

Regular

RA

Name Gary Johnston  
Airport Lane Trust  
Address PO Box 220  
Star, ID 83655  
gjohnston7@gmail.com, bryce.vedin@hotmail.com  
Change in POA  
Date Filed 3/4/2024  
Initial notice date 3/12/2024  
DPD issued date \_\_\_\_\_  
PD issued date \_\_\_\_\_  
PD notice date \_\_\_\_\_  
Date of FO 8-21-2025 Vol 135 Page 404  
C-Date 10-1-2026  
COBU due date 10-1-2027  
COBU Received date \_\_\_\_\_  
Certificate issued \_\_\_\_\_

DESCRIPTION OF WATER RIGHT(s)

Name of Stream A well  
Trib. of Baldock Sl  
Use Supplemental Irrigation County Baker  
Quantity of water (CFS) \_\_\_\_\_ No. of Acres \_\_\_\_\_  
Name of ditch \_\_\_\_\_  
App# G-11022 Per # G-10404 Cert # 66632 PR Date 7-1-1983  
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>3/4/24</u>	<u>\$1,840.00</u>	<u>142503</u>
<u>3/4/24</u>	<u>\$125.00</u>	<u>142494</u>
<u>3/26/24</u>	<u>\$2113.82</u>	<u>142591</u>
FEES REFUNDED		
Date	Amount	Receipt #

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

Irrigation District \_\_\_\_\_  
Agent Paul Garvin  
garvin.hydrogeo@gmail.com  
CWRE \_\_\_\_\_  
CC's list Baker County

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



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 # 142494

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

RECEIVED FROM: Airport Lane Trust  
BY: \_\_\_\_\_

APPLICATION  
PERMIT  
TRANSFER T-14411

CASH: ☐ CHECK: # 103 OTHER: (IDENTIFY) ☐

TOTAL REC'D \$ 125.00

1083 TREASURY 4170 WRD MISC CASH ACCT

0407 COPIES PCA 47124 R11485-25 \$  
0412 OTHER: (IDENTIFY) Transfer RA \$ 125.00

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

4270 WRD OPERATING ACCT

MISCELLANEOUS

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

WATER RIGHTS:

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

WELL CONSTRUCTION

	EXAM FEE		LICENSE FEE
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: 142494

DATE: 3-4-2024 BY: m mill

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

STATE OF OREGON  
WATER RESOURCES DEPARTMENT

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SALEM, OR 97301-4172

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BY: \_\_\_\_\_

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CASH: ☐ CHECK: # 103 OTHER: (IDENTIFY) ☐

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0240 EXTENSION OF TIME \$

WATER RIGHTS:

	EXAM FEE		RECORD FEE
0201 SURFACE WATER	\$	0202	\$
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0205 TRANSFER	\$		

WELL CONSTRUCTION

	EXAM FEE		LICENSE FEE
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: 142494

DATE: 3-4-2024 BY: m mill

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



**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 # **142591**

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

RECEIVED FROM: Airport Lane Trust

BY: \_\_\_\_\_

APPLICATION \_\_\_\_\_

PERMIT \_\_\_\_\_

TRANSFER T-14411

CASH: ☐ CHECK: # 106 OTHER: (IDENTIFY) \_\_\_\_\_

TOTAL REC'D \$ 2,113.82

**1083 TREASURY 4170 WRD MISC CASH ACCT**

0407 COPIES 47124 R 11485-25 \$ \_\_\_\_\_

0412 OTHER: (IDENTIFY) Transfer Rimbursment \$ 2,113.82

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

**4270 WRD OPERATING ACCT**

**MISCELLANEOUS**

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

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

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

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

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

**WATER RIGHTS:**

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

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

0205 TRANSFER \$ \_\_\_\_\_

**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: **142591**

DATED: 3.26.2024 BY: [Signature]



# 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 21, 2025

GARY JOHNSTON

PO BOX 220

STAR, ID 83655

REFERENCE: Transfer Application T-14411

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, Kim French, by telephone at (503) 979-9607 or by e-mail at [Kim.r.french@water.oregon.gov](mailto:Kim.r.french@water.oregon.gov).

Sincerely,

Stacy H. Phillips

Water Rights Services Support

Transfers and Conservation Section

cc: Marcy J. Osborn, Watermaster Dist. # 8 (via email)  
Paul Garvin, Agent

Enclosure



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

In the Matter of Transfer Application	)	FINAL ORDER APPROVING A CHANGE IN
T-14411, Baker County	)	POINT OF APPROPRIATION

**Authority**

Oregon Revised Statutes (ORS) 537.705 and 540.505 to 540.580 establish the process in which a water right holder may submit a request to transfer the point of appropriation, 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**

GARY JOHNSTON  
AIRPORT LANE TRUST  
PO BOX 220  
STAR, ID 83655

**Findings of Fact**

1. On March 4, 2024, GARY JOHNSTON/AIRPORT LANE TRUST filed an application to change the point of appropriation under Certificate 66632. The Department assigned the application number T-14411.
2. Notice of the application for transfer was published on March 12, 2024, pursuant to OAR 690-380-4000. No comments were filed in response to the notice.
3. On November 25, 2024, the Department sent a copy of the draft Preliminary Determination to the applicant, proposing to approve Transfer Application T-14411. The draft Preliminary Determination cover letter provided a deadline of December 26, 2024, for the applicant to respond and submit the required information. The applicant requested that the Department proceed with issuance of a Preliminary Determination and provided the necessary

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



4. On June 16, 2025, the Department issued a Preliminary Determination proposing to approve Transfer Application T-14411 and sent a copy to the applicant. Additionally, notice of the Preliminary Determination for the transfer application was published in the Department's weekly notice on June 17, 2025, pursuant to ORS 540.520 and OAR 690-380-4020. No protests were filed in response to the notice.

5. The right to be transferred is as follows:

**Certificate:** 66632 in the name of BILL G. DAVIS AND DONALD B. AND JOYCE HART FANCHER (perfected under Permit G-10404)

**Use:** SUPPLEMENTAL IRRIGATION OF 78.6 ACRES

**Priority Date:** JULY 1, 1983

**Rate:** 0.98 CUBIC FOOT PER SECOND

**Limit/Duty:** The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands, shall be limited to ONE-EIGHTIETH of one cubic foot per second per acre, or its equivalent for each acre irrigated, and shall be further limited to a diversion of not to exceed 3.0 acre-feet per acre for each acre irrigated during the irrigation season of each year. The right allowed herein shall be limited to any deficiency in the available supply of the prior right existing for the same land and shall not exceed the limitation allowed herein.

**Source:** A WELL in the BALDOCK SLOUGH BASIN

**Authorized Point of Appropriation:**

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
8 S	40 E	WM	35	NE NW	(POA 1) - 70 FEET SOUTH AND 1860 FEET EAST FROM THE NW CORNER OF SECTION 35

**Authorized Place of Use:**

SUPPLEMENTAL IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
8 S	40 E	WM	35	NE NW	38.6
8 S	40 E	WM	35	SE NW	40.0
TOTAL					78.6

6. Transfer Application T-14411 proposes to move the authorized point of appropriation approximately 40 feet southwest from the existing point of appropriation to:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
8 S	40 E	WM	35	NE NW	(POA 2) - 98 FEET SOUTH AND 1826 FEET EAST FROM THE NW CORNER OF SECTION 35



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

7. Water has been used within the last five years prior to the submittal of Transfer Application T-14411 according to the terms and conditions of the right. There is no information in the record that would demonstrate that the right is subject to forfeiture under ORS 540.610.
8. A water delivery system sufficient to use the full amount of water allowed under the existing right was present within the five-year period prior to submittal of Transfer Application T-14411.
9. The water right is subject to transfer as defined in ORS 540.505(4) and OAR 690-380-0100(14).
10. The proposed point of appropriation develops groundwater from the same aquifer as the authorized point of appropriation, as required by OAR 690-380-2110(2).
11. The proposed change, as conditioned, would not result in enlargement of the right.
12. The proposed change, as conditioned, would not result in injury to other existing water rights.
13. All other application requirements are met.

**Conclusions of Law**

The change in point of appropriation proposed in Transfer Application T-14411 is consistent with the requirements of ORS 537.705 and 540.505 to 540.580 and OAR 690-380-5000.

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

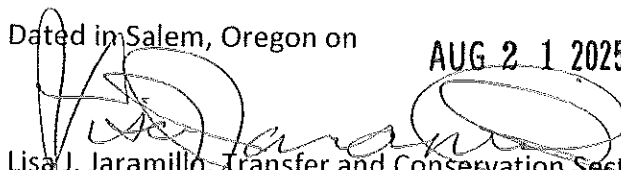
1. The change in point of appropriation proposed in Transfer Application T-14411 is approved.
2. The right to the use of the water is restricted to beneficial use at the place of use described and is subject to all other conditions and limitations contained in Certificate 66632 and any related decree.
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 points of appropriation.
4. Water right Certificate 66632 is cancelled.
5. The quantity of water diverted at the new point of appropriation (POA 2) shall not exceed the quantity of water lawfully available at the original point of appropriation (POA 1).



6. Water shall be acquired from the same aquifer (water source) as the original point of appropriation.
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 point of diversion (new and existing).
  - b. The water user shall maintain the meter or measuring devices in good working order.
  - c. The water user shall allow the Watermaster access to the meter or measuring devices; provided however, where the meter or measuring devices are located within a private structure, the Watermaster shall request access upon reasonable notice.
8. 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.
9. After satisfactory proof of beneficial use is received, a new certificate confirming the right transferred will be issued.

Dated in Salem, Oregon on

**AUG 21 2025**

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

Mailing Date:   **AUG 22 2025**



# 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)

June 16, 2025

VIA CERTIFIED MAIL AND E-MAIL

GARY JOHNSTON  
AIRPORT LANE TRUST  
PO BOX 220  
STAR, ID 83655

SUBJECT: Water Right Transfer Application T-14411

Please find enclosed the Preliminary Determination indicating that, based on the information available, the Department intends to approve application T-14411. 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 503 979-9607 or [Kim.R.French@water.oregon.gov](mailto:Kim.R.French@water.oregon.gov), if I may be of assistance.

Sincerely,

Kim French  
Transfer Specialist  
Transfer and Conservation Section



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

In the Matter of Transfer Application	)	PRELIMINARY DETERMINATION
T-14411, Baker County	)	PROPOSING APPROVAL OF A CHANGE IN
	)	POINT OF APPROPRIATION

**Authority**

Oregon Revised Statutes (ORS) 537.705 and 540.505 to 540.580 establish the process in which a water right holder may submit a request to transfer the point of appropriation, 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**

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**Findings of Fact**

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2. Notice of the application for transfer was published on March 12, 2024, pursuant to OAR 690-380-4000. No comments were filed in response to the notice.
3. On November 25, 2024, the Department sent a copy of the draft Preliminary Determination to the applicant, proposing to approve Transfer Application T-14411. The draft Preliminary Determination cover letter provided a deadline of December 25, 2024, for the applicant to respond and submit the required information. 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.

<p>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.</p>
--

4. The right to be transferred is as follows:

**Certificate:** 66632 in the name of BILL G. DAVIS AND DONALD B. AND JOYCE HART FANCHER (perfected under Permit G-10404)

**Use:** SUPPLEMENTAL IRRIGATION OF 78.6 ACRES

**Priority Date:** JULY 1, 1983

**Rate:** 0.98 CUBIC FOOT PER SECOND

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**Source:** A WELL in the BALDOCK SLOUGH BASIN

**Authorized Point of Appropriation:**

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TOTAL					78.6

5. Transfer Application T-14411 proposes to move the authorized point of appropriation approximately 40 feet southwest from the existing point of appropriation to:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
8 S	40 E	WM	35	NE NW	(POA 2) 98 FEET SOUTH AND 1826 FEET EAST FROM THE NW CORNER OF SECTION 35

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

6. Water has been used within the last five years prior to the submittal of Transfer Application T-14411 according to the terms and conditions of the right. There is no information in the record that would demonstrate that the right is subject to forfeiture under ORS 540.610.
7. A water delivery system sufficient to use the full amount of water allowed under the existing right was present within the five-year period prior to submittal of Transfer Application T-14411.



8. The water right is subject to transfer as defined in ORS 540.505(4) and OAR 690-380-0100(14).
9. The proposed point of appropriation develops groundwater from the same aquifer as the authorized point of appropriation, as required by OAR 690-380-2110(2).
10. The proposed change, as conditioned, would not result in enlargement of the right.
11. The proposed change, as conditioned, would not result in injury to other existing water rights.
12. All other application requirements are met.

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

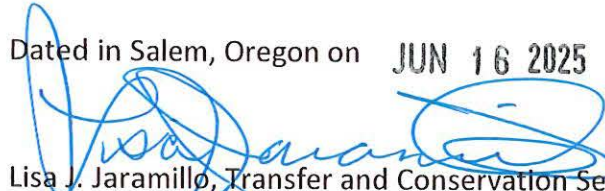
The change in point of appropriation proposed in Transfer Application T-14411 appears to be consistent with the requirements of ORS 537.705 and 540.505 to 540.580 and OAR 690-380-5000. If protests are not filed pursuant to OAR 690-380-4030, the application will be approved.

*If Transfer Application T-14411 is approved, the final order will include the following:*

1. *The change in point of appropriation proposed in Transfer Application T-14411 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 66632 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 points of appropriation.*
4. *Water right Certificate 66632 is cancelled.*
5. *The quantity of water diverted at the new point of appropriation (POA 2) shall not exceed the quantity of water lawfully available at the original point of appropriation (POA 1).*
6. *Water shall be acquired from the same aquifer (water source) as the original point of appropriation.*
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 point of diversion (new and existing).*
  - b. *The water user shall maintain the meter or measuring devices in good working order.*

- c. *The water user shall allow the Watermaster access to the meter or measuring devices; provided however, where the meter or measuring devices are located within a private structure, the Watermaster shall request access upon reasonable notice.*
8. *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.*
9. *After satisfactory proof of beneficial use is received, a new certificate confirming the right transferred will be issued.*

Dated in Salem, Oregon on JUN 16 2025

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

This Preliminary Determination was prepared by Kim French. If you have questions about the information in this document, you may reach me at 503-979-9607 or Kim.R.French@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.



# Application for Water Right Transfer

OREGON



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

## Consent by Deeded Landowner

State of Oregon )  
County of Baker )ss

E-RECEIVED

December 13, 2024

OWRD

I Joshua Howard in my/our capacity as Owner,  
mailing address 20460 S. Airport Ln Baker City OR 97814,  
telephone number 541 519 1416, duly sworn depose and say that I/We  
consent to the proposed change(s) to Water Right Certificate Number 66632

described in a Water Right Transfer Application (T- 14411 ),  
(transfer number, if known)

submitted by Gary Johnston / Airport Lane Trust  
on the property in tax lot number(s) 301

Section 35 Township 8 North/South South Range 40 East/West, W.M.

located at 20460 South Airport Lane  
(site address)

Signature of Affiant

Date

Signature of Affiant

Date

Subscribed and Sworn to before me this 12 day of December, 2024.



Notary Public for Oregon

My commission expires May 12, 2025

T-14411

E-RECEIVED

December 18, 2024

OWRD



*Your only locally owned Title and Escrow Company in Baker County*

2055 1st Street, PO Box 410, Baker City, OR 97814 | www.elkhorntitle.com | Tel: (541) 523-6477

**LOT BOOK REPORT**

Oregon Water Resources

Date: December 17, 2024

Title No.: 24-24366

Report: \$250.00

Attn: Hope Darland

We have searched our Tract Indices as to the following described Land as of **December 16, 2024, at 8:00 a.m.:**

SEE EXHIBIT "A" ATTACHED HERETO FOR DETAILED LEGAL DESCRIPTION

Vested in:

**GARY JOHNSTON, AS TRUSTEE OF THE AIRPORT LANE TRUST**

Subject to the following exceptions:

1. The assessment roll and the tax roll disclose that this Land is specially assessed as Zoned Farm Use Land. Upon declassification, an additional tax may be levied.

NOTE: Your attention is called to Chapters 215, 308, 308A and 321 of the Oregon Revised Statutes. You may contact the Baker County Assessor's office for further information.

2. Easements for existing utilities, if any, in that portion of this Land lying within vacated Catalpa Park Addition streets and boulevards.
3. Rights of the public and of governmental bodies in and to that portion of the herein described premises lying below the high-water mark of the creek, as evidenced by the Assessor's Map.
4. Deed of Trust, including the terms and provisions thereof, executed by Gary Johnston, not personally but as Trustee on behalf of Airport Lane Trust, Grantor, to Elkhorn Title Company, as Trustee for Bank of Eastern Oregon, Beneficiary, dated August 9, 2022, recorded August 12, 2022, in Book 22 33 0021, Records of Baker County, Oregon, given to secure the payment of \$266,000.00.
5. Subject to any unrecorded leases and/or tenancies.

**- END OF EXCEPTIONS -**

NOTE: Taxes for 2024-2025 are PAID IN FULL.

Tax Amount: \$262.83  
Account No.: 0854035-300  
Reference No.: 8892

NOTE: We are informed that the Land described herein has a physical address of:

None Assigned

NOTE: The last recorded deed for this Land was conveyed to Gary Johnston, Trustee of the Airport Lane Trust, the vested owner herein, recorded May 23, 2022, in Book 22 21 0141, Records of Baker County, Oregon.

We have also searched our General Index for judgments and state and federal tax liens against the above named vestee and find the following:

**NONE**

THIS IS NOT A TITLE REPORT AND NO TITLE INSURANCE IS PROVIDED. The liability in connection with this Lot Book service is expressly limited to the sum paid therefore, and the issuing company will not otherwise be responsible for errors and omissions therein. The charge for this service will not include supplemental reports.

Sincerely,  
**ELKHORN TITLE COMPANY**



Daniel Lutz  
Title Examiner

**THANK YOU FOR CHOOSING ELKHORN TITLE COMPANY!**



**EXHIBIT "A"**

The East half of the Northwest quarter of Section 35, Township 8 South, Range 40 East of the Willamette Meridian in the County of Baker and State of Oregon, being a portion of CATALPA PARK ADDITION TO BAKER CITY.

EXCEPTING THEREFROM that portion conveyed to Baker County by deed recorded March 26, 1963, in Deed Book 173, Page 729, Records of Baker County, Oregon.

FURTHER EXCEPTING THEREFROM a tract of land in the Northeast quarter of the Northwest quarter of said Section 35, including a portion of Block B, CATALPA PARK ADDITION TO BAKER CITY, more particularly described as follows:

Beginning at the intersection of the South right-of-way line of South Airport Lane and the West line of the Northeast quarter of the Northwest quarter of said Section 35, said point which bears South 01°41'51" East, a distance of 37.00 feet from the Northwest corner of said Northeast quarter of the Northwest quarter;  
thence South 01°41'51" East, along said West line, a distance of 643.00 feet;  
thence North 87°58'39" East, along a line parallel with the South right-of-way line of South Airport Lane, a distance of 522.29 feet;  
thence North 02°06'42" West a distance of 642.99 feet to the said South right-of-way line of South Airport Lane;  
thence South 87°58'39" West, along said South right-of-way line, a distance of 517.64 to the Point of Beginning.

(08S4035-300; Ref. No. 8892)



## Elkhorn Title Company Privacy Notice

### WHAT DOES ELKHORN TITLE COMPANY DO WITH YOUR PERSONAL INFORMATION?

Federal and applicable state law and regulations give consumers the right to limit some but not all sharing. Federal and applicable state law regulations also require us to tell you how we collect, share, and protect your personal information. Please read this notice carefully to understand how we use your personal information. This privacy notice is distributed on behalf of Elkhorn Title Company, pursuant to Title V of the Gramm-Leach-Bliley Act (GLBA).

The types of personal information we collect and share depend on the product or service that you have sought through us. This information can include social security numbers and driver's license number.

All financial companies, such as the Elkhorn Title Company, need to share customers' personal information to run their everyday business—to process transactions and maintain customer accounts. In the section below, we list the reasons that we can share customers' personal information; the reasons that we choose to share; and whether you can limit this sharing.

Reasons we can share your personal information.	Do we share	Can you limit this sharing?
<b>For our everyday business purposes</b> — to process your transactions and maintain your account. This may include running the business and managing customer accounts, such as processing transactions, mailing, and auditing services, and responding to court orders and legal investigations.	Yes	No
<b>For our marketing purposes</b> — to offer our products and services to you.	Yes	No
<b>For joint marketing with other financial companies</b>	No	We don't share
<b>For our affiliates' everyday business purposes</b> — information about your transactions and experiences. Affiliates are companies related by common ownership or control. They can be financial and non-financial companies. <i>Our affiliates may include Eastern Oregon Title, Inc., Columbia Title and Pioneer Title of Walla Walla Washington.</i>	Yes	No
<b>For our affiliates' everyday business purposes</b> — information about your creditworthiness.	No	We don't share
<b>For non-affiliates to market to you.</b> Non-affiliates are companies not related by common ownership or control. They can be financial and non-financial companies.	No	We don't share

We may disclose your personal information to our affiliates or to non-affiliates as permitted by law. If you request a transaction with a non-affiliate, such as a third party insurance company, we will disclose your personal information to that non-affiliate. [We do not control their subsequent use of information, and suggest you refer to their privacy notices.]

### SHARING PRACTICES

How often does Elkhorn Title Company notify me about their practices?	We must notify you about our sharing practices when you request a transaction.
How does Elkhorn Title Company protect my personal information?	To protect your personal information from unauthorized access and use, we use security measures that comply with federal law. These measures include computer, file, and building safeguards.
How does Elkhorn Title Company collect my personal information?	We collect your personal information, for example, when you <ul style="list-style-type: none"> <li>■ request insurance-related services</li> <li>■ provide such information to us</li> </ul> We also collect your personal information from others, such as the real estate agent or lender involved in your transaction, credit reporting agencies, affiliates or other companies.
What sharing can I limit?	Although federal and state law give you the right to limit sharing (e.g., opt out) in certain instances, we do not share your personal information in those instances.

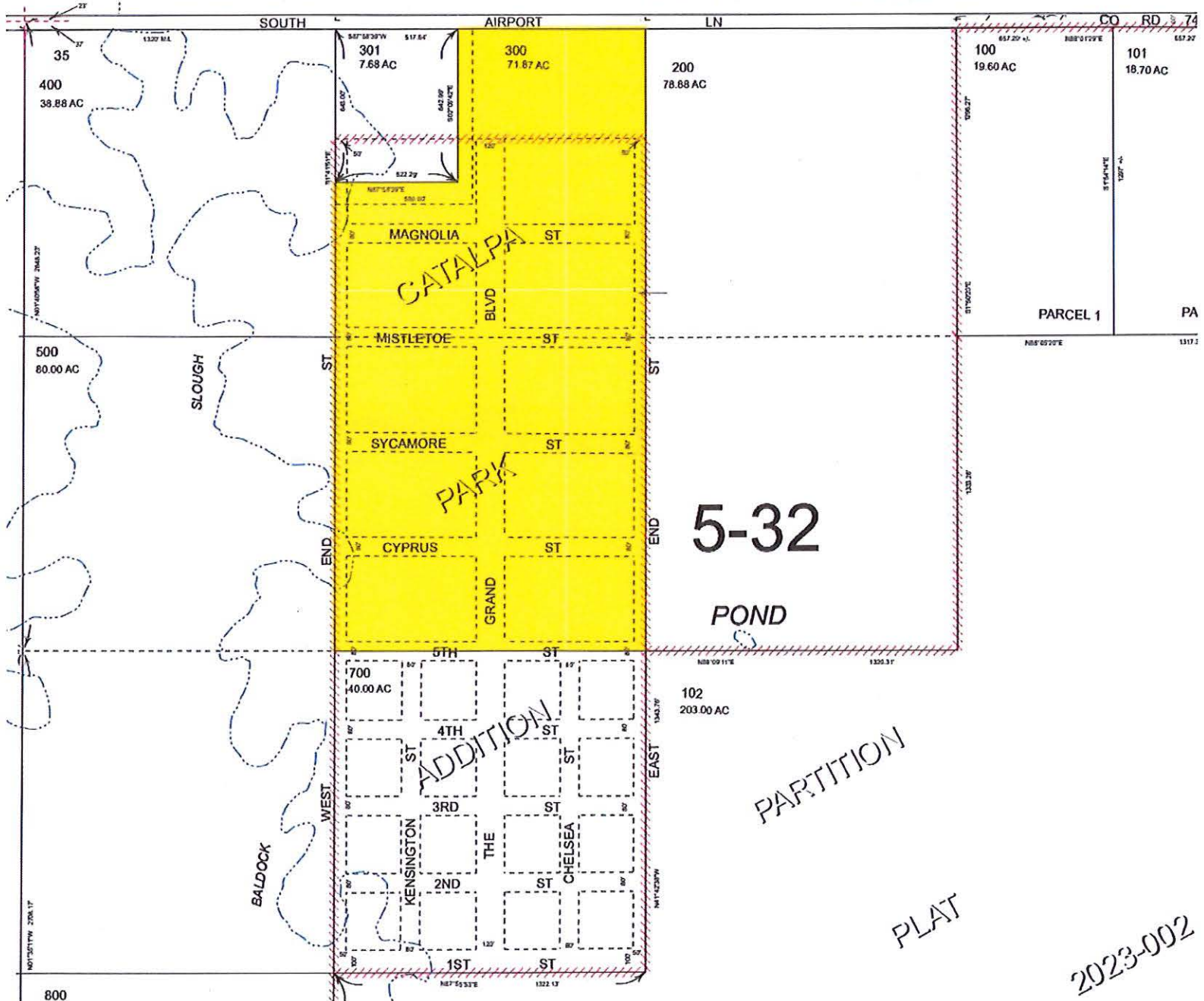
**Contact us:** If you have any questions about this privacy notice, please contact us at: *Elkhorn Title Company, 1725 Main Street, Baker City, OR 97814*



# Elkhorn Title Company

P.O. Box 410 ~ 2055 1<sup>ST</sup> Street Baker City, OR 97814 ~ Phone: 541-523-6477 ~ Fax: 541-523-9372

This map is furnished as a convenience in locating the Land; the Company assumes no liability for any variation as may be disclosed by an actual survey. ORDER NO. 24-24366 MAP NO. 08S4035





2055 1st Street, PO Box 410, Baker City, OR 97814 | [www.elkhorntitle.com](http://www.elkhorntitle.com) | Tel: (541) 523-6477

<b>BILL TO</b>
Oregon Water Resources
ATTN: Hope Darland
Ref #:

ORDER INFORMATION		
Buyer/Seller:	Airport Lane Trust	
Escrow #:		Title#: 24-24366
Closing Date:	/ /	
Property:	OR	
Parcel #'s:	8892	

**Customer Copy - Original**



T- 14411

E-RECEIVED

December 18, 2024

OWRD



*Your only locally owned Title and Escrow Company in Baker County*

2055 1st Street, PO Box 410, Baker City, OR 97814 | [www.elkhorntitle.com](http://www.elkhorntitle.com) | Tel: (541) 523-6477

**LOT BOOK REPORT**

Oregon Water Resources

Date: December 17, 2024

Title No.: 24-24369

Report: \$250.00

Attn: Hope Darland

We have searched our Tract Indices as to the following described land as of **December 17, 2024, at 8:00 a.m.:**

SEE EXHIBIT "A" ATTACHED HERETO FOR DETAILED LEGAL DESCRIPTION

Vested in:

**JOSHUA RICHARD HOWARD**

Subject to the following exceptions:

1. Taxes for 2024-2025: \$3,552.97 plus interest unpaid

(Account No. 08S4035-301; Ref. No. 18185)

2. The assessment roll and the tax roll disclose that this Land is specially assessed as Zoned Farm Use Land. Upon declassification, an additional tax may be levied.

NOTE: Your attention is called to Chapters 215, 308, 308A and 321 of the Oregon Revised Statutes. You may contact the Baker County Assessor's office for further information.

3. This Land is currently assessed as being in the Blue Mountain TV District.
4. Rights of the public and of governmental bodies in and to that portion of the herein described premises lying below the high-water mark of the creek, as shown on the Assessor's Map.
5. Easements for existing utilities, if any, in that portion of this Land lying within vacated Catalpa Park Addition streets and boulevards.
6. Trust Deed, including the terms and provisions thereof, executed by Joshua Richard Howard, Grantor, to AmeriTitle, as Trustee for Gregory M. Russell, Trustee of the Gregory M. Russell Pension Plan, its successors and/or assigns, Beneficiary, dated and recorded August 30, 2023, in Book 23 35 0215, Records of Baker County, Oregon, given to secure the payment of \$200,000.00.



7. Subject to any unrecorded leases and/or tenancies.

**- END OF EXCEPTIONS -**

NOTE: We are informed that the Land described herein has a physical address of:

20460 South Airport Lane, Baker City, OR 97814

NOTE: The last recorded deed for this Land was conveyed to Joshua Richard Howard, the vested owner herein, recorded May 10, 2023, in Book 23 19 0201, Records of Baker County, Oregon.

We have also searched our General Index for judgments and state and federal tax liens against the above named vestee and find the following:

**NONE**

THIS IS NOT A TITLE REPORT AND NO TITLE INSURANCE IS PROVIDED. The liability in connection with this Lot Book service is expressly limited to the sum paid therefore, and the issuing company will not otherwise be responsible for errors and omissions therein. The charge for this service will not include supplemental reports.

Sincerely,

**ELKHORN TITLE COMPANY**



Daniel Lutz  
Title Examiner

**THANK YOU FOR CHOOSING ELKHORN TITLE COMPANY!**

**EXHIBIT "A"**

A tract of land in the Northeast quarter of the Northwest quarter of Section 35, Township 8 South, Range 40 East of the Willamette Meridian, in the County of Baker and State of Oregon, including a portion of Block B, CATALPA PARK ADDITION TO BAKER CITY, more particularly described as follows:

Beginning at the intersection of the South right-of-way line of South Airport Lane and the West line of the Northeast quarter of the Northwest quarter of said Section 35, said point which bears South  $01^{\circ}41'51''$  East a distance of 37.00 feet from the Northwest corner of said Northeast quarter of the Northwest quarter;

thence South  $01^{\circ}41'51''$  East, along said West line, a distance of 643.00 feet;

thence North  $87^{\circ}58'39''$  East, along a line parallel with the South right-of-way line of South Airport Lane, a distance of 522.29 feet;

thence North  $02^{\circ}06'42''$  West a distance of 642.99 feet to the said South right-of-way line of South Airport Lane;

thence South  $87^{\circ}58'39''$  West, along said South right-of-way line, a distance of 517.64 feet, to the Point of Beginning.

(08S4035-301; Ref. No. 18185)

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### WHAT DOES ELKHORN TITLE COMPANY DO WITH YOUR PERSONAL INFORMATION?

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The types of personal information we collect and share depend on the product or service that you have sought through us. This information can include social security numbers and driver's license number.

All financial companies, such as the Elkhorn Title Company, need to share customers' personal information to run their everyday business—to process transactions and maintain customer accounts. In the section below, we list the reasons that we can share customers' personal information; the reasons that we choose to share; and whether you can limit this sharing.

Reasons we can share your personal information.	Do we share	Can you limit this sharing?
<b>For our everyday business purposes</b> — to process your transactions and maintain your account. This may include running the business and managing customer accounts, such as processing transactions, mailing, and auditing services, and responding to court orders and legal investigations.	Yes	No
<b>For our marketing purposes</b> — to offer our products and services to you.	Yes	No
<b>For joint marketing with other financial companies</b>	No	We don't share
<b>For our affiliates' everyday business purposes</b> — information about your transactions and experiences. Affiliates are companies related by common ownership or control. They can be financial and non-financial companies. <i>Our affiliates may include Eastern Oregon Title, Inc., Columbia Title and Pioneer Title of Walla Walla Washington.</i>	Yes	No
<b>For our affiliates' everyday business purposes</b> — information about your creditworthiness.	No	We don't share
<b>For non-affiliates to market to you.</b> Non-affiliates are companies not related by common ownership or control. They can be financial and non-financial companies.	No	We don't share

We may disclose your personal information to our affiliates or to non-affiliates as permitted by law. If you request a transaction with a non-affiliate, such as a third party insurance company, we will disclose your personal information to that non-affiliate. [We do not control their subsequent use of information, and suggest you refer to their privacy notices.]

### SHARING PRACTICES

<b>How often does Elkhorn Title Company notify me about their practices?</b>	We must notify you about our sharing practices when you request a transaction.
<b>How does Elkhorn Title Company protect my personal information?</b>	To protect your personal information from unauthorized access and use, we use security measures that comply with federal law. These measures include computer, file, and building safeguards.
<b>How does Elkhorn Title Company collect my personal information?</b>	We collect your personal information, for example, when you <ul style="list-style-type: none"> <li>■ request insurance-related services</li> <li>■ provide such information to us</li> </ul> We also collect your personal information from others, such as the real estate agent or lender involved in your transaction, credit reporting agencies, affiliates or other companies.
<b>What sharing can I limit?</b>	Although federal and state law give you the right to limit sharing (e.g., opt out) in certain instances, we do not share your personal information in those instances.

**Contact us:** If you have any questions about this privacy notice, please contact us at: **Elkhorn Title Company, 1725 Main Street, Baker City, OR 97814**

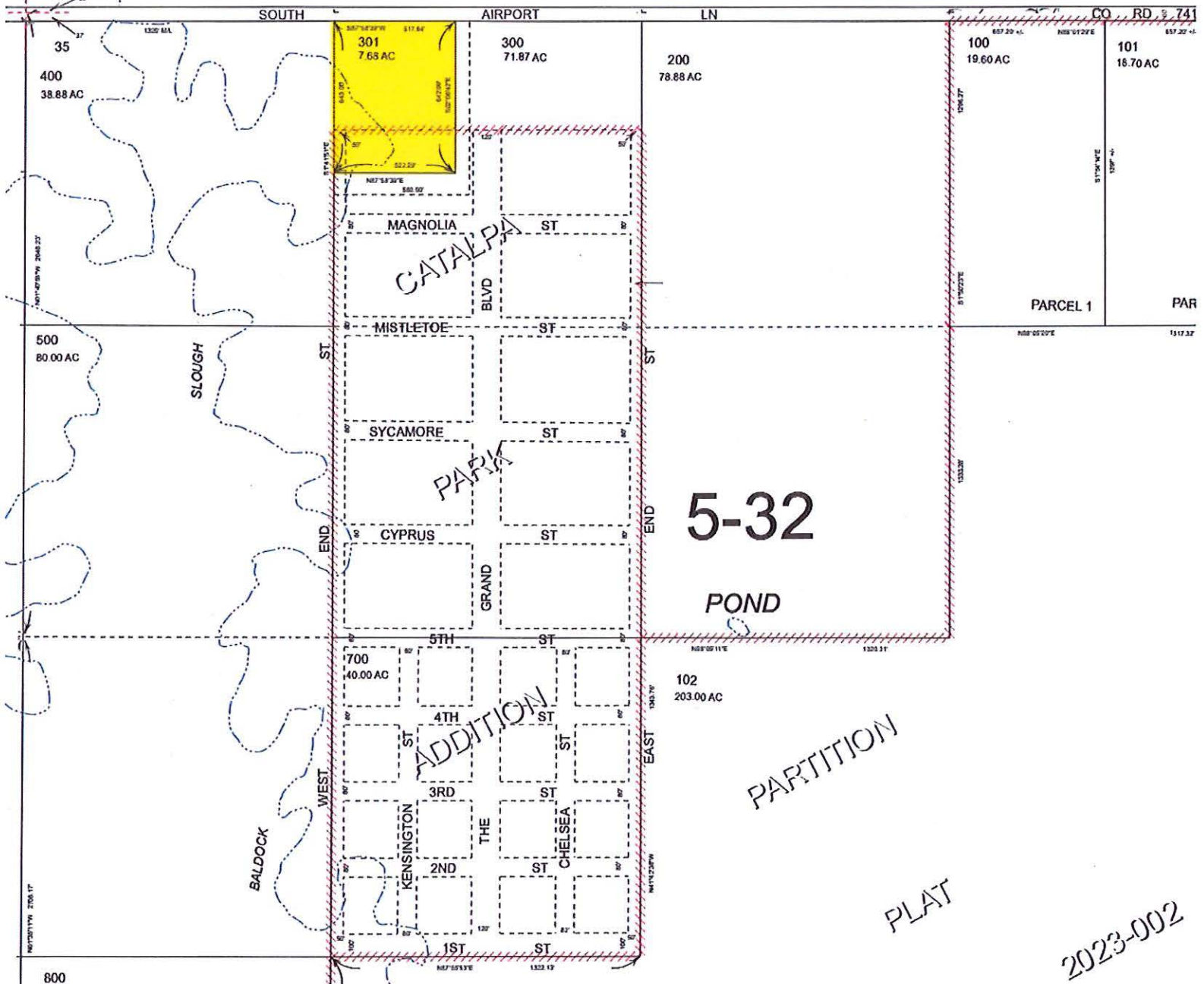




# Elkhorn Title Company

P.O. Box 410 ~ 2055 1<sup>ST</sup> Street Baker City, OR 97814 ~ Phone: 541-523-6477 ~ Fax: 541-523-9372

This map is furnished as a convenience in locating the Land; the Company assumes no liability for any variation as may be disclosed by an actual survey. **ORDER NO. 24-24369** **MAP NO. 08S4035**







# Elkhorn Title Company

*Your only locally owned Title and Escrow Company in Baker County*

2055 1st Street, PO Box 410, Baker City, OR 97814 | www.elkhorntitle.com | Tel: (541) 523-6477

## INVOICE

BILL TO	DATE	INVOICE #
Oregon Water Resources	12/18/2024	2914
ATTN: Hope Darland Ref #:		

ORDER INFORMATION	
Buyer/Seller:	Howard, Joshua Richard
Escrow #:	Title#: 24-24369
Closing Date:	/ /
Property:	20460 South Airport Lane Baker City OR 97814
Parcel #'s:	18185

Date	Description	Liability	Charge
12/18/2024	Miscellaneous Charge Title - Lot Book Fee		\$250.00
		Balance:	\$250.00

Customer Copy - Original

E-RECEIVED

December 13, 2024

OWRD

# Application for Water Right Transfer

OREGON



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

## Consent by Deeded Landowner

State of Oregon )  
County of Baker )ss

I Joshua Howard in my/our capacity as Owner,  
mailing address 20460 S. Airport Ln Baker City OR 97814,  
telephone number 541 519 1416, duly sworn depose and say that I/We  
consent to the proposed change(s) to Water Right Certificate Number 66632

described in a Water Right Transfer Application (T- 14411 ),  
(transfer number, if known)

submitted by Gary Johnston / Airport Lane Trust  
on the property in tax lot number(s) 301

Section 35 Township 8 North South Range 40 East West, W.M.

located at 20460 South Airport Lane  
(site address)

Signature of Affiant

Date

Signature of Affiant

Date

Subscribed and Sworn to before me this 12 day of December, 2024.



Notary Public for Oregon

My commission expires May 12, 2025



# 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)

November 25, 2024

VIA E-MAIL

### Applicant

GARY JOHNSTON

AIRPORT LAND TRUST

PO BOX 220

STAR, ID 83655

Reference: Water Right Transfer Application T-14411

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-14411. 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 December 25, 2024.

### *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 **December 25, 2024**, 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.

**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:

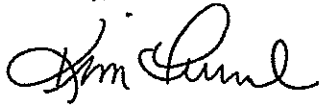
1. Your written response to the conditions and proposed action in the Draft Preliminary Determination (e-mail is acceptable); and
2. The Report of Ownership, including affidavits of consent from any landowners shown in the ownership report who have not signed the transfer application. The title company 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 December 25, 2024, a Preliminary Determination may be issued denying the application as incomplete.**

Please don't hesitate to contact me at 503-979-9607 or [Kim.R.French@water.oregon.gov](mailto:Kim.R.French@water.oregon.gov), if I may be of assistance.



Sincerely,

A handwritten signature in black ink, appearing to read "Kim French". The signature is fluid and cursive, with the first name "Kim" and last name "French" clearly distinguishable.

Kim French  
Transfer Specialist  
Transfer and Conservation Section

cc: Transfer Application file T-14411  
Marcy J. Osborn, District 8 Watermaster (*via e-mail*)  
Paul Garvin, Agent for the applicant (*via e-mail*)

encs

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

In the Matter of Transfer Application  
T-14411, Baker County

)  
) **D R A F T**  
)  
) PRELIMINARY DETERMINATION  
) PROPOSING APPROVAL OF A CHANGE IN  
) POINT OF APPROPRIATION

**Authority**

Oregon Revised Statutes (ORS) 537.705 and 540.505 to 540.580 establish the process in which a water right holder may submit a request to transfer the point of appropriation, 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**

GARY JOHNSTON  
AIRPORT LANE TRUST  
PO BOX 220  
STAR, ID 83655

**Findings of Fact**

1. On March 4, 2024, GARY JOHNSTON/AIRPORT LANE TRUST filed an application to change the point of appropriation under Certificate 66632. The Department assigned the application number T-14411.

2. Notice of the application for transfer was published on March 12, 2024, pursuant to OAR 690-380-4000. No comments were filed in response to the notice.

3. The right to be transferred is as follows:

**Certificate:** 66632 in the name of BILL G. DAVIS AND DONALD B. AND JOYCE HART FANCHER (perfected under Permit G-10404)

**Use:** SUPPLEMENTAL IRRIGATION OF 78.6 ACRES

**Priority Date:** JULY 1, 1983

**Rate:** 0.98 CUBIC FOOT PER SECOND

**Limit/Duty:** The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands, shall be limited to ONE-EIGHTIETH of one cubic foot per second per acre, or its equivalent for each acre irrigated, and shall be further limited to a diversion of not to exceed 3.0 acre-feet per acre for each acre irrigated during the irrigation season of

each year. The right allowed herein shall be limited to any deficiency in the available supply of the prior right existing for the same land and shall not exceed the limitation allowed herein.

**Source:** A WELL in the BALDOCK SLOUGH BASIN

**Authorized Point of Appropriation:**

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
8 S	40 E	WM	35	NE NW	(POA 1) 70 FEET SOUTH AND 1860 FEET EAST FROM THE NW CORNER OF SECTION 35

**Authorized Place of Use:**

SUPPLEMENTAL IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
8 S	40 E	WM	35	NE NW	38.6
8 S	40 E	WM	35	SE NW	40.0
TOTAL					78.6

- Transfer Application T-14411 proposes to move the authorized point of appropriation approximately 40 feet southwest from the existing point of appropriation to:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
8 S	40 E	WM	35	NE NW	(POA 2) 98 FEET SOUTH AND 1826 FEET EAST FROM THE NW CORNER OF SECTION 35

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

- Water has been used within the last five years prior to the submittal of Transfer Application T-14411 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.
- 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-14411.
- The water right is subject to transfer as defined in ORS 540.505(4) and OAR 690-380-0100(14).
- The proposed point of appropriation develops groundwater from the same aquifer as the authorized point of appropriation, as required by OAR 690-380-2110(2).
- The proposed change, as conditioned, would not result in enlargement of the right.
- The proposed change, as conditioned, would not result in injury to other existing water rights.
- All other application requirements are met.

## **Determination and Proposed Action**

The change in point of appropriation proposed in Transfer Application T-14411 appears to be consistent with the requirements of ORS 537.705 and 540.505 to 540.580 and OAR 690-380-5000. If protests are not filed pursuant to OAR 690-380-4030, the application will be approved.

*If Transfer Application T-14411 is approved, the final order will include the following:*

- 1. The change in points of appropriation proposed in Transfer Application T-14411 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 66632 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 points of appropriation.*
- 4. Water right Certificate 66632 is cancelled.*
- 5. The quantity of water diverted at the new point of appropriation (POA 2) shall not exceed the quantity of water lawfully available at the original point of appropriation (POA 1).*
- 6. Water shall be acquired from the same aquifer (water source) as the original point of appropriation.*
- 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 point of diversion (new and existing).*
  - b. The water user shall maintain the meter or measuring devices in good working order.*
  - c. The water user shall allow the Watermaster access to the meter or measuring devices; provided however, where the meter or measuring devices are located within a private structure, the Watermaster shall request access upon reasonable notice.*
- 8. 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.*



9. *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

This draft Preliminary Determination was prepared by Kim French. If you have questions about the information in this document, you may reach me at 503-979-9607 or [Kim.R.French@water.oregon.gov](mailto:Kim.R.French@water.oregon.gov).

## Oregon Water Resources Department

### Measurement Condition Information for the Applicant

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

Transfer #: T- 14411



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

# Groundwater Transfer Review Summary Form

Transfer/PA # T- 14411

GW Reviewer Phillip I. Marcy Date Review Completed: 04/15/2024

## Summary of Same Source Review:

☐ The proposed change in point of appropriation is not within the same aquifer as per OAR 690-380-2110(2).

## Summary of Injury Review:

☐ The proposed transfer will result in another, existing water right not receiving previously available water to which it is legally entitled or result in significant interference with a surface water source as per 690-380-0100(3).

## Summary of GW-SW Transfer Similarity Review:

☐ The proposed SW-GW transfer doesn't meet the definition of "similarly" as per OAR 690-380-2130.

*This is only a summary. Documentation is attached and should be read thoroughly to understand the basis for determinations.*



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

## Ground Water Review Form:

- ☒ Water Right Transfer  
☐ Permit Amendment  
☐ GR Modification  
☐ Other

Application: T-14411

Applicant Name: Gary Johnston/Airport Lane Trust

Proposed Changes: ☒ POA ☐ APOA ☐ SW→GW ☐ RA  
☐ USE ☐ POU ☐ OTHER

Reviewer(s): Phillip I. Marcy

Date of Review: 04/15/2024

Date Reviewed by GW Mgr. and Returned to WRSD: \_\_\_\_\_

The information provided in the application is insufficient to evaluate whether the proposed transfer may be approved because:

- ☐ The water well reports provided with the application do not correspond to the water rights affected by the transfer.
- ☐ The application does not include water well reports or a description of the well construction details sufficient to establish the ground water body developed or proposed to be developed.
- ☐ Other \_\_\_\_\_

- 
1. Basic description of the changes proposed in this transfer: The applicant proposes to change the authorized point of appropriation (POA) to a new well (BAKE 52975 / "POA 2"). The authorized POA well cannot be positively correlated to a well log report.
  2. Will the proposed POA develop the same aquifer (source) as the existing authorized POA?  
☒ Yes ☐ No Comments: The authorized POA cannot be positively tied to a well log report, however the owner states that the well is no deeper than 60 feet (personal communication with CWRE, 03/15/2024). This is more than likely to be true, as older wells in the Baker Valley are typically developed into shallow alluvium due to the high piezometric surface and high transmissivity of the unconfined shallow gravels present here. Further information provided by East Region Well Inspector Jon SanFilippo (03/18/2024) suggests that the existing well does not meet well construction standards, is no longer used, and will likely be abandoned.
  3. a) Is there more than one source developed under the right (e.g., basalt and alluvium)?  
☐ Yes ☒ No There is only one authorized POA well.  
b) If yes, estimate the portion of the right supplied by each of the sources and describe any limitations that will need to be placed on the proposed change (rate, duty, etc.): NA



4. a) Will this proposed change, at its maximum allowed rate of use, likely result in an increase in interference with **another ground water right**?

☐ Yes ☒ No Comments: The location of the proposed POA is only about 40 feet from the existing, authorized POA location and is therefore not expected to result in any substantive changes in interference with neighboring rights.

b) If yes, would this proposed change, at its maximum allowed rate of use, likely result in another groundwater right not receiving the water to which it is legally entitled?

☐ Yes ☐ No If yes, explain: NA

5. a) Will this proposed change, at its maximum allowed rate of use, likely result in an increase in interference with **another surface water source**?

☐ Yes ☒ No Comments: The proposed POA well is significantly closer to any surface water source and is likely to produce from a somewhat deeper interval than the authorized POA well, thus potentially reducing the degree of in-season interference with nearby surface waters.

b) If yes, at its maximum allowed rate of use, what is the expected change in degree of interference with any **surface water sources** resulting from the proposed change?

Stream: NA

☐ Minimal ☐ Significant

Stream: NA

☐ Minimal ☐ Significant

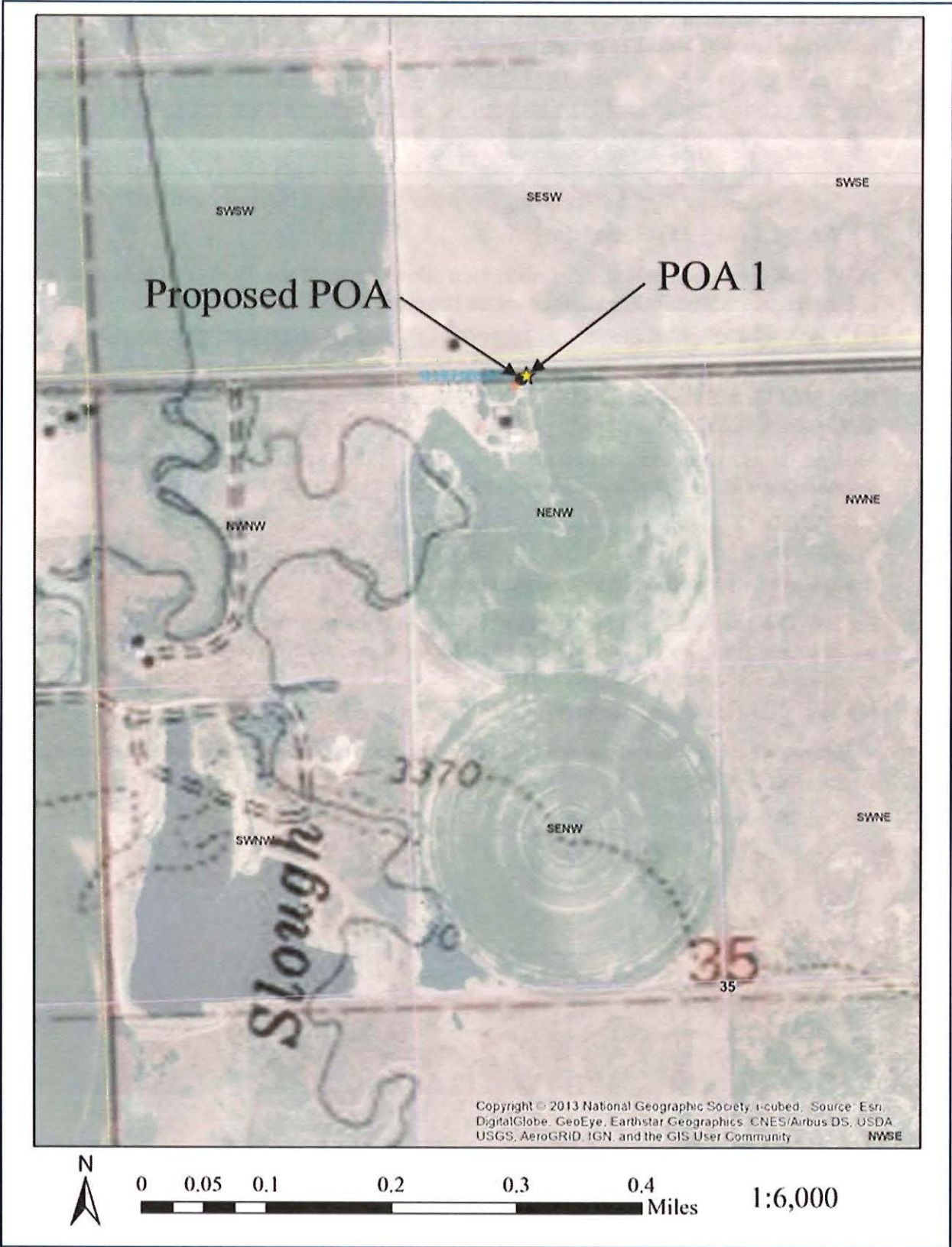
Provide context for minimal/significant impact: \_\_\_\_\_

6. For SW-GW transfers, will the proposed change in point of diversion affect the surface water source similarly (as per OAR 690-380-2130) to the authorized point of diversion specified in the water use subject to transfer?

☐ Yes ☐ No Comments: NA

7. What conditions or other changes in the application are necessary to address any potential issues identified above: NA

8. Any additional comments: \_\_\_\_\_



**REIMBURSEMENT AUTHORITY  
APPLICANT'S AGREEMENT  
Contract Number: R11-485-25**

**Received**  
**MAR 26 2024**

**OWRD**

This Agreement is between the **Oregon Water Resources Department**, hereafter OWRD, and **Gary Johnston/Airport Lane Trust**, hereafter Applicant, hereafter known together as the parties.

OWRD Information	Applicant's Information	Applicant's Representative
Contact: <b>Kelly Starnes</b>	Name: <b>Airport Lane Trust</b>	Name: <b>Garvin HydroGeo, LLC</b>
Title: <b>Transfer Advisor</b>	Contact: <b>Gary Johnston</b>	Contact: <b>Paul Garvin</b>
Address: <b>725 Summer Street, NE, Suite A Salem, OR 97301-1266</b>	Address: <b>PO Box 220 Star, ID 83655</b>	Address: <b>1701 Main St., Suite 101 Baker City, OR 97814</b>
Phone: <b>503 979-3511</b>	Phone: <b>(208) 695-6811</b>	Phone: <b>(503) 347-7188</b>
Fax: <b>503 986-0901</b>	Fax:	Fax:
Email: <b><a href="mailto:patrick.k.starnes@water.oregon.gov">patrick.k.starnes@water.oregon.gov</a></b>	Email: <b><a href="mailto:gjohnston7@gmail.com">gjohnston7@gmail.com</a></b>	Email: <b><a href="mailto:Garvin.hydrogeo@gmail.com">Garvin.hydrogeo@gmail.com</a></b>

**Purpose** The purpose of this Agreement is to expedite the processing of the **Transfer Application**. (**Application Number: T-14411**)

1. **Authority.** The OWRD has been authorized pursuant to ORS 536.055 to enter into a voluntary agreement with any applicant, permittee or regulated entity (collectively Applicant) for expediting or enhancing a regulatory process. In making this agreement, OWRD shall require the applicant to pay the full cost of expedited process.
2. **Restrictions.** Applicant and OWRD agree that this Agreement shall not be construed to restrict in any way the decisions and actions by OWRD. OWRD shall be free to exercise independent judgment consistent with existing laws and regulations.
3. **Effective Date and Duration.** Unless otherwise terminated by non-deposit of funds by the Applicant, this Agreement shall become effective on the date on which both parties have signed the Agreement and the full deposit of the estimated cost of the proposed service.
4. **Consideration.**
  - a. Applicant shall pay OWRD in advance for actual costs incurred by OWRD. The estimated maximum reimbursement payable to OWRD under this Agreement is **\$2,113.82**. Applicant agrees to pay the full amount of **\$2,113.82** to OWRD prior to commencement of any work stated in this Agreement. This payment will be placed in an account administered by OWRD and drawn upon as costs are actually incurred. If the actual cost of performing the work is less than payments received, OWRD will refund the unspent balance. If the actual cost of processing exceeds the estimate, the Applicant can either elect to terminate this Agreement or amend the Agreement to reflect the increase in cost.
  - b. The costs stated in this Agreement do not include the statutory application processing and filing fees.
5. **Confidentiality.** Applicant agrees that any information provided to or acquired by OWRD under this Agreement will be subject to the Oregon Public Records Law and shall be considered public records.
6. **Indemnity.** Applicant shall defend, save, hold harmless, and indemnify the State of Oregon, OWRD, and their officers, employees, and agents from and against all claims, suits, actions, losses, damages, liabilities, costs, and expenses of any nature resulting from or arising out of, or relating to the activities of Applicant or its representatives, officers, employees, contractors, or agents under this Agreement or with respect to the expedited service. The Applicant acknowledges that the Oregon Water Resources Department cannot and does not guarantee a favorable review under the subject regulatory process.



- For Applicant:  Trustee 3-17-2024  
Name Title Date
- For OWRD:  Dwight French – Administrator 3-29-2024  
Date



## GARY JOHNSTON/AIRPORT LANE TRUST RA R11-485-25 T-14411

Review Step						
Front Desk Staff receipts received AA funds						
Transfer Support process Application						
Administrator signs AA						
NRS 1 Support enters workflow record in WRIS and updates RA spreadsheet						
NRS 2 completes initial review of file for deficiencies						
NRS 2 consults with Analyst and/or Manager						
NRS 2 writes and sends deficiency ltr (email and hard copy)						
NRS 2 addresses correspondence from app/agent regarding deficiencies						
Watermaster completes review						
Groundwater completes review						
NRS 2 completes DPD, PN, and RR						
Transfer staff peer reviews DPD, PN, RR						
Transfer Analyst completes policy check at DPD stage						
NRS 2 sends DPD to app/agent by email and/or mail						
NRS 2 reviews report of ownership						
NRS 2 completes PD						
Transfer Staff peer reviews PD						
Transfer Analyst peer reviews PD						
Data Center reviews PD AND RR: (RR where applicable)						
Transfer Analyst completes peer review of PN review for newspaper noticing						
Transfer Support processes public notice (dept notice)						
Administrator signs PD						
NRS 2 completes FO						
Transfer Staff peer reviews FO						
Transfer Analyst peer reviews FO						
Administrator signs FO						
Transfer Support issues FO, updates WRIS, copy to file, record markings, and sends hard copy						
NRS 1 closes out RA Contract						
TOTAL ESTIMATED HOURS			30.71			
					TOTAL	\$2,113.82

## 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-14411

Review Due Date: 04/06/2024

Applicant Name: Airport Lane Trust Gary Johnston

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

Reviewer(s): Marcy Osborn

Date of Review: 03/12/2024

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:
3. Have headgate notices been issued for the source that serves the transferred right(s)?  
☐ Yes ☒ No ☐ Records not available.
4. In your estimation, after the proposed change, would distribution of water for the right(s) result in regulation of other water rights that would not have occurred if use under the original right(s) was/were maximized? ☐ Yes ☒ No If "Yes", explain:
5. In your estimation, if the proposed change is approved, are there upstream water rights that would be affected? ☐ Yes ☒ No If "Yes", describe how the rights would be affected and list the rights most affected:

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

☒ N/A

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

☒ N/A

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

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

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

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

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

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

☐ Yes ☐ No If "Yes", explain:

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

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

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

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

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

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

☐ Yes ☐ No If "Yes", describe:

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

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

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

☐ Yes ☒ No If "Yes", explain:

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

☐ Yes ☒ No If "Yes", explain:



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

☐ Yes ☒ No If "Yes", explain:

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

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

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

☐ A Headgate should be required prior to diverting water.

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

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

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

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

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

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

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

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

☐

Weir

☐

Submerged Orifice

☐

Parshall Flume

☐

Flow Restrictor

☐

Other: \_\_\_\_

**Oregon Water Resources Department**  
**Measurement Condition Information for the Applicant**  
*(To be sent with the Draft Preliminary Determination or Final Order)*

Transfer #: T- 14411



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



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



at each new point of diversion/appropriation.

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

Watermaster name: 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

[illegible]





OREGON WATER RESOURCES DEPARTMENT  
TRANSFER REIMBURSEMENT AUTHORITY  
ESTIMATE APPLICATION



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

**Please contact Transfer Staff before submitting this request, as the application fee of \$125.00 per request is non-refundable.**

**Checks submitted for this application must be separate from Transfer fees.**

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

REQUEST	TYPE	FILE NUMBER
<input checked="" type="checkbox"/>	Transfer Application	Transfer Number

	Applicant Information	Applicant's Representative/Contact
Name:	Gary Johnston/Johnston Family Trust	Paul Garvin/Garvin HydroGeo LLC
Address:	PO Box 220	1701 Main St. Ste. 101
	Star, ID 83655	Baker City, OR 97814
Phone:	208-695-6811	503-347-7188
Fax:		
E-Mail Address:	gjohnston7@gmail.com	Garvin.hydrogeo@gmail.com

By signing this application, I understand:

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

I certify that I am the (check one):

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

Name: Paul Garvin

Signature: 

Send completed Application and payment to:

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

RECEIVED

MAR 04 2024

OWRD

OWRD USE ONLY: Reimbursement Authority Number: R11-485-25

# WATER RIGHT TRANSFER COVER SHEET

Transfer: T-14411

Transfer Specialist:

Transfer Type: Regular Transfer

Reimbursement Authority? ☒

<b>Applicant:</b> Gary Johnston PO Box 220 Star, ID 83655	<b>Agent:</b> Paul Garvin 1705 Main St, Suite 101 Baker City, OR 97814	<b>Receiving Landowner:</b>
<b>Current Landowner if other than Applicant:</b>	<b>CWRE:</b>	<b>Irrigation District:</b>
<b>Affected Local Gov'ts:</b> Baker County	<b>Affected Tribal Gov't:</b>	<b>BOR Notified (date):</b>

## Water Rights Affected

File Marked	App. File # or Decree Name	Permit	Certificate	RR/CR Needed	RR/CR Nos.
<input type="checkbox"/>			44632	<input type="checkbox"/> Yes <input type="checkbox"/> No	
<input type="checkbox"/>				<input type="checkbox"/> Yes <input type="checkbox"/> No	
<input type="checkbox"/>				<input type="checkbox"/> Yes <input type="checkbox"/> No	

## Key Dates & Initial Actions (Support Staff)

Rec'd: March 4, 2024	Proposed Action(s): POINT OF APPROPRIATION	
Fees Pd: 1840.00	Acknowledgement Letter Sent <input checked="" type="checkbox"/>	Basin: 9 Powder
Initial Public Notice: 3/12/2024	County sent cc: of Ack Letter <input type="checkbox"/>	County: BAKER
WM District: 8 Marcy J. Osborn	WM Review request sent:	WM Review date received:
ODFW District:	ODFW Review sent:	ODFW Review date received:
Groundwater	GW Review sent:	GW Review date received:

## Caseworker Actions: Newspaper & PD Notice:

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

## Peer Review:

Document	Drafted	Peer Review	Coordinator	Changes Made	Signature Bin	Signature Date
DPD	Date: 3/25/24 Initials: [Signature]	Date: _____ Initials: _____	Date: _____ Initials: _____	Date: _____ Initials: _____	CW Sent: 3/25/24 WM Sheet <input checked="" type="checkbox"/> ODFW Sheet: <input type="checkbox"/>	N/A
PD	Date: _____ Initials: _____	Date: _____ Initials: _____	Date: _____ Initials: _____	Date: _____ Initials: _____ Data Review Date: _____	Date: _____	Date: _____
FO	Date: _____ Initials: _____	Date: _____ Initials: _____	Date: _____ Initials: _____	Date: _____ Initials: _____	Date: _____ No. of docs for sig: _____	Date: _____

Special Issues: \_\_\_\_\_

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





# 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 7, 2024

Gary Johnston

PO Box 220

Star, ID 83655

Reference: Application T-14411

On March 4, 2024, the Department received your water right Permanent Transfer Application. The application was accompanied by \$1840.00. Receipt number 142503 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 our groundwater staff to determine whether the proposed well accesses the same source of water as the original well.

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 appropriation 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*)  
Paul Garvin, Agent  
Baker County Planning Department, Local Government

Enclosure

T8S R40E WM

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27

26

34

35

South Airport Lane

POA:2

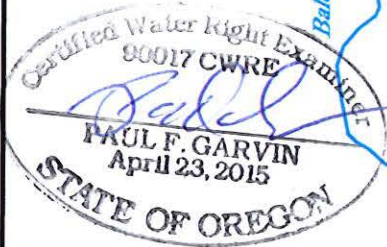
POA:1

301

38.6 ac

300

40.0 ac



LEGEND

- Certificate 66632 Place of Use
- Baker County Taxlot Boundary 300
- Authorized Point of Appropriation
- Proposed Point of Appropriation
- Center Pivot Pad
- Road
- Mainline



Map to Accompany Transfer  
Application  
Certificate 66632  
Baker County, OR

Prepared on behalf of Baker City Cattle Feeders

1 inch = 400 feet



Notes:

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

POA 1: 70 ft S and 1,860 ft E from the NW Corner of Sec 35

POA 2: 98 ft S and 1,826 ft E from the NW Corner of Sec 35

14411 -



**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 # **142503**

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

RECEIVED FROM: Airport Lane Trust  
BY: \_\_\_\_\_

APPLICATION	
PERMIT	
TRANSFER	<u>T-14411</u>

CASH: ☐ CHECK:# 104 OTHER: (IDENTIFY) ☐ \_\_\_\_\_

TOTAL REC'D \$ 1,840.00

**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 EXAM FEE \$ \_\_\_\_\_ 0202 RECORD FEE \$ \_\_\_\_\_

0203 GROUND WATER EXAM FEE \$ \_\_\_\_\_ 0204 RECORD FEE \$ \_\_\_\_\_

0205 TRANSFER \$1,840.00 EXAM FEE \$ \_\_\_\_\_ 0205 LICENSE FEE \$ \_\_\_\_\_

**WELL CONSTRUCTION**

0218 WELL DRILL CONSTRUCTOR EXAM FEE \$ \_\_\_\_\_ 0219 RECORD FEE \$ \_\_\_\_\_

**LANDOWNER'S PERMIT**

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

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

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

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

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

**0607 TREASURY 0467 HYDRO ACTIVITY LIC NUMBER**

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

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

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

**TREASURY OTHER / RDX**

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

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

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

RECEIPT: **142503**

DATED 3-4-2024 BY: m-mills



# Application for Permanent Water Right Transfer



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

## 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: 66632**

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.**

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### Attachments:

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- ☒ 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: \_\_\_\_/\_\_\_\_/\_\_\_\_



## 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°).



### Part 3 of 5 – Fee Worksheet

## FEE WORKSHEET for PERMANENT TRANSFER (except Substitution)

1	Base Fee (includes one type of change to one water right for up to 1 cfs)	1	\$1,360
2	Types of change proposed: <input type="checkbox"/> Place of Use <input type="checkbox"/> Character of Use <input checked="" type="checkbox"/> Point of Diversion/Appropriation Number of above boxes checked = <u>1 (2a)</u> Subtract 1 from the number in line 2a = <u>0 (2b) If only one change, this will be 0</u> Multiply line 2b by \$1090 and enter » 	2	\$0
3	Number of water rights included in transfer <u>1 (3a)</u> Subtract 1 from the number in 3a above: <u>0 (3b) If only one water right this will be 0</u> Multiply line 3b by \$610 and enter » 	3	\$0
4	Do you propose to add or change a well, or change from a surface water POD to a well? <input type="checkbox"/> No: enter 0 <input checked="" type="checkbox"/> Yes: enter \$480 for the 1 <sup>st</sup> well to be added or changed <u>\$480 (4a)</u>  Do you propose to add or change additional wells? <input checked="" type="checkbox"/> No: enter 0 <input type="checkbox"/> Yes: multiply the number of additional wells by \$410 _____ (4b) Add line 4a to line 4b and enter » 	4	\$480
5	Do you propose to change the place of use or character of use? <input checked="" type="checkbox"/> No: enter 0 on line 5 <input type="checkbox"/> Yes: enter the cfs for the portions of the rights to be transferred (see below*): _____ (5a) Subtract 1.0 from the number in 5a above: _____ (5b) If 5b is 0 or less, enter 0 on line 5 » If 5b is greater than 0, round up to the nearest whole number: _____ (5c) and multiply 5c by \$410, then enter on line 5 » 	5	\$0
6	Add entries on lines 1 through 5 above » » » » » » » » » » Subtotal:	6	\$1,840
7	Is this transfer: <input type="checkbox"/> necessary to complete a project funded by the Oregon Watershed Enhancement Board (OWEB) under ORS 541.932? <input type="checkbox"/> endorsed in writing by ODFW as a change that will result in a net benefit to fish and wildlife habitat? If one or more boxes is checked, multiply line 6 by 0.5 and enter on line 7 » If no box is applicable, enter 0 on line 7 » 	7	\$0
8	Subtract line 7 from line 6 » Transfer Fee:	8	\$1,840

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**\*Example for Line 5a calculation to transfer 45.0 acres of Primary Certificate 12345 (total 1.25 cfs for 100 acres) and 45.0 acres of Supplemental Certificate 87654 (1/80 cfs per acre) on the same land:**

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 cfs ÷ 100 ac*); then multiply by the number of acres to be transferred to get the transfer cfs (*x 45 ac = 0.56 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 ac x 0.0125 cfs/ac = 0.56 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*).

## FEE WORKSHEET for SUBSTITUTION

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

## Part 4 of 5 – Applicant Information and Signature

### Applicant Information

APPLICANT/BUSINESS NAME <b>Gary Johnston/Airport Lane Trust</b>			PHONE NO. <b>208-695-6811</b>	ADDITIONAL CONTACT NO.
ADDRESS <b>PO Box 220</b>			FAX NO.	
CITY <b>STAR</b>	STATE <b>ID</b>	ZIP <b>83655</b>	E-MAIL <b>gjohnston7@gmail.com, brycesvedin@hotmail.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 <b>Paul Garvin/Garvin HydroGeo LLC</b>			PHONE NO. <b>503-347-7188</b>	ADDITIONAL CONTACT NO.
ADDRESS <b>1705 Main St. Ste. 101</b>			FAX NO.	
CITY <b>Baker City</b>	STATE <b>OR</b>	ZIP <b>97814</b>	E-MAIL <b>Garvin.hydrogeo@gmail.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>				

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

Under Water Right Certificate 66632, the transfer applicant seeks to change the authorized point of appropriation from existing POD 1 to new well (BAKE 52975 aka POD 2) that was completed in Sept. 2023  
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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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: Baker City Herald.
- Amendments to the application may only be made in response to the Department's Draft Preliminary Determination (DPD). The applicant will have a period of at least 30 days to amend the application to address any issues identified by the Department in the DPD, or to withdraw the application. Note that amendments may be subject to additional fees, pursuant to ORS 536.050.
- Failure to complete an approved change in place of use and/or change in character of use, will result in loss of the water right (OAR 690-380-6010).
- Refunds may only be granted upon request and, as set forth in ORS 536.050(4)(a), if the Director determines that a refund of all or part of a fee is appropriate in the interests of fairness to the public or necessary to correct an error of the Department.

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

[Signature]  
Applicant signature

GARY JORDON  
Print Name (and Title if applicable)

1-22-2024  
Date

Applicant signature

Print Name (and Title if applicable)

Date

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

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

Check the following boxes that apply:

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

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

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

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

RECEIVING LANDOWNER NAME		PHONE NO.	ADDITIONAL CONTACT NO.
<u>Airport Lane Trust dated May 1, 2022</u>		<u>208-668-1200</u>	
ADDRESS		FAX NO.	
<u>PO Box 220</u>			
CITY	STATE	ZIP	E-MAIL
<u>Shae</u>	<u>ID</u>	<u>83669</u>	
Describe any special ownership circumstances:			
The confirming Certificate shall be issued in the name of: <input type="checkbox"/> Applicant <input checked="" 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 <b>Baker County</b>	ADDRESS <b>1993 3<sup>rd</sup> St.</b>	
CITY <b>Baker City</b>	STATE <b>OR</b>	ZIP <b>97814</b>

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# Part 5 of 5 – Water Right Information

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CERTIFICATE # 66632

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## Description of Water Delivery System

System capacity: 1.0 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. An 8" buried mainline conveys water from the POA southward to two center pivots connected in series. Only one pivot can be run at a time.

**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)
POA 1	<input checked="" type="checkbox"/> Authorized <input type="checkbox"/> Proposed	-	8 S	40 E	35	NE NW	301	70 ft S and 1,860 ft E from the NW Corner of Sec 5
POA 2	<input type="checkbox"/> Authorized <input checked="" type="checkbox"/> Proposed	L-148901	8 S	40 E	35	NE NW	301	98 ft S and 1,826 ft E from the NW Corner of Sec 5

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 checked="" type="checkbox"/> Point of Appropriation/Well (POA) |
| <input type="checkbox"/> Point of Diversion (POD)                      | <input type="checkbox"/> Additional Point of Appropriation (APOA)     |
| <input 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.

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 # 66632**

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

AUTHORIZED (the "from" or "off" lands) The listing that appears on the certificate BEFORE PROPOSED CHANGES List only that part or portion of the water right that will be changed.											Proposed Changes (see "CODES" from previous page)	PROPOSED (the "to" or "on" lands) The listing as it would appear AFTER PROPOSED CHANGES are made.														
Twp	Rng	Sec	¼ ¼	Tax Lot	Gvt Lot or DLC	Acres	Type of USE listed on Certificate	POD(s) or POA(s) (name or number from Table 1)	Priority Date	Twp		Rng	Sec	¼ ¼	Tax Lot	Gvt Lot or DLC	Acres	New Type of USE	POD(s)/ POA(s) to be used (from Table 1)	Priority Date						
EXAMPLE																										
2	S	9	E	15	NE	NW	100		15.0	Irrigation	POD #1 POD #2	1901	POU/POD	2	S	9	E	1	NW	NW	500	1	10.0		POD #5	1901
														2	S	9	E	2	SW	NW	500		5.0		POD #6	1901
													POA	8	S	40	E	35	NE	NW	300, 301		38.6	IS	POD 2	7/1/1983
													POA	8	S	40	E	35	SE	NW	300		40.0	IS	POD 2	7/1/1983
TOTAL ACRES:													TOTAL ACRES:						78.6							

Additional remarks: \_\_\_\_\_.

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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: 66633.

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 # \_\_\_\_\_.

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

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

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**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) **Note:** well log BAKE 52975 attached

**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
POD 1	Yes	NA	Unk.	8"	Unk.	Unk.	Unk.	Unk.	Sand, gravel	Full rate (0.98 cfs)
POD 2	Yes	148901	210'	10" , 8"	10" (2'-118'), 8" (100'-200')	0'-40'	120'-180'	10" bgs	Sand, gravel	Full rate (0.98 cfs)

# Land Use Information Form



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

Applicant(s): Gary Johnston/Johnston Family Trust

Mailing Address: PO Box 220

City: Baker City

State: ID

Zip Code: 83655

Daytime Phone: gjohnston7@gmail.com

## 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:
<u>8S</u>	<u>40E</u>	<u>35</u>	<u>NENW</u>	<u>300, 301</u>	<u>EFU</u>	<input checked="" type="checkbox"/> Diverted	<input checked="" type="checkbox"/> Conveyed	<input checked="" type="checkbox"/> Used	<u>EFU</u>
<u>8S</u>	<u>40E</u>	<u>35</u>	<u>SEnw</u>	<u>300</u>	<u>EFU</u>	<input type="checkbox"/> Diverted	<input checked="" type="checkbox"/> Conveyed	<input checked="" type="checkbox"/> Used	<u>EFU</u>

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

Baker County

## B. Description of Proposed Use

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

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

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

Estimated quantity of water needed: 1    ☒ 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:

Under Water Right Certificate 66632, transfer applicant seeks to change the authorized point of appropriation from existing POD 1 to new well (BAKE 52975 aka POD 2) that was completed in Sept. 2023.

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

See bottom of Page 3. →

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# For Local Government Use Only

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

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

- ☒ Land uses to be served by the proposed water uses (including proposed construction) are allowed outright or are not regulated by your comprehensive plan. Cite applicable ordinance section(s): BC20 Section 40.02.A.1
- ☐ Land uses to be served by the proposed water uses (including proposed construction) involve discretionary land-use approvals as listed in the table below. (Please attach documentation of applicable land-use approvals which have already been obtained. Record of Action/land-use decision and accompanying findings are sufficient.) **If approvals have been obtained but all appeal periods have not ended, check "Being pursued."**

Type of Land-Use Approval Needed (e.g., plan amendments, rezones, conditional-use permits, etc.)	Cite Most Significant, Applicable Plan Policies & Ordinance Section References	Land-Use Approval:	
		<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being Pursued <input type="checkbox"/> Not Being Pursued
		<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being Pursued <input type="checkbox"/> Not Being Pursued
	RECEIVED	<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being Pursued <input type="checkbox"/> Not Being Pursued
	MAR 04 2024	<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being Pursued <input type="checkbox"/> Not Being Pursued
	OWRD	<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being Pursued <input type="checkbox"/> Not Being Pursued

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

Name: Tara L. Micka Title: Senior Planner

Signature: Tara L. Micka Phone: 541-523-8219 Date: 1-11-2024

Government Entity: Baker City-County Planning Dept.

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

## Receipt for Request for Land Use Information

Applicant name: \_\_\_\_\_

City or County: \_\_\_\_\_ Staff contact: \_\_\_\_\_

Signature: \_\_\_\_\_ Phone: \_\_\_\_\_ Date: \_\_\_\_\_

# 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, GARY JOHNSTON, in my capacity as ,

mailing address PO BOX 220, STAR ID, 83669

telephone number (208) 695-6811, being first duly sworn depose and say:

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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 # 66632; OR

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

Certificate #	Township	Range	Mer	Sec	¼ ¼	Gov't Lot or DLC	Acres (if applicable)

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)

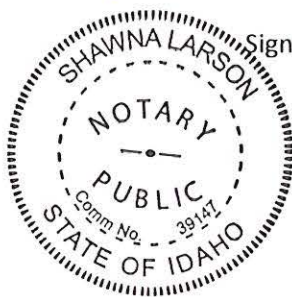
(continues on reverse side)

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

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

  
Signature of Affiant

2-8-2024  
Date



Signed and sworn to (or affirmed) before me this 8<sup>th</sup> day of February, 2024.



Notary Public for Oregon

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My Commission Expires: 12-5-2026

MAR 04 2024

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



**Map to Accompany Evidence of Use Affidavit  
Certificate 66632  
Imagery date: 6/15/2023**

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# Permanent Transfer Application Checklist

Check the Certificates in WRIS

Transfer # 14411

Checked by <u>  Dante  </u> Date <u>  3/6/2024  </u>	Type of Change(s) Proposed: <b>NO</b> other changes allowed other than those listed	
Fee Received: \$1840	<input type="checkbox"/> POU <input type="checkbox"/> POD <input type="checkbox"/> APOD <input checked="" type="checkbox"/> POA <input type="checkbox"/> APOA <input type="checkbox"/> USE	
Calculated Fee: \$1840		How many rights to be Transferred? 1
Deficiencies and Observations: None		Certificate #(s) 66632

If OK, check box; if not, fill in.

- ☒ 1. Is the applicant information complete? Have all the applicants listed at the top of the page signed at the bottom?  
If not, what is missing? Whose signature is missing? \_\_\_\_\_
- ☒ 2. Has the applicant indicated that the place of use is in or near an irrigation district? Have they included a Form D? ☒ N/A.  
Name of the District \_\_\_\_\_
- ☒ 3. Part 5 of application, has the applicant completed the entire page and does the information match the description of the explanation of the reasons on Part 4 of the application?  
If not, you may need to contact the applicant or agent? \_\_\_\_\_
- ☒ 4. For multiple certificates, do each of the certificates listed on Application Page 1 have their own separate completed Part 5 tables 1 & 2? (*compare with OAR 690-380-3220-may need to return*)  
If no, which certificates are missing a separate Part 5, tables 1 & 2? \_\_\_\_\_
- ☒ 5. Has the map been completed and signed by a CWRE? Does the map meet the requirements?  
If not, what is missing? \_\_\_\_\_. Map waiver included? ☐
- ☒ 6. If a change in point of appropriation, have the well logs been included? ☐ N/A.
- ☒ 7. If a change in place of use within Umatilla County, have the applicant(s) provided a Supplemental Form U? ☒ N/A.
- ☒ 8. Has applicant filled out the Minimum Requirements Checklist (Part 1 of 5)? Is the application complete? If not, what is missing (check Evidence of Use and Land Use)? \_\_\_\_\_  
\_\_\_\_\_
- ☒ 9. If all boxes on this checklist are checked (with no remaining deficiencies identified), accept the application. Put this check sheet in the transfer folder.

OR:

- ☐ This application is deficient, and **CANNOT** be accepted.  
It should be returned and the deficiencies listed in the "staff" section at the bottom of Application Page 1, unless the applicant or agent can resolve the deficiencies within 2-3 days.

Actions taken:

\_\_\_\_\_ date \_\_\_\_\_

## Permanent Transfer Application Checklist

FEE WORKSHEET for PERMANENT TRANSFER (except Substitution)			
1	Base Fee (includes one type of change to one water right for up to 1 cfs)	1	\$1,360
	Types of change proposed: <input type="checkbox"/> Place of Use <input type="checkbox"/> Character of Use <input type="checkbox"/> Point of Diversion/Appropriation Number of above boxes checked = _____ (2a) Subtract 1 from the number in line 2a = _____ (2b) <i>If only one change, this will be 0</i>		
2	Multiply line 2b by \$930 and enter » » » » » » » » » » » » » » » »	2	0
	Number of water rights included in transfer _____ (3a) Subtract 1 from the number in 3a above: _____ (3b) <i>If only one water right this will be 0</i>		
3	Multiply line 3b by \$520 and enter » » » » » » » » » » » » » » » »	3	0
	Do you propose to add or change a well, or change from a surface water POD to a well? <input type="checkbox"/> No: enter 0 » <input type="checkbox"/> Yes: enter \$410 »		
4		4	0
	Do you propose to change the place of use or character of use? <input type="checkbox"/> No: enter 0 on line 5 » <input type="checkbox"/> Yes: enter the cfs for the portions of the rights to be transferred (see example below*): _____ (5a) Subtract 1.0 from the number in 5a above: _____ (5b) If 5b is 0 or less, enter 0 on line 5 » If 5b is greater than 0, round up to the nearest whole number: _____ (5c) and multiply 5c by \$350, then enter on line 5 »		
5		5	0
6	Add entries on lines 1 through 5 above » » » » » » » » » » Subtotal:	6	0
	Is this transfer: <input type="checkbox"/> necessary to complete a project funded by the Oregon Watershed Enhancement Board (OWEB) under ORS 541.932? <input type="checkbox"/> endorsed in writing by ODFW as a change that will result in a net benefit to fish and wildlife habitat? If one or more boxes is checked, multiply line 6 by 0.5 and enter on line 7 »		
7	If no box is applicable, enter 0 on line 7 »	7	0
8	Subtract line 7 from line 6 » Transfer Fee:	8	