

T-10496

T-10496

TEMPORARY

Name SSI Land & Cattle Company

Address 42874 Old Wingville Rd

Baker City, OR 97814
541-523-8178 541-523-9816 Fax

Change in POU

Date Filed 12-5-2007

Initial notice date 12-18-07

DPD issued date _____

PD issued date _____

PD notice date _____

Date of FO 1/22/08 Vol 24 Page 117

C-Date _____

COBU due date _____

COBU Received date _____

Certificate issued _____

DESCRIPTION OF WATER RIGHT(S)

Name of Stream salmon cr/Hibbard Gulch/Marble cr/mill cr/Godrich cr/Springs/see page
Crabill sp/Kelly Sp/ Swamp/Cavin sp/Roberts sp/Spring cr/McLoud Gulch/A Spring
Trib. of Powder R/Salmon cr/Rotten Gulch/Marble cr/unnamed stream

Use IRR County Baker

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

Name of ditch _____

App # T-9435 Per # _____ Cert # 4416 PR Date 1906

App # T-9435 Per # _____ Cert # 68434 PR Date 1866

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

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

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

Powder River Decree T-9435

Date 12/5/07 FEES PAID
Amount 410.00 Receipt # 90841

Date _____ FEES REFUNDED
Amount _____ Receipt# _____

Assignments: _____

Irrigation District Pocahontas Mining & Irrigation Company c/o Paul Crabill

42719 Marble Creek Rd, Baker City, OR 97814

Agent Brian Dalby 42874 Old Wingville Rd Baker City, OR 97814 541-519-6569

CWRE Leland Myers #94W

CC's list Baker County 1995 Third st, Baker City, OR 97814

- Oversized map - Location



Oregon

Theodore R. Kulongoski, Governor

Water Resources Department

North Mall Office Building
725 Summer Street NE, Suite A
Salem, OR 97301-1266
503-986-0900
FAX 503-986-0904

January 31, 2008

SSI LAND & CATTLE, CO.
42874 OLD WINGVILLE ROAD
BAKER CITY OR 97814

Reference: Temporary Transfer 10496

Enclosed is a copy of the order approving your temporary water right transfer application.

The change shall be effective at the end of the 2007 irrigation season. The use shall revert to the authorized place of use at the end of the 2012 irrigation season.

Sincerely,

For Susan Douthit
Transfer Specialist

SD:lp

cc: Watermaster # 8
CWRE #94
Pocahontas Mining & Irrigation Company
Brian Dolby or Karen Higley

Enclosure

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

| | | |
|---------------------------------------|---|------------------------------|
| In the Matter of Transfer Application |) | FINAL ORDER APPROVING A |
| T-10496, Baker County |) | TEMPORARY CHANGE IN PLACE OF |
| |) | USE |

Authority

ORS 537.705 and 540.505 to 540.580 establish the process in which a water right holder may submit a request to temporarily transfer the place of use and, if necessary to convey the water to the temporary place of use, the point of diversion authorized under an existing water right. OAR Chapter 690, Division 380 implements the statutes and provides the Department's procedures and criteria for evaluating transfer applications.

Applicant

SSI LAND & CATTLE, CO.
42874 OLD WINGVILLE RD.
BAKER CITY, OR 97814

Agent

BRIAN DOLBY or KAREN HIGLEY
42874 OLD WINGVILLE RD.
BAKER CITY, OR 97814

Findings of Fact

1. On December 5, 2007, Brian Dolby, on behalf of SSI Land & Cattle, Co., filed an application to temporarily change the place of use under Certificates 68434 and 4416 for a period of five years. The Department assigned the application number T-10496.
2. On January 7, 2008, the Department received an amendment adding water use Permit S-50217 to the Transfer Application.
3. The portion of the first right to be transferred is as follows:

Certificate: 4416 in the name of POCAHONTAS FARMERS DITCH CO. (confirmed by Powder River Decree)

Use: IRRIGATION of 79.09 ACRES

Priority Date: 1906

Rate: 1.98 CUBIC FEET PER SECOND (cfs)

Limit/Duty: ONE-FORTIETH cfs per acre, during the irrigation season of each year

Sources: MARBLE CREEK, MILL CREEK, GOODRICH CREEK AND SEEPAGE FROM LANDS OF MASTERS AND YOUNG, tributaries to SALMON CREEK

This is an order in other than a contested case. This order is subject to judicial review under ORS 183.484. Any petition for judicial review must be filed within the 60-day time period specified by ORS 183.484(2). Pursuant to ORS 536.075 and OAR 137-004-0080, you may 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.

Authorized Place of Use:

| IRRIGATION | | | | | |
|------------|------|-----|-----|-------|-------|
| Twp | Rng | Mer | Sec | Q-Q | Acres |
| 9 S | 39 E | WM | 3 | NE SE | 40.00 |
| 9 S | 39 E | WM | 3 | NW SE | 39.09 |

4. Transfer Application T-10496 proposes to change the place of use of the right to:

| IRRIGATION | | | | | |
|------------|------|-----|-----|-------|-------|
| Twp | Rng | Mer | Sec | Q-Q | Acres |
| 9 S | 39 E | WM | 2 | NW SW | 40.00 |
| 9 S | 39 E | WM | 2 | SW SW | 39.09 |

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

Certificate: 68434 in the name of ROLAND AND MILLICENT GEORGE, BRIAN R. SPENCER, RALPH CALLOWAY, DAVID AND J. BLATCHFORD AND S. S. I. LAND AND CATTLE COMPANY (confirmed by Powder River decree)

Use: IRRIGATION of 79.09 ACRES

Priority Date: 1880

Rate: 1.98 CUBIC FEET PER SECOND (cfs)

Limit/Duty: ONE-FORTIETH cfs per acre during the irrigation season of each year

Source: SALMON CREEK, tributary to POWDER RIVER

Authorized Place of Use:

| IRRIGATION | | | | | |
|------------|------|-----|-----|-------|-------|
| Twp | Rng | Mer | Sec | Q-Q | Acres |
| 9 S | 39 E | WM | 2 | NW SW | 40.00 |
| 9 S | 39 E | WM | 2 | SW SW | 39.09 |

6. Transfer Application T-10496 proposes to change the place of use of the right to:

| IRRIGATION | | | | | |
|------------|------|-----|-----|-------|-------|
| Twp | Rng | Mer | Sec | Q-Q | Acres |
| 9 S | 39 E | WM | 3 | NE SE | 40.00 |
| 9 S | 39 E | WM | 3 | NW SE | 39.09 |

7. The portion of the water use permit to be transferred is as follows:

Permit: S-50217 in the name of POCAHONTAS FARMER DITCH CO. (filed under Application S-68188)

Use: SUPPLEMENTAL IRRIGATION of 59.1 ACRES

Priority Date: FEBRUARY 11, 1985

Rate: 1.48 CUBIC FEET PER SECOND (cfs)

Limit/Duty: ONE-FORTIETH cfs per acre, not to exceed 3.5 acre-feet per acre during the irrigation season of each year

Source: MILL CREEK, MARBLE CREEK AND HIBBARD GULCH, tributaries to SALMON CREEK

Authorized Point of Diversion:

| Twp | Rng | Mer | Sec | Q-Q | Survey Coordinates |
|-----|------|-----|-----|-------|---|
| 9 S | 38 E | WM | 1 | NW SE | 200 FEET SOUTH AND 1900 FEET WEST FROM THE E1/4 CORNER OF SECTION 1 |
| 9 S | 39 E | WM | 4 | SE SW | 200 FEET NORTH AND 1800 FEET EAST FROM THE SW CORNER OF SECTION 4 |
| 9 S | 39 E | WM | 6 | SW SW | 600 FEET NORTH AND 700 FEET EAST FROM THE SW CORNER OF SECTION 6 |

Authorized Place of Use:

| SUPPLEMENTAL IRRIGATION | | | | | |
|-------------------------|------|-----|-----|-------|-------|
| Twp | Rng | Mer | Sec | Q-Q | Acres |
| 9 S | 39 E | WM | 2 | NW SW | 20.00 |
| 9 S | 39 E | WM | 2 | SW SW | 39.10 |

8. Transfer Application T-10496 proposes to change the place of use of the permit to use water to:

| SUPPLEMENTAL IRRIGATION | | | | | |
|-------------------------|------|-----|-----|-------|-------|
| Twp | Rng | Mer | Sec | Q-Q | Acres |
| 9 S | 39 E | WM | 3 | NE SE | 20.01 |
| 9 S | 39 E | WM | 3 | NW SE | 39.09 |

9. Transfer Application T-10496 proposes to temporarily transfer water rights within the boundaries of the Pocahontas Mining and Irrigation Company. Pocahontas Mining and Irrigation Company were notified of the proposed temporary transfer and did not provide any comments.
10. Notice of the application for temporary transfer was published on December 18, 2007, pursuant to ORS 540.520 and OAR 690-380-4000. No comments were filed in response to the notice.
11. Water has been used within the last five years according to the terms and conditions of the rights and water use permit, and there is no information in the record that would demonstrate that the rights and water use permit are subject to forfeiture under ORS 540.610.
12. A diversion structure and ditch sufficient to use the full amount of water allowed under the existing rights and water use permit are present.
13. The proposed change would not result in enlargement of the rights.
14. The proposed change would not result in injury to other water rights. This finding is made through an abbreviated review recognizing that the transfer may be revoked under ORS 540.523(6) if the Department later finds that the transfer is causing injury to any existing water right.


Conclusions of Law

The temporary changes in place of use proposed in Transfer Application T-10496 are consistent with the requirements of ORS 540.523 and OAR 690-380-8000.

Now, therefore, it is ORDERED:

1. The changes in place of use proposed in Transfer Application T-10496 are approved.
2. The former place of use of the transferred rights **shall not** be irrigated as part of those water rights during the 2008, 2009, 2010, 2011 and 2012 irrigation seasons.
3. The use shall revert to the authorized place of use at the end of the 2012 irrigation season.
4. The approval of this temporary transfer may be revoked or modified if the Department finds the change causes injury to any existing water right.
5. A subsequent application for permanent transfer of Certificates 4416 and 68434 and water use Permit S-50217 shall be subject to a full and complete review to determine consistency with the requirements of OAR Chapter 690, Division 380. Approval of this temporary transfer does not establish a precedent for approval of a subsequent application filed for a permanent transfer.
6. The use of water at the temporary place of use authorized by this transfer shall be in accordance with the terms and conditions of Certificates 4416 and 68434 and water use Permit S-50217.
7. The time during which water is used under this approved temporary transfer does not apply toward a finding of forfeiture under ORS 540.610.
8. The use of the remaining water right described by Certificates 4416 and 68434 and water use Permit S-50217 shall continue to be in accordance with the terms and conditions of Certificates 4416 and 68434 and water use Permit S-50217.

Dated at Salem, Oregon this 22 day of January, 2008.


Phillip C. Ward, Director

Mailing Date: 2-4-08

Water Right Transfer Checklist

Transfer T-10496

Transfer Specialist: Susan Douthit

Transfer Type: Temporary

Applicant Name/Address: SSI Land & Cattle Company, 42874 Old Wingville Rd, Baker City OR 97814

Agent Name/Address: Brian Dolby, Same address as applicant

CWRE Name/Number: LeLand Myers #94W

Rec Landowner Name/Address: NONE

Irr. District Name/Address: Pocahontas Mining & Irrigation Company c/o Paul Crabil, 42719 Marble Creek Rd, Baker City, OR 97814

Affected Gov'ts Name/Address: Baker County

Commentors: Name/Address: NONE

*5 yrs
08-12*

Water Rights Affected

| Records Marked | Records Copied | App File No. or Decree Name | Permit No. | Certificate No. | RR/CR Needed | RR/CR Nos. |
|-------------------------------------|-------------------------------------|---------------------------------------|------------|-----------------|---|------------|
| <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | T 9435 (temp) <i>Powder R. decree</i> | | 4416 | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No | |
| <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | T 9435 (temp) | | 68434 | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No | |
| <input type="checkbox"/> | <input type="checkbox"/> | <i>suppl' IR S-50217</i> | | <i>---</i> | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No | |

temp

Key Dates & Initial Actions

| | | |
|---|--|-------------------------------|
| Rec'd: <u>12/05/07</u> | Proposed Action(s): POU POD HST APOD USE OTHER: <u>pou</u> | |
| Fees Pd: <u>410.00</u> | WM District: <u>8</u> | ODFW District: <u>none</u> |
| Initial Notice: <u>12/18/07</u> | WM Review sent: <u>12/17/07</u> | ODFW Review sent: <u>none</u> |
| Acknowledgement Letter Sent <input checked="" type="checkbox"/> | GW Review sent: <u>none</u> | |

Processing Dates & Actions

Deficiency Contacts: *1-2-08 phone message →*
1-3-08 - letter re-suppl's
1-7-08 email

DPD Mailed: _____
 ODFW contact sheet sent with DPD, or N/A

PD Mailed: _____
 PD Weekly Notice: _____

Newspaper Pub Affid Due: _____
 not required
 Affid of Pub Rec'd: _____
 Last Day Published: _____
 Affidavit Reminder Sent: _____
 Reminder Deadline: _____

*added
suppl
on 1-7-08
sm*

Preliminary Determination

- Electronic Files uploaded
- PD Cover letter
- PD Notice
- File Assigned/ ModPod updated
- Preliminary Determination
- Fee Refund Due
- Remaining Rights

| DPD Review (Optional) | PD Review (Salem) | Final Order Review (Salem) |
|---|---|---|
| Reviewer: _____ Date: _____ Coordinator: _____ Date: _____ | Reviewer: _____ Date: _____ Coordinator: _____ Date: _____ | Reviewer: <i>SDP</i> Date: <i>1/22/08</i> Coordinator: _____ Date: _____ |
| Comments/Special Issues: <i>temp - pou</i> | | |

Special Order Volume: Vol 74 Pages _____ Final Order Signature Date: _____

Notice of FO email'd to processors _____

Application

- The type of change is clearly indicated. *temp 5 yrs pou 79.09 acres*
- The application is appropriately signed. *agent*
- Appropriate fees were paid. *8410* If overpayment, Refund Request to be sent with FO
- Land use form matches affected tax lots and is signed by proper official. *(from ALL affected Govt's)*
- Ditch company, district and/or BOR, sent a copy of the application and map, if appropriate.
- All required attachments received.

Water right subject to transfer

- Certificated right or Proof accepted "to the satisfaction..."
- The right been exercised according to terms & conditions of certificate.
- Delivery system has the capacity to fully divert the rate/duty of the right.
- No information in record that suggests forfeiture.
- No conflicts identified on the plat cards and plat card reports printed.
- Affidavits prepared for rights that need to be canceled or diminished.

*suppl'd
P-5 50217
& cert 38013*

Application Map

- The map has an original CWRE signature.
- The map size and scale accurate and appropriate per OAR 690-380-3100(1)(b)(c)&(d).
- All authorized and proposed POD's/POA's and POU's shown and clearly labeled.
- Metes and bounds for the POD's/POA's are properly described on the map.
- The POD/POA dimensions & 1/4 1/4 on map match the transfer application and certificate descriptions.
- Map acres match the tabulation on the certificate.
- Have final proof maps/deed maps for the rights. Application map matches certificate FPS.
- Have necessary aerial photos.

Determining the "From" and "To" Lands (make working copy of application and certificates to mark on)

- Only the authorized POD's/POA's and POU's to be transferred are listed.
- Application & certificate tabulations match. *(Mark on appl. and cert. copies and note corrections needed)*
- Marked on certificate the acreage being transferred, cancelled and remaining by 1/4 1/4.

Ownership

- The deed/ROLI matches the "from" lands. (Don't need to check "to" lands.)
- Have current tax lot map. *(If transfer application is several years old, contact assessor's office)*
- The applicant is the owner of the "from" lands.
- All owners on the deed/ROLI have signed the application.
- If necessary, there is a notarized, signed statement of consent from landowners other than applicant.
- If necessary, there is a copy of written notification to each lien holder identified on ROLI.
- Agent has authorization to make decisions.

Evaluation (materials needed for peer reviewer in bold)

- | | | | | |
|--|---|---|---|---|
| <input checked="" type="checkbox"/> application complete | <input checked="" type="checkbox"/> map | <input checked="" type="checkbox"/> FPS | <input checked="" type="checkbox"/> evidence of use | <input checked="" type="checkbox"/> land-use form |
| <input checked="" type="checkbox"/> deed/ROLI | <input checked="" type="checkbox"/> certificate | <input checked="" type="checkbox"/> fees paid | <input type="checkbox"/> well logs | <input checked="" type="checkbox"/> plat card |
| <input type="checkbox"/> audit | <input type="checkbox"/> dpd | | | |

- Reviews/comments/conditions received? Watermaster ODFW GW
- Headgate When in the judgment Prior to diverting Existing and maintain
- Measuring Devices When in the judgment Prior to diverting Existing and maintain
- Fish Screen Devices

Injury: Y N Enlargement: Y N

Conditions to avoid enlargement/injury - *na*

| | | | | | | | | | | | | | | | | | | |
|--|--------------------------|------------------|---|------------|---------------|---------------|---------------|---------------|---------------|--|----|-------|--|----|----|----|----|--|
| Select | Cert:4495 OR CN | 12/31/1898 | IRRIGATION | CN | 40 | 10 | 40 | 10 | | | | | | | | | | |
| Additional Info: A B SWIFT Decree: POWDER RIVER Cert: 4495 | | | | | | | | | | | | | | | | | | |
| Select | Cert:4496 OR * | 12/31/1884 | IRRIGATION | | | 30 | | | | | | | | 35 | 40 | 40 | 40 | |
| Additional Info: A V SWIFT Decree: POWDER RIVER Cert: 4496 | | | | | | | | | | | | | | | | | | |
| Select | Cert:67347 OR * | 11/16/1988 | IRRIGATION | | | | | | 23.3 | | | | | | | | | |
| Additional Info: ROHNERS DAIRY INC. App: G11869 Permit: G10972 Cert: 67347 | | | | | | | | | | | | | | | | | | |
| Select | Cert:68434 CF * | T10496, T9435 | 12/31/1866 | IRRIGATION | | | | | 40 | | 40 | 39.09 | | | | | | |
| Additional Info: ROLAND GEORGE Decree: POWDER RIVER Cert: 68434 | | | | | | | | | | | | | | | | | | |
| <i>subject OR!</i> | | | | | | | | | | | | | | | | | | |
| Select | Cert:73588 RR * | 12/31/1898 | IRRIGATION | | 40 | 10 | 40 | | 10 | | | | | | | | | |
| Additional Info: A B SWIFT Decree: POWDER RIVER Cert: 73588 | | | | | | | | | | | | | | | | | | |
| Select | Permit:G 16009 * | 4/13/2005 | IRRIGATION | | | | | | 6.7 | | | | | | | | | |
| Additional Info: JOHN ROHNER App: G16438 Permit: G16009 | | | | | | | | | | | | | | | | | | |
| Select | Permit:G 6070 CN | 2/4/1975 | SUPPLEMENTAL IRRIGATION (Suppl'mtl) | CN | 40 | 40 | 40 | | 10 | | | | | | | | | |
| Additional Info: ORVILLE N ROHNER App: G6450 Permit: G6070 | | | | | | | | | | | | | | | | | | |
| Select | Permit:S 44684 CN | 10/16/1979 | SUPPLEMENTAL IRRIGATION (Suppl'mtl) | CN | | | | | 40 | | 40 | 40 | | | | | | |
| Additional Info: WARREN A SPENCER | | | | | | | | | | | | | | | | | | |

Water Rights Platcard Report

Meridian: **WILLAMETTE** Township: **9** South Range: **39** East Section: **3** Records per Page: **100**

| Water Right | Changing Xfers | Priority | Use | Use Status | DLC | Gov't Lot | QQ(40): | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE | Unkown |
|-------------|--|------------------|------------|------------|-----|-----------|---------|----|----|----|----|----|----|------|-------|----|----|----|----|----|----|----|----|----|----|----|----|--------|
| | | | | | | | Q(160): | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE | QQ |
| Select | Permit:S 42793 CN | 2/16/1978 | IRRIGATION | CN | | | | | | | | | | 11.5 | | | | | | | | | | | | | | |
| | Additional Info: FRED J. COCKRAM App: S56137 Permit: S42793 | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Select | Cert:3972 OR CN | 12/31/1867 | IRRIGATION | CN | | | | 40 | 40 | 40 | 40 | | | | | | | | | | | | | | | | | |
| | Additional Info: J W ADAMS Decree: POWDER RIVER Cert: 3972 | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Select | Cert:4416 OR * | T10496, T9435 | IRRIGATION | | | | | | | | | | | | 40 | 40 | 40 | 40 | 40 | 40 | 40 | 40 | | | | | | |
| | Additional Info: POCAHONTAS FARMERS DITCH CO. Decree: POWDER RIVER Cert: 4416 | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Select | Cert:4475 OR * | 12/31/1867 | IRRIGATION | | | | | | | | | 40 | 40 | | | | | | | | | | | | | | | |
| | Additional Info: JOHN STEIGER Decree: POWDER RIVER Cert: 4475 | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Select | Cert:4481 OR CN | 12/31/1875 | IRRIGATION | CN | | | | | | | | | | 20.5 | 40 | | | | | | | | | | | | | |
| | Additional Info: EDITH L STEWART Decree: POWDER RIVER Cert: 4481 | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Select | Cert:68406 RR * | 12/31/1875 | IRRIGATION | | | | | | | | | | | 28.5 | 39.09 | | | | | | | | | | | | | |
| | Additional Info: KENNETH GRABNER Decree: POWDER RIVER Cert: 68406 | | | | | | | | | | | | | | | | | | | | | | | | | | | |

subject

| | | | | | | | | | | | | | | | | | | | |
|--|--------------------------|------------|-------------------------------------|----|------|----|----|------|------|----|------|------|------|------|------|------|----|--|----|
| Select | Cert:74090 RR CN | 12/31/1867 | IRRIGATION | CN | | | | | 39.1 | 40 | 40 | 39.1 | | | | | | | |
| Additional Info: DONALD HILL Decree: POWDER RIVER Cert: 74090 | | | | | | | | | | | | | | | | | | | |
| Select | Cert:83241 CR * | 12/31/1867 | IRRIGATION | | 39.1 | 40 | 40 | 39.1 | | | | | | | | | | | |
| Additional Info: MARTHA HILL Decree: POWDER RIVER Cert: 83241 | | | | | | | | | | | | | | | | | | | |
| Select | Permit:S 42793 CN | 2/16/1978 | SUPPLEMENTAL IRRIGATION (Suppl'mtl) | CN | | | | | | | 20.5 | 40 | | | | | | | |
| Additional Info: FRED J. COCKRAM App: S56137 Permit: S42793 | | | | | | | | | | | | | | | | | | | |
| Select | Permit:S 50217 * | 2/11/1985 | SUPPLEMENTAL IRRIGATION (Suppl'mtl) | | | | | | | | | | 20 | 39.1 | 39.1 | 40 | 40 | | |
| Additional Info: POCAHONTAS FARMER DITCH CO. App: S68188 Permit: S50217 | | | | | | | | | | | | | | | | | | | |
| Select | Permit:S 52934 * | 6/25/1990 | SUPPLEMENTAL IRRIGATION (Suppl'mtl) | | | | | 40 | 40 | | | | | | | | | | |
| Additional Info: SSI LAND AND CATTLE CO. App: S70433 Permit: S52934 | | | | | | | | | | | | | | | | | | | |
| Select | Cert:10759 OR * | 5/6/1932 | SUPPLEMENTAL IRRIGATION (Suppl'mtl) | | | | | | | | | | | | | | | | 40 |
| Additional Info: J.B. MASTERS App: S14573 Permit: S10571 Cert: 10759 | | | | | | | | | | | | | | | | | | | |
| Select | Cert:38013 OR * | 7/5/1966 | SUPPLEMENTAL IRRIGATION (Suppl'mtl) | | | | | | | | | | 37.2 | 39.2 | 37.6 | 38.8 | | | |
| Additional Info: DURWARD L BEST App: S42438 Permit: S31751 Cert: 38013 | | | | | | | | | | | | | | | | | | | |

Acreage Legend: 12.25 Regular acreage ~~12.25~~ Acreage is on a canceled right (12.25) Acreage is part of a transfer and has not been proven up on yet (inchoate) [12.25] Acreage has been suspended * Acreage is not specified



Oregon

Theodore R. Kulongoski, Governor

Water Resources Department
North Mall Office Building
725 Summer Street NE, Suite A
Salem, OR 97301-1266
503-986-0900
FAX 503-986-0904

January 3, 2008

SSI LAND & CATTLE, CO.
42874 OLD WINGVILLE RD.
BAKER CITY, OR 97814

BRIAN DOLBY
42874 OLD WINGVILLE RD.
BAKER CITY, OR 97814

REFERENCE: Temporary Transfer Application T-10496

We are examining your water right transfer application. There is a problem that needs to be resolved before we can continue processing your application.

There is a supplemental water use permit, S-50217 (filed under application S-68188) appurtenant to the lands you have proposed to temporarily transfer. This permit was not included in the temporary transfer application. Permit S-50217 is appurtenant to the NWSW and SWSW, T9S R39E, WM. Consistent with Oregon Administrative Rule 690-380-8020, this permit must be either (1) included in the application, (2) remain unexercised or (3) the application must be withdrawn.

Finally, you should be aware that pursuant to OAR 690-380-8020, if the primary water right does not revert soon enough to allow the use of water under the supplemental water right within five years, the proposed term of this temporary transfer, the supplemental water right shall become subject to cancellation for nonuse under ORS 540.610.

Resolution to this issue must be received by the Department **no later than February 4, 2008**. Your response can be mailed to my attention at Water Resources Department, 725 Summer St. NE, Suite A, Salem, OR 97301-1271 or submitted via email to Susan.M.Douthit@wrд.state.or.us. If you have any questions, please call me at 503-986-0858.

Sincerely,

Susan Douthit
Water Rights Transfer Specialist

cc: Rick Lusk, Watermaster, District #8
Pocahontas Mining & Irrigation Company

OREGON WATER RESOURCES DEPARTMENT
725 SUMMER ST NE, SUITE "A"
SALEM, OREGON 97301-1271
503-986-0900 (ph)



Please be aware that
if approved this temporary
transfer will run through
the 2012 irrigation season rather
than 2013 as indicated on
your application

Susan



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

Watermaster Review Form: Water Right Transfer

Transfer Application: T-10496

Review Due Date: 1.17.2008

Applicant Name: SSI Land and Cattle Company

Proposed Changes: POU POD POA USE OTHER

Reviewer(s): Rick Lusk

Date of Review: Jan. 17, 2008

1. Do you have information suggesting that the water rights may be subject to forfeiture?
 Yes No If "Yes", describe the information and indicate if you intend to file a cancellation affidavit or if you need additional time to determine if a cancellation affidavit should be filed: _____
2. Is there a history of regulation on the source that serves the right proposed for transfer that has involved the right and downstream water rights? Yes No Generally characterize the frequency of any regulation or explain why regulation has not occurred: every year
3. Check here if it appears that downstream water rights benefit from return flows resulting from the current use of the right? 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
4. Are there upstream water rights that would be affected by the proposed change?
 Yes No If "Yes", describe how the rights would be affected and list the rights most affected: N/A
5. 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
6. Would distribution of water for the right after the proposed change result in regulation of other water rights that would not have occurred if use of the existing right was maximized?
 Yes No If "Yes", explain: _____
7. For POU changes, would the original place of use continue to receive water from the same source? Yes No N/A If "Yes", explain: _____
8. For POU or USE changes, 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: _____
9. Are there other issues not identified through the above questions? Yes No If "Yes", explain: _____
10. What alternatives may be available for addressing any issues identified above: N/A
11. Have headgate notices been issued for the source that serves the right? Yes No

12. What water control and measurement conditions should be included in the transfer:

| | | | |
|----------------------------|--|--|---|
| Measurement Devices | <input type="checkbox"/> Present and should be maintained. | <input checked="" type="checkbox"/> Should be required prior to diverting water. | <input type="checkbox"/> May be required in the future. |
| Headgates | <input type="checkbox"/> Present and should be maintained. | <input checked="" type="checkbox"/> Should be required prior to diverting water. | <input type="checkbox"/> May be required in the future. |

Susan Douthit

From: Karen Higley [ssi@wildblue.net]
Sent: Monday, January 07, 2008 1:07 PM
To: Susan Douthit
Subject: Water Transfer #S50217

Hi Susan:

Per our phone conversation today, please add the following Supplemental Water Transfer #S50217 to our current application.

Thanks again for all of your help.

Cheers!
Karen Higley For Brian Dolby
Business Manager
SSI Land & Cattle, Co.
42874 Old Wingville Road
Baker City, OR 97814
541-523-8178



Oregon

Theodore R. Kulongoski, Governor

Water Resources Department

North Mall Office Building
725 Summer Street NE, Suite A
Salem, OR 97301-1266
503-986-0900
FAX 503-986-0904

December 12, 2007

SSI LAND & CATTLE COMPANY
42874 OLD WINGVILLE ROAD
BAKER CITY, OREGON 97814

Reference: Temporary Transfer 10496

On December 5, 2007 we received your request for temporary water right transfer. The application was accompanied by \$410.00. Our receipt 90841 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 change.

Pursuant to OAR 690-380-8010, the lands **from** which an irrigation water right is to be transferred and the land **to** which the right is to be transferred may not both receive water during the same season. If the temporary transfer is approved during an irrigation season and water has already been used at the currently authorized location during that season, then the temporary transfer will not take effect until the following season.

We will notify you if additional information or corrections to the application or map are required.

If you have any questions, please call the Transfer Section, (503)986-0900.

cc: Rick Lusk, Watermaster # 8
Leland Myers, CWRE # 94
Pocahontas Mining & Irrigation Company
Brian Dolby, Agent

enclosure



Oregon

Theodore R. Kulongoski, Governor

Water Resources Department

725 Summer Street NE, Suite A

Salem, OR 97301-1271

503-986-0900

FAX 503-986-0904

**Notice of Application for
Water Right Transfer, Temporary Transfer, or Permit Amendment
12/18/2007**

The Department seeks comment on the recently-filed application listed below. Any person may comment on the application. Comments must be received by the Department within 30 days of the date of this notice. The Director may presume that the transfer would be allowed by, and compatible with comprehensive plans unless an affected local government informs the Director otherwise within 30 days of this notice.

County: BAKER
Transfer: 10496
Water Right: CERT 4416/68434
Priority Date: 1906, 1866
Name: SSI LAND & CATTLE COMPANY
Address: 42874 OLD WINGVILLE ROAD, BAKER CITY, OR 97814
Change: PLACE OF USE
Source: MILL CREEK, GOODRICH CREEK, MARBLE CREEK,
SALMON CREEK
Authorized POU: T9S, R39E, SEC 3 NWSE, NESE
Proposed POU: T9S, R39E, SEC 2 NWSW, SWSW

The holder of a water right may apply to permanently change an existing water use subject to transfer. A transfer application may involve any of the following changes: Point of diversion or appropriation (POD; POA); Additional point of diversion or appropriation (APOD; APOA); Historic POD (HIST); Place of use (POU); Character of use (USE); Instream (ISWR); Substitution (SUB); or Exchange (EXCH).

The holder of a water right subject to transfer may request to temporarily change the place of use of the water for up to 5 years and, if necessary to convey the water, to temporarily change the point of diversion or appropriation.

The holder of a water right permit may apply to change a point of diversion (POD) or appropriation (POA) or to change the place of use (POU).

Any person who provides comments within the comment period will receive a copy of the Department's preliminary determination of whether the application should be approved or rejected after the Department has completed a review of the application and will be provided an opportunity to protest the application and preliminary determination at that time. Comments should be sent to the Transfers Section at the Department's Salem office.

**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 # **90841**

INVOICE # _____

| | | |
|--|---|--|
| RECEIVED FROM: <u>SSI LAND & CATTLE, LB.</u> | APPLICATION | |
| BY: _____ | PERMIT | |
| CASH: <input type="checkbox"/> | CHECK:# <input checked="" type="checkbox"/> <u>3508</u> | OTHER: (IDENTIFY) <input type="checkbox"/> |
| | | TRANSFER <u>7-104196</u> |
| | | TOTAL REC'D \$ <u>410.00</u> |

| | |
|-------------------------|----------------------------------|
| 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 | |
| RECEIVED OVER THE COUNTER | |
| 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 | EXAM FEE \$ _____ 0204 RECORD FEE \$ _____ |
| 0205 TRANSFER | EXAM FEE \$ <u>410.00</u> |
| WELL CONSTRUCTION | |
| 0218 WELL DRILL CONSTRUCTOR | EXAM FEE \$ _____ 0219 LICENSE FEE \$ _____ |
| LANDOWNER'S PERMIT | 0220 LICENSE FEE \$ _____ |
| OTHER (IDENTIFY) _____ | |

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

| | | |
|--------------------------------|----------------------------|------------|
| 0607 TREASURY | 0467 HYDRO ACTIVITY | LIC NUMBER |
| 0233 POWER LICENSE FEE (FWWRD) | | \$ _____ |
| 0231 HYDRO LICENSE FEE (FWWRD) | | \$ _____ |
| HYDRO APPLICATION | | \$ _____ |

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

RECEIPT: **90841** DATED: 12/5/07 BY: L. J. Swartz

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



Oreg
725 S
Saler
(503
www

Originals

Application for Water Right Transfer

Please type or print legibly in dark ink. If your application is incomplete or inaccurate, we will return it to you. If any requested information does not apply to your application, insert "N/A" to indicate "Not Applicable." As you complete this form, please refer to notes and guidance included on the application. A summary of review criteria and procedures that are generally applicable to these applications is available at www.wrd.state.or.us/OWRD/PUBS/forms.shtml.

1. TYPE OF TRANSFER APPLICATION

| Please check one | |
|--|--|
| <input type="checkbox"/> Permanent Transfer | <input type="checkbox"/> Instream Transfer |
| <input checked="" type="checkbox"/> Temporary Transfer (1 to 5 yrs.) | <input type="checkbox"/> Permanent |
| • total number of years: _____ | <input type="checkbox"/> Time-Limited |
| (begin year: 2008) | <input type="checkbox"/> Drought Transfer |
| (end year: 2013) | <input type="checkbox"/> Other |

2. APPLICANT INFORMATION

Name: SSI Land & Cattle, Co.
First Last

Address: 42874 Old Wingville Road

Baker City OR 97814
City State Zip

Phone: 541-523-8178 541-523-8178
Home Work Other

Fax: 541-523-9816 E-Mail address: ssi@wildblue.net

3. AGENT INFORMATION

(The agent listed is authorized to represent the applicant in all matters relating to this transfer application.)

Name: Brian Dolby
First Last

Address: 42874 Old Wingville Road

Baker City OR 97814
City State Zip

Phone: 541-523-8178 541-523-8178 541-519-6569
Home Work Other

Fax: 541-523-9816 E-Mail address: ssi@wildblue.net

- If an agent is listed above, please check one of the following:
 - Please send all correspondence to Agent. Send *copies* of correspondence to Applicant; or
 - Please send all correspondence to Applicant. Send *copies* of correspondence to Agent.

Last revised: 7/27/2007

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Transfer Application/1

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WATER RESOURCES DEPT
SALEM, OREGON

4. PROPOSED CHANGE(S) TO WATER RIGHT(S)

- List **all** water rights to be affected by this transfer. Indicate the certificate, permit, decree or other identifying number(s) in the table below: *(Attach additional pages as necessary.)*

| | Application / Decree | Permit / Previous Transfer | Certificate |
|----|----------------------|----------------------------|-------------|
| 1. | Powder River | Temporary #9435 | #4416 |
| 2. | Powder River | Temporary #9135 | #68434 |
| 3. | | | |
| 4. | | | |
| 5. | | | |
| 6. | | | |

- Attach a **separate Supplemental Form A** (*Description of Proposed Change(s) to a Water Right*) for **each** water right listed above.
- Check **all** proposed change(s) included in this transfer application:
 - Place of Use Point of Diversion (POD) Additional Point of Diversion
 - Character of Use Point of Appropriation (POA, or well) Additional POA
 - Instream Transfer Surface Water POD to Ground Water POA
 - Substitution of Supplemental Groundwater right for Primary Surface water right
 - Historic POD change Other
- Reason(s) for change(s): Better Management

5. WATER DELIVERY SYSTEM

- Describe the **current** water delivery system **or** the system that **was in place** at some time **within the last 5 years**. Include information on the pumps, canals, pipelines and sprinklers used to divert, convey and apply the water at the authorized place of use. If the transfer involves multiple rights that have independent systems, describe each system separately.

The description must be sufficient to demonstrate that the full quantity of water to be transferred can be conveyed from the authorized source and applied at the authorized location and that the applicant is ready, willing, and able to exercise the right.

Flood Irrigation

- System capacity: 3.95 cubic feet per second (cfs). If the transfer involves multiple rights that have independent systems, describe the capacity for each system separately.

Certificate #4416 = 1.98 cfs

Certificate #68434 = 1.98 cfs

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6. EVIDENCE OF BENEFICIAL WATER USE

- Attach one or more **Evidence of Use Affidavits** (Supplemental Form B) demonstrating that each of the right(s) involved in the transfer have been exercised in the last five years in accordance with the terms and conditions of the right or that a presumption of forfeiture for non-use could be rebutted. The Evidence of Use Affidavit(s) **must include supporting documentation** such as the following:
 - ▶ Copies of receipts from sales of irrigated crops or for expenditures relating to use of water;
 - ▶ Records such as Farm Service Agency crop reports, irrigation district records, an NRCS farm management plan, or records of other water suppliers;
 - ▶ Dated aerial photographs of the lands or other photographs containing sufficient detail to establish location and date of the photograph; *or*
 - ▶ If the right has **not** been used during the past five years, documentation that the presumption of forfeiture would be rebutted under ORS 540.610(2).

7. AFFECTED DISTRICTS

- Are any of the water rights proposed for transfer located within or served by an irrigation or other water district? Yes No
- Will any of the water rights be located within or served by an irrigation or other water district after the proposed transfer? Yes No
- Is 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? Yes No

If "Yes", for any of the above, list the name and mailing address of the district, agency and/or entity:

Pocahontas Mining and Irrigation Company
C/O Paul Crabil
42719 Marble Creek Road, Baker City, OR 97814

8. LOCAL GOVERNMENTS

- List the name and mailing address of all local governments (i.e., each county, city, municipal corporation, or tribal government within whose jurisdiction water will be diverted, conveyed or used).

| | |
|-----------------------------|--|
| <u>Baker County</u> | <u>Pocahontas Mining and Irrigation Co.</u> |
| <u>1995 Third Street</u> | <u>C/O Paul Crabil</u> |
| <u>Baker City, OR 97814</u> | <u>42719 Marble Creek Road, Baker City, OR 97814</u> |

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11. ATTACHMENTS

*Check each of the following attachments included with this application.
The application will be returned if all required attachments are not included.*

| | |
|---|---|
| <p>Supplemental Form A – Description of Proposed Change(s) to a Water Right</p> <p><input checked="" type="checkbox"/> A <u>separate</u> Supplemental Form A is enclosed for <u>each</u> water right to be affected by this transfer.</p> <p>Supplemental Form B – Evidence of Use Affidavit(s)</p> <p><input checked="" type="checkbox"/> At least one Evidence of Use Affidavit documenting that the right has been used during the last five years or that the right is not subject to forfeiture under ORS 540.610 is attached. The affidavit provided must be the original (not a copy), <u>and</u></p> <p><input type="checkbox"/> The Evidence of Use Affidavit must be accompanied by supporting documentation.</p> <p>Map</p> <p><input checked="" type="checkbox"/> <i>Water Right Transfer</i> The map must be prepared by a Certified Water Right Examiner and meet the requirements of OAR 690-380-3100 unless a waiver has been granted. The map provided must be the original, not a copy.</p> <p><input type="checkbox"/> <i>Temporary Transfer or Historical POD Change</i> A map meeting the requirements of OAR 690-380-3100 must be included but need <u>not</u> be prepared by a Certified Water Right Examiner.</p> <p>Water Well Report(s)/Well Log(s):</p> <p><input type="checkbox"/> The application is for a change in point of appropriation or change from surface water to ground water and copies of all water well reports are attached.</p> <p><input type="checkbox"/> Water well reports are not available and a description of construction details including well depth, static water level, and information necessary to establish the ground water body developed or proposed to be developed is attached.</p> <p><input type="checkbox"/> N/A. The application does <u>not</u> involve a change in point of appropriation or a change from surface water to ground water, so water well reports are <u>not</u> required.)</p> | <p>Land Use Information For Proposed Changes:</p> <p><i>For Instream Transfers:</i></p> <p><input type="checkbox"/> Notice of the intent to file an instream transfer application has been provided to each affected local government along the proposed reach, and copies of the notices are enclosed. (<i>For instream transfers a Land Use Information Form is not required.</i>)</p> <p><i>For All Other Transfers:</i></p> <p><input type="checkbox"/> Land Use Information Form is enclosed; <i>or</i></p> <p><input checked="" type="checkbox"/> <u>All</u> of the following criteria are met, therefore a Land Use Information Form is not required:</p> <ol style="list-style-type: none">① In EFU zone or irrigation district,② Change in place of use only,③ No structural changes needed, including diversion works, delivery facilities, other structures, <i>and</i>④ Irrigation only. <p>Fees:</p> <p><input checked="" type="checkbox"/> Amount enclosed: \$ <u>410.00</u> See the Department's Fee Schedule at www.wrd.state.or.us or call (503) 986-0900.</p> <p><u>Instream Water Right Transfers, also include:</u></p> <p>Supplemental Form C – Instream Water Right Transfer</p> <p><input type="checkbox"/> Complete this form to describe the desired nature and attributes for the proposed instream water right.</p> <p><u>Temporary Transfers, also include:</u></p> <p>Recorded Deed:</p> <p><input checked="" type="checkbox"/> The applicant must submit a copy of the current deed of record for the land from which the authorized place of use or point of diversion/appropriation is being moved.</p> <p>Affidavit of Consent:</p> <p><input type="checkbox"/> If the applicant is NOT the owner of record for the land from which the authorized place of use or point of diversion/appropriation is being moved, a notarized statement from the actual owner of record consenting to the proposed transfer must be submitted.</p> |
|---|---|

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Before submitting your application to the Department, be sure you have:

- Answered each question completely.
- Included all the required attachments.
- Provided original signatures for **all** named deed holders, or other parties, with an interest in the water right.
- Included a check payable to the Oregon Water Resources Department for the appropriate amount.

12. SIGNATURES

▪ Check **one** of the following, as appropriate, and sign the application in the signature box below:

In accordance with OAR 690-380-3000(13)(a), I (we) understand that prior to Department approval of a permanent transfer and upon my receipt of a draft Preliminary Determination for the proposed transfer, I (we) will be required [pursuant to OAR 690-380-4010(5)] to provide the following landownership information and evidence demonstrating that I (we) are authorized to pursue the transfer:

- (a) A report of ownership and lien information that has been prepared by a title company *within the last three months*;
- (b) A copy of written notification of the proposed transfer provided by the applicant to **all** lien holders on the subject lands unless the report of ownership and lien information shows that a water right conveyance agreement has been recorded for the subject lands. *If a water right conveyance agreement has been recorded for the subject lands, a copy of the agreement and identification of the owner of the lands at the time the agreement was recorded must be submitted; and*
- (c) If the landowner identified in the report of ownership and lien information is **not** the applicant, a notarized statement consenting to the transfer (*attached*) signed by the landowner identified in the report or an authorized representative of the entity to whom the interest in the water right has been conveyed as identified in a water right conveyance agreement or other documentation demonstrating that the applicant is authorized to pursue the transfer in the absence of the consent of the landowner.

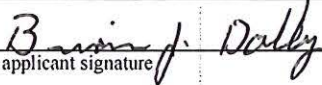
I (we) affirm that interest in the water right has been conveyed to someone other than the landowner, and documents, including a water right conveyance agreement, report of ownership and lien information, and any required lienholder notification are enclosed, demonstrating that I am (we are) authorized to pursue the transfer. I (we) understand that we may be required to provide additional information upon receipt of the draft Preliminary Determination.

I (we) affirm that 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. Therefore, pursuant to OAR 690-380-3000(13)(b), the applicant is **NOT** required to provide the above described report of ownership and lien information.

I (we) affirm that the applicant is an entity with the authority to condemn property and is acquiring the property to which the water right proposed for transfer is appurtenant by condemnation. Documentation is provided with this application supporting this statement. Therefore, pursuant to OAR 690-380-3000(13)(c), the applicant is **NOT** required to provide the above described report of ownership and lien information. (NOTE: Such an entity may only apply for a transfer under this subsection if it has filed a condemnation action to acquire the property.

I (we) affirm that this is a temporary transfer and a copy of the deed for the "from" land (and affidavits of consent from any other landowners, if applicable) is enclosed.

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

| | | |
|--|---|------------------|
|  applicant signature | Brian Dally Ranch Manager name and title if applicable (print) | 11-30-07 date |
| _____ applicant signature | _____ name and title if applicable (print) | _____ date |

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Last revised: 7/27/2007

Water Right Transfer Supplemental Form A
DESCRIPTION OF PROPOSED CHANGE(S) TO A WATER RIGHT

List only one water right per page. A separate Supplemental Form A must be completed for each certificate, permit, decree, or other right involved in the proposed transfer.

Attach additional copies of Supplemental Form A as needed to describe other certificates, permits, decrees or other rights involved in this transfer.

▪ Certificate Number or other identifying number: #4416

1. TYPE OF CHANGE(S) PROPOSED

(Check *all* that apply.)

| Point of Diversion or Appropriation | Place of Use | Character of Use |
|--|--|---|
| <input type="checkbox"/> Change (The old point of diversion or appropriation will <u>not</u> be used for the portion of the water right affected by the transfer.) <input type="checkbox"/> Additional (Both the old <u>and</u> new points of diversion or appropriation will be used for the portion of the water right affected by the transfer.) <input type="checkbox"/> Historic Point of Diversion or Appropriation Change (Unauthorized point of diversion or appropriation used for more than 10 years.) <input type="checkbox"/> Surface Water to Ground Water (A new point of appropriation will be used instead of the old point of diversion. The old point of diversion will <u>not</u> be used.) <input type="checkbox"/> Point of Diversion Change due to Government Action (The old point of diversion or appropriation can no longer be used due to government action.) <input type="checkbox"/> Exchange (Water from another source will be used in exchange for supplying an equal amount of replacement water to that source.) | <input checked="" type="checkbox"/> All of the right will be exercised at a different location than currently authorized (Use of water at the current location will be discontinued.) <input type="checkbox"/> Only a portion of the right will be exercised at a different location than currently authorized (Use of water at the current location will be discontinued.) | <p align="center">Proposed new use:</p> <input type="checkbox"/> Irrigation <input type="checkbox"/> Municipal <input type="checkbox"/> Quasi-municipal <input type="checkbox"/> Commercial <input type="checkbox"/> Industrial <input type="checkbox"/> Instream (complete and attach <i>Supplemental Form C</i>) <input type="checkbox"/> Domestic (indicate number of households) _____ <input type="checkbox"/> Other _____ <input type="checkbox"/> Substitution (A supplemental ground water right will be substituted for a primary surface water right.) <input type="checkbox"/> Supplemental Use to Primary Use (Primary water right shall be cancelled and the supplemental water right will change to primary use.) |

2. CURRENT WATER RIGHT INFORMATION

Water Right Subject to Transfer (check and complete one of the following):

| | | |
|--|--------------------------|--|
| <input type="checkbox"/> Certificated Right | _____ | _____ |
| | Certificate Number | Permit Number or Decree Name |
| <input type="checkbox"/> Adjudicated, Non-certificated Right | _____ | _____ |
| | Name of Decree | Page Number |
| <input type="checkbox"/> Permit for which Proof has been Approved | _____ | _____ |
| | Permit Number | Date Claim of Beneficial Use Submitted |
| <input checked="" type="checkbox"/> Transferred Right for which Proof has been Filed | _____ | _____ |
| | Previous Transfer Number | Date Claim of Beneficial Use Submitted |

- Name on Permit, Certificate, or Decree: SSI Land & Cattle, Co.
- County: Baker County
- Authorized Use(s) to be Affected by Transfer: Better Management Flood Irrigation
- Priority Date(s): 1906

If there are multiple Priority Dates identified on the water right, any information provided on pages 3 through 6 of this form must identify which priority date is associated with each of the authorized and proposed points of diversion or appropriation and places of use.

- Source(s) of Water to be Affected by Transfer: Mill Creek, Goodrich Creek, Marble Creek

Tributary to: Salmon Creek

If there are multiple Sources listed on the water right, any information provided on pages 3 through 6 of this form must identify which source is associated with each of the authorized and proposed points of diversion or appropriation and places of use.

For applications proposing a Change in Place of Use or Character of Use:

- Are there **Other Water Rights**, Permits or Ground Water Registrations associated with this land?

Yes No N/A – No Change in Place of Use or Character of Use

If "Yes", what are the Permit, Registration or Certificate Numbers? _____

Pursuant to ORS 540.510, any "layered" water use or a right that is supplemental to a primary right proposed for transfer must be included in the transfer or be cancelled, except as provided in OAR 690-380-2240(5).

Certificate Number or other identifying number: #4416

The following information must be provided only for those points of diversion or appropriation that are involved in the transfer (i.e., list only the portion of the water right you propose to transfer.) Attach additional pages as necessary.

Government lot and donation land claim numbers must be included in the tables below only if the information is reflected on the existing water right.

Location of Existing Authorized Point(s) of Diversion or Appropriation to be Changed:
(i.e., the allowed point(s) of diversion or appropriation listed on the water right that will be affected by the proposed transfer, the "FROM" point(s) of diversion or appropriation)

| Is Ground Water OWR? Well Log ID No. or Well ID No. | Source and Priority Date | Township | Range | Mer. | Sec. | 34 | 36 | 38 | 40 | Gov. Lot, D.L. or Donation | Survey Coordinates (coordinates from a recognized survey, if any) |
|---|--------------------------|----------|-------|------|------|----|----|----|----|----------------------------|---|
| | NOT CHANGED | | | | | | | | | | |
| | SEE DIVERSION ATTACHMENT | | | | | | | | | | |
| | | | | | | | | | | | |

- Does the water right being transferred involve a ground water source(s)?
 - Yes
 - No (Surface water source only.)

If "Yes", for each authorized point of appropriation (well) involved, you must either:

- A. Supply a copy of the well log(s) for each point of appropriation that is clearly labeled and associated with the corresponding well in the table above and on the accompanying application map. (NOTE: You may search for well logs on the Department's web page at: <http://www.wrd.state.or.us>)
- or
- B. If a well log is not available, you must describe the construction of the authorized point of appropriation by completing the table below. Attach additional copies as necessary.

Construction of Existing Authorized Point(s) of Appropriation – (Only needed if no well log is available.)
Wells in this listing must be clearly tied to corresponding well location(s) described in the table above and shown on the accompanying application map.

| OWRD Well No. as identified in table above | Diameter | Type and ID No. of casing | No. of feet of casing | Interval casing perforated (if test) | Seal depth | Est. depth to water | Est. depth to water bearing stratum | Type of access point or measuring device | Total well depth |
|--|----------|---------------------------|-----------------------|--------------------------------------|------------|---------------------|-------------------------------------|--|------------------|
| | | | | | | | | | |
| | | | | | | | | | |
| | | | | | | | | | |

▪ Certificate Number or other identifying number: #4416

3. PROPOSED CHANGES TO THE WATER RIGHT

Describe proposed changes to the water right involving point(s) of diversion and/or appropriation. Survey coordinates described below should accurately correspond to the points shown on the accompanying application map. Attach additional pages as necessary.

Location of Proposed Point(s) of Diversion or Appropriation:

(i.e., the "TO" point(s) of diversion or appropriation)

N/A – Instream Water Right Transfer

(NOTE: Complete this table only if a Change in Point of Diversion or Appropriation is being proposed.)

| Source | Township | Range | Mer. | Sec. | Section | Ac. Lbr. D.C. (6) or Lbr. | Survey Coordinates (coordinates from a recognized survey corner) |
|--------|----------|-------|------|------|---------|---------------------------|--|
| | | | | | | | |
| | | | | | | | |
| | | | | | | | |
| | | | | | | | |

- If there are proposed point(s) of appropriation (wells) listed in the table above, are the well(s) already constructed? Yes No N/A - No proposed well(s) listed above.

*If "Yes", attach and clearly label the corresponding well log(s) for each proposed well, or if well log(s) are **not** available, describe the construction of the well(s) using the table below. (NOTE: You may search for well logs on the Department's web page at: <http://www.wrd.state.or.us>)*

If "No", describe the anticipated construction for the proposed well(s) in the following table:

Construction of Proposed Point(s) of Appropriation or Well(s)

Well numbers in this listing must be clearly tied to corresponding well location(s) described in the table above and shown on the accompanying application map.

| Well already built (Yes/No) | Has existing well or well log ID No. or Well ID tag | Diameter | Type and size of casing | No. of feet of casing | Interval casing is perforated (if yes) | Sea depth | Test depth to water | Est. depth to water bearing stratum | Type of access point or measuring device | Total well depth |
|-----------------------------|---|----------|-------------------------|-----------------------|--|-----------|---------------------|-------------------------------------|--|------------------|
| | | | | | | | | | | |
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| | | | | | | | | | | |

POINTS OF DIVERSION
For Certificate Nos. 4416 and 68434
as of April 25, 2003

The Diversion Point for Certificate No. 68434 is the Pocahontas Farmers Ditch diverted out of Salmon Creek in the SE1/4SE1/4 of Section 5, T9S, R39E. There are no coordinates for the point.

The source for Certificate No. 4416 is Goodrich, Mill, and Marble Creeks according to the adjudication order. The adjudication map did not show any ditch connecting these streams with Salmon Creek so that water could be delivered via the Pocahontas Farmers Ditch. Upon a cursor investigation it was found there is a ditch that brings water generally from the Northwest to the SW1/4NW1/4 of Section 8, T9S, R39S where it is dumped off the hill down to the Salmon Creek Road. It continues to flow in a small channel alongside the road and eventually flows directly into the Pocahontas Farmers Ditch at its diversion point.

The location of the ditch and where it crosses the subject creeks was not checked. It appears that the ditch is between the 4000 and 4200 contour interval as shown on the USGS Quadrangle Maps Wingville and Elkhorn Peak. The ditches shown on the Adjudication Map do not follow the contours except for the Auburn Ditch which is fairly accurately depicted. There are two ditches that seem to be possible candidates for this diversion. There is a Farmers Ditch shown between Mill Creek and Marble Creek, but it does not seem to continue far enough to flow into the proper part of Salmon Creek and does not connect to Goodrich Creek. Nelson Ditch is shown all the way from Gee Creek to very near Salmon Creek. The primary original use of these ditches appear to have been placer mining.

Where the water is dumped off the hill there are two old ditches. The upper ditch which is used is the largest and about 50 vertical feet below is a smaller abandoned ditch. It appears that the upper ditch is the Nelson Ditch and the lower the Farmers Ditch. The indications are that when water was no longer needed for mining, the larger and easier to maintain ditch was used and the Farmers Ditch was abandoned. So the ditch name that should be used is undetermined.

The Powder River Adjudication Map shows the diversion point out of Goodrich Creek for the Nelson Ditch is in the NW1/4SW1/4 of Section 36, T8S, R38E. The Elkhorn Quadrangle indicates it may be a bit more easterly of this point, but not positively checked. The ditches may not have followed the contours as drawn, but where they cross Mill Creek is very nearly the same on both the quad sheets and the map. The crossing and point of diversion on Mill Creek appears to be near the East-West center of section line, but it will be called to be in the NW1/4SE1/4 of Section 1, T9S, R38E. The Marble Creek crossing and diversion is shown on the adjudication map in the SE1/4SW1/4 of Section 6, but the quadrangle sheet shows it more in the NW1/4NW1/4 of Section 7, T9S, R39E. There are no other known diversions above these point except the Auburn Ditch which is now a part of the Baker City Water System.



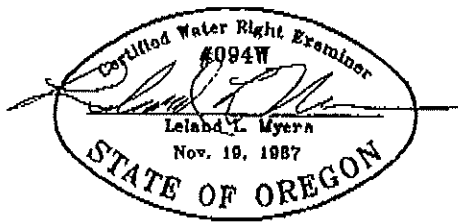
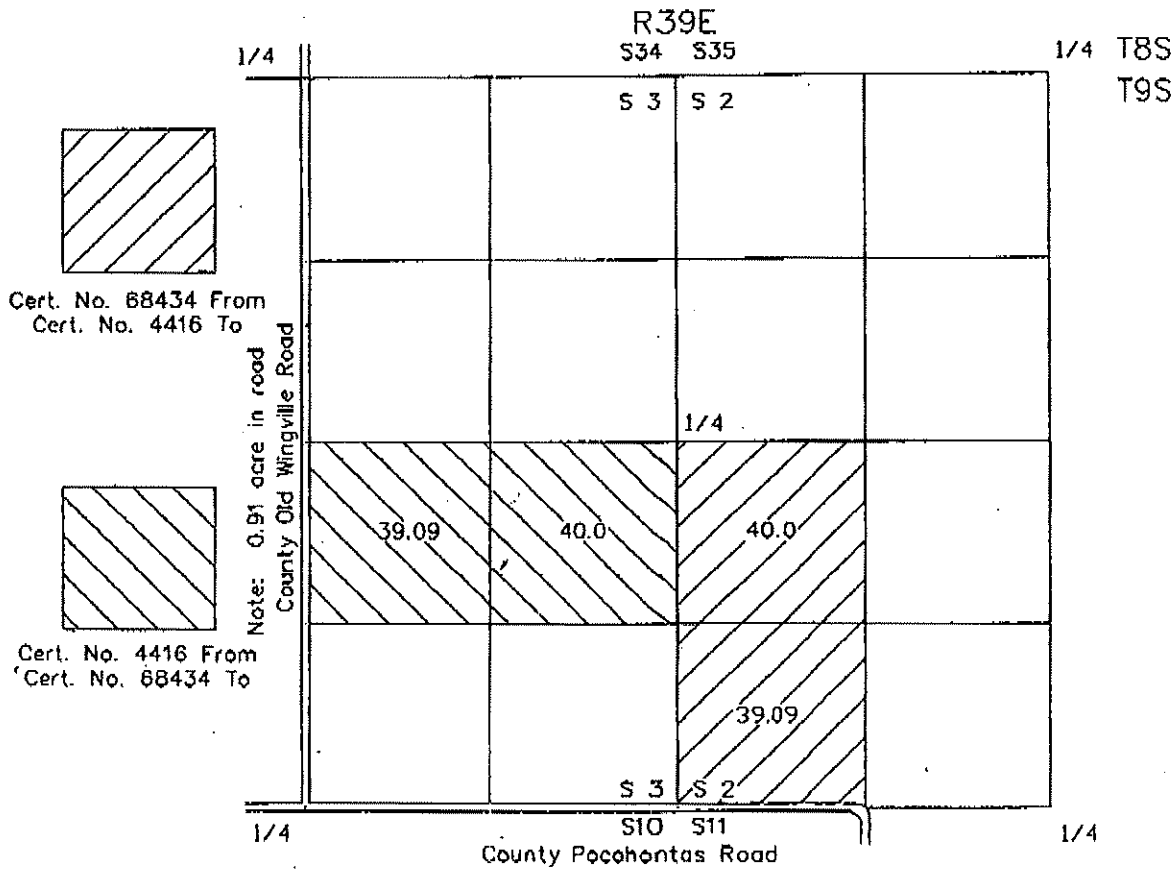
TEMPORARY WATER RIGHT TRANSFER APPLICATION MAP



Scale 1" = 1320'

Applicant: SSI Land and Cattle Company
42874 Old Wingville Road
Baker City, OR 97814

Tax Lot Nos.: 09S3903 700, 09S39 800, 900 & 1000
County: Baker
River Basin: Powder



This map is for the purpose of identifying the location of the water right only and has no intent to provide dimensions or location of property ownership lines.

1 10496

Last revised: 7/27/2007

Water Right Transfer Supplemental Form A
DESCRIPTION OF PROPOSED CHANGE(S) TO A WATER RIGHT

List only one water right per page. A separate Supplemental Form A must be completed for each certificate, permit, decree, or other right involved in the proposed transfer.

Attach additional copies of Supplemental Form A as needed to describe other certificates, permits, decrees or other rights involved in this transfer.

■ Certificate Number or other identifying number: #88434

I. TYPE OF CHANGE(S) PROPOSED

(Check *all* that apply.)

| Point of Diversion or Appropriation | Place of Use | Character of Use |
|--|--|---|
| <input type="checkbox"/> Change (The old point of diversion or appropriation will not be used for the portion of the water right affected by the transfer.) <input type="checkbox"/> Additional (Both the old <u>and</u> new points of diversion or appropriation will be used for the portion of the water right affected by the transfer.) <input type="checkbox"/> Historic Point of Diversion or Appropriation Change (Unauthorized point of diversion or appropriation used for more than 10 years.) <input type="checkbox"/> Surface Water to Ground Water (A new point of appropriation will be used instead of the old point of diversion. The old point of diversion will not be used.) <input type="checkbox"/> Point of Diversion Change due to Government Action (The old point of diversion or appropriation can no longer be used due to government action.) <input type="checkbox"/> Exchange (Water from another source will be used in exchange for supplying an equal amount of replacement water to that source.) | <input checked="" type="checkbox"/> All of the right will be exercised at a different location than currently authorized (Use of water at the current location will be discontinued.) <input type="checkbox"/> Only a portion of the right will be exercised at a different location than currently authorized (Use of water at the current location will be discontinued.) | <p align="center">Proposed new use:</p> <input type="checkbox"/> Irrigation <input type="checkbox"/> Municipal <input type="checkbox"/> Quasi-municipal <input type="checkbox"/> Commercial <input type="checkbox"/> Industrial <input type="checkbox"/> Instream (complete and attach <i>Supplemental Form C</i>) <input type="checkbox"/> Domestic (indicate number of households) _____ <input type="checkbox"/> Other _____ <input type="checkbox"/> Substitution (A supplemental ground water right will be substituted for a primary surface water right.) <input type="checkbox"/> Supplemental Use to Primary Use (Primary water right shall be cancelled and the supplemental water right will change to primary use.) |

2. CURRENT WATER RIGHT INFORMATION

Water Right Subject to Transfer (check and complete one of the following):

| | | |
|--|--------------------------|--|
| <input type="checkbox"/> Certificated Right | Certificate Number | Permit Number or Decree Name |
| <input type="checkbox"/> Adjudicated, Non-certificated Right | Name of Decree | Page Number |
| <input type="checkbox"/> Permit for which Proof has been Approved | Permit Number | Date Claim of Beneficial Use Submitted |
| <input checked="" type="checkbox"/> Transferred Right for which Proof has been Filed | Previous Transfer Number | Date Claim of Beneficial Use Submitted |

- Name on Permit, Certificate, or Decree: SSI Land & Cattle, Co.
- County: Baker County
- Authorized Use(s) to be Affected by Transfer: Better Management Flood Irrigation
- Priority Date(s): 1880

If there are multiple Priority Dates identified on the water right, any information provided on pages 3 through 6 of this form must identify which priority date is associated with each of the authorized and proposed points of diversion or appropriation and places of use.

- Source(s) of Water to be Affected by Transfer: Salmon Creek

Tributary to: Salmon Creek

If there are multiple Sources listed on the water right, any information provided on pages 3 through 6 of this form must identify which source is associated with each of the authorized and proposed points of diversion or appropriation and places of use.

For applications proposing a Change in Place of Use or Character of Use:

- Are there Other Water Rights, Permits or Ground Water Registrations associated with this land?

Yes No N/A – No Change in Place of Use or Character of Use

If "Yes", what are the Permit, Registration or Certificate Numbers? _____

Pursuant to ORS 540.510, any "layered" water use or a right that is supplemental to a primary right proposed for transfer must be included in the transfer or be cancelled, except as provided in OAR 690-380-2240(5).

▪ Certificate Number or other identifying number: #66434

The following information must be provided only for those points of diversion or appropriation that are involved in the transfer (i.e., list only the portion of the water right you propose to transfer.) Attach additional pages as necessary.

Government lot and donation land claim numbers must be included in the tables below only if the information is reflected on the existing water right.

Location of Existing Authorized Point(s) of Diversion or Appropriation to be Changed:
(i.e., the allowed point(s) of diversion or appropriation listed on the water right that will be affected by the proposed transfer, the "FROM" point(s) of diversion or appropriation)

| If Ground Water, OWRD Well Log ID No. or Well ID Tag No. (if any) | Source and Priority Date | Township | Range | West | Section | Gov. Lot | Tax Lot, MacClur Gov. Lot | Survey Coordinates (boundaries from a recognized survey corner) |
|---|--------------------------|----------|-------|------|---------|----------|---------------------------|---|
| | NOT CHANGED | | | | | | | |
| | SEE DIVERSION ATTACHMENT | | | | | | | |
| | | | | | | | | |

- Does the water right being transferred involve a ground water source(s)?
 - Yes
 - No (Surface water source only.)

If "Yes", for each authorized point of appropriation (well) involved, you must either:

A. Supply a copy of the well log(s) for each point of appropriation that is clearly labeled and associated with the corresponding well in the table above and on the accompanying application map. (NOTE: You may search for well logs on the Department's web page at: <http://www.wrd.state.or.us>)

or

B. If a well log is not available, you must describe the construction of the authorized point of appropriation by completing the table below. Attach additional copies as necessary.

Construction of Existing Authorized Point(s) of Appropriation – (Only needed if no well log is available.)
Wells in this listing must be clearly tied to corresponding well location(s) described in the table above and shown on the accompanying application map.

| OWRD Well Log ID as identified in table above | Diameter | Type and size of casing | No. of feet casing | Interval Casing perforated (ft) | Casing depth | Estimated water | How depth to water bearing stratum | Type of access, port or metering device | Total well depth |
|---|----------|-------------------------|--------------------|---------------------------------|--------------|-----------------|------------------------------------|---|------------------|
| | | | | | | | | | |
| | | | | | | | | | |
| | | | | | | | | | |

Certificate Number or other identifying number: #68434

3. PROPOSED CHANGES TO THE WATER RIGHT

Describe proposed changes to the water right involving point(s) of diversion and/or appropriation. Survey coordinates described below should accurately correspond to the points shown on the accompanying application map. Attach additional pages as necessary.

Location of Proposed Point(s) of Diversion or Appropriation:

(i.e., the "TO" point(s) of diversion or appropriation)

N/A - Instream Water Right Transfer

(NOTE: Complete this table only if a Change in Point of Diversion or Appropriation is being proposed.)

| Source | Township | Range | Mer | Sec | Section | BLM, D.C. or Other EOL | Survey Coordinates (coordinates from a recognized survey exist) |
|--------|----------|-------|-----|-----|---------|------------------------|---|
| | | | | | | | |
| | | | | | | | |
| | | | | | | | |
| | | | | | | | |

- If there are proposed point(s) of appropriation (wells) listed in the table above, are the well(s) already constructed? Yes No N/A - No proposed well(s) listed above.

If "Yes", attach and clearly label the corresponding well log(s) for each proposed well, or if well log(s) are **not** available, describe the construction of the well(s) using the table below. (NOTE: You may search for well logs on the Department's web page at: <http://www.wrd.state.or.us>)

If "No", describe the anticipated construction for the proposed well(s) in the following table:

Construction of Proposed Point(s) of Appropriation or Well(s)

Well numbers in this listing must be clearly tied to corresponding well location(s) described in the table above and shown on the accompanying application map.

| Well already built? (Yes/No) | If an existing well, GWRD Well Log ID No. (or Well ID Log No. if not) | Diameter | Type and size of casing | No. of feet of casing | Intervals casing is perforated (in feet) | Seal depth | Est. depth to water | Est. depth to water bearing stratum | Type of access port or measuring device | Total well depth |
|------------------------------|---|----------|-------------------------|-----------------------|--|------------|---------------------|-------------------------------------|---|------------------|
| | | | | | | | | | | |
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POINTS OF DIVERSION
For Certificate Nos. 4416 and 68434
as of April 25, 2003

The Diversion Point for Certificate No. 68434 is the Pocahontas Farmers Ditch diverted out of Salmon Creek in the SE1/4SE1/4 of Section 5, T9S, R39E. There are no coordinates for the point.

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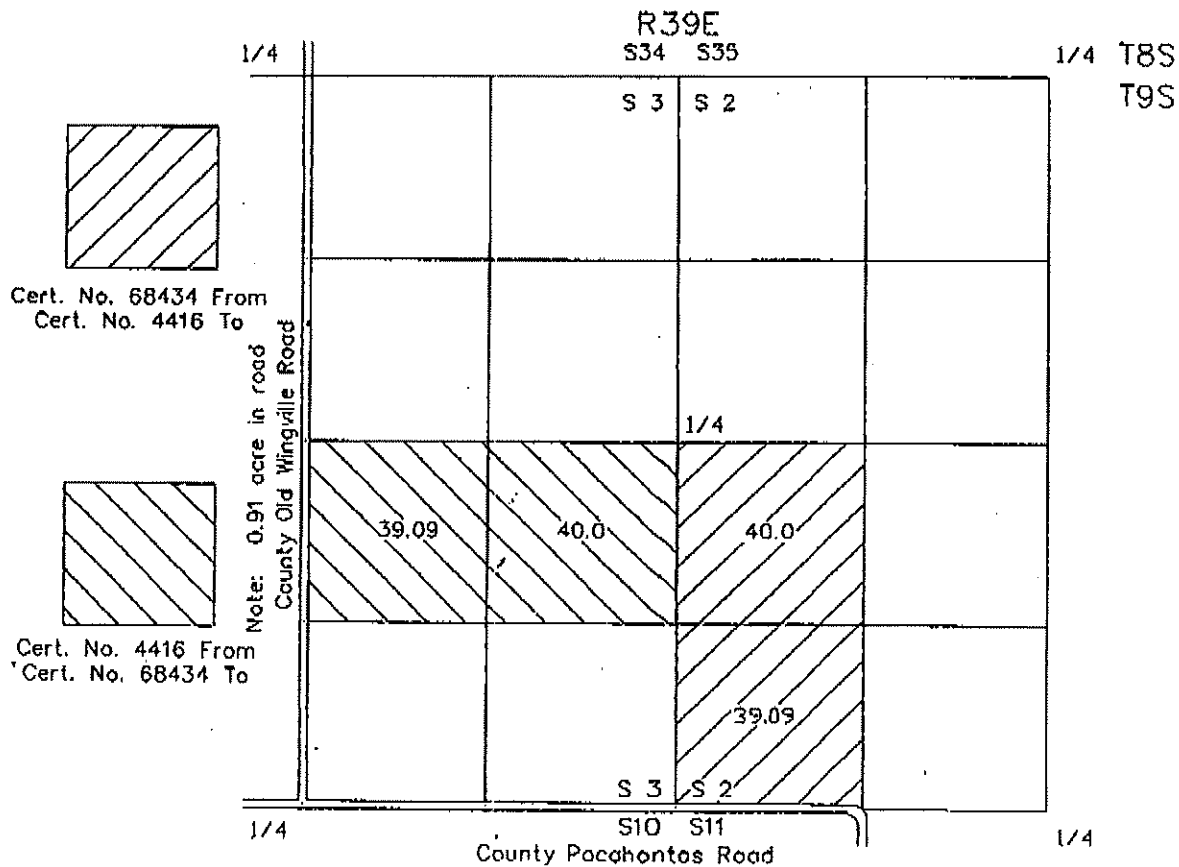
TEMPORARY WATER RIGHT TRANSFER APPLICATION MAP



Scale 1" = 1320'

Applicant: SSI Land and Cattle Company
42874 Old Wingville Road
Baker City, OR 97814

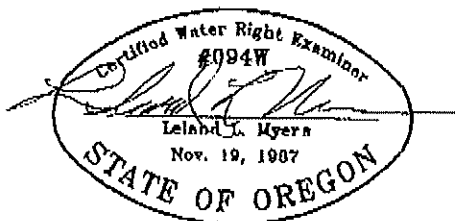
Tax Lot Nos.: 09S3903 700, 09S39 800, 900 & 1000
County: Baker
River Basin: Powder



Cert. No. 68434 From
Cert. No. 4416 To



Cert. No. 4416 From
Cert. No. 68434 To



This map is for the purpose of identifying the location of the water right only and has no intent to provide dimensions or location of property ownership lines.

1 10496

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DEC 05 2007

WATER RESOURCES DEPT
SALEM, OREGON

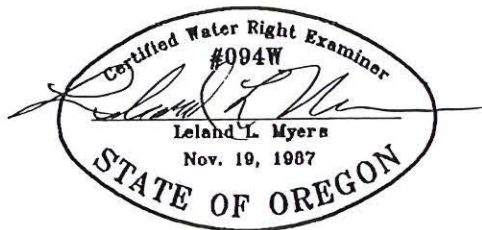
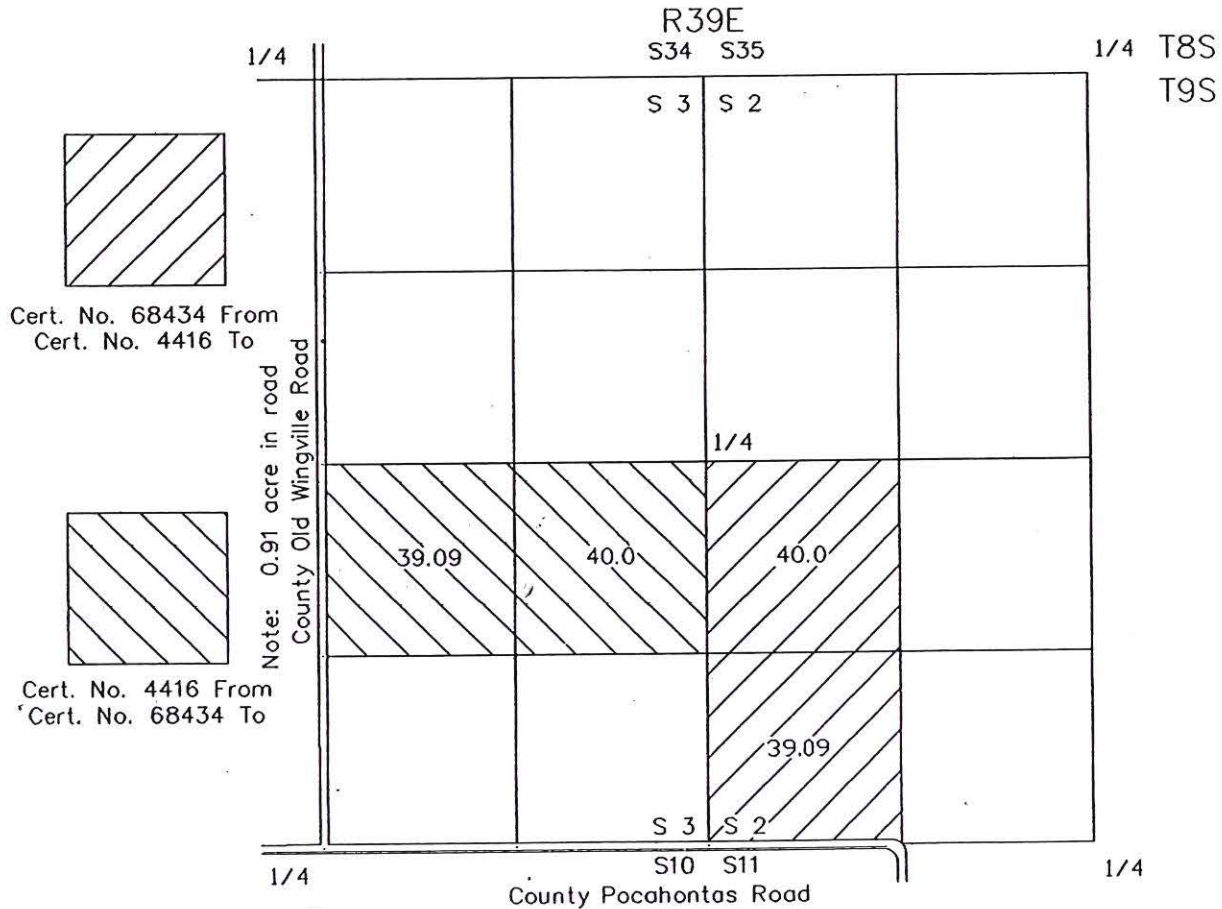


Scale 1" = 1320'

TEMPORARY WATER RIGHT TRANSFER APPLICATION MAP

Applicant: SSI Land and Cattle Company
42874 Old Wingville Road
Baker City, OR 97814

Tax Lot Nos.: 09S3903 700, 09S39 800, 900 & 1000
County: Baker
River Basin: Powder



This map is for the purpose of identifying the location of the water right only and has no intent to provide dimensions or location of property ownership lines.

1 10496

STATE OF OREGON

COUNTY OF BAKER

ORDER APPROVING A TEMPORARY CHANGE IN PLACE OF USE

Pursuant to ORS 540.523, after notice was given and no objections were filed, and finding that no injury to existing water rights would result, this order approves, as conditioned or limited herein, TEMPORARY TRANSFER 9435 submitted by

S.S.I. LAND & CATTLE COMPANY
GORDON SMITH
42874 OLD WINGVILLE ROAD
BAKER CITY, OREGON 97814.

The FIRST right to be modified was confirmed by decree of the Circuit Court of the State of Oregon for BAKER County as evidenced by a portion of Certificate 4416. The decree is recorded in the Order Record of the Water Resources Director in Volume 6, at Page 291. The date of priority is 1906.

The right allows the use of MARBLE, MILL & GOODRICH & SEEPAGE FROM LANDS OF MASTERS & YOUNG, a tributary of the POWDER RIVER, for IRRIGATION of 79.09 ACRES. The amount of water to which this right is entitled is limited to an amount actually beneficially used and shall not exceed 1.98 cubic feet per second, if

This is an order in other than a contested case. This order is subject to judicial review under ORS 183.484. Any petition for judicial review must be filed within the 60 day time period specified by ORS 183.484(2).

Pursuant to ORS 536.075 and OAR 137-004-080 and OAR 690-01-005, you may either petition for judicial review or petition the Director for reconsideration of this order.

T-9435.SAH

Page 1 of 4 Special Order Volume 57, Page 108

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WATER RESOURCES DEPT
SALEM, OREGON

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

The use shall conform to any reasonable rotation system ordered by the proper state officer.

The authorized place of use is located as follows:

NW¼ SW¼ 40.00 ACRES
SW¼ SW¼ 39.09 ACRES

SECTION 2

TOWNSHIP 9 SOUTH, RANGE 39 EAST, W.M.

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

The applicant proposes to temporarily change the place of use to:

CERTIFICATE 4416

NW¼ SW¼ 40.00 ACRES
SW¼ SW¼ 39.09 ACRES

SECTION 2

TOWNSHIP 9 SOUTH, RANGE 39 EAST, W.M.

CERTIFICATE 68434

NE¼ SE¼ 40.00 ACRES
NW¼ SE¼ 39.09 ACRES

SECTION 3

TOWNSHIP 9 SOUTH, RANGE 39 EAST, W.M.

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WATER RESOURCES DEPT
SALEM, OREGON



Oregon Water Resources Department Land Use Information Form

THIS FORM IS NOT REQUIRED IF: 1) water is to be diverted, conveyed, and/or used only on federal lands; or 2) the application is for a water-right transfer, allocation of conserved water, exchange, permit amendment, or ground water registration modification, and all of the following apply: a) only the place of use is proposed for change, b) there are no structural changes, c) the use of water is for irrigation, and d) the use is located in an irrigation district or exclusive farm-use zone.

Applicant Name: SSI Land & Cattle, Co.
Mailing Address: 42874 Old Wingville Road
City: Baker City State: OR Zip: 97814 Day Phone: 541-523-8178

This application is related to a Measure 37 claim. Yes No

A. Land and Location

Please include the following information for all tax lots where water will be diverted (taken from its source), conveyed (transported), or used. 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: |
|----------|-------|---------|------|------------|--|--|--------------------|
| 9S | 39E | 2 | NWSW | 09S39 1000 | EFU | <input type="checkbox"/> Diverted <input type="checkbox"/> Conveyed <input checked="" type="checkbox"/> Used | Irrigation |
| | | | NWSW | 09S39 900 | EFU | <input type="checkbox"/> Diverted <input type="checkbox"/> Conveyed <input checked="" type="checkbox"/> Used | Irrigation |
| | | | SWSW | 09S39 900 | EFU | <input type="checkbox"/> Diverted <input type="checkbox"/> Conveyed <input checked="" type="checkbox"/> Used | Irrigation |
| | | | SWSW | 09S39 800 | EFU | <input type="checkbox"/> Diverted <input type="checkbox"/> Conveyed <input checked="" type="checkbox"/> Used | Irrigation |

List all counties and cities where water is proposed to be diverted, conveyed, or used. Baker

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 Exchange of Water
 Allocation of Conserved Water Limited Water Use License
 Permit Amendment or Ground Water Registration Modification

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

Estimated quantity of water needed: 3.95 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: Hay Pasture

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

Receipt for Request for Land Use Information

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

RECEIVED

DEC 05 2007

WATER RESOURCES DEPT
SALEM, OREGON

1 10496

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 proposed water uses (including proposed construction) are allowed outright or are not regulated by your comprehensive plan. Cite applicable ordinance section(s): BC 70 Sect. 301-ag uses
- Land uses to be served by 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 |
| | | <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.

Please observe all setbacks

Name: Donna L. Thibodeau Title: Planning Tech
 Signature: Donna L. Thibodeau Phone: 523-8219 Date: 11.30.07
 Government Entity: BAKER County planning

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: _____

DEC 05 2007

Last updated 12/22/06 WR

1 10496

WATER RESOURCES DEPT
SALEM, OREGON

Water Right Transfer Supplemental Form B
AFFIDAVIT ATTESTING TO THE USE OF WATER

State of Oregon)
)
 County of Baker) ss

I, Karen Higley, in my capacity as Business Manager,
 mailing address 42874 Old Wingville Road, Baker City, OR 97814
 telephone number (541) 523-8178, being first duly sworn depose and say:

1. I attest that:

- Water was used during the previous five years on the entire authorized place of use of the water right proposed for transfer as described on the accompanying transfer application; or
- The water right was leased instream at some time within the last five years. The instream lease number is as follows: _____; 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.

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

- Personal observation
- Professional expertise

3. My knowledge is specific to the use of water at the following locations:

| Township | | Range | | Mer | Sec | ¼ ¼ Section | Gov't Lot or DLC | Acres (if applicable) |
|----------|---|-------|---|-----|-----|-------------|------------------|-----------------------|
| 9 | S | 39 | E | | 2 | NWSW | 09S39 1000 | 24.0 |
| | | | | | | NWSW | 09S39 900 | 16.0 |
| | | | | | | SWSW | 09S39 900 | 12.0 |
| | | | | | | SWSW | 09S39 800 | 27.09 |
| | | | | | | | | |
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WATER RESOURCES DEPT
 SALEM, OREGON

(continues on reverse side)

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

4. The water right was exercised for the authorized purpose described below (e.g., crops grown):
Hay pasture

5. The water delivery system used to apply water as authorized by the right is described below:
Using existing ditches for flood irrigation

6. One or more of the following documentation supporting the above statements is attached:

- Copy of a water right certificate that was issued within the last five years (not a remaining right certificate),
- Copies of receipts from sales of irrigated crops or for expenditures relating to the use of water,
- Records such as Farm Service Agency crop reports, irrigation district records, an NRCS farm management plan, or records of other water suppliers,
- Dated aerial photographs of the lands or other photographs containing sufficient detail to establish the location and date of the photograph,
- Dedicated power usage records or receipts,
- Instream lease number _____,
- Other: Order Approving A Temporary Change In Place of Use

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SALEM, OREGON

Karen A. Wisley
Signature of Affiant

11-30-07
Date

Signed and sworn to (or affirmed) before me this 30 day of Nov., 2007.



Donna L. Thibodeau
Notary Public for Oregon

My Commission Expires: June 5, 2011

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

PARCEL RECORD - Cartographic Unit

| | | | | | | | | |
|--|----------------------|--------------------|---|-----|-----|---------------------------------------|------|--------|
| Code Area 5-32 | Township 9 | Range 39 | Section 3 | 1/4 | 1/8 | Parcel Number 700 | Type | Number |
| Map Number | | | | | | Special Interest | | |
| Tax Lot Number | | | | | | History of Parcel Prior to Re-mapping | | |
| Previous Account Number 9 39 700 | | | Previous Tax Lot Number 700 08903 | | | | | |

| Exceptions/Additions | Date of Entry/ Acquisition | Deed Record | | Acres Remaining |
|------------------------|-------------------------------|-------------------|------|-----------------|
| | | Volume | Page | |
| | 4-91 | Deed 84-33-010 | | 80.00 |
| Exc: Co Rd 0.91 | 4-91 | | | 79.09 |
| 1. Spencer Family, LLC | JV 67424 11-30-98 | 98-48-078-100 | B/S | |
| 2. BVS, LLC | JV69715 6-2-00 | 00-23-0037 | WD | |

OFFICIAL RECORD OF DESCRIPTIONS OF REAL PROPERTY
BAKER COUNTY ASSESSOR'S OFFICE

ACCT NO. 116-02203

Sec. 3: 1/4-2
3: 1/4-2
All in 195 1335 WH (Gov't Lot)

Except:
Co Rd 1124 0.91
Co Rd No. 899 696 0.91

Also:
Co Rd 1124 0.91

Except:
Parcel 701 28.00
Parcel 702 28.00

1. Marlette, Myr 35812 9/8/82 82-32-020 2/3
2. Spencer, Garren A & Melba M & ex. 35812 9/8/82 82-32-020 2/3

Also:
Parcel 701 28.00
Parcel 701 28.00
Except Parcel 703 160.35 36720 3/10/83 82-51-049

See New Description Below

Y9S R39E W4
Sec 3: 1/4-2 80.00

Except:
Co Rd 0.91

1. Spencer, Brian; Pedon, Suzanne F;
Lopner, Cheryl A; Kirby, M Janine;
Avery, M Celeste; Spencer, Gregory W &
Donay, Kim H 1/7 ea 38226 11/1/84 83-32-031 2/3
2. Spencer, Brian R Trustee 39179 8/26/84 84-33-010 Deed

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WATER RESOURCES DEPT
SALEM, OREGON

10496

ipr. 24 2003 01:08PM P2
FAX NO. :541 523 8352
FROM : BAKER CO. ASSESSORS OFF.

8916
 DOCUMENT RECORDED *August 13, 1984*
 REALIA WOODS, Clerk, Baker County, OR *John Woods*

NOTARY PUBLIC OREGON
 My Commission Expires *5/30/87*

DEED *113051*
88
113051

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Page

[THIS INSTRUMENT DOES NOT GUARANTEE THAT ANY PARTICULAR
 [USE MAY BE MADE OF THE PROPERTY DESCRIBED IN THIS INSTRU-
 [MENT. A BUYER SHOULD CHECK WITH THE APPROPRIATE CITY OR
 [COUNTY PLANNING DEPARTMENT TO VERIFY APPROVED USES.]

For the Consideration of one dollar (\$1.00), BRIAN R. SPENCER,
 SUZANNE P. PEDEN, CHERYL A SPENCER, M. JANINE KIRBY, M. CELESTE
 AVERY, GREGORY W. SPENCER, and KIM M. DOSSEY, Grantors, convey to
 BRIAN R. SPENCER, Trustee, the following described real property
 in Baker County, State of Oregon, described as:

939
700
5-32
 The North half of the Southeast quarter of
 Section 3, Township 9 South, Range 39 East
 of the Willamette Meridian together with
 all water rights, ditch rights, rights of
 way, tenements, hereditaments and appur-
 tenances thereto belonging or in anywise
 appertaining

DATED: February 7, 1984

Brian R. Spencer
 BRIAN R. SPENCER

Suzanne P. Peden
 SUZANNE P. PEDEN

Cheryl A. Spencer
 CHERYL A. SPENCER

M. Janine Kirby
 M. JANINE KIRBY

M. Celeste Avery
 M. CELESTE AVERY

Kim M. Dossey
 KIM M. DOSSEY

Gregory W. Spencer
 GREGORY W. SPENCER

STATE OF OREGON, County of Union)) ss. *Aug-3* February 7, 1984.
 Personally appeared the above named Brian R. Spencer and
 acknowledged the foregoing to be his voluntary act and deed.

Before me:
 Notary Public for Oregon, My Commission Expires

Sherry H. Chamberlain
 SHERRY H. CHAMBERLAIN
 NOTARY PUBLIC - OREGON
 My Commission Expires 1984

STATE OF OREGON, County of Multnomah)) ss.
 Personally appeared the above named Suzanne P. Peden and
 acknowledged the foregoing to be her voluntary act and deed.

Before me:
 Notary Public for Oregon, My Commission Expires: *5/30/87*

GOODING & MENDIGUEN P.C.
 LAWYERS
 1802 4TH STREET, P. O. BOX 1038
 LA GRANDE, OREGON 97626
 TELEPHONE (503) 942-2127



1 10496

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WATER RESOURCES DEPT
 SALEM, OREGON

DE 080 52 143

UNTIL OTHERWISE REQUESTED, SEND TAX STATEMENTS TO: Dr. Brian R. Spencer
401 Sunset Drive, La Grande, Oreg.

BARGAIN AND SALE DEED

WARREN A. SPENCER and THELMA M. SPENCER, husband and wife, Grantors, convey to BRIAN R. SPENCER, SUZANNE F. PEDEN formerly SUZANNE P. DUGAN, CHERYL A. SPENCER, M. JANINE KIRBY, M. CELESTE AVERY, GREGORY W. SPENCER and KIM M. DOSSEY formerly KIM M. SPENCER, as tenants in common, the following real property:

Land in Baker County, Oregon as follows:

Township 9 South, Range 39 East, Willamette Meridian:

Section 2: South 28 acres of the West one-half of the West one-half.

TOGETHER WITH any and all water rights, ditch rights, rights of way, tenements, hereditaments and appurtenances thereto belonging or in anywise appertaining.

The consideration for this transfer is: Eight

DATED this 30th day of Dec., 1980.

GRANTORS:

Warren A. Spencer
WARREN A. SPENCER

Thelma M. Spencer
THELMA M. SPENCER

STATE OF OREGON, County of Baker, ss.

Personally appeared the above named WARREN A. SPENCER and THELMA M. SPENCER and acknowledged the foregoing instrument to be their voluntary act.

BEFORE ME this 30th day of Dec., 1980.

[Signature]
NOTARY PUBLIC FOR OREGON
My Commission expires: 11-30-84

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WATER RESOURCES DEPT
SALEM, OREGON

23570

Dec 30 1980

REAL DOCUMENT RECORDED 3-5-81 ANITA C. JOHNSON, Clerk, Baker County, Oreg. [Signature]

UNTIL OTHERWISE REQUESTED, SEND TAX STATEMENTS TO: DE 080 52 144

WARRANTY DEED

1 10496

RECORDED IN BOOK 30211 PAGE 1313
JANUARY 13 1981
L. JOHNSON, Clerk, Baker County, Oregon

081 084

UNTIL OTHERWISE REQUESTED, SEND TAX STATEMENTS TO:
Rt. 1, Box 33, Baker, Oregon 97814

BARGAIN AND SALE DEED

WARREN A. SPENCER and THELMA M. SPENCER, husband and wife, Grantors, convey to BRIAN R. SPENCER, SUZANNE F. PEDFN formerly SUZANNE P. DUGAN, CHERYL A. SPENCER, M. JANINE KIRPY, M. CELESTE AVERY, GREGORY W. SPENCER and KIM M. DOSSEY formerly KIM M. SPENCER, as tenants in common, the following real property:

Land in Baker County, Oregon as follows:

939
202

Township 9 South, Range 39 East, Willamette Meridian:

Section 2: The South 56 acres of the West one-half of the West one-half, EXCEPTING THEREFROM the South 28 acres thereof which have heretofore been deeded to the Grantees.

TOGETHER WITH any and all water rights, ditch rights, rights of way, tenements, hereditaments and appurtenances thereto belonging or in anywise appertaining.

The consideration for this transfer is: gift

DATED this 12th day of February, 1981.

GRANTORS.

Warren A. Spencer
WARREN A. SPENCER

Thelma M. Spencer
THELMA M. SPENCER

STATE OF OREGON, County of Baker, ss.

Personally appeared the above named WARREN A. SPENCER and THELMA M. SPENCER and acknowledged the foregoing instrument to be their voluntary act.

BEFORE ME this 12th day of February, 1981.

[Signature]
NOTARY PUBLIC FOR OREGON
My Commission expires: 11-30-84

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WATER RESOURCES DEPT
SALEM, OREGON

25686

RECORDED IN BOOK 30211 PAGE 1313
JANUARY 13 1981
L. JOHNSON, Clerk, Baker County, Oregon

INSTRUMENT NO.

RECORDING DATE

WARRANTY DEED

1 10496

REC-107-021
94 06 021

DEED

For the Consideration of one dollar (\$1.00), BRIAN R. SPENCER, SUZANNE P. PEDEN, CHERYL A. SPENCER, M. JANINE KIRBY, M. CELESTE AVERY, GREGORY W. SPENCER, and KIM M. DOSSEY, Grantors, convey to BRIAN P. SPENCER, Trustee, the following described real property together with any and all water rights, ditch rights, rights of way, tenements, hereditaments and appurtenances to the real estate, the real estate being all that real property in Baker County, State of Oregon, described as:

The South 60 acres of the following described property:

Land in Baker County, Oregon, as follows:

1. Township 9 South, Range 39 East, Willamette Meridian:

939
704
5-23

Section 2: The West half of the West half, EXCEPTING THEREFROM the following two parcels:

Parcel No. 1: That portion of the West half of the west half conveyed by Deed recorded December 30, 1980, in Deed 80 52 143.

Parcel No. 2: That portion of the West half of the West half conveyed by Deed recorded February 13, 1981, in Deed 81 06 084.

DATED: 2/3, 1984.

Brian R. Spencer
BRIAN R. SPENCER

Suzanne P. Peden
SUZANNE P. PEDEN

(Signatures - next page)
Cheryl A. Spencer
CHERYL A. SPENCER

M. Janine Kirby
M. JANINE KIRBY

M. Celeste Avery
M. CELESTE AVERY

Kim M. Dossey
KIM M. DOSSEY

Gregory W. Spencer
GREGORY W. SPENCER

Mail Tax Statements To:

Brian R. Spencer
401 Sunset Drive
La Grande, OR 97850

R. T. CHATFIELD, P.
Baker County, Oregon
Phone: (503) 962-2111

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WATER RESOURCES DEPT
SALEM, OREGON

10496

SSI Land & Cattle, Co.**42874 Old Wingville Road****Baker City OR 97814****541-523-8178****Fax: (541) 523-9816**

IMPORTANT NOTICE:
PLEASE DELIVER THE FOLLOWING MATERIAL AS SOON AS POSSIBLE

TO: Sarah Henderson
FAX: 503-986-0903
FROM: Karen Higley – Business Manager
DATE: 12/10/07
RE: Water Right Transfer Application
Number of pages being sent (including cover page): 17

Hi Sarah:

Per our phone conversation last week, please discard the current Supplemental Form A for Cert #4416 and Cert #68434, and use the attached corrected Supplemental Forms.

Also, I would appreciate it if you could email or call me to confirm receipt of this information and/or any other questions you may have.

Thank you for your help with this process.

Karen
ssi@wildblue.net

Done
sth

Water Right Transfer Supplemental Form A
DESCRIPTION OF PROPOSED CHANGE(S) TO A WATER RIGHT

List only one water right per page. A separate Supplemental Form A must be completed for each certificate, permit, decree, or other right involved in the proposed transfer.

Attach additional copies of Supplemental Form A as needed to describe other certificates, permits, decrees or other rights involved in this transfer.

▪ Certificate Number or other identifying number: #4416

1. TYPE OF CHANGE(S) PROPOSED

(Check *all* that apply.)

| Point of Diversion or Appropriation | Place of Use | Character of Use |
|---|--|---|
| <input type="checkbox"/> Change (The old point of diversion or appropriation will <u>not</u> be used for the portion of the water right affected by the transfer.) <input type="checkbox"/> Additional (Both the old <u>and</u> new points of diversion or appropriation will be used for the portion of the water right affected by the transfer.) <input type="checkbox"/> Historic Point of Diversion or Appropriation Change (Unauthorized point of diversion or appropriation used for more than 10 years.) <input type="checkbox"/> Surface Water to Ground Water (A new point of appropriation will be used instead of the old point of diversion. The old point of diversion will <u>not</u> be used.) <input type="checkbox"/> Point of Diversion Change due to Government Action (The old point of diversion or appropriation can no longer be used due to government action.) <input type="checkbox"/> Exchange (Water from another source will be used in exchange for supplying an equal amount of replacement water to that source.) | <input checked="" type="checkbox"/> All of the right will be exercised at a different location than currently authorized (Use of water at the current location will be discontinued.) <input type="checkbox"/> Only a portion of the right will be exercised at a different location than currently authorized (Use of water at the current location will be discontinued.) | Proposed new use: <input checked="" type="checkbox"/> Irrigation <input type="checkbox"/> Municipal <input type="checkbox"/> Quasi-municipal <input type="checkbox"/> Commercial <input type="checkbox"/> Industrial <input type="checkbox"/> Instream (complete and attach <i>Supplemental Form C</i>) <input type="checkbox"/> Domestic (indicate number of households) _____ <input type="checkbox"/> Other _____ <input type="checkbox"/> Substitution (A supplemental ground water right will be substituted for a primary surface water right.) <input type="checkbox"/> Supplemental Use to Primary Use (Primary water right shall be cancelled and the supplemental water right will change to primary use.) |

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WATER RESOURCES DEPT
SALEM, OREGON

2. CURRENT WATER RIGHT INFORMATION

Water Right Subject to Transfer (*check and complete one of the following*):

| | | | |
|-------------------------------------|--|--------------------------|--|
| <input type="checkbox"/> | Certificated Right | _____ | _____ |
| | | Certificate Number | Permit Number or Decree Name |
| <input type="checkbox"/> | Adjudicated, Non-certificated Right | _____ | _____ |
| | | Name of Decree | Page Number |
| <input type="checkbox"/> | Permit for which Proof has been Approved | _____ | _____ |
| | | Permit Number | Date Claim of Beneficial Use Submitted |
| <input checked="" type="checkbox"/> | Transferred Right for which Proof has been Filed | #9435 | 7-17-03 |
| | | Previous Transfer Number | Date Claim of Beneficial Use Submitted |

- Name on Permit, Certificate, or Decree: SSI Land & Cattle, Co.
- County: Baker County
- Authorized Use(s) to be Affected by Transfer: Better Management Flood Irrigation
- Priority Date(s): 1906

If there are multiple Priority Dates identified on the water right, any information provided on pages 3 through 6 of this form must identify which priority date is associated with each of the authorized and proposed points of diversion or appropriation and places of use.

- Source(s) of Water to be Affected by Transfer: Mill Creek, Goodrich Creek, Marble Creek

Tributary to: Salmon Creek

If there are multiple Sources listed on the water right, any information provided on pages 3 through 6 of this form must identify which source is associated with each of the authorized and proposed points of diversion or appropriation and places of use.

For applications proposing a Change in Place of Use or Character of Use:

- Are there **Other Water Rights, Permits or Ground Water Registrations** associated with this land?
 - Yes No N/A – No Change in Place of Use or Character of Use

If "Yes", what are the Permit, Registration or Certificate Numbers? _____

Pursuant to ORS 540.510, any "layered" water use or a right that is supplemental to a primary right proposed for transfer must be included in the transfer or be cancelled, except as provided in OAR 690-380-2240(5).

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WATER RESOURCES DEPT
SALEM, OREGON

▪ Certificate Number or other identifying number: #4416

The following information **must be provided only** for those points of diversion or appropriation that are involved in the transfer (i.e., **list only the portion of the water right you propose to transfer.**) Attach additional pages as necessary.

Government lot and donation land claim numbers must be included in the tables below only if the information is reflected on the existing water right.

Location of Existing Authorized Point(s) of Diversion or Appropriation to be Changed:

(i.e., the allowed point(s) of diversion or appropriation listed on the water right that will be affected by the proposed transfer, the "FROM" point(s) of diversion or appropriation)

| If Ground Water, OWRD Well Log ID No. (or Well ID Tag No. L-___) | Source and Priority Date | Township | Range | Mer | Sec | ¼ ¼ | Tax Lot, DLC or Gov't Lot | Survey Coordinates (coordinates from a recognized survey corner) |
|--|--------------------------|----------|-------|-----|-----|-----|---------------------------|--|
| | NOT CHANGED | | | | | | | |
| | SEE DIVERSION ATTACHMENT | | | | | | | |
| | | | | | | | | |

- Does the water right being transferred involve a ground water source(s)?
 - Yes
 - No (Surface water source only.)

If "Yes", for each authorized point of appropriation (well) involved, you must either:

A. Supply a copy of the well log(s) for each point of appropriation that is clearly labeled and associated with the corresponding well in the table above and on the accompanying application map. (NOTE: You may search for well logs on the Department's web page at: <http://www.wrd.state.or.us>)

or

B. If a well log is not available, you must describe the construction of the authorized point of appropriation by completing the table below. Attach additional copies as necessary.

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WATER RESOURCES DEPT
SALEM, OREGON

Construction of Existing Authorized Point(s) of Appropriation – (Only needed if no well log is available.)

Wells in this listing must be clearly tied to corresponding well location(s) described in the table above and shown on the accompanying application map.

| OWRD Well No. as identified in table above | Diameter | Type and size of casing | No. of feet of casing | Intervals casing is perforated (in feet) | Seal depth | Est. depth to water | Est. depth to water bearing stratum | Type of access port or measuring device | Total well depth |
|--|----------|-------------------------|-----------------------|--|------------|---------------------|-------------------------------------|---|------------------|
| | | | | | | | | | |
| | | | | | | | | | |
| | | | | | | | | | |

▪ Certificate Number or other identifying number: #4416

3. PROPOSED CHANGES TO THE WATER RIGHT

Describe proposed changes to the water right involving point(s) of diversion and/or appropriation. Survey coordinates described below should accurately correspond to the points shown on the accompanying application map. Attach additional pages as necessary.

Location of Proposed Point(s) of Diversion or Appropriation:

(i.e., the "TO" point(s) of diversion or appropriation)

N/A – Instream Water Right Transfer

(NOTE: Complete this table only if a Change in Point of Diversion or Appropriation is being proposed.)

| Source | Township | Range | Mer | Sec | ¼ ¼ Section | Tax Lot, DLC or Gov't Lot | Survey Coordinates (coordinates from a recognized survey corner) |
|--------|-------------|-------|-----|-----|-------------|---------------------------|--|
| | NOT CHANGED | | | | | | |
| | | | | | | | |
| | | | | | | | |
| | | | | | | | |

- If there are proposed point(s) of appropriation (wells) listed in the table above, are the well(s) already constructed? Yes No N/A - No proposed well(s) listed above.

*If "Yes", attach and clearly label the corresponding well log(s) for each proposed well, or if well log(s) are **not** available, describe the construction of the well(s) using the table below. (NOTE: You may search for well logs on the Department's web page at: <http://www.wrd.state.or.us>)*

If "No", describe the anticipated construction for the proposed well(s) in the following table:

Construction of Proposed Point(s) of Appropriation or Well(s)

Well numbers in this listing must be clearly tied to corresponding well location(s) described in the table above and shown on the accompanying application map.

| Well already built? (Yes/No) | If an existing well, OWRD Well Log ID No. (or Well ID Tag No. L-) | Diameter | Type and size of casing | No. of feet of casing | Intervals casing is perforated (in feet) | Seal depth | Est. depth to water | Est. depth to water bearing stratum | Type of access port or measuring device | Total well depth |
|------------------------------|--|----------|-------------------------|-----------------------|--|------------|---------------------|-------------------------------------|---|------------------|
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WATER RESOURCES DEPT
SALEM, OREGON

POINTS OF DIVERSION
For Certificate Nos. 4416 and 68434
as of April 25, 2003

The Diversion Point for Certificate No. 68434 is the Pocahontas Farmers Ditch diverted out of Salmon Creek in the SE1/4SE1/4 of Section 5, T9S, R39E. There are no coordinates for the point.

The source for Certificate No. 4416 is Goodrich, Mill, and Marble Creeks according to the adjudication order. The adjudication map did not show any ditch connecting these streams with Salmon Creek so that water could be delivered via the Pocahontas Farmers Ditch. Upon a cursor investigation it was found there is a ditch that brings water generally from the Northwest to the SW1/4NW1/4 of Section 8, T9S, R39S where it is dumped off the hill down to the Salmon Creek Road. It continues to flow in a small channel alongside the road and eventually flows directly into the Pocahontas Farmers Ditch at its diversion point.

The location of the ditch and where it crosses the subject creeks was not checked. It appears that the ditch is between the 4000 and 4200 contour interval as shown on the USGS Quadrangle Maps Wingville and Elkhorn Peak. The ditches shown on the Adjudication Map do not follow the contours except for the Auburn Ditch which is fairly accurately depicted. There are two ditches that seem to be possible candidates for this diversion. There is a Farmers Ditch shown between Mill Creek and Marble Creek, but it does not seem to continue far enough to flow into the proper part of Salmon Creek and does not connect to Goodrich Creek. Nelson Ditch is shown all the way from Gee Creek to very near Salmon Creek. The primary original use of these ditches appear to have been placer mining.

Where the water is dumped off the hill there are two old ditches. The upper ditch which is used is the largest and about 50 vertical feet below is a smaller abandoned ditch. It appears that the upper ditch is the Nelson Ditch and the lower the Farmers Ditch. The indications are that when water was no longer needed for mining, the larger and easier to maintain ditch was used and the Farmers Ditch was abandoned. So the ditch name that should be used is undetermined.

The Powder River Adjudication Map shows the diversion point out of Goodrich Creek for the Nelson Ditch is in the NW1/4SW1/4 of Section 36, T8S, R38E. The Elkhorn Quadrangle indicates it may be a bit more easterly of this point, but not positively checked. The ditches may not have followed the contours as drawn, but where they cross Mill Creek is very nearly the same on both the quad sheets and the map. The crossing and point of diversion on Mill Creek appears to be near the East-West center of section line, but it will be called to be in the NW1/4SE1/4 of Section 1, T9S, R38E. The Marble Creek crossing and diversion is shown on the adjudication map in the SE1/4SW1/4 of Section 6, but the quadrangle sheet shows it more in the NW1/4NW1/4 of Section 7, T9S, R39E. There are no other known diversions above these point except the Auburn Ditch which is now a part of the Baker City Water System.



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WATER RESOURCES DEPT
SALEM, OREGON

T 10496

Water Right Transfer Supplemental Form A
DESCRIPTION OF PROPOSED CHANGE(S) TO A WATER RIGHT

List only one water right per page. A separate Supplemental Form A must be completed for each certificate, permit, decree, or other right involved in the proposed transfer.

Attach additional copies of Supplemental Form A as needed to describe other certificates, permits, decrees or other rights involved in this transfer.

▪ Certificate Number or other identifying number: #68434

1. TYPE OF CHANGE(S) PROPOSED

(Check *all* that apply.)

| Point of Diversion or Appropriation | Place of Use | Character of Use |
|--|--|---|
| <input type="checkbox"/> Change (The old point of diversion or appropriation will <u>not</u> be used for the portion of the water right affected by the transfer.) <input type="checkbox"/> Additional (Both the old <u>and</u> new points of diversion or appropriation will be used for the portion of the water right affected by the transfer.) <input type="checkbox"/> Historic Point of Diversion or Appropriation Change (Unauthorized point of diversion or appropriation used for more than 10 years.) <input type="checkbox"/> Surface Water to Ground Water (A new point of appropriation will be used <u>instead of</u> the old point of diversion. The old point of diversion will <u>not</u> be used.) <input type="checkbox"/> Point of Diversion Change due to Government Action (The old point of diversion or appropriation can no longer be used due to government action.) <input type="checkbox"/> Exchange (Water from another source will be used in exchange for supplying an equal amount of replacement water to that source.) | <input checked="" type="checkbox"/> All of the right will be exercised at a different location than currently authorized (Use of water at the current location will be discontinued.) <input type="checkbox"/> Only a portion of the right will be exercised at a different location than currently authorized (Use of water at the current location will be discontinued.) | Proposed new use: <input checked="" type="checkbox"/> Irrigation <input type="checkbox"/> Municipal <input type="checkbox"/> Quasi-municipal <input type="checkbox"/> Commercial <input type="checkbox"/> Industrial <input type="checkbox"/> Instream (complete and attach <i>Supplemental Form C</i>) <input type="checkbox"/> Domestic (indicate number of households) _____ <input type="checkbox"/> Other _____ <input type="checkbox"/> Substitution (A supplemental ground water right will be substituted for a primary surface water right.) <input type="checkbox"/> Supplemental Use to Primary Use (Primary water right shall be cancelled and the supplemental water right will change to primary use.) |

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WATER RESOURCES DEPT
SALEM, OREGON

2. CURRENT WATER RIGHT INFORMATION

Water Right Subject to Transfer (check and complete one of the following):

| | | | |
|-------------------------------------|---|--------------------------|---|
| <input type="checkbox"/> | Certificated Right | _____ | _____ |
| | | Certificate Number | Permit Number or Decree Name |
| <input type="checkbox"/> | Adjudicated, Non-certificated Right | _____ | _____ |
| | | Name of Decree | Page Number |
| <input type="checkbox"/> | Permit for which Proof has been Approved | _____ | _____ |
| | | Permit Number | Date Claim of Beneficial Use Submitted |
| <input checked="" type="checkbox"/> | Transferred Right for which Proof has been Filed | #9435 | 7-17-03 |
| | | Previous Transfer Number | Date Claim of Beneficial Use Submitted |

- Name on Permit, Certificate, or Decree: SSI Land & Cattle, Co.
- County: Baker County
- Authorized Use(s) to be Affected by Transfer: Better Management Flood Irrigation
- Priority Date(s): 1880

If there are multiple Priority Dates identified on the water right, any information provided on pages 3 through 6 of this form must identify which priority date is associated with each of the authorized and proposed points of diversion or appropriation and places of use.

- Source(s) of Water to be Affected by Transfer: Salmon Creek

Tributary to: _____

If there are multiple Sources listed on the water right, any information provided on pages 3 through 6 of this form must identify which source is associated with each of the authorized and proposed points of diversion or appropriation and places of use.

For applications proposing a Change in Place of Use or Character of Use:

- Are there **Other Water Rights**, Permits or Ground Water Registrations associated with this land?
 - Yes No N/A – No Change in Place of Use or Character of Use

If "Yes", what are the Permit, Registration or Certificate Numbers? _____

Pursuant to ORS 540.510, any "layered" water use or a right that is supplemental to a primary right proposed for transfer must be included in the transfer or be cancelled, except as provided in OAR 690-380-2240(5).

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▪ Certificate Number or other identifying number: #68434

The following information must be provided only for those points of diversion or appropriation that are involved in the transfer (i.e., list only the portion of the water right you propose to transfer.) Attach additional pages as necessary.

Government lot and donation land claim numbers must be included in the tables below only if the information is reflected on the existing water right.

Location of Existing Authorized Point(s) of Diversion or Appropriation to be Changed:

(i.e., the allowed point(s) of diversion or appropriation listed on the water right that will be affected by the proposed transfer, the "FROM" point(s) of diversion or appropriation)

| If Ground Water, OWRD Well Log ID No. (or Well ID Tag No. L-___) | Source and Priority Date | Township | Range | Mer | Sec | ¼ ¼ | Tax Lot, DLC or Gov't Lot | Survey Coordinates (coordinates from a recognized survey corner) |
|--|--------------------------|----------|-------|-----|-----|-----|---------------------------|--|
| | NOT CHANGED | | | | | | | |
| | SEE DIVERSION ATTACHMENT | | | | | | | |
| | | | | | | | | |

- Does the water right being transferred involve a ground water source(s)?
 Yes No (Surface water source only.)

If "Yes", for each authorized point of appropriation (well) involved, you must either:

A. Supply a copy of the well log(s) for each point of appropriation that is clearly labeled and associated with the corresponding well in the table above and on the accompanying application map. (NOTE: You may search for well logs on the Department's web page at: <http://www.wrd.state.or.us>)

or

B. If a well log is not available, you must describe the construction of the authorized point of appropriation by completing the table below. Attach additional copies as necessary.

Construction of Existing Authorized Point(s) of Appropriation – (Only needed if no well log is available.)

Wells in this listing must be clearly tied to corresponding well location(s) described in the table above and shown on the accompanying application map.

| OWRD Well No. as identified in table above | Diameter | Type and size of casing | No. of feet of casing | Intervals casing is perforated (in feet) | Seal depth | Est. depth to water | Est. depth to water bearing stratum | Type of access port or measuring device | Total well depth |
|--|----------|-------------------------|-----------------------|--|------------|---------------------|-------------------------------------|---|------------------|
| | | | | | | | | | |
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▪ Certificate Number or other identifying number: #68434

3. PROPOSED CHANGES TO THE WATER RIGHT

Describe proposed changes to the water right involving point(s) of diversion and/or appropriation. Survey coordinates described below should accurately correspond to the points shown on the accompanying application map. Attach additional pages as necessary.

Location of Proposed Point(s) of Diversion or Appropriation:

(i.e., the "TO" point(s) of diversion or appropriation)

N/A – Instream Water Right Transfer

(NOTE: Complete this table only if a Change in Point of Diversion or Appropriation is being proposed.)

| Source | Township | Range | Mer | Sec | ¼ ¼ Section | Tax Lot, DLC or Gov't Lot | Survey Coordinates (coordinates from a recognized survey corner) |
|--------|-------------|-------|-----|-----|-------------|---------------------------|--|
| | NOT CHANGED | | | | | | |
| | | | | | | | |
| | | | | | | | |
| | | | | | | | |

- If there are proposed point(s) of appropriation (wells) listed in the table above, are the well(s) already constructed? Yes No N/A - No proposed well(s) listed above.

If "Yes", attach and clearly label the corresponding well log(s) for each proposed well, or if well log(s) are not available, describe the construction of the well(s) using the table below. (NOTE: You may search for well logs on the Department's web page at: <http://www.wrd.state.or.us>)

If "No", describe the anticipated construction for the proposed well(s) in the following table:

Construction of Proposed Point(s) of Appropriation or Well(s)

Well numbers in this listing must be clearly tied to corresponding well location(s) described in the table above and shown on the accompanying application map.

| Well already built? (Yes/No) | If an existing well, OWRD Well Log ID No. (or Well ID Tag No. L-) | Diameter | Type and size of casing | No. of feet of casing | Intervals casing is perforated (in feet) | Seal depth | Est. depth to water | Est. depth to water bearing stratum | Type of access port or measuring device | Total well depth |
|------------------------------|--|----------|-------------------------|-----------------------|--|------------|---------------------|-------------------------------------|---|------------------|
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POINTS OF DIVERSION
For Certificate Nos. 4416 and 68434
as of April 25, 2003

The Diversion Point for Certificate No. 68434 is the Pocahontas Farmers Ditch diverted out of Salmon Creek in the SE1/4SE1/4 of Section 5, T9S, R39E. There are no coordinates for the point.

The source for Certificate No. 4416 is Goodrich, Mill, and Marble Creeks according to the adjudication order. The adjudication map did not show any ditch connecting these streams with Salmon Creek so that water could be delivered via the Pocahontas Farmers Ditch. Upon a cursor investigation it was found there is a ditch that brings water generally from the Northwest to the SW1/4NW1/4 of Section 8, T9S, R39S where it is dumped off the hill down to the Salmon Creek Road. It continues to flow in a small channel alongside the road and eventually flows directly into the Pocahontas Farmers Ditch at its diversion point.

The location of the ditch and where it crosses the subject creeks was not checked. It appears that the ditch is between the 4000 and 4200 contour interval as shown on the USGS Quadrangle Maps Wingville and Elkhorn Peak. The ditches shown on the Adjudication Map do not follow the contours except for the Auburn Ditch which is fairly accurately depicted. There are two ditches that seem to be possible candidates for this diversion. There is a Farmers Ditch shown between Mill Creek and Marble Creek, but it does not seem to continue far enough to flow into the proper part of Salmon Creek and does not connect to Goodrich Creek. Nelson Ditch is shown all the way from Gee Creek to very near Salmon Creek. The primary original use of these ditches appear to have been placer mining.

Where the water is dumped off the hill there are two old ditches. The upper ditch which is used is the largest and about 50 vertical feet below is a smaller abandoned ditch. It appears that the upper ditch is the Nelson Ditch and the lower the Farmers Ditch. The indications are that when water was no longer needed for mining, the larger and easier to maintain ditch was used and the Farmers Ditch was abandoned. So the ditch name that should be used is undetermined.

The Powder River Adjudication Map shows the diversion point out of Goodrich Creek for the Nelson Ditch is in the NW1/4SW1/4 of Section 36, T8S, R38E. The Elkhorn Quadrangle indicates it may be a bit more easterly of this point, but not positively checked. The ditches may not have followed the contours as drawn, but where they cross Mill Creek is very nearly the same on both the quad sheets and the map. The crossing and point of diversion on Mill Creek appears to be near the East-West center of section line, but it will be called to be in the NW1/4SE1/4 of Section 1, T9S, R38E. The Marble Creek crossing and diversion is shown on the adjudication map in the SE1/4SW1/4 of Section 6, but the quadrangle sheet shows it more in the NW1/4NW1/4 of Section 7, T9S, R39E. There are no other known diversions above these point except the Auburn Ditch which is now a part of the Baker City Water System.



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Indicate in this column whether or not the item is satisfied.

Temporary Transfer Application – OAR 690-380 3000 & 3100

Completeness Checklist

Applicant's Name: SSI Land + Cattle Co. (Form last revised: March 13, 2007)

Section A – Status of Right

Is this a Water Right that can be transferred? [OAR 690-380-0100(14)]

NOTE: The Department can accept a Transfer application for any right that is:

- 1) an adjudication with a court decree; *or*
- 2) a certificate that is not cancelled; *or*
- 3) a transfer that's been approved & A COBU has been received by the Department

If the subject right does not fall into any of the above categories, RETURN the application & fee to the applicant.

OK

Section B – Type of Change

Is the proposed change(s) allowed under the Temporary Transfer process? [ORS 540.523]

NOTE: Only **POU** changes are allowed on Temporary Transfers.

UNLESS... POA/POD change is necessary to convey water to the new temp place of use.

OR - Character of Use of storage right (R-xxxxx)

OR - In the Deschutes Basin, a change in Use from irrigation to municipal is allowed.

If the application proposes a change other than those listed above, RETURN the application & fee to the applicant.

POA

Section C - Fees

Have the appropriate fees been paid?

Fee Schedule – ORS 536.050(1)(i)

~~\$175~~ - Base (1st CFS of water)

~~+~~ \$1 - Per acre of land irrigated

~~+~~ \$75 - For each cfs or fraction thereof beyond the 1st cfs for non-irrigated land

200
50
158.18 acres

Total Required Fees: 408.18

Total Fees Paid: \$410

Fees Due (if any): _____

Refund Due (if any): _____

If the applicant has **NOT** submitted the total fees required, RETURN the application & deficient fee to the applicant.

Section D – Completeness

Indicate in this column whether an item is incomplete, and if so, identify the deficiency.

Is the Temporary Transfer application complete?

All required elements necessary for a complete temporary transfer application are listed below.

Indicate whether or not the applicant has answered and/or supplied attachments to adequately address each of the following items. If any one of the items is deficient, then the application is incomplete.

NOTE: For reference, the application page number upon which each item is requested is identified.

If the application is **NOT** complete, RETURN the application & fee to the applicant.

OK

• Type of transfer application clearly marks Temporary and indicates the number of years. (Page 1)

OK

• Applicant's name, mailing address and contact information. (Page 1)

OK

• Agent's name, mailing address and contact information, if applicable. (Page 1)

OK

• Are the water rights to be affected by this temporary transfer listed? (Page 2)

If there are multiple water rights listed..... The applicant must supply a separate "set" of Supplemental Form A for each water right to be transferred.

| Checklist for Supplemental Form A – (Attachments) | |
|--|--|
| OK | <ul style="list-style-type: none"> • Certificate # filled in on each page? (Page 1) |
| OK | <ul style="list-style-type: none"> • Type of change(s) proposed clear? (Page 1) |
| OK | <ul style="list-style-type: none"> • Current Water Right information is complete? (Page 2) |
| PN | <ul style="list-style-type: none"> • If for a change in POU... (Page 2) <p>Are there any “layered” irrigation rights, permits, or GR registrations appurtenant to the same place of use as the water right proposed to be transferred? YES NO</p> <p>If YES..... the other “layered” water uses subject to transfer must either change concurrently or be cancelled, except as provided in OAR 690-380-2240(5).</p> <p>OR...applicant indicates supplemental right will not be exercised on “From” lands</p> <p>Are they included in application? If not, contact applicant or agent.</p> |
| OK | <ul style="list-style-type: none"> • Location description of the authorized POA/POD to be changed. (Page 3) <p>NOTE: Ensure that the location coordinates listed in the application match the point and location coordinates illustrated on the application map.</p> <p>Additionally, if the existing authorized source is ground water (POA), the applicant must either:</p> <p>_____ 1) supply a copy of the well log(s), <u>or</u></p> <p>_____ 2) if well logs are not available, describe the construction of the well(s) in the table provided on page 3 of the supplemental form A application.</p> |
| OK | <ul style="list-style-type: none"> • Location description of the existing authorized POU and associated acres (if applicable). (Page 4) <p>NOTE: Ensure that the location and number of acres listed per ¼ ¼ in the application match those illustrated on the application map.</p> |
| N/A | <ul style="list-style-type: none"> • Location description of the proposed POA/POD. (Page 5) <p>NOTE: Ensure that the proposed location coordinates listed in the application match the proposed point and location coordinates illustrated on the application map.</p> <p>Additionally, if the proposed source is ground water (POA), the applicant must either:</p> <p>_____ 1) supply a copy of the well log(s), <u>or</u></p> <p>_____ 2) if well logs are not available <u>or</u> the well is not yet constructed, describe the construction of the well(s) in the table provided on page 5 of the application.</p> |
| OK | <ul style="list-style-type: none"> • Location description of the proposed POU and associated acres (if applicable). (Page 6) <p>NOTE: Ensure that the location and number of acres listed per ¼ ¼ in the application match those illustrated on the application map.</p> |
| Return back to Page 2 of transfer application | |
| OK | <ul style="list-style-type: none"> • The type of change(s) being proposed. (Page 2) |
| OK | <ul style="list-style-type: none"> • Reason for the temporary transfer. (Page 2) |
| OK | <ul style="list-style-type: none"> • Description of current water delivery system. (Page 2) |
| OK | <ul style="list-style-type: none"> • System Capacity. (Page 2) |
| Checklist for Supplemental Form B – (Attachments) | |
| OK | <ul style="list-style-type: none"> • Is there a box checked in #1? (Page 1) |

| | | |
|-----------|---|----------|
| OK | • Is there a box checked in #2? | (Page 1) |
| OK | • Does the description of POU on page 4 of the supplemental form A application, match authorized POU in question #3? | (Page 1) |
| OK | • In question #4 and #5 are they filled out. | (Page 2) |
| OK | • Is there a box checked in #6? | (Page 2) |
| OK | • Is the #6 supporting documentation included with application? | (Page 2) |
| OK | • Is there an original signature of the notary and notary stamp? | (Page 2) |
| | Return back to Page 3 of transfer application | |
| OK | • Affected districts and local governments. If within a district/local government jurisdiction, ensure that name & mailing address is provided. And agreement with district to deliver water to "To" lands | (Page 3) |
| OK | • Is the applicant the Landowner of the "from" and "to" Lands? YES NO If <i>NO</i> The applicant must list current landowner name & address. And include a notarized statement granting consent to the transfer from each landowner. | (Page 4) |
| Applicant | • Who will be responsible for completion of the changes? Is a box checked? If no box is checked the applicant or agent must be contacted. | (Page 4) |
| OK | • Map..... ___ if more than 3 rights are included in transfer, is there a separate map for each water right? ___ If larger than 8 ½ X 14 - then 3 copies of map is needed & an electronic pdf of map ___ north arrow ___ size & scale ___ other: _____ ___ authorized acreage per ¼ ¼ matches the water right ___ authorized POD/POA and POU (<i>clearly shown, labeled & matches application listing</i>) ___ point plotted for the authorized POD/POA agrees with location coordinates on supplemental form A and WR ___ proposed POD/POA and/or POU (<i>clearly shown, labeled & matches application "proposed" listing</i>) ___ location coordinates accurately describe the point identified as the proposed POD/POA | (Page 5) |
| OK | • Land Use form, <i>if applicable</i> . Is the form signed by the local planning department staff? May be needed if the POD/POA or POU is moving a great distance <u>and</u> off of land originally involved in WR. | (Page 5) |
| N/A | • If a groundwater right is involved, are the well logs or a description included. | (Page 5) |
| OK | • Is a copy of the current deed included for the From lands? | (Page 5) |
| OK | • Signature(s) of applicant(s): Are one of the boxes checked? (not needed for Temporary Transfer) <u>All</u> applicants listed on page 1 of the application <u>must</u> sign the application. | (Page 6) |

WRD Completeness Reviewer's Name: _____ Date: _____