



Josh Newton
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August 19, 2024

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: T-14196

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

We represent the Confederated Tribes of the Warm Springs Reservation of Oregon (“Tribe”). The Department of Water Resources (“Department”) has provided the Tribe with certain information concerning several transfer applications. This letter pertains to T-14196, which is further identified in **Appendix A** hereto (the “Application”).

The Tribe has reviewed the Application, along with additional information about the Application 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, *provided* that the proposed well is constructed to prevent the mixing of groundwater from overlying formations and the Columbia River Basalt Group (CRBG), consistent with the Department’s groundwater review attached as **Appendix B**.¹ In short, the well should be cased and sealed to access the same water-bearing zones as the existing authorized well, ensuring no commingling of aquifers within the CRBG. The Tribe’s position set forth in this letter is contingent upon the well-being cased and sealed, as described.

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.

Please let us know if you have any questions.

¹ The map on page 4 of 4 in the Department’s groundwater review inaccurately includes a “Lake County” insert. The Tribe understands that the transfer applied for in T-14196 is in Crook County, not Lake County. The Tribe’s position as set forth in this letter is in reliance on the transfer being in Crook County, consistent with the maps and descriptions contained in the Application, and not in Lake County.

Jeremy Giffin
Ann Reece
Sarah A. Henderson
August 19, 2024
Page 2

Sincerely,



Josh Newton
of BEST BEST & KRIEGER LLP

JN

cc: Robert A. Brunoe
Austin Smith, Jr.
Brad Houslet
David Filippi, Esq.
Alison K. Toivola, Esq.

Appendix A

Application for Permanent Water Right Transfer



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

Part 1 of 5 – Minimum Requirements Checklist

This transfer application will be returned if Parts 1 through 5 and all required attachments are not completed and included.
For questions, please call (503) 986-0900, and ask for Transfer Section.

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

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- 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.
- 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: 93438**
Please include a separate Part 5 for each water right. (See instructions on page 6)
NOTE: A separate transfer application is required for each water right unless the criteria in OAR 690-380-3220 are met.

Attachments:

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

(For Staff Use Only)

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

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

Other/Explanation _____

Staff: _____ 503- _____ Date: ____/____/____

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/. 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 John Giorgi		PHONE NO. (541)477-3838	ADDITIONAL CONTACT NO.
ADDRESS 71200 SE Paulina-Suplee Highway			FAX NO.
CITY Paulina	STATE OR	ZIP 97751	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.			

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

AGENT/BUSINESS NAME Hayes McCoy/H.A. McCoy Engineering & Surveying		PHONE NO. (541)923-7554	ADDITIONAL CONTACT NO.
ADDRESS 1180 SW Lake Road, #201			FAX NO.
CITY Redmond	STATE OR	ZIP 97756	E-MAIL hayes@ham-engr.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.			

Explain in your own words what you propose to accomplish with this transfer application, and why:
Add additional POA to allow use of water permitted.

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

Check One Box

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

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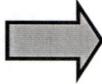
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By my signature below, I confirm that I understand:

- Prior to Department approval of the transfer application, I may be required to submit payment to the Department for publication of a notice in a newspaper with general circulation in the area where the water right is located, once per week for two consecutive weeks. If more than one qualifying newspaper is available, I suggest publishing the notice in the following newspaper: _____.
- 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.



John Giorgio Trustee
Applicant signature

John Giorgio, Trustee 3-15-23
Print Name (and Title if applicable) Date

Applicant signature

Print Name (and Title if applicable) Date

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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

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

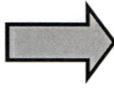
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Check here if any of the water rights proposed for transfer are or will be located within or served by an irrigation or other water district. **(Tip: Complete and attach Supplemental Form D.)**

IRRIGATION DISTRICT NAME	ADDRESS	
CITY	STATE	ZIP

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

ENTITY NAME	ADDRESS	
CITY	STATE	ZIP

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

ENTITY NAME Crook County	ADDRESS 300 NE 3rd Street, Room 12	
CITY Prineville	STATE OR	ZIP 97754

ENTITY NAME	ADDRESS	
CITY	STATE	ZIP

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Part 5 of 5 – Water Right Information

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

CERTIFICATE # 93438

Description of Water Delivery System

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System capacity: **2.44** cubic feet per second (cfs) OR
 _____ gallons per minute (gpm)

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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. **Well with pump delivers irrigation water to irrigation pivots**

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)
Giorgi Well	<input checked="" type="checkbox"/> Authorized <input type="checkbox"/> Proposed	73263	17	S	23	E	11	NE	NW	203	660'S, 640' E from NW Corner of Section 11
Well #2	<input type="checkbox"/> Authorized <input checked="" type="checkbox"/> Proposed		17	S	23	E	11	NE	NW	203	700'S, 20' E from NW Corner of Section 11 (Preliminary location)
	<input type="checkbox"/> Authorized <input type="checkbox"/> Proposed										
	<input type="checkbox"/> Authorized <input type="checkbox"/> Proposed										

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

- | | |
|--|--|
| <input type="checkbox"/> Place of Use (POU) | <input type="checkbox"/> Supplemental Use to Primary Use (S to P) |
| <input type="checkbox"/> Character of Use (USE) | <input type="checkbox"/> Point of Appropriation/Well (POA) |
| <input type="checkbox"/> Point of Diversion (POD) | <input checked="" 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 # 93438

List the change proposed for the acreage in each $\frac{1}{4}$ $\frac{1}{4}$. 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.

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AUTHORIZED (the "from" or "off" lands) The listing that appears on the certificate BEFORE PROPOSED CHANGES List only that part or portion of the water right that will be changed.											Proposed Changes (see "CODES" from previous page)	PROPOSED (the "to" or "on" lands) The listing as it would appear AFTER PROPOSED CHANGES are made.														
Twp	Rng	Sec	¼	¼	Tax Lot	Gvt Lot or DLC	Acres	Type of USE listed on Certificate	POD(s) or POA(s) (name or number from Table 1)	Priority Date		Twp	Rng	Sec	¼	¼	Tax Lot	Gvt Lot or DLC	Acres	New Type of USE	POD(s)/ POA(s) to be used (from Table 1)	Priority Date				
EXAMPLE																										
2	S	9	E	15	NE	NW	100		15.0	Irrigation	POD #1 POD #2	1901	POU/POD	2	S	9	E	1	NW	NW	500	1	10.0		POD #5	1901
														2	S	9	E	2	SW	NW	500		5.0		POD #6	1901
17	S	23	E	10	NE	NE			13.5	Irrigation	Giorgi Well	3/2004	POA	17	S	23	E	10	NE	NE			13.5	Irrigation	Giorgi Well & Well #2	3/22/2004
17	S	23	E	10	NW	NE			1.6	Irrigation	Giorgi Well	3/2004	POA	17	S	23	E	10	NW	NE			1.6	Irrigation	Giorgi Well & Well #2	3/22/2004
17	S	23	E	10	SW	NE			17.1	Irrigation	Giorgi Well	3/2004	POA	17	S	23	E	10	SW	NE			17.1	Irrigation	Giorgi Well & Well #2	3/22/2004
17	S	23	E	10	SE	NE			40.0	Irrigation	Giorgi Well	3/2004	POA	17	S	23	E	10	SE	NE			40.0	Irrigation	Giorgi Well & Well #2	3/22/2004
17	S	23	E	10	NE	SE			20.4	Irrigation	Giorgi Well	3/2004	POA	17	S	23	E	10	NE	SE			20.4	Irrigation	Giorgi Well & Well #2	3/22/2004
17	S	23	E	10	NW	SE			3.8	Irrigation	Giorgi Well	3/2004	POA	17	S	23	E	10	NW	SE			3.8	Irrigation	Giorgi Well & Well #2	3/22/2004
17	S	23	E	11	NW	NE			6.4	Irrigation	Giorgi Well	3/2004	POA	17	S	23	E	11	NW	NE			6.4	Irrigation	Giorgi Well & Well #2	3/22/2004
17	S	23	E	11	SW	NE			10.2	Irrigation	Giorgi Well	3/2004	POA	17	S	23	E	11	SW	NE			10.2	Irrigation	Giorgi Well & Well #2	3/22/2004
17	S	23	E	11	NE	NW			32.3	Irrigation	Giorgi Well	3/2004	POA	17	S	23	E	11	NE	NW			32.3	Irrigation	Giorgi Well & Well #2	3/22/2004
17	S	23	E	11	NW	NW			12.7	Irrigation	Giorgi Well	3/2004	POA	17	S	23	E	11	TACS NW	NW			12.7	Irrigation	Giorgi Well & Well #2	3/22/2004

96171

Revised 7/7/2022

Permanent Transfer Application Form – Page 10 of 1

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 # 93438

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

AUTHORIZED (the "from" or "off" lands) The listing that appears on the certificate BEFORE PROPOSED CHANGES List only that part or portion of the water right that will be changed.											Proposed Changes (see "CODES" from previous page)	PROPOSED (the "to" or "on" lands) The listing as it would appear AFTER PROPOSED CHANGES are made.														
Twp	Rng	Sec	¼ ¼	Tax Lot	Gvt Lot or DLC	Acres	Type of USE listed on Certificate	POD(s) or POA(s) (name or number from Table 1)	Priority Date	Twp		Rng	Sec	¼ ¼	Tax Lot	Gvt Lot or DLC	Acres	New Type of USE	POD(s)/ POA(s) to be used (from Table 1)	Priority Date						
EXAMPLE																										
2	S	9	E	15	NE	NW	100		15.0	Irrigation	POD #1 POD #2	1901	POU/POD	2	S	9	E	1	NW	NW	500	1	10.0		POD #5	1901
														2	S	9	E	2	SW	NW	500		5.0		POD #6	1901
17	S	23	E	11	SW	NW			33.3	Irrigation	Giorgi Well	3/2004	POA	17	S	23	E	11	SW	NW			33.3	Irrigation	Giorgi Well & Well #2	3/22/2004
17	S	23	E	11	SE	NW			39.8	Irrigation	Giorgi Well	3/2004	POA	17	S	23	E	11	SE	NW			39.8	Irrigation	Giorgi Well & Well #2	3/22/2004
17	S	23	E	11	NE	SW			2.2	Irrigation	Giorgi Well	3/2004	POA	17	S	23	E	11	NE	SW			2.2	Irrigation	Giorgi Well & Well #2	3/22/2004
17	S	23	E	11	NW	SW			3.7	Irrigation	Giorgi Well	3/2004	POA	17	S	23	E	11	NW	SW			3.7	Irrigation	Giorgi Well & Well #2	3/22/2004
														RECEIVED MAR 23 2023 OWRD												
Revised 7/7/2022											Permanent Transfer Application Form – Page 9 of 11															
TOTAL ACRES: 79.0											TOTAL ACRES: 79.0															

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Additional remarks: Total acreage for certificate is 237.0 acres.

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For Place of Use or Character of Use Changes

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

If YES, list the certificate, water use permit, or ground water registration numbers: _____.



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

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

Ground water supplemental Permit or Certificate # _____;
Surface water primary Certificate # _____.

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For a change from Supplemental Irrigation Use to Primary Irrigation Use

Identify the primary certificate to be cancelled. Certificate # _____

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

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

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

http://apps.wrd.state.or.us/apps/gw/well_log/Default.aspx

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
Giorgi Well	Yes	73263	403	16"	2'-115'	0-45/45-115	303-403	167	Basalt w/ Red Clay Seams	1000 gpm
Well #2	No		500' (Est.)	16"	2'-115'	0-45/45-115	303-500	200	Basalt w/ Red Clay Seams	~1000 gpm

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.

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State of Oregon)
) ss
 County of DESCHUTES)

I, JOHN GEORGE TRUSTEE, in my capacity as OWNER,
 mailing address 71200 SE PAULINA - SUPLEE HWY, PAULINA, OR 97751
 telephone number (541) 477-3838, 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 # 93438; **OR**

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

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

OR

- Confirming Certificate # _____ has been issued within the past five years; **OR**
- Part or all of the water right was leased instream at some time within the last five years. The instream lease number is: _____ (Note: If the entire right proposed for transfer was not leased, additional evidence of use is needed for the portion not leased instream.); **OR**
- The water right is not subject to forfeiture and documentation that a presumption of forfeiture for non-use would be rebutted under ORS 540.610(2) is attached.
- Water has been used at the actual current point of diversion or appropriation for more than 10 years for Certificate # _____ (For Historic POD/POA Transfers)

(continues on reverse side)

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

John Scorgi Trustee
Signature of Affiant

3-15-23
Date

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MAR 23 2023

Signed and sworn to (or affirmed) before me this 15 day of March, 2023.



Tiffany Jackson
Notary Public for Oregon

My Commission Expires: August 22, 2026

Supporting Documents	Examples
<input type="checkbox"/> Copy of a water right certificate that has been issued within the last five years. (not a remaining right certificate)	Copy of confirming 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"> • Power usage records for pumps associated with irrigation use • Fertilizer or seed bills related to irrigated crops • Farmers Co-op sales receipt
<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"> • District assessment records for water delivered • Crop reports submitted under a federal loan agreement • Beneficial use reports from district • IRS Farm Usage Deduction Report • Agricultural Stabilization Plan • CREP Report
<input 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 – www.oregonexplorer.info/imagery OWRD – www.wrd.state.or.us Google Earth – earth.google.com TerraServer – www.terra-server.com</p>
<input type="checkbox"/> Approved Lease establishing beneficial use within the last 5 years	Copy of instream lease or lease number



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Cert. 93438

Google Earth Photo Dated 9/20/2020

Legend

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JUN 23 2023

OWRD

Google Earth

Image © 2023 CNES / Airbus



2000 ft

14196

Land Use Information Form



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

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NOTE TO APPLICANTS

In order for your application to be processed by the Water Resources Department (WRD), this Land Use Information Form must be completed by a local government planning official in the jurisdiction(s) where your water right will be used and developed. The planning official may choose to complete the form while you wait, or return the receipt stub to you. Applications received by WRD without the Land Use Form or the receipt stub will be returned to you. Please be aware that your application will not be approved without land use approval.

This form is NOT required if:

- 1) Water is to be diverted, conveyed, and/or used only on federal lands; **OR**
- 2) The application is for a water right transfer, allocation of conserved water, exchange, permit amendment, or ground water registration modification, and **all** of the following apply:
 - a) The existing and proposed water use is located entirely within lands zoned for exclusive farm-use or within an irrigation district;
 - b) The application involves a change in place of use only;
 - c) The change does not involve the placement or modification of structures, including but not limited to water diversion, impoundment, distribution facilities, water wells and well houses; and
 - d) The application involves irrigation water uses only.

NOTE TO LOCAL GOVERNMENTS

The person presenting the attached Land Use Information Form is applying for or modifying a water right. The Water Resources Department (WRD) requires its applicants to obtain land-use information to be sure the water rights do not result in land uses that are incompatible with your comprehensive plan. Please complete the form or detach the receipt stub and return it to the applicant for inclusion in their water right application. You will receive notice once the applicant formally submits his or her request to the WRD. The notice will give more information about WRD's water rights process and provide additional comment opportunities. You will have 30 days from the date of the notice to complete the land-use form and return it to the WRD. If no land-use information is received from you within that 30-day period, the WRD may presume the land use associated with the proposed water right is compatible with your comprehensive plan. Your attention to this request for information is greatly appreciated by the Water Resources Department. If you have any questions concerning this form, please contact the WRD's Customer Service Group at 503-986-0801.

Land Use Information Form

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MAR 23 2023

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

Applicant(s): John Giorgi

Mailing Address: 71200 SE Paulina-Suplee Highway

City: Paulina

State: OR

Zip Code: 97751

Daytime Phone: (541)477-3838

A. Land and Location

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

Township	Range	Section	¼ ¼	Tax Lot #	Plan Designation (e.g., Rural Residential/RR-5)	Water to be:	Proposed Land Use:
<u>17S</u>	<u>23E</u>	<u>10</u>	_____	<u>203</u>	<u>EFU</u>	<input type="checkbox"/> Diverted <input type="checkbox"/> Conveyed <input checked="" type="checkbox"/> Used	<u>EFU</u>
<u>17S</u>	<u>23E</u>	<u>11</u>	_____	<u>203</u>	<u>EFU</u>	<input checked="" type="checkbox"/> Diverted <input type="checkbox"/> Conveyed <input checked="" type="checkbox"/> Used	<u>EFU</u>
_____	_____	_____	_____	_____	_____	<input type="checkbox"/> Diverted <input type="checkbox"/> Conveyed <input type="checkbox"/> Used	_____
_____	_____	_____	_____	_____	_____	<input type="checkbox"/> Diverted <input type="checkbox"/> Conveyed <input type="checkbox"/> Used	_____

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

Crook County

B. Description of Proposed Use

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

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

Source of water: Reservoir/Pond Ground Water Surface Water (name) _____

Estimated quantity of water needed: 0 cubic feet per second gallons per minute acre-feet

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

Briefly describe:

Additional Point of Appropriation (Well) for existing water right (Certificate 93438)



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

See bottom of Page 3. →

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For Local Government Use Only

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

Please check the appropriate box below and provide the requested information

- Land uses to be served by the proposed water uses (including proposed construction) are allowed outright or are not regulated by your comprehensive plan. Cite applicable ordinance section(s): Crook County Code , Title 18, Chapter 18.16.010
- Land uses to be served by the proposed water uses (including proposed construction) involve discretionary land-use approvals as listed in the table below. (Please attach documentation of applicable land-use approvals which have already been obtained. Record of Action/land-use decision and accompanying findings are sufficient.) **If approvals have been obtained but all appeal periods have not ended, check "Being pursued."**

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

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

Irrigation water right application for agricultural use: irrigation

Name: Katie McDonald Title: Planner

Signature: *Katie McDonald* Phone: 541-447-3211 Date: 03/21/2023

Government Entity: Crook County

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

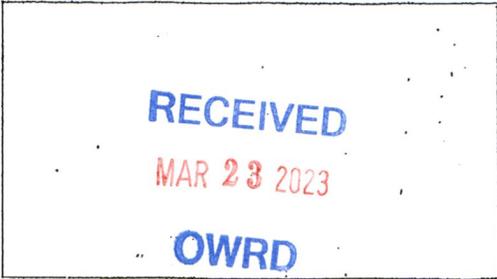


Receipt for Request for Land Use Information

Applicant name: _____

City or County: _____ Staff contact: _____

Signature: _____ Phone: _____ Date: _____



Date Received (Date Stamp Here)

OWRD Over-the-Counter Submission Receipt

Applicant Name(s) & Address: John Giorgi
71200 SE Paulina-Suplee Hwy, Paulina OR 97751

Transaction Type: Transfer

Fees Received: \$ 1840.00

Cash

Check:

Check No. 3469

Name(s) on Check: HA McCoy Engineering & Surveying LLC

Thank you for your submission. Oregon Water Resources Department (Department) staff will review your submittal as soon as possible.

If your submission is determined to be complete, you will receive a receipt for the fees paid and an acknowledgement letter stating your submittal is complete.

If determined to be incomplete, your submission and the accompanying fees will be returned with an explanation of deficiencies that must be addressed in order for the submittal to be accepted.

If you have any questions, please feel free to contact the Department's Customer Service staff at 503-986-0801 or 503-986-0810.

Sincerely,
OWRD Customer Service Staff

Submission received by: Corie Louvrien
(Name of OWRD staff)

Instructions for OWRD staff:

- Complete this Submission Receipt and make two (2) copies. Place one copy with the check/cash; and place the other copy with the submission (i.e., the application or other document).
- Date-stamp all pages. (NOTE: Do not stamp check.)
- Give this original Submission Receipt to the applicant.
- Record Submission Receipt information on the "RECEIVED OVER THE COUNTER" log sheet.
- Fold and put one copy of the Submission Receipt with check/cash into the Safe slot. Place the other copy of the Submission Receipt with submission (application/other document) in the top drawer of filing cabinet.

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OREGON



WATER RESOURCES
DEPARTMENT

RECEIVED

MAR 23 2023

OWRD

Date Received (Date Stamp Here)

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OWRD Customer Service Staff

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(Name of OWRD staff)

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- Date-stamp all pages. (NOTE: Do not stamp check.)
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- Fold and put one copy of the Submission Receipt with check/cash into the Safe slot. Place the other copy of the Submission Receipt with submission (application/other document) in the top drawer of filing cabinet.

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Oregon

Permanent Transfer Application Checklist

Check the Certificates in WRIS

Water Resources Department
North Mall Office Building
750 Summer Street NE, Suite A
Salem, OR 97301

Phone: 503-986-0900

Fax: 503-986-0904

www.Oregon.gov/OWRD

Checked by <u>Dante</u> Date <u>3/23/2023</u>	Type of Change(s) Proposed: NO other changes allowed other than those listed	
Fee Received: \$1840	<input type="checkbox"/> POU <input type="checkbox"/> POD <input type="checkbox"/> APOD <input type="checkbox"/> POA <input checked="" type="checkbox"/> APOA <input type="checkbox"/> USE	
Calculated Fee: \$1840		How many rights to be Transferred? 1
Deficiencies and Observations:		Certificate #(s) 93438

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

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

- 9. If all boxes on this checklist are checked (with no remaining deficiencies identified), accept the application. Put this check sheet in the transfer folder.

OR:

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

Actions taken:

_____ date _____

Revised 12/2022.krf



RECEIVED

MAR 23 2023

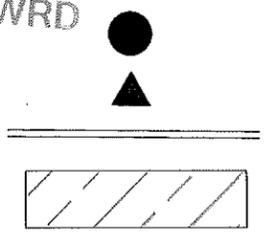
WATER RIGHT TRANSFER

PERMIT # G-115811 CERT # 93438
SECTIONS 10 & 11, TOWNSHIP 17 SOUTH, RANGE 23 EAST,
WILLAMETTE MERIDIAN, CROOK COUNTY, OREGON.
MARCH, 2023

LEGEND

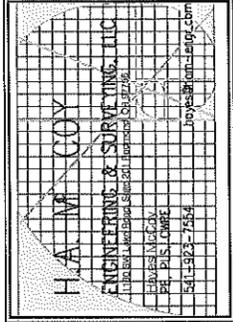
- GIORGI WELL - EXISTING POA
- PROPOSED POA (WELL 2)
- PRIVATE ROADS
- PLACE OF USE 237 ACRES
- PRIORITY DATE: MARCH 22, 2004

OWRD



Exp. 12/31/2024

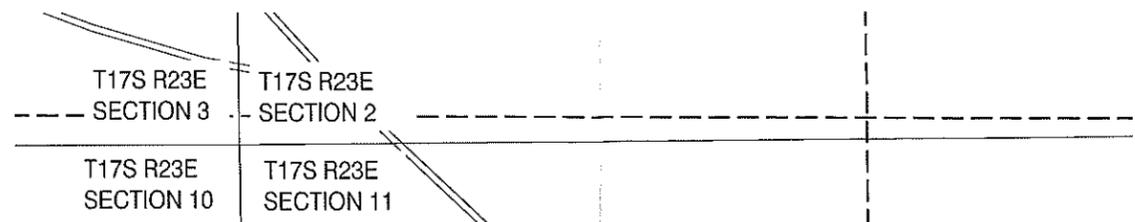
DATE:	REVISION:	No.	DATE:
		1	03/21/23
		2	
		3	
		4	
		5	
		6	
		7	
		8	
		9	
		10	



PROJECT: WATER RIGHT TRANSFER
PROJECT LOCATION: CROOK COUNTY
CLIENT: JOHN GIORGI

SHEET TITLE: SITE PLAN

JOB NO. 19-092
DRAWN BY: JJW,NHB
DRAWING: WR1.0



660 FT SOUTH AND 640 FT EAST FROM NW CORNER, SECTION 11

NW-NW-11

IRRIGATION PIPELINES

SE-NW-11

NW-NE-10

NE-NE-10

NE-NW-11

NW-NE-11

1.6 AC

13.5 AC

12.7 AC

32.3 AC

6.4 AC

PROPOSED POA (WELL #2)
APPROXIMATE LOCATION
1590 FT SOUTH AND 1870 FT EAST FROM NW CORNER,
SECTION 11

10.2 AC

SW-NE-10

17.1 AC

SE-NE-10

40 AC

33.3 AC

SW-NW-11

SE-NW-11

39.8 AC

SW-NE-11

TAX LOT 203

3.8 AC

20.4 AC

3.7 AC

2.2 AC

NW-SE-10

NE-SE-10

NW-SW-11

NE-SW-11

SCALE: 1" = 400'
FOR 11"x17" SHEETS



FILE: Z:\HAM Eng\19-092 Giorgi Ranch Water Rights\CAD\230320-19092-TRANSFER POA--dwg 3/21/2023 8:39 AM - Neal

14196

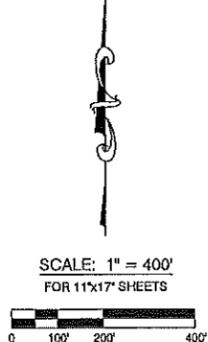
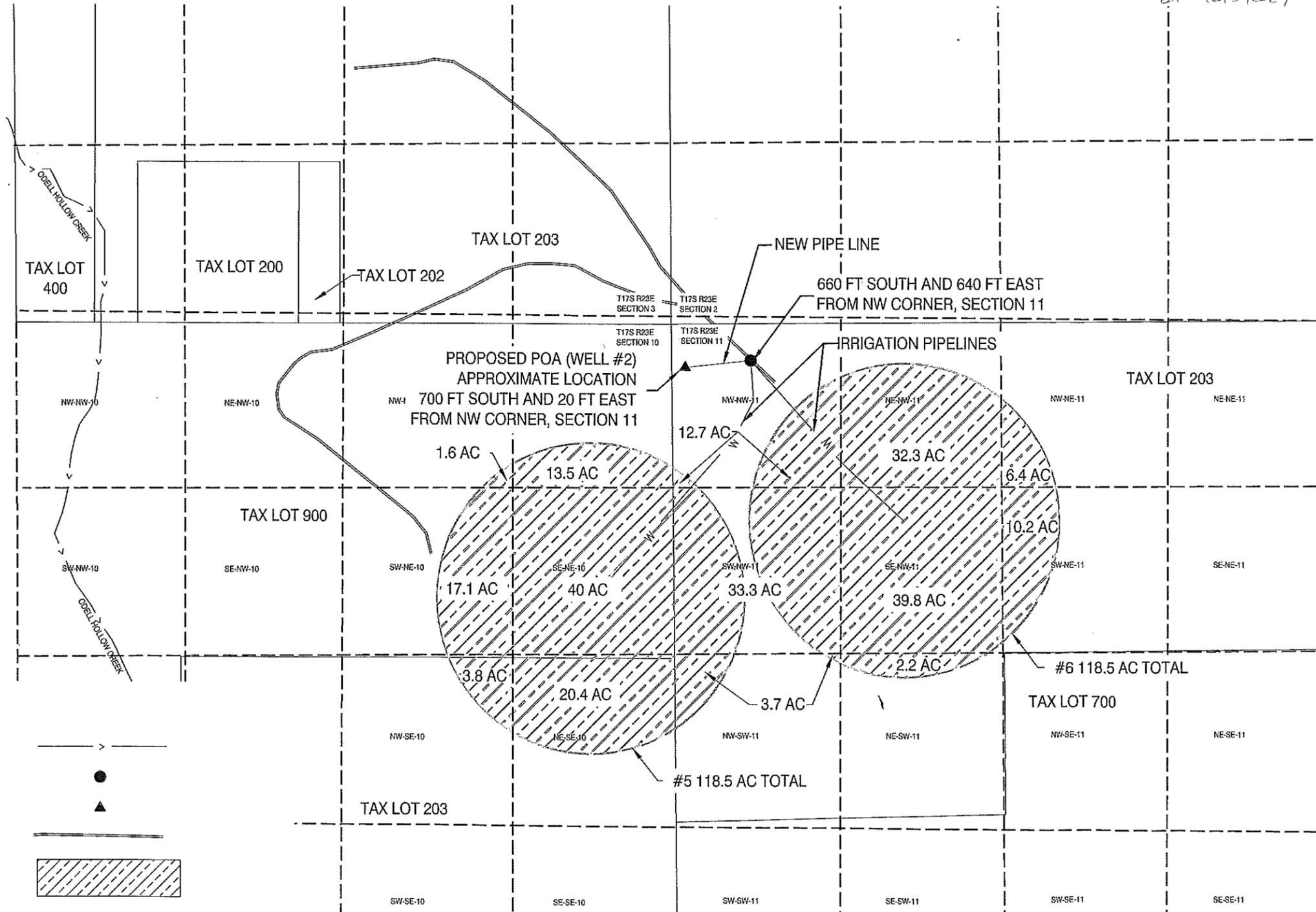
RECEIVED

MAR 30 2023

OWRD

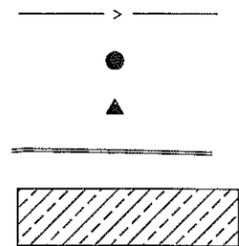
WATER RIGHT TRANSFER

PERMIT # G-115811 CERT # 93438
SECTIONS 10 & 11, TOWNSHIP 17 SOUTH, RANGE 23 EAST,
WILLAMETTE MERIDIAN, CROOK COUNTY, OREGON.
MARCH, 2023

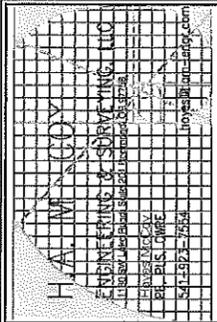


LEGEND

- ODELL HOLLOW CREEK
- GIORGI WELL - EXISTING POA
- PROPOSED POA (WELL 2)
- PRIVATE ROADS
- PLACE OF USE 237 ACRES
- PRIORITY DATE: MARCH 22, 2004



DRAWING STATUS:	DATE:	NO.	REVISION:
WAT. RIGHT. XFER	03/15/23	1	
		2	
		3	
		4	
		5	
		6	
		7	
		8	
		9	
		10	



PROJECT: WATER RIGHT TRANSFER

PROJECT LOCATION: CROOK COUNTY

CLIENT: JOHN GIORGI

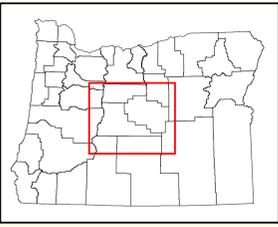
SHEET TITLE: SITE PLAN

JOB NO. 19-092

DRAWN BY: JJW,NHB

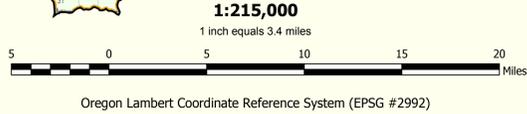
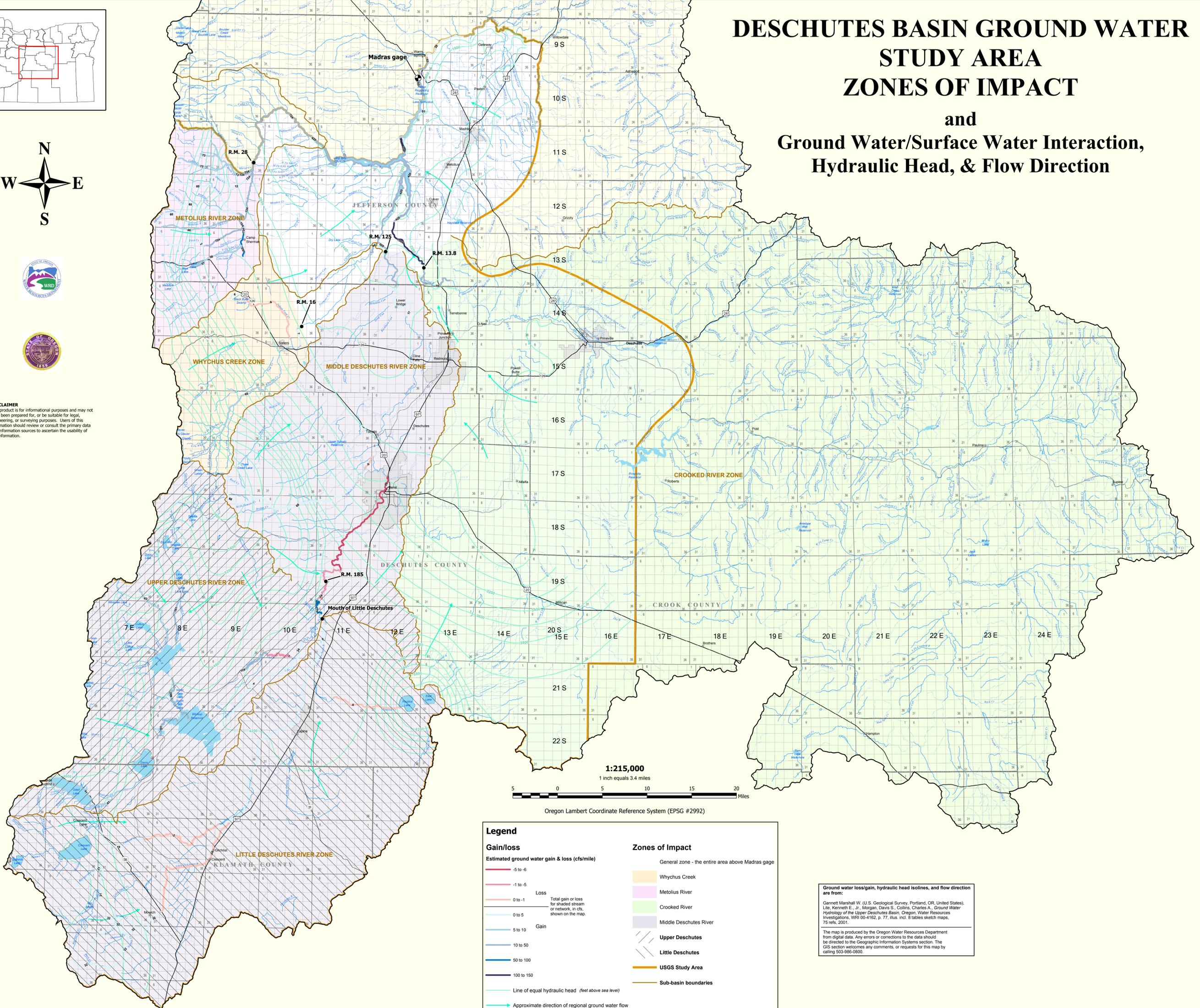
DRAWING: WR1.0

FILE: Z:\VHAI Empl\19-092 Giorgi Well Right Transfer POA.dwg 3/15/2023 1:37 PM - Nicol



DISCLAIMER
 This product is for informational purposes and may not have been prepared for, or be suitable for, legal, engineering, or surveying purposes. Users of this information should review or consult the primary data and information sources to ascertain the usability of the information.

DESCHUTES BASIN GROUND WATER STUDY AREA ZONES OF IMPACT and Ground Water/Surface Water Interaction, Hydraulic Head, & Flow Direction



Legend

Gain/loss
 Estimated ground water gain & loss (cfs/mile)

- 5 to -6
- 1 to -5
- 0 to -1
- 0 to 5
- 5 to 10
- 10 to 50
- 50 to 100
- 100 to 150

Zones of Impact

- General zone - the entire area above Madras gage
- Whychus Creek
- Metolius River
- Crooked River
- Middle Deschutes River
- Upper Deschutes
- Little Deschutes
- USGS Study Area
- Sub-basin boundaries

Gain/loss
 Total gain or loss for shaded stream or network, in cfs, shown on the map.

Gain/loss
 Loss

Gain/loss
 Gain

Line of equal hydraulic head (feet above sea level)

Approximate direction of regional ground water flow

Ground water loss/gain, hydraulic head isolines, and flow direction are from:
 Gannett Marshall W. (U.S. Geological Survey, Portland, OR, United States), Lite, Kenneth E., Jr., Morgan, Davis S., Collins, Charles A., *Ground Water Hydrology of the Upper Deschutes Basin, Oregon*, Water Resources Investigations, WRI 00-4162, p. 77, illus., incl. 6 tables sketch maps, 75 refs, 2001.

The map is produced by the Oregon Water Resources Department from digital data. Any errors or corrections to the data should be directed to the Geographic Information Systems section. The GIS section welcomes any comments, or requests for this map by calling 503-986-0800.

Appendix B

Groundwater Transfer Review Summary Form

Transfer/PA # T- 14196

GW Reviewer Darrick E. Boschmann Date Review Completed: 11/21/2023

Summary of Same Source Review:

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

Summary of Injury Review:

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

Summary of GW-SW Transfer Similarity Review:

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

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



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

Ground Water Review Form:

- Water Right Transfer (checked)
Permit Amendment
GR Modification
Other

Application: T-14196

Applicant Name: John Giorgi

- Proposed Changes: POA, APOA (checked), SW to GW, RA, USE, POU, OTHER

Reviewer(s): Darrick E. Boschmann

Date of Review: 11/21/2023

Date Reviewed by GW Mgr. and Returned to WRSD: _____

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

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

1. Basic description of the changes proposed in this transfer: _____

This application is related to certificate 93438 which authorizes groundwater pumping from one well (POD 1 = CROO 52449) for primary irrigation of 237.0 acres in the Deschutes Basin (Crooked River Basin). The following changes are proposed:

- 1. Add on APOA (Well #2 = not constructed)

Note that the location for Well #2 provided on the application Table 1 is not the same location provided and depicted on the application map. For the purposes of this review it is assumed that the location for Well #2 provided and depicted on the application map is the intended location.

2. Will the proposed POA develop the same aquifer (source) as the existing authorized POA?

Yes No Comments: _____

The proposed APOA is located approximately 1,600 feet to the southeast of the currently authorized well and proposes a very similar well construction as that of the currently authorized well. The currently authorized well produces groundwater from water bearing zones within the Columbia River Basalt Group (CRBG), and as proposed the proposed APOA should also produce groundwater from water bearing zones within CRBG.

For this finding to remain valid the proposed well will need to be cased and sealed to produce groundwater from the same water bearing zones within the CRBG as the currently authorized well and to avoid commingling of separate aquifers within the CRBG.

3. a) Is there more than one source developed under the right (e.g., basalt and alluvium)?

Yes No _____

b) If yes, estimate the portion of the right supplied by each of the sources and describe any limitations that will need to be placed on the proposed change (rate, duty, etc.): _____

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

Yes No Comments: _____

The nearest authorized POD is located over 1 mile to the northeast of the proposed APOA. The proposed APOA is located somewhat further away from this POD than the currently authorized well.

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

Yes No If yes, explain: _____

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

Yes No Comments: _____

The proposed APOA is located somewhat further away from perennial reaches of surface water than the currently authorized well.

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

Stream: _____ Minimal Significant

Stream: _____ Minimal Significant

Provide context for minimal/significant impact: _____

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

Yes No Comments: _____

7. What conditions or other changes in the application are necessary to address any potential issues identified above: none.

8. Any additional comments: _____

The proposed well will need to be constructed to avoid commingling between any groundwater occurring in the formations overlying the CRBG and water bearing zones within the CRBG. Additionally, the proposed well will need to be cased and sealed to produce groundwater from the same water bearing zones within the CRBG as the currently authorized well and to avoid commingling of separate aquifers within the CRBG.

