

T-10404

T-10404

Name Kim Lemons  
 By Ingle Butte Ranches  
 Address PO Box 28  
Mt. Vernon, OR 97865  
541-932-4854

Change in APOD  
 Date filed 6-6-07  
 Date of hearing \_\_\_\_\_  
 Place of hearing \_\_\_\_\_  
 Date of order 11-17-08 Vol. 76, page 719  
 Date for application of water \_\_\_\_\_  
 Proof mailed \_\_\_\_\_  
 Proof received \_\_\_\_\_  
 Certificate issued OCT 02 2012 Vol. \_\_\_\_\_, page 87786

## DESCRIPTION OF WATER RIGHT

Name of stream John Day River  
 Trib. of Columbia River County of Grant  
 Use Irrigation  
 Quantity of water \_\_\_\_\_ No. of acres \_\_\_\_\_  
 Name of ditch \_\_\_\_\_  
 Date of priority 12-31-1888  
 In name of Dennis Lemons  
 \_\_\_\_\_ Adjudication, Vol. \_\_\_\_\_, page \_\_\_\_\_  
 App. No. \_\_\_\_\_ Per. No. \_\_\_\_\_ Cert. No. 31684  
 Certificate cancelled \_\_\_\_\_  
 Notation made on record by \_\_\_\_\_

## FEES PAID

Date	Amount	Receipt No.
<u>6-6-07</u>	<u>350.00</u>	<u>87990</u>
<u>2-27-12</u>	<u>125.00</u>	<u>105126</u>
<u>3-19-12</u>	<u>760.00</u>	<u>105239</u>
TOTAL . . .		
	Cert. Fee	

## FEES REFUNDED

Date	Amount	Check No.
<u>10-3-12</u>	<u>\$84.00</u>	<u>2891644</u>

## REMARKS

Agent: Kyle Sullivan: Grant Soil & Water Cons. Dist: 721 S. Canyon Blvd. John Day, OR. 97845

NOID/CWRE: Gary Wilson

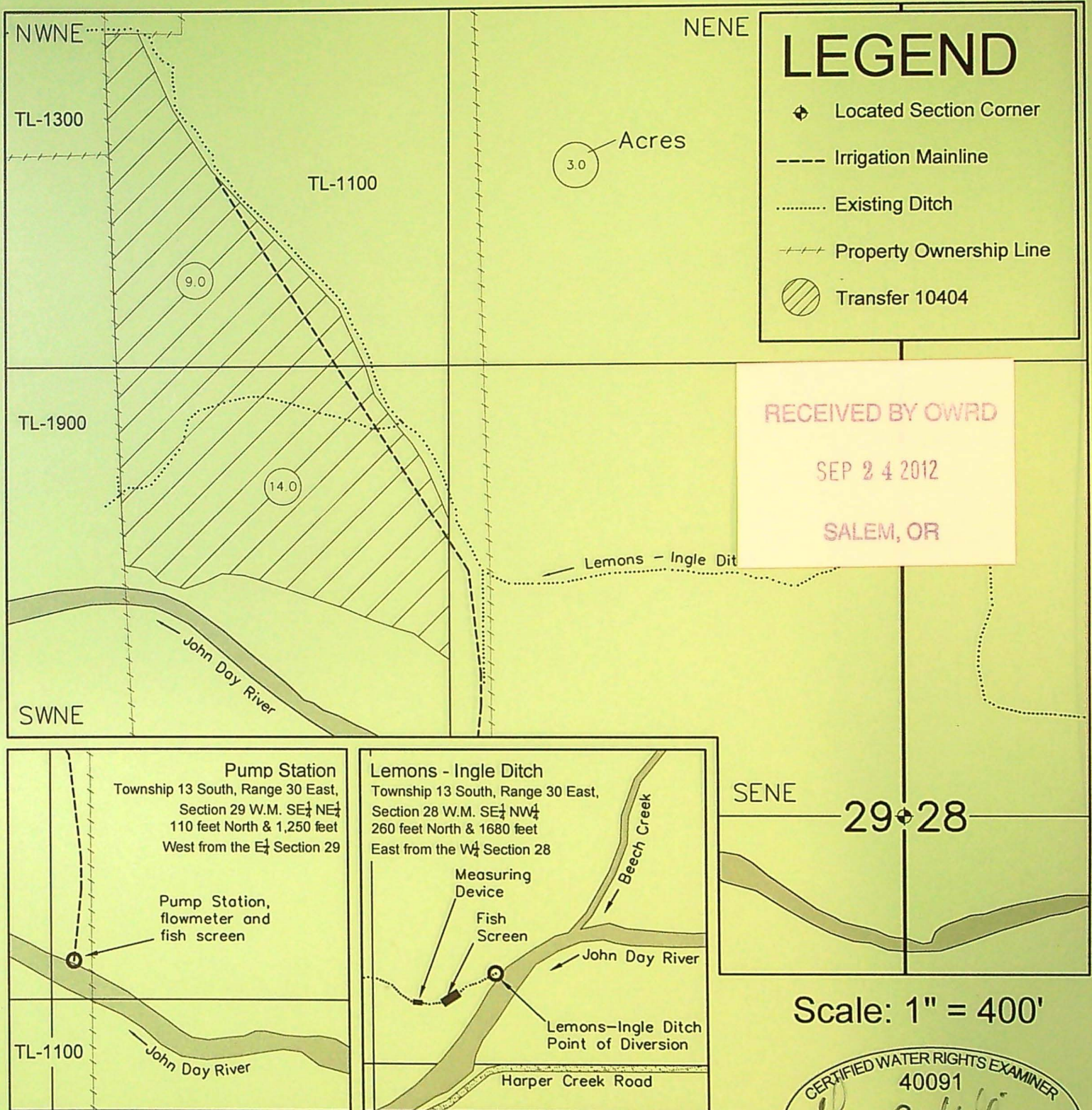


# FINAL PROOF SURVEY

Kim Lemons

Transfer No. 10404

Township 13 South, Range 30 East, Section 29 W.M.



This map is not intended to provide legal dimensions or location of property ownership lines.

REVISED: August 2, 2012



# FINAL PROOF SURVEY

KIM LEMONS

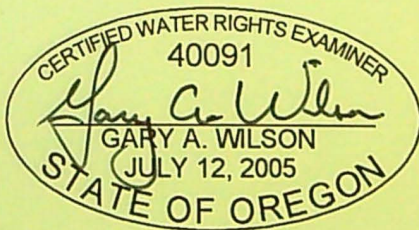
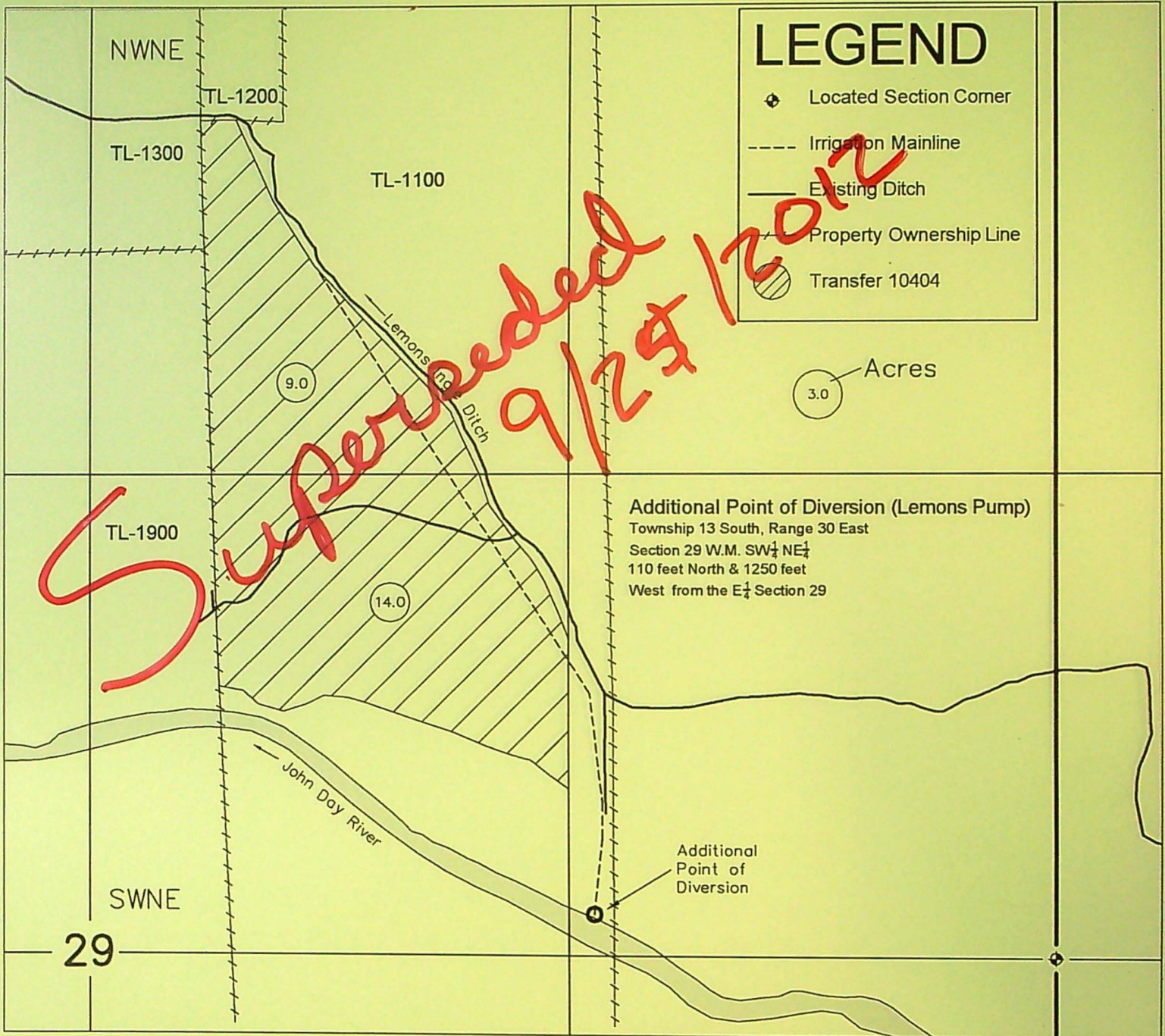
Transfer No. 10404

Township 13 South, Range 30 East, Section 29 W.M.

RECEIVED

SEP 10 2011

WATER RESOURCES DEPT  
SALEM, OREGON



EXPIRES: 6/30/2012

Scale: 1" = 400'

This map is not intended to provide legal dimensions  
or location of property ownership lines.



**STATE OF OREGON  
WATER RESOURCES DEPARTMENT**

RECEIPT # **87990**

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

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

RECEIVED FROM: <u>Grant Soil and Water</u>	APPLICATION
BY: <u>Conservation District</u>	PERMIT
CASH: <input type="checkbox"/>	TRANSFER <u>T10404</u>
CHECK: # <u>6861</u>	TOTAL REC'D <u>\$350.00</u>
OTHER: (IDENTIFY) <input type="checkbox"/>	

**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	EXAM FEE \$	0204 RECORD FEE \$
0205 TRANSFER	EXAM FEE <u>\$350.00</u>	
WELL CONSTRUCTION		
0218 WELL DRILL CONSTRUCTOR	EXAM FEE \$	0219 LICENSE FEE \$
LANDOWNER'S PERMIT		0220 LICENSE FEE \$
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 (FWWRD)		\$
0231 HYDRO LICENSE FEE (FWWRD)		\$
HYDRO APPLICATION		\$

**TREASURY      OTHER / RDX**

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

RECEIPT: **87990**

DATED: 6/6/07 BY: Diana Duchi



RECEIPT # 105239

INVOICE #

RECEIVED FROM: Grant Soil+Water Conservation District  
BY:  
CASH: ☐ CHECK:# 10677 OTHER: (IDENTIFY) ☐  
APPLICATION PERMIT  
TRANSFER T-10404  
TOTAL REC'D \$ 760.00

1083 TREASURY 4170 WRD MISC CASH ACCT  
0407 COPIES 7126 R 11-848-11 \$  
0408 OTHER: (IDENTIFY) Reimbursement \$ 760.00  
0243 I/S Lease 0244 Muni Water Mgmt. Plan 0245 Cons. Water

4270 WRD OPERATING ACCT  
MISCELLANEOUS  
0407 COPY & TAPE FEES \$  
0410 RESEARCH FEES \$  
0408 MISC REVENUE: (IDENTIFY) \$  
TC162 DEPOSIT LIAB. (IDENTIFY) \$  
0240 EXTENSION OF TIME \$  
WATER RIGHTS:  
0201 SURFACE WATER EXAM FEE \$ RECORD FEE \$  
0203 GROUND WATER \$  
0205 TRANSFER \$  
WELL CONSTRUCTION  
0218 WELL DRILL CONSTRUCTOR EXAM FEE \$ LICENSE FEE \$  
LANDOWNER'S PERMIT \$  
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 # 105239

INVOICE #

RECEIVED FROM: Grant Soil+Water Conservation District  
BY:  
CASH: ☐ CHECK:# 10677 OTHER: (IDENTIFY) ☐  
APPLICATION PERMIT  
TRANSFER T-10404  
TOTAL REC'D \$ 760.00

1083 TREASURY 4170 WRD MISC CASH ACCT  
0407 COPIES 7126 R 11-848-11 \$  
0408 OTHER: (IDENTIFY) Reimbursement \$ 760.00  
0243 I/S Lease 0244 Muni Water Mgmt. Plan 0245 Cons. Water

4270 WRD OPERATING ACCT  
MISCELLANEOUS  
0407 COPY & TAPE FEES \$  
0410 RESEARCH FEES \$  
0408 MISC REVENUE: (IDENTIFY) \$  
TC162 DEPOSIT LIAB. (IDENTIFY) \$  
0240 EXTENSION OF TIME \$  
WATER RIGHTS:  
0201 SURFACE WATER EXAM FEE \$ RECORD FEE \$  
0203 GROUND WATER \$  
0205 TRANSFER \$  
WELL CONSTRUCTION  
0218 WELL DRILL CONSTRUCTOR EXAM FEE \$ LICENSE FEE \$  
LANDOWNER'S PERMIT \$  
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 \$

BANK OF EASTERN Expedite Fee Request - Appl. #T-10404

760.00

RECEIVED  
MAR 19 2012  
WATER RESOURCES DEPT  
SALEM, OREGON

GRANT SOIL AND WATER / CONSERVATION DISTRICT  
OR Water Resources  
Lemons Ingle  
3/6/2012  
10677  
760.00



Application #

Permit #

Transfer # T-  
10404Lemons/Ingle Butte  
FarmsRA#  
R11895-11

## Reimbursement Authority Process

## Itemized Estimate Sheet

for

## Certificates

	Est. Time (hr)	Individual	Est. Cost	Date	Act. Time (hr)
1. Review Claim of Beneficial Use report and map	1.00	Craig	\$90	5-31 3-20	0.5 hrs 0.5 hrs
2. Conflict Check		Craig	\$0		
3. Preparation of deficiency letter	1.00	Craig	\$90	5-31 6-5	0.25 hrs 0.5 hrs
4. Preparation of proposed certificates	1.50	Craig	\$135	9/25 9/27	1.2 hrs 0.3 hrs
5a. Peer review		Gerry	\$0		
5b. Peer review	0.10	Dwight	\$11	10-1	0.1
5c. Peer review	1.00	Jerry G.	\$78	9/27	0.5
6. Project Management	2.50	Craig	\$225	3-20 9/24	0.5 hrs 0.5 hrs
7a. Water right data record update	0.20	Connie	\$11	10/2	0.2
7b. Water right data record update	2.00	Data Tech	\$120	9/29	0.7 hrs
8. Pump test (if applicable)		Mike Z	\$0		
<b>Total</b>	<b>9.30</b>		<b>\$760</b>		

760

\$90<sup>00</sup># 90<sup>00</sup># 153<sup>00</sup># 11<sup>00</sup># 45<sup>00</sup># 234<sup>00</sup># 11<sup>00</sup># 42<sup>00</sup><#676<sup>00</sup>># 81<sup>00</sup>

The original POD is not shown on the map nor is it in the Claim of Beneficial Use. Need to find-out from K. Sullivan if that was intentional or do they want the original POD too.



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

TO: **Fiscal Services Section**

DATE: October 2, 2012

FROM: R. Craig Kohanek  
Phone: (503) 986-0823

SUBJECT: **REIMBURSEMENT AUTHORITY - Request for Payment or Refund**

FILE #: T-10404

RA #: R11895-11

RECEIPT #: 105239

Please prepare payment in the amount of **\$84.00**, made payable to:

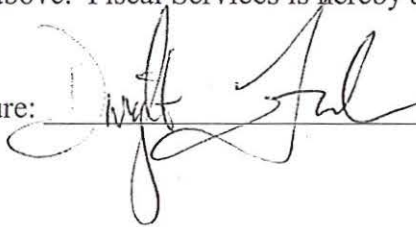
Name: Grant Soil & Water Conservation District  
Address: 721 S. Canyon Blvd.  
City: John Day, OR 97845

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

- ☐ Excess fees were collected for Claim of Beneficial Use  
☒ Excess fees were collected for Reimbursement Authority  
☐ Other:

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

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



Date: Oct 3, 2012

MAILED ON 10/5/12 @



## STATE OF OREGON

## COUNTY OF GRANT

## CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

KIM LEMONS; INGLE BUTTE RANCHES  
PO BOX 28  
MT VERNON OR 97865

confirms the right to use the waters of JOHN DAY RIVER, tributary to COLUMBIA RIVER for IRRIGATION of 23.0 ACRES.

This right was confirmed by decree of the Circuit Court of the State of Oregon for Grant County. The decree is of record at Salem, in the Order Record of the Water Resources Director in Volume 15, at Page 461. The date of priority is 1888. The amount of water to which this right is entitled is limited to an amount actually used beneficially, and shall not exceed ONE-FORTIETH of one cubic foot per second per acre irrigated from April 1 to September 30; further limited to one acre-foot per acre per calendar month to July 1 and 3/4 acre-foot per acre thereafter; total five acre-feet per acre per season measured at the point of diversion

The points of diversion are located as follows:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
13 S	30 E	WM	28	SE NW	Lemons-Ingle Ditch POD (original) – 260 feet North and 1680 feet East from the W1/4, Section 28.
13 S	30 E	WM	29	SE NE	Pump Station POD (additional) – 110 feet North and 1250 feet West from the E1/4, Section 29

A description of the place of use is as follows:

Twp	Rng	Mer	Sec	Q-Q	Acres
13 S	30 E	WM	29	NW NE	9.00
13 S	30 E	WM	29	SW NE	14.00

The quantity of water diverted at the additional point of diversion, together with the quantity of diverted at the old point of diversion, shall not exceed the quantity of water available from the original point of diversion.

The water user shall maintain, in good working order, an in-line flow meter, weir or other suitable device for measuring and recording the quantity of water diverted at the additional point of diversion.

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

When required by the Department, the water user shall install and maintain and operate a headgate to control and regulate the quantity of water diverted. The types and plans of the headgate and measuring device must be approved by the Department prior to beginning construction and shall be installed under the general supervision of the Department.

**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 183.482. Any petition for judicial review must be filed within the 60-day time period specified by ORS 183.482. Pursuant to ORS 183.482, ORS 536.075 and OAR 137-003-0675, you may petition for judicial review and 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.



This certificate is issued to confirm a change in ADDITIONAL POINT OF DIVERSION approved by an order of the Water Resources Director entered November 17, 2008, at Special Order Volume 76, Page 719, approving Transfer Application 10404, and supersedes Certificate 31684, State Record of Water Right Certificates.

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

Issued \_\_\_\_\_.

\_\_\_\_\_  
Dwight W. French  
Water Right Services Administrator, for  
Phillip C. Ward, Director



# RA Mailing List for Transfer Certificate

Mailing Date:

Application: T- 10404

Certificate: 87786

Certificate/Transfer Holder: (include copy of map)

Kim Lemons; Ingle Butte Ranches  
P.O. BOX 28  
Mt. Vernon, OR 97865

**Copies Mailed**

By:  
(SUPPORT STAFF)

on:  
(DATE)

Copies of final Certificate to be sent to:

1. Data Center
2. Water Availability
3. Vault
4. File

Persons to receive via e-mail draft/proposed copies (completed by RA staff)

- 1.

Other Persons to receive copies (proposed and/or final certificate:(Include map)

1. Watermaster #4 Eric Julsrud
2. Gary A. Wilson, CWRE

Record Marking(s):

1. Original Application#
2. Old Certificate# 31684

S:\groups\wr\certs\Resource Center\Forms\_Checklists\_Mailing  
Instructions\Transfer\_CertMailingList for RA.doc



## Craig Kohanek

---

**From:** Kyle S. Sullivan <sullivan@centurytel.net>  
**Sent:** Thursday, September 27, 2012 3:15 PM  
**To:** Craig Kohanek  
**Cc:** grantswcd@centurytel.net  
**Subject:** Re: Proposed certificate under Reimbursement Authority R11985-11 Lemons/Ingle Buttes Ranches; transfer T-10404

Hi Craig,

I've looked over the certificate and mailing list; both look good.

Please proceed with processing.

Thanks!

Kyle

At 08:42 AM 9/27/2012, you wrote:

Kyle,

Attached for your review is the proposed certificate for transfer T-10404 and mailing list. Please provide me your edits and comments. If you do not have any, please let me know this by replying to that effect to this email, and I will continue the processing of this document toward certification.

R. Craig Kohanek  
Water Rights Specialist  
Reimbursement Authority  
Oregon Water Resources Department  
Phone: 503-986-0823  
Fax: 503-986-0901  
[Ron.c.kohanek@wrdd.state.or.us](mailto:Ron.c.kohanek@wrdd.state.or.us)

Kyle S. Sullivan  
Grant Soil and Water Conservation District  
721 S. Canyon Blvd  
John Day, Oregon 97845  
(541) 575-0135 x111  
FAX (541) 575-0646



## **Craig Kohanek**

---

**From:** Craig Kohanek  
**Sent:** Thursday, September 27, 2012 9:42 AM  
**To:** Kyle S. Sullivan (sullivan@centurytel.net)  
**Subject:** Proposed certificate under Reimbursement Authority R11985-11 Lemons/Ingle Buttes Ranches; transfer T-10404  
**Attachments:** 10404-or-prop.pdf; Transfer\_CertMailingList for RA.pdf

Kyle,

Attached for your review is the proposed certificate for transfer T-10404 and mailing list. Please provide me your edits and comments. If you do not have any, please let me know this by replying to that effect to this email, and I will continue the processing of this document toward certification.

R. Craig Kohanek  
Water Rights Specialist  
Reimbursement Authority  
Oregon Water Resources Department  
Phone: 503-986-0823  
Fax: 503-986-0901  
[Ron.c.kohanek@wrdd.state.or.us](mailto:Ron.c.kohanek@wrdd.state.or.us)



## Craig Kohanek

---

**From:** Craig Kohanek  
**Sent:** Thursday, June 07, 2012 11:14 AM  
**To:** 'Kyle S. Sullivan'; Craig Kohanek  
**Cc:** grantswcd@centurytel.net  
**Subject:** RE: Reimbursement Authority R11895-11 for Ingle Butte Ranches/Lemons for T-10404

Hey Kyle,

Thanks. I'll be looking for it.

R. Craig Kohanek  
Water Rights Specialist  
Reimbursement Authority  
Oregon Water Resources Department  
Phone: 503-986-0823  
Fax: 503-986-0901  
[Ron.c.kohanek@wrdd.state.or.us](mailto:Ron.c.kohanek@wrdd.state.or.us)

---

**From:** Kyle S. Sullivan [<mailto:sullivan@centurytel.net>]  
**Sent:** Thursday, June 07, 2012 10:26 AM  
**To:** Craig Kohanek  
**Cc:** [grantswcd@centurytel.net](mailto:grantswcd@centurytel.net)  
**Subject:** Re: Reimbursement Authority R11895-11 for Ingle Butte Ranches/Lemons for T-10404

Hi Craig,

No problem on the delay; I know how things shake out during tough budget years.

Yes, our intention is to claim the pump station as an additional POD as well as retain the authorized ditch POD.

I'll update the map and form as we did with Chouinard.

At this time, I'm hoping to get the additional information to you by the end of the month.

Thanks!

Kyle

At 08:23 AM 6/5/2012, you wrote:

Kyle,

I apologize for not having gotten back to you sooner about these issues. However, the Department has recently reduced staff and shifted duties to others including myself.

This project is reminiscent of Couinard in that the Claim of Beneficial Use (COBU) report and map only show

the additional point of diversion (POD) as being claimed under the approved transfer. Like Chouinard, I don't think that is your intention. I think you intend to claim the new POD in addition to the previously certificated POD. If that be the case, please complete Section 2 of the COBU form for each point of diversion, including calculations for the point of diversion capacity. Furthermore, the map must show all POD's and any required elements. (i.e. point of diversion coordinates, location of fish screening and/or by-pass device, meters.)

R. Craig Kohanek  
Water Rights Specialist  
Reimbursement Authority  
Oregon Water Resources Department  
Phone: 503-986-0823  
Fax: 503-986-0901  
[Ron.c.kohanek@wrdd.state.or.us](mailto:Ron.c.kohanek@wrdd.state.or.us)

Kyle S. Sullivan  
Grant Soil and Water Conservation District  
721 S. Canyon Blvd  
John Day, Oregon 97845  
(541) 575-0135 x111  
FAX (541) 575-0646



## Craig Kohanek

---

**From:** Kyle S. Sullivan <sullivan@centurytel.net>  
**Sent:** Thursday, June 07, 2012 10:26 AM  
**To:** Craig Kohanek  
**Cc:** grantswcd@centurytel.net  
**Subject:** Re: Reimbursement Authority R11895-11 for Ingle Butte Ranches/Lemons for T-10404

Hi Craig,

No problem on the delay; I know how things shake out during tough budget years.

Yes, our intention is to claim the pump station as an additional POD as well as retain the authorized ditch POD.

I'll update the map and form as we did with Chouinard.

At this time, I'm hoping to get the additional information to you by the end of the month.

Thanks!

Kyle

At 08:23 AM 6/5/2012, you wrote:

Kyle,

I apologize for not having gotten back to you sooner about these issues. However, the Department has recently reduced staff and shifted duties to others including myself.

This project is reminiscent of Couinard in that the Claim of Beneficial Use (COBU) report and map only show the additional point of diversion (POD) as being claimed under the approved transfer. Like Chouinard, I don't think that is your intention. I think you intend to claim the new POD in addition to the previously certificated POD. If that be the case, please complete Section 2 of the COBU form for each point of diversion, including calculations for the point of diversion capacity. Furthermore, the map must show all POD's and any required elements. (i.e. point of diversion coordinates, location of fish screening and/or by-pass device, meters.)

R. Craig Kohanek  
Water Rights Specialist  
Reimbursement Authority  
Oregon Water Resources Department  
Phone: 503-986-0823  
Fax: 503-986-0901  
[Ron.c.kohanek@wrdd.state.or.us](mailto:Ron.c.kohanek@wrdd.state.or.us)

Kyle S. Sullivan  
Grant Soil and Water Conservation District  
721 S. Canyon Blvd

## Craig Kohanek

---

**From:** Craig Kohanek  
**Sent:** Tuesday, June 05, 2012 9:23 AM  
**To:** Kyle S. Sullivan (sullivan@centurytel.net)  
**Subject:** Reimbursement Authority R11895-11 for Ingle Butte Ranches/Lemons for T-10404

Kyle,

I apologize for not having gotten back to you sooner about these issues. However, the Department has recently reduced staff and shifted duties to others including myself.

This project is reminiscent of Couinard in that the Claim of Beneficial Use (COBU) report and map only show the additional point of diversion (POD) as being claimed under the approved transfer. Like Chouinard, I don't think that is your intention. I think you intend to claim the new POD in addition to the previously certificated POD. If that be the case, please complete Section 2 of the COBU form for each point of diversion, including calculations for the point of diversion capacity. Furthermore, the map must show all POD's and any required elements. (i.e. point of diversion coordinates, location of fish screening and/or by-pass device, meters.)

R. Craig Kohanek  
Water Rights Specialist  
Reimbursement Authority  
Oregon Water Resources Department  
Phone: 503-986-0823  
Fax: 503-986-0901  
[Ron.c.kohanek@wrd.state.or.us](mailto:Ron.c.kohanek@wrd.state.or.us)



## **Craig Kohanek**

---

**From:** Craig Kohanek  
**Sent:** Tuesday, March 20, 2012 7:27 AM  
**To:** Kyle S. Sullivan (sullivan@centurytel.net)  
**Subject:** Reimbursement Authority Signed Contract for Ingle Butte Ranches; R11895-11; T-10404  
**Attachments:** RA Certificate Contract Executed.pdf

Kyle,

Attached is a copy of the fully executed Applicant's Agreement signed by the required parties. The agreement details the terms and conditions under which a Work Order was issued for the expedited services that you requested.

Shall I will mail a copy of this agreement to Mr. Lemons?

If you have any questions concerning the agreement or the program, please contact me.

R. Craig Kohanek  
Water Rights Specialist  
Reimbursement Authority  
Oregon Water Resources Department  
Phone: 503-986-0823  
Fax: 503-986-0901  
[Ron.c.kohanek@wrdd.state.or.us](mailto:Ron.c.kohanek@wrdd.state.or.us)



OREGON WATER RESOURCES DEPARTMENT  
CERTIFICATE REIMBURSEMENT AUTHORITY  
APPLICANT'S AGREEMENT

Contract Number: **R11895-11**



This Agreement is between the Oregon Water Resources Department, hereafter OWRD, and **Ingle Butte Ranches** hereafter Applicants, hereafter known together as the parties.

**OWRD Information**

Project Contact: R. Craig Kohanek  
Reimbursement Authority  
Oregon Water Resources Department  
725 Summer Street, NE  
Salem, OR 97301-1271  
Phone: 503-986-0823  
Email: [Ron.c.kohanek@state.or.us](mailto:Ron.c.kohanek@state.or.us)

**Applicant's Information**

Name: Kim Lemons  
Title: Owner  
Company: Ingle Butte Ranches  
Address: P.O. Box 28  
Mt. Vernon, OR 97865  
Phone:  
Email:

**Applicant's Representative**

Name: Kyle S. Sullivan  
Title: Representative  
Company:  
Address: 721 S. Canyon Blvd  
John Day, OR 97845  
Phone: 541-575-0135 x111  
Email: [sullivank@centurytel.net](mailto:sullivank@centurytel.net)

- Purpose.** The purpose of this Agreement is to expedite the processing of the Claim of Beneficial Use. (**Application Number: T-10404**)
- Authority.** ORS 536.055 authorizes the OWRD to enter into a voluntary agreement with any applicant, permittee or regulated entity (collectively Applicant) for expediting or enhancing a regulatory process. In making this agreement, OWRD shall require the applicant to pay the full cost of expedited process.
- Restrictions.** Ingle Butte Ranches and OWRD agree that this Agreement shall not be construed to restrict in any way the decisions and actions by OWRD. OWRD shall be free to exercise independent judgment consistent with existing laws and regulations.
- Effective Date and Duration.** Unless otherwise terminated by non-deposit of funds by the Applicant, this Agreement shall become effective on the date on which both parties have signed the Agreement and the full deposit of the estimated cost of the proposed service has been received by OWRD.
- Consideration.** Ingle Butte Ranches shall pay OWRD in advance for actual costs incurred by OWRD. Ingle Butte Ranches agrees to pay the full amount of **\$760** to OWRD prior to commencement of any work stated in this Agreement. This payment will be placed in an account administered by OWRD and drawn upon as costs are actually incurred. If the actual cost of performing the work is less than payments received, OWRD will refund the unspent balance. If the actual cost of processing exceeds the estimate, the Applicant can either elect to terminate this Agreement or amend the Agreement to reflect the increase in cost. The costs stated in this Agreement do not include the statutory application processing and filing fees.
- Confidentiality.** Ingle Butte Ranches agrees that any information provided to or acquired by OWRD under this Agreement will be subject to the Oregon Public Records Law and shall be considered public records.
- Indemnity.** Applicant shall defend, save, hold harmless, and indemnify the State of Oregon, OWRD, and their officers, employees, and agents from and against all claims, suits, actions, losses, damages, liabilities, costs and expenses of any nature resulting from or arising out of, or relating to the activities of Applicant or its representatives, officers, employees, contractors, or agents under this Agreement or with respect to the expedited service. The Applicant acknowledges that the Oregon Water Resources Department cannot and does not guarantee a favorable review under the subject regulatory process.

RECEIVED

MAR 19 2012



8. **Termination.** Applicant may request to terminate this agreement only in writing at anytime during the process. The Applicant agrees to pay for the work done by the Reimbursement Authority personnel up until the time of the written termination request. OWRD, upon receiving such written termination request from the Applicant, will refund any unspent balance after paying the Reimbursement Authority personnel for the work done.
9. **Funds Authorized and Available.** By its execution of this Agreement, Applicants certifies that sufficient funds are authorized and available to cover the expenditures contemplated by this Agreement.
10. **Duration of Estimate.** The Estimate of Time to complete the work is no later than ninety (90) days once this Agreement has been fully executed and payment of the estimated cost deposited. However, this estimate is contingent on the Applicant's expeditious resolution of any deficiency and may be affected by the Department's work load. This Estimate of Time may become null and void after thirty (30) days from the date the Applicant's Agreement is mailed. If the Applicant's Agreement is not received by the Department within thirty (30) days of mailing the Agreement, the Applicant may need to re-apply for a new estimate.
11. **Completion Date.** OWRD, by the execution of this Agreement does not guarantee the completion date indicated in this Agreement. Completion date is only an estimate and may be affected by the Department's workload, issues arising from the processing of the requested services and Applicant's timely response to requests for additional information.
12. **Captions.** The captions or headings in this Agreement are for the convenience only and in no way define limit or describe the scope or intent of any provision of this Agreement.
13. **Amendment and Merger.** The terms of this Agreement shall not be waived, altered, modified, supplemented or amended in any manner whatsoever, except by written instrument signed by both parties. Such waiver, consent, modification or change, if made, shall be effective only in the specific instance and for the specific purpose given. There are no understandings, agreements or representations, oral or written, not specified herein regarding this Agreement.
14. **Signatures.** All parties, by the authorized representative's signature below, hereby acknowledge that they have read this Agreement, understand it and agree to be bound by its terms and conditions.

Applicant: 

Name: Kim Lemons

Title: Owner

Company: Ingle Butte Ranches

Date: 3/15/12

For OWRD: 

Name: R. Craig Kohanek

Water Rights and Adjudication Division

Date: MARCH 20, 2012

Mail signed Agreement to:

Craig Kohanek  
Oregon Water Resources Department  
725 Summer Street NE, Suite A  
Salem, OR 97301-1271

**RECEIVED**

**MAR 18 2012**

**WATER RESOURCES DEPT  
SALEM, OREGON**

## Craig Kohanek

---

**From:** Craig Kohanek  
**Sent:** Monday, March 05, 2012 9:10 AM  
**To:** Kyle S. Sullivan (sullivan@centurytel.net)  
**Subject:** RA Certificate Estimate for Lemons/Ingle Butte Ranches R11895-11 involving file T-10404  
**Attachments:** RA Certificate Contract.pdf

Kyle,

Please find the attached estimate and agreement to process transfer T-10404 into a certificate. If the proposed agreement is acceptable to you, please return a signed copy to our office along with the payment of the estimated cost to process the transfer into a certificate.

If you have any questions, please call me.

R. Craig Kohanek  
Water Rights Specialist  
Reimbursement Authority  
Oregon Water Resources Department  
Phone: 503-986-0823  
Fax: 503-986-0901  
[Ron.c.kohanek@wrdd.state.or.us](mailto:Ron.c.kohanek@wrdd.state.or.us)

p.s. I noticed that this transfer is similar to Chouinard, in that it adds an additional point of diversion (POD). Like Chouinard neither the Claim of Beneficial Use nor the map reflect the original POD. My question to you is, was that intentional or like Chouinard does Lemons/Ingle Butte Ranches intend that both the new POD and the original POD be included in the new certificate?



**STATE OF OREGON  
WATER RESOURCES DEPARTMENT**

RECEIPT # **105126** 725 Summer St. N.E. Ste. A  
SALEM, OR 97301-4172  
(503) 986-0900 / (503) 986-0904 (fax)

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

RECEIVED FROM: Grant Soil + Water  
BY: Conservation  
CASH: ☐ CHECK: # 10653 OTHER: (IDENTIFY) District

APPLICATION	<u>See Below</u>
PERMIT	
TRANSFER	

TOTAL REC'D \$ 500.00

**1083 TREASURY 4170 WRD MISC CASH ACCT**

0407 COPIES 47124 R-11-058-11 XT-11274 \$  
0408 OTHER: (IDENTIFY) (4) Reimbursement Authority \$ 500.00  
0243 I/S Lease \_\_\_\_\_ 0244 Muni Water Mgmt. Plan \_\_\_\_\_ 0245 Cons. Water \_\_\_\_\_

**4270 WRD OPERATING ACCT**

**MISCELLANEOUS** @ \$125.00 each

0407 COPY & TAPE FEES <u>R-11-059-11 XT-11350</u>	\$
0410 RESEARCH FEES <u>R-11-060-11 XT-10404</u>	\$
0408 MISC REVENUE: (IDENTIFY) <u>R-11-061-11 XT-11273</u>	\$
TC162 DEPOSIT LIAB. (IDENTIFY)	\$
0240 EXTENSION OF TIME	\$

**WATER RIGHTS:**

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

**WELL CONSTRUCTION**

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

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

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

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

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

**0607 TREASURY 0467 HYDRO ACTIVITY LIC NUMBER**

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

**TREASURY OTHER / RDX**

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

RECEIPT: **105126** DATED: 2-27-12 BY: RR

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



OREGON WATER RESOURCES DEPARTMENT  
CERTIFICATE REIMBURSEMENT AUTHORITY  
ESTIMATE APPLICATION



ORS 536.055 authorizes the Oregon Water Resources Department to expedite or enhance regulatory processes voluntarily requested under the agreement.

The purpose of this application is to obtain estimates of the cost and time required to process a Certificate Request. There is a non-refundable application fee of \$125.00 per request.

<u>REQUEST</u>	<u>TYPE</u>	<u>FILE NUMBER</u>
<input checked="" type="checkbox"/>	Certificate Request	Application Number _____ Permit Number _____ Transfer Number (if applicable) <u>T-10404</u>

	<u>Applicant Information</u>	<u>Applicant's Representative/Contact</u>
Name:	Kim Lemons / Ingle Butte Ranches	Kyle S. Sullivan / Grant SWCD
Title (optional):		
Address:	P.O. Box 28	721 S. Canyon Blvd
	Mt Vernon, OR 97865	John Day, OR 97845
Phone:	(541) 932-4854	(541) 575-0135 x111
E-Mail Address:		sullivank@centurytel.net

I certify that I (check one):

- ☒ have previously filed a Claim of Beneficial Use.  
☐ am attaching the Claim of Beneficial Use with this request and have included the appropriate claim fee.

I understand the following:

- That upon receipt of my non-refundable application fee in the amount of **\$ 125.00**, OWRD will, within fourteen (14) days, notify me in writing of the estimates of cost and time frame for the expedited service.
- That this fee covers the reimbursement authority staff to evaluate and provide the estimate for processing of the request.
- That upon receiving the estimate I may agree or decline to enter into a formal contract to pay the estimated cost in advance to initiate the expedited service.
- An incomplete or inaccurate Claim of Beneficial Use may delay the process and increase the cost to process my request.
- Expedited processing does not guarantee a favorable review of my request.

You may request a one-hour conference with OWRD staff. The conference would only occur after you have signed the contract and paid the estimated cost of processing your application. Please indicate your preference (check one):

- ☒ I do not want to schedule a one-hour conference with OWRD staff.  
☐ I want to schedule a one-hour conference with OWRD staff to discuss my project. I understand that I will be billed for this time, and that it may affect my total costs.

Send completed Application and payment to:

Oregon Water Resources Department  
Certificate Reimbursement Authority Program  
725 Summer St. NE, Suite A  
Salem, OR 97301-1271

I certify that I am the (check one):

- ☐ Applicant ☒ Applicant's Representative ☐ Other (Please specify) \_\_\_\_\_

Name: Kyle S. Sullivan

Signature: Kyle S. Sullivan

OWRD USE ONLY: Reimbursement Authority Number: R11-895 11

R11895 11



## **Craig Kohanek**

---

**From:** Sandra Todd  
**Sent:** Wednesday, February 29, 2012 9:25 AM  
**To:** Dave Nelson  
**Cc:** Craig Kohanek; Dave Nelson; Salem Opeifa; Jon Unger; Kim Hall  
**Subject:** RE: CERTIFICATE RA REQUEST

This application upon final determination is a certificate. Please correct your records to corrected certificate assigned number:

R11895 11 PCA 47126

Thank you.

---

**From:** Sandra Todd  
**Sent:** Tuesday, February 28, 2012 9:34 AM  
**To:** Lorraine Ramsey  
**Cc:** Craig Kohanek; Dave Nelson; Salem Opeifa; Jon Unger  
**Subject:** RE: CERTIFICATE RA REQUEST

Correction for transfer application:

R11060 11 PCA 47124

---

**From:** Lorraine Ramsey  
**Sent:** Monday, February 27, 2012 3:36 PM  
**To:** Sandra Todd  
**Cc:** Craig Kohanek; Dave Nelson; Salem Opeifa; Jon Unger  
**Subject:** CERTIFICATE RA REQUEST

Hello,

Applicant: Kim Lemons/ Ingle Butte Ranches

Related to Application T-10404

Receipt # 105126

Thanks,

Lorraine

## STATE OF OREGON

## COUNTY OF GRANT

## CERTIFICATE OF WATER RIGHT

## THIS CERTIFICATE ISSUED TO

KIM LEMONS; INGLE BUTTE RANCHES  
PO BOX 28  
MT VERNON OR 97865

confirms the right to use the waters of JOHN DAY RIVER, tributary to COLUMBIA RIVER for IRRIGATION of 23.0 ACRES.

This right was confirmed by decree of the Circuit Court of the State of Oregon for Grant County. The decree is of record at Salem, in the Order Record of the Water Resources Director in Volume 15, at Page 461. The date of priority is 1888. The amount of water to which this right is entitled is limited to an amount actually used beneficially, and shall not exceed ONE-FORTIETH of one cubic foot per second per acre irrigated from April 1 to September 30; further limited to one acre-foot per acre per calendar month to July 1 and 3/4 acre-foot per acre thereafter; total five acre-feet per acre per season measured at the point of diversion

The points of diversion are located as follows:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
13 S	30 E	WM	28	SE NW	Lemons-Ingle Ditch POD (original) – 260 feet North and 1680 feet East from the W1/4, Section 28.
13 S	30 E	WM	29	SE NE	Pump Station POD (additional) – 110 feet North and 1250 feet West from the E1/4, Section 29

A description of the place of use is as follows:

Twp	Rng	Mer	Sec	Q-Q	Acres
13 S	30 E	WM	29	NW NE	9.00
13 S	30 E	WM	29	SW NE	14.00

The quantity of water diverted at the additional point of diversion, together with the quantity of diverted at the old point of diversion, shall not exceed the quantity of water available from the original point of diversion.

The water user shall maintain, in good working order, an in-line flow meter, weir or other suitable device for measuring and recording the quantity of water diverted at the additional point of diversion.

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

When required by the Department, the water user shall install and maintain and operate a headgate to control and regulate the quantity of water diverted. The types and plans of the headgate and measuring device must be approved by the Department prior to beginning construction and shall be installed under the general supervision of the Department.

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

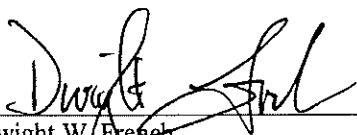
This is an order in other than a contested case. This order is subject to judicial review under ORS 183.482. Any petition for judicial review must be filed within the 60-day time period specified by ORS 183.482. Pursuant to ORS 183.482, ORS 536.075 and OAR 137-003-0675, you may petition for judicial review and 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.



This certificate is issued to confirm a change in ADDITIONAL POINT OF DIVERSION approved by an order of the Water Resources Director entered November 17, 2008, at Special Order Volume 76, Page 719, approving Transfer Application 10404, and supersedes Certificate 31684, State Record of Water Right Certificates.

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

Issued OCT 02 2012.

A handwritten signature in black ink, appearing to read "Dwight French", written over a horizontal line.

Dwight W. French  
Water Right Services Administrator, for  
Phillip C. Ward, Director

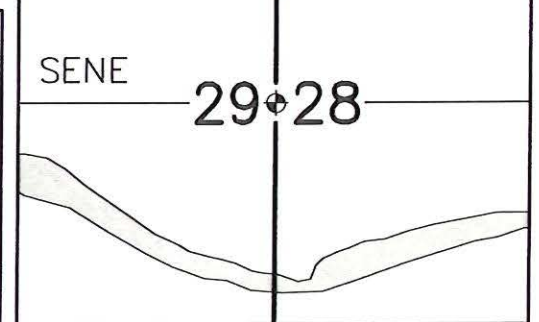
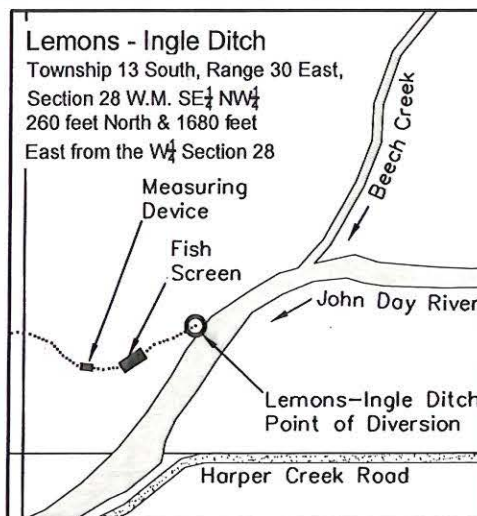
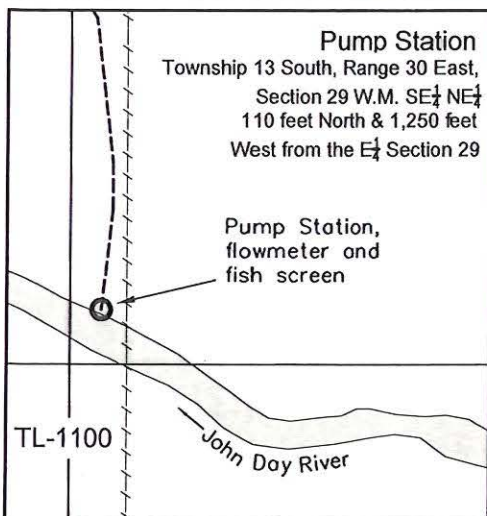
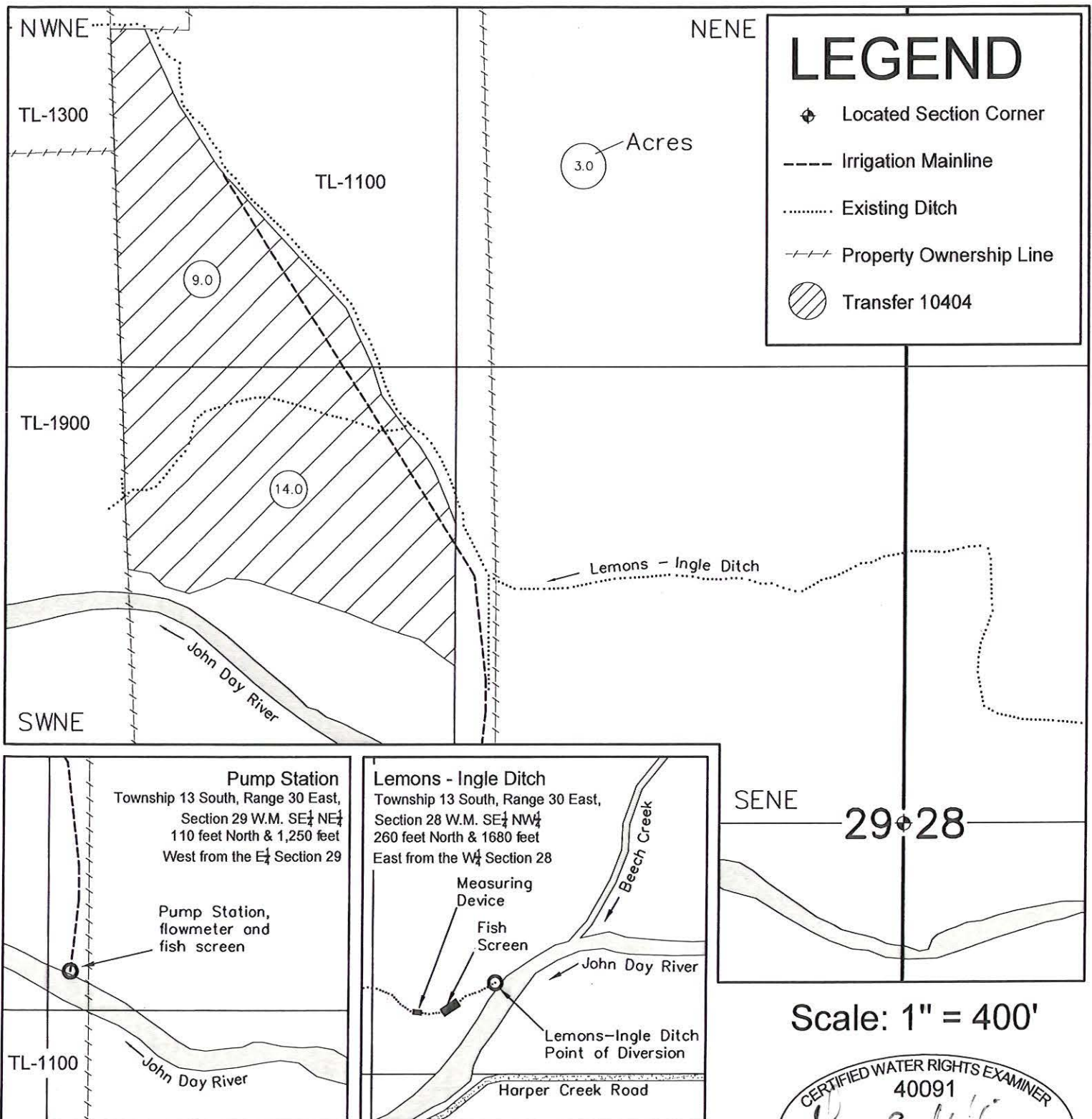
# FINAL PROOF SURVEY

Kim Lemons

**COPY**

Transfer No. 10404

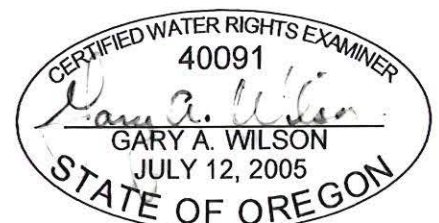
Township 13 South, Range 30 East, Section 29 W.M.



Scale: 1" = 400'

This map is not intended to provide legal dimensions or location of property ownership lines.

REVISED: August 2, 2012



EXPIRES: 6/30/14



# Oregon

John A. Kitzhaber, MD, Governor

**Water Resources Department**  
North Mall Office Building  
725 Summer Street NE, Suite A  
Salem, OR 97301-1271  
503-986-0900  
FAX 503-986-0904

**Date Mailed: October 2, 2012**

## **NOTICE OF CERTIFICATE ISSUANCE**

Attached is a certificate that confirms the water rights established under the terms of a transfer order issued by this Department.

This certificate is an order in other than a contested case. This order is subject to judicial review under ORS 183.482. Any petition for judicial review must be filed within the 60-day time period specified by ORS 183.482. Pursuant to ORS 183.482, ORS 536.075 and OAR 137-003-0675, you may petition for judicial review and 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.

This statement of judicial review rights is required under ORS 536.075; it does not alter or add to existing review rights or create review rights that are not otherwise provided by law.

The water must be controlled and not wasted. To change the location of the point of diversion, the character of use, or the location of use requires the advance approval of the Water Resources Director.

If you have any questions please contact Craig Kohanek at 503-986-0823.



# RA Mailing List for Transfer Certificate

Mailing Date:

Application: T- 10404

Certificate: 87786

Certificate/Transfer Holder: (include copy of map)

Kim Lemons; Ingle Butte Ranches  
P.O. BOX 28  
Mt. Vernon, OR 97865 ✓

Copies Mailed

By *Connie Vance*  
(SUPPORT STAFF)

on: OCT 02, 2012  
(DATE)

Copies of final Certificate to be sent to:

1. Data Center ✓
2. Water Availability ✓
3. Vault ✓
4. File ✓

Persons to receive via e-mail draft/proposed copies (completed by RA staff)

- 1.

Other Persons to receive copies (proposed and/or final certificate:(Include map)

1. Watermaster #4 Eric Julsrud ✓
2. Gary A. Wilson, CWRE ✓

Record Marking(s):

1. Original Application#
2. Old Certificate# 31684 ✓

S:\groups\wr\certs\Resource Center\Forms\_Checklists\_Mailing  
Instructions\Transfer\_CertMailingList for RA.doc

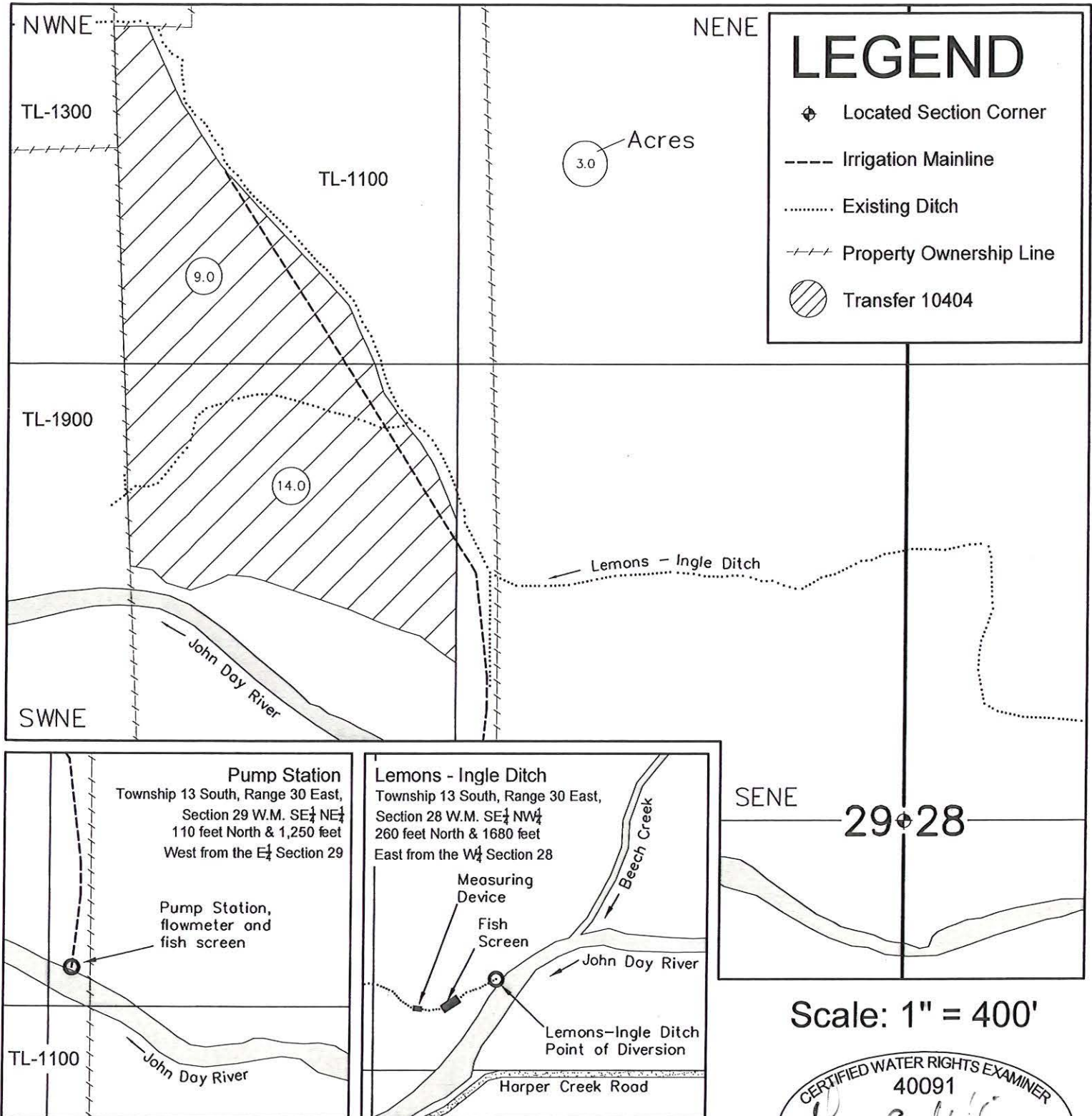
# FINAL PROOF SURVEY

Kim Lemons

Transfer No. 10404

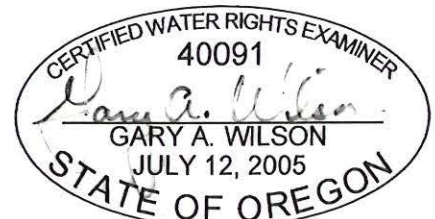
**COPY**

Township 13 South, Range 30 East, Section 29 W.M.



This map is not intended to provide legal dimensions or location of property ownership lines.

REVISED: August 2, 2012



EXPIRES: 6/30/14



# 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

November 24, 2008

KIM LEMONS  
INGLE BUTTE RANCHES  
PO BOX 28  
MT VERNON OR 97865

Reference: Transfer 10404

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

A time to complete the transfer is given the order. YOU SHOULD GIVE PARTICULAR ATTENTION TO THE TIME LIMIT. The water right for any portion of the authorized change in use or change in place of use NOT carried out within the time allowed will be lost.

An extension of the time limit can be allowed only upon a showing that diligent effort has been made to complete the actual change within the time allowed.

You have the requirement to hire a Certified Water Right Examiner (CWRE) to complete a Claim of Beneficial Use report and map which must be submitted to this department within one year of the date you completed the change or within one year of the completion date authorized in the transfer, whichever occurs first.

Sincerely,

Sarah Henderson  
Executive Support

cc: Watermaster #4  
Gary Wilson, CWRE  
Kyle Sullivan, Agent

Enclosure





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

In the Matter of Transfer Application	)	FINAL ORDER APPROVING
T-10404, Grant County	)	AN ADDITIONAL POINT
	)	OF DIVERSION

**Authority**

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

**Applicant**

KIM LEMONS  
c/o INGLE BUTTE RANCHES  
P.O. BOX 28  
MT VERNON, OR 97865

**Agent**

KYLE SULLIVAN  
GRANT SOIL & WATER CONSERVATION DIST.  
721 SOUTH CANYON BLVD.  
JOHN DAY, OR 97845

**Findings of Fact**

**Background**

1. On June 6, 2007, Kim Lemons of Ingle Butte Ranches filed an application to add a point of diversion under Certificate 31684. The Department assigned the application number T-10404.
2. The right to be transferred is as follows:  

<b>Certificate:</b>	31684 in the name of DENNIS LEMONS (John Day River (F) decree)
<b>Use:</b>	IRRIGATION of 23.0 ACRES
<b>Priority Date:</b>	1888
<b>Limit/Duty:</b>	ONE-FORTIETH of one cubic foot per second per acre irrigation from APRIL 1 to SEPTEMBER 30; further limited to 1.0 ACRE FOOT per acre per calendar month to JULY 1 and 0.75 ACRE FOOT per acre thereafter; total of not to exceed 5.0 ACRE FEET per acre per season measured at the point of diversion
<b>Source:</b>	JOHN DAY RIVER, a tributary of the COLUMBIA RIVER

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

**Authorized Point of Diversion:** Based upon the John Day River Decree and associated adjudication map, the tabulation describing the right recognizes and identifies a ditch and dam located as follows:

Twp	Rng	Mer	Sec	Q - Q	Survey Coordinates
13 S	30 E	WM	28	SE NW	LEMONS DITCH

**Authorized Place of Use:**

IRRIGATION					
Twp	Rng	Mer	Sec	Q - Q	Acres
13 S	30 E	WM	29	NW NE	9.0
13 S	30 E	WM	29	SW NE	14.0
TOTAL:					23.0

3. Application T-10404 proposes to add a point of diversion approximately 3,300 feet downstream from the authorized point of diversion to a pump site located:

Twp	Rng	Mer	Sec	Q - Q	Survey Coordinates
13 S	30 E	WM	29	SE NE	North 44 Degrees 24 Minutes, 38.9 seconds West 119 Degrees 7 minutes 41.3 Seconds

4. Notice of the application for transfer was published on June 12, 2007, pursuant to OAR 690-380-4000. No comments were filed in response to the notice. However, the Oregon Department of Fish and Wildlife (ODFW) has determined that a fish screening and/or by-pass device is necessary at the new point of diversion to prevent fish from entering the diversion and/or safely transport fish back to the body of water from which the fish were diverted and that the diversion is not currently equipped with an appropriate fish screening and/or by-pass device. This diversion may be eligible for screening cost share funds.
5. The Department determined that two primary water rights exist on the same ground as identified in this transfer, causing them to be "layered rights" as defined in OAR 690-380-0100(4). The lands authorized for primary irrigation under Certificate 31684 (priority date 1888) are also covered by primary irrigation water right Certificate 52195 (priority date March 6, 1911) issued in the name of Mt. Vernon Irrigation and Power Company. Consistent with OAR 690-380-5120, the Department shall consider the water right with the oldest priority date to be the primary water right unless the landowner/applicant designates otherwise. All other rights shall be diminished to supplemental water rights. The two water rights identified in this finding of fact are "layered rights" and are forever tied to each other.
6. On June 25, 2008, the Department mailed a copy of the draft Preliminary Determination proposing to approve Transfer Application T-10404 to the applicant and his agent. The draft Preliminary Determination set forth a deadline of July 9, 2008, for the applicant to respond. The applicant requested that the Department proceed with issuance of a Preliminary Determination and provided the necessary information to demonstrate that the applicant is authorized to pursue the transfer.

7. On September 8, 2008, the Department issued a Preliminary Determination proposing to approve Transfer T-10404 and mailed a copy to the applicant. Additionally, notice of the Preliminary Determination for the transfer application was published on the Department's weekly notice on September 9, 2008, and in the *Blue Mountain Eagle* newspaper on October 1, 8 and 15, 2008, pursuant to ORS 540.520 and OAR 690-380-4020. No protests were filed in response to the notice.

***Transfer Review Criteria [OAR 690-380-4010(2)]***

8. Water has been used within the last five years according to the terms and conditions of the right, and there is no information in the record that would demonstrate that the right is subject to forfeiture under ORS 540.610.
9. A diversion structure and ditch sufficient to use the full amount of water allowed under the existing right were present within the five-year period prior to submittal of Transfer T-10404.
10. The proposed change would not result in enlargement of the right.
11. The proposed change would not result in injury to other water rights.

**Conclusions of Law**

The additional point of diversion proposed in Transfer Application T-10404 is consistent with the requirements of ORS 540.505 to 540.580 and OAR 690-380-5000.

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

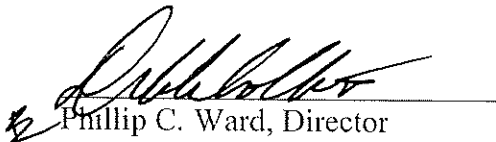
1. The new additional point of diversion proposed in Transfer Application T-10404 is approved.
2. The right to the use of the water is restricted to beneficial use at the place of use described, and is subject to all other conditions and limitations contained in Certificate 31684 and any related decree.
3. Water right certificate 31684 is cancelled.
4. The quantity of water diverted at the new additional point of diversion, together with that diverted at the original point of diversion, shall not exceed the quantity of water lawfully available at the original point of diversion.
5. Prior to diverting water, the water user shall install a fish screening and/or by-pass device, as appropriate, at the new point of diversion consistent with the Oregon Department of Fish and Wildlife's (ODFW) design and construction standards. Prior to installation, the water user shall obtain written approval from ODFW that the required screen and/or by-pass device meets ODFW's criteria. Prior to submitting a Claim of Beneficial Use, the water user must obtain written approval from ODFW that the required screening and/or by-pass device was



installed to the state's criteria. The water user shall maintain and operate the fish screen and/or by-pass device, as appropriate, at the point of diversion consistent with ODFW's operational and maintenance standards.

6. Prior to diverting water at the new additional point of diversion, the water user shall install an in-line flow meter, weir, or other suitable device for measuring and recording the quantity of water diverted. 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. The water user shall maintain and operate the measuring device as required by the Department.
7. When required by the Department, the water user shall install, maintain and operate a headgate to control and regulate the quantity of water diverted. The type and plans of the headgate must be approved by the Department prior to beginning construction and shall be installed under the general supervision of the Department.
8. The approved change shall be completed and full beneficial use of the water shall be made on or before **October 1, 2010**. A Claim of Beneficial Use prepared by a Certified Water Rights Examiner shall be submitted by the applicant to the Department within one year after the deadline for completion of the change and full beneficial use of the water.
9. When satisfactory proof of the completed change is received, a new certificate confirming the right transferred will be issued.

Dated at Salem, Oregon this 17 day of November 2008.

  
Phillip C. Ward, Director

Mailing date: NOV 25 2008

## STATE OF OREGON

COUNTY OF GRANT

## CERTIFICATE OF WATER RIGHT

This Is to Certify, That DENNIS LEMONS

of Mt. Vernon, State of Oregon, has a right  
to the use of the waters of John Day River

a tributary of Columbia River for the purpose of  
irrigation

and that said right has been confirmed by decree of the Circuit Court of the State of Oregon for  
Grant County, and the said decree entered of record at Salem, in the Order Record of  
the STATE ENGINEER, in Volume 15, at page 461; that the priority of the right thereby  
confirmed dates from 1888

that the amount of water to which such right is entitled, for the purposes aforesaid, is limited to an  
amount actually beneficially used for said purposes, and shall not exceed  $1/40$ th cubic foot per  
second per acre irrigated from April 1 to September 30; further limited to one  
acre-foot per acre per calendar month to July 1 and  $3/4$  acre-foot per acre  
thereafter; total five acre feet per acre per season measured at point of  
diversion

The point of diversion is located in the

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

9.0 acres NW $\frac{1}{4}$  NE $\frac{1}{4}$   
14.0 acres SW $\frac{1}{4}$  NE $\frac{1}{4}$   
Section 29  
T. 13 S., R. 30 E., W. M.

NOTE: This certificate is issued pursuant to the order of the Circuit Court  
for Grant County, entered May 15, 1962, to correct and supersede that certain  
water right certificate heretofore issued to Benton G. Ingle and recorded at page  
25368, Volume 17, State Record of Water Right Certificates, so as to correctly  
locate the lands irrigated.

And said right shall be subject to all other conditions and limitations contained in said decree.  
The right to the use of the water for the purposes aforesaid is restricted to the lands or place  
of use herein described.

WITNESS the signature of the State Engineer, affixed

this date AUGUST 24 1964, 19

CHRIS L. WHEELER

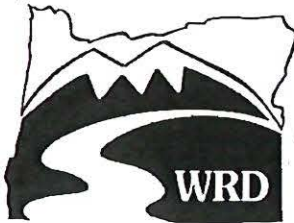
State Engineer

Recorded in State Record of Water Right Certificates, Volume 23, page 31684

T-10404

# Completion Checklist for CWRE Claims of Beneficial Use

Application # T-10404



Date Received 9/26/2011

CWRE Name Gary A. Wilson

Claim Logged my

File Marked \_\_\_\_\_

Oversized Map # \_\_\_\_\_

Read the file and attach a copy of the permit or transfer final order. \_\_\_\_\_

## Map Review:

- ☒ Map on polyester film (OAR 690-014-0170(1) & 310-0050(1)(b))
- ☒ Application & permit #; or transfer # (OAR 690-014-0100(1))
- ☒ Disclaimer (OAR 690-014-0170(5))
- DEF ☒ North arrow (OAR 690-310-0050(2)(c)) Required New map
- ☒ CWRE stamp and signature (OAR 690-014 & 310-0050)
- ☒ Appropriate scale (1" = 1320', 1" = 400', or the original full-size scale of the county assessor map) (014 & 310)
- ☒ Township, range, section, and tax lot numbers (OAR 690-310-0050(4))
- ☒ Source illustrated if surface water (OAR 690-014-0170(3))
- ☒ Point(s) of diversion or appropriation (illustrated) (OAR 690-014(4) & 690-310-0050)
- ☒ Point(s) of diversion or appropriation (coordinates) (OAR 690-014(4) & 690-310-0050)
- ☒ Conveyance structures illustrated (pump, pipelines, ditches, etc.) (OAR 690-310-0050)
- DEF ☒ Description of the location, in relation to the point of diversion or appropriation, of any fish screens, by-pass devices, and measuring devices required (OAR 690-014(4)) Doesn't show on map
- ☒ Place of use (1/4 1/4, or projected 1/4 1/4 lines within DLCs, or Gov Lots; if irrigation, # of acres in each subdivision; if for domestic or human consumption, location of dwelling or spigot) (OAR 690-310-0050, 690-014, 690-380-6010)

Doesn't show on map. Form from OAR provided saying it's installed.

map doesn't show existing POD. Need to find out if they intend to claim it.

## Report Review:

- ☒ On form or format provided by the Department (OAR 690-014-0100(1))
- ☒ Application & permit #; or transfer # (OAR 690-014)
- ☒ Ownership information (OAR 690-014)
- ☒ Date of survey (OAR 690-014)
- ☒ Person interviewed (OAR 690-014)
- ☒ County (OAR 690-014)
- N/A ☒ Tax lot information (OAR 690-014)
- ☒ Description of conveyances system (from POD to POU) (OAR 690-014-0100)
- ☒ Source(s) of water (OAR 690-014-0100)
- ☒ Point of diversion/appropriation location (OAR 690-014-0100)
- ☒ Use, period of use, and rate for use (OAR 690-014-0100)
- ☒ Place of use location (OAR 690-014-0100)
- ☒ Type of use (OAR 690-014-0100)
- ☒ Extent of use (OAR 690-014-0100)
- ☒ Rate and Duty (OAR 690-014-0100)
- ☒ Diversion rate for each use (OAR 690-014-0100)
- ☒ Diversion works description (pump make, serial model, capacity, and description) (OAR 690-014-0100)
- ☒ System capacity (OAR 690-014-0100)
  - ☒ Calculated capacity of system (required)
  - ☐ Measured amount of use (optional)
- ☐ Permit/Transfer Final Order Conditions (OAR 690-014-0100)
  - ☐ Time limits
  - ☐ Initial water level measurements
  - ☐ Annual static water level measurements
  - ☐ Measurement, recording, and reporting
    - ☒ Meter/measuring device
    - ☐ Water use reporting
  - ☒ Fish screening and/or by-pass
  - ☐ Pump test (ground water)
  - ☐ Other conditions
- ☒ CWRE stamp and signature (OAR 690-014-0100)
- ☒ Signature(s) of permittee of transfer holder (OAR 690-014-0100)

DEF = deficient

N/A = Not Applicable



## Certificate Issuance Processing Checklist

☒ Map and COBU reviewed  
☒ Conflict check (include copy of plat card printout) Any Conflicts? NO  
☐ Check for ownership

### Staff Recommendations:

\_\_\_\_\_ Proof to the Satisfaction has been established to the full extent as described in the permit or transfer order.

\_\_\_\_\_ Proof to the Satisfaction has been not been established to the full extent as described in the permit or transfer order and the right should be limited as follows: \_\_\_\_\_

\_\_\_\_\_ Proof to the Satisfaction has not been established for the following reasons: \_\_\_\_\_

\_\_\_\_\_ **Proposed Actions:**  
Send letter requesting the following items/information: \_\_\_\_\_  
Send letter recommending extension to cure deficiencies: \_\_\_\_\_

Can certificate be processed further?

\_\_\_\_\_ Yes

If "Yes":

\_\_\_\_\_ Proposed  
\_\_\_\_\_ Final

Certificate # \_\_\_\_\_

Mailing list:

Proposed:

Final:

**CLAIM OF  
BENEFICIAL USE  
for Permits claiming more  
than 0.1 cfs and All Transfers**



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

**A fee of \$150 must accompany this form to be accepted for permits  
with a priority date of July 9, 1987, or later. (ORS 536.050(1))**

**A separate form shall be completed for each permit.**

*In cases where a permit has been amended through the permit amendment process, a separate claim for the permit amendment is not required. Incorporate the permit amendment into the claim for the permit.*

This form is subject to revision. **Begin each new claim** by checking for a new version of this form at:  
[http://www.wrd.state.or.us/OWRD/WR/cwre\\_info.shtml#](http://www.wrd.state.or.us/OWRD/WR/cwre_info.shtml#).

The completion of this form is required by OAR 690-014-0100(1) and 690-014-0110(4).

Please type or print in dark ink. If this form is found to contain errors or omissions, it may be returned to you. **Every item must have a response.** If any requested information does not apply to the claim, insert "NA." **Do not delete or alter any section of this form unless directed by the form.** The Department may require the submittal of additional information from any water user or authorized agent.

If you have questions regarding the completion of this form, please call 503-986-0900 and ask for the Certificate Section.

The Department has a program that allows it to enter into a voluntary agreement with an applicant for expedited services. Under such an agreement, the applicant pays the cost to hire additional staff that would not otherwise be available. This program means a certificate may be issued in about a month. For more information on this program see [http://www.wrd.state.or.us/OWRD/mgmt\\_reimbursement\\_authn.htm](http://www.wrd.state.or.us/OWRD/mgmt_reimbursement_authn.htm).

**SECTION 1**

**GENERAL INFORMATION**

SEP 26 2011

WATER RESOURCES DEPT  
SALEM, OREGON

**1. File Information**

APPLICATION # (G, R, S or T) <b>T-10404</b>	PERMIT # (IF APPLICABLE)	PERMIT AMENDMENT # (IF APPLICABLE)
--	--------------------------	------------------------------------

**2. Property Owner (current owner information)**

APPLICANT/BUSINESS NAME <b>Kim Lemons / Ingle Butte Ranches</b>		PHONE NO. <b>(541) 932-4854</b>	ADDITIONAL CONTACT NO.
ADDRESS <b>P.O. Box 28</b>			
CITY <b>Mt Vernon</b>	STATE <b>OR</b>	ZIP <b>97865</b>	E-MAIL

If the current property owner is not the permit or transfer holder of record, it is recommended that an assignment be filed with the Department. **The COBU must be signed by the permit or transfer holder of record.**



3. Is the Property Owner the permit or transfer holder of record?

YES

If "YES" the remainder of this item may be deleted.

Permit or transfer holder of record (this may, or may not, be the current property owner)

PERMIT OR TRANSFER HOLDER OF RECORD		
ADDRESS		
CITY	STATE	ZIP

Are there additional permit or transfer holders of record?

NO

4. Date of Site Inspection: September 1, 2011

5. Person(s) interviewed and description of their association with the project:

NAME	DATE	ASSOCIATION WITH THE PROJECT
Kim Lemons	Sept. 12, 2011	Landowner

6. County: Grant

7. If any property described in the place of use of the permit or transfer final order is excluded from this report, identify the owner of record for that property (ORS 537.230(4)):

\*\*Mark "NA" if there are no owners of property not included in this claim

OWNER OF RECORD		
N/A		
ADDRESS		
CITY	STATE	ZIP

Are there additional Owners of Record?

NO

## SECTION 2

### SYSTEM DESCRIPTION

#### A. Points of Diversion/Appropriation

1. Point of diversion/appropriation name or number:

POINT OF DIVERSION/APPROPRIATION (POD/POA) NAME OR NUMBER (CORRESPOND TO MAP)	WELL LOG ID # FOR ALL WORK PERFORMED ON THE WELL (IF APPLICABLE)	WELL TAG # (IF APPLICABLE)
Pump Station		

Attach each well log available for the well (include the log for the original well and any subsequent alterations, reconstructions, or deepenings)

RECEIVED

SEP 26 2011

WATER RESOURCES DEPT  
SALEM, OREGON



2. Point of diversion/appropriation source and, if from surface water, the tributary:

POD/POA NAME OR NUMBER	SOURCE	TRIBUTARY
Pump Station	John Day River	Columbia River

3. Developed use(s), period of use, and rate for each use:

POD/POA NAME OR NUMBER	USES	IF IRRIGATION, LIST CROP TYPE	SEASON OR MONTHS WHEN WATER WAS USED	RATE OR VOLUME FOR USE (CFS, GPM, OR AF)
Pump Station	Irrigation	Meadow Hay	April 1 through September 30	0.575 cfs
Total Quantity of Water Used				0.575 cfs

4. Provide a general narrative description of the distribution works. This description must trace the water system from each point of diversion or appropriation to the place of use:

Water is diverted from the river by a pump through buried mainline. 480-feet of 8-inch aluminum pipe has been connected to a riser via hose and runs above ground along the edge of the field serving two sets of wheelines. A second hose directly supplies a third set of wheelines and a handline.

RECEIVED

SEP 26 2011

WATER RESOURCES DEPT  
SALEM, OREGON

## SECTION 2

### SYSTEM DESCRIPTION

#### A. Points of Diversion/Appropriation

1. Point of diversion/appropriation name or number:

POINT OF DIVERSION/APPROPRIATION (POD/POA) NAME OR NUMBER (CORRESPOND TO MAP)	WELL LOG ID # FOR ALL WORK PERFORMED ON THE WELL (IF APPLICABLE)	WELL TAG # (IF APPLICABLE)
<b>Pump Station</b>		
<b>Lemons - Ingle Ditch</b>		

Attach each well log available for the well (include the log for the original well and any subsequent alterations, reconstructions, or deepenings)

2. Point of diversion/appropriation source and, if from surface water, the tributary:

POD/POA NAME OR NUMBER	SOURCE	TRIBUTARY
<b>Pump Station</b>	<b>John Day River</b>	<b>Columbia River</b>
<b>Lemons- Ingle Ditch</b>	<b>John Day River</b>	<b>Columbia River</b>

3. Developed use(s), period of use, and rate for each use:

POD/POA NAME OR NUMBER	USES	IF IRRIGATION, LIST CROP TYPE	SEASON OR MONTHS WHEN WATER WAS USED	RATE OR VOLUME FOR USE (CFS, GPM, OR AF)
<b>Pump Station</b>	<b>Irrigation</b>	<b>Meadow Hay</b>	<b>April 1 through September 30</b>	<b>0.575 cfs</b>
<b>Lemons - Ingle Ditch</b>	<b>Irrigation</b>	<b>Meadow Hay</b>	<b>April through September 30</b>	<b>0.575 cfs</b>
<b>Total Quantity of Water Used</b>				<b>0.575 cfs</b>

4. Provide a general narrative description of the distribution works. This description must trace the water system from **each** point of diversion or appropriation to the place of use:

**Pump Station: Water is diverted from the river by a pump through buried mainline. 480-feet of 8-inch aluminum pipe is connected to a riser via hose and runs above ground along the edge of a field serving two sets of wheelines. A second hose directly supplies a third set of wheelines and and a handline.**

**Lemons - Ingle Ditch: Water is diverted from the river via a lay-flat stanchion dam into the ditch; several laterals on the property supply water to the fields.**



EXPIRES: **6/30/14**

RECEIVED BY OWRD

SEP 24 2012

SALEM, OR



## SECTION 2

### SYSTEM DESCRIPTION (B through H)

Are there multiple PODs or POAs?

YES

If "YES" you will need to copy and complete Sections 2B through 2H for each POD/POA.

POD/POA Name or Number this section describes (only needed if there is more than one):

Lemons - Ingle Ditch

#### B. Place of Use

1. Is the right for municipal use?

NO

If "YES" the table below may be deleted.

TWP	RNG	MER	SEC	QQ	GLOT	DLC	USE	IF IRRIGATION, # PRIMARY ACRES	IF IRRIGATION, # SUPPLEMENTAL ACRES
13S	30E	WM	29	NWNE			Irrigation	9.0	0.0
13S	30E	WM	29	SWNE			Irrigation	14.0	0.0
Total Acres Irrigated								23.0	0.0

Reminder: The map associated with this claim must identify Donation Land Claims (DLC), Government Lots (GLOT), Quarter Quarters (QQ), and if for irrigation, the number of acres irrigated within each projected DLC, GLOT, and QQ.

#### C. Diversion and Delivery System Information

Provide the following information concerning the diversion and delivery system. Information provided must describe the equipment used to transport and apply the water from the point of diversion/appropriation to the place of use.

1. Is a pump used?

NO

7. Is the distribution system piped?

NO

12. Additional notes or comments related to the system:

#### D. Groundwater Source Information (Well and Sump)

1. Is the appropriation from ground water (well or sump)?

NO



EXPIRES: 6/30/14

RECEIVED BY OWRD

SEP 24 2012

SALEM, OR



## E. Storage

1. Does the distribution system include in-system storage (i.e. storage tank, bulge in system / reservoir)

NO

## F. Gravity Flow Pipe

(THE DEPARTMENT TYPICALLY USES THE HAZEN-WILLIAM'S FORMULA FOR A GRAVITY FLOW PIPE SYSTEM)

1. Does the system involve a gravity flow pipe?

NO

## G. Gravity Flow Canal or Ditch

(THE DEPARTMENT TYPICALLY USES MANNING'S FORMULA FOR CANALS AND DITCHES)

1. Is a gravity flow canal or ditch used to convey the water as part of the distribution system?

YES

If "NO", items 2 through 4 relating to this section may be deleted.

2. Complete the table:

CANAL OR DITCH TYPE (MATERIAL)	TOP WIDTH OF CANAL OR DITCH	BOTTOM WIDTH OF CANAL OR DITCH	DEPTH	"N" FACTOR	AMOUNT OF FALL	LENGTH OF CANAL / DITCH	SLOPE	COMPUTED RATE (IN CFS)
Earthen (Upper)	5.6 ft	1.01 ft	1.5 ft	0.028	6.66 ft	3,243 ft	0.0021	9.9 cfs
Earthen (Middle)	7.2 ft	0.76 ft	1.5 ft	0.028	0.48 ft	856 ft	0.00056	6.9 cfs
Earthen (Lower)	8.3 ft	1.05 ft	1.5 ft	0.028	0.48 ft	856 ft	0.00056	7.5 cfs

3. Provide calculations:

See Attached; Multiple cross-sections were taken to verify capacity due to ditch length.

4. If an actual measurement was taken, provide the following:

DATE OF MEASUREMENT	WHO MADE THE MEASUREMENT	MEASUREMENT METHOD	MEASURED QUANTITY OF WATER (IN CFS)
August 10, 2012	Grant SWCD	Read gage height on ramp flume in ditch and used rating table to determine flow.	2.79 cfs

Attach measurement notes.

## H. Reservoir

1. Does the claim involve a reservoir modified through a transfer?

NO



EXPIRES: 6/30/14

RECEIVED BY OWRD

SEP 24 2012

SALEM, OR

## SECTION 2

### SYSTEM DESCRIPTION (B through H)

Are there multiple PODs or POAs?

NO

If "YES" you will need to copy and complete Sections 2B through 2H for each POD/POA.

POD/POA Name or Number this section describes (only needed if there is more than one):

#### B. Place of Use

1. Is the right for municipal use?

NO

#### C. Diversion and Delivery System Information

Provide the following information concerning the diversion and delivery system. Information provided must describe the equipment used to transport and apply the water from the point of diversion/appropriation to the place of use.

1. Is a pump used?

YES

If "NO" items 2 through item 6 may be deleted.

##### 2. Pump Information

MANUFACTURER	MODEL	SERIAL NUMBER	TYPE (CENTRIFUGAL, TURBINE OR SUBMERSIBLE)	INTAKE SIZE	DISCHARGE SIZE
Cornell	2.5WH-CC	148498	Centrifugal	3-inch	2.5-inch

##### 3. Motor Information

MANUFACTURER	HORSEPOWER
Baldor	20

##### 4. Theoretical Pump Capacity

HORSEPOWER	OPERATING PSI	LIFT FROM SOURCE TO PUMP *If a well, the water level during pumping	LIFT FROM PUMP TO PLACE OF USE	TOTAL PUMP OUTPUT (IN CFS)
20	62 psi	5-feet	1-foot	0.81

##### 5. Provide pump calculations:

###### Calculations Attached:

Flow calculations and manufacturers pump curve indicate pump has capacity to satisfy full irrigation rate (0.575 cfs).

##### 6. Measured Pump Capacity (using meter if meter was present and system was operating)

INITIAL METER READING	ENDING METER READING	DURATION OF TIME OBSERVED	TOTAL PUMP OUTPUT (IN CFS)
Not working properly			

Reminder: For pump calculations use the reference information at the end of this document.

RECEIVED

SEP 26 2011

WATER RESOURCES DEPT  
SALEM, OREGON



7. Is the distribution system piped?

YES

If "NO" items 8 through item 11 may be deleted.

8. Mainline Information

MAINLINE SIZE	LENGTH	TYPE OF PIPE	BURIED OR ABOVE GROUND
8-inch	1205 feet	PVC	Buried
6-inch	855 feet	PVC	Buried

9. Lateral or Handline Information

LATERAL OR HANDLINE SIZE	LENGTH	TYPE OF PIPE	BURIED OR ABOVE GROUND
6-inch	840 feet	Aluminum	Above Ground

10. Sprinkler Information

SIZE	OPERATING PSI	SPRINKLER OUTPUT (GPM)	TOTAL NUMBER OF SPRINKLERS	MAXIMUM NUMBER USED	TOTAL SPRINKLER OUTPUT (CFS)
9/64-inch	50	4	44	44	0.39
11/64-in.	50	6	4	4	0.05
5/32-inch	50	5	14	14	0.16

Reminder: For sprinkler output determination use the reference information at the end of this document.

11. Pivot Information

MANUFACTURER	MAXIMUM WETTED RADIUS	OPERATING PSI	TOTAL PIVOT OUTPUT (GPM)	TOTAL PIVOT OUTPUT (CFS)

12. Additional notes or comments related to the system:

--

D. Groundwater Source Information (Well and Sump)

1. Is the appropriation from ground water (well or sump)?

NO

If "NO", items 2 through 8 relating to this section may be deleted.



### **E. Storage**

1. Does the distribution system include in-system storage (i.e. storage tank, bulge in system / reservoir)

NO

### **F. Gravity Flow Pipe**

(THE DEPARTMENT TYPICALLY USES THE HAZEN-WILLIAM'S FORMULA FOR A GRAVITY FLOW PIPE SYSTEM)

1. Does the system involve a gravity flow pipe?

NO

### **G. Gravity Flow Canal or Ditch**

(THE DEPARTMENT TYPICALLY USES MANNING'S FORMULA FOR CANALS AND DITCHES)

1. Is a gravity flow canal or ditch used to convey the water as part of the distribution system?

NO

### **H. Reservoir**

1. Does the claim involve a reservoir modified through a transfer?

NO

**RECEIVED**

SEP 26 2011

WATER RESOURCES DEPT  
SALEM, OREGON

## SECTION 3 CONDITIONS

Please pay special attention to this section. All conditions contained in the permit, permit amendment, transfer final order, or any extension final order shall be addressed. Reports that do not address all performance related conditions will be returned.

### 1. Time Limits:

Permits, transfer final orders, and any extension final orders contain any or all of the following dates; the date when the actual construction work was to begin, the date when the construction was to be completed, and the date when the complete application of water to the proposed use is to be completed by. These dates may be referred to as ABC dates. Describe how the water user has complied with each of the development timelines established in the permit, extension or transfer final order:

	DATE FROM PERMIT OR TRANSFER	DATE ACCOMPLISHED*	DESCRIPTION OF ACTIONS TAKEN BY WATER USER TO COMPLY WITH THE TIME LIMITS
ISSUANCE DATE	<b>November 24, 2008</b>		
BEGIN CONSTRUCTION (A)		<b>July, 2007</b>	
COMPLETE CONSTRUCTION (B)		<b>September, 2007</b>	<b>Installed pump station, buried mainline and flow measuring device.</b>
COMPLETE APPLICATION OF WATER (C)	<b>October 1, 2010</b>	<b>June 15, 2009</b>	<b>Installed aluminum mainline and sprinklers.</b>

\* MUST BE WITHIN PERIOD BETWEEN PERMIT, TRANSFER FINAL ORDER, OR ANY EXTENSION FINAL ORDER ISSUANCE AND THE DATE TO COMPLETELY APPLY WATER

### 2. Is there an extension final order(s)?

**NO**

### 4. Initial Water Level Measurements:

#### a. Was the water user required to submit an initial static water level measurement?

**NO**

### 5. Annual Static Water Level Measurements:

#### a. Was the water user required to submit annual static water level measurements?

**NO**

### 6. Pump Test (Required for most ground water permits prior to issuance of a certificate)

#### a. Did the permit require the submittal of a pump test?

**NO**

### 7. Measurement Conditions:

#### a. Does the permit, permit amendment, transfer final order, or any extension final order require the installation of a meter or approved measuring device?

**YES**

*If "NO", items 7b through 7f relating to this section may be deleted.*

**Reminder: If a meter or approved measuring device was required, the COBU map must indicate the location of the device in relation to the point of diversion or appropriation.**

#### b. Has a meter been installed?

**YES**

**RECEIVED**

**SEP 26 2011**



c. Meter Information

POD/POA NAME OR #	MANUFACTURER	SERIAL #	CONDITION (WORKING OR NOT)	CURRENT METER READING	DATE INSTALLED
Pump Station	McCrometer	07-04760-08	Not	450 gpm	September, 2007

d. If a meter has not been installed, has a suitable measuring device been installed and approved by the Department?

YES NO

8. Recording and reporting conditions

a. Is the water user required to report the water use to the Department?

NO

9. Fish Screening

a. Are any points of diversion required to be screened to prevent fish from entering the point of diversion?

YES

*If "NO", items 9b through 9e relating to this section may be deleted.*

**Reminder: If fish screening devices were required, the COBU map must indicate their location in relation to the point of diversion.**

b. Has the fish screening been installed?

YES

c. When was the fish screening installed?

DATE	BY WHOM
September, 2007	David Brush Construction

d. If the diversion **involves a pump** and the total diversion rate of all rights at the point of diversion is less than 225 gpm (0.5 cfs):

- Has the self-certification form previously been submitted to the Department?
- If not, go to <http://www.wrd.state.or.us/OWRD/PUBS/forms.shtml>, complete and attach a copy of the self-certification form to this claim, and send a copy of it to the Oregon Department of Fish and Wildlife (ODFW).

NA

**Reminder: Failure to submit evidence of a timely installed fish screen may result in an unfavorable determination. The ODFW self certification form needs to have been previously submitted or be attached to this form.**

e. If the diversion does **not involve a pump** or the total diversion rate of all rights at the point of diversion is 225 gpm (0.5 cfs) or greater:

- Has the ODFW approval been previously submitted?
- If not, contact and work with ODFW to ensure compliance. To demonstrate compliance, provide signed documentation from ODFW. A form is available at <http://www.wrd.state.or.us/OWRD/PUBS/forms.shtml>

YES

**Reminder: Failure to submit evidence of a timely installed fish screen may result in an unfavorable determination. In order to receive a favorable approval, the ODFW/WRD "Fish Screen Inspection" form needs to have been previously submitted or be attached to this form.**

10. By-pass Devices

a. Are any points of diversion required to have a by-pass device to prevent fish from entering the point of diversion?

NO

RECEIVED

SEP 26 2011

WATER RESOURCES DEPT  
SALEM, OREGON



11. Other conditions required by permit, permit amendment final order, extension final order, or transfer final order

- a. Were there special well construction standards? NO
- b. Was submittal of a ground water monitoring plan required? NO
- c. Was the water user required to restore the riparian area if it was disturbed? NO
- d. Was a fishway required? NO
- e. Was submittal of a letter from an engineer required prior to storage of water? NO
- f. Was submittal of a water management and conservation plan required? NO
- g. Other conditions? NO

If "YES" to any of the above, identify the condition and describe the water user's actions to comply with the condition(s):

----------------------

#### SECTION 4 VARIATIONS

Include a description of variations from the permit, permit amendment final order, extension final order, or transfer final order. (i.e. *"The permit allowed three points of diversion. The water user only developed one of the points."* or *"The permit allowed 40.0 acres of irrigation. The water user only developed 10.0 acres."*)

----------------------------------

#### SECTION 5 ATTACHMENTS

If you are attaching any documents to this report, provide a list:

ATTACHMENT NAME	DESCRIPTION

RECEIVED

SEP 26 2011

WATER RESOURCES DEPT  
SALEM, OREGON

## SECTION 6

### CLAIM SUMMARY

POD / POA NAME OR #	MAXIMUM RATE AUTHORIZED	CALCULATED THEORETICAL RATE BASED ON SYSTEM	AMOUNT OF WATER MEASURED	USE	# OF ACRES ALLOWED	# OF ACRES DEVELOPED
<b>Pump Station</b>	<b>0.575 cfs</b>	<b>0.81 cfs</b>	<b>0.6 cfs</b>	<b>Irrigation</b>	<b>23.0</b>	<b>23.0</b>
<b>Lemons Ingle Ditch</b>	<b>0.575 cfs</b>	<b>9.9 cfs</b>	<b>2.79 cfs</b>	<b>Irrigation</b>	<b>23.0</b>	<b>23.0</b>

## SECTION 7

### CLAIM OF BENEFICIAL USE MAP

The Claim of Beneficial Use Map must be submitted with this claim. Claims submitted without the Claim of Beneficial Use map will be returned. The map shall be submitted on poly film at a scale of 1" = 1320 feet, 1" = 400 feet, or the original full-size scale of the county assessor map for the location.

Provide a general description of the survey method used to prepare the map. Examples of possible methods include, but are not limited to, a traverse survey, GPS, or the use of aerial photos. If the basis of the survey is an aerial photo, provide the source, date, series and the aerial photo identification number.

**Survey was conducted on September 1, 2011 using a Topcon survey grade GPS unit and data imported into AutoCAD 2008. Orthoimagery from 2005 (0.5 meter resolution) and 2011 (0.1 meter) was rectified to confirm the survey as well as locate rivers, roads, etc... The system was not running at the time, so, a follow up inspection was made on September 14, 2011 to obtain pressure and flow measurement device readings. A subsequent site visit was made August 10, 2012 to take ditch measurements on the Lemons Ingle Ditch in order to prove up on the original Point of Diversion.**

#### Map Checklist

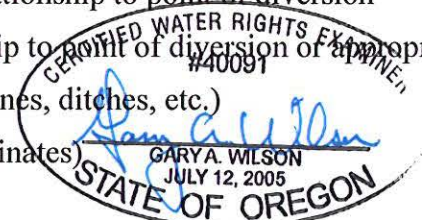
RECEIVED BY OWRD

Please be sure that the map you submit includes ALL the items listed below.  
(Reminder: Incomplete maps and/or claims may be returned.)

SEP 24 2012

SALEM, OR

- ☒ Map on polyester film
- ☒ Appropriate scale (1" = 400 feet, 1" = 1320 feet, or the original full-size scale of the county assessor map)
- ☒ Township, Range, Section, Donation Land Claims, and Government Lots
- ☒ If irrigation, number of acres irrigated within each projected Donation Land Claims, Government Lots, Quarter-Quarters
- ☒ Locations of fish screens and/or fish by-pass devices in relationship to point of diversion
- ☒ Locations of meters and/or measuring devices in relationship to point of diversion or appropriation
- ☒ Conveyance structures illustrated (pumps, reservoirs, pipelines, ditches, etc.)
- ☒ Point(s) of diversion or appropriation (illustrated and coordinates)
- ☒ Tax lot boundaries and numbers
- ☒ Source illustrated if surface water



EXPIRES: 6/30/14



## SECTION 6

### CLAIM SUMMARY

POD / POA NAME OR #	MAXIMUM RATE AUTHORIZED	CALCULATED THEORETICAL RATE BASED ON SYSTEM	AMOUNT OF WATER MEASURED	USE	# OF ACRES ALLOWED	# OF ACRES DEVELOPED
Pump Station	0.575	0.81	0.60	Irrigation	23.0	23.0

## SECTION 7

### CLAIM OF BENEFICIAL USE MAP

The Claim of Beneficial Use Map must be submitted with this claim. Claims submitted without the Claim of Beneficial Use map will be returned. The map shall be submitted on poly film at a scale of 1" = 1320 feet, 1" = 400 feet, or the original full-size scale of the county assessor map for the location.

Provide a general description of the survey method used to prepare the map. Examples of possible methods include, but are not limited to, a traverse survey, GPS, or the use of aerial photos. If the basis of the survey is an aerial photo, provide the source, date, series and the aerial photo identification number.

Survey was conducted on September 1, 2011 using a Topcon survey grade GPS unit and data imported into AutoCAD 2008. Orthoimagery from 2005 (0.5 meter resolution) was rectified to confirm the survey as well as locate rivers, roads, etc... The system was not running at the time, so, a follow up inspection was made on September 14, 2011 to obtain pressure and flow measurement device readings.



### Map Checklist

Please be sure that the map you submit includes ALL the items listed below.  
(Reminder: Incomplete maps and/or claims may be returned.)

- ☒ Map on polyester film.
- ☒ Appropriate scale (1" = 400 feet, 1" = 1320 feet, or the original full-size scale of the county assessor map)
- ☒ Township, Range, Section, Donation Land Claims, and Government Lots
- ☒ If irrigation, number of acres irrigated within each projected Donation Land Claims, Government Lots, Quarter-Quarters
- ☒ Locations of fish screens, fish by-pass devices, meters and measuring devices in relationship to point of diversion or appropriation.
- ☒ Conveyance structures illustrated (pumps, reservoirs, pipelines, ditches, etc.)
- ☒ Point(s) of diversion or appropriation (illustrated and coordinates)
- ☒ Tax lot boundaries and numbers
- ☒ Source illustrated if surface water

RECEIVED

SEP 26 2011

WATER RESOURCES DEPT  
SALEM, OREGON



- ☒ Disclaimer ("This map is not intended to provide legal dimensions or locations of property ownership lines")
- ☒ Application and permit number or transfer number
- ☒ North arrow
- ☒ Legend
- ☒ CWRE stamp and signature

**RECEIVED**

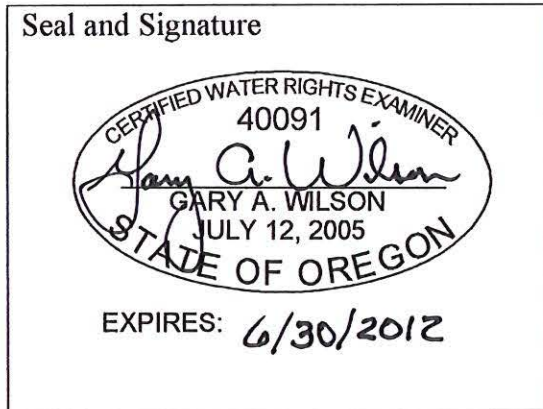
SEP 26 2011

**WATER RESOURCES DEPT  
SALEM, OREGON**

**SECTION 8**  
**SIGNATURES**

CWRE Statement, Seal and Signature

The facts contained in this Claim of Beneficial Use are true and correct to the best of my knowledge.



CWRE NAME <b>Gary Wilson</b>		PHONE NO. <b>541 575-0135 x111</b>	ADDITIONAL CONTACT NO.
ADDRESS <b>Grant SWCD, 721 S. Canyon Blvd</b>			
CITY <b>John Day</b>	STATE <b>OR</b>	ZIP <b>97845</b>	E-MAIL <b>grantswcd@centurytel.net</b>

Permit or Transfer Holder's of Record Signature or Acknowledgement

The facts contained in this Claim of Beneficial Use are true and correct to the best of my knowledge. I request that the Department issue a water right certificate.

SIGNATURE	PRINT OR TYPE NAME	DATE
	<b>Kim Lemon</b>	<b>9-12-11</b>

**RECEIVED**

**SEP 26 2011**

**WATER RESOURCES DEPT  
SALEM, OREGON**

**SECTION 9**  
**REFERENCE INFORMATION FOR CWRE USE**  
*(Please DO NOT submit these pages.)*

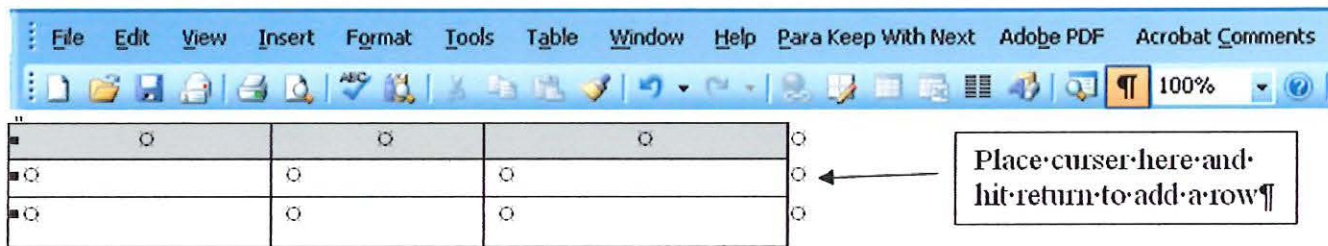
Additional information is available at: [http://www.wrd.state.or.us/OWRD/WR/cwre\\_info.shtml](http://www.wrd.state.or.us/OWRD/WR/cwre_info.shtml)

**MS Word Hints**

To add rows to a table, click outside the table on the far right and hit enter.


Place cursor here and  
hit return to add a row

If you are having difficulty placing the cursor outside the table, click on the Show/Hide (Paragraph) icon ¶. This is found on the Standard toolbar (View => Toolbars => Standard) of some versions of Word.



Place cursor here and  
hit return to add a row ¶

To resolve page numbering issues, go to print preview. Page through the entire document (while in print preview), then print from print preview.

**RECEIVED**

SEP 26 2011

WATER RESOURCES DEPT  
SALEM, OREGON



## Common Calculations

The Department typically uses the following calculations to determine system capacities; many of which are available to download from the Department's Web Site:

### Pumps:

$$Q \text{ Pump} = \frac{(\text{horsepower})(\text{pump efficiency})}{(\text{total head in feet})} = Q \text{ in cfs}$$

Efficiency factors:

NOTE: Pump efficiency factor for centrifugal pump (75%) = 6.61  
Pump efficiency factor for turbine pump (80%) = 7.04

$$\text{Centrifugal Pump, 75\% eff. } \frac{(550 \text{ ft lb/sec/Hp})(.75)}{(62.4 \text{ lb/cu ft})} = 6.61 \text{ ft}^4/\text{sec/Hp}$$

$$\text{Turbine \& Submersible Pumps, 80\% eff. } \frac{(550 \text{ ft lb/sec/Hp})(.80)}{(62.4 \text{ lb/cu ft})} = 7.04 \text{ ft}^4/\text{sec/Hp}$$

Total head is the sum of suction lift, pressure head, and discharge lift.

If the operating pressure is not measured, varying the assumed operational pressure in the above formulas until the calculated outputs are equal, or nearly so, will generally give the most correct theoretical capacity of the system.

*Efficiencies have been assumed to be 75% for centrifugal pump installations and 80% for turbine or submersible pumps. See the list below of converted psi's to feet of head. These figures account for minor friction losses. If the system involves unusually long pipelines friction losses should be accounted for by using standard charts and formulas.*

**Refer to the conversion table below to compute PSI to head for pump pressure in feet.**

$$[(\text{psi}/.433)(1.1) = \text{head (in feet/psi)} = 2.54 \text{ feet head/psi}]$$

PSI	HEAD	PSI	HEAD
25	63.5	55	139.7
30	76.2	60	152.4
35	88.9	65	165.1
40	101.6	70	177.8
45	114.3	75	190.5
50	127.0	80	203.2

**RECEIVED**

SEP 26 2011

WATER RESOURCES DEPT  
SALEM, OREGON

## Ditches/Canals:

Manning's Formula:

$$v = \frac{1.486}{n} r^{2/3} s^{1/2}$$

v = mean velocity of flow in feet per second

r = hydraulic radius in feet

s = slope of the energy gradient

n = coefficient of roughness

Type of Conduit and Description Pipe	Coefficient of Roughness	
	Minimum	Maximum
Cast Iron, Coated	0.01	0.014
Cast Iron, Uncoated	0.011	0.015
Wrought Iron, Galvanized	0.013	0.017
Wrought Iron, Black	0.012	0.015
Steel, Riveted and Spiral	0.013	0.017
Corrugated	0.021	0.0255
Wood Stave	0.01	0.014
Neat Cement Surface	0.01	0.013
Concrete	0.01	0.017
Vitrified Sewer Pipe	0.01	0.017
Clay, Common Drainage Tile	0.011	0.017
<b>Lined Channels</b>		
Metal, Smooth Semicircular	0.011	0.015
Metal, Corrugated	0.0228	0.0244
Wood, Planed	0.01	0.015
Wood, Unplaned	0.011	0.015
Neat Cement-Lined	0.01	0.013
Concrete	0.012	0.018
Cement Rubble	0.017	0.03
<b>Vegetated, Small Channels, Shallow Depths</b>		
Bermuda Grass; Long - 13", Green	0.042	
Bermuda Grass; Long - 13", Dormant	0.035	
Bermuda Grass; Short - 3", Green	0.034	
Bermuda Grass; Short - 3", Dormant	0.034	
<b>Unlined Channels</b>		
Earth; Straight and Uniform	0.017	0.025
Dredged	0.025	0.033
Winding and Sluggish	0.0225	0.03
Stoney Bed, Weeds on Bank	0.025	0.04
Earth Bottom, Rubble Sides	0.028	0.035
Rock Cuts; Smooth and Uniform	0.025	0.035
Rock Cuts; Jagged and Irregular	0.035	0.045

**RECEIVED**

SEP 26 2011

WATER RESOURCES DEPT  
SALEM, OREGON

## Gravity flow pipe systems

Hazen-William's Formula:

$$v = 1.31(c)(r^{0.63})(s^{0.54})$$

v = mean velocity of flow in feet per second

c = coefficient of roughness

r = hydraulic radius in feet

s = slope of energy gradient

Material	Coefficient of Roughness
Asbestos Cement	140
Brass	135
Brick sewer	100
Cast-Iron - new unlined (CIP)	130
Cast-Iron 10 years old	110
Cast-Iron 20 years old	95
Cast-Iron 30 years old	82
Cast-Iron 40 years old	74
Concrete	130
Copper	135
Ductile Iron Pipe (DIP)	140
Galvanized iron	120
Glass	140
Lead	135
Plastic	145
PVC, CPVC	150
Smooth Pipes	140
Steel new unlined	145
Steel	130
Steel riveted	110
Tin	130
Wood Stave	120

**RECEIVED**

SEP 26 2011

WATER RESOURCES DEPT  
SALEM, OREGON



# SPRINKLER CAPACITIES BY NOZZLE SIZE IN GALLONS PER MINUTE

This chart is comprised of information gathered from a number of sources and may differ slightly from the manufacturer's specifications.

$$Q \text{ Sprinklers} = \frac{(\text{number of heads})(\text{rate in gallons per minute})}{(448.8 \text{ gpm per cfs})} = Q \text{ in cfs}$$

		P.S.I. ("*" designates computed capacity)																	
NOZZLE SIZE		5	10	15	20	25	30	35	40	45	50	55	60	65	70	75	80	85	90
	3/32				1.1	1.3	1.4	1.5	1.6	1.7	1.8								
	7/64				1.5	1.7	1.9	2	2.2										
	1/8				1.9	2.2	2.4	2.7	2.9	3	3.2								
	9/64				2.3	2.6	2.9	3.1	3.4	3.7	4								
	5/32				3	3.4	3.8	4.1	4.4	4.7	5								
	11/64	1.9	2.7	3.3	3.7	4.2	4.6	5	5.4	5.7	6	6.3	6.6						
	3/16	2.2	3.2	3.9	4.3	5	5.5	6	6.4	6.8	7.2	7.5	7.8						
	13/64	2.9	3.6	4.5	5.1	5.9	6.5	7.1	7.6	8.1	8.5	8.9	9.2						
	7/32		4.1	5.1	5.8	6.8	7.6	8.3	8.9	9.4	9.9	10.3	10.6						
	15/64							8.8		10		11.2		12.4					
	1/4		5.2	6.4	7.4	8.9	9.8	10.6	11.4	12.1	12.8	13.4	13.9	14.8*	15.3*	15.9*	16.4*	16.9*	17.4*
	17/64								12.5		14		15.6		17.1				
	9/32					11.2	12.3	13.3	14.3	15.2	16	16.8	17.5	18.1	18.9	19.7	20.7*	21.4*	22*
	19/64									16.6		18.3		19.9		21.4			
	5/16					13.1	15.2	16.5	17.7	18.9	20	21	22	23	23.9	24.8	25.7	26.4*	27.1*
	21/64										20.8		22.7		24.6		26.4		
	11/32					16.5	18	19.7	21.1	22.5	23.8	25	26.2	27.4	28.5	29.6	30.6	31.9*	32.8*
	23/64										24.5		26.8		29.1		31.4		
	3/8					19	21	22.8	24.4	26	27.5	29.1	30.6	32	33.2	34.5	35.7	38*	39*
	13/32								29*	30.9*	32.7*	34.5*	36.2*	37.4*	38.9*	40.4*	41.9*	43.3*	44.7*
	7/16								33.5*	35.6*	37.7*	39.7*	41.7*	43.6*	45.3*	46.9*	48.4*	50.1*	51.6*
	1/2								42.5*	45.2*	47.7*	50.2*	52.5*	54.7*	56.8*	58.6*	60.6*	63.6*	66.7*

NOTE: Use the maximum number heads operating at any one time.

Rate per head in gpm comes from either manufacturer's specifications using orifice size and operating pressure or from OWRD chart.

**Lemons Ingle Ditch Capacity Calculator**  
using Manning's Formula

<b>Upper Ditch (just below measuring device)</b>	
<b>Data Entry (fill in underlined blanks)</b>	
Top Width = <u>5.6</u> feet	
Bottom Width = <u>1.01</u> feet	
Depth = <u>1.5</u> feet	
Fall = <u>6.66</u> feet	per <u>3243</u> feet of distance
Grade = <u>0.002054</u> , or	0.2%
n Factor = <u>0.028</u>	
<b>Results calculated</b>	
Area of cross-section =	4.92 square feet
Wetted Perimeter =	6.451654 feet
Hydraulic Radius =	0.762595
Velocity =	2.007 feet per second
Calculated Ditch Capacity =	9.9 cubic feet per second

<b>Middle Ditch (just below Harley Allen Culvert)</b>	
<b>Data Entry (fill in underlined blanks)</b>	
Top Width = <u>7.2</u> feet	
Bottom Width = <u>1.25</u> feet	
Depth = <u>1.5</u> feet	
Fall = <u>0.48</u> feet	per <u>856</u> feet of distance
Grade = <u>0.000561</u> , or	0.1%
n Factor = <u>0.028</u>	
<b>Results calculated</b>	
Area of cross-section =	6.3675 square feet
Wetted Perimeter =	7.949261 feet
Hydraulic Radius =	0.801018
Velocity =	1.084 feet per second
Calculated Ditch Capacity =	6.9 cubic feet per second

<b>Lower Ditch (Just above culvert at corrals)</b>	
<b>Data Entry (fill in underlined blanks)</b>	
Top Width = <u>8.3</u> feet	
Bottom Width = <u>1.05</u> feet	
Depth = <u>1.50</u> feet	
Fall = <u>0.48</u> feet	per <u>856.00</u> feet of distance
Grade = <u>0.000561</u> , or	0.1%
n Factor = <u>0.028</u>	
<b>Results calculated</b>	
Area of cross-section =	7.02 square feet
Wetted Perimeter =	8.905419 feet
Hydraulic Radius =	0.788284
Velocity =	1.072 feet per second
Calculated Ditch Capacity =	7.5 cubic feet per second

RECEIVED BY OWRD

SEP 24 2012

SALEM, OR



# Lemons Pump Station

## SITE OBSERVATIONS

Pump Running - 62 psi @ Pump

Sprinklers Observed Operating

36-9/64" @ 54psi      3-11/64" @ 54 psi

Sprinklers Observed Not - Operating

8-9/64"      1-11/64"      14-5/32"

Other Observations - Several leaks in irrigation line joints make observed pump capacity based on sprinkler head count and system pressure unreliable.

- Flow Meter Not registering correct flow (meter varies between 400 and 500 gpm and drops to zero without modulation when valve is slowly closed.

## OBSERVED PUMP CAPACITY CALCULATION

### Pump Capacity Calculation Sheet

using Department designed formula:

$(hp)(\text{efficiency}) / (\text{lift} + \text{psi head}) = \text{capacity in cfs}$

Efficiency: Centrifugal = 6.61  
Turbine = 7.04

### Data Entry (fill in underlined blanks)

HP = 20  
Efficiency = 6.61  
Lift = 5  
PSI = 62

### Results Calculated

$(hp)(\text{efficiency}) = 132.2$   
Head based on psi = 157.5  
Total dynamic head = 162.5  
(head + lift)

Pump Capacity = 0.81 feet per second  
365.10 gpm

## PUMP CAPACITY CALCULATION - BASED ON DESIGN ASSUMPTIONS

### Pump Capacity Calculation Sheet

using Department designed formula:

$(hp)(\text{efficiency}) / (\text{lift} + \text{psi head}) = \text{capacity in cfs}$

Efficiency: Centrifugal = 6.61  
Turbine = 7.04

### Data Entry (fill in underlined blanks)

HP = 15.9  
Efficiency = 6.61  
Lift = 5  
PSI = 65

### Results Calculated

$(hp)(\text{efficiency}) = 105.099$   
Head based on psi = 165.1  
Total dynamic head = 170.1  
(head + lift)

Pump Capacity = 0.62 feet per second  
277.25 gpm

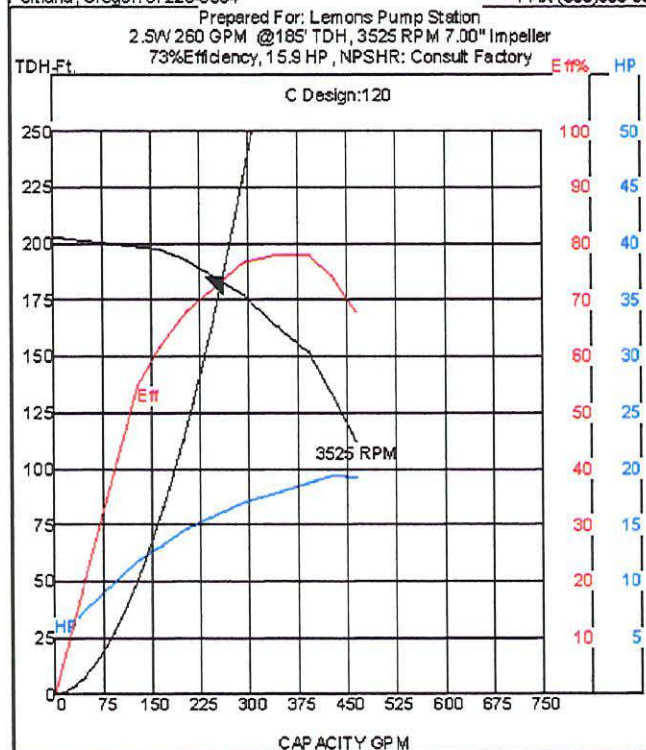
RECEIVED  
 SEP 26 2011  
 WATER RESOURCES DEPT  
 SALEM, OREGON



# Lemons Pump Station

## PUMP CAPACITY BASED ON PUMP CURVE

CORNELL PUMP COMPANY  
P.O. Box 6334 Phone (503)653-0330  
Portland, Oregon 97228-6334 FAX (503)653-0338



Performances Shown Are Approximate Water Performances  
Internet: <http://www.cpcusa/~comell> E-Mail: [comell@cpcusa.com](mailto:comell@cpcusa.com)

## OBSERVED PUMP CAPACITY BASED ON PUMP CURVE

Operating Head 158 ft (143ft pressure head(62psi) + 5ft suction head + 10ft friction loss)

Pump Flow @ 158 ft interpolated from pump curve = 370 gpm

## PUMP CAPACITY BASED ON PUMP CURVE

Operating Head 185 ft (170ft pressure head(74psi) + 5ft suction head + 10ft friction loss)

Pump Flow @ 185 ft interpolated from pump curve = 260 gpm

**RECEIVED**  
 SEP 26 2011  
 WATER RESOURCES DEPT  
 SALEM, OREGON

# Lemons Pump Station

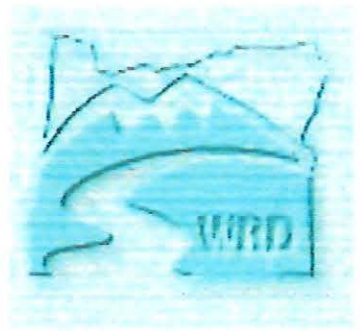
## OBSERVED FLOW BASED ON SPRINKLER OBSERVATIONS

Sprinkler Capacity Calculator			
Data Entry (fill in underlined blanks)			
Sprinkler group 1	Nozzle size =	9/64 inch	(type an apostrophe before the size)
	Pressure =	54 PSI	
	Number of heads =	36	
			(type an apostrophe before the size)
Sprinkler group 2	Nozzle size =	11/64 inch	
	Pressure =	54 PSI	
	Number of heads =	3	
Sprinkler group 3	Nozzle size =	5/32 inch	(type an apostrophe before the size)
	Pressure =	54 PSI	
	Number of heads =		
Results calculated			
Sprinkler group 1 capacity =	144 gpm, or	0.32 cfs	
Sprinkler group 2 capacity =	18 gpm, or	0.04 cfs	
Sprinkler group 3 capacity =	0 gpm, or	- cfs	
<b>Total sprinkler capacity =</b>	<b>162 gpm, or</b>	<b>0.36 cfs</b>	
Note: If entered values return a result of "#N/A" gpm, then the sprinkler capacity chart does not contain a rate for that nozzle size and PSI.			

## CALCULATED CAPACITY BASED ON ACTUAL SPRINKLER COUNT

Sprinkler Capacity Calculator			
Data Entry (fill in underlined blanks)			
Sprinkler group 1	Nozzle size =	9/64 inch	(type an apostrophe before the size)
	Pressure =	50 PSI	
	Number of heads =	44	
			(type an apostrophe before the size)
Sprinkler group 2	Nozzle size =	11/64 inch	
	Pressure =	50 PSI	
	Number of heads =	4	
Sprinkler group 3	Nozzle size =	5/32 inch	(type an apostrophe before the size)
	Pressure =	50 PSI	
	Number of heads =	14	
Results calculated			
Sprinkler group 1 capacity =	176 gpm, or	0.39 cfs	
Sprinkler group 2 capacity =	24 gpm, or	0.05 cfs	
Sprinkler group 3 capacity =	70 gpm, or	0.16 cfs	
<b>Total sprinkler capacity =</b>	<b>270 gpm, or</b>	<b>0.60 cfs</b>	
Note: If entered values return a result of "#N/A" gpm, then the sprinkler capacity chart does not contain a rate for that nozzle size and PSI.			

**RECEIVED**  
 SEP 26 2011  
 WATER RESOURCES DEPT  
 SALEM, OREGON



OREGON DEPARTMENT OF FISH AND WILDLIFE  
OREGON WATER RESOURCES DEPARTMENT

FISH SCREEN INSPECTION FORM

**Applicant**

Name: Kim Lemons  
Address: PO Box 28 Mount Vernon, OR 97865 Phone 541-932-4854

Application Number: \_\_\_\_\_ Water Right Permit Number: \_\_\_\_\_  
Water Right Amount (cfs) 0.58 Water Right Transfer Number: T-10404

**Diversion**

Stream: John Day River Tributary to: Columbia River  
Address (if different than applicants): \_\_\_\_\_  
Diversion Type (gravity or pump): Pump Location: 13S, 30E, Sec. 29  
GPS Coordinates: 44.1083, -119.12835

**Pump Information**

Brand: Cornell Horsepower: 20 Intake Size: 3"

**Screen Information**

Type/Brand: Pump-Rite (type) non self cleaning Installed by: David Brush Excavation  
Date Installed: 10 / 30 / 2007 Date of Inspection: 9 / 11 / 2011  
Manufacturer: Pump Rite Model #: M390  
Inspected by: Michael Jensen Agency: ODFW

Comments:

*Michael Jensen*

- ☒ Screen meets current state criteria for fish protection.  
☐ Screen does not meet current state criteria for fish protection.  
☐ Another screen inspection should be done before water use begins.  
☐ Fish passage meets current criteria  
☐ Fish passage does not meet current criteria  
☐ Fish passage not required  
☐ Bypass structure meets current state criteria  
☐ Bypass does not meet current state criteria  
☐ Bypass Structure not required

RECEIVED

SEP 26 2011

WATER RESOURCES DEPT  
SALEM, OREGON



Water Rights Platcard Report

Meridian:  Township:  South Range:  East Section:  Records per Page:  Search

Platcards Maps!  
Learn about \* View Map

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 Cert:54421 OR * Additional Info: DONALD E BOYER App: S57180 Permit: S43525 Cert: 54421		8/24/1978	DOMESTIC INCLUDING LAWN AND GARDEN							*														
Select App: P 82279 * Additional Info: JORDAN ENRIGHT App: P82279		1/14/1997	FISH CULTURE							*														
Select App: P 82280 * Additional Info: KATHLEEN G JORDAN App: P82280		1/14/1997	FISH CULTURE							*														
Select Permit: S 42332 CN Additional Info: EARL D MCCLENAHEN App: S56423 Permit: S42332		8/15/1977	IRRIGATION	CN						7														
Select Cert:1934 OR * Additional Info: GEORGE W LIVERMORE App: E3999 Permit: E232 Cert: 1934		11/30/1914	IRRIGATION												15									
Select Cert:24504 OR CN Additional Info: BLUE MOUNTAIN DITCH CO. App: S5224 Permit: S3163 Cert: 24504	T2353	10/23/1916	IRRIGATION	CN								6-1	24-1	6-6										
Select Cert:25368 OR CN Additional Info: BENTON G INGLE Decree: JOHN DAY RIVER (F) Cert: 25368		12/31/1888	IRRIGATION	CN						23														
Select Cert:25440 OR * Additional Info: FRED KOEHLER Decree: JOHN DAY RIVER (F) Cert: 25440		12/31/1888	IRRIGATION								16													
Select Cert:25538 OR * Additional Info: H H MCKERN Decree: JOHN DAY RIVER (F) Cert: 25538		1/31/1896	IRRIGATION									10	24.1											

Select	<b>Cert:25783 OR *</b>	12/31/1888	IRRIGATION		8.1	5	18.6	11.3										
	Additional Info: J.L. SCHRIER Decree: JOHN DAY RIVER (F) Cert: 25783																	
Select	<b>Cert:31684 CR CN</b>	T10404	12/31/1888	IRRIGATION	CN	9	14											
	Additional Info: DENNIS LEMONS Decree: JOHN DAY RIVER (F) Cert: 31684																	
Select	<b>Cert:46261 CF RR CN</b>		10/23/1916	IRRIGATION	CN				0.1	24.1	6.6							
	Additional Info: BLUE MOUNTAIN DITCH CO. App: S5224 Permit: S3163 Cert: 46261																	
Select	<b>Cert:49909 RR CR CN</b>		10/23/1916	IRRIGATION	CN				0.1	24.1	6.6							
	Additional Info: BLUE MOUNTAIN DITCH CO. App: S5224 Permit: S3163 Cert: 49909																	
Select	<b>Cert:50672 OR *</b>	T11273, T11274	4/25/1963	IRRIGATION			1.8								1.4			
	Additional Info: DONALD/ELSA BOYER App: S38677 Permit: S28815 Cert: 50672																	
Select	<b>Cert:54423 OR *</b>		3/6/1979	IRRIGATION			8								0.7			
	Additional Info: COOK ALLEN App: G9162 Permit: G8524 Cert: 54423																	
Select	<b>Cert:54621 OR *</b>		5/9/1978	IRRIGATION		5												
	Additional Info: DONALD CATES App: G8804 Permit: G8183 Cert: 54621																	
Select	<b>Cert:55295 RR CN</b>	T6028	10/23/1916	IRRIGATION	CN				0.1	24.1	6.6							
	Additional Info: BLUE MOUNTAIN DITCH CO. App: S5224 Permit: S3163 Cert: 55295																	
Select	<b>Cert:56318 OR *</b>		10/13/1983	IRRIGATION											0.8			
	Additional Info: DAVE & JOANN TRIPP App: S67709 Permit: S48208 Cert: 56318																	
Select	<b>Cert:59986 RR CN</b>	T8603	10/23/1916	IRRIGATION	CN				0.1	24.1	6.6							
	Additional Info: BLUE MOUNTAIN DITCH CO. App: S5224 Permit: S3163 Cert: 59986																	

4 of 4



2/29/2012 3:02 PM



# Oregon

John A. Kitzhaber, MD, Governor

Water Resources Department  
North Mall Office Building  
725 Summer Street NE, Suite A  
Salem, OR 97301-1271  
503-986-0900  
FAX 503-986-0904

October 13, 2011

Kim Lemons / Ingle Butte Ranches  
P.O. Box 28  
Mt Vernon, OR 97865

On September 26, 2011, the Water Resources Department received the Claim of Beneficial Use (COBU) for the following file(s):

T-10404

The COBU included a report and map. The Department hopes to review your submittal within approximately 2 - 4 years. At that time we will review these items and provide a final certificate, proposed certificate, or a request for additional information.

If you are interested in having your COBU reviewed sooner, you may pay to have your file processed immediately, using the Reimbursement Authority program, which is described at:  
[http://www.wrd.state.or.us/OWRD/mgmt\\_reimbursement\\_authority.shtml](http://www.wrd.state.or.us/OWRD/mgmt_reimbursement_authority.shtml)

For all other questions please call our Customer Service phone: (503) 986-0801.

If you sell the property, please contact the Department, or have the new owners contact the Department about the need to file an assignment.

RECEIVED

AUG 13 2008

WATER RESOURCES DEPT.  
SALEM, OREGON

## Water Right Transfer Checklist

Transfer T-10404

Transfer Specialist: KDD

Transfer Type: additional POD

Applicant Name/Address: Kim Lemons, INGLE BUTTE RANCHES, PO Box 28, Mt. Vernon, 97865, OR 97058

Agent Name/Address: Kyle Sullivan, Grant Soil &amp; Water Conservation Dist., 721 S. Canyon Blvd, John Day, OR 97845

CWRE Name/Number: Gary Wilson, CWRE (Grant Soil &amp; Water Conservation Dist) -&gt; address: 721 S. Canyon Blvd, John Day, OR 97845

Rec Landowner Name/Address: \_\_\_\_\_

Irr. District Name/Address: \_\_\_\_\_

Affected Gov'ts Name/Address: Grant County Planning & Development Dept., 2705 E 6<sup>th</sup> St., The Dalles, OR 97058

Commentors: Name/Address: \_\_\_\_\_

## Water Rights Affected

Records Marked	Records Copied	App File No. or Decree Name	Permit No.	Certificate No.	RR/CR Needed	RR/CR Nos.
<input type="checkbox"/>	<input type="checkbox"/>			31684	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
<input type="checkbox"/>	<input type="checkbox"/>				<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
<input type="checkbox"/>	<input type="checkbox"/>				<input type="checkbox"/> Yes <input type="checkbox"/> No	

## Key Dates &amp; Initial Actions

Rec'd: 6/06/2007	Proposed Action(s): POU POD HST APOD USE OTHER: APOD	
Fees Pd: _____	WM District: 04	ODFW District: _____
Initial Notice: _____	WM Review sent: _____	ODFW Review sent: 6/19/2007
Acknowledgement Letter Sent <input type="checkbox"/>	GW Review sent: _____	

## Processing Dates &amp; Actions

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

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

☐ not required

DPD Mailed: 6/25/2007

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

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

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

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

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

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

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

## Preliminary Determination

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

DPD Review (Optional)	PD Review (Salem)	Final Order Review (Salem)
Reviewer: _____	Reviewer: <i>[Signature]</i>	Reviewer: _____
Date: _____	Date: 9-5-08	Date: _____
Coordinator: _____	Coordinator: <i>[Signature]</i>	Coordinator: <i>[Signature]</i>
Date: _____	Date: 9/5/08	Date: 11/17/08
Comments/Special Issues:		

Special Order Volume: Vol 76 Pages 719 Final Order Signature Date: 11-17-08

Notice of FO email'd to processors *Ken/mike*



IN THE CIRCUIT COURT OF THE STATE OF OREGON  
FOR GRANT COUNTY

RECEIVED

NOV 07 2008

WATER RESOURCES DEPT  
SALEM, OREGON

}

AFFIDAVIT OF PUBLICATION

STATE OF OREGON  
County of GRANT } ss


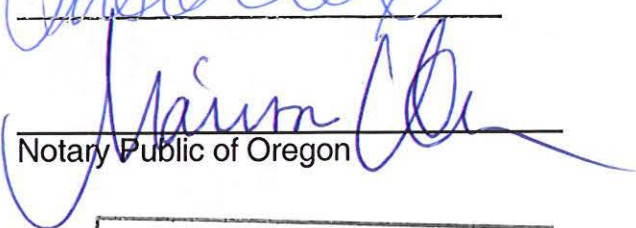
I, Trista Cox being duly sworn, depose and  
say that I am the principal clerk of the publisher of the Blue Mountain Eagle, a newspaper  
of general circulation, as defined by ORS 193.010 and 193.020; printed and published at  
John Day in the aforesaid county and state; that the

Grant Soil and Water - Notice of Preliminary Determination for Water Right Transfer

a printed copy of which is here to annexed; was published in the entire issue of said  
newspaper for 3 successive and consecutive issues in the following issues:

October 1, 8, 15, 2008

Subscribed and sworn to before me on this 24th day of October, 2008.

  
\_\_\_\_\_  
  
\_\_\_\_\_  
Notary Public of Oregon





**Public Notice** *October 15, 2008*

**Notice of Preliminary Determination for  
Water Right Transfer T-10404**

T-10404 filed by Kim Lemons of Ingle Butte Ranches, PO Box 28, Mt. Vernon, OR 97865, proposes to add a point of diversion under Certificate 31684 (priority date of 1888). The right allows the use of one-fortieth (1/40th) of one cubic foot per second (cfs) from April 1 to September 30; further limited to 1.0 acre-foot per acre per calendar month to July 1 and 0.75 acre-foot per acre thereafter; being a total of not to exceed 5.0 acre-feet per acre per season measured at the point of diversion from the John Day River, tributary to the Columbia River, in Sec. 28, T 13S, R 30E, W.M. for irrigation in Sec. 29. The applicant proposes to add a point of diversion approximately 3300 feet downstream (Sec. 29, T 13S, R 30E, W.M.). The Water Resources Department has concluded that the proposed transfer appears to be consistent with the requirements of ORS Chapter 540 and OAR 690-380-5000.

Any person may file, jointly or severally, with the Department a protest or standing statement within 30 days after the date of final publication of notice in the Department's weekly notice or of this newspaper notice, whichever is later. A protest form and additional information on filing protests may be obtained by calling (503) 986-0883. The last date of newspaper publication is 10/15/2008. If no protests are filed, the Department will issue a final order consistent with the preliminary determination.

**Public Notice** *October 8, 2008*

**NOTICE OF PRELIMINARY DETERMINATION FOR  
WATER RIGHT TRANSFER T-10404**

T-10404 filed by Kim Lemons of Ingle Butte Ranches, PO Box 28, Mt. Vernon, OR 97865, proposes to add a point of diversion under Certificate 31684 (priority date of 1888). The right allows the use of one-fortieth (1/40th) of one cubic foot per second (cfs) from April 1 to September 30; further limited to 1.0 acre-foot per acre per calendar month to July 1 and 0.75 acre-foot per acre thereafter; being a total of not to exceed 5.0 acre-feet per acre per season measured at the point of diversion from the John Day River, tributary to the Columbia River, in Sec. 28, T 13S, R 30E, W.M. for irrigation in Sec. 29. The applicant proposes to add a point of diversion approximately 3300 feet downstream (Sec. 29, T 13S, R 30E, W.M.). The Water Resources Department has concluded that the proposed transfer appears to be consistent with the requirements of ORS Chapter 540 and OAR 690-380-5000.

Any person may file, jointly or severally, with the Department a protest or standing statement within 30 days after the date of final publication of notice in the Department's weekly notice or of this newspaper notice, whichever is later. A protest form and additional information on filing protests may be obtained by calling (503) 986-0883. The last date of newspaper publication is 10/15/2008. If no protests are filed, the Department will issue a final order consistent with the preliminary determination.

**Public Notice** *October 1, 2008*

**Notice of Preliminary Determination for  
Water Right Transfer T-10404**

T-10404 filed by Kim Lemons of Ingle Butte Ranchers, PO Box 28, Mt. Vernon, OR 97865, proposes to add a point of diversion under Certificate 31684 (priority date of 1888). The right allows the use of one-fortieth (1/40th) of one cubic foot per second (cfs) from April 1 to September 30; further limited to 1.0 acre-foot per acre per calendar month to July 1 and 0.75 acre-foot per acre thereafter; being a total of not to exceed 5.0 acre-feet per acre per season measured at the point of diversion from the John Day River, tributary to the Columbia River, in Sec. 28, T 13S, R 30E, W.M. for irrigation in Sec. 29. The applicant proposes to add a point of diversion approximately 3300 feet downstream (Sec. 29, T 13S, R 30E, W.M.). The Water Resources Department has concluded that the proposed transfer appears to be consistent with the requirements of ORS Chapter 540 and OAR 690-380-5000.

Any person may file, jointly or severally, with the Department a protest or standing statement within 30 days after the date of final publication of notice in the Department's weekly notice or of this newspaper notice, whichever is later. A protest form and additional information on filing protests may be obtained by calling (503) 986-0883. The last date of newspaper publication is October 15, 2008. If no protests are filed, the Department will issue a final order consistent with the preliminary determination.

**Lisa Jaramillo**

---

**From:** Lisa Jaramillo  
**Sent:** Friday, October 31, 2008 9:54 AM  
**To:** Kyle S. Sullivan  
**Subject:** Kim Lemons Transfer T-10404

Hi Kyle,

I wanted to check on the status of the newspaper notice for Kim Lemons' Transfer T-10404. Your last e-mail indicated you expected the last date of publication to occur on October 15, 2008. It's been a couple of weeks since then, so I wanted to check in on submittal of the affidavit of publication.

Thanks in advance for the update.

Happy Halloween,  
Lisa

10/31/2008



**Lisa Jaramillo**

**From:** Lisa Jaramillo  
**Sent:** Friday, September 26, 2008 8:43 AM  
**To:** Kyle S. Sullivan  
**Subject:** RE: Transfer T-10404 Newspaper Notice

Hi Kyle,

That will be fine. I'll place a copy of this e-mail in the file to document it.

Thanks for the update,  
Lisa

---

**From:** Kyle S. Sullivan [mailto:sullivank@centurytel.net]  
**Sent:** Thursday, September 25, 2008 4:59 PM  
**To:** Lisa Jaramillo  
**Cc:** Ken Dowden; grantswcd@centurytel.net  
**Subject:** Transfer T-10404 Newspaper Notice

Dear Lisa,

I just wanted to let you know the affidavit of publication for Transfer T-10404 will be a little late.

The notice was dropped off this morning. I'd expect the third date of publication to be on October 15; two days past your deadline of October 13.

I'll make sure the affidavit is sent to you as soon as I can.

Call if you have any questions,

Sincerely,

Kyle S. Sullivan

Kyle S. Sullivan  
Grant Soil and Water Conservation District  
721 S. Canyon Blvd  
John Day, Oregon 97845  
(541) 575-0135 x111  
FAX (541) 575-0646

9/26/2008



# Oregon

Theodore R. Kulongoski, Governor

September 12, 2008

KIM LEMONS  
c/o INGLE BUTTE RANCHES  
P.O. BOX 28  
MT VERNON, OR 97865

## Water Resources Department

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

*pd Noticed*

*9-9-08*

SUBJECT: **Transfer Application T-10404**

Please find enclosed the Preliminary Determination indicating that, based on the information available, the Department intends to approve Transfer Application T-10404. This document is an intermediate step in the approval process; water may not be used legally as proposed in the transfer application until a Final Order has been issued by the Department. Please read this entire letter carefully to determine your responsibility for additional action.

A public notice is being published in the Department's weekly publication simultaneously with issuance of the Preliminary Determination. The notice initiates a 30-day period in which any person may file either a protest opposing the decision proposed by the Department in the Preliminary Determination or a standing statement supporting the Department's decision.

Furthermore, because the new additional point of diversion is more than ¼ mile from the authorized point of diversion, the applicant is responsible for giving public notice of the transfer changes in a local newspaper having a general circulation in the area of the water right. **The notice must be published at least once a week for three consecutive weeks.** We have prepared the notice for you (enclosed). The deadline for individuals to file protests or standing statements is 30 days after the date of last publication. Please have the newspaper insert the date of last publication in the proper place. After publication, the Department needs to receive an affidavit specifying the dates the notice was published. Typically, the newspaper will prepare and mail an original *affidavit of publication* to the Department, however you will want to request specifically that they do so. Please have the newspaper mail the affidavit to me at the address above by **October 13, 2008.**

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

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

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

Sincerely,

Lisa J. Jaramillo  
Transfer Specialist  
Field Services Division

cc: Eric Julsrud, Watermaster Dist. #4  
Kyle Sullivan, Grant Soil & Water Conservation Dist., 721 S. Canyon Blvd, John Day, OR 97845  
Gary Wilson, CWRE (Grant Soil & Water Conservation Dist.) 721 S. Canyon Blvd, John Day, OR 97845

enc



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

In the Matter of Transfer Application        )  
T-10404, Grant County                        )  
  )   **PRELIMINARY DETERMINATION  
  )   PROPOSING APPROVAL OF AN  
  )   ADDITIONAL POINT OF DIVERSION**

**Authority**

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

**Applicant**

KIM LEMONS  
c/o INGLE BUTTE RANCHES  
P.O. BOX 28  
MT VERNON, OR 97865

**Agent**

KYLE SULLIVAN  
GRANT SOIL & WATER CONSERVATION DIST.  
721 SOUTH CANYON BLVD.  
JOHN DAY, OR 97845

**Findings of Fact**

**Background**

1. On June 6, 2007, Kim Lemons of Ingle Butte Ranches filed an application to add a point of diversion under Certificate 31684. The Department assigned the application number T-10404.

2. The right to be transferred is as follows:

**Certificate:** 31684 in the name of DENNIS LEMONS (John Day River (F) decree)

**Use:** IRRIGATION of 23.0 ACRES

**Priority Date:** 1888

**Limit/Duty:** ONE-FORTIETH of one cubic foot per second per acre irrigation from APRIL 1 to SEPTEMBER 30; further limited to 1.0 ACRE FOOT per acre per calendar month to JULY 1 and 0.75 ACRE FOOT per acre thereafter; total of not to exceed 5.0 ACRE FEET per acre per season measured at the point of diversion

**Source:** JOHN DAY RIVER, a tributary of the COLUMBIA RIVER

**Authorized Point of Diversion:** Based upon the John Day River Decree and associated adjudication map, the tabulation describing the right recognizes and identifies a ditch and dam located as follows:

<b>Twp</b>	<b>Rng</b>	<b>Mer</b>	<b>Sec</b>	<b>Q - Q</b>	<b>Survey Coordinates</b>
13 S	30 E	WM	28	SE NW	LEMONS DITCH

Pursuant to OAR 690-380-4030, any person may file a protest or standing statement within 30 days after the last date of publication of notice of this preliminary determination.



**Authorized Place of Use:**

IRRIGATION					
Twp	Rng	Mer	Sec	Q - Q	Acres
13 S	30 E	WM	29	NW NE	9.0
13 S	30 E	WM	29	SW NE	14.0
<b>TOTAL:</b>					<b>23.0</b>

3. Application T-10404 proposes to add a point of diversion approximately 3,300 feet downstream from the authorized point of diversion to a pump site located:

Twp	Rng	Mer	Sec	Q - Q	Survey Coordinates
13 S	30 E	WM	29	SE NE	North 44 Degrees 24 Minutes, 38.9 seconds West 119 Degrees 7 minutes 41.3 Seconds

4. Notice of the application for transfer was published on June 12, 2007, pursuant to OAR 690-380-4000. No comments were filed in response to the notice. However, the Oregon Department of Fish and Wildlife (ODFW) has determined that a fish screening and/or by-pass device is necessary at the new point of diversion to prevent fish from entering the diversion and/or safely transport fish back to the body of water from which the fish were diverted and that the diversion is not currently equipped with an appropriate fish screening and/or by-pass device. This diversion may be eligible for screening cost share funds.
5. The Department determined that two primary water rights exist on the same ground as identified in this transfer, causing them to be "layered rights" as defined in OAR 690-380-0100(4). The lands authorized for primary irrigation under Certificate 31684 (priority date 1888) are also covered by primary irrigation water right Certificate 52195 (priority date March 6, 1911) issued in the name of Mt. Vernon Irrigation and Power Company. Consistent with OAR 690-380-5120, the Department shall consider the water right with the oldest priority date to be the primary water right unless the landowner/applicant designates otherwise. All other rights shall be diminished to supplemental water rights. The two water rights identified in this finding of fact are "layered rights" and are forever tied to each other.
6. On June 25, 2008, the Department mailed a copy of the draft Preliminary Determination proposing to approve Transfer Application T-10404 to the applicant and his agent. The draft Preliminary Determination set forth a deadline of July 9, 2008, for the applicant to respond. The applicant requested that the Department proceed with issuance of a Preliminary Determination and provided the necessary information to demonstrate that the applicant is authorized to pursue the transfer.

***Transfer Review Criteria [OAR 690-380-4010(2)]***

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

8. A diversion structure and ditch sufficient to use the full amount of water allowed under the existing right were present within the five-year period prior to submittal of Transfer Application T-10404.
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.

#### **Determination and Proposed Action**

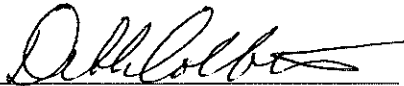
The additional point of diversion proposed in Transfer Application T-10404 appears to be consistent with the requirements of ORS 540.505 to 540.580 and OAR 690-380-5000. If protests are not filed pursuant to OAR 690-380-4030, the application will be approved.

*If Transfer Application T-10404 is approved, the final order will include the following:*

1. *The new additional point of diversion proposed in Transfer Application T-10404 is approved.*
2. *The right to the use of the water is restricted to beneficial use at the place of use described, and is subject to all other conditions and limitations contained in Certificate 31684 and any related decree.*
3. *Water right certificate 31684 is cancelled.*
4. *The quantity of water diverted at the new additional point of diversion, together with that diverted at the original point of diversion, shall not exceed the quantity of water lawfully available at the original point of diversion.*
5. *Prior to diverting water, the water user shall install a fish screening and/or by-pass device, as appropriate, at the new point of diversion consistent with the Oregon Department of Fish and Wildlife's (ODFW) design and construction standards. Prior to installation, the water user shall obtain written approval from ODFW that the required screen and/or by-pass device meets ODFW's criteria. Prior to submitting a Claim of Beneficial Use, the water user must obtain written approval from ODFW that the required screening and/or by-pass device was installed to the state's criteria. The water user shall maintain and operate the fish screen and/or by-pass device, as appropriate, at the point of diversion consistent with ODFW's operational and maintenance standards.*
6. *Prior to diverting water at the new additional point of diversion, the water user shall install an in-line flow meter, weir, or other suitable device for measuring and recording the quantity of water diverted. 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. The water user shall maintain and operate the measuring device as required by the Department.*

7. *When required by the Department, the water user shall install, maintain and operate a headgate to control and regulate the quantity of water diverted. The type and plans of the headgate must be approved by the Department prior to beginning construction and shall be installed under the general supervision of the Department.*
8. *The approved change shall be completed and full beneficial use of the water shall be made on or before **October 1, 2009**. A Claim of Beneficial Use prepared by a Certified Water Rights Examiner shall be submitted by the applicant to the Department within one year after the deadline for completion of the change and full beneficial use of the water.*
9. *When satisfactory proof of the completed change is received, a new certificate confirming the right transferred will be issued.*

Dated at Salem, Oregon this 8<sup>th</sup> day of September 2008.



*PZ* Phillip C. Ward, Director

<p>This Preliminary Determination was prepared by Ken Dowden. If you have questions about the information in this document, you may reach me at 541-278-5456 or <a href="mailto:Ken.D.Dowden@wrdd.state.or.us">Ken.D.Dowden@wrdd.state.or.us</a>.</p>
---

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



**Notice of Preliminary Determination for  
Water Right Transfer T-10404**

T-10404 filed by Kim Lemons of Ingle Butte Ranches, PO Box 28, Mt. Vernon, OR 97865, proposes to add a point of diversion under Certificate 31684 (priority date of 1888). The right allows the use of one-fortieth ( $1/40^{\text{th}}$ ) of one cubic foot per second (cfs) from April 1 to September 30; further limited to 1.0 acre-foot per acre per calendar month to July 1 and 0.75 acre-foot per acre thereafter; being a total of not to exceed 5.0 acre-feet per acre per season measured at the point of diversion from the John Day River, tributary to the Columbia River, in Sec. 28, T 13S, R 30E, W.M. for irrigation in Sec. 29. The applicant proposes to add a point of diversion approximately 3300 feet downstream (Sec. 29, T 13S, R 30E, W.M.). The Water Resources Department has concluded that the proposed transfer appears to be consistent with the requirements of ORS Chapter 540 and OAR 690-380-5000.

Any person may file, jointly or severally, with the Department a protest or standing statement within 30 days after the date of final publication of notice in the Department's weekly notice or of this newspaper notice, whichever is later. A protest form and additional information on filing protests may be obtained by calling (503) 986-0883. The last date of newspaper publication is [DATE OF LAST PUBLICATION]. If no protests are filed, the Department will issue a final order consistent with the preliminary determination.

T-10404

RECEIVED

SEP 02 2008

WATER RESOURCES DEPT  
SALEM, OREGON

August 27, 2008

Ryan McNulty  
Northwest Farm Credit Services, FLCA  
P.O. Box 607  
Redmond, OR 97756

**RE: Notification of Proposed Transfer of a Water Right by Ingle Butte Ranches, Inc.**

Dear Mr. McNulty,

Ingle Butte Ranches, Inc. has filed for an Additional Point of Diversion with the Oregon Water Resources Department under Transfer No. 10404. We are required to notify you as a lien holder of this change to the water rights.

The transfer will allow the use of a pump station we have recently installed to improve the efficiency of our irrigation system. It's important to note that we will retain the right to use our existing ditch system and that no water rights are being transferred off of the property. The results of the transfer will only add to the overall value of the property; nothing is being diminished through this process.

For questions regarding this transfer, please contact me (541-932-4854) or my agent, Kyle Sullivan (541-575-0135 x111) at the Grant Soil and Water Conservation District.

Sincerely,



Kim Lemons  
Ingle Butte Ranches, Inc.

COPY

RECEIVED

SEP 02 2008

WATER RESOURCES DEPT  
SALEM OREGON

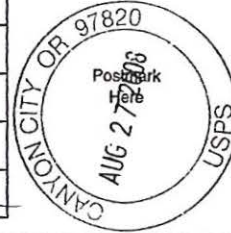
7006 0810 0005 8228 2124

U.S. Postal Service™  
**CERTIFIED MAIL™ RECEIPT**  
(Domestic Mail Only; No Insurance Coverage Provided)

For delivery information visit our website at [www.usps.com](http://www.usps.com)

OFFICIAL USE

Postage	\$ 42
Certified Fee	220
Return Receipt Fee (Endorsement Required)	220
Restricted Delivery Fee (Endorsement Required)	
Total Postage & Fees	\$ 5.32



Sent To	Northurst Farm Credit Services
Street, Apt. No., or PO Box No.	PO Box 607
City, State, ZIP+4	Redmond, OR 97756

PS Form 3800, June 2002

See Reverse for Instructions



# Oregon Water Resources Department



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

*Sent to Ken D.  
- need copy of  
letter to  
mortgage  
holders  
- NW Farm  
Credit  
Serv.*

## FAX TRANSMITTAL

To: Ken Dowden  
Date: 8-22-08  
From: Lisa Jaramillo

Fax Number: 541-278-0287  
Pages: 6, including cover sheet  
Phone: 503-986-0 880

### Comments:

Report of Ownership & Lien Info  
for Kim Lemons

#### DIRECTOR'S OFFICE

- Water Resources Commission
- Legislation and Rules
- Public Information

#### FIELD SERVICES

- Regional Liaisons
- Transfers
- Hydrographics

#### NORTHWEST REGION

- District 16 Watermaster

#### ADMINISTRATIVE SERVICES

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

#### TECHNICAL SERVICES

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

Fax: 503-986-0902

#### WATER RIGHTS

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

Fax: 503-986-0901

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

# LAND TITLE CO. OF GRANT COUNTY, INC.

103 West Main Street  
John Day, OR 97845-1092

Phone: (541) 575-1830 or 575-1529  
Fax: (541) 575-0149  
E-Mail: stevelandco@centurytel.net

REC'D JUL 18 2008

Date: July 14, 2008

Fee: \$75.00

## OWNERSHIP AND ENCUMBRANCE REPORT

The Company has searched its title plant record, and the Company reports as follows:

According to the Company's title plant records for Grant County as to land described below, the Company finds the following matters as of 8:00 a.m. on 7/1/2008.

A. The land which is the subject of this search is described as follows:

FOR LEGAL DESCRIPTION SEE ATTACHED EXHIBIT A

B. Title to the property described is vested in:

INGLE BUTTE RANCHES, INC., an Oregon corporation, as to an undivided one-half interest; and Inez G. Lemons and Kim A. Lemons, as Trustees of THE INEZ LEMONS FAMILY TRUST, by an agreement dated April 8, 1992, as to an undivided one-half interest.

C. The land is subject to the following apparent monetary encumbrances:

1. 2008-2009 taxes, a lien not yet payable.
2. As disclosed by the tax roll the premises herein described have been zoned or classified for farm use. At any time that said land is disqualified for such use, the property may be subject to additional taxes or penalties and interest.
3. Any improvement located upon the insured property which is described or defined as mobile home under the provisions of ORS 446.561 TO 446.646 and is subject to registration as provided therein.
4. This report does not include a search for financing statements or agricultural services liens which are filed with the Secretary of State and any matters which would be disclosed thereby are expressly excluded from coverage herein.

5. Mortgage, including the terms and provisions thereof to secure the amount noted below and other amounts secured thereunder, if any:

Mortgagor : Ingle Butte Ranches, Inc., an Oregon corp.; Brice E. Lemons, same person  
: as Brice Lemons, and Inez Lemons, same person as Inez G. Lemons,  
: husband and wife; Dennis F. Lemons and Mary Margaret Lemons,  
: husband and wife; and Kim Lemons and Carla Lemons, husband and wife

Mortgagee : The Federal Land Bank of Spokane

Dated : November 20, 1978

Recorded : November 28, 1978


Book : 48

  
See next page



Ownership and Encumbrance Report (continued)

Page : 596  
Amount : \$150,000.00

 By Multiple Assignments, said Mortgage was assigned:  
To : Northwest Farm Credit Services, FLCA  
Recorded : June 6, 2006  
Instr. No. : 20061252

6. Judgment in the State Circuit Court:  
Creditor : City of Mt Vernon  
Debtor : Ingle Butte Ranches Inc and Kim Lemons  
Case No. : 9810235CV  
Entered : January 22, 2003  
Face : \$1,038.78

NOTE: Taxes paid in full for 2007-2008:  
Levied Amount : \$1461.82  
Account No. : 3-62 13-30-29 TL1100; Ref. 5126

NOTE: We find a personal property account for a mobile home assessed to Phyllis & Steve Veselik, situated on the herein described property for which personal property taxes are paid as follows:

Taxes paid in full for 2007-2008:  
Levied Amount : \$90.85  
Account No. : 3-62 13-30-29 TL1100; Ref. 904072

Assessor's Real Market Land Value: \$316,880.00  
Assessor's Real Market Improvements \$69,240.00  
Value:  
Assessor's Real Market Total Value: \$386,120.00

THIS SEARCH DOES NOT INCLUDE ANY EASEMENTS, COVENANTS, RESTRICTIONS, OR OTHER SUCH MATTERS.

**THIS IS NOT A TITLE REPORT**, since a complete examination has not been made of the entire title to the above described property. Our search for the current fee owner and unpaid monetary encumbrances 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. We assume no liability in connection with this Report and will not be responsible for errors or omissions therein.

LAND TITLE COMPANY OF GRANT COUNTY, INC.

BY: 

Steve Smothers, Title Officer



**EXHIBIT "A"**

In Township 13 South, Range 30 East of the Willamette Meridian, Grant County, Oregon:

Section 29: Beginning at a point 72 rods West of the Northeast corner of said Section 29; thence South 172 rods; thence East 72 rods; thence South 148 rods to the Southeast corner of said Section 29; thence West, along the South line of said Section 29, 139 rods; thence North to a point 18 rods and 12.0 feet South of the North line of said Section 29; thence East 14 rods; thence North 18 rods and 12.0 feet to the North line of said Section 29; thence East, along said North line, 53 rods to the place of beginning; SAVE & EXCEPT the following:

(a) The right of way of the John Day Highway.

(b) A tract of land in the NE1/4SE1/4 described as follows:

Beginning at a point where the East line of said Section 29 intersects the North right of way line of the Harper Creek County Road; said point being 2208.10 feet North and 11.33 feet West of the Southeast corner of said Section 29; thence, along the Northerly and Westerly right of way line of said County Road, as follows: S86°45'00"W, 155.59 feet; 68.00 feet along the arc of a 70.00 foot radius curve left (the long chord of which bears S58°55'13"W, 65.36 feet); S31°05'25"W, 173.19 feet; 68.99 feet along the arc of a 270.00 foot radius curve left (the long chord of which bears S23°46'13"W, 68.80 feet); thence N55°00'00"W, 565.28 feet; thence N0°17'38"W, 213.69 feet to a point which is S0°17'38"E, 2838.00 feet (172 rods) of the North line of said Section 29; thence N89°40'11"E, parallel to the North line of said Section 29, to the East section line of said Section 29; thence S0°17'30"E, along said East section line, to the point of beginning.

(Tax Acct. 3-62 13-30-29 TL1100; Ref. 5126)

SECTION 29 T.13S. R.30E. W.M.  
GRANT COUNTY

1" = 400'

13S  
CANCEL  
401

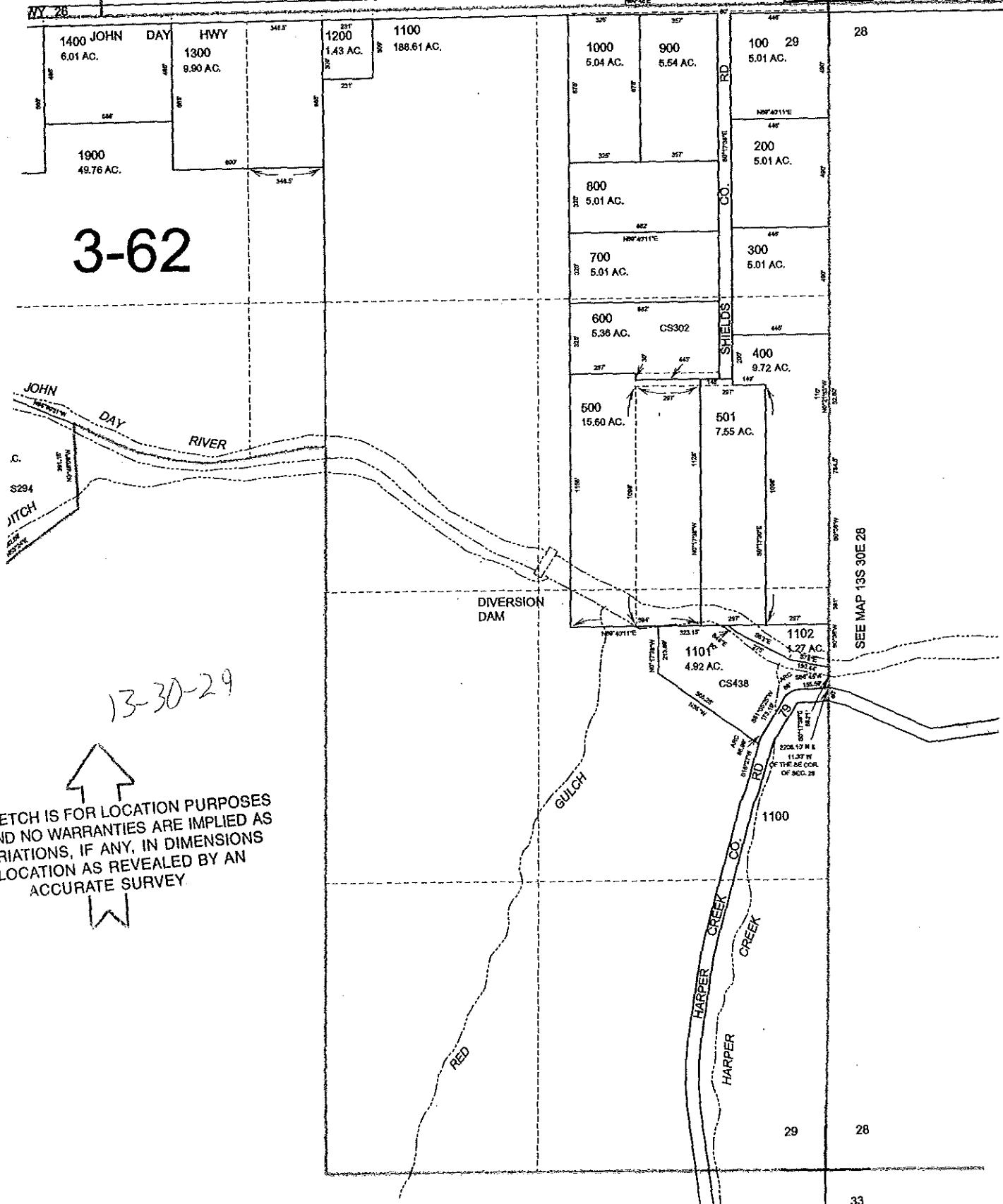
SEE MAP 13S 30E 20

20

21

28

3-62



COPY

INEZ G. LEMONS,  
GRANDMOTHER of  
MR. KAM LEMONS, IS  
DECEASED.

SHOULD BE FINE THAT  
KAM SIGNED APPL.  
REPRESENTING  
INGLE BUTTE RANCHES



→ file COPY



# Oregon

Theodore R. Kulongoski, Governor

June 25, 2008

## Water Resources Department

North Central Region  
116 S.E. Dorian Avenue  
Pendleton, OR 97801  
Phone (541) 278-5456  
FAX (541) 278-0287

KIM LEMONS  
c/o INGLE BUTTE RANCHES  
P.O. BOX 28  
MT VERNON, OR 97865

SUBJECT: Application T-10404

Please find enclosed a draft of our Preliminary Determination regarding transfer application T-10404. The document reflects the Department's conclusion that, based on the information currently available, the transfer will be approved. This draft is intended to provide you with an opportunity to comment on our findings and conclusions should you wish to do so. Please review the draft carefully to evaluate whether the document is consistent with your intent in seeking the transfer, and whether you agree with the proposed action. Your approval and/or any comments are requested in writing as described below.

At this time, you must submit a report of ownership and lien information (similar to Lot Book report) prepared by a title company within the last three months, as required by OAR 690-380-4010(5). As required on Page 6 of your transfer application in the signature block, a report of ownership and lien information for the lands to which the water right(s) are appurtenant is to be submitted prior to the next document being sent out by the Department. If there are additional lienholders identified in the report that have not previously been notified of the transfer, you must send notice of the transfer to them, and submit copies of each such notice to the Department to document that each lienholder has been informed of the transfer.

Because the new additional point of diversion is more than ¼ mile from the authorized point of diversion, the applicant is responsible for publishing notice of the transfer in a local newspaper having a general circulation in the area of the water right. The notice must be published at least once a week for three consecutive weeks. We will provide a copy of the required notice to you upon issuance of the Preliminary Determination.

In addition, while conducting a review of the existing water rights on your lands, the Department finds that another water right exists on the lands proposed in the transfer. Certificate 52195, issued in the name of Mt. Vernon Irrigation and Power Company, with a priority date of March 6, 1911, and was also issued for primary irrigation. The Department must identify all water rights that exist on the lands described in a transfer, and, in this case, consistent with OAR 690-380-5120, the Department shall consider the right with the oldest priority date as the primary water right unless the landowner/applicant designates otherwise. All other rights shall be diminished to supplemental water rights. Enclosed are maps and a copy of Certificate 52195 for your records. These are considered two "layered" rights and are forever tied to each other.

Issuance of the Preliminary Determination will occur shortly after we receive both your written response and the report of ownership and lien information. If we do not receive your response and the report by July 9, 2008, a Preliminary Determination may be issued denying the application as incomplete.

If you should have any questions regarding the information being requested, please feel free to contact me here in Pendleton at (541) 278-5456. My e-mail address is [Ken.D.Dowden@ wrd.state.or.us](mailto:Ken.D.Dowden@ wrd.state.or.us).

Sincerely,

Ken Dowden  
Field Services Division

cc: Kyle Sullivan, Grant Soil & Water Conservation Dist. -> address: 721 S. Canyon Blvd, John Day, OR 97845  
Gary Wilson, CWRE (Grant Soil & Water Conservation Dist) -> address: 721 S. Canyon Blvd, John Day, OR 97845  
Eric Julsrud, District #4 Watermaster

enc

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

In the Matter of Transfer Application  
T-10404, Grant County

) **D R A F T**  
)  
) PRELIMINARY DETERMINATION  
) PROPOSING APPROVAL OF AN  
) ADDITIONAL POINT OF DIVERSION

**Authority**

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

**Applicant**

KIM LEMONS  
c/o INGLE BUTTE RANCHES  
P.O. BOX 28  
MT VERNON, OR 97865

**Agent**

KYLE SULLIVAN  
GRANT SOIL & WATER CONSERVATION DISTRICT  
721 SOUTH CANYON BLVD.  
JOHN DAY, OREGON 97845

**Findings of Fact**

***Background***

1. On June 6, 2007, Kim Lemons, of Ingle Butte Ranches, filed an application to add an additional point of diversion under Certificate 31684. The Department assigned the application number T-10404.

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

**Certificate:** 31684, in the name of DENNIS LEMONS (John Day River (F) decree)

**Use:** IRRIGATION of 23.0 ACRES

**Priority Date:** 1888

**Limit/Duty:** ONE-FORTIETH of one cubic foot per second per acre from April 1 to September 30; further limited to ONE ACRE-FOOT per acre per calendar month to JULY 1 and 3/4 ACRE-FOOT per acre thereafter; total of not to exceed 5.0 ACRE-FEET per acre per season measured at the point of diversion

**Source:** JOHN DAY RIVER, a tributary of the COLUMBIA RIVER

**Authorized Point of Diversion:** Based upon the John Day River Decree and associated adjudication map, the tabulation describing the right recognizes and identifies a ditch and dam located:

Twp	Rng	Mer	Sec	Q - Q	Survey Coordinates
13 S	30 E	WM	28	SE NW	LEMONS DITCH

**Authorized Place of Use:**

IRRIGATION					
Twp	Rng	Mer	Sec	Q - Q	Acres
13 S	30 E	WM	29	NW NE	9.0
13 S	30 E	WM	29	SW NE	14.0
TOTAL:					23.0

3. Application T-10404 proposes to add an additional point of diversion approximately 3,300 feet downstream from the authorized point of diversion to a pump site located:

Twp	Rng	Mer	Sec	Q - Q	Survey Coordinates
13 S	30 E	WM	29	SE NE	North 44 Degrees 24 Minutes, 38.9 seconds West 119 Degrees 7 minutes 41.3 Seconds

4. Notice of the application for transfer was published on June 12, 2007, pursuant to OAR 690-380-4000. No comments were filed in response to the notice. However, the Oregon Department of Fish and Wildlife (ODFW) has determined that a fish screening and/or by-pass device is necessary at the new point of diversion to prevent fish from entering the diversion and/or safely transport fish back to the body of water from which the fish were diverted and that the diversion is not currently equipped with an appropriate fish screening and/or by-pass device. This diversion may be eligible for screening cost share funds.
5. The Department has determined that two primary water rights exist on the same ground identified in this transfer, causing them to be "layered rights" under Oregon Administrative rule OAR 690-380-2240. Certificate 52195, issued in the name of Mt. Vernon Irrigation and Power Company, with a priority date of March 6, 1911, and was issued for primary irrigation. Consistent with OAR 690-380-5120, the Department shall consider the right with the oldest priority date as the primary water right unless the landowner/applicant designates otherwise. All other rights shall be diminished to supplemental water rights. These are considered two "layered" rights and are forever tied to each other.

***Transfer Review Criteria [OAR 690-380-4010(2)]***

6. Water has been used within the last five years according to the terms and conditions of the right, and there is no information in the record that would demonstrate that the right is subject to forfeiture under ORS 540.610.
7. A diversion structure and ditch sufficient to use the full amount of water allowed under the existing right were present within the five-year period prior to submittal of Application T-10404.
8. The proposed change would not result in enlargement of the right.
9. The proposed change would not result in injury to other water rights.



## Determination and Proposed Action

The change in allowing an additional point of diversion proposed in application T-10404 appears to be consistent with the requirements of ORS 540.505 to 540.580 and OAR 690-380-5000. If protests are not filed pursuant to OAR 690-380-4030, the application will be approved.

*If application T-10404 is approved, the final order will include the following:*

- 1. The change in additional point of diversion proposed in application T-10404 is approved.*
- 2. Water right certificate 31684 is cancelled.*
- 3. The right to the use of the water is restricted to beneficial use at the place of use described, and is subject to all other conditions and limitations contained in Certificate 31684 and any related decree.*
- 4. The quantity of water diverted at the additional point of diversion, together with that diverted at the original point of diversion, shall not exceed the quantity of water lawfully available at the original point of diversion.*
- 5. Prior to diverting water, the water user shall install a fish screening and/or by-pass device, as appropriate, at the new point of diversion consistent with the Oregon Department of Fish and Wildlife's (ODFW) design and construction standards. Prior to installation, the water user shall obtain written approval from ODFW that the required screen and/or by-pass device meets ODFW's criteria. Prior to submitting a Claim of Beneficial Use, the water user must obtain written approval from ODFW that the required screening and/or by-pass device was installed to the state's criteria. The water user shall maintain and operate the fish screen and/or by-pass device, as appropriate, at the point of diversion consistent with ODFW's operational and maintenance standards.*
- 6. Prior to diverting water at the new additional point of diversion, the water user shall install an in-line flow meter, weir, or other suitable device for measuring and recording the quantity of water diverted. 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. The water user shall maintain and operate the measuring device as required by the Department.*
- 7. The approved changes shall be completed and full beneficial use of the water shall be made on or before October 1, 2009. A Claim of Beneficial Use prepared by a Certified Water Rights Examiner shall be submitted by the applicant to the Department within one year after the deadline for completion of the changes and full beneficial use of the water.*
- 8. When satisfactory proof of the completed change is received, a new certificate confirming the right transferred will be issued.*

Dated at Salem, Oregon this \_\_\_\_\_ day of \_\_\_\_\_ 2008.

D R A F T

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

This draft Preliminary Determination was prepared by Ken Dowden. If you have questions about the information in this document, you may reach me at 541-278-5456 or [Ken.D.Dowden@wrд.state.or.us](mailto:Ken.D.Dowden@wrд.state.or.us).

**Review Checklist****T-10404****Processor: KDD****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.
- ☒ All required attachments received.

**Water right subject to transfer**

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

**Application Map**

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

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

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

**Ownership**

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

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

- |  |   |   |   |   |
|--|---|---|---|---|
| <input checked="" type="checkbox"/> application complete | <input checked="" type="checkbox"/> map         | <input type="checkbox"/> FPS                  | <input checked="" type="checkbox"/> evidence of use | <input checked="" type="checkbox"/> land-use form |
| <input checked="" type="checkbox"/> deed/ROLI            | <input checked="" type="checkbox"/> certificate | <input checked="" type="checkbox"/> fees paid | <input type="checkbox"/> well logs                  | <input checked="" type="checkbox"/> plat card     |
| <input type="checkbox"/> audit                           | <input checked="" type="checkbox"/> dpd         |   |   |   |

Reviews/comments/conditions received?

- |   |  |  |   |
|---|--|--|---|
| <input checked="" type="checkbox"/> Watermaster | <input checked="" type="checkbox"/> ODFW                 | <input type="checkbox"/> GW                            |   |
| Headgate  | <input checked="" type="checkbox"/> When in the judgment | <input type="checkbox"/> Prior to diverting            | <input checked="" type="checkbox"/> Existing and maintain |
| Measuring Devices                               | <input type="checkbox"/> When in the judgment            | <input checked="" type="checkbox"/> Prior to diverting | <input type="checkbox"/> Existing and maintain            |
| Fish Screen Devices                             | <input type="checkbox"/>                                 |  |   |

Injury: Y N      Enlargement: Y N

Conditions to avoid enlargement/injury –





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

# Application for Water Right Transfer

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

## 1. TYPE OF TRANSFER APPLICATION

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

## 2. APPLICANT INFORMATION

Name: Kim Lemons

First

Last

Address: Ingle Butte Ranches, PO Box 28

Mt. Vernon, Oregon 97865

City

State

Zip

Phone: (541) 932-4854 or Cell (541) 620-1383

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: Kyle S. Sullivan

First

Last

Address: Grant Soil and Water Conservation District, 721 S. Canyon Blvd

John Day, Oregon 97845

City

State

Zip

Phone: (541) 575-0135

Home

Work

Other

Fax: (541) 575-0646

E-Mail address: [sullivank@centurytel.net](mailto:sullivank@centurytel.net)

▪ 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.

10404

#### 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.	John Day River		31684 ✓
2.			
3.			
4.			
5.			
6.			

- Attach a **separate Supplemental Form A** (*Description of Proposed Change(s) to a Water Right*) for **each** water right listed above.
- Check **all** proposed change(s) included in this transfer application:
  - ☐ Place of Use      ☐ Point of Diversion      ☒ Additional Point of Diversion
  - ☐ Character of Use      ☐ Point of Appropriation      ☐ Additional Point of Appropriation
  - ☐ Instream Transfer      ☐ Surface Water source to Ground Water source
- Reason(s) for change(s): Desire to improve irrigation efficiency by adding a pump station and changing irrigation practices from flood to sprinkler.

#### 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.*

Water is currently diverted from the John Day River from the Lemons Ditch diversion and conveyed through an open ditch and applied to the place of use.

- System capacity: Greater than 4.21 cubic feet per second (cfs). If the transfer involves multiple rights that have independent systems, describe the capacity for each system separately.

**RECEIVED**

T 10404

JUN 06 2007

## 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:*

---

---

---

- 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).

N/A

---

---

---

**RECEIVED**

JUN 06 2007

WATER RESOURCES DEPT  
SALEM, OREGON



## 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): Robert Hutchinson

First

Last

Address: P.O. Box 203

Mt Vernon, Oregon 97865

City

State

Zip

- Does the applicant own the lands **TO** which the right is being transferred?

☐ Yes

☐ No

☒ N/A - NOT APPLICABLE TO INSTREAM TRANSFERS

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

Names of Receiving Landowner(s):

First

Last

Address:

City

State

Zip

- Check one of the following:

☐ The receiving landowner will be responsible for completion of the proposed changes after the final order is issued. All notices and correspondence should be sent to this landowner.

☒ The applicant will remain responsible for completion of changes. Notices and correspondence should continue to be sent to the applicant and applicant's agent.

☐ N/A. (Not applicable. Application is for an Instream Water Right Transfer.)

## 9. ATTACHMENTS

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

### Supplemental Form A –

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

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

### Supplemental Form B –

#### Evidence of Use Affidavit(s)

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

### Map

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

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

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

### Land Use Information Form:

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

### Fees:

- ☒ Amount enclosed: \$ 350  
See the Department's Fee Schedule at [www.wrd.state.or.us](http://www.wrd.state.or.us) or call (503) 986-0900.

### Instream Water Right Transfers, also include:

### Supplemental Form C –

#### Instream Water Right Transfer

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

### Temporary Transfers, also include:

### Recorded Deed:

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

### Affidavit of Consent:

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

RECEIVED

JUN 06 2007

WATER RESOURCES DEPT  
SALEM, OREGON

**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:

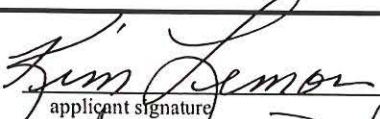

☒ In accordance with OAR 690-380-3000(13)(a), I (we) understand that prior to Department approval of a permanent transfer and upon my receipt of a draft Preliminary Determination for the proposed transfer, I (we) will be required [pursuant to OAR 690-380-4010(5)] to provide the following landownership 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>Kim Lemon</u> name (print)	<u>5-15-07</u> date
 applicant signature	<u>Angela Fute Ranch</u> name (print)	<u>OK</u> date

T 10404

RECEIVED

JUN 06 2007

fee paid



## 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: 31684

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

(Check *all* that apply.)

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

**RECEIVED**

JUN 06 2007

WATER RESOURCES DEPT  
SALEM, OREGON

## 2. CURRENT WATER RIGHT INFORMATION

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

<input checked="" type="checkbox"/> Certificated Right	31684	John Day River
	Certificate Number	Permit Number or Decree Name
<input type="checkbox"/> Adjudicated, Non-certificated Right		
	Name of Decree	Page Number
<input type="checkbox"/> Permit for which Proof has been Approved		
	Permit Number	Date Claim of Beneficial Use Submitted
<input type="checkbox"/> Transferred Right for which Proof has been Filed		
	Previous Transfer Number	Date Claim of Beneficial Use Submitted

- Name on Permit, Certificate, or Decree: Dennis Lemons
- County: Grant
- Authorized Use(s) to be Affected by Transfer: Irrigation
- Priority Date(s): 1888

*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: John Day River

Tributary to: Columbia 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).*

**RECEIVED**

JUN 06 2007

WATER RESOURCES DEPT  
SALEM, OREGON

■ Certificate Number or other identifying number: 31684

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)
	JDR 1888	13S	30E	W M	28	SENW	706	N/A

- 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
									RECEIVED
									JUN 06 2007
									WATER RESOURCES DEPT SALEM, OREGON

10404



- Certificate Number or other identifying number: 31684

*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

10404

▪ Certificate Number or other identifying number: 31684

### 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)
JDR	13S	30E	W M	29	SW NE SE	1100	N 44° 24' 38.9" W 119° 7' 41.3" ✓

- 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

10404

RECEIVED  
JUN 06 2007  
WATER RESOURCES DEPT  
SALEM, OREGON

▪ Certificate Number or other identifying number: 31684

*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.)

[illegible]

WATER RESOURCES DEPT  
SALEM, OREGON

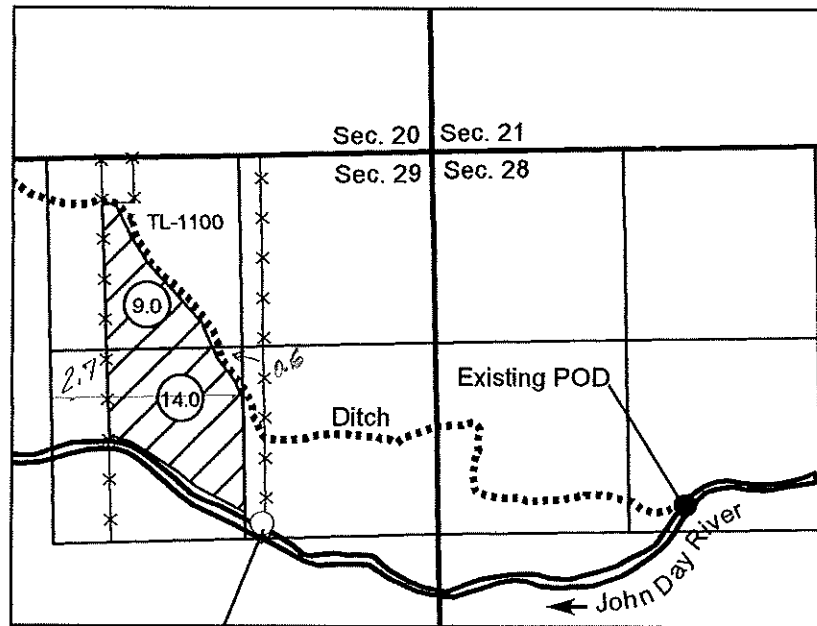
Remarks: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

1 10404

# Additional Point of Diversion Transfer Application Map for Ingle Butte Ranches



**Township 13 South, Range 30 East, W.M.**

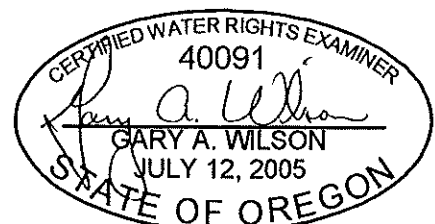
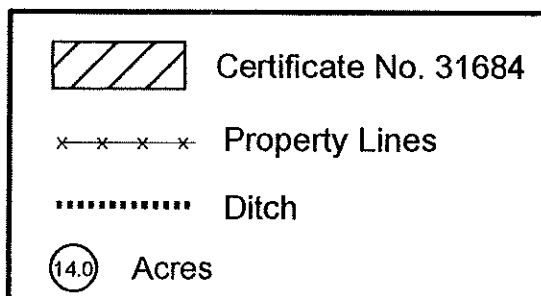
Proposed Additional POD: N 44° 24' 38.9" W 119° 7' 41.3"

**RECEIVED**

JUN 06 2007

WATER RESOURCES DEPT  
SALEM, OREGON

**1 inch equals 1,320 feet**



EXPIRES: 6/30/08



## Ken Dowden

---

**From:** Ken Dowden  
**Sent:** Wednesday, August 06, 2008 8:18 AM  
**To:** 'Kyle S. Sullivan'  
**Subject:** RE: Kim Lemons Water Right Tranfer...

That should do it. I will print this out, place into the file and ship it off to Salem.

Thanks Kyle.

---

**From:** Kyle S. Sullivan [mailto:sullivank@centurytel.net]  
**Sent:** Tuesday, August 05, 2008 5:23 PM  
**To:** Ken Dowden  
**Subject:** Kim Lemons Water Right Tranfer...

Hey Ken,

I spoke with Kim yesterday and he is good with the Draft Preliminary Determination.

Inez Lemons was his grandmother; she is deceased. What do you need to proceed on the transfer?

I'll do what I can from this end.

Thanks!

Kyle

Kyle S. Sullivan  
Grant Soil and Water Conservation District  
721 S. Canyon Blvd  
John Day, Oregon 97845  
(541) 575-0135 x111  
FAX (541) 575-0646

RECEIVED  
AUG 13 2008  
WATER RESOURCES DEPT.  
SALEM, OREGON

8/6/2008

**Ken Dowden**

---

**From:** Dorothy Pedersen  
**Sent:** Monday, July 28, 2008 5:02 PM  
**To:** Ken Dowden  
**Subject:** RE: ROLI verification

Ken,

I think there are a few options. Depending on the Inez Lemons Family Trust incorporation, it may allow one or the other of Inez or Kim to take actions on behalf of the trust, or it may require both of them to authorize an action such as this. If only one signature is needed, Kim could take care of it, but if both are required, then we need either Inez to sign, or a copy of a power of attorney document authorizing Kim to sign on her behalf.

Dorothy

---

**From:** Ken Dowden  
**Sent:** Monday, July 28, 2008 2:13 PM  
**To:** Dorothy Pedersen  
**Subject:** ROLI verification

Dorothy, could you please look at the attached ROLI and tell me what you think of the part where, in item # B., it refers to Inez G. Lemons.

Inez is the (elderly) mother of Kim. Mr. Kim Lemon is the president of the Company, Ingle Butte Ranches, Inc., and he is the only one on the application.

QUESTION: do I need Power of Attorney from Kim for his mother, or do I need a signature from Inez?

**Ken Dowden**  
**N.C. Region Transfer Specialist**  
**Oregon Water Resources Department**  
**116 S.E. Dorion Ave.**  
**Pendleton, Oregon 97801**  
ph# (541) 278-5456



Please think before you print.

8/6/2008

# Water Rights Platcard Report

Meridian: WILLAMETTE Township: 13 South Range: 30 East Section: 29 Records per Page: 6 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
<u>Select</u> <b>Permit:S 46213 *</b> Additional Info: MT VERNON IRRIGATION & POWER CO. App: S61123 Permit: S46213		1/8/1981	SUPPLEMENTAL IRRIGATION (Suppl'mtl)				34.77		1					5					38			20	20.9	
<u>Select</u> <b>Permit:S 42332 CN</b> Additional Info: EARL D MCCLENAHER App: S56423 Permit: S42332		8/15/1977	IRRIGATION CN							7														
<u>Select</u> <b>Cert:80874 RR *</b> Additional Info: STEVE WALKER App: S61881 Permit: S46253 Cert: 80874		7/13/1981	SUPPLEMENTAL IRRIGATION (Suppl'mtl)											4										
<u>Select</u> <b>Cert:79903 RR *</b> Additional Info: HOMER HARRISON App: S61881 Permit: S46253 Cert: 79903		7/13/1981	SUPPLEMENTAL IRRIGATION (Suppl'mtl)											4										
<u>Select</u> <b>Cert:79902 RR *</b> Additional Info: HOMER HARRISON App: S5224 Permit: S3163 Cert: 79902		10/23/1916	IRRIGATION									0.1	24.1	6.6										
<u>Select</u> <b>Cert:65852 OR CN</b> Additional Info: HOMER HARRISON App: S61881 Permit: S46253 Cert: 65852	T9332, T8603	7/13/1981	SUPPLEMENTAL IRRIGATION (Suppl'mtl) CN											4										

1 2 3 4 5 6

Acreage Legend: 12.25 Regular acreage ±2.25 Acreage is on a canceled right (12.25) Acreage is part of a transfer and has not been proven up on yet [12.25] Acreage has been suspended \* Acreage is not specified

CONFLICT = 2 PRIMARIES ON THE SAME GROUND

Now 31684  
C# 25368 and 52195 OVERLAP

SEE PG. 3 of 5 →



# Water Rights Platcard Report

Meridian: WILLAMETTE Township: 13 South Range: 30 East Section: 29 Records per Page: 6 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 Cert:60854 OR * Additional Info: WILBERT TAY App: G9311 Permit: G8723 Cert: 60854		7/16/1979	SUPPLEMENTAL IRRIGATION (Suppl'mtl)					3			1.9													
Select Cert:59986 RR CN Additional Info: HOMER HARRISON App: S5224 Permit: S3163 Cert: 59986	T8603	10/23/1916	IRRIGATION	CN								0.1	24.1	6.6										
Select Cert:58865 OR * Additional Info: LEO A. WISE App: G8726 Permit: G8227 Cert: 58865		4/7/1978	SUPPLEMENTAL IRRIGATION (Suppl'mtl)					3.18			0.8													
NCR Select Cert:56470 CF * Additional Info: JAMES A MORRIS App: E1289 Permit: E88 Cert: 56470		3/6/1911	STORAGE						2		1													
Select Cert:56318 OR * Additional Info: DAVE & JOANN TRIPP App: S67709 Permit: S48208 Cert: 56318		10/13/1983	IRRIGATION															0.8						
Select Cert:55295 RR CN Additional Info: BLUE MOUNTAIN DITCH CO. App: S5224 Permit: S3163 Cert: 55295	T6028	10/23/1916	IRRIGATION	CN								0.1	24.1	6.6										
1 2 3 4 5 6																								

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)    [12.25] Acreage has been suspended    \* Acreage is not specified



# Water Rights Platcard Report

Meridian: WILLAMETTE Township: 13 South Range: 30 East Section: 29 Records per Page: 6 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 Cert:54621 OR * Additional Info: DONALD CATES App: G8804 Permit: G8183 Cert: 54621		5/9/1978	IRRIGATION				5																	
Select Cert:54423 OR * Additional Info: COOK ALLEN App: G9162 Permit: G8524 Cert: 54423		3/6/1979	IRRIGATION								8									0.7				
Select Cert:54423 OR * Additional Info: COOK ALLEN App: G9162 Permit: G8524 Cert: 54423		3/6/1979	SUPPLEMENTAL IRRIGATION (Suppl'mtl)								3.2													
Select Cert:54421 OR * Additional Info: DONALD E BOYER App: S57180 Permit: S43525 Cert: 54421		8/24/1978	DOMESTIC INCLUDING LAWN AND GARDEN								*													
Select Cert:52195 RR * Additional Info: MT VERNON IRRIGATION & POWER CO. App: E1289 Permit: E88 Cert: 52195		3/6/1911	IRRIGATION AND DOMESTIC				34.77	36	10	20	24	38												
								↓	↓															
Select Cert:50672 OR * Additional Info: DONALD/ELSA BOYER App: S38677 Permit: S28815 Cert: 50672		4/25/1963	IRRIGATION								1.8									1.4				

1 2 3 4 5 6

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) [12.25] Acreage has been suspended \* Acreage is not specified

CONFLICT

PANAMA DITCH CO.

NEED TO REMOVED TO SUPP. IRR.

4.70  
9.1  
3.12  
7.82

WILL SEND OUT APP W/ AFFIDAVIT TO DISMISS

# Water Rights Platcard Report

Meridian: WILLAMETTE Township: 13 South Range: 30 East Section: 29 Records per Page: 6 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
<b>Select Cert:49909 RR CR CN</b> Additional Info: BLUE MOUNTAIN DITCH CO. App: S5224 Permit: S3163 Cert: 49909		10/23/1916	IRRIGATION	CN									0-1	24-1	6-6									
<b>Select Cert:46773 RR CN</b> Additional Info: MT VERNON IRRIGATION & POWER CO. App: E1289 Permit: E88 Cert: 46773		3/6/1911	IRRIGATION AND DOMESTIC	CN				34.77	38	10	20	25	38	5										
<b>Select Cert:46261 CF RR CN</b> Additional Info: BLUE MOUNTAIN DITCH CO. App: S5224 Permit: S3163 Cert: 46261		10/23/1916	IRRIGATION	CN									0-1	24-1	6-6									
<b>Select Cert:46175 RR CN</b> Additional Info: MT VERNON IRRIGATION & POWER CO. App: E1289 Permit: E88 Cert: 46175		3/6/1911	IRRIGATION AND DOMESTIC	CN				34.77	38	10	20	25	38	5										
<b>Select Cert:31684 CR *</b> Additional Info: DENNIS LEMONS Decree: JOHN DAY RIVER (F) Cert: 31684		T10404	IRRIGATION						9	14														
<b>Select Cert:25783 OR *</b> Additional Info: J.L. SCHRIER Decree: JOHN DAY RIVER (F) Cert: 25783		12/31/1888	IRRIGATION						8.1	5		18.6			11.3									

1 2 3 4 5 6

Acreege Legend: 12.25 Regular acreage 12.25 Acreege is on a canceled right (12.25) Acreege is part of a transfer and has not been proven up on yet (inchoate) [12.25] Acreege has been suspended \* Acreege is not specified



# Water Rights Platcard Report

Meridian: WILLAMETTE Township: 13 South Range: 30 East Section: 29 Records per Page: 6 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 <b>Cert:25538 OR *</b> Additional Info: H H MCKERN Decree: JOHN DAY RIVER (F) Cert: 25538		1/31/1896	IRRIGATION									10	24.1											
Select <b>Cert:25440 OR *</b> Additional Info: FRED KOEHLER Decree: JOHN DAY RIVER (F) Cert: 25440		12/31/1888	IRRIGATION									16												
Select <b>Cert:25368 OR CN</b> Additional Info: BENTON G INGLE Decree: JOHN DAY RIVER (F) Cert: 25368		12/31/1888	IRRIGATION CN							23														
Select <b>Cert:24504 OR CN</b> Additional Info: BLUE MOUNTAIN DITCH CO. App: S5224 Permit: S3163 Cert: 24504	T2353	10/23/1916	IRRIGATION CN									0.1	24.1	6.6										
Select <b>Cert:2397 OR CN</b> Additional Info: MT VERNON IRRIGATION & POWER CO. App: E1289 Permit: E88 Cert: 2397		3/6/1911	IRRIGATION AND DOMESTIC CN					40	38	10	20	25	38	5										
Select <b>Cert:1934 OR *</b> Additional Info: GEORGE W LIVERMORE App: E3999 Permit: E232 Cert: 1934		11/30/1914	IRRIGATION												15									
1 2 3 4 5 6																								

Acreage Legend: 12.25 Regular acreage ±2.25 Acreage is on a canceled right (12.25) Acreage is part of a transfer and has not been proven up on yet (inchoate) [12.25] Acreage has been suspended \* Acreage is not specified

# Water Rights Platcard Report

Meridian: WILLAMETTE Township: 13 South Range: 30 East Section: 29 Records per Page: 6 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 <b>App:P 82280 *</b> Additional Info: KATHLEEN G JORDAN App: P82280		1/14/1997	FISH CULTURE									*												
Select <b>App:P 82280 *</b> Additional Info: KATHLEEN G JORDAN App: P82280		1/14/1997	LIVESTOCK									*												
Select <b>App:P 82279 *</b> Additional Info: JORDAN ENRIGHT App: P82279		1/14/1997	FISH CULTURE								*													
Select <b>App:P 82279 *</b> Additional Info: JORDAN ENRIGHT App: P82279		1/14/1997	LIVESTOCK								*													
1 2 3 4 5 6																								

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)    [12.25] Acreage has been suspended    \* Acreage is not specified



# LAND TITLE CO. OF GRANT COUNTY, INC.

103 West Main Street  
John Day, OR 97845-1092

Phone: (541) 575-1830 or 575-1529  
Fax: (541) 575-0149  
E-Mail: stevelandco@centurytel.net

REC'D JUL 18 2008

**Date:** July 14, 2008

**Fee:** \$75.00

## OWNERSHIP AND ENCUMBRANCE REPORT

The Company has searched its title plant record, and the Company reports as follows:

According to the Company's title plant records for Grant County as to land described below, the Company finds the following matters as of 8:00 a.m. on 7/1/2008.

A. The land which is the subject of this search is described as follows:

FOR LEGAL DESCRIPTION SEE ATTACHED EXHIBIT A

B. Title to the property described is vested in:

INGLE BUTTE RANCHES, INC., an Oregon corporation, as to an undivided one-half interest; and Inez G. Lemons and Kim A. Lemons, as Trustees of THE INEZ LEMONS FAMILY TRUST, by an agreement dated April 8, 1992, as to an undivided one-half interest.

C. The land is subject to the following apparent monetary encumbrances:

1. 2008-2009 taxes, a lien not yet payable.
2. As disclosed by the tax roll the premises herein described have been zoned or classified for farm use. At any time that said land is disqualified for such use, the property may be subject to additional taxes or penalties and interest.
3. Any improvement located upon the insured property which is described or defined as mobile home under the provisions of ORS 446.561 TO 446.646 and is subject to registration as provided therein.
4. This report does not include a search for financing statements or agricultural services liens which are filed with the Secretary of State and any matters which would be disclosed thereby are expressly excluded from coverage herein.

5. Mortgage, including the terms and provisions thereof to secure the amount noted below and other amounts secured thereunder, if any:

Mortgagor	: Ingle Butte Ranches, Inc., an Oregon corp.; Brice E. Lemons, same person : as Brice Lemons, and Inez Lemons, same person as Inez G. Lemons, : husband and wife; Dennis F. Lemons and Mary Margaret Lemons, : husband and wife; and Kim Lemons and Carla Lemons, husband and wife
Mortgagee	: The Federal Land Bank of Spokane
Dated	: November 20, 1978
Recorded	: November 28, 1978
Book	: 48

Ownership and Encumbrance Report (continued)

Page : 596  
Amount : \$150,000.00

By Multiple Assignments, said Mortgage was assigned:  
To : Northwest Farm Credit Services, FLCA  
Recorded : June 6, 2006  
Instr. No. : 20061252

6. Judgment in the State Circuit Court:  
Creditor : City of Mt Vernon  
Debtor : Ingle Butte Ranches Inc and Kim Lemons  
Case No. : 9810235CV  
Entered : January 22, 2003  
Face : \$1,038.78

NOTE: Taxes paid in full for 2007-2008:  
Levied Amount : \$1461.82  
Account No. : 3-62 13-30-29 TL1100; Ref. 5126

NOTE: We find a personal property account for a mobile home assessed to Phyllis & Steve Veselik, situated on the herein described property for which personal property taxes are paid as follows:

Taxes paid in full for 2007-2008:  
Levied Amount : \$90.85  
Account No. : 3-62 13-30-29 TL1100; Ref. 904072

Assessor's Real Market Land Value: \$316,880.00  
Assessor's Real Market Improvements \$69,240.00  
Value:  
Assessor's Real Market Total Value: \$386,120.00

THIS SEARCH DOES NOT INCLUDE ANY EASEMENTS, COVENANTS, RESTRICTIONS, OR OTHER SUCH MATTERS.

**THIS IS NOT A TITLE REPORT**, since a complete examination has not been made of the entire title to the above described property. Our search for the current fee owner and unpaid monetary encumbrances 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. We assume no liability in connection with this Report and will not be responsible for errors or omissions therein.

LAND TITLE COMPANY OF GRANT COUNTY, INC.

BY:   
Steve Smothers, Title Officer

**EXHIBIT "A"**

In Township 13 South, Range 30 East of the Willamette Meridian, Grant County, Oregon:

Section 29: Beginning at a point 72 rods West of the Northeast corner of said Section 29; thence South 172 rods; thence East 72 rods; thence South 148 rods to the Southeast corner of said Section 29; thence West, along the South line of said Section 29, 139 rods; thence North to a point 18 rods and 12.0 feet South of the North line of said Section 29; thence East 14 rods; thence North 18 rods and 12.0 feet to the North line of said Section 29; thence East, along said North line, 53 rods to the place of beginning; SAVE & EXCEPT the following:

(a) The right of way of the John Day Highway.

(b) A tract of land in the NE1/4SE1/4 described as follows:

Beginning at a point where the East line of said Section 29 intersects the North right of way line of the Harper Creek County Road; said point being 2208.10 feet North and 11.33 feet West of the Southeast corner of said Section 29; thence, along the Northerly and Westerly right of way line of said County Road, as follows: S86°45'00"W, 155.59 feet; 68.00 feet along the arc of a 70.00 foot radius curve left (the long chord of which bears S58°55'13"W, 65.36 feet); S31°05'25"W, 173.19 feet; 68.99 feet along the arc of a 270.00 foot radius curve left (the long chord of which bears S23°46'13"W, 68.80 feet); thence N55°00'00"W, 565.28 feet; thence N0°17'38"W, 213.69 feet to a point which is S0°17'38"E, 2838.00 feet (172 rods) of the North line of said Section 29; thence N89°40'11"E, parallel to the North line of said Section 29, to the East section line of said Section 29; thence S0°17'30"E, along said East section line, to the point of beginning.

(Tax Acct. 3-62 13-30-29 TL1100; Ref. 5126)

SECTION 29 T.13S. R.30E. W.M.  
GRANT COUNTY

1" = 400'

13S  
CANCI  
401

SEE MAP 13S 30E 20

20

21

28

1400 JOHN DAY HWY 1300  
6.01 AC. 9.90 AC.  
1900 49.76 AC.  
1200 1.43 AC.  
1100 188.61 AC.

3-62

JOHN DAY RIVER  
C. S294  
JITCH

DIVERSION DAM

GULCH

RED

1000 5.04 AC.  
900 5.54 AC.  
100 29 5.01 AC.  
200 5.01 AC.  
300 5.01 AC.  
400 9.72 AC.  
500 15.60 AC.  
501 7.55 AC.  
1102 4.27 AC.  
1101 4.92 AC.  
CS302  
CS438  
1100  
HARPER CREEK  
HARPER CREEK  
RD  
CO.  
SHIELDS  
RD  
CO.  
SEE MAP 13S 30E 28

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.



13-30-29







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-10404

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

Applicant Name: Lemons, Kim

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

Reviewer(s): Ewj

Date of Review: Sep. 24, 2007

1. Do you have information suggesting that the water rights may be subject to forfeiture?  
☐ Yes ☒ No If "Yes", describe the information and indicate if you intend to file a cancellation affidavit or if you need additional time to determine if a cancellation affidavit should be filed: \_\_\_\_\_
2. Is there a history of regulation on the source that serves the right proposed for transfer that has involved the right and downstream water rights? ☒ Yes ☐ No Generally characterize the frequency of any regulation or explain why regulation has not occurred: Deficiency in available water on the Upper Main Stem of the John Day River occurs annually. Typically, regulation due to shortages occur every year beginning in the month of June. The priority of the right proposed for transfer is 1888 and this priority date is approximately in the middle of the priority range for the John Day River. This priority is typically regulated off due to shortage in the month of August each year. The Lemons Ditch is the authorized point of diversion for the right proposed for transfer. This diversion is regulated for maximum legal rate as well as regulation due to shortages every year.
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: The return flow for this right enters the John Day River from the point of diversion to the place of use. The Lemons Ditch is the current delivery system for the rights under the point of diversion. The first field to be irrigated from this diversion is the subject lands involved in this transfer. This place of use is approximately 1/2 mile below the point of diversion. Return flow likely occurs from the ditch itself in this 1/2 mile reach of the open ditch. Any other return flows that may occur from the irrigation of the lands would likely enter the river above the next point of diversion on the river or slightly below this point of diversion. The next point of diversion below the Lemons Ditch is the Blue Mountain Ditch. The Blue Mountain Ditch point of diversion is located immediately below the proposed point of diversion proposed in this transfer. The Blue Mountain Ditch would benefit primarily from the return flows generated from the open ditch of the Lemons Ditch rather than any return flows from the irrigation of the subject lands involved in this transfer. The certificates that would benefit from the return flows are as follows: C-82998, 80422, T-8603, C-25302, 25538, 24990, 25313, 1934, 79902, 65852, 63763.

4. Are there upstream water rights that would be affected by the proposed change?  
☐ Yes ☒ No If "Yes", describe how the rights would be affected and list the rights most affected: \_\_\_\_\_
5. For POD changes and instream transfers, check here if there are channel losses between the old and new PODs or within the proposed instream reach? ☒ If you check the box, describe and, if possible, estimate the losses: The proposed additional point of diversion is approximately 3300 ft of distance following the river. Any channel losses that would be present in this stretch of the river would likely be negligible and or immeasurable. There are two sources that enter the river between the original POD and the proposed POD location. Harper Creek tributary to the John Day River and Red Gulch tributary to the John Day River enter the river between the two POD locations. I would suggest that the transfer be conditioned to only allow the diversion of water at the new POD location if it is available at the original location.
6. Would distribution of water for the right after the proposed change result in regulation of other water rights that would not have occurred if use of the existing right was maximized?  
☐ Yes ☒ No If "Yes", explain: \_\_\_\_\_
7. For POU changes, would the original place of use continue to receive water from the same source? ☐ Yes ☐ No ☒ N/A If "Yes", explain: \_\_\_\_\_
8. For POU or USE changes, would use of the existing right at "full face value," result in the diversion of more water than can be used beneficially and without waste? ☐ Yes ☐ No  
 If "Yes", explain: \_\_\_\_\_
9. Are there other issues not identified through the above questions? ☒ Yes ☐ No If "Yes", explain: The lands involved in this transfer will be served by a pump from the proposed point of diversion. The applicant is working with the Grant Soil and Water Conservation District to install a more efficient delivery system rather than using a flood irrigation type system like what is currently being used from the authorized point of diversion. I would request that the new proposed point of diversion be required to have a measuring device installed prior to the diversion of water. I do not see a need to require a headgate for a pump type delivery system.
10. What alternatives may be available for addressing any issues identified above: \_\_\_\_\_
11. Have headgate notices been issued for the source that serves the right? ☐ Yes ☒ No
12. What water control and measurement conditions should be included in the transfer:

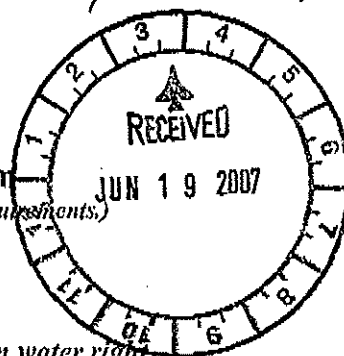
<b>Measurement Devices</b>	<input type="checkbox"/> Present and should be maintained.	<input checked="" type="checkbox"/> Should be required prior to diverting water.	<input type="checkbox"/> May be required in the future.
<b>Headgates</b>	<input type="checkbox"/> Present and should be maintained.	<input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

NC Reg

007/010

Return by 7-12-07

**Oregon Department of Fish and Wildlife**  
**Water Right and Diversion Transfer Comment Form**  
*(ODFW provides to WRD so that WRD can make findings according to statutory requirements.)*



Reference Transfer #: 10404

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

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

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

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

(Please attach any available supporting information.)

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

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

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

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

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

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

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

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

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

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



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

Note: This option will yield the following:

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

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

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

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

---

Note: This option will yield the following:

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

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

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

Note: This option will yield the following:

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

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

Timothy J. Unterwiesner

Signature

TIM UNTERWIESNER

Printed Name

DISTRICT FISH BIOLOGIST

Title

(541) 575-1167

Phone

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

Transfer # 10404

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

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

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

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

ODFW staff name: MIKE JENSEN  
Address: P.O. Box 575  
City/State/Zip: JOHN DAY, OR 97845  
Phone: (541) 575-0561

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

ODFW staff name: \_\_\_\_\_  
Address: \_\_\_\_\_  
City/State/Zip: \_\_\_\_\_  
Phone: ( ) \_\_\_\_\_

Description of Wings, Beach Creek D.

Length 24 --- 1750 feet.

Washington

Width of ditch - 3 feet.

Average Grad

Height of Dam 5 feet.

Amount of the

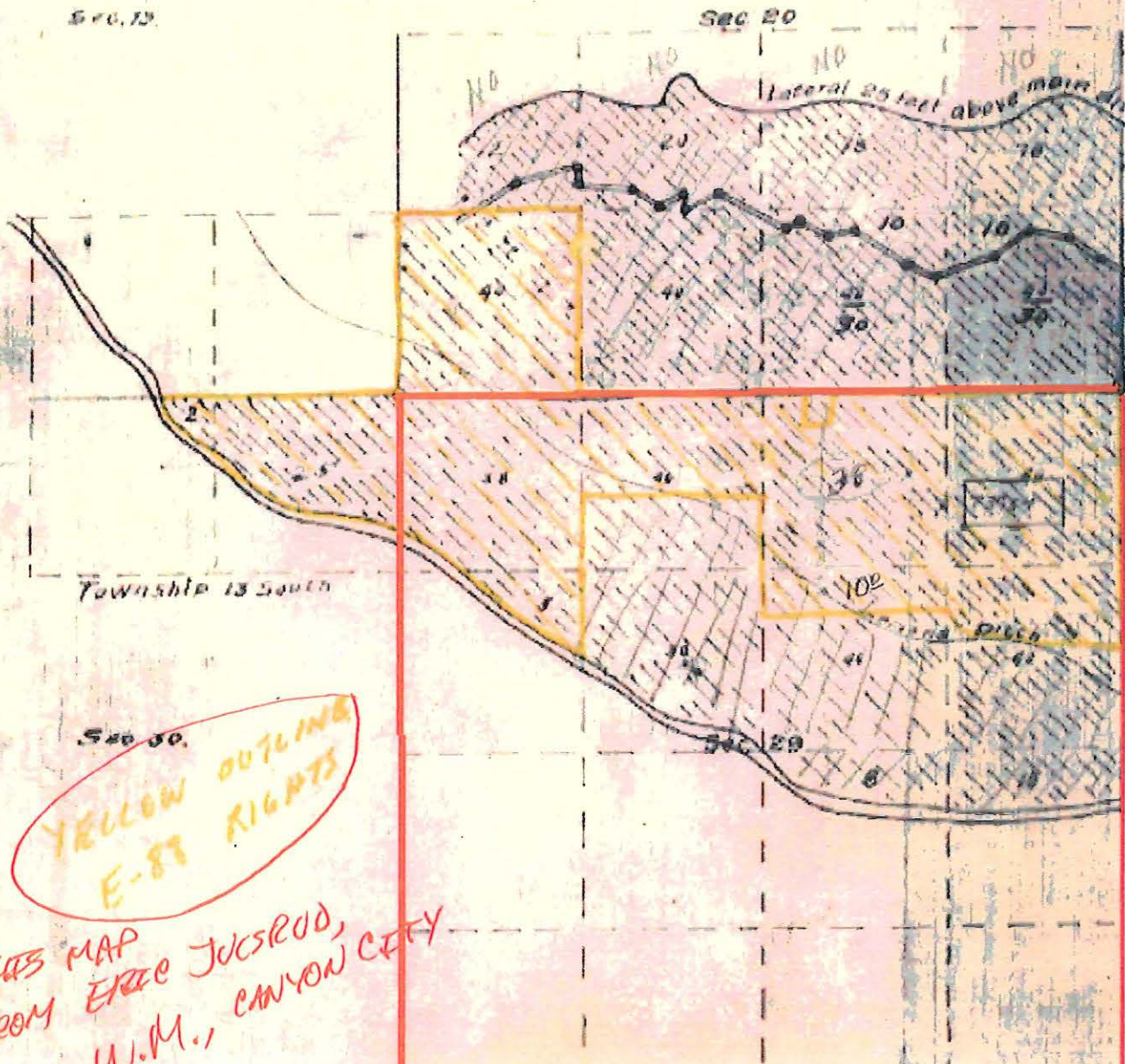
Maize - Timber Brought Forth Total The crops

This diversion is to be used mainly for  
 fire, when, on account of ice, it would be difficult  
 upon. Bouch Creek dries up at this point in

1289

Per: E-88

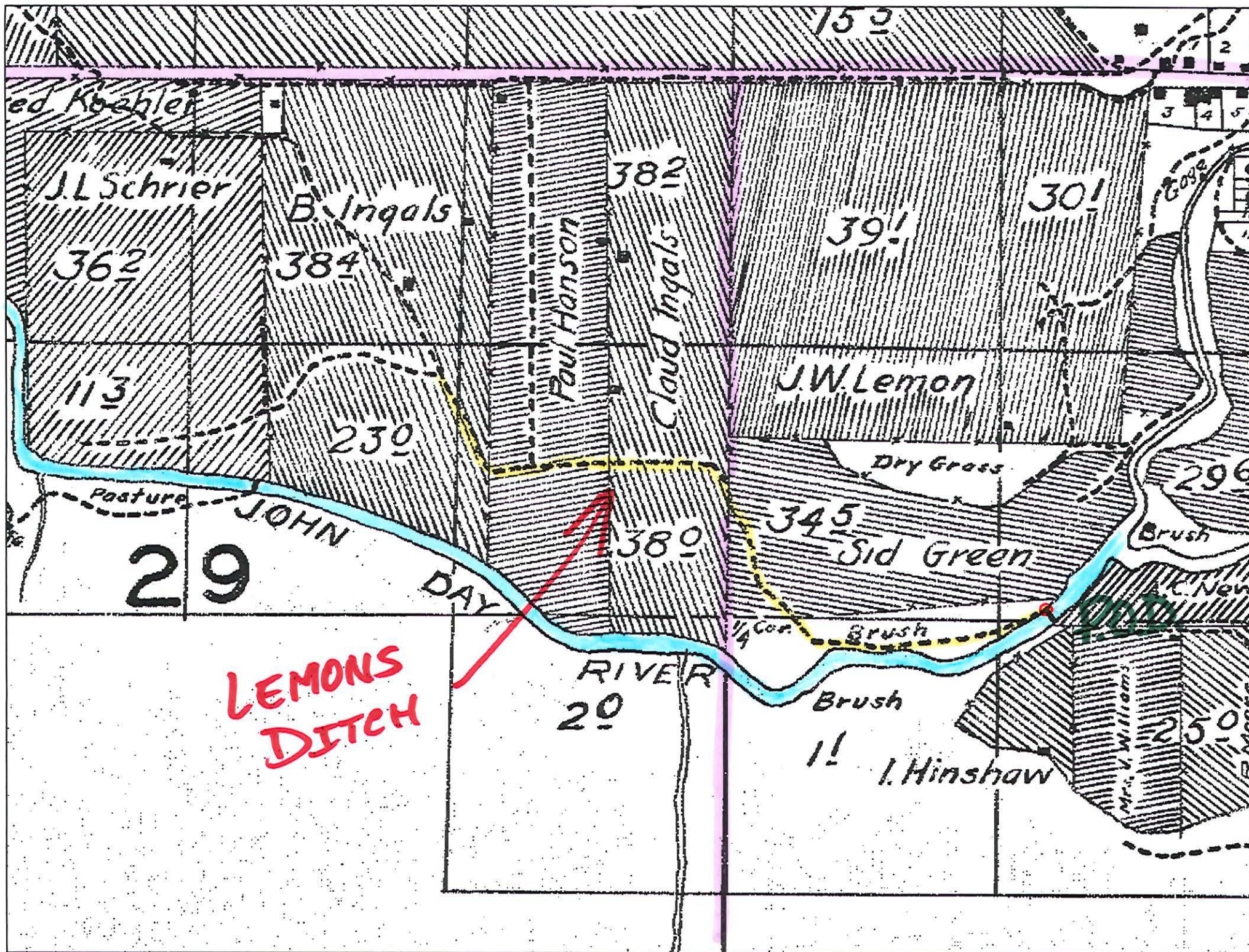
CERT. # 52195



THIS MAP  
FROM ERIC JOCSROD,  
W.M., CANYON CITY

6/23/08







## STATE OF OREGON

COUNTY OF GRANT

## CERTIFICATE OF WATER RIGHT

This Is to Certify, That DENNIS LEMONS

of Mt. Vernon, State of Oregon, has a right  
to the use of the waters of John Day River

a tributary of Columbia River for the purpose of  
irrigation

and that said right has been confirmed by decree of the Circuit Court of the State of Oregon for  
Grant County, and the said decree entered of record at Salem, in the Order Record of  
the STATE ENGINEER, in Volume 15, at page 461; that the priority of the right thereby  
confirmed dates from 1888

that the amount of water to which such right is entitled, for the purposes aforesaid, is limited to an  
amount actually beneficially used for said purposes, and shall not exceed  $1/40$ th cubic foot per  
second per acre irrigated from April 1 to September 30; further limited to one  
acre-foot per acre per calendar month to July 1 and  $3/4$  acre-foot per acre  
thereafter; total five acre feet per acre per season measured at point of  
diversion

The point of diversion is located in the

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

9.0 acres NW $\frac{1}{4}$  NE $\frac{1}{4}$   
14.0 acres SW $\frac{1}{4}$  NE $\frac{1}{4}$   
Section 29  
T. 13 S., R. 30 E., W. M.

NOTE: This certificate is issued pursuant to the order of the Circuit Court  
for Grant County, entered May 15, 1962, to correct and supersede that certain  
water right certificate heretofore issued to Benton G. Ingle and recorded at page  
25368, Volume 17, State Record of Water Right Certificates, so as to correctly  
locate the lands irrigated.

And said right shall be subject to all other conditions and limitations contained in said decree.  
The right to the use of the water for the purposes aforesaid is restricted to the lands or place  
of use herein described.

WITNESS the signature of the State Engineer, affixed

this date AUGUST 24 1964, 19

CHRIS L. WHEELER

State Engineer

Recorded in State Record of Water Right Certificates, Volume 23, page 31684

T-10404

## STATE OF OREGON

COUNTY OF

GRANT

## CERTIFICATE OF WATER RIGHT

**This Is to Certify, That**MT. VERNON IRRIGATION  
AND POWER COMPANY

of Mt. Vernon, State of Oregon 97865, has made  
proof to the satisfaction of the Water Resources Director, of a right to the use of the waters of  
John Day River and Beach Creek

a tributary of Columbia River for the purpose of  
irrigation of 445.17 acres and domestic use

under Permit No. E-88 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  
March 6, 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  
5.66 cubic feet per second

or its equivalent in case of rotation, measured at the point of diversion from the stream.  
The point of diversion is located in the NE 1/4 NW 1/4, Section 25, SE 1/4 NE 1/4,  
Section 21, T13S, R30E, WM; River - South 72 degrees East 2705 feet from the  
NW Corner Section 25; Creek (Panama Ditch) - South 31 degrees West, 2244 feet  
from the NE Corner Section 21.

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,

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

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

SEE NEXT PAGE

TO BE TREATED  
AS SUPPLEMENTAL

C # 52195

40.00 acres SW 1/4 SW 1/4  
Section 20

8.00 acres SE 1/4 SE 1/4  
20.00 acres SW 1/4 SE 1/4  
24.00 acres NW 1/4 SE 1/4  
Section 21

7.00 acres SW 1/4 SE 1/4  
15.00 acres SE 1/4 SW 1/4  
20.00 acres SW 1/4 SW 1/4  
Section 22

15.00 acres SE 1/4 SE 1/4  
20.00 acres SW 1/4 SE 1/4  
15.00 acres SE 1/4 SW 1/4  
5.00 acres SW 1/4 SW 1/4  
Section 23

10.00 acres NW 1/4 NW 1/4  
Section 27

5.20 acres SW 1/4 NW 1/4  
19.20 acres SE 1/4 NW 1/4  
17.00 acres NE 1/4 NW 1/4  
10.00 acres NW 1/4 NE 1/4  
Section 28

38.00 acres NW 1/4 NW 1/4  
5.00 acres SW 1/4 NW 1/4  
24.00 acres NE 1/4 NW 1/4  
36.00 acres NW 1/4 NE 1/4  
34.77 acres NE 1/4 NE 1/4  
10.00 acres SW 1/4 NE 1/4  
20.00 acres SE 1/4 NE 1/4  
Section 29

2.00 acres NW 1/4 NE 1/4  
25.00 acres NE 1/4 NE 1/4  
Section 30

Township 13 South, Range 30 East, WM

This certificate describes that portion of the water right confirmed by the prior certificate recorded at page 46773, Volume 39, State Record of Water Right Certificates, NOT modified by the provisions of an order of the Water Resources Director entered on June 11, 1984, approving Transfer Application 5461.

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

*The right to the use of the water for the purposes aforesaid is restricted to the lands or place of use herein described. and is subject to minimum flows established by the Water Policy Review Board with an effective date prior to this right.*

*WITNESS the signature of the Water Resources Director, affixed*

*this date. April 14, 1984*

...../s/ William H. Young.....  
Water Resources Director

Recorded in State Record of Water Right Certificates, Volume 47 , page 52195

3165C

STATE OF OREGON



[illegible]

MT. VERNON DITCH  
Permit E-88 Cert. 2397

10 - Certificate 2397

SHIELDS AFFIDAVIT

Map  
TCH  
2397  
Superseded by ~~46175~~ ~~SUPERSEDED~~ w/ 46773  
↓  
Superseded by 46773

superseded by 52195

# Description of Works, Beach Creek Diversion

1289  
88

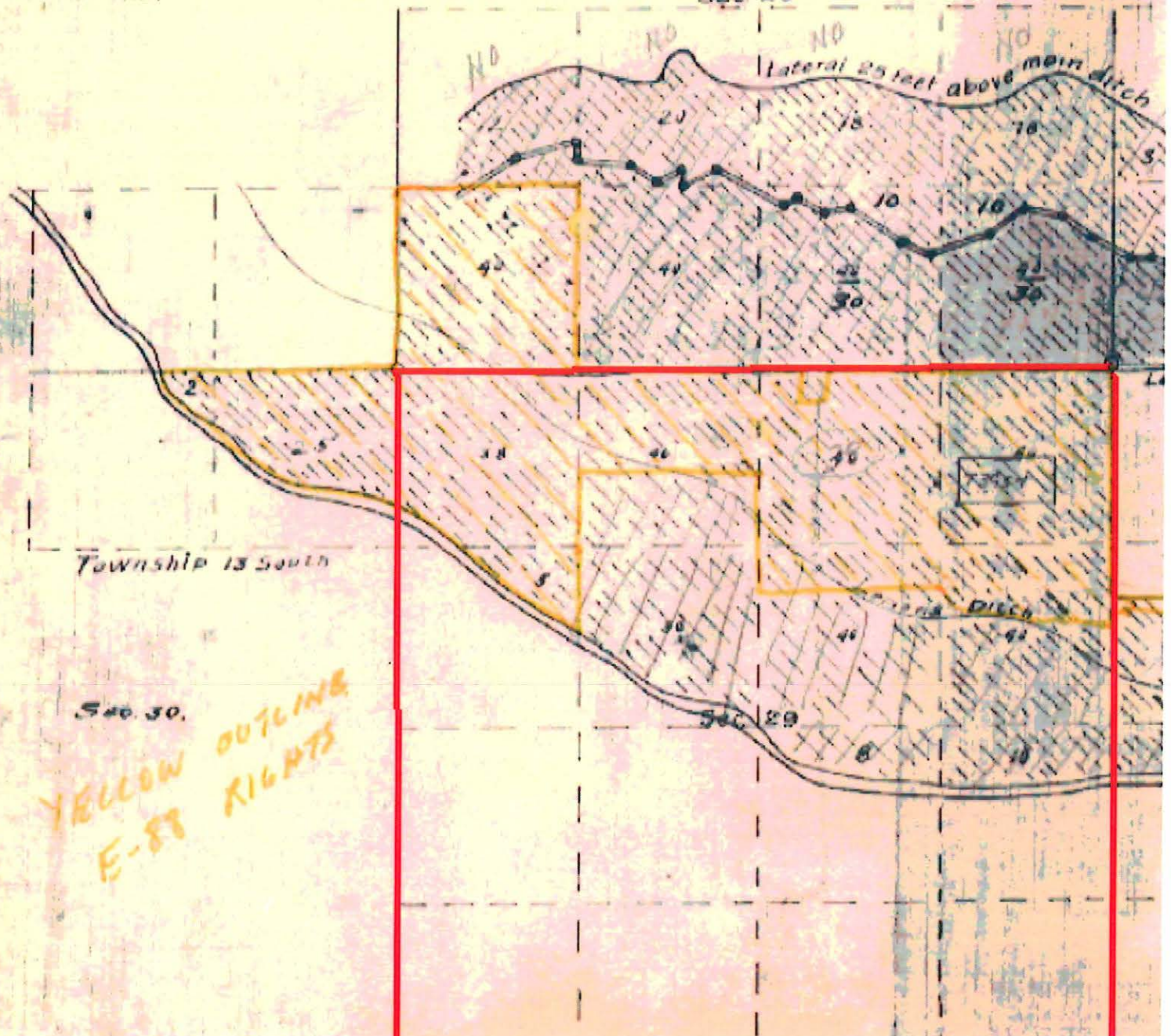
Length of Dam --- 1750 feet.  
Width of Ditch --- 3 feet.  
Height of Dam --- 5 feet.  
Material --- Timber, Brush & Earth.

Waste Water  
Average Grade  
Amount of Water  
Total Theoretical

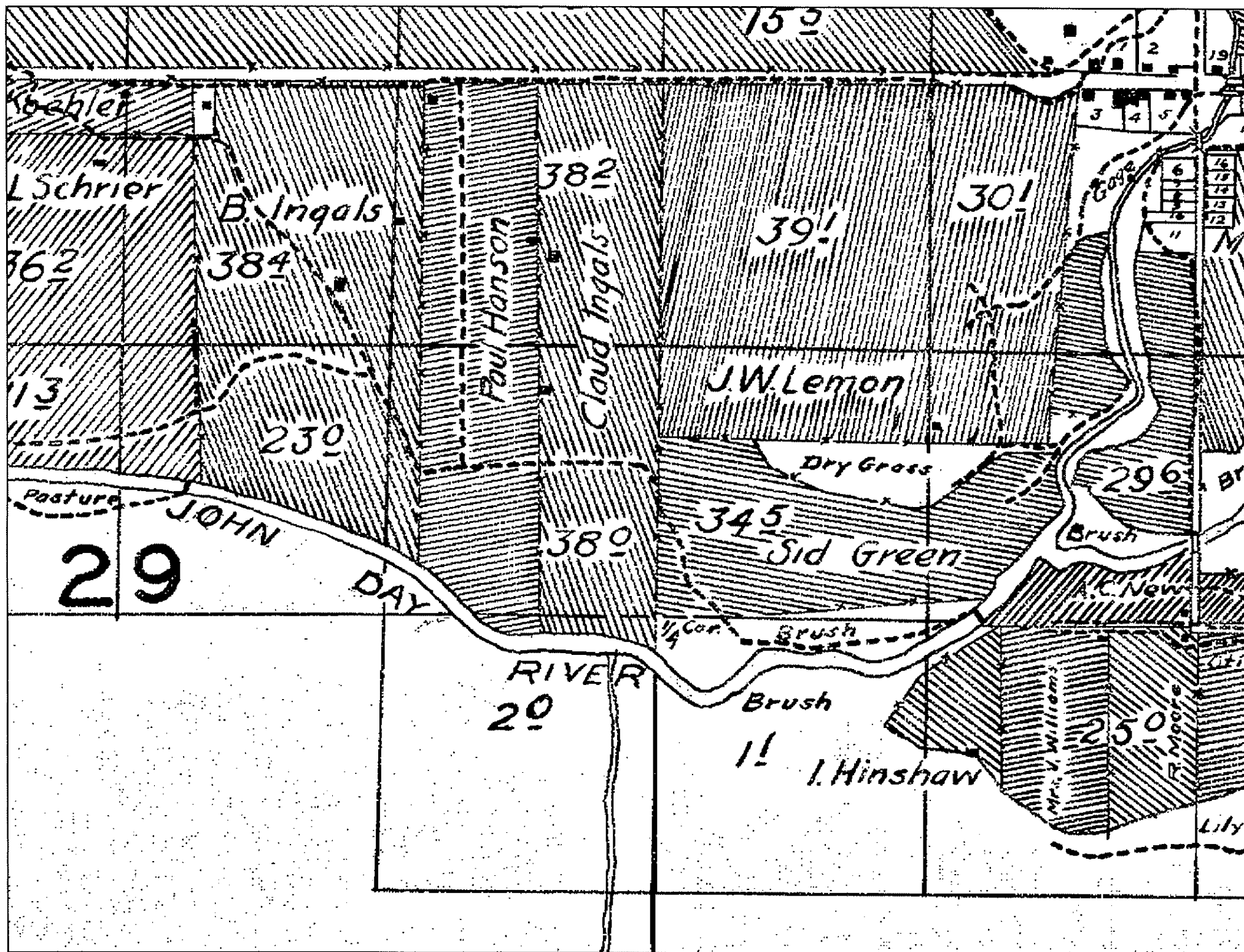
This diversion is to be used mainly for development, when, on account of ice, it would be difficult to open. Beach Creek dries up at this point during

Sec. 19.

Sec. 20











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

Originals

# Application for Water Right Transfer

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

## 1. TYPE OF TRANSFER APPLICATION

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

## 2. APPLICANT INFORMATION

Name: Kim Lemons

First

Last

Address: Ingle Butte Ranches, PO Box 28

Mt. Vernon, Oregon 97865

City

State

Zip

Phone: (541) 932-4854 or Cell (541) 620-1383

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: Kyle S. Sullivan

First

Last

Address: Grant Soil and Water Conservation District, 721 S. Canyon Blvd

John Day, Oregon 97845

City

State

Zip

Phone: (541) 575-0135

Home

Work

Other

Fax: (541) 575-0646

E-Mail address: [sullivank@centurytel.net](mailto:sullivank@centurytel.net)

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

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

RECEIVED

JUN 06 2007

WATER RESOURCES DEPT  
SALEM, OREGON

10404

#### 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.	John Day River		31684
2.			
3.			
4.			
5.			
6.			

- Attach a **separate Supplemental Form A** *(Description of Proposed Change(s) to a Water Right)* for **each** water right listed above.
- Check **all** proposed change(s) included in this transfer application:
  - ☐ Place of Use      ☐ Point of Diversion      ☒ Additional Point of Diversion
  - ☐ Character of Use      ☐ Point of Appropriation      ☐ Additional Point of Appropriation
  - ☐ Instream Transfer      ☐ Surface Water source to Ground Water source
- Reason(s) for change(s): Desire to improve irrigation efficiency by adding a pump station and changing irrigation practices from flood to sprinkler.

#### 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.*

Water is currently diverted from the John Day River from the Lemons Ditch diversion and conveyed through an open ditch and applied to the place of use.

- System capacity: Greater than 4.21 cubic feet per second (cfs). If the transfer involves multiple rights that have independent systems, describe the capacity for each system separately.

**RECEIVED**

**JUN 06 2007**

T 10404



## 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:*

---

---

---

- 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).

N/A

**RECEIVED**

**JUN 06 2007**

**WATER RESOURCES DEPT  
SALEM, OREGON**



## 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): Robert Hutchinson \_\_\_\_\_  
First Last

Address: P.O. Box 203 \_\_\_\_\_  
Mt Vernon, Oregon 97865 \_\_\_\_\_  
City State Zip

- Does the applicant own the lands **TO** which the right is being transferred?

☐ Yes ☐ No ☒ N/A - NOT APPLICABLE TO INSTREAM TRANSFERS

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

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

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

- Check one of the following:

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

## 9. ATTACHMENTS

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

### Supplemental Form A –

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

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

### Supplemental Form B –

#### Evidence of Use Affidavit(s)

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

### Map

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

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

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

### Land Use Information Form:

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

### Fees:

- ☒ Amount enclosed: \$ 350  
See the Department's Fee Schedule at [www.wrd.state.or.us](http://www.wrd.state.or.us) or call (503) 986-0900.

### Instream Water Right Transfers, also include:

### Supplemental Form C –

#### Instream Water Right Transfer

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

### Temporary Transfers, also include:

### Recorded Deed:

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

### Affidavit of Consent:

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

RECEIVED

JUN 06 2007

WATER RESOURCES DEPT  
SALEM, OREGON



**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:

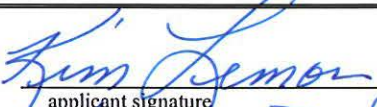
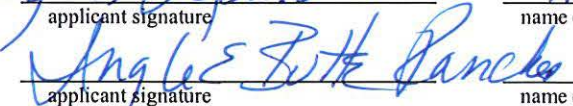
☒ In accordance with OAR 690-380-3000(13)(a), I (we) understand that prior to Department approval of a permanent transfer and upon my receipt of a draft Preliminary Determination for the proposed transfer, I (we) will be required [pursuant to OAR 690-380-4010(5)] to provide the following landownership 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>Kim Lemon</u> name (print)	<u>5-15-07</u> date
 applicant signature	<u>Angelle Ruth Ranches</u> name (print)	 date

**RECEIVED**

**JUN 06 2007**

**WATER RESOURCES DEPT** FS  
**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: 31684

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

(Check *all* that apply.)

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

**RECEIVED**

JUN 06 2007

WATER RESOURCES DEPT  
SALEM, OREGON

## 2. CURRENT WATER RIGHT INFORMATION

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

<input checked="" type="checkbox"/> Certificated Right	31684 <small>Certificate Number</small>	John Day River <small>Permit Number or Decree Name</small>
<input type="checkbox"/> Adjudicated, Non-certificated Right	 <small>Name of Decree</small>	 <small>Page Number</small>
<input type="checkbox"/> Permit for which Proof has been Approved	 <small>Permit Number</small>	 <small>Date Claim of Beneficial Use Submitted</small>
<input type="checkbox"/> Transferred Right for which Proof has been Filed	 <small>Previous Transfer Number</small>	 <small>Date Claim of Beneficial Use Submitted</small>

- Name on Permit, Certificate, or Decree: Dennis Lemons
- County: Grant
- Authorized Use(s) to be Affected by Transfer: Irrigation
- Priority Date(s): 1888

*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: John Day River

---

Tributary to: Columbia 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).*

RECEIVED

JUN 06 2007

WATER RESOURCES DEPT  
SALEM, OREGON

T 10404



■ Certificate Number or other identifying number: 31684

*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)
	JDR 1888	13S	30E	W M	28	SENW	706	N/A

■ 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

RECEIVED

JUN 06 2007

WATER RESOURCES DEPT  
SALEM, OREGON

T 10404



▪ Certificate Number or other identifying number: 31684

*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]

JUN 06 2007

WATER RESOURCES DEPT  
SALEM, OREGON

▪ Certificate Number or other identifying number: 31684

### 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)
JDR	13S	30E	W M	29	SW NE	1100	N 44° 24' 38.9" W 119° 7' 41.3"

- 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

RECEIVED

JUN 06 2007

WATER RESOURCES DEPT  
SALEM, OREGON



▪ Certificate Number or other identifying number: 31684

*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.)

[illegible]

RECEIVED

JUN 06 2007

WATER RESOURCES DEPT  
SALEM, OREGON

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

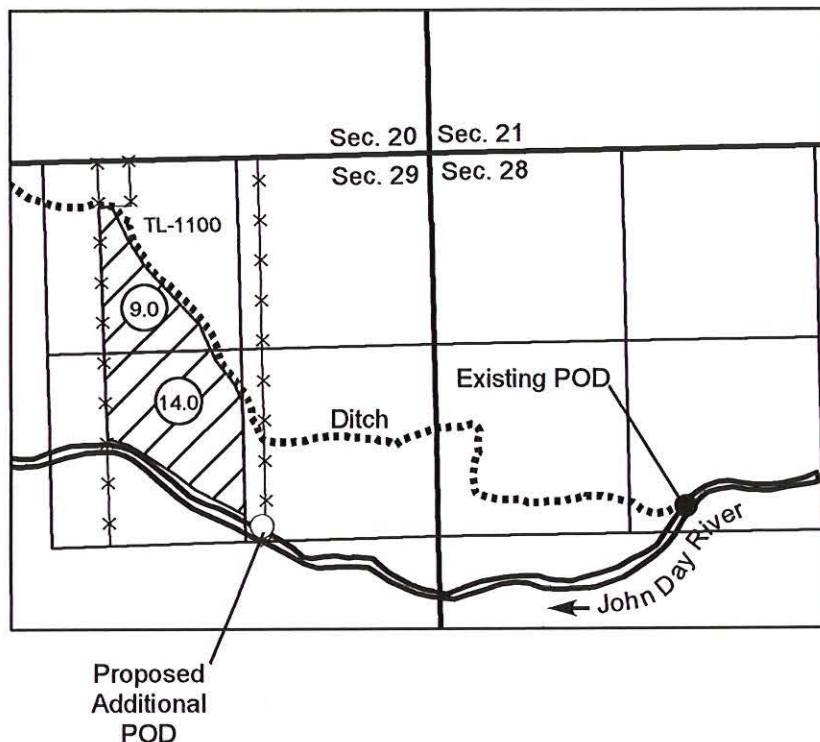
---

---

T 10404



# Additional Point of Diversion Transfer Application Map for Ingle Butte Ranches



**Township 13 South, Range 30 East, W.M.**

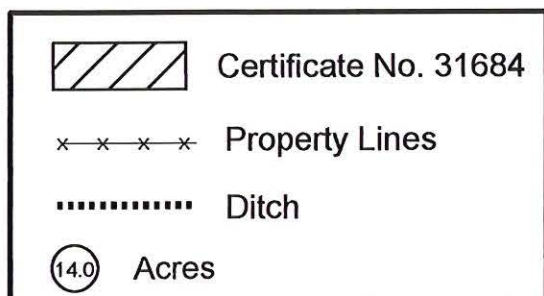
Proposed Additional POD: N 44° 24' 38.9" W 119° 7' 41.3"

**RECEIVED**

**JUN 06 2007**

**WATER RESOURCES DEPT  
SALEM, OREGON**

**1 inch equals 1,320 feet**



**EXPIRES: 6/30/08**

721 South Canyon Blvd  
John Day, Oregon 97845  
Phone: (541) 575-0135  
Fax: (541) 575-0646

## Grant Soil and Water Conservation District

# Fax

<b>To:</b>	Sarah Henderson	<b>From:</b>	Kyle Sullivan
<b>Fax:</b>	(503) 986-0903	<b>Pages:</b>	2
<b>Phone:</b>		<b>Date:</b>	June 8, 2007
<b>Re:</b>	Lemons Transfer No. T-10404	<b>cc:</b>	

☐ **Urgent**    ☐ **For Review**    ☐ **Please Comment**    ☐ **Please Reply**    ☐ **Please Recycle**

---

• **Comments:**

Hi Sarah,

Here is the modified page to be included in the transfer application.

Thank you for making me aware of the omission.

It was good to speak with you the other day,

Take care,

Kyle

## 8. LAND OWNERSHIP

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

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

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

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

\_\_\_\_\_  
City State Zip

- Does the applicant own the lands **TO** which the right is being transferred?

☐ Yes ☐ No ☒ N/A - NOT APPLICABLE TO INSTREAM TRANSFERS

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

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

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

\_\_\_\_\_  
City State Zip

- Check one of the following:

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

T 10404

RECEIVED

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: Kim Lemons: Ingle Butte Ranches  
Mailing Address: P.O. Box 28  
City: Mt Vernon State: OR Zip: 97865 Day Phone: (541) 932-4854

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

**A. Land and Location**

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

Township	Range	Section	¼ ¼	Tax Lot #	Plan Designation (e.g. Rural Residential/RR-5)	Water to be:	Proposed Land Use:
13S	30E	29		1100	EFU	<input checked="" type="checkbox"/> Diverted <input checked="" type="checkbox"/> Conveyed <input checked="" type="checkbox"/> Used	ag production
						<input type="checkbox"/> Diverted <input type="checkbox"/> Conveyed <input type="checkbox"/> Used	
						<input type="checkbox"/> Diverted <input type="checkbox"/> Conveyed <input type="checkbox"/> Used	
						<input type="checkbox"/> Diverted <input type="checkbox"/> Conveyed <input type="checkbox"/> Used	

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

**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) John Day River

Estimated quantity of water needed: 0.575 ☒ 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: Transfer will add a pump station as an additional point of diversion to landowners existing flood irrigation system.

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

JUN 06 2007

WATER RESOURCES DEPT  
SALEM, OREGON

T 10404

## 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): Article 14.1. grant to land Dev code
- ☐ Land uses to be served by proposed water uses (including proposed construction) involve discretionary land-use approvals as listed in the table below. (Please attach documentation of applicable land-use approvals which have already been obtained. Record of Action/land-use decision and accompanying findings are sufficient.)  
If approvals have been obtained but all appeal periods have not ended, check "Being pursued".

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

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

no concerns

RECEIVED

JUN 06 2007

WATER RESOURCES DEPT  
SALEM, OREGON

Name: Shannon Springer Title: Planning Secretary  
Signature: Shannon Springer Phone: 541-575-1519 Date: 5/16/07  
Government Entity: Grant 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: \_\_\_\_\_



## STATE OF OREGON

COUNTY OF GRANT

## CERTIFICATE OF WATER RIGHT

This Is to Certify, That DENNIS LEMONS

of Mt. Vernon, State of Oregon, has a right  
to the use of the waters of John Day Rivera tributary of Columbia River for the purpose of  
irrigationand that said right has been confirmed by decree of the Circuit Court of the State of Oregon for  
Grant County, and the said decree entered of record at Salem, in the Order Record of  
the STATE ENGINEER, in Volume 15, at page 461; that the priority of the right thereby  
confirmed dates from 1888

that the amount of water to which such right is entitled, for the purposes aforesaid, is limited to an  
amount actually beneficially used for said purposes, and shall not exceed  $1/10$ th cubic foot per  
second per acre irrigated from April 1 to September 30; further limited to one  
acre-foot per acre per calendar month to July 1 and  $3/4$  acre-foot per acre  
thereafter; total five acre feet per acre per season measured at point of  
diversion

The point of diversion is located in the

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

9.0 acres NW $\frac{1}{4}$  NE $\frac{1}{4}$   
14.0 acres SW $\frac{1}{4}$  NE $\frac{1}{4}$   
Section 29  
T. 13 S., R. 30 E., W. M.

NOTE: This certificate is issued pursuant to the order of the Circuit Court  
for Grant County, entered May 15, 1962, to correct and supersede that certain  
water right certificate heretofore issued to Benton C. Ingle and recorded at page  
25368, Volume 17, State Record of Water Right Certificates, so as to correctly  
locate the lands irrigated.

RECEIVED

JUN 06 2007

WATER RESOURCES DEPT  
SALEM, OREGON

And said right shall be subject to all other conditions and limitations contained in said decree.  
The right to the use of the water for the purposes aforesaid is restricted to the lands or place  
of use herein described.

WITNESS the signature of the State Engineer, affixed

this date AUGUST 24 1964, 19

CHRIS L. WHEELER

State Engineer

Recorded in State Record of Water Right Certificates, Volume 23, page 31684

T 10404



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

State of Oregon )  
 ) ss  
 County of Grant )

I, Kim Lemons, in my capacity as landowner, mailing address Ingle Butte Ranches, P.O. Box 28, Mt. Vernon, OR 97865, telephone number (541) 932-48554, 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)
13	S	30	E	WM	29	NW	NE		9.0
13	S	30	E	WM	29	SW	NE		14.0

**RECEIVED**

**JUN 06 2007**

**WATER RESOURCES DEPT  
SALEM, OREGON**

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

(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.

Irrigation of meadow hay \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

5. The water delivery system used to apply water as authorized by the right is described below:  
Water is diverted through the Lemons Ditch and applied to the fields. \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

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: \_\_\_\_\_

RECEIVED

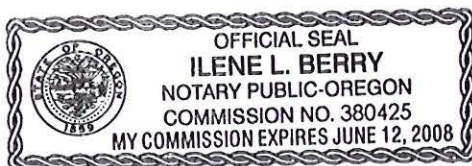
JUN 06 2007

WATER RESOURCES DEPT  
SALEM, OREGON

Kim Lemons  
Signature of Affiant

5-75-07  
Date

Signed and sworn to (or affirmed) before me this 15 day of May, 2007.



Ilene L. Berry  
Notary Public for Oregon

My Commission Expires: June 12, 2008

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



2005 Digital Orthoquad Depicting Irrigation Use  
to Accompany  
"Affidavit Attesting to the Use of Water"  
for the  
Kim Lemons Transfer Application

RECEIVED

JUN 06 2007

WATER RESOURCES DEPT  
SALEM, OREGON



T 10404



**AFFIDAVIT FOR THE PARTIAL DIMINUTION OF A  
WATER RIGHT CERTIFICATE**

State of Oregon )  
County of Grant ) ss  
)

We, \_\_\_\_\_ residing at \_\_\_\_\_,  
Oregon 97\_\_\_\_\_, telephone \_\_\_\_\_, being first duly sworn depose and say:

1. I/We are the legal owner(s) of the property described as tax lot number 1100 within the West ½ of the NE¼, Section 29, Township 13 South, Range 30 East, of the Willamette Meridian, in Grant County, Oregon, as shown on the attached map and described in the attached deed and legal description and made part of this affidavit;
2. A portion of water right certificate number 52195 issued to Mt. Vernon Irrigation and Power Company, with a date of priority of March 6, 1911, for use of 0.196 cubic foot per second of water from the John Day River and Beach Creek, tributary of the Columbia River, for the purpose of irrigation and domestic is appurtenant to our property and is not subject to ORS 540.610, forfeiture;
3. The appurtenant water right is located north of the John Day River mainstem next to the Lemons Ditch.
4. The portion of the water right shown on the attached map to be diminished to supplemental irrigation to comply with the provisions of OAR 690-380-5120 whereby we designate our 1888 water right Certificate 31684 as the primary water right on these lands is described as follows:

The right to the use of 0.196 cubic foot per second from John Day River and Beach Creek for irrigation of 15.7 acres located:

NW¼ NE¼ 9.0 Acres  
SW¼ NE¼ 6.7 Acres

Section 29

Township 13 South, Range 30 East, WM; and

5. I/We request the portion of the water right described above be diminished to supplemental irrigation.

\_\_\_\_\_  
Signature of legal owner as listed on deed

\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature of legal co-owner as listed on deed  
(if applicable)

\_\_\_\_\_  
Date

Subscribed and Sworn to Before Me this \_\_\_\_\_ day of \_\_\_\_\_, 200\_\_.

\_\_\_\_\_  
Notary Public for Oregon

My Commission Expires \_\_\_\_\_

**PLEASE ATTACH A LEGIBLE COPY OF : 1) A DEED WHICH LISTS LAND OWNERS AND INCLUDES A LEGAL DESCRIPTION OF AFFECTED LANDS, AND 2) AN ADJUDICATION MAP, WATER RIGHT FINAL PROOF MAP, OR A TAX LOT MAP WITH THE PORTION OF THE DIMINISHED RIGHT CLEARLY DRAWN AND IDENTIFIED. IF ACTING AS AN AUTHORIZED AGENT, INCLUDE COPY OF POWER OF ATTORNEY OR OTHER DOCUMENTS GRANTING AUTHORITY TO ACT ON BEHALF OF LEGAL OWNER(S).**

June 2008

**Ken Dowden**

---

**From:** Eric Julsrud  
**Sent:** Monday, June 23, 2008 8:48 AM  
**To:** Ken Dowden  
**Subject:** RE: plat card reveals:

Ken,

I can answer all of your questions this afternoon.  
I know that area quite well and can show you where the various rights lie.  
I have a meeting this morning but will be free this afternoon.  
Thanks  
Eric

---

**From:** Ken Dowden  
**Sent:** Thursday, June 19, 2008 11:50 AM  
**To:** Eric Julsrud  
**Cc:** Hailey Boethin  
**Subject:** plat card reveals:

I am looking at a plat card (T13S, R30E Section 29) for conflicts check on T-10404, for Ingle Butte Ranches, Kim Lemons.

On the plat card, a Certificate 52195 shows up with 36.0 acres within the NW¼ of the NE¼, and 10.0 acres within the SW¼ of the NE¼.

I looked at the map below for this right and I am having a hard time distinguishing between the C# 31684 (subject right) and this:

[MT VERNON IRRIGATION & POWER CO. - CERT# 52195 right](#), and whether I have two primaries on the same ground.



Indicate in this column whether or not the item is satisfied.	<b>Permanent Transfer Application – OAR 690-380 3000 &amp; 3100</b>	
	<b>Completeness Checklist</b>	
	Applicant's Name: <u>Kim Lemon</u>	(Form last revised: March 13, 2007)

### Section A – Status of Right

OK	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:	
	<input type="checkbox"/> 1) an adjudication with a court decree; <i>or</i> <input type="checkbox"/> 2) a certificate that is not cancelled; <i>or</i> <input type="checkbox"/> 3) a transfer that's been approved <u>&amp;</u> A COBU has been received by the Department	
	If the subject right <u>does not</u> fall into <u>any</u> of the above categories, RETURN the application & fee to the applicant.	

### Section B – Type of Change

OK	Is the proposed change(s) allowed under the Transfer process?	[ORS 540.510]
	NOTE: Only <u>POD</u> , <u>POA</u> or <u>POU</u> or <u>USE</u> changes are allowed on Transfers.	
	If the application proposes a change <u>other</u> than those listed above, RETURN the application & fee to the applicant.	

### Section C - Fees

OK	Have the appropriate fees been paid?	Total Required Fees: <u>350</u>
	Fee Schedule – ORS 536.050(1)(h)	Total Fees Paid: <u>350</u>
	\$350 - Base fee (1 <sup>st</sup> change and 1 <sup>st</sup> CFS of water)	Fees Due (if any): <u>0</u>
	+ \$350 - Each additional type of change requested	Refund Due (if any): <u>0</u>
	+ \$175 - For each CFS, or fraction thereof, requested beyond 1 <sup>st</sup> CFS (for POU, Type of Use, or Exchange)	
	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 Transfer application complete?	
	All required elements necessary for a complete 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	(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 transfer listed? <u>NO</u>	(Page 2)
	If there are multiple water rights listed..... The applicant must supply a <u>separate "set"</u> of Supplemental Form A for <u>each</u> water right to be transferred.	



	Checklist for Supplemental Form A – (Attachments)	
OK	• Certificate # filled in on each page?	(Page 1)
OK	• Type of change(s) proposed clear? <b>APOD</b>	(Page 1)
OK	• Current Water Right information is complete?	(Page 2)
N/A	<p>• If for a change in <b>POU</b> or <b>USE</b>..... (Page 2)</p> <p>Are there any “layered” irrigation rights, permits, or GR registrations appurtenant to the same place of use as the water right proposed to be transferred? <b>YES NO</b></p> <p>If <b>YES</b>..... the other “layered” water uses subject to transfer must either change concurrently or be cancelled, except as provided in OAR 690-380-2240(5).</p> <p>If layered with GR, must submit a GR Modification application as well as this application.</p> <p>Are they included in application? If not, contact applicant or agent.</p>	
OK	<p>• Location description of the authorized POA/POD to be changed. (Page 3)</p> <p><b>NOTE:</b> Ensure that the location coordinates listed in the application match the point and location coordinates illustrated on the application map.</p> <p>Additionally, if the existing authorized source is ground water (POA), the applicant must either:</p> <p><u>N/A</u> 1) supply a copy of the well log(s), <u>or</u></p> <p>2) if well logs are <b>not available</b>, describe the construction of the well(s) in the table provided on page 3 of the supplemental form A application.</p>	
OK 23 ac	<p>• Location description of the existing authorized POU and associated acres (if applicable). (Page 4)</p> <p><b>NOTE:</b> Ensure that the location and number of acres listed per ¼ ¼ in the application match those illustrated on the application map.</p>	
OK	<p>• Location description of the proposed POA/POD. (Page 5)</p> <p><b>NOTE:</b> Ensure that the proposed location coordinates listed in the application match the proposed point and location coordinates illustrated on the application map.</p> <p>Additionally, if the proposed source is ground water (POA), the applicant must either:</p> <p><u>N/A</u> 1) supply a copy of the well log(s), <u>or</u></p> <p>2) if well logs are <b>not available</b> <u>or</u> the well is <b>not yet constructed</b>, describe the construction of the well(s) in the table provided on page 5 of the application.</p>	
N/A	<p>• Location description of the proposed POU and associated acres (if applicable). (Page 6)</p> <p><b>NOTE:</b> Ensure that the location and number of acres listed per ¼ ¼ in the application match those illustrated on the application map.</p>	
	Return back to Page 2 of transfer application	
OK	• The type of changes being proposed.	(Page 2)
OK	• Reason for the 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)
OK	• Does the description of POU on page 4 of the supplemental form A application, match authorized POU in question #3? <b>yes</b>	(Page 1)
OK	• In question #4 and #5 are they filled out.	(Page 2)
OK	• Is there a box checked in #6?	(Page 2)
OK	• Is the #6 supporting documentation included with application?	(Page 2)
OK	• 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.	(Page 3)
	• Is the applicant the Landowner of the “from” and “to” Lands? <b>YES NO</b> If <b>NO</b> ..... The applicant must list current landowner name & address.	(Page 4)
OK	• Who will be responsible for completion of the changes? <b>Applicant</b> Is a box checked? If no box is checked the applicant or agent must be contacted.	(Page 4)
OK	• Map..... (Required to be prepared by a CWRE) unless... 1. Map Waiver included with application 2. FP map with advance email or written approval 3. POD/POA without POU change and for entire right with FP map for “from” map if more than 3 rights are included in transfer, is there a separate map for each water right? If larger than 8 ½ X 14 than 3 copies of map is needed & an electronic pdf file of map north arrow size & scale other: authorized acreage per ¼ ¼ 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)
N/A	• If this is an instream water right transfer, is there a form C included and filled out.	(Page 5)

OK

- Signature(s) of applicant(s):

(Page 6)

Are one of the boxes checked?

All applicants listed on page 1 of the application must sign the application.

WRD Completeness Reviewer's Name: S. Henderson

Date: 6-7-07





# 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 06/12/07

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: Grant  
Transfer: T -10404  
Water Right: Cert:31684 CR \*  
Priority Date: 1888  
Name: KIM LEMONS  
Address: PO BOX 28; MT VERNON OR 97865  
Change: APOD  
Source: JOHN DAY RIVER > COLUMBIA RIVER  
Authorized APOD: T13S R30E 28  
Proposed APOD: T13S R30E 29

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.



# 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

INGLE BUTTE RANCHES  
KIM LEMONS  
PO BOX 28  
MT VERNON OR 97865

Reference: Transfer 10404

On June 6, 2007 we received your water right transfer application. The application was accompanied by \$350.00. Our receipt 87990 is enclosed.

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

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

Except as provided under ORS 540.510(3) for municipalities, you may not use water for the new use, in the new place of use or from the new point of diversion until the transfer application has been approved. In order to avoid any possible forfeiture of the water right, you should continue to use the water as described by your existing water right. If the land is sold before the transfer is approved, the buyer's consent to the transfer will be required unless a recorded deed or other legal document clearly established that the water right was not conveyed in the sale.

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

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

cc: Watermaster #4  
Gary Wilson, CWRE  
Kyle Sullivan, Agent  
Tim Unterwegner, ODFW

enclosure