

Regular

Name City of John Day
C/O Casey Meyers
Address 450 E Main St
John Day, OR 97845

Change in USE, POU, APOA
Date Filed 4/25/2024
Initial notice date 4/30/2024
DPD issued date _____
PD issued date _____
PD notice date _____
Date of FO 11/19/2025 Withdrawn Vol 138 Page 67

C-Date _____
COBU due date _____
COBU Received date _____
Certificate issued _____

Assignments: _____

Irrigation District _____

Agent Bob Long
(503) 954-1326

CWRE _____
CC's list City of John Day

- Oversized map - Location _____

DESCRIPTION OF WATER RIGHT(S)

Name of Stream A sump

Trib. of John Day River

Use Industrial/Manufacturing Uses County Grant

Quantity of water (CFS) _____ No. of Acres _____

Name of ditch _____

App# G-5251 Per # G-5104 Cert # 48135 PR Date 7-17-1970

App# _____ Per # _____ Cert # _____ PR Date _____

App# _____ Per # _____ Cert # _____ PR Date _____

App# _____ Per # _____ Cert # _____ PR Date _____

App# _____ Per # _____ Cert # _____ PR Date _____

FEES PAID		
Date	Amount	Receipt #
<u>4-25-2024</u>	<u>\$4,020.00</u>	<u>142809</u>

FEES REFUNDED		
Date	Amount	Receipt #
<u>11/20/25</u>	<u>1000.00</u>	<u>142809</u>

Received
APR 25 2024
OWRD

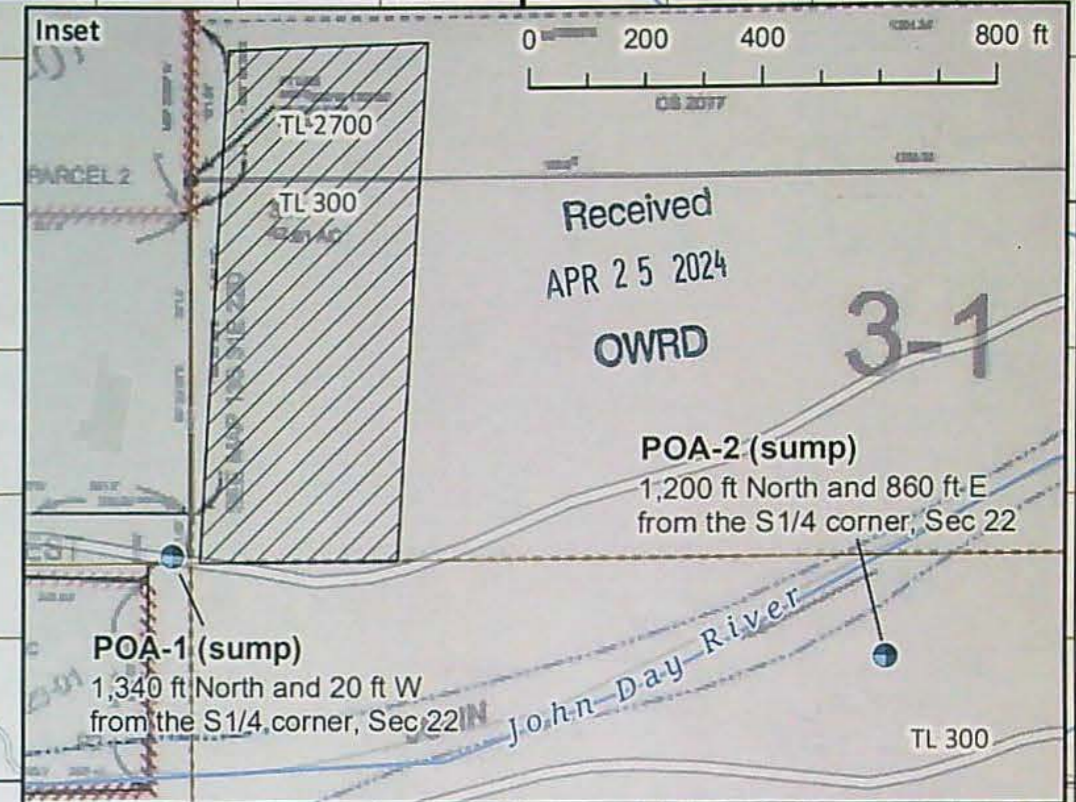
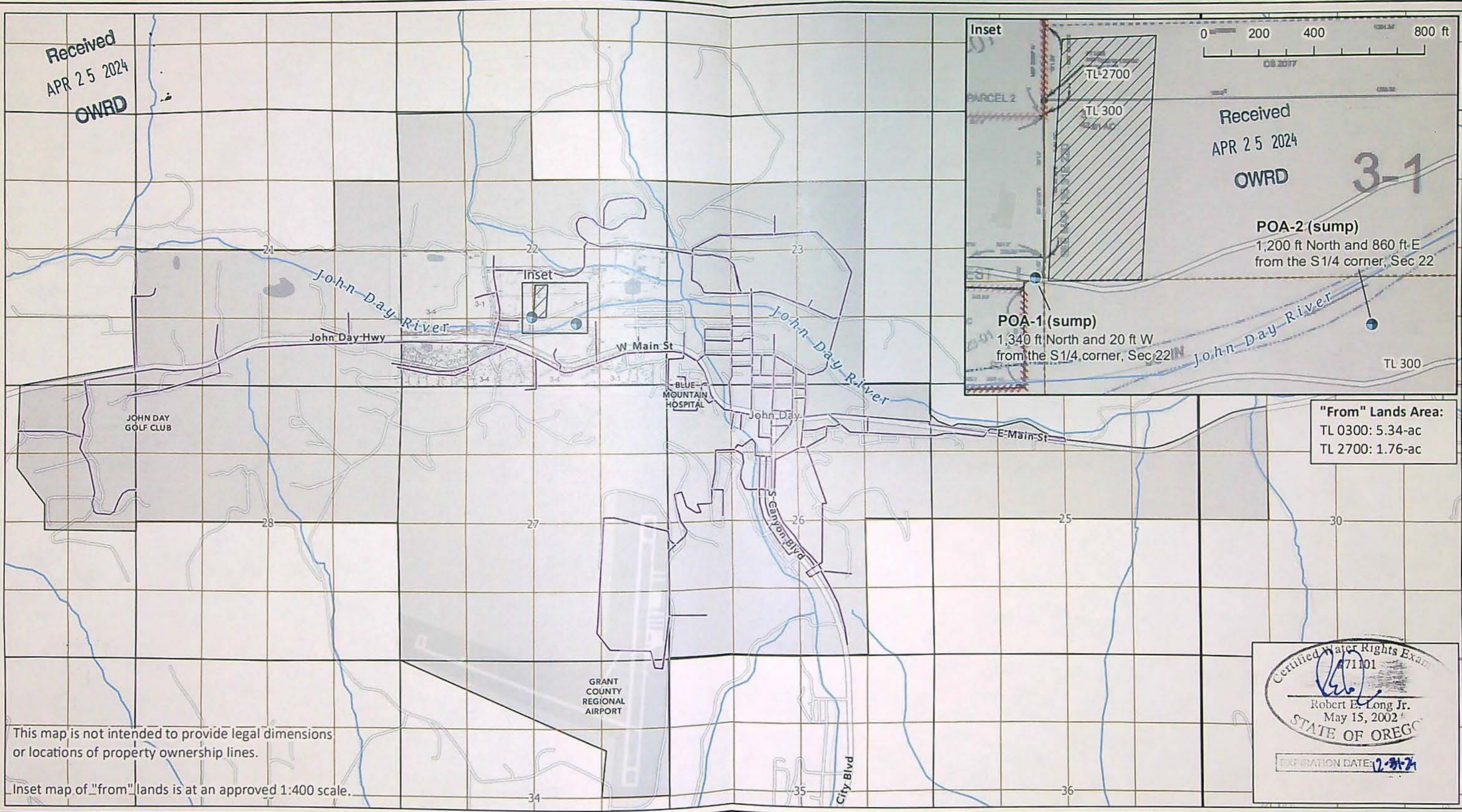
Received
APR 25 2024
OWRD

3-1

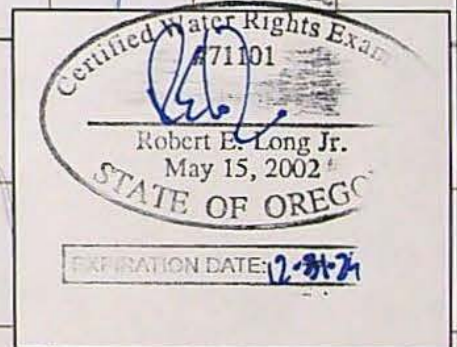
POA-2 (sump)
1,200 ft North and 860 ft E
from the S1/4 corner, Sec 22

POA-1 (sump)
1,340 ft North and 20 ft W
from the S1/4 corner, Sec 22

"From" Lands Area:
TL 0300: 5.34-ac
TL 2700: 1.76-ac



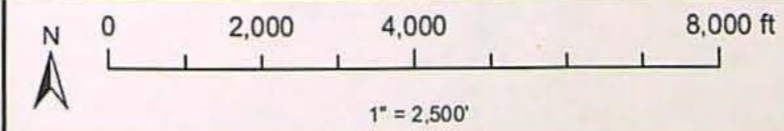
This map is not intended to provide legal dimensions or locations of property ownership lines.
Inset map of "from" lands is at an approved 1:400 scale.



311 B Avenue, Suite P
Lake Oswego, OR 97034
(503) 954-1326

Application for Permanent Transfer
App G-5251, Permit G-5104, Cert. 48135
T13S, R31E, Sec 21-23, 25-29, 34
T13S, R32E, Sec 30

1	DATE	AUTHOR	DRAFT
	4/1/24	REL	1



Proj#: 2111011
GW Transfer to Municipal
City of John Day
450 E Main Street
John Day, OR 97845

- Cert. 48135 "from" lands
- City of John Day UGB - "to" lands
- Cert. 48135 Existing POA
- Proposed POA-2
- Conveyance

WATER RESOURCES DEPARTMENT
REQUEST FOR DISTRIBUTION OF FUNDS

TO: Fiscal Services Section

DATE: 11/4/2025

FROM: Scott Grew, Transfer Specialist
Phone: 503-986-0890

SUBJECT: TRANSFER FILE - Request for Payment or Refund

46110 0205
1000.00

TRANSFER FILE #: T-14447

RECEIPT #: 142809

Please prepare payment in the amount of \$1000.00 , made payable to:

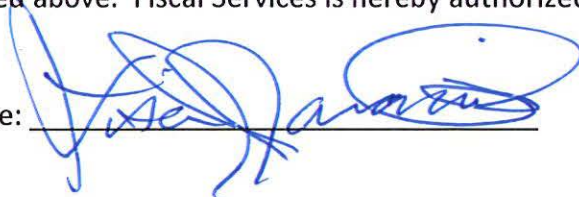
Name: C/O CASEY MYERS, PUBLIC WORKS DIRECTOR
Organization: CITY OF JOHN DAY
Address: 450 E MAIN ST
City: JOHN DAY, OR 97845

These funds are being paid or refunded as a result of (check one):

- Request for file to be Rejected/Withdrawn/Misfiled
- Excess fees were collected for application/PON
- Payment of PON
- Protest filing fee
- Other: Unearned fees due to Withdraw

I have reviewed this distribution request and have determined the request to be justified as to the purpose indicated above. Fiscal Services is hereby authorized to process the requested distribution.

Authorized Signature: _____



Date: _____

11-6-2025



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

November 14, 2025

Casey Myers
450 E Main St
John Day, OR 97845

ORDER ON WITHDRAWN APPLICATION

Reference: Transfer Application T-14447

The above referenced transfer application was withdrawn from the record of the Water Resources Department on November 14, 2025, by Special Order Volume 138, Page 67 (copy enclosed).

The transfer application is no further force or effect.

If you have any questions related to the withdrawal of this transfer, you may contact your caseworker, Scott Grew, by telephone at (503) 986-0890 or by e-mail at Scott.a.grew@water.oregon.gov.

Sincerely,

David V. Jones Jr
Water Right Services Support
Transfers and Conservation Section

cc: Eric W. Julsrud, Watermaster Dist. # 4 (via email)
Bob Long, Agent

Enclosure

WATER RIGHT TRANSFER COVER SHEET

Transfer: T-14447

Transfer Specialist: *Scott*

Transfer Type: Regular Transfer

Reimbursement Authority?

Applicant: Casey Myers 450 E Main St John Day, OR 97845	Agent: Bob Long 1319 SE MLK Jr Blvd, Suite 204 Portland, OR 97214	Receiving Landowner:
Current Landowner if other than Applicant:	CWRE:	Irrigation District:
Affected Local Gov'ts:	Affected Tribal Gov't:	BOR Notified (date):

Water Rights Affected

File Marked	App. File # or Decree Name	Permit	Certificate	RR/CR Needed	RR/CR Nos.
<input type="checkbox"/>				<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 (Support Staff)

Rec'd: April 29, 2024	Proposed Action(s): ADDITIONAL POINT OF APPROPRIATION; PLACE OF USE; USE	
Fees Pd: 4020.00	Acknowledgement Letter Sent <input checked="" type="checkbox"/>	Basin: 6 John Day
Initial Public Notice: 4/30/2024	County sent cc: of Ack Letter <input checked="" type="checkbox"/>	County: GRANT
WM District: 4 Eric W. Julsrud	WM Review request sent:	WM Review date received:
ODFW District:	ODFW Review sent:	ODFW Review date received:
Groundwater	GW Review sent:	GW Review date received:

Caseworker Actions: Newspaper & PD Notice:

Newspaper notice needed: <input type="checkbox"/>	Name of Newspaper: <i>BLUE MTN. EAGLE</i>
Newspaper notice sent to coordinator:	Newspaper notice quote requested (NRS1):
Request for news \$ sent:	News \$ received:
Affidavit of publication received:	Last day of publication:

Peer Review: *DENY*

Document	Drafted	Peer Review	Coordinator	Changes Made	Signature Bin	Signature Date
DPD	Date: <i>8/29/25</i> Initials: <i>Scott</i>	Date: <i>9/4/25</i> Initials: <i>Joan</i>	Date: <i>9/8/25</i> Initials: <i>Corey</i>	Date: <i>9/8/25</i> Initials: <i>Scott</i>	CW Sent: <i>10/22</i> WM Sheet <input type="checkbox"/> ODFW Sheet: <input type="checkbox"/>	N/A
PD	Date: _____ Initials: _____	Date: _____ Initials: _____	Date: _____ Initials: _____	Date: _____ Initials: _____ Data Review Date: _____	Date: _____	Date: _____
FO	Date: <i>11-4-24</i> Initials: <i>Scott</i>	Date: _____ Initials: _____	Date: _____ Initials: _____	Date: _____ Initials: _____	Date: _____ No. of docs for sig: _____	Date: <i>11/14/2025</i>

Special Issues: *measurement and WM cells Injury/Engagement*

Special Order Volume: Vol. *138* Pages *67*


GREW Scott A * WRD

From: Ian Godwin <lgodwin@cwmh2o.com>
Sent: Tuesday, November 4, 2025 8:30 AM
To: GREW Scott A * WRD
Cc: Bob Long; Melissa Bethel; 'Jim Pex'
Subject: Transfer T-14447 DPD

Good morning Scott -

In response to the Draft Preliminary Determination (DPD) letter provided to the City of John Day on October 22, 2025, the City would like to **request the withdrawal of transfer application T-14447**. The DPD indicated that the transfer will be denied and the City does not wish to move the transfer forward to a final determination. Please provide information on how the City may receive a refund for a portion of the application fees, and please confirm that you have received this request.

Thank you,
Ian Godwin

	<p>Ian Godwin, RG, CWRE Project Hydrogeologist 311 B Avenue, Suite P, Lake Oswego, Oregon 97034 www.cwmh2o.com Office (503) 954-1326 Cell (571) 245-7897</p>
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"Connecting Clients to Solutions"

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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

October 22, 2025

CITY OF JOHN DAY
C/O CASEY MYERS, PUBLIC WORKS DIRECTOR
450 E MAIN ST
JOHN DAY, OR 97845

SUBJECT: Water Right Transfer Application T-14447

Please find enclosed a draft of our Preliminary Determination regarding Transfer Application T-14447. The document reflects the Department's conclusion that, based on the information currently available, the transfer will be DENIED. This draft is intended to provide you with an opportunity to comment on our findings and conclusions should you wish to do so and to withdraw or modify your application to resolve the issues that are prompting our decision to deny the application.

At this point, you may decide to continue processing the application (see below), or to send a letter requesting to withdraw the transfer application.

If you wish to proceed with your application, you must submit the following:

1. **Provide a written response** by November 21, 2025, that describes how you will overcome the issues identified above and submit modifications or additional information as needed, or that indicates you wish to protest a Preliminary Determination to deny the transfer.
2. **REQUIRED:** You must submit a **Report of Ownership** for the lands where the water right(s) is/are currently located (i.e., the FROM lands). This report:
 - a) Must be prepared by a title company;
 - b) Shall include a "prepared by" statement and the date the title company prepared the report printed on the cover sheet;
 - c) Must:
 - i. Be prepared no earlier than 3 months prior to the date of issuance of the Draft Preliminary Determination showing current ownership; **OR**
 - ii. Be prepared within 3 months of the date the water right conveyance agreement was recorded; **OR**
 - iii. Show ownership for the FROM land at the time a water right conveyance agreement was recorded.

If water right conveyance agreements are involved, it is helpful to provide copies of those agreements along with the Report of Ownership.

IMPORTANT: In order for the Department to clearly understand the date that the title company prepared the Report of Ownership, the title company must indicate/state the date that they prepared the report on the coversheet and/or first page of the report.

- d) Must include a list of owners at the time the report was generated; **AND**
- e) Must include a legal description of the property where the water right to be transferred is currently located (i.e., the FROM lands).

5. You must provide a notarized statement of consent signed by any landowner listed in the Report of Ownership who is not already included in the transfer application. The Department's statement of consent form (**Consent By Deeded Landowner**) is available at:
https://www.oregon.gov/OWRD/WRDFormsPDF/consent_to_transfer_form.pdf
6. Notice of this transfer will need to be published in a newspaper with general circulation in the area where the water rights are currently located. You will be responsible for the charges.

What happens next...

Once the Preliminary Determination is issued a publication period is required. Because of a change in character of use, the Department will publish notice of the transfer in a local newspaper having a general circulation in the area of the water right at least once per week for two consecutive weeks. You are responsible for sending a check to cover the cost of publication prior to the issuance of the Preliminary Determination and publication of notice (see below). As outlined in OAR 690-380-4020(3), publication costs include both the direct cost of the notice and indirect processing costs (not to exceed 20% of the direct costs).

Conditions of your water right...

If you modify the application to allow approval, conditions may need to be added to the transfer. The Department will notify you of any required conditions prior to issuing the Preliminary Determination.

Issuance of the Preliminary Determination will occur shortly after we receive:

1. Your written response modifying the application to resolve the issues that we have identified or requesting that we proceed with processing of the application; and
2. The Report of Ownership, including affidavits of consent from any landowners shown in the ownership report who have not signed the transfer application. The title company must indicate/state the date that they prepared the ownership report on the coversheet and/or first page of the report.

If we do not receive your response to withdraw the application or the items listed above by November 21, 2025, a Preliminary Determination may be issued denying the application as incomplete.

Please contact me at scott.a.grew@water.oregon.gov or 503-986-0890 if I may be of assistance.

Sincerely,

Scott Grew

Transfer Specialist
Transfer and Conservation Section

cc: Transfer Application file T-14447
Eric W. Julsrud, District 4 Watermaster (*via e-mail*)
Bob Long, Agent for the applicant (US mail)

encs

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

In the Matter of Transfer Application
T-14447, Grant County

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)
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)

D R A F T

PRELIMINARY DETERMINATION
PROPOSING DENIAL OF AN ADDITIONAL
POINT OF APPROPRIATION, A CHANGE IN
PLACE OF USE, AND A CHANGE IN
CHARACTER OF USE

Authority

Oregon Revised Statutes (ORS) 537.705 and 540.505 to 540.580 establish the process in which a water right holder may submit a request to transfer the point of appropriation, 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 540.610 to 540.670 govern forfeiture of existing water rights for nonuse. OAR Chapter 690, Division 17 implements the statutes and provides additional guidance on matters related to forfeiture.

Applicant

CITY OF JOHN DAY
C/O CASEY MYERS, PUBLIC WORKS DIRECTOR
450 E MAIN ST
JOHN DAY, OR 97845

Findings of Fact

1. On April 25, 2024, the City of John Day filed an application for an additional point of appropriation, to change the place of use, and to change the character of use under Certificate 48135. The Department assigned the application number T-14447.
2. Notice of the application for transfer was published on April 30, 2024, pursuant to OAR 690-380-4000. No comments were filed in response to the notice.
3. The right to be transferred is as follows:

Certificate: 48135 in the name of BLUE MOUNTAIN MILLS, INC. (perfected under Permit G-5104)

Use: LOG DECK SPRINKLING

Priority Date: JULY 17, 1970

Rate: 0.15 CUBIC FOOT PER SECOND
Source: A SUMP a tributary of JOHN DAY RIVER

Authorized Point of Appropriation:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
13 S	31 E	WM	22	NE SW	POA 1 - 1340 FEET NORTH AND 20 FEET WEST FROM THE S1/4 CORNER OF SECTION 22

Authorized Place of Use:

LOG DECK SPRINKLING				
Twp	Rng	Mer	Sec	Q-Q
13 S	31 E	WM	22	NW SE

4. Transfer Application T-14447 proposes an additional point of appropriation approximately 900 feet southeast from the existing point of appropriation to:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
13 S	31 E	WM	22	SW SE	POA 2 - 1200 FEET NORTH AND 860 FEET EAST FROM THE S1/4 CORNER OF SECTION 22

5. Transfer Application T-14447 also proposes to change the place of use of the right to:

MUNICIPAL USE
CITY OF JOHN DAY SERVICE AREA

6. Transfer Application T-14447 proposes to change the character of use to Municipal Use.

Transfer Review Criteria [OAR 690-380-0100(14), OAR 690-380-4010(2), OAR 690-380-2200, OAR 690-380-2110(2), and OAR 690-380-2300]

7. Evidence of Use Affidavit was submitted with the application stating: "The water right is not subject to forfeiture and documentation that a presumption of forfeiture for nonuse would be rebutted under ORS 540.610(2)" is attached for Certificate 48135. The documentation provided with the Evidence of Use Affidavit states that the presumption of forfeiture created by nonuse of Certificate 48135 would be rebutted under ORS 540.610(2)(a), 540.610(2)(b), and 540.610(2)(d).
8. The review and evidence submitted by the Watermaster shows that Certificate 48135 has not been exercised since September of 2002.
9. The application included a statement by the City of John Day indicating that they acquired part of the land where Certificate 48135's place of use is located and to which Certificate 48135 is appurtenant in 2017 and the remainder of the land in 2020.
10. Under ORS 540.610(2)(a), a presumption of forfeiture created by five successive years of nonuse may be rebutted by showing that the water right subject to the presumption "is for use of water, or rights of use, acquired by cities and towns in this state, by appropriation or by purchase, for all reasonable and usual municipal purposes." Under ORS 540.610(2)(b), a

presumption of forfeiture may be rebutted by showing that “[a] finding of forfeiture would impair the rights of such cities and towns to the use of water, whether acquired by appropriation or purchase, or heretofore recognized by act of the legislature, or which may hereafter be acquired.” The Department interprets ORS 540.610(2)(a) and (b) as allowing a presumption of forfeiture for a water right owned by a city or town to be rebutted only where a city or town acquired the water right before the end of the five-year period of nonuse giving rise to the presumption. If a water right was forfeited by five years of nonuse before a city or town acquired the right, ORS 540.610(2)(a) and (b) do not allow the city or town to revive the forfeited right by acquiring it. Here, because the Applicant acquired Certificate 48135 more than five years after use of water under Certificate 48135 ceased, the presumption of forfeiture created by nonuse of Certificate 48135 would not be rebutted under ORS 540.610(2)(a) or 540.610(2)(b).

11. Under ORS 540.610(2)(d), a presumption of forfeiture created by five successive years of nonuse may be rebutted by showing that “the owner of the property to which the right is appurtenant is unable to use the water due to economic hardship *as defined by rule of the Water Resources Commission.*” (Emphasis added). OAR 690-017-0800(3) defines economic hardship for purposes of ORS 540.610(2)(d), providing:

(3) An economic hardship exists only during the following periods of time:

(a) During a bankruptcy action initiated by or for the record owner or principal farm operator;

(b) During a foreclosure of real or personal property of the record owner or principal farm operator. The foreclosure of personal property must directly affect the ability to use the water in question;

(c) During the redemption periods as provided in ORS 23.530 to 23.600;

(d) Three calendar years following the expiration of redemptions as provided in ORS 23.530 to 23.600; or, three years from the date of recording of a deed in lieu of foreclosure tendered by the record owner or principal farm operator in payment of debt owed; and

(e) The time during which judicial actions limit or prohibit the record owner’s or principal farm operator’s use of the water in question;

(f) The time during which a natural disaster would limit or prohibit the record owner’s or principal farm operator’s use of the water in question.

12. The documentation provided with the Evidence of Use Affidavit states that the nonuse of Certificate 48135 was due to “the economic hardship of the downturn in the lumber industry and in the nation-wide recession between 2008 and 2012.” However, the documentation does not provide evidence that the nonuse was due to economic hardship

as defined by OAR 690-017-0800(3). Therefore, the presumption of forfeiture created by nonuse of Certificate 48135 would not be rebutted under ORS 540.610(2)(d).

13. The water right is subject to transfer as defined in ORS 540.505(4) and OAR 690-380-0100(14).
14. The proposed point of appropriation develops groundwater from the same aquifer as the authorized point of appropriation, as required by OAR 690-380-2110(2).
15. The proposed changes would resurrect a forfeited right and would result in enlargement of the right.
16. The proposed changes would interfere substantially with other existing rights, resulting in injury to those rights.
17. All other application requirements are met.

Determination and Proposed Action

The additional point of appropriation, change in place of use, and change in character of use proposed in Transfer Application T-14447 appears to be not consistent with the requirements of ORS 537.705 and 540.505 to 540.580 and OAR 690-380-5000. If protests are not filed pursuant to OAR 690-380-4030, the application will be denied.

If the issues identified above are resolved and Transfer Application T-14447 is approved, the final order will include the following:

1. *The additional point of appropriation, change in place of use, and change in character of use proposed in Transfer Application T-14447 are approved.*
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 48135 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 point of appropriation or the new place of use.*
4. *Water right Certificate 48135 is cancelled.*
5. *The quantity of water diverted at the new additional point of appropriation (POA 2), together with that diverted at the original point of appropriation (POA 1), shall not exceed the quantity of water lawfully available at the original point of appropriation (POA 1).*
6. *Water shall be acquired from the same aquifer (water source) as the original point of appropriation.*

7. *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 appropriation (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.*
8. *Full beneficial use of the water shall be made, consistent with the terms of this order, on or before **October 1, 2030**. 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 change and full beneficial use of the water.*
9. *After satisfactory proof of beneficial use is received, a new certificate confirming the right transferred will be issued.*

Dated in Salem, Oregon on

D R A F T

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

This draft Preliminary Determination was prepared by Scott Grew. If you have questions about the information in this document, you may reach him at scott.a.grew@water.oregon.gov or 503-986-0890.

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-14447

Review Due Date: 05/29/2024

Applicant Name: City of John Day

Proposed Changes: POU POD POA USE OTHER

Reviewer(s): Eric W. Julsrud

Date of Review: 05/08/2024

- 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.)
- 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:
The John Day River is regulated annually for deficiency in supply. The source for the right involved in this transfer is a "sump" which is most likely hydraulically connected to the John Day River.
- Have headgate notices been issued for the source that serves the transferred right(s)?
 Yes No Records not available.
- 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:
Increasing demand on the John Day River will only result in increased regulation beyond what is already occurring. Moving the POA upstream to the proposed location as well as moving the POU away from the river will likely result in less water available in the form of return flows for other appropriators.
- 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:
Increased demand on the river (through shallow sumps) as is the case with this water right will deplete available water therefore regulation due to deficiency in supply will occur sooner in my opinion on the John Day River. The list of affected water rights would include all junior water rights upstream of the City of John Day to the headwaters of the John Day River (C-82326, 65546, 91713, 80045, 56662 and many others)

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:

This water right has not been exercised since September of 2002. If it were being used the water rights on the Luce Long Ditch could receive some of the return flows from the fog deck sprinkling. This could include C-91793, 91795, 91796 and many others.

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:

The applicant may at some point in the future make a "green space" where the original footprint of the "Log Deck Sprinkling" used to be. Otherwise, the answer to this question is "No".

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:

See question# 1,4 and 5. Resurrecting a defunct water right from a likely hydraulically connected sump and allowing the original foot print to be spread over the entire city of John Day property will make a mess of potential return flow patterns and increase the demand on the available resource thus creating increased regulation activities.

ii. "Enlargement" of the water right being transferred will occur? Yes No If "Yes", explain:

The applicant proposes to take an area originally identified as Log Deck Sprinkling (approximately 3.5 acres in size) and transfer this "area" to potentially every "green space" within the city limits. This is enlargement of the original water right.

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:

In my opinion this transfer should be withdrawn. I don't see a way to accomplish what the applicant is trying to achieve.

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

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

A Headgate should be required prior to diverting water.

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

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

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

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

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

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

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

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

Weir

Parshall Flume

Other: _____

Submerged Orifice

Flow Restrictor

Oregon Water Resources Department
Measurement Condition Information for the Applicant
(To be sent with the Draft Preliminary Determination or Final Order)

Transfer #: T- 14447

- In order to avoid enlargement of the right or injury to other rights, a totalizing flowmeter 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: Eric W. Julsrud

District: 4

Address: 201 South Humbolt Street, Suite 180

City/State/Zip: Canyon City, OR 97820

Phone: 541-575-0119

Email: Eric.W.Julsrud@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- 14447
(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

T-14447 Supporting Information

Question #1:

C-48135 is a sump right for the purpose of Log Deck Sprinkling. The original POU for this right is just north of a large ditch I routinely visit throughout the summer months for regulation purposes. The mill who used to own the property was called Grant Western Lumber Company. I have routinely regulated the John Day River annually since July of 2000. The last time this right was exercised was September of 2002 based upon personal knowledge and aerial photographs available via Google Earth. (see attached aerial photos)

T-14447

2024 aerial photo from Google Earth Pro

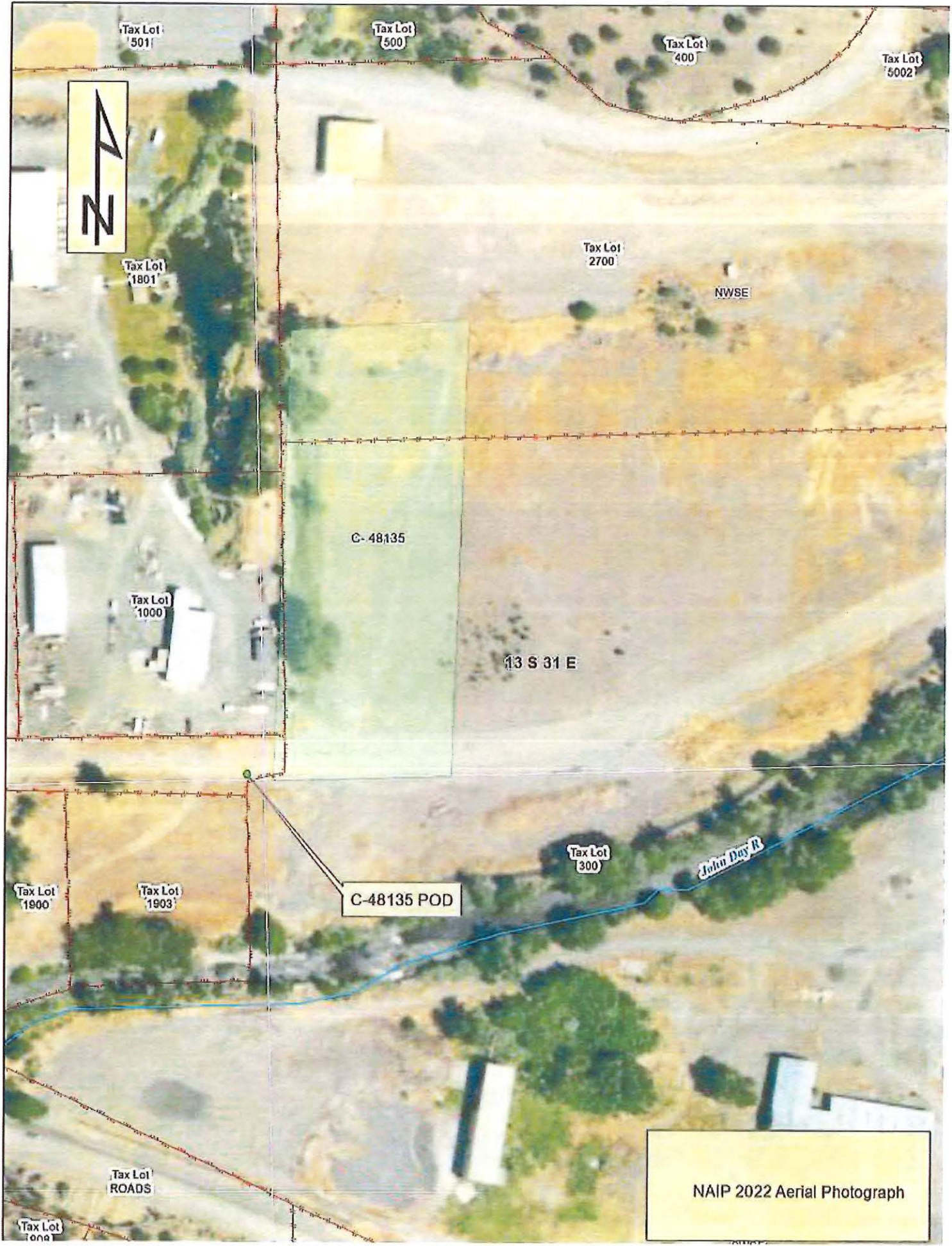
Legend



Google Earth

John Day River





Tax Lot 501

Tax Lot 500

Tax Lot 400

Tax Lot 5002



Tax Lot 1801

Tax Lot 2700

NWSE

C-48135

Tax Lot 1000

13 S 31 E

Tax Lot 300

John Day R.

C-48135 POD

Tax Lot 1900

Tax Lot 1903

Tax Lot ROADS

NAIP 2022 Aerial Photograph

Tax Lot 1000

T-14447

2020 aerial photo from Google Earth Pro

Legend



Google Earth



T-14447

2016 aerial photo from Google Earth Pro

Legend



Google Earth

T-14447

2013 aerial photo from Google Earth Pro

Legend



Google Earth

T-14447

2012 aerial photo from Google Earth Pro

Legend



Google Earth

T-14447

2011 aerial photo from Google Earth Pro

Legend

US Forest Service, Malheur National Forest

of Forestry - John Day...

John Day River

isposal

Google Earth



T-14447

2006 aerial photo from Google Earth Pro

Legend

US Forest Service, Malheur National Forest

of Forestry - John Day...

John Day River

isposal

Google Earth



T-14447

2005 aerial photo from Google Earth Pro

Legend

US Forest Service, Malheur National Forest

of Forestry - John Day...

John Day River

isposal

Google Earth



T-14447

2002 aerial photo from Google Earth Pro

Legend

US Forest Service, Malheur National Forest

of Forestry - John Day

John Day River

isposal

Google Earth



Groundwater Transfer Review Summary Form

Transfer/PA # T- 14447

GW Reviewer Darrick E. Boschmann Date Review Completed: 12/12/2024

Summary of Same Source Review:

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

Summary of Water Level Decline Condition Review:

Water levels at the original point(s) of appropriation have exceeded the allowed decline threshold defined by conditions in the originating water right.

Summary of Injury Review:

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

Summary of GW-SW Transfer Similarity Review:

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

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



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

Ground Water Review Form:

- Water Right Transfer
- Permit Amendment
- GR Modification
- Other

Application: T-14447

Applicant Name: City of John Day

Proposed Changes: POA APOA SW→GW RA
 USE POU OTHER

Reviewer(s): Darrick E. Boschmann

Date of Review: 12/12/2024

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

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

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

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

This application is related to certificate 48135 which authorizes groundwater pumping from a sump for industrial/manufacturing uses. The following changes are proposed:

1. Add one APOA – a sump.
2. Change the character of use to municipal use.
3. Change the place of use to the City of John Day service area.

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

Yes No Comments: _____

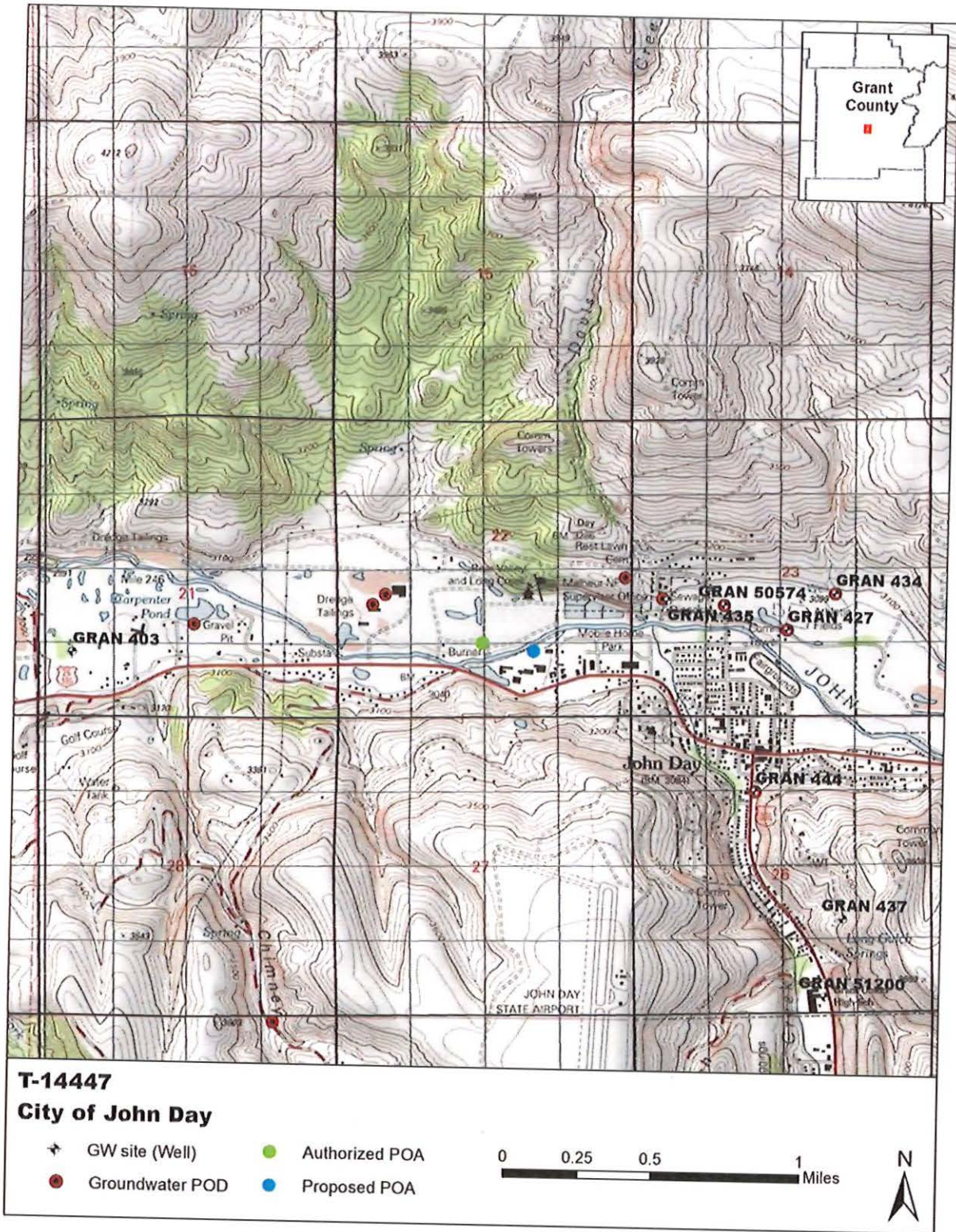
The authorized and proposed POA will both develop groundwater from the shallow alluvial deposits adjacent to the John Day River.

3. a) Is the existing authorized POA subject to a water level decline condition?

Yes No Comments: _____

b) If yes, for each POA identify the reference level, most recent spring-high water level, and whether an applicable permit decline condition has been exceeded: _____

4. a) Is there more than one source developed under the right (e.g., basalt and alluvium)?
 Yes No Comments: _____
- b) If yes, estimate the portion of the right supplied by each of the sources and describe any limitations that will need to be placed on the proposed change (rate, duty, etc.): _____
5. a) Will this proposed change, at its maximum allowed rate of use, likely result in an increase in interference with **another ground water right**?
 Yes No Comments: The proposed APOA is located approximately 900 feet east of the currently authorized well and on the opposite side of the John Day River. The nearest authorized wells are on the opposite side of the John Day River as the proposed APOA, which should mitigate any change in interference.
-
- b) If yes, would this proposed change, at its maximum allowed rate of use, likely result in another groundwater right not receiving the water to which it is legally entitled?
 Yes No If yes, explain: _____
-
6. a) Will this proposed change, at its maximum allowed rate of use, likely result in an increase in interference with **another surface water source**?
 Yes No Comments: The currently authorized POA and the proposed APOA are both located within a few hundred feet of the John Day River. Groundwater withdrawals at the proposed APOA should impact the John Day River similarly to the currently authorized POA.
-
- b) If yes, at its maximum allowed rate of use, what is the expected change in degree of interference with any **surface water sources** resulting from the proposed change?
Stream: John Day River Minimal Significant
Stream: _____ Minimal Significant
Provide context for minimal/significant impact: _____
7. For SW-GW transfers, will the proposed change in point of diversion affect the surface water source similarly (as per OAR 690-380-2130) to the authorized point of diversion specified in the water use subject to transfer?
 Yes No Comments: _____
8. What conditions or other changes in the application are necessary to address any potential issues identified above: none.
9. Any additional comments: none.





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

April 29, 2024

City of John Day

Attn: Casey Myers

450 E Main St

John Day, OR 97845

Reference: Application T-14447

On April 29, 2024, the Department received your water right Permanent Transfer Application. The application was accompanied by \$4020.00. Receipt number 142809 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 our groundwater staff to determine whether the proposed well accesses the same source of water as the original well.

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 for the new use, in the new place of use or from the new point of appropriation 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) 986-0935.

Cc: Watermaster Dist. #4, Eric W. Julsrud (*via email*)

Bob Long, Agent

Enclosure

**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 # **142809**

INVOICE # _____

RECEIVED FROM: City of John Day
BY: _____

APPLICATION	
PERMIT	
TRANSFER	T-14447

CASH: CHECK:# 74075 OTHER: (IDENTIFY)

TOTAL REC'D \$ 4,020.00

1083 TREASURY 4170 WRD MISC CASH ACCT

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

4270 WRD OPERATING ACCT

MISCELLANEOUS			
0407	COPY & TAPE FEES		\$
0410	RESEARCH FEES		\$
0408	MISC REVENUE: (IDENTIFY)		\$
TC162	DEPOSIT LIAB. (IDENTIFY)		\$
0240	EXTENSION OF TIME		\$
WATER RIGHTS:			
0201	SURFACE WATER	EXAM FEE	RECORD FEE
0203	GROUND WATER	\$	0202 \$
0205	TRANSFER	\$ <u>4,020.00</u>	0204 \$
WELL CONSTRUCTION			
0218	WELL DRILL CONSTRUCTOR	EXAM FEE	LICENSE FEE
	LANDOWNER'S PERMIT	\$	0219 \$
	OTHER (IDENTIFY)		0220 \$

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: **142809** DATED: 4-25-24 BY: [Signature]

Application for Permanent Water Right Transfer

Part 1 of 5 – Minimum Requirements Checklist

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

Received

APR 25 2024

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

- Part 1 – Completed Minimum Requirements Checklist.
- Part 2 – Completed Transfer Application Map Checklist.
- Part 3 – Application Fee, payable by check to the Oregon Water Resources Department, and completed Fee Worksheet, page 3: **\$4,020**
- Part 5 – Information about Water Rights to be Transferred: **How many water rights are to be transferred? 1 List them here: Certificate 48135**
 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. (Attachment 1)
- Completed Evidence of Use Affidavit and supporting documentation. (Attachment 2)
- N/A Affidavit(s) of Consent from Landowner(s) (if the applicant does not own the land the water right is on.) – on City-owned taxlots
- 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. (Attachment 3)
- N/A Water Well Report/Well Log for changes in point(s) of appropriation (well(s)) or additional point(s) of appropriation. (POA is a shallow sump well, no log)
- 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):

___ Application fee not enclosed/insufficient	___ Map not included or incomplete
___ Land Use Form not enclosed or incomplete	___ Evidence of Use Form not enclosed or incomplete
___ Additional signature(s) required	___ Part ___ is incomplete

Other/Explanation _____

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

Part 2 of 5 – Transfer Application Map

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

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

- N/A Certified Water Right Examiner (CWRE) Stamp and Original Signature. For a list of CWREs, see http://apps.wrd.state.or.us/apps/wr/cwre_license_view/. CWRE stamp and signature are not required for substitutions.
- N/A If **more than three** water rights are involved, separate maps are needed for each water right.
 - Permanent quality printed with dark ink on good quality paper.
 - The size of the map can be 8½ x 11 inches, 8½ x 14 inches, **11 x 17 inches**, or up to 30 x 30 inches. For 30 x 30 inch maps, one extra copy is required. (**map scale waiver**)
 - 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. (**log decks**)
- 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. (**City service area, UGB**)
- Existing point(s) of diversion or well(s) with distance and bearing or coordinates from a recognized survey corner. This information can be found in your water right certificate or permit.
- N/A If you are proposing a change in point(s) of diversion or well(s), show the proposed location and label it clearly with distance and bearing or coordinates. If GPS coordinates are used, latitude-longitude coordinates may be expressed as either degrees-minutes-seconds with at least one digit after the decimal (example – 42°32'15.5") or degrees-decimal with five or more digits after the decimal (example – 42.53764°).

Part 4 of 5 – Applicant Information and Signature

Applicant Information

APPLICANT/BUSINESS NAME City of John Day (c/o: Casey Myers, Public Works Director)		PHONE NO. (541) 575-0028	ADDITIONAL CONTACT NO.
ADDRESS 450 East Main Street		FAX NO.	
CITY John Day	STATE OR	ZIP 97845	E-MAIL NA – PLEASE MAIL
BY PROVIDING AN E-MAIL ADDRESS, CONSENT IS GIVEN TO RECEIVE ALL CORRESPONDENCE FROM THE DEPARTMENT ELECTRONICALLY. COPIES OF THE FINAL ORDER DOCUMENTS WILL ALSO BE MAILED.			

Received

APR 25 2024

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

AGENT/BUSINESS NAME ROBERT LONG, CWRE (CWM-H2O, LLC)		PHONE NO. (503) 954 – 1326	ADDITIONAL CONTACT NO.
ADDRESS 1319 SE MLK Jr Blvd, Suite 204		FAX NO.	
CITY Portland	STATE OR	ZIP 97214	E-MAIL NA – Please Mail
BY PROVIDING AN E-MAIL ADDRESS, CONSENT IS GIVEN TO RECEIVE ALL CORRESPONDENCE FROM THE DEPARTMENT ELECTRONICALLY. COPIES OF THE FINAL ORDER DOCUMENTS WILL ALSO BE MAILED.			

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

-The City of John Day acquired the lands on which Certificate 48135's place of use and point of appropriation are located through the purchase of the former Oregon Pine Lumber property. The City had initially included the certificate in a list of rights proposed for instream transfer before realizing that the groundwater right is not eligible for instream transfer. The City is working to revitalize the John Day River waterfront area and is developing parks and greenspace for public use. The water available under Certificate 48135, after being transferred to municipal use, would be used for management of these green spaces or other City uses.

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);
- 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; **(see attached Ownership Update form)**
- I affirm the applicant is an entity with the authority to condemn property and is acquiring by condemnation the property to which the water right proposed for transfer is appurtenant and have supporting documentation.

By my signature below, I confirm that I understand:

- Prior to Department approval of the transfer application, I may be required to submit payment **OWRD** 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: Blue Mountain Eagle.
- 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.



Casey Myers Casey Myers Public Works Director 4/19/2024
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* (municipal use across the City's service area as defined by the UGB)

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

Check the following boxes that apply:

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

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

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

~~If a property sells, the certificated water right(s) located on the land belong to the new owner, unless a sale agreement or other document states otherwise. For more information see: https://www.oregon.gov/owrd/WRDFormsPDF/Transfer_Property_Transactions.pdf~~

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

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.) **N/A**

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. **N/A**

ENTITY NAME	ADDRESS	
CITY	STATE	ZIP

Received
APR 25 2024
OWRD

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 City of John Day	ADDRESS 450 E Main Street	
CITY John Day	STATE OR	ZIP 97845

Part 5 of 5 – Water Right Information

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

CERTIFICATE # 48135

Received

APR 25 2024

Description of Water Delivery System

System capacity: 0.15 cubic feet per second (cfs) OR

67 gallons per minute (gpm)

OWRD

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. (see Attachment 2 – Evidence of Use Affidavit)

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)
POA-1	<input checked="" type="checkbox"/> Authorized <input type="checkbox"/> Proposed	N/A (SUMP)	13	S	31	E	22	NE	SW	0300	1,340 ft N and 20 ft W of the S ¼ corner, Sec 22
POA-2	<input type="checkbox"/> Authorized <input checked="" type="checkbox"/> Proposed	N/A (SUMP)	13	S	31	E	22	SW	SE	0300	1,200 ft N and 860 ft E of the S ¼ corner, Sec 22

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

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

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

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

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

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

Table 2. Description of Changes to Water Right Certificate # 48135

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)	Priority Date						
										POU/ USE/ APOA	13	S	31	E	21-29	City of John Day Service Area	N/A	Muni	POA-1 POA-2	7/17/1970						
												13	S	32	E						30					
TOTAL ACRES:												TOTAL ACRES:					N/A	Municipal Use								

Additional remarks: *The proposed transfer takes the original industrial/manufacturing right and changes it to a municipal use right across the City of John Day's entire service area. The transfer also proposes the addition of a second sump well source, POA-2, located near the City's Public Works shop building and the City greenhouses.*

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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: N/A (proposed use is municipal, layered rights do not apply).

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

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

~~Ground water supplemental Permit or Certificate # _____;~~

~~Surface water primary Certificate # _____~~

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

~~Identify the primary certificate to be cancelled. Certificate # _____~~

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

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

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

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

AND/OR

Describe the construction of the authorized and proposed well(s) in Table 3 for any wells that do not have a well log. For *proposed wells not yet constructed or built*, provide "a best estimate" for each requested information element in the table. The Department recommends you consult a licensed well driller, geologist, or certified water right examiner to assist with assembling the information necessary to complete Table 3. *There are no construction logs for the existing sump well. Construction can only be inferred from local geologic information.*

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
POA-1	Yes	N/A	~15 ft	~3 ft	~0-15 ft	Unk.	~10-15 ft	~10 ft	Alluvial Deposits	0.15 cfs
POA-2	No	-	~15-25 ft	12-18"	~0-18 ft	~0-5 ft	~10-20 ft	~10 ft		

*Sump well is installed within the alluvial deposits of the John Day River, which average about 15-ft thick in the area of POA-1. The proposed POA-2 will be a smaller diameter well installed to the bottom of the alluvial deposits. A construction waiver may be required for the well seal due to the shallow target depth.

Application for Water Right Transfer Evidence of Use Affidavit

ATTACHMENT 2
PERMANENT TRANSFER APPLICATION FOR
CERTIFICATE 48135

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 WASHINGTON)

I, CASEY MYERS, in my capacity as PUBLIC WORKS DIRECTOR OF THE CITY OF JOHN DAY (APPLICANT),
 mailing address 450 EAST MAIN STREET
 telephone number (541) 575-0028, 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)

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 for **Certificate 48135**
- 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)

3. The water rights were used for: (e.g., crops, pasture, etc.): *industrial uses for lumber industry*

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APR 25 2024

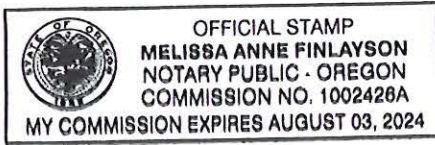
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4. I understand that if I do not attach one or more of the documents shown in the table below to support the above statements, my application will be considered incomplete.

Cary S Myers
Signature of Affiant

4/9/2024
Date

Signed and sworn to (or affirmed) before me this 9th day of April, 2024



Melissa Finlayson
Notary Public for Oregon

My Commission Expires: August 03, 2024

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



April 1, 2024

Oregon Water Resources Department
Attn: Sarah Henderson - *Transfer and Conservation Section*
725 Summer St. NE Ste A
Salem, Oregon 97301

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APR 25 2024
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RE: EVIDENCE OF USE AFFIDAVIT DOCUMENTATION – REBUTTAL OF CANCELATION PRESUMPTION

Dear OWRD Staff,

This letter is intended to act as a supporting document for the Evidence of Use Affidavit for the City of John Day's (City) permanent transfer application. Specifically, the City intends to rebut the presumption of cancellation of the right proposed for transfer due to non-use. The City's application proposes the permanent transfer of Certificate 48135 to municipal use within the City's service area.

The City acquired the properties on which these water rights are located through multiple purchases between about 2017 and 2020. Certificate 48135 is located within the former Oregon Pine Products property (Taxlot 0300) and former Iron Triangle property (Taxlot 2700). The City passed a resolution to appropriate funds to purchase the Oregon Pine property (Resolution 17-768-04) and did so in 2017. The remainder of Certificate 48135, located on the former Iron Triangle property, was purchased by the City in 2020 (Resolution 20-850-23).

The City acquired the properties described above in preparation for several major land improvement projects, including the City's Innovation Gateway Adaptive Water Reuse program (Gateway). As part of a 2021 grant application to OWRD for funding related to the Gateway project, the City proposed transferring the water rights associated with these properties instream. When the grant was approved, the OWRD added a condition (#17) to transfer the proposed rights instream if eligible. Certificate 48135 was deemed ineligible for instream transfer because it is a groundwater right, sourced from a shallow sump well in the John Day River alluvial deposits.

Because Certificate 48135 is not eligible for instream transfer under the grand conditions, the City wishes to transfer the right to municipal use. To do so, the City must demonstrate evidence of use of the water rights or rebut the presumption of cancellation due to non-use. Certificate 48135 was for year-round industrial use related to former lumber mills and staging sites. The lumber industry at the properties in question was inactive for some time before the City purchased the land and acquired the water rights.

Although the City cannot demonstrate beneficial use within the last five years, the City can rebut the presumption of cancellation under ORS 540.610(2)(a) because the City acquired the rights and associated lands for municipal purposes:

“Upon a showing of failure to use beneficially for five successive years, the appropriator has the burden of rebutting the presumption of forfeiture by showing that the water right is for use of water, or rights of use, acquired by cities and towns in this state, by appropriation or by purchase, for all reasonable and usual municipal purposes.”

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APR 25 2024

Because transferring these rights was part of the City's development plan and is directly ^{OWRD} connected to funding received **after** the land and water rights were acquired, the City can also rebut the presumption of cancellation under ORS 540.610(2)(b):

"Upon a showing of failure to use beneficially for five successive years, the appropriator has the burden of rebutting the presumption of forfeiture by showing that a finding of forfeiture would impair the rights of such cities and towns to the use of water, whether acquired by appropriation or purchase, or heretofore recognized by act of the legislature, or which may hereafter be acquired."

Although deemed ineligible for instream transfer, cancellation of Certificate 48135 would hinder the City's ability to use the water for proposed conservation efforts and land improvements along the John Day River riparian area. The non-use of Certificate 48135 prior to the City's acquisition of the associated lands was due in part to economic hardship. The City is therefore also able to rebut cancellation under ORS 540.610(2)(d):

"Upon a showing of failure to use beneficially for five successive years, the appropriator has the burden of rebutting the presumption of forfeiture by showing that the use of water, or rights of use, under a water right, if the owner of the property to which the right is appurtenant is unable to use the water due to economic hardship as defined by rule by the Water Resources Commission."

The industrial use certificate was originally in the name of Blue Mountain Mills, but was part of various lumber operations over time, including D.R. Johnson Lumber and Oregon Pine Products. The lumber industry has been struggling in the John Day area for decades due to market shifts and forestry changes. Grant County lumber mills produced 290-300 million board-feet per year in the late 1980s. Production dropped to less than 100 million board-feet by the late 1990s and to only 20 million board-feet by the 2008 global financial crisis (Blue Mountain Eagle, June 17, 2019).

This dramatic decline in the lumber industry led to the closure of several local mills by the late 2000s, though some activity has recently been resumed by D.R. Johnson (Oregon Public Broadcasting, July 21, 2022; Blue Mountain Eagle, December 21, 2022). Two of the three major lumber mills in John Day closed due to the downturn in 2008 (Blue Mountain Eagle, December 20, 2018; Forest Policy, April 11, 2021), with the third, Malheur Lumber, only narrowly escaping the same result (Timber West, September 2017).

Because of the mill closures within the last 10-15 years, and since the City purchased the land in 2017, the industrial use water rights have not been put to full beneficial use. The root cause of the non-use is the economic hardship of the downturn in the lumber industry and in the nation-wide recession between 2008 and 2012.

Please let us know if there are any issues with processing this application or questions regarding the information included therein. Thank you for your assistance.

Sincerely,

CwM H2O, L.L.C.



Robert Long, CWRE

Received
APR 25 2024
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Timber West, September 2017

https://forestnet.com/TWissues/2017_sept_oct/riding.php

Blue Mountain Eagle, December 20, 2018

https://www.bluemountaineagle.com/news/editorial-speak-up-for-our-forests/article_d2648712-8b24-5e92-b545-08510dc2553f.html

Blue Mountain Eagle, June 17, 2019

https://www.bluemountaineagle.com/specialsections/progress/progress-new-growth-emerging-in-timber-industry/article_80796b5a-7c10-11e9-9555-4324441f569d.html

Forest Policy, April 11, 2021

<https://forestpolicypub.com/2021/04/11/peace-breaking-out-in-john-day-new-york-times-op-ed/>

Oregon Public Broadcasting, July 21, 2022

<https://www.opb.org/article/2022/07/21/after-more-than-a-decade-a-sawmill-in-east-oregon-reopens/>

Blue Mountain Eagle, December 21, 2022

https://www.bluemountaineagle.com/news/closed-for-15-years-prairie-wood-products-is-up-and-running-again/article_3ac8173a-03a5-11ed-b809-47813b38e041.html

Land Use Information Form

Applicant(s): City of John Day (Casey Myers, Public Works Director)

Mailing Address: 450 E Main Street

City: John Day

State: OR

Zip Code: 97845

Daytime Phone:

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APR 25 2024

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A. Land and Location

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

Township	Range	Section	¼ ¼	Tax Lot #	Plan Designation (e.g., Rural Residential/RR-5)	Water to be:	Proposed Land Use:
13S	31E	21-29, 34	City of John Day Service Area		All land uses within the City UGB	<input checked="" type="checkbox"/> Diverted <input checked="" type="checkbox"/> Conveyed <input checked="" type="checkbox"/> Used	All land uses within the City UGB
13S	32E	30				<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:

City of John Day (place of use is completely within the City of John Day municipal service area)

B. Description of Proposed Use

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

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

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

Estimated quantity of water needed: 0.15 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 City proposes to transfer an industrial right (Cert. 48135) to municipal use over the City service area. The transfer also proposes the addition of a second point of appropriation located near the City's Public Works building.



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

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APR 25 2024

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
		<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being Pursued <input type="checkbox"/> Not Being Pursued
		<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being Pursued <input type="checkbox"/> Not Being Pursued
		<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being Pursued <input type="checkbox"/> Not Being Pursued
		<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being Pursued <input type="checkbox"/> Not Being Pursued

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

Name: Melissa Deitel Title: City Manager

Signature: [Signature] Phone: 541 575-0028 Date: 4-9-24

Government Entity: City of Seaside

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: _____



0000
48135
0000

April 15, 2024

Oregon Water Resources Department
Attn: *Water Rights Services Division*
725 Summer St. NE Ste A
Salem, Oregon 97301

RE: APPLICATION FOR PERMANENT TRANSFER OF WATER RIGHT FOR CITY OF JOHN DAY

Dear OWRD staff,

Please find accompanying this letter an Application for a Permanent Water Right Transfer from the City of John Day (City, Applicant). The water right in question is Certificate 48135, an industrial groundwater right located on the former Oregon Pine Lumber and Iron Triangle properties (Taxlots 0300 and 2700, T13S, R31E, Section 22), which the City purchased in 2017 and 2020. This application is accompanied by an Ownership Update form to revise the water right holder to the City (currently Blue Mountain Mills, Inc.).

The City acquired the properties described above in preparation for several major land improvement projects, including the City’s Innovation Gateway Adaptive Water Reuse program (Gateway). As part of a 2021 grant application to OWRD for funding related to the Gateway project, the City proposed transferring the water rights associated with these and other City-owned properties instream in the John Day River. Certificate 48135 was including in the list of water rights originally proposed by the City for instream transfer. However, being a groundwater right, the certificate is ineligible for instream transfer.

Due to its ineligibility to conserve instream, the City is now proposing to transfer Certificate 48135 to municipal use within the City service area. This transfer therefore includes a change in place of use, a change in character of use, and a change in point of appropriation (POA). The proposed new POA would be a shallow sump well in the alluvial aquifer near the City Public Works Department shop building. The well would be used for various applications including grounds maintenance at the Public Works facilities, green space irrigation along the Gateway project improvement areas, operations of the City greenhouses, and park uses.

This transfer application includes an Evidence of Use Affidavit with a letter rebutting the presumption of forfeiture for the water right.

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APR 25 2024
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Please let us know if there are any issues in proceeding with this transfer application or questions regarding the information above. Thank you for your assistance.

Sincerely,

CwM H2O, L.L.C.



Robert Long, CWRE

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APR 25 2024
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List of Enclosed Documents:

- Ownership Update Form for Certificate 48135
- Application for a Permanent Water Right Transfer
 - Attachment 1 – Application Map
 - Attachment 2 – Evidence of Use Affidavit Documentation

Permanent Transfer Application Intake Checklist

Transfer # T-144447

Reviewer Nick Date 4/26/2024	Type of Change(s) Proposed: <input checked="" type="checkbox"/> POU <input type="checkbox"/> POD <input type="checkbox"/> APOD <input type="checkbox"/> POA <input checked="" type="checkbox"/> APOA <input checked="" type="checkbox"/> USE <input type="checkbox"/> Substitution <input type="checkbox"/> Gov't Action <input type="checkbox"/> Sup to Primary <input type="checkbox"/> SW to GW
Calculated Fee \$4020 Use fee calculator on back of this form	Fee Received \$4020
Certificate(s): 48135	Check <u>all</u> Certs in WRIS to confirm they are not cancelled
For multiple certificates, does application meet requirement of OAR 690-380-3220? If no, why? Use the flow chart for multiple Certs	<input type="checkbox"/> YES <input type="checkbox"/> NO <input checked="" type="checkbox"/> N/A
Notes:	

Application: OAR 690-380-3000; OAR 690-380-3220			
1.	<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO	Have ALL of the applicant's signed and dated the application? If no, whose signature is missing?
2.	<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO	Part 5 of application: Does the information match the description of the explanation on Part 4 of the application?
3.	<input type="checkbox"/> YES	<input type="checkbox"/> NO	<input checked="" type="checkbox"/> N/A For multiple certificates: Each certificate proposed for transfer has their own separate completed Part 5, Tables 1 & 2? If no, which certificate(s) are missing separate Part 5, Tables 1 & 2?

Map Requirements: OAR 690-380-3100			
4.	<input type="checkbox"/> YES	<input type="checkbox"/> NO	Has the map been completed and signed by a CWRE?
5.	<input type="checkbox"/> YES	<input type="checkbox"/> NO	<input type="checkbox"/> N/A Map Waiver? The map waiver must be issued by the Department
Notes:			

Attachments: OAR 690-380-3000			
6.	<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO	Evidence of Use included, signed, & notarized w/supporting documentation?
7.	<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO	<input type="checkbox"/> N/A Land Use Form included and signed by the County?
8.	<input type="checkbox"/> YES	<input type="checkbox"/> NO	<input checked="" type="checkbox"/> N/A Consent Form included, signed, and notarized?
9.	<input type="checkbox"/> YES	<input type="checkbox"/> NO	<input type="checkbox"/> N/A District: Place of use is in <u>or</u> near an irrigation district?
	<input type="checkbox"/> YES	<input type="checkbox"/> NO	If Yes, is Form D included? Name of the District
10.	<input type="checkbox"/> YES	<input type="checkbox"/> NO	<input checked="" type="checkbox"/> N/A For changes in POA/APOA – are the well logs included?
11.	<input type="checkbox"/> YES	<input type="checkbox"/> NO	<input type="checkbox"/> N/A For change in POU within Umatilla County, Supplemental Form U included?

<input checked="" type="checkbox"/>	Application complete: no deficiencies identified, assign a T-number and put this checklist in T-folder.
<input type="checkbox"/>	Application DEFICIENT: DO NOT accept - return to applicant with letter explaining deficiencies identified.