

Regular

Name Rocking M Cattle Company  
C/o Jeremy McColloch  
Address 70208 Warnock Rd  
Wallowa, OR 97885  
jeremy.mccolloch1@gmail.com

Change in POU  
Date Filed 2/12/2024  
Initial notice date 2/20/2024  
DPD issued date 10/13/2025  
PD issued date 1/30/2026  
PD notice date \_\_\_\_\_  
Date of FO 4/7/2026 Vol 138 Page 692

C-Date \_\_\_\_\_  
COBU due date \_\_\_\_\_  
COBU Received date \_\_\_\_\_  
Certificate issued \_\_\_\_\_

Assignments: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

DESCRIPTION OF WATER RIGHT(S)

Name of Stream Lostine River, A reservoir, Wallowa River  
Trib. of Wallowa River, Grande Ronde River

Use Irrigation, Supplemental Irrigation County Wallowa  
Quantity of water (CFS) \_\_\_\_\_ No. of Acres \_\_\_\_\_

Name of ditch \_\_\_\_\_  
App# Decree Per # Wallowa River Cert # 97431 PR Date 12-31-1883  
App# S 4936 Per # S 3271 Cert # 95647 PR Date 5-29-1916  
App# S 15860 Per # S 11695 Cert # 95646 PR Date 6-6-1935  
App# \_\_\_\_\_ Per # \_\_\_\_\_ Cert # \_\_\_\_\_ PR Date \_\_\_\_\_  
App# \_\_\_\_\_ Per # \_\_\_\_\_ Cert # \_\_\_\_\_ PR Date \_\_\_\_\_

FEES PAID  
Date 2-12-24 Amount \$2,580.00 Receipt # 142406

FEES REFUNDED  
Date \_\_\_\_\_ Amount \_\_\_\_\_ Receipt # \_\_\_\_\_

Irrigation District \_\_\_\_\_

Agent Jessica Humphreys - Trout Unlimited  
humphreys.jessica.d@gmail.com

CWRE \_\_\_\_\_  
CC's list Wallowa County

- Oversized map - Location \_\_\_\_\_



deficiencies to be resolved by October 9, 2025, or a draft Preliminary Determination may be issued denying the application as incomplete.

4. On September 19, 2025, the Department received an application map containing a CWRE signature and a revised Table 1 and Table 2 for Certificates 95646 and 95647, resolving the deficiencies.
5. On October 13, 2025, the Department mailed a copy of the draft Preliminary Determination (further referred to as Initial Review) proposing to approve Transfer Application T-14405 to the applicant. The Initial Review cover letter set forth a deadline of November 13, 2025, for the applicant to respond. The applicant requested that the Department proceed with issuance of a Preliminary Determination (further referred to as Proposed Final Order) and provided the necessary information to demonstrate that the applicant is authorized to pursue the transfer.

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

**Certificate:** 95646 in the name of CROSS COUNTRY CANAL COMPANY (perfected under Permit S-11695)

**Use:** SUPPLEMENTAL IRRIGATION of 12.5 ACRES

**Priority Date:** JUNE 6, 1935

**Rate:** 0.313 CUBIC FOOT PER SECOND

**Limit/Duty:** The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands, shall not exceed 1-1/2 acre feet per acre during any thirty-day period from May 1 to July 31, and thereafter shall not exceed 1.0 acre foot per acre for the remainder of the irrigation season ending October 1, and the total quantity allowed under this and any other right for these lands described herein shall not at any time exceed the quantity of water allowed herein.

**Source:** WALLOWA RIVER, a tributary of GRANDE RONDE RIVER

**Authorized Point of Diversion:**

Twp	Rng	Mer	Sec	Q-Q
1 S	43 E	WM	11	NW SE

**Authorized Place of Use:**

SUPPLEMENTAL IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
1 N	43 E	WM	28	NW NW	0.2
1 N	43 E	WM	28	SW NW	1.2
1 N	43 E	WM	28	SE NW	11.1
Total					12.5

7. Transfer Application T-14405 proposes to change the place of use of the right to:

SUPPLEMENATL IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
1 N	43 E	WM	29	NE NE	12.5

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

**Certificate:** 95647 in the name of MINAM LAKE RESERVOIR COMPANY (perfected under Permit S-3271)  
**Use:** SUPPLEMENTAL IRRIGATION OF 12.5 ACRES  
**Priority Date:** MAY 29, 1916  
**Rate:** 0.07 CUBIC FOOT PER SECOND  
**Limit/Duty:** The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands, is limited to ONE-EIGHTIETH of one cubic foot per second per acre, or its equivalent for each acre irrigated during the irrigation season of each year.  
**Source:** MINAM LAKE RESERVOIR, CONSTRUCTED UNDER PERMIT R-396, a tributary of MINAM LAKE

**Authorized Point of Diversion:**

Twp	Rng	Mer	Sec	Q-Q
1 S	43 E	WM	27	NE NW

**Authorized Place of Use:**

SUPPLEMENTAL IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
1 N	43 E	WM	28	NW NW	0.2
1 N	43 E	WM	28	SW NW	1.2
1 N	43 E	WM	28	SE NW	11.1
Total					12.5

9. Transfer Application T-14405 proposes to change the place of use of the right to:

SUPPLEMENTAL IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
1 N	43 E	WM	29	NE NE	12.5

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

**Certificate:** 97431 in the name of ROCKING M CATTLE COMPANY (confirmed by Wallowa River Decree Vol. 5, Page 197)  
**Use:** IRRIGATION of 12.5 ACRES  
**Priority Date:** 1883  
**Rate/Duty:** 0.17 CUBIC FOOT PER SECOND and is limited to 1.0 acre feet per acre during any period of 30 days prior to July 31 of each year, and thereafter not to exceed 1.0 acre foot per acre during the entire remainder of the irrigation season; and said right shall be subject to all other conditions and

limitations contained in said decree, and is further limited to 31.25 Acre Feet per year.

**Source:** LOSTINE RIVER (aka SOUTH FORK WALLOWA RIVER), a tributary to the WALLOWA RIVER

**Authorized Point of Diversion:**

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

**Authorized Place of Use:**

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
1 N	43 E	WM	28	NW NW	0.2
1 N	43 E	WM	28	SW NW	1.2
1 N	43 E	WM	28	SE NW	11.1
Total					12.5

11. The Department received information from the applicant that better describes the authorized point of diversion under Certificate 97431, as follows:

Twp	Rng	Mer	Sec	Q-Q	Survey Coordinates
1 S	43 E	WM	9	NE NE	FITZPATRICK DIVERSION: Latitude: 45.499396 Longitude: -117.442333

12. Transfer Application T-14405 proposes to change the place of use of the right to:

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
1 N	43 E	WM	29	NE NE	12.5

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

13. Water has been used within the last five years according to the terms and conditions of the rights. There is no information in the record that would demonstrate that the rights are subject to forfeiture under ORS 540.610.
14. A water delivery system sufficient to use the full amount of water allowed under the existing rights was present within the five-year period prior to submittal of Transfer Application T-14405.
15. The water rights are subject to transfer as defined in ORS 540.505(4) and OAR 690-380-0100(14).
16. The proposed change, as conditioned, would not result in enlargement of the rights.
17. The proposed change, as conditioned, would not result in injury to other existing water rights.
18. All other application requirements are met.

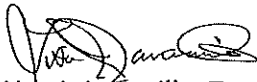
## Determination and Proposed Action

The change in places of use proposed in Transfer Application T-14405 appear to be consistent with the requirements of ORS 540.505 to 540.580 and OAR 690-380-500. If protests are not filed pursuant to OAR 690-380-4030, the transfer application will be approved.

*If Transfer Application T-14405 is approved, the final order will include the following:*

1. *The change in places of use proposed in Transfer Application T-14405 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 Certificates 95646, 95647, 97431, 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 places of use.*
4. *Water right Certificates 95646, 95647, and 97431 are cancelled. New certificates will be issued describing those portions of the rights not affected by this transfer.*
5. *The former places of use of the transferred rights shall no longer receive water under the rights.*
6. *Full beneficial use of the water shall be made, consistent with the terms of this order, on or before **October 1, 2027**. A Claim of Beneficial Use prepared by a Certified Water Right Examiner shall be submitted by the applicant to the Department within one year after the deadline for completion of the changes and full beneficial use of the water.*
7. *After satisfactory proof of beneficial use is received, new certificates confirming the rights transferred will be issued.*

Dated in Salem, Oregon on 1/30/2026



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

This Proposed Final Order was prepared by Corey Courchane. If you have questions about the information in this document, you may reach me at 503-979-3917 or [corey.a.courchane@water.oregon.gov](mailto:corey.a.courchane@water.oregon.gov).

If no protest of this Proposed Final Order is received by March 5, 2026, this Proposed Final Order will become a final order on April 7, 2026, without any further action by the Department. Oregon Laws 2025, chapter 575, section 3a(4). However, no later than April 7, 2026, the Department may withdraw this Proposed Final Order for reconsideration and issuance of a superseding proposed final order. Oregon Laws 2025, chapter 575, section 3a(5).

#### **Notification of Intent to Pursue Approval of Transfer through Consent to Injury Process**

If this Proposed Final Order determines that a change in point of diversion or appropriation would result in injury, the applicant may file a notification of intent to pursue approval of the transfer under the consent to injury process outlined in OAR 690-380-5030 to 690-380-5050.

#### **Protests and Requests for Party Status**

The following sections explain how to: (1) file a protest in opposition to this Proposed Final Order to request a contested case hearing on this Proposed Final Order; and (2) file a request for party status to request to participate in any contested case proceeding in support of this Proposed Final Order.

**Protests:** Under the provisions of Oregon Laws 2025, chapter 575, section 20(7) and section 3a(1), any person may protest this Proposed Final Order. Protests must be mailed or hand delivered to the Oregon Water Resources Department at the following address: 725 Summer Street NE, Suite A, Salem, OR 97301. If you wish to submit a protest by U.S. mail, please consider mailing early to ensure the Department receives the protest by the deadline specified. Protests must be received by the Water Resources Department no later than **March 5, 2026**.

#### **Protests must meet the following requirements:**

- Be in writing;
- Include the protestant's name, address, and telephone number;
- Include a description of the protestant's interest in the Proposed Final Order, and, if the protestant claims to represent the public interest, a precise statement of the public interest represented;
- Include a detailed description of how the action proposed in the Proposed Final Order would impair or be detrimental to the protestant's interest and/or the claimed public interest;
- Identify which of the Proposed Final Order's recommended findings of fact, conclusions of law or conditions of approval the protestant objects to;
- Raise all reasonably ascertainable issues and include all reasonable available arguments that support the protestant's position;
- Include any citation of legal authority to support the protest, if known;
- Explain how the issues raised in the protest are within the Department's jurisdiction;

- If the protestant is the applicant, include a protest fee of \$720 required by ORS 536.050; and
- If the protestant is not the applicant, include a protest fee of \$1,425 required by ORS 536.050.

**Requests for Party Status:** Under the provisions of Oregon Laws 2025, chapter 575, section 20(7) and section 3a(2), if this Proposed Final Order is protested, any person who supports this Proposed Final Order may file a request for party status to request to participate in any contested case proceeding on the Proposed Final Order or for judicial review of a final order resulting from the Proposed Final Order. Requests for party status must be mailed or hand delivered to the Oregon Water Resources Department at the following address: 725 Summer Street NE, Suite A, Salem, OR 97301. If you wish to submit a request for party status by U.S. mail, please consider mailing early to ensure the Department receives the request by the deadline specified. Requests for party status must be received by the Water Resources Department no later than **April 6, 2026**.

**Requests for party status must be in writing and include the following:**

- Names and addresses of the requester and any organization the requester represents;
- Name and address of the requester's attorney, if any;
- A statement of whether the request is for participation as a party or a limited party, and, if as a limited party, the precise area or areas in which participation is sought;
- If the requester seeks to protect a personal interest in the outcome of any contested case hearing on the Proposed Final Order, a detailed statement of the requester's interest, economic or otherwise, and how such interest may be affected by the results of the hearing;
- If the requester seeks to represent a public interest in the results of any contested case hearing on the Proposed Final Order, a detailed statement of such public interest, the manner in which such public interest will be affected by the results of the hearing, and the requester's qualifications to represent such public interest;
- A statement of the reasons why existing parties to the proceeding cannot adequately represent the private and/or public interest(s) the requester seeks to represent; and
- The request for party status fee of fee of \$1,425 required by Oregon Laws 2025, chapter 575, section 3a(2)(b)(C) and ORS 536.050.

After the deadline for requests for party status, the Department will provide copies of any timely requests for party status, accept responses to requests for party status, and consider and rule on timely requests for party status as provided in OAR 137-003-0535.

**Additional Notices**

***Notice of the circumstances under which this Proposed Final Order will become a final order:***  
If no protest of this Proposed Final Order is timely received and the Department does not

withdraw this Proposed Final Order for reconsideration within 33 days after the close of the period for submitting a protest, this Proposed Final Order will become a final order on the date that is 33 days after the close of the period for submitting a protest, with no further action required by the Department. If a protest or protests are timely received, but later: (1) all timely-filed protests are withdrawn and the withdrawals are not based on a settlement agreement requiring changes to this Proposed Final Order; (2) all protestants fail to appear at a scheduled hearing; or (3) all protestants notify the Department or the administrative law judge that the protestants will not appear at a scheduled hearing, the protestants will have waived any right to a hearing, and the Department or the administrative law judge will issue an order dismissing the protests and notifying the parties that this Proposed Final Order has become a final order. OAR 137-003-0672. The Department designates the relevant portions of its file on this matter, including all materials that you have submitted relating to this matter, as the record for the purpose of proving a prima facie case upon default. OAR 137-003-0672.

***Notice of Right to Pursue Approval of Transfer through Consent to Injury Process after Contested Case Hearing:*** If after a contested case hearing on this Proposed Final Order the Department issues a proposed order finding that a change in point of diversion or appropriation will result in injury, the applicant may file a notification of intent to pursue approval of the transfer under OAR 690-380-5030 to 690-380-5050 within 15 days of receipt of the proposed order. Notwithstanding 690-002-0175, if the applicant files a notification of intent to pursue approval of the transfer under 690-380-5030 to 690-380-5050, the deadline for filing exceptions to the proposed order shall be 30 days after the Department provides notice to the parties that the transfer does not meet the requirements of 690-380-5030 to 690-380-5050.

***Notice of right to be represented by an attorney:*** You may be represented by an attorney at any contested case hearing on this Proposed Final Order. Legal aid organizations may be able to assist a party with limited financial resources. Generally, partnerships, corporations, associations, governmental subdivisions or public or private organizations are represented by an attorney. However, consistent with OAR 690-002-0020 and OAR 137-003-0555, an "authorized representative" as defined at OAR 137-003-0555(1)(b) may represent a partnership, corporation, association, governmental subdivision or public or private organization if the Department determines that appearance of a person by an authorized representative will not hinder the orderly and timely development of the record in this case.

***Notice to active duty servicemembers:*** Active-duty service members have a right to stay proceedings under the federal Service Members Civil Relief Act. 50 U.S.C. App. §§501-597b. For more information contact the Oregon State Bar at 800-452-8260, the Oregon Military Department at 971-453-1175, or the nearest United States Armed Forces Legal Assistance Office through <http://legalassistance.law.af.mil>.

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

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

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



# Oregon

Tina Kotek, Governor

## Water Resources Department

North Mall Office Building

725 Summer St NE, Suite A

Salem, OR 97301

Phone 503 986-0900

Fax 503 986-0904

4/7/2026

Reference: Remaining Right Certificate(s) for T-14405

Enclosed, please find the remaining right certificate(s) representing the portion of the water right(s) involved in Transfer T-14405 that were not modified by the transfer.

If you have any questions related to the remaining right certificate(s), you may contact your caseworker, Corey Courchane, by telephone at (503) 979-3917 or by e-mail at [Corey.a.courchane@water.oregon.gov](mailto:Corey.a.courchane@water.oregon.gov).

cc: Watermaster Dist. #7 (via email)  
Jessica Humphreys, Agent  
Wallowa County Planning, Local Government

Enclosure

STATE OF OREGON

COUNTY OF WALLOWA

CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

CROSS COUNTRY CANAL COMPANY  
LOSTINE, OR

confirms the right to use the waters of the WALLOWA RIVER, a tributary of GRANDE RONDE RIVER for SUPPLEMENTAL IRRIGATION of 3468.85 ACRES.

This right was perfected under Permit S-11695. The date of priority is JUNE 6, 1935. The amount of water to which this right is entitled is limited to an amount actually used beneficially, and shall not exceed 86.722 CUBIC FEET PER SECOND, or its equivalent in case of rotation, measured at the point of diversion.

The point of diversion is located as follows:

Twp	Rng	Mer	Sec	Q-Q
1 S	43 E	WM	11	NW SE

The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands, shall not exceed 1-1/2 acre feet per acre during any thirty-day period from May 1 to July 31, and thereafter shall not exceed 1.0 acre foot per acre for the remainder of the irrigation season ending October 1, and the total quantity allowed under this and any other right for these lands described herein shall not exceed the quantity of water allowed herein, and shall conform to such reasonable rotation system as may be ordered by the proper state officer.

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

SUPPLEMENTAL IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
1 N	42 E	WM	13	NW SW	2.00
1 N	42 E	WM	13	SE SW	5.00
1 N	42 E	WM	14	NE SE	30.00
1 N	42 E	WM	14	NW SE	5.00
1 N	42 E	WM	14	SE SE	9.00
1 N	42 E	WM	23	NE NE	5.00
1 N	42 E	WM	24	NW NE	1.00
1 N	42 E	WM	24	SW NE	9.00
1 N	42 E	WM	24	NE NW	31.00
1 N	42 E	WM	24	NW NW	20.00

SUPPLEMENTAL IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
1 N	42 E	WM	24	SW NW	25.00
1 N	42 E	WM	24	SE NW	39.50
1 N	42 E	WM	24	NE SW	39.50
1 N	42 E	WM	24	NW SW	34.00
1 N	42 E	WM	24	SW SW	34.00
1 N	42 E	WM	24	SE SW	39.75
1 N	42 E	WM	24	NW SE	15.00
1 N	42 E	WM	24	SW SE	35.00
1 N	42 E	WM	25	NW NE	40.50
1 N	42 E	WM	25	SW NE	40.50
1 N	42 E	WM	25	SE NE	28.00
1 N	42 E	WM	25	NE NW	40.00
1 N	42 E	WM	25	NW NW	17.00
1 N	42 E	WM	25	SW NW	11.00
1 N	42 E	WM	25	SE NW	40.00
1 N	42 E	WM	25	NE SW	40.00
1 N	42 E	WM	25	NW SW	6.50
1 N	42 E	WM	25	SE SW	20.00
1 N	42 E	WM	25	NE SE	41.00
1 N	42 E	WM	25	NW SE	40.50
1 N	42 E	WM	25	SW SE	39.00
1 N	42 E	WM	25	SE SE	41.00
1 N	42 E	WM	36	NE NE	27.00
1 N	42 E	WM	36	NW NE	9.00
1 N	43 E	WM	28	NW NE	4.50
1 N	43 E	WM	28	SW NE	11.00
1 N	43 E	WM	28	NE NW	40.00
1 N	43 E	WM	28	NW NW	9.80
1 N	43 E	WM	28	SW NW	12.30
1 N	43 E	WM	28	SE NW	28.90
1 N	43 E	WM	28	NE SW	40.00
1 N	43 E	WM	28	NW SW	21.00
1 N	43 E	WM	28	SW SW	29.00
1 N	43 E	WM	28	SE SW	40.00
1 N	43 E	WM	28	NW SE	15.00
1 N	43 E	WM	28	SW SE	6.00
1 N	43 E	WM	29	NW SW	3.70
1 N	43 E	WM	29	SW SW	30.00
1 N	43 E	WM	29	SE SW	3.00
1 N	43 E	WM	30	NW NE	27.70
1 N	43 E	WM	30	SW NE	39.00
1 N	43 E	WM	30	SE NE	15.10
1 N	43 E	WM	30	NE NW	38.00
1 N	43 E	WM	30	NW NW	17.00
1 N	43 E	WM	30	SW NW	34.00
1 N	43 E	WM	30	SE NW	40.00
1 N	43 E	WM	30	NE SW	40.00
1 N	43 E	WM	30	NW SW	40.00
1 N	43 E	WM	30	SW SW	40.00

SUPPLEMENTAL IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
1 N	43 E	WM	30	SE SW	40.00
1 N	43 E	WM	30	NE SE	38.00
1 N	43 E	WM	30	NW SE	38.50
1 N	43 E	WM	30	SW SE	37.50
1 N	43 E	WM	30	SE SE	32.40
1 N	43 E	WM	31	NE NE	38.70
1 N	43 E	WM	31	NW NE	40.00
1 N	43 E	WM	31	SW NE	40.00
1 N	43 E	WM	31	SE NE	40.00
1 N	43 E	WM	31	NE NW	40.00
1 N	43 E	WM	31	NW NW	40.00
1 N	43 E	WM	32	NW NE	18.00
1 N	43 E	WM	32	SW NE	39.70
1 N	43 E	WM	32	SE NE	16.00
1 N	43 E	WM	32	NE NW	35.00
1 N	43 E	WM	32	NW NW	34.60
1 N	43 E	WM	32	SW NW	40.00
1 N	43 E	WM	32	SE NW	36.10
1 N	43 E	WM	32	NE SW	40.00
1 N	43 E	WM	32	NW SW	40.00
1 N	43 E	WM	32	SW SW	15.00
1 N	43 E	WM	32	SE SW	40.00
1 N	43 E	WM	32	NE SE	34.00
1 N	43 E	WM	32	NW SE	38.30
1 N	43 E	WM	32	SW SE	35.20
1 N	43 E	WM	32	SE SE	35.80
1 N	43 E	WM	33	NE NW	40.00
1 N	43 E	WM	33	NW NW	40.00
1 N	43 E	WM	33	SW NW	40.00
1 N	43 E	WM	33	SE NW	40.00
1 N	43 E	WM	33	NE SW	40.00
1 N	43 E	WM	33	NW SW	4.00
1 N	43 E	WM	33	SW SW	9.00
1 N	43 E	WM	33	SE SW	40.00
1 S	43 E	WM	4	NW NE	21.00
1 S	43 E	WM	4	SW NE	24.50
1 S	43 E	WM	4	NE NW	25.00
1 S	43 E	WM	4	NW NW	23.70
1 S	43 E	WM	4	SW NW	35.30
1 S	43 E	WM	4	SE NW	6.00
1 S	43 E	WM	4	NE SW	11.60
1 S	43 E	WM	4	NW SW	39.20
1 S	43 E	WM	4	SW SW	39.50
1 S	43 E	WM	4	SE SW	35.60
1 S	43 E	WM	4	NE SE	22.00
1 S	43 E	WM	4	NW SE	34.00
1 S	43 E	WM	4	SW SE	16.00
1 S	43 E	WM	4	SE SE	40.00
1 S	43 E	WM	5	NE NE	38.60



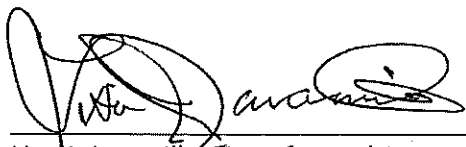
SUPPLEMENTAL IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
1 S	43 E	WM	5	NW NE	42.00
1 S	43 E	WM	5	SW NE	35.00
1 S	43 E	WM	5	SE NE	32.90
1 S	43 E	WM	5	NE NW	40.00
1 S	43 E	WM	5	SE NW	35.00
1 S	43 E	WM	5	NE SW	8.00
1 S	43 E	WM	5	NE SE	39.40
1 S	43 E	WM	5	SE SE	40.00
1 S	43 E	WM	9	NW NE	11.80
1 S	43 E	WM	9	SW NE	3.00
1 S	43 E	WM	9	SE NE	10.00
1 S	43 E	WM	9	NE NW	3.00
1 S	43 E	WM	10	NW NE	38.00
1 S	43 E	WM	10	NE NW	28.70
1 S	43 E	WM	10	NW NW	29.50
Total					3468.85

This certificate describes that portion of water right Certificate 95646, State Record of Water Right Certificates, NOT modified by the provisions of an order of the Water Resources Director entered 4/7/2026, approving Transfer Application T-14405.

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

The right to the use of the water for the above purpose is restricted to beneficial use on the lands or place of use described.

WITNESS the signature of the Water Resources Director, affixed 4/7/2026.



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

STATE OF OREGON

COUNTY OF WALLOWA

CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

MINAM LAKE RESERVOIR COMPANY  
1120 SE FLORENCE  
ENTERPRISE, OR 97828

confirms the right to use the waters of MINAM LAKE RESERVOIR, CONSTRUCTED UNDER PERMIT R-396, a tributary of MINAM LAKE, for SUPPLEMENTAL IRRIGATION of 6349.95 ACRES.

This right was perfected under Permit S-3271. The date of priority is MAY 29, 1916. The amount of water to which this right is entitled is limited to an amount actually used beneficially, and shall not exceed 34.1 CUBIC FEET PER SECOND, or its equivalent in case of rotation, measured at the point of diversion.

The point of diversion is located as follows:

Twp	Rng	Mer	Sec	Q-Q
1 S	43 E	WM	27	NE NW

The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands, is limited to ONE-EIGHTIETH of one cubic foot per second per acre, or its equivalent for each acre irrigated during the irrigation season of each year.

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

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

SUPPLEMENTAL IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
1 N	42 E	WM	14	NE SE	20.00
1 N	42 E	WM	14	SE SE	9.00
1 N	42 E	WM	23	NE NE	5.00
1 N	42 E	WM	24	NE NW	31.00
1 N	42 E	WM	24	NW NW	10.00
1 N	42 E	WM	24	SW NW	20.00
1 N	42 E	WM	24	SE NW	39.50
1 N	42 E	WM	24	NE SW	39.50
1 N	42 E	WM	24	NW SW	30.00

SUPPLEMENTAL IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
1 N	42 E	WM	24	SW SW	30.00
1 N	42 E	WM	24	SE SW	39.75
1 N	42 E	WM	24	NW SE	15.00
1 N	42 E	WM	24	SW SE	30.00
1 N	42 E	WM	25	NW NE	40.00
1 N	42 E	WM	25	SW NE	40.00
1 N	42 E	WM	25	SE NE	28.00
1 N	42 E	WM	25	NE NW	40.00
1 N	42 E	WM	25	NW NW	17.00
1 N	42 E	WM	25	SW NW	11.00
1 N	42 E	WM	25	SE NW	40.00
1 N	42 E	WM	25	NE SW	35.00
1 N	42 E	WM	25	NW SW	6.50
1 N	42 E	WM	25	SE SW	20.00
1 N	42 E	WM	25	NE SE	30.00
1 N	42 E	WM	25	NW SE	40.00
1 N	43 E	WM	19	SW NE	30.00
1 N	43 E	WM	19	SE NE	20.00
1 N	43 E	WM	19	NE SE	26.00
1 N	43 E	WM	19	NW SE	4.70
1 N	43 E	WM	19	SE SE	27.70
1 N	43 E	WM	28	NE NW	25.00
1 N	43 E	WM	28	NW NW	9.80
1 N	43 E	WM	28	SW NW	12.30
1 N	43 E	WM	28	SE NW	18.90
1 N	43 E	WM	28	NE SW	40.00
1 N	43 E	WM	28	NW SW	20.00
1 N	43 E	WM	28	SW SW	20.00
1 N	43 E	WM	28	SE SW	40.00
1 N	43 E	WM	28	NW SE	15.00
1 N	43 E	WM	28	SW SE	6.00
1 N	43 E	WM	29	NW SW	3.70
1 N	43 E	WM	29	SW SW	30.00
1 N	43 E	WM	29	SE SW	3.00
1 N	43 E	WM	30	NW NE	27.70
1 N	43 E	WM	30	SW NE	39.00
1 N	43 E	WM	30	SE NE	15.10
1 N	43 E	WM	30	NW NW	20.00
1 N	43 E	WM	30	SW NW	34.00
1 N	43 E	WM	30	SE NW	40.00
1 N	43 E	WM	30	NE SW	40.00
1 N	43 E	WM	30	NW SW	40.00
1 N	43 E	WM	30	SW SW	40.00
1 N	43 E	WM	30	SE SW	40.00
1 N	43 E	WM	30	NE SE	38.00
1 N	43 E	WM	30	NW SE	38.50
1 N	43 E	WM	30	SW SE	37.50
1 N	43 E	WM	30	SE SE	32.40
1 N	43 E	WM	31	NE NE	35.30

SUPPLEMENTAL IRRIGATION

Twp	Rng	Mer	Sec	Q-Q	Acres
1 N	43 E	WM	31	NW NE	35.50
1 N	43 E	WM	31	SW NE	40.00
1 N	43 E	WM	31	SE NE	40.00
1 N	43 E	WM	31	NE NW	40.00
1 N	43 E	WM	31	NW NW	40.00
1 N	43 E	WM	31	SW NW	40.00
1 N	43 E	WM	31	SE NW	40.00
1 N	43 E	WM	31	NE SW	40.00
1 N	43 E	WM	31	SW SW	7.90
1 N	43 E	WM	31	SE SW	40.00
1 N	43 E	WM	31	NE SE	40.00
1 N	43 E	WM	31	NW SE	38.80
1 N	43 E	WM	32	NW NE	18.00
1 N	43 E	WM	32	SW NE	39.70
1 N	43 E	WM	32	SE NE	16.00
1 N	43 E	WM	32	NE NW	35.00
1 N	43 E	WM	32	NW NW	34.60
1 N	43 E	WM	32	SW NW	40.00
1 N	43 E	WM	32	SE NW	36.10
1 N	43 E	WM	32	NE SW	40.00
1 N	43 E	WM	32	NW SW	40.00
1 N	43 E	WM	32	SW SW	15.00
1 N	43 E	WM	32	SE SW	40.00
1 N	43 E	WM	32	NE SE	34.00
1 N	43 E	WM	32	NW SE	38.30
1 N	43 E	WM	32	SW SE	35.20
1 N	43 E	WM	32	SE SE	35.80
1 N	43 E	WM	33	NE NW	30.00
1 N	43 E	WM	33	NW NW	30.00
1 N	43 E	WM	33	SW NW	40.00
1 N	43 E	WM	33	SE NW	25.00
1 N	43 E	WM	33	NE SW	30.00
1 N	43 E	WM	33	NW SW	4.00
1 N	43 E	WM	33	SW SW	25.00
1 N	43 E	WM	33	SE SW	25.00
1 S	43 E	WM	3	SW SW	40.00
1 S	43 E	WM	3	SE SW	40.00
1 S	43 E	WM	3	SW SE	30.00
1 S	43 E	WM	4	NW NE	21.00
1 S	43 E	WM	4	SW NE	24.50
1 S	43 E	WM	4	NE NW	25.00
1 S	43 E	WM	4	NW NW	23.70
1 S	43 E	WM	4	SW NW	35.30
1 S	43 E	WM	4	SE NW	3.00
1 S	43 E	WM	4	NE SW	11.60
1 S	43 E	WM	4	NW SW	39.20
1 S	43 E	WM	4	SW SW	39.50
1 S	43 E	WM	4	SE SW	35.60
1 S	43 E	WM	4	NE SE	22.00

SUPPLEMENTAL IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
1 S	43 E	WM	4	NW SE	25.00
1 S	43 E	WM	4	SW SE	16.00
1 S	43 E	WM	4	SE SE	40.00
1 S	43 E	WM	5	NE NE	36.60
1 S	43 E	WM	5	NW NE	39.80
1 S	43 E	WM	5	SW NE	40.00
1 S	43 E	WM	5	SE NE	32.90
1 S	43 E	WM	5	NE NW	40.00
1 S	43 E	WM	5	NW NW	20.00
1 S	43 E	WM	5	SE NW	40.00
1 S	43 E	WM	5	SE SW	32.00
1 S	43 E	WM	5	NE SE	39.40
1 S	43 E	WM	5	NW SE	40.00
1 S	43 E	WM	5	SW SE	34.00
1 S	43 E	WM	5	SE SE	40.00
1 S	43 E	WM	6	NW NE	40.00
1 S	43 E	WM	6	NE NW	37.00
1 S	43 E	WM	8	NE NE	40.00
1 S	43 E	WM	8	NW NE	40.00
1 S	43 E	WM	8	SW NE	40.00
1 S	43 E	WM	8	SE NE	40.00
1 S	43 E	WM	8	NE NW	8.00
1 S	43 E	WM	8	SE NW	12.50
1 S	43 E	WM	8	NE SE	25.00
1 S	43 E	WM	8	NW SE	5.00
1 S	43 E	WM	8	SE SE	5.00
1 S	43 E	WM	9	NE NE	23.70
1 S	43 E	WM	9	NW NE	20.40
1 S	43 E	WM	9	SW NE	35.00
1 S	43 E	WM	9	SE NE	15.00
1 S	43 E	WM	9	NE NW	31.90
1 S	43 E	WM	9	NW NW	34.60
1 S	43 E	WM	9	SW NW	34.60
1 S	43 E	WM	9	SE NW	34.60
1 S	43 E	WM	9	NE SW	30.00
1 S	43 E	WM	9	NW SW	38.00
1 S	43 E	WM	9	SW SW	33.00
1 S	43 E	WM	9	SE SW	36.90
1 S	43 E	WM	9	NE SE	34.00
1 S	43 E	WM	9	NW SE	34.60
1 S	43 E	WM	9	SW SE	35.00
1 S	43 E	WM	9	SE SE	34.60
1 S	43 E	WM	10	NE NE	20.00
1 S	43 E	WM	10	NW NE	40.00
1 S	43 E	WM	10	SW NE	40.00
1 S	43 E	WM	10	SE NE	20.00
1 S	43 E	WM	10	NE NW	40.00
1 S	43 E	WM	10	NW NW	40.00
1 S	43 E	WM	10	SW NW	30.00

SUPPLEMENTAL IRRIGATION

Twp	Rng	Mer	Sec	Q-Q	Acres
1 S	43 E	WM	10	SE NW	40.00
1 S	43 E	WM	10	NE SW	37.90
1 S	43 E	WM	10	NW SW	6.50
1 S	43 E	WM	10	SW SW	15.00
1 S	43 E	WM	10	SE SW	40.00
1 S	43 E	WM	10	NE SE	20.00
1 S	43 E	WM	10	NW SE	40.00
1 S	43 E	WM	10	SW SE	40.00
1 S	43 E	WM	10	SE SE	18.00
1 S	43 E	WM	14	NW NW	39.00
1 S	43 E	WM	14	SW NW	36.00
1 S	43 E	WM	14	SE NW	38.00
1 S	43 E	WM	14	NE SW	39.50
1 S	43 E	WM	14	NW SW	20.00
1 S	43 E	WM	14	SW SW	37.00
1 S	43 E	WM	14	SE SW	15.00
1 S	43 E	WM	14	NW SE	24.00
1 S	43 E	WM	15	NE NE	21.50
1 S	43 E	WM	15	NW NE	40.00
1 S	43 E	WM	15	SW NE	40.00
1 S	43 E	WM	15	SE NE	30.00
1 S	43 E	WM	15	NE NW	18.50
1 S	43 E	WM	15	NW NW	20.00
1 S	43 E	WM	15	SW NW	40.00
1 S	43 E	WM	15	SE NW	16.00
1 S	43 E	WM	15	NE SW	20.00
1 S	43 E	WM	15	NW SW	40.00
1 S	43 E	WM	15	SW SW	40.00
1 S	43 E	WM	15	SE SW	28.00
1 S	43 E	WM	15	NE SE	38.00
1 S	43 E	WM	15	NW SE	33.50
1 S	43 E	WM	15	SW SE	40.00
1 S	43 E	WM	15	SE SE	32.00
1 S	43 E	WM	16	NE NE	30.00
1 S	43 E	WM	16	NW NE	30.00
1 S	43 E	WM	16	SW NE	30.00
1 S	43 E	WM	16	SE NE	30.00
1 S	43 E	WM	16	NE NW	40.00
1 S	43 E	WM	16	NW NW	33.50
1 S	43 E	WM	16	SE NW	25.00
1 S	43 E	WM	16	NE SE	32.80
1 S	43 E	WM	16	NW SE	5.00
1 S	43 E	WM	16	SE SE	10.00
1 S	43 E	WM	22	NE NE	40.00
1 S	43 E	WM	22	NW NE	35.00
1 S	43 E	WM	22	SW NE	30.00
1 S	43 E	WM	22	SE NE	22.00
1 S	43 E	WM	22	NE NW	35.00
1 S	43 E	WM	22	NW NW	40.00

SUPPLEMENTAL IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
1 S	43 E	WM	22	SW NW	20.00
1 S	43 E	WM	22	SE NW	39.00
1 S	43 E	WM	22	NE SW	39.00
1 S	43 E	WM	22	NW SW	10.00
1 S	43 E	WM	22	SE SW	40.00
1 S	43 E	WM	22	NE SE	5.00
1 S	43 E	WM	22	NW SE	28.00
1 S	43 E	WM	22	SW SE	36.00
1 S	43 E	WM	22	SE SE	15.00
1 S	43 E	WM	27	NW NE	22.00
1 S	43 E	WM	27	NE NW	5.00
Total					6349.95

This certificate describes that portion of water right Certificate 95647, State Record of Water Right Certificates, NOT modified by the provisions of an order of the Water Resources Director entered 4/7/2026, approving Transfer Application T-14405.

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

The right to the use of the water for the above purpose is restricted to beneficial use on the lands or place of use described. The use confirmed herein may be made only at times when sufficient water is available to satisfy all prior rights, including rights for maintaining instream flows.

WITNESS the signature of the Water Resources Director, affixed 4/7/2026 .



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

STATE OF OREGON

COUNTY OF WALLOWA

CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

ROCKING M CATTLE COMPANY  
70208 WARNOCK RD  
WALLOWA, OR 97885

confirms the right to use the waters of the LOSTINE RIVER (aka SOUTH FORK WALLOWA RIVER), a tributary to the WALLOWA RIVER for IRRIGATION of 59.79 ACRES.

This right was confirmed by decree of the Circuit Court of the State of Oregon for Wallowa County. The decree is of record at Salem, in the Order Record of the Water Resources Director in Volume 5, at Page 197. The date of priority is 1883.

The amount of water to which this right is entitled is limited to an amount actually beneficially used for said purposes, and shall not exceed 0.82 CUBIC FOOT PER SECOND and is limited to 1.0 acre feet per acre during any period of 30 days prior to July 31 of each year, and thereafter not to exceed 1.0 acre foot per acre during the entire remainder of the irrigation season; and said right shall be subject to all other conditions and limitations contained in said decree, and is further limited to 149.48 Acre Feet per year.

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

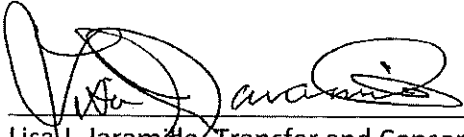
IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
1 N	43 E	WM	28	NE NW	34.94
1 N	43 E	WM	28	NW NW	0.21
1 N	43 E	WM	28	SW NW	11.47
1 N	43 E	WM	28	SE NW	13.17
Total					59.79

This certificate describes that portion of water right Certificate 97431, State Record of Water Right Certificates, NOT modified by the provisions of an order of the Water Resources Director entered 4/7/2026, approving Transfer Application T-14405.

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

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

WITNESS the signature of the Water Resources Director, affixed 4/7/2026 .

A handwritten signature in black ink, appearing to read "Lisa J. Jaramillo", written over a horizontal line.

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



# Oregon

Tina Kotek, Governor

Water Resources Department

North Mall Office Building

725 Summer St NE, Suite A

Salem, OR 97301

Phone 503 986-0900

Fax 503 986-0904

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

January 30, 2026

**VIA CERTIFIED MAIL AND E-MAIL**

JEREMY MCCULLOCH  
ROCKING M CATTLE COMPANY  
70208 WARNOCK RD  
WALLOWA, OR 97885

SUBJECT: Water Right Transfer Application T-14405

Please find enclosed the Proposed Final Order indicating that, based on the information available, the Department intends to approve application T-14405. This document is an intermediate step in the approval process; water may not be used legally as proposed in the transfer application until a Final Order has been issued by the Department. Please read this entire letter carefully to determine your responsibility for additional action.

A public notice is being published in the Department's weekly publication, simultaneously with issuance of the Proposed Final Order. The notice initiates a period in which any person may file either a protest opposing the decision proposed by the Department in the Proposed Final Order or a request for party status supporting the Department's decision. The protest period will end 30 days after the Department's notice.

**The Proposed Final Order will become a Final Order 33 days after the protest period ends without any further action by the Department, as a matter of law, if no protest is filed.**

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

Please do not hesitate to contact me, at [corey.a.courchane@water.oregon.gov](mailto:corey.a.courchane@water.oregon.gov) or (503) 979-3917, if I may be of assistance.

Sincerely,

Corey Courchane  
Allocation of Conserved Water  
Transfer and Conservation Section

cc: Transfer Application file T-14405  
David D. Bates, District 7 Watermaster (*via e-mail*)  
Jessica Humphreys, Agent for the applicant (*via e-mail*)

encs

<b>U.S. Postal Service™</b> <b>CERTIFIED MAIL® RECEIPT</b> Domestic Mail Only	
For delivery information, visit our website at <a href="http://www.usps.com">www.usps.com</a> ®.	
OFFICIAL USE	
Certified Mail Fee \$ _____ Extra Services & Fees ( <i>check box, add fee as appropriate</i> ) <input type="checkbox"/> Return Receipt (hardcopy) \$ _____ <input type="checkbox"/> Return Receipt (electronic) \$ _____ <input type="checkbox"/> Certified Mail Restricted Delivery \$ _____ <input type="checkbox"/> Adult Signature Required \$ _____ <input type="checkbox"/> Adult Signature Restricted Delivery \$ _____ Postage \$ _____ <b>Total Postage and Fees</b> \$ _____	Postmark Here  <span style="font-size: 1.5em;">T-14405</span>
Sent To Street and Apt. No., or PO Box No. City, State, ZIP+4®	
PS Form 3800, January 2023 PSN 7530-02-000-9047 See Reverse for Instructions	

9589 0710 5270 2376 3745 53

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

In the Matter of Transfer Application	)	PROPOSED FINAL ORDER PROPOSING
T-14405, Wallowa County	)	APPROVAL OF A CHANGE IN PLACES OF
	)	USE

**Authority**

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

**Applicant**

JEREMY MCCULLOCH  
ROCKING M CATTLE COMPANY  
70208 WARNOCK RD  
WALLOWA, OR 97885

**Findings of Fact**

1. On February 12, 2024, Jeremy McCulloch, Rocking M Cattle Company filed an application to change the places of use under Certificates 95646, 95647, and 97431. The Department assigned the application number T-14405.
2. Notice of the application for transfer was published on February 20, 2024, pursuant to OAR 690-380-4000. No comments were filed in response to the notice.
3. On September 9, 2025, the Department contacted the applicant and agent regarding deficiencies in the application. Table 1, which includes the point of diversion description, was not included for Certificates 95646 and 95647. Table 2 for Certificates 95646 and 95647 incorrectly described priority dates, and the application map did not include a Certified Water Right Examiner's (CWRE) signature. The Department requested the

Under Oregon Laws 2025, chapter 575, section 20(6), section 20(7), and section 3a(1), any person may file a protest of this Proposed Final Order within 30 days after publication of notice of this Proposed Final Order in the Department's weekly notice. Under Oregon Laws 2025, chapter 575, section 20(7) and section 3a(2), if a protest is filed, any person who supports this Proposed Final Order may file a request for party status within 30 days after the deadline for filing a protest. Please refer to the end of this document for further information about filing protests and requests for party status.

deficiencies to be resolved by October 9, 2025, or a draft Preliminary Determination may be issued denying the application as incomplete.

4. On September 19, 2025, the Department received an application map containing a CWRE signature and a revised Table 1 and Table 2 for Certificates 95646 and 95647, resolving the deficiencies.
5. On October 13, 2025, the Department mailed a copy of the draft Preliminary Determination (further referred to as Initial Review) proposing to approve Transfer Application T-14405 to the applicant. The Initial Review cover letter set forth a deadline of November 13, 2025, for the applicant to respond. The applicant requested that the Department proceed with issuance of a Preliminary Determination (further referred to as Proposed Final Order) and provided the necessary information to demonstrate that the applicant is authorized to pursue the transfer.
6. The portion of the first right to be transferred is as follows:

**Certificate:** 95646 in the name of CROSS COUNTRY CANAL COMPANY (perfected under Permit S-11695)

**Use:** SUPPLEMENTAL IRRIGATION of 12.5 ACRES

**Priority Date:** JUNE 6, 1935

**Rate:** 0.313 CUBIC FOOT PER SECOND

**Limit/Duty:** The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands, shall not exceed 1-1/2 acre feet per acre during any thirty-day period from May 1 to July 31, and thereafter shall not exceed 1.0 acre foot per acre for the remainder of the irrigation season ending October 1, and the total quantity allowed under this and any other right for these lands described herein shall not at any time exceed the quantity of water allowed herein.

**Source:** WALLOWA RIVER, a tributary of GRANDE RONDE RIVER

**Authorized Point of Diversion:**

Twp	Rng	Mer	Sec	Q-Q
1 S	43 E	WM	11	NW SE

**Authorized Place of Use:**

SUPPLEMENTAL IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
1 N	43 E	WM	28	NW NW	0.2
1 N	43 E	WM	28	SW NW	1.2
1 N	43 E	WM	28	SE NW	11.1
Total					12.5

7. Transfer Application T-14405 proposes to change the place of use of the right to:

SUPPLEMENTAL IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
1 N	43 E	WM	29	NE NE	12.5

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

**Certificate:** 95647 in the name of MINAM LAKE RESERVOIR COMPANY (perfected under Permit S-3271)  
**Use:** SUPPLEMENTAL IRRIGATION OF 12.5 ACRES  
**Priority Date:** MAY 29, 1916  
**Rate:** 0.07 CUBIC FOOT PER SECOND  
**Limit/Duty:** The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands, is limited to ONE-EIGHTIETH of one cubic foot per second per acre, or its equivalent for each acre irrigated during the irrigation season of each year.  
**Source:** MINAM LAKE RESERVOIR, CONSTRUCTED UNDER PERMIT R-396, a tributary of MINAM LAKE

**Authorized Point of Diversion:**

Twp	Rng	Mer	Sec	Q-Q
1 S	43 E	WM	27	NE NW

**Authorized Place of Use:**

SUPPLEMENTAL IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
1 N	43 E	WM	28	NW NW	0.2
1 N	43 E	WM	28	SW NW	1.2
1 N	43 E	WM	28	SE NW	11.1
Total					12.5

9. Transfer Application T-14405 proposes to change the place of use of the right to:

SUPPLEMENTAL IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
1 N	43 E	WM	29	NE NE	12.5

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

**Certificate:** 97431 in the name of ROCKING M CATTLE COMPANY (confirmed by Wallowa River Decree Vol. 5, Page 197)  
**Use:** IRRIGATION of 12.5 ACRES  
**Priority Date:** 1883  
**Rate/Duty:** 0.17 CUBIC FOOT PER SECOND and is limited to 1.0 acre feet per acre during any period of 30 days prior to July 31 of each year, and thereafter not to exceed 1.0 acre foot per acre during the entire remainder of the irrigation season; and said right shall be subject to all other conditions and

limitations contained in said decree, and is further limited to 31.25 Acre Feet per year.

**Source:** LOSTINE RIVER (aka SOUTH FORK WALLOWA RIVER), a tributary to the WALLOWA RIVER

**Authorized Point of Diversion:**

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

**Authorized Place of Use:**

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
1 N	43 E	WM	28	NW NW	0.2
1 N	43 E	WM	28	SW NW	1.2
1 N	43 E	WM	28	SE NW	11.1
Total					12.5

11. The Department received information from the applicant that better describes the authorized point of diversion under Certificate 97431, as follows:

Twp	Rng	Mer	Sec	Q-Q	Survey Coordinates
1 S	43 E	WM	9	NE NE	FITZPATRICK DIVERSION: Latitude: 45.499396 Longitude: -117.442333

12. Transfer Application T-14405 proposes to change the place of use of the right to:

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
1 N	43 E	WM	29	NE NE	12.5

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

13. Water has been used within the last five years according to the terms and conditions of the rights. There is no information in the record that would demonstrate that the rights are subject to forfeiture under ORS 540.610.
14. A water delivery system sufficient to use the full amount of water allowed under the existing rights was present within the five-year period prior to submittal of Transfer Application T-14405.
15. The water rights are subject to transfer as defined in ORS 540.505(4) and OAR 690-380-0100(14).
16. The proposed change, as conditioned, would not result in enlargement of the rights.
17. The proposed change, as conditioned, would not result in injury to other existing water rights.
18. All other application requirements are met.

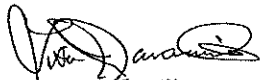
## Determination and Proposed Action

The change in places of use proposed in Transfer Application T-14405 appear to be consistent with the requirements of ORS 540.505 to 540.580 and OAR 690-380-500. If protests are not filed pursuant to OAR 690-380-4030, the transfer application will be approved.

*If Transfer Application T-14405 is approved, the final order will include the following:*

- 1. The change in places of use proposed in Transfer Application T-14405 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 Certificates 95646, 95647, 97431, 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 places of use.*
- 4. Water right Certificates 95646, 95647, and 97431 are cancelled. New certificates will be issued describing those portions of the rights not affected by this transfer.*
- 5. The former places of use of the transferred rights shall no longer receive water under the rights.*
- 6. Full beneficial use of the water shall be made, consistent with the terms of this order, on or before **October 1, 2027**. A Claim of Beneficial Use prepared by a Certified Water Right Examiner shall be submitted by the applicant to the Department within one year after the deadline for completion of the changes and full beneficial use of the water.*
- 7. After satisfactory proof of beneficial use is received, new certificates confirming the rights transferred will be issued.*

Dated in Salem, Oregon on 1/30/2026



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

This Proposed Final Order was prepared by Corey Courchane. If you have questions about the information in this document, you may reach me at 503-979-3917 or [corey.a.courchane@water.oregon.gov](mailto:corey.a.courchane@water.oregon.gov).

If no protest of this Proposed Final Order is received by March 5, 2026, this Proposed Final Order will become a final order on April 7, 2026, without any further action by the Department. Oregon Laws 2025, chapter 575, section 3a(4). However, no later than April 7, 2026, the Department may withdraw this Proposed Final Order for reconsideration and issuance of a superseding proposed final order. Oregon Laws 2025, chapter 575, section 3a(5).

#### **Notification of Intent to Pursue Approval of Transfer through Consent to Injury Process**

If this Proposed Final Order determines that a change in point of diversion or appropriation would result in injury, the applicant may file a notification of intent to pursue approval of the transfer under the consent to injury process outlined in OAR 690-380-5030 to 690-380-5050.

#### **Protests and Requests for Party Status**

The following sections explain how to: (1) file a protest in opposition to this Proposed Final Order to request a contested case hearing on this Proposed Final Order; and (2) file a request for party status to request to participate in any contested case proceeding in support of this Proposed Final Order.

**Protests:** Under the provisions of Oregon Laws 2025, chapter 575, section 20(7) and section 3a(1), any person may protest this Proposed Final Order. Protests must be mailed or hand delivered to the Oregon Water Resources Department at the following address: 725 Summer Street NE, Suite A, Salem, OR 97301. If you wish to submit a protest by U.S. mail, please consider mailing early to ensure the Department receives the protest by the deadline specified. Protests must be received by the Water Resources Department no later than **March 5, 2026**.

#### **Protests must meet the following requirements:**

- Be in writing;
- Include the protestant's name, address, and telephone number;
- Include a description of the protestant's interest in the Proposed Final Order, and, if the protestant claims to represent the public interest, a precise statement of the public interest represented;
- Include a detailed description of how the action proposed in the Proposed Final Order would impair or be detrimental to the protestant's interest and/or the claimed public interest;
- Identify which of the Proposed Final Order's recommended findings of fact, conclusions of law or conditions of approval the protestant objects to;
- Raise all reasonably ascertainable issues and include all reasonable available arguments that support the protestant's position;
- Include any citation of legal authority to support the protest, if known;
- Explain how the issues raised in the protest are within the Department's jurisdiction;

- If the protestant is the applicant, include a protest fee of \$720 required by ORS 536.050; and
- If the protestant is not the applicant, include a protest fee of \$1,425 required by ORS 536.050.

**Requests for Party Status:** Under the provisions of Oregon Laws 2025, chapter 575, section 20(7) and section 3a(2), if this Proposed Final Order is protested, any person who supports this Proposed Final Order may file a request for party status to request to participate in any contested case proceeding on the Proposed Final Order or for judicial review of a final order resulting from the Proposed Final Order. Requests for party status must be mailed or hand delivered to the Oregon Water Resources Department at the following address: 725 Summer Street NE, Suite A, Salem, OR 97301. If you wish to submit a request for party status by U.S. mail, please consider mailing early to ensure the Department receives the request by the deadline specified. Requests for party status must be received by the Water Resources Department no later than **April 6, 2026**.

**Requests for party status must be in writing and include the following:**

- Names and addresses of the requester and any organization the requester represents;
- Name and address of the requester's attorney, if any;
- A statement of whether the request is for participation as a party or a limited party, and, if as a limited party, the precise area or areas in which participation is sought;
- If the requester seeks to protect a personal interest in the outcome of any contested case hearing on the Proposed Final Order, a detailed statement of the requester's interest, economic or otherwise, and how such interest may be affected by the results of the hearing;
- If the requester seeks to represent a public interest in the results of any contested case hearing on the Proposed Final Order, a detailed statement of such public interest, the manner in which such public interest will be affected by the results of the hearing, and the requester's qualifications to represent such public interest;
- A statement of the reasons why existing parties to the proceeding cannot adequately represent the private and/or public interest(s) the requester seeks to represent; and
- The request for party status fee of fee of \$1,425 required by Oregon Laws 2025, chapter 575, section 3a(2)(b)(C) and ORS 536.050.

After the deadline for requests for party status, the Department will provide copies of any timely requests for party status, accept responses to requests for party status, and consider and rule on timely requests for party status as provided in OAR 137-003-0535.

**Additional Notices**

***Notice of the circumstances under which this Proposed Final Order will become a final order:***  
If no protest of this Proposed Final Order is timely received and the Department does not

withdraw this Proposed Final Order for reconsideration within 33 days after the close of the period for submitting a protest, this Proposed Final Order will become a final order on the date that is 33 days after the close of the period for submitting a protest, with no further action required by the Department. If a protest or protests are timely received, but later: (1) all timely-filed protests are withdrawn and the withdrawals are not based on a settlement agreement requiring changes to this Proposed Final Order; (2) all protestants fail to appear at a scheduled hearing; or (3) all protestants notify the Department or the administrative law judge that the protestants will not appear at a scheduled hearing, the protestants will have waived any right to a hearing, and the Department or the administrative law judge will issue an order dismissing the protests and notifying the parties that this Proposed Final Order has become a final order. OAR 137-003-0672. The Department designates the relevant portions of its file on this matter, including all materials that you have submitted relating to this matter, as the record for the purpose of proving a prima facie case upon default. OAR 137-003-0672.

***Notice of Right to Pursue Approval of Transfer through Consent to Injury Process after Contested Case Hearing:*** If after a contested case hearing on this Proposed Final Order the Department issues a proposed order finding that a change in point of diversion or appropriation will result in injury, the applicant may file a notification of intent to pursue approval of the transfer under OAR 690-380-5030 to 690-380-5050 within 15 days of receipt of the proposed order. Notwithstanding 690-002-0175, if the applicant files a notification of intent to pursue approval of the transfer under 690-380-5030 to 690-380-5050, the deadline for filing exceptions to the proposed order shall be 30 days after the Department provides notice to the parties that the transfer does not meet the requirements of 690-380-5030 to 690-380-5050.

***Notice of right to be represented by an attorney:*** You may be represented by an attorney at any contested case hearing on this Proposed Final Order. Legal aid organizations may be able to assist a party with limited financial resources. Generally, partnerships, corporations, associations, governmental subdivisions or public or private organizations are represented by an attorney. However, consistent with OAR 690-002-0020 and OAR 137-003-0555, an "authorized representative" as defined at OAR 137-003-0555(1)(b) may represent a partnership, corporation, association, governmental subdivision or public or private organization if the Department determines that appearance of a person by an authorized representative will not hinder the orderly and timely development of the record in this case.

***Notice to active duty servicemembers:*** Active-duty service members have a right to stay proceedings under the federal Service Members Civil Relief Act. 50 U.S.C. App. §§501-597b. For more information contact the Oregon State Bar at 800-452-8260, the Oregon Military Department at 971-453-1175, or the nearest United States Armed Forces Legal Assistance Office through <http://legalassistance.law.af.mil>.

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

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

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

## PHILLIPS Stacy H \* WRD

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**From:** RICHMAN Elyse D \* WRD  
**Sent:** Friday, April 5, 2024 3:27 PM  
**To:** Jessica Humphreys  
**Cc:** PHILLIPS Stacy H \* WRD  
**Subject:** RE: T-14405 Reimbursement Authority Applicant's Agreement - Action Requested

Hi Jessica,

Thank you for the information. The timeline for this transfer in standard rotation could take anywhere from six months to two years. There are many factors that affect how long it takes to process a transfer, so that is the best estimate I can give you at this time.

Kind Regards,

[Elyse D. Richman](#)

She/Her/Hers

Transfer and Conservation Section Support

725 Summer Street NE, Suite A, Salem, OR 97301

Office: 503-986-0898 | Work Cell: 971-701-5485



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**From:** Jessica Humphreys <jessica.humphreys@tu.org>  
**Sent:** Friday, April 05, 2024 3:12 PM  
**To:** RICHMAN Elyse D \* WRD <Elyse.D.RICHMAN@water.oregon.gov>  
**Subject:** RE: T-14405 Reimbursement Authority Applicant's Agreement - Action Requested

Hi Elyse,

The landowner decided to not pursue RA. Are you able provide any estimate on the timeline for the standard process?

Thank you!  
Jessica



**From:** RICHMAN Elyse D \* WRD <[Elyse.D.RICHMAN@water.oregon.gov](mailto:Elyse.D.RICHMAN@water.oregon.gov)>  
**Sent:** Friday, April 5, 2024 1:44 PM  
**To:** Jessica Humphreys <[jessica.humphreys@tu.org](mailto:jessica.humphreys@tu.org)>  
**Subject:** RE: T-14405 Reimbursement Authority Applicant's Agreement - Action Requested

Hi Jessica,

No problem! Thank you for the response. Did the applicants decide to not pursue the RA process? If they have chosen to not pursue Reimbursement Authority I will put the file back in standard rotation.

Thanks,

*Elyse D. Richman*

She/Her/Hers

Transfer and Conservation Section Support

725 Summer Street NE, Suite A, Salem, OR 97301

Office: 503-986-0898 | Work Cell: 971-701-5485



OREGON  
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RESOURCES  
DEPARTMENT

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**From:** Jessica Humphreys <[jessica.humphreys@tu.org](mailto:jessica.humphreys@tu.org)>  
**Sent:** Thursday, April 04, 2024 8:15 AM  
**To:** RICHMAN Elyse D \* WRD <[Elyse.D.RICHMAN@water.oregon.gov](mailto:Elyse.D.RICHMAN@water.oregon.gov)>  
**Subject:** RE: T-14405 Reimbursement Authority Applicant's Agreement - Action Requested

Hi there,

My apologies for the non-response on this. I thought the landowner had responded after the first email. They had gone back and forth on whether they would pursue this given the cost, so I left it in their hands.

Don't hesitate to reach out with questions when you review the application. I will make sure to be more responsive!

Best,  
Jessica



Jessica Humphreys | Oregon Flow Restoration Director  
[Jessica.humphreys@TU.org](mailto:Jessica.humphreys@TU.org) | 541.913.3750

From: RICHMAN Elyse D \* WRD <[Elyse.D.RICHMAN@water.oregon.gov](mailto:Elyse.D.RICHMAN@water.oregon.gov)>  
Sent: Thursday, March 21, 2024 8:49 AM  
To: [jeremy.mcculloch1@gmail.com](mailto:jeremy.mcculloch1@gmail.com); Jessica Humphreys <[jessica.humphreys@tu.org](mailto:jessica.humphreys@tu.org)>  
Cc: LUONGO Dante J \* WRD <[Dante.J.LUONGO@water.oregon.gov](mailto:Dante.J.LUONGO@water.oregon.gov)>  
Subject: RE: T-14405 Reimbursement Authority Applicant's Agreement - Action Requested  
Importance: High

Hello,

This is a reminder to sign and return the Applicant Agreement Contract with the appropriate fees by the 30 day deadline. The deadline is **April 3, 2024**. I have attached the Agreement to this email for your convenience. If you have any questions or concerns regarding the contract, please contact Kelly Starnes at (503) 979-3511.

If you have chosen not to pursue RA, please respond to this email and let us know so we can return the file to the standard processing rotation. **If the signed agreement and fees are on their way to the department, please let us know.**

Thanks,

*[Elyse D. Richman](#)*

Restoration Program Technician  
725 Summer Street NE, Suite A, Salem, OR 97301  
Office: 503-986-0898 | Work Cell: 971-701-5485



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From: RICHMAN Elyse D \* WRD  
Sent: Tuesday, March 05, 2024 9:11 AM  
To: [jeremy.mcculloch1@gmail.com](mailto:jeremy.mcculloch1@gmail.com); Jessica Humphreys <[jessica.humphreys@tu.org](mailto:jessica.humphreys@tu.org)>  
Cc: LUONGO Dante J \* WRD <[Dante.J.LUONGO@water.oregon.gov](mailto:Dante.J.LUONGO@water.oregon.gov)>  
Subject: T-14405 Reimbursement Authority Applicant's Agreement - Action Requested

March 4, 2024

Rocking M Cattle Co.  
Attn: Jeremy McColloch  
70208 Warnock Rd  
Wallowa, OR 97885  
(via email)

RE: Transfer Application T-14405

Dear Jeremy McColloch,

Enclosed is the Reimbursement Authority Applicant Agreement (Agreement) for Transfer T-14405. To commence processing, the Agreement must be signed and accompanied with the full payment of the estimated maximum cost.

Current average processing time for transfer applications under Reimbursement Authority (RA) is up to twelve months.

Please read the Agreement thoroughly and follow the instructions to proceed with the expedited RA transfer process. To complete the requested service, please mail the signed contract and a check for the full amount of the estimated maximum cost to:

Oregon Water Resources Department  
Attention: Elyse Richman  
725 Summer Street NE, Suite A  
Salem, Oregon 97301-1266

**IMPORTANT:** Due to recent staffing changes and training of new staff, Department processes for Reimbursement Authority may be unavoidably delayed.

If you have any questions, please contact me at (503) 986-0898 or via email: [elyse.d.richman@water.oregon.gov](mailto:elyse.d.richman@water.oregon.gov).

Sincerely,



Elyse Richman  
Natural Resource Specialist  
Transfer and Conservation Section

cc: Jessica Humphreys, *via email*  
enclosure

[Elyse D. Richman](#)

Restoration Program Technician  
725 Summer Street NE, Suite A, Salem, OR 97301  
Office: 503-986-0898 | Work Cell: 971-701-5485



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# 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-14405

Review Due Date: 03/16/2024

Applicant Name: Jeremy McCulloch/ Rocking M Cattle Company

Proposed Changes:  POU  POD  POA  USE  OTHER

Reviewer(s): David Bates

Date of Review: 04/08/2024

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

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

Its possible that some return flows could exist, however the vast majority of any return flow issues were addressed during the ACW process. Therefore I am not concerned about a loss of return flows with this POU transfer.

N/A

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

N/A

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

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

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

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

Yes  No If "Yes", explain:

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

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

Yes  No If "Yes", explain:

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

Yes  No If "Yes", answer the following:

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

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

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

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

Yes  No If "Yes", describe:

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

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

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

Yes  No If "Yes", explain:

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

Yes  No If "Yes", explain:

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

Yes  No If "Yes", explain:

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

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



JEREMY McCULLOCH/ ROCKING M CATTLE COMPANY RA# R11-483-25 T-14405

Step							
4b	NRS 1 receipts received AA funds						
4c	RA Support process Application						
5	Administrator signs AA						
6	RA Support enters workflow record in WRIS and updates RA spreadsheet						
7a	NRS 2 completes initial review of file for deficiencies						
7b	NRS 2 consults with Analyst and/or Manager						
9	Watermaster completes review						
11	NRS 2 completes DPD, PN, RR						
12	Caseworker peer reviews DPD, PN, cov ltr						
13	Transfer Analyst completes policy check at DPD stage						
15	NRS 2 reviews report of ownership						
16	NRS 2 completes PD						
17	Caseworker peer reviews PD						
17a	Transfer Analyst peer reviews PD						
17b	Data Center reviews PD (and RR where applicable)						
19	Administrator signs PD						
20	Transfer Support issues PD, updates WRIS, copy to file, and mails hard copy to applicant						
21	NRS 2 completes FO						
22	Caseworker peer reviews FO						
22b	Transfer Analyst peer reviews FO						
23	Administrator signs FO						
24	Transfer Support issues FO, updates WRIS, copy to file, record markings, and sends hard copy						
25	RA Support closes out RA Contract						
				<b>TOTAL ESTIMATED HOURS</b>	<b>23.77</b>		
						<b>TOTAL</b>	<b>\$1,630.38</b>

**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 # **142449**

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

RECEIVED FROM: Jeremy McCulloch  
BY: \_\_\_\_\_

APPLICATION	
PERMIT	
TRANSFER	<u>T-14405</u>

CASH:  CHECK:#  160 OTHER: (IDENTIFY)

TOTAL REC'D \$ 125.00

**1083 TREASURY 4170 WRD MISC CASH ACCT**

0407 COPIES	<u>47124</u>		\$
<u>0412</u> OTHER:	(IDENTIFY) <u>Transfer R/11483-25</u>		\$ <u>125.00</u>
0243 I/S Lease	0244 Muni Water Mgmt. Plan	0245 Cons. Water	

**4270 WRD OPERATING ACCT**

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

**0536 TREASURY 0437 WELL CONST. START FEE**

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

**0607 TREASURY 0467 HYDRO ACTIVITY LIC NUMBER**

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

**TREASURY OTHER / RDX**

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

RECEIPT: **142449**

DATED: 2-22-24 BY: [Signature]



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



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

*Please contact Transfer Staff before submitting this request, as the application fee of \$125.00 per request is non-refundable.*

**Checks submitted for this application must be separate from Transfer fees.**

*The purpose of this application is to obtain estimates of the cost and time required to process a Transfer Application Request. There is a non-refundable application fee of \$125.00 per request.*

<u>REQUEST</u>	<u>TYPE</u>	<u>FILE NUMBER</u>
<input checked="" type="checkbox"/>	Transfer Application	Transfer Number T-14405

	<b>Applicant Information</b>	<b>Applicant's Representative/Contact</b>
<b>Name:</b>	Rocking M Cattle Company/Jeremy McCulloch	Jessica Humphreys/Trout Unlimited
<b>Address:</b>	70208 Warnock Rd Wallowa, Oregon 97885	401 NE 1 <sup>st</sup> Enterprise, Oregon 97828
<b>Phone:</b>	541.805-9985	541.913.3750
<b>Fax:</b>		
<b>E-Mail Address:</b>	Jeremy.mcculloch1@gmail.com	Jessica.humphreys@tu.org

By signing this application, I understand:

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

I certify that I am the (check one):

Applicant  Applicant's Representative  Other (Please specify) \_\_\_\_\_

**Name:** Jeremy McCulloch

**Signature:** \_\_\_\_\_  


Send completed Application and payment to:  
**Oregon Water Resources Department**  
**Transfer Reimbursement Authority Program**  
**725 Summer St. NE, Suite A**  
**Salem, OR 97301-1271**

**RECEIVED**  
**FEB 22 2024**  
**OWRD**

**OWRD USE ONLY: Reimbursement Authority Number: R11- 483 -25**

**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 # 95646**

**Description of Water Delivery System**

System capacity: 87.035 cfs 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. **Water is diverted from the Wallowa River via the cross country canal and delivered to the Lostine river where it is distributed via a series of ditches on the lower Lostine as supplemental water for 3481.35 acres.**

**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)
Cross Country Canal	<input checked="" type="checkbox"/> Authorized <input type="checkbox"/> Proposed		1	S	43	E	11	NW	SE		Not described

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

- |                                                                        |                                                                   |
|------------------------------------------------------------------------|-------------------------------------------------------------------|
| <input checked="" type="checkbox"/> Place of Use (POU)                 | <input type="checkbox"/> Supplemental Use to Primary Use (S to P) |
| <input type="checkbox"/> Character of Use (USE)                        | <input type="checkbox"/> Point of Appropriation/Well (POA)        |
| <input type="checkbox"/> Point of Diversion (POD)                      | <input 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 # 95646 (Supplemental)**

AUTHORIZED (the "from" or "off" lands) The listing that appears on the certificate BEFORE PROPOSED CHANGES List only that part or portion of the water right that will be changed.											Proposed Changes (see "CODES" from previous page)	PROPOSED (the "to" or "on" lands) The listing as it would appear AFTER PROPOSED CHANGES are made.														
Twp	Rng	Sec	¼	¼	Tax Lot	Gvt Lot or DLC	Acres	Type of USE listed on Certificate	POD(s) or POA(s) (name or number from Table 1)	Priority Date		Twp	Rng	Sec	¼	¼	Tax Lot	Gvt Lot or DLC	Acres	New Type of USE	POD(s)/ POA(s) to be used (from Table 1)	Priority Date				
<b>EXAMPLE</b>																										
2	S	9	E	15	NE	NW	100		15.0	Irrigation	POD #1 POD #2	1901	POU/POD	2	S	9	E	1	NW	NW	500	1	10.0		POD #5	1901
														2	S	9	E	2	SW	NW	500		5.0		POD #6	1901
1	N	43	E	28	SE	NW	6300		11.1	Irrigation	Cross Country Canal	6/6/1935	POU	1	N	43	E	29	NE	NE	4800		11.1	Irrigation	Cross Country Canal	6/6/1935
1	N	43	E	28	SW	NW	6400		1.2	Irrigation	Cross Country Canal	6/6/1935	POU	1	N	43	E	29	NE	NE	4800		1.2	Irrigation	Cross Country Canal	6/6/1935
1	N	43	E	28	NW	NW	6400		0.2	Irrigation	Cross Country Canal	6/6/1935	POU	1	N	43	E	29	NE	NE	4800		0.2	Irrigation	Cross Country Canal	6/6/1935
TOTAL ACRES:							12.5						TOTAL ACRES:							12.5						

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.

## 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 # 95647

### Description of Water Delivery System

System capacity: 34.17 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. **Water is released from the Minam Reservoir in the Eagle Cap wilderness into the Lostine River. It serves 6362.45 acres with supplemental irrigation water via a series of ditches off the Lostine River**

**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)
Minam Reservoir	<input checked="" type="checkbox"/> Authorized <input type="checkbox"/> Proposed		1	S	43	E	27	NE	NW		Not described

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

- |                                                                        |                                                                   |
|------------------------------------------------------------------------|-------------------------------------------------------------------|
| <input checked="" type="checkbox"/> Place of Use (POU)                 | <input type="checkbox"/> Supplemental Use to Primary Use (S to P) |
| <input type="checkbox"/> Character of Use (USE)                        | <input type="checkbox"/> Point of Appropriation/Well (POA)        |
| <input type="checkbox"/> Point of Diversion (POD)                      | <input 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 # 95647 (Supplemental)**

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.

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	Acre	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	Acre	New Type of USE	POD(s)/ POA(s) to be used (from Table 1)	Priority Date				
<b>EXAMPLE</b>																										
2	S	9	E	15	NE	NW	100		15.0	Irrigation	POD #1 POD #2	1901	POU/POD	2	S	9	E	1	NW	NW	500	1	10.0		POD #5	1901
														2	S	9	E	2	SW	NW	500		5.0		POD #6	1901
1	N	43	E	28	SE	NW	6300		11.1	Irrigation	Minam Reservoir	5/29/1916	POU	1	N	43	E	29	NE	NE	4800		11.1	Irrigation	Minam Reservoir	5/29/1916
1	N	43	E	28	SW	NW	6400		1.2	Irrigation	Minam Reservoir	5/29/1916	POU	1	N	43	E	29	NE	NE	4800		1.2	Irrigation	Minam Reservoir	5/29/1916
1	N	43	E	28	NW	NW	6400		0.2	Irrigation	Minam Reservoir	5/29/1916	POU	1	N	43	E	29	NE	NE	4800		0.2	Irrigation	Minam Reservoir	5/29/1916
							TOTAL ACRES:		12.5												TOTAL ACRES:		12.5			

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



# Oregon

Tina Kotek, Governor

## Water Resources Department

North Mall Office Building

725 Summer St NE, Suite A

Salem, OR 97301

Phone 503 986-0900

Fax 503 986-0904

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

March 1, 2023

### Applicant

Rocking M Cattle Company

70208 Warnock Rd

Wallowa, OR 97885

SUBJECT: Allocation of Conserved Water Application CW-129

Please find enclosed a copy of the Final Order on Approval of Conserved Water CW-129. Please pay special attention to the deadline for filing the Notice of Completion of November 30, 2023, and the deadline for submitting the Request for Finalization of December 1, 2023.

Please do not hesitate to contact me at 503-979-3917 or [corey.a.courchane@water.oregon.gov](mailto:corey.a.courchane@water.oregon.gov), if I may be of assistance.

Sincerely,

Corey Courchane

Allocation of Conserved Water

Transfer and Conservation Section

Enclosure

cc: CW-129

Jessica Humphreys, Agent (*via email at [jessicahumphreys@tu.org](mailto:jessicahumphreys@tu.org)*)

David Bates, District #7 Watermaster (*via e-mail*)

BEFORE THE WATER RESOURCES DEPARTMENT  
OF THE  
STATE OF OREGON

In the Matter of Allocation of Conserved Water Application CW-129, Wallowa County ) FINAL ORDER ON APPROVAL OF ALLOCATION OF CONSERVED WATER CW-129

**Applicant**  
Rocking M Cattle Company  
70208 Warnock Rd  
Wallowa, OR 97885

**Agent**  
Trout Unlimited  
Jessica Humphreys  
401 NE 1<sup>st</sup> Street  
Enterprise, OR 97828

**Applicable Law**

Any person or group of persons holding a water use subject to transfer as defined in ORS 540.505 may submit an application for an Allocation of Conserved Water to the Water Resources Commission for a conservation project that has not yet been implemented or was implemented within five years prior to the submission of the application. ORS 537.465. Under the Allocation of Conserved Water Program, a portion of the water proposed to be conserved by an applicant may be used on additional lands, put to a different use, or be leased or sold to another user. OAR 690-018-0010. A portion of the water conserved is allocated to the state to be converted to an instream water right or to revert to the public for appropriation by other water users. ORS 537.470(3).

An application for an allocation of conserved water shall include: (a) A description of the measure as implemented and the date on which the measure was implemented; (b) A description of the diversion facilities before the conservation measure was implemented and the amount of water that was diverted at the facilities before the conservation measure was implemented; (c) The amount of water needed to supply existing rights after implementation of the conservation measure; (d) The amount of water conserved by implementing the conservation measure; (e) The proposed allocation and use of the conserved water if different from the allocation specified in ORS 537.470; (f) The intended use of any water allocated to the applicant and the proposed location of use; (g) The applicant's choice of priority date for the conserved water; (h) Evidence that the measure was implemented within five years prior to the

This final order is subject to judicial review by the Court of Appeals under ORS 183.482. Any petition for judicial review must be filed within the 60-day time period specified by ORS 183.482(1). Pursuant to ORS 536.075 and OAR 137-003-0675, you may petition for judicial review or petition the Director for reconsideration of this order. A petition for reconsideration may be granted or denied by the Director, and if no action is taken within 60 days following the date the petition was filed, the petition shall be deemed denied.

date of filing the application; and (i) Any other information the commission considers necessary to evaluate the application. ORS 537.465.

After determining any quantity of water needed to mitigate the effects on other water rights, 25-percent of the conserved water shall be allocated to the state and 75-percent to the applicant unless the applicant proposes a higher allocation to the state or more than 25-percent of the funds used to finance the conservation measures comes from federal or state sources not subject to repayment. ORS 537.470(3).

If an application for the allocation of conserved water is approved, the Department shall issue orders describing the changes in the original water rights. Once the conservation project is finalized, the Department shall issue new certificates preserving the previously established-priority date of the rights to reflect the unaffected portion of the water rights and new certificates reflecting the changes for the portions of the water rights involved in the conserved water application. ORS 537.470(6).

ORS 537.455 to 537.500 authorize and establish the process by which a water right holder may submit a request for an allocation of conserved water. OAR Chapter 690, Division 18, implements the statutes and provides the Department's procedures and criteria for evaluating allocation of conserved water applications. OAR Chapter 690, Division 077 provides additional criteria for evaluating proposed instream water rights.

**Findings of Fact**

1. On April 25, 2022, Rocking M Cattle Company filed an allocation of conserved water application under Certificate 3162. The Department assigned the application number CW-129.
2. The conservation project involves converting from flood irrigation to high efficiency pivot irrigation and piping the supply ditches bypassing a portion of open earthen ditches. The conversion of flood irrigation to sprinkler irrigation and piping ditches are proven technologies for conserving water.
3. On July 5, July 14, and July 26, 2022, the Applicant amended the application and maps to correct scrivener's errors.
4. Application CW-129 proposes to reduce the annual volume by 144.58 acre-feet (AF). The conservation project proposes to affect the rate and duty of the Certificate during the period of May 1 through July 31.

Conserved Water Description										
Certificate	Certificate				Needed				Conserved Water	
	Rate		Duty		Rate		Duty		Rate	Duty
	Maximum CFS	CFS/AC	Maximum AF	AF/AC	Maximum CFS	CFS/AC	Maximum AF	AF/AC	Maximum CFS	Maximum AF
3162	1.78	1/41	325.31	4.5	0.99	1/73	180.73	2.5	0.79	144.58

\* - Actual calculations may be slightly different due to rounding

5. The portion of the right to be modified by CW-129 is as follows:

**Certificate:** 3162 in the name of ED THOMPSON, confirmed by the Wallowa River Decree  
**Use:** IRRIGATION of 72.29 ACRES  
**Priority Date:** 1883  
**Rate:** Not listed in decree  
**Limit/Duty:** The amount of water to which this right is entitled for irrigation shall not exceed 1.5 acre-feet per acre during any period of 30 days prior to July 31 of each year, and thereafter not to exceed 1.0 acre-foot per acre during the entire remainder of the irrigation season; and said right shall be subject to all other conditions and limitations contained in said decree.  
**Source:** South Fork of Wallowa River (aka Lostine River), a tributary of Wallowa River

**Authorized Point of Diversion:** Not listed on Certificate

**Authorized Place of Use:**

IRRIGATION						
Twp	Rng	Mer	Sec	Q-Q	Tax Lot	Acres
1 N	43 E	WM	28	NE NW	6300	34.94
1 N	43 E	WM	28	NW NW	6400	0.41
1 N	43 E	WM	28	SW NW	6400	12.67
1 N	43 E	WM	28	SE NW	6300	24.27
Total						72.29

6. Certificate 3162 does not list the point of diversion. Information from the applicant, and the Watermaster indicate the authorized point of diversion (POD) for Certificate 3162 is as follows:

Twp	Rng	Mer	Sec	Q-Q	Survey Coordinates
1 N	43 E	WM	28	SE NW	Latitude: 45.499396 Longitude: -117.442333

7. Certificate 3162 does not list a period of use. Pursuant to Wallowa River Decree, the irrigation season of use is May 1 to October 1.
8. The Applicants request that the conserved water for the season of May 1 through July 31 be allocated as follows:

Conserved Water Description										
		State's Portion			Applicant's Portion			Conserved Water		
Certificate	Priority	Percentage	Max. Rate (CFS)	Max. Duty (Volume) AF	Percentage	Max. Rate (CFS)	Max. Duty (Volume) AF	Percentage	Max. Rate (CFS)	Maximum Volume (AF)
3162	1883	100%	0.79	144.58	0%	0.00	0.00	100%	0.79	144.58

9. The Applicants requests 100% of the conserved water be dedicated to instream use. Therefore, there is no location proposed for out-of-stream use of the conserved water.

10. The Applicants requests that the priority date for any conserved water be the same as the originating right.
11. The Applicant received non-reimbursable State funds for the conservation project. The Applicants propose an allocation to the State of 100% of the combined total of conserved water from all certificates involved in the conservation measure.
12. The Applicants submitted a completed Land Use Form from Wallowa County which indicated the proposed use was allowed outright or is not regulated by Wallowa County's comprehensive plan.
13. The implementation of the conservation measures had not begun prior to the submission of the application.
14. The Applicants propose any instream water right created be for the purposes of conservation, maintenance, and enhancement of aquatic and fish life, wildlife, fish and wildlife habitat, and other ecological values.
15. The Applicants requested the Department protect the new instream water right created from the conserved water under the certificate in the Lostine River, from the Fitzpatrick point of diversion on the Lostine River to the mouth of the Lostine River, and into the Wallowa River to the mouth of the Wallowa River at its confluence with the Grande Ronde River.
16. The Applicants requested the deadline for submitting the Notice of Completion of November 30, 2023. The Applicant will submit a Request for Finalization on or before finalization of the allocation on or before December 1, 2023.
17. The application meets the requirements of OAR 690-018-0040.
18. The Department has consulted with the Oregon Department of Fish and Wildlife (ODFW) to ascertain whether the proposed instream flows are necessary to support instream flow uses. The ODFW asserted the Lostine River spring Chinook and bull trout populations are limited by water availability annually which is listed in the recovery plans as the primary limitation factor for these species. The proposed reach is in a high priority area for streamflow restoration.
19. Notice of the proposed conservation project was published in the Department's weekly notice on August 2, 2022, and in the Wallowa Chieftain newspaper on July 27 and August 3, 2022, as required under OAR 690-018-0050(1)(a) and (2). No comments were filed in response to the notices.

**Allocation of Conserved Water Review Criteria [OAR 690-018-0050]**

20. Water has been used within the five-year period prior to submission of the allocation of conserved water application, and no evidence is available that would demonstrate that the right is subject to forfeiture under ORS 540.610.
21. A diversion structure and ditch sufficient to use the full amount of water allowed under the existing right was present within the five-year period prior to submittal of the application.
22. The proposed allocation of conserved water will result in a reduced diversion of the use allowed under the existing right pursuant to OAR 690-0018-0050(4)(a). (Finding of Fact #4).
23. On July 1, 2022, the District #7 Watermaster performed a review of the proposed Allocation of Conserved Water Project. The Watermaster determined that the conservation project could harm other water rights through the appropriation of more water than is authorized. The applicant asks for a full 5.5 AF per acre duty, when the proposed lease season is only for the first three months of the season, which would be 4.5 AF per acre. In addition, some acres were identified as having been under sprinkler irrigation for decades, or identified as "wet ground," due to a localized spring. The applicant submitted a revised application, changing the AF per acre duty to 4.5 AF per acre as authorized, and removing the acres identified by the Watermaster for removal from the application. The revised application addresses the Watermaster's concerns, therefore, no additional quantity of conserved water is needed to mitigate for harm to other water rights. OAR 690-018-0050(4)(b) and (d).
24. The conservation project is consistent with the local comprehensive land use plan requirements established in OAR 690-005-0045. (Finding of Fact #12). OAR 690-018-0050(4)(c).
25. Pursuant to OAR 690-018-0050(4)(e), the new reduced rate and duty for the existing uses involved in Allocation of Conserved Water Application CW-129 under Certificates 3162 is as follows:

Certificate	Rate		Duty		Acreage
	Maximum CFS	CFS/AC	Maximum AF	AF/AC	Acres
3162	0.99	1/73	180.73	2.5	72.29

(Finding of Fact #4).

26. Pursuant to OAR 690-018-0050(4)(e), the rate and volume allocated to the State for instream use is as follows:

Certificate	Priority	Max. Rate (cfs)	Max. Duty (Volume) AF
3162	1883	0.79	144.58

(Finding of Fact #8).

27. As required by OAR 690-018-0050(4)(f), the Department has determined that the instream right created will support public benefits. The proposed instream water right will help to meet the flows necessary for spring Chinook and bull trout populations. (Finding of Fact #18).
28. Pursuant to ORS 537.470(3) and OAR 690-018-0050(4)(g), the entire quantity of conserved water is being allocated to the State of Oregon for an instream water right. Therefore, the quantity of water does not need to be adjusted. (Finding of Fact #8 and #9).
29. The new instream water right created will be protected in the Lostine River from the authorized point of diversion as described in Findings of Fact #6, to the mouth of the Lostine River and into the Wallowa River to the mouth of the Wallowa River at the confluence with the Grande Ronde River. An instream reach is generally from the point of diversion to the mouth of the source stream (Lostine River), but may be protected further if measurable into the receiving stream (Wallowa River). The quantity of water that may be protected from the Lostine River is measurable into the Wallowa River. OAR 690-018-0050(4)(h); OAR 690-077-0015(8).
30. Within the proposed reach, a portion of the water diverted at the point of diversion returns to the Lostine River (10%) and is available to downstream water right holders. A portion of the water diverted at the point of diversion returns to the Wallowa River (10%) and is available to downstream water right holders. To prevent injury to downstream water right holders and enlargement, the quantity of water that may be protected instream requires modification and return flows should be accounted for immediately below the point of diversion. OAR 690-077-0015(8).
31. The instream right shall allow the use and protection of flows as follows:

**LOSTINE RIVER, a tributary of Wallowa River**

**Instream Point No. 1:** At the POD (Finding of Fact #6)

Certificate	Priority Date	Instream Rate (CFS)	Instream Volume (AF)	Period Protected Instream
3162	1883	0.79	144.58	May 1 through July 31

**Instream Reach No. 1:** From immediately below the POD to the mouth of the Lostine River at the confluence with the Wallowa River

Certificate	Priority Date	Instream Rate (CFS)	Instream Volume (AF)	Period Protected Instream
3162	1883	0.71	130.12	May 1 through July 31

**Instream Reach No. 2:** In the Wallowa River from immediately below the confluence with the Lostine River to the mouth at confluence with the Grande Ronde River

Certificate	Priority Date	Instream Rate (CFS)	Instream Volume (AF)	Period Protected Instream
3162	1883	0.64	117.11	May 1 through July 31

32. The amount and timing of the proposed instream flows are allowable within the limits and use of the original water right. OAR 690-077-0015(10).
33. The protection of flows within the proposed reach is appropriate, considering:
  - a. The instream water use begins at the recorded point of diversion;
  - b. The location of confluences with other streams downstream of the point of diversion.
  - c. There are no known areas of natural loss of streamflow to the river bed downstream from the point of diversion; and
  - d. Any return flows resulting from the exercise of the existing water right are accounted for within the reaches of the instream water as identified in Findings of Fact Nos. 30 and 31. OAR 690-077-0015(8).
34. The combination of instream rights for the proposed reach on the Lostine River does not exceed the amount needed to provide increased public benefits, and does not exceed the estimated average natural flow or level occurring from the drainage system. OAR 690-077-0015(4) and (11).
35. Existing instream Certificate 73021, with a priority date of October 22, 1991, established pursuant to ORS 537.341 (state agency application process), within the proposed reach on the Lostine River, is sufficient to protect the monthly quantities of water necessary for supporting aquatic life, but is not always met. By replacing a portion of this instream water right and any other water rights established under ORS 537.336 (minimum streamflow conversion process), any instream water right created as a result of this allocation will provide protection of stream flows identified as necessary for supporting aquatic life under earlier priority dates.
36. By adding to other instream water rights established pursuant to ORS 537.348 (instream transfer process) and ORS 537.470 (allocation of conserved water process) located within the proposed reach, any new instream water rights established by this conserved water project would provide protection for additional flows identified as necessary for conservation, maintenance, and enhancement of aquatic and fish life, wildlife, fish and wildlife habitat, and other ecological values. OAR 690-077-0015(11).
37. There are no proposed areas within which the conserved water is proposed to be used for out-of-stream uses. (Finding of Fact #9). OAR 690-018-0050(4)(h).
38. The deadline for submitting a Notice of Completion is November 30, 2023. The deadline for submitting a Request for Finalization is December 1, 2023. (Finding of Fact #16). OAR 690-018-0050(4)(i).

39. No other conditions or limitations are needed to prevent or mitigate for harm to existing water rights. (Finding of Fact #23). OAR 690-018-0050(4)(j).

**Conclusions of Law**

The project described in Allocation of Conserved Water Application CW-129, is consistent with the criteria in ORS 537.455 to 537.500, and OAR Chapter 690, Divisions 018 and 077.

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

1. The proposed change will result in a reduced diversion for the uses allowed under the original water right. Findings of Fact #4 and #25.
2. The proposed allocation of conserved water will not harm existing water rights. Finding of Fact #23.
3. The application is consistent with the requirements established in OAR 690-005-0045. Findings of Fact #12 and #24.
4. The changes proposed in CW-129 are approved.
5. The quantities of water conserved and allocated are as follows:

		Conserved Water Description								
		State's Portion			Applicant's Portion			Conserved Water		
Certificate	Priority	Percentage	Max. Rate (CFS)	Max. Duty (Volume) AF	Percentage	Max. Rate (CFS)	Max. Duty (Volume) AF	Percentage	Max. Rate (CFS)	Maximum Volume (AF)
3162	1883	100%	0.79	144.58	0%	0.00	0.00	100%	0.79	144.58

6. The right to the use of the water is restricted to beneficial use at the places of use described, and is subject to all other conditions and limitations contained in Certificate 3162, and any related decree.

Upon filling the Notice of Completion:

7. *Water Right Certificate 3162 is cancelled. A new certificate will be issued for that portion of the water right not affected by this Allocation of Conserved Water application, and a superseding Certificate will be issued for the existing use and place of use as described in Finding of Fact #5 and #6, at the reduced rate and duty as follows:*

**Use:** IRRIGATION of 72.29 ACRES  
**Priority Date:** 1883  
**Rate:** 0.99 CUBIC FOOT PER SECOND  
**Limit/Duty:** The amount of water to which this right is entitled shall not exceed 1.0 acre-foot per acre during any period of 30 days prior to July 31 of each year, and thereafter not to exceed 1.0 acre-foot per acre during the entire remainder of the irrigation season; and said right shall be subject to all other conditions and limitations contained in said decree.

**Source:** South Fork of Wallowa River (aka Lostine River), tributary to the Wallowa River

**Authorized Place of Use:**

IRRIGATION						
Twp	Rng	Mer	Sec	Q-Q	Tax Lot	Acres
1 N	43 E	WM	28	NE NW	6300	34.94
1 N	43 E	WM	28	NW NW	6400	0.41
1 N	43 E	WM	28	SW NW	6400	12.67
1 N	43 E	WM	28	SE NW	6300	24.27
<i>Total</i>						72.29

8. Water use measurement conditions:
  - a. The water user shall maintain and operate the existing measurement device and shall make such improvements as may be required by the Department.
9. All conserved water shall be managed instream until a Request for Finalization is submitted as follows:

**LOSTINE RIVER, a tributary of Wallowa River**

**Instream Point No. 1:** At the POD (Finding of Fact #6)

Certificate	Priority Date	Instream Rate (CFS)	Instream Volume (AF)	Period Protected Instream
3162	1883	0.79	144.58	May 1 through July 31

**Instream Reach No. 1:** From immediately below the POD to the mouth of the Lostine River at the confluence with the Wallowa River

Certificate	Priority Date	Instream Rate (CFS)	Instream Volume (AF)	Period Protected Instream
3162	1883	0.71	130.12	May 1 through July 31

**Instream Reach No. 2:** In the Wallowa River from immediately below the confluence with the Lostine River to the mouth at confluence with the Grande Ronde River

Certificate	Priority Date	Instream Rate (CFS)	Instream Volume (AF)	Period Protected Instream
3162	1883	0.64	117.11	May 1 through July 31

**Upon Filing the Request for Finalization:**

10. The project is complete and no additional time is needed for finalization.

11. The Department shall issue a new instream water right certificate for the conservation, maintenance and enhancement of aquatic and fish life, wildlife, fish and wildlife habitat and other ecological values as follows:

**LOSTINE RIVER, a tributary of Wallowa River**

**Instream Point No. 1:** At the POD (Finding of Fact #6)

Certificate	Priority Date	Instream Rate (CFS)	Instream Volume (AF)	Period Protected Instream
3162	1883	0.79	144.58	May 1 through July 31

**Instream Reach No. 1:** From immediately below the POD to the mouth of the Lostine River at the confluence with the Wallowa River

Certificate	Priority Date	Instream Rate (CFS)	Instream Volume (AF)	Period Protected Instream
3162	1883	0.71	130.12	May 1 through July 31


**Instream Reach No. 2:** In the Wallowa River from immediately below the confluence with the Lostine River to the mouth at confluence with the Grande Ronde River

Certificate	Priority Date	Instream Rate (CFS)	Instream Volume (AF)	Period Protected Instream
3162	1883	0.64	117.11	May 1 through July 31

*Within the specified stream reaches, the amount of water to which this right is entitled shall not exceed the quantity of water legally available at the original points of diversion. Stream channel losses and gains calculated based on available data and the use of water by senior appropriators will determine the amount of water to which this right is entitled downstream from the original point of diversion within the specified stream reach.*

*The instream right established by this allocation shall replace a portion of instream water rights established pursuant to ORS 537.341 OR 537.346 and be in addition to instream water rights established pursuant to ORS 537.348 or 537.470 unless otherwise specified in an order approving a new instream water right under these statutes.*

Dated at Salem, Oregon this MAR 01 2023

  
 Lisa J. Jaramillo, Transfer and Conservation Section Manager, for  
 Douglas E. Woodcock, Acting Director  
 Oregon Water Resources Department

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

In the Matter of Instream Lease Application )  
SL-59, Wallowa County )  
 ) DETERMINATION and  
 ) FINAL ORDER ON PROPOSED INSTREAM  
 ) LEASE

**Authority**

Oregon Revised Statute (ORS) 537.348 establishes the process in which a water right holder may submit a request to lease an existing water right for instream purposes. Oregon Administrative Rule (OAR) Chapter 690, Division 077 implements the statutes and provides the Department's procedures and criteria for evaluating instream lease applications.

**Lessor**

Rocking M Cattle Company  
Attn: Jeremy McCulloch  
70208 Warnock Road  
Wallowa, OR 97885  
[Jeremy.mcculloch1@gmail.com](mailto:Jeremy.mcculloch1@gmail.com)

**Lessee**

Trout Unlimited  
401 NE First Street  
Enterprise, OR 97828  
[Jessica.humphreys@tu.org](mailto:Jessica.humphreys@tu.org)

**Findings of Fact**

1. On May 21, 2021, Rocking M. Cattle Company and Trout Unlimited filed an application to lease a portion of Certificate 3162 as a split-season instream use. The Department assigned the application number SL-59.
2. On June 29, 2021, the Lessor and Lessee amended the application to clarify the lands to be leased.
3. On July 7, 2021, the Lessor and Lessee amended the application to accurately reflect the quantity of water to be used on farm during the term of the lease.

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

4. The portion of the right to be leased is as follows:

**Certificate:** 3162 in the name of Ed Thompson (confirmed by the Wallowa River Decree) of record in the Order Records in Volume 5 at Page 97  
**Use:** Irrigation of 69.2 acres  
**Priority Date:** 1883  
**Quantity:** Volume: 387.52 Acre-Feet (AF)  
**Limit:** The amount of water to which this right is entitled is limited to an amount actually beneficially used, and shall not exceed 1.5 acre feet per acre during any period of 30 days prior to July 1 of each year, and thereafter not to exceed 1 acre foot per acre during the entire remainder of the irrigation season.  
**Source:** South Fork of the Wallowa River (aka Lostine River), tributary to the Wallowa River

**Authorized Point of Diversion (POD):** None Listed

**Authorized Place of Use:**

Twp	Rng	Mer	Sec	Q-Q	Acres
1 N	43 E	WM	28	NE NW	34.5
1 N	43 E	WM	28	NW NW	8.9
1 N	43 E	WM	28	SW NW	12.8
1 N	43 E	WM	28	SE NW	13.0
Total					69.2

5. Certificate 3162 does not provide a full description of the point of diversion of the Fitzpatrick Ditch. However, based upon additional information provided by the Lessee, the location of the point of diversion for purposes of this instream lease is described as follows:

Twp	Rng	Mer	Sec	Q-Q	Latitude / Longitude
1 S	43 E	WM	9	NE NE	FITZPATRICK DITCH: 615 FEET SOUTH AND 980 FEET WEST OF THE NE CORNER OF SECTION 9

6. Certificate 3162 does not include a rate limitation. The on-farm rate of 1.74 CFS (rounded) identified by the Lessors and Lessee as part of the split season lease is equivalent to approximately 1/40<sup>th</sup> CFS per acre.
7. Certificate 3162 does not specify the irrigation season; however, pursuant to the Wallowa River Decree the irrigation season is from May 1 to October 1 and shall be used to establish when water may be protected instream.
8. There are supplemental irrigation water rights, Certificates 95646 and 95647, appurtenant to all or a portion of the lands described in Finding of Fact No. 4. The Lessors and Lessee have requested that these water rights not be included as part of this lease application. During the term of the lease, water use for the lands covered under this lease for these rights will also be suspended during the instream use period.

9. The lease application includes the information required under OAR 690-077-0076(3). The Department provided notice of the lease application pursuant to OAR 690-077-0077(1). No comments were received.

10. The instream lease application, as proposed, is a split season lease.

Use of water under the water right included in this lease may continue for the existing use up to the rates and volumes specified in the below table consistent with the water right limitations identified in Findings of Fact No. 4.

Certificate	On-Farm Rate (CFS)	On-Farm Volume (AF)	On-Farm Use Period
3162	1.74	318.32	May 1 through July 31

11. Within the proposed reach, a portion of the water diverted at the point of diversion returns to the Lostine River (60%) and is available to downstream water right holders. A portion of the water diverted at the point of diversion returns to the Wallowa River (10%) and is available to downstream water right holders. To prevent injury to downstream water right holders and enlargement, the quantity of water that may be protected instream requires modification and return flows should be accounted for immediately below the point of diversion. The reduction in the instream water right is as follows:

Reach	Percent
From immediately below the Fitzpatrick Ditch point of diversion to the Mouth of the Lostine River at the confluence with the Wallowa River	60%
From the confluence with the Wallowa River to the Mouth at the confluence with the Grand Ronde	70%

OAR 690-077-0015(8).

12. The instream use has been modified from the lease application to prevent injury and enlargement and is as follows:

**Instream Point No. 1:** At the Fitzpatrick Ditch POD

Certificate	Priority Date	Instream Rate (CFS)	Instream Volume (AF)	Period Protected Instream
3162	1883	0.57	69.2	August 1 through September 30

**Instream Reach No. 1:** From immediately below the Fitzpatrick POD to the Mouth of the Lostine River at the confluence with the Wallowa River

Certificate	Priority Date	Instream Rate (CFS)	Instream Volume (AF)	Period Protected Instream
3162	1883	0.23	27.68	August 1 through September 30

**Instream Reach No. 2:** In the Wallowa River from immediately below the confluence with the Lostine River to the Mouth at confluence with the Grande Ronde River

Certificate	Priority Date	Instream Rate (CFS)	Instream Volume (AF)	Period Protected Instream
3162	1883	0.17	20.76	August 1 through September 30

13. The amount and timing of the proposed instream flow is allowable within the limits and use of the original water right.
14. The protection of flows within the proposed reach is appropriate, considering:
  - a. The instream water use begins at the recorded point of diversion;
  - b. The location of confluences with other streams downstream of the point of diversion.
  - c. There are no known areas of natural loss of streamflow to the river bed downstream from the point of diversion; and
  - d. Any return flows resulting from the exercise of the existing water right are accounted for within the reaches of the instream water as identified in Findings of Fact Nos. 11 and 12.
15. The total monthly quantities of water to be protected under the existing and proposed instream rights in the reach will provide for a beneficial purpose.
16. The total monthly quantities of water to be protected instream under existing and proposed instream rights in the reach do not exceed the estimated average natural flow.
17. If approved, this instream lease is not reasonably expected to significantly affect land use as prescribed by ORS 197.180, OAR Chapter 660, Divisions 30 and 31, and OAR Chapter 690, Division 5.
18. Based upon review of the application, information provided by the Department's Watermaster, and other available information, the Department finds that the lease will not result in injury or enlargement. The order approving this instream lease may be modified or revoked under OAR 690-077-0077 if the Department later finds that the lease is causing injury to any existing water right or enlargement of the original right.
19. If a right which has been leased is later proposed to be leased again, transferred and/or reviewed under an allocation of conserved water, a new injury review shall be required. For example, instream transfers will be subject to a full and complete review to determine consistency with the requirements of OAR Chapter 690, Division 380 and Division 077. Approval of this lease does not establish a precedent for approval of any future transactions.
20. The Lessor and Lessee have requested that the lease terminate on October 1, 2021. The lease has been submitted prior to the first day of the instream use season. The lease may commence on the date this final order is signed.
21. The Lessor and Lessee have requested that there not be an option to terminate the lease.

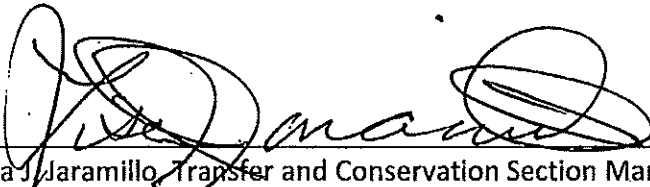
**Conclusions of Law**

The Department concludes that the lease will not result in injury or enlargement, OAR 690-077-0077. The lease conforms to the applicable provisions of OAR 690-077-0015.

**Now, therefore it is ORDERED:**

1. The Lease as described herein is APPROVED.
2. During the term of this lease, the place of use will continue to receive water as identified in Finding of Fact No. 10 during the period May 1 through July 31 for irrigation. For the remainder of the irrigation season, during the term of this lease, the former place of use will not receive water as part of this right, any supplemental rights (including Certificates 95646 and 95647), or any other layered water rights for irrigation use, including groundwater registrations
3. The term of the lease will commence upon approval of the instream lease and terminate on September 30, 2021. The lease may not be terminated by any party to the lease prior to specified termination date.

Dated at Salem, Oregon this day JUL 21 2021.



Lisa J. Jaramillo, Transfer and Conservation Section Manager, for  
Thomas M. Byler, Director, Oregon Water Resources Department

Mailing date: JUL 23 2021

*This document was prepared by Teri Hranac.  
If you have any questions, please call  
503-979-9896.*

**WATER RIGHT TRANSFER COVER SHEET**

Transfer: T-14405

Transfer Specialist:

Transfer Type: Regular Transfer

Reimbursement Authority?

<b>Applicant:</b> Jeremy McCulloch 70208 Warnock Rd Wallowa, OR 97885	<b>Agent:</b> Jessica Humphreys 401 NE 1st St Enterprise, OR 97828	<b>Receiving Landowner:</b>
<b>Current Landowner if other than Applicant:</b>	<b>CWRE:</b>	<b>Irrigation District:</b>
<b>Affected Local Gov'ts:</b> Wallowa County Planning	<b>Affected Tribal Gov't:</b>	<b>BOR Notified (date):</b>

**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: February 12, 2024	Proposed Action(s): PLACE OF USE	
Fees Pd: 2580.00	Acknowledgement Letter Sent <input checked="" type="checkbox"/>	Basin: 8 Grande Ronde
Initial Public Notice: 2/20/2024	County sent cc: of Ack Letter <input type="checkbox"/>	County: WALLOWA
WM District: 7 David D. Bates	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:
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:**

Document	Drafted	Peer Review	Coordinator	Changes Made	Signature Bin	Signature Date
DPD	Date: _____ Initials: _____	Date: _____ Initials: _____	Date: _____ Initials: _____	Date: _____ Initials: _____	CW Sent: _____ 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: _____ Initials: _____	Date: _____ Initials: _____	Date: _____ Initials: _____	Date: _____ Initials: _____	Date: _____ No. of docs for sig: _____	Date: _____

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

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



# Oregon

Tina Kotek, Governor

## Water Resources Department

North Mall Office Building

725 Summer St NE, Suite A

Salem, OR 97301

Phone 503 986-0900

Fax 503 986-0904

February 15, 2024

Jeremy McCulloch

70208 Warnock Rd

Wallowa, OR 97885

Reference: Application T-14405

On February 12, 2024, the Department received your water right Permanent Transfer Application. The application was accompanied by \$2580.00. Receipt number 142406 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.

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

Except as provided under ORS 540.510(3) for municipalities, you may not use water in the new place of use 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.

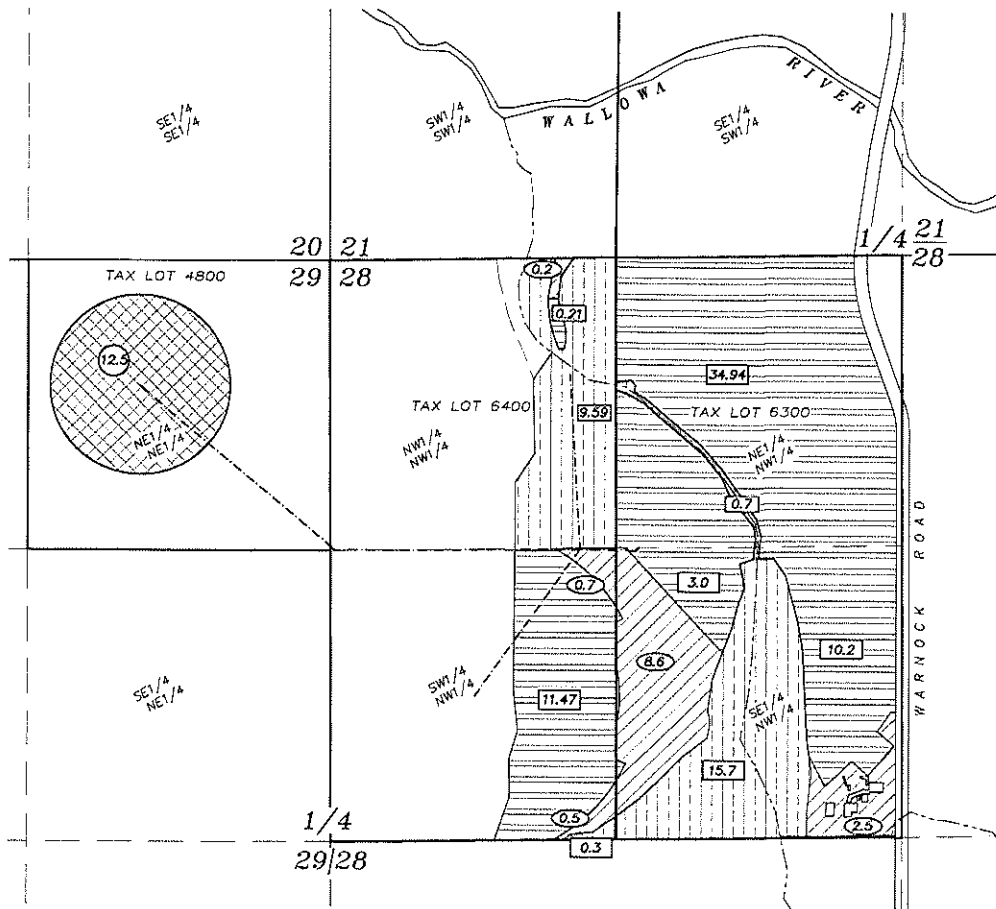
If you have any questions, please contact the Transfer Section at (503) 986-0935.

Cc: Watermaster Dist. #7, David D. Bates (*via email*)  
Jessica Humphreys, Agent  
Wallowa County Planning, Local Government










Enclosure

TOWNSHIP 1 NORTH RANGE 43 EAST

Received  
FEB 12 2024  
OWRD



LEGEND

-  Lands irrigated under Certificate 97431 (priority date 1883), with supplemental irrigation under Certificate 95646 (priority date 1935) and 95647 (priority date 1916) to remain in place
-  Lands irrigated under Certificate 97431 (priority date 1883), with supplemental irrigation under Certificate 95646 (priority date 1935) and 95647 (priority date 1916) to be transferred
-  Land to receive transferred water
-  Lands irrigated under Certificate 3162 (priority dated 1883) to remain in place
-  Proposed Mainline
-  Ditch
-  Area of irrigated land, to remain in place
-  Area of irrigated land, to be transferred
-  Area of land receiving transferred water

January 11, 2024

APPLICATION FOR  
TRANSFER OF PLACE OF USE

FOR  
ROCKING M CATTLE COMPANY

BY  
BAGETT - GRIFFITH & BLACKMAN  
2006 ADAMS AVENUE  
LAGRANDE, OREGON 97850

APPLICATION NO. \_\_\_\_\_

PERMIT NUMBER \_\_\_\_\_



Renewed June 30,

NOTE: The preparation of this map was for the purpose of identifying the location of water rights and has no intent to provide dimensions or location of property ownership lines. Location information shown hereon was furnished by the applicant.



SCALE: 1"=400'

14405 -

**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 # **142406**

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

RECEIVED FROM: Jeremy McCulloch  
BY: \_\_\_\_\_

APPLICATION	
PERMIT	
TRANSFER	<u>T-14405</u>

CASH:  CHECK:#  155 OTHER: (IDENTIFY)  \_\_\_\_\_

TOTAL REC'D \$ 2,580.00

**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 46110 \$ \_\_\_\_\_  
 0410 RESEARCH FEES \$ \_\_\_\_\_  
 0408 MISC REVENUE: (IDENTIFY) \_\_\_\_\_ \$ \_\_\_\_\_  
 TC162 DEPOSIT LIAB. (IDENTIFY) \_\_\_\_\_ \$ \_\_\_\_\_  
 0240 EXTENSION OF TIME \$ \_\_\_\_\_

**WATER RIGHTS:**

	EXAM FEE		RECORD FEE
0201 SURFACE WATER	\$ _____	0202	\$ _____
0203 GROUND WATER	\$ _____	0204	\$ _____
0205 TRANSFER	\$ <u>2,580.00</u>		
	EXAM FEE		LICENSE FEE
0218 WELL DRILL CONSTRUCTOR	\$ _____	0219	\$ _____
LANDOWNER'S PERMIT		0220	\$ _____

\_\_\_\_\_ OTHER (IDENTIFY) \_\_\_\_\_

**0536 TREASURY 0437 WELL CONST. START FEE**

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

**0607 TREASURY 0467 HYDRO ACTIVITY LIC NUMBER**

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

**TREASURY OTHER / RDX**

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

RECEIPT: **142406**

DATED: 2-12-2024 BY: mmills

# Application for Permanent Water Right Transfer



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

## Part 1 of 5 – Minimum Requirements Checklist

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

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

- Part 1 – Completed Minimum Requirements Checklist.
- Part 2 – Completed Transfer Application Map Checklist.
- Part 3 – Application Fee, payable by check to the Oregon Water Resources Department, and completed Fee Worksheet, page 3. Try the new online fee calculator at: [http://apps.wrd.state.or.us/apps/misc/wrd\\_fee\\_calculator](http://apps.wrd.state.or.us/apps/misc/wrd_fee_calculator).
- Part 4 – Completed Applicant Information and Signature.
- Part 5 – Information about Water Rights to be Transferred: **How many water rights are to be transferred? 3 List them here: 97431 (primary), 95647 (supplemental), 95646 (supplemental)**

Please include a separate Part 5 for each water right. (See instructions on page 6)

**NOTE: A separate transfer application is required for each water right unless the criteria in OAR 690-380-3220 are met.**

**Attachments:**

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

Received  
 FEB 12 2024  
 OWRD

(For Staff Use Only)

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

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

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

## Part 2 of 5 – Transfer Application Map

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

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

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

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## Part 4 of 5 – Applicant Information and Signature

### Applicant Information

APPLICANT/BUSINESS NAME <b>Jeremy McCulloch/Rocking M Cattle Company</b>		PHONE NO. <b>541.805.9985</b>	ADDITIONAL CONTACT NO.
ADDRESS <b>70208 Warnock Rd.</b>			FAX NO.
CITY <b>Wallowa</b>	STATE <b>OR</b>	ZIP <b>97885</b>	E-MAIL <b>jeremy.mcculloch1@gmail.com</b>
BY PROVIDING AN E-MAIL ADDRESS, CONSENT IS GIVEN TO RECEIVE ALL CORRESPONDENCE FROM THE DEPARTMENT ELECTRONICALLY. COPIES OF THE FINAL ORDER DOCUMENTS WILL ALSO BE MAILED.			

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

AGENT/BUSINESS NAME <b>Jessica Humphreys/ Trout Unlimited</b>		PHONE NO. <b>541.913.3750</b>	ADDITIONAL CONTACT NO.
ADDRESS <b>401 NE 1<sup>st</sup> st</b>			FAX NO.
CITY <b>Enterprise</b>	STATE <b>OR</b>	ZIP <b>97828</b>	E-MAIL <b>humphreys.jessicad@gmail.com</b>
BY PROVIDING AN E-MAIL ADDRESS, CONSENT IS GIVEN TO RECEIVE ALL CORRESPONDENCE FROM THE DEPARTMENT ELECTRONICALLY. COPIES OF THE FINAL ORDER DOCUMENTS WILL ALSO BE MAILED.			

Explain in your own words what you propose to accomplish with this transfer application, and why:  
This transfer is part of a conserved water project funded by OWRD WPGG-033-21A. This transfer will move 12.5 acres of water rights, that has been reduced through the conserved water process, to previously unirrigated ground to be irrigated by center pivot.

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

### Check One Box

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

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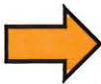
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By my signature below, I confirm that I understand:

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



[Signature]  
Applicant signature

Jeremy McCulloch, Owner 2/7/24  
Print Name (and Title if applicable) Date

[Signature]  
Applicant signature

Donald A. McCulloch Jr. 2/8/24  
Print Name (and Title if applicable) Date

[Signature]  
Applicant signature

Thelma McCulloch 2/8/24  
Print Name (and Title if applicable) Date

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

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

Check the following boxes that apply:

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

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

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

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

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

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

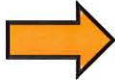
14405 -

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

IRRIGATION DISTRICT NAME	ADDRESS	
CITY	STATE	ZIP

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

ENTITY NAME	ADDRESS	
CITY	STATE	ZIP



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

ENTITY NAME <b>Wallowa County</b>	ADDRESS <b>101 South River Street</b>	
CITY <b>Enterprise</b>	STATE <b>OR</b>	ZIP <b>97828</b>

ENTITY NAME	ADDRESS	
CITY	STATE	ZIP


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

IRRIGATION DISTRICT NAME	ADDRESS	
CITY	STATE	ZIP

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

ENTITY NAME	ADDRESS	
CITY	STATE	ZIP

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

ENTITY NAME <b>Wallowa County</b>	ADDRESS <b>101 South River Street</b>	
CITY <b>Enterprise</b>	STATE <b>OR</b>	ZIP <b>97828</b>

ENTITY NAME	ADDRESS	
CITY	STATE	ZIP

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

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

CERTIFICATE # 97431

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**Description of Water Delivery System**

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System capacity: 1.807 cubic feet per second (cfs) OR  
 \_\_\_\_\_ gallons per minute (gpm)

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Describe the current water delivery system or the system that was in place at some time within the last five years. Include information on the pumps, canals, pipelines, and sprinklers used to divert, convey, and apply the water at the authorized place of use. Water is diverted from the Fitzpatrick ditch which converts from open earthen ditch to pipe where it enters the property. The water is then conveyed to 4 pivots across the property via pipe and 2 pumps.

**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)
Fitzpatrick Diversion	<input checked="" type="checkbox"/> Authorized <input type="checkbox"/> Proposed		1	S	43	E	9	NE	NE	3200	45.499396, -117.442333
	<input type="checkbox"/> Authorized <input type="checkbox"/> Proposed										
	<input type="checkbox"/> Authorized <input type="checkbox"/> Proposed										
	<input type="checkbox"/> Authorized <input type="checkbox"/> Proposed										

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

- |                                                                        |                                                                   |
|------------------------------------------------------------------------|-------------------------------------------------------------------|
| <input checked="" type="checkbox"/> Place of Use (POU)                 | <input type="checkbox"/> Supplemental Use to Primary Use (S to P) |
| <input type="checkbox"/> Character of Use (USE)                        | <input type="checkbox"/> Point of Appropriation/Well (POA)        |
| <input type="checkbox"/> Point of Diversion (POD)                      | <input 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 # 97431**

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

AUTHORIZED (the "from" or "off" lands) The listing that appears on the certificate BEFORE PROPOSED CHANGES List only that part or portion of the water right that will be changed.													Proposed Changes (see "CODES" from previous page)	PROPOSED (the "to" or "on" lands) The listing as it would appear AFTER PROPOSED CHANGES are made.												
Twp	Rng	Sec	¼	¼	Tax Lot	Gvt Lot or DLC	Acres	Type of USE listed on Certificate	POD(s) or POA(s) (name or number from Table 1)	Priority Date	Twp	Rng		Sec	¼	¼	Tax Lot	Gvt Lot or DLC	Acres	New Type of USE	POD(s)/ POA(s) to be used (from Table 1)	Priority Date				
<b>EXAMPLE</b>																										
2	S	9	E	15	NE	NW	100		15.0	Irrigation	POD #1 POD #2	1901	POU/POD	2	S	9	E	1	NW	NW	500	1	10.0		POD #5	1901
														2	S	9	E	2	SW	NW	500		5.0		POD #6	1901
1	N	43	E	28	SE	NW	6300		11.1	Irrigation	Fitzpatrick	1883	POU	1	N	43	E	29	NE	NE	4800		11.1	Irrigation	Fitzpatrick	1883
1	N	43	E	28	SW	NW	6400		1.2	Irrigation	Fitzpatrick	1883	POU	1	N	43	E	29	NE	NE	4800		1.2	Irrigation	Fitzpatrick	1883
1	N	43	E	28	NW	NW	6400		0.2	Irrigation	Fitzpatrick	1883	POU	1	N	43	E	29	NE	NE	4800		0.2	Irrigation	Fitzpatrick	1883
TOTAL ACRES:							12.5							TOTAL ACRES:							12.5					

Additional remarks: \_\_\_\_\_.

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

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

**Table 2. Description of Changes to Water Right Certificate # 95647 (Supplemental)**

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.

AUTHORIZED (the "from" or "off" lands) The listing that appears on the certificate BEFORE PROPOSED CHANGES List only that part or portion of the water right that will be changed.													Proposed Changes (see "CODES" from previous page)	PROPOSED (the "to" or "on" lands) The listing as it would appear AFTER PROPOSED CHANGES are made.												
Twp	Rng	Sec	¼	¼	Tax Lot	Gvt Lot or DLC	Acres	Type of USE listed on Certificate	POD(s) or POA(s) (name or number from Table 1)	Priority Date	Twp	Rng		Sec	¼	¼	Tax Lot	Gvt Lot or DLC	Acres	New Type of USE	POD(s)/ POA(s) to be used (from Table 1)	Priority Date				
<b>EXAMPLE</b>																										
2	S	9	E	15	NE	NW	100		15.0	Irrigation	POD #1 POD #2	1901	POU/POD	2	S	9	E	1	NW	NW	500	1	10.0		POD #5	1901
														2	S	9	E	2	SW	NW	500		5.0		POD #6	1901
1	N	43	E	28	SE	NW	6300		11.1	Irrigation	Fitzpatrick	1883	POU	1	N	43	E	29	NE	NE	4800		11.1	Irrigation	Fitzpatrick	1883
1	N	43	E	28	SW	NW	6400		1.2	Irrigation	Fitzpatrick	1883	POU	1	N	43	E	29	NE	NE	4800		1.2	Irrigation	Fitzpatrick	1883
1	N	43	E	28	NW	NW	6400		0.2	Irrigation	Fitzpatrick	1883	POU	1	N	43	E	29	NE	NE	4800		0.2	Irrigation	Fitzpatrick	1883
							TOTAL ACRES:	12.5														TOTAL ACRES:	12.5			

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

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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 # 95646 (Supplemental)**

AUTHORIZED (the "from" or "off" lands) The listing that appears on the certificate BEFORE PROPOSED CHANGES List only that part or portion of the water right that will be changed.													Proposed Changes (see "CODES" from previous page)	PROPOSED (the "to" or "on" lands) The listing as it would appear AFTER PROPOSED CHANGES are made.												
Twp	Rng	Sec	¼	¼	Tax Lot	Gvt Lot or DLC	Acres	Type of USE listed on Certificate	POD(s) or POA(s) (name or number from Table 1)	Priority Date	Twp	Rng		Sec	¼	¼	Tax Lot	Gvt Lot or DLC	Acres	New Type of USE	POD(s)/ POA(s) to be used (from Table 1)	Priority Date				
<b>EXAMPLE</b>																										
2	S	9	E	15	NE	NW	100		15.0	Irrigation	POD #1 POD #2	1901	POU/POD	2	S	9	E	1	NW	NW	500	1	10.0		POD #5	1901
														2	S	9	E	2	SW	NW	500		5.0		POD #6	1901
1	N	43	E	28	SE	NW	6300		11.1	Irrigation	Fitzpatrick	1883	POU	1	N	43	E	29	NE	NE	4800		11.1	Irrigation	Fitzpatrick	1883
1	N	43	E	28	SW	NW	6400		1.2	Irrigation	Fitzpatrick	1883	POU	1	N	43	E	29	NE	NE	4800		1.2	Irrigation	Fitzpatrick	1883
1	N	43	E	28	NW	NW	6400		0.2	Irrigation	Fitzpatrick	1883	POU	1	N	43	E	29	NE	NE	4800		0.2	Irrigation	Fitzpatrick	1883
TOTAL ACRES:								12.5						TOTAL ACRES:								12.5				

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.

Additional remarks:\_\_\_\_\_.

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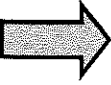
Certificate # **97431**

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

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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: **95646, 95647 (Both Supplemental and included in the transfer).**



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 # \_\_\_\_\_.

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

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

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

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

**Tip:** You may search for well logs on the Department's web page at:  
[http://apps.wrd.state.or.us/apps/gw/well\\_log/Default.aspx](http://apps.wrd.state.or.us/apps/gw/well_log/Default.aspx)

**AND/OR**

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

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

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

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

# Land Use Information Form



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

NAME Jeremy McCulloch/Rocking M. Cattle Company				PHONE 541.805.9985	
MAILING ADDRESS 70208 Warnock Rd					
CITY Wallowa		STATE OR	ZIP 97885	EMAIL jeremy.mcculloch1@gmail.com	

Received  
 FEB 12 2024  
 OWRD

## 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:
1N	43E	28	SENW	6300		<input type="checkbox"/> Diverted <input checked="" type="checkbox"/> Conveyed <input type="checkbox"/> Used	
1N	43E	28	SWN W	6400		<input type="checkbox"/> Diverted <input checked="" type="checkbox"/> Conveyed <input type="checkbox"/> Used	
1N	43E	28	NWN W	6400		<input type="checkbox"/> Diverted <input checked="" type="checkbox"/> Conveyed <input type="checkbox"/> Used	
1N	43E	29	NENE	4800		<input type="checkbox"/> Diverted <input 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:

Wallowa County

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

## B. Description of Proposed Use

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

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

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

Estimated quantity of water needed: \_\_\_\_\_   
 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:

Transfer of existing water rights to a new location under a pivot all on the same property.

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

See Page 4 →

## For Local Government Use Only

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

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

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

Type of Land-Use Approval Needed (e.g., plan amendments, rezones, conditional-use permits, etc.)	Cite Most Significant, Applicable Plan Policies & Ordinance Section References	Land-Use Approval:	
		<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being Pursued <input type="checkbox"/> Not Being Pursued
<b>Received</b>		<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being Pursued <input type="checkbox"/> Not Being Pursued
<b>FEB 12 2024</b>		<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being Pursued <input type="checkbox"/> Not Being Pursued
<b>OWRD</b>		<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being Pursued <input type="checkbox"/> Not Being Pursued

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

Name: Jim Jancaitis Title: Planning Dept Sp.  
 Signature: \_\_\_\_\_ Date: 2.8.2024  
 Governmental Entity: Wallowa County Phone: 541-426-7770

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

# 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 WALLOWA)

I, Jessica Humphreys, in my capacity as Project Manager,  
 mailing address 83711 Painted Pony Lane Lostine, Oregon 97857  
 telephone number (541)913-3750, 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 # 97431; 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 # 97431 has been issued within the past five years; OR
- Part or all of the water right was leased instream at some time within the last five years. The instream lease number is: \_\_\_\_\_ (Note: If the entire right proposed for transfer was not leased, additional evidence of use is needed for the portion not leased instream.); OR
- The water right is not subject to forfeiture and documentation that a presumption of forfeiture for non-use would be rebutted under ORS 540.610(2) is attached.
- Water has been used at the actual current point of diversion or appropriation for more than 10 years for Certificate # \_\_\_\_\_ (For Historic POD/POA Transfers)

(continues on reverse side)

3. The water right was used for: (e.g., crops, pasture, etc.): \_\_\_\_\_

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

[Signature]  
Signature of Affiant

2/8/2024  
Date

Signed and sworn to (or affirmed) before me this 8th day of February, 2024.



[Signature]  
Notary Public for Oregon

My Commission Expires: 4.27.24

Supporting Documents	Examples
<input checked="" 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. If the photograph does not print with a "date stamp" or without the source being identified, the date of the photograph and source should be added.</p> <p>Sources for aerial photos: OSU – <a href="http://www.oregonexplorer.info/imagery">www.oregonexplorer.info/imagery</a> OWRD – <a href="http://www.wrd.state.or.us">www.wrd.state.or.us</a> Google Earth – <a href="http://earth.google.com">earth.google.com</a> TerraServer – <a href="http://www.terra-server.com">www.terra-server.com</a></p>
<input type="checkbox"/> Approved Lease establishing beneficial use within the last 5 years	Copy of instream lease or lease number

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STATE OF OREGON

COUNTY OF WALLOWA

CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

ROCKING M CATTLE COMPANY  
70208 WARNOCK RD  
WALLOWA, OR 97885

confirms the right to use the waters of the LOSTINE RIVER (aka SOUTH FORK WALLOWA RIVER), a tributary to the WALLOWA RIVER for IRRIGATION of 72.29 ACRES.

This right was confirmed by decree of the Circuit Court of the State of Oregon for Wallowa County. The decree is of record at Salem, in the Order Record of the Water Resources Director in Volume 5, at Page 197. The date of priority is 1883.

The amount of water to which this right is entitled is limited to an amount actually beneficially used for said purposes, and shall not exceed 0.99 CUBIC FEET PER SECOND and is limited to 1.0 acre feet per acre during any period of 30 days prior to July 31 of each year, and thereafter not to exceed 1.0 acre foot per are during the entire remainder of the irrigation season; and said right shall be subject to all other conditions and limitations contained in said decree, and is further limited to 180.73 Acre Feet per year.

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

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
1 N	43 E	WM	28	NE NW	34.94
1 N	43 E	WM	28	NW NW	0.41
1 N	43 E	WM	28	SW NW	12.67
1 N	43 E	WM	28	SE NW	24.27
Total					72.29

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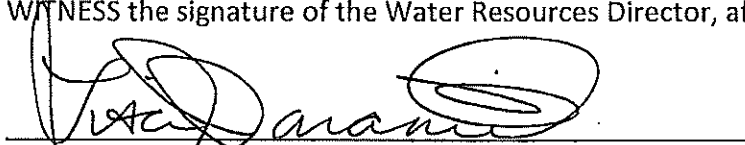
This final order is subject to judicial review by the Court of Appeals under ORS 183.482. Any petition for judicial review must be filed within the 60-day time period specified by ORS 183.482(1). Pursuant to ORS 536.075 and OAR 137-003-0675, you may petition for judicial review or petition the Director for reconsideration of this order. A petition for reconsideration may be granted or denied by the Director, and if no action is taken within 60 days following the date the petition was filed, the petition shall be deemed denied.

This certificate describes that portion of water right Certificate 3162, State Record of Water Right Certificates, REDUCED IN RATE by the provisions of an order of the Water Resources Director recorded in Special Order Volume 129, Page 305, approving conserved water application CW-129. This certificate together with Certificates 97430 and 97432 supersedes Certificate 3162, State Record of Water Right Certificates.

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

The right is subject to all other terms and conditions of Certificate 3162, and any related decree.

WITNESS the signature of the Water Resources Director, affixed NOV / 2 2023.



Lisa J. Jaramillo, Transfer and Conservation Section Manager, for  
Douglas E. Woodcock, Acting Director  
Oregon Water Resources Department

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