

# Application for Water Right Instream Transfer

Part 1 of 5 – Minimum Requirements Checklist



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

**This transfer application will be returned if Parts 1 through 6 and all required attachments are not completed and included.**  
For questions, please call (503) 986-0900, and ask for Transfer Section.

### FOR ALL INSTREAM TRANSFER APPLICATIONS

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

- Part 1 – Completed Minimum Requirements Checklist.
  - Part 2 – Completed Map Checklist.
  - FEE** – Application Fee required by ORS 536.050, payable by check to the Oregon Water Resources Department, the online fee calculator is located:  
[http://apps.wrd.state.or.us/apps/misc/wrd\\_fee\\_calculator/](http://apps.wrd.state.or.us/apps/misc/wrd_fee_calculator/).  
Note: Instream transfers are considered both a change in place of use and character of use. In addition, an automatic 50% fee waiver applies to all instream transfers.
  - Part 3 – Completed Applicant Information and Signature.
  - Part 4 – Completed Instream Use Information.
  - Part 5 – Information about the Transferred Water Rights: **How many water rights are to be transferred? 2 List them here: 45105 & 93003**  
Please include a separate Part 6 for each water right. (See instructions on page 8)
- Attachments:**
- Completed Instream 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.
  - Land Use Notice - Notice of the intent to file an instream transfer application must be provided to each affected local government along the proposed reach. Copies of the notices must be enclosed with the instream transfer application.

(For Staff Use Only)

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

|                                               |                                      |
|-----------------------------------------------|--------------------------------------|
| ___ Application fee not enclosed/insufficient | ___ Map not included or incomplete   |
| ___ Land Use Form not enclosed or incomplete  | ___ Additional signature(s) required |
| ___ Part ___ is incomplete                    | Other/Explanation _____              |

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

### Part 3 of 5 – Applicant Information and Signature

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 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/).
- OR**
- N/A Waiver of requirement that map be prepared by a CWRE. Completed map waiver form is signed by the Department's Regional Manager and included in the application. The map **must** still meet Department mapping requirements described below.
- 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, quarter-quarter, 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.
- Existing diversion point(s) with distance and bearing or coordinates from a recognized survey corner. This information can generally be found in your water right certificate or permit.

Is this a  Permanent Instream Transfer or  Time-Limited Instream Transfer?

**Applicant Information**

|                                                                                                                                                                             |                    |                                  |                                         |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------|----------------------------------|-----------------------------------------|
| APPLICANT/BUSINESS NAME<br><b>Andrea Malmberg / Andrea Margery Malmberg Trust</b>                                                                                           |                    | PHONE NO.<br><b>541-805-1124</b> | ADDITIONAL CONTACT NO.                  |
| ADDRESS<br><b>1782 South Main St.</b>                                                                                                                                       |                    | FAX NO.                          |                                         |
| CITY<br><b>Union</b>                                                                                                                                                        | STATE<br><b>OR</b> | ZIP<br><b>97883</b>              | E-MAIL<br><b>andrea@bunchgrass.land</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<br><b>Jessica Humphreys / Trout Unlimited</b>                                                                                                           |                    | PHONE NO.<br><b>541-913-3750</b> | ADDITIONAL CONTACT NO.                    |
| ADDRESS<br><b>401 NE 1st St.</b>                                                                                                                                            |                    | FAX NO.                          |                                           |
| CITY<br><b>Enterprise</b>                                                                                                                                                   | STATE<br><b>OR</b> | ZIP<br><b>97828</b>              | E-MAIL<br><b>jessica.humphreys@tu.org</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: Legally transfer portions of our two surface irrigation water rights to OWRD for an instream water right to protect surface flows from the point of diversion to the mouth of Catherine Creek. The goal is to restore summer fish habitat in Catherine Creek for Chinook salmon, steelhead, lamprey and restoration of the aquatic / riparian ecosystem.  
If you need additional space, continue on a separate piece of paper and attach to the application as "Attachment 1".

Check this box if this project is fully or partially funded by the American Recovery and Reinvestment Act. (Federal stimulus dollars)

**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 that 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.

I understand that prior to Department approval of the transfer, 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: \_\_\_\_\_.

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



Andrea Malmberg      **Andrea Malmberg (Trustee)**      03/25/26  
Applicant Signature      Print Name (and Title if applicable)      Date

\_\_\_\_\_  
Applicant Signature      Print Name (and Title if applicable)      Date

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

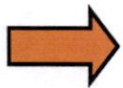
Check the following boxes that apply:

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

|                          |         |     |
|--------------------------|---------|-----|
| IRRIGATION DISTRICT NAME | ADDRESS |     |
| CITY                     | STATE   | ZIP |

- Check here if water for any of the rights is 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 local governments (each county, city, municipal corporation, or tribal government) within whose jurisdiction the proposed instream reach will be located.

|                                    |                                           |                     |
|------------------------------------|-------------------------------------------|---------------------|
| ENTITY NAME<br><b>Union County</b> | ADDRESS<br><b>1001 Fourth St. Suite C</b> |                     |
| CITY<br><b>La Grande</b>           | STATE<br><b>OR</b>                        | ZIP<br><b>97859</b> |

|                                     |                                |                     |
|-------------------------------------|--------------------------------|---------------------|
| ENTITY NAME<br><b>City of Union</b> | ADDRESS<br><b>P.O. Box 529</b> |                     |
| CITY<br><b>Union</b>                | STATE<br><b>OR</b>             | ZIP<br><b>97883</b> |

|                                                                   |                                   |                     |
|-------------------------------------------------------------------|-----------------------------------|---------------------|
| ENTITY NAME<br><b>Confederated Tribes of Umatilla Reservation</b> | ADDRESS<br><b>6111 Timine Way</b> |                     |
| CITY<br><b>Pendleton</b>                                          | STATE<br><b>OR</b>                | ZIP<br><b>97801</b> |

|             |         |     |
|-------------|---------|-----|
| ENTITY NAME | ADDRESS |     |
| CITY        | STATE   | ZIP |

|             |         |     |
|-------------|---------|-----|
| ENTITY NAME | ADDRESS |     |
| CITY        | STATE   | ZIP |

### Part 4 of 5 – Proposed Instream Use Information

**Identify the Public Use for which the instream right is requested (check at least one box):**

- Conservation, maintenance and enhancement of aquatic and fish life, wildlife, fish and wildlife habitat and other ecological values.
- Recreation
- Navigation
- Pollution Abatement

**Instream use proposed to be created by the instream transfer:**

| Originating Water Right Number (as identified in Part 5) | Priority Date | Source                                             | Proposed Instream Period | Rate (cfs)* | Volume (ac-ft)** |
|----------------------------------------------------------|---------------|----------------------------------------------------|--------------------------|-------------|------------------|
| 45105                                                    | 12/31/1874    | Catherine Cr a tributary to the Grande Ronde River | July 15 - Sept. 13       | 1.19        | 142.8            |
| 93003                                                    | 12/31/1874    | Catherine Cr a tributary to the Grande Ronde River | July 15 - Sept. 13       | 0.46        | 55.74            |
|                                                          |               |                                                    |                          |             |                  |
|                                                          |               |                                                    |                          |             |                  |
| <b>TOTAL VOLUME</b>                                      |               |                                                    |                          |             | <b>198.63</b>    |

**\*Tip:** To calculate rate (if other than the rate allowed by the right), divide the volume by the number of days in the period and then divide by 1.983471; or

**\*\*Tip:** To calculate volume, multiply the rate by the number of days in the instream period and then multiply by 1.983471.

Note: The instream rate may not exceed the max rate allowed by the existing right(s) and the total volume may not exceed to max volume or duty allowed by the existing right(s).

Additional Information: The portions of Certs. 93003 and 45105 in this transfer application are currently in an instream lease or time limited transfer. This transfer is consistent with IL-2116 and T-11613. For the 26 acres of Cert 45105 currently in T-11613 we are requesting the full certificated rate of 1/40th cfs.

**Identify the location of the proposed instream water right.**

- Water is requested to be protected at a point.  
Location (i.e. the point of diversion (POD) – use the POD Name or Number from Table 1): \_\_\_\_\_.
- Water is requested to be protected within a reach:  
Location of proposed reach (If an instream water right reach is requested, identify the upstream and downstream extent of the reach): From the PODs to mouth of Catherine Creek.

**Recommendations for conditions on the instream use to avoid taking away or impairing existing water rights.**

None

Other (such conditions may include, but are not limited to, reductions in the instream flow levels in cfs per month or total ac-ft, the effective reach(es) or lake levels of the instream flow, measuring locations and the strategy for monitoring the instream flow or lake levels): \_\_\_\_\_.

Are there any existing instream water rights on the same point or within the same requested reach(es) or lake, or on a portion thereof?

No  Yes (identify other instream water rights): There are two instream water rights within the proposed protected reach: 93004 and portion of 59537.

Note: New instream water rights are generally (but not always) additive to instream water rights established under ORS 537.348 (instream transfer application process) and ORS 537.470 (allocation of conserved water) and replace a portion of instream water rights established under ORS 537.341 (state agency application process) or ORS 537.346 (conversion of minimum perennial streamflows) with an earlier priority date.

Is it your intent to have the proposed instream water right transfer be additive to any instream water right established under ORS 537.348 and ORS 537.470 and replace a portion of any instream water right established under ORS 537.341 and ORS 537.346 with an earlier priority date?

Yes  No. If no, please explain your intent: \_\_\_\_\_.

If the proposed conversion would add to the amounts of an existing instream water right(s) established under ORS 537.341 or 537.346, provide documentation demonstrating why additional instream flows are necessary. Supporting documentation should include information from the Oregon Dept. of Fish and Wildlife (ODFW) (fish life), Dept. of Environmental Quality (DEQ) (pollution abatement), and/or Parks and Recreation Dept. (recreation).

Is the requested instream flow intended to exceed the estimated average natural flow or level occurring from the drainage system?

- No; **OR**
- Yes (Provide supporting documentation that demonstrates why additional flows are significant for the public use requested.); **OR**
- Yes, and it is presumed that flows that exceed the estimated average natural flow or natural lake levels are significant because:
- The requested flow does not exceed the maximum amount of any instream water right application applied for under ORS 537.341 (state agency instream water right application process) for the same reach or portion thereof, and the requested public use is for the same public use as the afore mentioned instream water right application, **and**
  - For the specified time period that flows are requested to exceed the estimated average natural flow or lake level, the stream is in an ODFW flow restoration priority watershed. A copy of the priority watershed map indicating the specific watershed involved should be included with the application. Priority watershed maps may be found on the OWRD web page; **or**
  - The stream is listed as water quality limited and DEQ has provided scientific information that demonstrates that increased flows would improve water quality. The scientific information provided by DEQ should be included with the transfer application.

For a Time Limited Instream Transfer, please answer the following:

- The time-limited instream transfer is for a specific number of years:  
\_\_\_\_\_ Begin Year to \_\_\_\_\_ End Year
- Time-limited instream transfer is to terminate based upon other conditions:  
Conditions: \_\_\_\_\_.

Please use a separate Part 5 for each water right being changed. See instructions on page 9, to copy and paste additional Part 56s, or to add additional rows to tables within the form.

**CERTIFICATE # 45105**

**Name on Certificate:** Union Orchard Company

**Date(s) of Priority:** 12/31/1874

**Source(s) of Water to be Affected by the Transfer:** Catherine Creek

**Description of Water Delivery System**

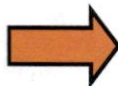
System capacity: 2.5 cubic feet per second (cfs) **OR**  
 \_\_\_\_\_ gallons per minute (gpm)

Describe the current water delivery system or the system that was in place at some time within the last five years. Include information on the pumps, canals, pipelines and sprinklers used to divert, convey and apply the water at the authorized place of use. **POD to Prescott Ditch. 1.4 miles open ditch to open lateral ditch supplying POU. POU flood irrigated prior to full season instream leasing beginning in 2011.**

**Other Water Rights**

Are there other water right certificates, water use permits or ground water registrations associated with the "from" 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.

**Table 1. Location of Authorized Point(s) of Diversion (POD)**

(Note: If the POD name is not specified on the certificate, assign it a name or number here. Also, if the POD is not described in the Certificate, provide a description below)

| POD Name or Number | Priority Date (if different between PODs) | Twp |   | Rng |   | Sec | ¼ ¼ |    | Tax Lot, DLC or Gov't Lot | Measured Distances (from a recognized survey corner)                   |
|--------------------|-------------------------------------------|-----|---|-----|---|-----|-----|----|---------------------------|------------------------------------------------------------------------|
|                    |                                           |     |   |     |   |     |     |    |                           |                                                                        |
| 1                  | 1874                                      | 4   | S | 40  | E | 19  | NE  | NE | 3700                      | 850 feet south and 2870 feet west from the NE 1/4 corner of section 20 |
|                    |                                           |     |   |     |   |     |     |    |                           |                                                                        |
|                    |                                           |     |   |     |   |     |     |    |                           |                                                                        |

**Will the proposed instream transfer affect the entire water right?**

Yes Then Table 2 on Page 8 does not need to be completed.

Please use additional pages of Table 2 as needed. See page 9 for instructions. If you have further questions about how to fill out the tables, contact the Department at 503-986-0900 and ask for Transfer Staff.

**Table 2. Description of Change to Water Right Certificate # 45105**

List only the part of the right that will be changed. If more than one POD serves the lands, specify the acreage associated with each POD.

| Twp         |   | Rng |   | Sec | ¼ ¼    |    | Tax Lot | Gov't Lot or DLC | Acres if Applicable | Type of USE listed on Certificate | Priority Date (if not the same for all acres or type of use) | POD(s) (name or number from Table 1) |
|-------------|---|-----|---|-----|--------|----|---------|------------------|---------------------|-----------------------------------|--------------------------------------------------------------|--------------------------------------|
| 2           | S | 9   | E | 14  | NE     | NW | 100     |                  | 15.0                | Irrigation                        | 4/1/1900                                                     | POD #1<br>POD #2                     |
| "           | " | "   | " | "   | "      | "  | "       | "                | EXAMPLE             | "                                 | "                                                            | "                                    |
| 4           | S | 39  | E | 24  | SE     | SE | 200     |                  | 10                  | Irrigation                        | 12/31/1874                                                   | 1                                    |
| 4           | S | 39  | E | 25  | NE     | NE | 7800    |                  | 11.2                | Irrigation                        | 12/31/1874                                                   | 1                                    |
| 4           | S | 40  | E | 19  | SW     | SW | 600     |                  | 10                  | Irrigation                        | 12/31/1874                                                   | 1                                    |
| 4           | S | 40  | E | 30  | N<br>W | NW | 200     |                  | 16.4                | Irrigation                        | 12/31/1874                                                   | 1                                    |
|             |   |     |   |     |        |    |         |                  |                     |                                   |                                                              |                                      |
|             |   |     |   |     |        |    |         |                  |                     |                                   |                                                              |                                      |
|             |   |     |   |     |        |    |         |                  |                     |                                   |                                                              |                                      |
|             |   |     |   |     |        |    |         |                  |                     |                                   |                                                              |                                      |
|             |   |     |   |     |        |    |         |                  |                     |                                   |                                                              |                                      |
|             |   |     |   |     |        |    |         |                  |                     |                                   |                                                              |                                      |
|             |   |     |   |     |        |    |         |                  |                     |                                   |                                                              |                                      |
|             |   |     |   |     |        |    |         |                  |                     |                                   |                                                              |                                      |
|             |   |     |   |     |        |    |         |                  |                     |                                   |                                                              |                                      |
|             |   |     |   |     |        |    |         |                  |                     |                                   |                                                              |                                      |
|             |   |     |   |     |        |    |         |                  |                     |                                   |                                                              |                                      |
|             |   |     |   |     |        |    |         |                  |                     |                                   |                                                              |                                      |
|             |   |     |   |     |        |    |         |                  |                     |                                   |                                                              |                                      |
| TOTAL ACRES |   |     |   |     |        |    |         |                  | 47.6                |                                   |                                                              |                                      |

Additional remarks: The portion of this water right proposed for transfer are currently leased instream. 21.6 acres are in IL-2116. 26 acres are in T-11613. These leases will be cancelled pending approval of this application.

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

Please use a separate Part 5 for each water right being changed. See instructions on page 9, to copy and paste additional Part 56s, or to add additional rows to tables within the form.

**CERTIFICATE # 93003**

**Name on Certificate:** Guild United Ditches C/O EDGAR BARTON

**Date(s) of Priority:** 12/31/1874

**Source(s) of Water to be Affected by the Transfer:** Catherine Creek

**Description of Water Delivery System**

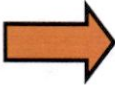
System capacity: 1.5 cubic feet per second (cfs) **OR**  
 \_\_\_\_\_ gallons per minute (gpm)

Describe the current water delivery system or the system that was in place at some time within the last five years. Include information on the pumps, canals, pipelines and sprinklers used to divert, convey and apply the water at the authorized place of use. POD to Guild United Ditch. 1.1 miles open ditch to open lateral ditch supplying POU. POU flood irrigated prior to full season instream leasing beginning in 2018.

**Other Water Rights**

Are there other water right certificates, water use permits or ground water registrations associated with the "from" 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.

**Table 1. Location of Authorized Point(s) of Diversion (POD)**

(Note: If the POD name is not specified on the certificate, assign it a name or number here. Also, if the POD is not described in the Certificate, provide a description below)

| POD Name or Number | Priority Date (if different between PODs) | Twp |   | Rng |   | Sec | ¼ ¼ |    | Tax Lot, DLC or Gov't Lot | Measured Distances (from a recognized survey corner)                   |
|--------------------|-------------------------------------------|-----|---|-----|---|-----|-----|----|---------------------------|------------------------------------------------------------------------|
|                    |                                           |     |   |     |   |     |     |    |                           |                                                                        |
| 1                  | 12/31/1874                                | 4   | S | 40  | E | 19  | NE  | NE | 3700                      | 150 Feet South and 1730 Feet East from the N 1/4 Corner of Section 19. |
|                    |                                           |     |   |     |   |     |     |    |                           |                                                                        |
|                    |                                           |     |   |     |   |     |     |    |                           |                                                                        |

**Will the proposed instream transfer affect the entire water right?**

Yes Then Table 2 on Page 8 does not need to be completed.

Please use additional pages of Table 2 as needed. See page 9 for instructions. If you have further questions about how to fill out the tables, contact the Department at 503-986-0900 and ask for Transfer Staff.

**Table 2. Description of Change to Water Right Certificate # 93003**

List only the part of the right that will be changed. If more than one POD serves the lands, specify the acreage associated with each POD.

| Twp         |   | Rng |   | Sec |    | ¼ ¼ |  | Tax Lot | Gov't Lot or DLC | Acres if Applicable | Type of USE listed on Certificate | Priority Date (if not the same for all acres or type of use) | POD(s) (name or number from Table 1) |
|-------------|---|-----|---|-----|----|-----|--|---------|------------------|---------------------|-----------------------------------|--------------------------------------------------------------|--------------------------------------|
| 2           | S | 9   | E | 14  | NE | NW  |  | 100     |                  | 15.0                | Irrigation                        | 4/1/1900                                                     | POD #1<br>POD #2                     |
| "           | " | "   | " | "   | "  | "   |  | "       | "                | EXAMPLE             | "                                 | "                                                            | "                                    |
| 4           | S | 39  | E | 24  | SE | SE  |  | 200     |                  | 18.5                | Irrigation                        | 12/31/1874                                                   | 1                                    |
|             |   |     |   |     |    |     |  |         |                  |                     |                                   |                                                              |                                      |
|             |   |     |   |     |    |     |  |         |                  |                     |                                   |                                                              |                                      |
|             |   |     |   |     |    |     |  |         |                  |                     |                                   |                                                              |                                      |
|             |   |     |   |     |    |     |  |         |                  |                     |                                   |                                                              |                                      |
|             |   |     |   |     |    |     |  |         |                  |                     |                                   |                                                              |                                      |
|             |   |     |   |     |    |     |  |         |                  |                     |                                   |                                                              |                                      |
|             |   |     |   |     |    |     |  |         |                  |                     |                                   |                                                              |                                      |
|             |   |     |   |     |    |     |  |         |                  |                     |                                   |                                                              |                                      |
|             |   |     |   |     |    |     |  |         |                  |                     |                                   |                                                              |                                      |
|             |   |     |   |     |    |     |  |         |                  |                     |                                   |                                                              |                                      |
|             |   |     |   |     |    |     |  |         |                  |                     |                                   |                                                              |                                      |
|             |   |     |   |     |    |     |  |         |                  |                     |                                   |                                                              |                                      |
|             |   |     |   |     |    |     |  |         |                  |                     |                                   |                                                              |                                      |
|             |   |     |   |     |    |     |  |         |                  |                     |                                   |                                                              |                                      |
|             |   |     |   |     |    |     |  |         |                  |                     |                                   |                                                              |                                      |
| TOTAL ACRES |   |     |   |     |    |     |  |         |                  | 18.6                |                                   |                                                              |                                      |

Additional remarks: The portion of this water right proposed for transfer are currently leased instream in IL-2116. The lease will be cancelled pending approval of this application.

# 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 UNION)

I, ANDREA MALMBERG, in my capacity as TRUSTEE OF THE ANDREA MARGERY MALMBERG TRUST,  
 mailing address 1782 SOUTH MAIN ST. UNION, OR 97883  
 telephone number (541)805-1124, being first duly sworn depose and say:

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

- Personal observation                       Professional expertise

2. I attest that:

- Water was used during the previous five years on the **entire** place of use for Certificate # \_\_\_\_; **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) |
|---------------|----------|-------|-----|-----|-----|------------------|-----------------------|
|               |          |       |     |     |     |                  |                       |
|               |          |       |     |     |     |                  |                       |
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|               |          |       |     |     |     |                  |                       |
|               |          |       |     |     |     |                  |                       |
|               |          |       |     |     |     |                  |                       |

**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: IL-2116 AND T-11613 (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)

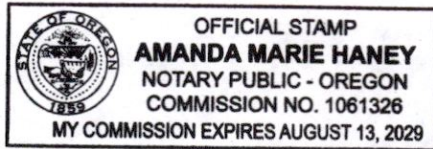
14844 -

3. The water right was used for: (e.g., crops, pasture, etc.): PASTURE
4. I understand that if I do not attach one or more of the documents shown in the table below to support the above statements, my application will be considered incomplete.

Andrea Margery Maloney  
Signature of Affiant

3/19/2026  
Date

Signed and sworn to (or affirmed) before me this 19 day of March, 2026.



Amanda M Haney  
Notary Public for Oregon

My Commission Expires: August 13 2029

| Supporting Documents                                                                                                                                   | Examples                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |
|--------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <input type="checkbox"/> Copy of a water right certificate that has been issued within the last five years. (not a remaining right certificate)        | Copy of <b>confirming</b> water right certificate that shows issue date                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |
| <input type="checkbox"/> Copies of receipts from sales of irrigated crops or for expenditures related to use of water                                  | <ul style="list-style-type: none"> <li>● Power usage records for pumps associated with irrigation use</li> <li>● Fertilizer or seed bills related to irrigated crops</li> <li>● Farmers Co-op sales receipt</li> </ul>                                                                                                                                                                                                                                                                                                                                                                                           |
| <input type="checkbox"/> Records such as FSA crop reports, irrigation district records, NRCS farm management plan, or records of other water suppliers | <ul style="list-style-type: none"> <li>● District assessment records for water delivered</li> <li>● Crop reports submitted under a federal loan agreement</li> <li>● Beneficial use reports from district</li> <li>● IRS Farm Usage Deduction Report</li> <li>● Agricultural Stabilization Plan</li> <li>● CREP Report</li> </ul>                                                                                                                                                                                                                                                                                |
| <input 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.<br/>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:<br/>OSU – <a href="http://www.oregonexplorer.info/imagery">www.oregonexplorer.info/imagery</a><br/>OWRD – <a href="http://www.wrd.state.or.us">www.wrd.state.or.us</a><br/>Google Earth – <a href="http://earth.google.com">earth.google.com</a><br/>TerraServer – <a href="http://www.terra-server.com">www.terra-server.com</a></p> |
| <input checked="" type="checkbox"/> Approved Lease establishing beneficial use within the last 5 years                                                 | Copy of instream lease or lease number                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |



Union County Planning Department  
1001 Fourth St. Suite C  
La Grande, OR 97859

March 4, 2026

City of Union Administrator  
P.O. Box 529  
Union, OR 97883

Confederated Tribes of Umatilla Reservation  
46111 Timine Way  
Pendleton, OR. 97801

To Whom It May Concern:

The Andrea Margery Malmberg Trust (Trust) is providing notification of their intent to transfer two surface irrigation water rights to instream use. The Oregon Water Resource Department requires applicants intending to file an application to transfer a water right to instream purposes to notify local governments that could be affected so they can make sure the proposed new use is compatible with its comprehensive plan.

The transfer application is requesting to change a portion of water right certificates 45105 and 93003 to instream use. The portions of the water rights consist of irrigation of 66.1 acres within 3 tax lots (see table below).

| Water Right | T. | R.  | S. | Q-Q   | Acres | Tax Lot |
|-------------|----|-----|----|-------|-------|---------|
| Cert 93003: | 4S | 39E | 24 | SE SE | 18.5  | 200     |
| Cert 45105: | 4S | 39E | 24 | SE SE | 10    | 200     |
| Cert 45105: | 4S | 39E | 25 | NE NE | 11.2  | 7800    |
| Cert 45105: | 4S | 40E | 19 | SW-SW | 10    | 600     |
| Cert 45105: | 4S | 40E | 30 | NW-NW | 16.4  | 200     |

The proposed transfer will place approximately 1.65 cubic feet per second instream with an 1874 priority date. The Trust requested the water be protected from two authorized Points of Diversion (located in the NE/NE of Section 19, T4S R40E, W.M.) to the mouth of Catherine Creek at its confluence with the Grande Ronde River.

If you have any questions regarding the proposed transfer application or are interested in receiving additional information, please contact me at 541-891-3699 or [chris.brun@tu.org](mailto:chris.brun@tu.org).

Sincerely,

CHRIS BRUN  
Flow Restoration Coordinator for Union and Umatilla Counties  
207 E. Park St.  
Enterprise, OR 97828