mainline onsite with risers every 120 feet for wheel-line irrigation.

C-72286 (Section 33, SESE QQ): Water from Hutchinson Hillside Ditch goes through same screen system, pipeline, to mainline onsite for flood irrigation.

▪ Certificate Number or other identifying number: 8394 _____

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

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

Location of Existing Authorized Place of Use to be Affected:

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

[illegible]

▪ Certificate Number or other identifying number: 72286

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

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

Location of Existing Authorized Place of Use to be Affected:

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

[illegible]

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Supplemental Form A

- 4 -

Description of Proposed Change(s) to a Water Right

WATER RESOURCES DEPT
SALEM OREGON

▪ Certificate Number or other identifying number: 72286 _____

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

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

Source	Township	Range	Mer	Sec	¼ ¼ Section	Tax Lot, DLC or Gov't Lot	Acres (if applicable)
North Powder River	6S	38E	W M	35	NE SW	100	31 33.0
North Powder River	6S	38E	W M	35	SE SW	100	40

Remarks: _____

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"FROM"
Map 1 of 6

Stephens Water Right

10399

33

34

35

(18.6)

(37.5)

(33)

NWSE

NESE

SESW

(16.9)

(40)

SESE

T6S R38E

amended
6/19/07
RHL

LEGEND

1" = 1320'



= (-1458 (1873), 73 acres total



= (-72286 (1871), 73 acres total



= Hutchinson Hillside Ditch



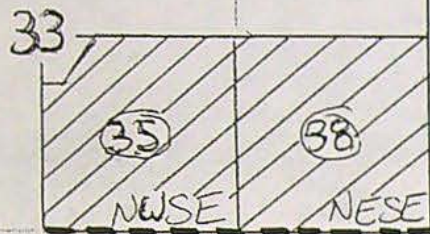
= mainline/pipeline from Hutchinson Hillside Ditch

"TO"
Map 3 of 6

Amended
6/19/07
RML

Stephens Water Right Transfer

10399



34



T6S R38E

LEGEND

= C-1458 (1873), 73 acres total

= C-72286 (1871), 73 acres total

1" = 1320'

= Hutchinson Hillside Ditch

= mainline/pipeline from Hutchinson Hillside Ditch



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WATER RESOURCES DEPT
SALEM, OREGON

"TO"
Map 5 of 6

amended
6/19/07
RML

Stephens Water Right Transfer

33

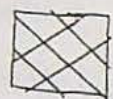
34

35



T6 S R38E

LEGEND



= C-8394 (1911), 80 acre feet from
Van Patton Lake Reservoir



= Hutchinson Hillside Ditch



= mainline/pipeline from Hutchinson Hillside Ditch

1" = 1320' 
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WATER RESOURCES DEPT
SALEM, OREGON

662011
110399

June 27, 2007

Susan Douthit
Water Rights Transfer Specialist
Water Resources Department
725 Summer Street NE, Suite A
Salem, OR 97301-1266

RE: Temporary Transfer T-10399

Dear Ms. Douthit:

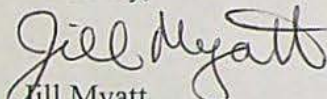
We have reviewed your June 18th letter regarding Mr. Delbert Stephens water right transfer application problems.

We feel that we have addressed all of your concerns. Attached are the revised maps and Supplemental Forms A that has changed the "From" acreages to 73. Therefore, the transfer acreages "To" and "From" are now equal.

Also attached is page 1 of the transfer application which clarifies the number of years to be 3 from 2007 to 2009. On page 2 of the transfer application we included the additional condition you required. The applicant, Mr. Stephens, is well aware of this condition and the water of C-8394 will not be used on the stated "From" lands.

Please let us know if you need anything else.

Sincerely,


Jill Myatt
Browne Consulting

enclosures

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WATER RESOURCES DEPT
SALEM, OREGON



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

Application for Water Right Transfer

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

1. TYPE OF TRANSFER APPLICATION

Please check one	
☐ Permanent Transfer	☐ Instream Transfer
☒ Temporary Transfer	☐ Permanent
• total number of years: <u>3</u>	☐ Time-Limited
(begin year: <u>2007</u>)	☐ Drought Transfer
(end year: <u>2010</u>)	☐ Other

2. APPLICANT INFORMATION

Name: Delbert Stephens
First Last
Address: 46226 Rock Creek Town Road
Haines OR 97833
City State Zip
Phone: (541) 910-1001
Home Work Other
Fax: _____ E-Mail address: _____

3. AGENT INFORMATION

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

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

- If an agent is listed above, please check one of the following:
- ☐ Please send all correspondence to Agent. Send *copies* of correspondence to Applicant; or
 - ☒ Please send all correspondence to Applicant. Send *copies* of correspondence to Agent.

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

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

	Application / Decree	Permit / Previous Transfer	Certificate
1.			1458
2.			72286
3.		789	8394
4.			
5.			
6.			

- Attach a **separate Supplemental Form A** *(Description of Proposed Change(s) to a Water Right)* for **each** water right listed above.
- Check **all** proposed change(s) included in this transfer application:
☒ Place of Use ☐ Point of Diversion ☒ Additional Point of Diversion
☐ Character of Use ☐ Point of Appropriation ☐ Additional Point of Appropriation
☐ Instream Transfer ☐ Surface Water source to Ground Water source
- Reason(s) for change(s): To provide added water for high value crops, such as potatoes, during the irrigation season and late season irrigation.

5. WATER DELIVERY SYSTEM

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

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

C-1458 (Section 35, NESW & SESW QQ): Water from Hutchinson Hillside Ditch goes to a surge pond, then through a screen system into gravity pressurized North Pipeline to the mainline onsite with risers every 120 feet for wheel-line irrigation.

C-72286 (Section 33, NWSE & NESE QQ): Water from Hutchinson Hillside Ditch goes through a screen system into a gravity pressurized pipeline to mainline onsite with risers every 120 feet for wheel-line irrigation.

C-72286 (Section 33, SESE QQ): Water from Hutchinson Hillside Ditch goes through same screen system, pipeline, to mainline onsite for flood irrigation.

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

C-1458 (Section 35, NESW & SESW QQ): system capacity is 1.98 cfs.

C-72286 (Section 33, NWSE, NESE & SESE QQ): system capacity is 1.1 cfs.

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SALEM OREGON**

6. EVIDENCE OF BENEFICIAL WATER USE

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

7. AFFECTED DISTRICTS AND LOCAL GOVERNMENTS

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

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

Powder Valley Water Control District, P.O. Box 189, 690 E Street, North Powder, OR 97867

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

Baker County Planning Department, 1995 3rd Street, Baker City, OR 97814

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8. LAND OWNERSHIP

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

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

Names of Current Landowner(s): Richard Stephens
First Last

Address: RFD #1

Haines OR 97833
City State Zip

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

If "No", provide the following information:

Names of Receiving Landowner(s): Chester A Riley III Trustee/Rivocable Living Trust
First Last

Address: 102 Hope Drive
Boiling Springs PA 17007
City State Zip

- Check one of the following:
- ☐ The receiving landowner will be responsible for completion of the proposed changes after the final order is issued. All notices and correspondence should be sent to this landowner.
 - ☒ The applicant will remain responsible for completion of changes. Notices and correspondence should continue to be sent to the applicant and applicant's agent.
 - ☐ N/A. (Not applicable. Application is for an Instream Water Right Transfer.)

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9. ATTACHMENTS

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

Supplemental Form A –

Description of Proposed Change(s) to a Water Right

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

Supplemental Form B –

Evidence of Use Affidavit(s)

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

Map

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

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

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

Land Use Information Form:

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

Fees:

- ☒ Amount enclosed: \$246 _____
See the Department's Fee Schedule at www.wrd.state.or.us or call (503) 986-0900.

Instream Water Right Transfers, also include:

Supplemental Form C –

Instream Water Right Transfer

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

Temporary Transfers, also include:

Recorded Deed:

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

Affidavit of Consent:

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

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

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

10. SIGNATURES

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

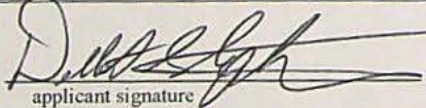
☒ In accordance with OAR 690-380-3000(13)(a), I (we) understand that prior to Department approval of a permanent transfer and upon my receipt of a draft Preliminary Determination for the proposed transfer, I (we) will be required [pursuant to OAR 690-380-4010(5)] to provide the following landownership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

- (a) A report of ownership and lien information that has been prepared by a title company *within the last three months*;
- (b) A copy of written notification of the proposed transfer provided by the applicant to all lien holders on the subject lands unless the report of ownership and lien information shows that a water right conveyance agreement has been recorded for the subject lands. *If a water right conveyance agreement has been recorded for the subject lands, a copy of the agreement and identification of the owner of the lands at the time the agreement was recorded must be submitted; and*
- (c) If the landowner identified in the report of ownership and lien information is not the applicant, a notarized statement consenting to the transfer (attached) signed by the landowner identified in the report or an authorized representative of the entity to whom the interest in the water right has been conveyed as identified in a water right conveyance agreement or other documentation demonstrating that the applicant is authorized to pursue the transfer in the absence of the consent of the landowner.

☐ I (we) affirm that the applicant is a municipality, as defined in ORS 540.510(3)(b), and that the right is in the name of the municipality or a predecessor. Therefore, pursuant to OAR 690-380-3000(13)(b), the applicant is NOT required to provide the above described report of ownership and lien information.

☐ I (we) affirm that the applicant is an entity with the authority to condemn property and is acquiring the property to which the water right proposed for transfer is appurtenant by condemnation. Documentation is provided with this application supporting this statement. Therefore, pursuant to OAR 690-380-3000(13)(c), the applicant is NOT required to provide the above described report of ownership and lien information. (NOTE: Such an entity may only apply for a transfer under this subsection if it has filed a condemnation action to acquire the property.)

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

 applicant signature	<u>Delbert Stephens</u> name (print)	<u>5-22-07</u> date
 applicant signature	 name (print)	 date

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Water Right Transfer Supplemental Form A

DESCRIPTION OF PROPOSED CHANGE(S) TO A WATER RIGHT

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

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

▪ Certificate Number or other identifying number: 8394 _____

1. TYPE OF CHANGE(S) PROPOSED

(Check *all* that apply.)

Point of Diversion or Appropriation	Place of Use	Character of Use
☐ Change (The old point of diversion or appropriation will <u>not</u> be used for the portion of the water right affected by the transfer.) ☒ Additional (Both the old <u>and</u> new points of diversion or appropriation will be used for the portion of the water right affected by the transfer.) ☐ Historic Point of Diversion or Appropriation Change (Unauthorized point of diversion or appropriation used for more than 10 years.) ☐ Surface Water to Ground Water (A new point of appropriation will be used <u>instead of</u> the old point of diversion. The old point of diversion will <u>not</u> be used.) ☐ Point of Diversion Change due to Government Action (The old point of diversion or appropriation can no longer be used due to government action.) ☐ Exchange (Water from another source will be used in exchange for supplying an equal amount of replacement water to that source.)	☒ All of the right will be exercised at a different location than currently authorized (Use of water at the current location will be discontinued.) ☐ Only a portion of the right will be exercised at a different location than currently authorized (Use of water at the current location will be discontinued.)	Proposed new use: ☒ Irrigation ☐ Municipal ☐ Quasi-municipal ☐ Commercial ☐ Industrial ☐ Instream (complete and attach <i>Supplemental Form C</i>) ☐ Domestic (indicate number of households) _____ ☐ Other _____ ☐ Substitution (A supplemental ground water right will be substituted for a primary surface water right.) ☐ Supplemental Use to Primary Use (Primary water right shall be cancelled and the supplemental water right will change to primary use.)

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SALEM, OREGON

2. CURRENT WATER RIGHT INFORMATION

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

☒ Certificated Right	8394	789
	Certificate Number	Permit Number or Decree Name
☐ Adjudicated, Non-certificated Right	Name of Decree	Page Number
☐ Permit for which Proof has been Approved	Permit Number	Date Claim of Beneficial Use Submitted
☐ Transferred Right for which Proof has been Filed	Previous Transfer Number	Date Claim of Beneficial Use Submitted

- Name on Permit, Certificate, or Decree: Chris Johnson & James Dalton
- County: Baker
- Authorized Use(s) to be Affected by Transfer: irrigation
- Priority Date(s): 1911

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

- Source(s) of Water to be Affected by Transfer: Van Patton Lake Reservoir

Tributary to: Antone Creek > North Powder River

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

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

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

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

If "Yes", what are the Permit, Registration or Certificate Numbers? _____

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

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WATER RESOURCES DEPT
STATE OF OREGON

T 10399

- Certificate Number or other identifying number: 8394 _____

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

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

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

(i.e., the allowed point(s) of diversion or appropriation listed on the water right that will be affected by the proposed transfer, the "FROM" point(s) of diversion or appropriation)

If Ground Water, OWRD Well Log ID No. (or Well ID Tag No. L-____)	Source and Priority Date	Township	Range	Mer	Sec	¼ ¼	Tax Lot, DLC or Gov't Lot	Survey Coordinates (coordinates from a recognized survey corner)
	Van Patton Lake Reservoir, 1911	6S	38E	W M	35	SESW		2450'E and 950'N from SW corner of Section 36, T6S, R38E, WM.
	Van Patton Lake Reservoir, 1911	6S	39E	W M	32	NWSW		1500'N and 500'E from SW corner of Section 32, T6S, R39E, WM.

- Does the water right being transferred involve a ground water source(s)?

☐ Yes ☒ No (Surface water source only.)

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

A. Supply a copy of the well log(s) for each point of appropriation that is **clearly labeled** and associated with the corresponding well in the table above and on the accompanying application map. (NOTE: You may search for well logs on the Department's web page at: <http://www.wrd.state.or.us>)

or

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

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

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

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

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WATER RESOURCES DEPT
SALEM, OREGON

10399

▪ Certificate Number or other identifying number: 8394

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

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

Location of Existing Authorized Place of Use to be Affected:

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

[illegible]

- Certificate Number or other identifying number: 8394 _____

3. PROPOSED CHANGES TO THE WATER RIGHT

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

Location of Proposed Point(s) of Diversion or Appropriation:

(i.e., the "TO" point(s) of diversion or appropriation)

☐ N/A – Instream Water Right Transfer

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

Source	Township	Range	Mer	Sec	1/4 1/4 Section	Tax Lot, DLC or Gov't Lot	Survey Coordinates (coordinates from a recognized survey corner)
North Powder River	7S	38E	W M	5	NW NE	1200	2760'S and 2380'W from the East Center Corner of Section 32, T6S, R38E, WM.

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

If "Yes", attach and clearly label the corresponding well log(s) for each proposed well, or if well log(s) are not available, describe the construction of the well(s) using the table below. (NOTE: You may search for well logs on the Department's web page at: <http://www.wrd.state.or.us>)

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

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

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

Well already built? (Yes/No)	If an existing well, OWRD Well Log ID No. (or Well ID Tag No. L-_____)	Diameter	Type and size of casing	No. of feet of casing	Intervals casing is perforated (in feet)	Seal depth	Est. depth to water	Est. depth to water bearing stratum	Type of access port or measuring device	Total well depth

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▪ Certificate Number or other identifying number: 8394

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

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

Source	Township	Range	Mer	Sec	¼ ¼ Section	Tax Lot, DLC or Gov't Lot	Acres (if applicable)
North Powder River	6S	38E	W M	35	NE SW	100	33
North Powder River	6S	38E	W M	35	SE SW	100	40

Remarks: This is a temporary transfer of stored water released from Van Patton Lake Reservoir and to be reddiverted into the Hutchinson Hillside Ditch.

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T 10399

Water Right Transfer Supplemental Form A

DESCRIPTION OF PROPOSED CHANGE(S) TO A WATER RIGHT

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

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

▪ Certificate Number or other identifying number: 72286 _____

1. TYPE OF CHANGE(S) PROPOSED

(Check *all* that apply.)

Point of Diversion or Appropriation	Place of Use	Character of Use
☐ Change (The old point of diversion or appropriation will <u>not</u> be used for the portion of the water right affected by the transfer.)	☒ All of the right will be exercised at a different location than currently authorized (Use of water at the current location will be discontinued.)	Proposed new use: ☒ Irrigation
☒ Additional (Both the old <u>and</u> new points of diversion or appropriation will be used for the portion of the water right affected by the transfer.)	☐ Only a <u>portion</u> of the right will be exercised at a different location than currently authorized (Use of water at the current location will be discontinued.)	☐ Municipal
☐ Historic Point of Diversion or Appropriation Change (Unauthorized point of diversion or appropriation used for more than 10 years.)		☐ Quasi-municipal
☐ Surface Water to Ground Water (A new point of appropriation will be used instead of the old point of diversion. The old point of diversion will <u>not</u> be used.)		☐ Commercial
☐ Point of Diversion Change due to Government Action (The old point of diversion or appropriation can no longer be used due to government action.)		☐ Industrial
☐ Exchange (Water from another source will be used in exchange for supplying an equal amount of replacement water to that source.)		☐ Instream (complete and attach <i>Supplemental Form C</i>)
		☐ Domestic (indicate number of households) _____
		☐ Other _____
		☐ Substitution (A supplemental ground water right will be substituted for a primary surface water right.)
		☐ Supplemental Use to Primary Use (Primary water right shall be cancelled and the supplemental water right will change to primary use.)

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2. CURRENT WATER RIGHT INFORMATION

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

☒ Certificated Right	72286	North Powder River
	Certificate Number	Permit Number or Decree Name
☐ Adjudicated, Non-certificated Right		
	Name of Decree	Page Number
☐ Permit for which Proof has been Approved		
	Permit Number	Date Claim of Beneficial Use Submitted
☐ Transferred Right for which Proof has been Filed		
	Previous Transfer Number	Date Claim of Beneficial Use Submitted

- Name on Permit, Certificate, or Decree: Richard Stevens
- County: Baker
- Authorized Use(s) to be Affected by Transfer: irrigation
- Priority Date(s): 1871

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

- Source(s) of Water to be Affected by Transfer: North Powder River

Tributary to: Powder River

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

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

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

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

If "Yes", what are the Permit, Registration or Certificate Numbers? _____

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

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▪ Certificate Number or other identifying number: 72286 _____

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

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

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

(i.e., the allowed point(s) of diversion or appropriation listed on the water right that will be affected by the proposed transfer, the "FROM" point(s) of diversion or appropriation)

If Ground Water, OWRD Well Log ID No. (or Well ID Tag No. L-_____)	Source and Priority Date	Township	Range	Mer	Sec	¼ ¼	Tax Lot, DLC or Gov't Lot	Survey Coordinates (coordinates from a recognized survey corner)
	North Powder River, 1871 & 1882	7S	38E	W M	5	NW NE	1200	2760'S and 2380'W from the East Center Corner of Section 32, T6S, R38E, WM.

▪ Does the water right being transferred involve a ground water source(s)?

☐ Yes ☒ No (Surface water source only.)

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

A. Supply a copy of the well log(s) for each point of appropriation that is **clearly labeled** and associated with the corresponding well in the table above and on the accompanying application map. (NOTE: You may search for well logs on the Department's web page at: <http://www.wrd.state.or.us>)

or

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

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

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

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

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▪ Certificate Number or other identifying number: 72286 _____

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

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

Location of Existing Authorized Place of Use to be Affected:

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

[illegible]

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SALEM, OREGON

▪ Certificate Number or other identifying number: 72286

3. PROPOSED CHANGES TO THE WATER RIGHT

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

Location of Proposed Point(s) of Diversion or Appropriation:

(i.e., the "TO" point(s) of diversion or appropriation)

☐ N/A – Instream Water Right Transfer

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

Source	Township	Range	Mer	Sec	¼ ¼ Section	Tax Lot, DLC or Gov't Lot	Survey Coordinates (coordinates from a recognized survey corner)
North Powder River	7S	38E	W M	5	NW NE	1200	2760'S and 2380'W from the East Center Corner of Section 32, T6S, R38E, WM.

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

If "Yes", attach and clearly label the corresponding well log(s) for each proposed well, **or** if well log(s) are **not** available, describe the construction of the well(s) using the table below. (NOTE: You may search for well logs on the Department's web page at: <http://www.wrd.state.or.us>)

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

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

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

Well already built? (Yes/No)	If an existing well, OWRD Well Log ID No. (or Well ID Tag No. L-)	Diameter	Type and size of casing	No. of feet of casing	Intervals casing is perforated (in feet)	Seal depth	Est. depth to water	Est. depth to water bearing stratum	Type of access port or measuring device	Total well depth
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									MAY 29 2007	
T 10399									WATER RESOURCES DEPT SALEM, OREGON	

▪ Certificate Number or other identifying number: 72286 _____

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

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

Source	Township	Range	Mer	Sec	¼ ¼ Section	Tax Lot, DLC or Gov't Lot	Acres (if applicable)
North Powder River	6S	38E	W M	35	NE SW	100	31
North Powder River	6S	38E	W M	35	SE SW	100	40

Remarks: _____

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WATER RESOURCES DEPT
SALEM, OREGON

Water Right Transfer Supplemental Form A

DESCRIPTION OF PROPOSED CHANGE(S) TO A WATER RIGHT

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

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

▪ Certificate Number or other identifying number: 1458 _____

1. TYPE OF CHANGE(S) PROPOSED

(Check *all* that apply.)

Point of Diversion or Appropriation	Place of Use	Character of Use
☐ Change (The old point of diversion or appropriation will <u>not</u> be used for the portion of the water right affected by the transfer.) ☒ Additional (Both the old <u>and</u> new points of diversion or appropriation will be used for the portion of the water right affected by the transfer.) ☐ Historic Point of Diversion or Appropriation Change (Unauthorized point of diversion or appropriation used for more than 10 years.) ☐ Surface Water to Ground Water (A new point of appropriation will be used <u>instead of</u> the old point of diversion. The old point of diversion will <u>not</u> be used.) ☐ Point of Diversion Change due to Government Action (The old point of diversion or appropriation can no longer be used due to government action.) ☐ Exchange (Water from another source will be used in exchange for supplying an equal amount of replacement water to that source.)	☒ All of the right will be exercised at a different location than currently authorized (Use of water at the current location will be discontinued.) ☐ Only a portion of the right will be exercised at a different location than currently authorized (Use of water at the current location will be discontinued.)	Proposed new use: ☒ Irrigation ☐ Municipal ☐ Quasi-municipal ☐ Commercial ☐ Industrial ☐ Instream (complete and attach <i>Supplemental Form C</i>) ☐ Domestic (indicate number of households) _____ ☐ Other _____ ☐ Substitution (A supplemental ground water right will be substituted for a primary surface water right.) ☐ Supplemental Use to Primary Use (Primary water right shall be cancelled and the supplemental water right will change to primary use.)

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2. CURRENT WATER RIGHT INFORMATION

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

☒ Certificated Right	1458	North Powder River
	Certificate Number	Permit Number or Decree Name
☐ Adjudicated, Non-certificated Right		
	Name of Decree	Page Number
☐ Permit for which Proof has been Approved		
	Permit Number	Date Claim of Beneficial Use Submitted
☐ Transferred Right for which Proof has been Filed		
	Previous Transfer Number	Date Claim of Beneficial Use Submitted

- Name on Permit, Certificate, or Decree: Laura A Dodson
- County: Baker
- Authorized Use(s) to be Affected by Transfer: irrigation
- Priority Date(s): 1873

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

- Source(s) of Water to be Affected by Transfer: North Powder River

Tributary to: Powder River

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

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

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

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

If "Yes", what are the Permit, Registration or Certificate Numbers? _____

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

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▪ Certificate Number or other identifying number: 1458

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

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

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

(i.e., the allowed point(s) of diversion or appropriation listed on the water right that will be affected by the proposed transfer, the "FROM" point(s) of diversion or appropriation)

If Ground Water, OWRD Well Log ID No. (or Well ID Tag No. L-____)	Source and Priority Date	Township	Range	Mer	Sec	¼ ¼	Tax Lot, DLC or Gov't Lot	Survey Coordinates (coordinates from a recognized survey corner)
	North Powder River, 1873	7S	38E	W M	5	NW NE	1200	2760'S and 2380'W from the East Center Corner of Section 32, T6S, R38E, WM.

▪ Does the water right being transferred involve a ground water source(s)?

☐ Yes ☒ No (Surface water source only.)

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

A. Supply a copy of the well log(s) for each point of appropriation that is **clearly labeled** and associated with the corresponding well in the table above and on the accompanying application map. (NOTE: You may search for well logs on the Department's web page at: <http://www.wrd.state.or.us>)

or

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

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

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

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

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SALEM, OREGON

▪ Certificate Number or other identifying number: 1458

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

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

Location of Existing Authorized Place of Use to be Affected:

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

[illegible]

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WATER RESOURCES DEPT
SALEM, OREGON

▪ Certificate Number or other identifying number: 1458 _____

3. PROPOSED CHANGES TO THE WATER RIGHT

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

Location of Proposed Point(s) of Diversion or Appropriation:

(i.e., the "TO" point(s) of diversion or appropriation)

☐ N/A – Instream Water Right Transfer

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

Source	Township	Range	Mer	Sec	¼ ¼ Section	Tax Lot, DLC or Gov't Lot	Survey Coordinates (coordinates from a recognized survey corner)
North Powder River	7S	38E	W M	5	NW NE	1200	2760'S and 2380'W from the East Center Corner of Section 32, T6S, R38E, WM.

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

If "Yes", attach and clearly label the corresponding well log(s) for each proposed well, or if well log(s) are not available, describe the construction of the well(s) using the table below. (NOTE: You may search for well logs on the Department's web page at: <http://www.wrd.state.or.us>)

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

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

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

Well already built? (Yes/No)	If an existing well, OWRD Well Log ID No. (or Well ID Tag No. L-____)	Diameter	Type and size of casing	No. of feet of casing	Intervals casing is perforated (in feet)	Seal depth	Est. depth to water	Est. depth to water bearing stratum	Type of access port or measuring device	Total well depth

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SALEM, OREGON

▪ Certificate Number or other identifying number: 1458 _____

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

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

Source	Township	Range	Mer	Sec	¼ ¼ Section	Tax Lot, DLC or Gov't Lot	Acres (if applicable)
North Powder River	6S	38E	W M	33	NW SE	600	35
North Powder River	6S	38E	W M	33	NE SE	600	38

Remarks: _____

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SALEM, OREGON

T 10399

▪ Certificate Number or other identifying number: 8394 _____

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

Government lot and donation land claim numbers must be included in the tables below only if the information is reflected on the existing water right.

Location of Existing Authorized Place of Use to be Affected:

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

[illegible]

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SALEM, OREGON

Amended 6-6-07

"TO"
Map 5 of ~~B~~

Stephens Water Right Transfer

33

34

35

T6 S R38 E

LEGEND

 = C-8394 (1911), 80 acre feet from Van Patton Lake Reservoir

 = Hutchinson Hillside Ditch

 = mainline/pipeline from Hutchinson Hillside Ditch

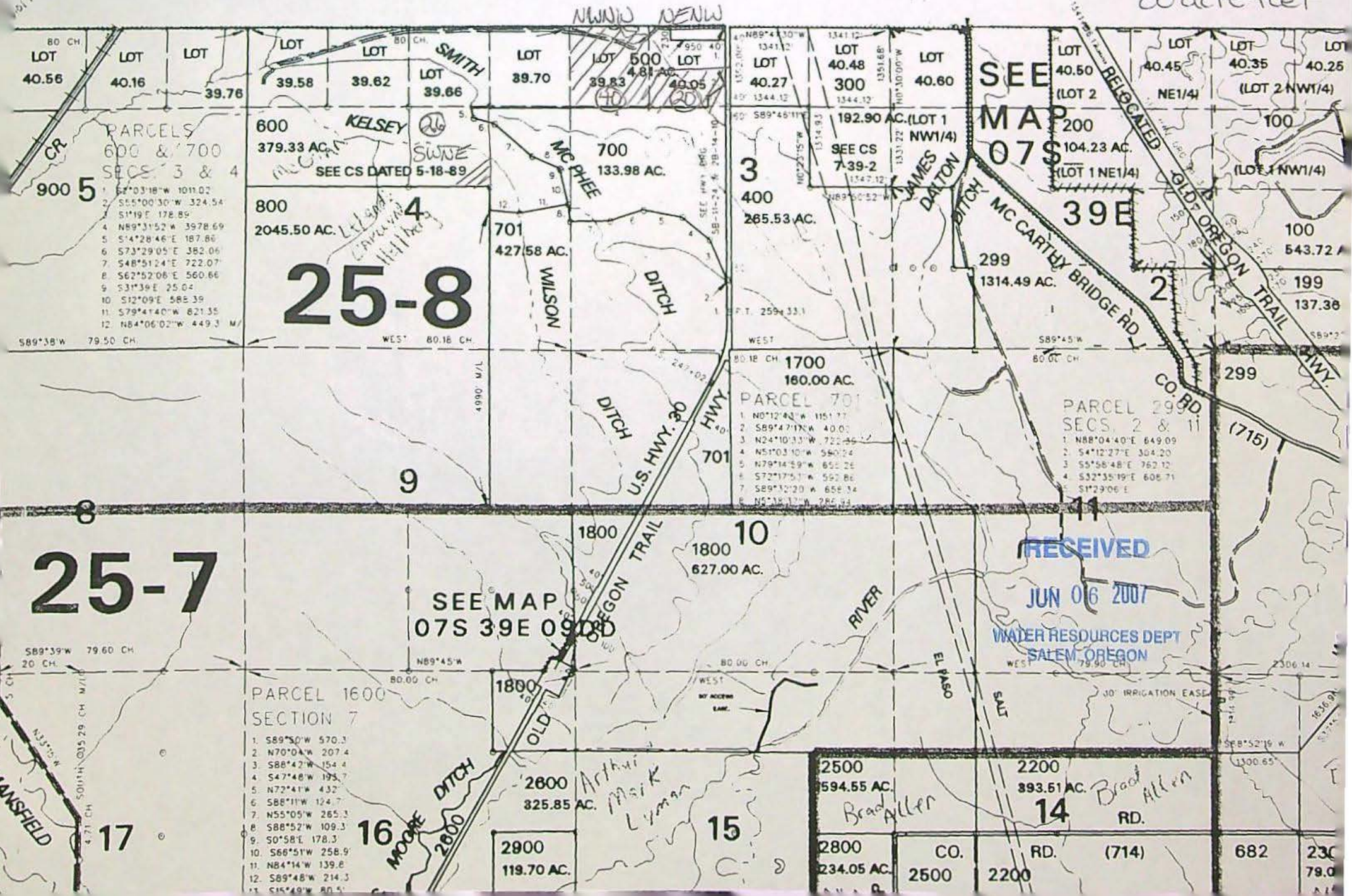
1" = 1320'
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WATER RESOURCES DEPT
SALEM, OREGON

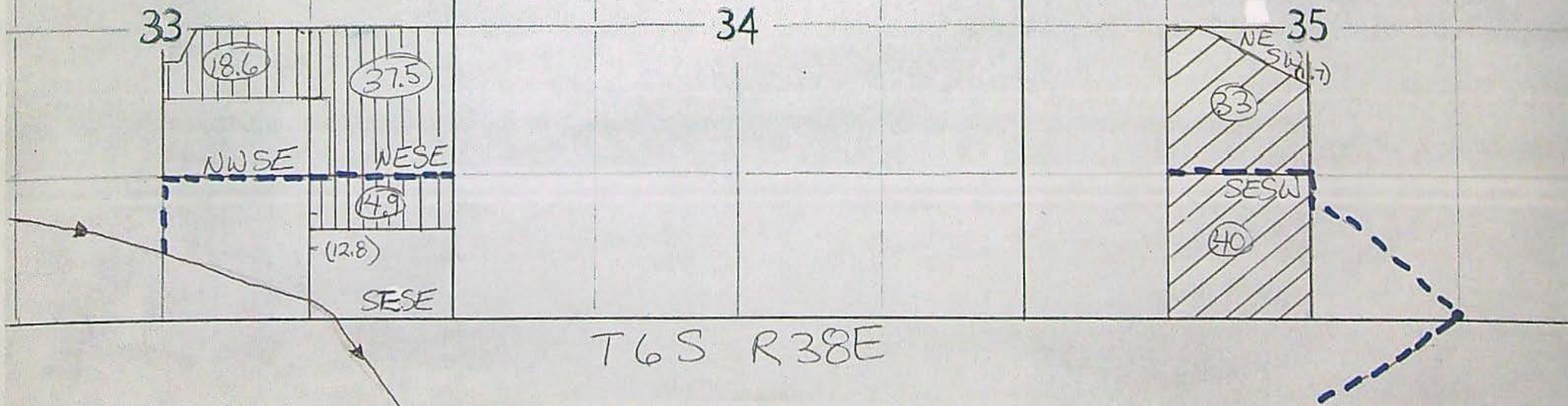


10399



"FROM"
Map 1 of 6

Stephens Water Right Transfer



LEGEND

-  = C-1458 (1873), 73 acres total
-  = C-72286 (1871), 71 acres total

-  = Hutchinson Hillside Ditch
-  = mainline/pipeline from Hutchinson Hillside Ditch

1" = 1320'

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WATER RESOURCES DE
SALEM, OREGON

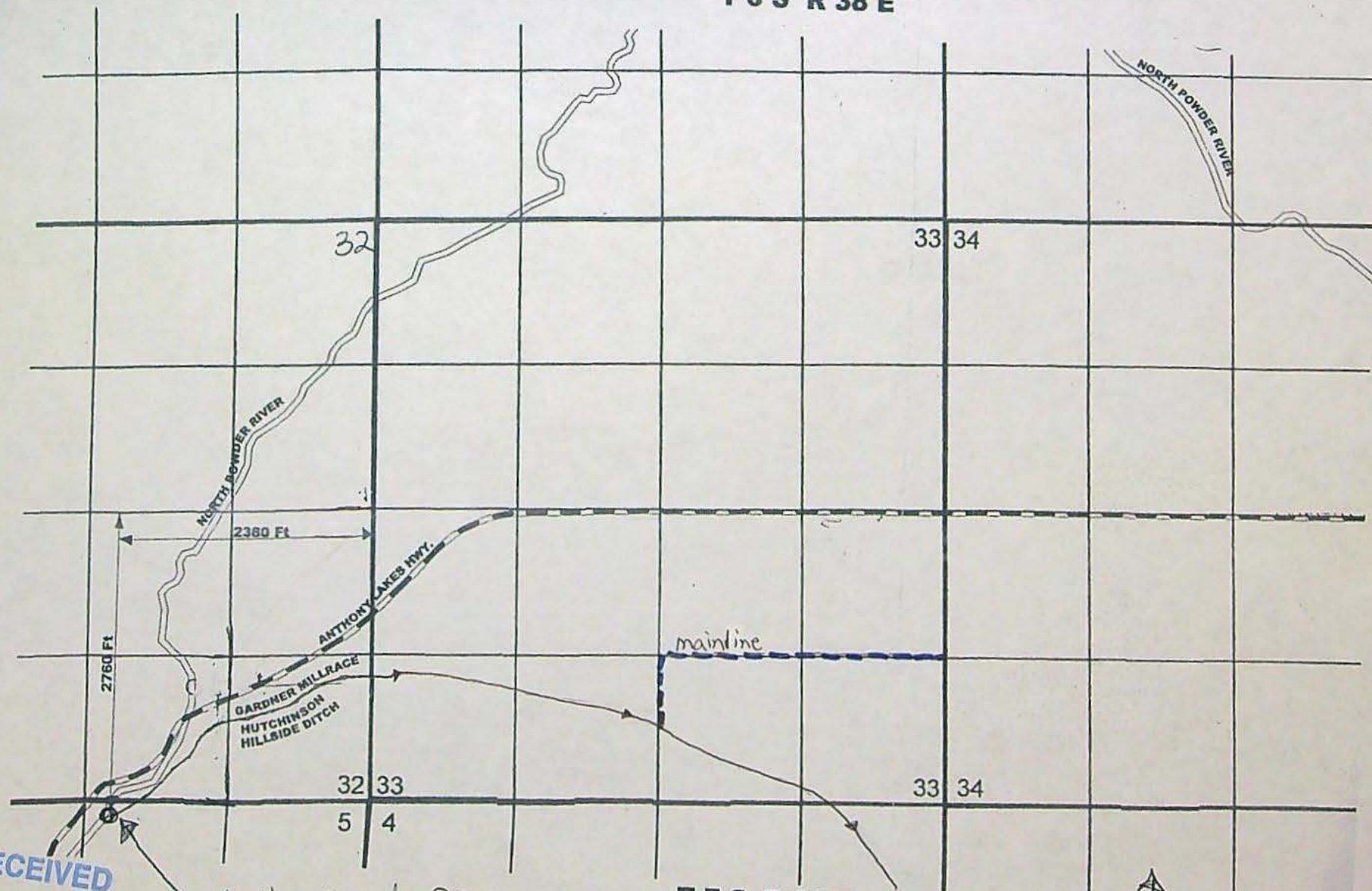
"FROM"

Map 2 of 6

Stephens Water Right Transfer

T 6 S R 38 E

T 10 S R 39 E



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WATER RESOURCES DEPT
SALEM, OREGON

Authorized POD
for C-1458
and C-72286

T 7 S R 38 E

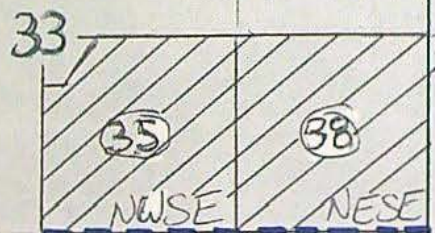
N

1" = 1320'

"TO"
Map 3 of 5

Stephens Water Right Transfer

10399



T6S R38E

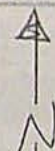
LEGEND

 = C-1458 (1873), 73 acres total

 = C-72286 (1871), 71 acres total

 = Hutchinson Hillside Ditch
 = mainline/pipeline from Hutchinson Hillside Ditch

1" = 1320'



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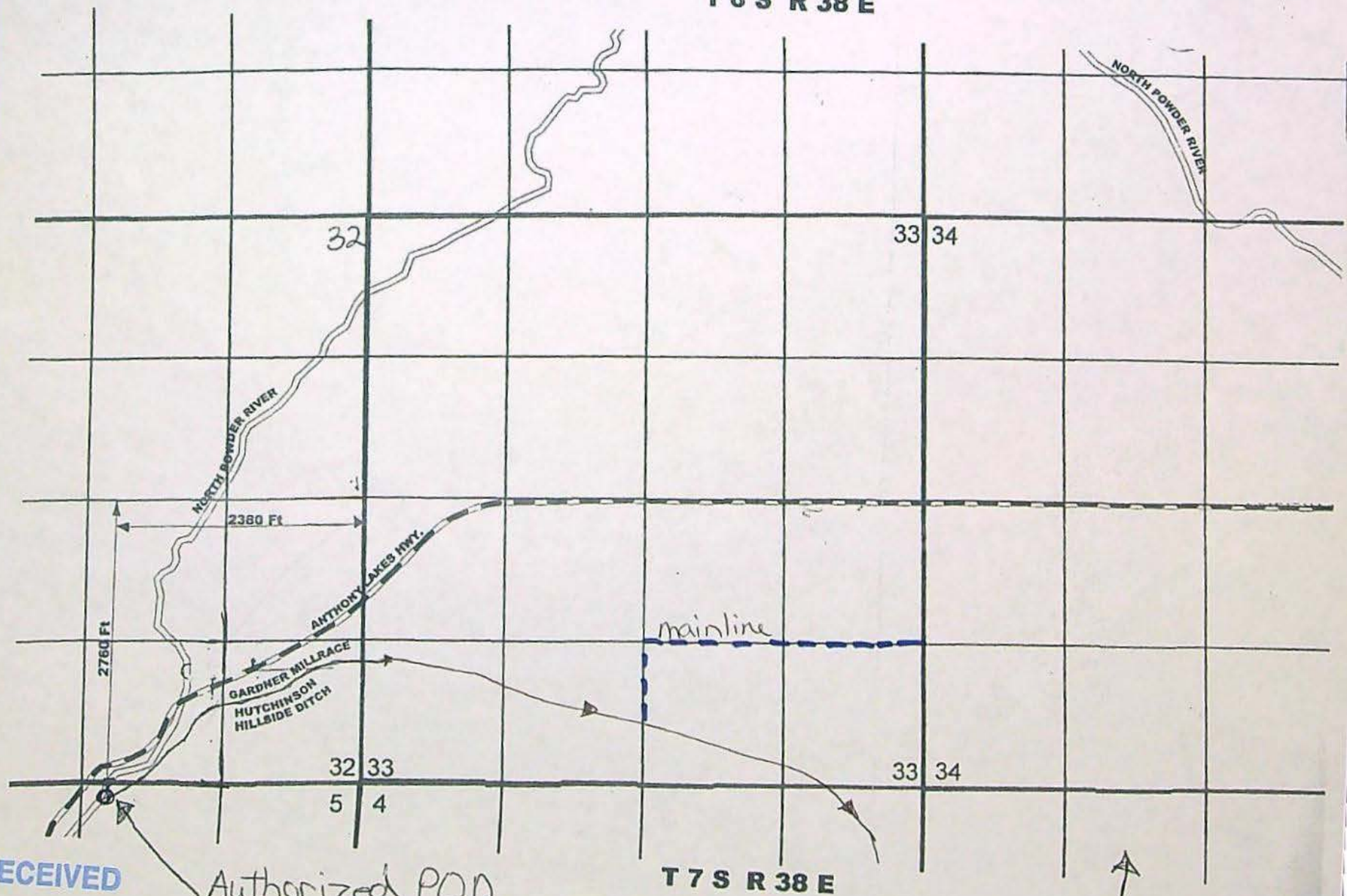
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SALEM, OREGON

Map 4 of 6

Stephens Water Right Transfer

T 6 S R 38 E



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WATER RESOURCES DEPT
SALEM, OREGON

Authorized POD
for C-1458
and C-72286

T 7 S R 38 E

↑
N

$$1'' = 1320'$$

June 4, 2007

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

RE: T-10399, Delbert Stephens

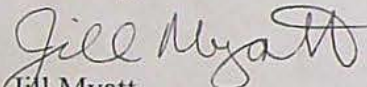
Dear Ms. Henderson:

Thank you for informing us about the missing information from Mr. Stephens water right transfer application. We have met with Rick Lusk, water master, and Carrie Jones, at Baker Water Resources Department.

Included is the Land Use Information Form, "From" map, and revise page 4 of Supplement Form A for C-8394 for the storage water transfer. Also included is the Supplemental Form B for the storage water which was attested by Mr. Delbert Stephens who used this same storage water on a different site in 2006. We have attached the map of this area and a copy of T-10198 with Form B. We discussed Form B and attachments with Carrie Jones.

Please let me know if you have any questions.

Sincerely,



Jill Myatt
Browne Consulting
541-403-1425

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JUN 06 2007

**WATER RESOURCES DEPT
SALEM, OREGON**

T 10399

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

State of Oregon)
 County of Baker) ss

I, Delbert Stephens, in my capacity as water user,
 mailing address 46226 Rock Creek Town Rd, Haines, OR 97833
 telephone number (541) 910-1001, being first duly sworn depose and say:

1. I attest that:

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

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

☒ Personal observation ☐ Professional expertise

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

Township	Range	Mer	Sec	¼ ¼ Section	Gov't Lot or DLC	Acres (if applicable)
7 S	38 E	WM	1	NWNW		29.3
7 S	38 E	WM	1	SWNW		2.0
7 S	38 E	WM	2	NENE		29.3
7 S	38 E	WM	2	SENE		2.0

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JUN 06 2007

**WATER RESOURCES DEPT
 SALEM, OREGON**

(continues on reverse side)

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

4. The water right was exercised for the authorized purpose described below (e.g., crops grown):

Potatoes were grown on land described
in #3.

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

80 acre-feet from Van Patton Lake Reservoir
through North Powder River to Hutchinson
Hillside POD to "North" pipeline by
gravity irrigation to land described on #3.

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

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

☒ Other: I have personally irrigated this parcel
of property according to the Terms & Conditions of
the Water Rights for this Land (See attached
map)

[Signature]
Signature of Affiant

6-4-07
Date

Signed and sworn to (or affirmed) before me this 6th day of June, 2007.



[Signature]
Notary Public for Oregon

My Commission Expires: 11/9/2009

RECEIVED

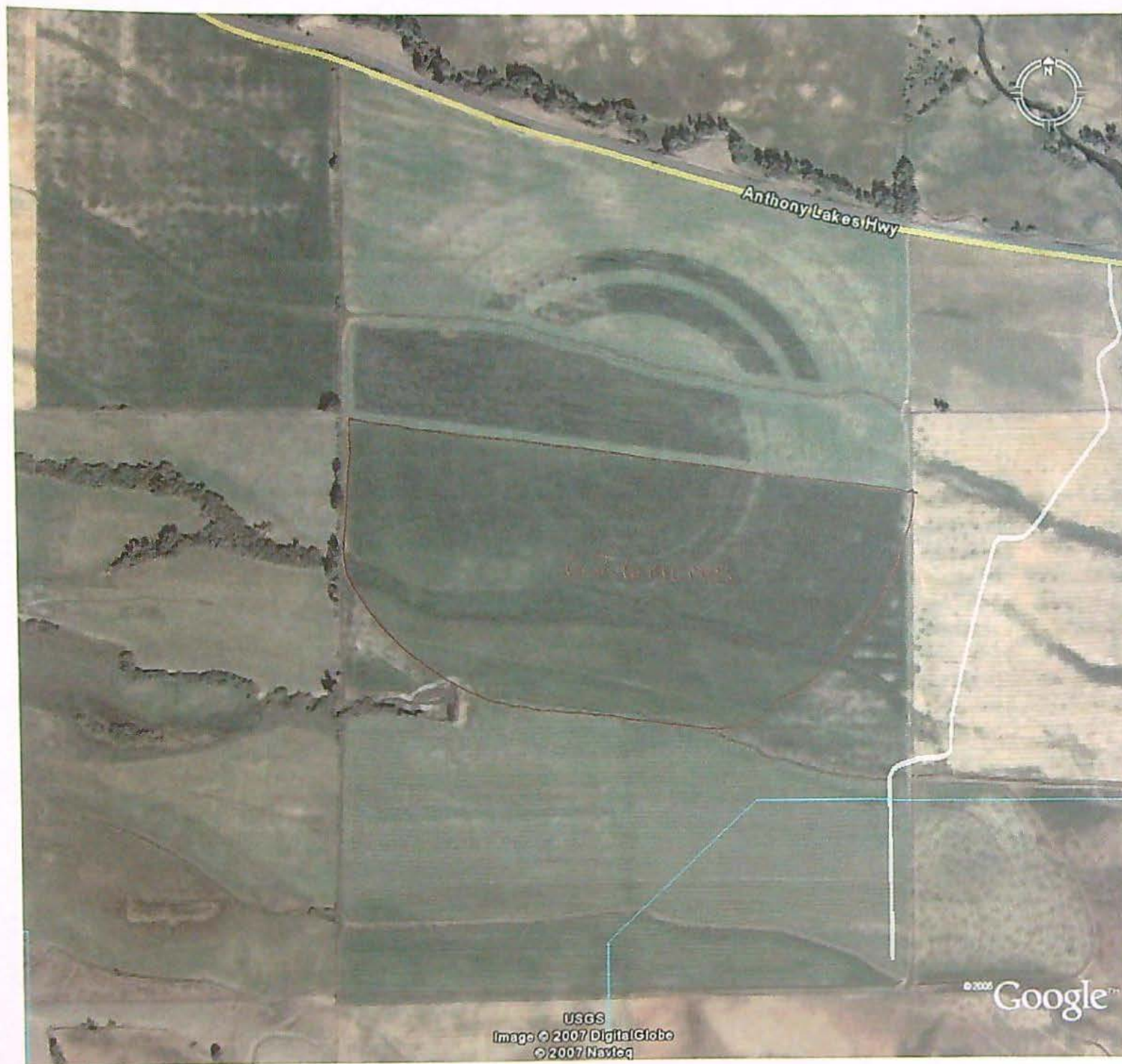
Please print legibly or type. Be as specific as possible. Attach additional pages if you need more space. Supporting documentation must be attached. **JUN 06 2007**

Supplemental Form B

10399
WATER RESOURCES DEPT
SALEM, OREGON

Affidavit Attesting to the Use of Water

T7S R38E Sec 1 & 2



Location of 2006 water transfer.

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JUN 06 2007

WATER RESOURCES DEPT
SALEM, OREGON

T 10399

Copy of Transfer
of 2006

BEFORE THE WATER RESOURCES DEPARTMENT
OF THE
STATE OF OREGON

In the Matter of Transfer Application)
T-10198, Baker County)
FINAL ORDER APPROVING A
TEMPORARY CHANGE IN PLACE OF
USE)

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

Applicant

WILLIAM AND SANDRA MCGINN
49026 HWY 30
NORTH POWDER, OR 97754

Agent

DELBERT STEPHENS
46226 ROCK CREEK TOWN RD
HAINES, OR 97833

Findings of Fact

1. On June 12, 2006, William and Sandra McGinn filed an application to temporarily change the place of use under Certificate 8394 for a period of one year. The Department assigned the application number T-10198.
2. Amendments to the application and map were received by the Department on September 18, 2006.
3. The portion of the right to be transferred is as follows:

Certificate: 8394 in the name of CHRIS JOHNSON (perfected under Permit S-789)

Use: IRRIGATION of 62.6 ACRES

Priority Date: JULY 24, 1911

Rate: 0.91 CUBIC FOOT PER SECOND (CFS)

Limit: ONE-EIGHTIETH cfs per acre

Source: SUMMIT AND VAN PATTON LAKE RESERVOIRS, tributaries to NORTH POWDER RIVER

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JUN 06 2007

WATER RESOURCES DEPT
SALEM, OREGON

NOTICE OF RIGHT TO PETITION FOR RECONSIDERATION OR JUDICIAL REVIEW

This is an order in other than a contested case. This order is subject to judicial review under ORS 183.484. Any petition for judicial review must be filed within the 60 day time period specified by ORS 183.484(2). Pursuant to ORS 536.075 and OAR 137-004-0080, you may either petition for judicial review or petition the Director for reconsideration of this order. A petition for reconsideration may be granted or denied by the Director, and if no action is taken within 60 days following the date the petition was filed, the petition shall be deemed denied.

Authorized Point of Diversion:

Twp	Rng	Mer	Sec	Survey Coordinates
6 S	38 E	WM	35	NOT SPECIFIED ON CERTIFICATE
6 S	39 E	WM	32	NOT SPECIFIED ON CERTIFICATE

Authorized Place of Use:**IRRIGATION**

Twp	Rng	Mer	Sec	Q-Q	Acres
7 S	39 E	WM	3	NE NW	20.0
7 S	39 E	WM	3	NW NW	40.0
7 S	39 E	WM	4	SW NE	2.6

4. Application T-10198 proposes to change the place of use of the right to:

IRRIGATION

Twp	Rng	Mer	Sec	Q-Q	Acres
7 S	38 E	WM	1	NW NW	29.3
7 S	38 E	WM	1	SW NW	2.0
7 S	38 E	WM	2	NE NE	29.3
7 S	38 E	WM	2	SE NE	2.0

5. Notice of the application for temporary transfer was published on June 27, 2006, pursuant to ORS 540.520 and OAR 690-380-4000. No comments were filed in response to the notice.
6. Transfer application T-10198 proposes to temporarily transfer water rights within the boundaries of Powder Valley Water Control District. The district was notified of the proposed temporary transfer and did not provide any comments.
7. Water has been used within the last five years according to the terms and conditions of the right, and no evidence is available that would demonstrate that the right is subject to forfeiture under ORS 540.610.
8. A diversion structure and ditch sufficient to use the full amount of water allowed under the existing right are present.
9. The proposed change would not result in enlargement of the right.
10. The proposed change would not result in injury to other water rights. This finding is made through an abbreviated review recognizing that the transfer may be revoked under ORS 540.523(6) if the Department later finds that the transfer is causing injury to any existing water right.

Conclusions of Law

The temporary change in place of use proposed in application T-10198 is consistent with the requirements of ORS 540.523 and OAR 690-380-8000.

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

1. The change in place of use proposed in transfer application T-10198 is approved.

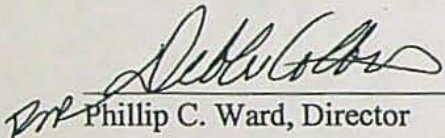
RECEIVED

JUN 06 2007

WATER RESOURCES DEPT
SALEM, OREGON

2. The former place of use **shall not** be irrigated as part of this water right during the 2006 irrigation seasons.
3. The use shall revert to the authorized place of use at the end of the 2006 irrigation season.
4. The approval of this temporary transfer may be revoked or modified if the Department finds the change causes injury to any existing water right.
5. A subsequent application for permanent transfer of Certificate 8394 shall be subject to a full and complete review to determine consistency with the requirements of OAR Chapter 690, Division 380. Approval of this temporary transfer does not establish a precedent for approval of a subsequent application filed for a permanent transfer.
6. The use of water at the temporary place of use authorized by this transfer shall be in accordance with the terms and conditions of Certificate 8394.
7. The time during which water is used under this approved temporary transfer does not apply toward a finding of forfeiture under ORS 540.610.
8. When required by the Department, the water user shall install an in-line flow meter or other suitable device for measuring and recording the quantity of water used. The type and plans of the measuring device must be approved by the Department prior to beginning construction and shall be installed under the general supervision of the Department.
9. The use of the remaining water right described by Certificate 8394 shall continue to be in accordance with the terms and conditions of Certificate 8394.

Dated at Salem, Oregon this 22nd day of September 2006.


Phillip C. Ward, Director

Mailing Date: SEP 23 2006

T 10399

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JUN 06 2007

WATER RESOURCES DEPT
SALEM, OREGON



Oregon Water Resources Department
Land Use Information Form

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

Applicant Name: Delbert Stephens
Mailing Address: 46226 Rockcreek Town Road
City: Haines State: OR Zip: 97833 Day Phone: 541 910 1001

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

A. Land and Location

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

Township	Range	Section	1/4	Tax Lot #	Plan Designation (e.g. Rural Residential/RR-5)	Water to be:	Proposed Land Use:
<u>7S</u>	<u>39E</u>	<u>3</u>				☒ Diverted ☐ Conveyed ☐ Used	
<u>7S</u>	<u>39E</u>	<u>4</u>				☒ Diverted ☐ Conveyed ☐ Used	
						☐ Diverted ☐ Conveyed ☐ Used	
						☐ Diverted ☐ Conveyed ☐ Used	

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

B. Description of Proposed Use

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

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

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

Estimated quantity of water needed: 80 ☐ 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: Storage water from Van Patton Lake will be diverted to 8S 38E 35 TL 100.

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

Receipt for Request for Land Use Information

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

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JUN 06 2007

WATER RESOURCES DEPT
SALEM, OREGON

10399

For Local Government Use Only

The following section must be completed by a planning official from each county and city listed unless the project will be located entirely within the city limits. In that case, only the city planning agency must complete this form.

This deals only with the local land-use plan. Do not include approval for activities such as building or grading permits.

Please check the appropriate box below and provide the requested information

☒ Land uses to be served by proposed water uses (including proposed construction) are allowed outright or are not regulated by your comprehensive plan. Cite applicable ordinance section(s): 301

☐ Land uses to be served by proposed water uses (including proposed construction) involve discretionary land-use approvals as listed in the table below. (Please attach documentation of applicable land-use approvals which have already been obtained. Record of Action/land-use decision and accompanying findings are sufficient.)

If approvals have been obtained but all appeal periods have not ended, check "Being pursued".

Type of Land-Use Approval Needed (e.g. plan amendments, rezones, conditional-use permits, etc.)	Cite Most Significant, Applicable Plan Policies & Ordinance Section References	Land-Use Approval:	
		☐ Obtained ☐ Denied	☐ Being pursued ☐ Not being pursued
		☐ Obtained ☐ Denied	☐ Being pursued ☐ Not being pursued
		☐ Obtained ☐ Denied	☐ Being pursued ☐ Not being pursued
		☐ Obtained ☐ Denied	☐ Being pursued ☐ Not being pursued
		☐ Obtained ☐ Denied	☐ Being pursued ☐ Not being pursued

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

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JUN 06 2007

WATER RESOURCES DEPT
SALEM, OREGON

Name: Laura Livingston Title: Lead Planner
Signature: Laura Livingston Phone: 541-523-8219 Date: 5-31-07
Government Entity: Baker County Planning Dept.

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

Receipt for Request for Land Use Information

Applicant name: _____

City or County: _____ Staff contact: _____

Signature: _____ Phone: _____ Date: _____

T 10399



Oregon Water Resources Department
Land Use Information Form

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

Applicant Name: Dalbert Stephens
Mailing Address: 46226 Rock Creek Town Road
City: Haines State: OR Zip: 97833 Day Phone: 541-910-1001

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

A. Land and Location

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

Township	Range	Section	1/4 1/4	Tax Lot #	Plan Designation (e.g. Rural Residential/RR-5)	Water to be:	Proposed Land Use:
6S	38E	35		100		☐ Diverted ☐ Conveyed ☒ Used	IRR.
6S	38E	33		600		☐ Diverted ☐ Conveyed ☒ Used	IRR.
						☐ Diverted ☐ Conveyed ☐ Used	
						☐ Diverted ☐ Conveyed ☐ Used	

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

B. Description of Proposed Use

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

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

Source of water: ☐ Reservoir/Pond ☐ Ground Water ☒ Surface Water (name) NORTH POWER RIVER

Estimated quantity of water needed: 1 325 ☒ cubic feet per second 600 ☒ gallons per minute ☐ acre-feet

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

Briefly describe: IRRIGATION OF CROPS

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

Receipt for Request for Land Use Information

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

RECEIVED

MAY 29 2007

WATER RESOURCES DEPT
SALEM, OREGON

10399

For Local Government Use Only

The following section must be completed by a planning official from each county and city listed unless the project will be located entirely within the city limits. In that case, only the city planning agency must complete this form.

This deals only with the local land-use plan. Do not include approval for activities such as building or grading permits.

Please check the appropriate box below and provide the requested information

☒ Land uses to be served by proposed water uses (including proposed construction) are allowed outright or are not regulated by your comprehensive plan. Cite applicable ordinance section(s): 301 -

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

Type of Land-Use Approval Needed (e.g. plan amendments, rezones, conditional-use permits, etc.)	Cite Most Significant, Applicable Plan Policies & Ordinance Section References	Land-Use Approval:	
/	/	☐ Obtained	☐ Being pursued
		☐ Denied	☐ Not being pursued
		☐ Obtained	☐ Being pursued
		☐ Denied	☐ Not being pursued
		☐ Obtained	☐ Being pursued
		☐ Denied	☐ Not being pursued
/	/	☐ Obtained	☐ Being pursued
		☐ Denied	☐ 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: TERRY DREVER GEE Title: Planning Tech.
 Signature: Terry Drever Glee Phone: (541) 523-8249 Date: 5-7-07
 Government Entity: Baker County Planning Department

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

Receipt for Request for Land Use Information

Applicant name: _____

City or County: _____ Staff contact: _____

Signature: _____ Phone: _____ Date: _____

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MAY 29 2007

**WATER RESOURCES DEPT
SALEM, OREGON**

10399

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

State of Oregon)
 County of Baker) ss

I, Mike Schoeningh, in my capacity as Ditch walker,
 mailing address 49850 Miller Rd North Powder OR 97867
 telephone number (541) 856-3239, being first duly sworn depose and say:

1. I attest that:

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

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

☐ Personal observation ☒ Professional expertise

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

Township	Range	Mer	Sec	¼ ¼ Section	Gov't Lot or DLC	Acres (if applicable)
6	S	38	E	WM-35-NESW		38.4
6	S	38	E	WM-35-SESW		40.0

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MAY 29 2007

**WATER RESOURCES DEPT
SALEM, OREGON**

(continues on reverse side)

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

4. The water right was exercised for the authorized purpose described below (e.g., crops grown):

to irrigate wheat and alfalfa hay.

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

gravity irrigation system from Hutchinson
Hillside ditch to surge pond through screen system into
"North" pipeline to mainline with risers spaced at 120 foot intervals
for wheel line irrigation.

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

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

Mike Schoenung
Signature of Affiant

5-21-2007
Date

Signed and sworn to (or affirmed) before me this 21 day of May, 2007.



Dorothy L. Miles
Notary Public for Oregon

My Commission Expires: 11/12/2009

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

BAKER, OREGON

FSA-578(02-01-91)
FARM NUMBER: 1594

REPORT OF COMMODITIES
FARM AND TRACT DETAIL LISTING

PROGRAM YEAR 2006
DATE: 06-22-2006

Operator Name and Address ID
RONALD PERKINS 4283
46779 SCHOOLHOUSE RD
HAINES, OR 97833-6374

Original: *dm*
Revision:
Cropland: 199.5
Farmland: 331.2

Tract Number	CLU/Field	Irr Prc	C/C	Var/Type	Int Use	Lnd Use	Rot Ont	Reported Quantity	Determined Quantity	Cro Lnd	A/	C/C Stat	Prod Share	Prod ID	RMA Ont	Opt Ont	C/C Type	Planting Date
48	1	Ir	MIXFG	ASG	Forage		A	70.30		Y		I	1.0000	4283				05-15-2006
C/C Type Prac IU Non-Irrig Irrigated MIXFG ASG I FG 70.30																		
Photo Number/Legal Description: T7R38 24																		
Cropland: 70.3 Reported on Cropland: 70.30 Difference: .00 Reported on Non-Cropland: .00																		
50	1A	Ir	WHEAT	SWS	Grain		A	73.00		Y		I	1.0000	4283				05-01-2006
	1B	Ir	MIXFG	AGM	Forage		A	56.20		Y		I	1.0000	4283				05-01-2001
C/C Type Prac IU Non-Irrig Irrigated C/C Type Prac IU Non-Irrig Irrigated MIXFG AGM I FG 56.20 WHEAT SWS I GR 73.00																		
Photo Number/Legal Description: T6R38 35																		
Cropland: 129.2 Reported on Cropland: 129.20 Difference: .00 Reported on Non-Cropland: .00																		

COPY

PAGE 1

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MAY 29 2007
WATER RESOURCES DEPT
SALEM, OREGON

T 10399

BAKER, OREGON

FSA-578(02-01-91)
FARM NUMBER: 1594

REPORT OF COMMODITIES
FARM SUMMARY

PROGRAM YEAR 2006
DATE: 06-22-2006

Operator Name and Address ID
RONALD PERKINS 4283
4679 SCHOOLHOUSE RD
HAINES, OR 97833-6374

Original: _____
Revision: _____
Cropland: 199.5
Farmland: 331.2

NOTE: The authority for collecting the following information is Pub.L. 107-76. This authority allows for the collection of information without prior OMB approval mandated by the Paperwork Reduction Act of 1995. The data will be used to determine eligibility for assistance. Furnishing the data is voluntary, however, without it assistance cannot be provided. The data may be furnished to any agency responsible for enforcing the provisions of the Act.

PRODUCER NAME ID C/C SHARE C/C SHARE
RONALD PERKINS 4283 WHEAT 1.0000 MIXFG 1.0000

Crop Type	Prac	III	Reported	Determined	Crop Type	Prac	III	Reported	Determined	Crop Type	Prac	III	Reported	Determined
MIXFG	AGM	I	FG	56.20	MIXFG	ASG	I	FG	70.30	WHEAT	SWS	I	GR	73.00

OPERATOR'S CERTIFICATION: I certify to the best of my knowledge and belief that the acreage of crops and land uses listed herein are true and correct, and that all required crops and land uses have been reported for the farm as applicable. The signing of this form gives FSA representatives authorization to enter and inspect crops and land uses on the above identified land.

Operator's Signature Ronald Perkins Date 8-14-06

This program or activity will be conducted on a nondiscriminatory basis without regard to race, color, religion, national origin, sex, age, marital status, or disability.

PAGE 2

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MAY 29 2007
WATER RESOURCES DEPT
SALEM, OREGON

T 10399



USDA USDA
Farm Service Agency

Tract 48

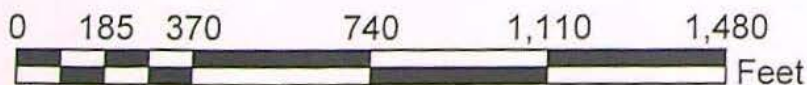
Baker County

RECEIVED
MAY 29 2007

WATER RESOURCES DEPT

This acreage is for FSA program purposes only. No warranty is made for any other use.

May 23, 2006





USDA USDA
 Farm Service Agency
 Baker County

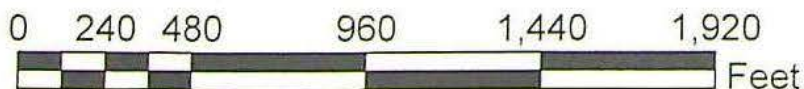
Tract 50
 Riley Place
 2006



RECEIVED

MAY 23 2007

May 23, 2006



This acreage is for FSA program
 purposes only. No warranty is
 made for any other use.

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

State of Oregon)
) ss
 County of Baker)

I, Mike Schoeningh, in my capacity as Ditch walker
 mailing address 49850 Miller Rd, North Powder OR 97867
 telephone number (541) 856-3239, being first duly sworn depose and say:

1. I attest that:

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

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

- ☐ Personal observation ☒ Professional expertise

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

Township	Range	Mer	Sec	1/4 1/4 Section	Gov't Lot or DLC	Acres (if applicable)
6 S	38 E	WM	33	NWSE		38.5
6 S	38 E	WM	33	NESE		38
6 S	38 E	WM	33	SESE		30.6

RECEIVED

MAY 29 2007

WATER RESOURCES DEPT
 SALEM, OREGON

(continues on reverse side)

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

4. The water right was exercised for the authorized purpose described below (e.g., crops grown):

to irrigate potatoes, alfalfa, wheat,
barley, and grass.

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

gravity irrigation system from Hutchinson
Hillside ditch through screen system into "North"
pipeline to mainline with risers spaced at 120 foot
intervals for wheelline irrigation.

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

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

Mike Schoeneng
Signature of Affiant

5-21-2007
Date

Signed and sworn to (or affirmed) before me this 21 day of May, 2007.



Dorothy L. Miles
Notary Public for Oregon

My Commission Expires: 11/12/2009

RECEIVED

MAY 29 2007

WATER RESOURCES DIV
SALEM, OREGON

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

FSA-578 (02-01-91)
FARM NUMBER: 1757REPORT OF COMMODITIES
FARM AND TRACT DETAIL LISTINGPROGRAM YEAR 2006
DATE: 07-20-2006Operator Name and Address ID
STEPHENS, SMOKIN BOOT RANCH INC 6276
14400 N ROCK CREEK LN
HALES, OR 97833-6371Original: dm
Revision: _____
Cropland: 327.1
Farmland: 498.6

Tract Number	CLU/Field	Irr Prc	C/C	Var/Type	Int Use	Ind Use	Rot	Reported Quantity	Determined Quantity	Crop End	M/	C/C Stat	Prod Share	Prod ID	RMA Ont	Opt Ont	C/C Type	Planting Date
187	1A	Ir	MIXFG	IGS	Forage		A	37.70		Y		I	1.0000	6276				05-01-1995
	1B	Ir	PTATO	RUS	Fresh	F FAV	A	40.00		Y		I	1.0000	6276 9713				05-08-2006
C/C Type Prac IU Non-Irrig Irrigated C/C Type Prac IU Non-Irrig Irrigated MIXFG IGS I FG 37.70 PTATO RUS I FH 40.00																		
Photo Number/Legal Description: T6R38 33																		
Cropland: 77.7 Reported on Cropland: 77.70 Difference: .00 Reported on Non-Cropland: .00																		
194	1	Ir	GRASS	NAG	Graze		A	15.80		Y		I	1.0000	6276				05-01-1980
	2	Ir	MIXFG	IGS	Forage		A	28.50		Y		I	1.0000	6276				11-01-2005
	3	Ir	ALFAL		Forage		A	23.90		Y		I	1.0000	6276				05-01-2001
	5	Ir	ALFAL		Forage		A	9.80		Y		I	1.0000	6276				05-01-2001
	6	Ir	GRASS	NAG	Graze		A	4.80		Y		I	1.0000	6276				05-01-1980
	7	Ir	GRASS	NAG	Graze		A	8.60		Y		I	1.0000	6276				05-01-1980
C/C Type Prac IU Non-Irrig Irrigated C/C Type Prac IU Non-Irrig Irrigated ALFAL Type Prac IU FG 33.70 GRASS NAG I GZ 29.20 MIXFG IGS I FG 28.50																		
Photo Number/Legal Description: T7R38 14																		
Cropland: 91.4 Reported on Cropland: 91.40 Difference: .00 Reported on Non-Cropland: .00																		
213	1	Ir	MIXFG	IGS	Graze		A	13.40		Y		I	1.0000	6276				05-01-1997
	2	Ir	MIXFG	IGS	Graze		A	3.70		Y		I	1.0000	6276				05-01-1997
	3	Ir	MIXFG	IGS	Graze		A	11.50		Y		I	1.0000	6276				05-01-1997

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WATER RESOURCES DEPT
SALEM, OREGON

10399

Tract Number	CLU/ Field	Irr Prc	C/C	Var/ Type	Int Use	Ind Use	Rot Unt	Reported Quantity	Determined Quantity	Crop End	M/	C/C Stat	Prod Share	Prod ID	RMA Ont	Opt ORT	C/C Type	Planting Date
213	4	Ir	MIXFG	IGS	Forage		A	17.60		Y		I	1.0000	6276				05-01-1997
C/C Type Prac IU Non-Irrig Irrigated C/C Type Prac IU Non-Irrig Irrigated																		
MIXFG IGS 1 FG 17.60 MIXFG IGS 1 GZ 28.60																		
Photo Number/Legal Description: T7R38 25																		
Cropland: 46.2 Reported on Cropland: 46.20 Difference: .00 Reported on Non-Cropland: .00																		
214	1	Ir	ALFAL		Forage		A	16.50		Y		I	1.0000	6276				05-01-2002
	2	Ir	MIXFG	AGM	Forage		A	41.40		Y		I	1.0000	6276				05-01-1995
	3	Ir	GRASS	NAG	Forage		A	19.60		Y		I	1.0000	6276				05-01-1980
	4	Ir	MIXFG	AGM	Forage		A	25.70		Y		I	1.0000	6276				05-01-1995
	5	Ir	GRASS	NAG	Graze		A	8.60		Y		I	1.0000	6276				05-01-1980
C/C Type Prac IU Non-Irrig Irrigated C/C Type Prac IU Non-Irrig Irrigated																		
ALFAL AGM 1 FG 16.50 GRASS NAG 1 FG 19.60 GRASS NAG 1 GZ 8.60																		
Photo Number/Legal Description: T7R38 25																		
Cropland: 111.8 Reported on Cropland: 111.80 Difference: .00 Reported on Non-Cropland: .00																		

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SALIER, OREGON

10399

FSA-578(02-01-91)
FARM NUMBER: 1757REPORT OF COMMODITIES
FARM SUMMARYPROGRAM YEAR 2006
DATE: 07-20-2006Operator Name and Address ID
STEPHENS SMOKIN BOOT RANCH INC 6276
14400 N ROCK CREEK LN
HAINE, OR 97833-6371Original: _____
Revision: _____
Cropland: 327.1
Farmland: 498.6

NOTE: The authority for collecting the following information is Pub.L. 107-76. This authority allows for the collection of information without prior OMB approval mandated by the Paperwork Reduction Act of 1995. The data will be used to determine eligibility for assistance. Furnishing the data is voluntary, however, without it assistance cannot be provided. The data may be furnished to any agency responsible for enforcing the provisions of the Act.

Producer Name	ID	C/C	Share	C/C	Share	C/C	Share	C/C	Share
STEPHENS SMOKIN BOOT RANCH INC	6276	ALFAL	1.0000	PTATO	1.0000	GRASS	1.0000	MIXFG	1.0000

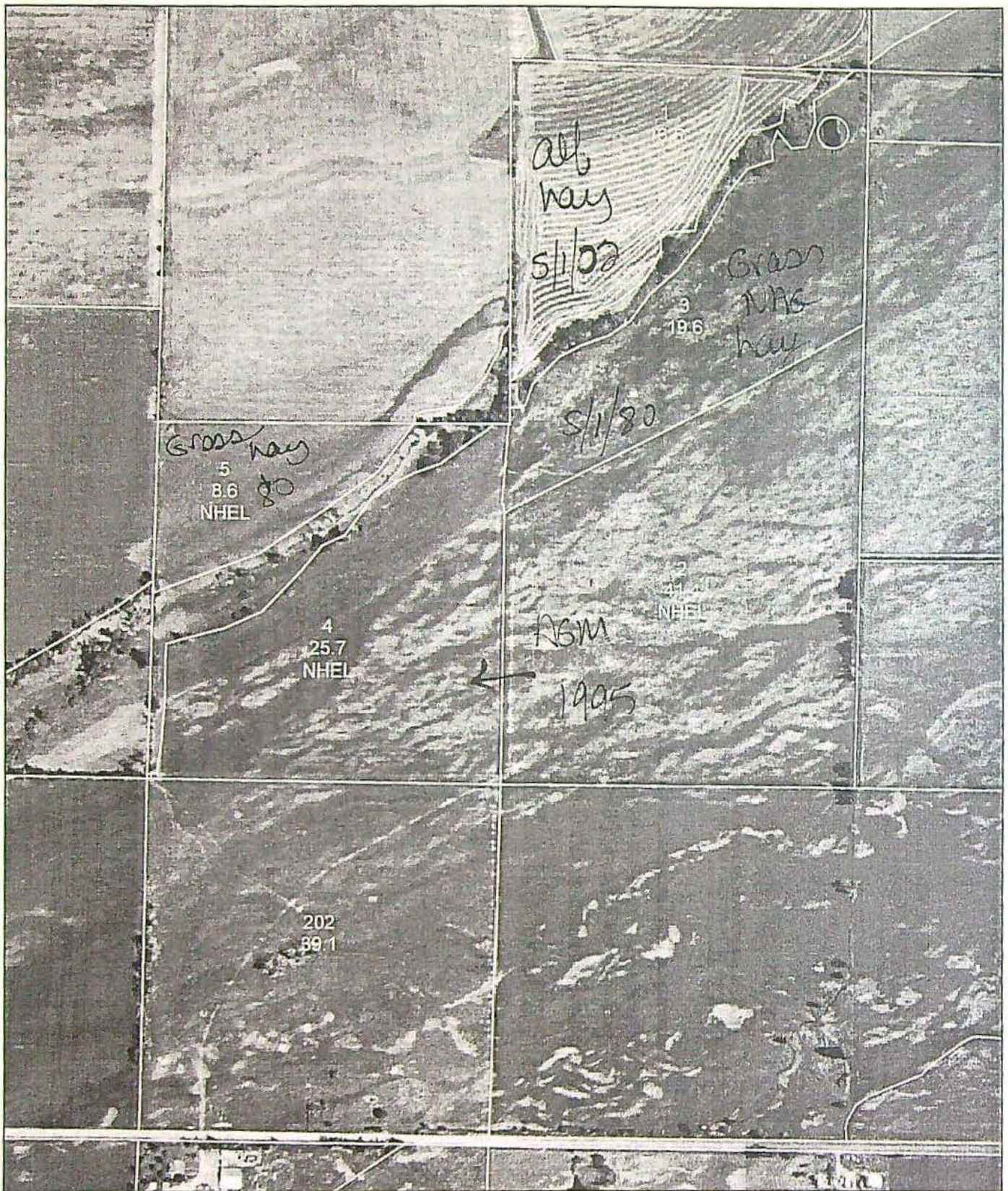
Crop Type	Prac	IU	Reported	Determined	Crop Type	Prac	IU	Reported	Determined	Crop Type	Prac	IU	Reported	Determined
ALFAL	AGM	I	FG	50.20	GRASS	NAG	I	EG	19.60	GRASS	NAG	I	GZ	37.80
MIXFG	AGM	I	FG	87.10	MIXFG	TGS	I	EG	40.80	MIXFG	TGS	I	GZ	28.80
PTATO	RGS	I	EG	40.80										

OPERATOR'S CERTIFICATION: I certify to the best of my knowledge and belief that the acreage of crops and land uses listed herein are true and correct, and that all required crops and land uses have been reported for the farm as applicable. The signing of this form gives FSA representatives authorization to enter and inspect crops and land uses on the above identified land.

Operator's Signature: *Stephens* Date: 7-21-06

This program or activity will be conducted on a nondiscriminatory basis without regard to race, color, religion, national origin, sex, age, marital status, or disability.

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WATER RESOURCES DEPT



USDA USDA
Farm Service Agency

2006 Tract: 214

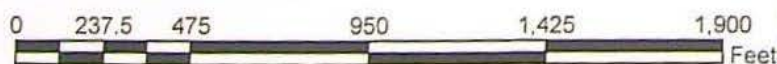
Baker County

RECEIVED

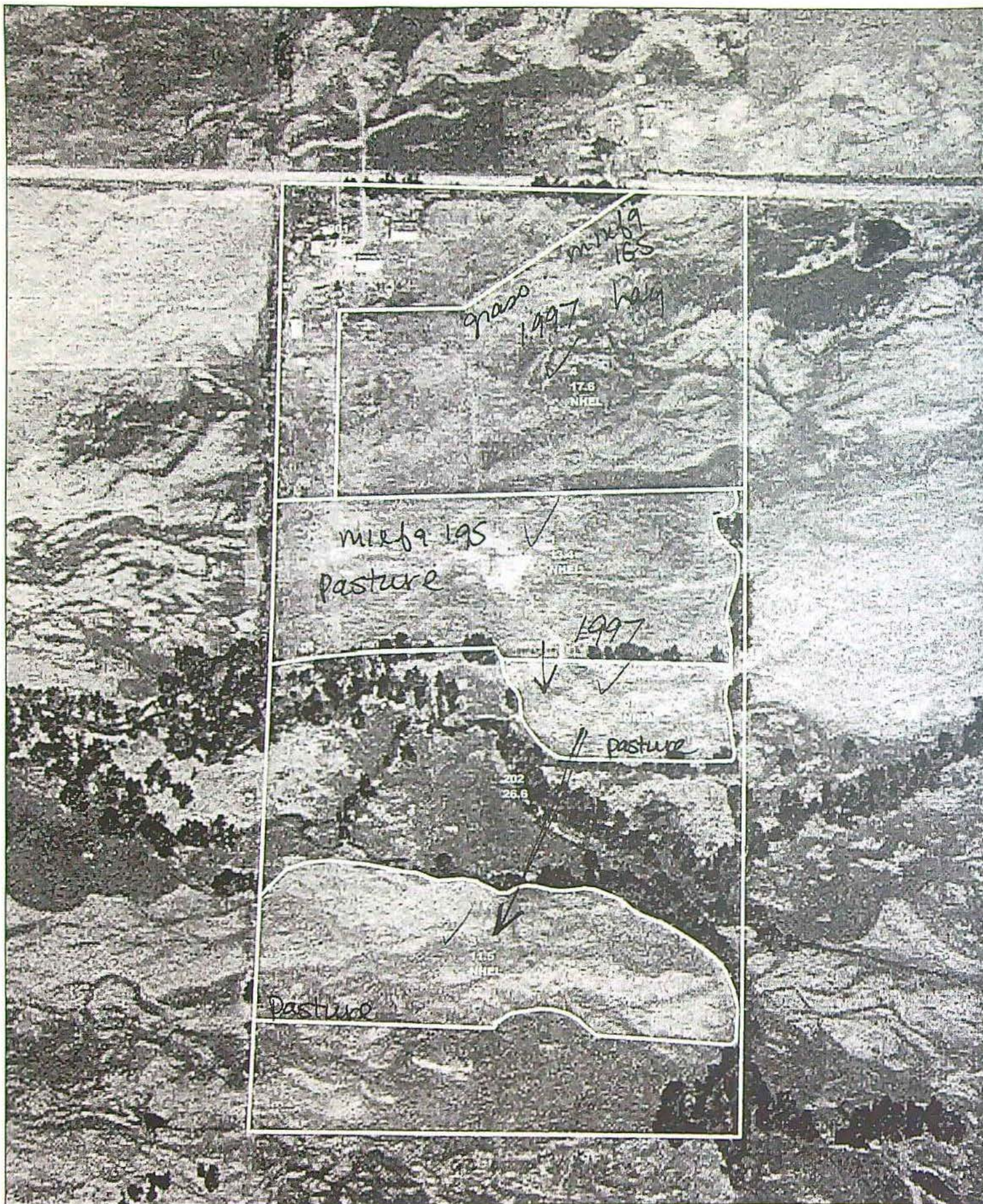
MAY 29 2007



July 20, 2006



This acreage is for FSA program purposes only. No warranty is made for any other use.



Map of Tract 213
Farm 1757

2006

Legend

June 30, 2005

200 0 200 400 600

Field Number

Tract / Field Boundary

Acres

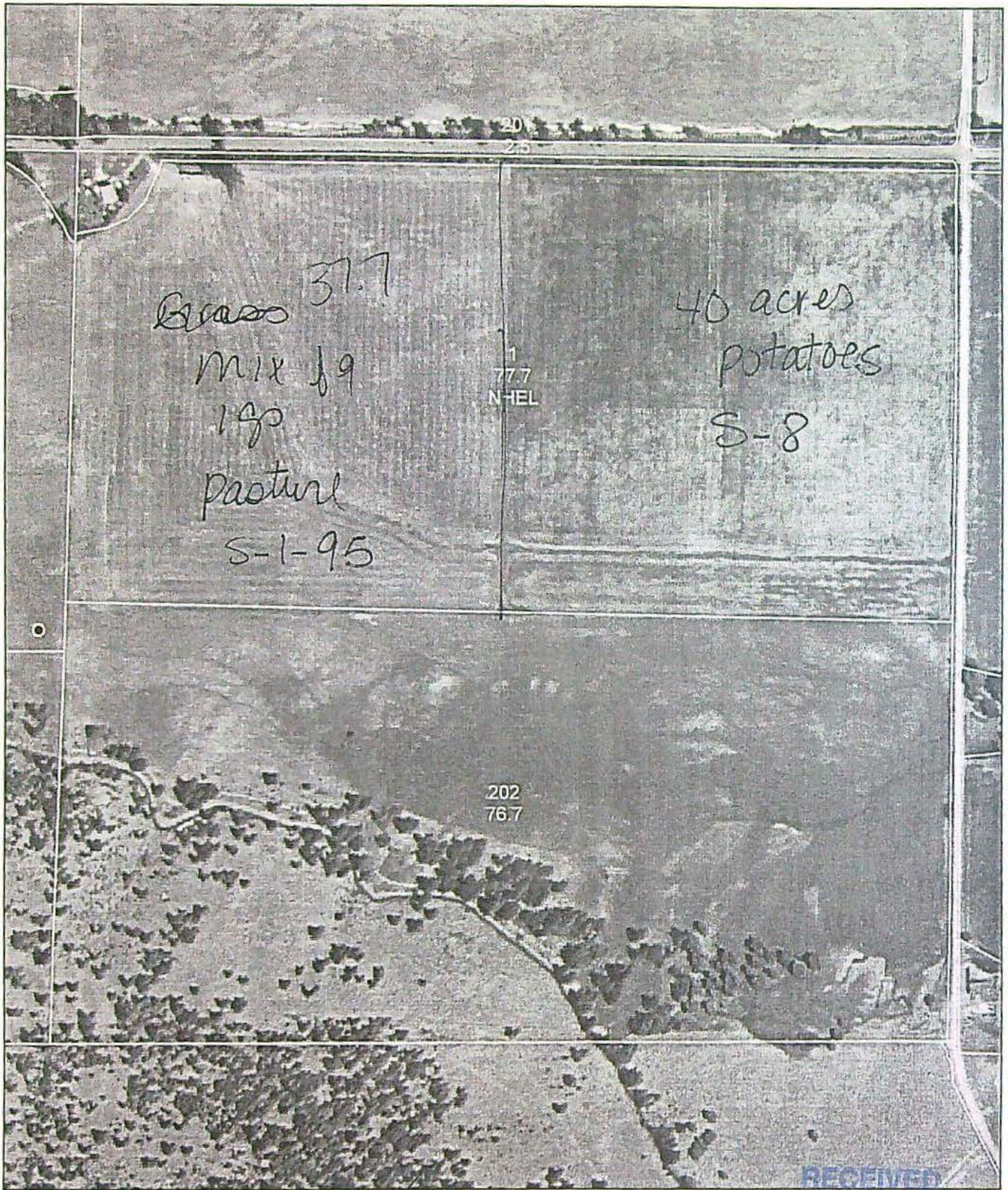
Highly Erodible Status

MAY 29 2007



For FSA program purposes only

WATER RESOURCES DEPT
SALEM, OREGON



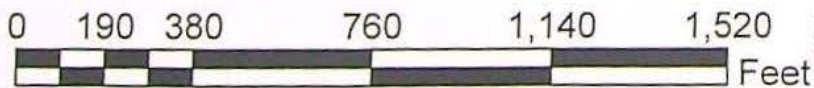
USDA USDA
Farm Service Agency

Tract 187

2006 MAY 29 2007

Baker County

May 24, 2006



WATER RESOURCES DEPT
SALEM, OREGON

This acreage is for FSA program purposes only. No warranty is made for any other use.





Map of Tract 194
Farm 1757

2006

Legend

Field
Acres
Highly Erodible Status

200 0 200 400 Feet



Tract / Boundary

1.0399

MAY 29 2007

WATER RESOURCES DEPT
SALEM, OREGON

June 30, 2005



For FSA program purposes only

B0210 0034

COVER SHEET FOR RECORDING

Name of Document: SPECIAL STATUTORY WARRANTY DEED

Name of Grantors: CHESTER A. RILEY III TRUSTEE OF THE CHESTER A.
RILEY REVOCABLE LIVING TRUST DATED 8-27-96

Name of Grantee: CHESTER A. RILEY III

Consideration: \$-0- Done for estate planning purposes

After recording, return to:

Douglas S. Fredricks
P.O. Box 480
McMinnville, OR 97128

Tax Statements should be sent to:

Chester A. Riley III Trustee
Chester A. Riley Revocable Living Trust
102 Hope Drive
Boiling Springs, PA 17007

T 10399

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**WATER RESOURCES DEPT
SALEM, OREGON**

After recording, return to:

Douglas Fredricks, Attorney
P.O. Box 480
McMinnville, OR 97128

Send Tax Statements to:

Chester A. Riley III
Chester A. Riley III Revocable Living Trust
102 Hope Drive
Boiling Springs, PA 17007

WARRANTY DEED

Chester A. Riley III, "Grantor", hereby conveys and warrants to Chester A. Riley III Trustee of Chester A. Riley III Revocable Living Trust dated August 27, 1996 or to such Successor Trustee(s) of such trusts created under such instruments as may hereafter be appointed, as "Grantee", the following real property, free of encumbrances except for matters of public record:

The East half of the West half, and the West half of the East half of Section 35, Township 6 South, Range 38 East, of the Willamette Meridian in Baker and Union Counties, State of Oregon, SAVE AND EXCEPT THEREFROM 100 acres, more or less, lying and being in Union County North of the North Powder River and heretofore conveyed by William B. Powers to John H. Powers.

THE LIABILITY AND OBLIGATIONS OF THE GRANTOR TO GRANTEE AND GRANTEE'S HEIRS AND ASSIGNS UNDER THE WARRANTIES AND COVENANTS CONTAINED HEREIN OR PROVIDED BY LAW SHALL BE LIMITED TO THE EXTENT OF COVERAGE THAT WOULD BE AVAILABLE TO GRANTOR UNDER A STANDARD POLICY OF TITLE INSURANCE CONTAINING EXCEPTIONS FOR MATTERS OF PUBLIC RECORD. THE LIMITATIONS CONTAINED HEREIN EXPRESSLY DO NOT RELIEVE GRANTOR OF ANY LIABILITY OR OBLIGATIONS UNDER THIS INSTRUMENT, BUT MERELY DEFINE THE SCOPE, NATURE AND AMOUNT OF SUCH LIABILITY OR OBLIGATIONS.

Grantor covenants that Grantor is seized of an indefeasible estate in the real property described above in fee simple, that Grantor has good right to convey the property, that the property is free from encumbrances except as specifically set forth herein, and that Grantor warrants and will defend the title to the property against all persons who may lawfully claim the same by, through or under Grantor provided that the foregoing covenants are limited to the extent of coverage available to Grantor under any applicable standard or extended policies of title insurance, it being the intention of the Grantor to preserve any existing title insurance coverage.

The true consideration for this conveyance is the sum of \$-0-. This conveyance is for estate planning purposes.

THIS INSTRUMENT WILL NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY APPROVED USES AND TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES AS DEFINED IN ORS 30.930.

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WATER RESOURCES DEPT
SALEM, OREGON

B442 P0138

B0210 0036

DATED this 16th day of January, 2001.

Chester A. Riley III
Chester A. Riley III

STATE OF OREGON, COUNTY OF YAMHILL)

January 16th, 2001.

Personally appeared the above named CHESTER A. RILEY III, and signed the within instrument as his voluntary act and deed.
Before me:

Kathy A. Raudabaugh
Notary Public for Oregon
My Commission Expires:
Notarial Seal
Kathy A. Raudabaugh, Notary Public
South Middleton Twp., Cumberland County
My Commission Expires Oct. 11, 2004
Member, Pennsylvania Association of Notaries

STATE OF OREGON

County of Baker } SS

I certify that this instrument was received and recorded in the book of records of said county.

Tamara J. Green
Baker County Clerk

by Karen Phillips Deputy.

DOC#: 021000348
RCPT: 67796
3/01/2002 11:00 AM
REFUND: CK

DEED
PAGE 2 OF 2

STATE OF OREGON } ss.
County of Lincoln

I, Dana W. Jenkins, County Clerk, in and for said county, do hereby certify that the within instrument was received for record, and recorded in the Book of Records of said county at Newport, Oregon.

Book 442 Page 0137
WITNESS my hand and seal of said office affixed.

Dana W. Jenkins
DANA W. JENKINS, Lincoln County Clerk

Doc : 6256498
Rect: 115998 31.00
02/13/2002 11:34:31am



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WATER RESOURCES DEPT
SALEM, OREGON

T 10399

5/07/07 YE
 11:02 POTENTIAL LIABILITY REAL PROPERTY INQUIRY A10100
 REF # 2007 R 10347
 MAP# LOT# A NUM CODE PCL MCL AP VA ZONE PAR# %.xxxx REAL# PR
 06S3835 100 2508 551 551 3 EFU
 OWNER RILEY, CHESTER A III TTEE ET ALS
 CNTRCT Pg 1
 ADDR 102 HOPE DRIVE
 CTY/ST BOILING SPRINGS, PA 17007-9582
 SC DEF - SITUS: COUNTY
 SITUS: 48819 ANTHONY LAKE HWY
 L/LE/X/EM:
 YR AP 2003 APPR GH GARY HOPKINS
 ACRES 212.40 SPC ASM
 RMV MS VALUE AV
 LAND 264,000 99,320
 IMPROV 11,220 11,220
 SUBTOT 275,220 110,540
 LESS EXEMPTIONS: 0
 LESS VET EXEMPT:
 NET VALUES: 110,540

ACTION CODES
 FARM RENT INFO

NOTES
 2900 OLD
 CHESTER A JR OBIT 7/2/99
 ROE OBIT 8/9/99

1-KEY 2-IMP 3-LND 7-E0J 8-CLR 9-BACK 10-FORWARD 17-JV/TL 22-SALES 23-TAX INQ

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WATER RESOURCES DEPT
 SALEM, OREGON

T 10399

PARCEL RECORD - Cartographic Unit

Page of

Code Area	Township	Range	Section	1/4	1/16	Parcel Number	Type	Number	* Formerly part of _____				
25-3	6	38	33			600							
Map Number						Special Interest			History of Parcel				
Tax Lot Number									Exceptions/Additions		Date of Entry/ Acquisition	Deed Record Volume Page	Acres Remaining
History of Parcel Prior to Re-mapping <i>Ref 10441</i>													
Previous Account Number						Previous Tax Lot Number							
						6 38 2200							

S 38		2200		25-3		OFFICIAL RECORD OF DESCRIPTIONS OF REAL PROPERTY SALEM COUNTY ABSTRACTS OFFICE	
165 K38E01		165 92		160.00			
Except:		2.17		170 11		156.21	
State Hwy		1.99				158.41	
Also:		2.17					
State Hwy		0.98		8724 11/18/68 68-43-052		157.42	
Except:		2.15		19131 11/25/74 74-45-00510 error		155.22	
IL 2201							
State Hwy							
1. Kirkland, Ernest & Grace I & 2							
Except:		0.22		19294 12/23/74 74-50-018		155.06	
Relocated Co. Rd.							

Exc: Co Rd 1144 1.81 1190 74-50-018
 Anthony Walker
 Exc: Hanna Hwy 2.15 1190
 Exc: Parcel 600 0.98 1190 68-43-052 155.06
 1. Kirkland, Ernest L 11-25-89 JV48278 89-50-021 DC
 % Stephens, Richard Delbert
 Nina Ann CP* 12-27-89 JV 48320 89-51-075 M/S
 2. Kirkland, Ernest L, heirs JV 71922
 of
 % Stephens, Richard Delbert &
 Nina Ann CP* 12-12-01 01-50-0274 DC

Remarks

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WATER RESOURCES DEPT
 SALEM, OREGON

INSTRUMENT NO.

74 45 086

RECORDING DATE

WARRANTY DEED

ERNEST L. KIRKLAND and GRACE I. KIRKLAND, husband and wife,

called grantor(s) herein, hereby convey(s) to ERNEST KIRKLAND and GRACE I. KIRKLAND,

whose address is North Powder, Oregon
an undivided one-half interest each as tenants in common, in and to
the following described real property:

Land in Baker County, Oregon:

The Southeast Quarter of Section 33, Twp. 6
South, Range 38, E., W.M.,6s38
200
2201
25.6

sold to Vanderwall

and covenant(s) that grantor(s) is/are the owner(s) of the above described property free of all en-
cumbrances (except)and will warrant and defend the same against all persons who may lawfully claim the same, except
as shown above.The consideration for this transfer is: Exchange; the purpose of this conveyance is
to terminate the tenancy by the entireties and for grantees to
obtain and hold title as tenants in commonDated: November 8th 1974.Until requested otherwise send
tax statements to Ernest
Kirkland, North Powder, Ore.Ernest L. Kirkland
Grace I. KirklandSTATE OF OREGON, County of Baker
November 8th, 1974Personally appeared the above named
Ernest L. Kirkland and Grace I.
KirklandI, [Signature],
Notary Public for Oregon,
do hereby certify that the foregoing instrument to be
voluntarily act, before me:

My Commission expires 2/19/78

BANTA, SILVEN, YOUNG & ALLETTE

BANTA, SILVEN, YOUNG & ALLETTE

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WATER RESOURCES DEPT
SALEM, OREGON

T 10399

THIS MAP WAS PREPARED FOR
ASSESSMENT PURPOSE ONLY

SECTION 33 T.06S. R.38E. W.M.
BAKER COUNTY

1"=400'

06S 38E 33

CANCELLED NO.
300
400

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WATER RESOURCES DEPT
SALEM, OREGON

0 400 800
SCALE IN FEET

32 28
33 34

SEE MAP 06S 38E

100
185.94 AC.

28

27

33

34

SEE MAP 06S 38E

ANTHONY LAKES

ANTHONY LAKES - PAULS SECONDARY HWY

HIGHWAY

200
186.30 AC.

500
0.99 AC.

25-3

SEE MAP 06S 38E 32

201
2.81 AC.

SEE MAP 06S 38E 34

HUTCHINSON

DITCH

ABEL

RACE

DITCH

32

33

33

34

SEE MAP 07S 38E

REVISED: DJ
03/27/03

06S 38E 33

T 10399

Affidavit of Consent

I Ronald Perkins as authorized
representative of Riley property, do give
Consent to Temporary Transfer of water
Right

Signed Ronald Perkins

Dated 5-22-07

State of OR
County of Baker

on May 22, 2007 Ronald Perkins appeared before
me, being personally known and with proper identifica-
tion, affixed his signature in my presence above



Dorothy L. Miles

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WATER RESOURCES DEPT
SALEM, OREGON

10399

ELKHORN TITLE COMPANY

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

Delbert Stephens
46226 Rock Creek Town Rd.
Haines, OR 97833

LOT BOOK SERVICE
May 11, 2007
Order No. 00017146

RE: RILEY

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

See Exhibit "A" attached hereto.

and as of May 7, 2007, at 8:00 a.m.:

We find that the last deed of record runs to

CHARLES A. RILEY III, TRUSTEE of the CHESTER A. RILEY REVOCABLE LIVING TRUST dated August 27, 1996.

We also find the following apparent monetary incumbrances WITHIN TEN YEARS prior to the effective date hereof:
NONE.

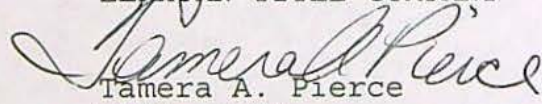
We have also searched our General Index for judgments and state and federal tax liens against the above named grantees and find the following:
NONE.

We also find the following unpaid taxes and city liens:

NOTE: Taxes for 2006-2007: \$1141.42 PAID. (2508 638 35 100 #10347)

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

ELKHORN TITLE COMPANY


Tamara A. Pierce
Title Officer

TAP/tl

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MAY 29 2007

WATER RESOURCES DEPT
SALEM, OREGON

T 10399

EXHIBIT "A"

The East half of the West half and the West half of the East half of Section 35, Township 6 South, Range 38 East of the Willamette Meridian in the County of Baker and State of Oregon.

EXCEPTING THEREFROM that portion lying North of the North Powder River.

FURTHER EXCEPTING THEREFROM that portion conveyed to the State of Oregon, by and through its State Highway Commission, by deeds recorded February 10, 1960, in Deed Book 170, page 429, and recorded March 30, 1960, in Deed Book 170, page 670.

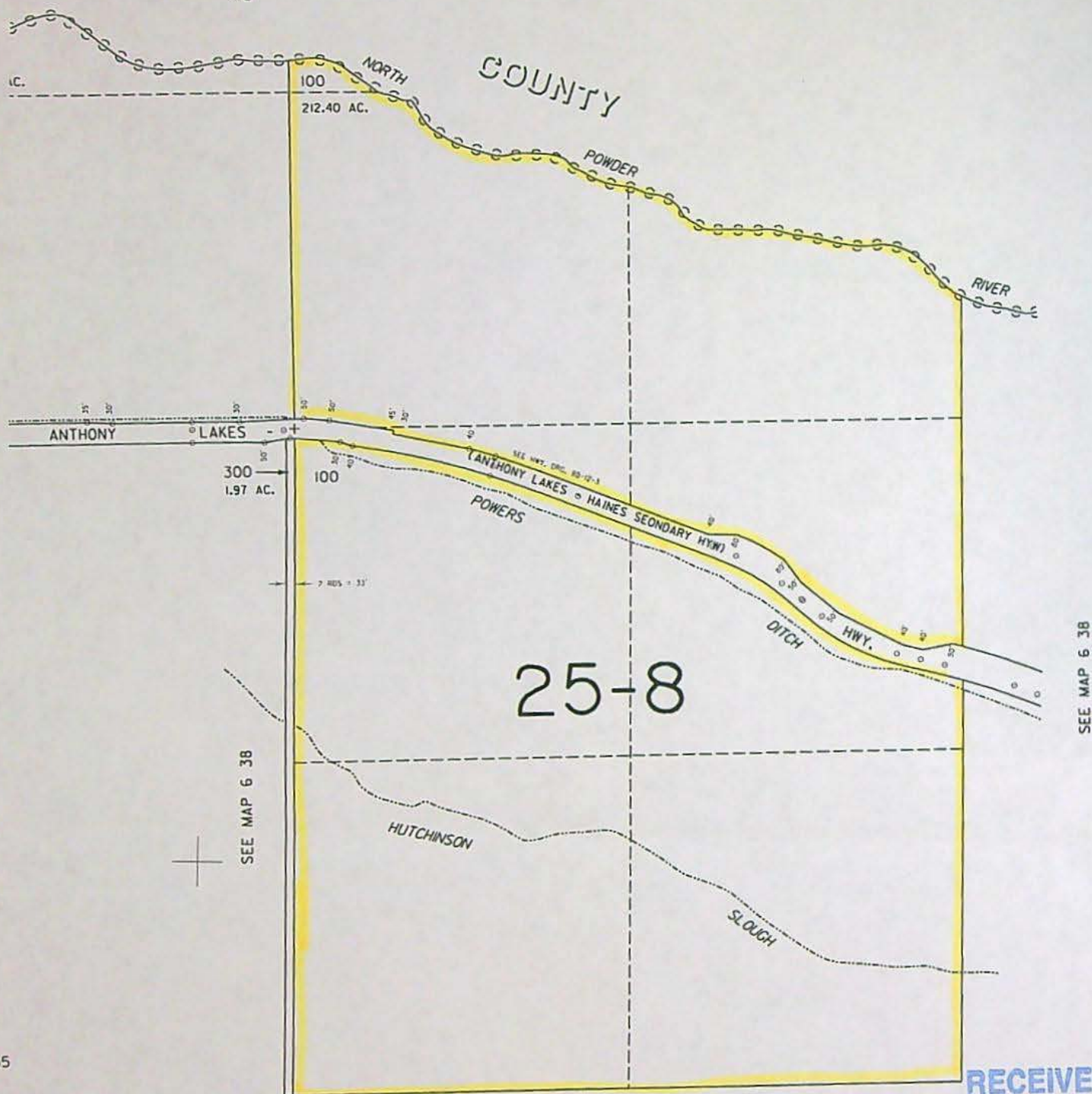
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WATER RESOURCES DEPT
SALEM, OREGON

T 10399

Elkhorn Title Company



SEE MAP 7 38

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MAY 29 2007

REVISED

WATER RESOURCES DEPT
SALEM, OREGON

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

Map # 6 38 35
Order # 17146

T 10399

STATE OF OREGON

WATER DIVISION NO. 2 COUNTY OF BAKER and UNION

CERTIFICATE OF WATER RIGHT

(For Rights which have been confirmed by the Courts)

This is to Certify, That LAURA A. DODSON
of Baker State of Oregon has a right to the use of
the waters of North Powder River, a tributary of Powder River

for the purpose of the irrigation of 214 acres of land and domestic use

and that said right has been confirmed by decree of the Circuit Court of the State of
Oregon for Union County, and the said decree entered of record at Salem,
in the Order Record of the ~~STATE WATER BOARD~~ of the State of Oregon, in Volume 2, at
page 252; that the priority of the right hereby confirmed dates from the year
1865 for the irrigation of 53 acres; 1873 for 140 acres and 1886 for 21 acres;

that the amount of water to which such right is entitled and hereby confirmed for the
purpose aforesaid, is limited to an amount actually beneficially used for said pur-
poses, and shall not exceed a rate of flow of 5.36 sec. ft. from March 1st to
July 1st, and 2.68 sec. ft. from July 1st to October 1st of each year; the total
quantity diverted during each irrigation season not to exceed 535 acre feet.

A description of the lands irrigated under such right, and to which the water
hereby confirmed is appurtenant, or, if for other purposes, the place where such water
is put to beneficial use, is as follows: 30 acres in SW $\frac{1}{4}$ of NE $\frac{1}{4}$; 30 acres in SE $\frac{1}{4}$
of NW $\frac{1}{4}$; 37 acres in NE $\frac{1}{4}$ of SW $\frac{1}{4}$; 40 acres in SE $\frac{1}{4}$ of SW $\frac{1}{4}$; 40 acres in SW $\frac{1}{4}$ of SE $\frac{1}{4}$;
37 acres in NW $\frac{1}{4}$ of SE $\frac{1}{4}$; Section Thirty-five (35), Township Six (6) South, Range
Thirty-eight (38) East of Willamette Meridian, in Baker and Union Counties, Oregon.

ch. pt. of Div. 5, p. 2, Vol 2, p 169

The right to the use of the water aforesaid hereby confirmed is restricted to the
lands or place of use herein described.

WITNESS the seal and signature of the ~~State~~
Water Board

~~affixed this~~ 9th day

of May, 1917.

STATE WATER BOARD

(SEAL OF STATE WATER BOARD)

By JOHN H. LEWIS
State Engineer, President

Attest:

M. F. MERS
Secretary

Recorded in State Record of Water Right Certificates, Volume 2, page 1458

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MAY 29 2007
WATER RESOURCES DEPT
SALEM, OREGON

STATE OF OREGON
COUNTY OF BAKER
CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

Richard Stevens
RFD #1
Haines, OR 97833

confirms the right to use the waters of NORTH POWDER RIVER, tributary of POWDER RIVER for STOCK and IRRIGATION of 107.1 acres.

This right has been confirmed by decree of the Circuit Court of the State of Oregon for Union County. The said decree is of record at Salem, in the Order record of the WATER RESOURCES DIRECTOR, Volume 3, Page 252. The priority dates of the right hereby confirmed are 1871 for stock and irrigation of 83.8 acres, 1882 for stock and irrigation of 23.3 acres.

That the amount of water entitled and hereby confirmed for this right, for the purposes aforesaid, is limited to an amount actually beneficially used for said purposes, and shall not exceed 2.68 cubic feet per second, being 2.1 cfs of 1871 and 0.58 cfs of 1882, from March 1st to July 1st, and shall not exceed 1.34 cubic feet per second from July 1st to October 1st, or its equivalent in case of rotation, measured at the points of diversion from the source.

The point of diversion from the source is located:

Hutchinson Hillside Ditch - NW $\frac{1}{4}$ NE $\frac{1}{4}$, Section 5, T. 7 S., R. 38 E., W.M.; 140' S and 2380' W from the NE corner of Section 5.

A description of the place of use under the right, and to which such right is appurtenant, is as follows:

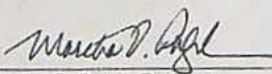
	1871	1882
NE $\frac{1}{4}$ SE $\frac{1}{4}$	37.5 acres	0.5 acres
NW $\frac{1}{4}$ SE $\frac{1}{4}$	18.6 acres	19.9 acres
SE $\frac{1}{4}$ SE $\frac{1}{4}$	27.7 acres	2.9 acres
Section 33		
Township 6 South, Range 38 East W.M.		

This certificate describes that portion of the water rights confirmed by certificate 1469 as modified by Transfer 3889, recorded at Special Order Volume 31 Page 138, State Record of Water Right Certificates, further modified by the provisions of an order of the Water Resources Director entered on May 15, 1996 approving a petition by Richard Stevens Co-Petitioner with Powder Valley Water Control District under ORS 541.329.

The use shall conform to such reasonable rotation system as may be ordered by the proper state officer.

The right to the use of the water for the above purposes is restricted to beneficial use on the lands or place of use described and is subject to all other conditions and limitations contained in said decree.

Witness the signature of the Water Resources Director, affixed May 15, 1996


Martha O. Pagel, Director

0399

Recorded in State Record of Water Right Certificates numbered 72286.
Conf:vc

RECEIVED

MAY 29 2007

WATER RESOURCES DEPT
SALEM, OREGON

STATE OF OREGON
COUNTY OF BAKER

CERTIFICATE OF WATER RIGHT

This is to Certify, That Chris Johnson & James Dalton

of North Powder, State of Oregon, has made proof to the satisfaction of the STATE ENGINEER of Oregon, of a right to the use of the waters of Summit Lake Reservoir and Van Patton Lake Reservoir a tributary of Irrigation for the purpose of under Permit No. 789 of the State Engineer, and that said right to the use of said waters has been perfected in accordance with the laws of Oregon; that the priority of the right hereby confirmed dates from July 24, 1911;

that the amount of water to which such right is entitled and hereby confirmed, for the purposes aforesaid, is limited to an amount actually beneficially used for said purposes, and shall not exceed 14.06 cubic feet per second;

The point of diversion is located in the of Section 32, Township 6 S, Range 39 E, W. M. The use hereunder for irrigation shall conform to such reasonable rotation system as may be ordered by the proper state officer.

The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands, shall be limited to one-eightieth of one cubic foot per second per acre, or its equivalent in case of rotation.

A description of the lands irrigated under the right hereby confirmed, and to which such right is appurtenant (if for irrigation or any other purpose), is as follows: 40 acres in the NE $\frac{1}{4}$ SE $\frac{1}{4}$, 40 acres in the NW $\frac{1}{4}$ SE $\frac{1}{4}$, 40 acres in the SW $\frac{1}{4}$ SE $\frac{1}{4}$, Section 27, 40 acres in the SE $\frac{1}{4}$ NE $\frac{1}{4}$, Section 33, Township 6 South, Range 39 East, 40 acres in the NW $\frac{1}{4}$ NE $\frac{1}{4}$, 40 acres in the SW $\frac{1}{4}$ NE $\frac{1}{4}$, Section 2, 20 acres in the NE $\frac{1}{4}$ NW $\frac{1}{4}$, 40 acres in the NW $\frac{1}{4}$ NW $\frac{1}{4}$, 40 acres in the SW $\frac{1}{4}$ NW $\frac{1}{4}$, 40 acres in the SE $\frac{1}{4}$ NW $\frac{1}{4}$, 40 acres in the NE $\frac{1}{4}$ SW $\frac{1}{4}$, 40 acres in the NW $\frac{1}{4}$ SW $\frac{1}{4}$, 40 acres in the SW $\frac{1}{4}$ SW $\frac{1}{4}$, 40 acres in the SE $\frac{1}{4}$ SW $\frac{1}{4}$, Section 3, 20 acres in the SW $\frac{1}{4}$ NE $\frac{1}{4}$, 40 acres in the SE $\frac{1}{4}$ NE $\frac{1}{4}$, 35 acres in the NE $\frac{1}{4}$ SE $\frac{1}{4}$, 25 acres in the SE $\frac{1}{4}$ SE $\frac{1}{4}$, Section 4, 40 acres in the NW $\frac{1}{4}$ NW $\frac{1}{4}$, 40 acres in the SW $\frac{1}{4}$ NW $\frac{1}{4}$, 40 acres in the NW $\frac{1}{4}$ SW $\frac{1}{4}$, Section 6, 40 acres in the NE $\frac{1}{4}$ NW $\frac{1}{4}$, 40 acres in the NW $\frac{1}{4}$ NW $\frac{1}{4}$, 30 acres in the SW $\frac{1}{4}$ NW $\frac{1}{4}$, and 40 acres in the SE $\frac{1}{4}$ NW $\frac{1}{4}$, Section 10, Township 7 South, Range 39 East of the Willamette Meridian in Baker County, Oregon, being a total of 970 acres.

The right to the use of the water for any purpose is restricted to the lands or place of use herein described.

After the expiration of fifty years from the date of this certificate or on the expiration of any federal power license issued in connection with this right, and after not less than two years notice in writing to the holder hereof, the State of Oregon, or any municipality thereof, shall have the right to take over the dams, plants and other structures and all appurtenances thereto which have been constructed for the purpose of devoting to beneficial use the water rights specified herein, upon condition that before taking possession the State or municipality shall pay not to exceed the fair value of the property so taken, plus such reasonable damages, if any, to valuable, serviceable and dependable property of the holder of this certificate, not taken over, as may be caused by the severance therefrom of the property taken in accordance with the provisions of section 5723, Oregon Laws.

WITNESS the signature of the State Engineer,

affixed this 10th day
of December, 1929

Rhea Luper

State Engineer.

Recorded in State Record of Water Right Certificates, Volume 8, page 8394

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MAY 29 2007

WATER RESOURCES
SALEM, OREGON