

Regular

T-14397

Name Troy & Chrissy KleinschmitAddress 41316 Green-Fitzwater Dr.
Lebanon, OR 97355
trailbridgefarms@gmail.comChange in POU, PODDate Filed 1/30/2024Initial notice date 2/6/2024

DPD issued date _____

PD issued date _____

PD notice date _____

Date of FO 10/21/2025 Withdrawal Vol 135 Page 891

C-Date _____

COBU due date _____

COBU Received date _____

Certificate issued _____

DESCRIPTION OF WATER RIGHT(s)

Name of Stream Beaver CreekTrib. of Crabtree CreekUse IrrigationCounty Linn

Quantity of water (CFS) _____

No. of Acres _____

Name of ditch _____

App# S 51739Per # S 38999Cert # 56861PR Date 3-12-1974

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 #
1-30-24	\$2,450.00	142320

FEES REFUNDED

Date	Amount	Receipt #
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Assignments: _____

Irrigation District _____

Agent _____

CWRE _____

CC's list Linn County☐ - Oversized map - Location _____



Oregon

Tina Koteck, 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

October 21, 2025

Troy & Chrissy Kleinschmit
41316 Green-Fitzwater Dr
Lebanon, OR 97355

ORDER ON WITHDRAWN APPLICATION

Reference: Transfer Application T-14397

The above referenced transfer application was withdrawn from the record of the Water Resources Department on October 21, 2025, by Special Order Volume 135, Page 891 (copy enclosed).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, Elyse Hennen, by telephone at (971) 701-5485 or by e-mail at Elyse.d.hennen@water.oregon.gov.

Sincerely,

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

cc: Gregory J. Wacker, Watermaster Dist. # 16 (via email)
Linn County, Local Government

Enclosure

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

In the Matter of Transfer Application	)	FINAL ORDER WITHDRAWING AN
T-14397, Linn County, Oregon	)	APPLICATION FOR A WATER RIGHT
	)	TRANSFER

Authority

ORS 540.505 to 540.580 establishes 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.

Applicant

TROY & CHRISSY KLEINSCHMIT
41316 GREEN-FITZWATER DR
LEBANON, OR 97355

Findings of Fact

1. Transfer Application T-14397, in the name of Troy and Chrissy Kleinschmit, was filed on January 30, 2024.
2. On September 24, 2025, the applicant submitted a written request asking that Transfer Application T-14397 be withdrawn.

Now, therefore, it is ORDERED:

Transfer Application T-14397, in the name of Troy & Chrissy Kleinschmit, is withdrawn and of no further force or effect.

Dated in Salem, Oregon on **OCT 21 2025**



Lisa J. Jaramillo, Transfer and Conservation Section Manager, for
Ivan Gall, Director
Oregon Water Resources Department

Mailing date: **OCT 22 2025**

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

TRANSFER COVER SHEET

Transfer: T-14397

GR Application #: GR-

File Assigned- Transfer Specialist: Elyse D. Richman

Transfer Type: Regular Transfer

Reimbursement Authority? ☐

Applicant: TROY & CRISSY KLEINSCHMIT 41316 GREEN-FITZWATER DR LEBANON, OR 97355 <i>Email</i>	Receiving Landowner: <i>Trailbridge farms@gmail.com</i>	CWRE Timothy Fassbender Agent :
Interested Parties: BOR (date): _____ Tribal Gov't: _____ Gov'ts: Linn County County: LINN	Irrigation District: Check area of interest on map ☐	Additional Contact Information: _____

Key Dates & Initial Actions (Support Staff)

Type of change(s) proposed- attach additional review checklists as necessary			
POINT OF DIVERSION; PLACE OF USE			
If change is Historic or Substitution, application will go directly to Final Order. Add'l questions on last page for Historic and Gov't Action.			
Fees Pd:	\$2450.00	WM Review request date sent - WM District: 16	2/1/2024
Received Date:	January 30, 2024	WM Review - date received:	2/16/2024
Acknowledgement Letter Sent	Date: 2/1/2024	GW Review - date sent:	
County sent cc: of Ack Letter	Date: 2/1/2024	GW Review - date received:	
Initial Public Notice Date:	2/6/2024	ODFW Review - date sent: ODFW District: Mid-Willamette District	2/1/2024
Comments Received:	Yes ☐ No: ☒	ODFW Review - date received:	2/7/2024

Water Rights Affected

File Marked	No.	App. File # or Decree Name	Permit	Certificate	RR/CR Needed	RR/CR Nos.
☐	1	S-51739	S-38999	56861	☐ Yes ☒ No	
☐	2				☐ Yes ☐ No	
☐	3				☐ Yes ☐ No	

I have confirmed that the information on this document is correct (or has been corrected): initials

Caseworker Actions:

Assigned in WRIS:	DPD Workflow updated:	WRIS Notes:
PD and RR sent to Data Entry:	Certified mail date:	
Newspaper notice needed: Yes ☐ No: ☐	Name of Newspaper: Statesman For Journal	
PD notice email coordinator:	PD notice Request Date:	Amount Due: \$
		Received date:
Last day of publication:	Affidavit received:	

DOCUMENT	Drafted		Peer Review		Policy Review		Changes		ODFW contact info: ☐ included NA: ☐	
	Date	initials	Date	initials	Date	initials	Date	initials	WM contact info: ☐ included NA: ☐	
DPD									Number of Docs for signature:	
NOTICE									Date in Signature bin	Signature date
PD										
FO	9/26	EH	9/30	Scott	10/6	Sarah			10/6/25	10/21/2025
RR										
Special Issues: Withdrawal Order										

PERMANENT TRANSFER APPLICATION CHECKLIST

☐ RA

Transfer #: T-14397

CW	PR	Coord	
☒	☐	☐	Save all certificates in electronic "T" folder and highlight Priority Date, Rate, Use and Limit/Duty paragraph
☐	☐	☐	☐ Supplemental checklist for transfers w/in a District (S:\groups\wr\TACS\WRISApps Templates\Transfer Checklists\SUPP_Within District Processing Checklist 9-5-2019) If this is a Living Certificate – check with Ann Reece See Supplemental Language document for language

Transfer Application Review and Deficiencies

CW	PR	Coord			
☒	☐	☐	Are all applicants/agents listed in WRIS with email addresses, if available?	☒ Yes	☐ No
☒	☐	☐	Have all permit/certificates been entered in WRIS under Transfer #?	☒ Yes	☐ No
☒	☐	☐	Were timely Public Comments received? (if yes, enter commenter names/email on mailing list)	☐ Yes	☒ No
Add finding for any comments received (see Supplemental Language document)					

Groundwater Modification Application Review and Deficiencies

CW	PR	Coord			
☒	☐	☐	N/A		
☐	☐	☐	If for a Groundwater Modification, were there any assignments? All GR Mod applicants must be the holder of record.	☐ Yes	☐ No
☐	☐	☐	Are there any past GR Modifications and/or letters documenting changes to the GR These must be accounted for in the GR Mod Order.	☐ Yes	☐ No

Review "From" and "To" Lands and/or POD/POA

CW	PR	Coord			
☒	☐	☐	Are only the authorized POD(s)/POA(s)/POU listed on the "from" map?	☒ Yes	☐ No
☒	☐	☐	Does the "from" map match the certificate map? If No, what is different?	☒ Yes	☐ No
☒	☐	☐	Compare FROM POU in application (Table 2) with certificate. Mark certificate with acres being xferred, any RR acres and any acres being cancelled.		
☒	☐	☐	Compare TO POU in Table 2 with the TO Lands on map (for accuracy)		
☒	☐	☐	Are any of the "from" lands being cancelled/diminished?	☐ Yes	☒ No
☐	☐	☐	If Yes, were cancellation/diminution affidavits submitted? (see findings and additional authority in Supplemental Language doc)	☐ Yes	☐ No
☒	☐	☐	Are any instream water rights affected? If Yes, Cert # (If Yes, check criteria for injury-upstream POD move, moving closer to SW, or return flows affected)	☐ Yes	☒ No

Layered/Supplemental Rights

CW	PR	Coord			
☒	☐	☐	N/A		
☒	☐	☐	Are there any layered irrigation rights?	☐ Yes	☒ No
☐	☐	☐	If Yes, were they included in application? If No, they must move with the primary, to a "like" primary, or they will be cancelled though the transfer process	☐ Yes	☐ No
☐	☐	☐	Layered right(s) Cert:		

☐	☐	☐	Are any supplemental rights being transferred? (verify that it is actually a supplemental right)	☐ Yes	☐ No
☐	☐	☐	If Yes, are they being transferred to a "like" primary (i.e. similar reliability)?	☐ Yes	☐ No
☐	☐	☐	Notes:		

Transfer Review Criteria					
CW	PR	Coord			
☒	☐	☐	Validity of the right – Has the right been used in the last 5 years and is not subject to forfeiture?	☒ Yes	☐ No
☒	☐	☐	☒ Evidence of use and supporting documentation ☐ Confirming (not a remaining right) cert issued within the last 5 years ☐ Rebuttal to forfeiture (ORS 540.610)		
☒	☐	☐	Ready, Willing and Able – ☒ Current delivery system sufficiently described in application. Does delivery system have capacity to fully divert and use the authorized rate/duty of the right?	☒ Yes	☐ No
☒	☐	☐	Would the proposed transfer result in enlargement? If Yes, why? What conditions, if any, will avoid?	☐ Yes	☒ No
☒	☐	☐	Would the proposed transfer result in injury? If Yes, why? What conditions, if any, will avoid?	☐ Yes	☒ No
☒	☐	☐	If injury, has WM or GW provided a list of injured water right holders? ☒ N/A	☐ Yes	☐ No
☒	☐	☐	If POD/POA/APOD/APOA change, will it be from the same source? If No, deny per OAR 690-380-2110(2) ☐ N/A	☒ Yes	☐ No
☐	☐	☐	Notes:		

Draft Preliminary Determination and Cover Letter – 12 pt. Calibri font			
CW	PR	Coord	
☒	☐	☐	Prepare ModPod workareas
☒	☐	☐	Prepare DPD (save as T-XXXXX-dpd-approve/deny (where XXXXX is the transfer number)
☒	☐	☐	Prepare DPD Cover letter (save as T-XXXXX-dpd-cov)
☒	☐	☐	Prepare Public Notice ☐ and/or ☒ newspaper notice (if required) (save as T-XXXXX-pd-notice)
☒	☐	☐	Prepare Remaining Right(s) (if applicable). Send with DPD, cover letter and notice for peer review.

Issue Draft Preliminary Determination	
CW	
☒	Copy DPD and cover letter for paper file
☒	Save DPD and cover letter as PDF
☒	Mail/email to applicant/agent/WM
☒	Add workflow item "Draft PD Issued"

Report of Ownership Information (ROI)				
CW	PR	Coord		
☐	☐	☐	Does legal description in ROI/Deed match "from" lands?	☐ Yes ☐ No
☐	☐	☐	Have all owners on the ROI/Deed signed the application?	☐ Yes ☐ No
☐	☐	☐	Has a notarized statement of consent been submitted? (if applicable) ☐ N/A	☐ Yes ☐ No

Newspaper Notice (if required)				
CW	PR	Coord		
☐	☐	☐	☐ N/A	
☐	☐	☐	Prepare/send letter to applicant/agent regarding newspaper notice cost	☐ Yes ☐ No
☐	☐	☐	TACS Support delivered receipted funds to caseworker	☐ Yes ☐ No

Preliminary Determination and Cover Letter Preparation

CW	PR	Coord		
			See cheat sheet at (S:\groups\wr\TACS\6. Transfers\Procedures\DPD to PD Conversion 12-8-2016) for more detailed instructions	
☐	☐	☐	Was application amended after DPD was issued? - Make sure amended pages were scanned to WRIS (see support staff) and make sure you mark amended (replaced) pages with SUPERSEDED. Also make findings in PD.	☐ Yes ☐ No
☐	☐	☐	If Yes, what was amended?	
☐	☐	☐	Did amendment change outcome from denial to approval? <i>If Yes, make findings in PD.</i>	☐ Yes ☐ No
☐	☐	☐	☐ If POD/POA changes or changes in "from" lands – re-review required from WM ☐ If POA changes – re-review required from GW	
<i>Note: If POD was amended and changed from a downstream move to upstream within an ISWR reach – Consent to Injury may be required.</i>				
☐	Save DPD as a new document (T-XXXXX-pd-approve/deny.doc) – 12 pt. Calibri font			
☐	Remove "Draft" from document			
☐	Unhide hidden findings (cntrl-A, select Font, uncheck "hidden" box) and add dates			
☐	If application was amended, add finding including date of amendment			
☐	Change language resulting from any amendments in response to the DPD, including language under Determination and Proposed Action			
☐	Unhide appeal (protest) language at the end of the document			
☐	Prepare PD Cover Letter (save as T-XXXXX-pd-cov)			
☐	Check email address(s) for accuracy			
☐	Notes:			
☐	Send to caseworker/coordinator for Peer Review			

Data Center Review of PD

CW	PR	Coord	
☐	☐	☐	Email PD and RR(s)(with new cert numbers) to Data* for review – indicate if file is RA *email address is in key
☐	☐	☐	Data Center will send notification that file is complete
☐	☐	☐	Make any necessary changes to PD or prepare Revised DPD (if substantive changes)

Issue Preliminary Determination

CW	
☐	Print PD and put in Manager's box for signature and issuance (support will print cover letter)
☐	Add workflow notes

Protest

CW	PR	Coor	
☐	☐	☐	Have protests been received? ☐ Yes ☐ No If YES, STOP! Coordinate with Protest section.

Final Order

CW See cheat sheet at (S:\groups\wr\TACS\6. Transfers\Procedures\PD to FO Conversion 12-8-2016) for more detailed instructions

Do not issue Final Order before this date: (protest period end date or 30 days after date of last newspaper publication)

- ☐ If application had a newspaper notice, verify that Affidavit of Publication was received. Date:
- ☐ Save PD as a new document (T-XXXXX-ord-approve (or deny))
- ☐ Remove "PRELIMINARY DETERMINATION" from document title and replace with "FINAL ORDER." Unhide hidden findings (cntrl-a, select Font, uncheck "hidden" box)
- ☐ Replace "PROPOSING APPROVAL/DENIAL OF" with APPROVING/DENYING
- ☐ Replace the "judicial review/reconsideration rights" box in the first page footer for the "Final Order" judicial review language; unhide and add Special Order Volume (support will add page #)
- ☐ Update the hidden paragraph following the public notice and amendments findings (regarding issuance of PD)
- ☐ Change "Determination and Proposed Action" to "Conclusions of Law" and update paragraph
- ☐ Replace "If application T-XXXXX is approved . . ." with Now, therefore, it is ORDERED:"
- ☐ Select list of conditions below "It is ORDERED" section and turn off Italics. Check numbering (start at "1").
- ☐ Delete Protest language, Document preparation box, and Notice Regarding Servicemembers; Insert "Mailing Date: _____"
- ☐ Final Check: All Conclusions of Law are supported by Findings and Transfer Review Criteria

Remaining Rights

CW	PR	Coord	☐ N/A
☐	☐	☐	Make sure all RR certs have new cert numbers and are entered on the right side of the footer of each RR
☐	☐	☐	Update left side of footer to read: T-XXXXX.rr.YYYYY.ini, where YYYYY is original cert number and .ini stands for your initials. New certificate should be on the right.
☐	☐	☐	Print RR on certificate paper and include with Final Order for signature

Issue Final Order

CW	
☐	Pull "Working Copy" folder from file
☐	Print and put FO and RR in Manager's box for signature (manager will deliver to support for processing and issuance)
Notes:	



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

May 19, 2025

VIA E-MAIL AND REGULAR MAIL

TROY & CHRISSY KLEINSCHMIT
41316 GREEN-FITZWATER DR
LEBANON, OR 97355

Reference: Water Right Transfer Application T-14397

Your water right transfer is in the first of three phases of processing. Enclosed is a draft of the Department's Preliminary Determination regarding Transfer Application T-14397. The document reflects the Department's conclusion that, based on the information currently available, the transfer will be approved. Your response and submittal of the items outlined below are required by June 18, 2025.

Required items needing your immediate attention:

1. Please carefully review the Draft Preliminary Determination to verify that it accurately reflects the changes you intend to make and to become familiar with the proposed conditions.
2. **Respond in writing** by June 18, 2025, with acknowledgement that you agree to the proposed action and conditions.
3. If you find any errors, please let me know.
4. **REQUIRED:** You must submit a **Report of Ownership** for the lands where the water right is currently located (i.e., the FROM lands). This report:
 - a) Must be prepared by a title company;
 - b) Shall include a "prepared by" statement and the date the title company prepared the report printed on the cover sheet;
 - c) Must:
 - i. Be prepared no earlier than 3 months prior to the date of issuance of the Draft Preliminary Determination showing current ownership; **OR**
 - ii. Be prepared within 3 months of the date the water right conveyance agreement was recorded; **OR**
 - iii. Show ownership for the FROM land at the time a water right conveyance agreement was recorded.

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

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

- d) Must include a list of owners at the time the report was generated; **AND**
 - e) Must include a legal description of the property where the water right to be transferred is currently located (i.e., the FROM lands).
5. You must provide a notarized statement of consent signed by any landowner listed in the Report of Ownership who is not already included in the transfer application. The Department's statement of consent form (**Consent By Deeded Landowner**) is available at: https://www.oregon.gov/OWRD/WRDFormsPDF/consent_to_transfer_form.pdf
6. Notice of this transfer will need to be published in a newspaper with general circulation in the area where the water rights are currently located. You will be responsible for the charges.

Conditions of your water right...

The Watermaster has required a water measurement device at the new diversion point prior to diversion of water. Enclosed is a contact information sheet to assist you in pursuing additional information or approval of the required (or alternate) device.

This transfer will require installation of a fish screen at the new diversion point **prior to diversion of water. You may not divert water prior to installation and approval of the fish screen by the Oregon Department of Fish and Wildlife (ODFW).** You may wish to contact the ODFW staff person listed on the enclosed contact sheet for more information about the screen and to determine a reasonable timeline.

Please note the proposed date by which all conditions must be met: October 1, 2026. If the required completion date is insufficient to comply with any of the conditions, you may request more time, at no cost to you, during this stage of processing. **Please let me know by the comment deadline if you will need more time and explain the reasons why.**

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 points of diversion, 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. 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).

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

1. Your written response to the conditions and proposed action in the Draft Preliminary Determination (e-mail is acceptable); 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 the items listed above by June 18, 2025, a Preliminary Determination may be issued denying the application as incomplete.

Please don't hesitate to contact me at 971-701-5485 or at elyse.d.richman@water.oregon.gov, if I may be of assistance.

Sincerely,



Transfer Specialist
Transfer and Conservation Section

cc: Transfer Application file T-14397
Gregory J. Wacker, District 16 Watermaster (*via e-mail*)

encs

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

In the Matter of Transfer Application
T-14397, Linn County

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)
)
)
)
)

D R A F T

PRELIMINARY DETERMINATION
PROPOSING APPROVAL OF CHANGES IN
POINTS OF DIVERSION AND 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

TROY & CHRISSY KLEINSCHMIT
41316 GREEN-FITZWATER DR
LEBANON, OR 97355

Findings of Fact

1. On January 30, 2024, Troy & Chrissy Kleinschmit filed an application to change the points of diversion and the place of use under Certificate 56861. The Department assigned the application number T-14397.
2. Notice of the application for transfer was published on February 6, 2024, pursuant to OAR 690-380-4000. No comments were filed in response to the notice.

3. The right to be transferred is as follows:

Certificate: 56861 in the name of SUSAN P. KLEINSCHMIT, FRED P. KLEINSCHMIT
(perfected under Permit S-38999)
Use: IRRIGATION OF 18.8 ACRES
Priority Date: MARCH 12, 1974
Rate: 0.240 CUBIC FOOT PER SECOND

Limit/Duty: The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands, shall be limited to ONE-EIGHTIETH of one cubic foot per second per acre, or its equivalent for each acre irrigated and shall be further limited to a diversion of not to exceed 2.5 acre-feet per acre for each acre irrigated during the irrigation season of each year.

Source: BEAVER CREEK a tributary of CRABTREE CREEK

Authorized Points of Diversion:

Twp	Rng	Mer	Sec	Q-Q	DLC	Measured Distances
11 S	1 E	WM	31	NW SW	42	POINT 1 - 600 FEET SOUTH AND 580 FEET EAST FROM THE E1/4 CORNER OF SECTION 36
11 S	1 W	WM	36	NE SE		POINT 2 - 500 FEET SOUTH AND 300 FEET WEST FROM THE E1/4 CORNER OF SECTION 36

Authorized Place of Use:

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
11 S	1 W	WM	36	NE SE	13.5
11 S	1 W	WM	36	SE SE	5.3
				Total	18.8

4. Transfer Application T-14397 proposes to move the authorized points of diversion downstream as follows:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances	Approximate distance from authorized points of diversion (POD) in miles (mi.)
11 S	1 W	WM	36	NW SW	POD 3 - 470 FEET SOUTH AND 243 FEET EAST FROM THE W1/4 CORNER OF SECTION 36	POD 1 - 1.06 mi. POD 2 - 0.9 mi.

5. Transfer Application T-14397 also proposes to change the place of use of the right to:

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
11 S	1 W	WM	36	NW SW	14.3
11 S	1 W	WM	36	SW SW	4.5
				Total	18.8

6. 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)]

7. Water has been used within the last five years according to the terms and conditions of the right. There is no information in the record that would demonstrate that the right is subject to forfeiture under ORS 540.610.
8. A water delivery system sufficient to use the full amount of water allowed under the existing right was present within the five-year period prior to submittal of Transfer Application T-14397.
9. The water right is subject to transfer as defined in ORS 540.505(4) and OAR 690-380-0100(14).
10. The proposed point of diversion diverts water from the same source of surface water as the authorized points of diversion, as required by OAR 690-380-2110(2).
11. The proposed change, as conditioned, would not result in enlargement of the right.
12. The proposed change, as conditioned, would not result in injury to other existing water rights.
13. All other application requirements are met.

Determination and Proposed Action

The change in points of diversion and change in place of use proposed in Transfer Application T-14397 appears to be consistent with the requirements of ORS 540.505 to 540.580 and OAR 690-380-5000. If protests are not filed pursuant to OAR 690-380-4030, the transfer application will be approved.

If Transfer Application T-14397 is approved, the final order will include the following:

1. *The change in points of diversion and change in place of use proposed in Transfer Application T-14397 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 56861 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 56861 is cancelled.*

5. *The quantity of water diverted at the new point of diversion (POD 3) shall not exceed the quantity of water lawfully available at the original points of diversion (point 1 and point 2 aka POD 1 and POD 2).*
6. *Water shall be acquired from the same source of surface water as the original points of diversion.*
7. *The former place of use of the transferred right shall no longer receive water under the right.*
8. *Water use measurement conditions:*
 - a. *Before water use may begin under this order, the water user shall install a totalizing flow meter, or, with prior approval of the Director, another suitable measuring device, at each point of diversion (new and existing).*
 - b. *The water user shall maintain the meter or measuring devices in good working order.*
 - c. *The water user shall allow the Watermaster access to the meter or measuring devices; provided however, where the meter or measuring devices are located within a private structure, the Watermaster shall request access upon reasonable notice.*
9. *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 an approved fish screen at the new point of diversion. If Oregon Department of Fish and Wildlife (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.
10. *Full beneficial use of the water shall be made, consistent with the terms of this order, on or before **October 1, 2026**. A Claim of Beneficial Use prepared by a Certified Water Right Examiner shall be submitted by the applicant to the Department within one year after the deadline for completion of the change and full beneficial use of the water.*

11. *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 Elyse Richman. If you have questions about the information in this document, you may reach me at 971-701-5485 or at elyse.d.richman@water.oregon.gov.

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-14397

Review Due Date: 03/02/2024

Applicant Name: TROY & CHRISSY KLEINSCHMIT

Proposed Changes: ☒ POU ☒ POD ☐ POA ☐ USE ☐ OTHER

Reviewer(s): G. Wacker

Date of Review: 02/16/2024

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 Water Resources Department

Measurement Condition Information for the Applicant

(To be sent with the Draft Preliminary Determination or Final Order)

Transfer #: T- 14397



In order to avoid enlargement of the right or injury to other rights, a **totalizing flow meter** will be required to be installed prior to diversion of water, as a condition of this transfer:



at each point of diversion/appropriation (new and existing) **OR**



at each new point of diversion/appropriation.

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

Watermaster name: **Greg Wacker**

District: **16**

Address: **725 Summer St NE Ste A**

City/State/Zip: **Salem, OR 97301**

Phone: **971-719-6262**

Email: **gregory.j.wacker@water.oregon.gov**

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

Approval of an Alternate Measurement Device

T-

(to be filled out after consultation with the applicant, or after a site visit)

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

Watermaster signature

District

Date

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

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

Oregon Department of Fish and Wildlife
Water Right and Diversion Transfer Comment Form
(ODFW provides to WRD so that WRD can make findings according to statutory requirements.)

Reference Transfer #: T-14397

Date of review: 2/7/24

A. Please check box if you believe there is a potential for injury to an instream water right.

☐ The Oregon Department of Fish and Wildlife (ODFW) believes this proposed transfer may injure an instream water right(s) on [stream] , tributary to , because .
(Please attach any available supporting information.)

Note: This will prompt WRD to make a determination whether the transfer will injure an instream water right. (OWRD makes the determination of injury to a water right, while ODFW's role is to raise concerns, and to evaluate proposed mitigation and net benefit to the resource if OWRD consents to injury of an instream water right.)

B. Please check one of the following five boxes related to fish screen requirements pursuant to ORS 540.525 or 540.532:

☐ **1. Screen Maintain**

[Select this option if the new Point of Diversion (POD) requires a fish screen and is currently equipped with an appropriate fish screen that will still be in compliance if the transferred water is diverted from this POD.]

Note: This option will yield the following:

Finding of Fact: The Oregon Department of Fish and Wildlife 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 currently equipped with an appropriate fish screen.

Condition: The water user shall operate and maintain an approved fish screen at the new point of diversion. If Oregon Department of Fish and Wildlife (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.

☒ **2. Screen Now**

[Option 2 should generally be selected if listed fish species are present at the point of diversion and/or the originating water right diversion is currently screened. If Option 2 is selected, provide contact information on the "Fish Screening and Passage Information" sheet. The new diversion may be eligible for cost-share.]

Note: This option will yield the following:

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.

*Please return all 3 pages to: Transfers Section, Water Resources Department,
725 Summer St. NE, Suite A, Salem, OR 97301-1266*

☐ **3. Screen 2 Year**

[Option 3 may be checked if the change is from an unscreened diversion to a HISTORIC POD or an existing POD in use for another water right, and cost-share funds are not currently available. It should NOT be checked if listed fish species are present at the point of diversion, the originating water right diversion is screened, cost-share funds are currently available, or the diversion is not eligible for ODFW's cost-share program. Please provide contact information on the "Fish Screening and Passage Information" sheet.] If extraordinary circumstances are present, please explain: _____

Note: This option will yield the following:

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. Listed fish species are not present at the point of diversion, the originating water right diversion is not screened, cost-share funds are not currently available, and the proposed diversion may be eligible for ODFW's cost-share program. A grace period of two years is appropriate until such time as cost-share funds become available to assist in the construction of a fish screen. If cost-share funds do not become available, the water user must screen within the indicated time period regardless of the availability of cost-share funding.

Condition: By October 1, 20__ [Within two years after the date of this order] the water user shall install an approved fish screen at the new point of diversion. The water user may withdraw water at the new point of diversion without a screen until October 1, 20__. The water user shall provide to 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 maintain and operate 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.

☐ **4. Screen Future**

[Use this option if fish are not currently present, but might possibly be at some future time.]

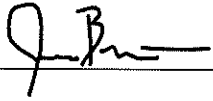
Note: This option will yield the following:

Finding of Fact: The Oregon Department of Fish and Wildlife has determined that the diversion is not currently equipped with an appropriate fish screen, but a fish screen may be required in the future at the new point of diversion to prevent fish from entering the diversion.

Condition: The Oregon Department of Fish and Wildlife (ODFW) may require the water user to install an approved fish screen at the new point of diversion within one year after receiving written notification that a fish screen is required. Once installed the water user shall maintain and operate the fish screen at the new point of diversion according to 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.

☐ **5. No Screen Needed**

[Check this box if fish are not currently present, and are not expected in the future.]

Signature 

Jason Brandt
Printed Name

(541) 315-6222
Phone

SW Hydro Coordinator
Title

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-14397

The applicant should be aware that fish screening and passage may be required for certain changes in point of diversion if the boxes below are checked.

- ☒ 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: Toby Shuyler

Address: 3561 Klindt Dr

City/State/Zip: The Dalles/OR/97058

Phone: (541) 967-2162

- ☒ 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: Elise Kelley

Address: 7118 NE Vandenberg Ave

City/State/Zip: Corvallis/OR/97330

Phone: (541) 757-5249



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 1, 2024

Troy & Chrissy Kleinschmit
41316 Green-Fitzwater Dr
Lebanon, OR 97355
Reference: Application T-14397

On January 30, 2024, the Department received your water right Permanent Transfer Application. The application was accompanied by \$2450.00. Receipt number 142320 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.

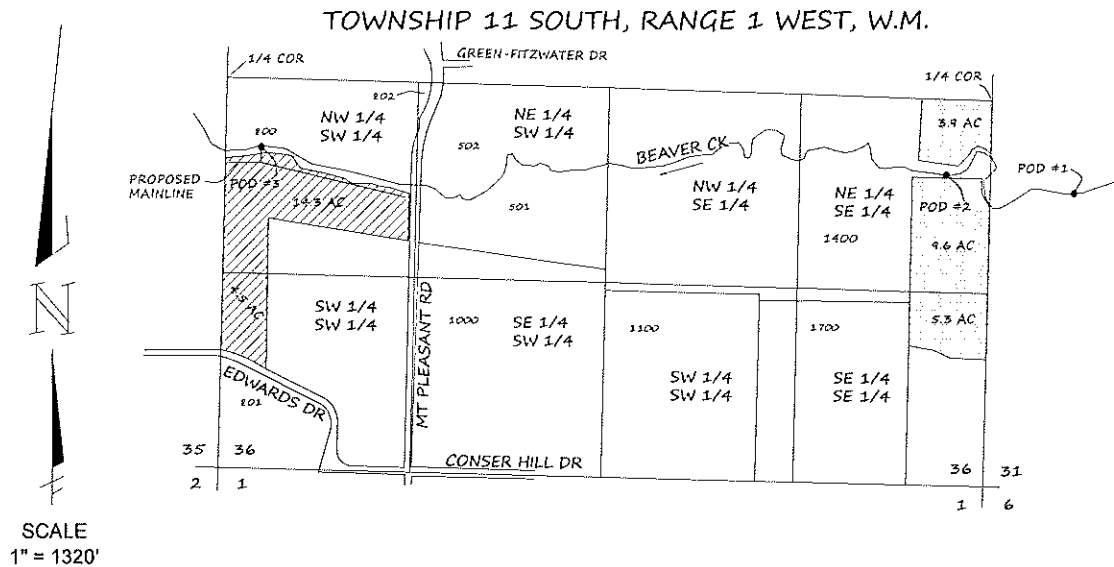
Cc: Watermaster Dist. #16, Gregory J. Wacker (*via email*)
Linn County Planning and Building, Local Government

Enclosure

Received by OWRD

JAN 30 2024

Salem, OR



LEGEND

- DENOTES AREA TRANSFER FROM
- DENOTES AREA TRANSFER TO

POD #1
600 FT SOUTH & 580 FT EAST FROM
EAST 1/4 COR. SEC. 31

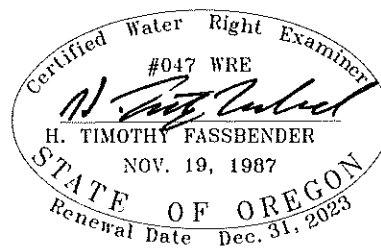
POD #2
500 FT SOUTH & 300 FT EAST FROM
WEST 1/4 COR. SEC. 36

POD #3
470 FT SOUTH & 243 FT EAST FROM
WEST 1/4 COR. SEC. 36

NOTE:
THE PREPARATION OF THE MAP WAS
FOR THE PURPOSE OF IDENTIFYING THE
LOCATION OF THE WATER RIGHT ONLY.
IT IS NOT INTENDED TO PROVIDE
LOCATION NOR DIMENSIONS OF PROPERTY
OWNERSHIP LINES.

APPLICATION FOR PERMANENT WQTER RIGHT TRANSFER

FOR
TROY & CHRISSY KLEINSCHMIT
41316 GREEN FITZWATER DR
LEBANON, OR 97333
BY
H. TIMOTHY FASSBENDER, PLS, CWRE
2896 SARAH LN
EUGENE, OR 967408
JUNE 12, 2023



14397 -

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 # **142320**

INVOICE # _____

RECEIVED FROM: Trail Bridge Mushroom CO.
BY: _____

APPLICATION	
PERMIT	
TRANSFER	<u>T-14397</u>

CASH: ☐ CHECK: # 5348 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	\$
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	\$	0204	\$
0205 TRANSFER	\$ <u>2,450.00</u>		
0218 WELL DRILL CONSTRUCTOR	EXAM FEE	0219	LICENSE FEE
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: **142320**

DATED: 1-30-2024 BY: mmmlb

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

Application for Permanent Water Right Transfer



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

Part 1 of 5 – Minimum Requirements Checklist

This transfer application will be returned if Parts 1 through 5 and all required attachments are not completed and included.

For questions, please call (503) 986-0900, and ask for Transfer Section.

~~Received by OWRD~~

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

JAN 30 2024

Salem, OR

- ☒ 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: Cert # 56861**
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):

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

Other/Explanation _____

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

JAN 30 2024

Part 2 of 5 – Transfer Application Map

Salem, OR

Your transfer application <u>will be returned</u> 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.
 - ☒ 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°).

Part 3 of 5 – Fee Worksheet

Received by OWR
JAN 30 2024
Salem, OR

1. For irrigation calculate cfs for each water right involved as follows:
 - a. Divide total authorized cfs by total acres in the water right (*for C12345, $1.25 \text{ cfs} \div 100 \text{ ac}$*); then multiply by the number of acres to be transferred to get the transfer cfs (*$\times 45 \text{ ac} = 0.56 \text{ cfs}$*).
 - b. If the water right certificate does not list total cfs, but identifies the allowable use as 1/40 or 1/80 of a cfs per acre; multiply number of acres proposed for change by either 0.025 (1/40) or 0.0125 (1/80). (*For C87654, $45.0 \text{ ac} \times 0.0125 \text{ cfs/ac} = 0.56 \text{ cfs}$*)
2. Add cfs for the portions of water rights on all the land included in the transfer; however **do not count cfs for supplemental rights on acreage for which you have already calculated the cfs fee for the primary right on the same land**. The fee should be assessed only once for each "on the ground" acre included in the transfer. (*In this example, blank 5a would be only 0.56 cfs, since both rights serve the same 45.0 acres. Blank 5b would be 0 and Line 5 would then also become 0*).

14397

Part 4 of 5 – Applicant Information and Signature

Applicant Information

APPLICANT/BUSINESS NAME Troy & Chrissy Kleinschmit			PHONE NO. 541-401-7929	ADDITIONAL CONTACT NO.
ADDRESS 41316 Green-Fitzwater Drive				FAX NO.
CITY Lebanon	STATE OR	ZIP 97355	E-MAIL Trailbridgefarms@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			PHONE NO.	ADDITIONAL CONTACT NO.
ADDRESS				FAX NO.
CITY	STATE	ZIP	E-MAIL	
BY PROVIDING AN E-MAIL ADDRESS, CONSENT IS GIVEN TO RECEIVE ALL CORRESPONDENCE FROM THE DEPARTMENT ELECTRONICALLY. COPIES OF THE FINAL ORDER DOCUMENTS WILL ALSO BE MAILED.				

Explain in your own words what you propose to accomplish with this transfer application, and why:
Transfer of existing water right (Cert #56861) to new location for development of new Hazelnut Orchard
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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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: Statesman Journal.
- Amendments to the application may only be made in response to the Department's Draft Preliminary Determination (DPD). The applicant will have a period of at least 30 days to amend the application to address any issues identified by the Department in the DPD, or to withdraw the application. Note that amendments may be subject to additional fees, pursuant to ORS 536.050.
- Failure to complete an approved change in place of use and/or change in character of use, will result in loss of the water right (OAR 690-380-6010).
- Refunds may only be granted upon request and, as set forth in ORS 536.050(4)(a), if the Director determines that a refund of all or part of a fee is appropriate in the interests of fairness to the public or necessary to correct an error of the Department.

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

Applicant signature

Troy Kleinschmit

Print Name (and Title if applicable)

Date

1-29-2024

Applicant signature

Chrissy Kleinschmit

Print Name (and Title if applicable)

Date

1-29-2024

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: ☐ Applicant ☐ Receiving Landowner				

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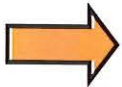
Salem, OR

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

IRRIGATION DISTRICT NAME	ADDRESS	
CITY	STATE	ZIP

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

ENTITY NAME	ADDRESS	
CITY	STATE	ZIP



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

ENTITY NAME Linn County	ADDRESS 300 SW 4th Avenue	
CITY Albany	STATE OR	ZIP 97321

ENTITY NAME	ADDRESS	
CITY	STATE	ZIP

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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 # 56861

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
11	S	1	W	36	NE	SE	1400		13.5	Irrigation	POD 1	1988	POD 3	11	S	1	W	36	NW	SW	800		14.3	Irrigation	POD 3	NEW
11	S	1	W	36	SE	SE	1400		5.3	Irrigation	POD 2	1988	POD 3	11	S	1	W	36	SW	SW	800		4.5	Irrigation	POD 3	NEW
TOTAL ACRES:							18.8							TOTAL ACRES:							18.8					

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Additional remarks: Transferring all acreage of Cert 56861 and both POD's to new location along with new POD #3 location on Beaver Creek .

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 # **56861**.

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For a change from Supplemental Irrigation Use to Primary Irrigation Use

Identify the primary certificate to be cancelled. Certificate # **56861**

Salem, OR

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

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

Applicant(s): TEOY & CHERISSY KLEINSCHMIT

Mailing Address: 41316 GREEN-FITZWATER DR

City: LEBANON State: OR Zip Code: 97355 Daytime Phone: 541-401-7929

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:
11S	1W	36	NW/3W SW/3W	800	ERU	☒ Diverted	☐ Conveyed	☒ Used	IRRIGATION
						☐ Diverted	☐ Conveyed	☐ Used	
						☐ Diverted	☐ Conveyed	☐ Used	
						☐ Diverted	☐ Conveyed	☐ Used	

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

CLATSOP

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B. Description of Proposed Use

Salem, OR

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) BEAVER CK

Estimated quantity of water needed: 0.24 ☒ 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:

IRRIGATION OF NEW HAZELNUT ORCHARD

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

See bottom of Page 3. →

For Local Government Use Only

JAN 30 2024

Salem, OR

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): LCC 928.310(3)(1)
- ☐ 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:	
		☐ Obtained ☐ Denied	☐ Being Pursued ☐ Not Being Pursued
		☐ Obtained ☐ Denied	☐ Being Pursued ☐ Not Being Pursued
		☐ Obtained ☐ Denied	☐ Being Pursued ☐ Not Being Pursued
		☐ Obtained ☐ Denied	☐ Being Pursued ☐ Not Being Pursued
		☐ Obtained ☐ Denied	☐ Being Pursued ☐ Not Being Pursued

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

Name: Alyssa Boles Title: Planning Manager

Signature: Alyssa Boles Phone: 541-962-3811 Date: 1/30/24

Government Entity: Linn County

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: _____

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 LINN

Received by OWRD

JAN 30 2024

I, TROY KLEINSCHMIT, in my capacity as OWNER,

mailing address 41316 GREEN-FITZWATER DRIVE

Salem, OR

telephone number (541)401-7929, being first duly sworn depose and say:

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

☒ Personal observation ☐ Professional expertise

2. I attest that:

☒ Water was used during the previous five years on the **entire** place of use for
Certificate # 56861; 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)
56861	11	S	1	W	WM	36	NE	SE		13.5
56861	11	S	1	W	WM	36	SE	SE		5.3

OR

- ☒ Confirming Certificate # 56861 has been issued within the past five years; OR
- ☐ Part or all of the water right was leased instream at some time within the last five years. The instream lease number is: _____ (Note: If the entire right proposed for transfer was not leased, additional evidence of use is needed for the portion not leased instream.); OR
- ☐ The water right is not subject to forfeiture and documentation that a presumption of forfeiture for non-use would be rebutted under ORS 540.610(2) is attached.
- ☐ Water has been used at the actual current point of diversion or appropriation for more than 10 years for Certificate # _____ (For Historic POD/POA Transfers)

(continues on reverse side)

14397 -

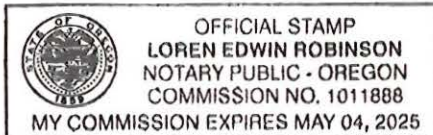
3. The water right was used for: (e.g., crops, pasture, etc.): IRRIGATION OF CROPS

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.

Troy J. Hummer
Signature of Affiant

1-30-2024
Date

Signed and sworn to (or affirmed) before me this 30th day of Jan, 2024.



Loren E. Robinson

Notary Public for Oregon

My Commission Expires: May 4, 2025

Supporting Documents	Examples
☐ 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
☐ Copies of receipts from sales of irrigated crops or for expenditures related to use of water	• Power usage records for pumps associated with irrigation use • Fertilizer or seed bills related to irrigated crops • Farmers Co-op sales receipt
☐ Records such as FSA crop reports, irrigation district records, NRCS farm management plan, or records of other water suppliers	• 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
☒ Aerial photos containing sufficient detail to establish location and date of photograph	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. 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
☐ Approved Lease establishing beneficial use within the last 5 years	Copy of instream lease or lease number

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Salem, OR

Cert 56861

Google Earth photo dated 7-13-2022

Legend

- Green Fitzwater Dr
- Johnson Meadows Park & Adult?
- Lacomb Cemetery
- Trailbridge Farms

14397 -

Green Fitzwater Dr
Green Fitzwater Dr

Beaver Creek

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JAN 30 2024
Salem, OR

CERT
56861

Google Earth

N

1000 ft

Hill Dr

Permanent Transfer Application Intake Checklist

Transfer # T- 14397

Reviewer Corie Date 1/30/24	Type of Change(s) Proposed: ☒ POU ☒ POD ☐ APOD ☐ POA ☐ APOA ☐ USE ☐ Substitution ☐ Gov't Action ☐ Sup to Primary ☐ SW to GW
Calculated Fee \$2450 Use fee calculator on back of this form	
Fee Received \$2450	
Certificate(s): 56861	Check <u>all</u> Certs in WRIS to confirm they are not cancelled
For multiple certificates, does application meet requirement of OAR 690-380-3220? If no, why? Use the flow chart for multiple Certs	
☐ YES ☐ NO ☒ N/A	
Notes:	

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

Map Requirements: OAR 690-380-3100			
4.	☒ YES	☐ NO	Has the map been completed and signed by a CWRE?
5.	☐ YES	☐ NO	☒ N/A Map Waiver? The map waiver must be issued by the Department
Notes:			

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

☒	Application complete: no deficiencies identified, assign a T-number and put this checklist in T-folder.
☐	Application DEFICIENT: DO NOT accept - return to applicant with letter explaining deficiencies identified.

Oregon Water Resources Department
Transfer Fee Calculation for Permanent (Non-District) Transfer

[Main](#) [Help](#)
[Return](#) [Contact Us](#)

Today's Date: Tuesday, January 30, 2024

Fee Calculation

Base Fee (includes one type of change to one water right for up to 1 cfs)

\$1,360.00

Fill in information below-- Check each box that applies.

Types of Change Proposed:

☐ Place of Use

☐ Point of Diversion (POD)/Appropriation (POA); and/or Additional POD/POA; and/or SW POD to GW POD

☐ Character of Use

\$1,090.00

Enter total number of water rights included in transfer.

\$0.00

☐ Check this box if you propose to add or change a well, or change from a surface water POD to a well.

Enter total number of groundwater wells (POAs) included in transfer.

\$0.00

☐ Check this box if you propose to change the place of use or character of use for a NON-irrigation right.

☐ Check this box if you propose to change the place of use or character of use for an irrigation right.

Total Transfer CFS(rounded up to the next whole cfs):

Subtotal:

\$2,450.00

Check each box that applies.

☐ The transfer is necessary to complete a project funded by the Oregon Watershed Enhancement Board (OWEB) under ORS 541.932.

☐ The transfer is endorsed in writing by ODFW as a change that will result in a net benefit to fish and wildlife habitat.

Discount:

Transfer Fee:

\$2,450.00

[Return to Edit](#) [Clear](#)

STATE OF OREGON
COUNTY OF LINN
CERTIFICATE OF WATER RIGHT

THIS IS TO CERTIFY, that

SUSAN P. KLEINSCHMIT
FRED P. KLEINSCHMIT
of 33840 FORD MILL RD LEBANON OR 97355
has a right to the use of the waters of BEAVER CREEK
a tributary of CRABTREE CREEK for the purpose of
IRRIGATION.

The right has been perfected under Permit 38999. The date of priority is MARCH 12, 1974. The right is limited to not more than 0.240 CUBIC FOOT PER SECOND or its equivalent in case of rotation, measured at the point of diversion from the source. The point of diversion is located in the

(point 1) DLC 42, NW 1/4 SW 1/4, Section 31, T 11 S, R 01 E, WM;
600 FEET SOUTH & 580 FEET EAST FROM E1/4 COR SEC 36, T11S, R1W, WM
(point 2) NE 1/4 SE 1/4, Section 36, T 11 S, R 01 W, WM;
500 FEET SOUTH & 300 FEET WEST FROM E1/4 COR SEC 36, T11S, R1W, WM

The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands, shall be limited to ONE-EIGHTIETH of one cubic foot per second per acre, or its equivalent for each acre irrigated and shall be further limited to a diversion of not to exceed 2.5 acre-feet per acre for each acre irrigated during the irrigation season of each year.

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

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

	ACRES	1/4	1/4	DLC	SECTION	TOWNSHIP	RANGE,	WM
primary	13.50	NE	SE		36	11 S	01 W	
primary	5.30	SE	SE		36	11 S	01 W	
Total:	18.80							acres.

The right to the use of the water for the above purpose is restricted to beneficial use on the lands or place of use described. The right is subject to minimum flows established by the Water Resources Commission with an effective date prior to this right.

WITNESS the signature of the Water Resources Director,
affixed this date, MARCH 4, 1988.

/S/ WILLIAM H. YOUNG

Water Resources Director

Recorded in State Record of Water Right Certificates number 56861
51739

BASIN 02 VOL 6

BEAVER CREEK

DIST 2



Received by OWRD

JAN 30 2024

Salem, OR

Date Received (Date Stamp Here)

OWRD Over-the-Counter Submission Receipt

Applicant Name(s) & Address: Troy and Chrissy Kleinschmit
41316 Green-Fitzwater Drive Lebanon, OR 97355

Transaction Type: Transfer

Fees Received: \$ 2450

☐ Cash

☒ Check:

Check No. 5548

Name(s) on Check: Trailridge Mushroom Co.

Thank you for your submission. Oregon Water Resources Department (Department) staff will review your submittal as soon as possible.

If your submission is determined to be complete, you will receive a receipt for the fees paid and an acknowledgement letter stating your submittal is complete.

If determined to be incomplete, your submission and the accompanying fees will be returned with an explanation of deficiencies that must be addressed in order for the submittal to be accepted.

If you have any questions, please feel free to contact the Department's Customer Service staff at 503-986-0801 or 503-986-0810.

Sincerely,

OWRD Customer Service Staff

Submission received by: Nick Reece
(Name of OWRD staff)

Instructions for OWRD staff:

- Complete this Submission Receipt and make two (2) copies. Place one copy with the check/cash; and place the other copy with the submission (i.e., the application or other document).
- Date-stamp all pages. (NOTE: Do not stamp check.)
- Give this original Submission Receipt to the applicant.
- Record Submission Receipt information on the "RECEIVED OVER THE COUNTER" log sheet.
- Fold and put one copy of the Submission Receipt with check/cash into the Safe slot. Place the other copy of the Submission Receipt with submission (application/other document) in the top drawer of filing cabinet.