

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

In the Matter of Transfer Application	)	PROPOSED FINAL ORDER PROPOSING
T-14671, Harney County	)	APPROVAL FOR ADDITIONAL POINTS OF
	)	APPROPRIATION AND CHANGES IN
	)	PLACES OF USE

**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**

OWENS HAY, LLC  
PO BOX 746  
CRANE, OR 97732

**Findings of Fact**

1. On June 9, 2025, Owens Hay, LLC filed an application for additional points of appropriation under Certificate 90861, and for additional points of appropriation and to change the places of use under Certificates 92041, 92042, 92043, and 92044. The Department assigned the application number T-14671.
2. Notice of the application for transfer was published on June 17, 2025, pursuant to OAR 690-380-4000. One comment was filed timely in response to the notice. The issues raised by the comment included:
  - a) Wells in the application tables should be identified by Well Log Identification (ID) or Well Label numbers;

Under Oregon Laws 2025, chapter 575, section 20(6), section 20(7), and section 3a(1), any person may file a protest of this Proposed Final Order within 30 days after publication of notice of this Proposed Final Order in the Department’s weekly notice. Under Oregon Laws 2025, chapter 575, section 20(7) and section 3a(2), if a protest is filed, any person who supports this Proposed Final Order may file a request for party status within 30 days after the deadline for filing a protest. Please refer to the end of this document for further information about filing protests and requests for party status.

- b) Determine if Well #1, which has an unknown Well Log ID number, is properly constructed and conduct a geophysical investigation to determine casing construction; and
  - c) The Claims of Beneficial Use for Transfer Applications T-12150 and T-13346 should be considered in relation to the processing of T-14671.
3. Not all the issues raised by the commenter addressed the criteria for review of a water right transfer as per OAR 690-380-4010 and approval of a transfer application under OAR 690-380-5000. Some of the comments described in Finding of Fact (FOF) #2 raise public interest issues. Under Oregon Law, water right transfers are not subject to a public interest review. Rather, the statutory basis for approving a water right transfer application is relatively narrow and confined to the department finding or determining:
- a) The water right proposed for transfer is a water use subject to transfer;
  - b) The portion of the water right proposed for transfer is not cancelled due to forfeiture for non-use pursuant to ORS 540.610;
  - c) The proposed transfer would not result in enlargement of the water right proposed for transfer; and
  - d) The proposed transfer would not result in injury to other water rights.
4. On September 18, 2025, the Department contacted the applicant and agent regarding a deficiency in the application. The location for proposed Well 4J (HARN 50931) in Table 1 did not match the location described on the application map for Certificates 92043 and 92044. The agent submitted a revised Table 1 and map for each certificate the same day, resolving the deficiency.
5. On November 20, 2025, the Department sent a copy of the draft Preliminary Determination (further referred to as Initial Review) to the applicant, proposing to approve Transfer Application T-14671. The Initial Review cover letter provided a deadline of December 22, 2025, for the applicant to respond and submit the required information. The applicant requested that the Department proceed with issuance of a Preliminary Determination (further referred to as Proposed Final Order) and provided the necessary information to demonstrate that the applicant is authorized to pursue the transfer.

6. The first right to be transferred is as follows:

**Certificate:** 90861 in the name of MARK OWENS (perfected under Permit G-15004)  
**Use:** IRRIGATION OF 125.2 ACRES  
**Priority Date:** SEPTEMBER 24, 1999  
**Rate:** 1.57 CUBIC FEET 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, is limited to a diversion

of ONE-EIGHTIETH of one cubic foot per second (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.

**Period of Use:** MARCH 1 THROUGH OCTOBER 31

**Source:** A WELL in the MALHEUR LAKE BASIN

**Authorized Point of Appropriation:**

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
25 S	33 E	WM	11	SW NE	POA #3 - 1350 FEET SOUTH AND 1875 FEET WEST FROM THE NE CORNER OF SECTION 12

**Authorized Place of Use:**

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
25 S	33 E	WM	12	NE NW	31.2
25 S	33 E	WM	12	NW NW	31.2
25 S	33 E	WM	12	SW NW	31.4
25 S	33 E	WM	12	SE NW	31.4
Total					125.2

7. Upon review of the application for T-14671, the Department determined there was a scrivener’s error in Certificate 90861 describing the reference corner for the measured distances in relation to POA #3. The location of POA #3 is described as being measured from the NE corner of Section 12. However, according to the Final Proof Survey map submitted on October 16, 2015, it appears that POA #3 should be measured from the NE corner of Section 11, and is described as follows:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
25 S	33 E	WM	11	SW NE	POA #3 - 1350 FEET SOUTH AND 1875 FEET WEST FROM THE NE CORNER OF SECTION 11

8. Transfer Application T-14671 proposes additional points of appropriation as follows:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances	Approximate distance from original point of appropriation in miles (mi.)
25 S	33 E	WM	11	NE NW	POA #4 (HARN 1230) - 1300 FEET SOUTH AND 1300 FEET EAST FROM THE NW CORNER OF SECTION 11	0.4 mi. W
25 S	33 E	WM	12	NE NE	POA #1 - 1150 FEET SOUTH AND 85 FEET WEST FROM THE NE CORNER OF SECTION 12	1.3 mi. E
25 S	33 E	WM	12	NW NE	POA #2 4J (HARN 50931) - 1110 FEET SOUTH AND 2160 FEET WEST FROM THE NE CORNER OF SECTION 12	1.4 mi. E

9. The second right to be transferred is as follows:

**Certificate:** 92041 in the name of JOHN T. RANKIN (perfected under Permit G-6374)  
**Use:** IRRIGATION OF 92.6 ACRES  
**Priority Date:** DECEMBER 5, 1975  
**Rate:** 1.16 CUBIC FEET 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.  
**Source:** A WELL in the MALHEUR LAKE BASIN

**Authorized Point of Appropriation:**

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
25 S	33 E	WM	11	NW NW	POA #4 (HARN 1230) - 1300 FEET SOUTH AND 1300 FEET EAST FROM THE NW CORNER OF SECTION 11

**Authorized Place of Use:**

IRRIGATION						
Twp	Rng	Mer	Sec	Q-Q	Acres	Proposed Changes
25 S	33 E	WM	11	NE NW	2.6	POU/APOA
25 S	33 E	WM	11	NE NW	15.0	APOA
25 S	33 E	WM	11	NW NW	6.3	POU/APOA
25 S	33 E	WM	11	NW NW	21.5	APOA
25 S	33 E	WM	11	SW NW	6.1	POU/APOA
25 S	33 E	WM	11	SW NW	23.0	APOA
25 S	33 E	WM	11	SE NW	2.3	POU/APOA
25 S	33 E	WM	11	SE NW	15.8	APOA
					Total	92.6

10. Transfer Application T-14671 proposes additional points of appropriation as follows:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances	Approximate distance from original point of appropriation in miles (mi.)
25 S	33 E	WM	11	SW NE	POA #3 (HARN 1228) - 1350 FEET SOUTH AND 1875 FEET WEST FROM THE NE CORNER OF SECTION 11	0.4 mi. E
25 S	33 E	WM	12	NE NE	POA #1 - 1150 FEET SOUTH AND 85 FEET WEST FROM THE NE CORNER OF SECTION 12	1.7 mi. E
25 S	33 E	WM	12	NW NE	POA #2 4J (HARN 50931) - 1110 FEET SOUTH AND 2160 FEET WEST FROM THE NE CORNER OF SECTION 12	1.4 mi. E

11. Transfer Application T-14671 also proposes to change the place of use for a portion of the right to:

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
25 S	33 E	WM	11	NE NW	8.3
25 S	33 E	WM	11	SE NW	9.0
Total					17.3

12. The third right to be transferred is as follows:

**Certificate:** 92042 in the name of KENNETH G. ROSSBERG (perfected under Permit G-7024)

**Use:** IRRIGATION of 118.4 ACRES

**Priority Date:** OCTOBER 25, 1976

**Rate:** 1.48 CUBIC FEET 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.

**Source:** WELL 10, in the MALHEUR LAKE BASIN

**Authorized Point of Appropriation:**

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
25 S	33 E	WM	12	NW NE	WELL 10 - 990 FEET SOUTH AND 2150 FEET WEST FROM THE NE CORNER OF SECTION 12

**Authorized Place of Use:**

IRRIGATION						
Twp	Rng	Mer	Sec	Q-Q	Acres	Proposed Changes
25 S	33 E	WM	12	NE NE	2.0	POU/APOA
25 S	33 E	WM	12	NE NE	28.9	APOA
25 S	33 E	WM	12	NW NE	0.1	POU/APOA
25 S	33 E	WM	12	NW NE	25.2	APOA
25 S	33 E	WM	12	SW NE	1.3	POU/APOA
25 S	33 E	WM	12	SW NE	30.3	APOA
25 S	33 E	WM	12	SE NE	1.6	POU/APOA
25 S	33 E	WM	12	SE NE	29.0	APOA
Total					118.4	

13. Transfer Application T-14671 proposes additional points of appropriation as follows:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances	Approximate distance from original point of appropriation in feet (ft.) or miles (mi.)
25 S	33 E	WM	11	SW NE	POA #3 (HARN 1228) - 1350 FEET SOUTH AND 1875 FEET WEST FROM THE NE CORNER OF SECTION 11	1.0 mi. W

Twp	Rng	Mer	Sec	Q-Q	Measured Distances	Approximate distance from original point of appropriation in feet (ft.) or miles (mi.)
25 S	33 E	WM	11	NE NW	POA #4 (HARN 1230) - 1300 FEET SOUTH AND 1300 FEET EAST FROM THE NW CORNER OF SECTION 11	1.4 mi. W
25 S	33 E	WM	12	NE NE	POA #1 - 1150 FEET SOUTH AND 85 FEET WEST FROM THE NE CORNER OF SECTION 12	0.3 mi. E
25 S	33 E	WM	12	NW NE	POA #2 4J (HARN 50931) - 1110 FEET SOUTH AND 2160 FEET WEST FROM THE NE CORNER OF SECTION 12	122 ft. S

14. Transfer Application T-14671 also proposes to change the place of use for a portion of the right to:

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
25 S	33 E	WM	12	NW NE	5.0

15. The fourth right to be transferred is as follows:

**Certificate:** 92043 in the name of DEPARTMENT OF VETERANS' AFFAIRS LOAN P-40895 (perfected under Permit G-7076)

**Use:** IRRIGATION of 43.8 ACRES

**Priority Date:** JANUARY 18, 1977

**Rate:** 0.55 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.

**Source:** TWO WELLS in the MALHEUR LAKE BASIN

**Authorized Points of Appropriation:**

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
25 S	33 E	WM	11	SW NE	EAST WELL - 1300 FEET NORTH AND 690 FEET EAST FROM THE CENTER OF SECTION 11
25 S	33 E	WM	11	NW NW	WEST WELL - 1300 FEET SOUTH AND 1300 FEET EAST FROM THE NW CORNER OF SECTION 11

**Authorized Place of Use:**

IRRIGATION						
Twp	Rng	Mer	Sec	Q-Q	Acres	Proposed Changes
25 S	33 E	WM	11	NW NE	7.7	POU/APOA
25 S	33 E	WM	11	SW NE	9.8	POU/APOA
25 S	33 E	WM	11	NE NW	8.3	POU/APOA
25 S	33 E	WM	11	NE NW	4.1	APOA

IRRIGATION						
Twp	Rng	Mer	Sec	Q-Q	Acres	Proposed Changes
25 S	33 E	WM	11	SW NW	0.3	APOA
25 S	33 E	WM	11	SE NW	9.3	POU/APOA
25 S	33 E	WM	11	SE NW	4.3	APOA
					Total	43.8

16. Transfer Application T-14671 proposes additional points of appropriation approximately as follows:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances	Approximate distance from original point of appropriation in miles (mi.)	
25 S	33 E	WM	12	NE NE	POA #1 - 1150 FEET SOUTH AND 85 FEET WEST FROM THE NE CORNER OF SECTION 12	East Well	West Well
						1.3 mi. E	1.7 mi. E
25 S	33 E	WM	12	NW NE	POA #2 4J (HARN 50931) - 1110 FEET SOUTH AND 2160 FEET WEST FROM THE NE CORNER OF SECTION 12	1.0 mi. E	1.4 mi. E

17. Transfer Application T-14671 also proposes to change the place of use for a portion of the right to:

IRRIGATION						
Twp	Rng	Mer	Sec	Q-Q	Acres	
25 S	33 E	WM	11	NE NE	4.4	
25 S	33 E	WM	11	NW NE	4.3	
25 S	33 E	WM	11	SW NE	4.4	
25 S	33 E	WM	11	SE NE	4.4	
25 S	33 E	WM	11	NE NW	2.4	
25 S	33 E	WM	11	NW NW	6.6	
25 S	33 E	WM	11	SW NW	6.3	
25 S	33 E	WM	11	SE NW	2.3	
					Total	35.1

18. The fifth right to be transferred is as follows:

- Certificate:** 92044 in the name of DEPARTMENT OF VETERANS AFFAIRS LOAN P-40895 (perfected under Permit G-8980)
- Use:** IRRIGATION of 101.9 ACRES
- Priority Date:** JUNE 6, 1980
- Rate:** 1.27 CUBIC FEET 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.

**Source:** TWO WELLS in the MALHEUR LAKE BASIN

**Authorized Points of Appropriation:**

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
25 S	33 E	WM	11	SW NE	EAST WELL - 1300 FEET NORTH AND 690 FEET EAST FROM THE CENTER OF SECTION 11
25 S	33 E	WM	11	NW NW	WEST WELL - 1300 FEET SOUTH AND 1300 FEET EAST FROM THE NW CORNER OF SECTION 11

**Authorized Place of Use:**

IRRIGATION						
Twp	Rng	Mer	Sec	Q-Q	Acres	Proposed Changes
25 S	33 E	WM	11	NE NE	4.4	POU/APOA
25 S	33 E	WM	11	NE NE	24.7	APOA
25 S	33 E	WM	11	NW NE	4.3	POU/APOA
25 S	33 E	WM	11	NW NE	17.0	APOA
25 S	33 E	WM	11	SW NE	4.4	POU/APOA
25 S	33 E	WM	11	SW NE	16.4	APOA
25 S	33 E	WM	11	SE NE	4.4	POU/APOA
25 S	33 E	WM	11	SE NE	26.3	APOA
					Total	101.9

19. Transfer Application T-14671 proposes additional points of appropriation as follows:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances	Approximate distance from original point of appropriation in miles (mi.)	
25 S	33 E	WM	12	NE NE	POA #1 - 1150 FEET SOUTH AND 85 FEET WEST FROM THE NE CORNER OF SECTION 12	EAST WELL	WEST WELL
						1.3 mi. E	1.7 mi. E
25 S	33 E	WM	12	NW NE	POA #2 4J (HARN 50931) - 1110 FEET SOUTH AND 2160 FEET WEST FROM THE NE CORNER OF SECTION 12	1.0 mi. E	1.4 mi. E

20. Transfer Application T-14671 also proposes to change the place of use for a portion of the right to:

IRRIGATION						
Twp	Rng	Mer	Sec	Q-Q	Acres	
25 S	33 E	WM	11	NW NE	7.7	
25 S	33 E	WM	11	SW NE	9.8	
					Total	17.5

**Transfer Review Criteria [OAR 690-380-0100(14), OAR 690-380-4010(2), OAR 690-380-2200 and OAR 690-380-2110(2)]**

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

22. A water delivery system sufficient to use the full amount of water allowed under the existing rights was present within the five-year period prior to submittal of Transfer Application T-14671.
23. The water rights are subject to transfer as defined in ORS 540.505(4) and OAR 690-380-0100(14).
24. The proposed points of appropriation develop groundwater from the same aquifer as the authorized points of appropriation, as required by OAR 690-380-2110(2).
25. The proposed changes, as conditioned, would not result in enlargement of the rights.
26. The proposed change, as conditioned, would not result in injury to other existing water rights.
27. All other application requirements are met.

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

The additional points of appropriation and changes in places of use proposed in Transfer Application T-14671 appear 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.

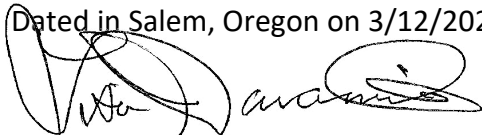
*If Transfer Application T-14671 is approved, the final order will include the following:*

1. *The additional points of appropriation and changes in places of use proposed in Transfer Application T-14671 are 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 Certificates 90861, 92041, 92042, 92043, and 92044, 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 or the new places of use.*
4. *Water right Certificates 90861, 92041, 92042, 92043, and 92044 are cancelled.*
5. *Under Certificate 90861, the quantity of water diverted at the new additional points of appropriation (POA #1, POA #2 4J (HARN 50931), and (POA #4 (HARN 1230))), together with that diverted at the original point of appropriation (POA #3 (HARN 1228)), shall not exceed the quantity of water lawfully available at the original point of appropriation (POA #3 (HARN 1228)).*

6. *Under Certificate 92041, the quantity of water diverted at the new additional points of appropriation (POA #1, POA #2 4J (HARN 50931), and POA #3 (HARN 1228)), together with that diverted at the original point of appropriation (POA #4 (HARN 1230)), shall not exceed the quantity of water lawfully available at the original point of appropriation (POA #4 (HARN 1230)).*
7. *Under Certificate 92042, the quantity of water diverted at the new additional points of appropriation (POA #1, POA #2 4J (HARN 50931), POA #3 (HARN 1228), POA #4 (HARN 1230)), together with that diverted at the original point of appropriation (Well 10), shall not exceed the quantity of water lawfully available at the original point of appropriation (Well 10).*
8. *Under Certificates 92043 and 92044, the quantity of water diverted at the new additional points of appropriation (POA #1, and POA #2 4J (HARN 50931)), together with that diverted at the original points of appropriation (East Well and West Well), shall not exceed the quantity of water lawfully available at the original points of appropriation (East Well and West Well).*
9. *Water shall be acquired from the same aquifer (water source) as the original points of appropriation.*
10. *The former places of use of the transferred rights shall no longer receive water under the rights.*
11. *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 appropriation (new and existing).*
  - 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.*
12. *Full beneficial use of the water shall be made, consistent with the terms of this order, on or before **October 1, 2027**. 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 changes and full beneficial use of the water.*

13. After satisfactory proof of beneficial use is received, new certificates confirming the rights transferred will be issued.

Dated in Salem, Oregon on 3/12/2026



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

This Proposed Final Order was prepared by Corey Courchane. If you have questions about the information in this document, you may reach me at 503-979-3917 or [corey.a.courchane@water.oregon.gov](mailto:corey.a.courchane@water.oregon.gov)

**If no protest of this Proposed Final Order is received by April 16, 2026, this Proposed Final Order will become a final order on May 19, 2026, without any further action by the Department. Oregon Laws 2025, chapter 575, section 3a(4). However, no later than May 19, 2026, the Department may withdraw this Proposed Final Order for reconsideration and issuance of a superseding proposed final order. Oregon Laws 2025, chapter 575, section 3a(5).**

#### **Notification of Intent to Pursue Approval of Transfer through Consent to Injury Process**

If this Proposed Final Order 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 the consent to injury process outlined in OAR 690-380-5030 to 690-380-5050.

#### **Protests and Requests for Party Status**

The following sections explain how to: (1) file a protest in opposition to this Proposed Final Order to request a contested case hearing on this Proposed Final Order; and (2) file a request for party status to request to participate in any contested case proceeding in support of this Proposed Final Order.

**Protests:** Under the provisions of Oregon Laws 2025, chapter 575, section 20(7) and section 3a(1), any person may protest this Proposed Final Order. Protests must be mailed or hand delivered to the Oregon Water Resources Department at the following address: 725 Summer Street NE, Suite A, Salem, OR 97301. If you wish to submit a protest by U.S. mail, please consider mailing early to ensure the Department receives the protest by the deadline specified. Protests must be received by the Water Resources Department no later than **April 16, 2026**.

#### **Protests must meet the following requirements:**

- Be in writing;

- Include the protestant's name, address, and telephone number;
- Include a description of the protestant's interest in the Proposed Final Order, and, if the protestant claims to represent the public interest, a precise statement of the public interest represented;
- Include a detailed description of how the action proposed in the Proposed Final Order would impair or be detrimental to the protestant's interest and/or the claimed public interest;
- Identify which of the Proposed Final Order's recommended findings of fact, conclusions of law or conditions of approval the protestant objects to;
- Raise all reasonably ascertainable issues and include all reasonable available arguments that support the protestant's position;
- Include any citation of legal authority to support the protest, if known;
- Explain how the issues raised in the protest are within the Department's jurisdiction;
- If the protestant is the applicant, include a protest fee of \$720 required by ORS 536.050; and
- If the protestant is not the applicant, include a protest fee of \$1,425 required by ORS 536.050.

**Requests for Party Status:** Under the provisions of Oregon Laws 2025, chapter 575, section 20(7) and section 3a(2), if this Proposed Final Order is protested, any person who supports this Proposed Final Order may file a request for party status to request to participate in any contested case proceeding on the Proposed Final Order or for judicial review of a final order resulting from the Proposed Final Order. Requests for party status must be mailed or hand delivered to the Oregon Water Resources Department at the following address: 725 Summer Street NE, Suite A, Salem, OR 97301. If you wish to submit a request for party status by U.S. mail, please consider mailing early to ensure the Department receives the request by the deadline specified. Requests for party status must be received by the Water Resources Department no later than **May 18, 2026**.

**Requests for party status must be in writing and include the following:**

- Names and addresses of the requester and any organization the requester represents;
- Name and address of the requester's attorney, if any;
- A statement of whether the request is for participation as a party or a limited party, and, if as a limited party, the precise area or areas in which participation is sought;
- If the requester seeks to protect a personal interest in the outcome of any contested case hearing on the Proposed Final Order, a detailed statement of the requester's interest, economic or otherwise, and how such interest may be affected by the results of the hearing;

- If the requester seeks to represent a public interest in the results of any contested case hearing on the Proposed Final Order, a detailed statement of such public interest, the manner in which such public interest will be affected by the results of the hearing, and the requester's qualifications to represent such public interest;
- A statement of the reasons why existing parties to the proceeding cannot adequately represent the private and/or public interest(s) the requester seeks to represent; and
- The request for party status fee of fee of \$1,425 required by Oregon Laws 2025, chapter 575, section 3a(2)(b)(C) and ORS 536.050.

After the deadline for requests for party status, the Department will provide copies of any timely requests for party status, accept responses to requests for party status, and consider and rule on timely requests for party status as provided in OAR 137-003-0535.

### **Additional Notices**

#### ***Notice of the circumstances under which this Proposed Final Order will become a final order:***

If no protest of this Proposed Final Order is timely received and the Department does not withdraw this Proposed Final Order for reconsideration within 33 days after the close of the period for submitting a protest, this Proposed Final Order will become a final order on the date that is 33 days after the close of the period for submitting a protest, with no further action required by the Department. If a protest or protests are timely received, but later: (1) all timely-filed protests are withdrawn and the withdrawals are not based on a settlement agreement requiring changes to this Proposed Final Order; (2) all protestants fail to appear at a scheduled hearing; or (3) all protestants notify the Department or the administrative law judge that the protestants will not appear at a scheduled hearing, the protestants will have waived any right to a hearing, and the Department or the administrative law judge will issue an order dismissing the protests and notifying the parties that this Proposed Final Order has become a final order. OAR 137-003-0672. The Department designates the relevant portions of its file on this matter, including all materials that you have submitted relating to this matter, as the record for the purpose of proving a prima facie case upon default. OAR 137-003-0672.

#### ***Notice of Right to Pursue Approval of Transfer through Consent to Injury Process after***

***Contested Case Hearing:*** If after a contested case hearing on this Proposed Final Order the Department issues a proposed 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.

***Notice of right to be represented by an attorney:*** You may be represented by an attorney at any contested case hearing on this Proposed Final Order. 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 137-003-0555, an “authorized representative” as defined at OAR 137-003-0555(1)(b) may represent a partnership, corporation, association, governmental subdivision or public or private organization 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 to active duty servicemembers:*** Active-duty service members have a right to stay proceedings under the federal Service Members 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 971-453-1175, 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 a request for party status, or if you have previously filed a protest or a request for party status and you want to know the status, please contact Will Davidson at 503-507-2749.

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

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



# Oregon

Tina Kotek, Governor

## Water Resources Department

North Mall Office Building

725 Summer St NE, Suite A

Salem, OR 97301

Phone 503 986-0900

Fax 503 986-0904

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

March 12, 2026

**VIA CERTIFIED MAIL AND E-MAIL**

OWENS HAY, LLC  
PO BOX 746  
CRANE, OR 97732

**SUBJECT: Water Right Transfer Application T-14671**

Please find enclosed the Proposed Final Order indicating that, based on the information available, the Department intends to approve application T-14671. 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 and in the Burns Times Herald newspaper, simultaneously with issuance of the Proposed Final Order. The notice initiates a period in which any person may file either a protest opposing the decision proposed by the Department in the Proposed Final Order or a request for party status supporting the Department's decision. The protest period will end 30 days after the Department's notice.

If no protest is filed, the Proposed Final Order will become a Final Order 33 days after the protest period ends, without any further action by the Department.

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 Proposed Final Order to present information and arguments supporting their position in a quasi-judicial proceeding.

Please do not hesitate to contact me, at [corey.a.courchane@water.oregon.gov](mailto:corey.a.courchane@water.oregon.gov) or (503) 979-3917, if I may be of assistance.

Sincerely,

A handwritten signature in blue ink that reads "Corey Courchane". The signature is fluid and cursive, with the first name "Corey" and last name "Courchane" clearly distinguishable.

Corey Courchane  
Allocation of Conserved Water  
Transfer and Conservation Section

cc: Transfer Application file T-14671  
Donald (Dally) S. Swindlehurst, District 10 Watermaster (*via e-mail*)  
Scott D. Montgomery, Agent for the applicant (*via e-mail*)  
Gordon R. Lyford, commenter (*via e-mail wrwr@frontiernet.net*)

encs