

Alison K. Toivola
Partner
(541) 318-9836
alison.toivola@bbklaw.com

March 25, 2025

VIA E-MAIL ONLY:

JEREMY.T.GIFFIN@WATER.OREGON.GOV
ANN.L.REECE@WATER.OREGON.GOV
SARAH.A.HENDERSON@WATER.OREGON.GOV

Jeremy Giffin
Watermaster - District 11
Oregon Water Resources Department
231 SW Scalehouse Loop, Suite 103
Bend, OR 97702

Ann Reece
Sarah A. Henderson
Oregon Water Resources Department
725 Summer Street NE, Suite A
Salem, OR 97301

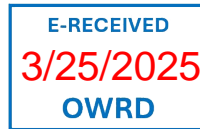
Re: Permanent Transfer T-14532

Dear Mr. Giffin, Ms. Reece, and Ms. Henderson:

We represent the Confederated Tribes of the Warm Springs Reservation of Oregon (“Tribe”). The Deschutes River Conservancy (“DRC”) has provided the Tribe with certain information concerning the Permanent Transfer T-14532, which is further identified in Appendix A hereto (“Application”).

The Tribe has reviewed the Application, along with additional information about the Application, provided by DRC. The Tribe is relying in good faith upon the information provided by DRC. Based on that information, the Tribe does not object to the Department of Water Resources (“Department”) processing the Application in accordance with applicable law, and the Department’s customary practice, *provided* that the Department complies with the Watermaster’s instructions that: “The transfer should be modified to remove 0.5 acres of ‘OFF’ land that is associated with a house on tax lot 1100.”

The Tribe expressly reserves, and does not waive, all rights, claims, and defenses that it may possess in connection with the Application, including, but not limited to, whether the Application violates the Treaty of June 25, 1855, with the Tribes of Middle Oregon, 12 Stat. 963, or the Confederated Tribes of the Warm Springs Reservation Water Rights Settlement Agreement, dated November 17, 1997, as amended.



Jeremy Giffin
Ann Reece
Sarah A. Henderson
March 25, 2025
Page 2

Please let us know if you have any questions.

Sincerely,

A handwritten signature in blue ink, appearing to read "Alison K. Toivola".

Alison K. Toivola
for BEST BEST & KRIEGER LLP

AKT

cc: Robert A. Brunoe
Austin Smith, Jr.
Brad Houslet
Josh Newton, Esq.
Genevieve Hubert

E-RECEIVED
3/25/2025
OWRD

Appendix A



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

Received
SEP 18 2024
OWRD

Application for District Permanent Water Right Transfer

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

Change in Place of Use Only

1A. APPLICANT INFORMATION

IRRIGATION DISTRICT Ochoco Irrigation District		PHONE NO. 541-447-6449	ADDITIONAL CONTACT NO.
ADDRESS 1001 NW Deer St			COUNTY OR
CITY Prineville	STATE OR	ZIP 97754	E-MAIL ochocoid@crestviewcable.com
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.			

1B. AGENT INFORMATION

AGENT/BUSINESS NAME		PHONE NO.	ADDITIONAL CONTACT NO.
ADDRESS			FAX NO.
CITY	STATE	ZIP	E-MAIL
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.			

2. PROPOSED CHANGE(S) TO WATER RIGHT(S)

- List **all** water rights to be affected by this transfer. Indicate the certificate, permit, decree or other identifying number(s) in the table below: *(Attach additional pages as necessary.)*

	Certificate	Permit / Previous Transfer	Decree
1.	82246	-	
2.	82247	-	
3.		-	
4.		-	
5.		-	
6.		-	

3. ATTACHMENTS


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

<p>Supplemental Form A – Description of Proposed Change(s) to a Water Right</p> <ul style="list-style-type: none"> A separate Supplemental Form A is enclosed for each water right to be affected by this transfer. <p>Map</p> <ul style="list-style-type: none"> <input checked="" type="checkbox"/> Permanent Transfer A map meeting the requirements of OAR 690-385-3300 must be included but need not be prepared by a Certified Water Right Examiner (CWRE). 	<p>Fees:</p> <ul style="list-style-type: none"> <input checked="" type="checkbox"/> Amount enclosed: \$ <u>1,970</u> See the Department’s Fee Schedule at www.wrd.state.or.us or call (503) 986-0900. <p>Land Use Compatibility Statement</p> <ul style="list-style-type: none"> <input type="checkbox"/> The Land Use Information Form is 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) a change that does not involve the placement or modification of structures, 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.
---	--

4. SIGNATURES

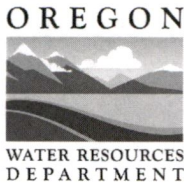
The district certifies the following:

- (1) The water rights proposed for transfer are water rights subject to transfer and are not subject to forfeiture for nonuse under ORS 540.610;
- (2) Each user affected by the proposed transfer has provided written authorization for the transfer and such authorization is on file with the district;
- (3) For lands which are no longer irrigated or susceptible of irrigation that are included in this transfer under the authority of ORS 540.572 and OAR 690-385-5000, notices as required under ORS.572 and OAR 690-385-5100 have been given to the user and any security interest holder of record of intent to transfer the right and the user was provided an opportunity to resolve the matter in the manner described by ORS 540.572 and OAR 690-385-5400 and 690-385-5600.
- (4) On behalf of the district, I affirm to the best of my knowledge the information contained in this application is true and accurate.

_____	_____	_____
District Manager signature	name (print)	date
OR		
	Russell Rhoden	9/9/24
Authorized District Representative signature	name (print)	date

Before submitting your application to the Department, be sure you have:

- Answered each question completely.
- Included all the required attachments.
- Included a check payable to the Oregon Water Resources Department for the appropriate amount.



District Permanent Water Right Transfer Application
Supplemental Form A

E-RECEIVED
3/25/2025
OWRD

Received
SEP 18 2024
OWRD

DESCRIPTION OF PROPOSED CHANGE(S) TO A WATER RIGHT

List only one water right per page. A **separate Supplemental Form A must be completed for each** certificate, permit, decree, or other right involved in the proposed transfer.

Attach additional copies of Supplemental Form A as needed to describe other certificates, permits, decrees or other rights involved in this transfer.

1. CURRENT WATER RIGHT INFORMATION

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

<input checked="" type="checkbox"/> Certificated Right	82247	
	Certificate Number	
<input type="checkbox"/> Adjudicated, Non-certificated Right	_____	Page Number
	Name of Decree	Page Number
<input type="checkbox"/> Permit for which Proof has been Approved	-	Date Claim of Beneficial Use Submitted
	Permit Number	Date Claim of Beneficial Use Submitted
<input type="checkbox"/> Transferred Right for which Proof has been Filed	-	Date Claim of Beneficial Use Submitted
	Previous Transfer Number	Date Claim of Beneficial Use Submitted
<input type="checkbox"/> Permit for Supplemental Irrigation	-	
	Permit Number	

- Name on Permit, Certificate, or Decree: US Bureau of Reclamation
- Priority Date(s): 1914

If there are **multiple Priority Dates** identified on the water right, any information provided in Supplemental Form A of this application must identify which priority date is associated with each of the authorized points of diversion or appropriation and places of use.

Source(s) of Water to be Affected by Transfer: Crooked River and Prineville Reservoir

Tributary to: Crooked River

- Are there **other water rights**, Permits or Ground Water Registrations associated with this land?
 Yes No

If “Yes”, what are the Permit, Registration or Certificate Numbers? _____

E-RECEIVED
3/25/2025
OWRD

Any “layered” water use or a right that is supplemental to a primary right proposed for transfer **must be included in the transfer or be cancelled.**

Received
SEP 18 2024
OWRD

E-RECEIVED
 3/25/2025
 OWRD

▪ Certificate Number or other identifying number: 82247

The following information must be provided only for those points of diversion or appropriation that are involved in the transfer.

If a point of diversion or appropriation is not numbered on the decree or water right certificate or permit, assign it a unique number in the following table (e.g. POD #1 or POA(well) #1). Use the number to refer to the point of diversion or appropriation serving the place of use described in Tables I and II. Note: Permanent district transfers do not allow for a change in point of diversion or appropriation to serve the proposed place of use.

Government lot and donation land claim numbers must be included in the table below **only** if the information is reflected on the existing water right.

Location of Existing Authorized Point(s) of Diversion (POD) or Appropriation (POA):
 (i.e., the allowed point(s) of diversion or appropriation listed on the water right for the "FROM" or "OFF" lands)

AUTHORIZED POINT(S) of DIVERSION (POD) or APPROPRIATION (POA)							
POD# or POA#	TWP	RNG	SEC	QQ	DLC	GOV'T LOT	MEASURED DISTANCES
9	15 S	15 E	36	SW SE			60' S, 1940' W of SE Corner of Section 36

Received
 SEP 18 2024
 OWRD

E-RECEIVED
3/25/2025
OWRD

TOTAL:	21.6	
--------	------	--

Received
SEP 18 2024
OWRD



District Permanent Water Right Transfer Application

Supplemental Form A

DESCRIPTION OF PROPOSED CHANGE(S) TO A WATER RIGHT

List only one water right per page. **A separate Supplemental Form A must be completed for each** certificate, permit, decree, or other right involved in the proposed transfer.

Attach additional copies of Supplemental Form A as needed to describe other certificates, permits, decrees or other rights involved in this transfer.

1. CURRENT WATER RIGHT INFORMATION

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

<input checked="" type="checkbox"/> Certificated Right	82246	
	Certificate Number	
<input type="checkbox"/> Adjudicated, Non-certificated Right	_____	_____
	Name of Decree	Page Number
<input type="checkbox"/> Permit for which Proof has been Approved	-	_____
	Permit Number	Date Claim of Beneficial Use Submitted
<input type="checkbox"/> Transferred Right for which Proof has been Filed	-	_____
	Previous Transfer Number	Date Claim of Beneficial Use Submitted
<input type="checkbox"/> Permit for Supplemental Irrigation	-	_____
	Permit Number	

- Name on Permit, Certificate, or Decree: Ochoco Irrigation District
- Priority Date(s): Mar 13, 1916 (McKay Creek) and Aug 10, 1917 (all other sources)

If there are **multiple Priority Dates** identified on the water right, any information provided in Supplemental Form A of this application must identify which priority date is associated with each of the authorized points of diversion or appropriation and places of use.

Source(s) of Water to be Affected by Transfer: Ochoco, McKay, Dry, Lytle and Johnson Creeks, all waste and return water flowing in all unnamed waterways, and Ochoco Reservoir

Tributary to: Crooked River

- Are there **other water rights**, Permits or Ground Water Registrations associated with this land?
 Yes No

If “Yes”, what are the Permit, Registration or Certificate Numbers? 82247

E-RECEIVED
3/25/2025
OWRD

OWRD E-RECEIVED
1/8/2025
AMENDED

Any “layered” water use or a right that is supplemental to a primary right proposed for transfer **must be included in the transfer or be cancelled.**

▪ Certificate Number or other identifying number: 82246

The following information must be provided only for those points of diversion or appropriation that are involved in the transfer.

If a point of diversion or appropriation is not numbered on the decree or water right certificate or permit, assign it a unique number in the following table (e.g. POD #1 or POA(well) #1). Use the number to refer to the point of diversion or appropriation serving the place of use described in Tables I and II. Note: Permanent district transfers do not allow for a change in point of diversion or appropriation to serve the proposed place of use.

Government lot and donation land claim numbers must be included in the table below **only** if the information is reflected on the existing water right.

Location of Existing Authorized Point(s) of Diversion (POD) or Appropriation (POA):
 (i.e., the allowed point(s) of diversion or appropriation listed on the water right for the "FROM" or "OFF" lands)

AUTHORIZED POINT(S) of DIVERSION (POD) or APPROPRIATION (POA)							
POD# or POA#	TWP	RNG	SEC	QQ	DLC	GOV'T LOT	MEASURED DISTANCES
54	15 S	17 E	5	SW NW			Ochoco Feed Canal 500 feet N and 250 feet E from W1/4 Corner of Section 5
2	15 S	15 S	36	SW SE			60' N, 1940' W of SE Corner

TOTAL:	0.5	
--------	-----	--

	TOTAL:	0.5	
--	---------------	------------	--



SUPERSEDED

E-RECEIVED
3/25/2025
OWRD

District Permanent Water Right Transfer Application
Supplemental Form A

Received
SEP 18 2024
OWRD

DESCRIPTION OF PROPOSED CHANGE(S) TO A WATER RIGHT

List only one water right per page. **A separate Supplemental Form A must be completed for each** certificate, permit, decree, or other right involved in the proposed transfer.

Attach additional copies of Supplemental Form A as needed to describe other certificates, permits, decrees or other rights involved in this transfer.

1. CURRENT WATER RIGHT INFORMATION

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

<input checked="" type="checkbox"/> Certificated Right	82246	
	Certificate Number	
<input type="checkbox"/> Adjudicated, Non-certificated Right	_____	Page Number
	Name of Decree	
<input type="checkbox"/> Permit for which Proof has been Approved	-	Date Claim of Beneficial Use Submitted
	Permit Number	
<input type="checkbox"/> Transferred Right for which Proof has been Filed	-	Date Claim of Beneficial Use Submitted
	Previous Transfer Number	
<input type="checkbox"/> Permit for Supplemental Irrigation	-	
	Permit Number	

- Name on Permit, Certificate, or Decree: Ochoco Irrigation District
- Priority Date(s): Mar 13, 1916 (McKay Creek) and Aug 10, 1917 (all other sources)

If there are **multiple Priority Dates** identified on the water right, any information provided in Supplemental Form A of this application must identify which priority date is associated with each of the authorized points of diversion or appropriation and places of use.

Source(s) of Water to be Affected by Transfer: Ochoco, McKay, Dry, Lytle and Johnson Creeks, all waste and return water flowing in all unnamed waterways, and Ochoco Reservoir

Tributary to: Crooked River

- Are there **other water rights**, Permits or Ground Water Registrations associated with this land?
 Yes No

If “**Yes**”, what are the Permit, Registration or Certificate Numbers? 82247

SUPERSEDED 9/25/2025
E-RECEIVED
OWRD

Any “layered” water use or a right that is supplemental to a primary right proposed for transfer **must be included in the transfer or be cancelled.**

Received
SEP 18 2024
OWRD

SUPERSEDED

▪ Certificate Number or other identifying number: 82246

The following information must be provided only for those points of diversion or appropriation that are involved in the transfer.

If a point of diversion or appropriation is not numbered on the decree or water right certificate or permit, assign it a unique number in the following table (e.g. POD #1 or POA(well) #1). Use the number to refer to the point of diversion or appropriation serving the place of use described in Tables I and II. Note: Permanent district transfers do not allow for a change in point of diversion or appropriation to serve the proposed place of use.

Government lot and donation land claim numbers must be included in the table below **only** if the information is reflected on the existing water right.

Location of Existing Authorized Point(s) of Diversion (POD) or Appropriation (POA):
(i.e., the allowed point(s) of diversion or appropriation listed on the water right for the "FROM" or "OFF" lands)

AUTHORIZED POINT(S) of DIVERSION (POD) or APPROPRIATION (POA)							
POD# or POA#	TWP	RNG	SEC	QQ	DLC	GOV'T LOT	MEASURED DISTANCES
54	15 S	17 E	5	SW NW			Ochoco Feed Canal 500 feet N and 250 feet E from W1/4 Corner of Section 5

E-RECEIVED
3/25/2025
OWRD

Received
SEP 18 2024
OWRD

SUPERSEDED

TOTAL:	0.5	
--------	-----	--

Received
SEP 18 2024
OWRD

E-RECEIVED
3/25/2025
OWRD

SUPERSEDED

	TOTAL:	0.5	
--	---------------	------------	--

Received
SEP 18 2024
OWRD

E-RECEIVED
3/25/2025
OWRD

Crook County

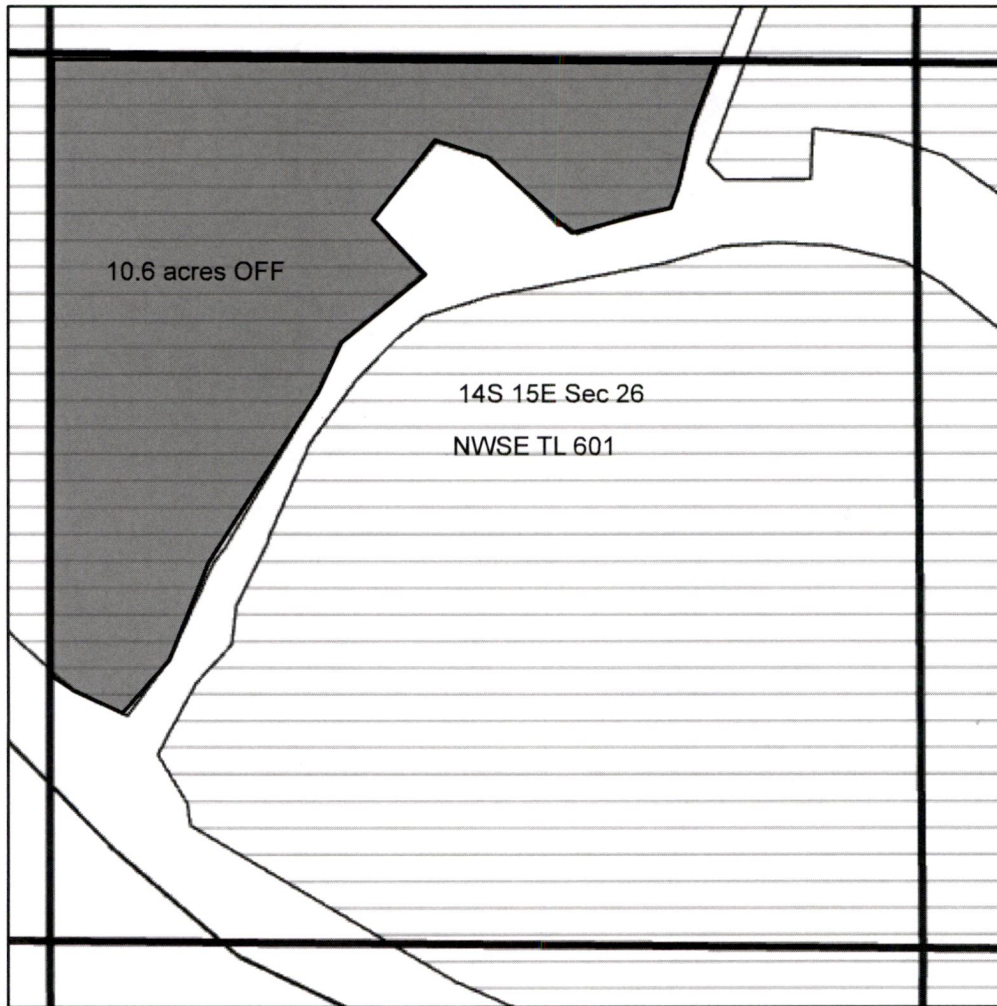
E-RECEIVED
3/25/2025
OVRD

T 14S R 15E Sec.26 Tax Lot 601

NW Of The SE



OFF



Prepared:

1 inch equals 400 feet

District Internal Notice #: 1-24

Certificate #: 82247 IR

Transfer

Less than 5 acres

Cert 82246 IR

Cert 82247 IR

Tax Lot

Cert 82246 IR / 82247 IS

Cert 82249 IS

QQ

Received
SEP 18 2024
OVRD



Permanent Transfer

Ochoco Irrigation District

Acres: 10.6 acres OFF

14532 -

Crook County

E-RECEIVED

3/25/2025

T 14S

R 15E

Sec.26

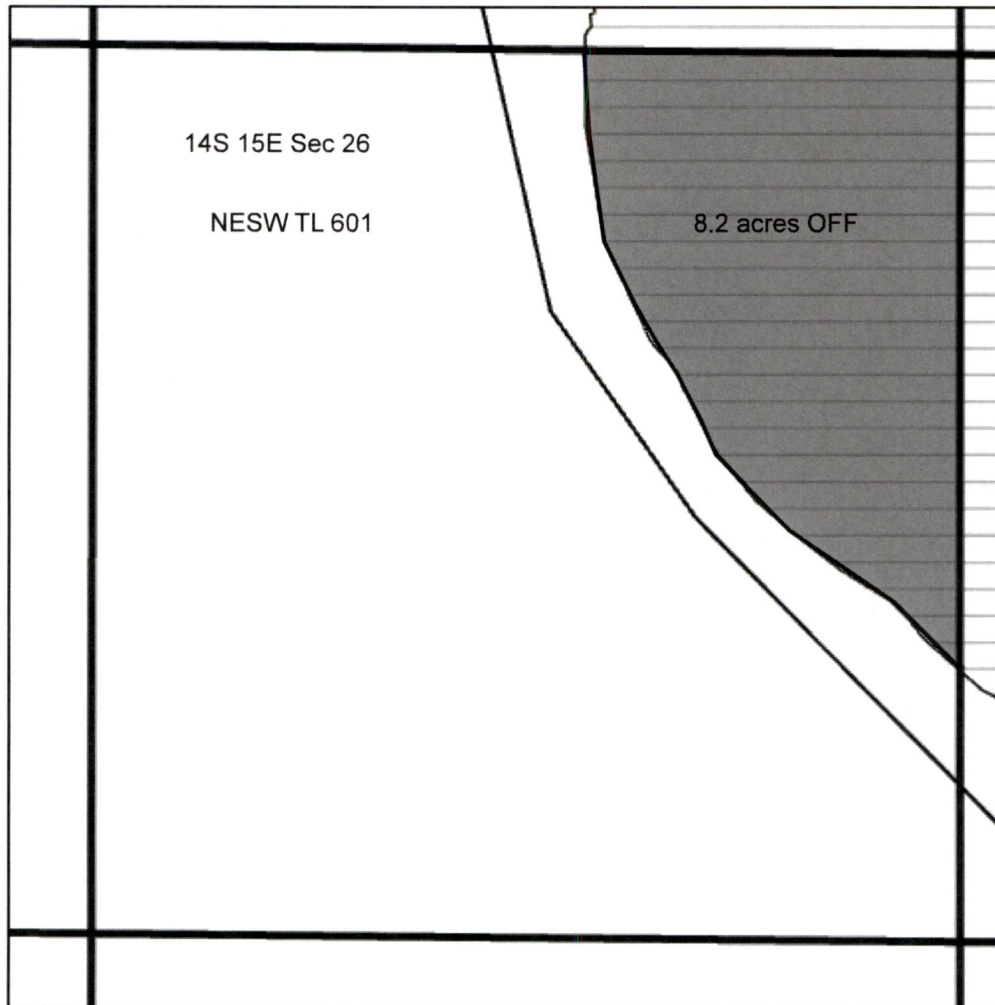
Tax Lot 601

OWRD

NE Of The SW



OFF







Prepared:




1 inch equals 400 feet

District Internal Notice #: 1-24

Certificate #: 82247 IR

 Transfer
 Less than 5 acres

 Cert 82246 IR
 Cert 82247 IR
 Tax Lot

 Cert 82246 IR / 82247 IS
 Cert 82249 IS
 QQ

Received
 SEP 18 2024
 OWRD



Permanent Transfer
Ochocho Irrigation District
Acres: 8.2 acres OFF

14532 -

Crook County

E-RECEIVED

3/25/2025

T 14S

R 15E

Sec.26

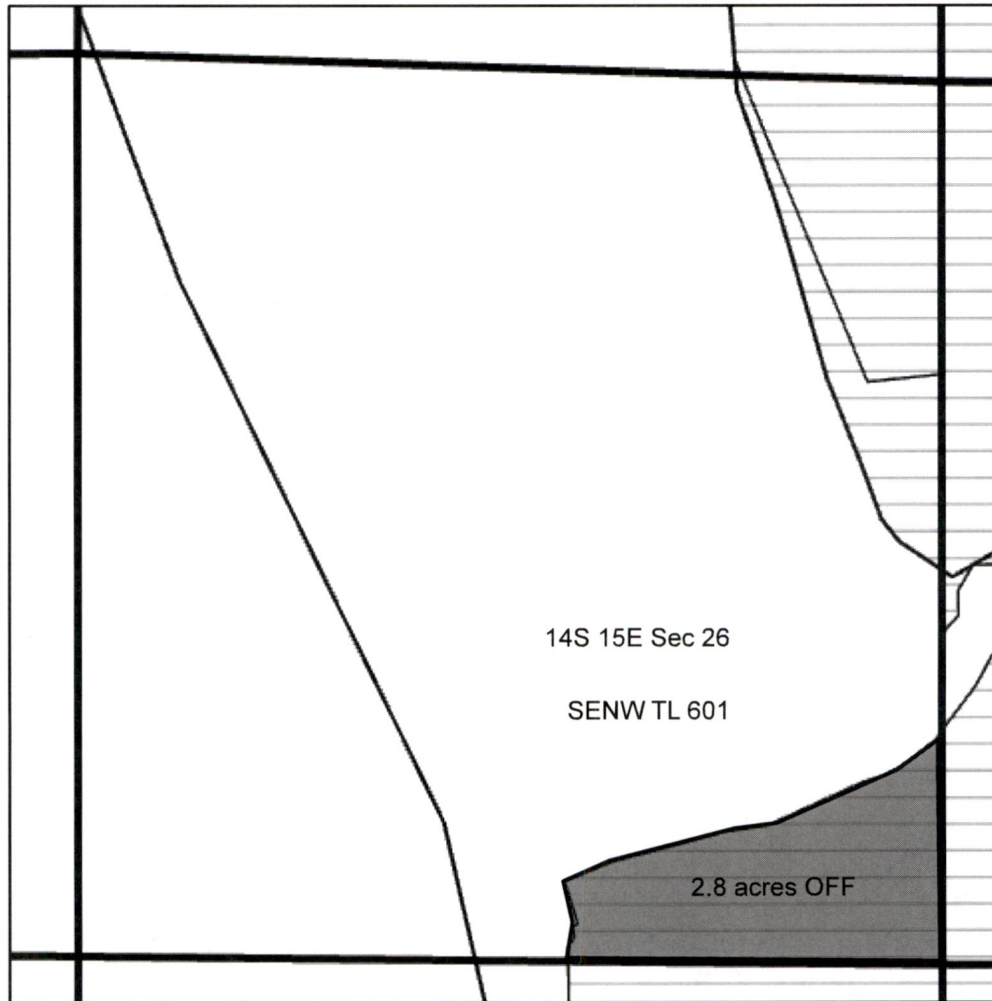
Tax Lot 601

OWRD

SE Of The NW



OFF



Prepared:

1 inch equals 400 feet

District Internal Notice #: 1-24

Certificate #: 82247 IR

Transfer

Less than 5 acres

Cert 82246 IR

Cert 82247 IR

Tax Lot

Cert 82246 IR / 82247 IS

Cert 82249 IS

QQ

Received

SEP 18 2024

OWRD



Permanent Transfer

Ochoco Irrigation District

Acres: 2.8 acres OFF

14532 -

Crook County

E-RECEIVED
3/25/2025
OWRD

T 15S

R 16E

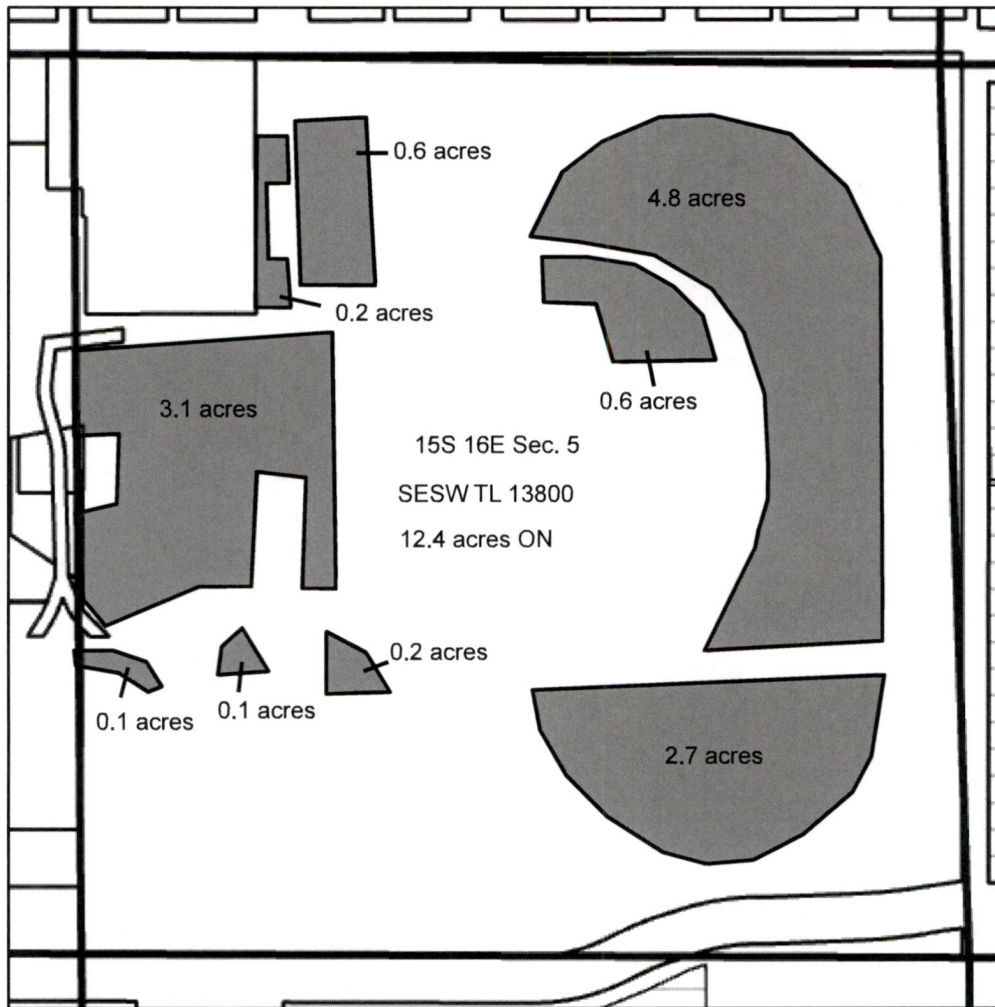
Sec.5

Tax Lot 13800

SE Of The SW



ON



Prepared:

1 inch equals 400 feet

District Internal Notice #: 1-24

Certificate #: 82247 IR

- Transfer
- Cert 82246 IR
- Cert 82246 IR / 82247 IS
- Less than 5 acres
- Cert 82247 IR
- Cert 82249 IS
- Tax Lot
- QQ

Received
SEP 18 2024
OWRD



Permanent Transfer

Crook County

Acres: 12.4 ON

14532 -

Crook County

E-RECEIVED

3/25/2025

T 15S

R 16E

Sec.5

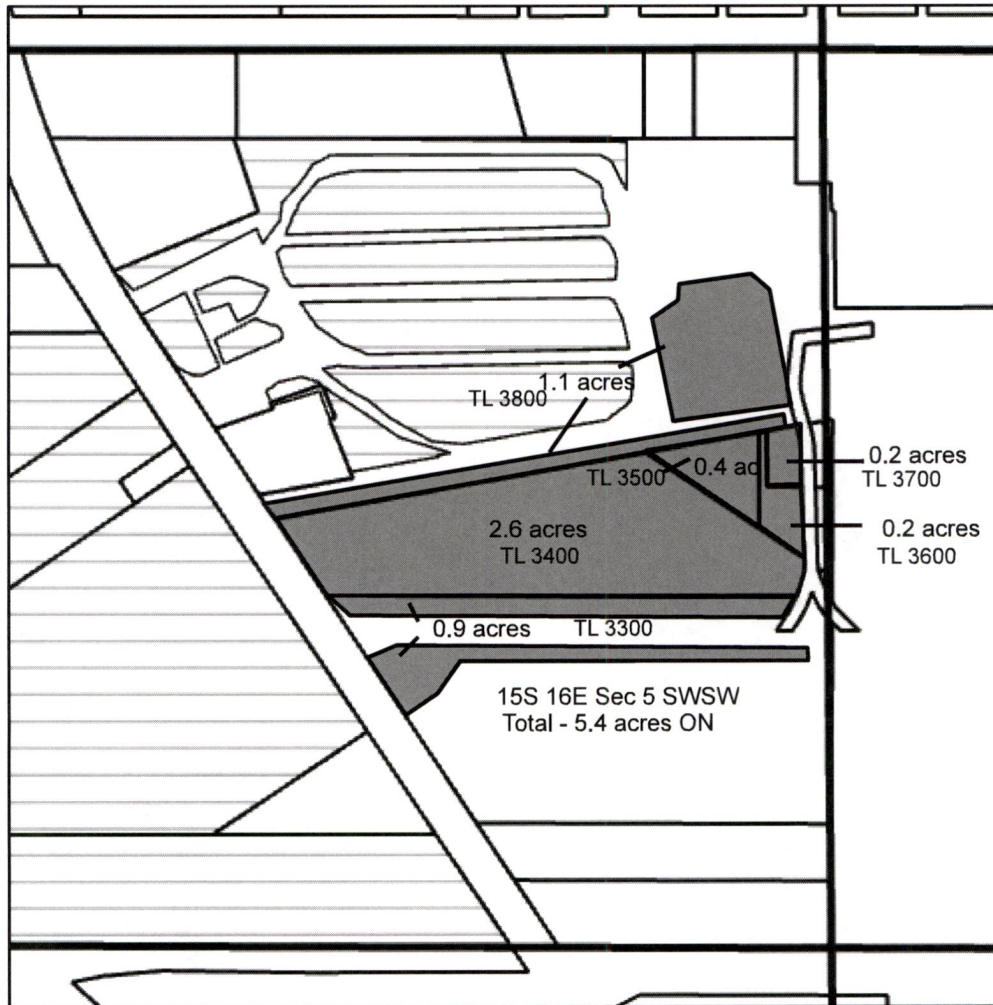
Tax Lot

Multiple

SW Of The SW



ON











Prepared:

1 inch equals 400 feet

District Internal Notice #: 1-24

Certificate #: 82247 IR

-  Transfer
-  Cert 82246 IR
-  Cert 82246 IR / 82247 IS
-  Less than 5 acres
-  Cert 82247 IR
-  Cert 82249 IS
-  Tax Lot
-  QQ

Received
SEP 18 2024

OWRD



Permanent Transfer

Crook County

Acres: 5.4 ON

14532 -

Crook County

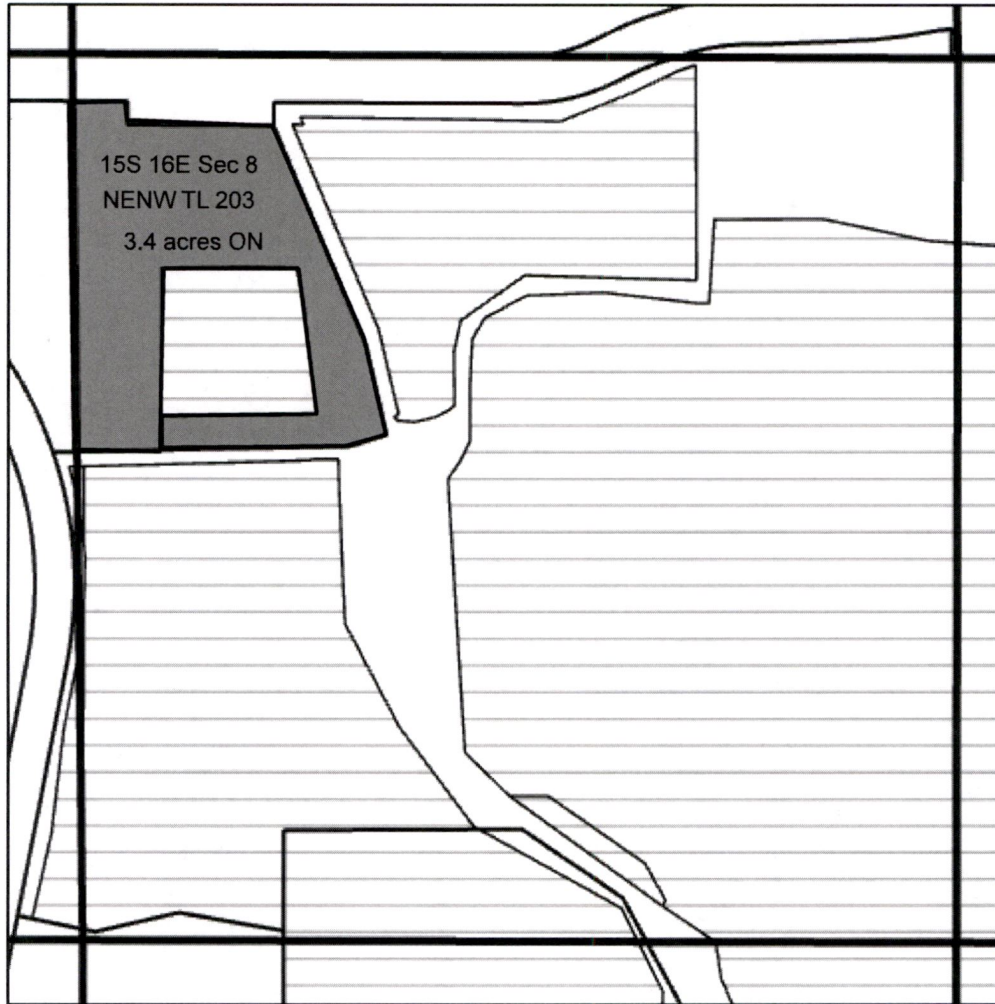
E-RECEIVED
3/25/2025
OWRD

T 15S R 16E Sec.8 Tax Lot 203

NE Of The NW



ON











Prepared:

1 inch equals 400 feet

District Internal Notice #: 1-24

Certificate #: 82247 IR

Received
SEP 18 2024
OWRD

-  Transfer
-  Cert 82246 IR
-  Cert 82246 IR / 82247 IS
-  Less than 5 acres
-  Cert 82247 IR
-  Cert 82249 IS
-  Tax Lot
-  QQ



Permanent Transfer
Crook County
Acres: 3.4 acres ON

14532 -

Crook County

E-RECEIVED

3/25/2025

T 15S

R 16E

Sec.8

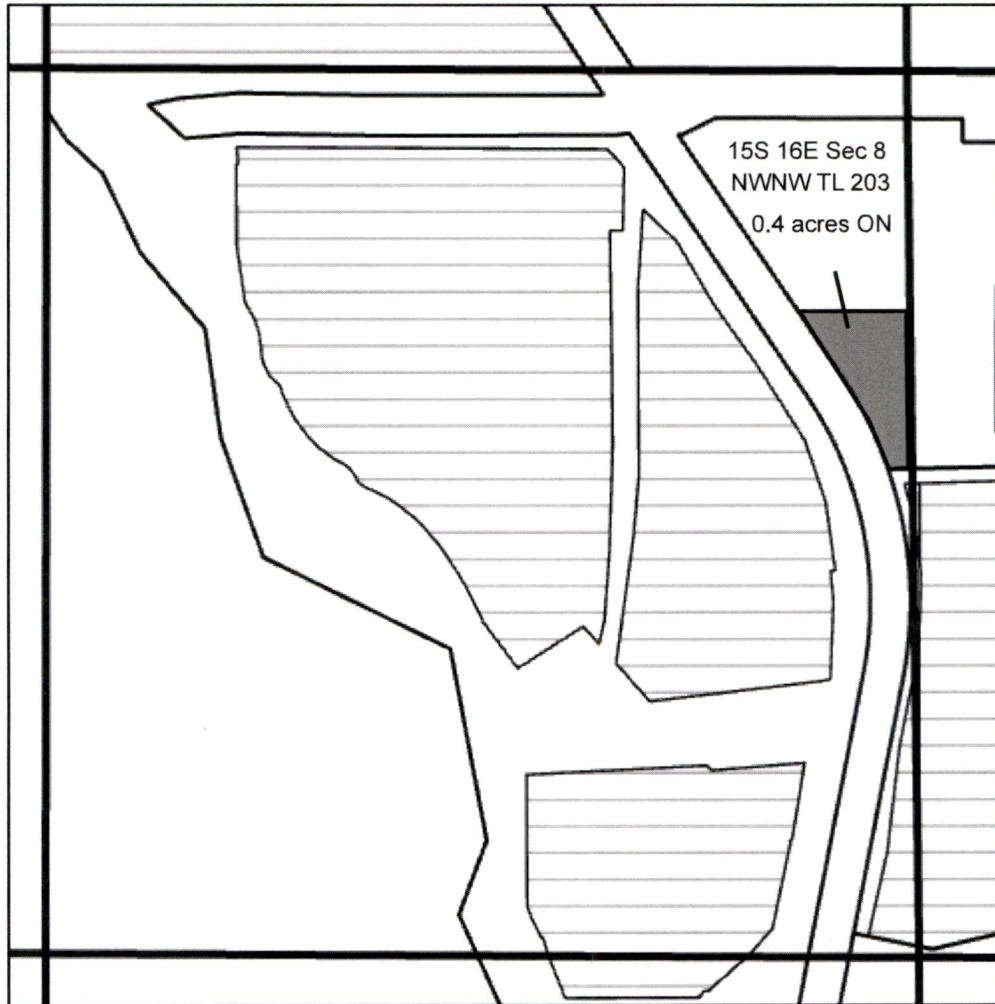
Tax Lot 203

OWRD

NW Of The NW



ON



Prepared:

1 inch equals 400 feet









District Internal Notice #: 1-24

Certificate #: 82247 IR

Received

SEP 18 2024

OWRD

-  Transfer
-  Cert 82246 IR
-  Cert 82246 IR / 82247 IS
-  Less than 5 acres
-  Cert 82247 IR
-  Cert 82249 IS
-  Tax Lot
-  QQ



Permanent Transfer

Crook County

Acres: 0.4 acres ON

14532 -

Crook County

E-RECEIVED

3/25/2025

T 14S

R 15E

Sec.11

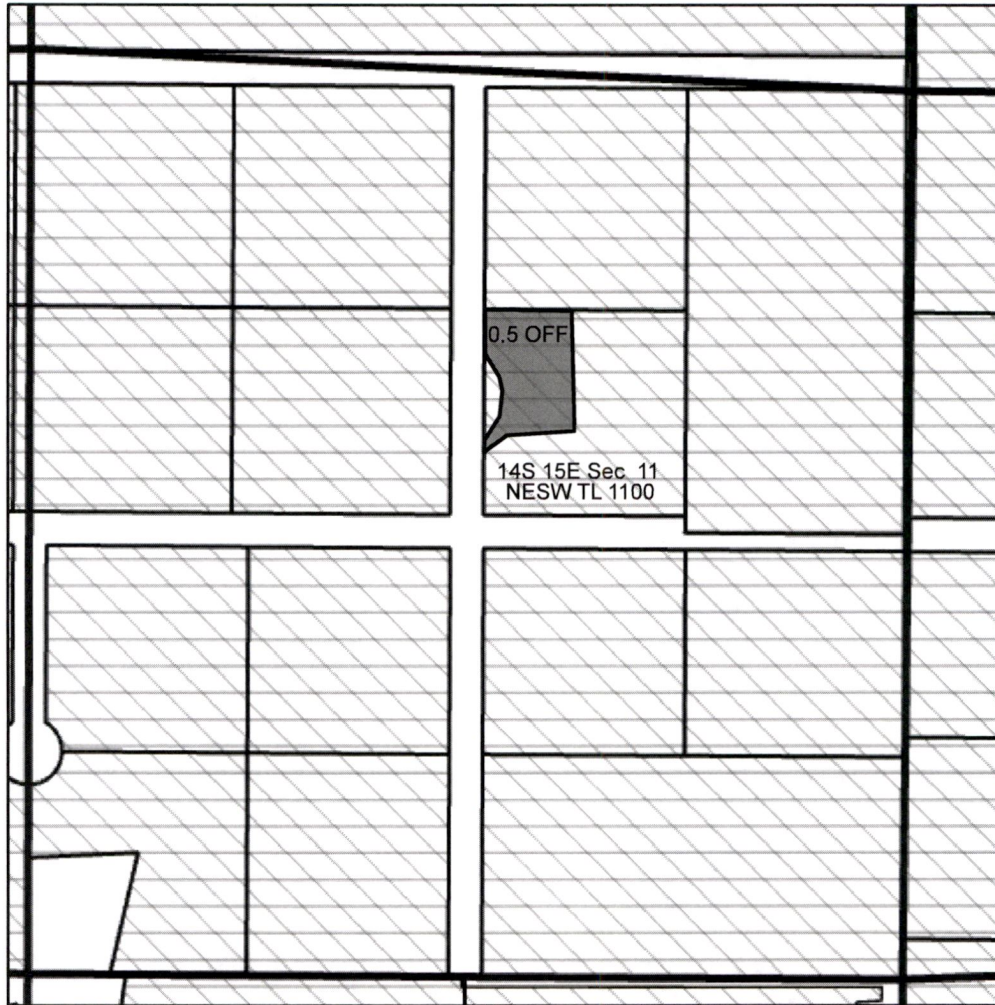
Tax Lot

1100

NE Of The SW



OFF



Prepared:

1 inch equals 400 feet

District Internal Notice #:

Certificate #: 82246 IR 82247 IS

Transfer

Less than 5 acres

Cert 82246 IR

Cert 82247 IR

Tax Lot

Cert 82246 IR / 82247 IS

Cert 82249 IS

QQ

Received

SEP 18 2024

OWRD



Permanent Transfer

Soliz Kate Elizabeth

Acres: 0.5 acres OFF

14532 -

Crook County

E-RECEIVED
3/25/2025
OWRD

T 14S

R 15E

Sec.2

Tax Lot 104

NW Of The NE



ON



Prepared:

1 inch equals 400 feet

District Internal Notice #: 2-24

Certificate #: 82246 IR 82247 IS

- | | | |
|-------------------|---------------|--------------------------|
| Transfer | Cert 82246 IR | Cert 82246 IR / 82247 IS |
| Less than 5 acres | Cert 82247 IR | Cert 82249 IS |
| Tax Lot | QQ | |

Received
SEP 18 2024
OWRD



Permanent Transfer

Jody Cross

Acres: 0.5 acres ON

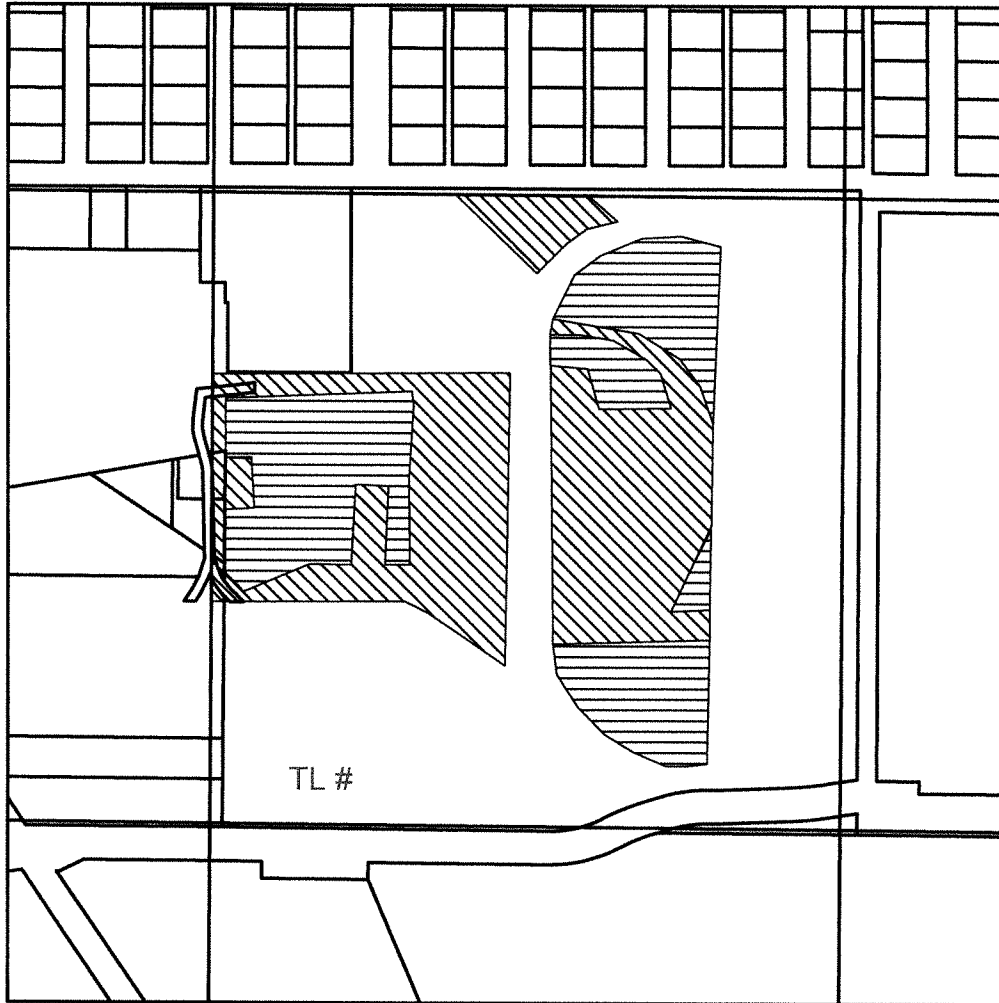
14532 -

Crook County

T 15S R 16E Sec.5 Tax Lot 13800

E-RECEIVED
12/20/2024
OWRD

SE Of The SW





Prepared:

1 inch equals 400 feet

District Internal Notice #:

Certificate #: 48584

-  48584 Canceled
-  48584 Supplemental

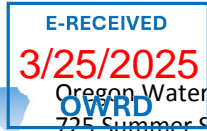
Cancellation & Supplemental



Crook County GIS
GEOGRAPHIC INFORMATION SYSTEMS

To be **Cancelled Acres: 8.15**

Diminished to **Supplemental Acres: 5.85**



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-

Review Due Date:

Applicant Name:

Proposed Changes: POU POD POA USE OTHER

Reviewer(s):

Date of Review:

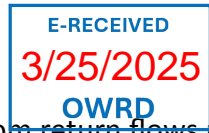
1. Do you have evidence that the right has not been used in the last 5 years and that the presumption of forfeiture would not likely be rebuttable? Yes No If "Yes", attach evidence (e.g. dated aerial photo showing pavement or building on the land for >5 yrs.)

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:

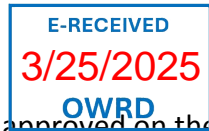
N/A

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:

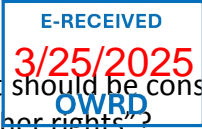
iv. Do you have any other observations regarding the temporary transfer? Yes No If "Yes", describe:

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.

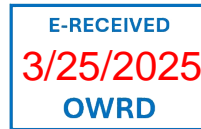
Reservoir water use measurement: (if this condition is selected, also fill in the top sections of Page 4)

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-

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:

District:

Address:

City/State/Zip:

Phone:

Email:

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