



Alison K. Toivola  
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October 9, 2025

**VIA E-MAIL ONLY:**

**JEREMY.T.GIFFIN@WATER.OREGON.GOV**  
**ADAM.M.FREDERICK@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

Sarah A. Henderson  
Adam M. Frederick  
Oregon Water Resources Department  
725 Summer Street NE, Suite A  
Salem, OR 97301

**Re: Transfer Application T-13897**

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

We represent the Confederated Tribes of the Warm Springs Reservation of Oregon (“Tribe”). The Oregon Water Resources Department (“Department”) has provided the Tribe with certain information concerning Transfer Application T-13897, which is further identified in Appendix A hereto (“Application”).

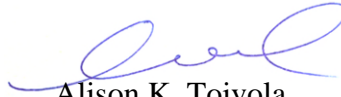
The Tribe submitted an initial letter regarding the Application on August 20, 2024. Recently, the Department has advised the Tribe that the original application was amended. Accordingly, the Tribe has rescinded its original letter dated August 20, 2024. The Tribe now provides a new letter to address the Application, as revised.

The Tribe has reviewed the Application. The Tribe is relying in good faith upon the information provided by the Department. Based on that information, the Tribe does not object to the Department processing the Application in accordance with applicable law, and the Department’s customary practice. 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  
Sarah A. Henderson  
Adam M. Frederick  
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Please let us know if you have any questions.

Sincerely,



Alison K. Toivola  
for BEST BEST & KRIEGER LLP

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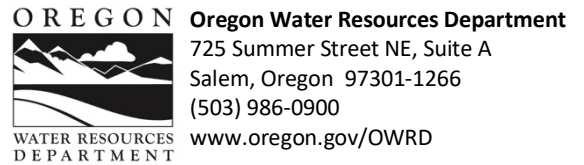
cc: Robert A. Brunoe  
Austin Smith, Jr.  
Brad Houslet  
Josh Newton, Esq.

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## **Appendix A**

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# Application for Permanent Water Right Transfer



## 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: C-94473**  
 Please include a separate Part 5 for each water right. (See instructions on page 6)  
**NOTE: A separate transfer application is required for each water right unless the criteria in OAR 690-380-3220 are met.**

**Attachments:**

- Completed Transfer Application Map.
- Completed Evidence of Use Affidavit and supporting documentation.
- N/A Affidavit(s) of Consent from Landowner(s) (if the applicant does not own the land the water right is on.)
- N/A Supplemental Form D – For water rights served by or issued in the name of an irrigation district. Complete when the transfer applicant is not the irrigation district.
- N/A Oregon Water Resources Department’s Land Use Information Form with approval and signature (or signed land use form receipt stub) 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 4 of 5 – Applicant Information and Signature

### Applicant Information

APPLICANT/BUSINESS NAME <b>PHILIP H. KNIGHT &amp; PENELOPE P. KNIGHT</b>		PHONE NO. <b>541-977-5275</b>	ADDITIONAL CONTACT NO.
ADDRESS <b>34645 SW CLOUDREST LN</b>			FAX NO.
CITY <b>HILLSBORO</b>	STATE <b>OR</b>	ZIP <b>97123</b>	E-MAIL
<b>BY PROVIDING AN E-MAIL ADDRESS, CONSENT IS GIVEN TO RECEIVE ALL CORRESPONDENCE FROM THE DEPARTMENT ELECTRONICALLY. COPIES OF THE FINAL ORDER DOCUMENTS WILL ALSO BE MAILED.</b>			

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

AGENT/BUSINESS NAME <b>JOHN A. SHORT / WATER RIGHT SERVICES, LLC</b>		PHONE NO. <b>541-389-2837</b>	ADDITIONAL CONTACT NO.
ADDRESS <b>PO BOX 1830</b>			FAX NO.
CITY <b>BEND</b>	STATE <b>OR</b>	ZIP <b>97709</b>	E-MAIL <b>JOHNSHORT@USA.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:  
**MOVE TO A NEW PLACE OF USE AND POINT OF DIVERSION, & CHANGE TO NURSERY USE.**

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

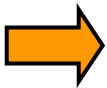
### Check One Box

- 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.

**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: **BEND BULLETIN.**
- 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.**



Applicant signature	Print Name (and Title if applicable)	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)

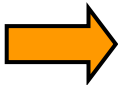
RECEIVING LANDOWNER NAME <b>N/A</b>			PHONE NO.	ADDITIONAL CONTACT NO.
ADDRESS				FAX NO.
CITY	STATE	ZIP	E-MAIL	
Describe any special ownership circumstances:				
The confirming Certificate shall be issued in the name of: <input type="checkbox"/> Applicant <input type="checkbox"/> Receiving Landowner				

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

IRRIGATION DISTRICT NAME <b>CENTRAL OREGON IRRIGATION DISTRICT</b>	ADDRESS <b>1055 SW LAKE RD</b>	
CITY <b>REDMOND</b>	STATE <b>OR</b>	ZIP <b>97756</b>

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>JEFFERSON COUNTY COMMUNITY DEVELOPMENT</b>	ADDRESS <b>85 SE "D" ST</b>	
CITY <b>MADRAS</b>	STATE <b>OR</b>	ZIP <b>97741</b>

ENTITY NAME	ADDRESS	
CITY	STATE	ZIP

## Part 5 of 5 – Water Right Information

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

**CERTIFICATE # 94473**

### Description of Water Delivery System

System capacity: **0.137** 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. **WATER IS PUMPED FROM POD TO WHEEL LINE.**

**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)
<b>Main Channel of Crooked River</b>	<input checked="" type="checkbox"/> Authorized <input type="checkbox"/> Proposed										<b>No location information on certificate</b>
<b>POD "ON"</b>	<input type="checkbox"/> Authorized <input checked="" type="checkbox"/> Proposed		<b>13</b>	<b>S</b>	<b>13</b>	<b>E</b>	<b>34</b>	<b>SE</b>	<b>SW</b>	<b>103</b>	<b>1250' N, 2220' E OF SW COR SEC 34</b>

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

- |  |   |
|--|---|
| <input checked="" type="checkbox"/> Place of Use (POU)                 | <input type="checkbox"/> Supplemental Use to Primary Use (S to P) |
| <input checked="" type="checkbox"/> Character of Use (USE)             | <input type="checkbox"/> Point of Appropriation/Well (POA)        |
| <input checked="" 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 # 94473**

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				
<b>EXAMPLE</b>																								
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				
14	S	14	E 22 NE NE	100		11.0	IR	CROOKED RIVER	1911	POU, USE, POD	13	S	13	E 34 NE SW	103		2.6	NU	POD	1911				
											13	S	13	E 34 SE SW	103		8.4	NU	POD	1911				
TOTAL ACRES:						<b>11.0</b>						TOTAL ACRES:						<b>11.0</b>						

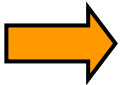
Additional remarks: \_\_\_\_\_.

**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:

**C-94956 IR & C-76714 IS.**



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

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

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

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

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

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

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

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

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

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

**AND/OR**

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

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

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

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

# 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 CROOK)

I, DAVID BUTLER, in my capacity as OWNER,  
 mailing address 5294 NW LONE PINE RD. TERREBONNE, OR 97760  
 telephone number (541)420-4102, being first duly sworn depose and say:

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

- Personal observation                       Professional expertise

2. I attest that:

- Water was used during the previous five years on the **entire** place of use for Certificate # 94473; **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)
94473	14	S	14	E	WM	22	NE	NE		11.0

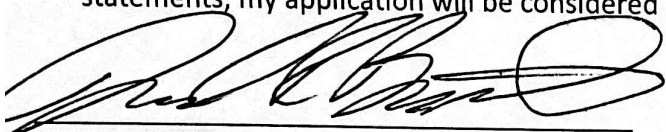
OR

- 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)

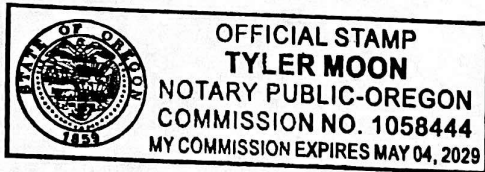
3. The water right was used for: (e.g., crops, pasture, etc.): PASTURE/HAY

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

5-28-25  
 \_\_\_\_\_  
 Date

Signed and sworn to (or affirmed) before me this 28 day of May, 2025.



  
 \_\_\_\_\_  
 Notary Public for Oregon

My Commission Expires: 05/04/2029

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	<p>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.</p> <p>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.terraserver.com">www.terraserver.com</a></p>
<input type="checkbox"/> Approved Lease establishing beneficial use within the last 5 years	Copy of instream lease or lease number

# Application for Water Right Transfer



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 )  
 )ss  
County of Crook )

I David R. Butler in my/our capacity as Owner,

mailing address 5294 NW Lone Pine Rd Terrebonne, OR 97760,

telephone number 541-420-4102, duly sworn depose and say that I

consent to the proposed change(s) to Water Right Certificate Number 94473

described in a Water Right Transfer Application (T-13897),

*(transfer number, if known)*

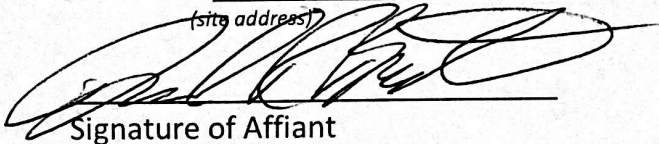
submitted by Water Right Services, LLC / Philip & Penelope Knight

on the property in tax lot number(s) 100,

Section 22 Township 14 South Range 14 East, W.M.,

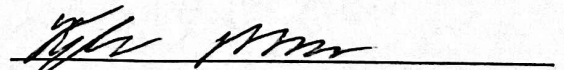
located at 5294 NW Lone Pine Rd. Terrebonne, OR 97760

*(site address)*

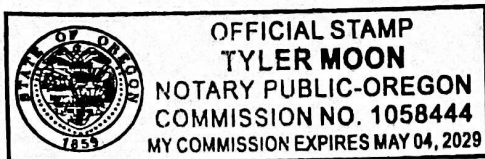
  
Signature of Affiant

5-28-25  
Date

Subscribed and Sworn to before me this 28 day of May, 2025.

  
Notary Public for Oregon

My commission expires 05/04/2029.



BARGAIN AND SALE DEED

KNOW ALL MEN BY THESE PRESENTS, That CLAUDE V. BUTLER and GLADYS BUTLER, husband and wife, hereinafter called grantors, for the consideration hereinafter stated, do hereby grant, bargain, sell and convey unto BUTLER RANCH INC., hereinafter called grantee, and unto grantee's heirs, successors and assigns all of that certain real property with the tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining, situated in the County of Crook, State of Oregon, described as follows, to-wit:

IN TOWNSHIP 14 SOUTH OF RANGE 14 EAST OF THE WILLAMETTE MERIDIAN:

Section 9: All that portion of the Southeast quarter of the Northeast Quarter and the West half of the Southeast quarter lying South and East of the crest of the rim rock extending across said lands.

Section 10: The North half of the Northeast quarter, the Southwest quarter of the Northeast quarter, the South half, and all that portion of the Northwest quarter lying South and East of the crest of the rim rock extending across said Northwest quarter.

Section 15: The West half, and the Southeast quarter.

Section 16: All.

Section 17: That portion of the SE $\frac{1}{4}$  of the SE $\frac{1}{4}$  lying South and East of the County Road, as located and constructed.

Section 20: The Northeast quarter, the Northwest quarter of the Southeast quarter, the North half of the Northeast quarter of the Southeast quarter, the South half of the Northwest quarter, and all that portion of the North half of the Northwest quarter lying South of the County Road, as located and constructed.

Section 22: The North half of the North half.

EXCEPTING THEREFROM:

The Northwest Quarter of the Southwest Quarter (NW $\frac{1}{4}$ SW $\frac{1}{4}$ ) of Section Sixteen (16), Township Fourteen (14) South, Range Fourteen (14) East of the Willamette Meridian;

AND the West one-half of the Northwest Quarter (W $\frac{1}{2}$ NW $\frac{1}{4}$ ) of Section Sixteen (16), Township Fourteen (14) South, Range Fourteen (14) East of the Willamette Meridian;

AND Commencing on the Northwest Corner of Section Twenty (20), Township Fourteen (14) South, Range Fourteen (14) East of the Willamette Meridian;

AND Thence 660 feet South along the Westerly line of Section Twenty (20); thence East to the West bank of the Crooked River; thence North along the bank of the Crooked River to a point where the Crooked River intersects with the North boundary of Section Twenty (20); thence West to the point of beginning along the Northern boundary of Section Twenty (20).

To Have and to Hold the same unto the said grantee and grantee's heirs, successors and assigns forever.

The true and actual consideration paid for this transfer, stated in terms of dollars, is an exchange of stock of equal value.

In construing this deed the singular includes the plural as the circumstances may require.

Witness grantors' hands this 17 day of November, 1972.

Claude V. Butler  
CLAUDE V. BUTLER

Gladys Butler  
GLADYS BUTLER

STATE OF OREGON )  
: ss.  
County of Deschutes )

November 17, 1972

Personally appeared the above named Claude V. Butler and Gladys Butler and acknowledged the foregoing instrument to be their voluntary act and deed.

Before me:

Walter J. Edmunds  
Notary Public for Oregon  
My Commission expires 1/28/76



No. 20317  
STATE OF OREGON, }  
COUNTY OF CROOK, }

I CERTIFY that the within instrument of writing was received for recording on the 4th day of Dec. A.D. 1972 at 10:30 o'clock A. M. and recorded in Book mp on Page 20317 of Deeds of said county.

Grace G. Bannon  
County Clerk  
By Conrad J. Selinger Deputy

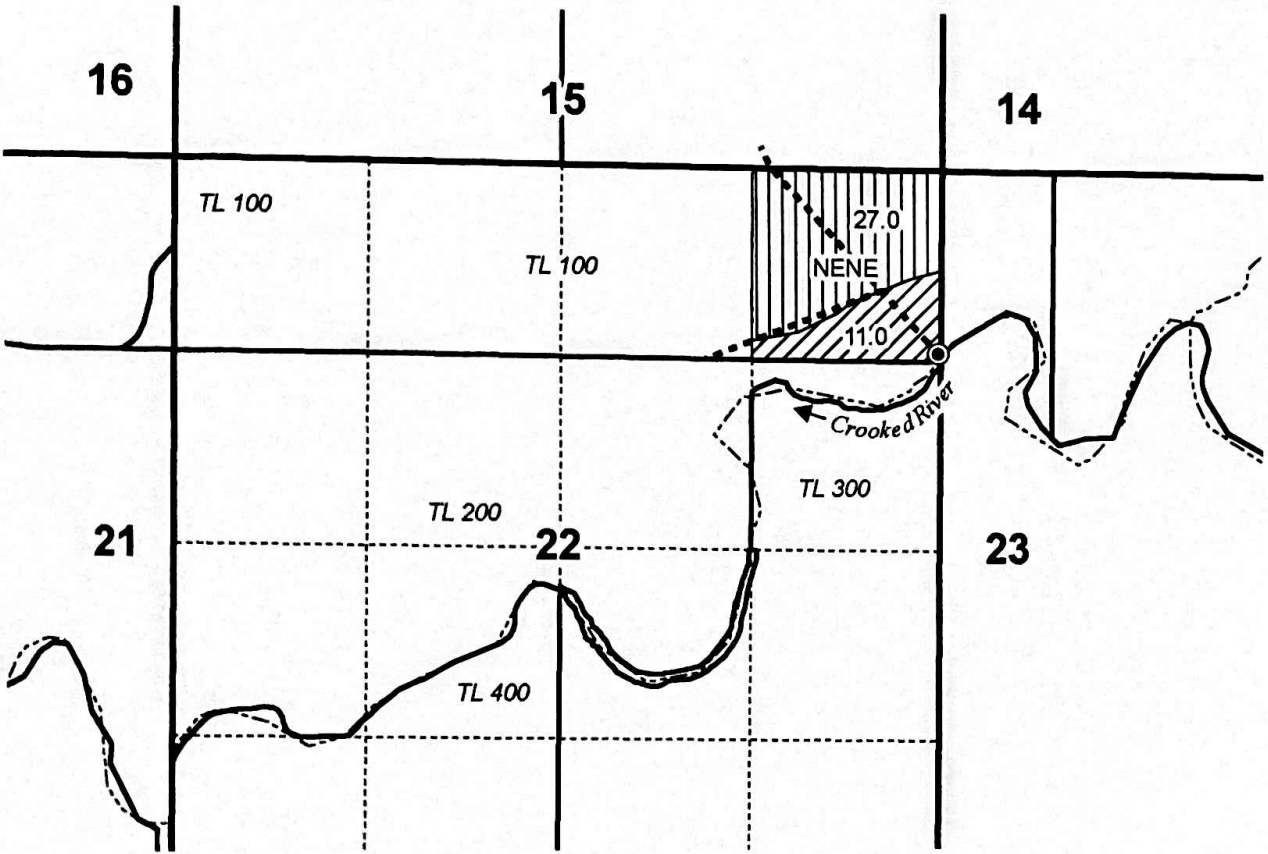


**T14S R14E, WM,  
CROOK COUNTY, OR**



0 1,320 Feet

1" = 1,320'



- POD
- Pipeline
- POU IR "OFF" in NENE QQ
- POU IR "No Change" in NENE QQ
- Section
- Quarter Quarter
- Tax Lot

POD Location: 1300' S of NE Cor Sec 22

Note: The Point of Diversion Location is not on the certificate



RENEWS: 06/30/2026



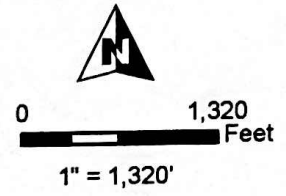
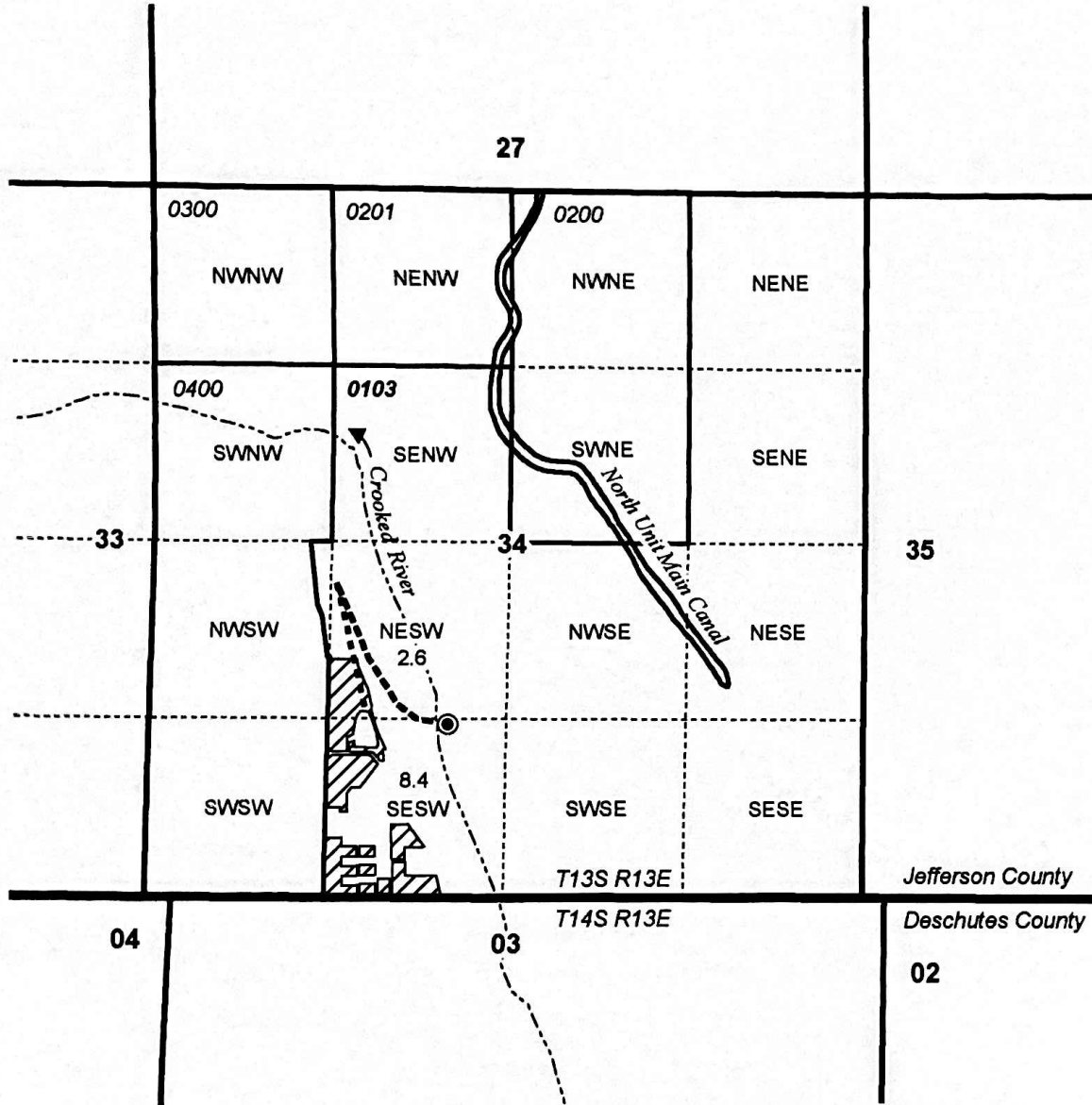
**PERMANENT TRANSFER "OFF" MAP**  
**Butler / Knight**  
A portion of C-94473

Date: 5/27/2025

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

**WATER RIGHT SERVICES, LLC**  
PO BOX 1830, BEND, OR 97709  
**WWW.OREGONWATER.US** CCB # 197121  
johnshort@usa.com 541-389-2837

**T13S R13E, WM**  
**JEFFERSON COUNTY, OREGON**



- ⊙ POD, Meter, & Fishscreen
- River
- Pipeline
- POU NU 9/24/1911 Priority "ON"
- Township
- Section
- Quarter Quarter
- Tax Lot

**POD LOCATION:**  
 1,250' N, 2,200' E OF SW COR SEC 34



RENEWS: 06/30/2026

**PERMANENT TRANSFER "ON" MAP**  
**Knight Ranch**  
 C-94473

Date: 5/21/2025

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

**WATER RIGHT SERVICES, LLC**  
 PO BOX 1830, BEND, OR 97709  
**WWW.OREGONWATER.US** CCB # 197121  
 johnshort@usa.com 541-389-2837

# 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](http://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