

Regular

Name Barry DelCurtoAddress 46411 Oliver Rd  
Halfway, OR 97834  
mightyadashin@yahoo.comChange in APODDate Filed 3/14/2024Initial notice date 3/26/2024DPD issued date 5/30/2025PD issued date 7-21-2025PD notice date 7-22-2025Date of FO 8/29/2025 Vol 135 Page 560-564

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

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

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

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

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

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

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

\_\_\_\_\_

Agent \_\_\_\_\_

\_\_\_\_\_

CWRE \_\_\_\_\_

CC's list Baker County

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

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

## DESCRIPTION OF WATER RIGHT(s)

Name of Stream Spring Cr/DitchTrib. of Pine CreekUse Irrigation County Baker

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

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

App# S-55202 Per # S-41612 Cert # 67076 PR Date 2-8-1977

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

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

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

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

## FEES PAID

| Date           | Amount          | Receipt #     |
|----------------|-----------------|---------------|
| <u>3-14-24</u> | <u>\$680.00</u> | <u>142550</u> |
|                |                 |               |
|                |                 |               |
|                |                 |               |
|                |                 |               |

## FEES REFUNDED

| Date | Amount | Receipt # |
|------|--------|-----------|
|      |        |           |
|      |        |           |
|      |        |           |
|      |        |           |
|      |        |           |





# Oregon

Tina Kotek, Governor

## Water Resources Department

North Mall Office Building

725 Summer St NE, Suite A

Salem, OR 97301

Phone 503 986-0900

Fax 503 986-0904

August 29, 2025

Barry Delcurto  
46411 Oliver Rd  
Halfway, OR 97834

REFERENCE: Transfer Application T-14424

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

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

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

You are required to hire a Certified Water Rights Examiner (CWRE) to complete a Claim of Beneficial Use report and map which must be submitted to this Department within one year of the date you complete the change(s) or within one year of the completion date authorized in the transfer final order, whichever occurs first.

If you have any questions related to the approval of this transfer, you may contact your caseworker, Elyse Hennen, by telephone at (503) 979-3511 or by e-mail at [Elyse.d.richman@water.oregon.gov](mailto:Elyse.d.richman@water.oregon.gov).

Sincerely,

David V. Jones Jr  
Water Rights Services Support  
Transfers and Conservation Section

cc: Marcy J. Osborn, Watermaster Dist. # 8 (via email)  
Madison Di Lorenzo, Interested Party  
Baker County, Local Government

Enclosure

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

|                                       |   |                               |
|---------------------------------------|---|-------------------------------|
| In the Matter of Transfer Application | ) | FINAL ORDER APPROVING AN      |
| T-14424, Baker County                 | ) | ADDITIONAL POINT OF DIVERSION |

**Authority**

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

**Applicant**

BARRY DELCURTO  
46411 OLIVER RD  
HALFWAY, OR 97834

**Findings of Fact**

1. On March 14, 2024, Barry DelCurto filed an application for an additional point of diversion under Certificate 67076. The Department assigned the application number T-14424.
2. Notice of the application for transfer was published on March 26, 2024, pursuant to OAR 690-380-4000. No comments were filed in response to the notice.
3. On May 28, 2025, the Department contacted the applicant to request a location for the proposed point of diversion and a revised map that more accurately reflects the footprint of the final proof map for Certificate 67076.
4. On May 29, 2025, the Department received an amended map. On May 30, 2025, the Department received an amended Table 1 with the measured distance for the proposed point of diversion.

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

5. On May 30, 2025, the Department sent a copy of the draft Preliminary Determination to the applicant, proposing to approve Transfer Application T-14424. The draft Preliminary Determination cover letter provided a deadline of June 30, 2025, for the applicant to respond. The applicant requested that the Department proceed with issuance of a Preliminary Determination and provided the necessary information to demonstrate that the applicant is authorized to pursue the transfer.
6. On July 21, 2025, the Department issued a Preliminary Determination proposing to approve Transfer T-14424 and mailed a copy to the applicant. Additionally, notice of the Preliminary Determination for the transfer application was published on the Department's weekly notice on July 22, 2025, pursuant to ORS 540.520 and OAR 690-380-4020. No protests were filed in response to the notice.
7. The right to be transferred is as follows:

**Certificate:** 67076 in the name of DALE DENSON (perfected under Permit S-41612)

**Use:** IRRIGATION OF 41.8 ACRES AND SUPPLEMENTAL IRRIGATION OF 20.5 ACRES

**Priority Date:** FEBRUARY 8, 1977

**Rate:** 1.5 CUBIC FEET PER SECOND, 0.75 CFS FROM EACH SOURCE, BEING 1.01 CFS PRIMARY AND 0.49 CFS SUPPLEMENTAL

**Limit/Duty:** The amount of water used for irrigation together with the amount secured under any other right existing for the same lands, is limited to a diversion of ONE-FORTIETH of one cubic foot per second (or its equivalent) and 4.5 acre-feet for each acre irrigated during the irrigation season of each year.

**Source:** SPRING CREEK AND DRAINAGE DITCH, a tributary of PINE CREEK

**Authorized Point of Diversion:**

| Twp | Rng  | Mer | Sec | Q-Q   | Measured Distances   |
|-----|------|-----|-----|-------|--|
| 8 S | 46 E | WM  | 10  | NE NW | POD 1 - 680 FEET SOUTH AND 2640 FEET WEST FROM THE NE CORNER OF SECTION 10 |

**Authorized Place of Use:**

| PRIMARY IRRIGATION |      |     |     |       |       |
|--------------------|------|-----|-----|-------|-------|
| Twp                | Rng  | Mer | Sec | Q-Q   | Acres |
| 8 S                | 46 E | WM  | 10  | NE NW | 16.0  |
| 8 S                | 46 E | WM  | 10  | NW NW | 22.6  |
| 8 S                | 46 E | WM  | 10  | SE NW | 3.2   |
|                    |      |     |     | Total | 41.8  |

| SUPPLEMENTAL IRRIGATION |      |     |     |       |       |
|-------------------------|------|-----|-----|-------|-------|
| Twp                     | Rng  | Mer | Sec | Q-Q   | Acres |
| 8 S                     | 46 E | WM  | 10  | NE NW | 18.5  |
| 8 S                     | 46 E | WM  | 10  | NW NW | 2.0   |
|                         |      |     |     | Total | 20.5  |

8. Transfer Application T-14424 proposes an additional point of diversion approximately 500 feet upstream to:

| Twp | Rng  | Mer | Sec | Q-Q   | Measured Distances   |
|-----|------|-----|-----|-------|--|
| 8 S | 46 E | WM  | 10  | NE NW | POD 2 - 5 FEET SOUTH AND 45 FEET WEST FROM THE 1/ 4 CORNER BETWEEN SECTIONS 3 AND 10 |

9. The Oregon Department of Fish and Wildlife has determined that the diversion is not currently equipped with an appropriate fish screen, but a fish screen may be required in the future at the new point of diversion to prevent fish from entering the diversion.

***Transfer Review Criteria [OAR 690-380-0100(14), OAR 690-380-4010(2), and OAR 690-380-2110(2)]***

10. Water has been used within the last five years according to the terms and conditions of the right. There is no information in the record that would demonstrate that the right is subject to forfeiture under ORS 540.610.
11. A water delivery system sufficient to use the full amount of water allowed under the existing right was present within the five-year period prior to submittal of Transfer Application T-14424.
12. The water right is subject to transfer as defined in ORS 540.505(4) and OAR 690-380-0100(14).
13. The proposed point of diversion diverts water from the same source of surface water as the authorized point of diversion, as required by OAR 690-380-2110(2).
14. The proposed change, as conditioned, would not result in enlargement of the right.
15. The proposed change, as conditioned, would not result in injury to other existing water rights.
16. All other application requirements are met.

**Conclusions of Law**

The additional point of diversion proposed in Transfer Application T-14424 is consistent with the requirements of ORS 540.505 to 540.580 and OAR 690-380-5000.

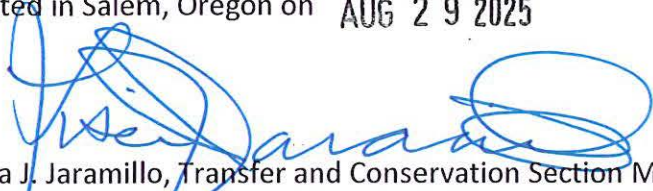
**Now, therefore, it is ORDERED:**

1. The additional point of diversion proposed in Transfer Application T-14424 is approved.
2. The right to the use of the water is restricted to beneficial use at the place of use described and is subject to all other conditions and limitations contained in Certificate 67076 and any related decree.

3. Approval of this transfer application does not constitute nor grant legal access onto or through another person's property for purposes of accessing the new point of diversion.
4. Water right Certificate 67076 is cancelled.
5. The quantity of water diverted at the new additional point of diversion (POD 2), together with that diverted at the original point of diversion (POD 1), shall not exceed the quantity of water lawfully available at the original point of diversion (POD 1).
6. Water shall be acquired from the same source of surface water as the original point of diversion.
7. Water use measurement conditions:
  - a. Before water use may begin under this order, the water user shall install a totalizing flow meter, or, with prior approval of the Director, another suitable measuring device, at each new point of diversion/appropriation with the exception that water rights issued to the Bureau of Reclamation or an irrigation district (or similar entity) are not subject to this condition.
  - b. The water user shall maintain the meters or measuring devices in good working order.
  - c. The water user shall allow the Watermaster access to the meters or measuring devices; provided however, where the meters or measuring devices are located within a private structure, the Watermaster shall request access upon reasonable notice.
8. The Oregon Department of Fish and Wildlife (ODFW) may require the water user to install an approved fish screen at the new point of diversion within one year after receiving written notification that a fish screen is required. Once installed the water user shall maintain and operate the fish screen at the new point of diversion according to ODFW's operational and maintenance standards. If ODFW determines the screen is not functioning properly and is unsuccessful in working with the water user to meet ODFW standards, ODFW may request that OWRD regulate the use of water until OWRD receives notification from ODFW that the fish screen is functioning properly.

9. Full beneficial use of the water shall be made, consistent with the terms of this order, on or before **October 1, 2026**. A Claim of Beneficial Use prepared by a Certified Water Right Examiner shall be submitted by the applicant to the Department within one year after the deadline for completion of the change and full beneficial use of the water.
10. After satisfactory proof of beneficial use is received, a new certificate confirming the right transferred will be issued.

Dated in Salem, Oregon on **AUG 29 2025**



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

Mailing Date: SEP 02 2025



# TRANSFER COVER SHEET

Transfer: T-14424

GR Application #: GR-

File Assigned- Transfer Specialist: Elyse D. Richman

Transfer Type: Regular Transfer

Reimbursement Authority? ☐

|  |   |  |
|--|---|--|
| <b>Applicant:</b><br>BARRY DELCURTO<br>46411 OLIVER RD<br>HALFWAY, OR 97834<br><br><b>Interested Parties:</b><br>BOR (date): _____<br>Tribal Gov't: _____<br>Gov'ts: Baker County<br>County: BAKER | <b>Receiving Landowner:</b><br><br>mightyadashin@yahoo.com<br><br><b>Irrigation District:</b><br><br>Check area of interest on map <input type="checkbox"/> | <b>CWRE Jeffrey Hsu -</b><br><b>Agent:</b> jeff@bgbsurveyors.com<br>Madison Di Lorenzo<br>- Powder Basin Watershed Council<br>503-383-4638<br><br><b>Additional Contact Information:</b><br>wr-coordinator@pbwsc.org |
|--|---|--|

## Key Dates & Initial Actions (Support Staff)

Type of change(s) proposed- attach additional review checklists as necessary

## ADDITIONAL POINT OF DIVERSION

If change is Historic or Substitution, application will go directly to Final Order. Add'l questions on last page for Historic and Gov't Action.

|                               |  |  |           |
|-------------------------------|--|--|-----------|
| Fees Pd:                      | \$680.00   | WM Review request date sent - WM District: 8 | 3/20/2024 |
| Received Date:                | March 14, 2024   | WM Review - date received:                   | 3/25/2024 |
| Acknowledgement Letter Sent   | Date: 3/20/2024  | GW Review - date sent:                       |           |
| County sent cc: of Ack Letter | Date: 3/20/2024  | GW Review - date received:                   |           |
| Initial Public Notice Date:   | 3/26/2024  | ODFW Review - date sent: ODFW District:      | 3/20/2024 |
| Comments Received:            | Yes <input type="checkbox"/> No: <input checked="" type="checkbox"/> | ODFW Review - date received:                 | 4/5/2024  |

## Water Rights Affected

| File Marked              | No. | App. File # or Decree Name | Permit  | Certificate | RR/CR Needed  | RR/CR Nos. |
|--------------------------|-----|----------------------------|---------|-------------|---|------------|
| <input type="checkbox"/> | 1   | S-55202                    | S-41612 | 67076       | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No |            |
| <input type="checkbox"/> | 2   |                            |         |             | <input type="checkbox"/> Yes <input type="checkbox"/> No            |            |
| <input type="checkbox"/> | 3   |                            |         |             | <input type="checkbox"/> Yes <input type="checkbox"/> No            |            |

I have confirmed that the information on this document is correct (or has been corrected): initials

## Caseworker Actions:

|  |   |                |
|--|---|----------------|
| Assigned in WRIS:  | DPD Workflow updated:                   | WRIS Notes:    |
| PD and RR sent to Data Entry:  | Certified mail date:                    |                |
| Newspaper notice needed: Yes <input checked="" type="checkbox"/> No: <input checked="" type="checkbox"/> | Name of Newspaper: Hells Canyon Journal |                |
| PD notice email coordinator:   | PD notice Request Date:                 | Amount Due: \$ |
|  |   | Received date: |
| Last day of publication:   | Affidavit received:                     |                |

| DOCUMENT | Drafted |          | Peer Review |          | Policy Review |          | Changes |          | ODFW contact info: <input type="checkbox"/> included NA: <input type="checkbox"/> |
|----------|---------|----------|-------------|----------|---------------|----------|---------|----------|---|
|          | Date    | initials | Date        | initials | Date          | initials | Date    | initials | WM contact info: <input type="checkbox"/> included NA: <input type="checkbox"/>   |
| DPD      |         |          | 5/14/25     | Scott    |               |          |         |          | Number of Docs for signature:   |
| NOTICE   |         |          |             |          |               |          |         |          | Date in Signature bin   |
| PD       |         |          | 7/8/25      | Scott    |               |          |         |          | Signature date  |
| FO       |         |          | 8/19/25     | Jean     | Kerri         | 8/21     | EH      | 8/21/25  | 7-21-25   |
| RR       |         |          |             |          |               |          |         |          | 8/29/2025   |

Special Issues:

Special Order Volume 135 , Pages 560-564



## PERMANENT TRANSFER APPLICATION CHECKLIST

☐ RA

Transfer #: T-14424

| CW                                  | PR                       | Coord                    |  |
|-------------------------------------|--------------------------|--------------------------|--|
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | Save all certificates in electronic "T" folder and highlight Priority Date, Rate, Use and Limit/Duty paragraph   |
| <input type="checkbox"/>            | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Supplemental checklist for transfers w/in a District (S:\groups\wr\TACS\WRISApps Templates\Transfer Checklists\SUPP_Within District Processing Checklist 9-5-2019)<br>If this is a Living Certificate – check with Ann Reece      See Supplemental Language document for language |

### Transfer Application Review and Deficiencies

| CW   | PR                       | Coord                    |   |   |  |
|--|--------------------------|--------------------------|---|---|--|
| <input checked="" type="checkbox"/>  | <input type="checkbox"/> | <input type="checkbox"/> | Are all applicants/agents listed in WRIS with email addresses, if available?                | <input checked="" type="checkbox"/> Yes | <input type="checkbox"/> No            |
| <input checked="" type="checkbox"/>  | <input type="checkbox"/> | <input type="checkbox"/> | Have all permit/certificates been entered in WRIS under Transfer #?                         | <input checked="" type="checkbox"/> Yes | <input type="checkbox"/> No            |
| <input checked="" type="checkbox"/>  | <input type="checkbox"/> | <input type="checkbox"/> | Were timely Public Comments received? (if yes, enter commenter names/email on mailing list) | <input type="checkbox"/> Yes            | <input checked="" type="checkbox"/> No |
| Add finding for any comments received (see Supplemental Language document) |                          |                          |   |   |  |

### Groundwater Modification Application Review and Deficiencies

| CW                       | PR                       | Coord                    | <input type="checkbox"/> N/A  |
|--------------------------|--------------------------|--------------------------|---|
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | If for a Groundwater Modification, were there any assignments?<br><i>All GR Mod applicants must be the holder of record.</i>                |
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | Are there any past GR Modifications and/or letters documenting changes to the GR<br><i>These must be accounted for in the GR Mod Order.</i> |

### Review "From" and "To" Lands and/or POD/POA

| CW                                  | PR                       | Coord                    |   |   |  |
|-------------------------------------|--------------------------|--------------------------|---|---|--|
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | Are only the authorized POD(s)/POA(s)/POU listed on the "from" map?   | <input checked="" type="checkbox"/> Yes | <input type="checkbox"/> No            |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | Does the "from" map match the certificate map? If No, what is different?  | <input checked="" type="checkbox"/> Yes | <input type="checkbox"/> No            |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | Compare FROM POU in application (Table 2) with certificate. Mark certificate with acres being xferred, any RR acres and any acres being cancelled.          |   |  |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | Compare TO POU in Table 2 with the TO Lands on map (for accuracy)   |   |  |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | Are any of the "from" lands being cancelled/diminished?   | <input type="checkbox"/> Yes            | <input checked="" type="checkbox"/> No |
| <input type="checkbox"/>            | <input type="checkbox"/> | <input type="checkbox"/> | If Yes, were cancellation/diminution affidavits submitted? (see findings and <u>additional authority</u> in Supplemental Language doc)                      | <input type="checkbox"/> Yes            | <input type="checkbox"/> No            |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | Are any instream water rights affected? If Yes, Cert # (If Yes, check criteria for injury-upstream POD move, moving closer to SW, or return flows affected) | <input type="checkbox"/> Yes            | <input checked="" type="checkbox"/> No |

### Layered/Supplemental Rights

| CW                                  | PR                       | Coord                    | <input type="checkbox"/> N/A  |
|-------------------------------------|--------------------------|--------------------------|---|
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | Are there any layered irrigation rights?  |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | If Yes, were they included in application? If No, they must move with the primary, to a "like" primary, or they will be cancelled though the transfer process |
| <input type="checkbox"/>            | <input type="checkbox"/> | <input type="checkbox"/> | Layered right(s) Cert:  |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | Are any supplemental rights being transferred? (verify that it is <u>actually</u> a supplemental right)   |

|                          |                          |                          |  |                              |                             |
|--------------------------|--------------------------|--------------------------|--|------------------------------|-----------------------------|
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | If Yes, are they being transferred to a "like" primary (i.e. similar reliability)? | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | Notes:   |                              |                             |

| Transfer Review Criteria            |                          |                          |  |   |  |
|-------------------------------------|--------------------------|--------------------------|--|---|--|
| CW                                  | PR                       | Coord                    |  |   |  |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | Validity of the right – Has the right been used in the last 5 years and is not subject to forfeiture?  | <input checked="" type="checkbox"/> Yes | <input type="checkbox"/> No            |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> Evidence of use and supporting documentation <input type="checkbox"/> Confirming (not a remaining right) cert issued within the last 5 years <input type="checkbox"/> Rebuttal to forfeiture (ORS 540.610) |   |  |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | Ready, Willing and Able – <input checked="" type="checkbox"/> Current delivery system sufficiently described in application. Does delivery system have capacity to fully divert and use the authorized rate/duty of the right?                 | <input checked="" type="checkbox"/> Yes | <input type="checkbox"/> No            |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | Would the proposed transfer result in enlargement? If Yes, why? What conditions, if any, will avoid?   | <input type="checkbox"/> Yes            | <input checked="" type="checkbox"/> No |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | Would the proposed transfer result in injury? If Yes, why? What conditions, if any, will avoid?  | <input type="checkbox"/> Yes            | <input checked="" type="checkbox"/> No |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | If injury, has WM or GW provided a list of injured water right holders? <input checked="" type="checkbox"/> N/A  | <input type="checkbox"/> Yes            | <input type="checkbox"/> No            |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | If POD/POA/APOD/APOA change, will it be from the same source? If No, deny per OAR 690-380-2110(2) <input type="checkbox"/> N/A   | <input checked="" type="checkbox"/> Yes | <input type="checkbox"/> No            |
| <input type="checkbox"/>            | <input type="checkbox"/> | <input type="checkbox"/> | Notes:   |   |  |

| Draft Preliminary Determination and Cover Letter – 12 pt. Calibri font |                          |                          |  |
|--|--------------------------|--------------------------|--|
| CW   | PR                       | Coord                    |  |
| <input checked="" type="checkbox"/>                                    | <input type="checkbox"/> | <input type="checkbox"/> | Prepare ModPod workareas   |
| <input checked="" type="checkbox"/>                                    | <input type="checkbox"/> | <input type="checkbox"/> | Prepare DPD (save as T-XXXXX-dpd-approve/deny (where XXXXX is the transfer number)   |
| <input checked="" type="checkbox"/>                                    | <input type="checkbox"/> | <input type="checkbox"/> | Prepare DPD Cover letter (save as T-XXXXX-dpd-cov)   |
| <input checked="" type="checkbox"/>                                    | <input type="checkbox"/> | <input type="checkbox"/> | Prepare Public Notice <input type="checkbox"/> and/or <input checked="" type="checkbox"/> newspaper notice (if required) (save as T-XXXXX-pd-notice) |
| <input checked="" type="checkbox"/>                                    | <input type="checkbox"/> | <input type="checkbox"/> | Prepare Remaining Right(s) (if applicable). Send with DPD, cover letter and notice for peer review.  |

| Issue Draft Preliminary Determination |  |
|---------------------------------------|--|
| CW                                    |  |
| <input checked="" type="checkbox"/>   | Copy DPD and cover letter for paper file |
| <input checked="" type="checkbox"/>   | Save DPD and cover letter as PDF         |
| <input checked="" type="checkbox"/>   | Mail/email to applicant/agent/WM         |
| <input checked="" type="checkbox"/>   | Add workflow item "Draft PD Issued"      |

| Report of Ownership Information (ROI) |                          |                          |  |   |                             |
|---------------------------------------|--------------------------|--------------------------|--|---|-----------------------------|
| CW                                    | PR                       | Coord                    |  |   |                             |
| <input checked="" type="checkbox"/>   | <input type="checkbox"/> | <input type="checkbox"/> | Does legal description in ROI/Deed match "from" lands?   | <input checked="" type="checkbox"/> Yes | <input type="checkbox"/> No |
| <input checked="" type="checkbox"/>   | <input type="checkbox"/> | <input type="checkbox"/> | Have all owners on the ROI/Deed signed the application?  | <input checked="" type="checkbox"/> Yes | <input type="checkbox"/> No |
| <input type="checkbox"/>              | <input type="checkbox"/> | <input type="checkbox"/> | Has a notarized statement of consent been submitted? (if applicable) <input checked="" type="checkbox"/> N/A | <input type="checkbox"/> Yes            | <input type="checkbox"/> No |

| Newspaper Notice (if required) |                          |                          |  |                              |                             |
|--------------------------------|--------------------------|--------------------------|--|------------------------------|-----------------------------|
| CW                             | PR                       | Coord                    |  |                              |                             |
| <input type="checkbox"/>       | <input type="checkbox"/> | <input type="checkbox"/> | Prepare/send letter to applicant/agent regarding newspaper notice cost | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| <input type="checkbox"/>       | <input type="checkbox"/> | <input type="checkbox"/> | TACS Support delivered receipted funds to caseworker                   | <input type="checkbox"/> Yes | <input type="checkbox"/> No |

## Preliminary Determination and Cover Letter Preparation

| CW   | PR                       | Coord                    |  |   |
|--|--------------------------|--------------------------|--|---|
|  |                          |                          | See cheat sheet at (S:\groups\wr\TACS\6. Transfers\Procedures\DPD to PD Conversion 12-8-2016) for more detailed instructions   |   |
| <input checked="" type="checkbox"/>  | <input type="checkbox"/> | <input type="checkbox"/> | Was application amended after DPD was issued? - <b>Make sure amended pages were scanned to WRIS (see support staff) and make sure you mark amended (replaced) pages with SUPERSEDED. Also make findings in PD.</b> | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No |
| <input type="checkbox"/>   | <input type="checkbox"/> | <input type="checkbox"/> | If Yes, what was amended?  |   |
| <input type="checkbox"/>   | <input type="checkbox"/> | <input type="checkbox"/> | Did amendment change outcome from denial to approval? <i>If Yes, make findings in PD.</i>  | <input type="checkbox"/> Yes <input type="checkbox"/> No            |
| <input type="checkbox"/>   | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> If POD/POA changes or changes in "from" lands – re-review required from WM<br><input type="checkbox"/> If POA changes – re-review required from GW  |   |
| <i>Note: If POD was amended and changed from a downstream move to upstream within an ISWR reach – Consent to Injury may be required.</i> |                          |                          |  |   |
| <input checked="" type="checkbox"/>  |                          |                          | Save DPD as a new document (T-XXXXX-pd-approve/deny.doc) – <b>12 pt. Calibri font</b>  |   |
| <input checked="" type="checkbox"/>  |                          |                          | Remove "Draft" from document   |   |
| <input checked="" type="checkbox"/>  |                          |                          | Unhide hidden findings (cntrl-A, select Font, uncheck "hidden" box) and add dates  |   |
| <input type="checkbox"/>   |                          |                          | If application was amended, add finding including date of amendment  |   |
| <input type="checkbox"/>   |                          |                          | Change language resulting from any amendments in response to the DPD, including language under Determination and Proposed Action   |   |
| <input checked="" type="checkbox"/>  |                          |                          | Unhide appeal (protest) language at the end of the document  |   |
| <input checked="" type="checkbox"/>  |                          |                          | Prepare PD Cover Letter (save as T-XXXXX-pd-cov)   |   |
| <input checked="" type="checkbox"/>  |                          |                          | Check email address(s) for accuracy  |   |
| <input type="checkbox"/>   |                          |                          | Notes:   |   |
| <input checked="" type="checkbox"/>  |                          |                          | Send to caseworker/coordinator for Peer Review   |   |

## Data Center Review of PD

| CW                                  | PR                       | Coord                    |  |
|-------------------------------------|--------------------------|--------------------------|--|
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | Email PD and RR(s)(with new cert numbers) to Data* for review – <b>indicate if file is RA</b> *email address is in key |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | Data Center will send notification that file is complete   |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | Make any necessary changes to PD or prepare Revised DPD (if substantive changes)                                       |

## Issue Preliminary Determination

| CW                                  |  |
|-------------------------------------|--|
| <input checked="" type="checkbox"/> | Print PD and put in Manager's box for signature and issuance (support will print cover letter) |
| <input type="checkbox"/>            | Add workflow notes   |

## Protest

| CW                       | PR                       | Coor                     |   |
|--------------------------|--------------------------|--------------------------|---|
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | Have protests been received? <input type="checkbox"/> Yes <input type="checkbox"/> No <b>If YES, STOP! Coordinate with Protest section.</b> |



## Final Order

|   |   |
|---|---|
| <b>CW</b>   | See cheat sheet at (S:\groups\wr\TACS\6. Transfers\Procedures\PD to FO Conversion 12-8-2016) for more detailed instructions   |
| <b>Do not issue Final Order before this date:</b> 8/20/15 (protest period end date or 30 days after date of last newspaper publication) |   |
| <input type="checkbox"/>  | If application had a newspaper notice, verify that Affidavit of Publication was received. Date:   |
| <input checked="" type="checkbox"/>   | Save PD as a new document (T-XXXXX-ord-approve (or deny))   |
| <input checked="" type="checkbox"/>   | Remove "PRELIMINARY DETERMINATION" from document title and replace with "FINAL ORDER." Unhide hidden findings (cntrl-a, select Font, uncheck "hidden" box)                                      |
| <input checked="" type="checkbox"/>   | Replace "PROPOSING APPROVAL/DENIAL OF" with APPROVING/DENYING   |
| <input checked="" type="checkbox"/>   | Replace the "judicial review/reconsideration rights" box in the first page footer for the "Final Order" judicial review language; unhide and add Special Order Volume (support will add page #) |
| <input checked="" type="checkbox"/>   | Update the hidden paragraph following the public notice and amendments findings (regarding issuance of PD)  |
| <input checked="" type="checkbox"/>   | Change "Determination and Proposed Action" to "Conclusions of Law" and update paragraph   |
| <input checked="" type="checkbox"/>   | Replace "If application T-XXXXX is approved . . ." with Now, therefore, it is ORDERED:"   |
| <input checked="" type="checkbox"/>   | Select list of conditions below "It is ORDERED" section and turn off Italics. Check numbering (start at "1").   |
| <input checked="" type="checkbox"/>   | Delete Protest language, Document preparation box, and Notice Regarding Servicemembers; Insert "Mailing Date: _____"  |
| <input checked="" type="checkbox"/>   | Final Check: All Conclusions of Law are supported by Findings and Transfer Review Criteria  |

## Remaining Rights

|                          |                          |                          |  |
|--------------------------|--------------------------|--------------------------|--|
| <b>CW</b>                | <b>PR</b>                | <b>Coord</b>             | <input checked="" type="checkbox"/> N/A  |
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | Make sure all RR certs have new cert numbers and are entered on the right side of the footer of each RR  |
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | Update left side of footer to read: T-XXXXX.rr.YYYYYY.ini, where YYYYYY is original cert number and .ini stands for your initials. New certificate should be on the right. |
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | Print RR on certificate paper and include with Final Order for signature   |

## Issue Final Order

|                                     |  |
|-------------------------------------|--|
| <b>CW</b>                           |  |
| <input checked="" type="checkbox"/> | Pull "Working Copy" folder from file   |
| <input checked="" type="checkbox"/> | Print and put FO and RR in Manager's box for signature (manager will deliver to support for processing and issuance) |
| <b>Notes:</b>                       |  |



# Oregon

Tina Kotek, Governor

## Water Resources Department

North Mall Office Building

725 Summer St NE, Suite A

Salem, OR 97301

Phone 503 986-0900

Fax 503 986-0904

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

July 21, 2025

VIA CERTIFIED MAIL AND E-MAIL

BARRY DELCURTO  
46411 OLIVER RD  
HALFWAY, OR 97834

SUBJECT: Water Right Transfer Application T-14424

Please find enclosed the Preliminary Determination indicating that, based on the information available, the Department intends to approve application T-14424. This document is an intermediate step in the approval process; water may not be used legally as proposed in the transfer application until a Final Order has been issued by the Department. Please read this entire letter carefully to determine your responsibility for additional action.

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

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

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

Please don't hesitate to contact me at 971-701-5485 or at [elyse.d.richman@water.oregon.gov](mailto:elyse.d.richman@water.oregon.gov), if I may be of assistance.

Sincerely,

Transfer Specialist  
Transfer and Conservation Section

cc: Transfer Application file T-14424  
Marcy J. Osborn, District 8 Watermaster (via e-mail)  
Madison Di Lorenzo, Powder Basin Watershed Council (via e-mail)

encs

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

|                                       |   |                               |
|---------------------------------------|---|-------------------------------|
| In the Matter of Transfer Application | ) | PRELIMINARY DETERMINATION     |
| T-14424, Baker County                 | ) | PROPOSING APPROVAL OF AN      |
|                                       | ) | ADDITIONAL POINT OF DIVERSION |

**Authority**

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

**Applicant**

BARRY DELCURTO  
46411 OLIVER RD  
HALFWAY, OR 97834

**Findings of Fact**

1. On March 14, 2024, Barry DelCurto filed an application for an additional point of diversion under Certificate 67076. The Department assigned the application number T-14424.
2. Notice of the application for transfer was published on March 26, 2024, pursuant to OAR 690-380-4000. No comments were filed in response to the notice.
3. On May 28, 2025, the Department contacted the applicant to request a measured distance on the transfer application for the proposed point of diversion and a revised map that more accurately reflects the footprint of the final proof map for Certificate 67076.
4. On May 29, 2025, the Department received an amended map that matches the final proof map. On May 30, 2025, the Department received an amended Table 1 with a measured distance for the proposed point of diversion.

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



5. On May 30, 2025, the Department sent a copy of the draft Preliminary Determination to the applicant, proposing to approve Transfer Application T-14424. The draft Preliminary Determination cover letter provided a deadline of June 30, 2025, for the applicant to respond. The applicant requested that the Department proceed with issuance of a Preliminary Determination and provided the necessary information to demonstrate that the applicant is authorized to pursue the transfer.

6. The right to be transferred is as follows:

**Certificate:** 67076 in the name of DALE DENSON (perfected under Permit S-41612)

**Use:** IRRIGATION OF 41.8 ACRES AND SUPPLEMENTAL IRRIGATION OF 20.5 ACRES

**Priority Date:** FEBRUARY 8, 1977

**Rate:** 1.5 CUBIC FEET PER SECOND, 0.75 CFS FROM EACH SOURCE, BEING 1.01 CFS PRIMARY AND 0.49 CFS SUPPLEMENTAL

**Limit/Duty:** The amount of water used for irrigation together with the amount secured under any other right existing for the same lands, is limited to a diversion of ONE-FORTIETH of one cubic foot per second (or its equivalent) and 4.5 acre-feet for each acre irrigated during the irrigation season of each year.

**Source:** SPRING CREEK AND DRAINAGE DITCH, a tributary of PINE CREEK

**Authorized Point of Diversion:**

| Twp | Rng  | Mer | Sec | Q-Q   | Measured Distances   |
|-----|------|-----|-----|-------|--|
| 8 S | 46 E | WM  | 10  | NE NW | POD 1 - 680 FEET SOUTH AND 2640 FEET WEST FROM THE NE CORNER OF SECTION 10 |

**Authorized Place of Use:**

| PRIMARY IRRIGATION |      |     |     |       |       |
|--------------------|------|-----|-----|-------|-------|
| Twp                | Rng  | Mer | Sec | Q-Q   | Acres |
| 8 S                | 46 E | WM  | 10  | NE NW | 16.0  |
| 8 S                | 46 E | WM  | 10  | NW NW | 22.6  |
| 8 S                | 46 E | WM  | 10  | SE NW | 3.2   |
|                    |      |     |     | Total | 41.8  |

| SUPPLEMENTAL IRRIGATION |      |     |     |       |       |
|-------------------------|------|-----|-----|-------|-------|
| Twp                     | Rng  | Mer | Sec | Q-Q   | Acres |
| 8 S                     | 46 E | WM  | 10  | NE NW | 18.5  |
| 8 S                     | 46 E | WM  | 10  | NW NW | 2.0   |
|                         |      |     |     | Total | 20.5  |

7. Transfer Application T-14424 proposes an additional point of diversion approximately 500 feet upstream to:

| Twp | Rng  | Mer | Sec | Q-Q   | Measured Distances  |
|-----|------|-----|-----|-------|---|
| 8 S | 46 E | WM  | 10  | NE NW | POD 2 - 5 FEET SOUTH AND 45 FEET WEST FROM THE 1/4 CORNER BETWEEN SECTIONS 3 AND 10 |

8. The Oregon Department of Fish and Wildlife has determined that the diversion is not currently equipped with an appropriate fish screen, but a fish screen may be required in the future at the new point of diversion to prevent fish from entering the diversion.

***Transfer Review Criteria [OAR 690-380-0100(14), OAR 690-380-4010(2), and OAR 690-380-2110(2)]***

9. Water has been used within the last five years according to the terms and conditions of the right. There is no information in the record that would demonstrate that the right is subject to forfeiture under ORS 540.610.
10. A water delivery system sufficient to use the full amount of water allowed under the existing right was present within the five-year period prior to submittal of Transfer Application T-14424.
11. The water right is subject to transfer as defined in ORS 540.505(4) and OAR 690-380-0100(14).
12. The proposed point of diversion diverts water from the same source of surface water as the authorized point of diversion, as required by OAR 690-380-2110(2).
13. The proposed change, as conditioned, would not result in enlargement of the right.
14. The proposed change, as conditioned, would not result in injury to other existing water rights.
15. All other application requirements are met.

**Determination and Proposed Action**

The additional point of diversion proposed in Transfer Application T-14424 appears to be consistent with the requirements of ORS 540.505 to 540.580 and OAR 690-380-5000. If protests are not filed pursuant to OAR 690-380-4030, the transfer application will be approved.

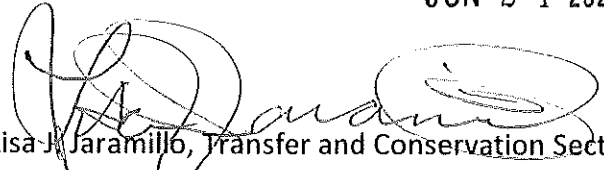
*If Transfer Application T-14424 is approved, the final order will include the following:*

1. *The additional point of diversion proposed in Transfer Application T-14424 is approved.*
2. *The right to the use of the water is restricted to beneficial use at the place of use described and is subject to all other conditions and limitations contained in Certificate 67076 and any related decree.*
3. *Approval of this transfer application does not constitute nor grant legal access onto or through another person's property for purposes of accessing the new point of diversion.*
4. *Water right Certificate 67076 is cancelled.*

5. *The quantity of water diverted at the new additional point of diversion (POD 2), together with that diverted at the original point of diversion (POD 1), shall not exceed the quantity of water lawfully available at the original point of diversion (POD 1).*
6. *Water shall be acquired from the same source of surface water as the original point of diversion.*
7. *Water use measurement conditions:*
  - a. *Before water use may begin under this order, the water user shall install a totalizing flow meter, or, with prior approval of the Director, another suitable measuring device, at each new point of diversion/appropriation with the exception that water rights issued to the Bureau of Reclamation or an irrigation district (or similar entity) are not subject to this condition.*
  - b. *The water user shall maintain the meters or measuring devices in good working order.*
  - c. *The water user shall allow the Watermaster access to the meters or measuring devices; provided however, where the meters or measuring devices are located within a private structure, the Watermaster shall request access upon reasonable notice.*
8. *The Oregon Department of Fish and Wildlife (ODFW) may require the water user to install an approved fish screen at the new point of diversion within one year after receiving written notification that a fish screen is required. Once installed the water user shall maintain and operate the fish screen at the new point of diversion according to ODFW's operational and maintenance standards. If ODFW determines the screen is not functioning properly and is unsuccessful in working with the water user to meet ODFW standards, ODFW may request that OWRD regulate the use of water until OWRD receives notification from ODFW that the fish screen is functioning properly.*
9. *Full beneficial use of the water shall be made, consistent with the terms of this order, on or before **October 1, 2026**. A Claim of Beneficial Use prepared by a Certified Water Right Examiner shall be submitted by the applicant to the Department within one year after the deadline for completion of the change and full beneficial use of the water.*
10. *After satisfactory proof of beneficial use is received, a new certificate confirming the right transferred will be issued.*

Dated in Salem, Oregon on

JUN 21 2025

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



This Preliminary Determination was prepared by Elyse Richman. If you have questions about the information in this document, you may reach me at 971-701-5485 or at [elyse.d.richman@water.oregon.gov](mailto:elyse.d.richman@water.oregon.gov).

## **Protests**

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

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

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

## **Requests for Standing**

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

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

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

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

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

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

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

You may be represented by an attorney at the hearing. Legal aid organizations may be able to assist a party with limited financial resources. Generally, partnerships, corporations,

associations, governmental subdivisions, or public or private organizations are represented by an attorney. However, consistent with OAR 690-002-0020 and OAR 690-137-0555, an agency representative may represent partnerships, corporations, associations, governmental subdivisions or public, or private organizations if the Department determines that appearance of a person by an authorized representative will not hinder the orderly and timely development of the record in this case.

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

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

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

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





# Oregon

Tina Kotek, Governor

## Water Resources Department

North Mall Office Building

725 Summer St NE, Suite A

Salem, OR 97301

Phone 503 986-0900

Fax 503 986-0904

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

May 30, 2025

VIA E-MAIL AND REGULAR MAIL

BARRY DELCURTO  
46411 OLIVER RD  
HALFWAY, OR 97834

Reference: Water Right Transfer Application T-14424

Your water right transfer is in the first of three phases of processing. Enclosed is a draft of the Department's Preliminary Determination regarding Transfer Application T-14424. The document reflects the Department's conclusion that, based on the information currently available, the transfer will be approved. Your response and submittal of the items outlined below are required by June 30, 2025.

### ***Required items needing your immediate attention:***

1. Please carefully review the Draft Preliminary Determination to verify that it accurately reflects the changes you intend to make and to become familiar with the proposed conditions.
2. **Respond in writing** by June 30, 2025, with acknowledgement that you agree to the proposed action and conditions.
3. If you find any errors, please let me know.
4. **REQUIRED:** You must submit a **Report of Ownership** for the lands where the water right is currently located (i.e., the FROM lands). This report:
  - a) Must be prepared by a title company;
  - b) Shall include a "prepared by" statement and the date the title company prepared the report printed on the cover sheet;
  - c) Must:
    - i. Be prepared no earlier than 3 months prior to the date of issuance of the Draft Preliminary Determination showing current ownership; **OR**
    - ii. Be prepared within 3 months of the date the water right conveyance agreement was recorded; **OR**
    - iii. Show ownership for the FROM land at the time a water right conveyance agreement was recorded.

*If water right conveyance agreements are involved, it is helpful to provide copies of those agreements along with the Report of Ownership.*

**IMPORTANT:** In order for the Department to clearly understand the date that the title company prepared the Report of Ownership, the title company must indicate/state the date that they prepared the report on the coversheet and/or first page of the report.

- d) Must include a list of owners at the time the report was generated; **AND**
  - e) Must include a legal description of the property where the water right to be transferred is currently located (i.e., the FROM lands).
5. You must provide a notarized statement of consent signed by any landowner listed in the Report of Ownership who is not already included in the transfer application. The Department's statement of consent form (**Consent By Deeded Landowner**) is available at: [https://www.oregon.gov/OWRD/WRDFormsPDF/consent to transfer form.pdf](https://www.oregon.gov/OWRD/WRDFormsPDF/consent%20to%20transfer%20form.pdf)

#### **Conditions of your water right...**

The Watermaster has required a water measurement device at the new diversion point prior to diversion of water. Enclosed is a contact information sheet to assist you in pursuing additional information or approval of the required (or alternate) device.

The Oregon Department of Fish and Wildlife has determined that the diversion is not currently equipped with an appropriate fish screen, but a fish screen may be required in the future at the new point of diversion to prevent fish from entering the diversion.

**Please note the proposed date by which all conditions must be met: October 1, 2026.** If the required completion date is insufficient to comply with any of the conditions, you may request more time, at no cost to you, during this stage of processing. **Please let me know by the comment deadline if you will need more time and explain the reasons why.**

#### **What happens next...**

Once the preliminary determination is issued a publication period is required. The Department will publish a notice in their weekly publication, which opens a 30-day period in which the transfer can be protested.

Issuance of the Preliminary Determination will occur shortly after we receive:

1. Your written response to the conditions and proposed action in the Draft Preliminary Determination (e-mail is acceptable); and
2. The Report of Ownership, including affidavits of consent from any landowners shown in the ownership report who have not signed the transfer application. The title company must indicate/state the date that they prepared the ownership report on the coversheet and/or first page of the report.

**If we do not receive the items listed above by June 30, 2025, a Preliminary Determination may be issued denying the application as incomplete.**

Please don't hesitate to contact me at (971) 701-5485 or at [elyse.d.richman@water.oregon.gov](mailto:elyse.d.richman@water.oregon.gov), if I may be of assistance.

Sincerely,

A handwritten signature in black ink that reads "Elyse Richman". The signature is written in a cursive, flowing style.

Transfer Specialist  
Transfer and Conservation Section

cc:      Transfer Application file T-14424  
         Marcy J. Osborn, District 8 Watermaster *(via e-mail)*  
         Madison Di Lorenzo, Powder Basin Watershed Council  
         Jeffrey Hsu, CWRE

encs

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

In the Matter of Transfer Application  
T-14424, Baker County

)  
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**D R A F T**

PRELIMINARY DETERMINATION  
PROPOSING APPROVAL OF AN  
ADDITIONAL POINT OF DIVERSION

**Authority**

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

**Applicant**

BARRY DELCURTO  
46411 OLIVER RD  
HALFWAY, OR 97834

**Findings of Fact**

1. On March 14, 2024, Barry DelCurto filed an application for an additional point of diversion under Certificate 67076. The Department assigned the application number T-14424.
2. Notice of the application for transfer was published on March 26, 2024, pursuant to OAR 690-380-4000. No comments were filed in response to the notice.
3. On May 28, 2025, the Department contacted the applicant to request a measured distance on the transfer application for the proposed point of diversion and a revised map that more accurately reflects the footprint of the final proof map for Certificate 67076.
4. On May 29, 2025, the Department received an amended map that matches the final proof map. On May 30, 2025, the Department received an amended Table 1 with a measured distance for the proposed point of diversion.
5. The right to be transferred is as follows:  
  
    **Certificate:** 67076 in the name of DALE DENSON (perfected under Permit S-41612)  
    **Use:** IRRIGATION OF 41.8 ACRES AND SUPPLEMENTAL IRRIGATION OF 20.5 ACRES  
    **Priority Date:** FEBRUARY 8, 1977

**Rate:** 1.5 CUBIC FEET PER SECOND, 0.75 CFS FROM EACH SOURCE, BEING 1.01 CFS PRIMARY AND 0.49 CFS SUPPLEMENTAL

**Limit/Duty:** The amount of water used for irrigation together with the amount secured under any other right existing for the same lands, is limited to a diversion of ONE-FORTIETH of one cubic foot per second (or its equivalent) and 4.5 acre-feet for each acre irrigated during the irrigation season of each year.

**Source:** SPRING CREEK AND DRAINAGE DITCH, a tributary of PINE CREEK

**Authorized Point of Diversion:**

| Twp | Rng  | Mer | Sec | Q-Q   | Measured Distances   |
|-----|------|-----|-----|-------|--|
| 8 S | 46 E | WM  | 10  | NE NW | POD 1 - 680 FEET SOUTH AND 2640 FEET WEST FROM THE NE CORNER OF SECTION 10 |

**Authorized Place of Use:**

| PRIMARY IRRIGATION |      |     |     |       |       |
|--------------------|------|-----|-----|-------|-------|
| Twp                | Rng  | Mer | Sec | Q-Q   | Acres |
| 8 S                | 46 E | WM  | 10  | NE NW | 16.0  |
| 8 S                | 46 E | WM  | 10  | NW NW | 22.6  |
| 8 S                | 46 E | WM  | 10  | SE NW | 3.2   |
|                    |      |     |     | Total | 41.8  |

| SUPPLEMENTAL IRRIGATION |      |     |     |       |       |
|-------------------------|------|-----|-----|-------|-------|
| Twp                     | Rng  | Mer | Sec | Q-Q   | Acres |
| 8 S                     | 46 E | WM  | 10  | NE NW | 18.5  |
| 8 S                     | 46 E | WM  | 10  | NW NW | 2.0   |
|                         |      |     |     | Total | 20.5  |

6. Transfer Application T-14424 proposes an additional point of diversion approximately 500 feet upstream to:

| Twp | Rng  | Mer | Sec | Q-Q   | Measured Distances   |
|-----|------|-----|-----|-------|--|
| 8 S | 46 E | WM  | 10  | NE NW | POD 2 - 5 FEET SOUTH AND 45 FEET EAST FROM THE 1/ 4 CORNER BETWEEN SECTIONS 3 AND 10 |

7. The Oregon Department of Fish and Wildlife has determined that the diversion is not currently equipped with an appropriate fish screen, but a fish screen may be required in the future at the new point of diversion to prevent fish from entering the diversion.

**Transfer Review Criteria [OAR 690-380-0100(14), OAR 690-380-4010(2), and OAR 690-380-2110(2)]**

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



9. A water delivery system sufficient to use the full amount of water allowed under the existing right was present within the five-year period prior to submittal of Transfer Application T-14424.
10. The water right is subject to transfer as defined in ORS 540.505(4) and OAR 690-380-0100(14).
11. The proposed point of diversion diverts water from the same source of surface water as the authorized point of diversion, as required by OAR 690-380-2110(2).
12. The proposed change, as conditioned, would not result in enlargement of the right.
13. The proposed change, as conditioned, would not result in injury to other existing water rights.
14. All other application requirements are met.

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

The additional point of diversion proposed in Transfer Application T-14424 appears to be consistent with the requirements of ORS 540.505 to 540.580 and OAR 690-380-5000. If protests are not filed pursuant to OAR 690-380-4030, the transfer application will be approved.

*If Transfer Application T-14424 is approved, the final order will include the following:*

1. *The additional point of diversion proposed in Transfer Application T-14424 is approved.*
2. *The right to the use of the water is restricted to beneficial use at the place of use described and is subject to all other conditions and limitations contained in Certificate 67076 and any related decree.*
3. *Approval of this transfer application does not constitute nor grant legal access onto or through another person's property for purposes of accessing the new point of diversion.*
4. *Water right Certificate 67076 is cancelled.*
5. *The quantity of water diverted at the new additional point of diversion (POD 2), together with that diverted at the original point of diversion (POD 1), shall not exceed the quantity of water lawfully available at the original point of diversion (POD 1).*
6. *Water shall be acquired from the same source of surface water as the original point of diversion.*

7. *Water use measurement conditions:*

*a. Before water use may begin under this order, the water user shall install a totalizing flow meter, or, with prior approval of the Director, another suitable measuring device, at each new point of diversion/appropriation with the exception that water rights issued to the Bureau of Reclamation or an irrigation district (or similar entity) are not subject to this condition.*

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

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

8. *The Oregon Department of Fish and Wildlife (ODFW) may require the water user to install an approved fish screen at the new point of diversion within one year after receiving written notification that a fish screen is required. Once installed the water user shall maintain and operate the fish screen at the new point of diversion according to ODFW's operational and maintenance standards. If ODFW determines the screen is not functioning properly and is unsuccessful in working with the water user to meet ODFW standards, ODFW may request that OWRD regulate the use of water until OWRD receives notification from ODFW that the fish screen is functioning properly.*

9. *Full beneficial use of the water shall be made, consistent with the terms of this order, on or before **October 1, 2026**. A Claim of Beneficial Use prepared by a Certified Water Right Examiner shall be submitted by the applicant to the Department within one year after the deadline for completion of the change and full beneficial use of the water.*

10. *After satisfactory proof of beneficial use is received, a new certificate confirming the right transferred will be issued.*

Dated in Salem, Oregon on

**D R A F T**

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

|   |
|---|
| <p>This draft Preliminary Determination was prepared by Elyse Richman. If you have questions about the information in this document, you may reach me at 971-701-5485 or at <a href="mailto:elyse.d.richman@water.oregon.gov">elyse.d.richman@water.oregon.gov</a>.</p> |
|---|

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

*(ODFW provides this review to WRD so that WRD can make findings according to statutory requirements.)*

Reference Transfer #: T-14424, Barry Delcurto

Date of review: 04/05/2024

A. The Oregon Department of Fish and Wildlife (ODFW) does not believe this proposed transfer will injure any instream water rights.

B. *Fish screen requirements pursuant to ORS 540.525 or 540.532:*

## Screen Future

Finding of Fact: The Oregon Department of Fish and Wildlife has determined that the diversion is not currently equipped with an appropriate fish screen, but a fish screen may be required in the future at the new point of diversion to prevent fish from entering the diversion.

Condition: The Oregon Department of Fish and Wildlife (ODFW) may require the water user to install an approved fish screen at the new point of diversion within one year after receiving written notification that a fish screen is required. Once installed the water user shall maintain and operate the fish screen at the new point of diversion according to ODFW's operational and maintenance standards. If ODFW determines the screen is not functioning properly, and is unsuccessful in working with the water user to meet ODFW standards, ODFW may request that OWRD regulate the use of water until OWRD receives notification from ODFW that the fish screen is functioning properly.

**Comment:** An artificial barrier was identified downstream via aerial imagery. Although there is not an immediate need for screening at this point of diversion, screening may become necessary in the future.

Jorden Smith (541)805-1990

East Region Hydropower and Water Rights Coordinator

**Jorden Smith** Digitally signed by Jorden Smith  
Date: 2024.04.05 12:01:39 -07'00'

\_\_\_\_\_  
Signature

## Oregon Department of Fish and Wildlife

### Additional Fish Screening and Passage Information for the Applicant

*(To be completed by ODFW for WRD to provide to the applicant.)*

Transfer #: T-14424, Barry Delcurto

#### **The applicant should be aware that fish screening and passage may be required for certain changes in point of diversion**

Fish screening is required as a condition of this transfer. The fish screen must meet ODFW's design, construction, operational and maintenance standards.

Pursuant to ORS 498.306, cost-share funds may be available to assist in the installation of fish screening.

The applicant should contact the ODFW staff member below to obtain additional information on the design, construction, operational, and maintenance standards for the fish screen and to obtain information about ODFW's cost-sharing program for screening.

**Prior to installation, the water user must obtain written approval from ODFW that the required screen meets ODFW's criteria.**

ODFW staff name: Nathaniel Ashley

Address: PO BOX 515; W HWY 26 PATTERSON RD

City/State/Zip: John Day, OR 97845

Phone: (541)575-0561

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

ODFW staff name: Ethan Brandt

Address: 107 TWENTIETH ST

City/State/Zip: La Grande, OR 97850

Phone: (541)962-1829

## Watermaster Review Form: Water Right Transfer



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

Transfer Application: T-14424

Review Due Date: 04/19/2024

Applicant Name: Barry DelCurto

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

Reviewer(s): Marcy Osborn

Date of Review: 03/25/2024

1. Do you have evidence that the right has not been used in the last 5 years and that the presumption of forfeiture would not likely be rebuttable? ☐ Yes ☒ No If "Yes", attach evidence (e.g. dated aerial photo showing pavement or building on the land for >5 yrs.)
2. Is there a history of regulation on the source that serves this (or these) right(s) that has involved the transferred right(s) and downstream water rights? ☐ Yes ☒ No Generally characterize the frequency of any regulation or explain why regulation has not occurred:  
Spring Creek is a small stream with only a couple of users that normally get along and regulation is not needed. East Pine Creek is heavily regulated every year.
3. Have headgate notices been issued for the source that serves the transferred right(s)?  
☐ Yes ☒ No ☐ Records not available.
4. In your estimation, after the proposed change, would distribution of water for the right(s) result in regulation of other water rights that would not have occurred if use under the original right(s) was/were maximized? ☐ Yes ☒ No If "Yes", explain:
5. In your estimation, if the proposed change is approved, are there upstream water rights that would be affected? ☐ Yes ☒ No If "Yes", describe how the rights would be affected and list the rights most affected:



6. Check here ☐ if it appears that downstream water rights benefit from return flows resulting from the current use of the transferred right(s)? If you check the box, generally characterize the locations where the return flows likely occur and list the water rights that benefit most:

☒ N/A

7. For POD changes and instream transfers, check here if there are channel losses between the old and new PODs or within the proposed instream reach? If you check the box, describe and, if possible, estimate the losses:

☒ N/A

8. For instream transfers that propose protection of a reach beyond the mouth of the source stream:

☒ N/A Would the quantity be measureable into the receiving stream consistent with OAR 690-077-0015(8)? ☐ Yes ☐ No

9. For POU changes: ☒ N/A Is it likely the original place of use would continue to receive water from the same source? ☐ Yes ☐ No If "Yes", explain:

10. For POU or USE changes: ☒ N/A In your best judgment, would use of the existing right at "full face value," result in the diversion of more water than can be used beneficially and without waste? ☐ Yes ☐ No If "Yes", explain:

11. For POU changes that involve micro-irrigation: ☒ N/A

- a. Has the applicant made changes (absent a transfer) to convert to micro-irrigation within the current place of use boundary of the water right proposed for transfer, and previously demonstrated to the Department through monitoring and site inspections by the Watermaster that the proposed transfer will not result in injury or enlargement?

☐ Yes ☐ No If "Yes", explain:

- b. Has a temporary transfer of this nature been previously filed and approved on the same lands (or portions thereof) as those lands involved in this transfer?

☐ Yes ☒ No If "Yes", answer the following:

- i. Were there any problems with more acres being irrigated (or wetted) than were authorized under the temporary transfer? ☐ Yes ☐ No If "Yes", explain:

- ii. Did the designated areas that were to remain dry (or not wetted) under the temporary transfer actually remain dry? ☐ Yes ☐ No If "No", explain:

- iii. Did the applicant comply with and meet all of the conditions of the temporary transfer? ☐ Yes ☐ No If "No", explain:

- iv. Do you have any other observations regarding the temporary transfer?

☐ Yes ☐ No If "Yes", describe:

- v. Did the applicant demonstrate to the Department through monitoring and site inspections by the Watermaster that neither injury nor enlargement occurred as a result of the temporary transfer? ☐ Yes ☐ No If "No", explain:

- c. To the best of your knowledge, if this transfer is approved, does it appear that:

- i. "Injury" will occur to other water rights that share the same source?

☐ Yes ☒ No If "Yes", explain:

- ii. "Enlargement" of the water right being transferred will occur?

☐ Yes ☒ No If "Yes", explain:

12. Are there other issues not identified through the above questions that should be considered in determining whether the change "can be effected without injury to other rights"?

☐ Yes ☒ No If "Yes", explain:

13. What alternatives may be available for addressing any issues identified above:

14. Do conditions need to be included in the transfer order to avoid enlargement of the right or injury to other rights? ☐ No ☒ Yes, as checked and provided below:

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

☐ A Headgate should be required prior to diverting water.

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

*a. Before water use may begin under this order, the water user shall install a totalizing flow meter\*, or, with prior approval of the Director, another suitable measuring device, ☐ at each point of diversion/appropriation (new and existing) OR at each new point of diversion/appropriation ☒ with the exception that water rights issued to the Bureau of Reclamation or an irrigation district (or similar entity) are not subject to this condition.*

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

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

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

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

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

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

|   |  |
|---|--|
| <input type="checkbox"/> Weir           | <input type="checkbox"/> Submerged Orifice |
| <input type="checkbox"/> Parshall Flume | <input type="checkbox"/> Flow Restrictor   |
| <input type="checkbox"/> Other: _____   |  |

## Oregon Water Resources Department

## Measurement Condition Information for the Applicant

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

Transfer #: T- 14424



In order to avoid enlargement of the right or injury to other rights, a **totalizing flow meter** will be required to be installed prior to diversion of water, as a condition of this transfer:



at each point of diversion/appropriation (new and existing) **OR**



at each new point of diversion/appropriation.

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

Watermaster name: Marcy Osborn

District: 8

Address: 39155 Pocahontas Rd.

City/State/Zip: Baker City, OR 97814

Phone: 541-519-6395

Email: marcy.j.osborn@water.oregon.gov

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

\*\*\*\*\*

## Approval of an Alternate Measurement Device

T-

(to be filled out after consultation with the applicant, or after a site visit)

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

\_\_\_\_\_

\_\_\_\_\_

Watermaster signature

District

Date

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

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





# Oregon

Tina Kotek, Governor

## Water Resources Department

North Mall Office Building

725 Summer St NE, Suite A

Salem, OR 97301

Phone 503 986-0900

Fax 503 986-0904

March 20, 2024

Barry DelCurto

46411 Oliver Rd

Halfway, OR 97834

Reference: Application T-14424

On March 14, 2024, the Department received your water right Permanent Transfer Application. The application was accompanied by \$680.00. Receipt number 142550 is enclosed.

By copy of this letter, we are asking the Watermaster for a report regarding the potential for injury to existing water rights which may be caused by the requested change. A review form will also be sent to Oregon Department of Fish and Wildlife to determine if a fish screen is needed.

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

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

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

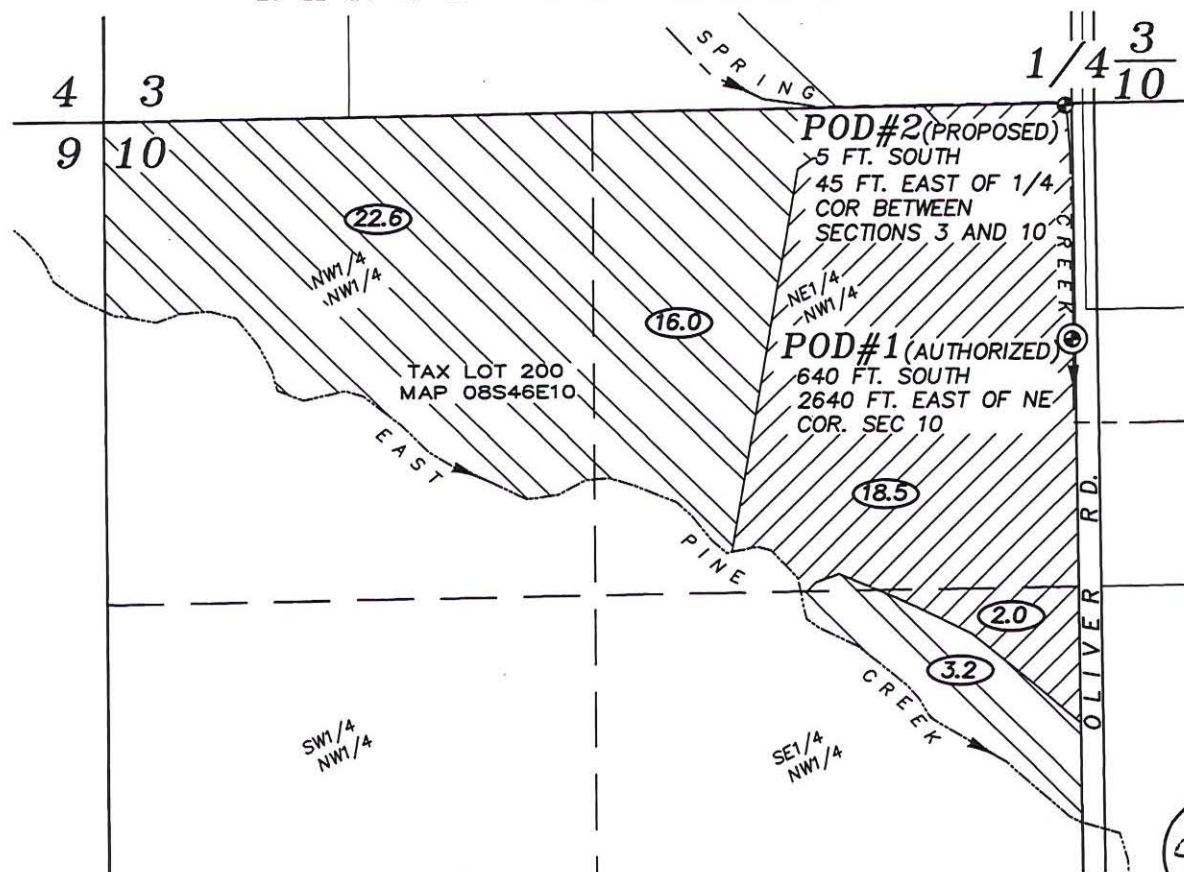
Refer to the following page for a chart showing the steps and expected timelines for the processing of your application.

If you have any questions, please contact the Transfer Section at (503) 986-0935.

Cc: Watermaster Dist. #8, Marcy J. Osborn (*via email*)  
Baker County, Local Government

Enclosure

TOWNSHIP 8 SOUTH  
RANGE 46 EAST

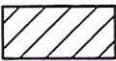


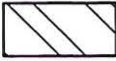
February 16, 2024  
APPLICATION FOR AN ADDITIONAL  
POINT OF DIVERSION


FOR  
BARRY DELCURTO  
BY

BAGETT - GRIFFITH & BLACKMAN  
2006 ADAMS AVENUE  
LAGRANDE, OREGON 97850

SCALE: 1"=400'

 Lands with primary rights under  
Certificate 10424 (priority date  
1877), and supplemental rights  
under Certificate 67076 (priority  
date Feb 8, 1977)

 Land with primary rights under  
Certificate 67076 (priority dated  
Feb 8, 1977)

 Authorized Point of Diversion

 Additional Point of Diversion



NOTE: The preparation of this map  
was for the purpose of identifying  
the location of water rights and has  
no intent to provide dimensions or  
location of property ownership lines.  
Location information shown hereon  
was furnished by the applicant.

Renews: June 30, 2025

APPLICATION NO. \_\_\_\_\_

PERMIT NO. \_\_\_\_\_

RECEIVED

MAR 14 2024

OWRD

14424 -



**STATE OF OREGON  
WATER RESOURCES DEPARTMENT**

725 Summer St. N.E. Ste. A

SALEM, OR 97301-4172

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

RECEIPT # **142550**

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

RECEIVED FROM: Powder Basin Watershed Council  
BY: \_\_\_\_\_

|             |                |
|-------------|----------------|
| APPLICATION |                |
| PERMIT      |                |
| TRANSFER    | <u>T-14424</u> |

CASH: ☐ CHECK: # 4347 OTHER: (IDENTIFY) ☐

TOTAL REC'D \$ 680.00

**1083 TREASURY 4170 WRD MISC CASH ACCT**

0407 COPIES \$ \_\_\_\_\_

OTHER: (IDENTIFY) \$ \_\_\_\_\_

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

**4270 WRD OPERATING ACCT**

**MISCELLANEOUS**

0407 COPY & TAPE FEES 46110 \$ \_\_\_\_\_

0410 RESEARCH FEES \$ \_\_\_\_\_

0408 MISC REVENUE: (IDENTIFY) \_\_\_\_\_ \$ \_\_\_\_\_

TC162 DEPOSIT LIAB. (IDENTIFY) \_\_\_\_\_ \$ \_\_\_\_\_

0240 EXTENSION OF TIME \$ \_\_\_\_\_

**WATER RIGHTS:**

0201 SURFACE WATER \$ \_\_\_\_\_ 0202 \$ \_\_\_\_\_

0203 GROUND WATER \$ \_\_\_\_\_ 0204 \$ \_\_\_\_\_

0205 TRANSFER \$ 680.00

**WELL CONSTRUCTION**

0218 WELL DRILL CONSTRUCTOR \$ \_\_\_\_\_ 0219 \$ \_\_\_\_\_

LANDOWNER'S PERMIT 0220 \$ \_\_\_\_\_

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

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

0211 WELL CONST START FEE \$ \_\_\_\_\_ CARD# \_\_\_\_\_

0210 MONITORING WELLS \$ \_\_\_\_\_ CARD# \_\_\_\_\_

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

**0607 TREASURY 0467 HYDRO ACTIVITY LIC NUMBER**

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

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

HYDRO APPLICATION \$ \_\_\_\_\_

**TREASURY OTHER / RDX**

FUND \_\_\_\_\_ TITLE \_\_\_\_\_

OBJ. CODE \_\_\_\_\_ VENDOR # \_\_\_\_\_

DESCRIPTION \$ \_\_\_\_\_

RECEIPT: **142550**

DATED: 3-14-29 BY: m mills

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



# Application for Permanent Water Right Transfer



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

## Part 1 of 5 – Minimum Requirements Checklist

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

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

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

- ☒ Part 1 – Completed Minimum Requirements Checklist.
- ☒ Part 2 – Completed Transfer Application Map Checklist.
- ☒ Part 3 – Application Fee, payable by check to the Oregon Water Resources Department, and completed Fee Worksheet, page 3. Try the new online fee calculator at:  
[http://apps.wrd.state.or.us/apps/misc/wrd\\_fee\\_calculator](http://apps.wrd.state.or.us/apps/misc/wrd_fee_calculator).
- ☒ Part 4 – Completed Applicant Information and Signature.
- ☒ Part 5 – Information about Water Rights to be Transferred: **How many water rights are to be transferred?** 1 **List them here:** Certificate # 67076  
Please include a separate Part 5 for each water right. (See instructions on page 6)  
**NOTE: A separate transfer application is required for each water right unless the criteria in OAR 690-380-3220 are met.**

### Attachments:

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

(For Staff Use Only)

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

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

Other/Explanation \_\_\_\_\_

Staff: \_\_\_\_\_ 503- \_\_\_\_\_ Date: \_\_\_\_/\_\_\_\_/\_\_\_\_

OWRD

MAR 14 2024

RECEIVED



## Part 2 of 5 – Transfer Application Map

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

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

- ☒ ☐ N/A Certified Water Right Examiner (CWRE) Stamp and Original Signature. For a list of CWREs, see [http://apps.wrd.state.or.us/apps/wr/cwre\\_license\\_view/](http://apps.wrd.state.or.us/apps/wr/cwre_license_view/). CWRE stamp and signature are not required for substitutions.
- ☐ ☒ N/A If **more than three** water rights are involved, separate maps are needed for each water right.
- ☒ Permanent quality printed with dark ink on good quality paper.
- ☒ The size of the map can be 8½ x 11 inches, 8½ x 14 inches, 11 x 17 inches, or up to 30 x 30 inches. For 30 x 30 inch maps, one extra copy is required.
- ☒ A north arrow, a legend, and scale.
- ☒ The scale of the map must be: 1 inch = 400 feet, 1 inch = 1,320 feet, the scale of the Final Proof/Claim of Beneficial Use Map (the map used when the permit was certificated), the scale of the county assessor map if the scale is not smaller than 1 inch = 1,320 feet, or a scale that has been pre-approved by the Department.
- ☒ Township, Range, Section, ¼ ¼, DLC, Government Lot, and other recognized public land survey lines.
- ☒ Tax lot boundaries (property lines) are required. Tax lot numbers are recommended.
- ☒ Major physical features including rivers and creeks showing direction of flow, lakes and reservoirs, roads, and railroads.
- ☒ Major water delivery system features from the point(s) of diversion/appropriation such as main pipelines, canals, and ditches.
- ☒ Existing place of use that includes separate hachuring for each water right, priority date, and use including number of acres in each quarter-quarter section, government lot, or in each quarter-quarter section as projected within government lots, donation land claims, or other recognized public land survey subdivisions. If less than the entirety of the water right is being changed, a separate hachuring is needed for lands left unchanged.
- ☒ ☐ N/A Proposed place of use that includes separate hachuring for each water right, priority date, and use including number of acres in each quarter-quarter section, government lot, or in each quarter-quarter section as projected within government lots, donation land claims, or other recognized public land survey subdivisions.
- ☒ Existing point(s) of diversion or well(s) with distance and bearing or coordinates from a recognized survey corner. This information can be found in your water right certificate or permit.
- ☒ ☐ N/A If you are proposing a change in point(s) of diversion or well(s), show the proposed location and label it clearly with distance and bearing or coordinates. If GPS coordinates are used, latitude-longitude coordinates may be expressed as either degrees-minutes-seconds with at least one digit after the decimal (example – 42°32'15.5") or degrees-decimal with five or more digits after the decimal (example – 42.53764°).

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**FEE WORKSHEET for PERMANENT TRANSFER (except Substitution)**

1. For irrigation calculate cfs for each water right involved as follows:
  - a. Divide total authorized cfs by total acres in the water right (for C12345,  $1.25 \text{ cfs} \div 100 \text{ ac}$ ); then multiply by the number of acres to be transferred to get the transfer cfs ( $\times 45 \text{ ac} = 0.56 \text{ cfs}$ ).
  - b. If the water right certificate does not list total cfs, but identifies the allowable use as  $1/40$  or  $1/80$  of a cfs per acre; multiply number of acres proposed for change by either  $0.025$  ( $1/40$ ) or  $0.0125$  ( $1/80$ ). (For C87654,  $45.0 \text{ ac} \times 0.0125 \text{ cfs/ac} = 0.56 \text{ cfs}$ )
2. Add cfs for the portions of water rights on all the land included in the transfer; however **do not count cfs for supplemental rights on acreage for which you have already calculated the cfs fee for the primary right on the same land**. The fee should be assessed only once for each "on the ground" acre included in the transfer. (In this example, blank 5a would be only 0.56 cfs, since both rights serve the same 45.0 acres. Blank 5b would be 0 and Line 5 would then also become 0).

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## Part 4 of 5 – Applicant Information and Signature

### Applicant Information

|  |                    |                     |  |                        |
|--|--------------------|---------------------|--|------------------------|
| APPLICANT/BUSINESS NAME<br><b>Barry DelCurto</b>   |                    |                     | PHONE NO.<br><b>541-519-5561</b>         | ADDITIONAL CONTACT NO. |
| ADDRESS<br><b>46411 Oliver Rd</b>  |                    |                     |  | FAX NO.                |
| CITY<br><b>Halfway</b>   | STATE<br><b>OR</b> | ZIP<br><b>97834</b> | E-MAIL<br><b>mightyadashin@yahoo.com</b> |                        |
| <b>BY PROVIDING AN E-MAIL ADDRESS, CONSENT IS GIVEN TO RECEIVE ALL CORRESPONDENCE FROM THE DEPARTMENT ELECTRONICALLY. COPIES OF THE FINAL ORDER DOCUMENTS WILL ALSO BE MAILED.</b> |                    |                     |  |                        |

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

|  |       |     |           |                        |
|--|-------|-----|-----------|------------------------|
| AGENT/BUSINESS NAME  |       |     | PHONE NO. | ADDITIONAL CONTACT NO. |
| ADDRESS  |       |     |           | FAX NO.                |
| CITY   | STATE | ZIP | E-MAIL    |                        |
|  |       |     |           |                        |
| <b>BY PROVIDING AN E-MAIL ADDRESS, CONSENT IS GIVEN TO RECEIVE ALL CORRESPONDENCE FROM THE DEPARTMENT ELECTRONICALLY. COPIES OF THE FINAL ORDER DOCUMENTS WILL ALSO BE MAILED.</b> |       |     |           |                        |

Explain in your own words what you propose to accomplish with this transfer application, and why:  
We are changing from flood irrigation to sprinklers. This change will give us an additional pump station point to better utilize our irrigation system.

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

### Check One Box

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

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
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By my signature below, I confirm that I understand:

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

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

  
Barry DelCurto  
Applicant signature

Barry DelCurto, owner  
Print Name (and Title if applicable)

1/31/2024  
Date

Shella DelCurto  
Applicant signature

Shella DelCurto, owner  
Print Name (and Title if applicable)

1/31/2024  
Date

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

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

Check the following boxes that apply:

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

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

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

If a property sells, the certificated water right(s) located on the land belong to the new owner, unless a sale agreement or other document states otherwise. For more information see:

[https://www.oregon.gov/owrd/WRDFormsPDF/Transfer\\_Property\\_Transactions.pdf](https://www.oregon.gov/owrd/WRDFormsPDF/Transfer_Property_Transactions.pdf)

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

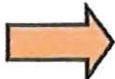


☐ Check here if any of the water rights proposed for transfer are or will be located within or served by an irrigation or other water district. (Tip: Complete and attach Supplemental Form D.)

|                          |         |     |
|--------------------------|---------|-----|
| IRRIGATION DISTRICT NAME | ADDRESS |     |
| CITY                     | STATE   | ZIP |

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

|             |         |     |
|-------------|---------|-----|
| ENTITY NAME | ADDRESS |     |
| CITY        | STATE   | ZIP |

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

|                                    |   |                     |
|------------------------------------|---|---------------------|
| ENTITY NAME<br><b>Baker County</b> | ADDRESS<br><b>1995 3<sup>rd</sup> St.</b> |                     |
| CITY<br><b>Baker City</b>          | STATE<br><b>OR</b>                        | ZIP<br><b>97814</b> |

|             |         |     |
|-------------|---------|-----|
| ENTITY NAME | ADDRESS |     |
| CITY        | STATE   | ZIP |

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## Part 5 of 5 – Water Right Information

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

**CERTIFICATE # 67076**

### Description of Water Delivery System

System capacity: 2 cubic feet per second (cfs) OR  
\_\_\_\_\_ gallons per minute (gpm)

Describe the current water delivery system or the system that was in place at some time within the last five years. Include information on the pumps, canals, pipelines, and sprinklers used to divert, convey, and apply the water at the authorized place of use. Currently water is diverted from the stream in an open ditch that delivers water to the property where flood irrigation occurs.

**Table 1. Location of Authorized and Proposed Point(s) of Diversion (POD) or Appropriation (POA)**  
(Note: If the POD/POA name is not specified on the certificate, assign it a name or number here.)

| POD/POA Name or Number | Is this POD/POA Authorized on the Certificate or is it Proposed?                    | If POA, OWRD Well Log ID# (or Well ID Tag # L-___) | Twp | Rng  | Sec | ¼ ¼   | Tax Lot, DLC or Gov't Lot | Measured Distances (from a recognized survey corner) |
|------------------------|---|--|-----|------|-----|-------|---------------------------|--|
| POD 1                  | <input checked="" type="checkbox"/> Authorized<br><input type="checkbox"/> Proposed |  | 8 S | 46 E | 10  | NE NW |                           | 680' S & 2640' FROM THE NE CORN. OF SECT. 10         |
| POD 2                  | <input type="checkbox"/> Authorized<br><input checked="" type="checkbox"/> Proposed |  | 8 S | 46 E | 10  | NE NW |                           |  |
|                        | <input type="checkbox"/> Authorized<br><input type="checkbox"/> Proposed            |  |     |      |     |       |                           |  |
|                        | <input type="checkbox"/> Authorized<br><input type="checkbox"/> Proposed            |  |     |      |     |       |                           |  |

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

- |  |   |
|--|---|
| <input type="checkbox"/> Place of Use (POU)                              | <input type="checkbox"/> Supplemental Use to Primary Use (S to P) |
| <input type="checkbox"/> Character of Use (USE)                          | <input type="checkbox"/> Point of Appropriation/Well (POA)        |
| <input type="checkbox"/> Point of Diversion (POD)                        | <input type="checkbox"/> Additional Point of Appropriation (APOA) |
| <input checked="" type="checkbox"/> Additional Point of Diversion (APOD) | <input type="checkbox"/> Substitution (SUB)                       |
| <input type="checkbox"/> Surface Water POD to Ground Water POA (SW/GW)   | <input type="checkbox"/> Government Action POD (GOV)              |

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

☒ Yes Complete only the Proposed ("to" or "on" lands) section of Table 2 on the next page. Use the "CODES" listed above to describe the proposed changes.

☐ No Complete all of Table 2 to describe the portion of the water right to be changed.

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

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

**Table 2. Description of Changes to Water Right Certificate # 67076**

List the change proposed for the acreage in each ¼ ¼. If more than one change is proposed, specify the acreage associated with each change.  
If there is more than one POD/POA involved in the proposed changes, specify the acreage associated with each POD/POA.

| AUTHORIZED (the "from" or "off" lands)<br>The listing that appears on the certificate BEFORE PROPOSED CHANGES<br>List only that part or portion of the water right that will be changed. |     |     |            |         |                      |       |   |   |                  |         | Proposed<br>Changes (see<br>"CODES" from<br>previous<br>page) | PROPOSED (the "to" or "on" lands)<br>The listing as it would appear AFTER PROPOSED CHANGES<br>are made. |     |            |         |                      |       |                    |  |                  |  |  |
|--|-----|-----|------------|---------|----------------------|-------|---|---|------------------|---------|---|---|-----|------------|---------|----------------------|-------|--------------------|--|------------------|--|--|
| Twp  | Rng | Sec | ¼ ¼        | Tax Lot | Gvt<br>Lot or<br>DLC | Acres | Type of USE<br>listed on<br>Certificate | POD(s) or<br>POA(s) (name<br>or number<br>from Table 1) | Priority<br>Date | Twp     |   | Rng   | Sec | ¼ ¼        | Tax Lot | Gvt<br>Lot or<br>DLC | Acres | New Type of<br>USE | POD(s)/<br>POA(s) to<br>be used<br>(from<br>Table 1) | Priority<br>Date |  |  |
| EXAMPLE  |     |     |            |         |                      |       |   |   |                  |         |   |   |     |            |         |                      |       |                    |  |                  |  |  |
| 2  | S   | 9   | E 15 NE NW | 100     |                      | 15.0  | Irrigation                              | POD #1 POD #2   | 1901             | POU/POD | 2   | S   | 9   | E 1 NW NW  | 500     | 1                    | 10.0  |                    | POD #5   | 1901             |  |  |
|  |     |     |            |         |                      |       |   |   |                  |         | 2   | S   | 9   | E 2 SW NW  | 500     |                      | 5.0   |                    | POD #6   | 1901             |  |  |
| 8  | S   | 46  | E 10 NE NW | 200     |                      | 16.0  | IRR                                     | POD 1   | 2/8/1977         | APOD    | 8   | S   | 46  | E 10 NE NW | 200     |                      | 16.0  | IRR                | POD 1 & 2  | 2/8/1977         |  |  |
| 8  | S   | 46  | E 10 NW NW | 200     |                      | 22.6  | IRR                                     | POD 1   | 2/8/1977         | APOD    | 8   | S   | 46  | E 10 NW NW | 200     |                      | 22.6  | IRR                | POD 1 & 2  | 2/8/1977         |  |  |
| 8  | S   | 46  | E 10 SE NW | 200     |                      | 3.2   | IRR                                     | POD 1   | 2/8/1977         | APOD    | 8   | S   | 46  | E 10 SE NW | 200     |                      | 3.2   | IRR                | POD 1 & 2  | 2/8/1977         |  |  |
| 8  | S   | 46  | E 10 NE NW | 200     |                      | 18.5  | IS                                      | POD 1   | 2/8/1977         | APOD    | 8   | S   | 46  | E 10 NE NW | 200     |                      | 18.5  | IS                 | POD 1 & 2  | 2/8/1977         |  |  |
| 8  | S   | 46  | E 10 SE NW | 200     |                      | 2.0   | IS                                      | POD 1   | 2/8/1977         | APOD    | 8   | S   | 46  | E 10 SE NW | 200     |                      | 2.0   | IS                 | POD 1 & 2  | 2/8/1977         |  |  |
|  |     |     |            |         |                      |       |   |   |                  |         |   |   |     |            |         |                      |       |                    |  |                  |  |  |
|  |     |     |            |         |                      |       |   |   |                  |         |   |   |     |            |         |                      |       |                    |  |                  |  |  |
|  |     |     |            |         |                      |       |   |   |                  |         |   |   |     |            |         |                      |       |                    |  |                  |  |  |
|  |     |     |            |         |                      |       |   |   |                  |         |   |   |     |            |         |                      |       |                    |  |                  |  |  |
|  |     |     |            |         |                      |       |   |   |                  |         |   |   |     |            |         |                      |       |                    |  |                  |  |  |
| TOTAL ACRES:   |     |     |            |         |                      | 62.3  |   |   |                  |         | TOTAL ACRES:  |   |     |            |         |                      | 62.3  |                    |  |                  |  |  |

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**For Place of Use or Character of Use Changes**

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

If YES, list the certificate, water use permit, or ground water registration numbers: **T-13993 (C-10424).**



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

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

Ground water supplemental Permit or Certificate # \_\_\_\_\_;

Surface water primary Certificate # \_\_\_\_\_.

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

Identify the primary certificate to be cancelled. Certificate # \_\_\_\_\_

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

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

**Tip:** You may search for well logs on the Department's web page at:

[http://apps.wrd.state.or.us/apps/gw/well\\_log/Default.aspx](http://apps.wrd.state.or.us/apps/gw/well_log/Default.aspx)

**AND/OR**

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

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

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

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

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# Application for Water Right Transfer Evidence of Use Affidavit



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

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

State of Oregon )  
 ) ss  
County of BAKER

I, BARRY DELCURTO, in my capacity as LANDOWNER, IRRIGATOR,

mailing address 46411 OLIVER RD, HALFWAY, OR 97834

telephone number (541)519-5561, being first duly sworn depose and say:

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

☒ Personal observation

☐ Professional expertise

2. I attest that:

☒ Water was used during the previous five years on the entire place of use for  
Certificate # 67076; OR

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

| Certificate # | Township |  | Range |  | Mer | Sec | ¼ ¼ | Gov't Lot<br>or DLC | Acres<br>(if applicable) |
|---------------|----------|--|-------|--|-----|-----|-----|---------------------|--------------------------|
|               |          |  |       |  |     |     |     |                     |                          |
|               |          |  |       |  |     |     |     |                     |                          |
|               |          |  |       |  |     |     |     |                     |                          |
|               |          |  |       |  |     |     |     |                     |                          |
|               |          |  |       |  |     |     |     |                     |                          |
|               |          |  |       |  |     |     |     |                     |                          |
|               |          |  |       |  |     |     |     |                     |                          |

OR

☐ Confirming Certificate # \_\_\_\_\_ has been issued within the past five years; OR

☐ Part or all of the water right was leased instream at some time within the last five years. The  
instream lease number is: \_\_\_\_\_ (Note: If the entire right proposed for  
transfer was not leased, additional evidence of use is needed for the portion not leased instream.); OR

☐ The water right is not subject to forfeiture and documentation that a presumption of forfeiture for non-use  
would be rebutted under ORS 540.610(2) is attached.

☐ Water has been used at the actual current point of diversion or appropriation for more than  
10 years for Certificate # \_\_\_\_\_ (For Historic POD/POA Transfers)

(continues on reverse side)

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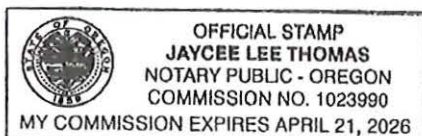
3. The water right was used for: (e.g., crops, pasture, etc.): IRRIGATION

4. I understand that if I do not attach one or more of the documents shown in the table below to support the above statements, my application will be considered incomplete.

Barry DelCorte  
Signature of Affiant

2-14-24  
Date

Signed and sworn to (or affirmed) before me this 14<sup>th</sup> day of Feb, 2024.



Jaycee Lee Thomas  
Notary Public for Oregon  
My Commission Expires: April 21 2026

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

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# Land Use Information Form

OREGON



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

|                                       |                 |                           |                                      |
|---------------------------------------|-----------------|---------------------------|--------------------------------------|
| NAME <u>Barry / Shella DelCurto</u>   |                 | PHONE <u>541-519-5561</u> |                                      |
| MAILING ADDRESS <u>4640 Oliver Rd</u> |                 |                           |                                      |
| CITY <u>Halfway</u>                   | STATE <u>OR</u> | ZIP <u>97834</u>          | EMAIL <u>mightyadashin@yahoo.com</u> |

## A. Land and Location

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

| Township | Range | Section | ¼ ¼   | Tax Lot # | Plan Designation (e.g., Rural Residential/RR-5) | Water to be: |          |             | Proposed Land Use: |
|----------|-------|---------|-------|-----------|---|--------------|----------|-------------|--------------------|
| 8S       | 46E   | 10      | NE NW | 200       | farm use  | Diverted     | Conveyed | <u>Used</u> | hay/pasture        |
|          |       |         |       |           |   | Diverted     | Conveyed | Used        |                    |
|          |       |         |       |           |   | Diverted     | Conveyed | Used        |                    |
|          |       |         |       |           |   | Diverted     | Conveyed | Used        |                    |

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

Baker County, Halfway

NOTE: A separate Land Use Information Form must be completed and submitted for each county and city, as applicable.

## B. Description of Proposed Use

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

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

Source of water:    Reservoir/Pond      Ground Water      Surface Water (name) Spring Creek + drain ditch

Estimated quantity of water needed: 2      cubic feet per second      gallons per minute      acre-feet

Intended use of water:    Irrigation      Commercial      Industrial      Domestic for \_\_\_\_\_ household(s)  
    Municipal      Quasi-Municipal      Instream      Other \_\_\_\_\_

Briefly describe:

We are applying for an additional point of diversion to better utilize our water through a sprinkler system.

**Note to applicant:** For new water right applications only, if the Land Use Information Form cannot be completed while you wait, please have a local government representative sign the receipt on the bottom of page 4 and include it with the application filed with the Oregon Water Resources Department.

See Page 4 →

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## For Local Government Use Only

OWRD

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

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

✓ Land uses to be served by the proposed water use(s), including proposed construction, are allowed outright or are not regulated by your comprehensive plan. Cite applicable ordinance section(s): BCZO Section 410.02, A.1

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

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

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

Name: Tara L. Micka Title: Senior Planner

Signature: Tara L. Micka Date: 2/15/2024

Governmental Entity: Baker Co. Planning Dept. Phone: 541-523-8219

### Receipt Acknowledging Request for Land Use Information

**Note to Local Government Representative:**

Please complete this form and return it to the applicant. For new water right applications only, if you are unable to complete this form while the applicant waits, you may complete this receipt and return it to the applicant. If you sign the receipt, you will have 30 days from the date of OWRD's Public Notice of the application to submit the completed Land Use Information Form to Oregon Water Resources Department. Please note while OWRD can accept a signed receipt as part of intake for an application for a new permit to use or store water, a completed Land Use Information Form is required for all other applications.

Applicant Name: \_\_\_\_\_

Staff Name: \_\_\_\_\_ Title: \_\_\_\_\_

Staff Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Governmental Entity: \_\_\_\_\_ Phone: \_\_\_\_\_

STATE OF OREGON  
COUNTY OF BAKER  
CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

DALE DENSON  
ROUTE 1, BOX 238  
HALFWAY, OREGON 97834

confirms the right to use the waters of SPRING CREEK AND DRAINAGE DITCH, a tributary of PINE CREEK, for IRRIGATION OF 41.8 ACRES AND SUPPLEMENTAL IRRIGATION OF 20.5 ACRES.

This right was perfected under Permit 41612. The date of priority is FEBRUARY 8, 1977. This right is limited to 1.5 CUBIC FEET PER SECOND, 0.75 CFS FROM EACH SOURCE, BEING 1.01 CFS PRIMARY AND 0.49 CFS SUPPLEMENTAL or its equivalent in case of rotation, measured at the point of diversion from the source.

The point of diversion is located as follows:

NE 1/4 NW 1/4, SECTION 10, T 8 S, R 46 E, W.M.; 680 FEET SOUTH AND 2640 FEET WEST FROM THE NE CORNER OF SECTION 10.

The amount of water used for irrigation together with the amount secured under any other right existing for the same lands, is limited to a diversion of ONE-FORTIETH of one cubic foot per second (or its equivalent) and 4.5 acre-feet for each acre irrigated during the irrigation season of each year.

This right is limited to any deficiency in the available supply of any prior right existing for the same land.

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

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

|                                       | <u>PRIMARY</u> | <u>SUPPLEMENTAL</u> |
|---------------------------------------|----------------|---------------------|
| NE 1/4 NW 1/4                         | 16.0 ACRES     | 18.5 ACRES          |
| NW 1/4 NW 1/4                         | 22.6 ACRES     |                     |
| SE 1/4 NW 1/4                         | 3.2 ACRES      | 2.0 ACRES           |
| SECTION 10                            |                |                     |
| TOWNSHIP 8 SOUTH, RANGE 46 EAST, W.M. |                |                     |

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. The use confirmed herein may be made only at times when sufficient water is available to satisfy all prior rights, including rights for maintaining instream flows.

WITNESS the signature of the Water Resources Director, affixed  
JANUARY 24, 1992.

/s/ WILLIAM H. YOUNG

William H. Young

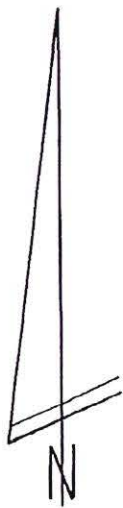
Recorded in State Record of Water Right Certificates numbered 67076.

55202.DSM

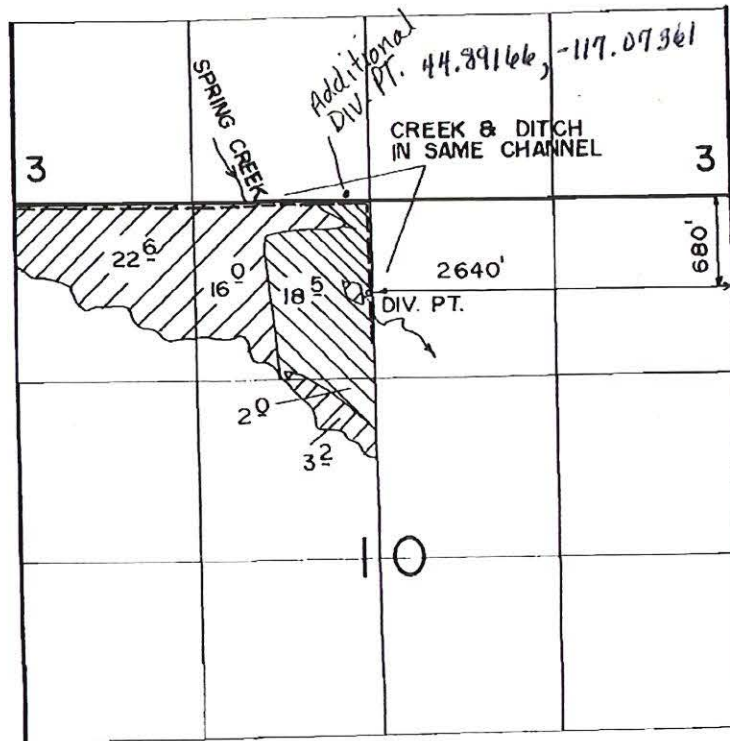


T. 8 S., R. 46 E., W.M.

Example for  
additional  
diversion  
point



1" = 1320'



 SUPPLEMENTAL

 PRIMARY

## FINAL PROOF SURVEY UNDER

Application No. 55202... Permit No. ...41612.....  
IN NAME OF

DALE DENSON

Surveyed JULY 25 1990., by ...K. G. RISE.....

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OWRD

2-8-91 DSM

BBB-2KK-144

14424

# Permanent Transfer Application Intake Checklist

Transfer # T-14424

|   |  |
|---|--|
| Reviewer Corie<br>Date 3/19/2024  | Type of Change(s) Proposed:<br><input type="checkbox"/> POU <input type="checkbox"/> POD <input checked="" type="checkbox"/> APOD <input type="checkbox"/> POA <input type="checkbox"/> APOA <input type="checkbox"/> USE<br><input type="checkbox"/> Substitution <input type="checkbox"/> Gov't Action <input type="checkbox"/> Sup to Primary <input type="checkbox"/> SW to GW |
| Calculated Fee \$680 Use fee calculator on back of this form  |  |
| Fee Received \$680  |  |
| Certificate(s): 67076   | Check <u>all</u> Certs in WRIS to confirm they are not cancelled   |
| For multiple certificates, does application meet requirement of OAR 690-380-3220?<br>If no, why?      Use the flow chart for multiple Certs |  |
| <input type="checkbox"/> YES <input type="checkbox"/> NO <input checked="" type="checkbox"/> N/A  |  |
| Notes:  |  |

|  |   |                             |   |
|--|---|-----------------------------|---|
| <b>Application:</b> OAR 690-380-3000; OAR 690-380-3220 |   |                             |   |
| 1.   | <input checked="" type="checkbox"/> YES | <input type="checkbox"/> NO | Have <u>ALL</u> of the applicant's signed and dated the application?<br>If no, whose signature is missing?  |
| 2.   | <input checked="" type="checkbox"/> YES | <input type="checkbox"/> NO | Part 5 of application: Does the information match the description of the explanation on Part 4 of the application?  |
| 3.   | <input type="checkbox"/> YES            | <input type="checkbox"/> NO | <input checked="" type="checkbox"/> N/A<br>For multiple certificates: Each certificate proposed for transfer has their own separate completed Part 5, Tables 1 & 2?<br>If no, which certificate(s) are missing separate Part 5, Tables 1 & 2? |

|   |   |                             |  |
|---|---|-----------------------------|--|
| <b>Map Requirements:</b> OAR 690-380-3100 |   |                             |  |
| 4.  | <input checked="" type="checkbox"/> YES | <input type="checkbox"/> NO | Has the map been completed and signed by a CWRE?   |
| 5.  | <input type="checkbox"/> YES            | <input type="checkbox"/> NO | <input checked="" type="checkbox"/> N/A<br>Map Waiver? The map waiver must be issued by the Department |
| Notes:                                    |   |                             |  |

|                                      |   |  |  |
|--------------------------------------|---|--|--|
| <b>Attachments:</b> OAR 690-380-3000 |   |  |  |
| 6.                                   | <input checked="" type="checkbox"/> YES | <input type="checkbox"/> NO            | Evidence of Use included, signed, & notarized w/supporting documentation?  |
| 7.                                   | <input checked="" type="checkbox"/> YES | <input type="checkbox"/> NO            | <input type="checkbox"/> N/A<br>Land Use Form included and signed by the County?                                   |
| 8.                                   | <input type="checkbox"/> YES            | <input type="checkbox"/> NO            | <input checked="" type="checkbox"/> N/A<br>Consent Form included, signed, and notarized?                           |
| 9.                                   | <input type="checkbox"/> YES            | <input checked="" type="checkbox"/> NO | <input type="checkbox"/> N/A<br>District: Place of use is in <u>or</u> near an irrigation district?                |
|                                      | <input type="checkbox"/> YES            | <input type="checkbox"/> NO            | If Yes, is Form D included? Name of the District   |
| 10.                                  | <input type="checkbox"/> YES            | <input type="checkbox"/> NO            | <input checked="" type="checkbox"/> N/A<br>For changes in POA/APOA – are the well logs included?                   |
| 11.                                  | <input type="checkbox"/> YES            | <input type="checkbox"/> NO            | <input checked="" type="checkbox"/> N/A<br>For change in POU within Umatilla County, Supplemental Form U included? |

|                                     |   |
|-------------------------------------|---|
| <input checked="" type="checkbox"/> | <b>Application complete:</b> no deficiencies identified, assign a T-number and put this checklist in T-folder.    |
| <input type="checkbox"/>            | <b>Application DEFICIENT:</b> DO NOT accept - return to applicant with letter explaining deficiencies identified. |