

Regular

RA

T-14094

Name Idaho Power Company  
Attn: Kresta Davis  
Address P.O. Box 70  
Boise, ID 83707  
kdavis2@idahopower.com

DESCRIPTION OF WATER RIGHT(S)

Name of Stream Pine Creek  
Trib. of Snake River

Use Irrigation ; Domestic County Baker  
Quantity of water (CFS) No. of Acres

Name of ditch  
App# 8-3181 Per # 8-1756 Cert # 72609 PR Date 9/11/1913  
App# Per # Cert # PR Date  
App# Per # Cert # PR Date  
App# Per # Cert # PR Date

FEES PAID		
Date	Amount	Receipt #
9-21-2022	\$2450.00	139174
9-21-2022	\$125.00	139167
10-20-2022	\$11639.21	139375

Change in POW, POD, APOD  
Date Filed 9-21-2022  
Initial notice date 9-27-2022  
DPD issued date  
PD issued date 6/20/2025  
PD notice date 6/24/2025  
Date of FO 8-21-2025 Vol 135 Page 397

FEES REFUNDED		
Date	Amount	Receipt #

C-Date 10-1-2026  
COBU due date 10-1-2027  
COBU Received date  
Certificate issued

Assignments:

Irrigation District

Agent Garvin HydroGeo, LLC - garvin.hydrogeo@gmail.com

CWRE

CC's list Baker County

- Oversized map - Location

**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 # **145355**

INVOICE # \_\_\_\_\_

RECEIVED FROM: Paul & Garvin  
BY: Louise E. Stratton

APPLICATION	
PERMIT	
TRANSFER	T-14094

CASH:  CHECK:#  1298 OTHER: (IDENTIFY)

TOTAL REC'D \$ 148.20

**1083 TREASURY 4170 WRD MISC CASH ACCT**

0407 COPIES 46118 \$  
0207 OTHER: (IDENTIFY) Newspaper Notice \$ 148.20  
0243 US 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	EXAM FEE	0202	RECORD FEE
0203 GROUND WATER	\$	0204	\$
0205 TRANSFER	\$		
	EXAM FEE		LICENSE FEE
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: **145355**

DATED: 6/6/25 BY: [Signature]

**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 # **139375**

INVOICE # \_\_\_\_\_

RECEIVED FROM: Idaho Power Company

BY: \_\_\_\_\_

APPLICATION	T-14094
PERMIT	
TRANSFER	

CASH:  CHECK:#  000170 OTHER: (IDENTIFY)  \_\_\_\_\_

TOTAL REC'D \$ 1,639.21

**1083 TREASURY 4170 WRD MISC CASH ACCT**

0407 COPIES 47124 R-11399-23 \$ \_\_\_\_\_  
 0412 OTHER: (IDENTIFY) Reimbursement Authority \$ 1,639.21

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	EXAM FEE	0202	RECORD FEE
0203 GROUND WATER	\$ _____	0204	\$ _____
0205 TRANSFER	\$ _____		
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: **139375**

DATED: 10/20/2002 BY: M. Kay

**STATE OF OREGON  
WATER RESOURCES DEPARTMENT**

RECEIPT # **139167**

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

INVOICE # \_\_\_\_\_

RECEIVED FROM: Idaho Power Company  
BY: \_\_\_\_\_

APPLICATION	
PERMIT	
TRANSFER	<u>T-14094</u>

CASH:  CHECK: # 1696902 OTHER: (IDENTIFY)

TOTAL REC'D \$ 125.00

**1083 TREASURY 4170 WRD MISC CASH ACCT**

0407 COPIES <u>47124</u>		\$
<u>0412</u> OTHER: (IDENTIFY) <u>Transfer Reimbursement Authority</u>		\$ <u>125.00</u>
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	EXAM FEE	RECORD FEE
0203 GROUND WATER	\$	0202 \$
0205 TRANSFER	\$	0204 \$
WELL CONSTRUCTION		
0218 WELL DRILL CONSTRUCTOR	EXAM FEE	LICENSE FEE
LANDOWNER'S PERMIT	\$	0219 \$
		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: **139167**

DATED: 9-21-2022 BY: [Signature]

**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 # **139174**

INVOICE # \_\_\_\_\_

RECEIVED FROM: Idaho Power Company  
BY: \_\_\_\_\_

APPLICATION	
PERMIT	
TRANSFER	T-14094

CASH:  CHECK:#  1701739 OTHER: (IDENTIFY)  \_\_\_\_\_

TOTAL REC'D \$ 2,450.00

**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**

<b>MISCELLANEOUS</b>			
0407 COPY & TAPE FEES			\$
0410 RESEARCH FEES			\$
0408 MISC REVENUE: (IDENTIFY)			\$
TC162 DEPOSIT LIAB. (IDENTIFY)			\$
0240 EXTENSION OF TIME			\$
<b>WATER RIGHTS:</b>			
0201 SURFACE WATER	EXAM FEE	0202	RECORD FEE
0203 GROUND WATER	\$	0204	\$
0205 TRANSFER	\$		\$
	\$ <u>2,450.00</u>		
<b>WELL CONSTRUCTION</b>			
0218 WELL DRILL CONSTRUCTOR	EXAM FEE	0219	LICENSE FEE
	\$	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: **139174**

DATED: 9/21/2022 BY: [Signature]



# 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

August 21, 2025

IDAHO POWER CO.  
KRESTA DAVIS  
PO BOX 70  
BOISE, ID 83707

REFERENCE: Transfer Application T-14094

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

The time allowed to complete the transfer is specified in the final order. YOU SHOULD GIVE PARTICULAR ATTENTION TO THE TIME LIMIT. The water right for any portion of the authorized change in character of 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(s) within the time allowed.

You are required to hire a Certified Water Rights 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 complete the change(s) or within one year of the completion date authorized in the transfer final order, whichever occurs first.

If you have any questions related to the approval of this transfer, you may contact your caseworker, Dante Luongo, by telephone at (503) 304-5006 or by e-mail at [dante.j.luongo@water.oregon.gov](mailto:dante.j.luongo@water.oregon.gov).

Sincerely,

Stacy H. Phillips  
Water Rights Services Support  
Transfers and Conservation Section

cc: Marcy J. Osborn, Watermaster Dist. # 8 (via email)  
Paul Garvin, Agent

Enclosure



# Oregon

Tina Kotek, Governor

Water Resources Department

North Mall Office Building

725 Summer St NE, Suite A

Salem, OR 97301

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KRESTA DAVIS  
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Sincerely,

Stacy H. Phillips  
Water Rights Services Support  
Transfers and Conservation Section

cc: Marcy J. Osborn, Watermaster Dist. # 8 (via email)  
Paul Garvin, Agent

Enclosure



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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

August 21, 2025

IDAHO POWER CO.

KRESTA DAVIS

PO BOX 70

BOISE, ID 83707

REFERENCE: Transfer Application T-14094

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

The time allowed to complete the transfer is specified in the final order. YOU SHOULD GIVE PARTICULAR ATTENTION TO THE TIME LIMIT. The water right for any portion of the authorized change in character of 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(s) within the time allowed.

You are required to hire a Certified Water Rights 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 complete the change(s) or within one year of the completion date authorized in the transfer final order, whichever occurs first.

If you have any questions related to the approval of this transfer, you may contact your caseworker, Dante Luongo, by telephone at (503) 304-5006 or by e-mail at [dante.j.luongo@water.oregon.gov](mailto:dante.j.luongo@water.oregon.gov).

Sincerely,

Stacy H. Phillips

Water Rights Services Support

Transfers and Conservation Section

cc: Marcy J. Osborn, Watermaster Dist. # 8 (via email)

Paul Garvin, Agent

Enclosure

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

In the Matter of Transfer Application            )  
T-14094, Baker County                            )  
  )  
  )  
  )  
  )  
  )

FINAL ORDER  
APPROVING A CHANGE IN POINT OF  
DIVERSION, AN ADDITIONAL POINT OF  
DIVERSION, A CHANGE IN PLACE OF USE,  
AND PARTIAL CANCELLATION OF A  
WATER RIGHT CERTIFICATE

**Authority**

Oregon Revised Statutes (ORS) 540.505 to 540.580 establish 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. Oregon Administrative Rules (OAR) Chapter 690, Division 380 implement the statutes and provides the Department’s procedures and criteria for evaluating transfer applications.

ORS 540.621 establishes the process for the owner of land to which a water right is appurtenant to certify under oath that the water right, or a portion thereof, has been abandoned and request voluntary cancellation.

**Applicant**

KRESTA DAVIS  
IDAHO POWER COMPANY  
PO BOX 70  
BOISE, ID 83707

**Findings of Fact**

1. On September 21, 2022, KRESTA DAVIS, IDAHO POWER COMPANY, filed an application for an additional point of diversion, to change the point of diversion, and to change the place of use under Certificate 72609. The Department assigned the application number T-14094.
2. Notice of the application for transfer was published on September 27, 2022, pursuant to OAR 690-380-4000. No comments were filed in response to the notice.
3. On February 1, 2024, the Department contacted the applicant’s agent via email regarding deficiencies in the application and issues found during the initial review of Transfer Application T-14094. The deficiencies included an incomplete Land Use Form, the validity of

This final order is subject to judicial review by the Court of Appeals under ORS 183.482. Any petition for judicial review must be filed within the 60-day time period specified by ORS 183.482(1). Pursuant to ORS 536.075 and OAR 137-003-0675, you may 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.

the evidence of use as the application indicates that the applicant has been using a point of diversion not authorized under Certificate 72609, and pursuant to OAR 690-380-0100(2)(c), a finding of enlargement as Transfer Application T-14094 proposes diverting water from the Snake River (identified on Transfer Application T-14094 as North Intake and Park Intake). The authorized source of water under Certificate 72609 is Pine Creek (identified on Transfer Application T-14094 as J.A. Vaughn Ditch). A finding of enlargement was not included in the District 8 Watermaster's review.

4. On February 28, 2024, the Department's District 8 Watermaster and the East Region Manager, met with the applicant's agent to address the enlargement issue. Both the Watermaster and Region Manager agree that there would not be a finding of enlargement under Transfer Application T-14094. Idaho Power runs and maintains a gaging station on Pine Creek near Oxbow (gage # 13290190), which allows the Department to measure the amount of water that Pine Creek is contributing to the Snake River. The intakes for the Park Intake (Snake River) are below the confluence of Pine Creek.
5. The Department requires that the applicant installs flow meters on both intakes. This will allow the Department to monitor both the gaging station and flow meters, to ensure more water is not being diverted than the amount of water Pine Creek is adding to the Snake River, and avoiding the enlargement issue. The watermaster reviewed the historical data during the later summer months, and the average amount of water being added to the Snake River from Pine Creek is always equal to approximately 0.54 cubic foot per second (CFS). Low flows for Pine Creek consisted of 28.5 CFS in 2020, 17.5 CFS in 2021, 27.5 CFS in 2022, and 25 CFS in 2023.
6. On March 20, 2024, the applicant's agent submitted an amended Land Use Form, amended application pages and an amended application map.
7. On March 27, 2025, the Department contacted the applicant's agent requesting additional information on the amended application pages and maps, previously submitted on March 20, 2024.
8. On April 1, 2025, the applicant's agent submitted additional amended application pages and a map, satisfying the deficiency.
9. On April 25, 2025, the Department sent a copy of the draft Preliminary Determination to the applicant, proposing to approve Transfer Application T-14057. The draft Preliminary Determination cover letter set forth a deadline of May 25, 2025, for the applicant to respond and submit the required information. The applicant requested that the Department proceed with issuance of a Preliminary Determination and provided the necessary information to demonstrate that the applicant is authorized to pursue the transfer.

10. On June 20, 2025, the Department issued a Preliminary Determination proposing to approve Transfer Application T-14094 and sent a copy to the applicant. Additionally, notice of the Preliminary Determination for the transfer application was published in the Department's weekly notice on June 24, 2025, and in the East Oregonian newspaper on June 25 and July 2, 2025, pursuant to ORS 540.520 and OAR 690-380-4020. No protests were filed in response to the notice.

11. The right to be transferred is as follows:

**Certificate:** 72609 in the name of SAM AKLIN (perfected under Permit S-1756)  
**Use:** IRRIGATION OF 22.02 ACRES and DOMESTIC USE  
**Priority Date:** SEPTEMBER 11, 1913  
**Rate:** 0.30 CUBIC FOOT PER SECOND  
**Limit/Duty:** The amount of water to which this right is entitled is limited to an amount actually beneficially used and shall not exceed ONE-EIGHTIETH of one cubic foot per second for each acre irrigated, or its equivalent in case of rotation and ONE-TENTH cubic foot per second for domestic use.  
**Source:** PINE CREEK, a tributary of SNAKE RIVER

**Authorized Point of Diversion:**

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
<i>Not specified in certificate</i>					

**Authorized Place of Use:**

IRRIGATION AND DOMESTIC							
Twp	Rng	Mer	Sec	Q-Q	GLot	Acres	Changes Being Made
7 S	48 E	WM	8	NE NE		0.86	POD/APOD
7 S	48 E	WM	8	SE NE		0.70	POD/APOD
7 S	48 E	WM	9	NW NW	5	10.35	POD/APOD
7 S	48 E	WM	9	SW NW	4	2.46	POD/APOD
7 S	48 E	WM	9	SE NW	3	7.65	POU, POD, APOD
Total						22.02	

12. The Department has received information from the applicant that better describes the authorized point of diversion under Certificate 72609:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
7 S	48 E	WM	17	SE SW	J. A. VAUGHN DITCH - 900 FEET NORTH AND 1695 FEET EAST FROM THE SW CORNER OF SECTION 17

13. Transfer Application T-14094 proposes to move the authorized point of diversion to:

Twp	Rng	Mer	Sec	Q-Q	GLot	Measured Distances	Approximate Distance from the Authorized Point of Diversion
7 S	48 E	WM	9	NW NW	5	NORTH INTAKE - 154 FEET SOUTH AND 561 FEET EAST FROM THE NW CORNER OF SECTION 9	1700 FEET DOWNSTREAM

14. Transfer Application T-14094 also proposes an additional point of diversion approximately 550 feet upstream from proposed North Intake POD to:

Twp	Rng	Mer	Sec	Q-Q	G Lot	Measured Distances	Approximate Distance from the Proposed Point of Diversion
7 S	48 E	WM	9	NW NW	5	PARK INTAKE – 1117 FEET SOUTH AND 1179 FEET EAST FROM THE NW CORNER OF SECTION 9	550 FEET UPSTREAM

15. Transfer Application T-14094 also proposes to change the place of use of a portion of the right to:

IRRIGATION AND DOMESTIC					
Twp	Rng	Mer	Sec	Q-Q	Acres
7 S	48 E	WM	8	NE NE	0.70
7 S	48 E	WM	8	SE NE	1.81
7 S	48 E	WM	9	NW NW	5.14
Total					7.65

16. The Oregon Department of Fish and Wildlife (ODFW) has determined that a fish screen is necessary at the new point of diversion to prevent fish from entering the diversion and that the diversion is not currently equipped with an appropriate fish screen. This diversion may be eligible for screening cost-share funds.

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

17. Water has been used within the last five years according to the terms and conditions of the right. There is no information in the record that would demonstrate that the right is subject to forfeiture under ORS 540.610.
18. A water delivery system sufficient to use the full amount of water allowed under the existing right was present within the five-year period prior to submittal of Transfer Application T-14094.
19. The water right is subject to transfer as defined in ORS 540.505(4) and OAR 690-380-0100(14).
20. The proposed points of diversion, as conditioned, divert water from the same source of surface water as the authorized point of diversion, as required by OAR 690-380-2110(2).
21. The proposed changes, as conditioned, would not result in enlargement of the right.
22. The proposed changes, as conditioned, would not result in injury to other existing water rights.
23. All other application requirements are met.

**Partial Cancellation of a Water Right**

24. On June 13, 2024, an affidavit certifying that a portion of a water right has been abandoned and requesting cancellation of the right was received from the applicant’s agent. The right to be cancelled is as follows:

**Certificate:** 72609 in the name of SAM AKLIN (perfected under Permit S-1756)  
**Use:** IRRIGATION OF 40.98 ACRES and DOMESTIC USE  
**Priority Date:** SEPTEMBER 11, 1913  
**Rate:** 0.59 CUBIC FOOT PER SECOND  
**Limit/Duty:** The amount of water to which this right is entitled is limited to an amount actually beneficially used and shall not exceed ONE-EIGHTIETH of one cubic foot per second for each acre irrigated, or its equivalent in case of rotation and ONE-TENTH cubic foot per second for domestic use.  
**Source:** PINE CREEK, a tributary of SNAKE RIVER

**Authorized Place of Use:**

IRRIGATION AND DOMESTIC						
Twp	Rng	Mer	Sec	Q-Q	GLot	Acres
7 S	48 E	WM	8	NE NE		3.14
7 S	48 E	WM	8	SE NE		0.30
7 S	48 E	WM	9	NW NW	5	8.64
7 S	48 E	WM	9	SW NW	4	25.24
7 S	48 E	WM	9	SE NW	3	3.66
TOTAL						40.98

**Conclusions of Law**

The change in point of diversion, additional point of diversion and change in place of use proposed in Transfer Application T-14094 are consistent with the requirements of ORS 540.505 to 540.580 and OAR 690-380-5000 and the portion of the abandoned right shall be cancelled.

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

1. The change in point of diversion, additional point of diversion and change in place of use proposed in Transfer Application T-14094 are approved. The portion of the right that has been abandoned is cancelled.
2. The right to the use of the water is restricted to beneficial use at the place of use described and is subject to all other conditions and limitations contained in Certificate 72609 and any related decree.
3. Approval of this transfer application does not constitute nor grant legal access onto or through another person’s property for purposes of accessing the new points of diversion and the new place of use.
4. Water right Certificate 72609 is cancelled.

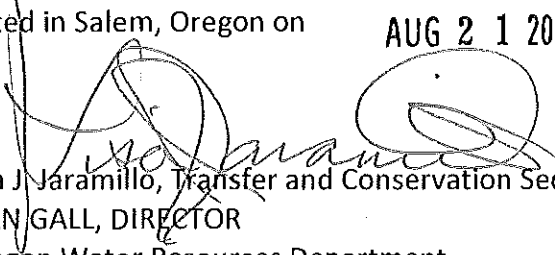
5. The quantity of water diverted at the new point of diversion (NORTH INTAKE) shall not exceed the quantity of water lawfully available at the original point of diversion (J.A. VAUGHN DITCH).
6. The quantity of water diverted at the new additional point of diversion (PARK INTAKE) together with that diverted at the proposed point of diversion (NORTH INTAKE), shall not exceed the quantity of water lawfully available at the original point of diversion (J.A. VAUGHN DITCH).
7. Water shall be acquired from the same source of surface water as the original point of diversion.
8. The former place of use of the transferred right shall no longer receive water under the right.
9. The applicant runs and maintains a gaging station on Pine Creek near Oxbow (gage #13290190), which allows the Department to measure the amount of water that Pine Creek is contributing to the Snake River. The intakes for the Park Intake (Snake River) are below the confluence of Pine Creek. The applicant will install flow meters on both intakes, allowing the Department to monitor both the gaging station and flow meters, to ensure more water is not being diverted than the amount of water Pine Creek is adding to the Snake River, avoiding enlargement.
10. Water use measurement conditions:
  - a. Before water use may begin under this order, the water user shall install a totalizing flow meter, or, with prior approval of the Director, another suitable measuring device, at each point of diversion (new and existing)
  - b. The water user shall maintain the meters or measuring devices in good working order.
  - c. The water user shall allow the Watermaster access to the meters or measuring devices; provided however, where the meters or measuring devices are located within a private structure, the Watermaster shall request access upon reasonable notice.
11. Prior to diverting water, the water user shall install an approved fish screen at the new points of diversion and shall provide to the OWRD a written statement from Oregon Department of Fish and Wildlife (ODFW) that the installed screens meet the state's criteria, or that ODFW has determined a screen is not necessary.

The water user shall operate and maintain the fish screen at the new points of diversion consistent with ODFW's operational and maintenance standards. If ODFW determines the screens are not functioning properly and is unsuccessful in working with the water user to meet ODFW standards, ODFW may request that OWRD regulate the use of water until OWRD receives notification from ODFW that the fish screen is functioning properly.

12. Full beneficial use of the water shall be made, consistent with the terms of this order, on or before **October 1, 2026**. A Claim of Beneficial Use prepared by a Certified Water Right Examiner shall be submitted by the applicant to the Department within one year after the deadline for completion of the changes and full beneficial use of the water.
13. After satisfactory proof of beneficial use is received, a new certificate confirming the right transferred will be issued.

Dated in Salem, Oregon on

**AUG 21 2025**

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

Mailing Date:           **AUG 22 2025**

IN THE CIRCUIT COURT OF  
THE STATE OF OREGON  
FOR BAKER/GRANT/MORROW/UMATILLA/UNION/WALLOWA COUNTIES

}AFFIDAVIT OF PUBLICATION

STATE OF OREGON

Counties of Baker/Grant/Morrow/Umatilla/Union/Wallowa} ss

I, Audra Workman being duly sworn, depose and say that I am the principal clerk of the publisher of the East Oregonian, eastoregonian.com, bakercityherald.com, lagrandeobserver.com, hermistonherald.com, bluemountaineagle.com and wallowa.com, a newspaper of general circulation, as defined by ORS 193.010 and 193.020; that the

EO-13897 NOTICE OF PRELIMINARY DETERMINATION FOR WATER RIGHT TRANSFER T-14094 T-14094 FILED BY KRESTA DAVIS IDAHO POWER CO PO BOX 70 BOISE ID 83707 PROPOSES A CHANGE IN POINT OF DIVERSION AN ADDITION

a printed copy of which is hereto annexed; was published in the entire issue of said newspaper for 2 successive and consecutive issues in the following issues:

6/25/25, 7/02/25

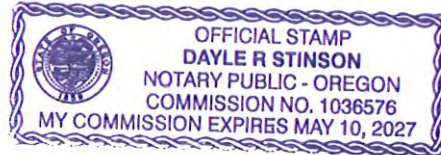
Subscribed and sworn to before me on this 2nd day of July, A.D. 2025

*Audra Workman*  
*Dayle R Stinson*  
Notary Public of Oregon

Add: 481572

PO:

Tagline: EO-13897 T-14094



Received  
JUL 08 2025  
OWRD

**EO-13897  
Notice of Preliminary  
Determination for  
Water Right Transfer T-14094**

T-14094 filed by Kresta Davis, Idaho Power Co., PO Box 70, Boise, ID 83707, proposes a change in point of diversion, an additional point of diversion and a change in place of use under Certificate 72609. The right allows the use of 0.3 cubic foot per second from Pine Creek in Sec. 17, T7S, R48E, WM, for Irrigation and Domestic Use in Sects. 8 and 9, T7S, R48E, WM. The applicant proposes to move the point of diversion to Sec. 9, T7S, R48E, WM, an additional point of diversion in Sec. 9, T7S, R48E, WM, and to change the place of within to Sects. 8 and 9, T7S, R48E, WM. The Water Resources Department proposes to approve the transfer, based on the requirements of ORS Chapter 540 and OAR 690-380-5000.

Any person may file, jointly or severally, a protest or standing statement within 30 days after the last date of newspaper publication of this notice, 07/02/25. Call (503) 986-0935 to obtain additional information. If no protests are filed, the Department will issue a final order consistent with the preliminary determination.  
Publish June 25, July 2, 2025

**Received**  
**JUL 08 2025**  
**OWRD**

**WATER RIGHT TRANSFER COVER SHEET**

Transfer: T- 14094

Transfer Specialist:

Transfer Type: Regular Transfer

*RA*

*Dante L*

<b>Applicant:</b> KRESTA DAVIS PO BOX 70 BOISE, ID 83707 Email: _____ Phone: _____		<b>Agent:</b> <input type="checkbox"/> N/A PAUL GARVIN 1705 MAIN ST SUITE 101 BAKER CITY, OR 97814 Email: _____ Phone: _____	
<b>Irrigation District:</b> <input type="checkbox"/> N/A Email: _____		<b>CWRE:</b> <input type="checkbox"/> N/A Email: _____	
<b>Affected Local Gov'ts:</b> <input type="checkbox"/> N/A Baker County Email: _____		<b>Affected Tribal Gov't:</b> <input type="checkbox"/> N/A UNAVAILABLE Email: _____	
<b>Current Landowner if other than Applicant:</b> <input type="checkbox"/> N/A Email: _____		<b>Receiving Landowner:</b> <input type="checkbox"/> N/A Email: _____	

**Water Rights Affected**

File Marked	App. File # or Decree Name	Permit	Certificate	RR/CR Needed	RR/CR Nos.
<input type="checkbox"/>	S-3181	S-1756	72609	<input type="checkbox"/> Yes <input type="checkbox"/> No	
<input type="checkbox"/>				<input type="checkbox"/> Yes <input type="checkbox"/> No	
<input type="checkbox"/>				<input type="checkbox"/> Yes <input type="checkbox"/> No	

**Key Dates & Initial Actions:**

Rec'd: September 21, 2022	Proposed Action(s): POINT OF DIVERSION; ADDITIONAL POINT OF DIVERSION; PLACE OF USE	
Fees Pd: 2450.00	WM District: 8	ODFW District:
Initial Public Notice: September 27, 2022	WM Review sent:	ODFW Review sent:
Acknowledgement Letter Sent <input type="checkbox"/>		GW Review sent: <input type="checkbox"/> N/A
County sent cc: of Ack Letter <input type="checkbox"/>	BOR notified (date): <input type="checkbox"/> N/A	
Newspaper quote requested:	Request for news \$ sent:	News \$ received:
Request to publish sent:	Affidavit of publication received:	Last day of publication:

Document	Drafted	Peer Review	Changes Made	Coordinator	Changes Made	Signature Bin	Signature Date
DPD	Date: <u>4-10-25</u> Initials: <u>AZ</u>	Date: <u>4-11-25</u> Initials: <u>RF</u>	Date: <u>4-11-25</u> Initials: _____	Date: <u>4-11-25</u> Initials: <u>CC</u>	Date: <u>4-12-25</u> Initials: <u>AZ</u>	CW Sent: _____	N/A
PD	Date: <u>5-1-25</u> Initials: <u>AZ</u>	Date: <u>5-14-25</u> Initials: <u>RF</u>	Date: _____ Initials: _____	Date: <u>5-15-25</u> Initials: <u>RF</u>	Date: <u>5-22-25</u> Initials: <u>AZ</u> Dante: <u>5-23-25</u>	Date: <u>6-16-25</u>	Date: <u>6/20/25</u>
FO	Date: _____ Initials: _____	Date: _____ Initials: _____	Date: _____ Initials: _____	Date: _____ Initials: _____	Date: _____ Initials: _____	Date: _____	Date: _____

Special Issues: \_\_\_\_\_

Special Order Volume: Vol. \_\_\_\_\_ Pages \_\_\_\_\_



# Oregon

Tina Kotek, Governor

Water Resources Department

North Mall Office Building

725 Summer St NE, Suite A

Salem, OR 97301

Phone 503 986-0900

Fax 503 986-0904

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

June 20, 2025

VIA CERTIFIED MAIL AND E-MAIL

IDAHO POWER COMPANY  
KRESTA DAVIS  
PO BOX 70  
BOISE, ID 83707

SUBJECT: Water Right Transfer Application T-14094

Please find enclosed the Preliminary Determination indicating that, based on the information available, the Department intends to approve application T-14094. This document is an intermediate step in the approval process; water may not be used legally as proposed in the transfer application until a Final Order has been issued by the Department. Please read this entire letter carefully to determine your responsibility for additional action.

A public notice is being published in the Department's weekly publication and in the Baker City Herald newspaper, simultaneously with issuance of the Preliminary Determination. The notice initiates a 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. The protest period will end 30 days after the last date of newspaper publication.

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.

Please don't hesitate to contact me at 971 304-5006 or [Dante.J.Luongo@water.oregon.gov](mailto:Dante.J.Luongo@water.oregon.gov), if I may be of assistance.

Sincerely,

Dante Luongo  
Transfer Specialist  
Transfer and Conservation Section

cc: Transfer Application file T-14094  
Marcy J. Osborn, District 8 Watermaster *(via e-mail)*  
Paul Garvin, Agent for the applicant *(via e-mail)*

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

In the Matter of Transfer Application	)	PRELIMINARY DETERMINATION
T-14094, Baker County	)	PROPOSING APPROVAL OF A CHANGE IN
	)	POINT OF DIVERSION, AN ADDITIONAL
	)	POINT OF DIVERSION, A CHANGE IN
	)	PLACE OF USE, AND PARTIAL
	)	CANCELLATION OF A WATER RIGHT
	)	CERTIFICATE

**Authority**

Oregon Revised Statutes (ORS) 540.505 to 540.580 establish 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. Oregon Administrative Rules (OAR) Chapter 690, Division 380 implement the statutes and provides the Department's procedures and criteria for evaluating transfer applications.

ORS 540.621 establishes the process for the owner of land to which a water right is appurtenant to certify under oath that the water right, or a portion thereof, has been abandoned and request voluntary cancellation.

**Applicant**

KRESTA DAVIS  
IDAHO POWER COMPANY  
PO BOX 70  
BOISE, ID 83707

**Findings of Fact**

1. On September 21, 2022, KRESTA DAVIS, IDAHO POWER COMPANY, filed an application for an additional point of diversion, to change the point of diversion, and to change the place of use under Certificate 72609. The Department assigned the application number T-14094.
2. Notice of the application for transfer was published on September 27, 2022, pursuant to OAR 690-380-4000. No comments were filed in response to the notice.
3. On February 1, 2024, the Department contacted the applicant's agent via email regarding deficiencies in the application and issues found during the initial review of Transfer Application T-14094. The deficiencies included an incomplete Land Use Form, the validity of the evidence of use as the application indicates that the applicant has been using a point of diversion not authorized under Certificate 72609, and pursuant to OAR 690-380-0100(2)(c),

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 the newspaper notice or the Department's weekly notice as prescribed by OAR 690-380-4020, whichever is later, of this preliminary determination.

a finding of enlargement as Transfer Application 14094 proposes diverting water from the Snake River (identified on Transfer Application T-14094 as North Intake and Park Intake). The authorized source of water under Certificate 72609 is Pine Creek (identified on Transfer Application T-14094 as J.A. Vaughn Ditch). A finding of enlargement was not included in the District 8 Watermaster's review.

4. On February 28, 2024, the Department's District 8 Watermaster and the East Region Manager, met with the applicant's agent to address the enlargement issue. Both the Watermaster and Region Manager agree that there would not be a finding of enlargement under Transfer Application T-14094. Idaho Power runs and maintains a gaging station on Pine Creek near Oxbow (gage # 13290190), which allows the Department to measure the amount of water that Pine Creek is contributing to the Snake River. The intakes for the Park Intake (Snake River) are below the confluence of Pine Creek.
5. The Department requires that the applicant installs flow meters on both intakes. This will allow the Department to monitor both the gaging station and flow meters, to ensure more water is not being diverted than the amount of water Pine Creek is adding to the Snake River, and avoiding the enlargement issue. The watermaster reviewed the historical data during the later summer months, and the average amount of water being added to the Snake River from Pine Creek is always equal to approximately 0.54 cubic foot per second (CFS). Low flows for Pine Creek consisted of 28.5 CFS in 2020, 17.5 CFS in 2021, 27.5 CFS in 2022, and 25 CFS in 2023.
6. On March 20, 2024, the applicant's agent submitted an amended Land Use Form, amended application pages and an amended application map.
7. On March 17, 2025, the Department contacted the applicant's agent requesting additional information on the amended application pages and maps, previously submitted on March 20, 2024.
8. On April 1, 2025, the applicant's agent submitted additional amended application pages and a map, satisfying the deficiency.
9. On April 25, 2025, the Department sent a copy of the draft Preliminary Determination proposing to approve Transfer Application T-14057 to the applicant. The draft Preliminary Determination cover letter set forth a deadline of May 25, 2025, for the applicant to respond. The applicant requested that the Department proceed with issuance of a Preliminary Determination and provided the necessary information to demonstrate that the applicant is authorized to pursue the transfer.
10. The right to be transferred is as follows:

**Certificate:** 72609 in the name of SAM AKLIN (perfected under Permit S-1756)  
**Use:** IRRIGATION OF 22.02 ACRES and DOMESTIC USE  
**Priority Date:** SEPTEMBER 11, 1913  
**Rate:** 0.30 CUBIC FOOT PER SECOND

**Limit/Duty:** The amount of water to which this right is entitled is limited to an amount actually beneficially used and shall not exceed ONE-EIGHTIETH of one cubic foot per second for each acre irrigated, or its equivalent in case of rotation and ONE-TENTH cubic foot per second for domestic use.

**Source:** PINE CREEK, a tributary of SNAKE RIVER

**Authorized Point of Diversion:**

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
<i>Not specified in certificate</i>					

**Authorized Place of Use:**

IRRIGATION AND DOMESTIC							
Twp	Rng	Mer	Sec	Q-Q	GLot	Acres	Changes Being Made
7 S	48 E	WM	8	NE NE		0.86	POD/APOD
7 S	48 E	WM	8	SE NE		0.70	POD/APOD
7 S	48 E	WM	9	NW NW	5	10.35	POD/APOD
7 S	48 E	WM	9	SW NW	4	2.46	POD/APOD
7 S	48 E	WM	9	SE NW	3	7.65	POU, POD, APOD
Total						22.02	

11. The Department has received information from the applicant that better describes the authorized point of diversion under Certificate 72609:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
7 S	48 E	WM	17	SE SW	J. A. VAUGHN DITCH - 900 FEET NORTH AND 1695 FEET EAST FROM THE SW CORNER OF SECTION 17

12. Transfer Application T-14094 proposes to move the authorized point of diversion to:

Twp	Rng	Mer	Sec	Q-Q	GLot	Measured Distances	Approximate Distance from the Authorized Point of Diversion
7 S	48 E	WM	9	NW NW	5	NORTH INTAKE - 154 FEET SOUTH AND 561 FEET EAST FROM THE NW CORNER OF SECTION 9	1700 FEET DOWNSTREAM

13. Transfer Application T-14094 also proposes an additional point of diversion approximately 550 feet upstream from proposed North Intake POD to:

Twp	Rng	Mer	Sec	Q-Q	G Lot	Measured Distances	Approximate Distance from the Proposed Point of Diversion
7 S	48 E	WM	9	NW NW	S	PARK INTAKE -- 1117 FEET SOUTH AND 1179 FEET EAST FROM THE NW CORNER OF SECTION 9	550 FEET UPSTREAM

14. Transfer Application T-14094 also proposes to change the place of use of a portion of the right to:

IRRIGATION AND DOMESTIC					
Twp	Rng	Mer	Sec	Q-Q	Acres
7 S	48 E	WM	8	NE NE	0.70
7 S	48 E	WM	8	SE NE	1.81
7 S	48 E	WM	9	NW NW	5.14
Total					7.65

15. The Oregon Department of Fish and Wildlife (ODFW) has determined that a fish screen is necessary at the new point of diversion to prevent fish from entering the diversion and that the diversion is not currently equipped with an appropriate fish screen. This diversion may be eligible for screening cost-share funds.

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

16. Water has been used within the last five years according to the terms and conditions of the right. There is no information in the record that would demonstrate that the right is subject to forfeiture under ORS 540.610.
17. A water delivery system sufficient to use the full amount of water allowed under the existing right was present within the five-year period prior to submittal of Transfer Application T-14094.
18. The water right is subject to transfer as defined in ORS 540.505(4) and OAR 690-380-0100(14).
19. The proposed points of diversion, as conditioned, divert water from the same source of surface water as the authorized point of diversion, as required by OAR 690-380-2110(2).
20. The proposed changes, as conditioned, would not result in enlargement of the right.
21. The proposed changes, as conditioned, would not result in injury to other existing water rights.
22. All other application requirements are met.

***Partial Cancellation of a Water Right***

23. On June 13, 2024, an affidavit certifying that a portion of a water right has been abandoned and requesting cancellation of the right was received from the applicant's agent. The right to be cancelled is as follows:

**Certificate:** 72609 in the name of SAM AKLIN (perfected under Permit S-1756)  
**Use:** IRRIGATION OF 40.98 ACRES and DOMESTIC USE  
**Priority Date:** SEPTEMBER 11, 1913  
**Rate:** 0.59 CUBIC FOOT PER SECOND

**Limit/Duty:** The amount of water to which this right is entitled is limited to an amount actually beneficially used and shall not exceed ONE-EIGHTIETH of one cubic foot per second for each acre irrigated, or its equivalent in case of rotation and ONE-TENTH cubic foot per second for domestic use.

**Source:** PINE CREEK, a tributary of SNAKE RIVER

**Authorized Place of Use:**

IRRIGATION AND DOMESTIC						
Twp	Rng	Mer	Sec	Q-Q	Glots	Acres
7 S	48 E	WM	8	NE NE		3.14
7 S	48 E	WM	8	SE NE		0.30
7 S	48 E	WM	9	NW NW	5	8.64
7 S	48 E	WM	9	SW NW	4	25.24
7 S	48 E	WM	9	SE NW	3	3.66
TOTAL						40.98

**Determination and Proposed Action**

The change in point of diversion, additional point of diversion and change in place of use proposed in Transfer Application T-14094 appear to be consistent with the requirements of ORS 540.505 to 540.580 and OAR 690-380-5000 and the portion of the abandoned right should be cancelled. If protests are not filed pursuant to OAR 690-380-4030, the transfer application will be approved, and the portion of the abandoned right will be cancelled.

*If Transfer Application T-14094 is approved, the final order will include the following:*

1. *The change in point of diversion, additional point of diversion and change in place of use proposed in Transfer Application T-14094 are approved. The portion of the right that has been abandoned is cancelled.*
2. *The right to the use of the water is restricted to beneficial use at the place of use described and is subject to all other conditions and limitations contained in Certificate 72609 and any related decree.*
3. *Approval of this transfer application does not constitute nor grant legal access onto or through another person's property for purposes of accessing the new points of diversion and the new place of use.*
4. *Water right Certificate 72609 is cancelled.*
5. *The quantity of water diverted at the new point of diversion (NORTH INTAKE) shall not exceed the quantity of water lawfully available at the original point of diversion (J.A. VAUGHN DITCH).*
6. *The quantity of water diverted at the new additional point of diversion (PARK INTAKE) together with that diverted at the proposed point of diversion (NORTH INTAKE), shall not exceed the quantity of water lawfully available at the original point of diversion (J.A. VAUGHN DITCH).*

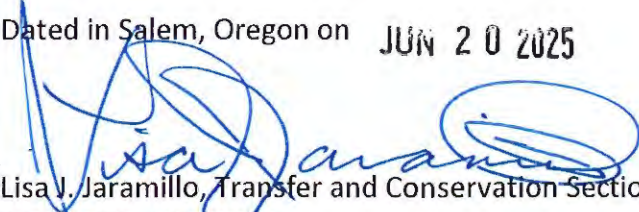
7. *Water shall be acquired from the same source of surface water as the original point of diversion.*
8. *The former place of use of the transferred right shall no longer receive water under the right.*
9. *The applicant runs and maintains a gaging station on Pine Creek near Oxbow (gage #13290190), which allows the Department to measure the amount of water that Pine Creek is contributing to the Snake River. The intakes for the Park Intake (Snake River) are below the confluence of Pine Creek. The applicant will install flow meters on both intakes, allowing the Department to monitor both the gaging station and flow meters, to ensure more water is not being diverted than the amount of water Pine Creek is adding to the Snake River, avoiding enlargement.*
10. *Water use measurement conditions:*
  - a. *Before water use may begin under this order, the water user shall install a totalizing flow meter, or, with prior approval of the Director, another suitable measuring device, at each point of diversion (new and existing)*
  - b. *The water user shall maintain the meters or measuring devices in good working order.*
  - c. *The water user shall allow the Watermaster access to the meters or measuring devices; provided however, where the meters or measuring devices are located within a private structure, the Watermaster shall request access upon reasonable notice.*
11. *Prior to diverting water, the water user shall install an approved fish screen at the new points of diversion and shall provide to the OWRD a written statement from Oregon Department of Fish and Wildlife (ODFW) that the installed screens meet the state's criteria, or that ODFW has determined a screen is not necessary.*

*The water user shall operate and maintain the fish screen at the new points of diversion consistent with ODFW's operational and maintenance standards. If ODFW determines the screens are not functioning properly and is unsuccessful in working with the water user to meet ODFW standards, ODFW may request that OWRD regulate the use of water until OWRD receives notification from ODFW that the fish screen is functioning properly.*

12. *Full beneficial use of the water shall be made, consistent with the terms of this order, on or before **October 1, 2026**. A Claim of Beneficial Use prepared by a Certified Water Right Examiner shall be submitted by the applicant to the Department within one year after the deadline for completion of the changes and full beneficial use of the water.*

13. After satisfactory proof of beneficial use is received, a new certificate confirming the right transferred will be issued.

Dated in Salem, Oregon on JUN 20 2025

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

This Preliminary Determination was prepared Dante Luongo. If you have questions about the information contained in this document, you may reach me at 503-979-3129 or [dante.j.luongo@water.oregon.gov](mailto:dante.j.luongo@water.oregon.gov)

## Protests

Under the provisions of ORS 540.520(6) & (7) and OAR 690-380-4030, within 30 days after the last date of publication of the newspaper notice or the Department's weekly notice as prescribed by OAR 690-380-4020, whichever is later, any person may file, jointly or severally, a protest expressing opposition of approval of the transfer application and disagreement with this Preliminary Determination or a standing statement in support of this Preliminary Determination. If this Preliminary Determination determines that a change in point of diversion or appropriation would result in injury, the applicant may file a notification of intent to pursue approval of the transfer under OAR 690-380-5030 to 690-380-5050. Protests and standing statements must be received by the Water Resources Department within 30 days after the last date of publication of the newspaper notice or the Department's weekly notice as prescribed by OAR 690-380-4020, whichever is later.

Protests must be in writing and received in hard copy form with the appropriate statutory protest filing fee; protests cannot be filed by electronic mail. [OAR 690-002-0025(3) and 690-380-0100(9)]. The protest must include the following:

- The person's name, address, and telephone number;
- All reasonably ascertainable issues and all reasonably available arguments supporting the person's position by the close of the protest period. Failure to raise a reasonably ascertainable issue in a protest or failure to provide sufficient specificity to afford the Department an opportunity to respond to the issue may preclude consideration of the issue during the hearing;

- If you are the applicant, a protest fee of \$480 required by ORS 536.050; and
- If you are not the applicant, a protest fee of \$950 required by ORS 536.050 and proof of service of the protest upon the applicant.

### Requests for Standing

Under the provisions of OAR 690-380-4030(5), the Department shall provide to persons who have filed standing statements as defined under OAR 690-380-0100(11) notice of any differences between the Department's Preliminary Determination and the Final Order, notice of a hearing on the application under OAR 137-003-0535, and an opportunity to request limited party status or party status in the hearing.

Requests for standing must be received in the Water Resources Department no later than 30 days after the last date of publication of the newspaper notice or the Department's weekly notice as prescribed by OAR 690-380-4020, whichever is later. Requests for standing must be in writing, and must include the following:

- The requester's name, mailing address and telephone number;
- If the requester is representing a group, association or other organization, the name, address and telephone number of the represented group;
- A statement that the requester supports the preliminary determination as issued.

After the protest period has ended, the Director will either issue a Final Order or schedule a contested case hearing. The contested case hearing will be scheduled only if a protest has been filed under OAR 690-380-4030. In accordance with OAR 690-380-4200, notice and conduct of the hearing shall:

- Be under the applicable provisions of ORS 183.310 to 183.550, pertaining to contested cases, and the hearing shall be held in the area where the rights are located unless all parties stipulate otherwise; and
- If a protest has asserted that a water right to be transferred has been forfeited through non-use, include the notice and procedures described in OAR 690-017-0500 to 690-017-0900.

If after hearing the Department issues a proposed Final Order finding that a change in point of diversion or appropriation will result in injury, the applicant may file a notification of intent to pursue approval of the transfer under OAR 690-380-5030 to 690-380-5050 within 15 days of receipt of the proposed order. Notwithstanding 690-002-0175, if the applicant files a notification of intent to pursue approval of the transfer under 690-380-5030 to 690-380-5050,

the deadline for filing exceptions to the proposed order shall be 30 days after the Department provides notice to the parties that the transfer does not meet the requirements of 690-380-5030 to 690-380-5050.

If you do not request a hearing within 30 days after the close of the protest period, or if you withdraw a request for a hearing, notify the Department or the administrative law judge that you will not appear, or fail to appear at a scheduled hearing, the Director may issue a final order by default. If the Director issues a Final Order by default, the Department designates the relevant portions of its files on this matter, including all materials that you have submitted relating to this matter, as the record for purpose of proving a *prima facie* case upon default.

You may be represented by an attorney at the hearing. Legal aid organizations may be able to assist a party with limited financial resources. Generally, partnerships, corporations, associations, governmental subdivisions, or public or private organizations are represented by an attorney. However, consistent with OAR 690-002-0020 and OAR 690-137-0555, an agency representative may represent partnerships, corporations, associations, governmental subdivisions or public, or private organizations if the Department determines that appearance of a person by an authorized representative will not hinder the orderly and timely development of the record in this case.

**Notice Regarding Servicemembers:** Active-duty servicemembers have a right to stay proceedings under the federal Servicemembers Civil Relief Act. 50 U.S.C. App. §§501-597b. For more information contact the Oregon State Bar at 800-452-8260, the Oregon Military Department at 971-355-4127, or the nearest United States Armed Forces Legal Assistance Office through <http://legalassistance.law.af.mil>.

If you have questions about how to file a protest or if you have previously filed a protest and you want to know the status, please contact Will Davidson at 503-507-2749.

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

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



# Oregon

Tina Kotek, Governor

## Water Resources Department

North Mall Office Building  
725 Summer St NE, Suite A  
Salem, OR 97301  
Phone 503-986-0900  
Fax 503 986-0904  
www.oregon.gov/owrd

May 30, 2025

IDAHO POWER COMPANY  
KRESTA DAVIS  
PO BOX 70  
BOISE, ID 83707

**SUBJECT:** Water Right Transfer Application T-14094 Your water right transfer will be ready for issuance of the Preliminary Determination, once the Department receives payment for publication of the newspaper notice.

### Items needed before the next phase of processing...

At this time you need to:

1. submit a check in the amount of \$148.20 (to cover cost of publication of the notice), made out to the Oregon Water Resources Department.
2. **write "for T-14094 NOTICE" on the front of your check, and**
3. submit it with the tracking stub at the bottom of this letter.

Mail the check to 725 Summer St. NE, Suite A, Salem, OR 97301-1266, **no later than June 29, 2025.**

### What happens next...

Shortly after receiving payment, the Department will issue the Preliminary Determination, initiate publication in the Baker City Herald newspaper, and also publish the notice on the Department's weekly notice. Publication of the notice will initiate a protest period during 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.

**If we do not receive payment for newspaper notice by June 29, 2025, a Preliminary Determination may be issued denying the application as incomplete.**

Please don't hesitate to contact me at 971 304-5006 or [Dante.J.Luongo@water.oregon.gov](mailto:Dante.J.Luongo@water.oregon.gov) if I may be of assistance.

Sincerely,  
Dante Luongo  
Transfer Specialist  
Transfer and Conservation Section

cc: T-14057  
Marcy J. Osborn, District 8 Watermaster (via e-mail)  
Paul Garvin, Agent for the applicant (via e-mail)

Received  
MAY 06 2025  
OWRD

✂-----  
**Attached** is a check in the amount of \$148.20 (PCA #46118) for Newspaper Notice for Transfer T-14094 made out to Oregon Water Resources Department ( or WRD)

- **"for T- 14094 NOTICE" written on front of check**

Mail to: Oregon Water Resources Department  
725 Summer St. NE, Suite A  
Salem, OR 97301-1266

Caseworker: Dante Luongo

**AFFIDAVIT FOR THE VOLUNTARY CANCELLATION OF A PORTION  
OF A WATER RIGHT CERTIFICATE (ORS 540.621)**

State of Oregon )  
 ) ss  
County of Baker )

I/We (or authorized agent), Idaho Power Company  
residing at PO Box 70 Boise, ID 83707  
telephone number 208-388-2602, being first duly sworn depose and say:

- Multiple taxlots and Quarter sections.  
Shown on attached map.
1. I/We are the legal and deeded owner(s) of the property described as tax lot number Shown on attached map within the \_\_\_\_\_ ¼, Section \_\_\_\_\_, Township 7S (N/S), Range 48E (E/W), of the Willamette Meridian, in \_\_\_\_\_, Oregon, as shown on the attached map and described in the attached deed and legal description and made part of this affidavit.
  2. I/We wish to cancel the following portion(s) of the water right certificate number 72609 issued to Sam Alkin (a representative of Idaho Power Company) with a date of priority of 9/11/1913.

A place of use, or use.

- For the use of (specify irrigation, domestic, etc.) Irrigation and domestic
- FOR IRRIGATION OR NURSERY USE:*
- Total number of acres to be cancelled 40.98
  - Location of acres to be cancelled must be clearly identified on a copy of the final proof map.
- In the amount of 0.58 cubic foot per second
  - From the water source(s) Pine Creek

AND/OR (less common) Not Applicable

One or more of the authorized points of diversion (surface water) or points of appropriation (groundwater) authorized under the certificate.

- For the use of (specify irrigation, domestic, etc.) \_\_\_\_\_
- From the water source(s) \_\_\_\_\_
- Located within the \_\_\_\_\_ ¼, Section \_\_\_\_\_, Township \_\_\_\_\_ (N/S), Range \_\_\_\_\_ (E/W),  
Location Description (if given on the certificate) \_\_\_\_\_

3. The appurtenant water right is/is not located within the boundaries of an irrigation, drainage, water improvement, or water control district, or federal reclamation project (if the right is located within a district or reclamation project, name it here: Not Applicable)

4. The portion of the water right being cancelled is served by an irrigation district. The signature of the district manager on the line below indicates the concurrence of the district to the cancellation of the portion of the water right served by the district.

Not Applicable  
Signature of district manager

Printed Name

Date

5. If the water right is issued in the name of an irrigation district then the affiant must have the concurrence of the district to the cancellation of the portion of the water right. (Signature of district manager on the line below documents consent of the district.)

Not Applicable  
Signature of district manager

Printed Name

Date

6. I/We have abandoned any and all interest in the portion of the water right described in Item 2, above, and request that portion of the right be canceled.

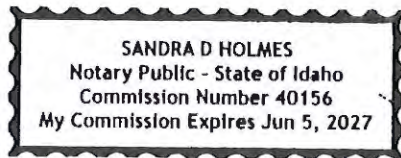
Kustalaino  
Signature of legal owner as listed on deed, or authorized agent

7.1.2024  
Date

\_\_\_\_\_  
Signature of legal co-owner as listed on deed  
(If applicable)

\_\_\_\_\_  
Date

Subscribed and Sworn to Before Me this 1<sup>st</sup> day of July, 2024



Sandra D Holmes  
Notary Public for Oregon Idaho

My Commission Expires 6-5-2027

PLEASE ATTACH A LEGIBLE COPY OF:

- 1) A deed which lists landowners and includes a legal description of affected lands, and
- 2) A copy of a water right final proof map, or a tax lot map, or an adjudication map with the abandoned portion of the right clearly drawn and identified.
- 3) IF ACTING AS AN AUTHORIZED AGENT, include a copy of Power of Attorney or other documents granting authority to act on behalf of the legal owner(s).

Received  
JUL 25 2024

OWRD

**Part 5 of 5 – Water Right Information**

CERTIFICATE # 72609

Received by OWRD

**Description of Water Delivery System**

MAR 20 2024

System capacity: 0.5 cubic feet per second (cfs) OR  
 \_\_\_\_\_ gallons per minute (gpm)

Salem, OR

Describe the current water delivery system or the system that was in place at some time within the last five years. Include information on the pumps, canals, pipelines, and sprinklers used to divert, convey, and apply the water at the authorized place of use.

The original authorized point of diversion (JA Vaughn Ditch) has not been in use for at least 50 years. Pine Creek Water is currently diverted from two intakes on the Snake River. The North Intake is located approximately 1,700 ft downstream of the confluence with Pine Creek and the Park Intake is located approximately 550 ft downstream of the confluence with Pine Creek. The North Intake water is distributed to the places of use north and west of road NF-454 via buried mainline and the Water from the Park Intake is distributed to the places of use south and east of road NF-454 via buried mainline. Water is applied to the irrigated areas via sprinklers. Totalizing flowmeters will be installed at each point of diversion and a stream gage operated by Idaho Power is located approximately 180 ft downstream of the JA Vaughn Ditch POD . Monitoring and comparison of these flow measurement devices will ensure that no enlargement occurs.

**Table 1. Location of Authorized and Proposed Point(s) of Diversion (POD) or Appropriation (POA)**  
 (Note: If the POD/POA name is not specified on the certificate, assign it a name or number here.)

POD/POA Name or Number	Is this POD/POA Authorized on the Certificate or is it Proposed?	If POA, OWRD Well Log ID# (or Well ID Tag # L- )	Twp		Rng		Sec	¼ ¼		Tax Lot, DLC or Gov't Lot	Measured Distances (from a recognized survey corner)
J.A. Vaughn Ditch	<input checked="" type="checkbox"/> Authorized <input type="checkbox"/> Proposed	NA	7	S	48	E	17	SE	SW	TL 0600	1,695 ft E and 900 ft N from the SW corner of Section 17
North Intake	<input type="checkbox"/> Authorized <input checked="" type="checkbox"/> Proposed	NA	7	S	48	E	9	NW	NW	TL 0100, Lot 5	561 ft E and 154 ft S from the NW corner of Section 9
Park Intake	<input type="checkbox"/> Authorized <input checked="" type="checkbox"/> Proposed	NA	7	S	48	E	9	NW	NW	TL 0100, Lot 5	1,117 feet S and 1,179 feet E from the NW corner of Section 9

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

- |  |   |
|--|---|
| <input checked="" type="checkbox"/> Place of Use (POU)                   | <input type="checkbox"/> Supplemental Use to Primary Use (S to P) |
| <input type="checkbox"/> Character of Use (USE)                          | <input type="checkbox"/> Point of Appropriation/Well (POA)        |
| <input checked="" type="checkbox"/> Point of Diversion (POD)             | <input type="checkbox"/> Additional Point of Appropriation (APOA) |
| <input checked="" type="checkbox"/> Additional Point of Diversion (APOD) | <input type="checkbox"/> Substitution (SUB)                       |
| <input type="checkbox"/> Surface Water POD to Ground Water POA (SW/GW)   | <input type="checkbox"/> Government Action POD (GOV)              |

Will all of the proposed changes affect the entire water right?

- Yes Complete only the Proposed ("to" or "on" lands) section of Table 2 on the next page. Use the "CODES" listed above to describe the proposed changes.
- No Complete all of Table 2 to describe the portion of the water right to be changed.

Please use and attach additional pages of Table 2 as needed.  
See page 6 for instructions.

Do you have questions about how to fill-out the tables?  
Contact the Department at 503-986-0900 and ask for Transfer Staff.

**Table 2. Description of Changes to Water Right Certificate # 72609**

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

AUTHORIZED (the "from" or "off" lands) The listing that appears on the certificate BEFORE PROPOSED CHANGES List only that part or portion of the water right that will be changed.											Proposed Changes (see "CODES" from previous page)	PROPOSED (the "to" or "on" lands) The listing as it would appear AFTER PROPOSED CHANGES are made.									
Twp	Rng	Sec	¼ ¼	Tax Lot	Gvt Lot or DLC	Acres	Type of USE listed on Certificate	POD(s) or POA(s) (name or number from Table 1)	Priority Date	Twp		Rng	Sec	¼ ¼	Tax Lot	Gvt Lot or DLC	Ac	New Type of USE	POD(s)/ POA(s) to be used (from Table 1)	Priority Date	
<b>EXAMPLE</b>																					
2	S	9	E 15 NE NW	100		15.0	Irrigation	POD #1 POD #2	1901	POU/POD	2	S	9	E 1 NW NW	500	1	10.0		POD #5	1901	
											2	S	9	E 2 SW NW	500		5.0		POD #6	1901	
										POU, POD, APOD	7	S	48	E 8 NE NE	100		1.68	Irrigation/ domestic	North Intake, Park Intake	1913	
										POU, POD, APOD	7	S	48	E 8 SE NE	100,200		2.51	Irrigation/ domestic	North Intake, Park Intake	1913	
										POU, POD, APOD	7	S	48	E 9 NW NW	100,200	Lot 5	15.45	Irrigation/ domestic	North Intake, Park Intake	1913	
										POU, POD, APOD	7	S	48	E 9 SW NW	100	Lot 4	2.50	Irrigation/ domestic	North Intake, Park Intake	1913	
TOTAL ACRES:											TOTAL ACRES:						22.23				

Additional remarks:

The water user seeks 3 changes in this transfer: a POD change from JA Vaughn Ditch to the North Intake, an APOD change to add the Park Intake, and a POU change to reflect the actual irrigated areas.

The water user is aware that this transfer will result in partial diminution of Cert 72609 since only 22.23 acres of 63.00 permitted acres are being used for irrigation. A signed affidavit for the Voluntary Partial Diminution of a Water Right Certificate is attached to this application.

Received by OWRD

MAR 20 2024

Salem, OR

# Land Use Information Form



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

NAME Idaho Power Company			PHONE 208-388-2200		
MAILING ADDRESS PO Box 70					
CITY Boise		STATE ID	ZIP 83707	EMAIL KDavis2@idahopower.com	

Received by OWRD

## A. Land and Location

MAR 20 2024

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

Township	Range	Section	¼ ¼	Tax Lot #	Plan Designation (e.g., Rural Residential/RR-5)	Water to be:			Proposed Land Use:
7S	48E	8	NENE	100	RSA	<input type="checkbox"/> Diverted	<input checked="" type="checkbox"/> Conveyed	<input checked="" type="checkbox"/> Used	RSA
7S	48E	8	SENE	100,200	RSA	<input type="checkbox"/> Diverted	<input checked="" type="checkbox"/> Conveyed	<input checked="" type="checkbox"/> Used	RSA
7S	48E	9	NWNW	100,200	RSA	<input checked="" type="checkbox"/> Diverted	<input checked="" type="checkbox"/> Conveyed	<input checked="" type="checkbox"/> Used	RSA
7S	48E	9	SWNW	100	RSA	<input type="checkbox"/> Diverted	<input checked="" type="checkbox"/> Conveyed	<input checked="" type="checkbox"/> Used	RSA

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

Baker

NOTE: A separate Land Use Information Form must be completed and submitted for each county and city, as applicable.

## B. Description of Proposed Use

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

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

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

Estimated quantity of water needed: 0.28  cubic feet per second  gallons per minute  acre-feet

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

Briefly describe:

The water user seeks 3 changes in their application for permanent transfer of water right certificate 72609 a POD change from JA Vaughn Ditch to the North Intake, an APOD change to add the Park Intake, and a POU change to reflect the actual irrigated areas.

The water user is aware that this transfer will result in partial diminution of Cert 72609 since only 22.3 acres of 63.00 permitted acres are being used for irrigation.

The water user seeks these changes to certificate 72609 to reflect the fact the original POD (JA Vaughn Ditch) located on Pine Creek was abandoned sometime in the 1970's and two different PODs (North Intake) has been in use for at least the past 40 years.

**For Local Government Use Only**

MAR 20 2024

Salem, OR

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

**Please check the appropriate box below and provide the requested information**

- Land uses to be served by the proposed water use(s), including proposed construction, are allowed outright or are not regulated by your comprehensive plan. Cite applicable ordinance section(s): Section 550.03 & B070
- Land uses to be served by the proposed water use(s), including proposed construction, involve discretionary land-use approvals as listed in the table below. (Please attach documentation of applicable land-use approvals which have already been obtained. Record of Action/land-use decision and accompanying findings are sufficient.) If approvals have been obtained but all appeal periods have not ended, check "Being Pursued."

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

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

Single-family dwellings & their necessary uses are permitted in the RSA zone.

Name: Tara L. Micka Title: Senior Planner  
 Signature: (Signature) Date: 3/5/24  
 Governmental Entity: Baker City & County Planning Dept. Phone: 541-523-8219

Receipt Acknowledging Request for Land Use Information	
<p><b>Note to Local Government Representative:</b>                      Please complete this form and return it to the applicant. For new water right applications <u>only</u>, if you are unable to complete this form while the applicant waits, you may complete this receipt and return it to the applicant. If you sign the receipt, you will have 30 days from the date of OWRD's Public Notice of the application to submit the completed Land Use Information Form to Oregon Water Resources Department. Please note while OWRD can accept a signed receipt as part of intake for an application for a new permit to use or store water, a completed Land Use Information Form is required for all other applications.</p>	
Applicant Name: _____	
Staff Name: _____	Title: _____
Staff Signature: _____	Date: _____
Governmental Entity: _____	Phone: _____

**Note to applicant:** For new water right applications only, if the Land Use Information Form cannot be completed while you wait, please have a local government representative sign the receipt on the bottom of page 4 and include it with the application filed with the Oregon Water Resources Department.

See Page 4 →

Received by OWRD

MAR 20 2024

Salem, OR

**For Place of Use or Character of Use Changes**

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

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

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

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

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

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

Received by OWRD

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

MAR 20 2024

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

Salem, OR

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

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

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

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

**AND/OR**

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

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

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

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



## DAVIS Arla L \* WRD

---

**From:** Paul Garvin <garvin.hydrogeo@gmail.com>  
**Sent:** Tuesday, February 6, 2024 11:14 AM  
**To:** DAVIS Arla L \* WRD  
**Cc:** OSBORN Marcy J \* WRD; STARNES Patrick K \* WRD; SPRIET Jason D \* WRD  
**Subject:** Re: Transfer Application T-14094

Hi Arla,

Let's go for 30 days, that timing should work.

Thank you,

On Tue, Feb 6, 2024 at 10:57 AM DAVIS Arla L \* WRD <[Arla.L.DAVIS@water.oregon.gov](mailto:Arla.L.DAVIS@water.oregon.gov)> wrote:

Hi Paul,

Thank you for your email. The Department is not able to put a Transfer Application on “hold”, however I am more than happy to provide time for you to work with the applicant and the watermaster’s office, but I will set a deadline for you to respond, to ensure the application continues to move forward. Would 2 weeks be sufficient or are you thinking it may take up to 30 days to have those conversations? I am happy to set a deadline of February 20, 2024 for us to have a conversation and if more time is needed you can request it at that time or would you prefer a deadline of March 7, 2024 (30 days)?

[Arla L. Davis](#)

She/Her/Hers

Water Rights Transfer Specialist

Transfer and Conservation Section

725 Summer St. NE, Suite A | Salem, OR 97301 | Phone: 503-979-3129



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

Work Schedule: Mon-Th – 6:00 a.m. to 4:30 p.m.

**NOTE:** The Salem office is now open to the public. Given that many staff will continue teleworking remotely or have job duties that take them into the field on a regular basis, availability of staff in the office is not guaranteed 8:00 a.m. – 5:00 p.m. every day. **Customers and visitors are encouraged to schedule an appointment in advance if they wish to meet in person with specific staff members.** Alternative methods for meeting, such as by phone or virtually via Teams, are also available.

**From:** Paul Garvin <[garvin.hydrogeo@gmail.com](mailto:garvin.hydrogeo@gmail.com)>  
**Sent:** Tuesday, February 6, 2024 10:28 AM  
**To:** DAVIS Arla L \* WRD <[Arla.L.DAVIS@water.oregon.gov](mailto:Arla.L.DAVIS@water.oregon.gov)>  
**Cc:** OSBORN Marcy J \* WRD <[Marcy.J.OSBORN@water.oregon.gov](mailto:Marcy.J.OSBORN@water.oregon.gov)>; STARNES Patrick K \* WRD <[Patrick.K.STARNES@water.oregon.gov](mailto:Patrick.K.STARNES@water.oregon.gov)>; SPRIET Jason D \* WRD <[Jason.D.SPRIET@water.oregon.gov](mailto:Jason.D.SPRIET@water.oregon.gov)>  
**Subject:** Re: Transfer Application T-14094

Hi Arla,

Thank you for the clarification, please hold processing of the application as I re-engage with Idaho Power and start a conversation with the local Watermasters office.

On Mon, Feb 5, 2024 at 11:02 AM DAVIS Arla L \* WRD <[Arla.L.DAVIS@water.oregon.gov](mailto:Arla.L.DAVIS@water.oregon.gov)> wrote:

Hi Paul,

Thank you for your email. In the past, the Department has worked with applicants in similar types of situation, however it is not always possible to condition a transfer to overcome Enlargement like this. Because this would require conditioning and regulation of the water (normally via multiple totalizing flow meters, etc.) to ensure that only Pine Creek water (basically drop for drop) is being taken from the Snake River, the watermaster and potentially the region manager Jason Spriet (cc'd on this email) would have to be on board, as they would be tracking the flow meters and regulating the water.

[Arla L. Davis](#)

She/Her/Hers

Water Rights Transfer Specialist

Transfer and Conservation Section



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

Work Schedule: Mon-Th – 6:00 a.m. to 4:30 p.m.

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**From:** Paul Garvin <[garvin.hydrogeo@gmail.com](mailto:garvin.hydrogeo@gmail.com)>  
**Sent:** Friday, February 2, 2024 2:17 PM  
**To:** DAVIS Arla L \* WRD <[Arla.L.DAVIS@water.oregon.gov](mailto:Arla.L.DAVIS@water.oregon.gov)>  
**Cc:** OSBORN Marcy J \* WRD <[Marcy.J.OSBORN@water.oregon.gov](mailto:Marcy.J.OSBORN@water.oregon.gov)>; STARNES Patrick K \* WRD <[Patrick.K.STARNES@water.oregon.gov](mailto:Patrick.K.STARNES@water.oregon.gov)>  
**Subject:** Re: Transfer Application T-14094

Hi Arla,

Thank you for the detailed message, as discussed over the phone I will need some time to review and connect with Idaho Power personnel since the former project lead has since retired.

Regarding the Park intake and Pine Creek, our original thinking was that enlargement was not occurring since we were still taking the Pine Creek water - just that we were now pulling it from the Snake River immediately downstream of the confluence. I think it is reasonable to assume that the water is coming from the same source, but I do see the department's point of view here. There may also be a positive ecological benefit to the fishery via this approach by allowing the cold Pine Creek water to flow through the full length of Pine Creek before diversion.

I don't think we want to withdraw the application at this point, what is your timeline on issuing the preliminary determination?

Thank you,

On Thu, Feb 1, 2024, 11:11 AM DAVIS Arla L \* WRD <[Arla.L.DAVIS@water.oregon.gov](mailto:Arla.L.DAVIS@water.oregon.gov)> wrote:

Good Morning Paul,

I wanted to spend a little more time reviewing Transfer Application T-14094 and the water right 72609, before sending this email so my apologies that I didn't send it yesterday as promised, but I thank you for your patience. There are a few items below that will need some clarification before I will be able to move forward with the processing of Transfer Application T-14094.

1. In regards to the change in POD and the additional POD:

The application indicates that the water right has not have been used for 40 years as authorized under Certificate 72609. The source of water for the "North Intake" is the Snake River. The source of water for the "Park Intake" is Snake River. Certificate 72609 authorizes the use of water for irrigation and domestic from Pine Creek. Pursuant to OAR 690-380 this is considered enlargement as the authorized source of water under Certificate 72609 is Pine Creek and not the Snake River. The Department will not able to approve Transfer Application T-14094 with the request to the change in POD and the additional POD, because they do not develop the same source.

690-380-0100(2)(c)– Definitions

(2) "Enlargement" means an expansion of a water right and includes, but is not limited to:

(c) Failing to keep the original place of use from receiving water from the same source; or

690-380-2110(2)– Change in Point of Diversion of Point of Appropriation

(2) Except as provided in ORS 540.531 and OAR 690-380-2130, a change in point of diversion is restricted to the same source of surface water. A change in point of appropriation under a water right or certificate of registration modification is restricted to the same aquifer.

2. In regards to the POU change:

- a. As mentioned on the phone yesterday, a voluntary cancellation form was received with the application indicating the applicant would like to voluntarily cancel 41.56 acres and the 0.59 CFS for that portion of Certificate 72609. This will be a permanent cancellation of the right and the rate of 0.59 CFS and the 41.56 acres will no longer be authorized under the right and I wanted to make sure that this was the intent of Transfer Application T-14094, before moving forward. The applicant can propose to transfer a portion of the water right and does not have to cancel the remainder of the right due to that proposal, they would simply receive a Remaining Right for the portion of the Certificate not transferred.
- b. Because the source of water being applied at this time is not authorized under Certificate 72609, it brings into question the evidence of use that was provided with the application.
- c. The Land Use form indicates that there will not be changes made to the Place of Use, however the application is for a change in Place of Use. A new land use form will need to be submitted, signed by the county approving the changes to the place of use as requested by the application.

The applicant can also choose to move forward with the denial and file a protest once the Preliminary Determination has been issued. If the applicant would like to withdraw please let me know. If you would like to discuss further or have questions, please don't hesitate to contact me.

[Arla L. Davis](#)

She/Her/Hers

Water Rights Transfer Specialist

Transfer and Conservation Section

725 Summer St. NE, Suite A | Salem, OR 97301 | Phone: 503-979-3129

[Integrity](#) | [Service](#) | [Technical Excellence](#) | [Teamwork](#) | [Forward-Looking](#)

[Work Schedule: Mon-Th – 6:00 a.m. to 4:30 p.m.](#)

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## DAVIS Arla L \* WRD

---

**From:** Paul Garvin <garvin.hydrogeo@gmail.com>  
**Sent:** Tuesday, February 6, 2024 11:14 AM  
**To:** DAVIS Arla L \* WRD  
**Cc:** OSBORN Marcy J \* WRD; STARNES Patrick K \* WRD; SPRIET Jason D \* WRD  
**Subject:** Re: Transfer Application T-14094

Hi Arla,

Let's go for 30 days, that timing should work.

Thank you,

On Tue, Feb 6, 2024 at 10:57 AM DAVIS Arla L \* WRD <[Arla.L.DAVIS@water.oregon.gov](mailto:Arla.L.DAVIS@water.oregon.gov)> wrote:

Hi Paul,

Thank you for your email. The Department is not able to put a Transfer Application on "hold", however I am more than happy to provide time for you to work with the applicant and the watermaster's office, but I will set a deadline for you to respond, to ensure the application continues to move forward. Would 2 weeks be sufficient or are you thinking it may take up to 30 days to have those conversations? I am happy to set a deadline of February 20, 2024 for us to have a conversation and if more time is needed you can request it at that time or would you prefer a deadline of March 7, 2024 (30 days)?

[Arla L. Davis](#)

She/Her/Hers

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**From:** Paul Garvin <[garvin.hydrogeo@gmail.com](mailto:garvin.hydrogeo@gmail.com)>  
**Sent:** Tuesday, February 6, 2024 10:28 AM  
**To:** DAVIS Arla L \* WRD <[Arla.L.DAVIS@water.oregon.gov](mailto:Arla.L.DAVIS@water.oregon.gov)>  
**Cc:** OSBORN Marcy J \* WRD <[Marcy.J.OSBORN@water.oregon.gov](mailto:Marcy.J.OSBORN@water.oregon.gov)>; STARNES Patrick K \* WRD <[Patrick.K.STARNES@water.oregon.gov](mailto:Patrick.K.STARNES@water.oregon.gov)>; SPRIET Jason D \* WRD <[Jason.D.SPRIET@water.oregon.gov](mailto:Jason.D.SPRIET@water.oregon.gov)>  
**Subject:** Re: Transfer Application T-14094

Hi Arla,

Thank you for the clarification, please hold processing of the application as I re-engage with Idaho Power and start a conversation with the local Watermasters office.

On Mon, Feb 5, 2024 at 11:02 AM DAVIS Arla L \* WRD <[Arla.L.DAVIS@water.oregon.gov](mailto:Arla.L.DAVIS@water.oregon.gov)> wrote:

Hi Paul,

Thank you for your email. In the past, the Department has worked with applicants in similar types of situation, however it is not always possible to condition a transfer to overcome Enlargement like this. Because this would require conditioning and regulation of the water (normally via multiple totalizing flow meters, etc.) to ensure that only Pine Creek water (basically drop for drop) is being taken from the Snake River, the watermaster and potentially the region manager Jason Spriet (cc'd on this email) would have to be on board, as they would be tracking the flow meters and regulating the water.

[Arla L. Davis](#)

She/Her/Hers

Water Rights Transfer Specialist

Transfer and Conservation Section



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

Work Schedule: Mon-Th – 6:00 a.m. to 4:30 p.m.

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**From:** Paul Garvin <[garvin.hydrogeo@gmail.com](mailto:garvin.hydrogeo@gmail.com)>  
**Sent:** Friday, February 2, 2024 2:17 PM  
**To:** DAVIS Arla L \* WRD <[Arla.L.DAVIS@water.oregon.gov](mailto:Arla.L.DAVIS@water.oregon.gov)>  
**Cc:** OSBORN Marcy J \* WRD <[Marcy.J.OSBORN@water.oregon.gov](mailto:Marcy.J.OSBORN@water.oregon.gov)>; STARNES Patrick K \* WRD <[Patrick.K.STARNES@water.oregon.gov](mailto:Patrick.K.STARNES@water.oregon.gov)>  
**Subject:** Re: Transfer Application T-14094

Hi Arla,

Thank you for the detailed message, as discussed over the phone I will need some time to review and connect with Idaho Power personnel since the former project lead has since retired.

Regarding the Park intake and Pine Creek, our original thinking was that enlargement was not occurring since we were still taking the Pine Creek water - just that we were now pulling it from the Snake River immediately downstream of the confluence. I think it is reasonable to assume that the water is coming from the same source, but I do see the department's point of view here. There may also be a positive ecological benefit to the fishery via this approach by allowing the cold Pine Creek water to flow through the full length of Pine Creek before diversion.

I don't think we want to withdraw the application at this point, what is your timeline on issuing the preliminary determination?

Thank you,

On Thu, Feb 1, 2024, 11:11 AM DAVIS Arla L \* WRD <[Arla.L.DAVIS@water.oregon.gov](mailto:Arla.L.DAVIS@water.oregon.gov)> wrote:

Good Morning Paul,

I wanted to spend a little more time reviewing Transfer Application T-14094 and the water right 72609, before sending this email so my apologies that I didn't send it yesterday as promised, but I thank you for your patience. There are a few items below that will need some clarification before I will be able to move forward with the processing of Transfer Application T-14094.

1. In regards to the change in POD and the additional POD:

The application indicates that the water right has not have been used for 40 years as authorized under Certificate 72609. The source of water for the "North Intake" is the Snake River. The source of water for the "Park Intake" is Snake River. Certificate 72609 authorizes the use of water for irrigation and domestic from Pine Creek. Pursuant to OAR 690-380 this is considered enlargement as the authorized source of water under Certificate 72609 is Pine Creek and not the Snake River. The Department will not able to approve Transfer Application T-14094 with the request to the change in POD and the additional POD, because they do not develop the same source.

690-380-0100(2)(c)– Definitions

(2) "Enlargement" means an expansion of a water right and includes, but is not limited to:

(c) Failing to keep the original place of use from receiving water from the same source; or

690-380-2110(2)– Change in Point of Diversion of Point of Appropriation

(2) Except as provided in ORS 540.531 and OAR 690-380-2130, a change in point of diversion is restricted to the same source of surface water. A change in point of appropriation under a water right or certificate of registration modification is restricted to the same aquifer.

2. In regards to the POU change:

- a. As mentioned on the phone yesterday, a voluntary cancellation form was received with the application indicating the applicant would like to voluntarily cancel 41.56 acres and the 0.59 CFS for that portion of Certificate 72609. This will be a permanent cancellation of the right and the rate of 0.59 CFS and the 41.56 acres will no longer be authorized under the right and I wanted to make sure that this was the intent of Transfer Application T-14094, before moving forward. The applicant can propose to transfer a portion of the water right and does not have to cancel the remainder of the right due to that proposal, they would simply receive a Remaining Right for the portion of the Certificate not transferred.
- b. Because the source of water being applied at this time is not authorized under Certificate 72609, it brings into question the evidence of use that was provided with the application.
- c. The Land Use form indicates that there will not be changes made to the Place of Use, however the application is for a change in Place of Use. A new land use form will need to be submitted, signed by the county approving the changes to the place of use as requested by the application.

The applicant can also choose to move forward with the denial and file a protest once the Preliminary Determination has been issued. If the applicant would like to withdraw please let me know. If you would like to discuss further or have questions, please don't hesitate to contact me.

[Arla L. Davis](#)

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AFFIDAVIT FOR THE VOLUNTARY CANCELLATION OF A PORTION  
OF A WATER RIGHT CERTIFICATE (ORS 540.621)

RECEIVED

SEP 21 2022

OWRD

State of Oregon )  
County of Baker ) ss

I/We (or authorized agent), Idaho Power Company  
residing at PO Box 70 Boise, ID 83707  
telephone number 208-388-2602, being first duly sworn depose and say:

1. I/We are the legal and deeded owner(s) of the property described as tax lot number Multiple taxlots and Quarter section Shown on attached map.  
within the \_\_\_\_\_ ¼¼, Section \_\_\_\_\_, Township 7S (N/S), Range 48E (E/W),  
of the Willamette Meridian, in \_\_\_\_\_, Oregon, as shown on the attached  
map and described in the attached deed and legal description and made part of this affidavit.
2. I/We wish to cancel the following portion(s) of the water right certificate number 72609  
issued to Sam Alkin (a representative of Idaho Power Company) with a date of priority of 9/11/1913.

A place of use, or use.

- For the use of (specify irrigation, domestic, etc.) Irrigation and domestic

*FOR IRRIGATION OR NURSERY USE:*

- Total number of acres to be cancelled 41.56
- Location of acres to be cancelled must be clearly identified on a copy of the final proof map.
- In the amount of 0.59 cubic foot per second
- From the water source(s) Pine Creek

AND/OR (less common) Not Applicable

One or more of the authorized points of diversion (surface water) or points of appropriation (groundwater) authorized under the certificate.

- For the use of (specify irrigation, domestic, etc.) \_\_\_\_\_
- From the water source(s) \_\_\_\_\_
- Located within the \_\_\_\_\_ ¼¼, Section \_\_\_\_\_, Township \_\_\_\_\_ (N/S), Range \_\_\_\_\_ (E/W),  
Location Description (if given on the certificate) \_\_\_\_\_

3. The appurtenant water right is/is not located within the boundaries of an irrigation, drainage, water improvement, or water control district, or federal reclamation project (if the right is located within a district or reclamation project, name it here: Not Applicable)

4. The portion of the water right being cancelled is served by an irrigation district. The signature of the district manager on the line below indicates the concurrence of the district to the cancellation of the portion of the water right served by the district.

Not Applicable

Signature of district manager

Printed Name

Date

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SEP 21 2022

OWRD

5. If the water right is issued in the name of an irrigation district then the affiant must have the concurrence of the district to the cancellation of the portion of the water right. (Signature of district manager on the line below documents consent of the district.)

Not Applicable

Signature of district manager

Printed Name

Date

6. I/We have abandoned any and all interest in the portion of the water right described in Item 2, above, and request that portion of the right be canceled.

Kustalain

Signature of legal owner as listed on deed, or authorized agent

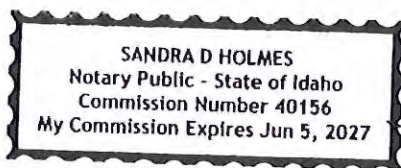
6/11/2022

Date

Signature of legal co-owner as listed on deed  
(If applicable)

Date

Subscribed and Sworn to Before Me this 1<sup>st</sup> day of June, 20 22



Sandra D. Holmes  
Notary Public for Oregon Idaho

My Commission Expires 6/5/2027

PLEASE ATTACH A LEGIBLE COPY OF:

- 1) A deed which lists landowners and includes a legal description of affected lands, and
- 2) A copy of a water right final proof map, or a tax lot map, or an adjudication map with the abandoned portion of the right clearly drawn and identified.
- 3) IF ACTING AS AN AUTHORIZED AGENT, include a copy of Power of Attorney or other documents granting authority to act on behalf of the legal owner(s).

T7S R48E WM

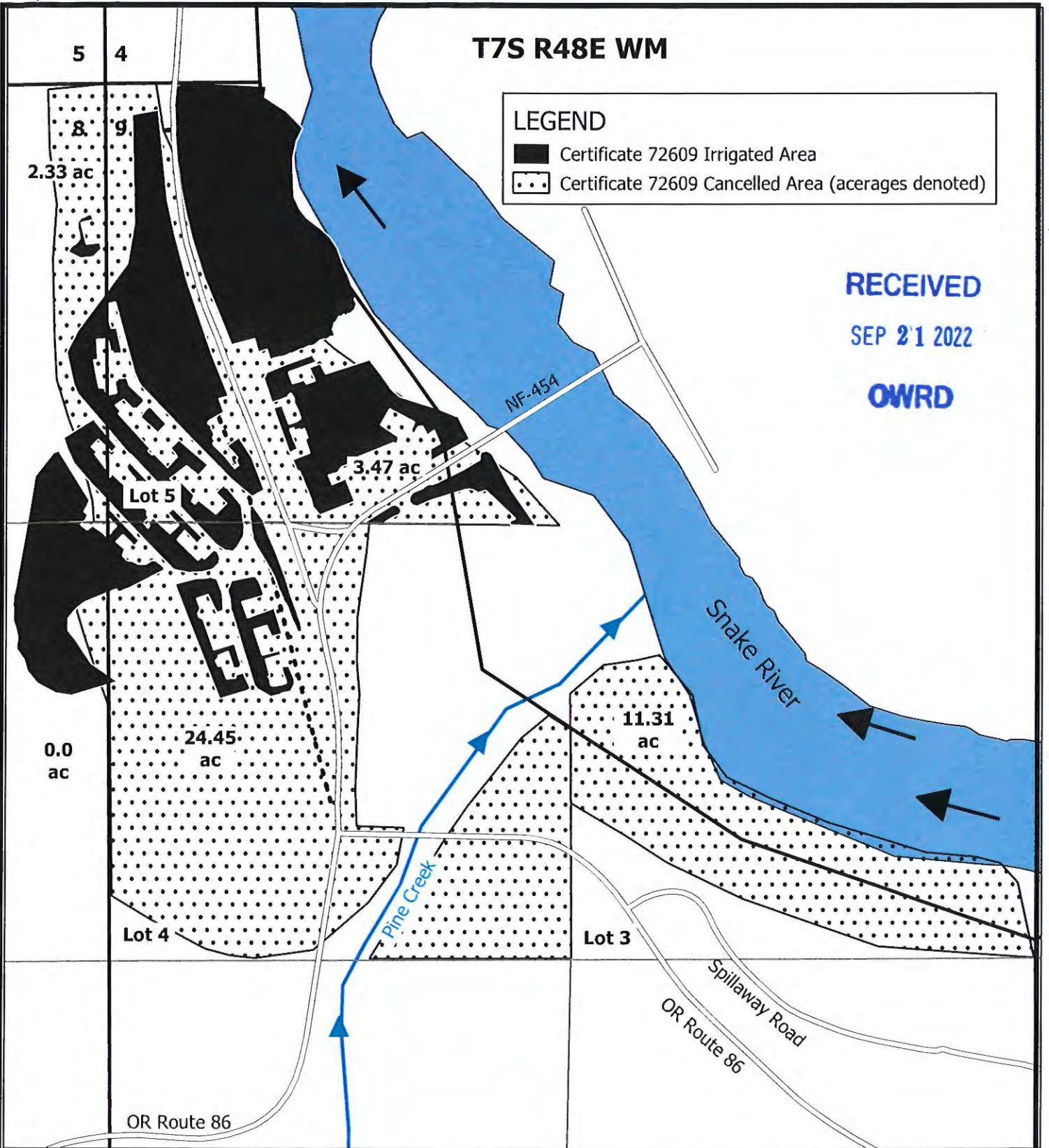
LEGEND

- Certificate 72609 Irrigated Area
- Certificate 72609 Cancelled Area (acrages denoted)

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SEP 21 2022

OWRD



Garvin  
HydroGeo  
LLC

Map to Accompany Affidavit of  
Voluntary partial cancellation of  
Certificate 72609

Prepared on behalf of Idaho Power

1 inch = 400 feet



Note:

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



September 30, 2020

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SEP 21 2022

OWRD

Idaho Department of Water Resources  
322 E Front Street, Ste 648  
Boise, Idaho 83720-0098

Subject: Idaho Power Company Representation

Kresta Davis, as representative of Idaho Power in matters associated with the company's water rights and water rentals and leases, has authorization to sign forms, applications and requests on behalf of the company. Please let me know if you have any questions or concerns

Sincerely,

A handwritten signature in blue ink, appearing to read "R. Adelman". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

Ryan Adelman

Vice President of Power Supply



**Oregon**  
Kate Brown, Governor

**Water Resources Department**  
725 Summer St NE, Suite A  
Salem, OR 97301  
(503) 986-0900  
Fax (503) 986-0904

September 28, 2022

KRESTA DAVIS  
IDAHO POWER COMPANY  
PO BOX 70  
BOISE, ID 83707

Reference: Application T-14094

On September 21, 2022, OWRD received your water right Permanent Transfer Application. The application was accompanied by \$2450.00. Our receipt number 139174 is enclosed.

By copy of this letter, we are asking the Watermaster for a report regarding the potential for injury to existing water rights which may be caused by the requested change. A review form will also be sent to Oregon Department of Fish and Wildlife to determine if a fish screen is needed.

This application may require publication of a notice for two consecutive weeks in a newspaper with general circulation in the area where the water right is located. If it is determined that newspaper notice will be required, the Department will prepare the notice and notify you of the cost. You will be responsible for submitting payment to the Department prior to publication of the notice.

Except as provided under ORS 540.510(3) for municipalities, you may not use water in the new place of use or from the new point of diversion until a final order approving the transfer application has been issued by the Department. 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 application is approved, the buyer's consent to the application will be required unless a recorded deed or other legal document clearly established that the water right was not conveyed in the sale.

Refer to the following page for a chart showing the steps and expected timelines for the processing of your application.

If you have any questions, please contact the Transfer Section at (503) 979-9931.

Cc: Watermaster Dist. #8, Marcy Osborn (*via email*)  
Paul Garvin, Agent  
Baker County

Enclosure

RECEIVED

OCT 20 2022

OWRD

REIMBURSEMENT AUTHORITY  
APPLICANT'S AGREEMENT  
Contract Number: R11-399-23

This Agreement is between the Oregon Water Resources Department, hereafter OWRD, and Idaho Power Company, hereafter Applicant, hereafter known together as the parties.

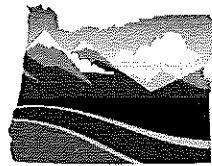
OWRD Information	Applicant's Information	Applicant's Representative
Contact: Kelly Starnes	Name: Idaho Power Company	Name: Garvin HydroGeo, LLC
Title: Transfer Advisor	Contact:	Contact: Paul Garvin
Address: 725 Summer Street, NE, Suite A Salem, OR 97301-1266	Address: PO Box 70 Boise, ID 83707	Address: 1705 Main St., Ste 101 Baker City, OR 97814
Phone: 503 979-3511	Phone: (208) 388-2602	Phone: (503) 347-7188
Fax: 503 986-0901	Fax:	Fax:
Email: <a href="mailto:patrick.k.starnes@water.oregon.gov">patrick.k.starnes@water.oregon.gov</a>	Email: <a href="mailto:kdavis2@idahopower.com">kdavis2@idahopower.com</a>	Email: <a href="mailto:garvin.hydrogeo@gmail.com">garvin.hydrogeo@gmail.com</a>

**Purpose** The purpose of this Agreement is to expedite the processing of the Transfer Application. (Application Number: T-14094)

1. **Authority.** The OWRD has been authorized pursuant to ORS S36.055 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.
2. **Restrictions.** Applicant 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.
3. **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.
4. **Consideration.**
  - a. Applicant shall pay OWRD in advance for actual costs incurred by OWRD. The estimated maximum reimbursement payable to OWRD under this Agreement is \$1,639.21. Applicant agrees to pay the full amount of \$1,639.21 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.
  - b. The costs stated in this Agreement do not include the statutory application processing and filing fees.
5. **Confidentiality.** Applicant agrees 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.
6. **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.



# Watermaster Review Form: Water Right Transfer



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

Transfer Application: T-14094

Review Due Date: 10/24/2022

Applicant Name: Kresta Davis - Idaho Power

Proposed Changes:  POU  POD  POA  USE  OTHER

Reviewer(s): Marcy Osborn

Date of Review: 10/10/2022

1. Do you have evidence that the right has not been used in the last 5 years and that the presumption of forfeiture would not likely be rebuttable?  Yes  No If "Yes", attach evidence (e.g. dated aerial photo showing pavement or building on the land for >5 yrs.)
  
2. Is there a history of regulation on the source that serves this (or these) right(s) that has involved the transferred right(s) and downstream water rights?  Yes  No Generally characterize the frequency of any regulation or explain why regulation has not occurred:
  
3. Have headgate notices been issued for the source that serves the transferred right(s)?  
 Yes  No  Records not available.
  
4. In your estimation, after the proposed change, would distribution of water for the right(s) result in regulation of other water rights that would not have occurred if use under the original right(s) was/were maximized?  Yes  No If "Yes", explain:
  
5. In your estimation, if the proposed change is approved, are there upstream water rights that would be affected?  Yes  No If "Yes", describe how the rights would be affected and list the rights most affected:

6. Check here  if it appears that downstream water rights benefit from return flows resulting from the current use of the transferred right(s)? If you check the box, generally characterize the locations where the return flows likely occur and list the water rights that benefit most:

N/A

7. For POD changes and instream transfers, check here if there are channel losses between the old and new PODs or within the proposed instream reach? If you check the box, describe and, if possible, estimate the losses:

N/A

8. For instream transfers that propose protection of a reach beyond the mouth of the source stream:

N/A Would the quantity be measureable into the receiving stream consistent with OAR 690-077-0015(8)?  Yes  No

9. For POU changes:  N/A Is it likely the original place of use would continue to receive water from the same source?  Yes  No If "Yes", explain:

10. For POU or USE changes:  N/A In your best judgment, would use of the existing right at "full face value," result in the diversion of more water than can be used beneficially and without waste?

Yes  No If "Yes", explain:

11. For POU changes that involve micro-irrigation:  N/A

a. Has the applicant made changes (absent a transfer) to convert to micro-irrigation within the current place of use boundary of the water right proposed for transfer, and previously demonstrated to the Department through monitoring and site inspections by the Watermaster that the proposed transfer will not result in injury or enlargement?

Yes  No If "Yes", explain:

b. Has a temporary transfer of this nature been previously filed and approved on the same lands (or portions thereof) as those lands involved in this transfer?

Yes  No If "Yes", answer the following:

i. Were there any problems with more acres being irrigated (or wetted) than were authorized under the temporary transfer?  Yes  No If "Yes", explain:

ii. Did the designated areas that were to remain dry (or not wetted) under the temporary transfer actually remain dry?  Yes  No If "No", explain:

iii. Did the applicant comply with and meet all of the conditions of the temporary transfer?  Yes  No If "No", explain:

iv. Do you have any other observations regarding the temporary transfer?

Yes  No If "Yes", describe:

v. Did the applicant demonstrate to the Department through monitoring and site inspections by the Watermaster that neither injury nor enlargement occurred as a result of the temporary transfer?  Yes  No If "No", explain:

c. To the best of your knowledge, if this transfer is approved, does it appear that:

i. "Injury" will occur to other water rights that share the same source?

Yes  No If "Yes", explain:

ii. "Enlargement" of the water right being transferred will occur?

Yes  No If "Yes", explain:

12. Are there other issues not identified through the above questions that should be considered in determining whether the change "can be effected without injury to other rights"?

Yes  No If "Yes", explain:

13. What alternatives may be available for addressing any issues identified above:

I did not see a cancellation affidavit with the application. The "From" acres do not match the "To" acres. A measuring device of some sort would be needed at the confluence of Pine Creek and the Snake River to determine if their Pine Creek water is actually making it to the Snake River.

14. Do conditions need to be included in the transfer order to avoid enlargement of the right or injury to other rights?  No  Yes, as checked and provided below:

For POU changes that involve micro-irrigation, provide the monitoring and reporting conditions necessary to prevent injury/enlargement:

A Headgate should be required prior to diverting water.

Measurement Devices for POD or POA: (if this condition is selected, also fill in the top sections of Page 4)

a. Before water use may begin under this order, the water user shall install a **tatalizing flow meter\***, or, with prior approval of the Director, another suitable measuring device,  at each point of diversion/appropriation (new and existing) OR at each new point of diversion/appropriation  with the exception that water rights issued to the Bureau of Reclamation or an irrigation district (or similar entity) are not subject to this condition.

b. The water user shall maintain the meters or measuring devices in good working order.

c. The water user shall allow the Watermaster access to the meters or measuring devices; provided however, where the meters or measuring devices are located within a private structure, the Watermaster shall request access upon reasonable notice.

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

a. Before water use may begin under this order, the water user shall install **staff gages\***, or, with prior approval of the Director, other suitable measuring devices, that measure the entire range and stage between empty and full in each reservoir. Staff gages shall be United States Geological Survey style.

b. Before water use may begin under this order, if the reservoir is located in channel, weirs or other suitable measuring devices must be installed upstream and downstream of the reservoir, and, an adjustable outlet valve must be installed. The water user shall maintain such devices in good working order. A written waiver may be obtained, if in the judgment of the Director, the installation of weirs or other suitable measuring devices, or the adjustable outlet valve, will provide no public benefit.

\* The following alternative device(s) should be substituted for the bold, underlined device in the above selected condition:

Weir

Submerged Orifice

Parshall Flume

Flow Restrictor

Other: \_\_\_\_\_

**Oregon Water Resources Department**

**Measurement Condition Information for the Applicant**

*(To be sent with the Draft Preliminary Determination or Final Order)*

Transfer #: T- 14094

In order to avoid enlargement of the right or injury to other rights, a totalizing flow meter will be required to be installed prior to diversion of water, as a condition of this transfer:

at each point of diversion/appropriation (new and existing) **OR**

at each new point of diversion/appropriation.

For additional information, or to obtain approval of a different type of measurement device, the applicant should contact the area Watermaster:

Watermaster name: Marcy Osborn

District: 8

Address: 39155 Pocahontas Rd.

City/State/Zip: Baker City, OR 97814

Phone: 541-519-6395

Email: marcy.j.osborn@water.oregon.gov

**Note:** If a device other than the one specified in the Preliminary Determination or Final Order is approved by the Watermaster, fill out and mail the form below to the Salem office.

\*\*\*\*\*

**Approval of an Alternate Measurement Device T-**  
*(to be filled out after consultation with the applicant, or after a site visit)*

On behalf of the Director, I authorize use of the following suitable **alternate measurement device**:

\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
Watermaster signature

\_\_\_\_\_  
District

\_\_\_\_\_  
Date

If this form is used for approval of an alternative measurement device, it must be mailed to:

Oregon Water Resources Department  
725 Summer Street NE, Suite A  
Salem, OR 97301-1266

**Oregon Department of Fish and Wildlife**  
**Water Right and Diversion Transfer Comment Form**  
*(ODFW provides to WRD so that WRD can make findings according to statutory requirements.)*

Reference Transfer #: T-14094, Kresta Davis/Idaho Power Company      Date of review: 09/27/2022

**A. Please check box if you believe there is a potential for injury to an instream water right.**

The Oregon Department of Fish and Wildlife (ODFW) believes this proposed transfer may injure an instream water right(s) on \_\_\_\_\_ [*stream*], tributary to \_\_\_\_\_, because \_\_\_\_\_.

(Please attach any available supporting information.)

**Note:** This will prompt WRD to make a determination whether the transfer will injure an instream water right. (OWRD makes the determination of injury to a water right, while ODFW's role is to raise concerns, and to evaluate proposed mitigation and net benefit to the resource if OWRD consents to injury of an instream water right.)

**B. Please check one of the following five boxes related to fish screen requirements pursuant to ORS 540.525 or 540.532:**

**1. Screen Maintain**

*[Select this option if the new Point of Diversion (POD) requires a fish screen and is currently equipped with an appropriate fish screen that will still be in compliance if the transferred water is diverted from this POD.]*

**Note:** This option will yield the following:

**Finding of Fact:** The Oregon Department of Fish and Wildlife has determined that a fish screen is necessary at the new point of diversion to prevent fish from entering the diversion and that the diversion is currently equipped with an appropriate fish screen.

**Condition:** The water user shall operate and maintain an approved fish screen at the new point of diversion. If Oregon Department of Fish and Wildlife (ODFW) determines the screen is not functioning properly, and is unsuccessful in working with the water user to meet ODFW standards, ODFW may request that OWRD regulate the use of water until OWRD receives notification from ODFW that the fish screen is functioning properly.

**2. Screen Now**

*[Option 2 should generally be selected if listed fish species are present at the point of diversion and/or the originating water right diversion is currently screened. If Option 2 is selected, provide contact information on the "Fish Screening and Passage Information" sheet. The new diversion may be eligible for cost-share.]*

**Note:** This option will yield the following:

**Finding of Fact:** The Oregon Department of Fish and Wildlife (ODFW) has determined that a fish screen is necessary at the new point of diversion to prevent fish from entering the diversion and that the diversion is not currently equipped with an appropriate fish screen. This diversion may be eligible for screening cost-share funds.

**Condition:** Prior to diverting water, the water user shall install an approved fish screen at the new point of diversion and shall provide to the OWRD a written statement from Oregon Department of Fish and Wildlife (ODFW) that the installed screen meets the state's criteria, or that ODFW has determined a screen is not necessary.

The water user shall operate and maintain the fish screen at the new point of diversion consistent with ODFW's operational and maintenance standards. If ODFW determines the screen is not functioning properly, and is unsuccessful in working with the water user to meet ODFW standards, ODFW may request that OWRD regulate the use of water until OWRD receives notification from ODFW that the fish screen is functioning properly.

*Please return all 3 pages to: Transfers Section, Water Resources Department,  
725 Summer St. NE, Suite A, Salem, OR 97301-1266*

**3. Screen 2 Year**

*[Option 3 may be checked if the change is from an unscreened diversion to a HISTORIC POD or an existing POD in use for another water right, and cost-share funds are not currently available. It should NOT be checked if listed fish species are present at the point of diversion, the originating water right diversion is screened, cost-share funds are currently available, or the diversion is not eligible for ODFW's cost-share program. Please provide contact information on the "Fish Screening and Passage Information" sheet.] If extraordinary circumstances are present, please explain: \_\_\_\_\_*

**Note:** This option will yield the following:

Finding of Fact: The Oregon Department of Fish and Wildlife (ODFW) has determined that a fish screen is necessary at the new point of diversion to prevent fish from entering the diversion and that the diversion is not currently equipped with an appropriate fish screen. Listed fish species are not present at the point of diversion, the originating water right diversion is not screened, cost-share funds are not currently available, and the proposed diversion may be eligible for ODFW's cost-share program. A grace period of two years is appropriate until such time as cost-share funds become available to assist in the construction of a fish screen. If cost-share funds do not become available, the water user must screen within the indicated time period regardless of the availability of cost-share funding.

Condition: By October 1, 20\_\_ [Within two years after the date of this order] the water user shall install an approved fish screen at the new point of diversion. The water user may withdraw water at the new point of diversion without a screen until October 1, 20\_\_. The water user shall provide to OWRD a written statement from Oregon Department of Fish and Wildlife (ODFW) that the installed screen meets the state's criteria, or that ODFW has determined a screen is not necessary.

The water user shall maintain and operate the fish screen at the new point of diversion consistent with ODFW's operational and maintenance standards. If ODFW determines the screen is not functioning properly, and is unsuccessful in working with the water user to meet ODFW standards, ODFW may request that OWRD regulate the use of water until OWRD receives notification from ODFW that the fish screen is functioning properly.

**4. Screen Future**

*[Use this option if fish are not currently present, but might possibly be at some future time.]*

**Note:** This option will yield the following:

Finding of Fact: The Oregon Department of Fish and Wildlife has determined that the diversion is not currently equipped with an appropriate fish screen, but a fish screen may be required in the future at the new point of diversion to prevent fish from entering the diversion.

Condition: The Oregon Department of Fish and Wildlife (ODFW) may require the water user to install an approved fish screen at the new point of diversion within one year after receiving written notification that a fish screen is required. Once installed the water user shall maintain and operate the fish screen at the new point of diversion according to ODFW's operational and maintenance standards. If ODFW determines the screen is not functioning properly, and is unsuccessful in working with the water user to meet ODFW standards, ODFW may request that OWRD regulate the use of water until OWRD receives notification from ODFW that the fish screen is functioning properly.

**5. No Screen Needed**

*[Check this box if fish are not currently present, and are not expected in the future.]*

Jorden D Smith

Digitally signed by Jorden D Smith  
Date: 2022.09.27 10:17:53 -07'00'

Signature

(541) 805-1990  
Phone

Jorden Smith  
Printed Name

East Region Hydro and Water Rights Coordinator  
Title

**Oregon Department of Fish and Wildlife**  
**Additional Fish Screening and Passage Information for the Applicant**  
*(To be completed by ODFW for WRD to provide to the applicant.)*

Transfer #: T-14094, Kresta Davis/Idaho Power Company

**The applicant should be aware that fish screening and passage may be required for certain changes in point of diversion if the boxes below are checked.**

- Fish screening is required as a condition of this transfer. The fish screen must meet ODFW's design, construction, operational and maintenance standards.

Pursuant to ORS 498.306, cost-share funds may be available to assist in the installation of fish screening.

The applicant should contact the ODFW staff member below to obtain additional information on the design, construction, operational, and maintenance standards for the fish screen and to obtain information about ODFW's cost-sharing program for screening. **Prior to installation, the water user must obtain written approval from ODFW that the required screen meets ODFW's criteria.**

ODFW staff name: Nathaniel Ashley

Address: 357 Patterson Bridge Rd

City/State/Zip: John Day, OR 97845

Phone: (541) 826-8774

- This transfer may trigger requirements for fish passage under ORS 509.585 because a new point of diversion will be constructed, an existing point of diversion's capacity will be increased, or an existing point of diversion will be abandoned. The applicant should contact the ODFW staff member below for a determination of whether native migratory fish are or were present at the applicable location, which will determine whether fish passage must be addressed.

ODFW staff name: Joe Lemanski

Address: 107 20<sup>th</sup> St

City/State/Zip: La Grande, OR 97850

Phone: (541) 962-1829



**OREGON WATER RESOURCES DEPARTMENT  
TRANSFER REIMBURSEMENT AUTHORITY  
ESTIMATE APPLICATION**



*ORS 536.055 authorizes the Oregon Water Resources Department to expedite or enhance regulatory processes voluntarily requested under the agreement.  
Please contact Transfer Personnel before submitting this request; as the application fee is a non-refundable \$125.00 fee per request. Checks submitted for this application should be separate from Transfer fees.  
The purpose of this application is to obtain estimates of the cost and time required to process a Transfer Application Request. There is a non-refundable application fee of \$125.00 per request.*

<u>REQUEST</u>	<u>TYPE</u>	<u>FILE NUMBER</u>
<input checked="" type="checkbox"/>	Cert 72609 Change in POU Transfer Application	Transfer Number <b>T-14094</b>

	<b>Applicant Information</b>	<b>Applicant's Representative/Contact</b>
Name:	Idaho Power Company	Garvin HydroGeo LLC/ Paul Garvin
Address:	PO Box 70 Boise, ID 83707	1705 Main St. Ste. 101 Baker City, OR 97814
Phone:	208-388-2602	503-347-7188
Fax:		
E-Mail Address:	KDavis2@idahopower.com	garvin.hydrogeo@gmail.com

I understand the following:

- That upon receipt of my non-refundable application fee of **\$ 125.00**, OWRD will, within fourteen (14) days, notify me in writing of the estimate of costs 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 OWRD will, within fourteen (14) days, notify me in writing of the estimates of costs and time frame for the expedited service.
- 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 application 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  
Transfer 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: Paul Garvin

Signature:

<b>OWRD USE ONLY: Reimbursement Authority Number: R11- <u>399</u> -23 Caseworker: T. Smith</b>
--

# Application for Permanent Water Right Transfer



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

## Part 1 of 5 – Minimum Requirements Checklist

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

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

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- Part 1 – Completed Minimum Requirements Checklist.
- Part 2 – Completed Transfer Application Map Checklist.
- Part 3 – Application Fee, payable by check to the Oregon Water Resources Department, and completed Fee Worksheet, page 3. Try the new online fee calculator at: [http://apps.wrd.state.or.us/apps/misc/wrd\\_fee\\_calculator](http://apps.wrd.state.or.us/apps/misc/wrd_fee_calculator).
- Part 4 – Completed Applicant Information and Signature.
- Part 5 – Information about Water Rights to be Transferred: **How many water rights are to be transferred? 1 List them here: 72609**  
Please include a separate Part 5 for each water right. (See instructions on page 6)  
**NOTE: A separate transfer application is required for each water right unless the criteria in OAR 690-380-3220 are met.**

**Attachments:**

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

**(For Staff Use Only)**

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

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

Other/Explanation \_\_\_\_\_

Staff: \_\_\_\_\_ 503- \_\_\_\_\_ Date: \_\_\_\_/\_\_\_\_/\_\_\_\_

## Part 2 of 5 – Transfer Application Map

Your transfer application will be returned if any of the map requirements listed below are not met.

Please be sure that the transfer application map you submit includes all the required items and matches the existing water right map. Check all boxes that apply.

- N/A Certified Water Right Examiner (CWRE) Stamp and Original Signature. For a list of CWREs, see [http://apps.wrd.state.or.us/apps/wr/cwre\\_license\\_view/](http://apps.wrd.state.or.us/apps/wr/cwre_license_view/). CWRE stamp and signature are not required for substitutions.
- N/A If **more than three** water rights are involved, separate maps are needed for each water right.
- Permanent quality printed with dark ink on good quality paper.
- The size of the map can be 8½ x 11 inches, 8½ x 14 inches, 11 x 17 inches, or up to 30 x 30 inches. For 30 x 30 inch maps, one extra copy is required.
- A north arrow, a legend, and scale.
- The scale of the map must be: 1 inch = 400 feet, 1 inch = 1,320 feet, the scale of the Final Proof/Claim of Beneficial Use Map (the map used when the permit was certificated), the scale of the county assessor map if the scale is not smaller than 1 inch = 1,320 feet, or a scale that has been pre-approved by the Department.
- Township, Range, Section, ¼ ¼, DLC, Government Lot, and other recognized public land survey lines.
- Tax lot boundaries (property lines) are required. Tax lot numbers are recommended.
- Major physical features including rivers and creeks showing direction of flow, lakes and reservoirs, roads, and railroads.
- Major water delivery system features from the point(s) of diversion/appropriation such as main pipelines, canals, and ditches.
- Existing place of use that includes separate hachuring for each water right, priority date, and use including number of acres in each quarter-quarter section, government lot, or in each quarter-quarter section as projected within government lots, donation land claims, or other recognized public land survey subdivisions. If less than the entirety of the water right is being changed, a separate hachuring is needed for lands left unchanged.
- N/A Proposed place of use that includes separate hachuring for each water right, priority date, and use including number of acres in each quarter-quarter section, government lot, or in each quarter-quarter section as projected within government lots, donation land claims, or other recognized public land survey subdivisions.
- Existing point(s) of diversion or well(s) with distance and bearing or coordinates from a recognized survey corner. This information can be found in your water right certificate or permit.
- N/A If you are proposing a change in point(s) of diversion or well(s), show the proposed location and label it clearly with distance and bearing or coordinates. If GPS coordinates are used, latitude-longitude coordinates may be expressed as either degrees-minutes-seconds with at least one digit after the decimal (example – 42°32'15.5") or degrees-decimal with five or more digits after the decimal (example – 42.53764°).

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## Part 4 of 5 – Applicant Information and Signature

### Applicant Information

APPLICANT/BUSINESS NAME <b>Kresta Davis/ Idaho Power Company</b>			PHONE NO. <b>208-388-2200</b>	ADDITIONAL CONTACT NO.
ADDRESS <b>PO Box 70</b>				FAX NO.
CITY <b>Boise</b>	STATE <b>OR</b>	ZIP <b>83707</b>	E-MAIL <b>KDavis2@idahopower.com</b>	
BY PROVIDING AN E-MAIL ADDRESS, CONSENT IS GIVEN TO RECEIVE ALL CORRESPONDENCE FROM THE DEPARTMENT ELECTRONICALLY. COPIES OF THE FINAL ORDER DOCUMENTS WILL ALSO BE MAILED.				

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

AGENT/BUSINESS NAME <b>Paul Garvin/ Garvin HydroGeo LLC</b>			PHONE NO. <b>503-347-7188</b>	ADDITIONAL CONTACT NO.
ADDRESS <b>1705 Main St. Suite 101</b>				FAX NO.
CITY <b>Baker City</b>	STATE <b>OR</b>	ZIP <b>97814</b>	E-MAIL <b>garvin.hydrogeo@gmail.com</b>	
BY PROVIDING AN E-MAIL ADDRESS, CONSENT IS GIVEN TO RECEIVE ALL CORRESPONDENCE FROM THE DEPARTMENT ELECTRONICALLY. COPIES OF THE FINAL ORDER DOCUMENTS WILL ALSO BE MAILED.				

Explain in your own words what you propose to accomplish with this transfer application, and why:

The water user seeks 3 changes in this transfer: a POD change from JA Vaughn Ditch to the North Intake, an APOD change to add the Park Intake, and a POU change to reflect the actual irrigated areas. The water user is aware that this transfer will result in partial diminution of Cert 72609 since only 21.44 acres of 63.00 permitted acres are being used for irrigation. A signed affidavit for the Voluntary Partial Diminution of a Water Right Certificate is attached to this application.

The water user seeks these changes to certificate 72609 to reflect the fact the original POD (JA Vaughn Ditch) located on Pine Creek was abandoned sometime in the 1970's and two different PODs (North Intake) has been in use for at least the past 40 years.

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

### Check One Box

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

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**By my signature below, I confirm that I understand:**

- Prior to Department approval of the transfer application, I may be required to submit payment to the Department for publication of a notice in a newspaper with general circulation in the area where the water right is located, once per week for two consecutive weeks. If more than one qualifying newspaper is available, I suggest publishing the notice in the following newspaper: Baker City Herald.
- Amendments to the application may only be made in response to the Department's Draft Preliminary Determination (DPD). The applicant will have a period of at least 30 days to amend the application to address any issues identified by the Department in the DPD, or to withdraw the application. Note that amendments may be subject to additional fees, pursuant to ORS 536.050.
- Failure to complete an approved change in place of use and/or change in character of use, will result in loss of the water right (OAR 690-380-6010).
- Refunds may only be granted upon request and, as set forth in ORS 536.050(4)(a), if the Director determines that a refund of all or part of a fee is appropriate in the interests of fairness to the public or necessary to correct an error of the Department.

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

Krestal Davis  
Applicant signature

Krestal Davis, Sr Manager  
Print Name (and Title if applicable)

6/1/2022  
Date

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\_\_\_\_\_  
Applicant signature

\_\_\_\_\_  
Print Name (and Title if applicable)

\_\_\_\_\_  
Date

Is the applicant the sole owner of the land on which the water right, or portion thereof, proposed for transfer is located?  Yes  No\*

*\*If NO, include signatures of all deeded landowners (and mailing and/or e-mail addresses if different than the applicant's) or attach affidavits of consent (and mailing and/or e-mail addresses) from all landowners or individuals/entities to which the water right(s) were conveyed.*

Check the following boxes that apply:

- The applicant is responsible for completion of change(s). Notices and correspondence should continue to be sent to the applicant.
- The receiving landowner will be responsible for completing the proposed change(s) after the final order is issued. Copies of notices and correspondence should be sent to this landowner.
- Both the receiving landowner and applicant will be responsible for completion of change(s). Copies of notices and correspondence should be sent to this landowner and the applicant.

At this time, are the lands in this transfer application in the process of being sold?  Yes  No

If YES, and you know who the new landowner will be, please complete the receiving landowner information table below. If you do not know who the new landowner will be, then a request for assignment will have to be filed for at a later date.

If a property sells, the certificated water right(s) located on the land belong to the new owner, unless a sale agreement or other document states otherwise. For more information see:

[https://www.oregon.gov/owrd/WRDFormsPDF/Transfer\\_Property\\_Transactions.pdf](https://www.oregon.gov/owrd/WRDFormsPDF/Transfer_Property_Transactions.pdf)

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

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

IRRIGATION DISTRICT NAME	ADDRESS	
CITY	STATE	ZIP

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

ENTITY NAME	ADDRESS	
CITY	STATE	ZIP



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

ENTITY NAME <b>Baker County</b>	ADDRESS <b>1995 3<sup>rd</sup> St</b>	
CITY <b>Baker City</b>	STATE <b>OR</b>	ZIP <b>97814</b>

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## Part 5 of 5 – Water Right Information

CERTIFICATE # 72609

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### Description of Water Delivery System

SEP 21 2022

System capacity: 1.0 cubic feet per second (cfs) OR  
 \_\_\_\_\_ gallons per minute (gpm)

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Describe the current water delivery system or the system that was in place at some time within the last five years. Include information on the pumps, canals, pipelines, and sprinklers used to divert, convey, and apply the water at the authorized place of use.

The original authorized point of diversion (JA Vaughn Ditch) has not been in use for at least 50 years. Pine Creek Water is currently diverted from two intakes on the Snake River. The North Intake is located approximately 1,700 ft downstream of the confluence with Pine Creek and the Park Intake is located approximately 550 ft downstream of the confluence with Pine Creek. The North Intake water is distributed to the places of use north and west of road NF-454 via buried mainline and the Water from the Park Intake is distributed to the places of use south and east of road NF-454 via buried mainline. Water is applied to the irrigated areas via sprinklers.

**Table 1. Location of Authorized and Proposed Point(s) of Diversion (POD) or Appropriation (POA)**  
 (Note: If the POD/POA name is not specified on the certificate, assign it a name or number here.)

POD/POA Name or Number	Is this POD/POA Authorized on the Certificate or is it Proposed?	If POA, OWRD Well Log ID# (or Well ID Tag # L-___)	Twp		Rng		Sec	¼ ¼		Tax lot, DLC or Gov't Lot	Measured Distances (from a recognized survey corner)
J.A. Vaughn Ditch	<input checked="" type="checkbox"/> Authorized <input type="checkbox"/> Proposed	NA	7	S	48	E	17	SE	SW	TL 0600	1,695 ft E and 900 ft N from the SW corner of Section 17
North Intake	<input type="checkbox"/> Authorized <input checked="" type="checkbox"/> Proposed	NA	7	S	48	E	9	NW	NW	Lot 5	561 ft E and 154 ft S from the NW corner of Section 9
Park Intake	<input type="checkbox"/> Authorized <input checked="" type="checkbox"/> Proposed	NA	7	S	48	E	9	NW	NW	Lot 5	1,117 feet S and 1,179 feet E from the NW corner of Section 9

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

- |  |   |
|--|---|
| <input checked="" type="checkbox"/> Place of Use (POU)                   | <input type="checkbox"/> Supplemental Use to Primary Use (S to P) |
| <input type="checkbox"/> Character of Use (USE)                          | <input type="checkbox"/> Point of Appropriation/Well (POA)        |
| <input checked="" type="checkbox"/> Point of Diversion (POD)             | <input type="checkbox"/> Additional Point of Appropriation (APOA) |
| <input checked="" type="checkbox"/> Additional Point of Diversion (APOD) | <input type="checkbox"/> Substitution (SUB)                       |
| <input type="checkbox"/> Surface Water POD to Ground Water POA (SW/GW)   | <input type="checkbox"/> Government Action POD (GOV)              |

**Will all of the proposed changes affect the entire water right?**

- Yes Complete only the Proposed (“to” or “on” lands) section of Table 2 on the next page. Use the “CODES” listed above to describe the proposed changes.
- No Complete all of Table 2 to describe the portion of the water right to be changed.

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Please use and attach additional pages of Table 2 as needed.  
See page 6 for instructions.

Do you have questions about how to fill-out the tables?  
Contact the Department at 503-986-0900 and ask for Transfer Staff.

**Table 2. Description of Changes to Water Right Certificate # 72609**

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

AUTHORIZED (the "from" or "off" lands) The listing that appears on the certificate BEFORE PROPOSED CHANGES List only that part or portion of the water right that will be changed.											Proposed Changes (see "CODES" from previous page)	PROPOSED (the "to" or "on" lands) The listing as it would appear AFTER PROPOSED CHANGES are made.									
Twp	Rng	Sec	¼ ¼	Tax Lot	Gvt Lot or DLC	Acres	Type of USE listed on Certificate	POD(s) or POA(s) (name or number from Table 1)	Priority Date	Twp		Rng	Sec	¼ ¼	Tax Lot	Gvt Lot or DLC	Acres	New Type of USE	POD(s)/ POA(s) to be used (from Table 1)	Priority Date	
<b>EXAMPLE</b>																					
2	S	9	E 15 NE NW	100		15.0	Irrigation	POD #1 POD #2	1901	POU/POD	2	S	9	E 1 NW NW	500	1	10.0		POD #5	1901	
											2	S	9	E 2 SW NW	500		5.0		POD #6	1901	
7	S	48	E 8 NE NE	100		4.0	Irrigation/ domestic	JA Vaughn Ditch	1913	POU, POD, APOD	7	S	48	E 8 NE NE	100		1.67	Irrigation/ domestic	North Intake, Park Intake	1913	
7	S	48	E 8 SE NE	100		1.0	Irrigation/ domestic	JA Vaughn Ditch	1913	POU, POD, APOD	7	S	48	E 8 SE NE	100		2.51	Irrigation/ domestic	North Intake, Park Intake	1913	
7	S	48	E 9 NW NW	100	Lot 5	18.99	Irrigation/ domestic	JA Vaughn Ditch	1913	POU, POD, APOD	7	S	48	E 9 NW NW	100	Lot 5	14.76	Irrigation/ domestic	North Intake, Park Intake	1913	
7	S	48	E 9 SW NW	100	Lot 4	27.70	Irrigation/ domestic	JA Vaughn Ditch	1913	POU, POD, APOD	7	S	48	E 9 SW NW	100	Lot 4	2.50	Irrigation/ domestic	North Intake, Park Intake	1913	
7	S	48	E 9 SE NW	100	Lot 3	11.31	Irrigation/ domestic	JA Vaughn Ditch	1913	POU, POD, APOD											
TOTAL ACRES:						63.0					TOTAL ACRES:						21.44				

Additional remarks:

The water user seeks 3 changes in this transfer: a POD change from JA Vaughn Ditch to the North Intake, an APOD change to add the Park Intake, and a POU change to reflect the actual irrigated areas.

The water user is aware that this transfer will result in partial diminution of Cert 72609 since only 21.44 acres of 63.00 permitted acres are being used for irrigation. A signed affidavit for the Voluntary Partial Diminution of a Water Right Certificate is attached to this application.

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**For Place of Use or Character of Use Changes**

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

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



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

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

Ground water supplemental Permit or Certificate # \_\_\_\_\_;  
Surface water primary Certificate # \_\_\_\_\_.

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

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

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

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

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

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

**AND/OR**

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

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

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

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

# Application for Water Right Transfer

## Evidence of Use Affidavit



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

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

State of Oregon )  
 ) ss

County of BAKER

I, David Blew, in my capacity as Hydrologist

mailing address PO BOX 70, BOISE, ID 83707

telephone number (206) 388-5292 being first duly sworn depose and say:

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

- Personal observation  Professional expertise

2. I attest that:

Water was used during the previous five years on the entire place of use for Certificate # \_\_\_\_\_; OR

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

Certificate #	Township		Range		Mer	Sec	¼ ¼		Gov't Lot or DLC	Acres (if applicable)
72609	7	S	48	E	WM	8	NE	NE		1.67
72609	7	S	48	E	WM	8	SE	NE		2.51
72609	7	S	48	E	WM	9	NW	NW	Lot 5	14.76
72609	7	S	48	E	WM	9	SW	NW	Lot 4	2.5

OR

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

(continues on reverse side)

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

4. I understand that if I do not attach one or more of the documents shown in the table below to support the above statements, my application will be considered incomplete.

  
 Signature of Affiant

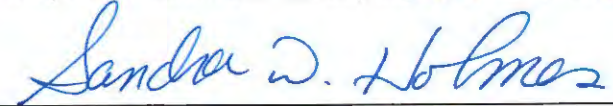
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6/1/2022  
 Date

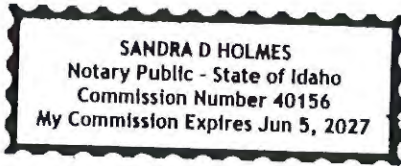
OWRD

Signed and sworn to (or affirmed) before me this 1<sup>st</sup> day of June, 2022



Notary Public for ~~Oregon~~ Idaho

My Commission Expires: 6/5/2027



Supporting Documents	Examples
<input type="checkbox"/> Copy of a water right certificate that has been issued within the last five years. (not a remaining right certificate)	Copy of <b>confirming</b> water right certificate that shows issue date
<input type="checkbox"/> Copies of receipts from sales of irrigated crops or for expenditures related to use of water	<ul style="list-style-type: none"> <li>• Power usage records for pumps associated with irrigation use</li> <li>• Fertilizer or seed bills related to irrigated crops</li> <li>• Farmers Co-op sales receipt</li> </ul>
<input type="checkbox"/> Records such as FSA crop reports, irrigation district records, NRCS farm management plan, or records of other water suppliers	<ul style="list-style-type: none"> <li>• District assessment records for water delivered</li> <li>• Crop reports submitted under a federal loan agreement</li> <li>• Beneficial use reports from district</li> <li>• IRS Farm Usage Deduction Report</li> <li>• Agricultural Stabilization Plan</li> <li>• CREP Report</li> </ul>
<input checked="" type="checkbox"/> Aerial photos containing sufficient detail to establish location and date of photograph	<p>Multiple photos can be submitted to resolve different areas of a water right.            If the photograph does not print with a "date stamp" or without the source being identified, the date of the photograph and source should be added.</p> <p>Sources for aerial photos:            OSU – <a href="http://www.oregonexplorer.info/imagery">www.oregonexplorer.info/imagery</a>            OWRD – <a href="http://www.wrd.state.or.us">www.wrd.state.or.us</a>            Google Earth – <a href="http://earth.google.com">earth.google.com</a>            TerraServer – <a href="http://www.terra-server.com">www.terra-server.com</a></p>
<input type="checkbox"/> Approved Lease establishing beneficial use within the last 5 years	Copy of instream lease or lease number

# Land Use Information Form



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

Applicant(s): Idaho Power Company

Mailing Address: PO Box 70

City: Boise

State: ID

Zip Code: 83707

Daytime Phone: \_\_\_\_\_

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## A. Land and Location

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

Township	Range	Section	¼ ¼	Tax Lot #	Plan Designation (e.g., Rural Residential/RR-5)	Water to be:			Proposed Land Use:
<u>7S</u>	<u>48E</u>	<u>8</u>	<u>NENE</u>	<u>0100</u>	<u>RSA</u>	<input type="checkbox"/> Diverted	<input checked="" type="checkbox"/> Conveyed	<input checked="" type="checkbox"/> Used	_____
<u>7S</u>	<u>48E</u>	<u>8</u>	<u>SENE</u>	<u>0100, 0200</u>	<u>RSA</u>	<input type="checkbox"/> Diverted	<input checked="" type="checkbox"/> Conveyed	<input checked="" type="checkbox"/> Used	_____
<u>7S</u>	<u>48E</u>	<u>9</u>	<u>NWNW</u>	<u>0100, 0200</u>	<u>RSA</u>	<input checked="" type="checkbox"/> Diverted	<input checked="" type="checkbox"/> Conveyed	<input checked="" type="checkbox"/> Used	_____
<u>7S</u>	<u>48E</u>	<u>9</u>	<u>SWNW</u>	<u>0100, 0200</u>	<u>RSA</u>	<input type="checkbox"/> Diverted	<input checked="" type="checkbox"/> Conveyed	<input checked="" type="checkbox"/> Used	_____
<u>7S</u>	<u>48E</u>	<u>9</u>	<u>SENW</u>	<u>0100, 0200</u>	<u>RSA</u>	<input type="checkbox"/> Diverted	<input checked="" type="checkbox"/> Conveyed	<input checked="" type="checkbox"/> Used	_____

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

Baker County; Copperfield, OR

## B. Description of Proposed Use

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

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

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

Estimated quantity of water needed: 0.89   
 cubic feet per second   
 gallons per minute   
 acre-feet

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

Briefly describe:

The property is located in Copperfield, OR. The water user, Idaho Power Company is filing paperwork with OWRD to clarify the point of diversion location for water right Certificate 72609. This form is required to complete the OWRD paperwork. No changes are being made to the irrigated areas.

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

See bottom of Page 3. →

# For Local Government Use Only

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

**Please check the appropriate box below and provide the requested information**

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

Type of Land-Use Approval Needed (e.g., plan amendments, rezones, conditional-use permits, etc.)	Cite Most Significant, Applicable Plan Policies & Ordinance Section References	Land-Use Approval:	
		<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being Pursued <input type="checkbox"/> Not Being Pursued
	<b>RECEIVED</b>	<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being Pursued <input type="checkbox"/> Not Being Pursued
	<b>SEP 21 2022</b>	<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being Pursued <input type="checkbox"/> Not Being Pursued
	<b>OWRD</b>	<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being Pursued <input type="checkbox"/> Not Being Pursued

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

BCZO Section 550.03 - Rural Service Areas; irrigation for aesthetic purposes not regulated by code

Name: Eva Henes Title: Senior Planner

Signature: *Eva Henes* Phone: 541-523-8219 Date: 02/10/2021

Government Entity: Baker City-County Planning Department

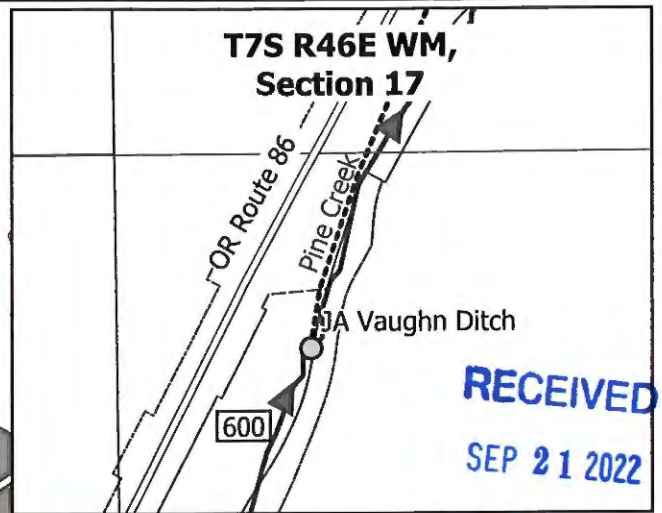
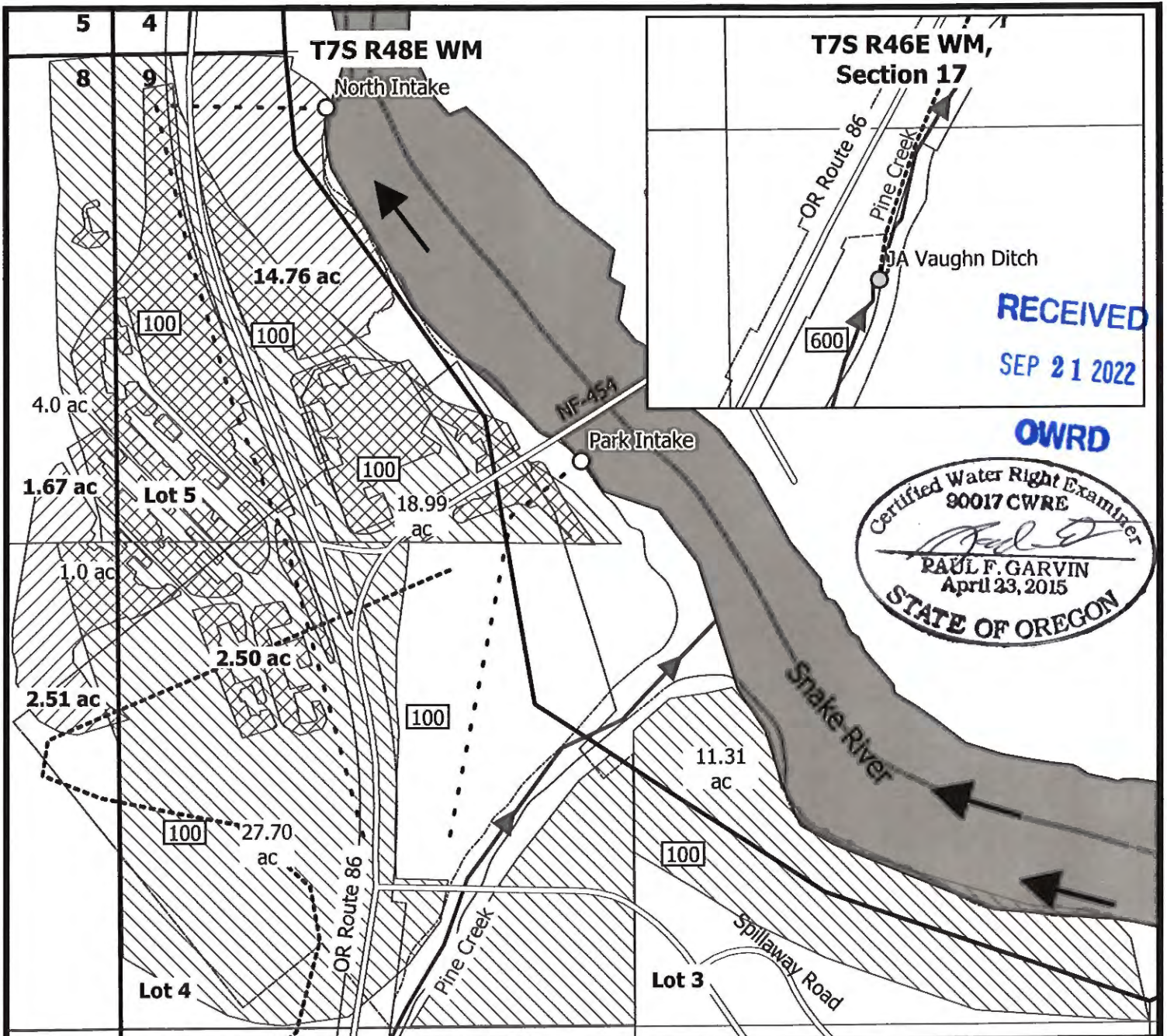
**Note to local government representative:** Please complete this form or sign the receipt below and return it to the applicant. If you sign the receipt, you will have 30 days from the Water Resources Department's notice date to return the completed Land Use Information Form or WRD may presume the land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

**Receipt for Request for Land Use Information**

Applicant name: \_\_\_\_\_

City or County: \_\_\_\_\_ Staff contact: \_\_\_\_\_

Signature: \_\_\_\_\_ Phone: \_\_\_\_\_ Date: \_\_\_\_\_



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**OWRD**  
 Certified Water Right Examiner  
 90017 CWRE  
*Paul F. Garvin*  
 PAUL F. GARVIN  
 April 23, 2015  
 STATE OF OREGON

LEGEND	
○	Authorized POD
○	Proposed POD
▨	Certificate 72609 "From/Diminished" Lands
▧	Certificate 72609 "To" Lands
▩	Certificate 72609 Unchanged
---	Buried Mainline
- - - -	Ditch
⊠	Baker County Taxlot Boundary



**Certificate 72609 Transfer**

**Application Map**

**Copperfield, OR**

**Change in POU, POD, and APOD**

Prepared on behalf of Idaho Power

1 inch = 400 feet

**NT**

Date: 8/24/22  
Drawn by: Paul F. Garvin

Note:

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

JA Vaughn Ditch: 1,695 ft E and 900 ft N from the SW corner of Section 17

North Intake: 561 ft E and 154 ft S from the NW corner of Section 9

Park Intake: 1,117 feet S and 1,179 feet E from the NW corner of Section 9

Supporting documentation, aerial photograph dated 2018, hatched areas correspond to acerages mentioned in section 2. Above.



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# Permanent Transfer Application Intake Completion Checklist

Check the Certificate(s) in WRIS

Transfer # T- 14094

Checked by: <u>Allen</u>	<b>Type of Change(s) Proposed:</b> <small>Mark the Proposed Changes</small>	Substitution	Supplemental to Primary	POU	POD	APOD
Date: <u>9/23/22</u>		Gov Action	Surface to Ground	USE	POA	APOA
Fee Received: <u>2450-</u>		<b>How many rights to be Transferred?</b>				
Calculated Fee: <u>2450-</u>		<b>Certificate #</b>				
Additional Observations: _____		<u>72609</u>				

If OK and complete, check box to the left; if **NOT**, fill in.

1. Is applicant information complete? Have all applicants listed at the top of the page signed at the bottom? If no, what is missing? Whose signature is missing? \_\_\_\_\_
2. Does applicant indicate the place of use is in or near an irrigation district? Is a Form D included?  N/A.  
Name of the district: \_\_\_\_\_
3. Part 5 of application, has the applicant(s) completed the entire page and does the information match the description of the explanation of the reasons for transfer on Part 4 of the application? If no, you may need to contact the applicant or agent? \_\_\_\_\_
4. Is there only one (1) water right included in this transfer application? If no, are the criteria of OAR 690-380-3220 for more than one WR met? Yes or No \_\_\_\_\_  
If no, then the transfer application **CANNOT** be accepted. See attached "3220" Decision Tree Flowchart.
5. For multiple certificates do each of the certificates listed on Application Page 1 have their own separate completed Part 5 tables 1 & 2? If no, which certificate(s) are missing a separate Part 5 tables 1 & 2? \_\_\_\_\_
6. Is the map prepared and signed by a CWRE? Does the map meet requirements? If no, what is missing? \_\_\_\_\_. Map waiver included?  Yes  No
7. If a change in point of appropriation (POA), have the well logs been included?  N/A.
8. If a change in place of use (POU) within Umatilla County, have the applicant(s) provided a Supplemental Form U?  N/A.
9. If all boxes on this checklist are checked (with no remaining deficiencies identified), **ACCEPT** the application. Put this application intake completeness check sheet in the transfer folder.

OR:  If all boxes to the left are **NOT** checked, then this application is deficient and **CANNOT** be accepted.

It should be returned and the deficiencies listed in the "staff" section at the bottom of Application Page 1, unless the applicant or agent can resolve the deficiencies within 2-3 days.

Actions taken: \_\_\_\_\_ Date: \_\_\_\_\_

