

Regular

Name James Earl Weatherford  
Living Trust  
Address 17140 Middle Rock Creek Lane  
Arlington, OR 97812  
weatherford.ranches@gmail.com

Change in APOD  
Date Filed 4/19/2024  
Initial notice date 4/30/2024  
DPD issued date 7/30/2025  
PD issued date 1/30/2026  
PD notice date \_\_\_\_\_  
Date of FO 4/7/26 Vol 138 Page 701

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

DESCRIPTION OF WATER RIGHT(S)

Name of Stream Rock Creek  
Trib. of John Day River  
Use Irrigation County Gilliam  
Quantity of water (CFS) \_\_\_\_\_ No. of Acres \_\_\_\_\_  
Name of ditch \_\_\_\_\_  
App# S-43307 Per # S-32494 Cert # 37916 PR Date 2-24-1967  
App# \_\_\_\_\_ Per # \_\_\_\_\_ Cert # \_\_\_\_\_ PR Date \_\_\_\_\_  
App# \_\_\_\_\_ Per # \_\_\_\_\_ Cert # \_\_\_\_\_ PR Date \_\_\_\_\_  
App# \_\_\_\_\_ Per # \_\_\_\_\_ Cert # \_\_\_\_\_ PR Date \_\_\_\_\_

FEES PAID		
Date	Amount	Receipt #
<u>4/19/2024</u>	<u>\$1360.00</u>	<u>142772</u>
<u>12/8/2025</u>	<u>\$129.60</u>	<u>146514</u>

FEES REFUNDED		
Date	Amount	Receipt #

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

Irrigation District \_\_\_\_\_  
Agent Larry Toll  
toll@aks-eng.com  
CWRE \_\_\_\_\_  
CC's list Gilliam County Planning Department

- Oversized map - Location



4. The right to be transferred is as follows:

**Certificate:** 37916 in the name of HERMAN and CAROLINE STEINKE TRUST C/O STEINKE BROS. (perfected under Permit S-32494)

**Use:** IRRIGATION of 18.3 ACRES

**Priority Date:** FEBRUARY 24, 1967

**Rate:** 0.45 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 be limited to ONE-FORTIETH of one cubic foot per second per acre, or its equivalent for each acre irrigated and shall be further limited to a diversion of not to exceed 4.0 acre-feet per acre for each acre irrigated during the irrigation season of each year.

**Source:** ROCK CREEK, a tributary of JOHN DAY RIVER

**Authorized Point of Diversion:**

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
1 S	21 E	WM	4	SE NE	STEINKE - 1440 FEET SOUTH AND 1480 FEET WEST FROM THE SW CORNER OF SECTION 34, T1N, R21E WM

**Authorized Place of Use:**

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
1 S	21 E	WM	3	SW NW	0.4
1 S	21 E	WM	4	NE NE	0.6
1 S	21 E	WM	4	NW NE	5.7
1 S	21 E	WM	4	SW NE	0.6
1 S	21 E	WM	4	SE NE	11.0
Total					18.3

5. Transfer Application T-14443 proposes additional points of diversion downstream to:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances	Approximate distance from original point of diversion in miles (mi.)
1 N	21 E	WM	33	SW SW	ADDITIONAL DIVERSION 1 NEAR POINT WELL - 800 FEET NORTH AND 302 FEET EAST FROM THE SW CORNER OF SECTION 33	1.1 mi.
1 N	21 E	WM	33	SW SE	ADDITIONAL DIVERSION 2 NEAR BIG WELL - 210 FEET NORTH AND 3270 FEET EAST FROM THE SW CORNER OF SECTION 33	0.5 mi.

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

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

7. Water has been used within the last five years according to the terms and conditions of the right. There is no information in the record that would demonstrate that the right is subject to forfeiture under ORS 540.610.
8. A water delivery system sufficient to use the full amount of water allowed under the existing right was present within the five-year period prior to submittal of Transfer Application T-14443.
9. The water right is subject to transfer as defined in ORS 540.505(4) and OAR 690-380-0100(14).
10. The proposed points of diversion divert water from the same source of surface water as the authorized point of diversion, as required by OAR 690-380-2110(2).
11. The proposed change, as conditioned, would not result in enlargement of the right.
12. The proposed change, as conditioned, would not result in injury to other existing water rights.
13. All other application requirements are met.

**Determination and Proposed Action**

The additional points of diversion proposed in Transfer Application T-14443 appear to be consistent with the requirements of ORS 540.505 to 540.580 and OAR 690-380-5000. If protests are not filed pursuant to OAR 690-380-4030, the transfer application will be approved.

*If Transfer Application T-14443 is approved, the final order will include the following:*

1. *The additional points of diversion proposed in Transfer Application T-14443 are approved.*
2. *The right to the use of the water is restricted to beneficial use at the place of use described and is subject to all other conditions and limitations contained in Certificate 37916 and any related decree.*
3. *Approval of this transfer application does not constitute nor grant legal access onto or through another person's property for purposes of accessing the new points of diversion.*
4. *Water right Certificate 37916 is cancelled.*
5. *The quantity of water diverted at the new additional points of diversion (Additional Diversion 1 near Point Well and Additional Diversion 2 near Big Well), together with that diverted at the original point of diversion (Steinke), shall not exceed the quantity of water lawfully available at the original point of diversion (Steinke).*

6. *Water shall be acquired from the same source of surface water as the original point of diversion.*
7. *Water use measurement conditions:*
  - a. *Before water use may begin under this order, the water user shall install a totalizing flow meter, or, with prior approval of the Director, another suitable measuring device, at each point of diversion, 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.*
8. *The water user shall maintain and operate a fish screening and/or by-pass device, as appropriate, at the point of diversion consistent with the Oregon Department of Fish and Wildlife's operational and maintenance standards.*
9. *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 change and full beneficial use of the water.*
10. *After satisfactory proof of beneficial use is received, a new certificate confirming the right 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.

**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 # **146514**

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

RECEIVED FROM: <u>J. Earl Weatherford/ Living</u>	APPLICATION	
BY: <u>Trust, Morris F Weatherford Trustee</u>	PERMIT	
	TRANSFER	<u>T-14443</u>
CASH: <input type="checkbox"/>	CHECK:# <u>102824</u>	OTHER: (IDENTIFY) _____
		TOTAL REC'D \$ <u>129.60</u>

**1083 TREASURY 4170 WRD MISC CASH ACCT**

0407 COPIES <u>46118</u>	\$
<u>0207</u> OTHER: <u>Newspaper Notice</u> (IDENTIFY)	\$ <u>129.60</u>
0243 I/S Lease _____	
0244 Muni Water Mgmt. Plan _____	
0245 Cons. Water _____	

**4270 WRD OPERATING ACCT**

<b>MISCELLANEOUS</b>			
0407 COPY & TAPE FEES			\$
0410 RESEARCH FEES			\$
0408 MISC REVENUE: (IDENTIFY) _____			\$
TC162 DEPOSIT LIAB. (IDENTIFY) _____			\$
0240 EXTENSION OF TIME			\$
<b>WATER RIGHTS:</b>			
	<b>EXAM FEE</b>		<b>RECORD FEE</b>
0201 SURFACE WATER	\$	0202	\$
0203 GROUND WATER	\$	0204	\$
0205 TRANSFER	\$		
<b>WELL CONSTRUCTION</b>			
	<b>EXAM FEE</b>		<b>LICENSE FEE</b>
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: **146514** DATED: 12-8-25 BY: L. D. Myer

# AFFIDAVIT OF PUBLICATION

from

## THE TIMES-JOURNAL

PO Box 746 • 319 South Main Street  
Condon, Oregon 97823-0746 • timesjournal1886.com

State of Oregon, Counties of Gilliam, Wheeler and Sherman, ss:

Received  
MAR 09 2026

OWRD

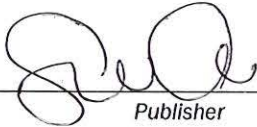
I, Stephen Allen

Being first duly sworn, depose and say that I am the publisher of The Times-Journal, a newspaper of general circulation as defined by Sections 1-509, 1-510, Oregon Code; printed and published at Condon in the aforesaid county and state; that the

Notice of Proposal  
Final Order for Water  
Right Transfer T-14443

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

2/5 & 2/12

  
Publisher

Subscribed and sworn before me on this date:

2/18/26

  
Notary Public for the State of Oregon

My commission expires 11/7/28

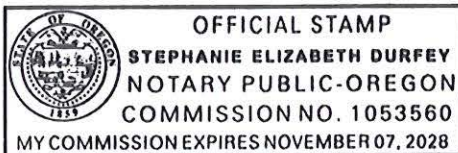
### LEGAL NOTICE

#### NOTICE OF PROPOSED FINAL ORDER FOR WATER RIGHT TRANSFER T-14443

T-14443 filed by James Earl Weatherford Living Trust, 17140 Middle Rock Creek Lane, Arlington, OR 97812, proposes additional points of diversion under Certificate 37916. The right allows the use of 0.45 cubic foot per second from Rock Creek in Sec. 4, T1S, R21E, WM for irrigation in Sects. 3 and 4, T1S, R21E, WM. The applicant proposes additional points of diversion in Sec. 33, T1N, R21E, WM. The Water Resources Department proposes to approve the transfer, based on the requirements of ORS Chapter 540 and OAR 690-380-5000.

Any person may file, jointly or severally, a protest or a request for party status. Protests must be received by the Department on or before March, 5, 2026. Call (503) 986-0935 to obtain additional information. If no protests are filed, the proposed final order will become a final order 33 days after the protest period ends, without any further action by the Department.

Published 2/5 & 2/12



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

In the Matter of Transfer Application	)	PROPOSED FINAL ORDER PROPOSING
T-14443, Gilliam County	)	APPROVAL FOR ADDITIONAL POINTS OF
	)	DIVERSION

**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**

JAMES EARL WEATHERFORD LIVING TRUST  
17140 MIDDLE ROCK CREEK LANE  
ARLINGTON, OR 97812

**Findings of Fact**

1. On April 19, 2024, James Earl Weatherford Living Trust filed an application for additional points of diversion under Certificate 37916. The Department assigned the application number T-14443.
2. Notice of the application for transfer was published on April 30, 2024, pursuant to OAR 690-380-4000. No comments were filed in response to the notice.
3. On July 30, 2025, the Department mailed a copy of the draft Preliminary Determination (further referred to as Initial Review) proposing to approve Transfer Application T-14443 to the applicant. The Initial Review cover letter set forth a deadline of August 29, 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.

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.

4. The right to be transferred is as follows:

**Certificate:** 37916 in the name of HERMAN and CAROLINE STEINKE TRUST C/O STEINKE BROS. (perfected under Permit S-32494)  
**Use:** IRRIGATION of 18.3 ACRES  
**Priority Date:** FEBRUARY 24, 1967  
**Rate:** 0.45 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 be limited to ONE-FORTIETH of one cubic foot per second per acre, or its equivalent for each acre irrigated and shall be further limited to a diversion of not to exceed 4.0 acre-feet per acre for each acre irrigated during the irrigation season of each year.  
**Source:** ROCK CREEK, a tributary of JOHN DAY RIVER

**Authorized Point of Diversion:**

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
1 S	21 E	WM	4	SE NE	STEINKE - 1440 FEET SOUTH AND 1480 FEET WEST FROM THE SW CORNER OF SECTION 34, T1N, R21E WM

**Authorized Place of Use:**

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
1 S	21 E	WM	3	SW NW	0.4
1 S	21 E	WM	4	NE NE	0.6
1 S	21 E	WM	4	NW NE	5.7
1 S	21 E	WM	4	SW NE	0.6
1 S	21 E	WM	4	SE NE	11.0
Total					18.3

5. Transfer Application T-14443 proposes additional points of diversion downstream to:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances	Approximate distance from original point of diversion in miles (mi.)
1 N	21 E	WM	33	SW SW	ADDITIONAL DIVERSION 1 NEAR POINT WELL - 800 FEET NORTH AND 302 FEET EAST FROM THE SW CORNER OF SECTION 33	1.1 mi.
1 N	21 E	WM	33	SW SE	ADDITIONAL DIVERSION 2 NEAR BIG WELL - 210 FEET NORTH AND 3270 FEET EAST FROM THE SW CORNER OF SECTION 33	0.5 mi.

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

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

7. Water has been used within the last five years according to the terms and conditions of the right. There is no information in the record that would demonstrate that the right is subject to forfeiture under ORS 540.610.
8. A water delivery system sufficient to use the full amount of water allowed under the existing right was present within the five-year period prior to submittal of Transfer Application T-14443.
9. The water right is subject to transfer as defined in ORS 540.505(4) and OAR 690-380-0100(14).
10. The proposed points of diversion divert water from the same source of surface water as the authorized point of diversion, as required by OAR 690-380-2110(2).
11. The proposed change, as conditioned, would not result in enlargement of the right.
12. The proposed change, as conditioned, would not result in injury to other existing water rights.
13. All other application requirements are met.

**Determination and Proposed Action**

The additional points of diversion proposed in Transfer Application T-14443 appear to be consistent with the requirements of ORS 540.505 to 540.580 and OAR 690-380-5000. If protests are not filed pursuant to OAR 690-380-4030, the transfer application will be approved.

*If Transfer Application T-14443 is approved, the final order will include the following:*

1. *The additional points of diversion proposed in Transfer Application T-14443 are approved.*
2. *The right to the use of the water is restricted to beneficial use at the place of use described and is subject to all other conditions and limitations contained in Certificate 37916 and any related decree.*
3. *Approval of this transfer application does not constitute nor grant legal access onto or through another person's property for purposes of accessing the new points of diversion.*
4. *Water right Certificate 37916 is cancelled.*
5. *The quantity of water diverted at the new additional points of diversion (Additional Diversion 1 near Point Well and Additional Diversion 2 near Big Well), together with that diverted at the original point of diversion (Steinke), shall not exceed the quantity of water lawfully available at the original point of diversion (Steinke).*

6. *Water shall be acquired from the same source of surface water as the original point of diversion.*
7. *Water use measurement conditions:*
  - a. *Before water use may begin under this order, the water user shall install a totalizing flow meter, or, with prior approval of the Director, another suitable measuring device, at each point of diversion, 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.*
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8. *The water user shall maintain and operate a fish screening and/or by-pass device, as appropriate, at the point of diversion consistent with the Oregon Department of Fish and Wildlife's operational and maintenance standards.*
9. *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 change and full beneficial use of the water.*
10. *After satisfactory proof of beneficial use is received, a new certificate confirming the right 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)

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

January 30, 2026

### VIA CERTIFIED MAIL AND E-MAIL

JAMES EARL WEATHERFORD LIVING TRUST  
17140 MIDDLE ROCK CREEK LANE  
ARLINGTON, OR 97812

SUBJECT: Water Right Transfer Application T-14443

Please find enclosed the Proposed Final Order indicating that, based on the information available, the Department intends to approve application T-14443. This document is an intermediate step in the approval process; water may not be used legally as proposed in the transfer application until a Final Order has been issued by the Department. Please read this entire letter carefully to determine your responsibility for additional action.

A public notice is being published in the Department's weekly publication and in the Condon Times Journal newspaper, 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-14443  
Kenneth C. Thiemann, District 21 Watermaster *(via e-mail)*  
Larry M. Toll, Agent for the applicant *(via e-mail)*

encs



# 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

November 25, 2025

JAMES EARL WEATHERFORD LIVING TRUST  
17140 MIDDLE ROCK CREEK LANE  
ARLINGTON, OR 97812

Received

DEC 08 2025

OWRD

SUBJECT: Water Right Transfer Application T-14443

Your water right transfer will be ready for issuance of the Preliminary Determination, once the Department receives payment for publication of the newspaper notice.

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

At this time you need to:

1. submit a check in the amount of \$129.60 (to cover cost of publication of the notice), made out to the Oregon Water Resources Department.
2. write **"for T-14443 NOTICE" on the front of your check, and**
3. submit it with the tracking stub at the bottom of this letter.

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

### What happens next...

Shortly after receiving payment, the Department will issue the Preliminary Determination, initiate publication in the Condon Times Journal newspaper, and also publish the notice on the Department's weekly notice. Publication of the notice will initiate a protest period during which any person may file either a protest opposing the decision proposed by the Department in the Preliminary Determination or a standing statement supporting the Department's decision.

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

-----  
Attached is a check in the amount of \$129.60 (PCA #46118) for Newspaper Notice for Transfer T-14443 made out to Oregon Water Resources Department ( or WRD)

- **"for T-14443 NOTICE" written on front of check**

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

Caseworker: cc

Received  
DEC 08 2025

OWRD

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-14443  
Kenneth C. Thiemann, District 21 Watermaster *(via e-mail)*  
Larry M. Toll, Agent for the applicant *(via e-mail)*

# 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-14443 APOD

Review Due Date: 05/23/2024

Applicant Name: James Earl Weatherford Living Trust

Proposed Changes:  POU  POD  POA  USE  OTHER

Reviewer(s): Kenneth C. Thiemann Jr.

Date of Review: 01/25/2025

- Do you have evidence that the right has not been used in the last 5 years and that the presumption of forfeiture would not likely be rebuttable?  Yes  No If "Yes", attach evidence (e.g. dated aerial photo showing pavement or building on the land for >5 yrs.)
- Is there a history of regulation on the source that serves this (or these) right(s) that has involved the transferred right(s) and downstream water rights?  Yes  No Generally characterize the frequency of any regulation or explain why regulation has not occurred:  
**Annual regulation upstream for in-stream water rights under IL-1192, 1614, and 839.**
- Have headgate notices been issued for the source that serves the transferred right(s)?  
 Yes  No  Records not available.
- In your estimation, after the proposed change, would distribution of water for the right(s) result in regulation of other water rights that would not have occurred if use under the original right(s) was/were maximized?  Yes  No If "Yes", explain:  
**The surface water in Rock Creek is very heavy during snow run off and goes almost completely dry by July of each year.**
- In your estimation, if the proposed change is approved, are there upstream water rights that would be affected?  Yes  No If "Yes", describe how the rights would be affected and list the rights most affected:

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

N/A

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

N/A

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

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

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

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

Yes  No If "Yes", explain:

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

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

Yes  No If "Yes", explain:

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

Yes  No If "Yes", answer the following:

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

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

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

iv. Do you have any other observations regarding the temporary transfer?  Yes  No If "Yes", describe:

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

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

i. "Injury" will occur to other water rights that share the same source?  Yes  No If "Yes", explain:

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

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

Yes  No If "Yes", explain:

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

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:

- |   |  |
|---|--|
| <input type="checkbox"/> Weir           | <input type="checkbox"/> Submerged Orifice |
| <input type="checkbox"/> Parshall Flume | <input type="checkbox"/> Flow Restrictor   |
| <input type="checkbox"/> Other: _____   |  |

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

Transfer #: T- 14443 APOD

- In order to avoid enlargement of the right or injury to other rights, a **totalizing flow meter** will be required to be installed **prior to diversion of water**, as a condition of this transfer:
  - at each point of diversion/appropriation (new and existing) **OR**
  - at each new point of diversion/appropriation.

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

Watermaster name: **Kenneth C. Thiemann Jr.**

District: **21**

Address: **PO Box 427**

City/State/Zip: **Condon, OR 97823**

Phone: **(541) 969-8799**

Email: **kenneth.c.thiemann@water.oregon.gov**

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

\*\*\*\*\*

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

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

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Watermaster signature                      District                      Date

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

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

# Oregon Department of Fish and Wildlife Water Right and Diversion Transfer Comment Form

*(ODFW provides this review to WRD so that WRD can make findings according to statutory requirements.)*

Reference Transfer #: T-14443, James Earl Weatherford Living Trust

Date of review:04/24/2024

A. The Oregon Department of Fish and Wildlife (ODFW) does not believe this proposed transfer will injure any instream water rights.

*B. Fish screen requirements pursuant to ORS 540.525 or 540.532:*

Screen Now

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

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

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

Jorden Smith (541)805-1990

East Region Hydropower and Water Rights Coordinator

**Jorden Smith** Digitally signed by Jorden Smith  
Date: 2024.04.24 09:01:17 -07'00'

Signature

## Oregon Department of Fish and Wildlife

### Additional Fish Screening and Passage Information for the Applicant

*(To be completed by ODFW for WRD to provide to the applicant.)*

Transfer #: T-14443, James Earl Weatherford Living Trust

#### **The applicant should be aware that fish screening and passage may be required for certain changes in point of diversion**

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

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

The applicant should contact the ODFW staff member below to obtain additional information on the design, construction, operational, and maintenance standards for the fish screen and to obtain information about ODFW's cost-sharing program for screening.

**Prior to installation, the water user must obtain written approval from ODFW that the required screen meets ODFW's criteria.**

ODFW staff name: Nathaniel Ashley

Address: PO BOX 515; W HWY 26 PATTERSON RD

City/State/Zip: John Day, OR 97845

Phone: (541)575-0561

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

ODFW staff name: Stephan Charette

Address: PO BOX 9; 305 N CANYON BLVD

City/State/Zip: John Day, OR 97845

Phone: (541)575-1167 x225

**WATER RIGHT TRANSFER COVER SHEET**

Transfer: T-14443

Transfer Specialist:

Transfer Type: Regular Transfer

Reimbursement Authority?

<b>Applicant:</b> James Earl Weatherford Living Trust 17140 Middle Rock Creek Lane Arlington, OR 97812	<b>Agent:</b> Larry Toll 3775 Crates Way The Dalles, OR 97058	<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> Gilliam County Planning Department	<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: April 19, 2024	Proposed Action(s): ADDITIONAL POINT OF DIVERSION	
Fees Pd: 1360.00	Acknowledgement Letter Sent <input checked="" type="checkbox"/>	Basin: 6 John Day
Initial Public Notice: 4/30/2024	County sent cc: of Ack Letter <input checked="" type="checkbox"/>	County: GILLIAM
WM District: 21 Kenneth C. Thiemann	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

April 23, 2024

James Earl Weatherford Living Trust

17140 Middle Rock Creek Lane

Arlington, OR 97812

Reference: Application T-14443

On April 19, 2024, the Department received your water right Permanent Transfer Application. The application was accompanied by \$1360.00. Receipt number 142772 is enclosed.

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

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

Except as provided under ORS 540.510(3) for municipalities, you may not use water from the new point of diversion until a final order approving the transfer application has been issued by the Department. In order to avoid any possible forfeiture of the water right, you should continue to use the water as described by your existing water right.

If the land is sold before the application is approved, the buyer's consent to the application will be required unless a recorded deed or other legal document clearly established that the water right was not conveyed in the sale.

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

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

Cc: Watermaster Dist. #21, Kenneth C. Thiemann (*via email*)

Larry M. Toll, Agent

Gilliam County Planning Department, Local Government

Enclosure

# Application for Permanent Water Right Transfer



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

## Part 1 of 5 – Minimum Requirements Checklist

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

**RECEIVED**

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

FEB 16 2024

- Part 1 – Completed Minimum Requirements Checklist.
- Part 2 – Completed Transfer Application Map Checklist.
- Part 3 – Application Fee, payable by check to the Oregon Water Resources Department, and completed Fee Worksheet, page 3. Try the new online fee calculator at: [http://apps.wrd.state.or.us/apps/misc/wrd\\_fee\\_calculator](http://apps.wrd.state.or.us/apps/misc/wrd_fee_calculator).
- Part 4 – Completed Applicant Information and Signature.
- Part 5 – Information about Water Rights to be Transferred: **How many water rights are to be transferred? 1 List them here: Certificate 37916**  
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.**

OWRD

**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

APR 19 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: \_\_\_\_/\_\_\_\_/\_\_\_\_

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Part 2 of 5 – Transfer Application Map

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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

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APPLICANT/BUSINESS NAME <b>James Earl Weatherford Living Trust</b>		PHONE NO. <b>503.505.0080</b>	ADDITIONAL CONTACT NO. <b>208.350.0981 (Morris)</b>
ADDRESS <b>17140 Middle Rock Creek Lane</b>			FAX NO.
CITY <b>Arlington</b>	STATE <b>OR</b>	ZIP <b>97812</b>	E-MAIL <b>weatherford.ranches@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>Tenneson Engineering Attn: Larry Toll</b>		PHONE NO. <b>541-296-9177</b>	ADDITIONAL CONTACT NO.
ADDRESS <b>3775 Crates Way</b>			FAX NO.
CITY <b>The Dalles</b>	STATE <b>OR</b>	ZIP <b>97058</b>	E-MAIL <b>tolll@aks-eng.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:  
Propose to add to additional points of diversion to this water right. We are trying to become more effecient when Rock Creek water is available and cut down on electrical power points. If we are already using one of these downstream diversion we can just pump the water upstream to Steinke Property.

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

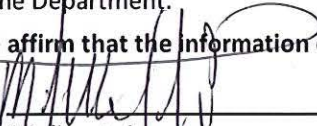
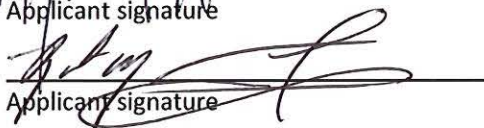
Check One Box

- 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.

**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: \_\_\_\_\_.
- 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.

  
 Applicant signature  
  
 Applicant signature

Morris Weatherford 2-11-24  
 Print Name (and Title if applicable) Date  
 Trustee James Earl Weatherford Mrs J  
 Robert M. Weatherford 2-12-2024  
 Print Name (and Title if applicable) Date Irrigator

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)

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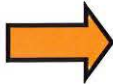
RECEIVING LANDOWNER NAME			PHONE NO.	ADDITIONAL CONTACT NO.
ADDRESS				FAX NO.
CITY	STATE	ZIP	E-MAIL	
Describe any special ownership circumstances:				Received APR 19 2024
The confirming Certificate shall be issued in the name of: <input type="checkbox"/> Applicant <input type="checkbox"/> Receiving Landowner				

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

IRRIGATION DISTRICT NAME	ADDRESS	
CITY	STATE	ZIP

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

ENTITY NAME	ADDRESS	
CITY	STATE	ZIP



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

ENTITY NAME <b>Gilliam county Planning Department</b>	ADDRESS <b>221 S Oregon St, Room 102</b>	
CITY <b>Condon</b>	STATE <b>OR</b>	ZIP <b>97823</b>

ENTITY NAME	ADDRESS	
CITY	STATE	ZIP

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

- |   |   |
|---|---|
| <input 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 checked="" type="checkbox"/> Additional Point of Diversion (APOD)  | <input type="checkbox"/> Substitution (SUB)                       |
| <input type="checkbox"/> Surface Water POD to Ground Water<br>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 # 37916**

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	
																									POD #6	1901	
													APOD		1	S	21	E	3	SW	NW	600		0.4	Irrigation	All 3	1967
													APOD					4	NE	NE	600	1	0.6	Irrigation	All 3	1967	
													APOD					4	NW	NE	600, 301	2	5.7	Irrigation	All 3	1967	
													APOD					4	SW	NE	600, 301		0.6	Irrigation	All 3	1967	
													APOD					4	SE	NE	600, 301		11.0	Irrigation	All 3	1967	
TOTAL ACRES:												TOTAL ACRES:											18.3				

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

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

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

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



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

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

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

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

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

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

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

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

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

**AND/OR**

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

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

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

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

# Application for Water Right Transfer

## Evidence of Use Affidavit



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

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

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 OWRD OWRD

State of Oregon )  
 ) ss  
 County of GILLIAM)

I, ROBERT M WEATHERFORD, in my capacity as RANCH OWNER

mailing address WEATHERFORD.RANCHES@GMAIL.COM

telephone number (503)505.0080, being first duly sworn depose and say:

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

- Personal observation                       Professional expertise

2. I attest that:

Water was used during the previous five years on the entire place of use for Certificate # 37916 SEE ATTACHED; **OR**

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

Certificate #	Township	Range	Mer	Sec	¼ ¼	Gov't Lot or DLC	Acres (if applicable)

OR

- Confirming Certificate # \_\_\_\_\_ has been issued within the past five years; **OR**
- Part or all of the water right was leased instream at some time within the last five years. The instream lease number is: \_\_\_\_\_ (Note: If the entire right proposed for transfer was not leased, additional evidence of use is needed for the portion not leased instream.); **OR**
- The water right is not subject to forfeiture and documentation that a presumption of forfeiture for non-use would be rebutted under ORS 540.610(2) is attached.
- 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.): pasture

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

[Signature]  
Signature of Affiant

2-12-2024  
Date

Signed and sworn to (or affirmed) before me this 12th day of February 2024.



Sheri Leigh Terp  
Notary Public for Oregon

My Commission Expires: March 23, 2026

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

WEATHERFORD RANCHES LLC.

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The field covered by Certificate #37916 recently came out of CRP, e.g. covered by ORS 540.610(2)(e). There is no power at the POD for Certificate #37916 thus requiring the field to be flood irrigated. In the spring of 2023, the field was irrigated from the designated POD using a flood pump driven by a 4630 JD Deere Tractor PTO feeding 6" main feeding 6" gated mainline. The field as then pastured. Pictures of the pump, tractor, and gated pipe are attached. Approval of this application will allow us to connect this field to the ranch surface water irrigation system.

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PHYSICAL: 68609 HWY 19, ARLINGTON, OR 97812  
MAILING: P.O.BOX 2, ARLINGTON, OR 97812  
PHONE: (541) 454-2687  
MOBILE: (503) 505-0080

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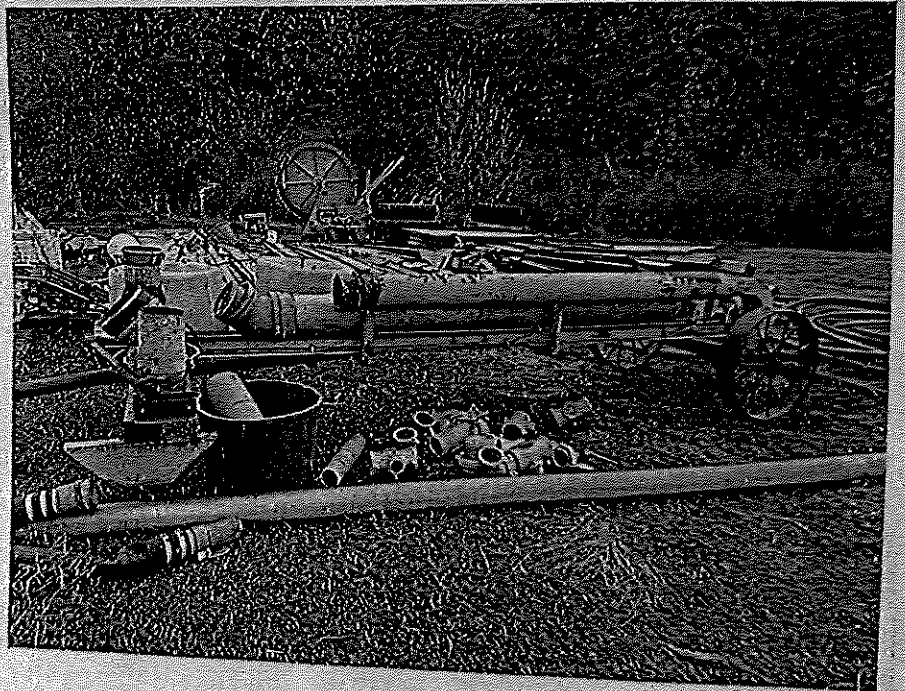
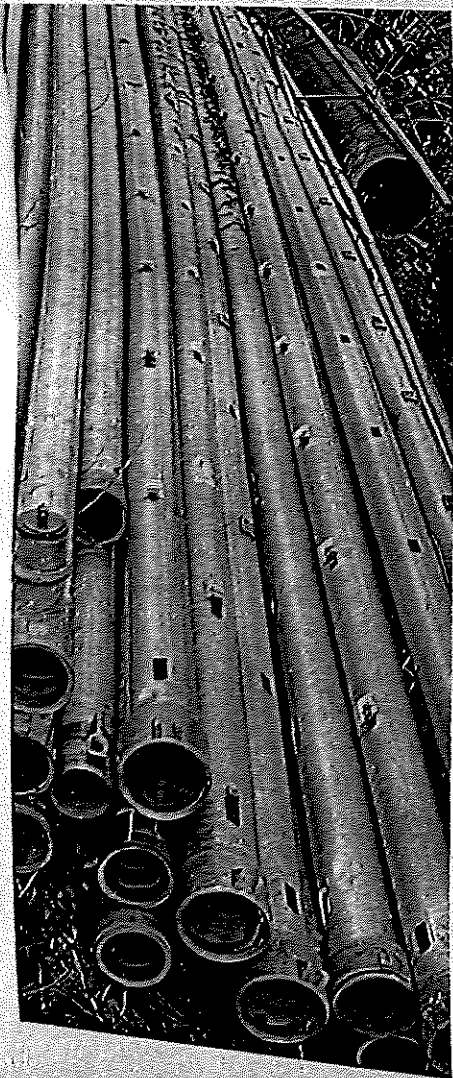
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# Land Use Information Form



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

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Applicant(s): James Earl Weatherford Living Trust

Mailing Address: 16050 N Idaho Center Blvd.

City: Nampa

State: Idaho

Zip Code: 83687

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

## 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:
<u>1 N</u>	<u>21 E</u>	<u>33</u>	<u>SW 1/4</u>	<u>2601</u>	_____	<input checked="" type="checkbox"/> Diverted <input checked="" type="checkbox"/> Conveyed <input type="checkbox"/> Used	<u>IRRIGATION</u>
<u>1 N</u>	<u>21 E</u>	<u>33</u>	<u>SE 1/4</u>	<u>2601</u>	_____	<input checked="" type="checkbox"/> Diverted <input checked="" type="checkbox"/> Conveyed <input type="checkbox"/> Used	<u>IRRIGATION</u>
<u>1 S</u>	<u>21 E</u>	<u>4</u>	<u>NE ¼</u>	<u>600 &amp; 301</u>	_____	<input checked="" type="checkbox"/> Diverted <input checked="" type="checkbox"/> Conveyed <input checked="" type="checkbox"/> Used	<u>IRRIGATION</u>
<u>1 S</u>	<u>21 E</u>	<u>3</u>	<u>NW ¼</u>	<u>600 &amp; 301</u>	_____	<input type="checkbox"/> Diverted <input checked="" type="checkbox"/> Conveyed <input checked="" type="checkbox"/> Used	<u>IRRIGATION</u>

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

Gilliam County

## B. Description of Proposed Use

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

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

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

Estimated quantity of water needed: 0.45  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:

We wish to add two existing point of diversion on Rock Creek to this water right Certificate 37916 to make our irrigation system more efficient.

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

See bottom of Page 3. →

# For Local Government Use Only

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

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

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

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

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

**Gilliam County Comprehensive Plan Goal 3: To preserve and maintain agricultural lands; Goal 6: To maintain and improve the quality of the air, water and land resources of the state.**  
**RE: James Earl Weatherford Living Trust RE: 1N 21E Section 33 tax lot 2601 and 1S 21E Sections 3 and 4 tax lots 600 & 301 Irrigation**

Name: Michelle L. Colby Title: Planning Director

Signature: *Michelle L. Colby* Phone: 541-351-9517 Date: February 12, 2024

Government Entity: Gilliam County Planning Department

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



**Receipt for Request for Land Use Information**

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

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

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

STATE OF OREGON  
COUNTY OF GILLIAM  
CERTIFICATE OF WATER RIGHT

RECEIVED  
FEB 16 2024

OWRD

Received  
APR 19 2024

OWRD

This Is to Certify, That HERMAN and CAROLINE STEINKE TRUST  
o/o Steinke Bros. , State of Oregon , has made proof  
of Star Route, Arlington , State of Oregon , has made proof  
to the satisfaction of the STATE ENGINEER of Oregon, of a right to the use of the waters of  
Rook Creek

a tributary of John Day River for the purpose of  
irrigation of 18.3 acres

under Permit No. 32494 of the State Engineer, and that said right to the use of said waters  
has been perfected in accordance with the laws of Oregon; that the priority of the right hereby  
confirmed dates from February 24, 1967

that the amount of water to which such right is entitled and hereby confirmed, for the purposes  
aforesaid, is limited to an amount actually beneficially used for said purposes, and shall not exceed  
0.45 cubic foot per second

or its equivalent in case of rotation, measured at the point of diversion from the stream.  
The point of diversion is located in the SE $\frac{1}{4}$  NE $\frac{1}{4}$ , Section 4, T. 1 S., R. 21 E., W. M.  
Diversion point located: 1440 feet South and 1480 feet West from SW Corner,  
Section 34, T. 1 N., R. 21 E., W. M.

The amount of water used for irrigation, together with the amount secured under any other  
right existing for the same lands, shall be limited to one-fortieth of one cubic foot per second  
per acre, or its equivalent for each acre irrigated and shall be further limited  
to a diversion of not to exceed 4 acre feet per acre for each acre irrigated  
during the irrigation season of each year,

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

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

- 0.4 acre SW $\frac{1}{4}$  NW $\frac{1}{4}$   
Section 3
- 0.6 acre NE $\frac{1}{4}$  NE $\frac{1}{4}$
- 5.7 acres NW $\frac{1}{4}$  NE $\frac{1}{4}$
- 0.6 acre SW $\frac{1}{4}$  NE $\frac{1}{4}$
- 11.0 acres SE $\frac{1}{4}$  NE $\frac{1}{4}$   
Section 4  
T. 1 S., R. 21 E., W. M.

The right to the use of the water for the purposes aforesaid is restricted to the lands or place of  
use herein described.

WITNESS the signature of the State Engineer, affixed

this date. December 29, 1971

CHRIS L. WHEELER  
State Engineer

Recorded in State Record of Water Right Certificates, Volume 29 , page 37916

P-32494 6  
37916

T.1N.&S.R.21E.W.M.

RECEIVED

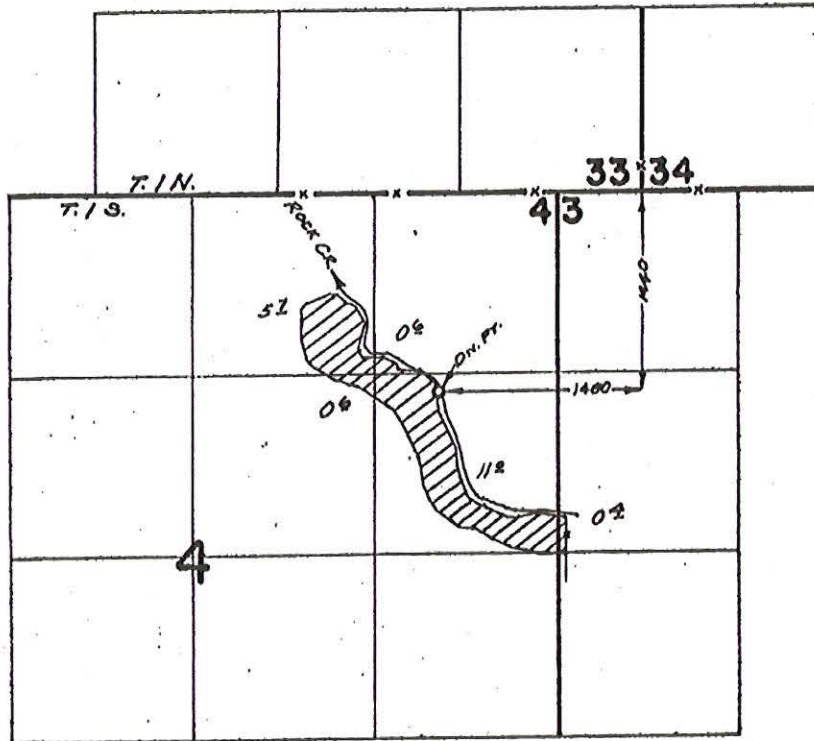
FEB 16 2024

OWRD

Received

APR 19 2024

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FINAL PROOF SURVEY

UNDER

Application No. 43307...Permit No. 32494

IN NAME OF

HERMAN & CAROLINE STEINKE TRUST

Surveyed Oct. 28, 1970., by R. MUCKEN

1970-N

STATE OF OREGON  
COUNTY OF GILLIAM

RECEIVED

FEB 16 2024

Received

APR 19 2024

CERTIFICATE OF WATER RIGHT

OWRD

OWRD

This Is to Certify, That FRANK M. WEATHERFORD

of Arlington, State of Oregon, has made proof to the satisfaction of the STATE ENGINEER of Oregon, of a right to the use of the waters of Rock Creek

a tributary of John Day River for the purpose of irrigation of 120.2 acres

under Permit No. 21310 of the State Engineer, and that said right to the use of said waters has been perfected in accordance with the laws of Oregon; that the priority of the right hereby confirmed dates from September 20, 1951

that the amount of water to which such right is entitled and hereby confirmed, for the purposes aforesaid, is limited to an amount actually beneficially used for said purposes, and shall not exceed 1.5 cubic feet per second

or its equivalent in case of rotation, measured at the point of diversion from the stream: The point of diversion is located in the SE $\frac{1}{4}$  NE $\frac{1}{4}$ , NE $\frac{1}{4}$  SE $\frac{1}{4}$ , Section 32; NW $\frac{1}{4}$  SW $\frac{1}{4}$ , SW $\frac{1}{4}$  SW $\frac{1}{4}$ , SW $\frac{1}{4}$  SE $\frac{1}{4}$ , Section 33, T. 1 N., R. 21 E., W. M.

The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands, shall be limited to one-fourtieth of one cubic foot per second per acre, or its equivalent for each acre irrigated and shall be further limited to a diversion of not to exceed  $\frac{1}{4}$  acre feet per acre for each acre irrigated during the irrigation season of each year,

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

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

8.0 acres SE $\frac{1}{4}$  NE $\frac{1}{4}$   
26.4 acres NE $\frac{1}{4}$  SE $\frac{1}{4}$   
1.8 acres NW $\frac{1}{4}$  SE $\frac{1}{4}$   
15.4 acres SE $\frac{1}{4}$  SE $\frac{1}{4}$   
Section 32  
6.4 acres NE $\frac{1}{4}$  SW $\frac{1}{4}$   
5.8 acres NW $\frac{1}{4}$  SW $\frac{1}{4}$   
21.0 acres SW $\frac{1}{4}$  SW $\frac{1}{4}$   
20.6 acres SE $\frac{1}{4}$  SW $\frac{1}{4}$   
12.4 acres SW $\frac{1}{4}$  SE $\frac{1}{4}$   
Section 33  
T. 1 N., R. 21 E., W. M.  
2.4 acres NW $\frac{1}{4}$  NE $\frac{1}{4}$   
Section 4  
T. 1 S., R. 21 E., W. M.

The right to the use of the water for the purposes aforesaid is restricted to the lands or place of use herein described.

WITNESS the signature of the State Engineer, affixed

this date, AUGUST 24 1962.

CHRIS L. WHEELER

State Engineer

Recorded in State Record of Water Right Certificates, Volume 22, page 29965

14443 -

# T.IN.&S.R.21E.W.M.

RECEIVED

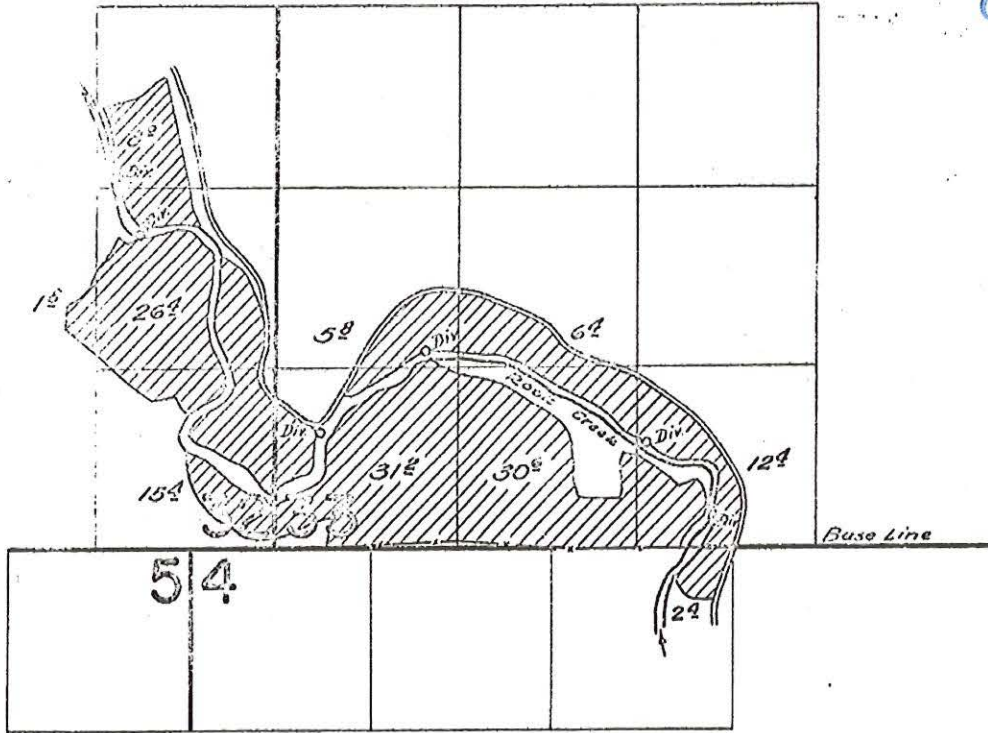
FEB 16 2024

OWRD

Received

APR 19 2024

OWRD



## FINAL PROOF SURVEY UNDER

Application No. 26470. Permit No. 21310...  
IN NAME OF

FRANK M. WEATHERFORD

Surveyed Oct. 14, 1961, by C.O. Bausch

AAF-66-1441961-5

# Permanent Transfer Application Intake Completion Checklist

Check the Certificate(s) in WRIS

Transfer # T- 14443

Checked by: <u>Joan</u>	Type of Change(s) Proposed: <i>Mark the Proposed Changes</i>	Substitution	Supplemental to Primary	POU	POD	APOD
Date: <u>4/22/24</u>		Gov Action	Surface to Ground	USE	POA	APOA
Fee Received: <u>\$1860.00</u>		How many rights to be Transferred?				
Calculated Fee:		Certificate # <u>37916</u>				
Additional Observations: <u>I sent this application back due to date on check and missing evidence of use. The new received date is 4-19-24</u>						

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

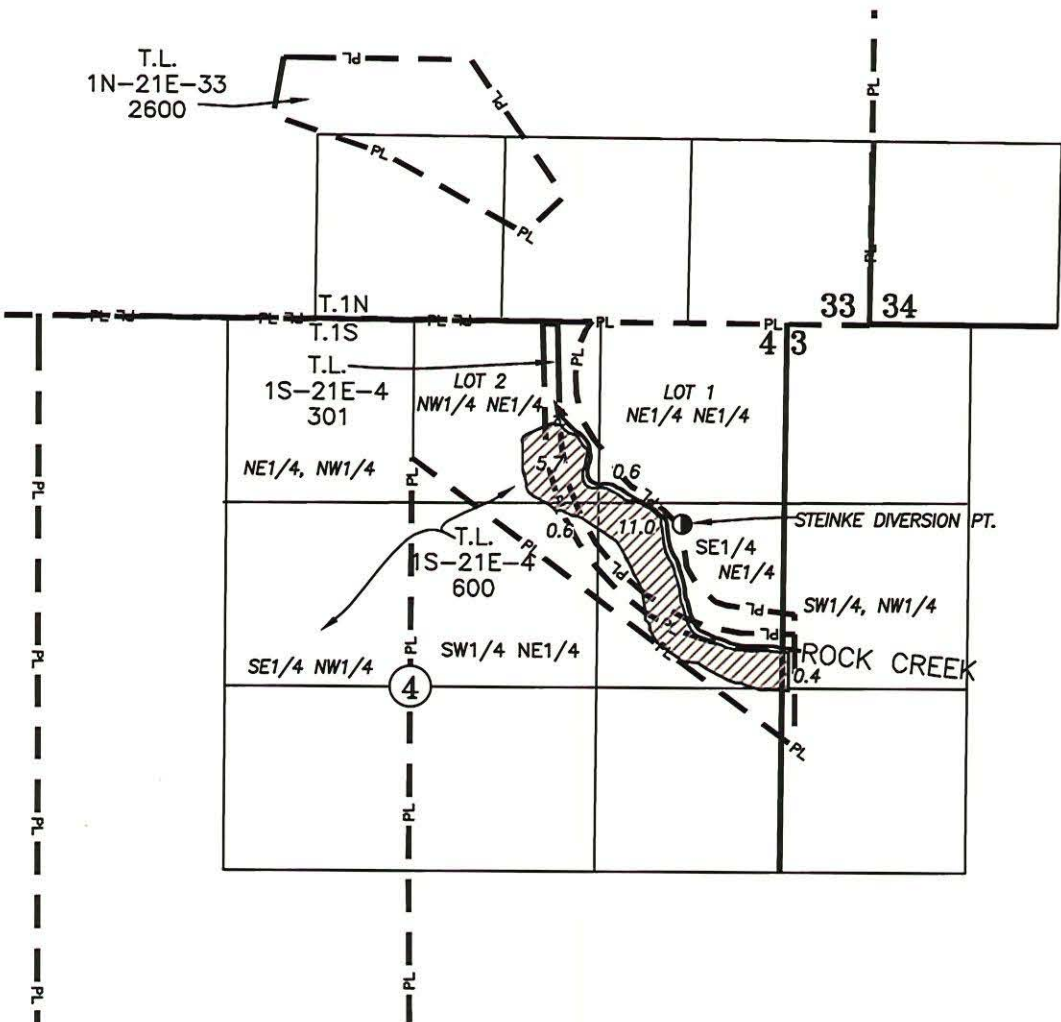
1. Is applicant information complete? Have all applicants listed at the top of the page signed at the bottom? If no, what is missing? Whose signature is missing? \_\_\_\_\_
  2. Does applicant indicate the place of use is in or near an irrigation district? Is a Form D included?  N/A. Name of the district: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

Actions taken: None

Date: 4/22/24






SECTION 4, TWP.1 S. RANGE 21 E. W.M.  
GILLIAM COUNTY, OREGON



Received  
APR 19 2024  
OWRD

STEINKE DIVERSION POINT: 1440' S & 1480' W FROM SW COR. SEC. 33

**LEGEND :**

- ④ STEINKE DIVERSION POINT
-  APPLICATION AREA
-  STREAM/DITCH WITH DIRECTIONAL FLOW
-  TAX LOT BOUNDARY

**NOTE:**

"THIS MAP PREPARED USING THE OWRD FINAL PROOF SURVEY MAP FOR CERTIFICATE OF WATER RIGHT 37916 (APPLICATION S-43307)

**TRANSFER APPLICATION MAP**

RECEIVED  
FEB 16 2024  
OWRD

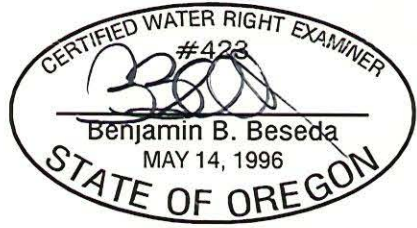
SCALE: 1" = 1320'



TRANSFER No. \_\_\_\_\_

IN THE NAME OF:  
JAMES EARL WEATHERFORD LIVING-TRUST

DATE: NOVEMBER 09, 2023



EXPIRES: 12/31/2023

BY: **TENNESON ENGINEERING CORP.**  
3775 CRATES WAY  
THE DALLES, OREGON. 97058  
PH. 541-296-9177  
FAX 541-296-6657



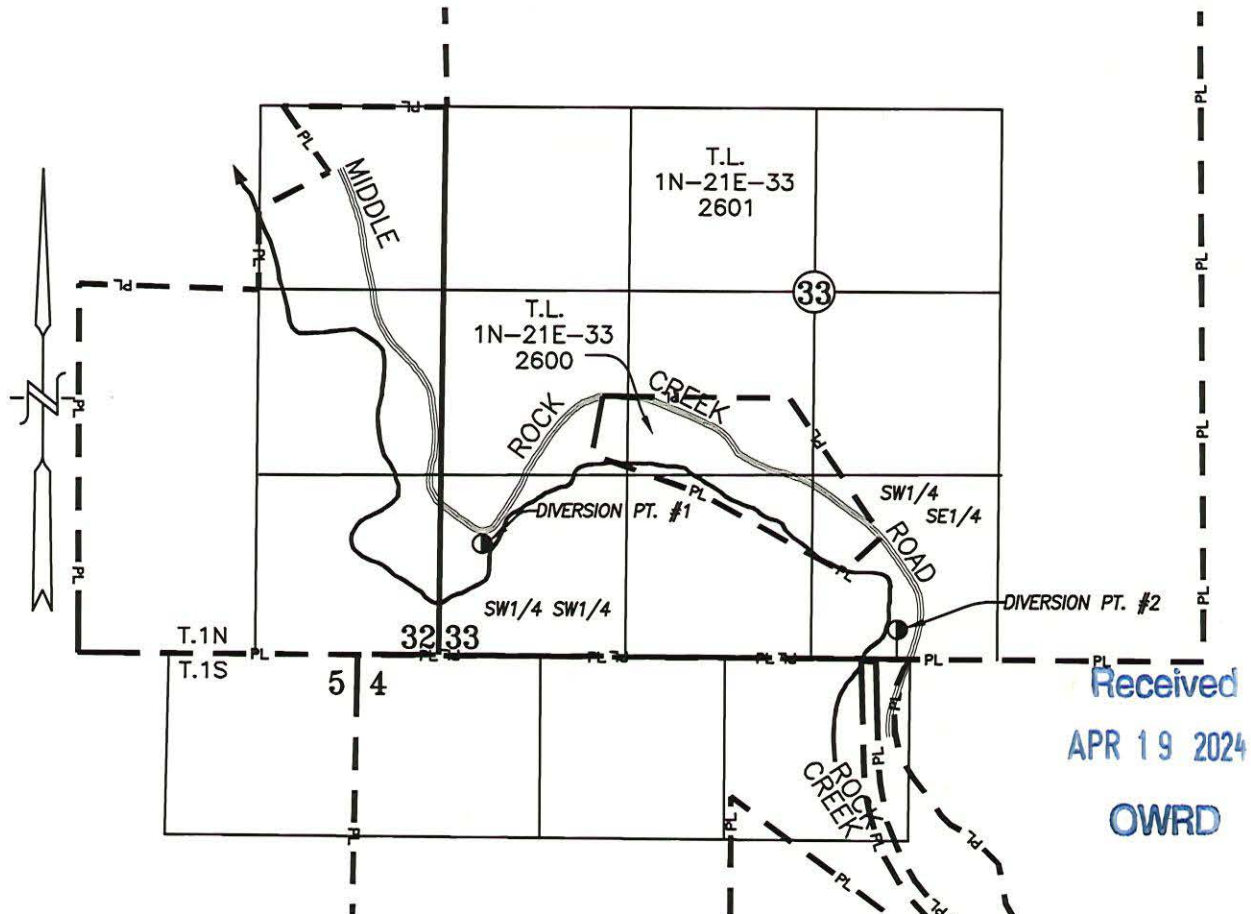
**NOTE:**

"THIS MAP IS NOT INTENDED TO PROVIDE LEGAL DIMENSIONS OR LOCATIONS OF PROPERTY OWNERSHIP LINES."

MAP 3 OF 4  
W.O. #16292wr

W.O. #10548

SECTION 33, TWP.1 N. RANGE 21 E. W.M.  
GILLIAM COUNTY, OREGON



ADDITIONAL DIVERSION PT. #1 LOCATED: 800' N & 302' E FROM SW COR. SEC. 33  
ADDITIONAL DIVERSION PT. #2 LOCATED: 210' N & 3270' E FROM SW COR. SEC. 33

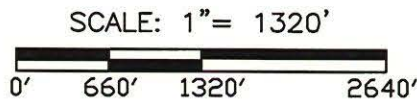
**LEGEND :**

- DIVERSION POINT
- PL— TAX LOT BOUNDARY

**NOTE:**

"THIS MAP PREPARED USING THE OWRD FINAL PROOF SURVEY MAP FOR CERTIFICATE OF WATER RIGHT 29965 (APPLICATION S-26470)

**TRANSFER APPLICATION MAP**



RECEIVED

FEB 16 2024

OWRD

TRANSFER No. \_\_\_\_\_

IN THE NAME OF:  
JAMES EARL WEATHERFORD LIVING-TRUST

DATE: NOVEMBER 09, 2023



EXPIRES: 12/31/2023

BY: **TENNESON ENGINEERING CORP.**  
3775 CRATES WAY  
THE DALLES, OREGON. 97058  
PH. 541-296-9177  
FAX 541-296-6657



**NOTE:**

"THIS MAP IS NOT INTENDED TO PROVIDE LEGAL DIMENSIONS OR LOCATIONS OF PROPERTY OWNERSHIP LINES."

MAP 4 OF 4  
W.O. #16292wr

W.O. #10548