

Regular

Name Kurt Melville

Address 1302 Sagewood St.

Enterprise, OR 97828

Cornerstonefarms.km@gmail.com

Change in POU, POD

Date Filed 2/15/2024

Initial notice date 2/27/2024

DPD issued date _____

PD issued date 10/14/2025

PD notice date 10/14/2025

Date of FO 11/6/2025 Withdraw Vol 138 Page 19

C-Date _____

COBU due date _____

COBU Received date _____

Certificate issued _____

DESCRIPTION OF WATER RIGHT(S)

Name of Stream Prairie Creek

Trib. of Wallowa River

Use Irrigation, Livestock County Wallowa

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

Name of ditch _____

App# Decree Per # Wallowa River Cert # 2993 PR Date 12-31-1889

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

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

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

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

FEES PAID		
Date	Amount	Receipt #
<u>2-15-2024</u>	<u>\$125.⁰⁰</u>	<u>142419</u>
<u>2-15-2024</u>	<u>\$2,450.⁰⁰</u>	<u>142420</u>

FEES REFUNDED		
Date	Amount	Receipt #

Assignments: _____

Irrigation District _____

Agent _____

CWRE _____

CC's list Wallowa County Planning Dept.

City of Enterprise

- Oversized map - Location _____



Oregon

Tina Kotek, Governor

Water Resources Department

North Mall Office Building

725 Summer St NE, Suite A

Salem, OR 97301

Phone 503 986-0900

Fax 503 986-0904

November 6, 2025

Kurt Melville
1302 Sagewood St.
Enterprise, OR 97828

ORDER ON WITHDRAWN APPLICATION

Reference: Transfer Application T-14409

The above referenced transfer application was withdrawn from the record of the Water Resources Department on November 6, 2025, by Special Order Volume 138, Page 19 (copy enclosed).

The transfer application is no further force or effect.

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

Sincerely,

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

cc: Shad L. Hattan, Watermaster Dist. # 6 (via email)
Wallowa County Planning, Local Government
City of Enterprise, Local Government

Enclosure

WATER RIGHT TRANSFER COVER SHEET

Transfer: T-14409

Transfer Specialist: *Scott*

Transfer Type: Regular Transfer

Reimbursement Authority?

Applicant: Kurt Melville 1302 Sagewood St. Enterprise, OR 97828	Agent:	Receiving Landowner:
Current Landowner if other than Applicant:	CWRE:	Irrigation District:
Affected Local Gov'ts: Wallowa County Planning	Affected Tribal Gov't:	BOR Notified (date):

Water Rights Affected

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

Key Dates & Initial Actions (Support Staff)

Rec'd: February 15, 2024	Proposed Action(s): POINT OF DIVERSION; PLACE OF USE	
Fees Pd: 2450.00	Acknowledgement Letter Sent <input checked="" type="checkbox"/>	Basin: 8 Grande Ronde
Initial Public Notice: 2/27/2024	County sent cc: of Ack Letter <input type="checkbox"/>	County: WALLOWA
WM District: 6 Shad L. Hattan	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: *Wallowa County Chieftan*

Document	Drafted	Peer Review	Coordinator	Changes Made	Signature Bin	Signature Date
DPD	Date: <i>8/6/25</i> Initials: <i>Scott</i>	Date: <i>8/7/25</i> Initials: <i>Joan</i>	Date: <i>8/18/25</i> Initials: <i>Sorey</i>	Date: <i>8/19/25</i> Initials: <i>Scott</i>	CW Sent: <i>8/21/25</i> WM Sheet <input type="checkbox"/> ODFW Sheet: <input checked="" type="checkbox"/>	N/A
PD	Date: <i>10/7/25</i> Initials: <i>Scott</i>	Date: <i>10/8/25</i> Initials: <i>Joan</i>	Date: <i>10/9/25</i> Initials: <i>Sorey</i>	Date: <i>10/9/25</i> Initials: <i>Scott</i> Data Review Date: <i>N/A</i>	Date: <i>10/9/25</i>	Date: <i>10/14/2025</i>
FO	Date: <i>10/16/25</i> Initials: <i>Scott</i>	Date: <i>10/20/25</i> Initials: <i>Joan</i>	Date: <i>10/24/25</i> Initials: <i>KERRI</i>	Date: _____ Initials: _____	Date: _____ No. of docs for sig: _____	Date: <i>11/6/2025</i>

Special Issues: *DEMY*

10/27/25 Withdraw

Special Order Volume: Vol. *10/27/25* Pages *10/29/25*
Scott *Joan*

USTG

GREW Scott A * WRD

From: Kurt Melville <cornerstonefarms.km@gmail.com>
Sent: Monday, October 27, 2025 3:47 PM
To: GREW Scott A * WRD
Subject: Re: Water rights transfer application T-14409

Scott,

I think the best thing to do is to withdraw the current application and resubmit it. Is there something formal I need to do to accomplish the withdrawal?

Thanks, Kurt

On Fri, Oct 17, 2025, 4:25 PM Kurt Melville <cornerstonefarms.km@gmail.com> wrote:
Scott,

My apologies for forgetting about your last email. I received it, and even contacted David Bates to try to come up with a plan since I didn't really understand the first email. We were in the middle of grain and hay harvest and David had a surgery that took him out of the office, and somehow it all got forgotten. Which looks like it is going to cost me. I also left you a voice mail, since I'm not very good with emails. But in short, I need to figure out how to protest the determination and submit the appropriate paperwork. Both should be fairly simple as David and I discussed today. I submitted imagery from 2016 because I thought it needed to go back to when it was in use prior to the two temporary transfers that moved the water to where I now want to do a permanent transfer. I guess I should have also shown how it was being used during the temporary transfers. As for the map identifying distances for the point of diversion, David can easily help me with that.

If I read the letter correctly, do I submit the correct paperwork, along with a check for \$720? Or is there more involved than that?

Again, my apologies. Now I just have to get over being disgusted with myself for forgetting to get this cleared up earlier.

My phone number is 541 398 0166 if that is easier.

Thanks, Kurt

GREW Scott A * WRD

From: GREW Scott A * WRD
Sent: Monday, October 27, 2025 4:42 PM
To: Kurt Melville
Cc: GREW Scott A * WRD
Subject: RE: Water rights transfer application T-14409

Hello Kurt,

Your e-mail is sufficient. I will prepare the withdrawal order.

Thank you for your message.

Scott

Scott Grew
Transfer Specialist
Oregon Water Resources Department
503-986-0890

From: Kurt Melville <cornerstonefarms.km@gmail.com>
Sent: Monday, October 27, 2025 3:47 PM
To: GREW Scott A * WRD <scott.a.grew@water.oregon.gov>
Subject: Re: Water rights transfer application T-14409

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Again, my apologies. Now I just have to get over being disgusted with myself for forgetting to get this cleared up earlier.

My phone number is 541 398 0166 if that is easier.

Thanks, Kurt

GREW Scott A * WRD

From: Kurt Melville <cornerstonefarms.km@gmail.com>
Sent: Monday, October 20, 2025 1:23 PM
To: GREW Scott A * WRD
Cc: BATES David D * WRD
Subject: Re: Water rights transfer application T-14409

Scott,

Thank you for getting back to me. It sounds like my best option is too resubmit my application. Let me visit with David Bates and go over what I am missing and then I'll make a final decision. Hopefully sooner than i did last time... It's always frustrating to make mistakes like this. But after farming for 35 years, it isn't my first mistake.

Kurt

On Mon, Oct 20, 2025, 10:59 AM GREW Scott A * WRD <scott.a.grew@water.oregon.gov> wrote:

Hello Kurt,

Thank you for your voicemail and e-mail message. I hope your harvest went well.

At this point in the process, you can do one of two things.

1. You can request to withdraw your application to stop the process. You could then resubmit a complete application with new fees to start the process over again. The findings were favorable for the first application so that appears favorable for a resubmittal.
2. You could protest the findings, but note that it is a separate process outside of my purview. How that is handled takes your application from my caseload. The potential issue with that is that there is a backlog with protests and could potentially be awhile before that can be addressed. I don't really know as that is a separate process and outside of my purview.

The Protest Coordinator is Will Davidson and can be reached at 503-507-2749.



Oregon

Tina Kotek, Governor

Water Resources Department

North Mall Office Building

725 Summer St NE, Suite A

Salem, OR 97301

Phone 503 986-0900

Fax 503 986-0904

www.oregon.gov/owrd

October 14, 2025

VIA CERTIFIED MAIL AND E-MAIL

KURT MELVILLE
1302 SAGEWOOD STREET
ENTERPRISE, OR 97828

SUBJECT: Water Right Transfer Application T-14409

Please find enclosed the Preliminary Determination indicating that, based on the information available, the Department intends to deny application T-14409. This document is an intermediate step in the denial process; water may not be used legally as proposed in the transfer application until a Final Order approving the transfer has been issued by the Department. Please read this entire letter carefully to determine your responsibility for additional action.

A public notice is being published in the Department's weekly publication, simultaneously with issuance of the Preliminary Determination. The notice initiates a period in which any person may file either a protest opposing the decision proposed by the Department in the Preliminary Determination or a standing statement supporting the Department's decision. The protest period will end 30 days after the Department's notice.

If no protest is filed, the Department will issue a Final Order consistent with the Preliminary Determination. You should receive a copy of the Final Order about 30 days after the close of the protest period.

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

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

Sincerely,

Scott Grew

Transfer Specialist
Transfer and Conservation Section

cc: Transfer Application file T-14409
David Bates, District Watermaster (via e-mail)

encs

U.S. Postal Service™ CERTIFIED MAIL® RECEIPT Domestic Mail Only	
For delivery information, visit our website at www.usps.com ®.	
OFFICIAL USE	
Certified Mail Fee \$ _____ Extra Services & Fees (check box, add fee as appropriate) <input type="checkbox"/> Return Receipt (hardcopy) \$ _____ <input type="checkbox"/> Return Receipt (electronic) \$ _____ <input type="checkbox"/> Certified Mail Restricted Delivery \$ _____ <input type="checkbox"/> Adult Signature Required \$ _____ <input type="checkbox"/> Adult Signature Restricted Delivery \$ _____ Postage \$ _____ Total Postage and Fees \$ _____	Postmark Here T-14409
Sent To Street and Apt. No., or PO Box No. _____ City, State, ZIP+4® _____	
PS Form 3800, January 2023 PSN 7530-02-000-9047 See Reverse for Instructions	

9589 0710 5270 2376 3740 10

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

In the Matter of Transfer Application)	PRELIMINARY DETERMINATION
T-14409, Wallowa County)	PROPOSING DENIAL OF A CHANGE IN
)	POINT OF DIVERSION AND A CHANGE IN
)	PLACE OF USE

Authority

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

Applicant

KURT MELVILLE
1302 SAGEWOOD STREET
ENTERPRISE, OR 97828

Findings of Fact

1. On February 15, 2024, Kurt Melville filed an application to change the point of diversion and to change the place of use under Certificate 2993. The Department assigned the application number T-14409.
2. Notice of the application for transfer was published on February 27, 2024, pursuant to OAR 690-380-4000. No comments were filed in response to the notice.
3. The map submitted with Transfer Application T-14409 does not identify points of diversion with measured distances from a recognized survey corner, as is required by OAR 690-380-3100(1)(h).
4. Imagery submitted with the Evidence of Use Affidavit was from July 13, 2016. The imagery needs to be within the period of five years prior to the submittal date of February 15, 2024, pursuant to OAR 690-380-3000(12).

Pursuant to OAR 690-380-4030, any person may file a protest or standing statement within 30 days after the last date of publication of the newspaper notice or the Department's weekly notice as prescribed by OAR 690-380-4020, whichever is later, of this preliminary determination.

5. On August 21, 2025, the Department sent a copy of the draft Preliminary Determination to the applicant, proposing to deny Transfer Application T-14409. The draft Preliminary Determination cover letter provided a deadline of September 20, 2025, for the applicant to respond and submit the required information. The applicant did not respond by the deadline.
6. The portion of the right to be transferred is as follows:

Certificate: 2993 in the name of GEO. S. CRAIG (confirmed by Wallowa River decree)
Use: IRRIGATION of 4.0 ACRES
Priority Date: 1895 FOR TRACT NO. 1
Limit/Duty: 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 ONE-EIGHTIETH of one cubic foot per second per acre; and said right shall be subject to all other conditions and limitations contained in said decree.
Source: PRAIRIE CREEK, a tributary of the WALLOWA RIVER

Authorized Point of Diversion:

Twp	Rng	Mer	Sec	Q-Q
NOT DESCRIBED IN CERTIFICATE				

Authorized Place of Use:

IRRIGATION						
Twp	Rng	Mer	Sec	Q-Q	Glots	Acres
2 S	44 E	WM	1	NE SE	9	0.8
2 S	44 E	WM	1	NW SE	10	3.2
					Total	4.0

7. The Department received information from the applicant that describes the location of the authorized point of diversion for Certificate 2993 as follows:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
2 S	44 E	WM	1	SE SE	DITCH - APPROXIMATELY 350 FEET NORTH FROM THE SOUTHEAST CORNER OF SECTION 1

8. Transfer Application T-14409 proposes to move the authorized point of diversion approximately 0.5 miles downstream to:

Twp	Rng	Mer	Sec	Q-Q	GLot	Measured Distances
2 S	44 E	WM	1	NW SE	10	PUMP - 2060 FEET NORTH AND 1890 FEET WEST FROM THE SE CORNER OF SECTION 1

9. Transfer Application T-14409 proposes to change the place of use of the right to:

IRRIGATION						
Twp	Rng	Mer	Sec	Q-Q	GLot	Acres
2 S	44 E	WM	1	SW NE	7	1.6
2 S	44 E	WM	1	SE NW	6	2.4
					Total	4.0

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

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

11. The evidence of use submitted with the application does not indicate that water was used within the last five years according to the terms and conditions of the right.
12. 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-14409.
13. The water right is subject to transfer as defined in ORS 540.505(4) and OAR 690-380-0100(14).
14. The proposed point of diversion diverts water from the same source of surface water as the authorized point of diversion, as required by OAR 690-380-2110(2).
15. The proposed changes would not result in enlargement of the right.
16. The proposed changes would not result in injury to other existing water rights.
17. The application is incomplete because the map submitted was missing points of diversion with measured distances and the evidence of use was deficient. Therefore, all other application requirements are not met.

Determination and Proposed Action

The change in point of diversion and change in place of use proposed in Transfer Application T-14409 appears to be not 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 denied.

If the issues identified above are resolved and Transfer Application T-14409 is approved, the final order will include the following:

1. *The change in point of diversion and change in place of use proposed in Transfer Application T-14409 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 2993 and any related decree.*

3. *Approval of this transfer application does not constitute nor grant legal access onto or through another person's property for purposes of accessing the new point of diversion and the new place of use.*
4. *Water right Certificate 2993 is cancelled. A new certificate will be issued describing that portion of the right not affected by this transfer.*
5. *The quantity of water diverted at the new point of diversion (Pump) shall not exceed the quantity of water lawfully available at the original point of diversion (Ditch).*
6. *Water shall be acquired from the same source of surface water as the original point of diversion.*
7. *The former place of use of the transferred right shall no longer receive water under the right.*
8. *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.

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 changes 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 **OCT 14 2025**


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

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

Protests

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

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

- The person's name, address, and telephone number;
- All reasonably ascertainable issues and all reasonably available arguments supporting the person's position by the close of the protest period. Failure to raise a reasonably ascertainable issue in a protest or failure to provide sufficient specificity to afford the Department an opportunity to respond to the issue may preclude consideration of the issue during the hearing;
- If you are the applicant, a protest fee of \$720 required by ORS 536.050; and
- If you are not the applicant, a protest fee of \$1425 required by ORS 536.050 and proof of service of the protest upon the applicant.

Requests for Standing

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

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

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

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

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

If after hearing the Department issues a proposed Final Order finding that a change in point of diversion or appropriation will result in injury, the applicant may file a notification of intent to pursue approval of the transfer under OAR 690-380-5030 to 690-380-5050 within 15 days of receipt of the proposed order. Notwithstanding 690-002-0175, if the applicant files a notification of intent to pursue approval of the transfer under 690-380-5030 to 690-380-5050, the deadline for filing exceptions to the proposed order shall be 30 days after the Department provides notice to the parties that the transfer does not meet the requirements of 690-380-5030 to 690-380-5050.

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

You may be represented by an attorney at the hearing. Legal aid organizations may be able to assist a party with limited financial resources. Generally, partnerships, corporations, associations, governmental subdivisions, or public or private organizations are represented by an attorney. However, consistent with OAR 690-002-0020 and OAR 690-137-0555, an agency representative may represent partnerships, corporations, associations, governmental subdivisions or public, or private organizations if the Department determines that appearance

of a person by an authorized representative will not hinder the orderly and timely development of the record in this case.

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

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

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

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



Oregon

Tina Kotek, Governor

Water Resources Department

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

August 21, 2025

VIA E-MAIL

KURT MELVILLE
1302 SAGEWOOD STREET
ENTERPRISE, OR 97828

SUBJECT: Water Right Transfer Application T-14409

Please find enclosed a draft of our Preliminary Determination regarding Transfer Application T-14409. The document reflects the Department's conclusion that, based on the information currently available, the transfer will be **DENIED**. This draft is intended to provide you with an opportunity to comment on our findings and conclusions should you wish to do so and to withdraw or modify your application to resolve the issues that are prompting our decision to deny the application.

The draft Preliminary Determination proposes to deny the transfer because:

- The map submitted with Transfer Application T-14409 does not identify points of diversion with measured distances from a recognized survey corner or the delivery system to the proposed place of use.
- Imagery submitted with the Evidence of Use Affidavit was from July 13, 2016. The imagery needs to be within the period of five years prior to the submittal of Transfer Application T-14409 on February 15, 2024.

The issues that we have identified could be resolved by one of the following alternatives:

- Submit a new map that identifies the points of diversion with measured distances from a recognized survey corner including the delivery system to the proposed place of use.
- Submit new Evidence of Use within the period of five years prior to the submittal of application.

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

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

1. **Provide a written response by September 20, 2025, that describes how you will overcome the issues identified above and submit modifications or additional information as needed, or that indicates you wish to protest a Preliminary Determination to deny the transfer.**

2. **REQUIRED:** You must submit a **Report of Ownership** for the lands where the water right(s) is/are currently located (i.e., the FROM lands). This report:
 - a) Must be prepared by a title company;
 - b) Shall include a “prepared by” statement and the date the title company prepared the report printed on the cover sheet;
 - c) Must:
 - i. Be prepared no earlier than 3 months prior to the date of issuance of the Draft Preliminary Determination showing current ownership; **OR**
 - ii. Be prepared within 3 months of the date the water right conveyance agreement was recorded; **OR**
 - iii. Show ownership for the FROM land at the time a water right conveyance agreement was recorded.
If water right conveyance agreements are involved, it is helpful to provide copies of those agreements along with the Report of Ownership.
 - d) Must include a list of owners at the time the report was generated; **AND**
 - e) Must include a legal description of the property where the water right to be transferred is currently located (i.e., the FROM lands).
5. You must provide a notarized statement of consent signed by any landowner listed in the Report of Ownership who is not already included in the transfer application. The Department’s statement of consent form (**Consent By Deeded Landowner**) is available at: [https://www.oregon.gov/OWRD/WRDFormsPDF/consent to transfer form.pdf](https://www.oregon.gov/OWRD/WRDFormsPDF/consent%20to%20transfer%20form.pdf)
6. Notice of this transfer will need to be published in a newspaper with general circulation in the area where the water rights are currently located. You will be responsible for the charges.

What happens next...

Once the Preliminary Determination is issued a publication period is required. Because there is more than ¼ mile between the new and the authorized point(s) of diversion/appropriation, the Department will publish notice of the transfer in a local newspaper having a general circulation in the area of the water right at least once per week for two consecutive weeks. You are responsible for sending a check to cover the cost of publication prior to the issuance of the Preliminary Determination and publication of notice (see below). As outlined in OAR 690-380-4020(3), publication costs include both the direct cost of the notice and indirect processing costs (not to exceed 20% of the direct costs).

Conditions of your water right...

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

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

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

If we do not receive your response to withdraw the application or the items listed above by September 20, 2025, a Preliminary Determination may be issued denying the application as incomplete.

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

Sincerely,

Scott Grew

Transfer Specialist

Transfer and Conservation Section

cc: Transfer Application file T-14409
David Bates, District Watermaster *(via e-mail)*

encs

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

In the Matter of Transfer Application
T-14409, Wallowa County

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)
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)

D R A F T

PRELIMINARY DETERMINATION
PROPOSING DENIAL OF A CHANGE IN
POINT OF DIVERSION AND A CHANGE IN
PLACE OF USE

Authority

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

Applicant

KURT MELVILLE
1302 SAGEWOOD STREET
ENTERPRISE, OR 97828

Findings of Fact

1. On February 15, 2024, Kurt Melville filed an application to change the point of diversion and to change the place of use under Certificate 2993. The Department assigned the application number T-14409.
2. Notice of the application for transfer was published on February 27, 2024, pursuant to OAR 690-380-4000. No comments were filed in response to the notice.
3. The map submitted with Transfer Application T-14409 does not identify points of diversion with measured distances from a recognized survey corner, as is required by OAR 690-380-3100(1)(h).
4. Imagery submitted with the Evidence of Use Affidavit was from July 13, 2016. The imagery needs to be within the period of five years prior to the submittal date of February 15, 2024, pursuant to OAR 690-380-3000(12).
5. The portion of the right to be transferred is as follows:
Certificate: 2993 in the name of GEO. S. CRAIG (confirmed by Wallowa River decree)
Use: IRRIGATION of 4.0 ACRES

Priority Date: 1895 FOR TRACT NO. 1

Limit/Duty: 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 ONE-EIGHTIETH of one cubic foot per second per acre; and said right shall be subject to all other conditions and limitations contained in said decree.

Source: PRAIRIE CREEK, a tributary of the WALLOWA RIVER

Authorized Point of Diversion:

Twsp	Rng	Mer	Sec	Q-Q
NOT DESCRIBED IN CERTIFICATE				

Authorized Place of Use:

IRRIGATION						
Twsp	Rng	Mer	Sec	Q-Q	GLot	Acres
2 S	44 E	WM	1	NE SE	9	0.8
2 S	44 E	WM	1	NW SE	10	3.2
					Total	4.0

6. The Department received information from the applicant that describes the location of the authorized point of diversion for Certificate 2993 as follows:

Twsp	Rng	Mer	Sec	Q-Q	Measured Distances
2 S	44 E	WM	1	SE SE	DITCH - APPROXIMATELY 350 FEET NORTH FROM THE SOUTHEAST CORNER OF SECTION 1

7. Transfer Application T-14409 proposes to move the authorized point of diversion approximately 0.5 miles downstream to:

Twsp	Rng	Mer	Sec	Q-Q	GLot	Measured Distances
2 S	44 E	WM	1	NW SE	10	PUMP - 2060 FEET NORTH AND 1890 FEET WEST FROM THE SE CORNER OF SECTION 1

8. Transfer Application T-14409 proposes to change the place of use of the right to:

IRRIGATION						
Twsp	Rng	Mer	Sec	Q-Q	GLot	Acres
2 S	44 E	WM	1	SW NE	7	1.6
2 S	44 E	WM	1	SE NW	6	2.4
					Total	4.0

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

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

10. The evidence of use submitted with the application does not indicate that water was used within the last five years according to the terms and conditions of the right.
11. 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-14409.
12. The water right is subject to transfer as defined in ORS 540.505(4) and OAR 690-380-0100(14).
13. The proposed point of diversion diverts water from the same source of surface water as the authorized point of diversion, as required by OAR 690-380-2110(2).
14. The proposed changes would not result in enlargement of the right.
15. The proposed changes would not result in injury to other existing water rights.
16. The application is incomplete because the map submitted was missing points of diversion with measured distances and the evidence of use was deficient. Therefore, all other application requirements are not met.

Determination and Proposed Action

The change in point of diversion and change in place of use proposed in Transfer Application T-14409 appears to be not 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 denied.

If the issues identified above are resolved and Transfer Application T-14409 is approved, the final order will include the following:

1. *The change in point of diversion and change in place of use proposed in Transfer Application T-14409 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 2993 and any related decree.*
3. *Approval of this transfer application does not constitute nor grant legal access onto or through another person's property for purposes of accessing the new point of diversion and the new place of use.*
4. *Water right Certificate 2993 is cancelled. A new certificate will be issued describing that portion of the right not affected by this transfer.*

5. *The quantity of water diverted at the new point of diversion (Pump) shall not exceed the quantity of water lawfully available at the original point of diversion (Ditch).*
6. *Water shall be acquired from the same source of surface water as the original point of diversion.*
7. *The former place of use of the transferred right shall no longer receive water under the right.*
8. *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.

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 changes 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

D R A F T

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

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

GREW Scott A * WRD

From: COURCHANE Corey A * WRD
Sent: Monday, August 18, 2025 8:15 AM
To: GREW Scott A * WRD
Subject: Melville, T-14409

Good morning Scott,

I have completed coordinator review of the DPD for T-14409. Accept the track changes and follow the comments. Since this is a denial, please send back to me for final review once corrections are made.

Thank you,

Corey

**COREY A COURCHANE |
ALLOCATION OF CONSERVED WATER**

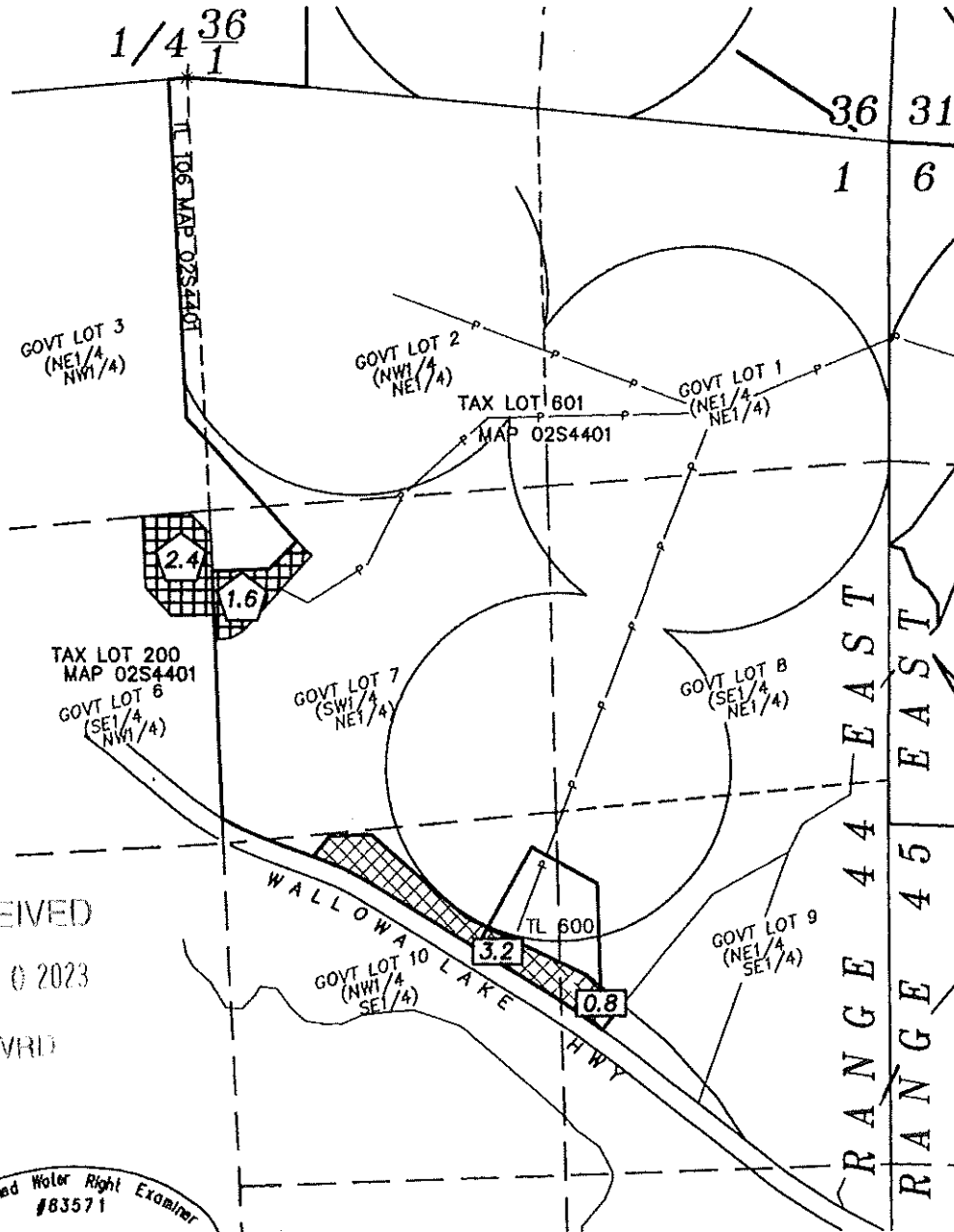
Water Resources Department | 725 Summer St. NE, Suite A | Salem, Oregon 97301

Work cell: 503 979-3917 | Fax: 503 986-0901

Email: corey.a.courchane@water.oregon.gov | Web: <http://www.oregon.gov/OWRD>

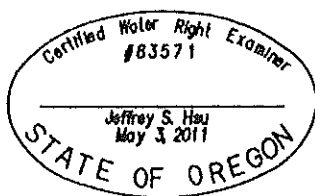
February 6, 2023
**APPLICATION MAP FOR TRANSFER
 OF A PLACE OF USE
 FOR
 KURT MELVILLE**

RECEIVED
 MAR 28 2023
 (OWRD)



RECEIVED
 FEB 15 2024
 OWRD

RECEIVED
 APR 10 2023
 (OWRD)








Renews: June 30,

NOTE: The preparation of this map was for the purpose of identifying the location of proposed water rights and is not intended to provide dimensions or location of property ownership lines. Location information hereon was furnished by the applicant.

BY
BAGETT, GRIFFITH AND BLACKMAN
 2006 ADAMS AVE
 LA GRANDE, OREGON 97850

SCALE: 1" = 600'

LEGEND

-  Place of use for Certificate 2993 (Priority Date 1895) to be transferred
-  Acreage to be transferred
-  Acreage of receiving land
-  Land to receive water from Certificate 2993 (Priority Date 1895)
-  Buried Pipeline

14409 -

STATE OF OREGON

COUNTY OF WALLOWA

CERTIFICATE OF WATER RIGHT

(For Rights which have been confirmed by the Courts)

This is to Certify, That GEO. S. CRAIG of Enterprise, State of Oregon has a right to the use of the waters of Prairie Creek, a tributary of the Wallowa River

for the purpose of the irrigation of 120 acres of land and stock use

and that said right has been confirmed by decree of the Circuit Court of the State of Oregon for Wallowa County, and the said decree entered of record at Salem, in the Order Record of the State Water Board of the State of Oregon, in Volume 5, at page 157; that the priority of the right hereby confirmed dates from 1895 for Tract No. 1 and 1889 for Tract No. 2.

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 one-eightieth of one cubic foot per second per acre; and said right shall be subject to all other conditions and limitations contained in said decree.

A description of the lands irrigated under such right, and to which the water hereby confirmed is appurtenant, or, if for other purposes, the place where such water is put to beneficial use, is as follows: Tract No. 1: 11 acres in the NE 1/4 S 1/4; 40 acres in the NW 1/4 SE 1/4; 26 acres in the SW 1/4 SE 1/4 and 40 acres in the SE 1/4 S 1/4 of Section 1, Township 2 South, Range 44 East of Willamette Meridian, in Wallowa County, Oregon.

Tract No. 2: 3 acres in the SE 1/4 SW 1/4 of Section 6, Township 2 South, Range 45 East of Willamette Meridian, in Wallowa County, Oregon.

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

WITNESS the seal and signature of the State Water Board, affixed this 2nd day of April, 1921

STATE WATER BOARD

(Seal of State Water Board)

By PERCY A. CUPPER State Engineer, President

Attest:

R. W. POTTER Secretary

Part 5 of 5 – Water Right Information

OWRD

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

CERTIFICATE # 2993

Description of Water Delivery System

System capacity: 0.10 cubic feet per second (cfs) OR
 _____ gallons per minute (gpm)

Describe the current water delivery system or the system that was in place at some time within the last five years. Include information on the pumps, canals, pipelines, and sprinklers used to divert, convey, and apply the water at the authorized place of use. 75 HP turbine pump at POD capable of ~800GPM

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

POD/POA Name or Number	Is this POD/POA Authorized on the Certificate or Is it Proposed?	If POA, OWRD Well Log ID# (or Well ID Tag # L-___)	Twp	Rng	Sec	¼	¼	Tax Lot, DLC or Gov't Lot	Measured Distances (from a recognized survey corner)
Ditch	<input checked="" type="checkbox"/> Authorized <input type="checkbox"/> Proposed		2 S	44 E	01	SE	SE		NONE GIVEN - APPROX 350 FEET NORTH FROM THE SOUTHEAST CORNER SECTION 1, T2S R44E W.M.
PUMP	<input type="checkbox"/> Authorized <input checked="" type="checkbox"/> Proposed		2 S	44 E	01	NW	SE		2060 FEET NORTH & 1890 FEET WEST FROM THE SOUTHEAST CORNER SECTION 1, T2S R44E W.M.
	<input type="checkbox"/> Authorized <input type="checkbox"/> Proposed								
	<input type="checkbox"/> Authorized <input type="checkbox"/> Proposed								

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

- Place of Use (POU)
- Character of Use (USE)
- Point of Diversion (POD)
- Additional Point of Diversion (APOD)
- Surface Water POD to Ground Water POA (SW/GW)
- Supplemental Use to Primary Use (S to P)
- Point of Appropriation/Well (POA)
- Additional Point of Appropriation (APOA)
- Substitution (SUB)
- 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.

14409

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 # 2993

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					
EXAMPLE																											
2	S	9	E	15	NE	NW	100		15.0	Irrigation	POD #1	POD #2	1901	POU/POD	2	S	9	E	1	NW	NW	500	1	10.0		POD #5	1901
															2	S	9	E	2	SW	NW	500		5.0		POD #6	1901
2	S	44	E	1	NW	SE	600/601	10	3.2	IRRIGATION			1895	POU	2	S	44	E	1	SW	NE	601	7	1.6			1895
2	S	44	E	1	NE	SE	600/601	9	0.8	IRRIGATION			1895	POU	2	S	44	E	1	SE	NW	200	6	2.4			1895
							TOTAL ACRES:	4.0													TOTAL ACRES:	4.0					

Additional remarks: _____.

RECEIVED

FEB 15 2024

OWRD

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-14409, Kurt Melville

Date of review:03/19/2024

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: 2024.03.19 08:40:52 -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-14409, Kurt Melville

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: Kyle Bratcher

Address: 65495 ALDER SLOPE RD

City/State/Zip: Enterprise, OR 97828

Phone: (541)318-7928

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-14409

Review Due Date: 03/23/2024

Applicant Name: Kurt Melville

Proposed Changes: POU POD POA USE OTHER

Reviewer(s): David Bates

Date of Review: 02/26/2024

1. Do you have evidence that the right has not been used in the last 5 years and that the presumption of forfeiture would not likely be rebuttable? Yes No If "Yes", attach evidence (e.g. dated aerial photo showing pavement or building on the land for >5 yrs.)

2. Is there a history of regulation on the source that serves this (or these) right(s) that has involved the transferred right(s) and downstream water rights? Yes No Generally characterize the frequency of any regulation or explain why regulation has not occurred:

3. Have headgate notices been issued for the source that serves the transferred right(s)?
 Yes No Records not available.

4. In your estimation, after the proposed change, would distribution of water for the right(s) result in regulation of other water rights that would not have occurred if use under the original right(s) was/were maximized? Yes No If "Yes", explain:

5. In your estimation, if the proposed change is approved, are there upstream water rights that would be affected? Yes No If "Yes", describe how the rights would be affected and list the rights most affected:

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

N/A

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

N/A

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

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

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

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

Yes No If "Yes", explain:

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

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

Yes No If "Yes", explain:

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

Yes No If "Yes", answer the following:

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

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

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

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

Yes No If "Yes", describe:

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

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

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

Yes No If "Yes", explain:

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

Yes No If "Yes", explain:

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

Yes No If “Yes”, explain:

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

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

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

A Headgate should be required prior to diverting water.

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

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

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

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

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

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

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

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

Weir

Submerged Orifice

Parshall Flume

Flow Restrictor

Other: ___



Oregon

Tina Kotek, Governor

Water Resources Department

North Mall Office Building

725 Summer St NE, Suite A

Salem, OR 97301

Phone 503 986-0900

Fax 503 986-0904

February 22, 2024

Kurt Melville

1302 Sagewood St.

Enterprise, OR 97828

Reference: Application T-14409

On February 15, 2024, the Department received your water right Permanent Transfer Application. The application was accompanied by \$2450.00. Receipt number 142420 is enclosed.

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

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

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

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

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

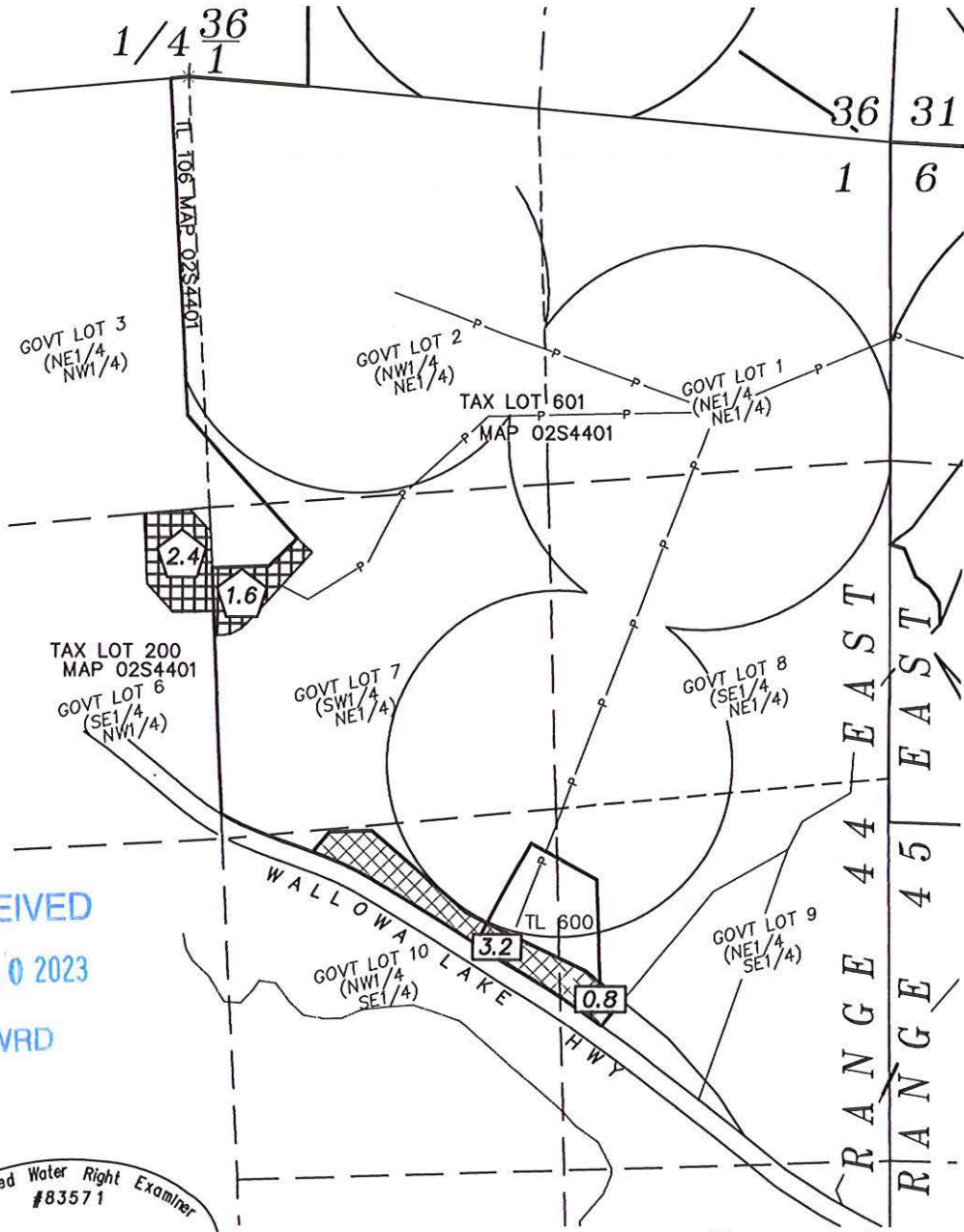
If you have any questions, please contact the Transfer Section at (503) 986-0935.

Cc: Watermaster Dist. #6, Shad L. Hattan (*via email*)
Wallowa County Planning Department, Local Government
City of Enterprise, Local Government

Enclosure

February 6, 2023
 APPLICATION MAP FOR TRANSFER
 OF A PLACE OF USE
 FOR
 KURT MELVILLE

RECEIVED
 MAR 28 2023
 OWRD



RECEIVED
 FEB 15 2024
 OWRD






RECEIVED
 APR 10 2023
 OWRD

Certified Water Right Examiner
 #83571
 Jeffrey S. Hsu
 May 3, 2011
 STATE OF OREGON

SCALE: 1"=600'

LEGEND

Renews: June 30,
 NOTE: The preparation of this map was for the purpose of identifying the location of proposed water rights and is not intended to provide dimensions or location of property ownership lines. Location information hereon was furnished by the applicant.

-  Place of use for Certificate 2993 (Priority Date 1895) to be transferred
-  Acreage to be transferred
-  Acreage of receiving land
-  Land to receive water from Certificate 2993 (Priority Date 1895)
-  Buried Pipeline

BY
 BAGETT, GRIFFITH AND BLACKMAN
 2006 ADAMS AVE
 LA GRANDE, OREGON 97850

14409 -

**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 # **142420**

INVOICE # _____

RECEIVED FROM: Forman Timber, Inc.
BY: _____

APPLICATION	
PERMIT	
TRANSFER	<u>T-14409</u>

CASH: CHECK:# 10914 OTHER: (IDENTIFY) _____

TOTAL REC'D \$ 2,450.00

1083 TREASURY 4170 WRD MISC CASH ACCT

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

4270 WRD OPERATING ACCT

MISCELLANEOUS			
0407	COPY & TAPE FEES	<u>46110</u>	\$
0410	RESEARCH FEES		\$
0408	MISC REVENUE: (IDENTIFY)	_____	\$
TC162	DEPOSIT LIAB. (IDENTIFY)	_____	\$
0240	EXTENSION OF TIME		\$
WATER RIGHTS:			
0201	SURFACE WATER	EXAM FEE \$	RECORD FEE 0202 \$
0203	GROUND WATER	\$	0204 \$
0205	TRANSFER	\$ <u>2,450.00</u>	
WELL CONSTRUCTION			
0218	WELL DRILL CONSTRUCTOR	EXAM FEE \$	LICENSE FEE 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: **142420**

DATED: 2-15-24 BY: [Signature]

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.

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

- Part 1 – Completed Minimum Requirements Checklist.
- Part 2 – Completed Transfer Application Map Checklist.
- Part 3 – Application Fee, payable by check to the Oregon Water Resources Department, and completed Fee Worksheet, page 3. Try the new online fee calculator at: http://apps.wrd.state.or.us/apps/misc/wrd_fee_calculator.
- 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: 2993**
Please include a separate Part 5 for each water right. (See instructions on page 6)
NOTE: A separate transfer application is required for each water right unless the criteria in OAR 690-380-3220 are met.

Attachments:

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

(For Staff Use Only)

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

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

Other/Explanation _____

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

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Part 2 of 5 – Transfer Application Map

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

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

- N/A Certified Water Right Examiner (CWRE) Stamp and Original Signature. For a list of CWREs, see http://apps.wrd.state.or.us/apps/wr/cwre_license_view/. CWRE stamp and signature are not required for substitutions.
- N/A If **more than three** water rights are involved, separate maps are needed for each water right.
- Permanent quality printed with dark ink on good quality paper.
- The size of the map can be 8½ x 11 inches, 8½ x 14 inches, 11 x 17 inches, or up to 30 x 30 inches. For 30 x 30 inch maps, one extra copy is required.
- A north arrow, a legend, and scale.
- David Peter called and 1"=600ft is acceptable*
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°).

14409 -

Part 4 of 5 – Applicant Information and Signature

Applicant Information

APPLICANT/BUSINESS NAME Kurt Melville			PHONE NO. 541-398-0166	ADDITIONAL CONTACT NO.
ADDRESS 1302 Sagewood Street				FAX NO.
CITY Enterprise	STATE OR	ZIP 97828	E-MAIL cornerstonefarms.km@gmail.com	
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 Kurt Melville			PHONE NO. 541-398-0166	ADDITIONAL CONTACT NO.
ADDRESS 1302 Sagewood Street				FAX NO.
CITY Enterprise	STATE OR	ZIP 97828	E-MAIL cornerstonefarms.km@gmail.com	
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:
Move water rights from areas that will no longer be irrigated to areas that will be irrigated. Move POD downstream to a pump station. This transfer makes permanent changes as done in the previous Temporary T-12487

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

Check One Box

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

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FEB 15 2024
OWRD
14409 -

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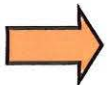
FEB 15 2024

OWRD

By my signature below, I confirm that I understand:

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



Kurt Melville
Applicant signature

Kurt Melville
Print Name (and Title if applicable)

1/31/2024
Date

Applicant signature

Print Name (and Title if applicable)

Date

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

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

Check the following boxes that apply:

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

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

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

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

https://www.oregon.gov/owrd/WRDFormsPDF/Transfer_Property_Transactions.pdf

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

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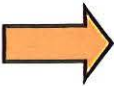
FEB 15 2024

Check here if any of the water rights proposed for transfer are or will be located within ^{OWBD} 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 Wallowa County Planning Dept	ADDRESS 101 South River St	
CITY Enterprise	STATE OR	ZIP 97828

ENTITY NAME City of Enterprise	ADDRESS 102 E. North St	
CITY Enterprise	STATE OR	ZIP 97828

14409 -

Part 5 of 5 – Water Right Information

OWRD

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

CERTIFICATE # 2993

Description of Water Delivery System

System capacity: 0.10 cubic feet per second (cfs) OR
 _____ gallons per minute (gpm)

Describe the current water delivery system or the system that was in place at some time within the last five years. Include information on the pumps, canals, pipelines, and sprinklers used to divert, convey, and apply the water at the authorized place of use. **75 HP turbine pump at POD capable of ~800GPM**

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

POD/POA Name or Number	Is this POD/POA Authorized on the Certificate or is it Proposed?	If POA, OWRD Well Log ID# (or Well ID Tag # L-___)	Twp		Rng		Sec	¼ ¼		Tax Lot, DLC or Gov't Lot	Measured Distances (from a recognized survey corner)
Ditch	<input checked="" type="checkbox"/> Authorized <input type="checkbox"/> Proposed		2	S	44	E	01	SE	SE		NONE GIVEN - APPROX 350 FEET NORTH FROM THE SOUTHEAST CORNER SECTION 1, T2S R44E W.M.
PUMP	<input type="checkbox"/> Authorized <input checked="" type="checkbox"/> Proposed		2	S	44	E	01	NW	SE		2060 FEET NORTH & 1890 FEET WEST FROM THE SOUTHEAST CORNER SECTION 1, T2S R44E W.M.
	<input type="checkbox"/> Authorized <input type="checkbox"/> Proposed										
	<input type="checkbox"/> Authorized <input type="checkbox"/> Proposed										

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

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

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

Yes Complete only the Proposed ("to" or "on" lands) section of Table 2 on the next page. Use the "CODES" listed above to describe the proposed changes.

14409

No Complete all of Table 2 to describe the portion of the water right to be changed.

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

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

Table 2. Description of Changes to Water Right Certificate # 2993

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				
EXAMPLE																										
2	S	9	E	15	NE	NW	100		15.0	Irrigation	POD #1 POD #2	1901	POU/POD	2	S	9	E	1	NW	NW	500	1	10.0		POD #5	1901
														2	S	9	E	2	SW	NW	500		5.0		POD #6	1901
2	S	44	E	1	NW	SE	600/601	10	3.2	IRRIGATION		1895	POU	2	S	44	E	1	SW	NE	601	7	1.6			1895
2	S	44	E	1	NE	SE	600/601	9	0.8	IRRIGATION		1895	POU	2	S	44	E	1	SE	NW	200	6	2.4			1895
TOTAL ACRES:							4.0						TOTAL ACRES:							4.0						

Additional remarks: _____.

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FEB 15 2024

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For Place of Use or Character of Use Changes

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

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



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

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

Ground water supplemental Permit or Certificate # _____;

Surface water primary Certificate # _____.

For a change from Supplemental Irrigation Use to Primary Irrigation Use

Identify the primary certificate to be cancelled. Certificate # _____

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

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

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

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

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

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FEB 15 2024

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FEB 15 2024

Application for Water Right Transfer



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

Consent by Deeded Landowner

State of Oregon)
)ss
County of WALLOWA)

I TIM MELVILLE in my/our capacity as 50% OWNER IN PARTNERSHIP WITH KURT MELVILLE, A
50% OWNER,

mailing address 84887 JOSEPH HWY, ENTERPRISE, OR, 97828,

telephone number 541-263-0318, duly sworn depose and say that I/We

consent to the proposed change(s) to Water Right Certificate Number 2993

described in a Water Right Transfer Application (T-____),

(transfer number, if known)

submitted by KURT MELVILLE

on the property in tax lot number(s) 601,

Section 1, Township 2 South North/South Range 44 East East/West, W.M.,

located at 84887 JOSEPH HWY, ENTERPRISE, OR, 97828

(site address)

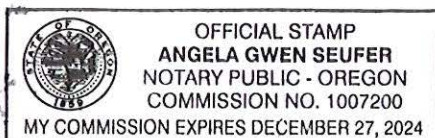
Signature of Affiant

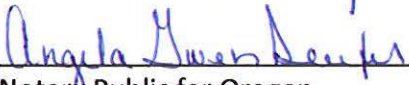
2/7/24
Date

Signature of Affiant

Date

Subscribed and Sworn to before me this 7th day of February, 2024.




Notary Public for Oregon

My commission expires 12-27-24

FEB 15 2024

OWRD

Application for Water Right Transfer



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

Consent by Deeded Landowner

State of Oregon)
)ss
County of WALLOWA)

I TIM NEWTON in my/our capacity as TRUSTEE OF ENTERPRISE CHRISTIAN CHURCH,

mailing address 85035 JOSEPH HWY, ENTERPRISE, OR, 97828,

telephone number 541-426-3449, duly sworn depose and say that I/We

consent to the proposed change(s) to Water Right Certificate Number 2993

described in a Water Right Transfer Application (T- _____),

(transfer number, if known)

submitted by KURT MELVILLE

on the property in tax lot number(s) 600,

Section 1, Township 2 South North/South Range 44 East East/West, W.M.,

located at 85035 JOSEPH HWY, ENTERPRISE, OR, 97828

(site address)

Timothy Newton
Signature of Affiant

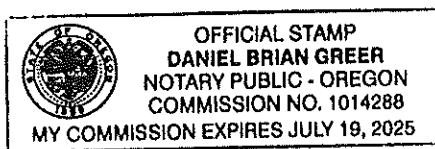
2/16/2024
Date

Signature of Affiant

Date

Subscribed and Sworn to before me this 6th day of February, 2024.

Daniel Brian Greer
Notary Public for Oregon



My commission expires 7/19/25.

14409 -

Land Use Information Form



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

NAME KURT MELVILLE			PHONE 541-398-0166		
MAILING ADDRESS 1302 SAGEWOOD STREET					
CITY ENTERPRISE	STATE OR	ZIP 97828	EMAIL CORNERSTONEFARMS.KM@GMAIL.COM		

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	¼¼	Tax Lot #	Plan Designation (e.g., Rural Residential/RR-5)	Water to be:	Proposed Land Use:
2S	44E	01		200		<input type="checkbox"/> Diverted <input type="checkbox"/> Conveyed <input checked="" type="checkbox"/> Used	IRRIGATION
2S	44E	01		600		<input type="checkbox"/> Diverted <input type="checkbox"/> Conveyed <input checked="" type="checkbox"/> Used	IRRIGATION
2S	44E	01		601		<input type="checkbox"/> Diverted <input checked="" type="checkbox"/> Conveyed <input type="checkbox"/> Used	
						<input type="checkbox"/> Diverted <input type="checkbox"/> Conveyed <input type="checkbox"/> Used	

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

WALLOWA

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

B. Description of Proposed Use

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

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

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

Estimated quantity of water needed: 0.10 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:

PROPOSING A PERMANENT TRANSFER OF IRRIGATION WATER RIGHTS FROM CERTIFICATE 2993 INTO TAX LOTS 201 AND 601 OWNED BY KURT MELVILLE TO BE USED TO IRRIGATE PASTURE GROUND. TAX LOT 201 IS ZONED AIRPORT 1 AND ADJACENT LOT 601 IS EFU

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

See Page 4 →

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

Please check the appropriate box below and provide the requested information

Land uses to be served by the proposed water use(s), including proposed construction, are allowed outright or are not regulated by your comprehensive plan. Cite applicable ordinance section(s): N/A

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

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

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

Name: Jean Jancalitis Title: Planning Dept Sp
 Signature: [Signature] Date: 2-1-2024
 Governmental Entity: Wallowa County Planning Dept Phone: 541-426-7770

Receipt Acknowledging Request for Land Use Information

Note to Local Government Representative:

Please complete this form and return it to the applicant. For new water right applications only, if you are unable to complete this form while the applicant waits, you may complete this receipt and return it to the applicant. If you sign the receipt, you will have 30 days from the date of OWRD's Public Notice of the application to submit the completed Land Use Information Form to Oregon Water Resources Department. Please note while OWRD can accept a signed receipt as part of intake for an application for a new permit to use or store water, a completed Land Use Information Form is required for all other applications.

Applicant Name: _____

Staff Name: _____ Title: _____

Staff Signature: _____ Date: _____

Governmental Entity: _____ Phone: _____

Land Use Information Form



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

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Applicant(s): Cornerstone Farms, c/o Kurt Melville, Tim Melville owners

Mailing Address: 84887 Joseph Hwy

City: Enterprise

State: OR

Zip Code: 97828

Daytime Phone: 541-398-0166

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>2S</u>	<u>44E</u>	<u>1</u>	<u>SENE</u>	<u>200</u>	<u>A1</u>	<input type="checkbox"/> Diverted <input type="checkbox"/> Conveyed <input checked="" type="checkbox"/> Used	<u>Irrigation</u>
<u>2S</u>	<u>44E</u>	<u>1</u>	_____	<u>601</u>	<u>EFU</u>	<input type="checkbox"/> Diverted <input checked="" type="checkbox"/> Conveyed <input type="checkbox"/> Used	<u>conveyed</u>
<u>2S</u>	<u>44E</u>	<u>1</u>	_____	<u>1100</u>	<u>EFU</u>	<input checked="" type="checkbox"/> Diverted <input checked="" type="checkbox"/> Conveyed <input type="checkbox"/> Used	<u>Pump and convey</u>
_____	_____	_____	_____	_____	_____	<input type="checkbox"/> Diverted <input type="checkbox"/> Conveyed <input type="checkbox"/> Used	_____

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

Wallowa County - water will be diverted and conveyed to place of use on county EFU land

city of Enterprise - Water will be used on private land in Enterprise zoned A1

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) Prairie Creek

Estimated quantity of water needed: 20 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:

Proposing a permanent transfer of 2.4 acres of irrigation water rights from certificate #2993 into the city limits of Enterprise onto bare land owned by Kurt Melville to be used to irrigate pasture ground. Land is currently zoned Airport 1 and is adjacent to the Enterprise airport.

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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. →

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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.

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Name: Shawn Young Title: Public Works Dir.

Signature: *Shawn Young* Phone: 541 3982401 Date: 3-15-23

Government Entity: CITY OF ENTERPRISE

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

Receipt for Request for Land Use Information

Applicant name: _____

City or County: _____ Staff contact: _____

Signature: _____ Phone: _____ Date: _____

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Application for Water Right Transfer

Evidence of Use Affidavit



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

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

State of Oregon)
) ss
 County of WALLOWA)

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 OWRD

I, KURT MELVILLE, in my capacity as FARM MANAGER,
 mailing address 1302 SAGEWOOD ST, ENTERPRISE, OREGON, 97828
 telephone number (541)398 0166, 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

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2. I attest that:

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

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

Certificate #	Township		Range		Mer	Sec	¼ ¼		Gov't Lot or DLC	Acres (if applicable)
2993	2	S	44	E	W	1	NW	SE	10	3.2
2993	2	S	44	E	w	1	NE	SE	9	0.8

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)

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(continues on reverse side)

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3. The water right was used for: (e.g., crops, pasture, etc.): CROPS UNDER A TEMPORARY TRANSFER AS WITNESSED BY AERIAL PHOTO SHOWING USE AT 02S4401 SE1/4 NW1/4 GL6 2.4 ACRES AND 02S4401 SW1/4 NE1/4 GL7 1.6ACRES

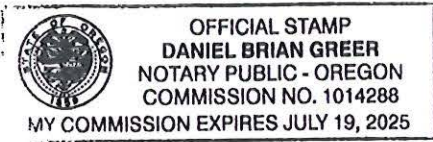
4. I understand that if I do not attach one or more of the documents shown in the table below to support the above statements, my application will be considered incomplete.

Kent Melville
Signature of Affiant

3/16/2023 **RECEIVED**
Date **MAR 28 2023**

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Signed and sworn to (or affirmed) before me this 16th day of March, 2023.



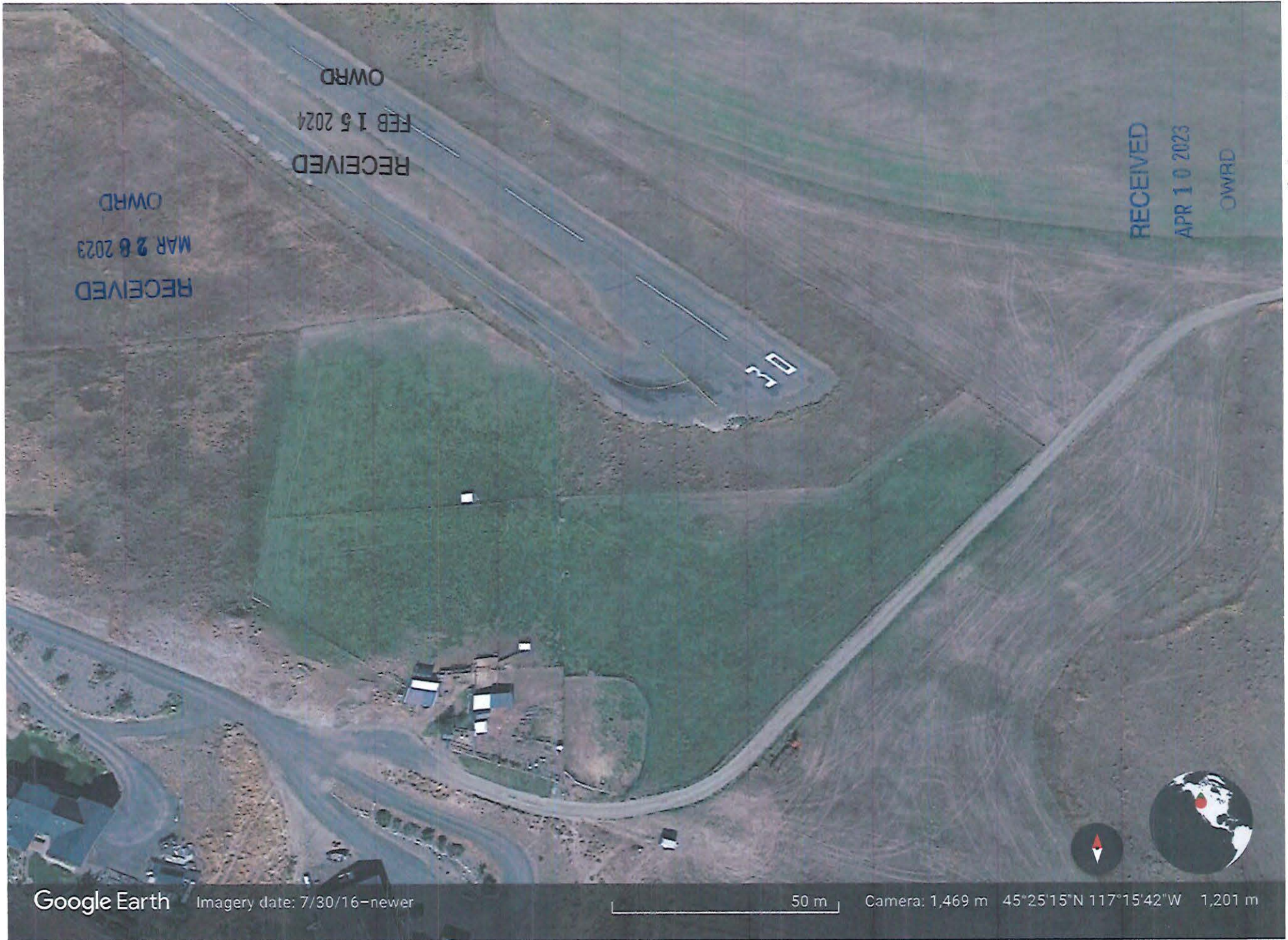
Daniel Greer
Notary Public for Oregon

My Commission Expires: 7/19/25

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 confirming water right certificate that shows issue date
<input type="checkbox"/> Copies of receipts from sales of irrigated crops or for expenditures related to use of water	<ul style="list-style-type: none"> ● Power usage records for pumps associated with irrigation use ● Fertilizer or seed bills related to irrigated crops ● Farmers Co-op sales receipt
<input type="checkbox"/> Records such as FSA crop reports, irrigation district records, NRCS farm management plan, or records of other water suppliers	<ul style="list-style-type: none"> ● District assessment records for water delivered ● Crop reports submitted under a federal loan agreement ● Beneficial use reports from district ● IRS Farm Usage Deduction Report ● Agricultural Stabilization Plan ● CREP Report
<input 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 – www.oregonexplorer.info/imagery OWRD – www.wrd.state.or.us Google Earth – earth.google.com TerraServer – www.terra-server.com</p>
<input type="checkbox"/> Approved Lease establishing beneficial use within the last 5 years	Copy of instream lease or lease number

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AFTER RECORDING, RETURN TO: 083841
Wallowa Title Company - 12870
109 SE First Street
Enterprise, OR 97828

STATE OF OREGON
COUNTY OF WALLOWA
I certify that this
instrument has been received and
recorded in the book of
records of said county.

Wallowa Title Company Clerk
by: Tracey Stoll
Deputy

DOC#: 000910041
RCPT: 000000
4/05/2023 1:40 PM 89.00

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DEED OF RECONVEYANCE

The undersigned Trustee or Successor Trustee under that certain Trust Deed dated February 10, 2014, between TIMOTHY J. MELVILLE and AUDRY J. MELVILLE, as to an undivided 50% interest and KURT J. MELVILLE and HEATHER J. MELVILLE, as to an undivided 50% interest as Grantor; WALLOWA TITLE COMPANY, as Trustee; and COMMUNITY BANK, as Beneficiary; recorded on February 12, 2014, as Microfiche No. 2014-70691, in the Records of Wallowa County Oregon, conveying real property situated in said County described as follows:

SEE ATTACHED AND INCORPORATED EXHIBIT A

and having received from the Beneficiary under said Trust Deed a written request to reconvey, reciting that the obligation secured by said Trust Deed has been fully paid and performed, hereby does grant, bargain, sell and convey, but without any covenant or warranty, express or implied, to the person or persons legally entitled thereto, all of the estate held by the undersigned in and to said described premises by virtue of said Trust Deed.

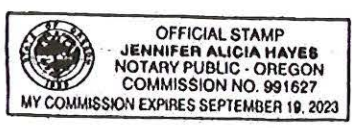
IN WITNESS WHEREOF, the undersigned Trustee has executed this instrument; if the undersigned is a corporation, it has caused its name to be signed by its officers or duly authorized agent, on April 1, 2021.

AC3, INC., dba WALLOWA TITLE COMPANY

By Jody Riggs

STATE OF OREGON; County of Wallowa) ss.

This instrument was acknowledged before me on April 1, 2021, by Jody D. Riggs for AC3, Inc., dba Wallowa Title Company.



Jennifer A. Hayes
Notary Public for Oregon
My Commission Expires: 9-19-23

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083841

EXHIBIT A

A tract situate in Government Lots 1, 2, 3, 7, 9 and 10, Section 1, Township 2 South, Range 44 East of the Willamette Meridian, Wallowa County, Oregon, designated as UNSURVEYED PARCEL 1 on Minor Partition Plat No. 2009-62928, on file and of record in the Office of the County Clerk of said County and State, more particularly described as follows:

Township 2 South Range 44 East of the Willamette Meridian, Wallowa County, Oregon

Section 1: That part of Government Lots 1, 2, 7, 8, 9 and 10 lying North of the La Grande-Wallowa Lake Highway

ALSO, a tract located in Government Lot 3, Section 1, T2S, R44 EWM, described as follows: BEGINNING at the North quarter corner of said Section 1; thence South 85°00' West 76.8 feet along the North line of said Section 1; thence South 3°17' East 1380.1 feet; thence South 42°36' East 119.5 feet to the East line of Lot 3 of said Section 1; thence North 3°17' West 1475.1 feet along the East line of said Lot 3 to the place of beginning.

EXCEPTING THEREFROM the following tracts:

1) BEGINNING at the Southwest corner of Government Lot 2, Section 1, T2S, R44 EWM; thence South 3°17' East 241.5 feet along the West line of the SW¼NE¼, Section 1; thence North 87°35' East 236.7 feet; thence North 45°06' East 161.3 feet; thence North 42°36' West 565.3 feet to the West line of Lot 2; thence South 3°17' East 296.6 feet along the West line of Lot 2 to the place of beginning.

2) A tract of land situated in Section 1, T2S, R44 EWM described as follows: BEGINNING at a point which is North 0°18' West 1098.02 feet from the corner common to Sections 1 and 12, T2S, R44 EWM and Sections 6 and 7, T2S, R45 EWM; thence North on and along the East line of Section 1, T2S, R44 EWM 2280.45 feet; thence South 35°34' West 225.95 feet; thence South 4°19' West 300.54 feet; thence South 59°12' West 227.41 feet; thence South 26°40' West 128.00 feet; thence South 60°47' West 356.50 feet; thence South 39°26' West 716.93 feet to the North right of way line of the La Grande-Wallowa Lake Highway; thence Easterly on and along said North right of way line to the point of beginning, as described in Book N of Contracts, Page 428.

3) All that portion conveyed to the State of Oregon, by and through its State Highway Commission by instrument recorded in Book 49 of Deeds, Page 198.

4) A tract situate in Government Lots 1, 2, 3, 7, 9 and 10, Section 1, Township 2 South, Range 44 East of the Willamette Meridian, Wallowa County, Oregon, designated as PARCEL 2 on Minor Partition Plat No. 2009-62928, on file and of record in the Office of the County Clerk of said County and State, as conveyed by instrument recorded as Microfiche No. 2009-62965.

The Real Property or its address is commonly known as **NOT ADDRESSED 204 ACRES OF IRRIGATED FARM GROUND, ENTERPRISE, OR 97828**. The Real Property tax identification number is the following:

2S44 1 TL601, Ref #9249
2S44 1 TL106, Ref #1328.

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MAR 28 2023

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STATUTORY BARGAIN AND SALE DEED

TIMOTHY J. MELVILLE, AUDRY J. MELVILLE, KURT J. MELVILLE, HEATHER J. MELVILLE, KEVIN W. MELVILLE and KERRIE A. MELVILLE, Grantors, convey and release to ENTERPRISE CHRISTIAN CHURCH, an Oregon Domestic Nonprofit Corporation, Grantee, the following described real property:

Parcel 2 of Minor Partition Plat Number 09-62928, as filed in the plat records of Wallowa County, said tract being situated in Government Lots 9 and 10 of Section 1, Township 2 South, Range 44 East of the Willamette Meridian, Wallowa County, Oregon.

Reserving unto Grantors an easement sixty feet (60') in width along the South boundary of the above-described real property for purposes of ingress and egress to Parcel 1 of Minor Partition Plat Number 09-62928.

The true and actual consideration for this conveyance is donation to a charitable organization.

Until a change is requested, all tax statements are to be sent to the following address: Enterprise Christian Church, 207 E. Main St., Enterprise, OR 97828.

BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON TRANSFERRING FEE TITLE SHOULD INQUIRE ABOUT THE PERSON'S RIGHTS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007. THIS INSTRUMENT DOES NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY THAT THE UNIT OF LAND BEING TRANSFERRED IS A LAWFULLY ESTABLISHED LOT OR PARCEL, AS DEFINED IN ORS 92.010 OR 215.010, TO VERIFY THE APPROVED USES OF THE LOT OR PARCEL, TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES, AS DEFINED IN ORS 30.930, AND TO INQUIRE ABOUT THE RIGHTS OF NEIGHBORING PROPERTY OWNERS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007.

DATED this 29 day of December, 2009.

Timothy J. Melville
TIMOTHY J. MELVILLE

Audry J. Melville
AUDRY J. MELVILLE

Kurt J. Melville
KURT J. MELVILLE

Heather J. Melville
HEATHER J. MELVILLE

Kevin W. Melville
KEVIN W. MELVILLE

Kerrie A. Melville
KERRIE A. MELVILLE

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OWRD

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062965

STATE OF OREGON)
) ss.
County of Willowa)

Personally appeared before me this 29th day of December, 2009, the above-named TIMOTHY J. MELVILLE and acknowledged the foregoing instrument to be his voluntary act and deed.



Katie Boyd
Notary Public for Oregon
My commission expires: 13 Jan 2011

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MAR 28 2023
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STATE OF OREGON)
) ss.
County of Willowa)

Personally appeared before me this 29th day of December, 2009, the above-named AUDRY J. MELVILLE and acknowledged the foregoing instrument to be her voluntary act and deed.



Katie Boyd
Notary Public for Oregon
My commission expires: 13 Jan 2011

STATE OF OREGON)
) ss.
County of Willowa)

Personally appeared before me this 29th day of December, 2009, the above-named KURT J. MELVILLE and acknowledged the foregoing instrument to be his voluntary act and deed.



Katie Boyd
Notary Public for Oregon
My commission expires: 13 Jan 2011

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APR 10 2023
OWRD
14409 -

STATE OF OREGON)
County of Wallowa) ss.

062965

Personally appeared before me this 29th day of December, 2009, the above-named HEATHER J. MELVILLE and acknowledged the foregoing instrument to be her voluntary act and deed.



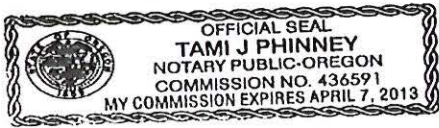
Katie Boyd
Notary Public for Oregon
My commission expires: 13 Jan 2011

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MAR 28 2023

STATE OF OREGON)
County of Wallowa) ss.

OWRD

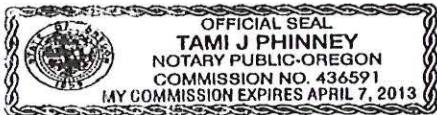
Personally appeared before me this 29 day of December, 2009, the above-named KEVIN W. MELVILLE and acknowledged the foregoing instrument to be his voluntary act and deed.



Tami J. Phinney
Notary Public for Oregon
My commission expires: 4-7-2013

STATE OF OREGON)
County of Wallowa) ss.

Personally appeared before me this 29 day of December, 2009, the above-named KERRIE A. MELVILLE and acknowledged the foregoing instrument to be her voluntary act and deed.



Tami J. Phinney
Notary Public for Oregon
My commission expires: 4-7-2013

STATE OF OREGON }
COUNTY OF WALLOWA }

I certify that this instrument was received and recorded in the book of records of said county.

Wallowa County Clerk
by Chunne Melville Deputy

**AFTER RECORDING,
PLEASE RETURN TO:**
Hostetter Knapp, LLP
P.O. Box 400
Enterprise, OR 97828

Page 3 - STATUTORY BARGAIN AND SALE DEED
M/StatBarg.Melville.ECC

DOC#: 00062965
RCPT: 70333 45.00
12/29/2009 4:27 PM
REFUND: .00

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Permanent Transfer Application Checklist

Check the Certificates in WRIS

Transfer # 14409

Checked by <u>__Dante__</u> Date <u>2/22/2024</u>	Type of Change(s) Proposed: NO other changes allowed other than those listed	
Fee Received: \$2450	<input checked="" type="checkbox"/> POU <input checked="" type="checkbox"/> POD <input type="checkbox"/> APOD <input type="checkbox"/> POA <input type="checkbox"/> APOA <input type="checkbox"/> USE	
Calculated Fee: \$2450		How many rights to be Transferred? 1
Deficiencies and Observations: Temporary Transfer filed for it 12487		Certificate #(s) 2993

If OK, check box; if not, fill in.

- 1. Is the applicant information complete? Have all the applicants listed at the top of the page signed at the bottom?
 If not, what is missing? Whose signature is missing? _____
- 2. Has the applicant indicated that the place of use is in or near an irrigation district? Have they included a Form D? N/A.
 Name of the District _____
- 3. Part 5 of application, has the applicant completed the entire page and does the information match the description of the explanation of the reasons on Part 4 of the application?
 If not, you may need to contact the applicant or agent? _____
- 4. For multiple certificates, do each of the certificates listed on Application Page 1 have their own separate completed Part 5 tables 1 & 2? (*compare with OAR 690-380-3220-may need to return*)
 If no, which certificates are missing a separate Part 5, tables 1 & 2? _____
- 5. Has the map been completed and signed by a CWRE? Does the map meet the requirements?
 If not, what is missing? _____. Map waiver included?
- 6. If a change in point of appropriation, have the well logs been included? N/A.
- 7. If a change in place of use within Umatilla County, have the applicant(s) provided a Supplemental Form U? N/A.
- 8. Has applicant filled out the Minimum Requirements Checklist (Part 1 of 5)? Is the application complete? If not, what is missing (check Evidence of Use and Land Use)? _____

- 9. If all boxes on this checklist are checked (with no remaining deficiencies identified), accept the application. Put this check sheet in the transfer folder.

OR:

- This application is deficient, and **CANNOT** be accepted.
 It should be returned and the **deficiencies listed in the "staff" section at the bottom of Application Page 1**, unless the applicant or agent can resolve the deficiencies within 2-3 days.

Actions taken:

_____ date _____

WATER RESOURCES DEPARTMENT
REQUEST FOR DISTRIBUTION OF FUNDS

TO: **Fiscal Services Section**

DATE: 03/12/24

FROM: Elyse Richman, Transfer Specialist
Phone: 503-986-0898

SUBJECT: **TRANSFER FILE - Request for Payment or Refund**

TRANSFER FILE #: T-14409

RECEIPT #: 142419

47124
0412
VPOS 7558

Please prepare payment in the amount of \$125.00, made payable to:

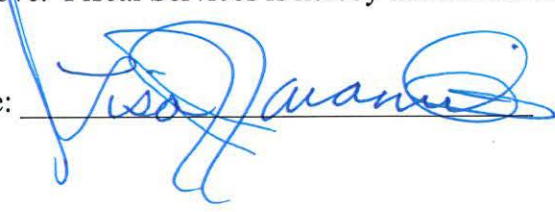
Name: Kurt Melville
Organization: Farm and Timber, Inc.
Address: 1302 Sagewood St
City: Enterprise, OR 97828

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

- Request for file to be Rejected/Withdrawn/Misfiled
- Excess fees were collected for application/PON
- Payment of PON
- Protest filing fee
- Other: RA estimate request was withdrawn before we could initiate work to prepare estimate. Lisa Jaramillo coordinated with Jake Zelenka and they determined a refund could be done since no processing work had been done.

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

Authorized Signature: _____



Date: _____

3-12-2024

**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 # **142419**

INVOICE # _____

RECEIVED FROM: <u>Furman and Furman, Inc.</u>	APPLICATION	
BY: _____	PERMIT	
CASH: <input type="checkbox"/> CHECK:# <u>10915</u> OTHER: (IDENTIFY) _____	TRANSFER	<u>T-4404</u>
<input type="checkbox"/>	TOTAL REC'D	\$ <u>125.00</u>

1083 TREASURY	4170 WRD MISC CASH ACCT
0407 COPIES <u>47124 R11482-25</u>	\$ _____
<u>0412</u> OTHER: (IDENTIFY) <u>TRANSFER RA</u>	\$ <u>125.00</u>
0243 I/S Lease _____	0244 Muni Water Mgmt. Plan _____
	0245 Cons. Water _____

4270 WRD OPERATING ACCT			
MISCELLANEOUS			
0407 COPY & TAPE FEES			\$ _____
0410 RESEARCH FEES			\$ _____
0408 MISC REVENUE: (IDENTIFY) _____			\$ _____
TC162 DEPOSIT LIAB. (IDENTIFY) _____			\$ _____
0240 EXTENSION OF TIME			\$ _____
WATER RIGHTS:			
	EXAM FEE		RECORD FEE
0201 SURFACE WATER	\$ _____	0202	\$ _____
0203 GROUND WATER	\$ _____	0204	\$ _____
0205 TRANSFER	\$ _____		
WELL CONSTRUCTION			
	EXAM FEE		LICENSE FEE
0218 WELL DRILL CONSTRUCTOR	\$ _____	0219	\$ _____
LANDOWNER'S PERMIT		0220	\$ _____
_____ OTHER (IDENTIFY) _____			

0536 TREASURY	0437 WELL CONST. START FEE	
0211 WELL CONST START FEE	\$ _____	CARD# _____
0210 MONITORING WELLS	\$ _____	CARD# _____
_____ OTHER (IDENTIFY) _____		

0607 TREASURY	0467 HYDRO ACTIVITY	LIC NUMBER
0233 POWER LICENSE FEE (FW/WRD)		\$ _____
0231 HYDRO LICENSE FEE (FW/WRD)		\$ _____
_____ HYDRO APPLICATION		\$ _____

TREASURY	OTHER / RDX
FUND _____	TITLE _____
OBJ. CODE _____	VENDOR # _____
DESCRIPTION _____	\$ _____

RECEIPT: **142419** DATED: 2/1/04 BY: [Signature]

**STATE OF OREGON
WATER RESOURCES DEPARTMENT**

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

RECEIPT # **142419**

INVOICE # _____

RECEIVED FROM: Farm and Timber, Inc.
BY: _____

APPLICATION	
PERMIT	
TRANSFER	T-14409

CASH: CHECK.# 10915 OTHER: (IDENTIFY)

TOTAL REC'D \$ 125.00

1083 TREASURY 4170 WRD MISC CASH ACCT

0407 COPIES	<u>47124 R11482-25</u>	\$
<u>0412</u> OTHER: (IDENTIFY) <u>Transfer RA.</u>		\$ <u>125.00</u>
0243 I/S Lease _____	0244 Muni Water Mgmt. Plan _____	0245 Cons. Water _____

4270 WRD OPERATING ACCT

MISCELLANEOUS			
0407 COPY & TAPE FEES			\$
0410 RESEARCH FEES			\$
0408 MISC REVENUE: (IDENTIFY) _____			\$
TC162 DEPOSIT LIAB. (IDENTIFY) _____			\$
0240 EXTENSION OF TIME			\$
WATER RIGHTS:			
0201 SURFACE WATER	EXAM FEE	0202	RECORD FEE
0203 GROUND WATER	\$		\$
0205 TRANSFER	\$	0204	\$
WELL CONSTRUCTION			
0218 WELL DRILL CONSTRUCTOR	EXAM FEE	0219	LICENSE FEE
LANDOWNER'S PERMIT	\$		\$
0220		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: **142419** DATED: 2-15-24 BY: [Signature]

Distribution - White Copy - Customer, Yellow Copy - Fiscal, Blue Copy - File, Buff Copy - Fiscal



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



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

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

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

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

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

	Applicant Information	Applicant's Representative/Contact
Name:	Kurt Melville	
Address:	1302 Sagewood St Enterprise, OR 97828	
Phone:	541 398 0166	
Fax:		
E-Mail Address:	cornerstonefarms.km@gmail.com	

By signing this application, I understand:

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

I certify that I am the *(check one)*:

X Applicant Applicant's Representative Other *(Please specify)* _____

Name: Kurt Melville

Signature:

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

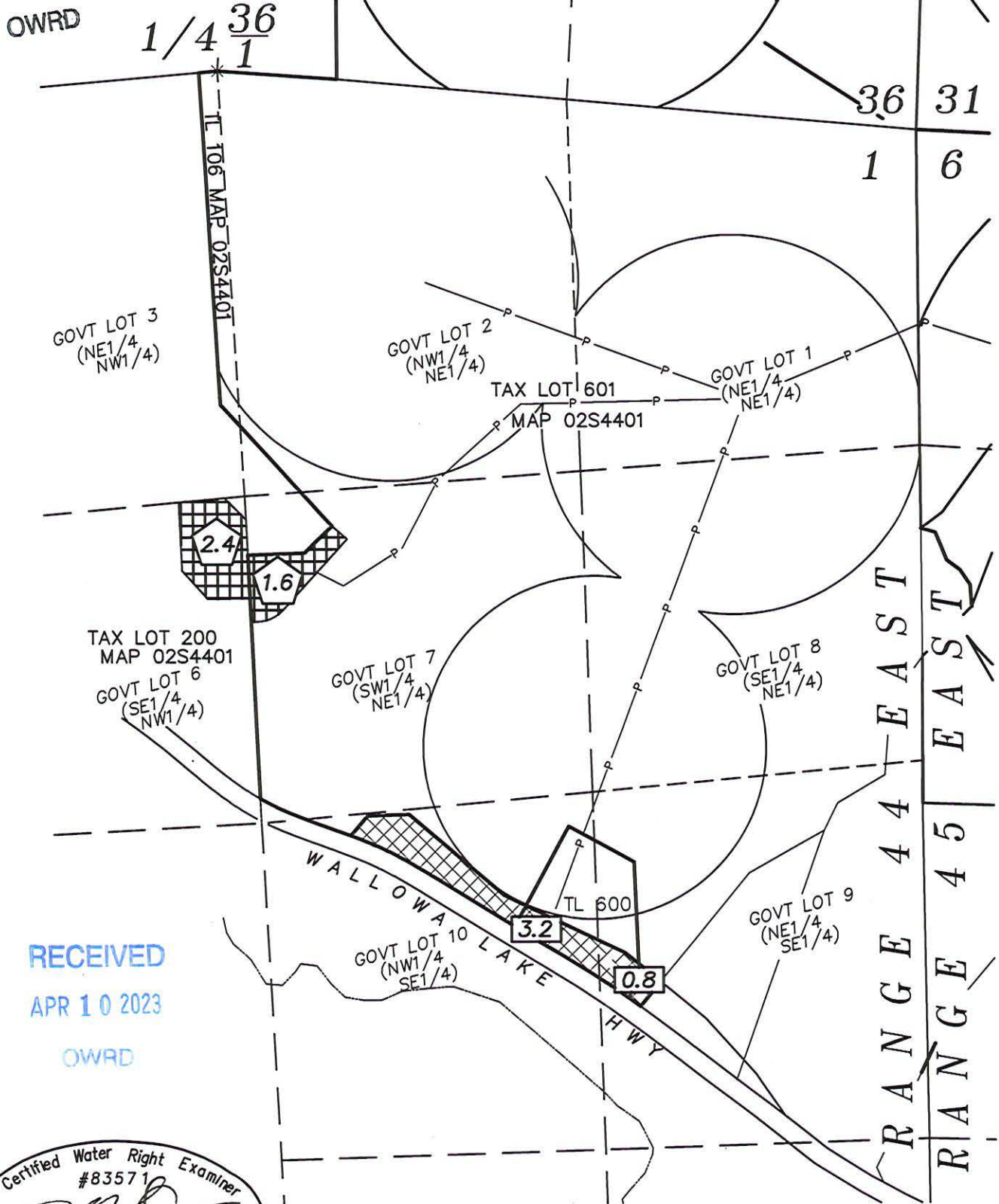
**RECEIVED
 FEB 15 2024
 OWRD**

OWRD USE ONLY: Reimbursement Authority Number: R11- 482 -25

February 6, 2023
**APPLICATION MAP FOR TRANSFER
 OF A PLACE OF USE
 FOR
 KURT MELVILLE**

RECEIVED
 MAR 28 2023
 OWRD

RECEIVED
 FEB 15 2024
 OWRD



RECEIVED
 APR 10 2023
 OWRD

Certified Water Right Examiner
 #83571

 Jeffrey S. Hsu
 May 3, 2011
 STATE OF OREGON

Renews: June 30, 2023

NOTE: The preparation of this map was for the purpose of identifying the location of proposed water rights and is not intended to provide dimensions or location of property ownership lines. Location information hereon was furnished by the applicant.

BY
 BAGETT, GRIFFITH AND BLACKMAN
 2006 ADAMS AVE
 LA GRANDE, OREGON 97850

SCALE: 1" = 600'

LEGEND

- Place of use for Certificate 2993 (Priority Date 1895) to be transferred
- Acreage to be transferred
- Acreage of receiving land
- Land to receive water from Certificate 2993 (Priority Date 1895)
- Buried Pipeline

14409 -