

T-9892

ASSIGNED

Name Michael Breen
 By _____
 Address 20761 Reed Market Rd
Bend OR 97702
541 389-5344

Change in POD
 Date filed 3-22-05
 Date of hearing _____
 Place of hearing _____
 Date of order 6-13-06 Vol. 68, page 682
Ext. of time 10-31-07 V. 73 p. 578
 Date for application of water _____
 Proof mailed _____
 Proof received _____
 Certificate issued 96994 Vol. _____, page 81649

DESCRIPTION OF WATER RIGHT

Name of stream West Branch Bridge Creek
 Trib. of Bridge Creek County of Wheeler
 Use Irrigation
 Quantity of water _____ No. of acres _____
 Name of ditch _____
 Date of priority 12-31-1877
 In name of W. L. Gage
 _____ Adjudication, Vol. _____, page _____
 App. No. _____ Per. No. _____ Cert. No. 56516
 Certificate cancelled _____
 Notation made on record by _____

T-9892

FEES PAID

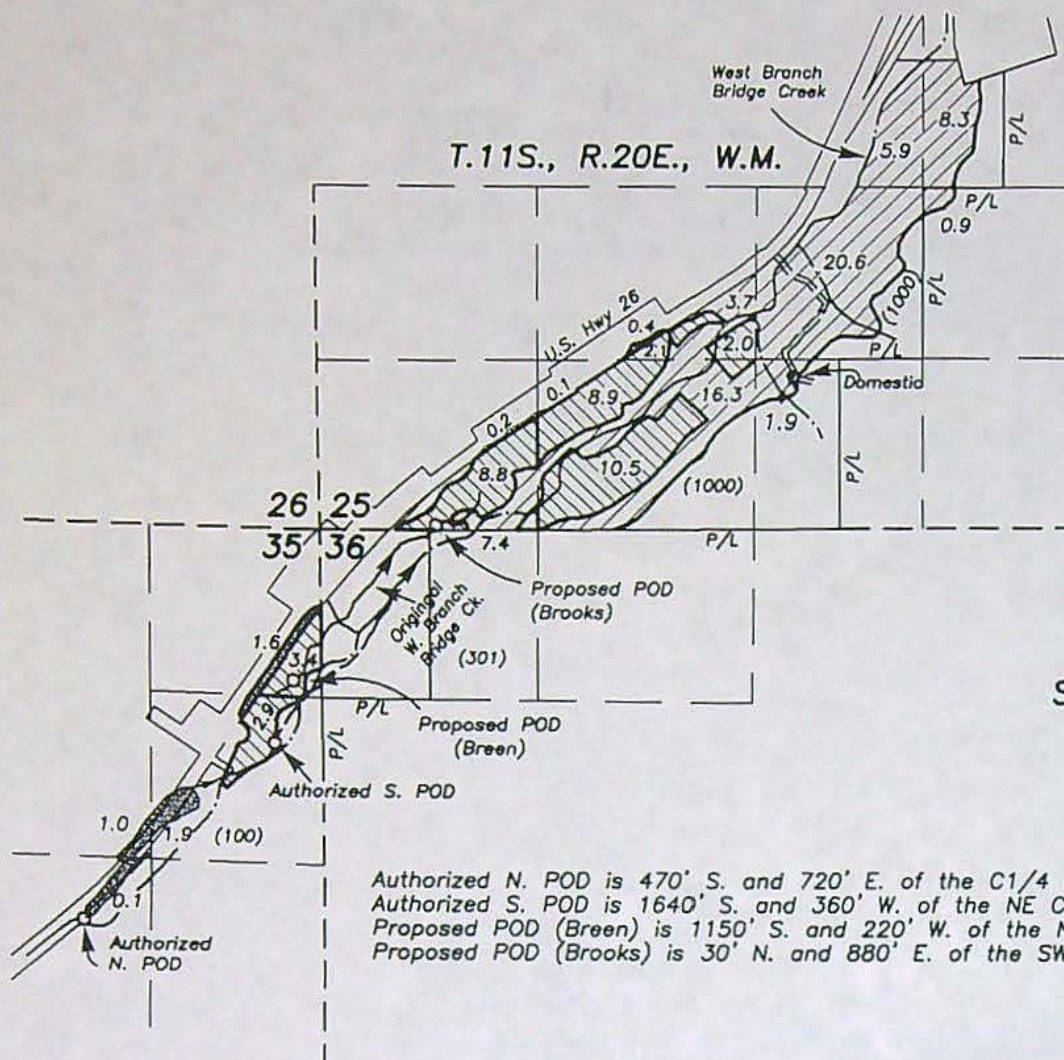
Date	Amount	Receipt No.
<u>3-22-05</u>	<u>350⁰⁰</u>	<u>73401</u>
<u>4-12-2021</u>	<u>100.00</u>	<u>134947</u>
TOTAL . . .		
	Cert. Fee	

FEES REFUNDED

Date	Amount	Check No.

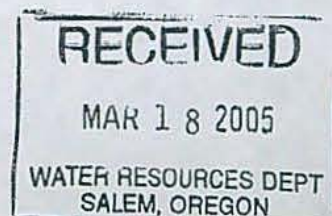
REMARKS

Agent
Wheeler SWCO NOID/CWRE: Robert Baggett
P.O. Box 431
Fossil OR 97830
541-468-2990
T-9892-assignment 4/21/2021 Robert R. Breen and Donna Breen 301 SE Airpark Drive., Bend, OR. 97702



SCALE: 1" = 1320'

-  CERT 56516
-  PERMIT 47328
-  LANDS NOT AFFECTED
- P/L PROPERTY LINE
- () TAX LOT NO.



APPLICATION MAP FOR ADDITIONAL POINT OF DIVERSION

FOR

JAMES BROOKS
AND
MICHAEL BREEN

BY

BAGETT, GRIFFITH & BLACKMAN
217 N. CANYON BLVD.
JOHN DAY, OR. 97845
(541) 575-1251

DECEMBER 7, 2004

NOTE: The preparation of this map was for the purpose of identifying the location of the proposed water right and has no intent to provide dimensions or location of property ownership lines.



79892

**STATE OF OREGON
WATER RESOURCES DEPARTMENT**

725 Summer St. N.E. Ste. A
SALEM, OR 97301-4172
(503) 986-0900 / (503) 986-0904 (fax)

RECEIPT # **73401**

INVOICE # _____

RECEIVED FROM: Whettersal Water
BY: Conservation Dist.

APPLICATION	
PERMIT	
TRANSFER	<u>see below</u>

CASH: ☐ CHECK:# 4634 OTHER: (IDENTIFY) ☐

TOTAL REC'D \$ 700.00

1083 TREASURY 4170 WRD MISC CASH ACCT

0407 COPIES	\$
OTHER: (IDENTIFY)	\$

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

4270 WRD OPERATING ACCT

MISCELLANEOUS		
0407 COPY & TAPE FEES	<u>T-9892 \$350.00</u>	\$
0410 RESEARCH FEES	<u>T-9891 \$350.00</u>	\$
0408 MISC REVENUE: (IDENTIFY)		\$
TC162 DEPOSIT LIAB. (IDENTIFY)		\$
0240 EXTENSION OF TIME		\$

WATER RIGHTS:

0201 SURFACE WATER	EXAM FEE	0202	RECORD FEE
0203 GROUND WATER	\$	0204	\$
0205 TRANSFER	\$ <u>see above</u>		

WELL CONSTRUCTION

0218 WELL DRILL CONSTRUCTOR	EXAM FEE	0219	LICENSE FEE
LANDOWNER'S PERMIT	\$	0220	\$

OTHER (IDENTIFY) _____

0536 TREASURY 0437 WELL CONST. START FEE

0211 WELL CONST START FEE	\$	CARD #
0210 MONITORING WELLS	\$	CARD #

OTHER (IDENTIFY) _____

0607 TREASURY 0467 HYDRO ACTIVITY LIC NUMBER

0233 POWER LICENSE FEE (FWWRD)		\$
0231 HYDRO LICENSE FEE (FWWRD)		\$
HYDRO APPLICATION		\$

TREASURY OTHER / RDX

FUND	TITLE
OBJ. CODE	VENDOR #
DESCRIPTION	\$

RECEIPT: **73401** DATED: 11/1/00 BY: Rene X Roe

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

**STATE OF OREGON
WATER RESOURCES DEPARTMENT**

725 Summer St. N.E. Ste. A
SALEM, OR 97301-4172
(503) 986-0900 / (503) 986-0904 (fax)

RECEIPT # **134947**

INVOICE # _____

RECEIVED FROM: Robert R. Breen
BY: Donna Breen

APPLICATION	
PERMIT	
TRANSFER	<u>1-9892</u>

CASH: ☐ CHECK # 16453 OTHER: (IDENTIFY) ☐

TOTAL REC'D \$ 100.00

1083 TREASURY 4170 WRD MISC CASH ACCT

0407 COPIES	\$
OTHER: (IDENTIFY)	\$

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

4270 WRD OPERATING ACCT

MISCELLANEOUS

46111

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

WATER RIGHTS:

EXAM FEE

RECORD FEE

0201 SURFACE WATER	\$	0202	\$
0203 GROUND WATER	\$	0204	\$
0205 TRANSFER	\$		

WELL CONSTRUCTION

EXAM FEE

LICENSE FEE

0218 WELL DRILL CONSTRUCTOR	\$	0219	\$
LANDOWNER'S PERMIT		0220	\$

0250 OTHER (IDENTIFY) Assignment \$100.00

0536 TREASURY 0437 WELL CONST. START FEE

0211 WELL CONST START FEE	\$	CARD #	
0210 MONITORING WELLS	\$	CARD #	
OTHER (IDENTIFY)			

0607 TREASURY 0467 HYDRO ACTIVITY LIC NUMBER

0233 POWER LICENSE FEE (FW/WRD)		\$
0231 HYDRO LICENSE FEE (FW/WRD)		\$
HYDRO APPLICATION		\$

TREASURY OTHER / RDX

FUND _____ TITLE _____
OBJ. CODE _____ VENDOR # _____
DESCRIPTION _____ \$ _____

RECEIPT: **134947**

DATED: 4-12-2021 BY: Mindy Carlson

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

**STATE OF OREGON
WATER RESOURCES DEPARTMENT**

Summer St. N.E. Ste. A
SALEM, OR 97301-4172
(503) 986-0900 / (503) 986-0904 (fax)

RECEIPT # **134926**

INVOICE # _____

RECEIVED FROM: Robert R. Breen
BY: Donna Breen

APPLICATION	
PERMIT	
TRANSFER	<u>1-9892</u>

CASH: ☐ CHECK: # 16454 OTHER: (IDENTIFY) ☐

TOTAL REC'D \$ 125.00

1083 TREASURY 4170 WRD MISC CASH ACCT

0407 COPIES 47126 4-12-2021 \$
0413 OTHER: (IDENTIFY) Certificate Reimbursement Authority \$ 105.00

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

4270 WRD OPERATING ACCT

MISCELLANEOUS

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

WATER RIGHTS:

0201	SURFACE WATER	\$	0202	\$
0203	GROUND WATER	\$	0204	\$
0205	TRANSFER	\$		

WELL CONSTRUCTION

0218	WELL DRILL CONSTRUCTOR	\$	0219	\$
	LANDOWNER'S PERMIT		0220	\$

OTHER (IDENTIFY) _____

0536 TREASURY 0437 WELL CONST. START FEE

0211	WELL CONST START FEE	\$	CARD #	
0210	MONITORING WELLS	\$	CARD #	
	OTHER (IDENTIFY) _____			

0607 TREASURY 0467 HYDRO ACTIVITY LIC NUMBER

0233	POWER LICENSE FEE (FW/WRD)	\$
0231	HYDRO LICENSE FEE (FW/WRD)	\$
	HYDRO APPLICATION	\$

TREASURY OTHER / RDX

FUND _____ TITLE _____

OBJ. CODE _____ VENDOR # _____

DESCRIPTION _____ \$ _____

RECEIPT: **134926**

DATED: 4-12-2021 BY: Mandy Carlson

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

**STATE OF OREGON
WATER RESOURCES DEPARTMENT**

725 Summer St. N.E. Ste. A
SALEM, OR 97301-4172
(503) 986-0900 / (503) 986-0904 (fax)

RECEIPT # **89915**

INVOICE # _____

RECEIVED FROM: Robert & Donna Green
BY: _____

APPLICATION	
PERMIT	
TRANSFER	T-9892

CASH: ☐ CHECK: # 10926 OTHER: (IDENTIFY) ☐

TOTAL REC'D \$ 380.00

1083 TREASURY 4170 WRD MISC CASH ACCT

0407 COPIES \$ _____
OTHER: (IDENTIFY) \$ _____
0243 I/S Lease _____ 0244 Muni Water Mgmt. Plan _____ 0245 Cons. Water _____

4270 WRD OPERATING ACCT

MISCELLANEOUS

0407 COPY & TAPE FEES \$ _____
0410 RESEARCH FEES \$ _____
0408 MISC REVENUE: (IDENTIFY) \$ _____
TC162 DEPOSIT LIAB. (IDENTIFY) \$ _____
0240 EXTENSION OF TIME for X-Fer \$ 380.00

WATER RIGHTS:

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

WELL CONSTRUCTION

0218 WELL DRILL CONSTRUCTOR	EXAM FEE	0219	LICENSE FEE
LANDOWNER'S PERMIT	\$ _____	0220	\$ _____
OTHER (IDENTIFY) _____			

0536 TREASURY 0437 WELL CONST. START FEE

0211 WELL CONST START FEE \$ _____ CARD # _____
0210 MONITORING WELLS \$ _____ CARD # _____
OTHER (IDENTIFY) _____

0607 TREASURY 0467 HYDRO ACTIVITY LIC NUMBER

0233 POWER LICENSE FEE (FWWRD) \$ _____
0231 HYDRO LICENSE FEE (FWWRD) \$ _____
HYDRO APPLICATION \$ _____

TREASURY OTHER / RDX

FUND _____ TITLE _____
OBJ. CODE _____ VENDOR # _____
DESCRIPTION _____ \$ _____

RECEIPT: **89915**

DATED: 9/28/07 BY: [Signature]

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



Oregon

Tina Kotek, Governor

Water Resources Department

North Mall Office Building

725 Summer St NE, Suite A

Salem, OR 97301

Phone 503 986-0900

Fax 503 986-0904

www.oregon.gov/owrd

Date Mailed: April 28, 2023

NOTICE OF CERTIFICATE ISSUANCE

Attached is a certificate that confirms the water rights established under the terms of a transfer order issued by this Department.

This certificate is an order in other than a contested case. This order is subject to judicial review under ORS 183.482. Any petition for judicial review must be filed within the 60-day time period specified by ORS 183.482. Pursuant to ORS 183.482, ORS 536.075 and OAR 137-003-0675, you may petition for judicial review and petition the Director for reconsideration of this order. A petition for reconsideration may be granted or denied by the Director, and if no action is taken within 60 days following the date the petition was filed, the petition shall be deemed denied.

This statement of judicial review rights is required under ORS 536.075; it does not alter or add to existing review rights or create review rights that are not otherwise provided by law.

The water must be controlled and not wasted. To change the location of the point of diversion, the character of use, or the location of use requires the advance approval of the Water Resources Director.

If you have any questions please contact Breck Flanagan-Caldwell at 971-718-2934.

RECEIVED
MAY 08 2023
OWRD

STATE OF OREGON
COUNTY OF WHEELER
CERTIFICATE OF WATER RIGHT

RECEIVED
MAY 08 2023
OWRD

THIS CERTIFICATE ISSUED TO

ROBERT BREEN
DONNA BREEN
301 SE AIRPARK DR
BEND OR 97702

confirms the right to the use of waters as limited and conditioned below. The amount of water used to which this right is entitled is limited to the amount used beneficially, and shall not exceed the amount specified, or its equivalent in the case of rotation, measured at the point(s) of diversion from the source.

This right was confirmed by decree of the Circuit Court of the State of Oregon for Wheeler County. The decree is of record at Salem, in the Order Record of the Water Resources Director in Volume 12, at Page 388.

SOURCE: WEST BRANCH OF BRIDGE CREEK

USE: IRRIGATION OF 6.3 ACRES

PRIORITY DATE: 1877

The point of diversion is located as follows:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
11 S	20 E	WM	35	SE NE	1880 FEET SOUTH AND 580 FEET WEST FROM NE CORNER, SECTION 35

The use shall conform to such reasonable rotation system as may be ordered by the proper state officer.

The amount of water to which such right is entitled, for the purposes aforesaid, is limited to an amount actually beneficially used for said purposes, and shall not exceed ONE-FORTIETH of one cubic foot per second per acre of land irrigated before June 15, and ONE-EIGHTIETH of one cubic foot per second per acre after June 15, during the irrigation season from March 1 to October 1 of each year, measured at the point of diversion from the stream.

A description of the place of use is as follows:

Twp	Rng	Mer	Sec	Q-Q	Acres
11 S	20 E	WM	35	NE NE	3.4
11 S	20 E	WM	35	SE NE	2.9

The quantity of water diverted at the new points of diversion, shall not exceed the quantity of water lawfully available at the original point of diversion described as follows:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
11 S	20 E	WM	35	NW NE	TOM VOWELL DITCH
11 S	20 E	WM	35	SE NE	MCCOLLUM DITCH

NOTICE OF RIGHT TO PETITION FOR RECONSIDERATION OR JUDICIAL REVIEW

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

When required by the Department, the water user shall install and maintain a headgate, an in-line flow meter, weir, or other suitable device for measuring and recording the quantity of water diverted. The type and plans of the headgate and measuring device must be approved by the Department prior to beginning construction and shall be installed under the general supervision of the Department.

The right to use of the water for the purposes aforesaid is restricted to the lands or place of use herein described and is subject to all other conditions and limitations contained in the decree.

This certificate is issued to confirm a change in POINT OF DIVERSION approved by an order of the Water Resources Director entered June 13, 2006, at Special Order Volume 68, Page 682, approving Transfer Application T-9892, and together with Certificate 81649, supersedes Certificate 56516, State record of Water Right Certificates.

APR 28 2023

Issued _____



Dwight French
Water Right Services Division Administrator, for
Douglas E. Woodcock, Acting Director
Oregon Water Resources Department

RECEIVED

MAY 08 2023

OWRD

Project # 20061

Mailing List for Final Transfer Certificate(s)

Transfer Application: T-9892

Certificate: 96994 (C-56516)

Certificate/Transfer Holder: (include copy of map)

ROBERT BREEN
DONNA BREEN
301 SW AIRPARK DR
BEND OR 97702

Is the Transfer Holder(s) of record currently identified as a landowner of any tax lots involved as confirmed by the County records? YES

Copies of Final Transfer Certificate(s) to be sent to:

1. Watermaster District #: 21
2. Water Availability
3. Vault
4. File

Other persons to receive copies: (include map):

5. Garry L. DeJarnatt

Record Marking(s):

1. Original Application# DECREE: Bridge Creek, Wheeler County
2. Old Certificate# 56516

Copies Mailed	
by:	<u>KMWF</u>
	(STAFF)
	APR 28 2023
on:	_____
	(DATE)

STATE OF OREGON
COUNTY OF WHEELER
CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

ROBERT BREEN
DONNA BREEN
301 SE AIRPARK DR
BEND OR 97702

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The right to use of the water for the purposes aforesaid is restricted to the lands or place of use herein described and is subject to all other conditions and limitations contained in the decree.

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APR 28 2023

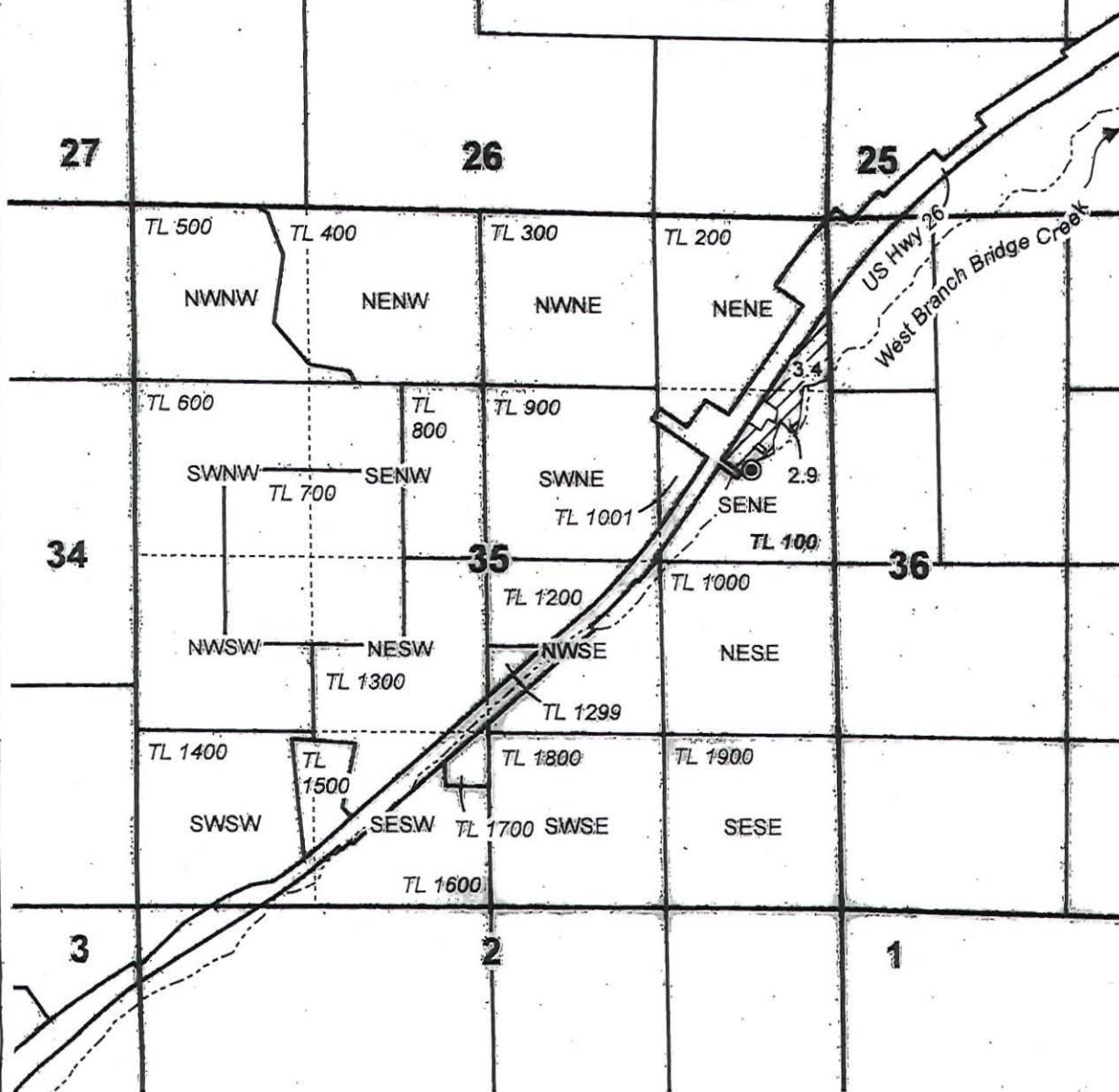
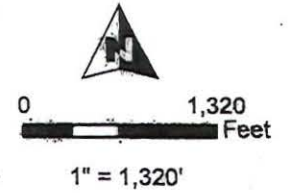
Issued _____



Dwight French
Water Right Services Division Administrator, for
Douglas E. Woodcock, Acting Director
Oregon Water Resources Department

COPY

**T11S R20E, WM
WHEELER COUNTY, OR**



- POD & Fish Screen
- Creek
- POU IR 1877 Priority
- Section
- Quarter Quarter
- Tax Lot

POD Location:
1880' S, 580' W of the NE Cor Sec 35

RECEIVED

APR 12 2021

OWRD



RENEWAL DATE 12/31/2021



**CLAIM OF BENEFICIAL USE MAP
ROBERT BREEN RANCH**

Date: 10/14/2020

T-9892

Project # 20061

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

Transfer App # T-19892	
WRD Reviewer (CW) Breck F-C	Date: Feb 2023
WRD Peer Reviewer (PR) X Shaw	Date: Feb 2023

ORIGINAL CERT:	CHANGE REQUESTED:					RR Cert:
56516	☐ POU	☒ POD/POA	☐ APOD/APOA	☐ USE		816 49
1	☐ POU	☐ POD/POA	☐ APOD/APOA	☐ USE		
	☐ POU	☐ POD/POA	☐ APOD/APOA	☐ USE		
	☐ POU	☐ POD/POA	☐ APOD/APOA	☐ USE		

☒	☒	RESEARCH:			
☒	☒	☒ CBU Report/Map	☒ Transfer Order Ord 68 Vol 682 Issued Date 6/13/2006	☐ Assignment	☒ Transfer Extension n/a 73-578 10/31/07
☒	☒	Electronic Folder:			
☒	☒	☒ Create CBU folder	☒ Create Work Packet Folder		
☒	☒	SCAN: Above documents into "CBU Folder"			
☒	☒	SAVE: other documents in "Work Packet Folder"			
		☒ Certificate(s)	☒ Transfer App Maps (To/From)	☐	
		☒ OrMap Tax Lot Map	☐ Ownership Report	☒ BLM Cadastral Survey	☐ GW Logs
		☐ GW Conditions	☐ Mitigation	☐ POU Report (conflict) [POU ONLY]	☐ Others:
		☒ n/a	☒ n/a	☒ n/a	☒ n/a
☒	☒	SEARCH:			
		☒ Interactive Mapper	☐ AOI	☒ Map and TaxLot ID	☐ Receiving LO:
			☒ n/a	110203500 - 00100	☐ n/a
		Research Comments: site address: 14400 Hwy 26 Mitchell, OR			New Landowner:

ORDER REQ'D	CERTIFICATE REQ'D	COMPLIED YES/NO	CONDITIONS:	NOTES:
☒ Y ☐ N/A	☐ Y ☐ N/A	☐ Y ☐ N	Fish Condition	2008
☒ Y ☐ N/A	☐ Y ☐ N/A	☐ Y ☐ N	Meter/Measuring Device	
☐ Y ☐ N/A	☐ Y ☐ N/A	☐ Y ☐ N	Water Use Reporting	
☐ Y ☐ N/A	☐ Y ☐ N/A	☐ Y ☐ N	SWL (Month)	
☐ Y ☐ N/A	☐ Y ☐ N/A	☐ Y ☐ N	Dedicated MMS tube	
☐ Y ☐ N/A	☐ Y ☐ N/A	☐ Y ☐ N	Well Id	
☐ Y ☐ N/A	☐ Y ☐ N/A	☐ Y ☐ N	Other:	
☐ Y ☐ N/A	☐ Y ☐ N/A	☐ Y ☐ N	C-date: Oct. 1 2007	EXT C-Date: 10.1.2009

CW	PR		Notes:
☒	☒	Verify POA/POD Location (New Only)	
☒	☐	Verify POU (New only)	
☐	☐	POU clearly identified by Use Type/Certificate	
☐	☒	DLC/GOV'T LOT	
		☐ Original Cert Map for <i>unchanged</i> POU/POD/POA (Attached for Peer Reviewer/Data)	☐ Note Maps for Reference

POD/POA- NEW/ADD'T	AUTHORIZED RATE	CLAIM RATE	CALCULATED RATE	NOTES:
-----------------------	--------------------	---------------	--------------------	--------

POD 0.16 efs 0.41 efs 0.421 efs

DETERMINATION:

CW	PR	DOCUMENT	NOTES:
☐	☐	LETTER FOR CLARIFICATION	
☐	☐	DRAFT (PLEASE EXPLAIN)	
☐	☐	PROPOSED	
☐	☐	FINAL	
☐	☐	PROPOSED ORDER TO CANCEL	

FINAL CHECKS: Review your document; BEFORE printing proposed for Support

CW	PR	DID YOU CHECK?	NOTES:
☐	☐	DATA REVIEW	
		☐ POA/POD/DAM TABLES/DESCRIPTIONS	☐ PLACE OF USE TABLES, INCLUDING ACRES FOR GOV'T LOTS/DLC
☐	☐	SPELL CHECK DOC	
☐	☐	MAPS: Identified for Reference	
☐		CERT NUMBER ISSUED:	
		Original Cert # App	New Cert #
		Original Cert # App	New Cert #
		Original Cert # App	New Cert #
		Original Cert # App	New Cert #

EXTRAS: BEFORE Printing your Final Certificate

CW	PR	DID YOU CHECK?	NOTES:
☐	☐	DATA REVIEW COMMENTS UPDATED	
☐	☐	SPELL CHECKED DOC	

CASEWORKER REVIEW COMMENTS:**PEER REVIEWER COMMENTS:**

REIMBURSEMENT AUTHORITY TRANSFER

T-9892

CONTRACT NEVER EXECUTED.

BREEN

Completion Checklist for Claims of Beneficial Use for POST JULY 1, 2004 Claims

Application #	WRD Reviewer
Transfer # T-9892	Kerry Kavanagh
Date Received 4-12-2021	Claim Logged YES
CWRE Name Gary De Jarratt	Oversized Map # N/A

Map Review: Bryce Withers, Representative TFO issued 6/3-2006. ΔPOD
 Map on polyester film (OAR 690-014-0170(1) & 310-0050(1)(b)) C Date = 10-1-2007 extended to 10-1-2009
 Application & permit #; or transfer # (OAR 690-014-0100(1)) portion Cert 56516 RR Cert 81649
 Disclaimer (OAR 690-014-0170(5)) Priority Date = 1877
 North arrow (OAR 690-310-0050(2)(c))
 CWRE stamp and signature (OAR 690-014 & 310-0050)
 Appropriate scale (1" = 1320', 1" = 400', or the original full-size scale of the county assessor map) (014 & 310)
 Township, range, section, and tax lot numbers (OAR 690-310-0050(4))
 Source illustrated if surface water (OAR 690-014-0170(3)) West Branch Bridge Creek
 Point(s) of diversion or appropriation (illustrated) (OAR 690-014(4) & 690-310-0050)
 Point(s) of diversion or appropriation (coordinates) (OAR 690-014(4) & 690-310-0050)
 Conveyance structures illustrated (pump, pipelines, ditches, etc.) (OAR 690-310-0050)
 Description of the location, in relation to the point of diversion or appropriation, of any fish screens, by-pass devices, and measuring devices required (OAR 690-014-0170(4))
 Place of use (1/4 1/4, or projected 1/4 1/4 lines within DLCs, or Gov Lots; if irrigation, # of acres in each subdivision; if for domestic or human consumption, location of dwelling or spigot) (OAR 690-310-0050, 690-014, 690-380-6010)

Report Review: COBU - 0.16 cfs from POD West Branch Bridge Creek

On form or format provided by the Department (OAR 690-014-0100(1))
 Application & permit #; or transfer # (OAR 690-014)
 Ownership information (OAR 690-014)
 Date of survey (OAR 690-014)
 Person interviewed (OAR 690-014)
 County (OAR 690-014) WHEELER SEC 35, T11S R20E, W.M.
 Description of conveyances system (from POD to POU) (OAR 690-014-0100)
 Source(s) of water (OAR 690-014-0100)
 Place of use location (OAR 690-014-0100)
 Type of use (OAR 690-014-0100)
 Extent of use (OAR 690-014-0100)
 Rate and Duty (OAR 690-014-0100)
 Diversion rate for each use (OAR 690-014-0100)
 Diversion works description (pump make, serial model, capacity, and description) (OAR 690-014-0100)
 System capacity (OAR 690-014-0100)
 Calculated capacity of system (required)
 Measured amount of use (optional)
 Permit/Transfer Final Order Conditions (OAR 690-014-0100)
 Time limits
 Initial water level measurements
 Annual static water level measurements
 Measurement, recording, and reporting
 Meter/measuring device TFO - when required - install/maintain headgate, in-line flow meter, weir or OSMD
 Water use reporting
 Fish screening and/or by-pass TFO - install/maintain fish screen/bypass
 Pump test (ground water)
 Other

Conditions from Extension Final Order and/or Water Management Conservation Plan
 C Date extended to 10-1-2009
 no new conditions
 CWRE stamp and signature (OAR 690-014-0100)
 Signature(s) of permittee of transfer holder (OAR 690-014-0100)

DEF = deficient
 N/A = Not Applicable

Certificate Issuance Processing Checklist

_____ Map and COBU reviewed
_____ Conflict check Any Conflicts? _____
_____ Check for ownership

Check Area of Interest ☐ YES ☐ NO

Identified Party _____

Staff Recommendations:

_____ Proof to the Satisfaction has been established to the full extent as described in the permit or transfer order.

_____ Proof to the Satisfaction has been not been established to the full extent as described in the permit or transfer order and the right should be limited as follows: _____

_____ Proof to the Satisfaction has not been established for the following reasons: _____

_____ **Proposed Actions:**
Send letter requesting the following items/information: _____
Send letter recommending extension to cure deficiencies: _____

Can certificate be processed further?

_____ Yes

If "Yes":

_____ Proposed
_____ Final

Certificate # _____

Mailing list:

Proposed:

Final:

KAVANAGH Kerry L * WRD

From: KAVANAGH Kerry L * WRD
Sent: Thursday, April 22, 2021 10:36 AM
To: Johnshort@usa.com; 'brycewrs@gmail.com'
Cc: KAVANAGH Kerry L * WRD
Subject: Certificate RA Estimate R12786-21 for Robert R. & Donna Breen involving Application T-9892
Attachments: RA estimate request_T-9892.pdf; RA estimate receipt_T-9892.pdf; RA contract_T-9892.pdf

Hello John and Bryce,

Please find the attached estimate and agreement to review the claim of beneficial use. If the proposed agreement is acceptable to you and the water users, please ask Robert R. Breen and Donna Breen to return a signed copy to our office along with the payment of the estimated cost to review the claim of beneficial use.

If you have any questions, please send me an email at kerry.l.kavanagh@oregon.gov.

Thank you for working with the Water Resources Department. I am currently teleworking in an effort to maintain services, while encouraging Oregonians to stay home, stay healthy, and save lives by reducing the spread of COVID 19. I have been working in the Salem office once a week.

Thanks,
Kerry

Kerry Kavanagh

Certificate Reimbursement Authority Program Coordinator
Certificate Section, Water Rights Services Division
725 Summer St NE Suite A | Salem OR 97301 | 503.986.0927
kerry.l.kavanagh@oregon.gov | <https://www.oregon.gov/OWRD>



Integrity | Service | Technical Excellence | Teamwork | Forward-Looking



OREGON WATER RESOURCES DEPARTMENT
CERTIFICATE REIMBURSEMENT AUTHORITY
APPLICANT'S AGREEMENT
Contract Number: **R12786-21**

This Agreement is between the Oregon Water Resources Department, hereafter OWRD, and Robert R. & Donna Breen, hereafter Applicant, hereafter known together as the parties.

OWRD Information

Project Contact: Kerry Kavanagh
Reimbursement Authority
Oregon Water Resources Department
725 Summer Street NE
Salem, OR 97301-1271
Phone: 503-986-0927
Email: Kerry.L.Kavanagh@oregon.gov

Applicant's Information

Name: Robert R. & Donna Breen
Address: 301 SE Airpark Drive
Bend, OR 97702

Applicant's Representative

Name: Bryce Withers
Title: Representative
Company: Water Right Services, LLC
Address: PO Box 1830
Bend, OR 97709
Phone: 541-389-2837
Email*: johnshort@usa.com

*By providing an Email address, consent is given to receive all correspondence electronically. (Paper copies of the certificate and final order documents will also be mailed.)

1. **Purpose.** The purpose of this Agreement is to expedite the processing of the **Claim of Beneficial Use**. (Transfer Application Number: T-9892)
2. **Authority.** ORS 536.055 authorizes the OWRD to enter into a voluntary agreement with any applicant, permittee or regulated entity (collectively Applicant) for expediting or enhancing a regulatory process. In making this agreement, OWRD shall require the applicant to pay the full cost of expedited process.
3. **Restrictions.** Robert R. & Donna Breen and OWRD agree that this Agreement shall not be construed to restrict in any way the decisions and actions by OWRD. OWRD shall be free to exercise independent judgment consistent with existing laws and regulations.
4. **Effective Date and Duration.** Unless otherwise terminated by non-deposit of funds by the Applicant, this Agreement shall become effective on the date on which both parties have signed the Agreement and the full deposit of the estimated cost of the proposed service has been received by OWRD.
5. **Consideration.** Robert R. & Donna Breen shall pay OWRD in advance for actual costs incurred by OWRD. Robert R. & Donna Breen agree to pay the full amount of **\$1673** to OWRD prior to commencement of any work stated in this Agreement. This payment will be placed in an account administered by OWRD and drawn upon as costs are actually incurred. If the actual cost of performing the work is less than payments received, OWRD will refund the unspent balance. If the actual cost of processing exceeds the estimate, the Applicant can either elect to terminate this Agreement or amend the Agreement to reflect the increase in cost. The costs stated in this Agreement do not include the statutory application processing and filing fees.
6. **Confidentiality.** Robert R. & Donna Breen agree that any information provided to or acquired by OWRD under this Agreement will be subject to the Oregon Public Records Law and shall be considered public records.
7. **Indemnity.** Applicant shall defend, save, hold harmless, and indemnify the State of Oregon, OWRD, and their officers, employees, and agents from and against all claims, suits, actions, losses, damages, liabilities, costs and expenses of any nature resulting from or arising out of, or relating to the activities of Applicant or its representatives, officers, employees, contractors, or agents under this Agreement or with respect to the expedited service. The Applicant acknowledges that the Oregon Water Resources Department cannot and does not guarantee a favorable review under the subject regulatory process.

PCA 47126

8. **Termination.** Applicant may request to terminate this agreement only in writing at any time during the process. The Applicant agrees to pay for the work done by the Reimbursement Authority personnel up until the time of the written termination request. OWRD, upon receiving such written termination request from the Applicant, will refund any unspent balance after paying the Reimbursement Authority personnel for the work done.
9. **Funds Authorized and Available.** By its execution of this Agreement, Applicants certifies that sufficient funds are authorized and available to cover the expenditures contemplated by this Agreement.
10. **Duration of Estimate.** The Estimate of Time to complete the work is no later than one hundred and twenty days (120) days once this Agreement has been fully executed and payment of the estimated cost deposited. However, this estimate is contingent on the Applicant's expeditious resolution of any deficiency and may be affected by the Department's work load. This Estimate of Time may become null and void after thirty (30) days from the date the Applicant's Agreement is mailed. If the Applicant's Agreement is not received by the Department within thirty (30) days of mailing the Agreement, the Applicant may need to re-apply for a new estimate.
11. **Completion Date.** OWRD, by the execution of this Agreement does not guarantee the completion date indicated in this Agreement. Completion date is only an estimate and may be affected by the Department's workload, issues arising from the processing of the requested services and Applicant's timely response to requests for additional information.
12. **Captions.** The captions or headings in this Agreement are for the convenience only and in no way define limit or describe the scope or intent of any provision of this Agreement.
13. **Amendment and Merger.** The terms of this Agreement shall not be waived, altered, modified, supplemented or amended in any manner whatsoever, except by written instrument signed by both parties. Such waiver, consent, modification or change, if made, shall be effective only in the specific instance and for the specific purpose given. There are no understandings, agreements or representations, oral or written, not specified herein regarding this Agreement.
14. **Signatures.** All parties, by the authorized representative's signature below, hereby acknowledge that they have read this Agreement, understand it and agree to be bound by its terms and conditions.

Applicant: _____
Name: Robert R. Breen
Date: _____

Applicant: _____
Name: Donna Breen
Date: _____

For OWRD: _____
Name: Kerry Kavanagh
Water Right Services Division
Date: _____

Mail signed Agreement to:

Kerry Kavanagh
Oregon Water Resources Department
725 Summer Street NE, Suite A
Salem, OR 97301-1271

PCA 47126



OREGON WATER RESOURCES DEPARTMENT
CERTIFICATE REIMBURSEMENT AUTHORITY
ESTIMATE APPLICATION

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

The purpose of this application is to obtain estimates of the cost and time required to process a Certificate Request. A separate estimate application is required for each application and/or transfer number. There is a non-refundable application fee of \$125.00 per request.

REQUEST	TYPE	FILE NUMBER
☒	Certificate Request	Application Number _____ Permit Number _____ Transfer Number/Permit Amendment (if applicable) <u>T-9892</u>

	Applicant Information	Applicant's Representative/Contact
Name:	<u>Robert R. & Donna Breen</u>	<u>Water Right Services, LLC / Bryce Withers</u>
Address:	<u>301 SE Airpark Drive</u>	<u>PO Box 1830</u>
	<u>Bend, OR 97702</u>	<u>Bend, OR 97709</u>
Phone:	_____	<u>541-389-2837</u>
Fax:	_____	_____
E-Mail Address:	_____	<u>johnshort@usa.com</u>

I certify that I (check one):

- ☐ I have previously filed a Claim of Beneficial Use
☒ I am attaching the Claim of Beneficial Use with this request and have included the appropriate claim fee.

I understand the following:

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

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

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I certify that I am the (check one):

- ☐ Applicant ☒ Applicant's Representative ☐ Other (Please specify) _____

Name: Bryce Withers

Signature: B. Withers

OWRD USE ONLY: Reimbursement Authority Number: R12 786-21



Oregon

Kate Brown, Governor

Water Resources Department

North Mall Office Building

725 Summer St NE Ste A

Salem, OR 97301-1266

Phone: 503-986-0900

Fax: 503-986-0904

www.Oregon.gov/OWRD

April 21, 2021

Robert R. Breen
Donna Breen
301 SE Airpark Drive
Bend, OR 97702

Reference: Transfer T-9892

The assignment by proof from Michael Breen to Robert R. Breen and Donna Breen has been recorded in the records of the Water Resources Department.

The Departments records will now show Robert R. Breen and Donna Breen as the transfer holders of record.

Our records have been changed accordingly and the original request is enclosed. Receipt number 134947 covering the recording fee is also enclosed.

A transfer is not a perfected water right, and has conditions and timelines that must be satisfied prior to a Certificate of Water Right being issued. Please review the transfer to be familiar with the conditions and timelines contained in the transfer.

Sincerely,

Mary F. Bjork
Water Rights Program Analyst
Water Right Services Division

Enclosure: Original Request and Receipt #134947

cc: Data Center, OWRD (cover letter & request)
File





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

Request for Assignment By Proof of Ownership (If Water Right Holder is Not Available)

If the Department determines that the application is incomplete, fees have not been paid, or the required documents are not acceptable, the application and all fees submitted will be returned to the applicant.

If for multiple rights, a separate form and fee for each right will be required.

I, Robert R. Breen & Donna Breen
(Name of Party Requesting Assignment)
301 SE Airport Drive Bend, OR 97702 541-389-5344
(Mailing Address) (City) (State) (Zip) (Phone #)

- ☒ hereby request assignment of an entire application/permit/transfer/limited license/groundwater statement; hereby request
☐ assignment of a portion of application/permit/transfer/limited license/groundwater statement; (*You must include a map showing the portion of the application/permit/transfer/limited license/groundwater statement to be assigned.*)

Application # _____; Permit # _____; Transfer # 9892;

Limited License # _____; Groundwater Statement # _____;

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Michael Breen (deceased)
(Name of Current Holder of Record)
20761 Reed Market Road Bend OR 97702
(Mailing Address) (City) (State) (Zip) (Phone #)

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Note: Write the initials (first letters) of your first and last names at the spots indicated below _____.

- 1) RRB I certify that I am the current owner of the property described in this application, permit, transfer order, limited license, or groundwater statement. I have attached proof of ownership that may include but not be limited to: a copy of the deed to the land, a copy of a land sales contract, a court order or decree, documentation of survivorship of property held jointly. The Department cannot accept a copy of a tax statement.
- 2) RRB I have the legal right to request assignment under OAR 690-310-0280 and 690-320-0060.
- 3) RRB I have not been able to contact the owner(s) of record for the above referenced transaction. I have attached proof acceptable to the Department that notice of the assignment has been given or attempted for each identified property owner not a party to the assignment. ORS 537.220(2) Failure to submit this proof will result in the return of your request. (Proof may include but not be limited to: a copy of returned certified mailing, copy of a Death Certificate, or a court order.)
- 4) RRB I further certify that the information provided herein is true and correct to the best of my knowledge.

Witness my hand this 8 day of April, 2021.
(Day) (Month) (Year)

Signature of Party Requesting Assignment Robert R. Breen Donna Breen

Failure to provide any of the required information will result in the return of your application.

This certifies assignment and record change at Oregon Water Resources Department effective 8:00 a.m. on date of receipt at Salem, Oregon.
Fee receipt # 134947
For Director by Mary Bjork, Program Analyst in Water Rights Division. MBR

The completed "Request for Assignment" form *must* be submitted to the Department along with the recording fee of \$100.

Assign by proof - approve
RRB 4-28-2021

WHEELER COUNTY, OREGON 2013-0038
D-BSD 03/01/2013 12:07:54 PM
Cnt=1 Pgs=2 BARBS
\$10.00 \$11.00 \$15.00 \$10.00 Total: \$46.00



00002216201300000380020028

I, Barbara S. Sifton, County Clerk for Wheeler County,
Oregon certify that the instrument identified herein was
recorded in the Clerk records.

Barbara S. Sifton - County Clerk

After Recording Return To:

David E. Petersen
Merrill O'Sullivan, LLP
805 SW Industrial Way, Suite 5
Bend, Oregon 97702

Until a change is requested, send tax statements to:

Robert and Donna Breen
301 SE Airpark Drive
Bend, Oregon 97702

STATUTORY BARGAIN AND SALE DEED

ROBERT ROY BREEN, Successor Trustee of the Shirley M. Breen Revocable Living Trust, Grantor, conveys to Robert R. Breen and Donna Breen, husband and wife, Grantees, the following-described real property:

Located in WHEELER COUNTY, OREGON:

TRACT I:

In Township 11 South, Range 20 East of the Willamette Meridian:
Section 35: That part of the East half of the Northeast quarter lying
Southeasterly of Oregon State Highway No. 26.

TRACT II:

The West half of Government Lot 5 of Section 36 in Township 11 South, Range 20
East of the Willamette Meridian.

TRACT III:

In Township 11 South, Range 20 East of the Willamette Meridian:
Section 35: NE ¼ SE ¼

The consideration for this transfer is other value given or promised.

BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON TRANSFERRING FEE TITLE SHOULD INQUIRE ABOUT THE PERSON'S RIGHTS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009, AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010. THIS INSTRUMENT DOES NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING

MERRILL O'SULLIVAN, LLP

ATTORNEYS AT LAW
805 SW INDUSTRIAL WAY, SUITE 5
BEND, OR 97702

Statutory Bargain
and Sale Deed

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THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY THAT THE UNIT OF LAND BEING TRANSFERRED IS A LAWFULLY ESTABLISHED LOT OR PARCEL, AS DEFINED IN ORS 92.010 OR 215.010, TO VERIFY THE APPROVED USES OF THE LOT OR PARCEL, TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES, AS DEFINED IN ORS 30.930, AND TO INQUIRE ABOUT THE RIGHTS OF NEIGHBORING PROPERTY OWNERS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009, AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010.

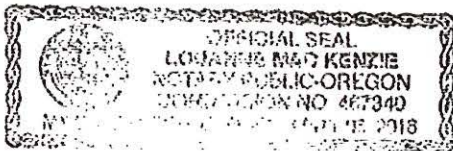
By execution of this instrument, Grantor certifies that he is not a "foreign person" as that term is defined in the Internal Revenue Code, Section 1445.

Robert Roy Breen
ROBERT ROY BREEN, Successor Trustee

Dated: February 26, 2013

STATE OF OREGON)
) ss.
County of Deschutes)

The foregoing instrument was acknowledged before me this 26th day of February, 2013, by ROBERT ROY BREEN, Successor Trustee.



Louanne Mackenzie
Notary Public for Oregon

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MERRILL O'SULLIVAN, LLP

ATTORNEYS AT LAW
805 SW INDUSTRIAL WAY, SUITE 5
BEND, OR 97702

Statutory Bargain
and Sale Deed

2013-0038 pg 2 of 2

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Photo added by Tami K.



Added by Lisa

Michael Mathew Breen

BIRTH	28 Dec 1927 Redmond, Deschutes County, Oregon, USA
DEATH	14 Sep 2011 (aged 83) Deschutes County, Oregon, USA
BURIAL	Pilot Butte Cemetery Bend, Deschutes County, Oregon, USA
MEMORIAL ID	79818092 ·

Michael Mathew Breen was born to Cornelius Breen and Jessie Pyatt Breen. He grew up in the Alfalfa area raising sheep with his dad, coming into Bend during school times and staying at a boarding house. Mike graduated from Bend High School in 1947. He then joined the Navy serving as an electricians mate. In 1950 Mike married Shirley Rutherford. Mike worked for Smith Electric and then started his own electrical contracting business in 1968. Mike enjoyed collecting, trading, garage sales and anything mechanical. He was a member of IBEW, NECA, Eagles, Elks, Moose and ARC. Mike was a true Irishman and could tell the best jokes and make anyone and everyone laugh. Mike enjoyed helping people anytime and anywhere. After losing Shirley in 1995, he later married Martha Sesock and soon retired.

Surviving Mike are his wife Martha; brother Jerry Ogle; daughter Julie; son Robert and Donna, Greg and Katie; Step Children- Alan and Laurretta Sesock and Sarah; Judy and Steve Pederson, Kelsey and Kirk; Ken and Alison Sesock, Amanda and Janie; and 8 great grandchildren; also many nieces and nephews.

Family Members

Parents

Spouses

work copy



Cornellious
Valentine Breen
1888–1974



Shirley Mae
Rutherford Breen
1931–1995 (m.
(marriage) 1950)



Martha A
DeRocher Breen
1931–2019 (m.
(marriage) 1997)

Created by: Tami K.

Added: 3 Nov 2011

Find a Grave Memorial **79818092**

Find a Grave, database and images

(<https://www.findagrave.com> : accessed 14 April 2021),
memorial page for Michael Mathew Breen (28 Dec 1927–
14 Sep 2011), Find a Grave Memorial no. 79818092, citing
Pilot Butte Cemetery, Bend, Deschutes County, Oregon,
USA ; Maintained by Tami K. (contributor 46628603) .

Copyright © 2021 Find a Grave

**CLAIM OF
BENEFICIAL USE
for Transfer New or Additional
POD Only**



Oregon Water Resources Department
725 Summer Street NE, Suite A
Salem, Oregon 97301-1266
(503) 986-0900
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A fee of \$200 must accompany this form for any Transfer final orders including a water right with a priority date of July 9, 1987, or later.

Example – A transfer involves 5 rights and one of the rights has a priority date of July 9, 1987, or later, the fee is required.

A separate form shall be completed for each transfer.

This form is subject to revision. **Begin each new claim** by checking for a new version of this form at:
<https://www.oregon.gov/OWRD/Forms/Pages/default.aspx>

The completion of this form is required by OAR 690-014-0100(1) and 690-014-0110(4).

Please type or print in dark ink. If this form is found to contain errors or omissions, it may be returned to you. **Every item must have a response.** If any requested information does not apply to the claim, insert "NA." **Do not delete or alter any section of this form unless directed by the form.** The Department may require the submittal of additional information from any water user or authorized agent.

"Section 8" of this form is intended to aid in the completion of this form and should not be submitted.

A claim of beneficial use includes both this report and a map. If the map is being mailed separately from this form, please include a note with this form indicating such.

If you have questions regarding the completion of this form, please call 503-986-0900 and ask for the Certificate Section.

The Department has a program that allows it to enter into a voluntary agreement with an applicant for expedited services. Under such an agreement, the applicant pays the cost to hire additional staff that would not otherwise be available. This program means a certificate may be issued in about a month. For more information on this program see:

<https://www.oregon.gov/OWRD/programs/WaterRights/RA/Pages/default.aspx>

SECTION 1

GENERAL INFORMATION

Type of Authorized Change

This Claim is being submitted for a transfer where the only authorized change was a change in either point(s) of diversion or additional point(s) of diversion, or a combination of both. **YES NO**

If additional changes were authorized, you will need to select a different form.

1. File Information

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APPLICATION #
T-9892

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2. Property Owner (current owner information)

APPLICANT/BUSINESS NAME Robert R. Breen & Donna Breen		PHONE NO. 541-389-5344	ADDITIONAL CONTACT NO.
ADDRESS 301 SE Airpark Drive			
CITY Bend	STATE OR	ZIP 97702	E-MAIL

If the current property owner is not the transfer holder of record, it is recommended that an assignment be filed with the Department. ***Each transfer holder of record must sign this form.***

3. Transfer holder of record (this may, or may not, be the current property owner)

TRANSFER HOLDER OF RECORD Michael Breen		
ADDRESS 20761 Reed Market Road		
CITY Bend	STATE OR	ZIP 97702

4. Date of Site Inspection:

8-25-2020

5. Person(s) interviewed and description of their association with the project:

NAME	DATE	ASSOCIATION WITH THE PROJECT
Robert R. Breen	8-25-2020	Owner

6. County:

Wheeler

7. If any property described in the place of use of the transfer final order is excluded from this report, identify the owner of record for that property (ORS 537.230(5)):

OWNER OF RECORD N/A		
ADDRESS		
CITY	STATE	ZIP

Add additional tables for owners of record as needed

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SECTION 2 SIGNATURES

CWRE Statement, Seal and Signature

The facts contained in this Claim of Beneficial Use are true and correct to the best of my knowledge.



CWRE NAME Gary L. DeJarnatt Project # 20061		PHONE NO.	ADDITIONAL CONTACT NO. John Short 541-389-2837
ADDRESS 20735 Double Peaks Drive			
CITY Bend	STATE OR	ZIP 97701	E-MAIL

Transfer Holder of Record Signature or Acknowledgement

Each transfer holder of record must sign this form in the space provided below.

The facts contained in this Claim of Beneficial Use are true and correct to the best of my knowledge. I request that the Department issue a water right certificate.

SIGNATURE	PRINT OR TYPE NAME	TITLE	DATE
<i>Robert R. Breen</i>	Robert R. Breen		4/8/21
<i>Donna Breen</i>	Donna Breen		4/8/21

SECTION 3 CLAIM DESCRIPTION

Note: The Claim only needs to describe the new or additional point(s) of diversion. This Claim does not need to provide information for the original point(s) of diversion unless the original point of diversion is either a new or additional point of diversion on another right involved in this transfer.

1. New or additional point of diversion name or number:

POINT OF DIVERSION (POD) NAME OR NUMBER (CORRESPOND TO MAP)	SOURCE
POD	West Branch of Bridge Creek, tributary to Bridge Creek, tributary to John Day River

2. Variations:

Was the use developed differently from what was authorized by the transfer final order, **YES** **NO** or extension final? If yes, describe below.

(e.g. "The order allowed three new/additional points of diversion. The water user only developed one of the points.")

--

3. Claim Summary:

NEW OR ADDITIONAL POD NAME OR #	MAXIMUM RATE AUTHORIZED IN ORDER	CALCULATED THEORETICAL RATE BASED ON SYSTEM	AMOUNT OF WATER MEASURED
POD	0.16 CFS	0.41 CFS	N/A

SECTION 4

SYSTEM DESCRIPTION

Are there multiple new or additional Points of Diversion (POD)s?

YES NO

If "YES" you will need to copy and complete a separate Section 4 for each POD.

POD Name or Number this section describes (only needed if there is more than one):

POD

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A. POD System Information

Provide the following information concerning the point of diversion. Information provided must describe the equipment used to appropriate water from the point of diversion.

1. Pump Information

MANUFACTURER	MODEL	SERIAL NUMBER	TYPE (CENTRIFUGAL, TURBINE OR SUBMERSIBLE)	INTAKE SIZE	DISCHARGE SIZE
Cornell	1 ½ W 7 ½ -2	16246	Centrifugal		

2. Motor Information

MANUFACTURER	HORSEPOWER
GE	7.5

3. Theoretical Pump Capacity

HORSEPOWER	OPERATING PSI	LIFT FROM SOURCE TO PUMP	LIFT FROM PUMP TO PLACE OF USE	TOTAL PUMP OUTPUT (IN CFS)
7.5	40	3'	16'	0.41 CFS

4. Provide pump calculations:

See attached OWRD Pump Calculations.

5. Measured Pump Capacity (using meter if meter was present and system was operating)

INITIAL METER READING	ENDING METER READING	DURATION OF TIME OBSERVED	TOTAL PUMP OUTPUT (IN CFS)
n/a			

Reminder: For pump calculations use the reference information at the end of this document.

B. Gravity Flow Pipe

(THE DEPARTMENT TYPICALLY USES THE HAZEN-WILLIAM'S FORMULA FOR A GRAVITY FLOW PIPE SYSTEM)

1. Does the diversion involve a gravity flow pipe?

YES NO

If "NO", items 2 through 4 relating to this section may be deleted.

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C. Gravity Flow Canal or Ditch

(THE DEPARTMENT TYPICALLY USES MANNING'S FORMULA FOR CANALS AND DITCHES)

1. Does the diversion involve a gravity flow ditch or canal?

OWRD

YES

NO

If "NO", items 2 through 4 relating to this section may be deleted.

D. Additional notes or comments related to the system:

SECTION 5 CONDITIONS

All conditions contained in the transfer final order, or any extension final order shall be addressed. Reports that do not address all performance related conditions will be returned.

1. Time Limits:

Describe how the water user has complied with each of the development timelines established in the transfer final order and any extensions of time issued for the transfer:

	DATE FROM TRANSFER	DATE THE NEW AND/OR ADDITIONAL POD(S) WERE READY FOR USE *THIS DATE MUST FALL BETWEEN THE "ISSUANCE DATE" AND THE "COMPLETENESS DATE"
ISSUANCE DATE	6-13-2006	
COMPLETENESS DATE FROM ORDER (C)	10-1-2007	10-1-2009

* MUST BE WITHIN PERIOD BETWEEN TRANSFER FINAL ORDER, OR ANY EXTENSION FINAL ORDER ISSUANCE AND THE DATE TO COMPLETE THE CHANGE

2. Is there an extension final order(s)?

YES

NO

If "NO", you may delete the following table.

If for a transfer extension order, provide the following information:

VOLUME	PAGE	DATE EXTENDED TO
73	578	10-1-2009

3. Measurement Conditions:

a. Does the transfer final order, or any extension final order require the installation of a meter or other approved measuring device?

YES

NO

If "NO", items b through f relating to this section may be deleted.

4. Recording and reporting conditions

a. Is the water user required to report the water use to the Department?

YES

NO

If "NO", item b relating to this section may be deleted.

APR 12 2021

5. Fish Screening

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- a. Are any points of diversion required to be screened to prevent fish from entering the point of diversion? YES NO

If "NO", items b through e relating to this section may be deleted.

Reminder: If fish screening devices were required, the COBU map must indicate their location in relation to the point of diversion.

- b. Has the fish screening been installed? YES NO
- c. When was the fish screening installed?

DATE	BY WHOM
2008	Owner

Reminder: If the permit or transfer final order was issued on or after February 1, 2011, the fish screen is required to be approved by the Oregon Department of Fish and Wildlife regardless of the rate of diversion.

- d. If the diversion involves a pump and the total diversion rate of all rights at the point of diversion is less than 225 gpm (0.5 cfs) and the permit was issued prior to February 1, 2011:

- Has the self-certification form previously been submitted to the Department? NA YES NO

If not, go to <https://www.oregon.gov/OWRD/Forms/Pages/default.aspx>, complete and attach a copy of the 'ODFW Small Pump Screen Self Certification' form to this claim, and send a copy of it to the Oregon Department of Fish and Wildlife (ODFW).

Reminder: Failure to submit evidence of a timely installed fish screen may result in an unfavorable determination. The ODFW self certification form needs to have been previously submitted or be attached to this form.

- e. If the diversion does not involve a pump or the total diversion rate of all rights at the point of diversion is 225 gpm (0.5 cfs) or greater:

- Has the ODFW approval been previously submitted? NA YES NO

If not, contact and work with ODFW to ensure compliance. To demonstrate compliance, provide signed documentation from ODFW. A form is available at:

<https://www.oregon.gov/OWRD/Forms/Pages/default.aspx>

Reminder: Failure to submit evidence of a timely installed fish screen may result in an unfavorable determination. In order to receive a favorable approval, the ODFW/WRD "Fish Screen Inspection" form needs to have been previously submitted or be attached to this form.

6. By-pass Devices

- a. Are any points of diversion required to have a by-pass device to prevent fish from entering the point of diversion? YES NO

If "NO", items b and c relating to this section may be deleted.

Reminder: If by-pass devices were required, the COBU map must indicate their location in relation to the point of diversion.

7. Other conditions required by the transfer final order or extension final order:

- | | | |
|--|-----|-----------|
| a. Was the water user required to restore the riparian area if it was disturbed? | YES | <u>NO</u> |
| b. Was a fishway required? | YES | <u>NO</u> |
| c. Other conditions? | YES | <u>NO</u> |

If "YES" to any of the above, identify the condition and describe the water user's actions to comply with the condition(s):

--

SECTION 6

ATTACHMENTS

Provide a list of any additional documents you are attaching to this report:

ATTACHMENT NAME	DESCRIPTION
CBU Map	Claim if Beneficial Use Map
Pump Calcs	OWRD Pump Calculations
ODFW Letter	ODFW Fish Screening Program Approval Letter
Request for Assignment	Request for Assignment by Proof of Ownership

SECTION 7

CLAIM OF BENEFICIAL USE MAP

The Claim of Beneficial Use Map must be submitted with this claim. Claims submitted without the Claim of Beneficial Use map will be returned. The map shall be submitted on polyester film at a scale of 1" = 1320 feet, 1" = 400 feet, or the original full-size scale of the county assessor map for the location.

For the purpose of this Claim, the map identifying the location of the place of use does not require a new survey. The location of the place of use identified on the Claim map should be based on the original right of record at the time the transfer final order was issued. In transfers approved for additional points of diversion, the original points must be identified the map based on the original right of record at the time the transfer final order was issued.

Provide a general description of the survey method used to prepare the map. Examples of possible methods include, but are not limited to, a traverse survey, GPS, or the use of aerial photos. If the basis of the survey is an aerial photo, provide the source, date, series and the aerial photo identification number.

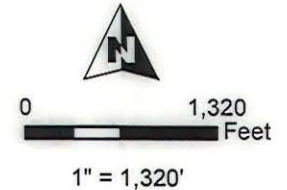
On-site direct measurement and NAIP Imagery.
--

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OWRD

**T11S R20E, WM
WHEELER COUNTY, OR**



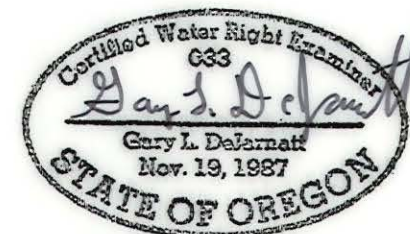
- POD & Fish Screen
- Creek
- POU IR 1877 Priority
- Section
- Quarter Quarter
- Tax Lot

POD Location:
1880' S, 580' W of the NE Cor Sec 35

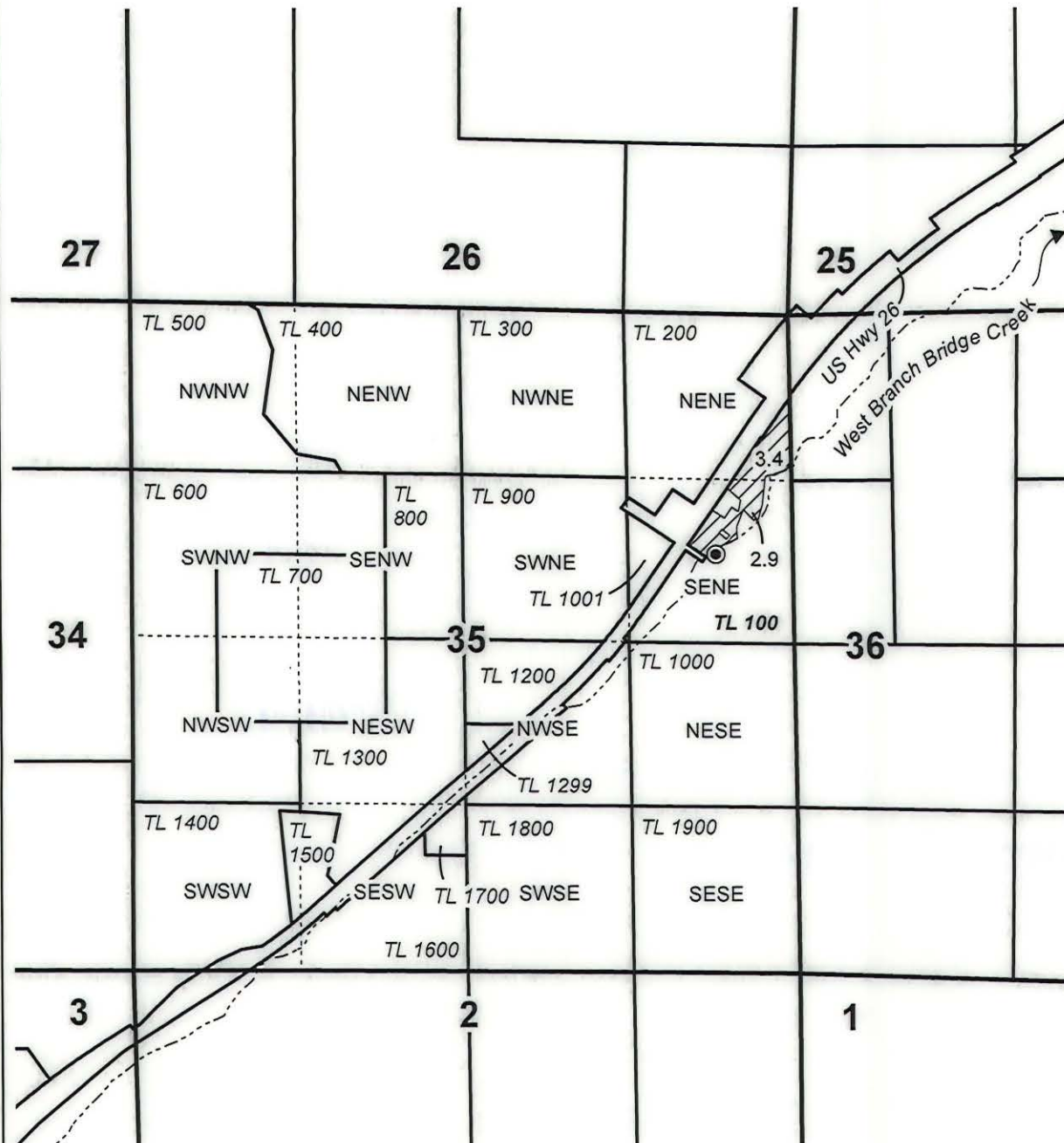
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RENEWAL DATE 12/31/2021



**CLAIM OF BENEFICIAL USE MAP
ROBERT BREEN RANCH**

Date: 10/14/2020

T-9892

Project # 20061

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

Map Checklist

Please be sure that the map you submit includes ALL the items listed below.
(Reminder: Incomplete maps and/or claims may be returned.)

- ☒ Map on polyester film
- ☒ Appropriate scale (1" = 400 feet, 1" = 1320 feet, or the original full-size scale of the county assessor map)
- ☒ Township, Range, Section, Donation Land Claims, and Government Lots
- ☒ If irrigation, number of acres irrigated within each projected Donation Land Claims, Government Lots, Quarter-Quarters
- ☒ Locations of fish screens and/or fish by-pass devices in relationship to point of diversion
- N/A Locations of meters and/or measuring devices in relationship to point of diversion or appropriation
- N/A Conveyance structures illustrated (pumps, reservoirs, pipelines, ditches, etc.) ***Not required for this type of Claim of Beneficial Use**
- ☒ Point(s) of diversion or appropriation (illustrated and coordinates)
- ☒ Tax lot boundaries and numbers
- ☒ Source illustrated if surface water
- ☒ Disclaimer ("This map is not intended to provide legal dimensions or locations of property ownership lines")
- ☒ Application and permit number or transfer number
- ☒ North arrow
- ☒ Legend
- ☒ CWRE stamp and signature

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Pump Capacity Calculation Sheet		<u>POD Breen Ranch</u>				
using Department designed formula:						
(hp)(efficiency) / (lift + psi head) = capacity in cfs						
Efficiency:						
Centrifugal = 6.61						
Turbine = 7.04						
Data Entry (fill in underlined blanks)						
HP =	<u>7.5</u>					
Efficiency =	<u>6.61</u>					
Lift =	<u>19</u>					
PSI =	<u>40</u>					
Results Calculated						
(hp)(efficiency) =	49.575					
Head based on psi =	101.6					
Total dynamic head =	120.6					
(head + lift)						
Pump Capacity =	0.41	cfs				

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Oregon

Kate Brown., Governor

Department of Fish and Wildlife
John Day Fish Screening and Passage
357 Patterson Bridge Rd.
P.O. Box 515
John Day, OR 97845
Voice: 541-575-0561
FAX (541) 575-0868
www.dfw.state.or.us/

April 1, 2021

Robert
Michael Breen
20761 Reed Market Road 3rd SE Airport Dr
Bend, OR 97702



Dear Mr. Breen,

Your fish screen was inspected on 4/1/2021. In reference to water right transfer file number T-9892 this letter confirms that a National Marine Fisheries Service criteria fish screen as approved by ODFW is located on the property near GPS coordinates: 44.57259, -120.28834.

In regards to the inspection of the fish screen located on the West Branch Bridge Creek, the following has been determined:

1. The screen located at coordinates 44.57259, -120.28834 is a water user made screen. The screen material is 3/32" perforated plate.
2. This screen is approved for water use up to 71.8 GPM or 0.16 CFS.
3. All screen and pump configurations meet National Marine Fisheries Service criteria at the time of inspection, any changes or modifications to the configurations will not be covered by this certification letter.
4. This screen is an end of pipe screen; therefore, no by-pass is required.

Please contact me if you have any questions regarding this letter.

Sincerely,

Nathaniel Ashley
Fish Screening and Passage Coordinator

CC: Oregon Water Resources Department

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APR 12 2021

OWRD



Oregon

Theodore R. Kulongoski, Governor

Water Resources Department

North Mall Office Building
725 Summer Street NE, Suite A
Salem, OR 97301-1266
503-986-0900
FAX 503-986-0904

November 1, 2007

Michael Breen
20761 Reed Market Road
Bend, Oregon 97702

REFERENCE: File Transfer 9892

We have received your application for extension of the time limit to make complete application of water under Transfer T-9892. We also have your check in the amount of \$350.00. A copy of receipt number 89915 is enclosed.

The application indicates reasonable diligence toward completion of the proposed project. The time limit to make complete application of water is extended to October 1, 2009. The order approving the extension was entered October 31, 2007, at Volume 73, Page 578.

If you have any questions, please contact the transfer section at 503-986-0883.

Sincerely,

Sarah Henderson
Executive Support

cc: Watermaster #4

enclosure

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

In the Matter of Application for Extension)
of Time for Transfer of Water Right)
T-9892, Wheeler County, Oregon)

FINAL ORDER APPROVING AN
EXTENSION OF TIME

Applicant

Michael Breen
20761 Reed Market Road
Bend, Oregon 97702

Findings of Fact

1. On September 28, 2007, the Department received an application for extension of time for transfer of water right T-9892 from Michael Breen and Robert Breen of 301 SE Airpark, Bend, Oregon 97702.
2. The Water Resources Department issued an order approving Transfer Application T-9892 in the name of Michael Breen, on June 13, 2006. The order was recorded in Special Order Volume 68, at Page 682. The order set a transfer completion date of October 1, 2007.
3. The applicant has installed the underground pipe and risers and the pump at the new site for 6.3 acres of irrigation has been installed.
4. To fully complete the change, it will be necessary for the applicant to install a fish screen to specifications and irrigate the land associated with the transfer application.
5. The landowner has requested that the time for completion of beneficial use be extended to October 1, 2009.

Conclusions of Law

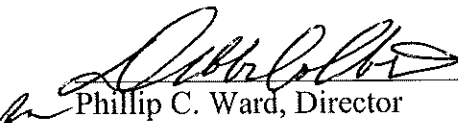
Pursuant to OAR 690-380-6020, the Director of the Water Resources Department concludes the applicant has shown reasonable diligence to complete the transfer within the time period established by the order approving Transfer Application T-9892.

This is a final order in other than contested case. This order is subject to judicial review under ORS 183.484. Any petition for judicial review must be filed within the 60 day time period specified by ORS 183.484(2). Pursuant to ORS 536.075 and OAR 137-004-0080 you may either petition for judicial review or petition the Director for reconsideration of this order. A petition for reconsideration may be granted or denied by the Director, and if no action is taken within 60 days following the date the petition was filed, the petition shall be deemed denied.

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

The time for completion of beneficial use authorized by T-9892 shall be extended to October 1, 2009.

Dated at Salem, Oregon this 31 day of October, 2007


Phillip C. Ward, Director

Mailing date: NOV 02 2007



Last revised: Nov 20, 2003

Transfer 9892

APPLICATION FOR EXTENSION OF TIME
FOR TRANSFER OF WATER RIGHT

A summary of review criteria and procedures that are generally applicable to these applications is available at www.wrd.state.or.us/publication/reports/index.shtml.

To the WATER RESOURCES DIRECTOR OF OREGON:

I/We, Michael Breen and Robert Breen

(Name of Applicant)

of 301 Se Airpark, Bend

(Mailing Address)

(City)

state of Oregon, 97702, 541-389-5344

(Zip Code)

(Phone Number)

do hereby make application for an extension of time within which to complete a change in:

☒ point of diversion/appropriation ☐ place of use ☐ character of use

of water under the terms of an order of the Water Resources Director entered on June 13, 2006,
approving Transfer 9892, in the name of WL Gage Cert 56516

for T 11 S R 20 E WM Sec 35 NE 1/4 NE 1/4

(Give location of your property, as shown on the order approving the transfer)

THE FOLLOWING HAS BEEN accomplished toward completion of the change within the time
allowed, which expired on October 1, 2007:

Underground pipe and risers installed and pump installed
at new site for 6.3 acres of irrigation

(If for irrigation, how many acres total are now irrigated)

TO FULLY COMPLETE the change, it will be necessary to accomplish the following:

Have a CWRE submit a claim of beneficial use report and
map and install fish screen to specifications and irrigate
the land.

I AM UNABLE TO COMPLETE the change under the terms of the order, within the time allowed,
because project started late in 2006 to install pipe and there
is not enough water in stream to irrigate full usage at this time

And request that the time for completion be extended to October 1, 2009.

Robert R Breen X
(Signature of applicant)

In order for an application to be complete, it must be accompanied by the required fee. See the
Department's fee schedule at www.wrd.state.or.us or call (503) 986-0900.

MAIL COMPLETED APPLICATION AND FEE TO:

Water Resources Department
725 Summer Street NE, Suite A
Salem, OR 97301-1271

RECEIVED

SEP 28 2007

WATER RESOURCES DEPT
SALEM, OREGON



Last revised: Nov 20, 2003

Transfer 9892

APPLICATION FOR EXTENSION OF TIME
FOR TRANSFER OF WATER RIGHT

A summary of review criteria and procedures that are generally applicable to these applications is available at www.wrd.state.or.us/publication/reports/index.shtml.

To the WATER RESOURCES DIRECTOR OF OREGON:

I/We, Michael Breen and Robert Breen

(Name of Applicant)

of 301 Se Airpark

(Mailing Address)

Bend

(City)

state of Oregon

97702

(Zip Code)

541-389-5344

(Phone Number)

do hereby make application for an extension of time within which to complete a change in:

☒ point of diversion/appropriation

☐ place of use

☐ character of use

of water under the terms of an order of the Water Resources Director entered on June 13 20 06

approving Transfer 9892, in the name of WL Gage Cert 56516

for T 11 S R 20 E WM Sec 35 NE 1/4 NE 1/4

(Give location of your property, as shown on the order approving the transfer)

THE FOLLOWING HAS BEEN accomplished toward completion of the change within the time allowed, which expired on October 1, 20 07:

Underground pipe and risers installed and pump installed
at new site for 6.3 acres of irrigation

(If for irrigation, how many acres total are now irrigated)

TO FULLY COMPLETE the change, it will be necessary to accomplish the following:

Have a CWRE submit a claim of beneficial use report and

map and install fish screen to specifications and irrigate

the land.

I AM UNABLE TO COMPLETE the change under the terms of the order, within the time allowed, because project started late in 2006 to install pipe and there
is not enough water in stream to irrigate full usage at this time

And request that the time for completion be extended to October 1, 20 09

Robert R Breen X Michael M Breen
(Signature of applicant)

In order for an application to be complete, it must be accompanied by the required fee. See the Department's fee schedule at www.wrd.state.or.us or call (503) 986-0900.

MAIL COMPLETED APPLICATION AND FEE TO:

Water Resources Department
725 Summer Street NE, Suite A
Salem, OR 97301-1271

RECEIVED

SEP 28 2007

WATER RESOURCES DEPT
SALEM, OREGON

FAX...

Breen Electric

~~~~~  
To: Sarah  
Company: 503 - 986 - 0903  
Fax Number:  
Business Phone:

From: Breen Electric  
Fax Number: 1-541-317-5142  
Business Phone: 1-541-382-1777

Date & Time: 10/26  
Pages (including fax cover sheet): 2  
Re:

~~~~~  
Additional Notes:

~~~~~

# Oregon Water Resources Department



State of Oregon  
Water Resources Department  
725 Summer Street NE, Suite A, Salem, OR. 97301-1271  
Phone: 503-986-0900  
<http://www.wrd.state.or.us>

## FAX TRANSMITTAL

To: Donna

Fax Number: 541-317-5142

Date: 10-26-07

Pages: 2, including cover sheet

From: Sarah Henderson

Phone: 503-986-0883

Comments:

Please have Michael sign and then fax  
back to me.

Thank you.

### DIRECTOR'S OFFICE

- Water Resources Commission
- Legislation and Rules
- Public Information

### FIELD SERVICES

- Regional Liaisons
- Transfers
- Hydrographics

### NORTHWEST REGION

- District 16 Watermaster

### ADMINISTRATIVE SERVICES

- Fiscal / Accounting
- Human Resources / Personnel
- Water Development Loan Fund
- Support Services

### TECHNICAL SERVICES

- Dam Safety
- Enforcement
- Ground Water
- Information Services
- GIS/Mapping
- Water Use Reporting

Fax: 503-986-0902

### WATER RIGHTS

- Water Rights Information
- Adjudications
- Hydroelectric
- Certificates / Final Proofs
- Hearings / Contested Cases

Fax: 503-986-0901

Fax: 503-986-0903 or  
503-986-0904

← Fax to Sarah



# Oregon

Theodore R. Kulongoski, Governor

**Water Resources Department**  
North Mall Office Building  
725 Summer Street NE, Suite A  
Salem, OR 97301-1266  
503-986-0900  
FAX 503-986-0904

June 16, 2006

MICHAEL BREEN  
20761 REED MARKET RD  
BEND OR 97702

WHEELER SWCD, AGENT  
PO BOX 431  
FOSSIL OR 97830

Reference: Transfer 9892

Enclosed is a copy of the order approving your water right transfer application.

A time to complete the transfer is given the order. **YOU SHOULD GIVE PARTICULAR ATTENTION TO THE TIME LIMIT.** The water right for any portion of the authorized change in use or change in place of use NOT carried out within the time allowed will be lost.

An extension of the time limit can be allowed only upon a showing that diligent effort has been made to complete the actual change within the time allowed.

You have the requirement to hire a Certified Water Right Examiner (CWRE) to complete a Claim of Beneficial Use report and map which must be submitted to this department within one year of the date you completed the change or within one year of the completion date authorized in the transfer, whichever occurs first.

Sincerely,

 Doug Parrow  
Natural Resource Specialist

DP:sh

cc: Watermaster #4  
Robert Bagett, CWRE

Enclosure

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

In the Matter of Transfer Application                     )  
T-9892, Wheeler County                                     )     **FINAL ORDER APPROVING A  
CHANGE IN POINT OF DIVERSION**

ORS 540.505 to 540.580 establishes the process in which a water right holder may submit a request to transfer the point of diversion, place of use, or character of use authorized under an existing water right. OAR Chapter 690, Division 380 implements the statutes and provides the Department's procedures and criteria for evaluating transfer applications.

**Applicant**

Michael Breen  
20761 Reed Market Road  
Bend, Oregon 97702

**Findings of Fact**

1. On March 18, 2005, Michael Breen filed a transfer application to change the point of diversion under Certificate 56516. The Department assigned the application number T-9892.

2. The portion of the right to be transferred is as follows:

**Certificate:** 56516 in the name of W.L. Gage

**Use:** Irrigation

**Priority Date:** 1877

**Quantity:** ONE-FORTIETH of one cubic foot per second per acre of land irrigated before June 15, and ONE-EIGHTIETH of one cubic foot per second per acre after June 15, during the irrigation season from March 1 to October 1 of each year, measured at the point of diversion from the source.

**Acres:** 6.3

**Source:** West Branch of Bridge Creek, tributary to Bridge Creek, tributary to John Day River

**Authorized Point of Diversion:**

| Township |   | Range |   | Meridian | Sec | ¼ ¼ |    | Survey Coordinates |
|----------|---|-------|---|----------|-----|-----|----|--------------------|
| 11       | S | 20    | E | W.M.     | 35  | NW  | SE | Tom Vowell Ditch   |
| 11       | S | 20    | E | W.M.     | 35  | SE  | NE | McCollum Ditch     |

This is a final order in other than contested case. This order is subject to judicial review under ORS 183.484. Any petition for judicial review must be filed within the 60 day time period specified by ORS 183.484(2). Pursuant to ORS 536.075 and OAR 137-004-0080 you may either petition for judicial review or petition the Director for reconsideration of this order. A petition for reconsideration may be granted or denied by the Director, and if no action is taken within 60 days following the date the petition was filed, the petition shall be deemed denied.

**Authorized Place of Use:**

| Township |   | Range |   | Meridian | Sec | ¼ ¼ |    | Acres |
|----------|---|-------|---|----------|-----|-----|----|-------|
| 11       | S | 20    | E | W.M.     | 35  | NE  | NE | 3.4   |
| 11       | S | 20    | E | W.M.     | 35  | SE  | NE | 2.9   |

3. Application T-9892 proposes to move the authorized point of diversion approximately 2200 feet downstream in the West Branch of Bridge Creek to:

| Township |   | Range |   | Meridian | Sec | ¼ ¼ |    | Survey Coordinates                                         |
|----------|---|-------|---|----------|-----|-----|----|------------------------------------------------------------|
| 11       | S | 20    | E | W.M.     | 35  | NE  | NE | 1150 feet South & 220 feet West from NE corner, Section 35 |

4. Notice of the application for transfer was published pursuant to ORS 540.520 and OAR 690-380-4000. No comments were filed in response to the notice. However, the Oregon Department of Fish and Wildlife did request inclusion of a condition requiring installation of proper fish screens.
5. Water has been used within the last five years according to the terms and conditions of the right and no evidence is available that would demonstrate that the right is subject to forfeiture under ORS 540.610.
6. A diversion structure and ditch sufficient to use the full amount of water allowed under the existing right are present.
7. The proposed change would not result in enlargement of the right.
8. The proposed change would not result in injury to other water rights.
9. Notice of the Preliminary Determination was published on the Department's Weekly Public Notice on February 28, 2006 and in the Wheeler County News on April 5 and 19 and May 3, 2006. No protests were filed in response to the notice.

**Conclusions of Law**

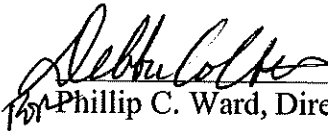
The proposed change in point of diversion in application T-9892 is consistent with the requirements of ORS 540.505 to 540.580 and OAR 690-380-5000.

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

1. The change proposed in T-9892 is approved.
2. Water right certificate 56516 is cancelled. A new certificate will be issued describing that portion of the right not involved in this transfer.
3. The right to the use of the water is restricted to beneficial use at the place of use described and is subject to all other conditions and limitations contained in Certificate 56516 and any related decree.

4. The approved changes shall be completed and full beneficial use of the water shall be made on or before **October 1, 2007**. A Claim of Beneficial Use prepared by a Certified Water Rights Examiner shall be submitted by the applicant to the Department within one year after the deadline for completion of the changes and full beneficial use of the water.
5. The quantity of water diverted at the new point of diversion, shall not exceed the quantity of water lawfully available at the original point of diversion.
6. When required by the Department, the water user shall install and maintain a headgate, an in-line flow meter, weir, or other suitable device for measuring and recording the quantity of water diverted. The type and plans of the headgate and measuring device must be approved by the Department prior to beginning construction and shall be installed under the general supervision of the Department.
7. The water user shall install and maintain a fish screen or fish by-pass device, as appropriate, at the new point of diversion. The type and plans of the screen or by-pass device must be approved by the Oregon Department of Fish and Wildlife prior to beginning of construction, and shall be installed under the supervision of the Department of Fish and Wildlife.
8. When satisfactory proof of the completed change is received, a new certificate confirming the portion of the right transferred will be issued.

Dated at Salem, Oregon this 13<sup>th</sup> day of June, 2006.

  
Phillip C. Ward, Director

Mailing date: 6-19-2006

STATE OF OREGON  
COUNTY OF WHEELER  
CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

W.L. GAGE  
MITCHELL, OREGON 97750

confirms the right to use the waters of WEST BRANCH of BRIDGE CREEK, within the JOHN DAY BASIN, for IRRIGATION OF 25.9 ACRES IN TRACT #1; IRRIGATION OF 12.8 ACRES AND DOMESTIC AND STOCK IN TRACT #2.

This right was confirmed by decree of the Circuit Court of the State of Oregon for WHEELER County. The decree is of record at Salem, in the Order Record of the WATER RESOURCES DIRECTOR, in Volume 12, at Page 388. The date of priority is 1877.

The amount of water to which this right is entitled is limited to an amount actually beneficially used for said purposes, and shall not exceed ONE-FORTIETH of one cubic foot per second per acre of land irrigated before June 15, and ONE-EIGHTIETH of one cubic foot per second per acre after June 15, during the irrigation season from March 1 to October 1 of each year, measured at the point of diversion from the stream.

The points of diversion are located:

| Township |   | Range |   | Meridian | Sec | ¼ ¼ |    | Survey Coordinates |
|----------|---|-------|---|----------|-----|-----|----|--------------------|
| 11       | S | 20    | E | W.M.     | 35  | NW  | SE | Tom Vowell Ditch   |
| 11       | S | 20    | E | W.M.     | 35  | SE  | NE | McCollum Ditch     |

A description of the place of use to which this right is appurtenant is as follows:

**TRACT #1**

NE¼ SW¼ 2.5 ACRES  
SW¼ SW¼ 9.0 ACRES  
SE¼ SW¼ 9.0 ACRES  
SECTION 25

NE¼ NE¼ 1.6 ACRES  
SW¼ NE¼ 1.0 ACRE  
SE¼ NE¼ 1.9 ACRES  
NW¼ SE¼ 0.1 ACRE  
SECTION 35

NW¼ NW¼ 0.8 ACRE  
SECTION 36

TOWNSHIP 11 SOUTH, RANGE 20 EAST, W.M.

**TRACT #2**

NE¼ SW¼ 2.0 ACRES  
SE¼ SW¼ 10.5 ACRES  
SECTION 25

NW¼ NW¼ 0.3 ACRE  
SECTION 36

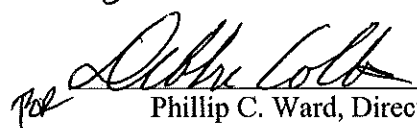
TOWNSHIP 11 SOUTH, RANGE 20 EAST, W.M.

This certificate describes that portion of the water right confirmed by Certificate 56516, State Record of Water Right Certificates, NOT modified by the provisions of an order of the Water Resources Director entered June 13, 2006, approving Transfer Application 9892.

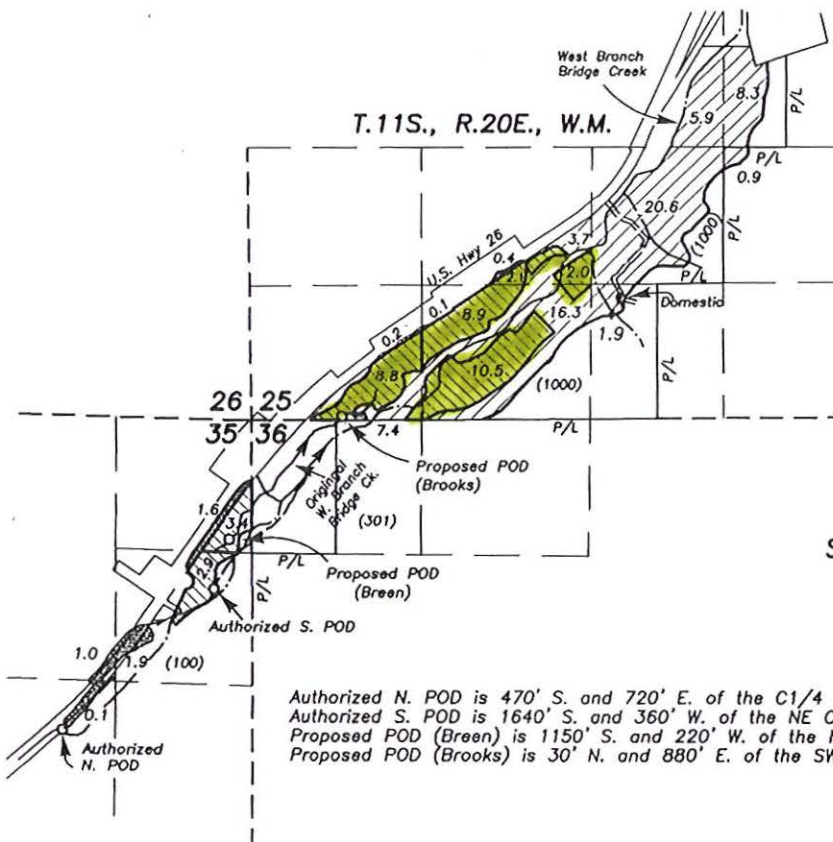
The issuance of this superseding certificate does not confirm the status of the water right in regard to the provisions of ORS 540.610 pertaining to forfeiture or abandonment.

The right to the use of the water for the above purpose is restricted to beneficial use on the lands or place of use described and is subject to all other conditions and limitations contained in said decree.

WITNESS the signature of the Water Resources Director, affixed

June 13, 2006  
  
Phillip C. Ward, Director

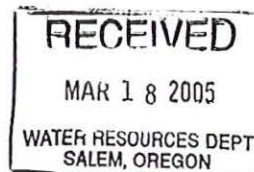
Recorded in State Record of Water Right Certificates numbered 81649.



T-9892  
+ overlapping  
adjacent rights

SCALE: 1" = 1320'

-  CERT 56516
-  PERMIT 47328
-  LANDS NOT AFFECTED
- P/L PROPERTY LINE
- ( ) TAX LOT NO.



# APPLICATION MAP FOR ADDITIONAL POINT OF DIVERSION

FOR

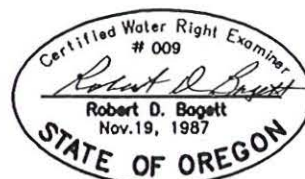
JAMES BROOKS  
AND  
MICHAEL BREEN

BY

BAGETT, GRIFFITH & BLACKMAN  
217 N. CANYON BLVD.  
JOHN DAY, OR. 97845  
(541) 575-1251

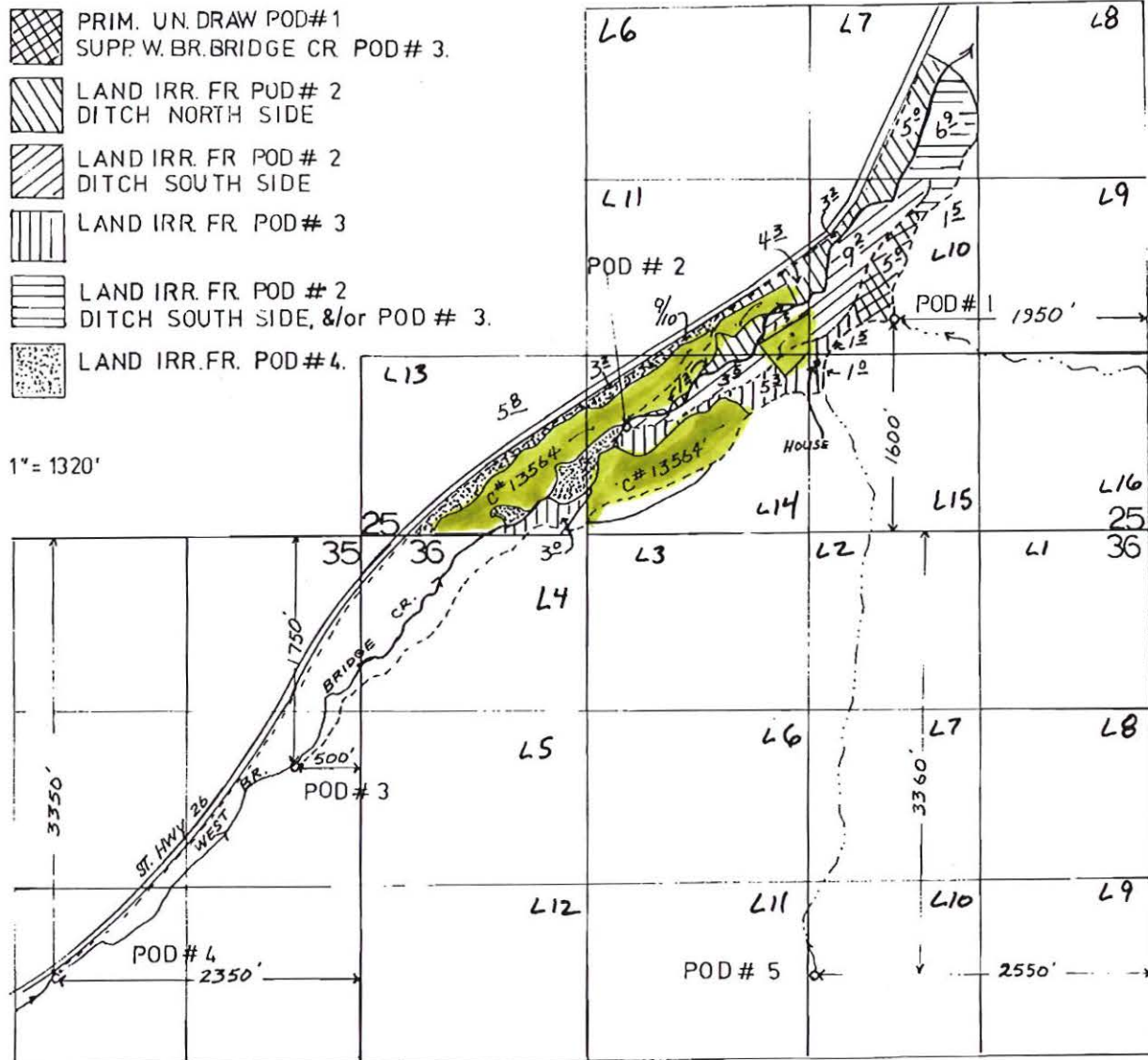
DECEMBER 7, 2004

NOTE: The preparation of this map was for the purpose of identifying the location of the proposed water right and has no intent to provide dimensions or location of property ownership lines.



T-9892

# T. 11 S., R. 20 E., W.M.



## FINAL PROOF SURVEY UNDER

Application No. 64480 Permit No. 47328  
IN NAME OF

JAMES AND JOYCE BROOKS

Surveyed 3-5, 1992, by J. MILLER

T.11 S., R.20 E., W.M.

APPLICATION MAP FOR

VERNON T. MOE

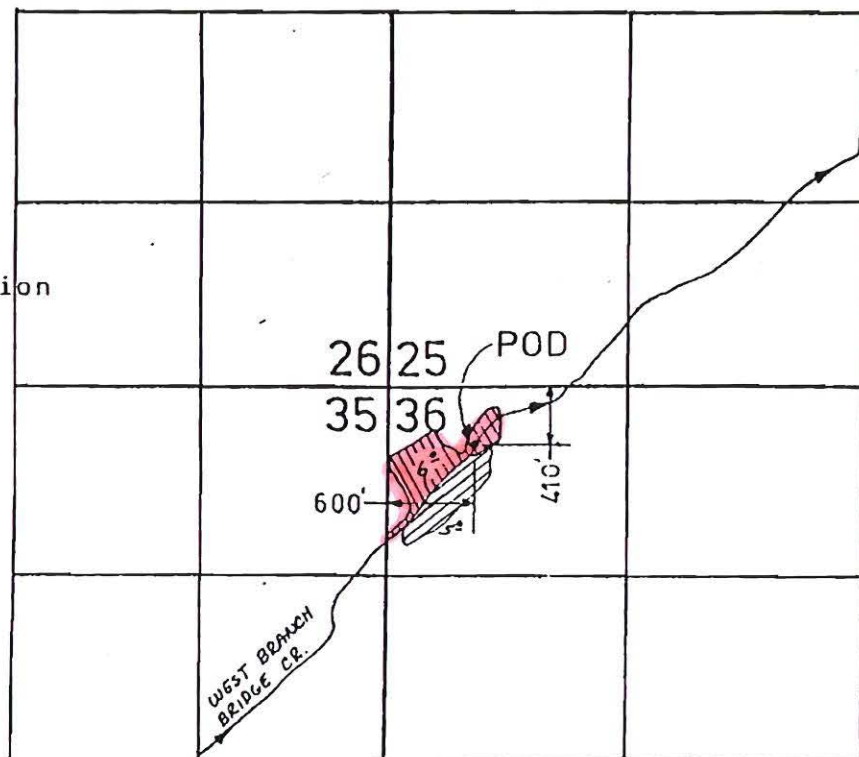
**RECEIVED**

OCT 7 1983

WATER RESOURCES DEPT.  
SALEM, OREGON

Application No. 67417  
Permit No. 48165

● P-46356  
● New land  
this application



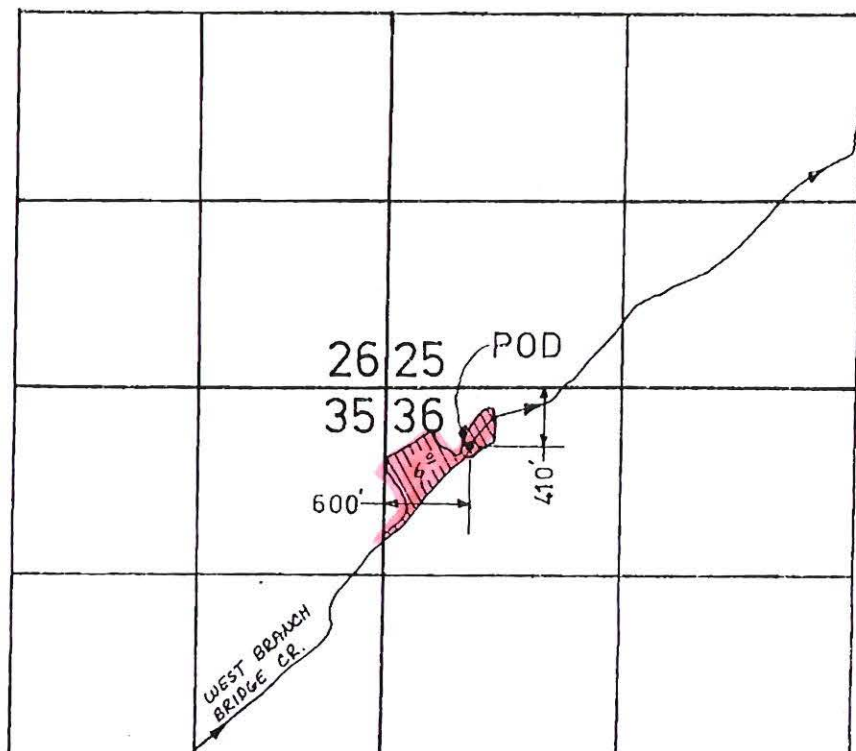
APPROVED \_\_\_\_\_

T.11 S., R.20 E., W.M.

APPLICATION MAP FOR

VERNON T. MOE

Application No. 6013-1  
Permit No. 46356



SCALE  
4"=1 mi

APPROVED \_\_\_\_\_

THIS MAP WAS PREPARED FOR  
ASSESSMENT PURPOSE ONLY

**RECEIVED**

FEB 16 2001

SECTION 36 T.11S. R.20E  
WHEELER COUNTY

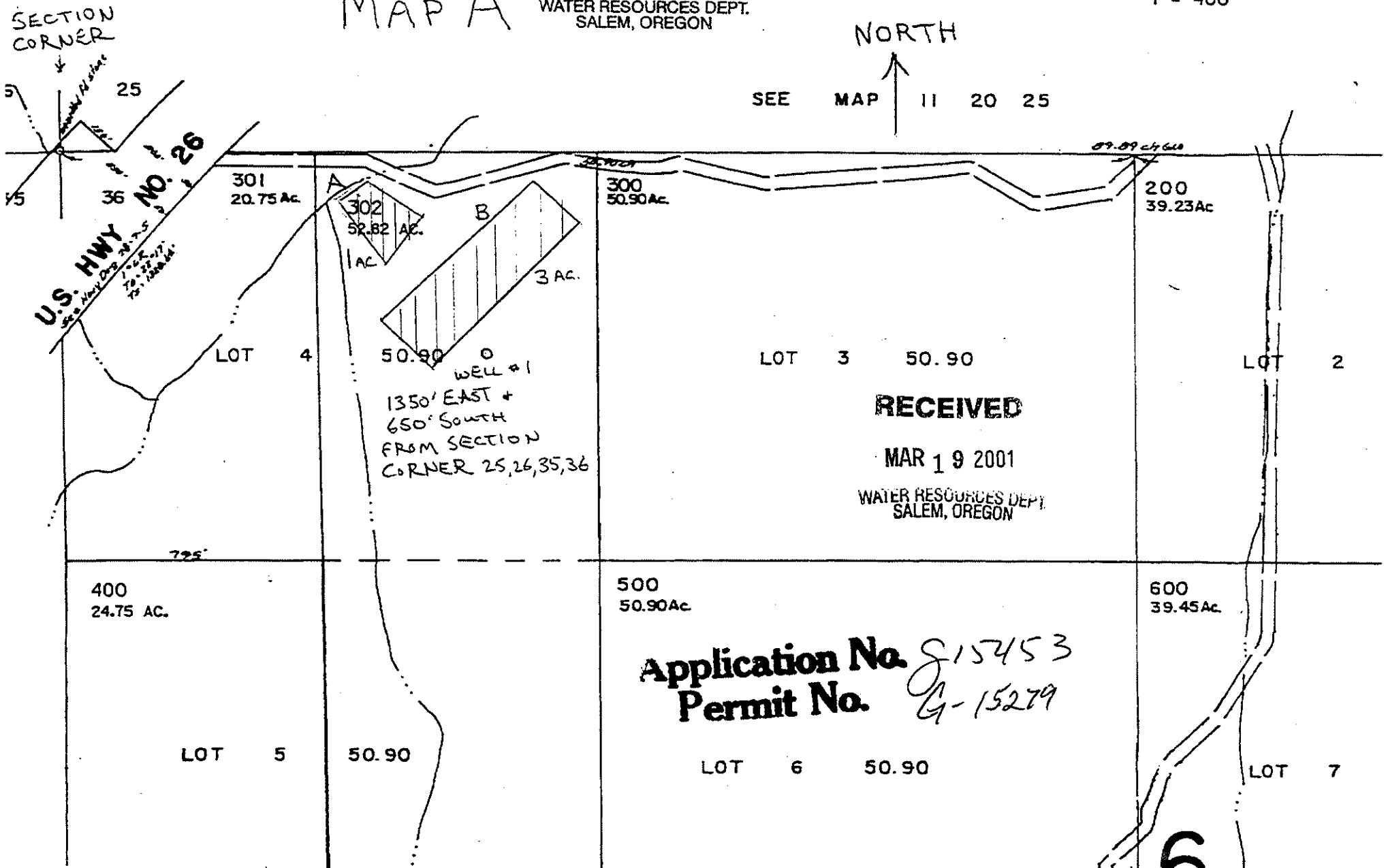
1" = 400'

MAP A

WATER RESOURCES DEPT.  
SALEM, OREGON

NORTH

SEE MAP 11 20 25



**Snapshot: 147831****Auditing checklist**

- ☐ Does the shape on the map generally match the shape on the screen?  
☐ Was the correct map/existing data used?  
☐ Is the geo-referenced map accurate to the layer the editor deemed to be the best?  
☐ Is the right digitized in the correct TRSQQ?  
☐ Are all the pou/pod id accounted for and do they correspond to the correct geometry?  
☐ Are tech initials, agency, date added, and feature quality code fields populated?  
☐ Are overages/underages accounted for in the delta size field?  
☐ Have appropriate remarks been entered?

**Snapshot**

| SnapshotID | Type | Status | Expiration Date | Authority | License Nbr | License Type | Contract Nbr | Contract Type | Snapshot Origin | Snapshot Status | WRID  | FamilyID |
|------------|------|--------|-----------------|-----------|-------------|--------------|--------------|---------------|-----------------|-----------------|-------|----------|
| 147831     | SW   | NC     |                 |           |             |              |              |               | CT              | AC              | 17231 | 65953    |

**Application****Permit****Certificate****Claim****Decree**

| Decree Name                  | Volume-Page | Signature  | Decree Findings | Additional Record |
|------------------------------|-------------|------------|-----------------|-------------------|
| Bridge Creek, Wheeler County | 12-388      | 03/30/1937 |                 | N                 |

**Orders****Transfer**

| Transfer | Begin Date | End Date | Type    | Status        | CF | RR | POA | APOA | POD | APOD | POU | USE | GTS | STG |
|----------|------------|----------|---------|---------------|----|----|-----|------|-----|------|-----|-----|-----|-----|
| T5940    |            |          | Regular | Confirming OD | Y  |    |     |      | Y   |      |     |     |     |     |

**Owner**

| First Name | Middle | Last Name | Company | Other Name | Entity Type | Street1             | Street 2 | City     | State | Zip   | County | Email | Home Phone | Company Phone | Fax | Inactive | Begin Date | End Date | Additional Record |
|------------|--------|-----------|---------|------------|-------------|---------------------|----------|----------|-------|-------|--------|-------|------------|---------------|-----|----------|------------|----------|-------------------|
| VERNON     | T      | MOE       |         |            |             | WEST BRANCH STAR RT |          | MITCHELL | OR    | 97750 | WHEE   |       |            |               |     | N        | 07/10/2006 |          | N                 |
| ROLYNNE    | A      | MOE       |         |            |             | WEST BRANCH STAR RT |          | MITCHELL | OR    | 97750 | WHEE   |       |            |               |     | N        | 07/10/2006 |          | Y                 |

**County**

| County  |
|---------|
| Wheeler |

**Related Docs**

**PODs**

| POD Loc ID                               | POD Nbr | POD Name      | Src Type   | Streamcode                                  | Source                   | Tributary to | Location (QQ-S-T-R)      | River Mile | Lat/Long | Legal Description                                           | Def       | ST Flow           | Max Rate   | Rate   | Max Acre Feet | Acre Feet | POD Type | Status | Remarks | Mapped?    |
|------------------------------------------|---------|---------------|------------|---------------------------------------------|--------------------------|--------------|--------------------------|------------|----------|-------------------------------------------------------------|-----------|-------------------|------------|--------|---------------|-----------|----------|--------|---------|------------|
| 199298                                   | 1       |               | ST         | W BR BRIDGE CR > BRIDGE CR - 06216010800200 | WEST BRANCH BRIDGE CREEK | BRIDGE CREEK | NWNW 36 11.00S 20.00E WM |            |          | 460 FEET SOUTH AND 840 FEET EAST FROM NW CORNER, SECTION 36 | P         | N                 | 0.09       | 0.09   |               |           | SW       | NC     |         | Not Mapped |
| <b>Uses from this Point of Diversion</b> |         |               |            |                                             |                          |              |                          |            |          |                                                             |           |                   |            |        |               |           |          |        |         |            |
| Use                                      | P/S     | Priority Date | Start Date | End Date                                    | ST Flow                  | Rate/Acre    | Duty                     | Max Rate   | Rate     | Max Acre Feet                                               | Acre Feet | Surface Elevation | Households | Status | Remarks       |           |          |        |         |            |
| IR                                       | P       | 12/31/1877    | 3/1        | 6/14                                        | N                        | 1/40         |                          | 0.09       | 0.09     |                                                             |           |                   |            | NC     |               |           |          |        |         |            |
| IR                                       | P       | 12/31/1877    | 6/15       | 10/1                                        | N                        | 1/80         |                          | 0.045      | 0.045    |                                                             |           |                   |            | NC     |               |           |          |        |         |            |
|                                          |         |               |            |                                             |                          |              |                          |            |          |                                                             |           |                   | Totals:    | 0.09   |               | 0         |          |        |         |            |

**Limits**

| Max Rate CFS | Acre Feet | Rate/Acre | Duty | Acres | Surf Elev | Begin Season | End Season |
|--------------|-----------|-----------|------|-------|-----------|--------------|------------|
| 0.09         |           | 1/40      |      | 3.6   |           | 3/1          | 6/14       |
| 0.045        |           | 1/80      |      | 3.6   |           | 6/15         | 10/1       |

**POUs**

| POU Use Id                                                                                                                                                                                                                                                                                                              | Use  | P/S  | Priority Date | Use Status | Acres   | Remarks | Mapped?    |        |    |      |     |       |         |        |         |        |     |      |    |        |        |    |    |  |  |                  |  |  |  |  |  |  |  |  |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------|------|---------------|------------|---------|---------|------------|--------|----|------|-----|-------|---------|--------|---------|--------|-----|------|----|--------|--------|----|----|--|--|------------------|--|--|--|--|--|--|--|--|
| 161377                                                                                                                                                                                                                                                                                                                  | IR   | P    | 12/31/1877    | NC         | 3.6     |         | Not Mapped |        |    |      |     |       |         |        |         |        |     |      |    |        |        |    |    |  |  |                  |  |  |  |  |  |  |  |  |
| <table><tr><th>Acres</th><th>QQ</th><th>SCTN</th><th>Twp</th><th>Range</th><th>DLC/Lot</th><th>Status</th><th>Remarks</th><th>Taxlot</th></tr><tr><td>3.6</td><td>NWNW</td><td>36</td><td>11.0 S</td><td>20.0 E</td><td>/4</td><td>NC</td><td></td><td></td></tr><tr><td colspan="9">Total Acres: 3.6</td></tr></table> |      |      |               |            |         |         |            | Acres  | QQ | SCTN | Twp | Range | DLC/Lot | Status | Remarks | Taxlot | 3.6 | NWNW | 36 | 11.0 S | 20.0 E | /4 | NC |  |  | Total Acres: 3.6 |  |  |  |  |  |  |  |  |
| Acres                                                                                                                                                                                                                                                                                                                   | QQ   | SCTN | Twp           | Range      | DLC/Lot | Status  | Remarks    | Taxlot |    |      |     |       |         |        |         |        |     |      |    |        |        |    |    |  |  |                  |  |  |  |  |  |  |  |  |
| 3.6                                                                                                                                                                                                                                                                                                                     | NWNW | 36   | 11.0 S        | 20.0 E     | /4      | NC      |            |        |    |      |     |       |         |        |         |        |     |      |    |        |        |    |    |  |  |                  |  |  |  |  |  |  |  |  |
| Total Acres: 3.6                                                                                                                                                                                                                                                                                                        |      |      |               |            |         |         |            |        |    |      |     |       |         |        |         |        |     |      |    |        |        |    |    |  |  |                  |  |  |  |  |  |  |  |  |

**Comments****Water Right Genealogy**

- Inchoate: T 5940 [CF] (REG) \*
  - Cert:

**Document Process**

n/a



# Oregon

Theodore R. Kulongoski, Governor

## Water Resources Department

North Mall Office Building  
725 Summer Street NE, Suite A  
Salem, OR 97301-1271  
503-986-0900  
FAX 503-986-0904

March 24, 2005

MICHAEL BREEN  
20761 REED MARKET RD  
BEND OR 97702

WHEELER SWCD, AGENT  
PO BOX 431  
FOSSIL OR 97830

Reference: **Transfer 9892**

On 3-22-2005 we received your water right transfer application requesting a point of diversion for use of water from the W BR BRIDGE CR, a tributary of the BRIDGE CR. The application was accompanied by \$350. Our receipt 73401 is enclosed.

By copy of this letter, we are asking the Watermaster for his report regarding the potential for injury to existing water rights which may be caused by the change.

Your application will be examined to determine if additional information is needed. You will be contacted following this examination. A number of other transfer applications are also awaiting review. As a result, it may be some time before we are able to process your application. If you wish to have your application processed more quickly, you may want to consider use of the Department's reimbursement authority. Under this authority an applicant may receive expedited review by paying the full cost for a pre-qualified contractor to process the applications. For more info on the Reimbursement Authority program, see the website at [http://www.wrd.state.or.us/OWRD/mgmt\\_reimbursement.shtml](http://www.wrd.state.or.us/OWRD/mgmt_reimbursement.shtml) or by calling the transfer section.

You may not use water for the new use, in the new place of use or from the new point of diversion until the transfer application has been approved. In order to avoid any possible forfeiture of the water right, you should continue to use the water as described by your existing water right. If the land is sold before the transfer is approved, you will need to obtain consent from the buyer to complete the transfer.

We will notify you if additional information or corrections to the application or map are required.

If you have any questions, please call the Transfer Section, (503)986-0883.

cc: Kelly Rise, Watermaster #4  
Robert Bagett, CWRE

enclosure



# Oregon

Theodore R. Kulongoski, Governor

## Water Resources Department

North Mall Office Building  
725 Summer Street NE, Suite A  
Salem, OR 97301-1271  
503-986-0900  
FAX 503-986-0904

March 24, 2005

Tim Unterwegner  
Oregon Department of Fish and Wildlife  
P O Box 9  
John Day, OR 97845

Reference: Transfer # 9892

Enclosed for your review is a copy of a water right transfer application from **West Branch Bridge Creek**, tributary of **Bridge Creek**.

Consistent with the Oregon Plan, we are soliciting your input on whether the proposed transfer would injure an instream water right or any other water right in which ODFW has an interest. If you believe that the transfer would injure a water right, please describe the nature of the injury and provide any supporting information which you have available.

ORS 540.525 and 540.532 require that we consult with you to determine if a fish screen or by-pass device should be required in conjunction with a permanent or historic change in a point of diversion. If you request a fish screen or by-pass device, we will include such a condition in the transfer order and the applicant will be eligible to participate in ODFW's cost sharing program for screening and by-pass devices.

We must receive your response in our Pendleton office

Attention: Transfer Section  
Water Resources Department  
725 SUMMER ST NE SUITE A  
SALEM OR 97301-4172

**by April 25, 2005** in order to consider it in our decision on the application and to include the appropriate conditions in any approval order. We will presume that you do not have comments and do not intend to request fish screens or by-pass devices if we do not receive a response.

If you have questions, please call 503-986-0883.

Enclosure

cc: Wm # 4, Kelly Rise  
Applicant

# Water Right Transfer Completion Checklist

T-9892

Transfer Specialist: Vern Church

## Water Rights Affected

| App File No.       | Cert or Permit No. | RR/CR Needed                                                        | RR/CR Nos. |
|--------------------|--------------------|---------------------------------------------------------------------|------------|
| John Day R. decree | 56516              | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No | 81617      |
|                    |                    | <input type="checkbox"/> Yes <input type="checkbox"/> No            |            |
|                    |                    | <input type="checkbox"/> Yes <input type="checkbox"/> No            |            |

## Copies Needed

Watermaster District: 4

CWRE No.: 009

Irrig Dist Name/Address: Wheeler SWCD, P.O. Box 431, Fossil, OR 97830

Commentors Name/Address: \_\_\_\_\_

## Preliminary Determination

- |                                                               |                                                               |
|---------------------------------------------------------------|---------------------------------------------------------------|
| <input checked="" type="checkbox"/> Electronic Files uploaded | <input type="checkbox"/> File Folder updated                  |
| <input checked="" type="checkbox"/> Preliminary Determination |                                                               |
| <input checked="" type="checkbox"/> PD Cover letter           | <input type="checkbox"/> Fee Refund Due                       |
| <input checked="" type="checkbox"/> Public Notice             | <input checked="" type="checkbox"/> Newspaper Notice required |
| <input checked="" type="checkbox"/> Remaining Rights          |                                                               |

Comments/Special Issues:

*Change in POD for part of a right.*

## Preliminary Determination Review (Salem)

Peer Reviewer: AWP Date: 1-27-06

Coordinator: AWP Date: 2/17/06

## Final Order Review (Salem)

Peer Reviewer: \_\_\_\_\_ Date: \_\_\_\_\_

Coordinator: AWP Date: 6/13/06

Comments/Special Issues:

*Map of CR Cert does not necessarily match re: Sec 36  
OK - AWP*

Special Order Volume: 68, Pages 682

Final Order Signature Date: 6-13-06

☐ WRIS clone correction needed

STATE OF OREGON

COUNTY OF WHEELER

CERTIFICATE OF WATER RIGHT

This Is to Certify, That

W. L. GAGE

of Mitchell, State of OR 97750, has  
a right to the use of the waters of West Branch

a tributary of for the purpose of  
irrigation of 32.2 acres in Tract #1; irrigation of 12.8 acres, domestic and  
stock in Tract #2

and that said right has been confirmed by decree of the Circuit Court of the State of Oregon for  
Wheeler County, and the said decree entered of record at Salem, in the Order Record of  
the WATER RESOURCES DIRECTOR, in Volume 12, at page 388; that the priority of the  
right thereby confirmed dates from 1877

that the amount of water to which such right is entitled, for the purposes aforesaid, is limited to an  
amount actually beneficially used for said purposes, and shall not exceed one-fortieth of  
one cubic foot per second per acre of land irrigated before June 15, and  
one-eightieth of one cubic foot per second per acre after June 15, during the  
irrigation season from March 1 to October 1 of each year, measured at the  
point of diversion from the stream  
The point of diversion is located in the NW 1/4 SE 1/4, Section 35, Tom Vowell Ditch,  
SE 1/4 NE 1/4, Section 35, H. McCollum Ditch, T11S, R20E, W.M.

A description of the place of use under the right, and to which such right is appurtenant, is as  
follows:

SEE NEXT PAGE

| TRACT #1                |       | RR  | TRACT #2                 |  | Trans | RR |
|-------------------------|-------|-----|--------------------------|--|-------|----|
| 2.5 acres NE 1/4 SW 1/4 |       | 2.5 | 2.0 acres NE 1/4 SW 1/4  |  | 2.0   |    |
| 9.0 acres SW 1/4 SW 1/4 |       | 9.0 | 10.5 acres SE 1/4 SW 1/4 |  | 10.5  |    |
| 9.0 acres SE 1/4 SW 1/4 |       | 9.0 | Section 25               |  |       |    |
| Section 25              |       |     |                          |  |       |    |
| 5.0 acres NE 1/4 NE 1/4 | Trans | 1.6 | 0.3 acre NW 1/4 NW 1/4   |  | 0.3   |    |
| 1.0 acre SW 1/4 NE 1/4  |       | 1.0 | Section 36               |  |       |    |
| 4.8 acres SE 1/4 NE 1/4 |       | 2.9 |                          |  |       |    |
| 0.1 acre NW 1/4 SE 1/4  |       | 0.1 |                          |  |       |    |
| Section 35              |       |     |                          |  |       |    |
| 0.8 acre NW 1/4 NW 1/4  |       | 0.8 |                          |  |       |    |
| Section 36              |       |     |                          |  |       |    |

Township 11 South, Range 20 East, WM

This certificate describes that portion of the water right confirmed by the prior certificate recorded at page 13564, Volume 12, State Record of Water Right Certificates, NOT modified by the provisions of an order of the Water Resources Director entered on July 27, 1987, approving transfer application No. 5940.

The issuance of this superseding certificate does not confirm the status of the water right in regard to the provisions of ORS 540.610 pertaining to forfeiture or abandonment.

And said right shall be subject to all other conditions and limitations contained in said decree. The right to the use of the water for the purposes aforesaid is restricted to the lands or place of use herein described.

WITNESS the signature of the Water Resources Director, affixed

this date October 26, 1987.

*William H. Young*  
Water Resources Director

Recorded in State Record of Water Right Certificates, Volume 52, page 56516

1746E/SPA  
T-5940

**Oregon Department of Fish and Wildlife  
Transfer Comment Form**

Reference: Transfer # 9892

We have reviewed the application for transfer and provide the following comments:

*Please check one of the boxes related to potential injury to water rights.*

☒ There does not appear to be a potential for injury to instream or other water rights as a result of the transfer.

☐ We believe that the transfer would injure the instream or other water right(s) on \_\_\_\_\_, tributary to \_\_\_\_\_. The nature of the injury is as follows: \_\_\_\_\_

(Please attach any available supporting information.)

*Please check one of the boxes related to requiring a fish screen or by-pass device.*

☒ Pursuant to ORS 540.525 or 540.532, a condition should be included in any order approving the transfer to require the installation of a fish screen or by-pass device to prevent fish from leaving (source) and entering the diversion. The existing point of diversion is:

- ☐ Equipped with an appropriate fish screening or by-pass device; or
- ☐ Included on the priority list of screening projects established pursuant to section 8, chapter 933, Oregon Laws 1989.

The applicant should contact the following person to obtain additional information on the plans and specifications for the required fish screen or by-pass device and to obtain information about ODFW's cost sharing program for screening and by-pass devices:

ODFW staff name: Steve Allen  
Address: P.O. Box 515  
City/State/Zip: John Day, OR 97845  
Phone: (541) 575-0561

☐ A fish screen or by-pass device should not be required as a condition of approval of the transfer.

Signature

Printed Name

Title

Jeff Neal  
Jeff Neal  
Asst. District Fish Biologist

Please return this form to Transfer Section, Water Resources Department, 725 SUMMER ST NE SUITE A, SALEM OR 97301-4172 by April 25, 2005.



# Oregon

John A. Kitzhaber, M.D., Governor

## Water Resources Department

Commerce Building  
158 12th Street NE  
Salem, OR 97301-4172  
(503) 378-3739  
FAX (503) 378-8130

### INTEROFFICE MEMO

FORWARD TO: Salem Transfer Section DATE: 3.24.05  
FIELD PROCESSOR WORKING ON THIS TRANSFER

FROM: ✓ WATERMASTER, DISTRICT # 21  
GROUNDWATER SECTION

(SIGNATURE) [Signature] signed by injury reviewer date signed 4-4-05

SUBJECT: WATER RIGHT TRANSFER # T-9892

A change in: POU POB POA USE of water.

In the name(s) of Michael Breen

In my opinion (assuming the right is valid), the proposed change

MAY BE MADE WITHOUT INJURY WOULD RESULT IN INJURY\* to an existing water right.

\*The approval of this transfer application would result in injury to other water rights because \_\_\_\_\_

The existing right may not be valid because \_\_\_\_\_

Headgate notices HAVE HAVE NOT Been issued for diversion from the source(s) which serve(s) this right.

If for change in point of diversion, is there any intervening point(s) for diversion between the authorized and proposed points of diversion? (Yes or No) \_\_\_\_\_

In my opinion, the order approving the subject transfer application should include the following in regard to the appropriator installing suitable measuring devices in the diversion works:

\_\_\_\_\_ (1) PRIOR to the diverting of water at the new point of diversion . . .

X (2) WHEN IN the judgement of the watermaster it becomes necessary . . .

The enclosed copy of the transfer application and map(s) is for your records.



# Oregon

Theodore R. Kulongoski, Governor

## Water Resources Department

North Mall Office Building  
725 Summer Street NE, Suite A  
Salem, OR 97301-1271  
503-986-0900  
FAX 503-986-0904

March 24, 2005

Tim Unterwegner  
Oregon Department of Fish and Wildlife  
P O Box 9  
John Day, OR 97845

Reference: Transfer # **9892**

Enclosed for your review is a copy of a water right transfer application from **West Branch Bridge Creek**, tributary of **Bridge Creek**.

Consistent with the Oregon Plan, we are soliciting your input on whether the proposed transfer would injure an instream water right or any other water right in which ODFW has an interest. If you believe that the transfer would injure a water right, please describe the nature of the injury and provide any supporting information which you have available.

ORS 540.525 and 540.532 require that we consult with you to determine if a fish screen or by-pass device should be required in conjunction with a permanent or historic change in a point of diversion. If you request a fish screen or by-pass device, we will include such a condition in the transfer order and the applicant will be eligible to participate in ODFW's cost sharing program for screening and by-pass devices.

We must receive your response in our Pendleton office

Attention: Transfer Section  
Water Resources Department  
725 SUMMER ST NE SUITE A  
SALEM OR 97301-4172

**by April 25, 2005** in order to consider it in our decision on the application and to include the appropriate conditions in any approval order. We will presume that you do not have comments and do not intend to request fish screens or by-pass devices if we do not receive a response.

If you have questions, please call 503-986-0883.

Enclosure

cc: **Wm # 4, Kelly Rise**  
Applicant

STATE OF OREGON  
COUNTY OF WHEELER  
CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

W.L. GAGE  
MITCHELL, OREGON 97750

confirms the right to use the waters of WEST BRANCH of BRIDGE CREEK, within the JOHN DAY BASIN, for IRRIGATION OF 25.9 ACRES IN TRACT #1; IRRIGATION OF 12.8 ACRES AND DOMESTICE AND STOCK IN TRACT #2.

This right was confirmed by decree of the Circuit Court of the State of Oregon for WHEELER County. The decree is of record at Salem, in the Order Record of the WATER RESOURCES DIRECTOR, in Volume 12, at Page 388. The date of priority is 1877.

The amount of water to which this right is entitled is limited to an amount actually beneficially used for said purposes, and shall not exceed ONE-FORTIETH of one cubic foot per second per acre of land irrigated before June 15, and ONE-EIGHTIETH of one cubic foot per second per acre after June 15, during the irrigation season from March 1 to October 1 of each year, measured at the point of diversion from the stream.

The points of diversion are located:

| Township |   | Range |   | Meridian | Sec | ¼ ¼ |    | Lot | DLC | Survey Coordinates |
|----------|---|-------|---|----------|-----|-----|----|-----|-----|--------------------|
| 11       | S | 20    | E | W.M.     | 35  | NW  | SE |     |     | Tom Vowell Ditch   |
| 11       | S | 20    | E | W.M.     | 35  | SE  | NE |     |     | McCollum Ditch     |

A description of the place of use to which this right is appurtenant is as follows:

**TRACT #1**

NE¼ SW¼ 2.5 ACRES  
SW¼ SW¼ 9.0 ACRES  
SE¼ SW¼ 9.0 ACRES  
SECTION 25

NE¼ NE¼ 1.6 ACRES  
SW¼ NE¼ 1.0 ACRE  
SE¼ NE¼ 1.9 ACRES  
NW¼ SE¼ 0.1 ACRE  
SECTION 35

NW¼ NW¼ 0.8 ACRE  
SECTION 36

TOWNSHIP 11 SOUTH, RANGE 20 EAST, W.M.

**TRACT #2**

NE¼ SW¼ 2.0 ACRES  
SE¼ SW¼ 10.5 ACRES  
SECTION 25

NW¼ NW¼ 0.3 ACRE  
SECTION 36

TOWNSHIP 11 SOUTH, RANGE 20 EAST, W.M.

This certificate describes that portion of the water right confirmed by Certificate 56516, State Record of Water Right Certificates, NOT modified by the provisions of an order of the Water Resources Director entered \_\_\_\_\_, approving Transfer Application 9892.

The issuance of this superseding certificate does not confirm the status of the water right in regard to the provisions of ORS 540.610 pertaining to forfeiture or abandonment.

The right to the use of the water for the above purpose is restricted to beneficial use on the lands or place of use described and is subject to all other conditions and limitations contained in said decree.

WITNESS the signature of the Water Resources Director,  
affixed \_\_\_\_\_.

---

Phillip C. Ward, Director

Recorded in State Record of Water Right Certificates numbered 81649.

# Affidavit of Publication

State of Oregon       )  
                                  )  
County of Wheeler    )

ss

I, Joan Field, being first duly sworn, depose and say that I am the Editor and Publisher of the **Wheeler County News**, a newspaper of general circulation published at 607 Willow, Spray, Oregon 97874, in the aforesaid county and state; that I know from my personal knowledge that the: Notice of Prelim. Determination for Water Right Transfer T-9892, a copy of which is hereto annexed, was published in the entire issue of said newspaper three (3) times, in the following issues:

4-5-2006    VOL 7, # 7  
4-19, 2006   VOL 7, # 8  
5-3-2006    VOL 7, # 9

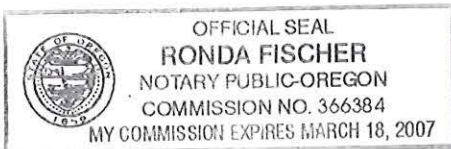
(Signed:) Joan Field

Subscribed and sworn to before me this 15 day of May, 2006

Ronda Fischer  
Notary Public for Oregon

My commission expires

March day of 18, 2007.



## PUBLIC NOTICE - LEGAL NOTICE

### Notice of Preliminary Determination for Water Right Transfer T-9892

T-9892 filed by Michael Breen, proposes a change in point of diversion under Certificate 56516. The right allows the use of 0.157 cfs (priority date 1877) from a diversion in Sec. 35, T11S, R20E, W.M. (Bridge Creek Basin) for irrigation in Sec. 35. The applicant proposes to change the point of diversion to another location approximately 2200 feet downstream (Sec. 35, T11S, R20E, W.M. ). The Water Resources Department has concluded that the proposed transfer appears to be consistent with the requirements of ORS Chapter 540 and OAR 690-380-5000.

Any person may file, jointly or severally, with the Department a protest or standing statement within 30 days after the date of final publication of notice in the Department's weekly notice or of this newspaper notice, whichever is later. A protest form and additional information on filing protests may be obtained by calling (503) 986-0881. The last date of newspaper publication is May 3, 2006. If no protests are filed, the Department will issue a final order consistent with the preliminary determination.

Published: April 5, 2006; April 19, 2006;  
May 3, 2006

RECEIVED

MAY 18 2006

WATER RESOURCES DEPT  
SALEM, OREGON



# Oregon

Theodore R. Kulongoski, Governor

## Water Resources Department

North Mall Office Building  
725 Summer Street NE, Suite A  
Salem, OR 97301-1266  
503-986-0900  
FAX 503-986-0904

February 21, 2006

Michael Breen  
20761 Reed Market Road  
Bend, Oregon 97702

SUBJECT: Transfer Application T-9892

Please find enclosed a copy of the Preliminary Determination indicating that, based on the information available, the Department intends to approve application T-9892.

A public notice is being published in the Department's weekly publication simultaneously with issuance of the Preliminary Determination. The notice initiates a 30-day period in which any person may file either a protest opposing the decision proposed by the Department in the Preliminary Determination or a standing statement supporting the Department's decision.

Because the new point of diversion is more than ¼ mile from the authorized point of diversion, the applicant is responsible for giving public notice of the transfer changes in a local newspaper having a general circulation in the area of the water right. The notice must be published at least once a week for three consecutive weeks. We have prepared the notice for you (enclosed). The deadline for individuals to file protests or standing statements is 30 days after the date of last publication. Please have the newspaper insert the date of last publication in the proper place. After publication, the Department needs to receive an affidavit specifying the dates the notice was published. Typically, the newspaper will prepare and mail an *affidavit of publication* to the Department, however you will want to request specifically that they do so. The newspaper can mail the affidavit to me at the address above.

If no protest is filed, the Department will issue a Final Order consistent with the Preliminary Determination. You should receive a copy of the Final Order about 30 days after the close of the protest period.

If a protest is filed, the application may be referred to a contested case proceeding. A contested case provides an opportunity for the proponents and opponents of the decision proposed in the Preliminary Determination to present information and arguments supporting their position in a quasi-judicial proceeding.

At this time, you must submit a report of ownership and lien information prepared by a title company within the last three months, as required by OAR 690-380-4010(5). If there are additional lienholders identified in the report that have not previously been notified of the transfer, you must send notice of the transfer to them, and submit copies of each such notice to the Department to document that each lienholder has been informed of the transfer.

Sincerely,

Dorothy I. Pedersen  
Field Services Division

cc: Wheeler SWCD, P.O. Box 431, Fossil, Oregon 97830  
Robert Bagett, CWRE

encs

**Notice of Preliminary Determination for  
Water Right Transfer T-9892**

T-9892 filed by Michael Breen, proposes a change in point of diversion under Certificate 56516. The right allows the use of 0.157 cfs (priority date 1877) from a diversion in Sec. 35, T11S, R20E, W.M. (Bridge Creek Basin) for irrigation in Sec. 35. The applicant proposes to change the point of diversion to another location approximately 2200 feet downstream (Sec. 35, T11S, R20E, W.M.). The Water Resources Department has concluded that the proposed transfer appears to be consistent with the requirements of ORS Chapter 540 and OAR 690-380-5000.

Any person may file, jointly or severally, with the Department a protest or standing statement within 30 days after the date of final publication of notice in the Department's weekly notice or of this newspaper notice, whichever is later. A protest form and additional information on filing protests may be obtained by calling (503) 986-0881. The last date of newspaper publication is [DATE OF LAST PUBLICATION]. If no protests are filed, the Department will issue a final order consistent with the preliminary determination.

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

|                                       |   |                              |
|---------------------------------------|---|------------------------------|
| In the Matter of Transfer Application | ) | PRELIMINARY DETERMINATION    |
| T-9892, Wheeler County                | ) | PROPOSING TO APPROVE A       |
|                                       | ) | CHANGE IN POINT OF DIVERSION |

ORS 540.505 to 540.580 establishes the process in which a water right holder may submit a request to transfer the point of diversion, place of use, or character of use authorized under an existing water right. OAR Chapter 690, Division 380 implements the statutes and provides the Department's procedures and criteria for evaluating transfer applications.

**Applicant**

Michael Breen  
20761 Reed Market Road  
Bend, Oregon 97702

**Findings of Fact**

1. On March 18, 2005, Michael Breen filed a transfer application to change the point of diversion under Certificate 56516. The Department assigned the application number T-9892.
2. The portion of the right to be transferred is as follows:

**Certificate:** 56516 in the name of W.L. Gage

**Use:** Irrigation

**Priority Date:** 1877

**Quantity:** ONE-FORTIETH of one cubic foot per second per acre of land irrigated before June 15, and ONE-EIGHTIETH of one cubic foot per second per acre after June 15, during the irrigation season from March 1 to October 1 of each year, measured at the point of diversion from the source.

**Acres:** 6.3

**Source:** West Branch of Bridge Creek, tributary to Bridge Creek, tributary to John Day River

**Authorized Point of Diversion:**

| Township |   | Range |   | Meridian | Sec | ¼ ¼ |    | Survey Coordinates |
|----------|---|-------|---|----------|-----|-----|----|--------------------|
| 11       | S | 20    | E | W.M.     | 35  | NW  | SE | Tom Vowell Ditch   |
| 11       | S | 20    | E | W.M.     | 35  | SE  | NE | McCollum Ditch     |

|                                                                                                                                                                                                           |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Pursuant to OAR 690-380-4030, any person may file a protest or standing statement within 30 days after the last date of publication of notice of this transfer application and preliminary determination. |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|

**Authorized Place of Use:**

| Township |   | Range |   | Meridian | Sec | ¼ ¼ |    | Acres |
|----------|---|-------|---|----------|-----|-----|----|-------|
| 11       | S | 20    | E | W.M.     | 35  | NE  | NE | 3.4   |
| 11       | S | 20    | E | W.M.     | 35  | SE  | NE | 2.9   |

3. Application T-9892 proposes to move the authorized point of diversion approximately 2200 feet downstream in the West Branch of Bridge Creek to:

| Township |   | Range |   | Meridian | Sec | ¼ ¼ |    | Survey Coordinates                        |
|----------|---|-------|---|----------|-----|-----|----|-------------------------------------------|
| 11       | S | 20    | E | W.M.     | 35  | NE  | NE | 1150'S & 220'W from NE corner, Section 35 |

4. Notice of the application for transfer was published pursuant to ORS 540.520 and OAR 690-380-4000. No comments were filed in response to the notice. However, the Oregon Department of Fish and Wildlife did request inclusion of a condition requiring installation of proper fish screens.
5. Water has been used within the last five years according to the terms and conditions of the right and no evidence is available that would demonstrate that the right is subject to forfeiture under ORS 540.610.
6. A diversion structure and ditch sufficient to use the full amount of water allowed under the existing right are present.
7. The proposed change would not result in enlargement of the right.
8. The proposed change would not result in injury to other water rights.

**Determination and Proposed Action**

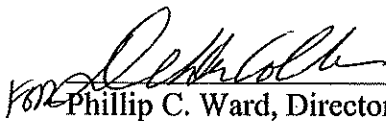
The proposed change in point of diversion in application T-9892 appears to be consistent with the requirements of ORS 540.505 to 540.580 and OAR 690-380-5000 and will be approved provided that protests are not filed pursuant to OAR 690-380-4030.

If approved, the change and subsequent use of water shall be subject to the following conditions:

1. The right to the use of the water is restricted to beneficial use at the place of use described and is subject to all other conditions and limitations contained in Certificate 56516 and any related decree.
1. The approved changes shall be completed and full beneficial use of the water shall be made on or before **October 1, 2007**. A Claim of Beneficial Use prepared by a Certified Water Rights Examiner shall be submitted by the applicant to the Department within one year after the deadline for completion of the changes and full beneficial use of the water.
2. The quantity of water diverted at the new point of diversion, shall not exceed the quantity of water lawfully available at the original point of diversion.

3. When required by the Department, the water user shall install and maintain a headgate, an in-line flow meter, weir, or other suitable device for measuring and recording the quantity of water diverted. The type and plans of the headgate and measuring device must be approved by the Department prior to beginning construction and shall be installed under the general supervision of the Department.
4. The water user shall install and maintain a fish screen or fish by-pass device, as appropriate, at the new point of diversion. The type and plans of the screen or by-pass device must be approved by the Oregon Department of Fish and Wildlife prior to beginning of construction, and shall be installed under the supervision of the Department of Fish and Wildlife.

Dated at Salem, Oregon this 22<sup>nd</sup> day of February, 2006.

  
Phillip C. Ward, Director

*Protests should be addressed to the attention of Field Services Division, Water Resources Department, 725 Summer St. NE, Suite A, Salem, OR 97301-1271*

This Preliminary Determination was prepared by Vernon L. Church. If you have any questions about the information in this document, you may reach me at (541)883-4182, ext. 223 or [Vernon.L.Church @wrд.state.or.us](mailto:Vernon.L.Church@wrд.state.or.us).

T- 9892



**LOT BOOK REPORT**

**RECEIVED**

**FEB 06 2006**

**WATER RESOURCES DEPT  
SALEM, OREGON**

JANUARY 23, 2006

Water Resources Department  
North Mall Office Bldg  
725 Summer St NE, Suite A  
Salem, OR 97301-1266

Re: 0003271

Fee: \$150.00

Attn: Dorothy Pedersen

We have searched our Tract Indices as to the following described property in Crook County, Oregon:

Located in WHEELER COUNTY, OREGON:

**TRACT I:**

In Township 11 South, Range 20 East of the Willamette Meridian:

Section 35: That part of the East half of the Northeast quarter lying Southeasterly of Oregon State Highway No. 26.

**TRACT II:**

The West half of Government Lot 5 of Section 36 in Township 11 South, Range 20 East of the Willamette Meridian.

**TRACT III:**

In Township 11 South, Range 20 East of the Willamette Meridian:

Section 35: NE ¼ SE ¼

and as of: August 25, 2005 at 8:00 A.M.

We find the last deed of record runs to:

**MICHAEL M. BREEN, Successor Trustee of the Shirley M. Breen Revocable Living Trust**

We also find the following monetary encumbrances within ten years prior to the effective date hereof:

**NONE**

FEB 06 2006

WATER RESOURCES DEPT  
SALEM, OREGON

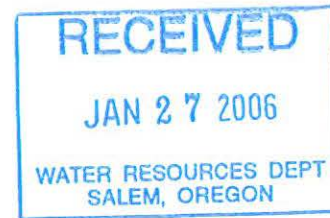
| Code | Map No. | Tax Lot | Ref. No. | Amount Paid |
|------|---------|---------|----------|-------------|
| 6    | 1120-35 | 100     | 1586     | \$2378.50   |
| 6    | 1120-35 | 1000    | 1595     | \$333.28    |
| 6    | 1120-36 | 400     | 1610     | \$152.38    |

NONE

THIS IS NOT A TITLE REPORT, A COMMITMENT TO ISSUE TITLE INSURANCE OR A GUARANTEE OF ANY KIND. No liability is assumed with this report. Our search was limited to our tract indices and no examination of the public record was made. The fee charged for this service does not include supplemental reports or other services. Further dissemination of the information in this report in a form of purporting to insure title to the herein described land is prohibited by law.

By: Debbie Knudsen  
Title Officer

dk:tj



## LOT BOOK REPORT

JANUARY 23, 2006

Water Resources Department  
North Mall Office Bldg  
725 Summer St NE, Suite A  
Salem, OR 97301-1266

Re: 0003271  
Fee: \$150.00

Attn: Dorothy Pedersen

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Located in WHEELER COUNTY, OREGON:

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Section 35: That part of the East half of the Northeast quarter lying Southeasterly of Oregon  
State Highway No. 26.

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Section 35: NE ¼ SE ¼

and as of: August 25, 2005 at 8:00 A.M.

We find the last deed of record runs to:

**MICHAEL M. BREEN, Successor Trustee of the Shirley M. Breen Revocable Living Trust**

We also find the following monetary encumbrances within ten years prior to the effective date hereof:

**NONE**

T-9892

**NOTE:** Taxes for fiscal year 2005-06 are paid in full as follows:

| <u>Code</u> | <u>Map No.</u> | <u>Tax Lot</u> | <u>Ref. No.</u> | <u>Amount Paid</u> |
|-------------|----------------|----------------|-----------------|--------------------|
| 6           | 1120-35        | 100            | 1586            | \$2378.50          |
| 6           | 1120-35        | 1000           | 1595            | \$333.28           |
| 6           | 1120-36        | 400            | 1610            | \$152.38           |

We have searched our General Index for judgments and State and Federal Tax Liens filed against the above named grantees and find:

NONE

[illegible]

THIS IS NOT A TITLE REPORT, A COMMITMENT TO ISSUE TITLE INSURANCE OR A GUARANTEE OF ANY KIND. No liability is assumed with this report. Our search was limited to our tract indices and no examination of the public record was made. The fee charged for this service does not include supplemental reports or other services. Further dissemination of the information in this report in a form of purporting to insure title to the herein described land is prohibited by law.

# AmeriTitle

By: Debbie Knudsen  
Title Officer

dk:tj



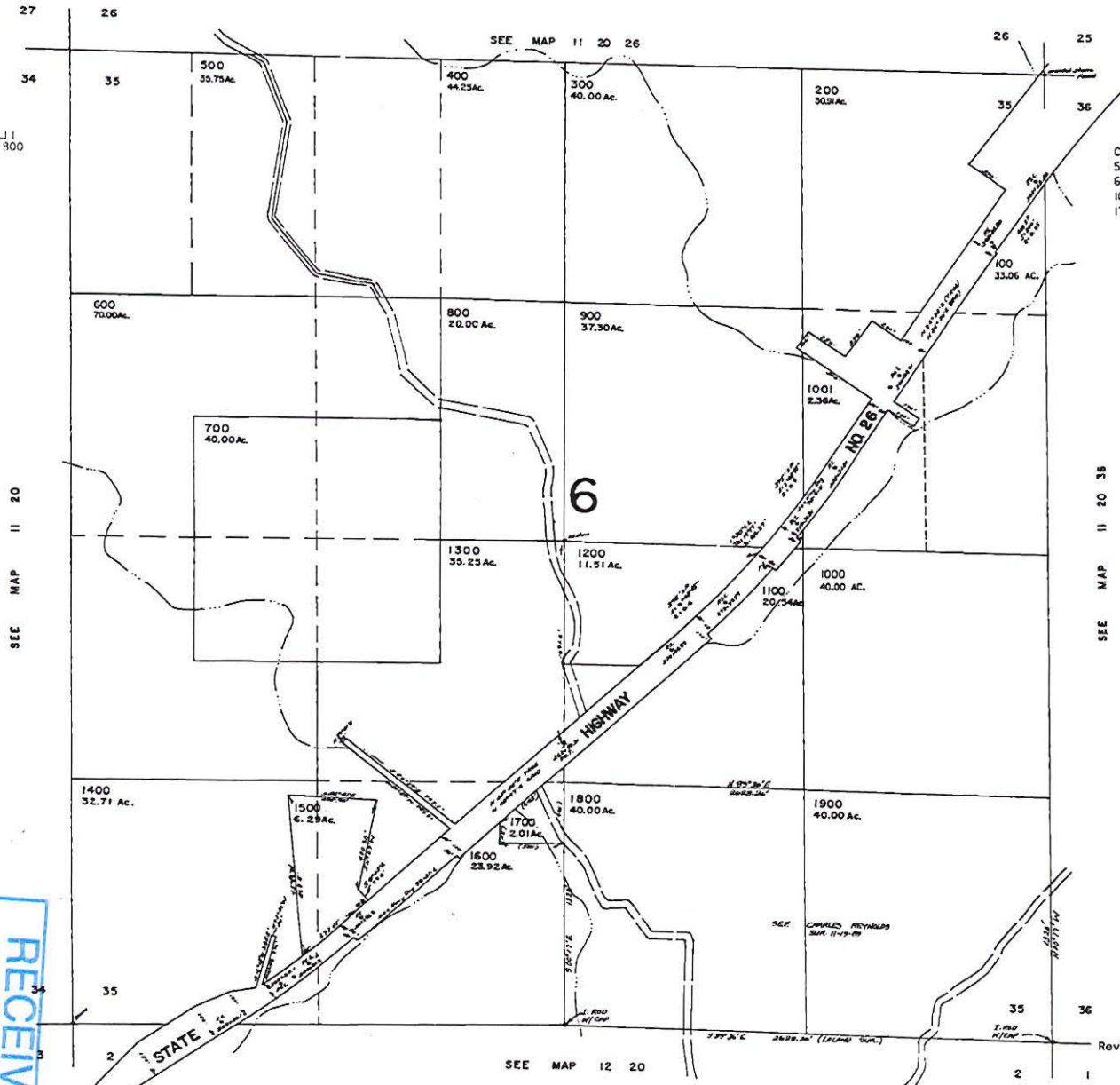
THIS MAP WAS PREPARED FOR  
ASSESSMENT PURPOSE ONLY

SECTION 35 T.11S. R.20E. W.M.  
WHEELER COUNTY

1" = 400'

11 20 35

0 400 800  
SCALE IN FEET



CANCELLED NO.  
501  
601  
1002  
1799

N  
↑  
COMPLIMENTS OF  
**AmeriTitle**  
THIS SKETCH IS FURNISHED  
TO ASSIST IN PROPERTY  
LOCATION AND THE COMPANY  
DOES NOT GUARANTEE  
ITS ACCURACY.

RECEIVED  
JAN 27 2006  
WATER RESOURCES DEPT  
SALEM, OREGON

Revised 11/17/00, CS

11 20 35

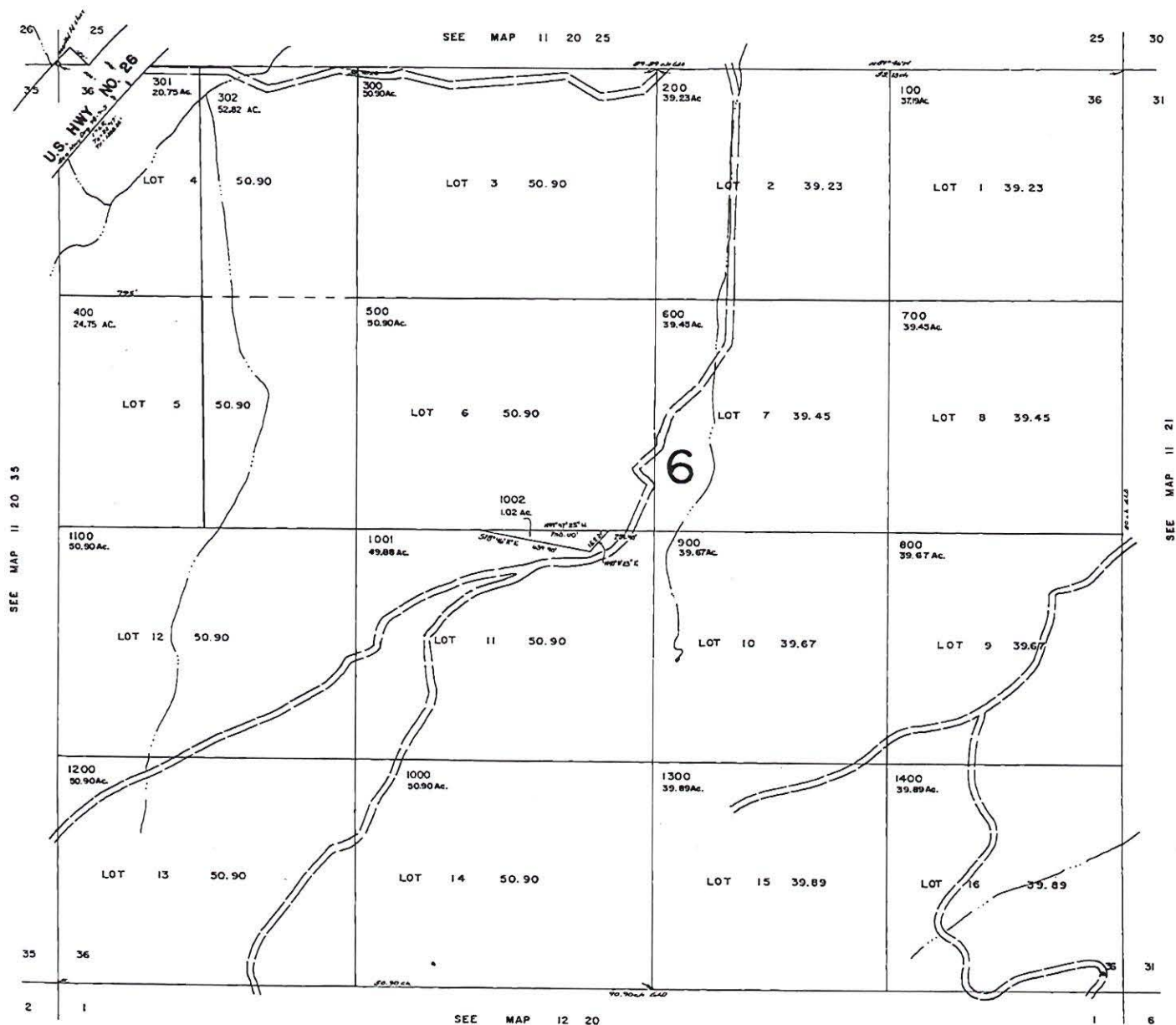
THIS MAP WAS PREPARED FOR  
ASSESSMENT PURPOSE ONLY

SECTION 36 T.11S. R.20E. W.M.  
WHEELER COUNTY

1" = 400'

11 20 36

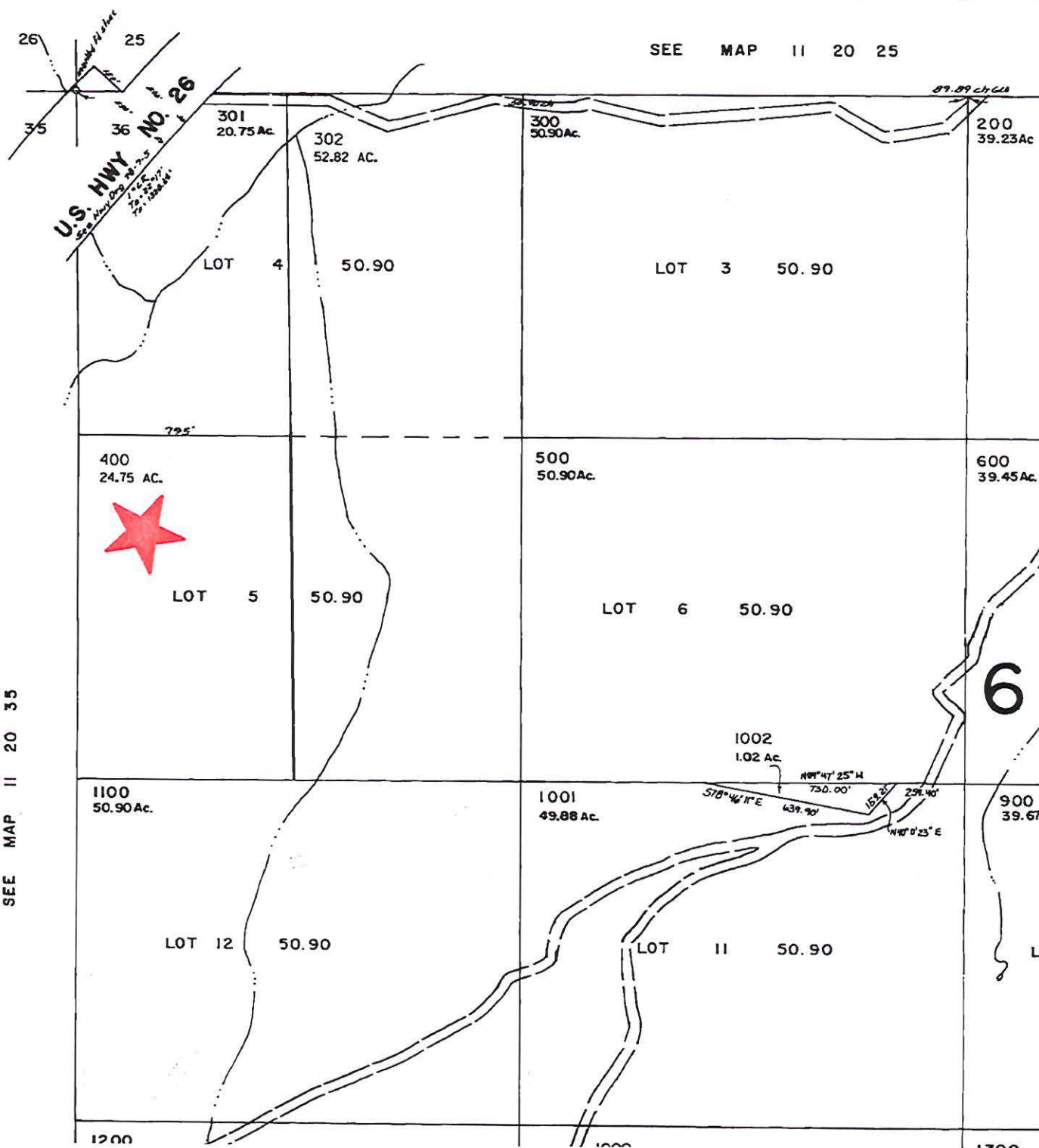
COMPLIMENTS OF  
AmeriTitle  
THIS SKETCH IS FURNISHED  
TO ASSIST IN PROPERTY  
LOCATION AND THE COMPANY  
DOES NOT GUARANTY  
ITS ACCURACY.



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JAN 27 2006  
WATER RESOURCES DEPT  
SALEM, OREGON

REVISED 6-24-98, GW

11 20 36



COMPLIMENTS OF  
**AmeriTitle**  
 THIS SKETCH IS FURNISHED  
 TO ASSIST IN PROPERTY  
 LOCATION AND THE COMPANY  
 DOES NOT GUARANTY  
 ITS ACCURACY.

**RECEIVED**  
 JAN 27 2006  
 WATER RESOURCES DEPT.  
 SALEM, OREGON

MAP 11 20 26

26                      25

300  
40.00 Ac.

200  
30.91Ac.

3.

36

CAN  
501  
601  
100;  
1795

RECEIVED

JAN 27 2006

WATER RESOURCES DEPT  
SALEM, OREGON

SEE MAP 11 20 36

6

900  
37.30 Ac.

1001  
2.36Ac.

100  
33.06 AC.

1200  
11.51 Ac.

1100.  
20/54Ac

1000  
40.00 AC.

800  
40.00 Ac.

1700.  
2.01Ac

1900  
40.00 Ac.

N 89° 36' E  
2628.26'

SEE CHARLES REYNOLDS  
SUR. 11-19-89

99°36'E 2628.26' (LELAND SUR.)

35

36

I.R.  
W/

Revis

SEE MAP 12 20

2

1

IE MAP 11 20 26

26                      25

300  
40.00 Ac.

200  
3091Ac.

35

36

CAN  
501  
601  
100;  
179;

900  
37.30 Ac.

1001  
2.36Ac.

100  
33.06 AC.

6

1200  
11.51 Ac.

1100. / 40.00 AC.  
20.54Ac

1000  
40.00 AC.

1800  
40.00 Ac.

1700.  
2.01Ac

1900  
40.00 Ac.

N 89° 36' E  
2628.26'

SEE CHARLES REYNOLDS  
SUR. 11-19-89

9 89° 36' E 2628.26' (LELAND SUR.)

35

36

Revis

SEE MAP 12 20

2

1

RECEIVED  
JAN 27 2006  
WATER RESOURCES DEPT  
SALEM, OREGON

SEE MAP 11 20 36



150 NE Court St. • Prineville, OR 97754

Phone: (541) 447-5181 • Fax: (541) 416-9697

**FAX**

RECEIVED

JAN 23 2006

WATER RESOURCES DEPT,  
SALEM, OREGON

**FROM:**

TITLE DEPARTMENT

By: Toni Jones

January 23, 2006

T-9892

**TO:**

Water Resources Department  
Attn: Dorothy Pedersen  
Fx: 503-986-0904

**INFO:**

Title Number: 0003271  
Title Officer: Debbie Knudsen

**LOT BOOK REPORT****RECEIVED****JAN 23 2006****WATER RESOURCES DEPT.  
SALEM, OREGON**

JANUARY 23, 2006

Water Resources Department  
North Mall Office Bldg  
725 Summer St NE, Suite A  
Salem, OR 97301-1266

Re: 0003271

Fee: \$150.00

Attn: Dorothy Pedersen

We have searched our Tract Indices as to the following described property in Crook County, Oregon:

Located in WHEELER COUNTY, OREGON:

**TRACT I:**

In Township 11 South, Range 20 East of the Willamette Meridian:

Section 35: That part of the East half of the Northeast quarter lying Southeasterly of Oregon  
State Highway No. 26.

**TRACT II:**

The West half of Government Lot 5 of Section 36 in Township 11 South, Range 20 East of the  
Willamette Meridian.

**TRACT III:**

In Township 11 South, Range 20 East of the Willamette Meridian:

Section 35: NE ¼ SE ¼

and as of: August 25, 2005 at 8:00 A.M.

We find the last deed of record runs to:

**MICHAEL M. BREEN, Successor Trustee of the Shirley M. Breen Revocable Living Trust**

We also find the following monetary encumbrances within ten years prior to the effective date hereof:

**NONE**

RECEIVED

JAN 23 2006

WATER RESOURCES DEPT.  
SALEM, OREGON

**NOTE:** Taxes for fiscal year 2005-06 are paid in full as follows:

| <u>Code</u> | <u>Map No.</u> | <u>Tax Lot</u> | <u>Ref. No.</u> | <u>Amount Paid</u> |
|-------------|----------------|----------------|-----------------|--------------------|
| 6           | 1120-35        | 100            | 1586            | \$2378.50          |
| 6           | 1120-35        | 1000           | 1595            | \$333.28           |
| 6           | 1120-36        | 400            | 1610            | \$152.38           |

We have searched our General Index for judgments and State and Federal Tax Liens filed against the above named grantees and find:

**NONE**

**NOTE:** The address of the property described herein is: Unknown  
Mitchell, Oregon

THIS IS NOT A TITLE REPORT, A COMMITMENT TO ISSUE TITLE INSURANCE OR A GUARANTEE OF ANY KIND. No liability is assumed with this report. Our search was limited to our tract indices and no examination of the public record was made. The fee charged for this service does not include supplemental reports or other services. Further dissemination of the information in this report in a form of purporting to insure title to the herein described land is prohibited by law.

# AmeriTitle

By: Debbie Knudsen  
Title Officer

dk:tj

11 20 35

CANCELLED NO.  
501  
601  
1002  
1799

378 MAP 11 20

| DATE   | TIME  | LOCATION | REMARKS |
|--------|-------|----------|---------|
| 11 MAR | 11 30 | 18       |         |

RECEIVED  
JAN 23 2006  
WATER RESOURCES DEPT.  
SALEM, OREGON

N  
↑  
COMPLIMENTS OF  
AmeriTitle  
THIS SKETCH IS FURNISHED  
TO ASSIST IN PROPERTY  
LOCATION AND THE COMPANY  
DOES NOT GUARANTEE  
ITS ACCURACY

- Revised 11/17/00, CS

11 20 35

JAN-23-2006 16:09

AMERITITLE PRINEVILLE

1 541 447 3371

P.04

THIS MAP WAS PREPARED FOR  
ASSESSMENT PURPOSE ONLY

SECTION 36 T.11S. R.20E. W.M.  
WHEELER COUNTY  
1" = 400'

11 20 36

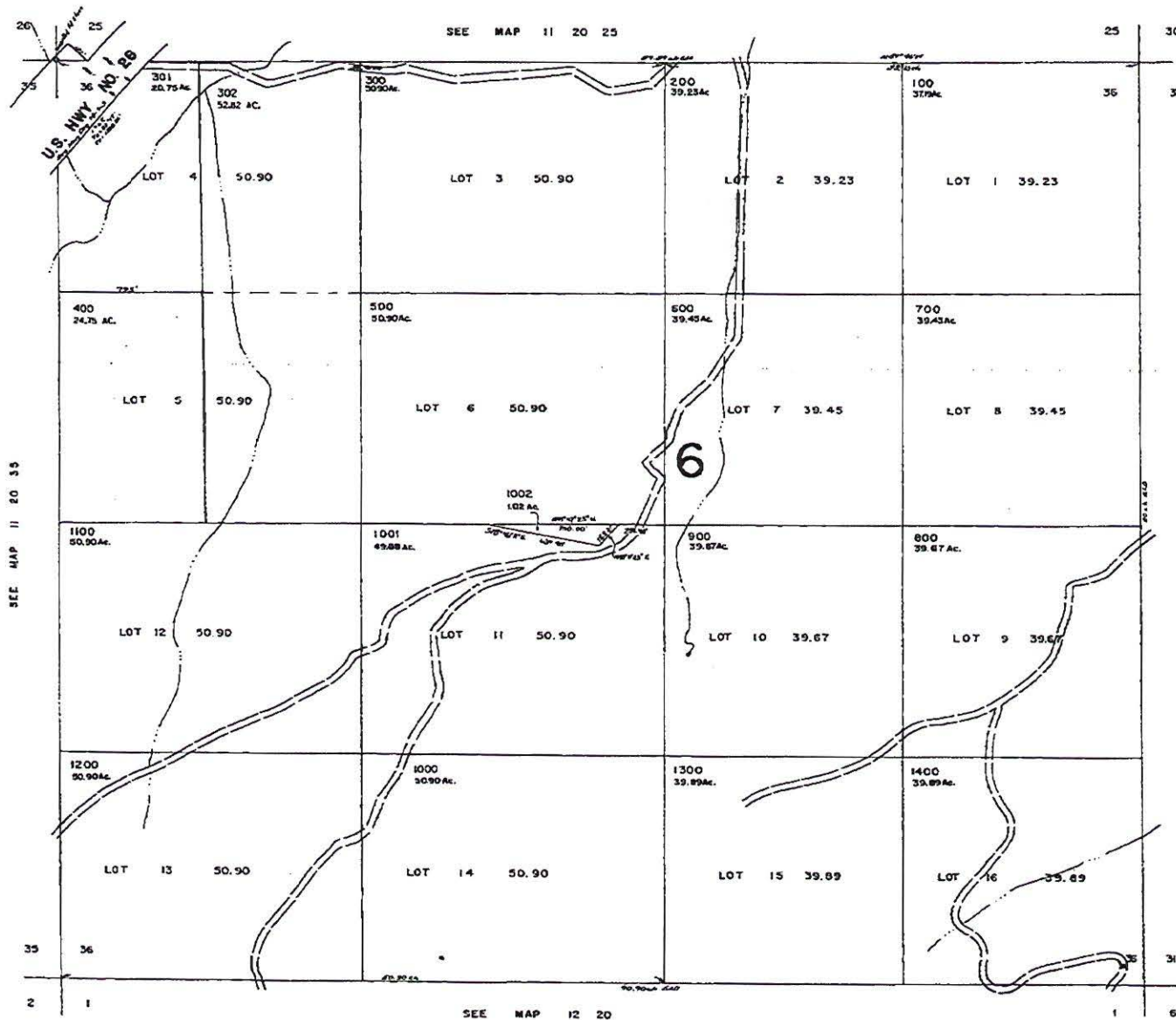
JAN-23-2006 16:09

AMERITITLE PRINEVILLE

1 541 447 3371

P.05

COMPLIMENTS OF  
AmeriTitle  
THIS SKETCH IS FURNISHED  
TO ASSIST IN PROPERTY  
LOCATION AND THE COMPANY  
DOES NOT GUARANTY  
ITS ACCURACY.



RECEIVED  
JAN 23 2006  
WATER RESOURCES DEPT.  
SALEM, OREGON

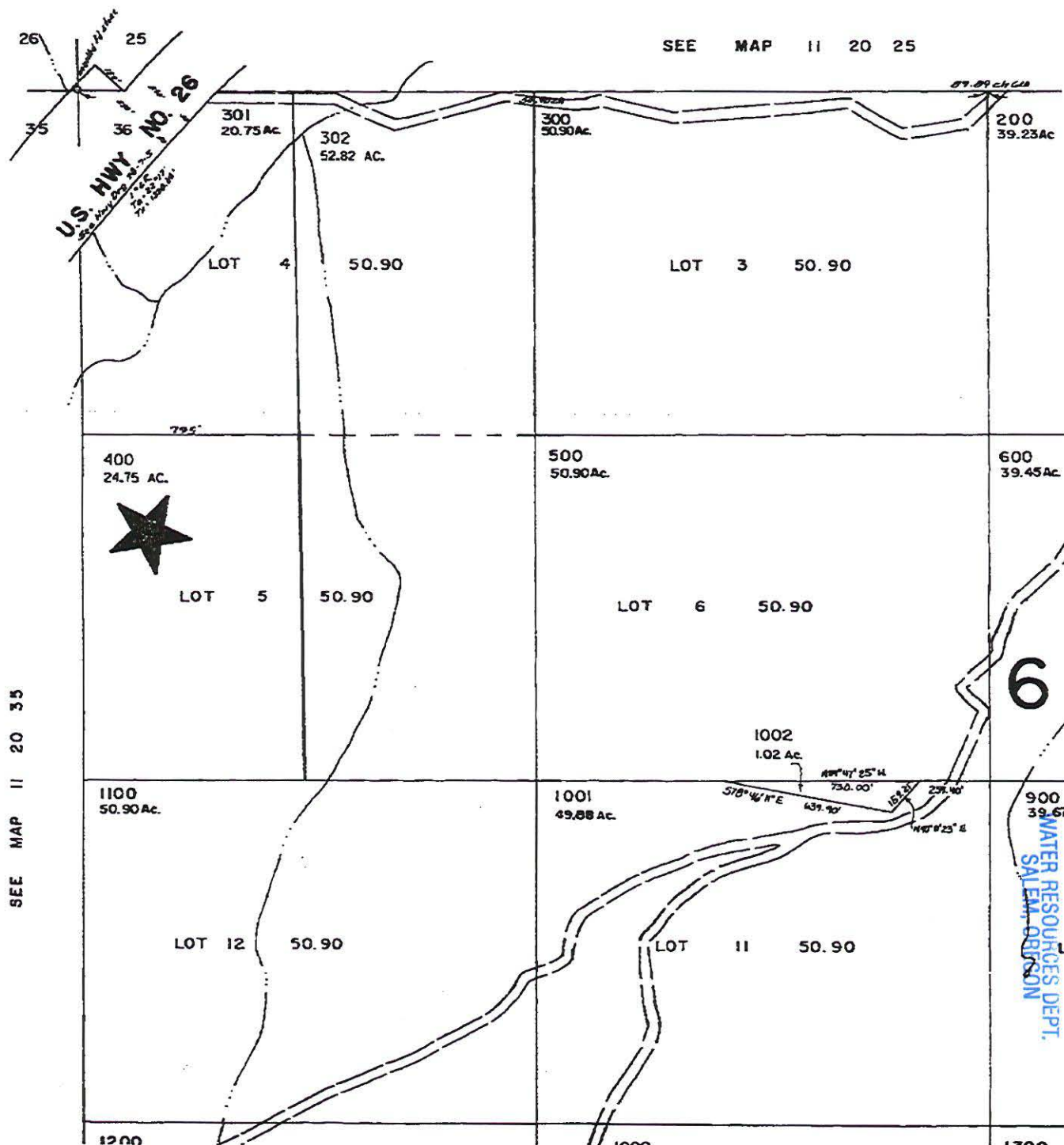
REVISED G-24-98. GW

11 20 36

RECEIVED

JAN 23 2006

WATER RESOURCES DEPT.  
SALEM, OREGON









# Oregon

Theodore R. Kulongoski, Governor

## Water Resources Department

North Mall Office Building  
725 Summer Street NE, Suite A  
Salem, OR 97301-1266  
503-986-0900  
FAX 503-986-0904

January 3, 2006

Michael Breen  
20761 Reed Market Rd.  
Bend, OR 97702

Re: Report on Ownership and Lienholders for transfer T-9892

Dear Mr. Breen:

As we discussed on the phone, Oregon administrative rules require that a report of property ownership and liens be submitted before your transfer application can be approved. The report must:

- Be prepared by a Title Company within the last three months
- Include a legal description of the property that includes the highlighted area on the enclosed map
- List the current owners of the property
- List any liens against the property and include the names of any lienholders

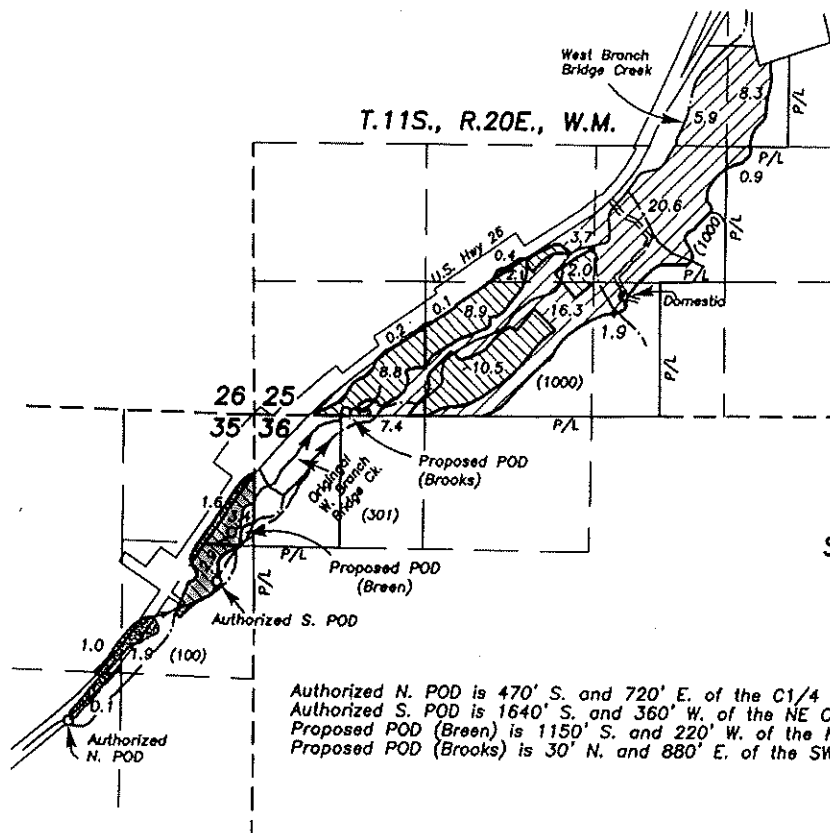
If there are any listed owners other than yourself, you will need to submit a signed affidavit from each other owner, indicating that he/she is aware of the change in point of diversion proposed in T-9892 and consents to the change. You have indicated that there are no lienholders, however, if there were to be lienholders listed, you would need to send them letters notifying them of the proposed change in T-9892, and then send us a copy of the notice.

Please send the report of ownership/lienholders, marked to reference T-9892, to me at the above address. If you have further questions you may contact me at (503) 986-0890 or [Dorothy.I.PEDERSEN@wrdd.state.or.us](mailto:Dorothy.I.PEDERSEN@wrdd.state.or.us).

Sincerely,

Dorothy I. Pedersen  
Field Services Division

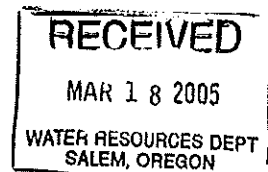
enclosure



SCALE: 1"=1320'

Authorized N. POD is 470' S. and 720' E. of the C1/4 Cor Sec. 35  
 Authorized S. POD is 1640' S. and 360' W. of the NE Cor. Sec. 35  
 Proposed POD (Breen) is 1150' S. and 220' W. of the NE Cor. Sec. 35  
 Proposed POD (Brooks) is 30' N. and 880' E. of the SW Cor Sec. 25

-  CERT 56516
-  PERMIT 47328
-  LANDS NOT AFFECTED
- P/L PROPERTY LINE
- ( ) TAX LOT NO.



# APPLICATION MAP FOR ADDITIONAL POINT OF DIVERSION

FOR

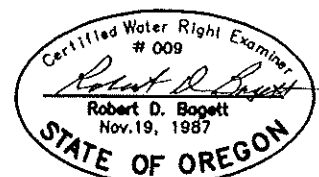
JAMES BROOKS  
 AND  
 MICHAEL BREEN

BY

BAGETT, GRIFFITH & BLACKMAN  
 217 N. CANYON BLVD.  
 JOHN DAY, OR. 97845  
 (541) 575-1251

DECEMBER 7, 2004

NOTE: The preparation of this map was for the purpose of identifying the location of the proposed water right and has no intent to provide dimensions or location of property ownership lines.



79892



# Oregon

Theodore R. Kulongoski, Governor

## Water Resources Department

North Mall Office Building  
725 Summer Street NE, Suite A  
Salem, OR 97301-1266  
503-986-0900  
FAX 503-986-0904

December 28, 2005

Michael Breen  
20761 Reed Market Road  
Bend, Oregon 97702

SUBJECT: Application T-9892

At this time, you must submit a report of ownership and lien information prepared by a title company within the last three months, as required by OAR 690-380-4010(5). If there are additional lienholders identified in the report that have not previously been notified of the transfer, you must send notice of the transfer to them, and submit copies of each such notice to me at the Department at the above address, to document that each lienholder has been informed of the transfer.

Issuance of the Preliminary Determination will occur shortly after we receive the report of ownership and lien information and any landowner consent or lienholder notification documentation required. If we do not receive the report by January 30, 2006, a Preliminary Determination may be issued rejecting the application.

Please do not hesitate to contact me at 503-986-0890 or [Dorothy.I.PEDERSEN@wrd.state.or.us](mailto:Dorothy.I.PEDERSEN@wrd.state.or.us) if you have questions.

Sincerely,

Dorothy I. Pedersen  
Field Services Division

## Water Right Transfer Completion Checklist

T- 9892

Transfer Specialist: VC

### Water Rights Affected

| App File No. | Cert or Permit No. | RR/CR Needed                                             | RR/CR Nos. |
|--------------|--------------------|----------------------------------------------------------|------------|
|              | <u>56516</u>       | <input type="checkbox"/> Yes <input type="checkbox"/> No |            |
|              |                    | <input type="checkbox"/> Yes <input type="checkbox"/> No |            |
|              |                    | <input type="checkbox"/> Yes <input type="checkbox"/> No |            |

### Copies Needed

Watermaster District: 21

CWRE No.: #009

Irrig Dist Name/Address: \_\_\_\_\_

Commentors Name/Address: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

### Preliminary Determination

- |                                                    |                                                    |
|----------------------------------------------------|----------------------------------------------------|
| <input type="checkbox"/> Electronic Files uploaded | <input type="checkbox"/> File Folder updated       |
| <input type="checkbox"/> Preliminary Determination |                                                    |
| <input type="checkbox"/> PD Cover letter           | <input type="checkbox"/> Fee Refund Due            |
| <input type="checkbox"/> Public Notice             | <input type="checkbox"/> Newspaper Notice required |
| <input type="checkbox"/> Remaining Rights          |                                                    |

Comments/Special Issues:

① NO INDICATION OF AUTHORIZATION FROM OWNERS (ODOT) OF THE "FROM" LANDS  
② NO EVIDENCE OF OWNERSHIP (DEED OR LIEN-HOLDER REPORT) PROVIDED BY APPLICANT.

### Preliminary Determination Review (Salem)

Peer Reviewer: \_\_\_\_\_ Date: \_\_\_\_\_

Coordinator: \_\_\_\_\_ Date: \_\_\_\_\_

### Final Order Review (Salem)

Peer Reviewer: \_\_\_\_\_ Date: \_\_\_\_\_

Coordinator: \_\_\_\_\_ Date: \_\_\_\_\_

Comments/Special Issues:

Special Order Volume: \_\_\_\_\_, Pages \_\_\_\_\_

Final Order Signature Date: \_\_\_\_\_

☐ WRIS clone correction needed

July 15, 2005

Michael Breen  
20761 Reed Market Road  
Bend, Oregon 97702

SUBJECT: Transfer Application T-9892

Please find enclosed a copy of the Preliminary Determination indicating that, based on the information available, the Department intends to approve application T-9892.

A public notice is being published in the Department's weekly publication simultaneously with issuance of the Preliminary Determination. The notice initiates a 30-day period in which any person may file either a protest opposing the decision proposed by the Department in the Preliminary Determination or a standing statement supporting the Department's decision.

Because the new point of diversion is more than ¼ mile from the authorized point of diversion, the applicant is responsible for giving public notice of the transfer changes in a local newspaper having a general circulation in the area of the water right. The notice must be published at least once a week for three consecutive weeks. We have prepared the notice for you (enclosed). The deadline for individuals to file protests or standing statements is 30 days after the date of last publication. Please have the newspaper insert the date of last publication in the proper place. After publication, the Department needs to receive an affidavit specifying the dates the notice was published. Typically, the newspaper will prepare and mail an *affidavit of publication* to the Department, however you will want to request specifically that they do so. The newspaper can mail the affidavit to me at the address above.

If no protest is filed, the Department will issue a Final Order consistent with the Preliminary Determination. You should receive a copy of the Final Order about 30 days after the close of the protest period.

If a protest is filed, the application may be referred to a contested case proceeding. A contested case provides an opportunity for the proponents and opponents of the decision proposed in the Preliminary Determination to present information and arguments supporting their position in a quasi-judicial proceeding.

At this time, you must submit a report of ownership and lien information prepared by a title company within the last three months, as required by OAR 690-380-4010(5). If there are additional lienholders identified in the report that have not previously been notified of the transfer, you must send notice of the transfer to them, and submit copies of each such notice to the Department to document that each lienholder has been informed of the transfer.

Sincerely,

Doug Parrow  
Field Services Division

cc: Wheeler SWCD, P.O. Box 431, Fossil, Oregon 97830  
Robert Bagett, CWRE  
*watermaster*  
encs

RECEIVED  
NOV 09 2005  
WATER RESOURCES DEPT  
SALEM, OREGON



# Oregon

Theodore R. Kulongoski, Governor

## Water Resources Department

North Mall Office Building  
725 Summer Street NE, Suite A  
Salem, OR 97301-1271  
503-986-0900  
FAX 503-986-0904

March 24, 2005

MICHAEL BREEN  
20761 REED MARKET RD  
BEND OR 97702

WHEELER SWCD, AGENT  
PO BOX 431  
FOSSIL OR 97830

Reference: Transfer 9892

On 3-22-2005 we received your water right transfer application requesting a point of diversion for use of water from the W BR BRIDGE CR, a tributary of the BRIDGE CR. The application was accompanied by \$350. Our receipt 73401 is enclosed.

By copy of this letter, we are asking the Watermaster for his report regarding the potential for injury to existing water rights which may be caused by the change.

Your application will be examined to determine if additional information is needed. You will be contacted following this examination. A number of other transfer applications are also awaiting review. As a result, it may be some time before we are able to process your application. If you wish to have your application processed more quickly, you may want to consider use of the Department's reimbursement authority. Under this authority an applicant may receive expedited review by paying the full cost for a pre-qualified contractor to process the applications. For more info on the Reimbursement Authority program, see the website at [http://www.wrd.state.or.us/OWRD/mgmt\\_reimbursement.shtml](http://www.wrd.state.or.us/OWRD/mgmt_reimbursement.shtml) or by calling the transfer section.

You may not use water for the new use, in the new place of use or from the new point of diversion until the transfer application has been approved. In order to avoid any possible forfeiture of the water right, you should continue to use the water as described by your existing water right. If the land is sold before the transfer is approved, you will need to obtain consent from the buyer to complete the transfer.

We will notify you if additional information or corrections to the application or map are required.

If you have any questions, please call the Transfer Section, (503)986-0883.

cc: Kelly Rise, Watermaster #4  
Robert Bagett, CWRE

enclosure



# Oregon

Theodore R. Kulongoski, Governor

## Water Resources Department

North Mall Office Building  
725 Summer Street NE, Suite A  
Salem, OR 97301-1271  
503-986-0900  
FAX 503-986-0904

March 24, 2005

Tim Unterwegner  
Oregon Department of Fish and Wildlife  
P O Box 9  
John Day, OR 97845

Reference: **Transfer # 9892**

Enclosed for your review is a copy of a water right transfer application from **West Branch Bridge Creek**, tributary of **Bridge Creek**.

Consistent with the Oregon Plan, we are soliciting your input on whether the proposed transfer would injure an instream water right or any other water right in which ODFW has an interest. If you believe that the transfer would injure a water right, please describe the nature of the injury and provide any supporting information which you have available.

ORS 540.525 and 540.532 require that we consult with you to determine if a fish screen or by-pass device should be required in conjunction with a permanent or historic change in a point of diversion. If you request a fish screen or by-pass device, we will include such a condition in the transfer order and the applicant will be eligible to participate in ODFW's cost sharing program for screening and by-pass devices.

We must receive your response in our Pendleton office

Attention: Transfer Section  
Water Resources Department  
725 SUMMER ST NE SUITE A  
SALEM OR 97301-4172

**by April 25, 2005** in order to consider it in our decision on the application and to include the appropriate conditions in any approval order. We will presume that you do not have comments and do not intend to request fish screens or by-pass devices if we do not receive a response.

If you have questions, please call 503-986-0883.

Enclosure

cc: Wm # 4, Kelly Rise  
Applicant

Untitled

COUNTY: WHEELER  
TRANSFER: 9892  
CERTIFICATE: 56516  
PRIORITY DATE: 12/31/1877  
NAME: MICHAEL BREEN  
ADDRESS: 20761 REED MARKET RD; BEND OR 97702  
CHANGE: POD  
SOURCE: W BR BRIDGE CREEK  
AUTHORIZED POD: T11S R20E 35  
PROPOSED POD: T11S R20E 35

PUBLIC NOTICE 03/29/2005

# TRANSFER CHECK OFF LIST

TRANSFER FILE #

9892

DATE RECEIVED

3-22-05

DATE MONEY SLIPPED

3-22-05

DATE RECEIPTED

3-22-05

VALID WATER RIGHT?

X Yes No

TEMP ALT AC (Greg) IRR DIST (Greg) PERM AMEND (Kelly) DIV 15 X (Bernie Assigns)

TEMP Div 15 (Bernie) ISWR COPIES TO LIAISON

LETTER FROM ATTORNEY YES (PUT INFO ON FRONT COVER)

X NO

FOLDER FILLED OUT\*

yes

INDEX CARD

yes

ENTERED IN DB

y

F

#

CONTENTS MARKED

yes

COLOR CODED

yes Yes

4 COPIES MADE & STAMPED

y

CERTIFICATE MARKED

y

CERTIFICATE COPIED

y

PULL APPLICATIONS

no

APP FOLDER MARKED

y

FINAL PROOF MAP COPIED

y

PERMIT MARKED

y

PERMIT COPIED

y

PERMIT MAP COPIED

y

DECREE MARKED

y

DECREE COPIED

y

ADJUDICATION MAP COPIED

y

ENTRIES CHECKED

CHECKED BY INIT FOLDER

PUBLIC NOTICE DATE

3-29-05

(PREPARED & COPIED) y

LETTER SENT

y

Irrigation District y (copy of app & map)

COPY TO WM

y

BLUE FORM TO WM

y

Orange Perm Amend/Yellow Temp/Grn Dist/Lav Alt Acr/pink his

COPY TO GW

n

POA, APOA, or [SW TO GW ONLY(as POD)]

BLUE FORM TO GW

n

Orange Perm Amend/Yellow Temp/Grn Dist/Lav Alt Acr/pink his

COPY TO CWRE

y

LETTER TO ODFW

y

ALL Surface water POU/USE (POD and APOD FISH SCREENS)

TRANSFER SENT TO:

Salem

SW --- NCR --- SCR --- BR

\*SHRINK DATA IF THERE ARE MANY FILES INVOLVED AND GLUE TO FOLDER



# Oregon

Theodore R. Kulongoski, Governor

Water Resources Department

Watermaster District 21

Gilliam County Courthouse

P.O. Box 427

Condon, OR 97823

(541) 384-4207

April 8, 2005

Michael Breen  
20761 Reed Market Road  
Bend, Oregon 97702

REFERENCE: Transfer T-9892

The Department has completed its examination of your water right transfer application T-9892 involving a request to change point of diversion. The Department can make a finding that the proposed change in your application can be effected without injury to other existing water rights.

The attached draft preliminary evaluation indicates that the proposed changes will not result in injury to existing rights and will not be an enlargement of the rights. Please review the attached copy of the draft preliminary evaluation and decide whether you want to continue with your transfer application or not. If you choose not to proceed, you may withdraw your application and receive a refund.

Incorporated into the draft preliminary determination are conditions the Department is proposing in order to continue with the processing of your application.

If you agree to the recommended conditions, we can continue processing your application.

Please contact me by May 8, 2005, if you should have any questions or if you disagree with the conditions proposed. My number is (541) 384-4207.

Sincerely,

Vern Church  
Watermaster, District 21

Enclosure

cc: Mike Ladd, N.C. Region Manager  
Ken Dowden, North Central Region Transfer Specialist

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

In the Matter of Transfer Application )  
T-9892, approving a change in point of )  
diversion, in Wheeler County )

**D R A F T**  
**PRELIMINARY DETERMINATION**

ORS 540.505 to 540.580 establishes the process in which a water right holder may submit a request to transfer the point of diversion, place of use, or character of use authorized under an existing water right. OAR Chapter 690, Division 380 implements the statutes and provides the Department's procedures and criteria for evaluating transfer applications.

**Applicant**

Michael Breen  
20761 Reed Market Road  
Bend, Oregon 97702

**Findings of Fact**

1. On March 22, 2005, Michael Breen filed a transfer application to change the point of diversion under Certificate 56516. The Department assigned the application number T-9892.
2. The portion of the right to be transferred is as follows:

**Certificate:** 56516 in the name of W.L. Gage

**Use:** Irrigation

**Priority Date:** 1877

**Quantity:** ONE-FORTIETH of one cubic foot per second per acre of land irrigated before June 15, and ONE-EIGHTIETH of one cubic foot per second per acre after June 15, during the irrigation season from March 1 to October 1 of each year, measured at the point of diversion from the source.

**Acres:** 6.3

**Source:** West Branch of Bridge Creek, tributary to Bridge Creek, tributary to John Day River

**Authorized Point of Diversion:**

| Township |   | Range |   | Meridian | Sec | ¼ ¼ |    | Lot | DLC | Survey Coordinates |
|----------|---|-------|---|----------|-----|-----|----|-----|-----|--------------------|
| 11       | S | 20    | E | W.M.     | 35  | NW  | SE |     |     | Tom Vowell Ditch   |
| 11       | S | 20    | E | W.M.     | 35  | SE  | NE |     |     | McCollum Ditch     |

**Authorized Place of Use:**

| Township |   | Range |   | Meridian | Sec | ¼ ¼ |    | Lot | DLC | Acres |
|----------|---|-------|---|----------|-----|-----|----|-----|-----|-------|
| 11       | S | 20    | E | W.M.     | 35  | NE  | NE |     |     | 3.4   |
| 11       | S | 20    | E | W.M.     | 35  | SE  | NE |     |     | 2.9   |

3. Application T-9892 proposes to move the authorized point of diversion approximately 2200 feet downstream in the West Branch of Bridge Creek to:

| Township |   | Range |   | Meridian | Sec | ¼ ¼   | Survey Coordinates                        |
|----------|---|-------|---|----------|-----|-------|-------------------------------------------|
| 11       | S | 20    | E | W.M.     | 35  | NE NE | 1150'S & 220'W from NE corner, Section 35 |

4. Notice of the application for transfer was published pursuant to ORS 540.520 and OAR 690-380-4000. No comments were filed in response to the notice. However, the Oregon Department of Fish and Wildlife did request inclusion of a condition requiring installation of proper fish screens.
5. Water has been used within the last five years according to the terms and conditions of the right and no evidence is available that would demonstrate that the right is subject to forfeiture under ORS 540.610.
6. A diversion structure and ditch sufficient to use the full amount of water allowed under the existing right are present.
7. The proposed change would not result in enlargement of the right.
8. The proposed change would not result in injury to other water rights.

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

The proposed changes in point of diversion in application T-9892 appears to be consistent with the requirements of ORS 537.705 and 540.505 to 540.580 and OAR 690-380-5000 and will be approved provided that protests are not filed pursuant to OAR 690-380-4030.

If approved, the change and subsequent use of water shall be subject to the following conditions:

1. The right to the use of the water is restricted to beneficial use at the place of use described and is subject to all other conditions and limitations contained in Certificate 56516 and any related decree.
2. The proposed change shall be completed on or before October 1, 2006. <sup>7</sup>
3. A Claim of Beneficial Use prepared by a Certified Water Rights Examiner shall be submitted by the applicant to the Department by October 1, 2007. <sup>4</sup>
4. The quantity of water diverted at the new point of diversion, shall not exceed the quantity of water lawfully available at the original point of diversion.
5. When required by the Department, the water user shall install and maintain a headgate, an in-line flow meter, weir, or other suitable device for measuring and recording the quantity of water diverted. The type and plans of the headgate and measuring device must be approved by the Department prior to beginning construction and shall be installed under the general supervision of the Department.

6. The water user shall install and maintain a fish screen or fish by-pass device, as appropriate, at the new point of diversion. The type and plans of the screen or by-pass device must be approved by the Oregon Department of Fish and Wildlife prior to beginning of construction, and shall be installed under the supervision of the Department of Fish and Wildlife.

Dated at Salem, Oregon this \_\_\_\_\_ day of \_\_\_\_\_, 2005.

D R A F T

\_\_\_\_\_  
Phillip C. Ward, Director

This Draft Preliminary Determination was prepared by Vernon L. Church. If you have any questions about the information in this document, you may reach me at (541)384-4207 or [Vernon.L.Church@wrд.state.or.us](mailto:Vernon.L.Church@wrд.state.or.us).

WATER RESOURCES DEPT  
SALEM, OREGON

NOV 09 2005

WATER RESOURCES DEPT  
SALEM, OREGON**Authorized Place of Use:**

| Township |   | Range |   | Meridian | Sec | ¼ ¼ |    | Lot | DLC | Acres |
|----------|---|-------|---|----------|-----|-----|----|-----|-----|-------|
| 11       | S | 20    | E | W.M.     | 35  | NE  | NE |     |     | 3.4   |
| 11       | S | 20    | E | W.M.     | 35  | SE  | NE |     |     | 2.9   |

3. Application T-9892 proposes to move the authorized point of diversion approximately 2200 feet downstream in the West Branch of Bridge Creek to:

| Township |   | Range |   | Meridian | Sec | ¼ ¼ |    | Survey Coordinates                        |  |  |
|----------|---|-------|---|----------|-----|-----|----|-------------------------------------------|--|--|
| 11       | S | 20    | E | W.M.     | 35  | NE  | NE | 1150'S & 220'W from NE corner, Section 35 |  |  |

4. Notice of the application for transfer was published pursuant to ORS 540.520 and OAR 690-380-4000. No comments were filed in response to the notice. However, the Oregon Department of Fish and Wildlife did request inclusion of a condition requiring installation of proper fish screens.
5. Water has been used within the last five years according to the terms and conditions of the right and no evidence is available that would demonstrate that the right is subject to forfeiture under ORS 540.610.
6. A diversion structure and ditch sufficient to use the full amount of water allowed under the existing right are present.
7. The proposed change would not result in enlargement of the right.
8. The proposed change would not result in injury to other water rights.

**Determination and Proposed Action**

The proposed changes in point of diversion in application T-9892 appears to be consistent with the requirements of ORS 537.705 and 540.505 to 540.580 and OAR 690-380-5000 and will be approved provided that protests are not filed pursuant to OAR 690-380-4030.

If approved, the change and subsequent use of water shall be subject to the following conditions:

1. The right to the use of the water is restricted to beneficial use at the place of use described and is subject to all other conditions and limitations contained in Certificate 56516 and any related decree.
2. The proposed change shall be completed on or before October 1, 2006.
3. A Claim of Beneficial Use prepared by a Certified Water Rights Examiner shall be submitted by the applicant to the Department by October 1, 2007.
4. The quantity of water diverted at the new point of diversion, shall not exceed the quantity of water lawfully available at the original point of diversion.

RECEIVED

NOV 09 2005

WATER RESOURCES DEPT  
SALEM, OREGON

5. When required by the Department, the water user shall install and maintain a headgate, an in-line flow meter, weir, or other suitable device for measuring and recording the quantity of water diverted. The type and plans of the headgate and measuring device must be approved by the Department prior to beginning construction and shall be installed under the general supervision of the Department.
6. The water user shall install and maintain a fish screen or fish by-pass device, as appropriate, at the new point of diversion. The type and plans of the screen or by-pass device must be approved by the Oregon Department of Fish and Wildlife prior to beginning of construction, and shall be installed under the supervision of the Department of Fish and Wildlife.

Dated at Salem, Oregon this \_\_\_\_\_ day of \_\_\_\_\_, 2005.

\_\_\_\_\_  
Phillip C. Ward, Director

This Draft Preliminary Determination was prepared by Vernon L. Church. If you have any questions about the information in this document, you may reach me at (541)384-4207 or Vernon.L.Church @wr.d.state.or.us.



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

# Application for Water Right Transfer

Please type or print legibly in dark ink. If your application is incomplete or inaccurate, we will return it to you. If any requested information does not apply to your application, insert "n/a". Please read and refer to the instructions when completing your application. A summary of review criteria and procedures that are generally applicable to these applications is available at [www.wrd.state.or.us/publication/reports/index.shtml](http://www.wrd.state.or.us/publication/reports/index.shtml).

## APPLICATION FOR:

| Please check one                                         |                                                                        |                                                                                |
|----------------------------------------------------------|------------------------------------------------------------------------|--------------------------------------------------------------------------------|
| <input checked="" type="checkbox"/> Water Right Transfer | <input type="checkbox"/> Temporary Transfer<br>(number of years _____) | <input type="checkbox"/> Drought Transfer                                      |
| <input type="checkbox"/> Historic Change in POD          | <input type="checkbox"/> Permit Amendment                              | <input type="checkbox"/> Point of Diversion Change<br>Due to Government Action |
| <input type="checkbox"/> To Instream Use                 |                                                                        |                                                                                |
| <input checked="" type="checkbox"/> Other Transfer       |                                                                        |                                                                                |

## 1. APPLICANT INFORMATION

Name: Michael Breen  
First Last  
Address: 20761 Reed Market RD  
Bend OR 97702  
City State Zip  
Phone: (541) 389-5344  
Home Work Other  
\*Fax: \_\_\_\_\_ \*E-Mail address: \_\_\_\_\_  
\*Optional information

## 2. AGENT INFORMATION

(The agent listed is authorized to represent the applicant in all matters relating to this transfer application)

Name: Wheeler SWCD  
First Last  
Address: P.O. Box 431  
Fossil OR 97830  
City State Zip  
Phone: (541) 468-2990  
Home Work Other  
\*Fax: (541) 468-2991 \*E-Mail address: \_\_\_\_\_  
\*Optional information



T-9592

### 3. TYPE OF CHANGE PROPOSED

Please check all that apply

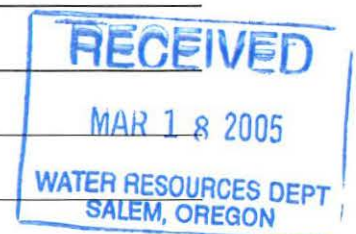
| Point of Diversion or Appropriation                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               | Place of Use                                                                                                                                                                                                                                                                                                                                                          | Character of Use<br>(n/a for Permit Amendments)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <input checked="" type="checkbox"/> <b>Change</b> (The old point of diversion or appropriation will <b>not</b> be used for the portion of the water right affected by the transfer.)<br><input type="checkbox"/> <b>Additional</b> (Both the old and new points of diversion or appropriation will be used for the portion of the water right affected by the transfer.)<br><input type="checkbox"/> <b>Historic Point of Diversion</b> (Unauthorized point of diversion used for more than 10 years.)<br><input type="checkbox"/> <b>Surface Water to Ground Water</b> (A new point of appropriation will be used <b>instead of</b> the old point of diversion and not as an additional point of appropriation.) | <input type="checkbox"/> <b>All, or a portion, of the right will be exercised at a different location than currently authorized.</b> (Use of water at the current location will be discontinued.)<br><input type="checkbox"/> <b>Exchange</b> (Water from another source will be used in exchange for supplying an equal amount of replacement water to that source.) | <b>Proposed new use:</b><br><input type="checkbox"/> Irrigation<br><input type="checkbox"/> Municipal<br><input type="checkbox"/> Quasi-municipal<br><input type="checkbox"/> Commercial<br><input type="checkbox"/> Industrial<br><input type="checkbox"/> Instream (complete <b>Supplemental Form B</b> )<br><input type="checkbox"/> Domestic (indicate number of households) _____<br><input type="checkbox"/> Other _____<br><br><input type="checkbox"/> <b>Substitution</b> (A supplemental ground water right will be substituted for a primary surface water right.) |

Reason for changes: Failure of upper diversion and the installation of a more efficient pump system.

Describe the **current** water delivery system. Include information on the pumps, canals, pipelines and sprinklers used to divert, convey and apply the water at the authorized place of use.

*The description must be sufficient to demonstrate that the full quantity of water to be transferred can be conveyed from the authorized source and applied at the authorized location and that the applicant is ready, willing, and able to exercise the right. (Not applicable to applications for Permit Amendments.)*

one open ditches converted to pipe



System capacity: .28 cubic feet per second (cfs)

*Attach one or more **Evidence of Use Affidavits** (Supplemental Form A) demonstrating that each of the right(s) involved in the transfer have been exercised in the last five years or that a presumption of forfeiture for non-use could be rebutted. (Not applicable to applications for Permit Amendments.)*

7-9892

#### 4. CURRENT WATER RIGHT INFORMATION

*A separate page providing the information in this section must be completed for each certificate, permit, decree, or other right involved in the proposed transfer.*

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

|                                                                           |                             |                                          |
|---------------------------------------------------------------------------|-----------------------------|------------------------------------------|
| <input checked="" type="checkbox"/> Certificated Right                    | 56516<br>Certificate Number | W.L.Gage<br>Permit Number or Decree Name |
| <input type="checkbox"/> Adjudicated, Un-certificated Right               | Name of Decree              | Page Number                              |
| <input type="checkbox"/> Permit for which Proof has been Approved         | Permit Number               | Date Claim of Beneficial Use Submitted   |
| <input type="checkbox"/> Transferred Right for which Proof has been Filed | Previous Transfer Number    | Date Claim of Beneficial Use Submitted   |
| <input type="checkbox"/> Permit for which an Amendment is Requested       | Permit Number               | Completion Date of Permit                |

Name on Permit, Certificate, or Decree: Bridge Creek

County: Wheeler

Authorized Use(s): Irrigation

Are there multiple **Priority Dates** identified on the water right? ☐ Yes ☒ No

*If “Yes”, any information provided on **Page 4** must identify which priority date is associated with each of the proposed points of diversion/appropriation and places of use. In addition, list those priority dates: 1877*

Source(s) of Water Listed on Right: West Branch Bridge Creek

Tributary to: Bridge Creek, John Day River

Are there other **Sources** listed on the water right? ☐ Yes ☒ No

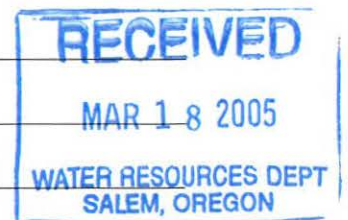
*If “Yes”, any information provided on **Page 4** must identify which source is associated with each of the proposed points of diversion/appropriation and proposed places of use. In addition, list those other sources:*

Are there **Other Water Rights** or permits associated with this land? ☐ Yes ☒ No

*If "Yes", what are the Permit or Certificate Numbers?*

*Pursuant to ORS 540.510, any right that is supplemental to a primary right proposed for transfer must be included in the transfer or be cancelled.*

Remarks:



79892



## 5. PROPOSED CHANGES TO THE WATER RIGHT

*A separate page providing the information in this section must be completed for each certificate, permit, decree, or other right involved in the proposed transfer.*

Certificate Number or other identifying number from *Section 4*: cert. 56516

**Location of Proposed Point(s) of Diversion or Point(s) of Appropriation:**

| Township |   | Range |   | Mer | Sec | ¼ ¼<br>Section | Gov't Lot<br>or DLC | Survey Coordinates<br>(coordinates from a recognized survey corner) |
|----------|---|-------|---|-----|-----|----------------|---------------------|---------------------------------------------------------------------|
| 11       | S | 20    | E | WM  | 35  | NENE           |                     | 1150'S&222'W from NE corner, Sec 35                                 |
|          |   |       |   |     |     |                |                     |                                                                     |

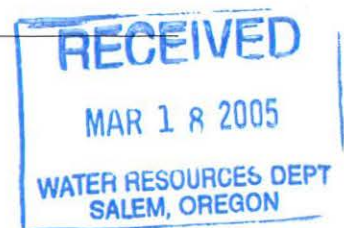
*Attach additional copies as necessary to describe locations of other proposed points of diversion or appropriation. Clearly mark each of the additional copies with the appropriate Certificate Number or other identifying number. Not applicable to applications for transfers to instream water rights.*

**Location of Proposed Place of Use:**[illegible]

*Attach additional copies as necessary to describe locations of other proposed places of use. Clearly mark each of the additional copies with the appropriate Certificate Number or other identifying number. Not applicable to applications for transfers to instream water rights.*

Remarks: \_\_\_\_\_

Transfer Application/5



T9592

## 6. AFFECTED DISTRICTS AND LOCAL GOVERNMENTS

Are any of the water rights proposed for transfer located within or served by an irrigation or other water district? ☐ Yes ☒ No

Will any of the water rights be located within or served by an irrigation or other water district after the proposed transfer? ☐ Yes ☒ No

Is water for any of the rights supplied under a water service agreement or other contract for stored water with a Federal agency? ☐ Yes ☒ No

If "Yes", for any of the above, list the name and mailing address of the district and/or agency:

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List the name and mailing address of all affected local governments (e.g., county, city, municipal corporation, and tribal governments within whose jurisdiction the rights are located).

Wheeler County

P.O. Box 327 Fossil, OR 97830

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## 7. LAND OWNERSHIP

Does the applicant own the lands **FROM** which the right is being transferred? ☐ Yes ☒ No

If "No", provide the following information. For Temporary Transfers, also include a notarized statement granting consent to the transfer from each of the landowners:

Names of Current Landowner(s): Oregon Department of Transportation

First

Last

Address: 355 Capital St.

Salem

OR

97301

City

State

Zip

Does the applicant own the lands **TO** which the right is being transferred? ☒ Yes ☐ No

If "No", provide the following information:

Names of Receiving Landowner(s):

First

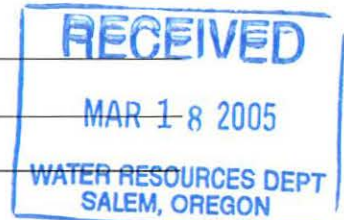
Last

Address:

City

State

Zip



Check one of the following:

- ☐ The receiving landowner will be responsible for completion of the proposed changes after the final order is issued. All notices and correspondence should be sent to this landowner.
- ☒ The applicant will remain responsible for completion of changes. Notices and correspondence should continue to be sent to the applicant and applicant's agent.

T-2892

## 8. ATTACHMENTS

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

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Form A – Evidence of Use Affidavits</b><br><input checked="" type="checkbox"/> At least one Evidence of Use Affidavit documenting that the right has been used during the last five years or that the right is not subject to forfeiture under ORS 540.610 is attached. The affidavit provided must be the original, not a copy.<br><b>Form B – Instream Water Right Transfer</b><br><input type="checkbox"/> Required for instream transfers only.<br><b>Map</b><br><input checked="" type="checkbox"/> Permanent Water Right Transfer<br>The map must be prepared by a Certified Water Right Examiner and meet the requirements of OAR 690-380-3100 unless a waiver has been granted. The map provided must be the original, not a copy.<br><input type="checkbox"/> Permit Amendment, Temporary Transfer, or Other Application<br>A map meeting the requirements of OAR 690-380-3100 must be included but need not be prepared by a Certified Water Right Examiner.<br><b>Evidence of Lien Holder Notification</b><br><input checked="" type="checkbox"/> Copies of the written notification of the proposed transfer provided by the applicant to each lien holder, unless the water right has been quit claimed.<br><b>Recorded Deed</b><br><input type="checkbox"/> Required for temporary transfers only. | <b>Land Use Information Form:</b><br><input checked="" type="checkbox"/> Enclosed<br><input type="checkbox"/> Not Required if all of the following are met:<br>① In EFU zone or irrigation district,<br>② Change in place of use only,<br>③ No structural changes needed, including diversion works, delivery facilities, other structures, and<br>④ Irrigation only.<br><b>Water Well Reports/Well Logs:</b><br><input type="checkbox"/> The application is for a change in point of appropriation or change from surface water to ground water and copies of all water well reports are attached.<br><input type="checkbox"/> Water well reports are not available and a description of construction details including well depth, static water level, and information necessary to establish the ground water body developed or proposed to be developed is attached.<br><input type="checkbox"/> The application is for a surface water transfer and water well reports are not required.<br><b>Fees:</b><br><input checked="" type="checkbox"/> Amount enclosed: \$ 350.00<br>See the Department's Fee Schedule at <a href="http://www.wrd.state.or.us">www.wrd.state.or.us</a> or call (503) 986-0900. |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|

## 9. SIGNATURES

I (we) understand that prior to approval of a permanent transfer and after issuance of a draft preliminary determination by the Department, I (we) must submit:

- (1) A report on ownership and lien information prepared by a title company within the last three months if required under OAR 690-380-3000(18), and
- (2) If I (we) are not the landowners, proof that the landowner or entity to which the water right has been quitclaimed consents to the transfer or that ownership information is not required.

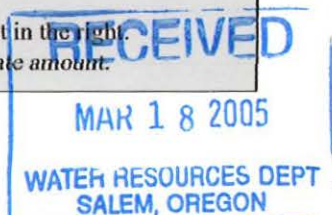
I (we) affirm that the information contained in this application is true and accurate.

|                        |                        |                |
|------------------------|------------------------|----------------|
| <u>Michael M Breen</u> | <u>MICHAEL M BREEN</u> | <u>2-25-05</u> |
| applicant signature    | name (print)           | date           |
| _____                  | _____                  | _____          |
| applicant signature    | name (print)           | date           |

Before submitting your application, be sure you have:

- Answered each question completely.
- Included the required attachments.
- Provided original signatures for all named deed holders or other parties with an interest in the right.
- Included a check payable to the Oregon Water Resources Department for the appropriate amount.

Transfer Application/7



T-2892

**Water Right Transfer Supplemental Form A  
AFFIDAVIT ATTESTING TO THE USE OF WATER**

State of Oregon )  
 ) ss  
County of Wheeler )

I, Michael M. Beier, in my capacity as TTEE,  
mailing address 20761 REED MKT RD  
telephone number (382) 7733, being first duly sworn depose and say:

1. I attest that:

- ☒ Water was used during the previous five years on the entire authorized place of use of the water right proposed for transfer as described on the accompanying transfer application, 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.

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

- ☒ Personal observation ☐ Professional expertise

3. My knowledge is specific to the use of water at the following locations:

| Township |   | Range |   | Mer | Sec | ¼ ¼<br>Section | Gov't Lot<br>or DLC | Acres<br>(if applicable) |
|----------|---|-------|---|-----|-----|----------------|---------------------|--------------------------|
| 11       | S | 20    | E | WM  | 35  | NENE           |                     | 3.4                      |
| 11       | S | 20    | E | WM  | 35  | SENE           |                     | 2.9                      |
|          |   |       |   |     |     |                |                     |                          |
|          |   |       |   |     |     |                |                     |                          |
|          |   |       |   |     |     |                |                     |                          |
|          |   |       |   |     |     |                |                     |                          |
|          |   |       |   |     |     |                |                     |                          |
|          |   |       |   |     |     |                |                     |                          |
|          |   |       |   |     |     |                |                     |                          |
|          |   |       |   |     |     |                |                     |                          |
|          |   |       |   |     |     |                |                     |                          |
|          |   |       |   |     |     |                |                     |                          |
|          |   |       |   |     |     |                |                     |                          |
|          |   |       |   |     |     |                |                     |                          |
|          |   |       |   |     |     |                |                     |                          |



(continues on reverse side)

Please print legibly or type. Be as specific as possible. Attach additional pages if you need more space. Supporting documentation must be attached.

59892

4. The water right was exercised for the authorized purpose described below (e.g., crops grown):

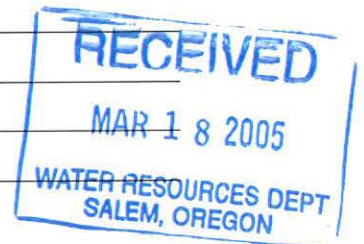
growing crops / pasture

5. The water delivery system used to apply water as authorized by the right is described below:

one open ditch converted to pipe

6. One or more of the following documentation supporting the above statements is attached:

- ☐ Copy of a water right certificate that was issued within the last five years (not a remaining right certificate),
- ☐ Copies of receipts from sales of irrigated crops or for expenditures relating to the use of water,
- ☐ Records such as Farm Service Agency crop reports, irrigation district records, an NRCS farm management plan, or records of other water suppliers,
- ☒ Dated aerial photographs of the lands or other photographs containing sufficient detail to establish the location and date of the photograph,
- ☐ Dedicated power usage records or receipts,
- ☐ Other: \_\_\_\_\_



Michael M Breen TTEE  
Signature of Affiant

2-26-05  
Date

Signed and sworn to (or affirmed) before me this 25<sup>th</sup> day of Feb, 2005.



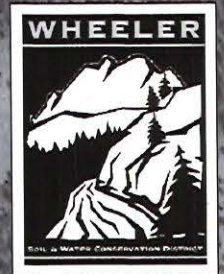
Hannah B. Miller  
Notary Public for Oregon

My Commission Expires: December 28, 2007

Please print legibly or type. Be as specific as possible. Attach additional pages if you need more space. Supporting documentation must be attached.

Map (cir. 2000)

Breen Irrigation Project  
T11S R20E Sec 35 & 36



24882

T-9892

T-9891 (BROOKS)

STATE OF OREGON

COUNTY OF WHEELER

CERTIFICATE OF WATER RIGHT

This Is to Certify, That W. L. GAGE

of Mitchell, State of OR 97750, has  
a right to the use of the waters of West Branch

a tributary of for the purpose of  
irrigation of 32.2 acres in Tract #1; irrigation of 12.8 acres, domestic and  
stock in Tract #2

and that said right has been confirmed by decree of the Circuit Court of the State of Oregon for  
Wheeler County, and the said decree entered of record at Salem, in the Order Record of  
the WATER RESOURCES DIRECTOR, in Volume 12, at page 388; that the priority of the  
right thereby confirmed dates from 1877

that the amount of water to which such right is entitled, for the purposes aforesaid, is limited to an  
amount actually beneficially used for said purposes, and shall not exceed one-fortieth of  
one cubic foot per second per acre of land irrigated before June 15, and  
one-eightieth of one cubic foot per second per acre after June 15, during the  
irrigation season from March 1 to October 1 of each year, measured at the  
point of diversion from the stream

The point of diversion is located in the NW 1/4 SE 1/4, Section 35, Tom Vowell Ditch,  
SE 1/4 NE 1/4, Section 35, H. McCollum Ditch, T11S, R20E, W.M.

A description of the place of use under the right, and to which such right is appurtenant, is as  
follows:

SEE NEXT PAGE

T-9892

RR

T-9891

T-9891

RR

TRACT #1

TRACT #2

|     |     |                         |
|-----|-----|-------------------------|
| 0.4 | 2.1 | 2.5 acres NE 1/4 SW 1/4 |
| 0.2 | 8.8 | 9.0 acres SW 1/4 SW 1/4 |
| 0.1 | 8.9 | 9.0 acres SE 1/4 SW 1/4 |
|     |     | Section 25              |
| 3.4 |     | 5.0 acres NE 1/4 NE 1/4 |
|     |     | 1.0 acre SW 1/4 NE 1/4  |
| 2.9 |     | 4.8 acres SE 1/4 NE 1/4 |
|     |     | 0.1 acre NW 1/4 SE 1/4  |
|     |     | Section 35              |
| 0.8 |     | 0.8 acre NW 1/4 NW 1/4  |
|     |     | Section 36              |

|      |                          |
|------|--------------------------|
| 2.0  | 2.0 acres NE 1/4 SW 1/4  |
| 10.5 | 10.5 acres SE 1/4 SW 1/4 |
|      | Section 25               |
|      | 0.3 acre NW 1/4 NW 1/4   |
|      | Section 36               |

0.3

Township 11 South, Range 20 East, WM

This certificate describes that portion of the water right confirmed by the prior certificate recorded at page 13564, Volume 12, State Record of Water Right Certificates, NOT modified by the provisions of an order of the Water Resources Director entered on July 27, 1987, approving transfer application No. 5940.

The issuance of this superseding certificate does not confirm the status of the water right in regard to the provisions of ORS 540.610 pertaining to forfeiture or abandonment.

And said right shall be subject to all other conditions and limitations contained in said decree. The right to the use of the water for the purposes aforesaid is restricted to the lands or place of use herein described.

WITNESS the signature of the Water Resources Director, affixed

this date October 26, 1987.

*William H. Young*  
Water Resources Director

Recorded in State Record of Water Right Certificates, Volume 52, page 56516

1746E/SPA  
T-5940

## STATE OF OREGON

COUNTY OF WHEELER

## CERTIFICATE OF WATER RIGHT

This Is to Certify, That

W. L. GAGE

of Mitchell, State of OR 97750, has  
a right to the use of the waters of West Branch

a tributary of irrigation of 32.2 acres in Tract #1; irrigation of 12.8 acres, domestic and stock in Tract #2 for the purpose of

and that said right has been confirmed by decree of the Circuit Court of the State of Oregon for Wheeler County, and the said decree entered of record at Salem, in the Order Record of the WATER RESOURCES DIRECTOR, in Volume 12, at page 388; that the priority of the right thereby confirmed dates from 1877

that the amount of water to which such right is entitled, for the purposes aforesaid, is limited to an amount actually beneficially used for said purposes, and shall not exceed one-fortieth of one cubic foot per second per acre of land irrigated before June 15, and one-eightieth of one cubic foot per second per acre after June 15, during the irrigation season from March 1 to October 1 of each year, measured at the point of diversion from the stream

The point of diversion is located in the NW 1/4 SE 1/4, Section 35, Tom Vowell Ditch, SE 1/4 NE 1/4, Section 35, H. McCollum Ditch, T11S, R20E, W.M.

A description of the place of use under the right, and to which such right is appurtenant, is as follows:

SEE NEXT PAGE

*confirming*  
T-9892

TRACT #1

**RR**

TRACT #2

|                                    |            |             |                          |
|------------------------------------|------------|-------------|--------------------------|
| 2.5 acres NE 1/4 SW 1/4            | <u>2.5</u> | <u>2.0</u>  | 2.0 acres NE 1/4 SW 1/4  |
| 9.0 acres SW 1/4 SW 1/4            | <u>9.0</u> | <u>10.5</u> | 10.5 acres SE 1/4 SW 1/4 |
| 9.0 acres SE 1/4 SW 1/4            | <u>9.0</u> |             | Section 25               |
| Section 25                         |            |             |                          |
| <u>3.4</u> 5.0 acres NE 1/4 NE 1/4 | <u>1.6</u> | <u>0.3</u>  | 0.3 acre NW 1/4 NW 1/4   |
| 1.0 acre SW 1/4 NE 1/4             | <u>1.0</u> |             | Section 36               |
| <u>2.9</u> 4.8 acres SE 1/4 NE 1/4 | <u>1.9</u> |             |                          |
| 0.1 acre NW 1/4 SE 1/4             | <u>0.1</u> |             |                          |
| Section 35                         |            |             |                          |
| <u>1.3</u> 0.8 acre NW 1/4 NW 1/4  | <u>0.8</u> |             |                          |
| Section 36                         |            |             |                          |

Township 11 South, Range 20 East, WM

This certificate describes that portion of the water right confirmed by the prior certificate recorded at page 13564, Volume 12, State Record of Water Right Certificates, NOT modified by the provisions of an order of the Water Resources Director entered on July 27, 1987, approving transfer application No. 5940.

The issuance of this superseding certificate does not confirm the status of the water right in regard to the provisions of ORS 540.610 pertaining to forfeiture or abandonment.



And said right shall be subject to all other conditions and limitations contained in said decree. The right to the use of the water for the purposes aforesaid is restricted to the lands or place of use herein described.

WITNESS the signature of the Water Resources Director, affixed

this date October 26, 1987.

*William H. Young*  
Water Resources Director

Recorded in State Record of Water Right Certificates, Volume 52, page 56516

1746E/SPA  
T-5940