

T-10413

T-10413

HISTORIC POD

Name Joan Howard
 By Wade Bethis
 Address 81160 Couse Creek Rd
Milton Freewater, OR 97862
541-938-2021

Change in Hist. POD

Date filed 6-25-07

Date of hearing _____

Place of hearing _____

Date of order 10-29-08 Vol. 76, page 557

Date for application of water _____

Proof mailed _____

Proof received _____

Certificate issued _____ Vol. _____, page _____

RR 84976
 CF 84977

DESCRIPTION OF WATER RIGHT

Name of stream Couse Creek

Trib. of Walla Walla River County of Umatilla

Use Irrigation

Quantity of water _____ No. of acres _____

Name of ditch _____

Date of priority 1897

In name of Jasper Sams

_____ Adjudication, Vol. _____, page _____

App. No. _____ Per. No. _____ Cert. No. 13182

Certificate cancelled _____

Notation made on record by _____

FEES PAID

Date	Amount	Receipt No.
<u>6-25-07</u>	<u>350</u>	<u>88306</u>
TOTAL . . .		
	Cert. Fee	

FEES REFUNDED

Date	Amount	Check No.

REMARKS

NOID/NO CWRE

REC'D SEP 17 2007



Oregon

Theodore R. Kulongoski, Governor

Water Resources Department

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

June 28, 2007

WADE BETTIS
JOAN HOWARD
81160 COUSE CREEK RD
MILTON FREEWATER OR 97862

Reference: Historic Transfer 10413

On June 25, 2007 we received your water right transfer application. The application was accompanied by \$350.00. Our receipt 88306 is enclosed.

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

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

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

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

cc: Watermaster #5
Tim Bailey, ODFW

enclosure





Oregon

Theodore R. Kulongoski, Governor

Water Resources Department

725 Summer Street NE, Suite A

Salem, OR 97301-1271

503-986-0900

FAX 503-986-0904

Notice of Application for Water Right Transfer, Temporary Transfer, or Permit Amendment 07/03/2007

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: Umatilla
Transfer: T -10413
Water Right: Cert:13182 OR *
Priority Date: 1897
Name: WADE BETTIS, JOAN HOWARD
Address: 81160 COUSE CREEK RD; MILTON FREEWATER OR 97862
Change: POD
Source: COUSE CREEK > WALLA WALLA RIVER
Authorized POD: T5N R36E 31
Proposed POD: T5N R36E 31

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 Water Resources Department
725 Summer Street NE, Suite A
Salem, Oregon 97301-1271
(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". Please read and refer to the instructions when completing your application. A summary of review criteria and procedures that are generally applicable to these applications is available at www.wrd.state.or.us/publication/reports/index.shtml.

APPLICATION FOR:

Please check one		
<input checked="" type="checkbox"/> Water Right Transfer	<input type="checkbox"/> Temporary Transfer (number of years _____)	<input type="checkbox"/> Drought Transfer
<input checked="" type="checkbox"/> Historic Change in POD	<input type="checkbox"/> Permit Amendment	<input type="checkbox"/> Point of Diversion Change Due to Government Action
<input type="checkbox"/> To Instream Use		
<input type="checkbox"/> Other Transfer		

1. APPLICANT INFORMATION

Name: Joan Howard and Wade Bettis

Address: 81160 ^{First} Couse Creek Rd ^{Last}

Milton Freewater ^{City} Or. ^{State} 97862 ^{Zip}

Phone: 541 938 2021 ^{Home} 541 278 6290 ^{Work}

*Fax: 541-278-6363 *E-Mail address: jhoward@co.wmatilla.or.us

*Optional information

2. AGENT INFORMATION

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

Name: NA

Address: _____

Phone: _____

*Fax: _____

*Optional information

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SALEM, OREGON

3. TYPE OF CHANGE PROPOSED

Please check all that apply

Point of Diversion or Appropriation	Place of Use	Character of Use (n/a for Permit Amendments)
<input type="checkbox"/> Change (The old point of diversion or appropriation will not be used for the portion of the water right affected by the transfer.) <input type="checkbox"/> Additional (Both the old and new points of diversion or appropriation will be used for the portion of the water right affected by the transfer.) <input checked="" type="checkbox"/> Historic Point of Diversion (Unauthorized point of diversion used for more than 10 years.) <input type="checkbox"/> Surface Water to Ground Water (A new point of appropriation will be used instead of the old point of diversion and not as an additional point of appropriation.)	<input type="checkbox"/> All, or a portion, of the right will be exercised at a different location than currently authorized. (Use of water at the current location will be discontinued.) <input type="checkbox"/> Exchange (Water from another source will be used in exchange for supplying an equal amount of replacement water to that source.)	<p style="text-align: center;">Proposed new use:</p> <input type="checkbox"/> Irrigation <input type="checkbox"/> Municipal <input type="checkbox"/> Quasi-municipal <input type="checkbox"/> Commercial <input type="checkbox"/> Industrial <input type="checkbox"/> Instream (complete Supplemental Form B) <input type="checkbox"/> Domestic (indicate number of households) _____ <input type="checkbox"/> Other _____ <input type="checkbox"/> Substitution (A supplemental ground water right will be substituted for a primary surface water right.)

Reason for changes: Point of diversion was changed by my father in 1965 when a pump was installed at our residence to preclude the need for digging ditch from original POD.

Describe the **current** water delivery system. Include information on the pumps, canals, pipelines and sprinklers used to divert, convey and apply the water at the authorized place of use.

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. (Not applicable to applications for Permit Amendments.)

Water is pumped through 3-inch pipe by a 3 horse pump

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System capacity: 128 cubic feet per second (cfs)

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Attach one or more Evidence of Use Affidavits (Supplemental Form A) demonstrating that each of the right(s) involved in the transfer have been exercised in the last five years or that a presumption of forfeiture for non-use could be rebutted. (Not applicable to applications for Permit Amendments.)

10413

4. CURRENT WATER RIGHT INFORMATION

A separate page providing the information in this section must be completed for each certificate, permit, decree, or other right involved in the proposed transfer.

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

<input checked="" type="checkbox"/> Certificated Right	13182 <small>Certificate Number</small>	Walla Walla River Decree <small>Permit Number or Decree Name</small>
<input type="checkbox"/> Adjudicated, Un-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>
<input type="checkbox"/> Permit for which an Amendment is Requested	<small>Permit Number</small>	<small>Completion Date of Permit</small>

Name on Permit, Certificate, or Decree: Jasper R. Sums

County: Umatilla Authorized Use(s): Irrigation

Are there multiple **Priority Dates** identified on the water right? ☐ Yes ☐ No

If "Yes", any information provided on Page 4 must identify which priority date is associated with each of the proposed points of diversion/appropriation and places of use. In addition, list those priority dates: _____

Source(s) of Water Listed on Right: Gruse Creek

Tributary to: Walla Walla

Are there other **Sources** listed on the water right? ☐ Yes ☒ No

If "Yes", any information provided on Page 4 must identify which source is associated with each of the proposed points of diversion/appropriation and proposed places of use. In addition, list those other sources: _____

Are there **Other Water Rights** or permits associated with this land? ☐ Yes ☒ No

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

Pursuant to ORS 540.510, any right that is supplemental to a primary right proposed for transfer must be included in the transfer or be cancelled.

Remarks: Attached are: 1) map, 2) narrative, 3) photographs of property, A&B
4) Affidavit of adjacent property owners 5) Milton Freewater City
Utilities docs A, B, C, D & E, 6) affidavit of use 1999-2003, A&B
7) Affidavit of use 1990-1999, 8) letter from watermaster,
9) copy of certificate of water right A&B 10) land conservation photos
(and) of property

Transfer Application/3

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10413 request that new confirming rights certificate be issued to Joan Howard and Wade Bettis. Thank you!

A separate page providing the information in this section must be completed for each certificate, permit, decree, or other right involved in the proposed transfer.

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

Attach additional copies as necessary to describe locations of other proposed points of diversion or appropriation. Clearly mark each of the additional copies with the appropriate Certificate Number or other identifying number. Not applicable to applications for transfers to instream water rights.

Attach additional copies as necessary to describe locations of other proposed places of use. Clearly mark each of the additional copies with the appropriate Certificate Number or other identifying number. Not applicable to applications for transfers to instream water rights.

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6. 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? ☐ Yes ☒ No

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

NA

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

umatilla County

7. 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): NOT APPLICABLE

Address: _____

City State Zip

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

If "No", provide the following information:

Names of Receiving Landowner(s): _____

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.

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WATER RESOURCES DEPT
SALEM, OREGON**8. ATTACHMENTS**

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

Form A – Evidence of Use Affidavits

- ☒ 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.

Form B – Instream Water Right Transfer

- ☐ Required for instream transfers only.

Map

- ☐ Permanent 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.
- ☐ Permit Amendment, Temporary Transfer, or Other Application
A map meeting the requirements of OAR 690-380-3100 must be included but need not be prepared by a Certified Water Right Examiner.

Evidence of Lien Holder Notification

- ☐ Copies of the written notification of the proposed transfer provided by the applicant to each lien holder, unless the water right has been quit claimed.

Recorded Deed

- ☐ Required for temporary transfers only.

Land Use Information Form:

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

Water Well Reports/Well Logs:

- ☐ The application 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.
- ☐ The application is for a surface water transfer and water well reports are not required.

Fees:

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

9. SIGNATURES

I (we) understand that prior to approval of a permanent transfer and after issuance of a draft preliminary determination by the Department, I (we) must submit:

- (1) A report on ownership and lien information prepared by a title company within the last three months if required under OAR 690-380-3000(18), and
- (2) If I (we) are not the landowners, proof that the landowner or entity to which the water right has been quitclaimed consents to the transfer or that ownership information is not required.

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

Joan Howard
applicant signature

Joan Howard
name (print)

6-22-07
date

Wade Bettis
applicant signature

Wade Bettis
name (print)

6-22-07
date

Before submitting your application, be sure you have:

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

T 10413



Oregon

Theodore R. Kulongoski, Governor

INTEROFFICE MEMO

Oregon Water Resources Department

Watermaster

Water Resources Department

Watermaster

116 S.E. Dorion Avenue

Pendleton, OR 97801

Phone (541) 278-5456

FAX (541) 278-0287

DATE: July 26, 2006

TO: FILE

FROM: Tony Justus

SUBJECT: Certificate #13182

CC:

To Whom it may Concern:

I am aware Joan Howard is planning to file a water right transfer to change the point of diversion (POD) to reflect historical use for a portion of the lands associated with Certificate #13182.

I am aware they have been pumping water from Couse Creek at a point that is not their authorized point of diversion. My office contacted Joan to initiate the change in POD.

I am unaware of any claims of injury regarding the currently used, unauthorized POD.

Sincerely,

Tony Justus
Watermaster, District 5

Cc: Jim Chambers

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JUN 25 2007

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SALEM, OREGON

1 10413

Attachment 8



STATE OF OREGON

COUNTY OF UMATILLA

CERTIFICATE OF WATER RIGHT

This Is to Certify, That JASPER R. SAMS

of Milton, State of Oregon 97862, has a right to the use of

the waters of Couse Creek

for the purpose of Irrigation

and that said right has been confirmed by decree of the Circuit Court of the State of Oregon for Umatilla County, and the said decree entered of record at Salem, in the Order Record of the STATE ENGINEER, in Volume 12, at page 9; that the priority of the right thereby confirmed dates from 1897;

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 one and one-half miner's inches per acre measured at the point of diversion.

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

7.6 acres in SW 1/4
Section 31

T. 5 N., R. 36 E. W. M.

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 irrigation purposes is restricted to the lands or place of use herein described.

WITNESS the signature of the State Engineer,

affixed this 5th day

of April, 1940.

CHAS. E. STRICKLIN

State Engineer.

Recorded in State Record of Water Right Certificates, Volume 11, page 13182

T-10413

H-177

VBR

Name and Postoffice Address of Appropriator	Date of Relative Priority	Amount Cable Feet Per Second	Number Acres	Use	Name of Ditch	Stream	Description of Land or Place of Use
13182 Sams, Jasper R. Milton, Ore. (Proof #723)	1897		7.6	Irrigation	Fred Sams	Couse Creek	7.6 acres in SW $\frac{1}{4}$ NW $\frac{1}{4}$, Section 31, T. 5 N., R. 36 E., W.M.
13183 Sanderson, Chas. B., 6656 White-Henry- Stewart Bldg., Seattle, Wn. (Proof #729)	1889		0.12	Irrigation	Perkins	Little Walla Walla River	0.12 acre in SE $\frac{1}{4}$ NE $\frac{1}{4}$, Section 2, T. 5 N., R. 35 E., W.M., being Lots 11 and 12, Block 56, of the original townsite of Freewater, Umatilla County, Oregon, as shown by the duly recorded plat thereof.
13184 Sanderson, Mrs. D.C. Freewater, Ore. (Proof #730)	1888		0.12	Irrigation	Perkins	Little Walla Walla River	0.12 acre in SE $\frac{1}{4}$ NE $\frac{1}{4}$, Section 2, T. 5 N., R. 35 E., W.M., being the W $\frac{1}{2}$ of Lots 1, 2, 3 and 4 Block 65, of the original townsite, of Freewater, Ore.
13185 Sanderson, E. Y. Freewater, Ore. (Proof #731)	1891		0.24	Irrigation	Perkins	Little Walla Walla River	0.24 acre in SE $\frac{1}{4}$ NE $\frac{1}{4}$, Section 2, T. 5 N., R. 35 E., W.M. being Lots 1, 2, 3 and 4, Block 62, Freewater, Umatilla County, Oregon, as shown on the duly recorded plat thereof.
13186 Sarante, Peter, Freewater, Ore. (Proof #732)	1899		2.12	Irrigation	Stillman	Walla Walla River	2.12 acres in NE $\frac{1}{4}$ SW $\frac{1}{4}$, Section 1, T. 5 N., R. 35 E., W.M., being within the follow- ing described tract; Beginning at a point 1272 ft. south and 864 ft. east of the northwest corner of the NE $\frac{1}{4}$ SW $\frac{1}{4}$ of Sec. 1, T. 5 N., R. 35 E., W.M. running thence north 417 ft.; thence west 332.75 ft.; thence south 188.5 ft.; thence east 228.5 ft.; thence south 228.5 ft.; thence east 104.5 ft. to the place of beginning, containing 2 acres, more or less.
13187 Scheuch, Ernest, Box 05, Milton, Ore. (Proof #734)	1905		2.81	Irrigation	Aaron Miller and Stillman	Walla Walla River	2.81 acres in SE $\frac{1}{4}$ NW $\frac{1}{4}$, Section 1, T. 5 N., R. 35 E., W.M., being within the follow- ing described tract: Beginning at a point 542 ft. east of the southwest corner of the SE $\frac{1}{4}$ NW $\frac{1}{4}$ of Sec. 1, T. 5 N., R. 35 E., W.M., and running thence north 486 ft.; thence N. 84° 30' E. 290 ft. to the west bank of the Tum-a-lum River; thence south 515 ft. more or less along and up said west bank of said river to its intersection with the east and west center line of said Sec. 1; thence west 290 ft. more or less to the point of beginning, containing 3 acres, more or less. ALSO a right of way from the southwest corner of said land for a road 15 ft. wide, running west over the land adjacent thereto, to the public road. (NOTE: See Findings, Paragraph 80, Page 66.)
13188 Schiller, Jamima Morris, Estate By Raleigh Morris, Milton, Ore. (Proof #735)	1895		3.1	Irrigation	Old Bowlus	N. Fork of Walla Walla River	2.4 acres in NE $\frac{1}{4}$ NW $\frac{1}{4}$, of Walla 0.7 acre in SE $\frac{1}{4}$ NW $\frac{1}{4}$, Section 23, T. 5 N., R. 36 E., W.M. being within a tract lying south of that part of the Walla Walla River known as North Fork of W.W. River and containing 37 acres, more or less.



Oregon

Theodore R. Kulongoski, Governor

Water Resources Department

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

October 30, 2008

WADE BETTIS
JOAN HOWARD
81160 COUSE CREEK RD
MILTON FREEWATER OR 97862

Reference: Transfer 10413

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

Also enclosed is the certificate issued to confirm a historic change in point of diversion approved by the order herein. Please read this document carefully and abide by the requirements.

Sincerely,

Sarah Henderson
Executive Support

cc: Watermaster #5

Enclosure



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

In the Matter of Transfer Application)	FINAL ORDER APPROVING A CHANGE
T-10413, Umatilla County)	IN POINT OF DIVERSION TO REFLECT
)	HISTORIC USE AND PARTIAL
)	CANCELLATION OF A WATER RIGHT

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.

ORS 540.621 establishes the process for the owner of land to which a water right is appurtenant to certify under oath that the water right, or a portion thereof, has been abandoned and to voluntarily request that it be cancelled.

Applicant

JOAN HOWARD AND WADE BETTIS
81160 COUSE CREEK ROAD
MILTON-FREEWATER, OR 97862

Findings of Fact

Background

1. On June 25, 2007, Joan Howard and Wade Bettis filed a transfer application to change the point of diversion to reflect historical use under Certificate 13182. The Department assigned the application number T-10413.
2. The portion of the right to be transferred is as follows:

Certificate:	13182, in the name of Jasper R. Sams (confirmed by Walla Walla River decree)
Use:	Irrigation of 3.7 acres
Priority Date:	1897
Quantity:	One and one-half miner's inches per acre, measured at the point of diversion
Source:	Couse Creek (tributary to the Walla Walla River)

<p>This order is subject to judicial review under ORS 183.484. Any petition for judicial review must be filed within the 60-day time period specified by ORS 183.484(2). Pursuant to ORS 536.075 and OAR 137-004-0080, you may 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.</p>

Authorized Point of Diversion:

Twp	Rng	Mer	Sec	Q - Q	Measured distances
5 N	36 E	WM	31	SE SW	FRED SAMS DITCH (Based upon the Walla Walla River Decree and associated adjudication map, the tabulation describing the right recognizes and identifies a ditch and dam located)

Authorized Place of Use:

IRRIGATION					
Twp	Rng	Mer	Sec	Q - Q	Acres
5 N	36 E	WM	31	SW NW	3.7

3. Transfer Application T-10413 proposes to change the point of diversion to reflect historical use approximately 2,750 feet downstream from the authorized point of diversion to a pump site located:

Twp	Rng	Mer	Sec	Q - Q	Survey Coordinates
5 N	36 E	WM	31	SW NW	770 feet North and 1660 feet West from the Center of Section 31

4. Notice of the transfer application was published on July 3, 2007, pursuant to ORS 540.520 and OAR 690-380-4000. No comments were filed in response to the notice.
5. The 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.
6. On September 19, 2008, the Department mailed a copy of the draft Final Order proposing to approve Transfer Application T-10413 to the applicants. The draft Final Order set forth a deadline of October 20, 2008, for the applicants to respond. The applicants requested that the Department proceed with issuance of a Final Order and provided the necessary information to demonstrate that the applicant is authorized to pursue the transfer.

Transfer Review Criteria (OAR 690-380-4010)

7. Pursuant to OAR 690-380-2120(2)(a), evidence has been submitted that the actual, current point of diversion for the water right in question, as described in Finding No. 3, has been in use for more than 10 years.

8. Pursuant to OAR 690-380-2120(2)(c) the Watermaster provided a statement that to his knowledge there has been no complaint of injury due to the use of water at the actual, current point of diversion, prior to the transfer request.
9. Pursuant to 690-380-2120(3), the Department determined that two neighbors using water under the same Water Right Certificate 13182 are affected water rights. The Department provided the applicant a list of the affected water right holders and a copy of the notice to be provided to each affected water right holder.
10. On September 8, 2008, the applicant provided written proof of service of delivery of notice of the proposed transfer to each of the holders of the affected water right. No comments were filed in response to the notice.
11. Water has been used within the last five years according to the terms and conditions of the right, and no evidence is available that would demonstrate that the right is subject to forfeiture under ORS 540.610.
12. A diversion structure and ditch sufficient to use the full amount of water allowed under the existing right are present.
13. The proposed change would not result in enlargement of the right.
14. The proposed change would not result in injury to other water rights.

Partial Cancellation of a Water Right

15. On September 19, 2008, William S. Roberts, owner of lands in which a portion of Certificate 13182 is appurtenant to, submitted a voluntary cancellation affidavit meeting the requirements of ORS 540.621 for partial cancellation of the 0.6 acres adjacent to the applicant's property. The portion of the water right is described as follows:

Certificate: 13182 in the name of Jasper R. Sams (confirmed by Walla Walla River Decree)

Use: Irrigation of 0.6 acre

Priority Date: 1897

Quantity: One and one-half miner's inches per acre irrigated

Source: Couse Creek (tributary to the Walla Walla River)

Authorized Point of Diversion:

Twp	Rng	Mer	Sec	Q - Q	Measured distances
5 N	36 E	WM	31	SE SW	FRED SAMS DITCH (Based upon the Walla Walla River Decree and associated adjudication map, the tabulation describing the right recognizes and identifies a ditch and dam located)

Authorized Place of Use to be Cancelled:

IRRIGATION					
Twp	Rng	Mer	Sec	Q - Q	Acres
5 N	36 E	WM	31	SW NW	0.6

Conclusions of Law

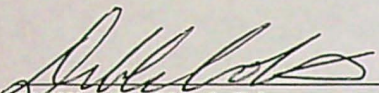
The proposed change in point of diversion to reflect historical use in Transfer Application T-10413 is consistent with the requirements of ORS 540.505 to 540.580, and OAR 690-380-5000. The portion of Certificate 13182 described in Finding No. 14 as abandoned will be cancelled.

Now, therefore, it is ORDERED:

1. The change in point of diversion proposed in Transfer Application T-10413 is approved and shall be effective immediately upon issuance of this order.
2. The portion of Certificate 13182 that has been abandoned 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 13182 and any related decree.
4. Water right certificate 13182 is cancelled. Certificate 84976 will be issued to describe that portion of the right **not** modified and cancelled by this order, and along with Certificate 84977, will supersede Certificate 13182.
5. The quantity of water diverted at the new point of diversion shall not exceed the quantity of water lawfully available at the original point of diversion.
6. When required by the Department, the water user shall install and maintain a headgate, 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 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.
7. 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. 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 required screening and/or by-pass device operational and maintenance standards.

8. Certificate 84977 shall be issued to confirm the right described by Certificate 13182 changed by Transfer Application T-10413 under the terms of this order.

Dated at Salem, Oregon this 29th day of October 2008.


Phillip C. Ward, Director

Mailing date: NOV 03 2008

STATE OF OREGON

COUNTY OF UMATILLA

CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

JOAN HOWARD AND WADE BETTIS
81160 COUSE CREEK ROAD
MILTON-FREEWATER, OREGON 97862

confirms the right to use the waters of COUSE CREEK, tributary to the WALLA WALLA RIVER, for IRRIGATION of 3.7 ACRES.

This right was confirmed by decree of the Circuit Court of the State of Oregon for Umatilla County. The decree is of record at Salem, in the Order Record of the Water Resources Director in Volume 12, at Page 9. The date of priority is 1897.

The amount of water to which this right is entitled is limited to an amount actually used beneficially, and shall not exceed ONE AND ONE-HALF MINER'S INCHES per acre, measured at the point of diversion.

The point of diversion is located as follows:

Twtp	Rng	Mer	Sec	Q - Q	Measured distances
5 N	36 E	WM	31	SW NW	770 feet North and 1660 feet West from the Center of Section 31

A description of the place of use to which this right is appurtenant is as follows:

Twtp	Rng	Mer	Sec	Q - Q	Acres
5 N	36 E	WM	31	SW NW	3.7

Within two years after the date of the order approving Transfer Application T-10413, 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 the order. 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 required screening and/or by-pass device operational and maintenance standards.

When required by the Department, the water user shall install and maintain a headgate, 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 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.

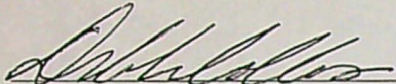
This certificate is issued to confirm an HISTORIC CHANGE IN POINT OF DIVERSION approved by an order of the Water Resources Director entered October 29, 2008, approving Transfer Application T-10413, and together with Certificate 84976, supersedes Certificate 13182.

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

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

WITNESS the signature of the Water Resources Director, affixed October 29, 2008.


Phillip C. Ward, Director

STATE OF OREGON
COUNTY OF UMATILLA
CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

JASPER SAMS
MILTON, OREGON 97862

confirms the right to use the waters of COUSE CREEK (tributary to the WALLA WALLA RIVER) for IRRIGATION of 3.3 ACRES.

This right was confirmed by decree of the Circuit Court of the State of Oregon for Umatilla County. The decree is of record at Salem, in the Order Record of the Water Resources Director in Volume 12, at Page 9. The date of priority is 1897.

The amount of water to which this right is entitled is limited to an amount actually used beneficially, and shall not exceed ONE AND ONE-HALF MINER'S INCHES per acre, measured at the point of diversion.

A description of the place of use to which this right is appurtenant is as follows:

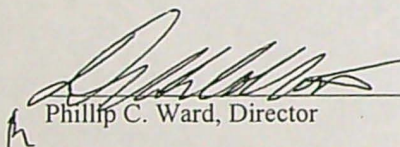
Twsp	Rng	Mer	Sec	Q - Q	Acres
5 N	36 E	WM	31	SW NW	3.3

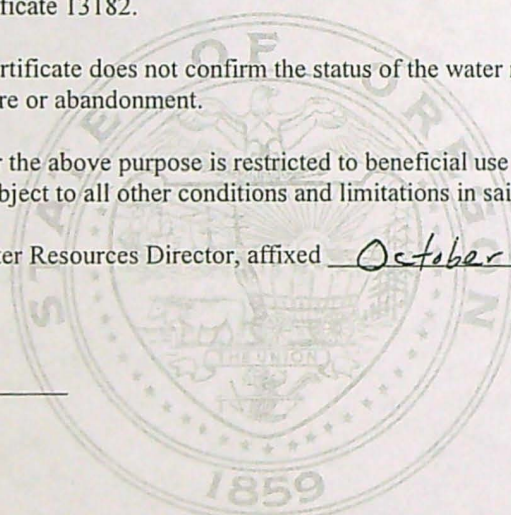
This certificate describes that portion of the water right NOT modified by the provisions of an order of the Water Resources Director entered October 29, 2008, approving Transfer Application T-10413, and together with Certificate 84977, supersedes Certificate 13182.

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

WITNESS the signature of the Water Resources Director, affixed October 29, 2008.


Phillip C. Ward, Director



Water Right Transfer Checklist

Transfer T-10413

Transfer Specialist: Ken Dowden

Transfer Type: **▲** HISTORIC Change in Point of Diversion

Applicant Name/Address: JOAN HOWARD and WADE BETTIS, 81160 COUSE CREEK RD, MILTON-FREEWATER, OR 97862

Agent Name/Address: None

CWRE Name/Number: not required per OAR 690-380-2120 (2) (b)

Rec Landowner Name/Address: n/a

Irr. District Name/Address: n/a

Affected Gov'ts Name/Address: Umatilla County 216 S.E. Fourth, Pendleton, OR 97801

Commentors: Name/Address: NONE

Water Rights Affected

Records Marked	Records Copied	App File No. or Decree Name	Permit No.	Certificate No.	RR/CR Needed	RR/CR Nos.
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>			13182	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<u>84976</u> RR cent
<input type="checkbox"/>	<input type="checkbox"/>				<input type="checkbox"/> Yes <input type="checkbox"/> No	<u>84977</u> CF cent
<input type="checkbox"/>	<input type="checkbox"/>				<input type="checkbox"/> Yes <input type="checkbox"/> No	

Key Dates & Initial Actions

Rec'd: <u>06/25/07</u>	Proposed Action(s): POU POD HST APOD USE OTHER: <u>HISTORIC</u>	
Fees Pd: <u>350</u>	WM District: <u>5</u>	ODFW District: <u>Jeff Neal</u>
Initial Notice: <u>07/03/07</u>	WM Review sent: <u>07-09-2007</u>	ODFW Review sent: <u>07-09-2007</u>
Acknowledgement Letter Sent <input checked="" type="checkbox"/>		GW Review sent: <u>NONE</u>

Processing Dates & Actions

Deficiency Contacts: _____

Newspaper Pub Affid Due: _____

☒ not required

DPD Mailed: 9/9/2008

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 Historic

☐ Fee Refund Due

☐ PD Notice

☒ Remaining Rights

☐ File Assigned/ ModPod updated

☒ Final order

DPD Review (Optional)	PD Review (Salem) ←	Final Order Review (Salem)
Reviewer: _____	Reviewer: <u>Carrie Jones</u>	Reviewer: _____
Date: _____	Date: <u>10/23/08</u>	Date: _____
Coordinator: _____	Coordinator: <u>Kelly Starnes</u>	Coordinator: _____
Date: _____	Date: <u>10/28/08</u>	Date: _____
Comments/Special Issues: <u>HISTORIC P.O.D. - AFFECTED WR HOLDERS NOTIFIED 10/27/08</u> <u>Issue F.O., confirming cent, + remaining cent at same time</u> <u>per Dorothy</u>		

Special Order Volume: Vol 76 Pages 557

Final Order Signature Date: 10-29-08

Notice of FO email'd to processors Ken/Mike/Kelly

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. *CWRE MAP NOT REQUIRED per OAR 690-380-2120 (2)(b)*
- ☒ 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 type="checkbox"/> deed/ROLI | <input type="checkbox"/> certificate | <input type="checkbox"/> fees paid | <input type="checkbox"/> well logs | <input type="checkbox"/> plat card |
| <input type="checkbox"/> audit | <input type="checkbox"/> dpd | | | |

Reviews/comments/conditions received? ☒ Watermaster ☒ ODFW *screening also w/2 yrs.* ☐ GW

Headgate ☒ When in the judgment ☐ Prior to diverting ☐ Existing and maintain

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

Injury: Y ☒ N Enlargement: Y ☒ N

Conditions to avoid enlargement/injury -

STATE OF OREGON

COUNTY OF UMATILLA

CERTIFICATE OF WATER RIGHT

This Is to Certify, That JASPER R. SAMS

of Milton, State of Oregon 92862, has a right to the use of
the waters of Couse Creek
for the purpose of Irrigation

and that said right has been confirmed by decree of the Circuit Court of the State of Oregon for
Umatilla County, and the said decree entered of record at Salem, in the Order
Record of the STATE ENGINEER, in Volume 12, at page 9; that the priority
of the right thereby confirmed dates from 1897;

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 one and one-half
miner's inches per acre measured at the point of diversion.

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

BIL ROBERTS

CANCEL

- 0.6

7.6 acres in SW 1/4
Section 31
T. 5 N., R. 36 E. W. M.

(Hollows & Boreas)

T-10413

- 3.7

RR

3.3 ac.

3.3

(TROYER)

7.6
- 3.7
3.9
Canc. 0.6
3.3 RR

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 irrigation purposes is restricted to the lands or place of use
herein described.

WITNESS the signature of the State Engineer,

affixed this 5th day

of April, 1940.

CHAS. E. STRICKLIN

State Engineer.

Recorded in State Record of Water Right Certificates, Volume 11, page 13182

T-10413

H-177

VOR



Oregon Water Resources Department
725 Summer Street NE, Suite A
Salem, Oregon 97301-1271
(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". Please read and refer to the instructions when completing your application. A summary of review criteria and procedures that are generally applicable to these applications is available at www.wrd.state.or.us/publication/reports/index.shtml.

APPLICATION FOR:

Please check one		
<input checked="" type="checkbox"/> Water Right Transfer	<input type="checkbox"/> Temporary Transfer (number of years _____)	<input type="checkbox"/> Drought Transfer
<input checked="" type="checkbox"/> Historic Change in POD	<input type="checkbox"/> Permit Amendment	<input type="checkbox"/> Point of Diversion Change Due to Government Action
<input type="checkbox"/> To Instream Use		
<input type="checkbox"/> Other Transfer		

1. APPLICANT INFORMATION

Name: Juan Howard and Wade Bettis ✓
Address: 81160 ^{First} Couse Creek Rd ^{Last}
Milton Freewater Or. 97862
Phone: 541 ^{City} 938 2021 ^{State} 541 278 6290 ^{Zip}
*Fax: 541-278-6363 ^{Home} ^{Work} *E-Mail address: jhoward@co.wmatilla.or.us ^{Other}
*Optional information

2. AGENT INFORMATION

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

Name: NA
Address: _____
Phone: _____
*Fax: _____
*Optional information

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WATER RESOURCES DEPT
SALEM OREGON

3. TYPE OF CHANGE PROPOSED

Please check all that apply

Point of Diversion or Appropriation	Place of Use	Character of Use (n/a for Permit Amendments)
<input type="checkbox"/> Change (The old point of diversion or appropriation will not be used for the portion of the water right affected by the transfer.) <input type="checkbox"/> Additional (Both the old and new points of diversion or appropriation will be used for the portion of the water right affected by the transfer.) <input checked="" type="checkbox"/> Historic Point of Diversion (Unauthorized point of diversion used for more than 10 years.) <input type="checkbox"/> Surface Water to Ground Water (A new point of appropriation will be used instead of the old point of diversion and not as an additional point of appropriation.)	<input type="checkbox"/> All, or a portion, of the right will be exercised at a different location than currently authorized. (Use of water at the current location will be discontinued.) <input type="checkbox"/> Exchange (Water from another source will be used in exchange for supplying an equal amount of replacement water to that source.)	<p style="text-align: center;">Proposed new use:</p> <input type="checkbox"/> Irrigation <input type="checkbox"/> Municipal <input type="checkbox"/> Quasi-municipal <input type="checkbox"/> Commercial <input type="checkbox"/> Industrial <input type="checkbox"/> Instream (complete Supplemental Form B) <input type="checkbox"/> Domestic (indicate number of households) _____ <input type="checkbox"/> Other _____ <input type="checkbox"/> Substitution (A supplemental ground water right will be substituted for a primary surface water right.)

Reason for changes: Point of diversion was changed by my father in 1965
When a pump was installed at our residence to preclude the
need for digging ditch from original POD.

Describe the **current** water delivery system. Include information on the pumps, canals, pipelines and sprinklers used to divert, convey and apply the water at the authorized place of use.

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. (Not applicable to applications for Permit Amendments.)

Water is pumped through 3-inch pipe by a 3 horse pump

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System capacity: 128 cubic feet per second (cfs)

WATER RESOURCES DEP
SALEM OREGON

Attach one or more Evidence of Use Affidavits (Supplemental Form A) demonstrating that each of the right(s) involved in the transfer have been exercised in the last five years or that a presumption of forfeiture for non-use could be rebutted. (Not applicable to applications for Permit Amendments.)

10413

4. CURRENT WATER RIGHT INFORMATION

A separate page providing the information in this section must be completed for each certificate, permit, decree, or other right involved in the proposed transfer.

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

<input checked="" type="checkbox"/> Certificated Right	13182 <small>Certificate Number</small>	Walla Walla River Decree <small>Permit Number or Decree Name</small>
<input type="checkbox"/> Adjudicated, Un-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>
<input type="checkbox"/> Permit for which an Amendment is Requested	<small>Permit Number</small>	<small>Completion Date of Permit</small>

Name on Permit, Certificate, or Decree: Jasper R. Sums

County: Umatilla Authorized Use(s): Irrigation

Are there multiple **Priority Dates** identified on the water right? ☐ Yes ☐ No

If "Yes", any information provided on Page 4 must identify which priority date is associated with each of the proposed points of diversion/appropriation and places of use. In addition, list those priority dates:

Source(s) of Water Listed on Right: Cause Creek

Tributary to: Walla Walla

Are there other **Sources** listed on the water right? ☐ Yes ☒ No

If "Yes", any information provided on Page 4 must identify which source is associated with each of the proposed points of diversion/appropriation and proposed places of use. In addition, list those other sources:

Are there **Other Water Rights** or permits associated with this land? ☐ Yes ☒ No

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

Pursuant to ORS 540.510, any right that is supplemental to a primary right proposed for transfer must be included in the transfer or be cancelled.

Remarks: Attached are: 1) map, 2) narrative, 3) photographs of property, A&B
4) Affidavit of adjacent property owners 5) Milton Freewater City
Utilities docs A, B, C, D & E, 6) affidavit of use 1999-2003, A&B
7) Affidavit of use 1990-1999, 8) letter from watermaster,
9) copy of certificate of water right A&B 10) land conservation photos
(and) of property

Transfer Application/3

10/13 we request that new confirming rights certificate be issued to Joan Howard and Wade Bettis. Thank you!

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WATER RESOURCES DEPT
SALEM OREGON

A separate page providing the information in this section must be completed for each certificate, permit, decree, or other right involved in the proposed transfer.

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

Attach additional copies as necessary to describe locations of other proposed points of diversion or appropriation. Clearly mark each of the additional copies with the appropriate Certificate Number or other identifying number. Not applicable to applications for transfers to instream water rights.

NA

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SALEM, OREGON

Remarks: _____

RECEIVED

JUN 25 2007

WATER RESOURCES DEPT
SALEM OREGON

6. 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? ☐ Yes ☒ No

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

NA

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

umatilla County

7. 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):

NOT APPLICABLE

First

Last

Address:

City

State

Zip

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

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.

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WATER RESOURCES DEPT
SALEM, OREGON**8. ATTACHMENTS**

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

Form A – Evidence of Use Affidavits

- ☒ 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.

Form B – Instream Water Right Transfer

- ☐ Required for instream transfers only.

Map

- ☐ Permanent 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.
- ☐ Permit Amendment, Temporary Transfer, or Other Application
A map meeting the requirements of OAR 690-380-3100 must be included but need not be prepared by a Certified Water Right Examiner.

Evidence of Lien Holder Notification

- ☐ Copies of the written notification of the proposed transfer provided by the applicant to each lien holder, unless the water right has been quit claimed.

Recorded Deed

- ☐ Required for temporary transfers only.

Land Use Information Form:

- ☐ Enclosed
- ☐ 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.

Water Well Reports/Well Logs:

- ☐ 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.
- ☐ The application is for a surface water transfer and water well reports are not required.

Fees:

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

9. SIGNATURES

I (we) understand that prior to approval of a permanent transfer and after issuance of a draft preliminary determination by the Department, I (we) must submit:

- (1) A report on ownership and lien information prepared by a title company within the last three months if required under OAR 690-380-3000(18), and
- (2) If I (we) are not the landowners, proof that the landowner or entity to which the water right has been quitclaimed consents to the transfer or that ownership information is not required.

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

Joan Howard
applicant signature

Joan Howard
name (print)

6-22-07
date

Wade Bettis
applicant signature

Wade Bettis
name (print)

6-22-07
date

Before submitting your application, be sure you have:

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

T 10413

Transfer Application/7



Oregon

Theodore R. Kulongoski, Governor

INTEROFFICE MEMO

Oregon Water Resources Department

Watermaster

Water Resources Department

Watermaster

116 S.E. Dorion Avenue

Pendleton, OR 97801

Phone (541) 278-5456

FAX (541) 278-0287

DATE: July 26, 2006

TO: FILE

FROM: Tony Justus

SUBJECT: Certificate #13182

CC:

To Whom it may Concern:

I am aware Joan Howard is planning to file a water right transfer to change the point of diversion (POD) to reflect historical use for a portion of the lands associated with Certificate #13182.

I am aware they have been pumping water from Couse Creek at a point that is not their authorized point of diversion. My office contacted Joan to initiate the change in POD.

I am unaware of any claims of injury regarding the currently used, unauthorized POD.

Sincerely,

Tony Justus

Watermaster, District 5

Cc: Jim Chambers

RECEIVED

JUN 25 2007

**WATER RESOURCES DEPT
SALEM, OREGON**

1 10413

Attachment 8



Name and Postoffice Address of Appropriator	Date of Relative Priority	Amount Cubic Feet Per Second	Number Acres	Use	Name of Ditch	Stream	Description of Land or Place of Use
13182 Sams, Jasper R. Milton, Ore. (Proof #723)	1897		7.6	Irrigation	Fred Sams	Couse Creek	7.6 acres in SW $\frac{1}{4}$ NW $\frac{1}{4}$, Section 31, T. 5 N., R. 36 E., W.M.
13183 Sanderson, Chas. B., 6656 White-Henry- Stewart Bldg., Seattle, Wn. (Proof #729)	1889		0.12	Irrigation	Perkins	Little Walla Walla River	0.12 acre in SE $\frac{1}{4}$ NE $\frac{1}{4}$, Section 2, T. 5 N., R. 35 E., W.M., being Lots 11 and 12, Block 56, of the original townsite of Freewater, Umatilla County, Oregon, as shown by the duly recorded plat thereof.
13184 Sanderson, Mrs. D.C. Freewater, Ore. (Proof #730)	1888		0.12	Irrigation	Perkins	Little Walla Walla River	0.12 acre in SE $\frac{1}{4}$ NE $\frac{1}{4}$, Section 2, T. 5 N., R. 35 E., W.M., being the W $\frac{1}{2}$ of Lots 1, 2, 3 and 4 Block 65, of the original townsite, of Freewater, Ore.
13185 Sanderson, E. Y. Freewater, Ore. (Proof #731)	1891		0.24	Irrigation	Perkins	Little Walla Walla River	0.24 acre in SE $\frac{1}{4}$ NE $\frac{1}{4}$, Section 2, T. 5 N., R. 35 E., W.M., being Lots 1, 2, 3 and 4, Block 62, Freewater, Umatilla County, Oregon, as shown on the duly recorded plat thereof.
13186 Sarante, Peter, Freewater, Ore. (Proof #732)	1899		2.12	Irrigation	Stillman	Walla Walla River	2.12 acres in NE $\frac{1}{4}$ SW $\frac{1}{4}$, Section 1, T. 5 N., R. 35 E., W.M., being within the follow- ing described tract; Beginning at a point 1272 ft. south and 864 ft. east of the northwest corner of the NE $\frac{1}{4}$ SW $\frac{1}{4}$ of Sec. 1, T. 5 N., R. 35 E., W.M. running thence north 417 ft.; thence west 332.75 ft.; thence south 188.5 ft.; thence east 228.5 ft.; thence south 228.5 ft.; thence east 104.5 ft. to the place of beginning, containing 2 acres, more or less.
13187 Scheuch, Ernest, Box 05, Milton, Ore. (Proof #734)	1905		2.81	Irrigation	Aaron Miller and Stillman	Walla Walla River	2.81 acres in SE $\frac{1}{4}$ NW $\frac{1}{4}$, Section 1, T. 5 N., R. 35 E., W.M., being within the follow- ing described tract: Beginning at a point 542 ft. east of the southwest corner of the SE $\frac{1}{4}$ NW $\frac{1}{4}$ of Sec. 1, T. 5 N., R. 35 E., W.M., and running thence north 486 ft.; thence N. 84° 30' E. 290 ft. to the west bank of the Tum-a-lum River; thence south 515 ft. more or less along and up said west bank of said river to its intersection with the east and west center line of said Sec. 1; thence west 290 ft. more or less to the point of beginning, containing 3 acres, more or less. ALSO a right of way from the southwest corner of said land for a road 15 ft. wide, running west over the land adjacent thereto, to the public road. (NOTE: See Findings, Paragraph 80, Page 66.)
13188 Schiller, Jamima Morris, Estate By Raleigh Morris, Milton, Ore. (Proof #735)	1895		5.1	Irrigation	Old Bowlus	N. Fork of Walla Walla River	2.4 acres in NE $\frac{1}{4}$ NW $\frac{1}{4}$, 0.7 acre in SE $\frac{1}{4}$ NW $\frac{1}{4}$, Section 23, T. 5 N., R. 36 E., W.M. being within a tract lying south of that part of the Walla Walla River known as North Fork of W.W. River and containing 37 acres, more or less.

REC'D SEP 08 2008

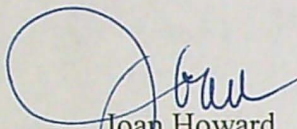
September 4, 2008

Ken Dowden
North Central Region Transfer Specialist
Field Services Division
Oregon Water Resources Department

RE: Water Right Transfer Application 10413

Ken – attached please find the certificate of service signed by Wade and myself, a copy of the letter, notice and maps I sent to Bill and Ed and confirmation of the certified mailing and receipt.

I look forward to hearing from you regarding the application. Thanks for all your help!



Joan Howard
81160 Couse Creek Road
Milton-Freewater, Oregon 97862

Letter Copy: Tony Justus

WATER RIGHT TRANSFER
CERTIFICATE OF SERVICE

REC'D SEP 08 2008

State of Oregon)
County of Umatilla) ss
_____)

I Joan Howard, certify that on September 2, 2008, a copy of this notice was hand delivered or mailed in the United States Post Office at Pendleton, Oregon, enclosed in an envelope with postage thereon prepaid upon the person(s) listed below:

ORWA Farms, LLC
6765 83rd Ave SE
Mercer Island WA 98040

Edwin A Troyer, Jr. Etal
68994 Circle Loop North Bend
North Bend OR 97459

Joan Howard
Signature of Affiant

9-2-08
Date

[Signature]
Signature of Affiant

9-8-08
Date

REC'D SEP 08 2008

September 2, 2008

ORWA Farms, LLC
6805 83rd Ave SE
Mercer Island, Washington 98040

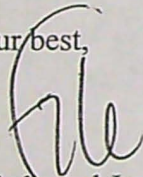
Edwin A. Troyer, Jr. et al
68994 Circle Loop
North Bend, Oregon 97459

Dear Jim and Junior (Edwin),

Enclosed is the final notice for the water rights transfer. If you have questions you can contact Ken Dowden or Tony Justice at 541.278. 5456.

We have about 70 chickens right now, an addition of 10 or so new ones whose mama hid them in the hay last week. Summer has been very dry this year, and last night we had a fire in the woodstove, so fall must be on its way. My daughter, Sarah, is about to have her first child, my first grandson, so I am anticipating trips to Portland where she lives as I get acquainted this fall. We would always welcome you to come see how things are on the creek if we are home – give us a call if you'd like to stop by!

Our best,



Wade and Joan Howard Bettis
81160 Couse Creek Road
Milton-Freewater, Oregon 97862
541.928.2021 home
509.520.4681 Joan's cell phone

REC'D SEP 08 2008

IMPORTANT NOTICE

OF

PROPOSED CHANGE IN A WATER RIGHT POINT OF DIVERSION

Joan Howard and Wade Bettis, 81160 Couse Creek Road, Milton-Freewater, OR 97862, submitted a water right transfer application under ORS 540.532 to the Oregon Water Resources Department requesting a change in point of diversion of Water Right Certificate 13182 to reflect more than 10 years of historical use of water at a point of diversion other than that described in the water right. The Transfer Application number is T-10413.

The authorized point of diversion under Water Right 13182 is located:

Twp	Rng	Mer	Sec	Q - Q	Survey Coordinates
5 N	36 E	WM	31	SE SW	FRED SAMS DITCH

Joan Howard and Wade Bettis propose to officially change the point of diversion downstream to the following location:

Twp	Rng	Mer	Sec	Q - Q	Survey Coordinates
5 N	36 E	WM	31	SW NW	770 feet North and 1660 feet West from the Center of Section 31

Why You Received This Notice

You have received this notice because the Oregon Water Resources Department has identified you as the owner of land which has a water right that may be affected by the proposed change in point of diversion. By law, it is the responsibility of the applicant to provide you notice of the proposed change in point of diversion. The applicant also is required to provide the Department written proof that this notice was delivered to you.

The Purpose of This Notice

The purpose of this notice is to provide you an opportunity to comment upon whether the proposed change will cause injury in the ability to exercise your water right. A **30-day comment period** begins upon receipt of this notice. Comments should reference the Transfer Application number, identify the water right subjected to injury by permit or certificate number or decree name, and describe the nature of the injury caused by the change in point of diversion.

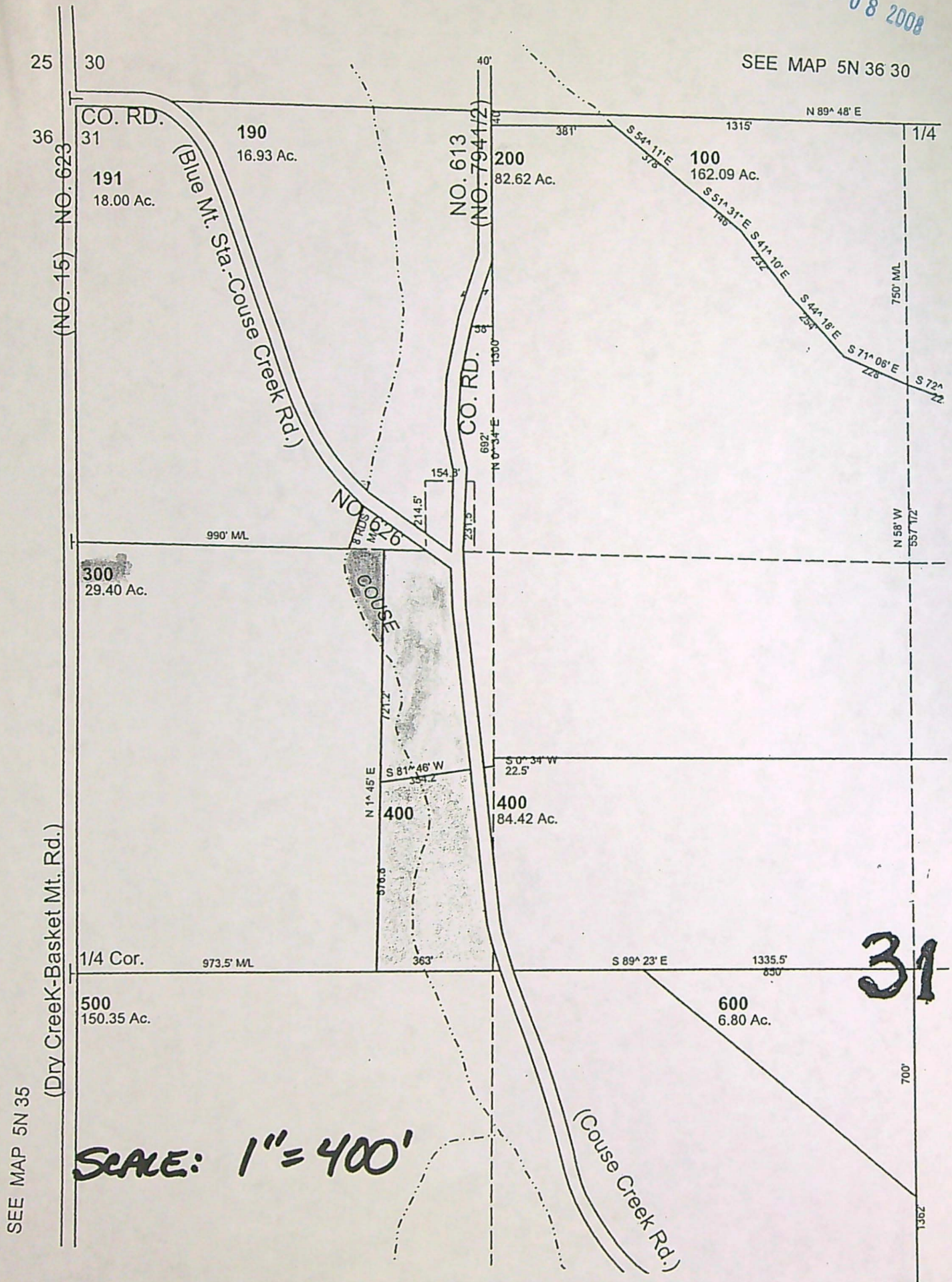
Mail Your Comments To:

Oregon Water Resources Department
Transfer Section, Field Service Division
725 Summer St., NE Suite A
Salem, OREGON 97301-1266

How the Department Will Use Your Comments

The Department will use these comments to determine whether the proposed change in point of diversion would injure other water rights. The transfer application shall be approved if the Department finds no injury to other water rights.

SEE MAP 5N 36 30



Current
POD & place
of use

SW $\frac{1}{4}$, NW $\frac{1}{4}$

3.7 acres
Tax Lot 200
cert. # 13182

Jasper Sams

31

Fred Sams



Tax Lot

TL 300 (OWRA FARMS, LLC)

TL 400 (EDWIN TROYER)

Authorized
POD
SE $\frac{1}{4}$, SW $\frac{1}{4}$

SCALE: 1" = 400'



REC'D SEP 08 2008

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Track & Confirm

Search Results

Label/Receipt Number: 7007 2680 0002 1081 6824
Status: **Delivered**

Your item was delivered at 12:15 PM on September 5, 2008 in NORTH BEND, OR 97459.

Track & Confirm

Enter Label/Receipt Number.

[Go >](#)[Additional Details >](#)[Return to USPS.com Home >](#)

Notification Options

Track & Confirm by email

Get current event information or updates for your item sent to you or others by email.

[Go >](#)

Return Receipt (Electronic)

Verify who signed for your item by email.

[Go >](#)[Site Map](#)[Contact Us](#)[Forms](#)[Gov't Services](#)[Jobs](#)[Privacy Policy](#)[Terms of Use](#)[National & Premier Accounts](#)

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No FEAR Act EEO Data

FOIA



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Accessibility
This agency is an Equal Opportunity Employer



RECD SEP 08 2008

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Track & Confirm

Search Results

Label/Receipt Number: 7007 2680 0002 1081 6831
Status: Delivered

Your item was delivered at 1:59 PM on September 4, 2008 in MERCER ISLAND, WA 98040.

Track & Confirm

Enter Label/Receipt Number.

[Go >](#)[Additional Details >](#)[Return to USPS.com Home >](#)

Notification Options

Track & Confirm by email

Get current event information or updates for your item sent to you or others by email.

[Go >](#)

Return Receipt (Electronic)

Verify who signed for your item by email.

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No FEAR Act EEO Data

FOIA



Equal Opportunity
Notice of Nondiscrimination



Accessibility
Notice of Nondiscrimination

MERCER ISLAND WA \$0.42
 98040 Zone-3
 First-Class Letter
 0.80 oz.
 Certified Void
 Label #: 70072680000210816831

Issue PVI: \$3.12

Refund PVI -\$3.12
 MERCER ISLAND WA \$0.42
 98040 Zone-3

First-Class Letter
 0.80 oz.
 *** Return Rcpt \$1.00
 (Electronic)

Use label # 70072680000210816831
 for inquiry on Return Receipt
 (Electronic).
 Certified \$2.70
 Label #: 70072680000210816831
 Customer Postage -\$0.42
 Subtotal: \$3.70

Issue PVI: \$3.70

NORTH BEND OR 97459 \$0.42
 Zone-3 First-Class
 Letter

0.80 oz.
 *** Return Rcpt \$1.00
 (Electronic)
 Use label # 70072680000210816824
 for inquiry on Return Receipt
 (Electronic).

Certified \$2.70
 Label #: 70072680000210816824
 Customer Postage -\$0.42
 Subtotal: \$3.70

Issue PVI: \$3.70

Total: \$10.46

Paid by: \$10.46
 Cash

*** IMPORTANT: For Return Receipt
 (Electronic), wait one day, go to
 www.usps.com; select Track &
 Confirm; enter label number(s);
 select 'Request Return Receipt
 (Electronic)'; enter your name and
 email address. Please make your
 request within 60 days.

Order stamps at USPS.com/shop or
 call 1-800-Stamp24. Go to
 USPS.com/clicknship to print
 shipping labels with postage. For
 other information call
 1-800-ASK-USPS.

Bill#:1000200545449

REC'D SEP 08 2008

U.S. Postal Service™
CERTIFIED MAIL™ RECEIPT
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For delivery information visit our website at www.usps.com®

OFFICIAL USE
 NORTH BEND OR 97459

Postage	\$	\$0.42
Certified Fee		\$2.70
Return Receipt Fee (Endorsement Required)		\$1.00
Restricted Delivery Fee (Endorsement Required)		\$0.00
Total Postage & Fees	\$	\$4.12

0801
 07
 Postmark
 Here
 09/02/2008

Sent To Edwin A. Trayer et al
 Street, Apt. No.,
 or PO Box No. 68994 Lucile Loop
 City, State, Zip+4 North Bend Or 97459
 PS Form 3800, August 2006 See Reverse for Instructions

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

For delivery information visit our website at www.usps.com®

OFFICIAL USE
 MERCER ISLAND WA 98040

Postage	\$	\$0.42
Certified Fee		\$2.70
Return Receipt Fee (Endorsement Required)		\$1.00
Restricted Delivery Fee (Endorsement Required)		\$0.00
Total Postage & Fees	\$	\$4.12

0801
 07-9998
 Postmark
 Here
 09/02/2008

Sent To ORWA FARMS LLC
 Street, Apt. No.,
 or PO Box No. 6805 83rd Ave SE
 City, State, Zip+4 Mercer Island WA 98040
 PS Form 3800, August 2006 See Reverse for Instructions

COPY



Oregon

Theodore R. Kulongoski, Governor

September 9, 2008

Water Resources Department

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

WILLIAM S. ROBERTS
OWRA FARMS, LLC.
6805 83rd AVENUE, SE
MERCER ISLAND, WA 98040

RE: Water Rights

Dear Mr. Roberts,

Thank you for following up with regards to the water rights transfer application filed by Joan Howard and Wade Bettis and the subsequent letter you received. I appreciated our conversation and the history of those lands as well.

As discussed, this office often comes across unused water rights and endeavors to clean up our records upon such discoveries. To that end, with your willingness and assistance, enclosed is a partially completed voluntary cancellation affidavit which will cancel the 0.6 acres located on your property, that being a portion of the enclosed water right Certificate 13182, located on TL 300, within the SW $\frac{1}{4}$ of the NW $\frac{1}{4}$, Section 31, Township 5 North, Range 36 East, W.M., Milton-Freewater, Oregon.

If you concur that the water right has not been used for five successive years or more, we would consider it forfeited (ORS 540.610), and the enclosed affidavit will help us clear the record of invalid rights and help us better manage the water resources for others in the basin who are still using the water. I have also obtained a copy of the deed (two $\frac{1}{2}$ interests copies) from the county records department and are enclosed for your use as well. Also enclosed is an assessor's map which will suffice in which to enclose with the affidavit.

Please send the signed affidavit and/or any related correspondence to me here in the Pendleton office at 116 S.E. Dorian Avenue, Pendleton, OR 97801. Should you have any further questions, please feel free to contact me at (541) 278-5456. Thanks again.

Sincerely,

Ken Dowden
North Central Region Transfer Specialist
Field Services Division

cc: Tony Justus, District 5 Watermaster
Carol Jean Thompson, Attorney at Law → address: 20 East Poplar, Suite 200 - Walla Walla, WA. 99362

AFFIDAVIT FOR THE PARTIAL CANCELLATION OF A
WATER RIGHT CERTIFICATE

State of _____)
County of _____) ss

I, _____, residing at _____,
_____, phone _____, being first duly sworn depose and say:

1. I am the legal owner of the property described as tax lot number 300, in Section 31, within Township 5 North, Range 36 East, of the Willamette Meridian, in Umatilla 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 13182, issued to JASPER R. SAMS, with a date of priority of 1897, for the use of One and One-Half Miners inches per acre from the waters of Couse Creek, tributary to the Walla Walla River, for the purpose of irrigation of 0.60 acres is appurtenant to my property;
3. I have abandoned any and all interest in the portion of this water right shown on the attached map and described as follows:

SW¼ NW¼ 0.6 acres
Section 31
Township 5 North, Range 36 East, W.M.; and,
4. I/We request that said portion of the right described above be canceled.

Signature of Legal Owner

Date

Signature of Co-Owner (if applicable)

Date

Subscribed and Sworn to Before Me this ____ day of _____, 2008.

Notary Public for Washington

My Commission Expires _____

PLEASE ATTACH MAP AND DEED WITH LEGAL DESCRIPTION

STATE OF OREGON

COUNTY OF UMATILLA

CERTIFICATE OF WATER RIGHT

This Is to Certify, That JASPER R. SAMS

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

the waters of Couse Creek

for the purpose of Irrigation

and that said right has been confirmed by decree of the Circuit Court of the State of Oregon for Umatilla County, and the said decree entered of record at Salem, in the Order Record of the STATE ENGINEER, in Volume 12, at page 9; that the priority of the right thereby confirmed dates from 1897;

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 one and one-half miner's inches per acre measured at the point of diversion.

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

7.6 acres in SW 1/4
Section 31
T. 5 N., R. 36 E. W. M.

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 irrigation purposes is restricted to the lands or place of use herein described.

WITNESS the signature of the State Engineer.

affixed this 5th day

of April, 1940.

CHAS. E. STRICKLIN

State Engineer.

Recorded in State Record of Water Right Certificates, Volume 11, page 13182

0.6 ac.



Current
POD & place
of use

SW $\frac{1}{4}$, NW $\frac{1}{4}$

3.7 acres

Tax Lot 200

cert. # 13182

Jasper Sams

33

1

Fred Sams

69

38

Tax Lot



TL 300 (OWRA FARMS, LLC)

TL 400 (EDWIN TROYER)

Authorized
POD

SE $\frac{1}{4}$, SW $\frac{1}{4}$

9

31

UMATILLA COUNTY ASSESSOR
Real Property Assessment Report
 FOR ASSESSMENT YEAR 2008

6/17/2008 2:58:17 PM

Account # [REDACTED]
 Map # 5N3631-00-00300
 Code - Tax # 0706-134000
 Owner ORWA FARMS LLC
 Agent
 In Care Of
 Mailing Address

Tax Status ASSESSABLE
 Acct Status ACTIVE
 Subtype NORMAL
 Deed Reference # UNKNOWN
 Sales Date/Price UNKNOWN
 Legal Description UNKNOWN
 Appraiser BAKER, STEVE

6805 83RD AVE SE
 MERCER ISLAND, WA 98040

	MA	SA	NH	Unit
Prop Class 550	04	51	000	56689-1
RMV Class 550				

Situs Address(s)	Situs City
------------------	------------

Value Summary					
Code Area		AV	RMV	RMV Exception	CPR
0706	Impr.	0	0	Impr.	0
	Land	18,502	34,100	Land	0
Code Area Total		18,502	34,100	0	
Grand Total					
		18,502	34,100	0	

Land Breakdown										
Code Area	ID#	RFD	Plan Zone	Value Source	TD%	LS	Size	Land Class	IRR Class	IRR Size
0706	1	R	EFU	Farm Use Zoned	0	A	28.00	3-1		
0706	2	R	EFU	Farm Use Zoned	0	A	1.40	7-1		
Code Area Total							29.40			0
Grand Total							29.40			0.00

Improvement Breakdown							
Code Area	ID#	YR Built	Stat Class	Description	TD%	Total Sq. Ft.	MS ACCT #
Code Area Total						0	
Grand Total						0	

Exemptions/Special Assessments/Potential Liability		
Code Area	Type	Description
0706	NOTATION(S):	POTENTIAL ADDL TAX LIABILITY ADDED 2005

UMATILLA COUNTY ASSESSOR

Real Property Assessment Report

FOR ASSESSMENT YEAR 2008

6/17/2008 2:55:43 PM

Account # [REDACTED]
 Map # 5N3631-00-00400
 Code - Tax # 0706-134001
 Owner TROYER EDWIN A JR ETAL
 Agent
 In Care Of
 Mailing Address

Tax Status ASSESSABLE
 Acct Status ACTIVE
 Subtype NORMAL
 Deed Reference # BOOK 2008 PAGE 5320665
 Sales Date/Price 02-22-2008 / \$0.00
 Legal Description UNKNOWN
 Appraiser BAKER, STEVE

68994 CIRCLE LP
 NORTH BEND, OR 97459

	MA	SA	NH	Unit
Prop Class 550	04	51	000	56690-1
RMV Class 550				

Situs Address(s)	Situs City
------------------	------------

Value Summary				
Code Area	AV	RMV	RMV Exception	CPR
0706 Impr.	0	0	Impr.	0
Land	43,790	85,410	Land	0
Code Area Total	43,790	85,410		0
Grand Total	43,790	85,410		0

Land Breakdown										
Code Area	ID#	RFD	Plan Zone	Value Source	TD%	LS	Size	Land Class	IRR Class	IRR Size
0706	1	R	EFU	Farm Use Zoned	0	A	57.50	3-1		
0706	2	R	EFU	Farm Use Zoned	0	A	9.00	4-1		
0706	3	R	EFU	Farm Use Zoned	0	A	17.00	7-F		
0706	4	R	EFU	Farm Use Zoned	0	A	0.92	8-F		
Code Area Total							84.42			0
Grand Total							84.42			0.00

Improvement Breakdown						
Code Area	ID#	YR Built	Stat Class	Description	TD%	Total Sq. Ft. MS ACCT #
Code Area Total						0
Grand Total						0

Exemptions/Special Assessments/Potential Liability		
Code Area	Type	Description
0706	NOTATION(S):	POTENTIAL ADDL TAX LIABILITY ADDED 2005

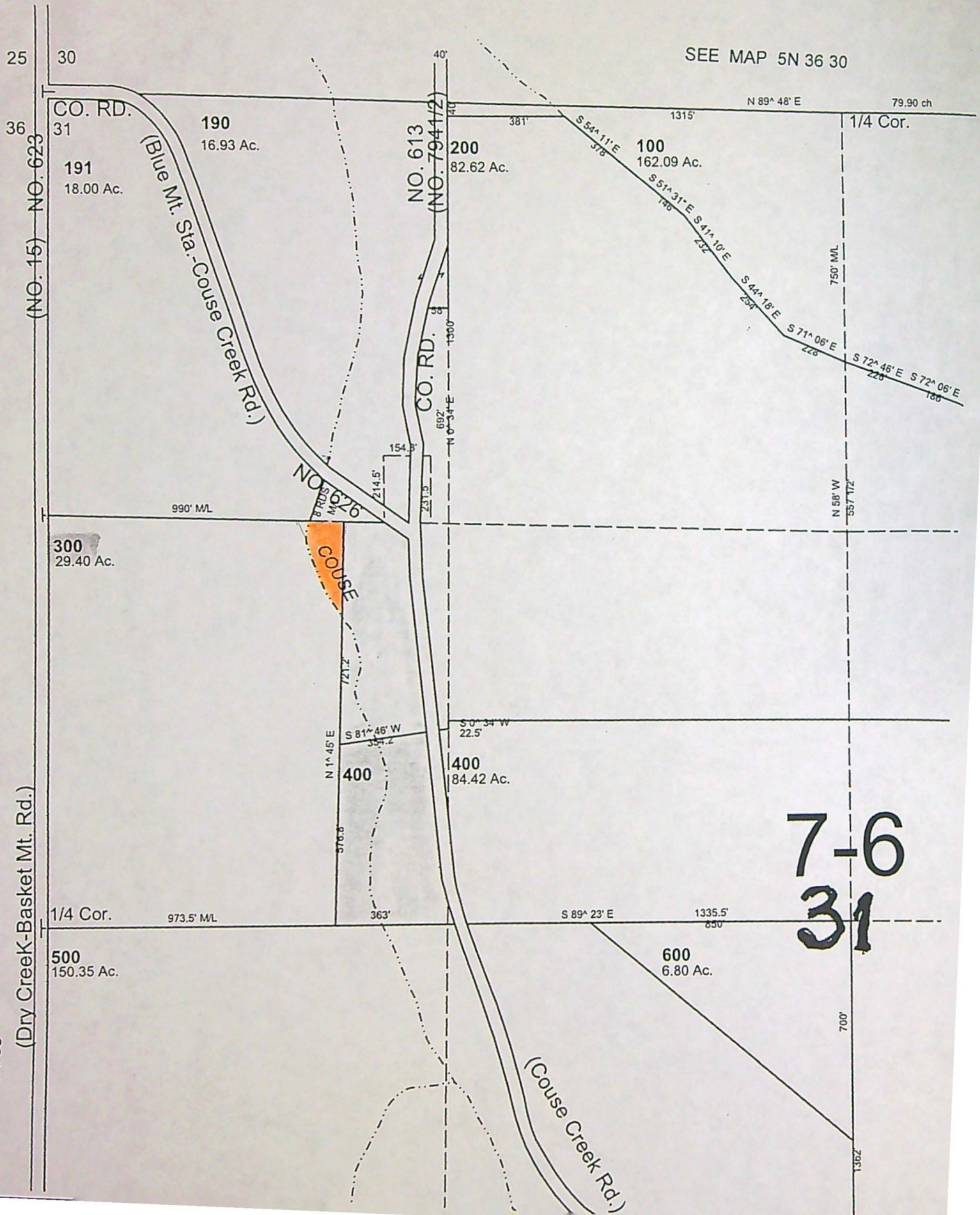
(Dry Creek-Basket Mt. Rd.)

SCALE: 1" = 400'

31

SEE MAP 5N 35

(Dry Creek-Basket Mt. Rd.)



31

TOWN. CM-RANGE 35C

2.5 cc

17-5

10th 21

AS

2021

23² AC

44 AC.

SE¹-NW⁴

175 AC

20 AC

125 AC

TROYER

20 AC

M. HOWARD

NE-SW

BAC

MM-5-5C

195. AC

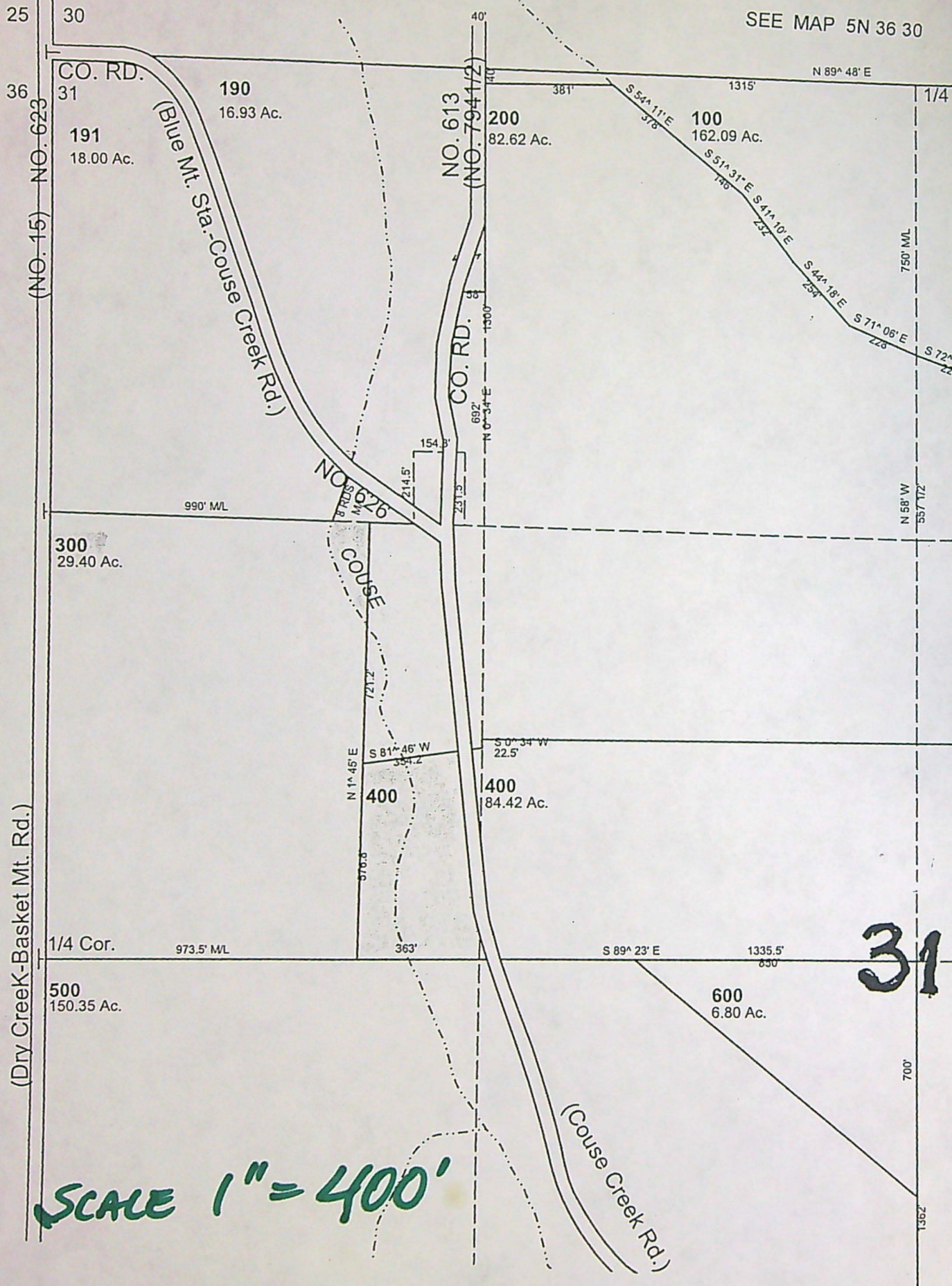
25.05

1700' 1" PIES

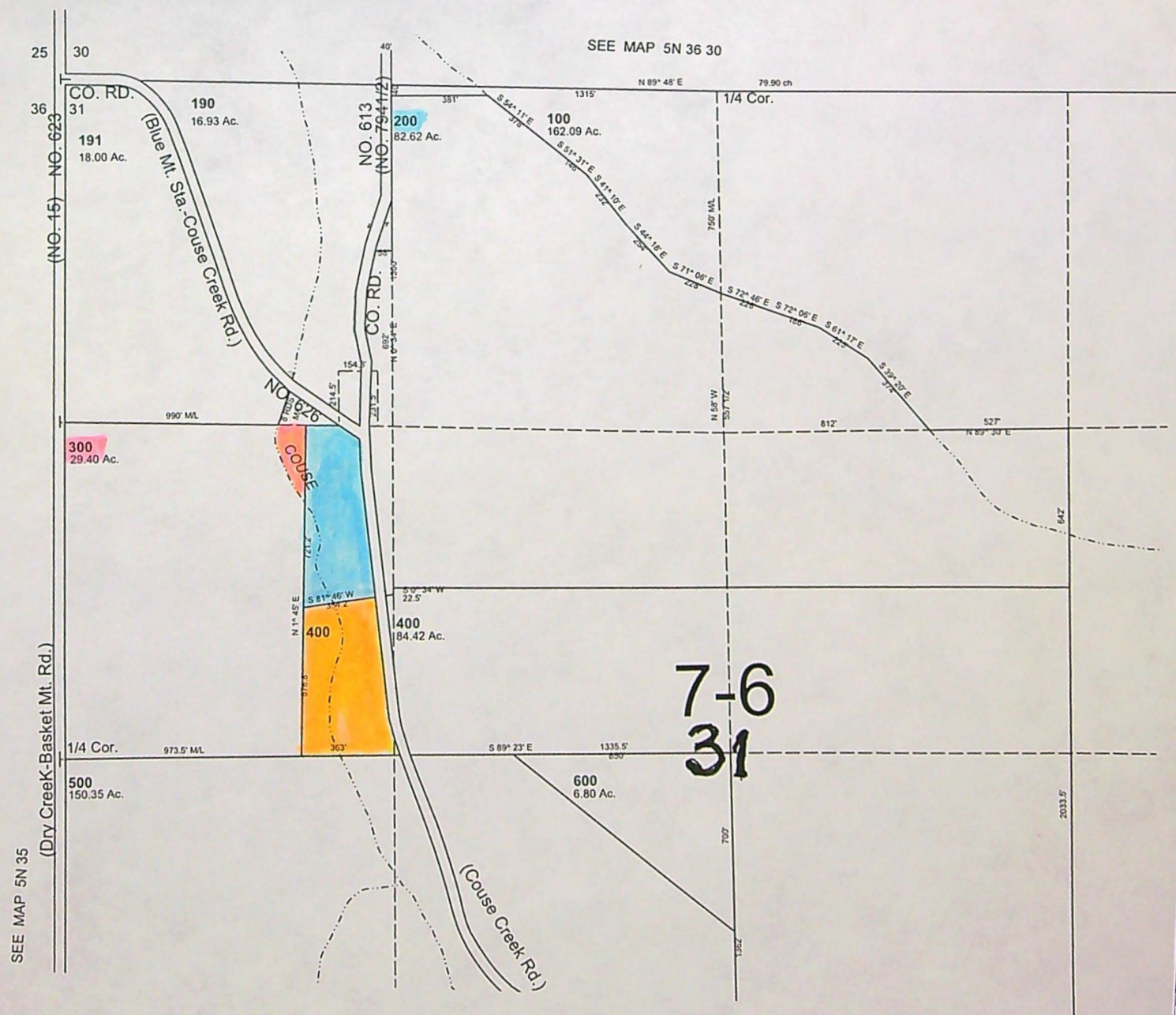
31

SEE MAP 5N 35

(Dry Creek-Basket Mt. Rd.)



ORWA FARMS



Water Rights Platcard Report

Meridian: WILLAMETTE Township: 5 North Range: 36 East Section: 31 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:5094 OR *		10/26/1922	IRRIGATION										10											
Additional Info: H M COCKBURN App: S8694 Permit: S5675 Cert: 5094																								
Select Cert:6314 OR *		3/22/1919	IRRIGATION													8			3					
Additional Info: F Z SAMS App: S6444 Permit: S4031 Cert: 6314																								
Select Cert:7543 OR *		12/8/1924	IRRIGATION																			9		
Additional Info: A R SHUMWAY App: S9950 Permit: S6605 Cert: 7543																								
Select Cert:12598 OR *		12/31/1900	IRRIGATION										8.6											
Additional Info: H M COCKBURN Decree: WALLA WALLA RIVER Cert: 12598																								
Select Cert:13182 OR *	T10413	12/31/1897	IRRIGATION										7.6											
Additional Info: JASPER R SAMS Decree: WALLA WALLA RIVER Cert: 13182																								
Select Cert:13208 OR CN	T9007	12/31/1895	IRRIGATION CN																			9-1		
Additional Info: A R SHUMWAY Decree: WALLA WALLA RIVER Cert: 13208																								

1 2

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

NO CONFLICTS w/ EXISTING RIGHTS

Water Rights Platcard Report

Meridian: WILLAMETTE Township: 5 North Range: 36 East Section: 31 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:13299 OR *		12/31/1876	IRRIGATION												4.5									
	Additional Info: IRENE WILLIAMS Decree: WALLA WALLA RIVER Cert: 13299																								
Select	Inchoate: T 9007 CF (REG) *		12/31/1895	IRRIGATION																			(9.1)		
	Additional Info: SHUMWAY CONSERVANCY LLC Decree: WALLA WALLA RIVER																								

[1](#) [2](#)

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

**STATE OF OREGON
WATER RESOURCES DEPARTMENT**

RECEIPT # **88306**

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

INVOICE # _____

RECEIVED FROM: Joan M Howard
BY: Wade P Bettis JR.

APPLICATION	
PERMIT	
TRANSFER	<u>T-10413</u>

CASH: ☐ CHECK: # 6041 OTHER: (IDENTIFY) ☐

TOTAL REC'D \$380.00

1083 TREASURY 4170 WRD MISC CASH ACCT

0407 COPIES \$
OTHER: (IDENTIFY) \$

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

4270 WRD OPERATING ACCT

MISCELLANEOUS PCA 46111

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

WATER RIGHTS:

0201 SURFACE WATER \$
0203 GROUND WATER \$
0205 TRANSFER \$ 350.00

WELL CONSTRUCTION

0218 WELL DRILL CONSTRUCTOR \$
LANDOWNER'S PERMIT \$

EXAM FEE		RECORD FEE
\$	0202	\$
\$	0204	\$
\$ <u>350.00</u>		
EXAM FEE		LICENSE FEE
\$	0219	\$
	0220	\$

OTHER (IDENTIFY)

0536 TREASURY 0437 WELL CONST. START FEE

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

OTHER (IDENTIFY)

CARD #	
CARD #	

0607 TREASURY 0467 HYDRO ACTIVITY LIC NUMBER

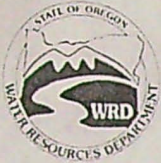
0233 POWER LICENSE FEE (FWWRD) \$
0231 HYDRO LICENSE FEE (FWWRD) \$
HYDRO APPLICATION \$

TREASURY OTHER / RDX

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

RECEIPT: **88306**

DATED: 6/25/07 BY: Diana Duchin



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". Please read and refer to the instructions when completing your application. A summary of review criteria and procedures that are generally applicable to these applications is available at www.wrd.state.or.us/publication/reports/index.shtml.

APPLICATION FOR:

Please check one

- | | | |
|--|--|--|
| <input checked="" type="checkbox"/> Water Right Transfer | <input type="checkbox"/> Temporary Transfer
(number of years _____) | <input type="checkbox"/> Drought Transfer |
| <input checked="" type="checkbox"/> Historic Change in POD | <input type="checkbox"/> Permit Amendment | <input type="checkbox"/> Point of Diversion Change
Due to Government Action |
| <input type="checkbox"/> To Instream Use | | |
| <input type="checkbox"/> Other Transfer | | |

1. APPLICANT INFORMATION

Name: Joan Howard and Wade Bettis
Address: 81160 ^{First} Couse Creek Rd ^{Last}
Milton Freewater Or. 97862
City State Zip
Phone: 541 938 2021 541 278 6290
Home Work Other
*Fax: 541-278-6363 *E-Mail address: jhoward@co.umatilla.or.us
*Optional information

2. AGENT INFORMATION

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

Name: NA
First Last
Address: _____
City State Zip
Phone: _____
Home Work Other
*Fax: _____ *E-Mail address: _____
*Optional information

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3. TYPE OF CHANGE PROPOSED

Please check all that apply

Point of Diversion or Appropriation	Place of Use	Character of Use (n/a for Permit Amendments)
<input type="checkbox"/> Change (The old point of diversion or appropriation will not be used for the portion of the water right affected by the transfer.) <input type="checkbox"/> Additional (Both the old and new points of diversion or appropriation will be used for the portion of the water right affected by the transfer.) <input checked="" type="checkbox"/> Historic Point of Diversion (Unauthorized point of diversion used for more than 10 years.) <input type="checkbox"/> Surface Water to Ground Water (A new point of appropriation will be used instead of the old point of diversion and not as an additional point of appropriation.)	<input type="checkbox"/> All, or a portion, of the right will be exercised at a different location than currently authorized. (Use of water at the current location will be discontinued.) <input type="checkbox"/> Exchange (Water from another source will be used in exchange for supplying an equal amount of replacement water to that source.)	Proposed new use: <input type="checkbox"/> Irrigation <input type="checkbox"/> Municipal <input type="checkbox"/> Quasi-municipal <input type="checkbox"/> Commercial <input type="checkbox"/> Industrial <input type="checkbox"/> Instream (complete Supplemental Form B) <input type="checkbox"/> Domestic (indicate number of households) _____ <input type="checkbox"/> Other _____ <input type="checkbox"/> Substitution (A supplemental ground water right will be substituted for a primary surface water right.)

Reason for changes: Point of diversion was changed by my father in 1965
When a pump was installed at our residence to preclude the
need for digging ditch from original POD.

Describe the **current** water delivery system. Include information on the pumps, canals, pipelines and sprinklers used to divert, convey and apply the water at the authorized place of use.

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. (Not applicable to applications for Permit Amendments.)

Water is pumped through 3-inch pipe by a 3 horse pump

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System capacity: .28 cubic feet per second (cfs)

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*Attach one or more Evidence of Use Affidavits (Supplemental Form A)
 demonstrating that each of the right(s) involved in the transfer have been exercised in
 the last five years or that a presumption of forfeiture for non-use could be rebutted.
 (Not applicable to applications for Permit Amendments.)*

T 10413

4. CURRENT WATER RIGHT INFORMATION

A separate page providing the information in this section must be completed for each certificate, permit, decree, or other right involved in the proposed transfer.

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

<input checked="" type="checkbox"/> Certificated Right	13182 <small>Certificate Number</small>	Walla Walla River Decree <small>Permit Number or Decree Name</small>
<input type="checkbox"/> Adjudicated, Un-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>
<input type="checkbox"/> Permit for which an Amendment is Requested	<small>Permit Number</small>	<small>Completion Date of Permit</small>

Name on Permit, Certificate, or Decree: Jasper R. Sams

County: Wnatilla Authorized Use(s): Irrigation

Are there multiple **Priority Dates** identified on the water right? ☐ Yes ☐ No

If "Yes", any information provided on Page 4 must identify which priority date is associated with each of the proposed points of diversion/appropriation and places of use. In addition, list those priority dates:

Source(s) of Water Listed on Right: Cause Creek

Tributary to: Walla Walla

Are there other **Sources** listed on the water right? ☐ Yes ☒ No

If "Yes", any information provided on Page 4 must identify which source is associated with each of the proposed points of diversion/appropriation and proposed places of use. In addition, list those other sources:

Are there **Other Water Rights** or permits associated with this land? ☐ Yes ☒ No

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

Pursuant to ORS 540.510, any right that is supplemental to a primary right proposed for transfer must be included in the transfer or be cancelled.

Remarks: Attached are: 1) map, 2) narrative, 3) photographs of property, A&B
4) Affidavit of adjacent property owners 5) Milton Freewater City
Utilities docs A, B, C, D&E, 6) affidavit of use 1999-2003, A&B
7) Affidavit of use 1990-1999, 8) letter from watermaster,
9) copy of certificate of water right A&B 10) Land Conservation photos
(aerial) of property

Transfer Application/3

We request that new confirming rights certificate be issued to Joan Howard
and Wade Bettis. Thank you!

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A separate page providing the information in this section must be completed for each certificate, permit, decree, or other right involved in the proposed transfer.

13182

[illegible]

Attach additional copies as necessary to describe locations of other proposed points of diversion or appropriation. Clearly mark each of the additional copies with the appropriate Certificate Number or other identifying number. Not applicable to applications for transfers to instream water rights.

NA

[illegible]

Attach additional copies as necessary to describe locations of other proposed places of use. Clearly mark each of the additional copies with the appropriate Certificate Number or other identifying number. Not applicable to applications for transfers to instream water rights.

Remarks: _____

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SALEM OREGON

6. 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? ☐ Yes ☒ No

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

NA

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

umatilla County

7. 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): NOT APPLICABLE

Address: _____

City

State

Zip

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

If "No", provide the following information:

Names of Receiving Landowner(s): _____

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.

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WATER RESOURCES DEPT
SALEM, OREGON**8. ATTACHMENTS**

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

Form A – Evidence of Use Affidavits

- ☒ 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.

Form B – Instream Water Right Transfer

- ☐ Required for instream transfers only.

Map

- ☐ Permanent 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.
- ☐ Permit Amendment, Temporary Transfer, or Other Application
A map meeting the requirements of OAR 690-380-3100 must be included but need not be prepared by a Certified Water Right Examiner.

Evidence of Lien Holder Notification

- ☐ Copies of the written notification of the proposed transfer provided by the applicant to each lien holder, unless the water right has been quit claimed.

Recorded Deed

- ☐ Required for temporary transfers only.

Land Use Information Form:

- ☐ Enclosed
- ☐ 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.

Water Well Reports/Well Logs:

- ☐ 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.
- ☐ The application is for a surface water transfer and water well reports are not required.

Fees:

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

9. SIGNATURES

I (we) understand that prior to approval of a permanent transfer and after issuance of a draft preliminary determination by the Department, I (we) must submit:

- (1) A report on ownership and lien information prepared by a title company within the last three months if required under OAR 690-380-3000(18), and
- (2) If I (we) are not the landowners, proof that the landowner or entity to which the water right has been quitclaimed consents to the transfer or that ownership information is not required.

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

Joan Howard
applicant signature

Joan Howard
name (print)

6-22-07
date

Wade Bettis
applicant signature

Wade Bettis
name (print)

6-22-07
date

Before submitting your application, be sure you have:

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

T 10413

Transfer Application/7



Oregon

Theodore R. Kulongoski, Governor

Water Resources Department

Watermaster

116 S.E. Dorion Avenue

Pendleton, OR 97801

Phone (541) 278-5456

FAX (541) 278-0287

INTEROFFICE MEMO

Oregon Water Resources Department

Watermaster

DATE: July 26, 2006

TO: FILE

FROM: Tony Justus

SUBJECT: Certificate #13182

CC:

To Whom it may Concern:

I am aware Joan Howard is planning to file a water right transfer to change the point of diversion (POD) to reflect historical use for a portion of the lands associated with Certificate #13182.

I am aware they have been pumping water from Couse Creek at a point that is not their authorized point of diversion. My office contacted Joan to initiate the change in POD.

I am unaware of any claims of injury regarding the currently used, unauthorized POD.

Sincerely,

Tony Justus
Watermaster, District 5

Cc: Jim Chambers

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**WATER RESOURCES DEPT
SALEM OREGON**

T 10413

Attachment 8



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WATER RESOURCES DEPT
SALEM, OREGON

I, Joan Howard, in my capacity as property owner,
mailing address 81160 Course Creek Rd
telephone number (541) 938 2621, being first duly sworn depose and say:

☒ 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 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.

☒ Personal observation ☐ Professional expertise

[illegible]

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

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

Alfalfa, pasture grass

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WATER RESOURCES DEPT
SALEM OREGON

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

3 horse pump 3" aluminum lines

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

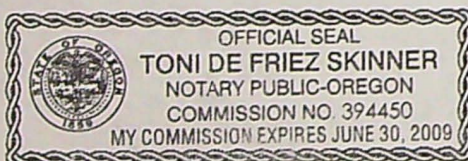
- ☐ Copy of a water right certificate that was issued within the last five years (not a remaining right certificate),
- ☐ Copies of receipts from sales of irrigated crops or for expenditures relating to the use of water,
- ☐ Records such as Farm Service Agency crop reports, irrigation district records, 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,

☒ Other: See attached Affidavits, listed on page 3 under
remarks

Jean Howard
Signature of Affiant

6-22-07
Date

Signed and sworn to (or affirmed) before me this 22 day of June, 2007.



[Signature]
Notary Public for Oregon

My Commission Expires: 6-30-09

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

June 19, 2007

The property at 81160 Couse Creek Road was purchased by my great-grandfather, Nathan Sams, in 1887. In approximately 1906 my grandfather, Jasper Sams, moved to the property and lived there until his death in 1965.

During his lifetime, 'Grandpa Jap' ditched our property and the neighbors' properties to irrigate a prune orchard, pasture, garden and yard and to maintain the water right on the property.

In 1965 my grandfather died. That year my father, Bob Howard, purchased irrigation pipes and a pump and installed them at the present location. I was ten that year and for 6 years after that I moved the pipes each summer and helped maintain the water right by helping with the irrigation.

In 1983 I moved from the property and the property was rented out between 1983 and 1999. I returned to the property in 1999.

Photographs included with this application show the property today and identify the pasture, garden and yard which have been irrigated since the mid-60's.

Joan Howard June 19, 2007

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SALEM OREGON

1 10413

Attachment 2 Narrative



① The property at left is the pastureland being irrigated

② Long view of pasture showing the same truck & landmark plow mailbox holder



③ Long view of pasture and barn showing landmark

④ West side of barn showing location of current POD and pump

⑤ Close up of POD & pump

⑥ Landmark & century farm sign

Attachment 3A

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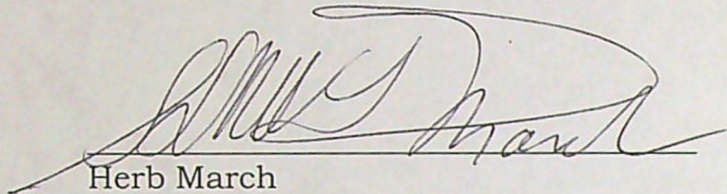
JUN 25 2007

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SALEM OREGON




June 19, 2007

We have observed irrigation of the north and south pastures located at 81160 Couse Creek Road, Milton-Freewater Oregon by aluminum pipes fed by an irrigation pump located at that address since 1965. Before 1965, each spring Jasper Sams hand-dug a ditch from the Shumway place to the Howard property to irrigate the yard, garden and pasture.



Herb March



Janice March

81044 Couse Creek Road
Milton-Freewater, Oregon 97862

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**WATER RESOURCES DEPT
SALEM OREGON**

T 10413

Attachment 4

File Main Menu Edit Search Maintenance Period Other Help

Customer: [Customer] 523 of 15,309

103.7280.04 HOWARD, JOAN Account Balance: .00
81160 COUSE CRK RD 3HP 81160 COUSE CRK RD Balance Due: .00
1037280 938-2021 Milton Freewater OR 97662-7915 Last Pmt: 03/12/07 102.00

Display | Compare | History | Trans | Deposits | Services | Meters | Customer | Location | Delinq

Mail Route: R001
Delivery Point: 60
Attention:
Phone 1: 938-2021
Phone 2:
Driver Lic No:
Soc Sec No:
Alert Message:
Bill Cycle: 1
Customer Type: Residential
Group Code: None
Connect Date: 06/02/2000
Term Date:
Term Reason:

Equal Payments:
Active: No
Amount: .00 Calc Date:

Tax Status: Exempt
Prev Cust No:
Co-Signer No: D: None
Send Statements: Yes
Send Delinquent Notice: Yes
Send Shutoff Notice: Yes

General Detail Certification Notes Collection Comments

CITY OF MILTON-FREEWATER Pcty. I:\csdata Tue Jun 19 2007 08:17am

Start [Icons] 2 M. USP Case Utility Utili Case 8:18 AM

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SALEM OREGON

T 10413

Attachment 5A

Bill History

Bill Detail

Biller Name	Account	Amount	Pay Date	Confirmation	Status
City of Milton-Freewater 103.7280.04 *80.04	██████	\$102.00	03/14/2006	52TCF-8YWZ2	Paid

Memo: Electric Pump

Check #5086 from your *53997 account was mailed to City of Milton-Freewater on 03/09/2006. Funds for this payment will be withdrawn from your account when the biller cashes the check.

If you have a question about this payment, you can send us a [payment inquiry](#).

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Attachment SB

0002

CITY of MILTON FREEWATER

05/16/2006 09:37 FAX 541 938 8224

CITY OF MILTON-FREEWATER

Customer History

Report Date(s): 01/01/2000 to 05/16/2006

Page: 1

May 16, 2006 09:11am

Report Criteria:

Customer.Cust No: [REDACTED]

103.7280.04 HOWARD, JOAN

81160 COUSE CRK RD 3HP

Account Summary:

Period	IRRI	LTFF	Billings	Adj	Payments	Oth	Balance
06/01/2000							.00
06/02/2000	-	-	-		-		-
07/07/2000	-	-	-		-		-
08/04/2000	-	-	-		-		-
09/01/2000	-	-	-		-		-
10/06/2000	-	-	-		-		-
11/03/2000	-	-	-		-		-
12/01/2000	-	-	-		-		-
01/05/2001	-	-	-		-		-
02/02/2001	-	-	-		-		-
03/02/2001	-	-	-		-		-
04/06/2001	-	-	-		-		-
05/04/2001	-	-	-		-		-
06/01/2001	-	-	-		-		-
07/06/2001	-	-	-		-		-
08/03/2001	-	-	-		-		-
09/09/2001	-	-	-		-		-
10/07/2001	4.30	-	4.30		-		4.30
11/04/2001	-	-	-		4.30 -		-
12/09/2001	-	-	-		-		-
01/06/2002	-	-	-		-		-
02/03/2002	-	-	-		-		-
03/03/2002	102.00	-	102.00		-		102.00
04/07/2002	-	-	-		102.00 -		-
05/05/2002	-	-	-		-		-
06/09/2002	-	-	-		-		-
07/07/2002	-	-	-		-		-
08/04/2002	-	-	-		-		-
09/08/2002	-	-	-		-		-
10/06/2002	1.32	-	1.32		-		1.32
11/03/2002	-	-	-		1.32 -		-
12/08/2002	-	-	-		-		-
01/05/2003	-	-	-		-		-
02/09/2003	-	-	-		-		-
03/08/2003	102.00	-	102.00		-		102.00

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Attachment 50

10413

0003

CITY of MILTON FREEWATER

05/16/2006 09:37 FAX 541 938 8224

CITY OF MILTON-FREEWATER

Customer History
Report Date(s): 01/01/2000 to 05/16/2006Page: 2
May 16, 2006 09:11am

HOWARD, JOAN

81160 COUSE CRK RD 3HP

(Continued)

Period	IRRIG	LTFEE								Billings	Adj	Payments	Oth	Balance
04/08/2003	-	-								-		102.00 -		-
05/04/2003	-	-								-		-		-
06/08/2003	-	-								-		-		-
07/06/2003	-	-								-		-		-
08/03/2003	-	-								-		-		-
09/07/2003	-	-								-		-		-
10/05/2003	-	-								-		-		-
11/07/2003	3.15	-								3.15		-		3.15
12/07/2003	-	-								-		-		3.15
01/04/2004	-	-								-		-		3.15
02/08/2004	-	-								-		-		3.15
03/07/2004	102.00	-								102.00		-		105.15
04/04/2004	-	-								-		-		105.15
05/07/2004	-	-								-		105.15 -		-
06/06/2004	-	-								-		-		-
07/04/2004	-	-								-		-		-
08/08/2004	-	-								-		-		-
09/05/2004	-	-								-		-		-
10/03/2004	-	-								-		-		-
11/07/2004	3.08	-								3.08		-		3.08
12/05/2004	-	-								-		3.08 - Yes		-
01/09/2005	-	-								-		-		-
02/06/2005	-	-								-		-		-
03/06/2005	102.00	-								102.00		-		102.00
04/03/2005	-	-								-		102.00 -		-
05/08/2005	-	-								-		-		-
06/05/2005	-	-								-		-		-
07/03/2005	-	-								-		-		-
08/07/2005	-	-								-		-		-
09/04/2005	-	-								-		-		-
10/09/2005	16.65	-								16.65		-		16.65
11/06/2005	-	-								-		16.65 -		-
12/04/2005	-	-								-		-		-
01/08/2006	-	-								-		-		-
02/05/2006	-	-								-		-		-
03/05/2006	102.00	-								102.00		-		102.00
04/09/2006	-	-								-		102.00 -		-
05/07/2006	-	-								-		-		-
05/16/2006	-	-								-		-		-

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Attachment 5D

05/18/2006 09:37 FAX 541 938 8224

CITY of MILTON FREEWATER

004

CITY OF MILTON-FREEWATER

Customer History
Report Date(s): 01/01/2000 to 05/16/2006

Page: 3
May 16, 2006 09:11am

HOWARD, JOAN

81160 COUSE CRK RD 3HP

(Continued)

Period	IRRIG	LT FEE								Billings	Adj	Payments	Oth	Balance
Totals:	538.50	-								538.50		538.50 - Yes		

Report Criteria:
Customer Cust No = 103728004

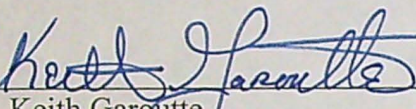
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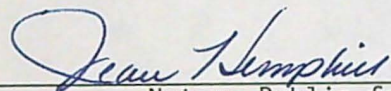
May 12, 2006

I, Keith Garoutte, advise that I used the north and south pastures located at 81160 Couse Creek Road, Milton-Freewater, Oregon from 1999 through 2003. During this time the property owner, Joan Howard, maintained the irrigation pump and I maintained the pipes, providing irrigation for the pasture from mid-March through the summer until water dried up in the creek each year. Irrigation would then be suspended until mid-September, when sufficient flow to the creek would allow irrigation again into the late fall.

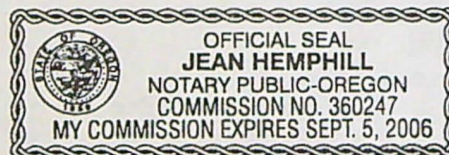

Keith Garoutte

STATE OF OREGON
County of Umatilla

This instrument was acknowledged before me on May 12, 2006,
by Keith Garoutte


Notary Public for Oregon

My Commission Expires: September 5, 2006



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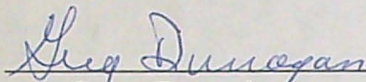
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Attachment b

June 19, 2007

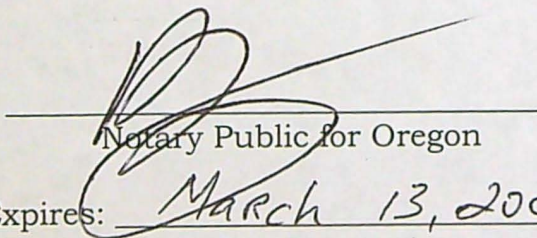
I, Greg Dunnigan, advise that I used the north and south pastures located at 81160 Couse Creek Road, Milton-Freewater Oregon from 1990 through 1999. During this time the property owner, Joan Howard, maintained the irrigation pump and I maintained the pies, providing irrigation for the pasture from mid-March through the summer until water dried up in the creek each year. Irrigation would then be suspended until mid-September, when sufficient flow to the creek would allow irrigation again into the late fall.



Greg Dunnigan

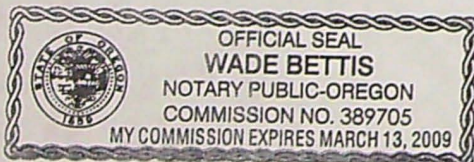
STATE OF OREGON
County of Umatilla

This instrument was acknowledged before me on
June 19, 2007, by Greg Dunnigan.



Notary Public for Oregon

My Commission Expires: March 13, 2009



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Attachment 6A

Utility Billing - Inquiry (Licensed to City of Milton-Freewater, OR)

File Main Menu Edit Search Maintenance Period Other Help

Customer: [] Customer: [] 521 of 15,309

103.7280.02 DUNAGAN, GS Account Balance: .00
81160 COUSE CRK RD 3HP PO BOX 211 Balance Due: .00
Term: 03/08/99 1037280 Milton Freewater OR 97862-0211 Last Pmt: .00

Display | Compare | History | Trans | Deposits | Services | Meters | Customer | Location | Deling

Mail Route:
Delivery Point:
Attention:
Phone 1:
Phone 2:
Driver Lic No:
Soc Sec No:
Alert Message:
Bill Cycle: 1
Customer Type: Residential
Group Code: None
Connect Date: 10/18/1989
Term Date: 03/08/1999
Term Reason:

Equal Payments:
Active: No
Amount: .00 Calc Date:
Tax Status: Exempt
Prev Cust No:
Co-Signer No: 0 None
Send Statements: Yes
Send Delinquent Notice: Yes
Send Shutoff Notice: Yes

General Detail Certification Notes Collection Comments

CITY OF MILTON-FREEWATER Patsy Kcsidaka Tue Jun 19, 2007 08:16am

Start | 2 M... | USB... | Case... | Utility... | i Utili... | Case... | 8:16AM

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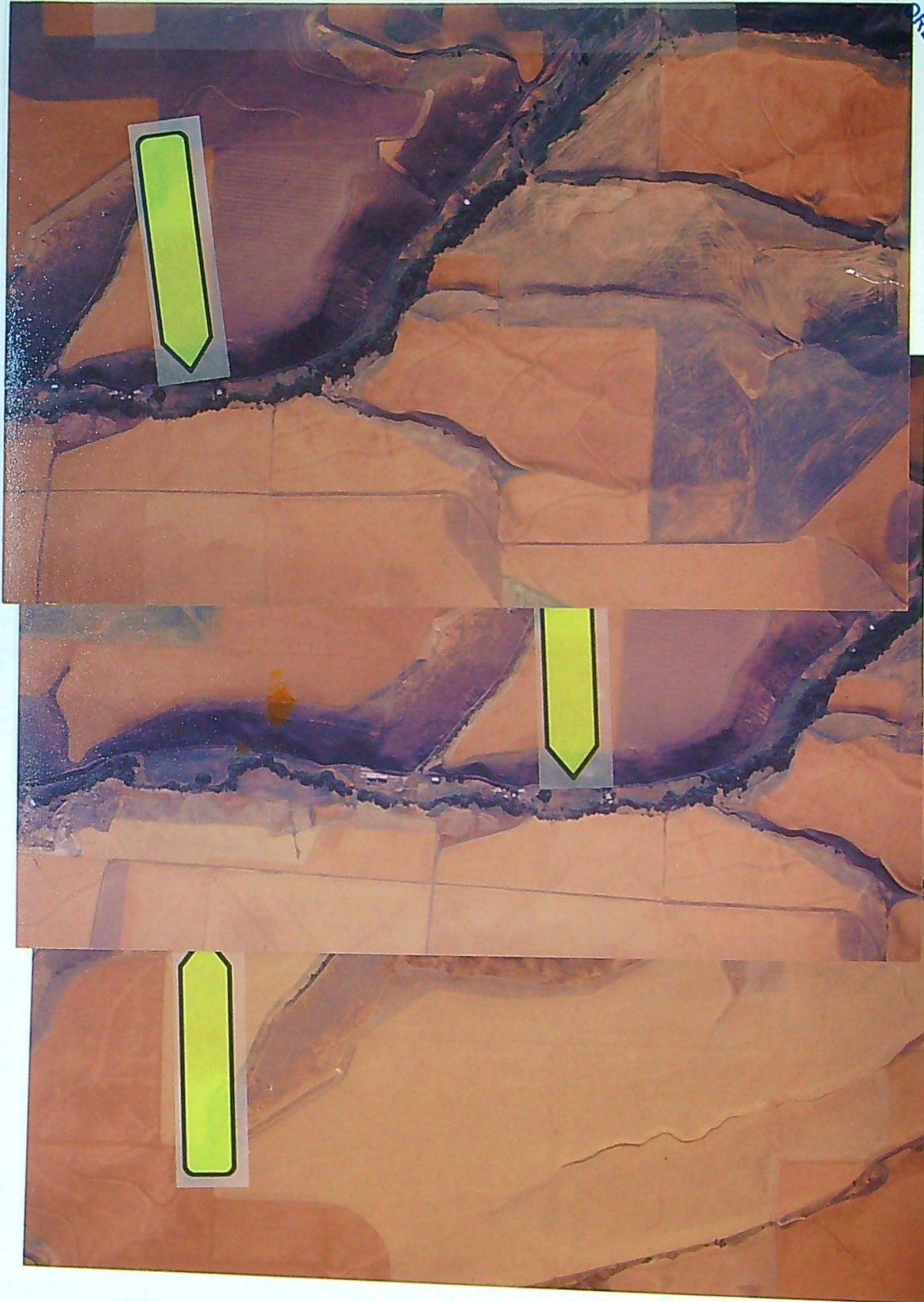
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Attachment 10



Oregon Water Resources Department Land Use Information Form

This information is needed to determine compatibility with local comprehensive plans as required by ORS 197.180. WRD will use this and other information to evaluate the water use application. 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, or exchange 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.

To Be Completed By Applicant

This section must be completed by the individual or group that is filing an application with the Water Resources Department. Attach a copy of the map from the application to this form.

A. Applicant

Name: Joan Howard & Wade Bettis
Address: 81160 Couse Creek Rd
City: Multan Fr State: OR Zip: 97862 Day Phone: 541 938 2021

B. Land and Location

Please provide information as requested below for all tax lots on or through which water will be diverted, conveyed, or used. Check "diverted" if water is diverted (taken) from its source on tax lot, "conveyed" if water is conveyed (transported) on tax lot, and "used" if water will be put to beneficial use on tax lot. More than one box may be checked. (Attach extra sheets as necessary.) 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.

MAP 5N.31631

Tax Lot I.D.	Plan Designation (e.g. Rural Residential/RR-5)	Water to be: (check all that apply)	Proposed Land Use
<u>500</u>	<u>EFU From</u>	<input checked="" type="checkbox"/> Diverted <input checked="" type="checkbox"/> Conveyed <input type="checkbox"/> Used	<u>Irrigation</u>
<u>200</u>	<u>EFU to</u>	<input type="checkbox"/> Diverted <input type="checkbox"/> Conveyed <input type="checkbox"/> Used	
		<input type="checkbox"/> Diverted <input type="checkbox"/> Conveyed <input type="checkbox"/> Used	
		<input type="checkbox"/> Diverted <input type="checkbox"/> Conveyed <input type="checkbox"/> Used	
		<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 counties and cities where water is proposed to be diverted, conveyed, or used.

umatilla County

C. Description of Proposed Use

Indicate the type of application to be filed with the Water Resources Department.

☐ Water Use Permit ☒ Water Right Transfer ☐ Allocation of Conserved Water ☐ Exchange

Indicate the intended use of water and describe the key characteristics of the project.

☐ Commercial ☐ Industrial ☐ Instream ☒ Irrigation
☐ Municipal ☐ Quasi-municipal ☐ Domestic (indicate number of households) _____
☐ Other _____

Briefly describe: Sprinkler irrigation for 3.25 acres of pasture

Indicate the source of the water to be used.

☐ Reservoir/Pond ☐ Ground Water ☒ Surface Water Couse Creek
(source)

Indicate the estimated quantity of water the use will require: 28 ☐ CFS ☒ GPM ☐ Acre-Feet

Last revised: 04/06/04

Receipt for Request for Land Use Information

State of Oregon
Water Resources Department
725 Summer Street NE, Suite A
Salem, OR 97301-1271
(503) 986-0900

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For Local Government Use Only

The following section must be completed by a planning official from each county and city listed unless the project will be located entirely within the city limits. In this case, only the city planning agency must complete this form. Please request additional forms as needed or feel free to copy.

A. Allowed Use

Check the appropriate box below and provide 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): _____ Go to section B "Approval" below.
- ☐ Land uses to be served by proposed water uses (including proposed construction) involve discretionary land use approvals as listed in the table below.

Type of Land Use Approval Needed (e.g. plan amendments, rezones, conditional use permits, etc.)	Cite Most Significant, Applicable Plan Policies & Ordinance Section References	Check the item that applies: 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

Note: Please attach documentation of applicable local land use approvals which have already been obtained. (Record of Action/land use decision and accompanying findings are sufficient.)

B. Approval

Please provide printed name and written signature.

Name: CAROL JOHNSON Date: 4-18-07
 Title: Planner Phone: 541 278-1052
 Signature: Carol Johnson

C. Additional Comments

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

Farm Use per UCDC 152.0510

Note: If this form cannot be completed while the applicant waits, sign and detach the receipt stub as instructed below. 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

Name of applicant: _____

This receipt must be signed by a local government representative and returned to the applicant at the time they present this form. This receipt must be included with the application filed with the Water Resources Department if the local government cannot provide the requested land use information while the applicant waits.

City or County: _____

Staff contact: _____ Phone: _____

Signature: _____ Date: _____

STATE OF OREGON

COUNTY OF UMATILLA

CERTIFICATE OF WATER RIGHT

This Is to Certify, That JASPER R. SAMS

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

the waters of Couse Creek

for the purpose of Irrigation

and that said right has been confirmed by decree of the Circuit Court of the State of Oregon for Umatilla County, and the said decree entered of record at Salem, in the Order Record of the STATE ENGINEER, in Volume 12, at page 9; that the priority of the right thereby confirmed dates from 1897;

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 one and one-half miner's inches per acre measured at the point of diversion.

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

7.6 acres in SW $\frac{1}{4}$ NW $\frac{1}{4}$
 Section 31
 T. 5 N., R. 36 E. W. M.

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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 irrigation purposes is restricted to the lands or place of use herein described.

WITNESS the signature of the State Engineer,

affixed this 5th day

of April, 1940.

Chas E. Stickler
 State Engineer

Attachment AA

T 0413

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SALEM OREGON

CERTIFICATE OF WATER RIGHT

STATE OF OREGON

to

Jasper R. Sams

STATE OF OREGON,

County of Umatilla } ss.

I CERTIFY, that the within was received
and duly recorded by me in Volume 4
of Record of Water Right Certificates, at
Page 36, on the 15 day
of May, 1940.

Mr. E. B. Castiel
County Clerk.

STATE PRINTING DEPT.

CERTIFICATE OF WATER RIGHT

COMMITTEE ON

STATE OF OREGON

I 10413

Attachment 9B

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

Permanent Transfer Application – OAR 690-380 3000 & 3100

Completeness Checklist

Applicant's Name: Joan Howard + Wade Bettis (Form last revised: March 13, 2007)

Section A – Status of Right

Is this a Water Right that can be transferred?

[OAR 690-380-0100(14)]

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

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

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

Section B – Type of Change

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

[ORS 540.510]

NOTE: Only POB, POA or POU or USE changes are allowed on Transfers.

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

Section C - Fees

Have the appropriate fees been paid?

Total Required Fees: _____

Fee Schedule – ORS 536.050(1)(h)

Total Fees Paid: 350

\$350 - Base fee (1st change and 1st CFS of water)

+ \$350 - Each additional type of change requested

Fees Due (if any): _____

+ \$175 - For each CFS, or fraction thereof, requested beyond 1st CFS
(for POU, Type of Use, or Exchange)

Refund Due (if any): _____

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

Section D – Completeness

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

Is the 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)

N/A • Agent's name, mailing address and contact information, if applicable.

(Page 1)

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

(Page 2)

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

Checklist for Supplemental Form A – (Attachments)	
OK	<ul style="list-style-type: none"> • Certificate # filled in on each page? (Page 1)
Not OK	<ul style="list-style-type: none"> • Type of change(s) proposed clear? (Page 1)
OK	<ul style="list-style-type: none"> • Current Water Right information is complete? (Page 2)
N/A	<ul style="list-style-type: none"> • If for a change in POU or USE..... (Page 2) <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? YES NO</p> <p>If YES..... the other “layered” water uses subject to transfer must either change concurrently or be cancelled, except as provided in OAR 690-380-2240(5).</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	<ul style="list-style-type: none"> • Location description of the authorized POA/POD to be changed. (Page 3) <p>NOTE: Ensure that the location coordinates listed in the application match the point and location coordinates illustrated on the application map.</p> <p>Additionally, if the existing authorized source is ground water (POA), the applicant must either:</p> <p>_____ 1) supply a copy of the well log(s), <u>or</u></p> <p>_____ 2) if well logs are not available, describe the construction of the well(s) in the table provided on page 3 of the supplemental form A application.</p>
N/A	<ul style="list-style-type: none"> • Location description of the existing authorized POU and associated acres (if applicable). (Page 4) <p>NOTE: Ensure that the location and number of acres listed per ¼ ¼ in the application match those illustrated on the application map.</p>
OK	<ul style="list-style-type: none"> • Location description of the proposed POA/POD. (Page 5) <p>NOTE: Ensure that the proposed location coordinates listed in the application match the proposed point and location coordinates illustrated on the application map.</p> <p>Additionally, if the proposed source is ground water (POA), the applicant must either:</p> <p>_____ 1) supply a copy of the well log(s), <u>or</u></p> <p>_____ 2) if well logs are not available or the well is not yet constructed, describe the construction of the well(s) in the table provided on page 5 of the application.</p>
N/A	<ul style="list-style-type: none"> • Location description of the proposed POU and associated acres (if applicable). (Page 6) <p>NOTE: 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	<ul style="list-style-type: none"> • The type of changes being proposed. (Page 2)
OK	<ul style="list-style-type: none"> • Reason for the transfer. (Page 2)
OK	<ul style="list-style-type: none"> • Description of current water delivery system. (Page 2)
OK	<ul style="list-style-type: none"> • System Capacity. .29 (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 NO	• Does the description of POU on page 4 of the supplemental form A application, match authorized POU in question #3?	(Page 1)
OK	• In question #4 and #5 are they filled out. 2)	(Page 1)
OK	• Is there a box checked in #6?	(Page 2)
OK	• Is the #6 supporting documentation included with application? 2)	(Page 2)
OK	• Is there an original signature of the notary and notary stamp? 2)	(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)
OK	• Is the applicant the Landowner of the “from” and “to” Lands? YES NO If NO..... The applicant must list current landowner name & address.	(Page 4)
OK	• Who will be responsible for completion of the changes? <i>Applicant</i> 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, <i>if applicable</i> . 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	<ul style="list-style-type: none">• Signature(s) of applicant(s): (Page 6)Are one of the boxes checked?<u>All</u> applicants listed on page 1 of the application <u>must</u> sign the application.
WRD Completeness Reviewer's Name: <u>S. Henderson</u> Date: _____	



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 07/03/2007

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: Umatilla

Transfer: T -10413

Water Right: Cert:13182 OR *

Priority Date: 1897

Name: WADE BETTIS, JOAN HOWARD

Address: 81160 COUSE CREEK RD; MILTON FREEWATER OR 97862

Change: POD

Source: COUSE CREEK > WALLA WALLA RIVER

Authorized POD: T5N R36E 31

Proposed POD: T5N R36E 31

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 28, 2007

WADE BETTIS
JOAN HOWARD
81160 COUSE CREEK RD
MILTON FREEWATER OR 97862

Reference: Historic Transfer 10413

On June 25, 2007 we received your water right transfer application. The application was accompanied by \$350.00. Our receipt 88306 is enclosed.

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

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

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

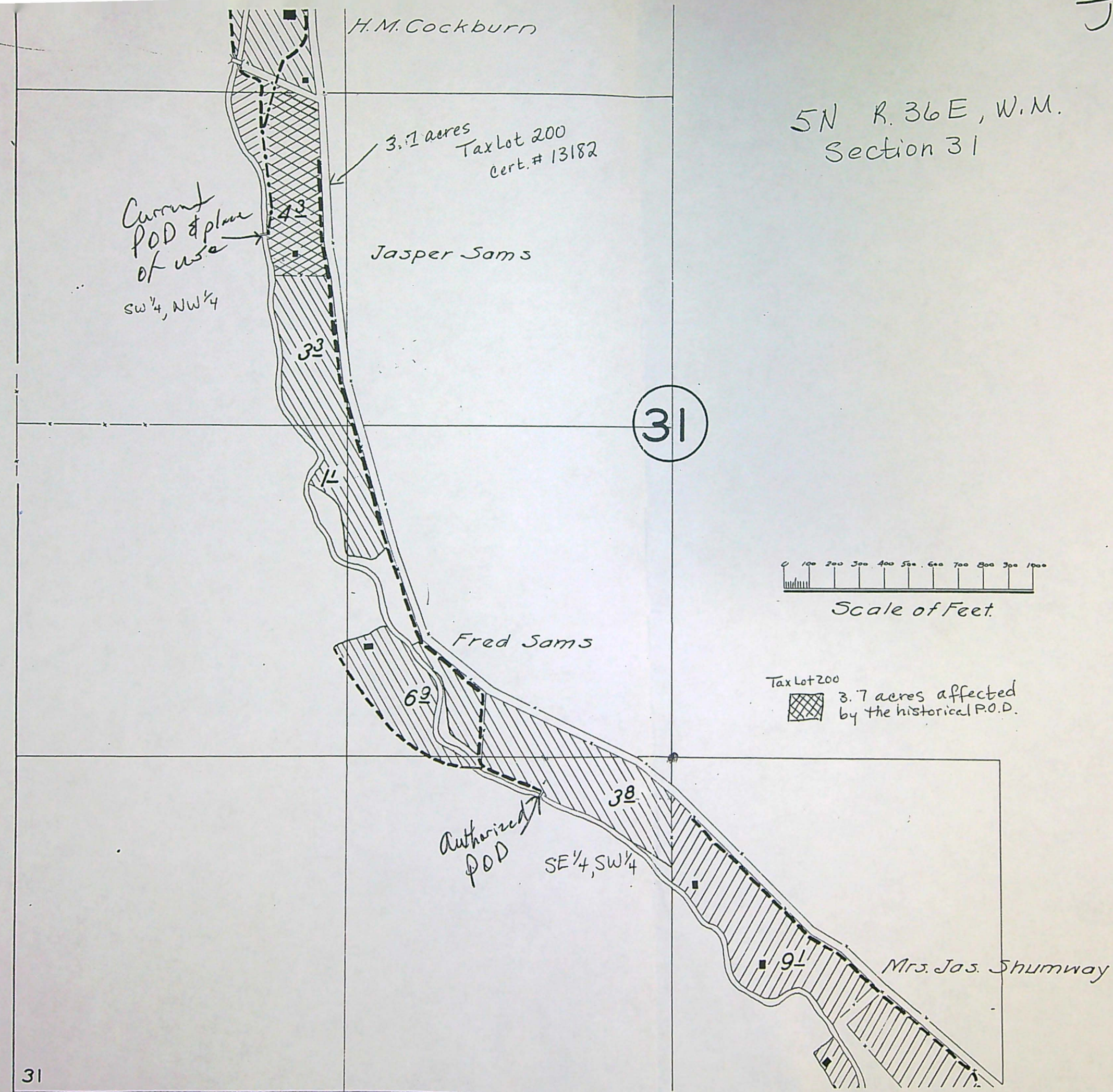
If you have any questions, please call the Transfer Section, (503)986-0900.

cc: Watermaster #5
Tim Bailey, ODFW

enclosure

Joan Howard

5N R. 36E, W.M.
Section 31



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T 10413

31

Attachment 1