

T-10500

HISTORIC

T-10500

Name Dan DavidsonAddress 66589 Hunter Road (P.O. Box #2)
LaGrande, OR 97850
541-963-8530Change in PODDate Filed 12/14/2007

Initial notice date

DPD issued date

PD issued date

PD notice date

Date of FO 1-18-12 Vol 85 Page 941

C-Date

COBU due date

COBU Received date

Certificate issued

DESCRIPTION OF WATER RIGHT(S)

Name of Stream End Creek, 2 Springs, unnamed st. > Bull can, sprs, End crLewis Branch, Mountain sprsTrib. of Willow Creek, End Cr, S. FK Willow CrUse IRCounty Union

Quantity of water (CFS)

No. of Acres

Name of ditch

App #

Per #

Cert # 6619PR Date 1863, 1875, 1900App # 7905

Per #

5123Cert # 6670PR Date 1921

App #

Per #

6270Cert # 33244PR Date 1893, 1906

App #

Per #

Cert #

PR Date

App #

Per #

Cert #

PR Date

Cert 6619 Grand Ronde River Decree
33244

FEES PAID

Amount

Receipt #

800.0090945

FEES REFUNDED

Amount

Receipt #

Assignments:

Irrigation District N/AAgent Greg Blackman 2006 Adams Ave LaGrande, OR 97850 541-963-6092CWRE Greg Blackman #021

CC's list

☐ - Oversized map - Location





Oregon

John A. Kitzhaber, MD, Governor

Water Resources Department
North Mall Office Building
725 Summer St. NE, Suite A
Salem, OR 97301
Phone 503-986-0900
FAX 503-986-0904
www.wrd.state.or.us

January 16, 2013

DAN A DAVIDSON
66589 HUNTER RD
LA GRANDE OR 97850

RE: Correcting Certificate

Enclosed is new correcting and superseding Certificate 87782 issued to correct a scrivener's error involving Certificate 87778.

If you have any questions regarding this certificate please contact the transfer section at 503-986-0883.

Sincerely,

Codi Holmes
Water Rights Services Support
Transfer and Conservation Section

Enclosure

cc: Shad L Hattan (via email)
T-10500



STATE OF OREGON
COUNTY OF UNION
CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

DAN DAVIDSON
P.O. BOX 217
66589 HUNTER ROAD
LA GRANDE, OR 97850

confirms the right to use the waters of MOUNTAIN STREAMS for IRRIGATION of 1.0 ACRE.

This right was confirmed by decree of the Circuit Court of the State of Oregon for Union County. The decree is of record at Salem, in the Order Record of the Water Resources Director in Volume 7, at Page 227. The date of priority is 1893.

The point of diversion is located as follows:

TWP	RNG	MER	SEC	Q - Q	MEASURED DISTANCES
1 S	38 E	WM	22	SW NE	END CREEK: 1246 FEET NORTH AND 3375 FEET EAST FROM THE W¼ CORNER OF SECTION 22

The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands, is limited to a diversion of ONE-FORTIETH of one cubic foot per second, or its equivalent for each acre irrigated, and shall be further limited to a diversion of not to exceed 3.0 ACRE-FEET per acre for each acre irrigated during the irrigation season of each year. The use shall conform to such reasonable rotation system as may be ordered by the proper state officer.

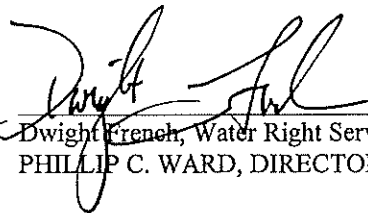
A description of the place of use to which this right is appurtenant is as follows:

IRRIGATION					
TWP	RNG	MER	SEC	Q-Q	ACRES
1 S	38 E	WM	22	SW NE	1.0

This certificate is issued to correct scrivener's errors in the location of the point of diversion described in Certificate 87778. It confirms an HISTORIC CHANGE IN POINT OF DIVERSION approved by an order of the Water Resources Director entered January 18, 2012, and recorded in Special Order Volume 85, Pages 941, approving Transfer Application T-10500. This certificate supersedes Certificates 87388 and 87778 that contained scrivener's errors, and together with Certificate 87389, supersedes Certificate 33244, State Record of Water Right Certificates.

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

WITNESS the signature of the Water Resources Director, affixed DEC 31 2012.


Dwight French, Water Right Services Division Administrator for
PHILLIP C. WARD, DIRECTOR

Mailing Date: _____

From: Linda Tippet
Sent: Thursday, September 20, 2012 2:23 PM
To: Dorothy Pedersen
Cc: Mary Rohling
Subject: RE: T-10500, Part II

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
1 S	38 E	WM	13	SW NE	1246 FEET NORTH AND 3375 FEET EAST FROM THE W1/4 CORNER OF SECTION 22

22

Linda L Tippett
Water Resource Data Technician I
Information Services Division

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503.986.0860
503.986.0902 fax

From: Dorothy Pedersen
Sent: Wednesday, September 12, 2012 3:00 PM
To: Linda Tippet
Cc: Mary Rohling
Subject: RE: T-10500

Dorothy

1

Cc: Mary Rohling
Subject: T-10500

Hi Dorothy,

I have completed processing T-10500 and wanted to relate an error on the confirming Certificate 87388. The QQ is for the "authorized" and the description is for the "proposed". I believe the certificate should reflect the location as being in the SWNE, as shown on the map.

Thank you.

Linda L Tippet
Water Resource Data Technician I
Information Services Division

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

503.986.0860
503.986.0902 fax

www.wrd.state.or.us



Oregon

John A. Kitzhaber, MD, Governor

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

September 18, 2012

DAN A DAVIDSON
66589 HUNTER RD
LA GRANDE OR 97850

RE: Correcting Certificate

Enclosed is new correcting and superseding Certificate 87778 issued to correct a scrivener's error involving Certificate 87388.

If you have any questions regarding this certificate please contact the transfer section at 503-986-0883.

Sincerely,

Codi Holmes
Water Rights Services Support
Transfer and Conservation Section

Enclosure

cc: Shad L Hattan (via email)
T-10500

STATE OF OREGON

COUNTY OF UNION

CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

DAN A. DAVIDSON
66589 HUNTER RD
LA GRANDE OR 97850

confirms the right to use the waters of MOUNTAIN STREAMS, tributary to END CREEK for IRRIGATION of 1.0 ACRE.

This right was confirmed by decree of the Circuit Court of the State of Oregon for Union County. The decree is of record at Salem, in the Order Record of the Water Resources Director in Volume 7, at Page 227. The date of priority is 1893. The amount of water to which this right is entitled is limited to an amount actually used beneficially, and shall not exceed 0.025 CUBIC FOOT PER SECOND, or its equivalent in case of rotation, measured at the point of diversion.

The point of diversion is located as follows:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
1 S	38 E	WM	15	SW NE	1246 FEET NORTH AND 3375 FEET EAST FROM THE W1/4 CORNER OF SECTION 22

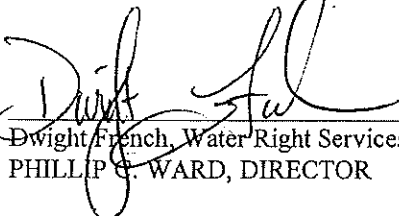
The amount of water used for irrigation is limited to a diversion of not to exceed 3 acre-feet per acre for each acre irrigated during the irrigation season of each year, diverted at a rate of not to exceed one-fortieth of a cubic foot per second per acre. The right to the use of the water for the above purpose is restricted to beneficial use on the lands or place of use described.

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

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
1 S	38 E	WM	22	SW NE	1.0

This certificate is issued to correct a scrivener's error in the location of the point of diversion described on Certificate 87388. This Certificate supersedes Certificate 87388, and describes the portion of water right Certificate 33244 modified by the provisions of an order of the Water Resources Director entered January 20, 2012, and recorded at Volume 85, Page 941, approving a historic point of diversion change under Transfer Application T-10500. The certificate, together with Certificate 87389, supersedes Certificate 33244, State Record of Water Right Certificates.

WITNESS the signature of the Water Resources Director, affixed SEPT. 14, 2012.


Dwight French, Water Right Services Administrator, for
PHILLIP C. WARD, DIRECTOR

This is a final 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.

Dorothy Pedersen

From: Linda Tippet
Sent: Thursday, August 23, 2012 2:36 PM
To: Dorothy Pedersen
Cc: Mary Rohling
Subject: T-10500

Hi Dorothy,

I have completed processing T-10500 and wanted to relate an error on the confirming Certificate 87388. The QQ is for the "authorized" and the description is for the "proposed". I believe the certificate should reflect the location as being in the SWNE, as shown on the map.

Thank you.

Linda L Tippet
Water Resource Data Technician I
Information Services Division

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

503.986.0860
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STATE OF OREGON

COUNTY OF UNION

CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

DAN A. DAVIDSON
66589 HUNTER RD
LA GRANDE OR 97850

confirms the right to use the waters of MOUNTAIN STREAMS, tributary to END CREEK for IRRIGATION of 1.0 ACRE.

This right was confirmed by decree of the Circuit Court of the State of Oregon for Union County. The decree is of record at Salem, in the Order Record of the Water Resources Director in Volume 7, at Page 227. The date of priority is 1893. The amount of water to which this right is entitled is limited to an amount actually used beneficially, and shall not exceed 0.025 CUBIC FOOT PER SECOND, or its equivalent in case of rotation, measured at the point of diversion.

The point of diversion is located as follows:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
1 S	38 E	WM	18 22	SW NE	1246 FEET NORTH AND 3375 FEET EAST FROM THE W1/4 CORNER OF SECTION 22

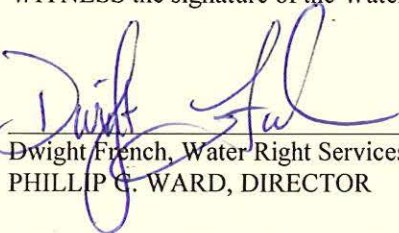
The amount of water used for irrigation is limited to a diversion of not to exceed 3 acre-feet per acre for each acre irrigated during the irrigation season of each year, diverted at a rate of not to exceed one-fortieth of a cubic foot per second per acre. The right to the use of the water for the above purpose is restricted to beneficial use on the lands or place of use described.

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

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
1 S	38 E	WM	22 18ok	SW NE	1.0

This certificate is issued to correct a scrivener's error in the location of the point of diversion described on Certificate 87388. This Certificate supersedes Certificate 87388, and describes the portion of water right Certificate 33244 modified by the provisions of an order of the Water Resources Director entered January 20, 2012, and recorded at Volume 85, Page 941, approving a historic point of diversion change under Transfer Application T-10500. The certificate, together with Certificate 87389, supersedes Certificate 33244, State Record of Water Right Certificates.

WITNESS the signature of the Water Resources Director, affixed SEPT. 14, 2012.


Dwight French, Water Right Services Administrator, for
PHILLIP C. WARD, DIRECTOR

This is a final 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.

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

In the Matter of Transfer Application	)	FINAL ORDER APPROVING A CHANGE
T-10500, Union County	)	IN POINT OF DIVERSION TO REFLECT
	)	HISTORIC USE

Authority

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

Applicant
DAN DAVIDSON
66589 HUNTER ROAD
LA GRANDE, OR 97850

Agent
GREG BLACKMAN
2006 ADAMS AVE.
LA GRANDE, OR 97850

Findings of Fact

Background

1. On December 14, 2007, Dan Davidson filed a transfer application for authorization of an historic point of diversion under Certificates 6619, 6670, and 33244. The Department assigned the application number T-10500.
2. On October 8, 2008, a revised transfer map was submitted correcting deficiencies in the original transfer application map.
3. On July 17, 2009, in response to watermaster review and comments, a revised map and application were submitted removing the proposed changes to Certificates 6619 and 6670.
4. The portion of the right proposed to be transferred was as follows:

Certificate:	33244 in the name of WAYNE R. FRIZZELL (confirmed by Grande Ronde River Decree)
Use:	IRRIGATION of 17.0 ACRES
Priority Date:	1893 (TRACT 2)

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.

Limit/Duty: The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands, is limited to a diversion of ONE-FORTIETH of one cubic foot per second, or its equivalent for each acre irrigated, and shall be further limited to a diversion of not to exceed 3.0 acre-feet per acre for each acre irrigated during the irrigation season of each year.

Source: MOUNTAIN STREAMS

Authorized Point of Diversion:

TWP	RNG	MER	SEC	Q-Q
1 S	38 E	WM	15	SW SW

Authorized Place of Use:

IRRIGATION					
TWP	RNG	MER	SEC	Q-Q	ACRES
1 S	38 E	WM	22	SW NE	10.0
1 S	38 E	WM	22	SE NW	7.0
TOTAL:					17.0

5. Transfer Application T-10500 proposes to change the authorized point of diversion to:

Proposed Point of Diversion:

TWP	RNG	MER	SEC	Q-Q	MEASURED DISTANCES
1 S	38 E	WM	22	SW NE	END CREEK: 1246 FEET NORTH AND 3375 FEET EAST FROM THE W¼ CORNER OF SECTION 22

6. Notice of the application for transfer was published on December 25, 2007, pursuant to OAR 690-380-4000. No comments were filed in response to the notice.
7. The Oregon Department of Fish and Wildlife (ODFW) has determined that a fish screening and/or by-pass device is necessary at the new point of diversion to prevent fish from entering the diversion and/or safely transport fish back to the body of water from which the fish were diverted and that the diversion is not currently equipped with an appropriate fish screening and/or by-pass device. This diversion may be eligible for screening cost share funds.
8. On July 21, 2009, notice of proposed change in a water right point of diversion was sent to owners of land whose water right(s) had potential to be affected by the proposed transfer.
9. On November 23, 2009, the Department received two affidavits alleging nonuse of a portion of the water right proposed for transfer.
10. On February 18, 2010, the Department issued Notice of Proposed Cancellation of Water Right to the applicant. The Notice proposed cancellation of a portion of Certificate 33244.
11. On September 13, 2011, a contested case hearing was held in Salem, Oregon, to determine whether a portion of the water right evidenced by Certificate 33244 for the use of water from mountain streams for irrigation of 7.0 acres in the SE ¼ NW ¼ and 10.0 acres in the

SW ¼ NE ¼, Section 22, Township 1 South, Range 38 East, Willamette Meridian (listed as Tract #2), had been forfeited by failure to make beneficial use of the water for a period of five or more consecutive years during the 1989 through 2007 irrigation seasons.

12. On January 13 2012, the Water Resources Director issued a Final Order in OWRD Case No. PC 06-09 (OAH Ref. No: WR-11-004), recorded at Special Order Volume 85, Pages 921 to 929, cancelling the following portion of the water right proposed for transfer:

CERTIFICATE 33244							
TRACT	PRIORITY	TWP	RNG	MER	SEC	Q-Q	ACRES
2	1893	1 S	38 E	WM	22	SW NE	9.0
2	1893	1 S	38 E	WM	22	SE NW	7.0
TOTAL:							16.0

13. As a result of the contested case hearing, the portion of the water right subject to a change in point of diversion to reflect historical use as proposed in transfer application T-10500 is:

CERTIFICATE 33244							
TRACT	PRIORITY	TWP	RNG	MER	SEC	Q-Q	ACRES
2	1893	1 S	38 E	WM	22	SW NE	1.0

Transfer Review Criteria (OAR 690-380-4010)

14. Pursuant to OAR 690-380-2120(2)(a), evidence has been submitted that the actual, current point of diversion for the portion of the water right in question, as described in Finding of Fact #5, has been in use for more than 10 years.
15. Pursuant to OAR 690-380-2120(2)(c), the Watermaster provided a statement that to his knowledge there has been no complaint of injury due to the use of water at the actual, current point of diversion, prior to the transfer request.
16. Pursuant to 690-380-2120 (4) notice was mailed to affected water right holders July 21, 2009.
17. Water has been used within the last five years according to the terms and conditions of the right. There is no evidence available that would demonstrate that the portion of the right listed in Finding of Fact # 13 is subject to forfeiture under ORS 540.610.
18. A pump, pipeline, and sprinkler system sufficient to use the full amount of water allowed under the existing right is present.
19. The proposed change would not result in enlargement of the right.
20. The proposed change would not result in injury to other water rights.

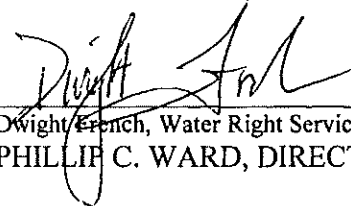
Conclusions of Law

The proposed change in point of diversion to reflect historical use in application T-10500 is consistent with the requirements of ORS 540.505 to 540.580, and OAR 690-380-5000.

Now, therefore, it is ORDERED:

1. The change proposed in T-10500, as described by Finding of Fact #13, is approved and effective immediately.
2. The right to the use of the water is restricted to beneficial use at the place of use described, and is subject to all other conditions and limitations contained in Certificate 33244, and any related decree.
3. Water right certificate 33244 is cancelled. Certificate 87388 will be issued to describe the change in point of diversion for the portion of the right included in T-10500. Certificate 87389 shall be issued to describe the remaining portion of the right not modified by this order. Together, the new Certificates shall supersede Certificate 33244.
4. The quantity of water diverted at the new point of diversion shall not exceed the quantity of water lawfully available at the original points of diversion
5. Prior to diverting water, the water user shall install and maintain a headgate, an in-line flow meter, weir, or other suitable device for measuring and recording the quantity of water diverted. The type and plans of the headgate and measuring device must be approved by the Department prior to beginning construction and shall be installed under the general supervision of the Department.
6. Prior to October 1, 2013, the water user shall install a fish screen at the new point of diversion consistent with the Oregon Department of Fish and Wildlife's (ODFW) design and construction standards. The water user shall maintain and operate the fish screen and/or by-pass device, as appropriate, at the point of diversion consistent with ODFW's operational and maintenance standards.

Dated at Salem, Oregon this 18 day of January 2012.


Dwight French, Water Right Services Division Administrator, for
PHILLIP C. WARD, DIRECTOR

Mailing date: JAN 20 2012

Produced 1993

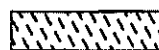
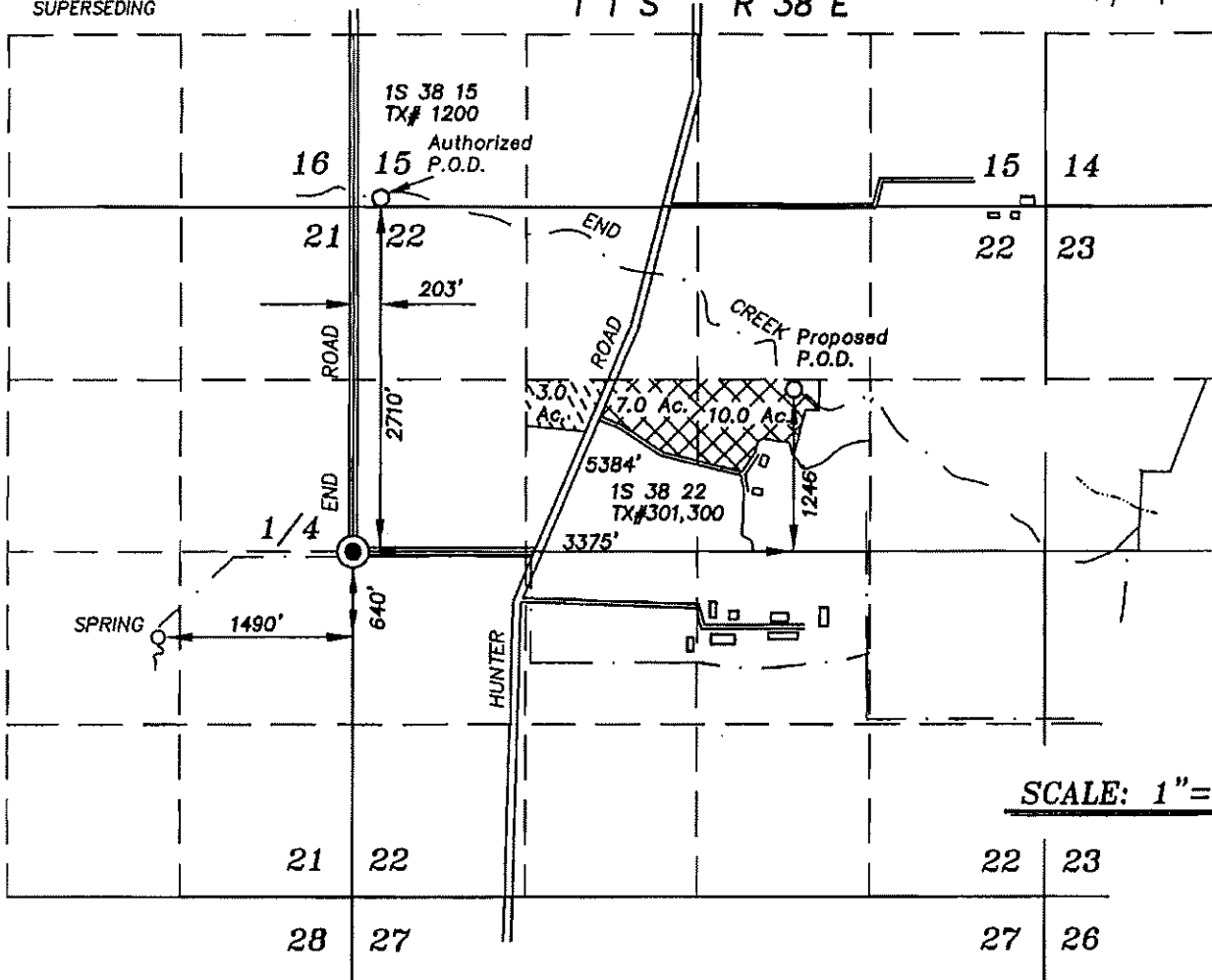
Reviewed

7/17/09

28

SUPERSEDING

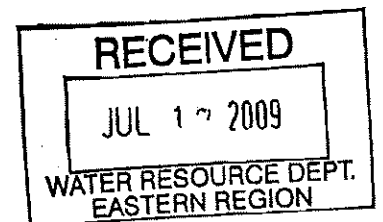
T 1 S R 38 E



LANDS IRRIGATED UNDER CERTIFICATE 33244, PRIORITY DATE OF 1893, OWNED BY OTHERS.



LANDS IRRIGATED UNDER CERTIFICATE 33244, PRIORITY DATE OF 1893, REQUESTING A HISTORICAL CHANGE OF POINT OF DIVERSION.



SUPERSEDING

July 17, 2009

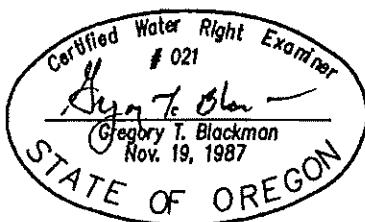
APPLICATION MAP OF A HISTORIC CHANGE OF POINT OF DIVERSION

FOR

DAN DAVIDSON

BY

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



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

APPLICATION NO. T-10500

PERMIT NUMBER

STATE OF OREGON

COUNTY OF UNION

CERTIFICATE OF WATER RIGHT

This Is to Certify, That WAYNE R. FRIZZELL

of Summerville
to the use of the waters of Lewis Branch for Tract #1; State of Oregon has a right
Mountain streams for Tract #2;

a tributary of for the purpose of
irrigation of 37 acres

and that said right has been confirmed by decree of the Circuit Court of the State of Oregon for
Union County, and the said decree entered of record at Salem, in the Order Record of
the STATE ENGINEER, in Volume 8, at page 1; that the priority of the right thereby
confirmed dates from 1906 for Tract #1; 1893 for Tract #2;

that the amount of water to which such right is entitled, for the purposes aforesaid, is limited to an
amount actually beneficially used for said purposes, and shall not exceed Three acre feet per
acre in any irrigation season, diverted at a rate of not to exceed one-fortieth
of a cubic foot per second per acre;

The point of diversion is located in the Tract 1 - NE $\frac{1}{4}$ NW $\frac{1}{4}$, Section 10, Tract 2 - SW $\frac{1}{4}$ SW $\frac{1}{4}$,
Section 15, both in T. 1 S., R. 38 E., W. M.
A description of the place of use under the right, and to which such right is appurtenant, is as
follows:

Tract #1:

7 acres NE $\frac{1}{4}$ NW $\frac{1}{4}$
Section 10
T. 1 S., R. 38 E., W. M.

Tract #2:

10 acres SW $\frac{1}{4}$ NE $\frac{1}{4}$ - 10.0 = 0
10 acres NE $\frac{1}{4}$ NW $\frac{1}{4}$ - 0 = 10.0
10 acres SE $\frac{1}{4}$ NW $\frac{1}{4}$ - 7.0 = 3.0
Section 22
T. 1 S., R. 38 E., W. M.

This certificate corrects and supersedes the certificate heretofore issued to
Mrs. Mattie Frizzell and recorded at Volume 6, page 6270, State Record of Water
Right Certificates to confirm the decree corrected by an order of the Circuit
Court for Union County, entered May 10, 1966.

And said right shall be subject to all other conditions and limitations contained in said decree.
The right to the use of the water for the purposes aforesaid is restricted to the lands or place
of use herein described.

WITNESS the signature of the State Engineer, affixed

this date July 19, 1966.

CHRIS L. WHEELER
State Engineer

Recorded in State Record of Water Right Certificates, Volume 25, page 33244

STATE OF OREGON
COUNTY OF UNION
CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

WAYNE R. FRIZZELL
SUMMERVILLE, OR 97876

confirms the right to use the waters of LEWIS BRANCH for IRRIGATION of 7.0 ACRES in TRACT 1 and MOUNTAIN STREAMS for IRRIGATION of 13.0 ACRES in TRACT 2.

This right was confirmed by decree of the Circuit Court of the State of Oregon for Union County. The decree is of record at Salem, in the Order Record of the Water Resources Director in Volume 7, at Page 227. The dates of priority are 1906 for TRACT 1 and 1893 for TRACT 2.

The points of diversion are located as follows:

TWP	RNG	MER	SEC	Q - Q	TRACT #
1 S	38 E	WM	10	NE NW	TRACT 1
1 S	38 E	WM	15	SW SW	TRACT 2

The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands, is limited to a diversion of ONE-FORTIETH of one cubic foot per second, or its equivalent for each acre irrigated, and shall be further limited to a diversion of not to exceed 3.0 ACRE- FEET per acre for each acre irrigated during the irrigation season of each year. The use shall conform to such reasonable rotation system as may be ordered by the proper state officer.

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

TRACT 1 - 1906					
TWP	RNG	MER	SEC	Q-Q	ACRES
1 S	38 E	WM	10	NE NW	7.0

TRACT 2 - 1893					
TWP	RNG	MER	SEC	Q-Q	ACRES
1 S	38 E	WM	22	NE NW	10.0
1 S	38 E	WM	22	SE NW	3.0
TOTAL:					13.0

This certificate describes that portion of the water right confirmed by Certificate 33244, State Record of Water Right Certificates, NOT modified by the provisions of an order of the Water Resources Director entered JAN 20 2012, and recorded in Special Order Volume 85, Pages 941 to 944, approving Transfer Application T-10500. This certificate also describes that portion of Certificate 33244 NOT CANCELLED by Final Order in Contested Case OWRD Case No. PC 06-09 (OAH Ref. No: WR-11-004) entered January 13, 2012, and recorded in Special Order Volume 85, Pages 921 to 929. This certificate together with Certificate 87388 supersedes Certificate 33244.

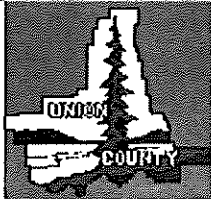
The issuance of this superseding certificate does not confirm the status of the water right in regard to the provisions of ORS 540.610 pertaining to forfeiture or abandonment.

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

WITNESS the signature of the Water Resources Director, affixed JAN 20 2012.

A handwritten signature in dark ink, appearing to read "Dwight French", is written over a horizontal line.

Dwight French, Water Right Services Division Administrator for
PHILLIP C. WARD, DIRECTOR



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ELECTION NIGHT RESULTS

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Model Watershed

Water Quality Plan

Property Tax Information

PAY PROPERTY TAX On-line

Assessment Records Inquiry

Smoke Management

Union County Airport

MERA-Mount Emily Recreation Area

Buffalo Peak Golf Course

Union County Fair

Community Calendar

Notice: The information provided here is for convenience ONLY. The records of the County Assessor/Tax Collector's office are the one and only legal instruments for all legal purposes. Although reasonable attempts are made to maintain this information as accurate as possible, these documents are being provided as an informational convenience only. Union County is not, in any way, liable for any inaccuracies, inconsistencies, errors, or other deviations in these documents from the original copies maintained at the County Assessor/Tax Collector's Office, La Grande, Oregon.

Date Web Site was last updated 9/24/2012

Value and tax information for tax year 2011

Ref#:10864 Type of Property : REAL PROPERTY

MAP#	TAX LOT#	A NUM	CODE	PROPERTY CLASS/DESC	ZONING
01S3822	300	0	1105	551 FARM USE/EFU/IMP	U

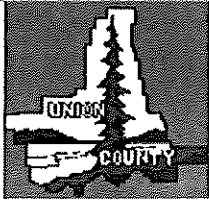
OWNER:	DAVIDSON, DANIEL A & TRACY L
CONTRACT:	
ETAL(s):	
MAILING ADDRESS:	
	P O BOX 217
CITY/ST:	LA GRANDE OR ,97850-0217

PROPERTY ADDRESS: 0

NOTES:

*EFU FARM USE-POTENTIAL ADD TAX

	REAL MKT VALUE	ASSESSED(TAXABLE) VALUE
LAND	\$124,020	
STRUCTURES	\$34,470	
SUBTOT	\$158,490	\$46,456
TOTAL	\$158,490	\$46,456



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Date Web Site was last updated 9/24/2012

Value and tax information for tax year 2011

Ref#:17313 Type of Property : REAL PROPERTY

MAP#	TAX LOT#	A NUM	CODE	PROPERTY CLASS/DESC	Z
01S3822	301	0	1105	551 FARM USE/EFU/IMP	U

OWNER:	DAVIDSON, DANIEL A & TRACY L
CONTRACT:	
ETAL(s):	
MAILING ADDRESS:	
	P O BOX 217
CITY/ST:	LA GRANDE OR ,97850-0217

PROPERTY ADDRESS: 66589 HUNTER RD COUNTY

NOTES:

*EFU FARM USE-POTENTIAL ADD TAX

	REAL MKT VALUE	ASSESSED(TAXABLE) VALUE
LAND	\$26,320	
STRUCTURES	\$359,340	
SUBTOT	\$385,660	\$322,181
TOTAL	\$385,660	\$322,181



Oregon

John A. Kitzhaber, MD, Governor

Water Resources Department

North Mall Office Building
725 Summer St. NE, Suite A
Salem, OR 97301
Phone 503-986-0900
FAX 503-986-0904
www.wrd.state.or.us

January 19, 2012

DAN A. DAVIDSON
66589 HUNTER ROAD
LA GRANDE, OR 97850

REFERENCE: Transfer Application T-10500

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

Also enclosed is a certificate issued to confirm the historic change in point of diversion approved by the final order contained herein. Please read this document carefully and abide by the requirements.

If you have any questions related to the approval of this transfer, you may contact me by telephone at (503) 986-0883 or by e-mail at Kim.R.French-Gorski@wrds.state.or.us.

Sincerely,

Kim French-Gorski
Water Rights Services Support
Transfers and Conservation Section

cc: Shad L. Hattan, Watermaster Dist. # 6
Greg Blackman, CWRE

Enclosures



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

In the Matter of Transfer Application	)	FINAL ORDER APPROVING A CHANGE
T-10500, Union County	)	IN POINT OF DIVERSION TO REFLECT
	)	HISTORIC USE

Authority

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

Applicant

DAN DAVIDSON
66589 HUNTER ROAD
LA GRANDE, OR 97850

Agent

GREG BLACKMAN
2006 ADAMS AVE.
LA GRANDE, OR 97850

Findings of Fact

Background

1. On December 14, 2007, Dan Davidson filed a transfer application for authorization of an historic point of diversion under Certificates 6619, 6670, and 33244. The Department assigned the application number T-10500.
2. On October 8, 2008, a revised transfer map was submitted correcting deficiencies in the original transfer application map.
3. On July 17, 2009, in response to watermaster review and comments, a revised map and application were submitted removing the proposed changes to Certificates 6619 and 6670.
4. The portion of the right proposed to be transferred was as follows:

Certificate:	33244 in the name of WAYNE R. FRIZZELL (confirmed by Grande Ronde River Decree)
Use:	IRRIGATION of 17.0 ACRES
Priority Date:	1893 (TRACT 2)

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.

Limit/Duty: The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands, is limited to a diversion of ONE-FORTIETH of one cubic foot per second, or its equivalent for each acre irrigated, and shall be further limited to a diversion of not to exceed 3.0 acre-feet per acre for each acre irrigated during the irrigation season of each year.

Source: MOUNTAIN STREAMS

Authorized Point of Diversion:

TWP	RNG	MER	SEC	Q-Q
1 S	38 E	WM	15	SW SW

Authorized Place of Use:

IRRIGATION					
TWP	RNG	MER	SEC	Q-Q	ACRES
1 S	38 E	WM	22	SW NE	10.0
1 S	38 E	WM	22	SE NW	7.0
TOTAL:					17.0

5. Transfer Application T-10500 proposes to change the authorized point of diversion to:

Proposed Point of Diversion:

TWP	RNG	MER	SEC	Q-Q	MEASURED DISTANCES
1 S	38 E	WM	22	SW NE	END CREEK: 1246 FEET NORTH AND 3375 FEET EAST FROM THE W¼ CORNER OF SECTION 22

6. Notice of the application for transfer was published on December 25, 2007, pursuant to OAR 690-380-4000. No comments were filed in response to the notice.
7. The Oregon Department of Fish and Wildlife (ODFW) has determined that a fish screening and/or by-pass device is necessary at the new point of diversion to prevent fish from entering the diversion and/or safely transport fish back to the body of water from which the fish were diverted and that the diversion is not currently equipped with an appropriate fish screening and/or by-pass device. This diversion may be eligible for screening cost share funds.
8. On July 21, 2009, notice of proposed change in a water right point of diversion was sent to owners of land whose water right(s) had potential to be affected by the proposed transfer.
9. On November 23, 2009, the Department received two affidavits alleging nonuse of a portion of the water right proposed for transfer.
10. On February 18, 2010, the Department issued Notice of Proposed Cancellation of Water Right to the applicant. The Notice proposed cancellation of a portion of Certificate 33244.
11. On September 13, 2011, a contested case hearing was held in Salem, Oregon, to determine whether a portion of the water right evidenced by Certificate 33244 for the use of water from mountain streams for irrigation of 7.0 acres in the SE ¼ NW ¼ and 10.0 acres in the

SW ¼ NE ¼, Section 22, Township 1 South, Range 38 East, Willamette Meridian (listed as Tract #2), had been forfeited by failure to make beneficial use of the water for a period of five or more consecutive years during the 1989 through 2007 irrigation seasons.

12. On January 13 2012, the Water Resources Director issued a Final Order in OWRD Case No. PC 06-09 (OAH Ref. No: WR-11-004), recorded at Special Order Volume 85, Pages 921 to 929, cancelling the following portion of the water right proposed for transfer:

CERTIFICATE 33244							
TRACT	PRIORITY	TWP	RNG	MER	SEC	Q-Q	ACRES
2	1893	1 S	38 E	WM	22	SW NE	9.0
2	1893	1 S	38 E	WM	22	SE NW	7.0
TOTAL:							16.0

13. As a result of the contested case hearing, the portion of the water right subject to a change in point of diversion to reflect historical use as proposed in transfer application T-10500 is:

CERTIFICATE 33244							
TRACT	PRIORITY	TWP	RNG	MER	SEC	Q-Q	ACRES
2	1893	1 S	38 E	WM	22	SW NE	1.0

Transfer Review Criteria (OAR 690-380-4010)

14. Pursuant to OAR 690-380-2120(2)(a), evidence has been submitted that the actual, current point of diversion for the portion of the water right in question, as described in Finding of Fact #5, has been in use for more than 10 years.
15. Pursuant to OAR 690-380-2120(2)(c), the Watermaster provided a statement that to his knowledge there has been no complaint of injury due to the use of water at the actual, current point of diversion, prior to the transfer request.
16. Pursuant to 690-380-2120 (4) notice was mailed to affected water right holders July 21, 2009.
17. Water has been used within the last five years according to the terms and conditions of the right. There is no evidence available that would demonstrate that the portion of the right listed in Finding of Fact # 13 is subject to forfeiture under ORS 540.610.
18. A pump, pipeline, and sprinkler system sufficient to use the full amount of water allowed under the existing right is present.
19. The proposed change would not result in enlargement of the right.
20. The proposed change would not result in injury to other water rights.

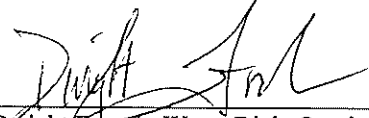
Conclusions of Law

The proposed change in point of diversion to reflect historical use in application T-10500 is consistent with the requirements of ORS 540.505 to 540.580, and OAR 690-380-5000.

Now, therefore, it is ORDERED:

1. The change proposed in T-10500, as described by Finding of Fact #13, is approved and effective immediately.
2. The right to the use of the water is restricted to beneficial use at the place of use described, and is subject to all other conditions and limitations contained in Certificate 33244, and any related decree.
3. Water right certificate 33244 is cancelled. Certificate 87388 will be issued to describe the change in point of diversion for the portion of the right included in T-10500. Certificate 87389 shall be issued to describe the remaining portion of the right not modified by this order. Together, the new Certificates shall supersede Certificate 33244.
4. The quantity of water diverted at the new point of diversion shall not exceed the quantity of water lawfully available at the original points of diversion
5. Prior to diverting water, the water user shall install and maintain a headgate, an in-line flow meter, weir, or other suitable device for measuring and recording the quantity of water diverted. The type and plans of the headgate and measuring device must be approved by the Department prior to beginning construction and shall be installed under the general supervision of the Department.
6. Prior to October 1, 2013, the water user shall install a fish screen at the new point of diversion consistent with the Oregon Department of Fish and Wildlife's (ODFW) design and construction standards. The water user shall maintain and operate the fish screen and/or bypass device, as appropriate, at the point of diversion consistent with ODFW's operational and maintenance standards.

Dated at Salem, Oregon this 18 day of January 2012.


Dwight French, Water Right Services Division Administrator, for
PHILLIP C. WARD, DIRECTOR

Mailing date: JAN 20 2012

STATE OF OREGON
COUNTY OF UNION
CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

DAN DAVIDSON
66589 HUNTER ROAD
LA GRANDE, OR 97850

confirms the right to use the waters of END CREEK for IRRIGATION of 1.0 ACRE.

This right was confirmed by decree of the Circuit Court of the State of Oregon for Union County. The decree is of record at Salem, in the Order Record of the Water Resources Director in Volume 7, at Page 227. The date of priority is 1893.

The point of diversion is located as follows:

TWP	RNG	MER	SEC	Q - Q	MEASURED DISTANCES
1 S	38 E	WM	15	SW SW	1246 FEET NORTH AND 3375 FEET EAST FROM THE WEST CORNER OF SECTION 22

The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands, is limited to a diversion of ONE-FORTIETH of one cubic foot per second, or its equivalent for each acre irrigated, and shall be further limited to a diversion of not to exceed 3.0 ACRE-FEET per acre for each acre irrigated during the irrigation season of each year. The use shall conform to such reasonable rotation system as may be ordered by the proper state officer.

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

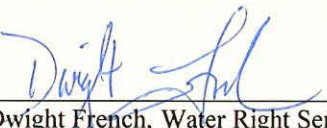
IRRIGATION					
TWP	RNG	MER	SEC	Q-Q	ACRES
1 S	38 E	WM	22	SW NE	1.0

This certificate is issued to confirm an HISTORIC CHANGE IN POINT OF DIVERSION approved by an order of the Water Resources Director entered JAN 20 2012, and recorded in Special Order Volume 85, Pages 941 to 944, approving Transfer Application T-10500. This certificate together with Certificate 87389, supersedes Certificate 33244, State Record of Water Right Certificates.

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

This is a final 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.

WITNESS the signature of the Water Resources Director, affixed JAN 20 2012.



Dwight French, Water Right Services Division Administrator for
PHILLIP C. WARD, DIRECTOR

Mailing Date: JAN 20 2012

STATE OF OREGON
COUNTY OF UNION
CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

WAYNE R. FRIZZELL
SUMMERVILLE, OR 97876

confirms the right to use the waters of LEWIS BRANCH for IRRIGATION of 7.0 ACRES in TRACT 1 and MOUNTAIN STREAMS for IRRIGATION of 13.0 ACRES in TRACT 2.

This right was confirmed by decree of the Circuit Court of the State of Oregon for Union County. The decree is of record at Salem, in the Order Record of the Water Resources Director in Volume 7, at Page 227. The dates of priority are 1906 for TRACT 1 and 1893 for TRACT 2.

The points of diversion are located as follows:

TWP	RNG	MER	SEC	Q - Q	TRACT #
1 S	38 E	WM	10	NE NW	TRACT 1
1 S	38 E	WM	15	SW SW	TRACT 2

The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands, is limited to a diversion of ONE-FORTIETH of one cubic foot per second, or its equivalent for each acre irrigated, and shall be further limited to a diversion of not to exceed 3.0 ACRE- FEET per acre for each acre irrigated during the irrigation season of each year. The use shall conform to such reasonable rotation system as may be ordered by the proper state officer.

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

TRACT 1 - 1906					
TWP	RNG	MER	SEC	Q-Q	ACRES
1 S	38 E	WM	10	NE NW	7.0

TRACT 2 - 1893					
TWP	RNG	MER	SEC	Q-Q	ACRES
1 S	38 E	WM	22	NE NW	10.0
1 S	38 E	WM	22	SE NW	3.0
TOTAL:					13.0

This certificate describes that portion of the water right confirmed by Certificate 33244, State Record of Water Right Certificates, NOT modified by the provisions of an order of the Water Resources Director entered JAN 20 2012, and recorded in Special Order Volume 85, Pages 941 to 944, approving Transfer Application T-10500. This certificate also describes that portion of Certificate 33244 NOT CANCELLED by Final Order in Contested Case OWRD Case No. PC 06-09 (OAH Ref. No: WR-11-004) entered January 13, 2012, and recorded in Special Order Volume 85, Pages 921 to 929. This certificate together with Certificate 87388 supersedes Certificate 33244.

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

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

WITNESS the signature of the Water Resources Director, affixed JAN 20 2012.

A handwritten signature in blue ink, appearing to read "Dwight French", is written over a horizontal line.

Dwight French, Water Right Services Division Administrator for
PHILLIP C. WARD, DIRECTOR

IN THE MATTER OF THE PARTIAL	)	FINAL ORDER
CANCELLATION OF THE WATER RIGHT	)	
EVIDENCED BY WATER RIGHT	)	OAH Ref. No: WR-11-004
CERTIFICATE 33244 FOR USE OF WATER	)	OWRD Case No: PC 06-09
FROM LEWIS BRANCH FOR TRACT #1;	)	
MOUNTAIN STREAMS FOR TRACT #2, FOR	)	
IRRIGATION OF 37 ACRES, UNION COUNTY,	)	
OREGON	)	
	)	
<i>Proponents:</i> Becky Preston and Alfred A. Arnoldus	)	
	)	
<i>Protestant:</i> Daniel A. and Tracy L. Davidson	)	
	)	

On February 18, 2010, the Oregon Water Resources Department issued to Daniel A. and Tracy L. Davidson, a Notice of Proposed Cancellation of Water Right that proposed to cancel a part of the water rights evidenced by Certificate of Water Right 33244 in the name of Wayne R. Frizzell. The proposed cancellation was based on affidavits filed by proponents Becky Preston and Alfred A. Arnoldus, which asserted that the water rights had been forfeited by non-use of the rights for five successive years.

The Davidsons' requested an administrative hearing and on May 27, 2011, the Department referred the matter to the Office of Administrative Hearings (OAH) to conduct a contested case hearing. Administrative Law Judge (ALJ) James W. Han was assigned to preside over the case. On August 29, 2011, the Department issued a Notice of Hearing that scheduled the hearing for September 13, 2011. On September 7, 2011, ALJ Han viewed the land described on the water rights certificate.

The hearing occurred as scheduled, at OAH's offices in Salem, Oregon. Juno Pandian appeared as the Department's representative. Becky Preston and Alfred Arnoldus appeared and represented themselves. Alfred Arnoldus participated by telephone. Dan Davidson represented the Protestants and participated by telephone. District 6 (Grande Ronde Basin) Watermaster Shad Hattan testified for the Department. The following witnesses testified for the proponents: Wavel Hunt, David Wyland, Roben Arnoldus, John Preston, and Alfred Arnoldus. Davidson testified for the Protestants. The record closed at the conclusion of the hearing on September 13, 2011.

ISSUE

Whether, under ORS 540.610, the following portion of the water right evidenced by Certificate of Water Right 33244 has been forfeited by failure to make beneficial use of the water for a period of five or more consecutive years during the 1989 through 2007 irrigation seasons¹:

The use of water from mountain streams for Tract #2 for irrigation of 7.0 acres in the SE ¼ NW ¼, and 10.0 acres in the SW ¼ NE ¼, Section 22, Township 1 South, Range 38 East, W.M.

EVIDENTIARY RULINGS

The following exhibits were admitted into evidence without objection: The Department's Exhibits A1 through A13 and Protestants' Exhibits D2 and D3. Exhibit D1 was not admitted because it duplicated Exhibit A4. Proponents' Exhibits P1 through P4 were not admitted because proponents did not timely provide a copy of the exhibits to Protestants, and P1 and P2 were incomplete copies of the original documents.

FINDINGS OF FACT

(1) On July 19, 1966, the State Engineer issued Certificate of Water Right No. 33244, which gave to Wayne R. Frizzell "a right to the use of the waters of Lewis Branch for Tract #1; Mountain streams for Tract #2; a tributary of [*sic*] for the purpose of irrigation of 37 acres[.]" The certificate authorized up to "[t]hree acre feet per acre in any irrigation season, diverted at a rate of not to exceed one-fortieth of a cubic foot per second per acre[.]" The certificate described the place of use under the right as follows:

Tract #1:

7 acres NE ¼ NW ¼

Section 10

T. 1 S., R. 38 E., W.M.

Tract #2:

10 acres SW ¼ NE ¼

10 acres NE ¼ NW ¼

10 acres SE ¼ NW ¼

Section 22

T. 1 S., R. 38 E., W. M.

¹ Originally, the Department's Notice of Proposed Partial Cancellation of Water Right (Ex. A5) stated the alleged nonuse period was from June 1989 through June 2009. At the start of the hearing, the Department amended the alleged period of nonuse to be from June 1989 through October 2007, because the alleged nonuse occurred during a period of time within which the water was included in a transfer application pending before the Water Resources Department. ORS 540.610(2)(m).

(Ex. A8.)

(2) The place of use described in the certificate is in the Grande Ronde Basin. The annual irrigation seasons in the basin are from March 1 through October 31. (Test. of Hatten.)

(3) In 2007, Dan Davidson submitted to the Department an Application for Water Right Transfer that proposed to change the authorized point of diversion (POD) to the point that Davidson asserted he had been using (the Proposed POD). The location of the authorized place of use to be affected by the application was 7 acres in the SE $\frac{1}{4}$ NW $\frac{1}{4}$, and 10 acres in the SW $\frac{1}{4}$ NE $\frac{1}{4}$, Section 22, Township 1 South, Range 38 East, W.M. (the contested acres). (Ex. A11 at 9.) In the application, Davidson described his water delivery system: "The existing system is a man made dam in ditch and lateral ditches that flood irrigate. I do plan to update the system to centrifugal pump out of the ditch, and instead of flood irrigating. I will use hand line and sprinklers to irrigate more efficiently." He stated his system capacity to be 2.42 cubic feet per second. (Ex. A11 at 1, 2, and 4.)

(4) The Davidsons purchased their property in 1993. In that year, John Collins—a cattle operator who leased the property from the Davidsons—began irrigating part of the property to improve the grass yield for his haying and grazing operations. Starting at the Proposed POD, Collins pumped the water uphill about halfway to Hunter Road through a pipe connected to perforated lateral lines. The water coming out of the lines then ran back downhill to flood-irrigate the property. (Test. of Davidson.)

(5) Collins thus irrigated about five of the 10 acres in the SW $\frac{1}{4}$ NE $\frac{1}{4}$ during most of the years from 1993 through 1997. The pumped water never reached the seven acres in the SE $\frac{1}{4}$ NW $\frac{1}{4}$. The seven acres have not been irrigated from 1993 to the present. (Test. of Davidson.)

(6) In 1998, Collins created a diversion ditch at the Proposed POD and, in addition to irrigating the five of the 10 acres in the SW $\frac{1}{4}$ NE $\frac{1}{4}$, he flood-irrigated the property downstream of the creek and downhill from the Proposed POD. (Test. of Davidson; Ex. A4 at 3.) From 1999 to 2007, Collins used only the diversion ditch for irrigation, irrigating about one acre of the 10 acres in the SW $\frac{1}{4}$ NE $\frac{1}{4}$.

(7) Wavel Hunt resided on a lot west of the contested acres from 1979 through 1993. He sold the property in 1994. Hunter Road separated the east side of his lot from the contested acres; his north property line boundary was at the stream line. After he moved in 1993, Hunt continued to drive along Hunter Road "somewhat regularly," but he could not verify whether water was used from the stream after 1993. However, Hunt has never seen greenery on Davidson's property. Hunt had a water right to irrigate three acres to the west of the contested acres. In the early 1980's, Hunt tried to get water to his house from the stream, but he had a hard time doing so and gave up after awhile. At some point before 1993, the city had placed planks over the ditch from the stream on the west side of Hunter Road where the water entered a culvert under the road. Therefore, Hunt could not see whether there was water in the ditch and he did not pay attention to whether there was water on the east side of Hunter Road. (Test. of Hunt.)

(8) David Wyland lived three miles north of the Davidsons' property for 65 years, and until 1995, regularly drove on Hunter Road past the property. Since 1995 he drove past the property about three times a week. He did not see a difference in the color of crops on the Davidson property when he drove by. (Test. of Wyland.)

(9) Roben Arnoldus, son of proponent Alfred Arnoldus, is a general partner in a business that has leased and farmed the Preston's property north of the Davidsons' property since 1980. From 1989 to the present, Roben Arnoldus has been on the leased property about once a week. He would expect to see differences in vegetation growth and color if the land had been flood-irrigated, but he has never seen such evidence of irrigation on the Davidsons' property. (Test. of Roben Arnoldus.)

(10) Davidsons' Proposed POD is at the eastern end of the contested acres and at a lower level than the rest of the contested acres. The water would have to be pumped uphill from the Proposed POD to flood-irrigate the contested acres. The Prestons have lived on their property since 1969. John Preston has never seen a system on the Davidsons' property for the distribution of water. (Test. of John Preston.)

(11) Alfred Arnoldus has lived a quarter mile north of the Davidsons' property for 85 years. In the 1970's, he farmed the property for about one and a half years. During 1989 through 2009, he drove past the property about twice a week. He observed that the water distribution in the area has completely changed since the water rights in the area were originally established. The creek and tributaries have all become confined to one channel. He has never seen evidence of irrigation on the contested acres. (Test. of Alfred Arnoldus.)

CONCLUSION OF LAW

The following portion of the water right evidenced by Certificate of Water Right 33244 has been forfeited by failure to make beneficial use of the water for a period of five or more consecutive years during the 1989 through 2007 irrigation seasons:

The use of water from mountain streams for Tract #2 for irrigation of 7.0 acres in the SE $\frac{1}{4}$ NW $\frac{1}{4}$, and 9.0 acres in the SW $\frac{1}{4}$ NE $\frac{1}{4}$, Section 22, Township 1 South, Range 38 East, W.M.

One acre in the SW $\frac{1}{4}$ NE $\frac{1}{4}$, Section 22, Township 1 South, Range 38 East, W.M. has not been forfeited.

OPINION

The Department proposed to partially cancel the Davidsons' water rights under Certificate of Water Rights 33244 based on the allegations of non-use asserted by the proponents Preston and Arnoldus. The proponents of cancellation have the burden both to present evidence and to prove by a preponderance of "reliable, probative and substantial evidence" that the Davidsons failed to use the water for five successive years during 1989 through 2007. *Rencken*

v. *Young*, 300 Or 352, 364 (1985); ORS 183.450(2) and 540.610(2). The proponents carried their burden as to all but one acre of the 10 acres in Tract 2, SW ¼ NE ¼, Section 22, Township 1 South, Range 38 East, W.M. Davidson acknowledged that the seven acres in Tract 1, SE ¼ NW ¼, were never irrigated since he acquired the property in 1993. He also acknowledged that only one acre of the 10 acres in Tract 2, SW ¼ NE ¼, was irrigated from 1998 through 2007.

Forfeiture by non-use of perfected water rights is governed by ORS 540.610, which provides, in part:

Beneficial use shall be the basis, the measure and the limit of all rights to the use of water in this state. Whenever the owner of a perfected and developed water right ceases or fails to use all or part of the water appropriated for a period of five successive years, the failure to use shall establish a rebuttable presumption of forfeiture of all or part of the water right.

ORS 540.610(1).²

² The full text of ORS 540.610 provides:

(1) Beneficial use shall be the basis, the measure and the limit of all rights to the use of water in this state. Whenever the owner of a perfected and developed water right ceases or fails to use all or part of the water appropriated for a period of five successive years, the failure to use shall establish a rebuttable presumption of forfeiture of all or part of the water right.

(2) Upon a showing of failure to use beneficially for five successive years, the appropriator has the burden of rebutting the presumption of forfeiture by showing one or more of the following:

(a) The water right is for use of water, or rights of use, acquired by cities and towns in this state, by appropriation or by purchase, for all reasonable and usual municipal purposes.

(b) A finding of forfeiture would impair the rights of such cities and towns to the use of water, whether acquired by appropriation or purchase, or heretofore recognized by act of the legislature, or which may hereafter be acquired.

(c) The use of water, or rights of use, are appurtenant to property obtained by the Department of Veterans' Affairs under ORS 407.135 or 407.145 for three years after the expiration of the period of redemption provided for in ORS 18.964 while the land is held by the Department of Veterans' Affairs, even if during such time the water is not used for a period of more than five successive years.

(d) The use of water, or rights of use, under a water right, if the owner of the property to which the right is appurtenant is unable to use the water due to economic hardship as defined by rule by the Water Resources Commission.

(e) The period of nonuse occurred during a period of time within which land was withdrawn from use in accordance with the Act of Congress of May 28, 1956, chapter 327 (7 U.S.C. 1801-1814; 1821-1824; 1831-1837), or the Federal Conservation Reserve Program, Act of Congress of December 23, 1985, chapter 198 (16 U.S.C. 3831-3836, 3841-3845). If necessary, in a cancellation proceeding under this section, the water right holder rebutting the presumption under this paragraph shall provide documentation that the water right holder's land was withdrawn from use under a federal reserve program.

The Davidsons purchased the subject property in 1993. Dan Davidson acknowledged that although his lessee, Collins, irrigated some of the property starting in 1993, neither Collins nor the Davidsons irrigated the 7.0 acres in the SE ¼ NW ¼ portion of Tract No. 1 from 1993 to

(f) The end of the alleged period of nonuse occurred more than 15 years before the date upon which evidence of nonuse was submitted to the commission or the commission initiated cancellation proceedings under ORS 540.631, whichever occurs first.

(g) The owner of the property to which the water right was appurtenant is unable to use the water because the use of water under the right is discontinued under an order of the commission under ORS 537.775.

(h) The nonuse occurred during a period of time within which the water right holder was using reclaimed water in lieu of using water under an existing water right.

(i) The nonuse occurred during a period of time within which the water right holder was reusing water through land application as authorized by ORS 537.141 (1)(i) or 537.545 (1)(g) in lieu of using water under an existing water right.

(j) The owner or occupant of the property to which the water right is appurtenant was unable to make full beneficial use of the water because water was not available. A water right holder rebutting the presumption under this paragraph shall provide evidence that the water right holder was ready, willing and able to use the water had it been available.

(k) The holder of a water right is prohibited by law from using the water. If the prohibition is subject to remedial action that would allow the use of the water, the water right holder shall provide evidence that the water right holder is conducting the remedial action with reasonable diligence.

(L) The nonuse occurred during a period of time within which the exercise of all or part of the water right was not necessary due to climatic conditions, so long as the water right holder had a facility capable of handling the full allowed rate and duty, and was otherwise ready, willing and able to use the entire amount of water allowed under the water right.

(m) The nonuse occurred during a period of time within which the water was included in a transfer application pending before the Water Resources Department.

(n) The nonuse of a supplemental water right occurred during a period of time when the primary water right used in conjunction with that supplemental water right was leased as an in-stream water right pursuant to ORS 537.348.

(3) Notwithstanding subsection (1) of this section, if the owner of a perfected and developed water right uses less water to accomplish the beneficial use allowed by the right, the right is not subject to forfeiture so long as:

(a) The user has a facility capable of handling the entire rate and duty authorized under the right; and

(b) The user is otherwise ready, willing and able to make full use of the right.

(4) The right of all cities and towns in this state to acquire rights to the use of the water of natural streams and lakes, not otherwise appropriated, and subject to existing rights, for all reasonable and usual municipal purposes, and for such future reasonable and usual municipal purposes as may reasonably be anticipated by reason of growth of population, or to secure sufficient water supply in cases of emergency, is expressly confirmed.

(5) After a water right is forfeited under subsection (1) of this section, the water that was the subject of use shall revert to the public and become again the subject of appropriation in the manner provided by law, subject to existing priorities.

the present. Thus, there was no dispute that more than five successive years occurred between 1989 and 2007 during which no irrigation occurred on those acres.

According to Davidson, between 1993 and 1998, Collins irrigated five of the 10 acres in the SW $\frac{1}{4}$ NE $\frac{1}{4}$ of Tract 2. But Davidson also acknowledged that from 1999 through 2007, Collins irrigated only one of those acres. Thus, there was no dispute that for more than five successive years between 1989 and 2007, no irrigation occurred on nine of the 10 acres in the SW $\frac{1}{4}$ NE $\frac{1}{4}$.

Davidson did not establish that any of the exceptions to the forfeiture statute applied to the above acres. Therefore, ORS 540.610(1) requires cancellation of the water rights for those acres.

Davidson asserted that Collins irrigated one acre of the 10 acres in the SW $\frac{1}{4}$ NE $\frac{1}{4}$ of Tract 2 during the relevant period. Davidson explained that in 1998, Collins diverted water from the creek at the Proposed POD, at the northeast corner of the 10 acre area, to flood-irrigate the property downstream of the creek and downhill from the Proposed POD.

Although proponents' witnesses were the Davidsons' neighbors, they did not establish that they observed the subject lots at all hours during the entire irrigation season of each year in the relevant period. Further, the irrigated one acre was located at the east end of the 17 contested acres and farthest from Hunter Road, from where most of the proponents' witnesses observed the Davidsons' property. There was no persuasive evidence that the witnesses would have been able to see, from Hunter Road, the flood-irrigation of the one acre or its effects.

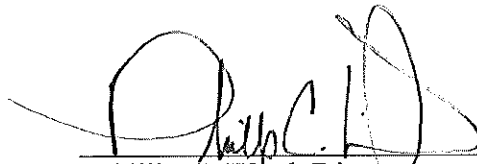
Although the Proposed POD was not the point of diversion authorized by the water right certificate, that fact alone does not subject the water right to forfeiture. In *Russell-Smith v. Water Resources Dept.*, 152 Or App 88, 96, rev den, 327 Or 173 (1998), the court held that the forfeiture penalty does not apply to unauthorized changes in point of diversion. Such actions are subject only to injunctive relief, or civil or criminal penalties. *Id.* at 98. In contrast, the decision in *Hannigan v. Hinton*, 195 Or App 345 (2004) held that the place of the water use must be within the place specified in the certificate. Oregon water rights law treats "use" and "point of diversion" as distinct concepts and the forfeiture statute is addressed only to "use." *Hannigan*, at 351. ALJ Han did not address whether the change in the point of diversion was unauthorized because that issue was not been referred to OAH as part of this case.

Here, the Davidsons established that they irrigated one acre of the place authorized by the water right certificate. Thus, the Davidsons established a defense to forfeiture for that one acre.

ORDER

The water rights evidenced by Certificate of Water Right 33244 for the use of water from mountain streams for irrigation 16.0 acres in Tract #2, being 7.0 acres in the SE $\frac{1}{4}$ NW $\frac{1}{4}$, and 9.0 acres in the SW $\frac{1}{4}$ NE $\frac{1}{4}$, Section 22, Township 1 South, Range 38 East, W.M., is cancelled.

DATED this 13th day of January, 2012.

A handwritten signature in black ink, appearing to read 'Phillip C. Ward', is written over a horizontal line.

Phillip C. Ward, Director,
Oregon Water Resources Department

NOTICE OF RIGHT TO APPEAL: You are entitled to seek judicial review of this order. Judicial review may be obtained by filing a petition for review with the Oregon Court of Appeals within sixty (60) days from the service of the final order. Judicial review is pursuant to the provisions of ORS 183.482.

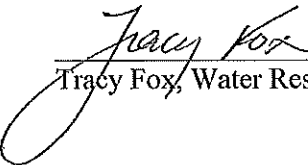
CERTIFICATE OF SERVICE

On the 13th, day of January, 2012, I mailed the foregoing **FINAL ORDER** in Reference No. WR-11-004 by depositing a copy of said document in the U.S. Post Office at Salem, Oregon 97309, with first class postage prepaid thereon, and addressed to:

Daniel A. and Tracy L. Davidson
PO Box 217
La Grande, OR 97850-0217

Becky Preston
66765 Hunter Road
Summerville, OR 97876-8208

Alfred A. Arnoldus
66911 Hunter Road
Summerville, OR 97876-8208


Tracy Fox, Water Resources Department

BEFORE THE WATER RESOURCES DEPARTMENT

State of Oregon)
County of Union) ss AFFIDAVIT ASSERTING
NON-USE OF WATER RIGHT

1. I, Alfred A. Arnolds
(Name)
of 66911 Hunter Road
(Address)
Sammerville, OR, 97876
(City) (State) (Zip Code)

Phone (541) 963-4225, say that:

2. Water Right Certificate number 33244,
issued to 1, authorizes use of water from (source) East Creek, Tributary of Willamette Creek
for (use) irrigation of land,
under a priority date of 1893.

3. The total number of acres described in the certificate is 17.

4. The subject water right is located within Tax Lot(s) 300th 301, in Township 15
N/S, Range 38E E/W, in the SW SE 1/4 NE 10ac NW 20ac 1/4, of
Section(s) 22, Union, County Oregon.

5. I am familiar with these lands and I am aware of the non-use of this water right because:

I have lived within 1/4 mile of this farm for 81 years & farming for 70 years. Also farmed this Davidson property when it belonged to Marion Wagner & none of it had been irrigated at that time, nor did I. In all my years of contact, including the last 15 years, I have never seen water on the West - 15 acres - perhaps up to 2 acres on East end the last 2 years a little water applied but not from this point of diversion.

6. I know from personal observation and state with certainty that **the entire water right has not been used for:**

irrigation From Jan. 1940 Through September, 2009
(Use) (Month and year) (Month and year)

7. I have illustrated on the attached tax lot map the lands to which the water right in question is appurtenant.

8. I know from personal observation and state with certainty **that a portion of this water right has not been used for:**

_____ From _____ Through _____
(Use) (Month and year) (Month and year)

9. I have illustrated on the attached tax lot map, the location of the **portion of the water right which has not been exercised**, totaling _____ Acres.

10. Is the subject water right within the boundaries of an irrigation district or federal reclamation project? _____ Yes ☒ No. If Yes: (Name of Irrigation District or Federal Reclamation Project) _____

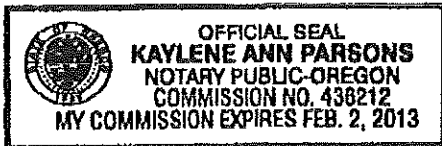
11. I have read the provision of Oregon Revised Statutes 540.610(2) and Oregon Administrative Rules Chapter 690, Division 17 and believe the presumption of forfeiture for five or more consecutive years of non-use may not be rebutted by the holder(s) of this water right. AAA (Initial to indicate you have read these laws)

12. I am willing to testify in a Contested Case Hearing to all allegations contained in this affidavit. I understand that as the proponent, I have the burden of proof on the alleged non-use issue LL (Initial to indicate you have read this statement and understand your responsibilities).

Under penalty of perjury, I do solemnly swear or affirm that the foregoing is a true statement of the facts as I know them to be from my personal knowledge.

Debra A. Arnold
(Signature of Affiant)

Sworn to and subscribed before me this 22nd Day of Sept, 2009.
22nd Sept 2009



Kaylene Ann Parsons
(Notary Public of Oregon)

My Commission Expires Feb 2, 2013

(SEAL)

**CERTIFICATE OF SERVICE
AFFIDAVIT ASSERTING NON USE**

OAR 690-17-0400 requires that an affiant provide proof that affidavit asserting non-use has been served upon the legal land owner and occupant of the lands to which the water right is appurtenant.

I certify that on 22 Day of September, 2009, I served the attached Affidavit Asserting Non Use of Water Right by mailing in a sealed envelope, with first class postage prepaid, a copy thereof addressed as follows:

Name: Address: City, State, Zip:	<u>Dan Davidson</u> <u>66589 Hunter Road</u> <u>Summerville, OR 97576</u>	Name: Address: City, State, Zip:
---	---	---

Name: Address: City, State, Zip:	Name: Address: City, State, Zip:
---	---

[/s/ Signature]
Title

Jeffrey A. Donohue

PROPERTY LOCATION: T. 1 S, R. 38 E, SECTION 22 SWNE + SE 1/4 Reviewed

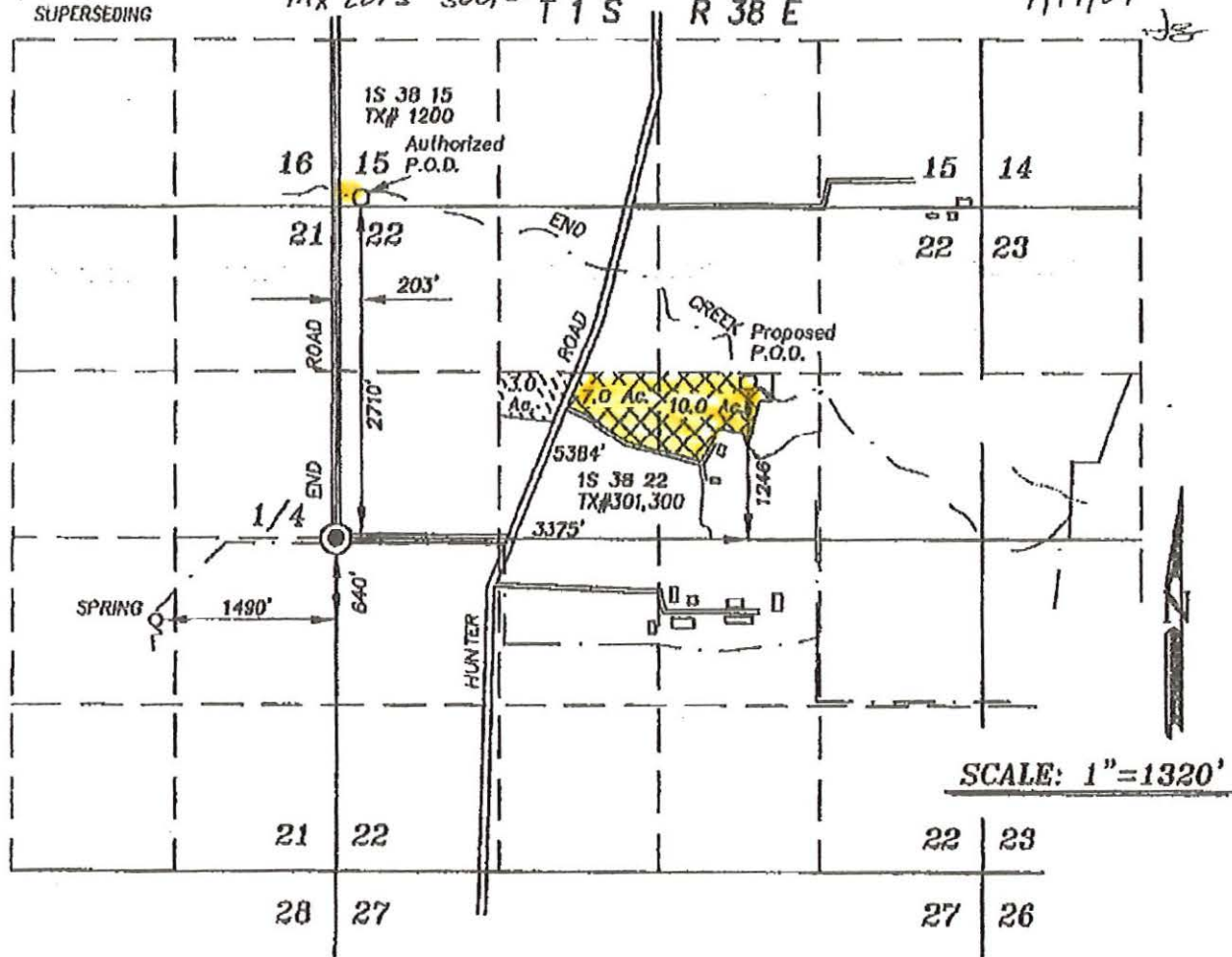
Reviewed

7/17/07

SUPERSEDING

TAX LOTS 300,304

T 1 S 11 R 38 E



SCALE: 1"=1320'

LANDS IRRIGATED UNDER CERTIFICATE 33244,
PRIORITY DATE OF 1893, OWNED BY OTHERS.

LANDS IRRIGATED UNDER CERTIFICATE 33244,
PRIORITY DATE OF 1893, REQUESTING A
HISTORICAL CHANGE OF POINT OF DIVERSION.

RECEIVED

JUL 17 2009

WATER RESOURCE DEPT.
EASTERN REGION

SUPERSEDING

July 17, 2009

APPLICATION MAP OF A HISTORIC CHANGE OF POINT OF DIVERSION

FOR

DAN DAVIDSON

BY

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

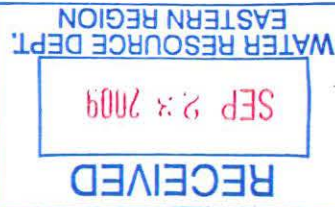
APPLICATION NO. Y-10500

PERMIT NUMBER _____



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

Y-10500



COPY ONLY of original sent to Water Resources Dept., Salem, Oregon

BEFORE THE WATER RESOURCES DEPARTMENT

State of Oregon)
County of Union) ss AFFIDAVIT ASSERTING
NON-USE OF WATER RIGHT

1. I, Becky Preston
of 66765 Hunter Road
Summerville, OR, 97876 8208
(City) (State) (Zip Code)

Phone (541) 963-0317, say that:

2. Water Right Certificate number 33244,
issued to _____, authorizes use of water from (source) Em Creek
for (use) irrigation,
under a priority date of 1893.

3. The total number of acres described in the certificate is 17.

4. The subject water right is ^{request} located within Tax Lot(s) 300 & 301, in Township 1S
N/S, Range 38 E E/W, in the SE ^{SW} 1/4 NE 10 acres ^{NW} 1/4, of
Section(s) 22, Union, County Oregon. NE 10 acres
Section 22, Township 1S, Range 38E, Merger 22

5. I am familiar with these lands and I am aware of the non-use of this water right because:

I live adjacent to the property and have since 1969.
We drive by on a regular basis. Hunter Rd runs along this tract.
When h Greiner had cattle in there we were constantly checking
for cattle on our crops.
Occasionally rode horse back from 1950's in that area.

6. I know from personal observation and state with certainty that **the entire water right has not been used for:**

Irrigation From 9/94 Through 9/09
(Use) (Month and year) (Month and year)

7. I have illustrated on the attached tax lot map the lands to which the water right in question is appurtenant.

8. I know from personal observation and state with certainty **that a portion of this water right has not been used for:**

_____ From _____ Through _____
(Use) (Month and year) (Month and year)

9. I have illustrated on the attached tax lot map, the location of the **portion of the water right which has not been exercised**, totaling _____ Acres.

10. Is the subject water right within the boundaries of an irrigation district or federal reclamation project? _____ Yes X No. If Yes: (Name of Irrigation District or Federal Reclamation Project) _____

11. I have read the provision of Oregon Revised Statutes 540.610(2) and Oregon Administrative Rules Chapter 690, Division 17 and believe the presumption of forfeiture for five or more consecutive years of non-use may not be rebutted by the holder(s) of this water right. BP (Initial to indicate you have read these laws)

12. I am willing to testify in a Contested Case Hearing to all allegations contained in this affidavit. I understand that as the proponent, I have the burden of proof on the alleged non-use issue. BP (Initial to indicate you have read this statement and understand your responsibilities).

Under penalty of perjury, I do solemnly swear or affirm that the foregoing is a true statement of the facts as I know them to be from my personal knowledge.

Becky Preston
(Signature of Affiant)

Sworn to and subscribed before me this 16th Day of Sept., 2009.



Elaine F. Acevedo
(Notary Public of Oregon)
County of Union
My Commission Expires 8-28-2013

(SEAL)

**CERTIFICATE OF SERVICE
AFFIDAVIT ASSERTING NON USE**

OAR 690-17-0400 requires that an affiant provide proof that affidavit asserting non-use has been served upon the legal land owner and occupant of the lands to which the water right is appurtenant.

I certify that on 21st Day of September, 2009, I served the attached Affidavit Asserting Non Use of Water Right by mailing in a sealed envelope, with first class postage prepaid, a copy thereof addressed as follows:

Name: Dan Davidson
Address: 66589 Hunter Road
City, State, Zip: Summerville, OR 97876

Name:
Address:
City, State, Zip:

Name:
Address:
City, State, Zip:

Name:
Address:
City, State, Zip:

[/s/ Signature]
Title

Becky Oreaton

*Sent to
Arnoldus + Co
7/21/09
JK*

**IMPORTANT NOTICE
OF
PROPOSED CHANGE IN A WATER RIGHT POINT OF
DIVERSION**

Dan Davidson, residing at LaGrande, OR 97850, submitted a transfer application under ORS 540.532 to the Oregon Water Resources Department requesting a change in point of diversion of Water Right Certificate number 33244 to reflect more than 10 years of historical use of water at a point of diversion other than that described in the water rights. The Transfer Application number is 10500.

The authorized point of diversion under Water Right Certificate 33244 is: SW¼SW¼, Section 15, Township 1 South, Range 38 East, W.M.

Dan Davidson proposes to officially add the point of diversion to the following location:

1246 feet North & 3375 feet East from the W¼ corner, Section 22, Township 1 South, Range 38 East, W.M.

Why You Received This Notice

You have received this notice because the Oregon Water Resources Department has identified you as the owner of the land on which a water right exists that may be affected by the proposed change in point of diversion. By law, it is the responsibility of the applicant to provide you notice of the proposed change in point of diversion. The applicant also is required to provide the Department written proof that this notice was delivered to you.

The Purpose of This Notice

The purpose of this notice is to provide you an opportunity to comment upon whether the proposed change will cause injury to the exercise of your water right. A **30-day comment period** begins upon receipt of this notice. Comments should reference the Transfer Application number, identify the water right subject to injury by permit or certificate number or decree name, and describe the nature of the injury caused by the change in point of diversion.

Mail Your Comments To:

Oregon Water Resources Department
Transfer Section, Field Service Division
Attn: Jason Spriet
1995 3rd Street, Suite 180
Baker City, OR 97814

Or Call Jason Spriet at: 541-523-8224 Ext 35, or Carrie Jones Ext. 36

How the Department Will Use Your Comments

The Department will use these comments to determine whether the proposed change in point of diversion would injure other water rights. The transfer application shall be approved if the Department finds no injury to other water rights.



Oregon

Theodore R. Kulongoski, Governor

Water Resources Department

Eastern Region

Baker County Courthouse

1995 3rd Street, Suite 180

Baker City, OR 97814

Phone: (541) 523-8224

www.wrd.state.or.us

July 21, 2009

*Sent
after changes made to app + map
JS*

DAN DAVIDSON
P.O. BOX 217
LA GRANDE, OR 97850

SUBJECT: Water Right Transfer Application T-10500

Please find enclosed a draft of our Final Order regarding Transfer Application T-10500. The document reflects the Department's conclusion that, based on the information currently available, the transfer will be approved. This draft is intended to provide you with an opportunity to comment on our findings and conclusions should you wish to do so. Please review the draft carefully to evaluate whether the document is consistent with your intent in seeking the transfer, and whether you agree with the proposed action.

Because there are intervening points of diversion between the historic point of diversion and the authorized point of diversion, a notice will be sent to other affected water right holders. A copy of the notice is enclosed.

Issuance of the Final Order will occur shortly after August 26, 2009. You may provide your comments or approval to proceed in writing or via e-mail.

Please do not hesitate to contact me at 541-523-8224 or Jason.D.Spriet@wrdd.state.or.us if I may be of assistance.

Sincerely,

Jason Spriet
East Region
Field Services Division

cc: T-10500
Shad Hattan, District 6 Watermaster
Greg Blackman – Agent/CWRE

enc:



Oregon

Theodore R. Kulongoski, Governor

Water Resources Department

Eastern Region

Baker County Courthouse

1995 3rd Street, Suite 180

Baker City, OR 97814

Phone: (541) 523-8224

www.wrd.state.or.us

July 6, 2009

RE-SENT

(INCORRECT ADDRESS
ON PREVIOUS)

DAN DAVIDSON
P.O. BOX 217
LA GRANDE, OR 97850

SUBJECT: Water Right Transfer Application T-10500

Please find enclosed a draft of our Final Order regarding Transfer Application T-10500. The document reflects the Department's conclusion that, based on the information currently available, the transfer will be approved. This draft is intended to provide you with an opportunity to comment on our findings and conclusions should you wish to do so. Please review the draft carefully to evaluate whether the document is consistent with your intent in seeking the transfer, and whether you agree with the proposed action.

Review by the Watermaster indicates that it is possible that not all of the rights are in need of transfer. Please review the enclosed draft Final Order and Watermaster review to determine if any changes are needed and discuss any modifications you think may be necessary with your Certified Water Right Examiner. If you determine that changes are needed, please contact me by August 4, 2009 via the phone number or e-mail listed below. Issuance of the Final Order will occur shortly after we receive your approval to proceed on August 4, 2009, whichever occurs first.

Because there are intervening points of diversion between the historic point of diversion and the authorized point of diversion, a notice will be sent to other affected water right holders. A copy of the notice is enclosed.

Please do not hesitate to contact me at 541-523-8224 or Jason.D.Spriet@wrdd.state.or.us if I may be of assistance.

Sincerely,

Jason Spriet
East Region
Field Services Division

cc: T-10500
Shad Hattan, District 6 Watermaster
Greg Blackman – Agent/CWRE

enc:



Oregon

Theodore R. Kulongoski, Governor

Water Resources Department

Eastern Region

Baker County Courthouse

1995 3rd Street, Suite 180

Baker City, OR 97814

Phone: (541) 523-8224

www.wrd.state.or.us

April 21, 2009

DAN DAVIDSON
66589 HUNTER ROAD
LA GRANDE, OR 97850

Sent 6/25
to Davidson, Blackman,
+ Notice Hattan
DFO
Wm Review Email

SUBJECT: Water Right Transfer Application T-10500

Please find enclosed a draft of our Final Order regarding Transfer Application T-10500. The document reflects the Department's conclusion that, based on the information currently available, the transfer will be approved. This draft is intended to provide you with an opportunity to comment on our findings and conclusions should you wish to do so. Please review the draft carefully to evaluate whether the document is consistent with your intent in seeking the transfer, and whether you agree with the proposed action.

Review by the Watermaster indicates that it is possible that not all of the rights are in need of transfer. Please review the enclosed draft Final Order and Watermaster review to determine if any changes are needed and discuss any modifications you think may be necessary with your Certified Water Right Examiner. If you determine that changes are needed, please contact me by July 27, 2009 via the phone number or e-mail listed below. Issuance of the Final Order will occur shortly after we receive your approval to proceed or July 27, 2009, whichever occurs first.

Because there are intervening points of diversion between the historic point of diversion and the authorized point of diversion, a notice will be sent to other affected water right holders. A copy of the notice is enclosed.

Please do not hesitate to contact me at 541-523-8224 or Jason.D.Spriet@wr.state.or.us if I may be of assistance.

Sincerely,

Jason Spriet
East Region
Field Services Division

cc: T-10500
Shad Hattan, District 6 Watermaster
Greg Blackman – Agent/CWRE

enc:



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 28, 2007

DAN DAVIDSON
66589 HUNTER ROAD
LAGRANDE, OR 97850

Reference: Transfer 10500

On December 14, 2007 we received your water right transfer application. The application was accompanied by \$800.00. Our receipt 90945 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.

Your application will be examined to determine if additional information is needed. You will be contacted following this examination. A number of other transfer applications are also awaiting review. As a result, it may be some time before we are able to process your application. If you wish to have your application processed more quickly, you may want to consider use of the Department's reimbursement authority. Under this authority an applicant may receive expedited review by paying the full cost for a pre-qualified contractor to process the applications. For more information on the Reimbursement Authority program, see our website at http://www.wrd.state.or.us/OWRD/mgmt_reimbursement.shtml or call the transfer section.

Except as provided under ORS 540.510(3) for municipalities, you may not use water for the new use, in the new place of use or from the new point of diversion until the transfer application has been approved. In order to avoid any possible forfeiture of the water right, you should continue to use the water as described by your existing water right. If the land is sold before the transfer is approved, the buyer's consent to the transfer will be required unless a recorded deed or other legal document clearly established that the water right was not conveyed in the sale.

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)986-0883.

cc: Watermaster # 6
CWRE # 021
ODFW

enclosure



Oregon

Theodore R. Kulongoski, Governor

October 24, 2007

Water Resources Department

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

Dan Davidson, Applicant
66589 Hunter Road
La Grande, Oregon 97850

Greg Blackman, Agent
2006 Adams Avenue
La Grande, Oregon 97850

RE: Water Right Transfer Application

On October 19, 2007 the Department received the water right transfer application for a historic point of diversion change, with a check in the amount of \$350.00. We are unable to file this application, the reasons are listed below. Enclosed is a copy of the Oregon Administrative Rules, and the new fee schedule.

1. With a Historic Point of Diversion change there must be evidence that the diversion point has been in use for at least 10 years and there has been no claim of injury prior to the request for the change in point of diversion. The evidence shall include a statement from the local Watermaster, based upon the Watermaster's knowledge and department records that no complaint of injury has been made due to the use of water at the actual current point of diversion. You may contact the local Watermaster, Shad Hattan, at 541-963-1031.
- ✓ 2. On page 3 of the Supplemental Form A packets, the authorized points of diversion must be filled out.
- ✓ 3. The transfer application map needs to show these authorized points of diversion.
- ✓ 4. As of July 1, 2007 there is a new fee schedule. The application fees for this transfer will be \$400.00 for the base fee, plus \$200.00 for each additional water right being transferred. Therefore, the total fees for this application will be \$800.00.

If you have any questions please contact Carrie Jones at 541-523-8224 ext. 36 in the Baker City office or you may contact the transfer section in the Salem office at 503-986-0883.

We are returning the application materials and original check in the amount of \$350.00 to Greg Blackman. You may re-submit the application once these items have been completed.

Sincerely,

Sarah Henderson
Executive Support

Cc: Shad Hattan, Watermaster
Carrie Jones, Eastern Region
Fiscal

RECEIVED

DEC 14 2007

**WATER RESOURCES DEPT
SALEM, OREGON**

1 10500

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

Reference Transfer #: T-10500

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

- ☐ The Oregon Department of Fish and Wildlife (ODFW) believes this proposed transfer may injure an instream water right(s) on

_____, tributary to _____,
(Stream)

Because, _____.

(Please attach any available supporting information.)

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

B. Please check one of the following four boxes related to requiring a fish screen and/or by-pass device pursuant to ORS 540.525 or 540.532:

- ☐ 1. The new Point of Diversion (POD) requires a fish screening and/or by-pass device and is currently equipped with an appropriate fish screening and/or by-pass device.

Note: This option will yield the following:

Finding of Fact: The Oregon Department of Fish and Wildlife has determined that a fish screening and/or by-pass device is necessary at the new point of diversion to prevent fish from entering the diversion and/or safely transport fish back to the body of water from which the fish were diverted and that the diversion is currently equipped with an appropriate fish screening and/or by-pass device.

Condition: The water user shall maintain and operate a fish screening and/or by-pass device, as appropriate, at the point of diversion consistent with the Oregon Department of Fish and Wildlife's operational and maintenance standards.

- ☒ 2. The new Point of Diversion (POD) requires a fish screening and/or by-pass device prior to water being diverted. The diversion may be eligible for cost share assistance under ODFW's cost share program.

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

Note: This option will yield the following:

Finding of Fact: The Oregon Department of Fish and Wildlife (ODFW) has determined that a fish screening and/or by-pass device is necessary at the new point of diversion to prevent fish from entering the diversion

Please return all 4 pages to: Transfers Section, Water Resources Department,
725 Summer St. NE, Suite A, Salem, OR 97301-1271

The electronic version of this form is available at: <http://www1.wrd.state.or.us/msword/ODFWScreen.doc>.

and/or safely transport fish back to the body of water from which the fish were diverted and that the diversion is not currently equipped with an appropriate fish screening and/or by-pass device. This diversion may be eligible for screening cost share funds.

Condition: Prior to diverting water, the water user shall install a fish screening and/or by-pass device, as appropriate, at the new point of diversion consistent with the Oregon Department of Fish and Wildlife's (ODFW) design and construction standards. Prior to installation, the water user shall obtain written approval from ODFW that the required screen and/or by-pass device meets ODFW's criteria. Prior to submitting a Claim of Beneficial Use, the water user must obtain written approval from ODFW that the required screening and/or by-pass device was installed to the state's criteria. The water user shall maintain and operate the fish screen and/or by-pass device, as appropriate, at the point of diversion consistent with ODFW's operational and maintenance standards.

- ☐ 3. The new Point of Diversion (POD) requires a fish screening and/or by-pass device. However, the diversion may be used for up to two years pending a determination of whether cost share assistance under ODFW's cost share program is available.

If Option 3 is selected, provide contact information on the "Fish Screening and Passage Information" sheet. Except in extraordinary circumstances, Option 3 should **NOT** be checked if listed fish species are present at the point of diversion, the originating water right diversion is screened, cost-share funds are currently available, or the diversion is not eligible for ODFW's cost-share program. If extraordinary circumstances are present, please explain: _____

Note: This option will yield the following:

Finding of Fact: The Oregon Department of Fish and Wildlife (ODFW) has determined that a fish screening and/or by-pass device is necessary at the new point of diversion to prevent fish from entering the diversion and/or safely transport fish back to the body of water from which the fish were diverted and that the diversion is not currently equipped with an appropriate fish screening and/or by-pass device. Listed fish species are not present at the point of diversion, the originating water right diversion is not screened, cost-share funds are not currently available, and the proposed diversion may be eligible for ODFW's cost-share program. A grace period of two years is appropriate until such time as cost share funds become available to assist in the construction of a fish screening and/or by-pass device. If cost share funds do not become available, the water user must screen within the indicated time period regardless of the availability of cost share funding.

Condition: Within two years after the date of this order, the water user shall install a fish screening and/or by-pass device, as appropriate, at the new point of diversion consistent with the Oregon Department of Fish and Wildlife's (ODFW) design and construction standards. Prior to installation, the water user shall obtain written approval from ODFW that the required screen and/or by-pass device meets ODFW's criteria. The water user may withdraw water at the new point of diversion without screening or by-pass devices until two years after the date of this order. Prior to submitting a Claim of Beneficial Use, the water user must obtain written approval from ODFW that the required screening and/or by-pass device was installed to the state's criteria. The water user shall maintain and operate the fish screen and/or by-pass device, as appropriate, at the point of diversion consistent with ODFW's operational and maintenance standards.

- ☐ 4. The new Point of Diversion (POD) does not currently require a fish screen and/or by-pass device, however, the permittee may be required in the future to install, maintain, and operate fish screening and/or by-pass devices.

Note: This option will yield the following:

Finding of Fact: The Oregon Department of Fish and Wildlife has determined that a fish screening and/or by-pass device may be required in the future at the new point of diversion to prevent fish from entering the diversion and/or safely transport fish back to the body of water from which the fish were diverted and that the diversion is not currently equipped with an appropriate fish screening and/or by-pass device.

Condition: Within one year after receiving written notification from the Oregon Department of Fish and Wildlife (ODFW) that a fish screening and/or by-pass device is required, the water user shall install a screening and/or by-pass device, as appropriate, at the new point of diversion. The fish screening and/or by-

pass device must meet ODFW's design and construction standards. Prior to installation, the water user shall obtain written approval from ODFW that the required screening and/or by-pass device meets ODFW's criteria. Once installed the water user shall maintain and operate the fish screening and/or by-pass device, as appropriate, at the point of diversion consistent with ODFW's operational and maintenance standards.

Nadin Craft
Signature

N. Craft
Printed Name

Asst Dist. Fish Biol.
Title

() 962-1830
Phone

Oregon Department of Fish and Wildlife
Additional Fish Screening and Passage Information for the Applicant
(To be completed by ODFW for WRD to provide to the applicant.)

Transfer #: T-0

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

- ☒ Fish screening and/or fish by-pass devices are required as a condition of this transfer. The fish screen and/or by-pass device must meet ODFW's design, construction, operational and maintenance standards. Fish screening prevents fish from entering the diversion, while a by-pass device safely transports fish back to the body of water from which the fish were diverted.

Pursuant to ORS 498.306, cost share funds may be available to assist in the installation of fish screening and by-pass devices at diversions.

The applicant should contact the ODFW staff below to obtain additional information on the design, construction, operational, and maintenance standards for the required fish screening and/or by-pass device and to obtain information about ODFW's cost sharing program for screening and by-pass devices. **Prior to installation, the water user must obtain written approval from ODFW that the required screening and/or by-pass device meets ODFW's criteria.**

ODFW staff name: ~~Andrew Goff~~ or ~~Chuck Simpson~~
Address: Ent. Screen Shop
City/State/Zip: _____
Phone: (541) 426 0311 or John Day Screens 575-0561

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

ODFW staff name: _____
Address: _____
City/State/Zip: _____
Phone: (____) _____



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 12/25/07

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: UNION
Transfer: 10500
Water Right: CERT 6619, 6670, 33244
Priority Date: 1906, 1893, 1921, 1863, 1900, 1875
Name: DAN DAVIDSON
Address: 66589 HUNTER RD LAGRANDE OR 97850
Change: HISTORIC POD
Source: MOUNTAIN STREAMS/END CR/UNNAMED CR/TWO SPRINGS
Authorized POD: T1S R38E 15
Proposed POD: T1S R38E 22

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.

ORIGINALS

Transfer Application

Transfer Map

Evidence of Use Affidavit

Documentation of Use

Land Use Information Form

Report of Ownership

Miscellaneous

Superseded Pages

Receipt

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 # 90945

INVOICE # _____

RECEIVED FROM: DANIEL A & TRACY L
BY: DAVIDSON

APPLICATION	
PERMIT	
TRANSFER	T-10500

CASH: ☐ CHECK: # 1020 OTHER: (IDENTIFY) ☐

TOTAL REC'D \$ 800.00

1083 TREASURY 4170 WRD MISC CASH ACCT

0407 COPIES PLA 46111 \$
OTHER: (IDENTIFY) \$
0243 I/S Lease _____ 0244 Muni Water Mgmt. Plan _____ 0245 Cons. Water _____

4270 WRD OPERATING ACCT

MISCELLANEOUS

0407 COPY & TAPE FEES \$
0410 RESEARCH FEES \$
0408 MISC REVENUE: (IDENTIFY) \$
TC162 DEPOSIT LIAB. (IDENTIFY) \$
0240 EXTENSION OF TIME \$

WATER RIGHTS:

	EXAM FEE		RECORD FEE
0201 SURFACE WATER	\$	0202	\$
0203 GROUND WATER	\$	0204	\$
0205 TRANSFER	\$ <u>800.00</u>		

WELL CONSTRUCTION

	EXAM FEE		LICENSE FEE
0218 WELL DRILL CONSTRUCTOR	\$	0219	\$
LANDOWNER'S PERMIT		0220	\$
OTHER (IDENTIFY)			

0536 TREASURY 0437 WELL CONST. START FEE

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

0607 TREASURY 0467 HYDRO ACTIVITY LIC NUMBER

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

TREASURY OTHER / RDX

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

RECEIPT: 90945

DATED: 12/14/07 BY: [Signature]

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

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	
☒ Permanent Transfer	☐ Instream Transfer
☐ Temporary Transfer (1 to 5 yrs.)	☐ Permanent
• total number of years: _____	☐ Time-Limited
(begin year: _____)	☐ Drought Transfer
(end year: _____)	☐ Other

2. APPLICANT INFORMATION

Name: DAN DAVIDSON
First Last

Address: 66589 HUNTER ROAD

LA GRANDE	OREGON	97850
City	State	Zip

Phone: (541) 963-8530 N/A

Fax: _____ E-Mail address: _____

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3. AGENT INFORMATION

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

Name: GREG BLACKMAN
First Last

Address: 2006 ADAMS AVE.

LA GRANDE OREGON 97850

Phone: _____ (541) 963-6092

Fax: _____ E-Mail address: _____

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- 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.

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

This page
modified
7/17/09
SS

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.			33244
2.			
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 | ☐ Exchange | ☐ Other |

- Reason(s) for change(s): To correct the location of my Point of Diversion to the location I have always used.

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.

The existing system is a man made dam in ditch and lateral ditches that flood irrigate. I do plan to update the system to centrifugal pump out of the ditch, and instead of flood irrigating. I will use hand line and sprinklers to irrigate more efficiently.

- System capacity: 2.42 cubic feet per second (cfs). If the transfer involves multiple rights that have independent systems, describe the capacity for each system separately.

--

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:

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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).

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9. LAND OWNERSHIP

- Does the applicant own the lands **FROM** which the right is being transferred? ☒ Yes ☐ No

*If "No", provide the following information. For Temporary Transfers, also include a **notarized statement granting consent** to the transfer from each of the landowners (for Permanent Transfers see Section 12(c)):*

Names of Current Landowner(s): _____
First Last

Address: _____

City State Zip

- Does the applicant own the lands **TO** which the right is being transferred?

☒ Yes ☐ No ☐ N/A - NOT APPLICABLE TO INSTREAM TRANSFERS

If "No", provide the following information:

Names of Receiving Landowner(s): _____
First Last

Address: _____

City State Zip

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- Check one of the following:

☐ The receiving landowner will be responsible for completion of the proposed changes after the final order is issued. All notices and correspondence should be sent to this landowner.

☒ The applicant will remain responsible for completion of changes. Notices and correspondence should continue to be sent to the applicant and applicant's agent.

☐ N/A. (Not applicable. Application is for an Instream Water Right Transfer.)

10. Other Remarks (optional)

I would like to change my authorized P.O.D. to the proposed and current P.O.D. which
is where I have always used not knowing that the authorized location was different.

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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.

Supplemental Form A –

Description of Proposed Change(s) to a Water Right

- ☐ A separate Supplemental Form A is enclosed for each water right to be affected by this transfer.

Supplemental Form B –

Evidence of Use Affidavit(s)

- ☒ 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), and
- ☐ The Evidence of Use Affidavit must be accompanied by supporting documentation.

Map

- ☐ *Water Right Transfer*
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.
- ☒ *Temporary Transfer or Historical POD Change*
A map meeting the requirements of OAR 690-380-3100 must be included but need not be prepared by a Certified Water Right Examiner.

Water Well Report(s)/Well Log(s):

- ☐ 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.
- ☐ 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.
- ☒ N/A. The application does not involve a change in point of appropriation or a change from surface water to ground water, so water well reports are not required.)

Land Use Information For Proposed Changes:

For Instream Transfers:

- ☐ 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. (For instream transfers a Land Use Information Form is not required.)

For All Other Transfers:

- ☒ Land Use Information Form is enclosed; or
- ☐ All of the following criteria are met, therefore a Land Use Information Form is not required:
- 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, and
 - ④ Irrigation only.

Fees:

- ☐ Amount enclosed: \$ 350.00
See the Department's Fee Schedule at www.wrd.state.or.us or call (503) 986-0900.

Instream Water Right Transfers, also include:

Supplemental Form C –

Instream Water Right Transfer

- ☐ Complete this form to describe the desired nature and attributes for the proposed instream water right.

Temporary Transfers, also include:

Recorded Deed:

- ☐ 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.

Affidavit of Consent:

- ☐ 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.

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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.

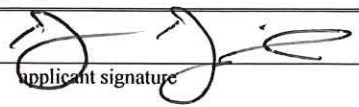
☐ I (we) affirm that interest in the water right has been conveyed to someone other than the landowner, and documents, including a water right conveyance agreement, report of ownership and lien information, and any required lienholder notification are enclosed, demonstrating that I am (we are) authorized 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	_____ name and title if applicable (print)	<u>Oct 1, 2007</u> date
_____ applicant signature	_____ name and title if applicable (print)	_____ date

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Transfer Application/6

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OCT 19 2007

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2. CURRENT WATER RIGHT INFORMATION

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

☒ Certificated Right	33244 Certificate Number	6270 Permit Number or Decree Name
☐ Adjudicated, Non-certificated Right	 Name of Decree	 Page Number
☐ Permit for which Proof has been Approved	 Permit Number	 Date Claim of Beneficial Use Submitted
☐ Transferred Right for which Proof has been Filed	 Previous Transfer Number	 Date Claim of Beneficial Use Submitted

- Name on Permit, Certificate, or Decree: Wayne R. Frizzell
- County: UNION
- Authorized Use(s) to be Affected by Transfer: Irrigation
- Priority Date(s): 1893

*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: Mountain Streams

Tributary to: Grande Ronde River

*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: 33244

*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)
Authorized P.O.D.	Mountain Streams	1S	38E	w.m.	15	SW/SW	1200	N 2710' & E 203' FROM WEST 1/4 COR. SEC.22

- 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
								RECEIVED DEC 14 2007 WATER RESOURCES DEPT SALEM, OREGON	

▪ Certificate Number or other identifying number: 33244

Will the ENTIRE water right be affected by this transfer? ☐ Yes ☒ No

If "Yes", the remainder of this page does not need to be completed. Go on to the next page.

If “No”, the following information must be provided only for those places of use that are involved in the transfer (i.e., list only the portion of the water right to be affected by the change.)

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 Place of Use to be Affected:

(i.e., the allowed lands listed on the water right that will be affected by the proposed transfer, the "FROM" lands)

[illegible]

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■ Certificate Number or other identifying number: 33244

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)
Mountain Streams	1S	38E	w.m.	22	SW/NE		3375'E & 2710'S of West 1/4 Cor. Sec.22

- 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

▪ Certificate Number or other identifying number: 33244

Describe proposed changes to the water right involving place of use. Information described below should accurately correspond to the proposed place of use shown on the accompanying application map. Attach additional pages as necessary.

Location of Proposed Place of Use: (i.e., the "TO" lands) ☐ N/A – Instream Water Right Transfer
(NOTE: Complete this table *only* if a Change in Place of Use is being proposed.)

[illegible]

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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: 6670

1. TYPE OF CHANGE(S) PROPOSED

(Check *all* that apply.)

Point of Diversion or Appropriation	Place of Use	Character of Use
☐ 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.) ☐ 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.) ☒ Historic Point of Diversion or Appropriation Change (Unauthorized point of diversion or appropriation used for more than 10 years.) ☐ 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.) ☐ Point of Diversion Change due to Government Action (The old point of diversion or appropriation can no longer be used due to government action.) ☐ Exchange (Water from another source will be used in exchange for supplying an equal amount of replacement water to that source.)	☐ All of the right will be exercised at a different location than currently authorized (Use of water at the current location will be discontinued.) ☐ 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: ☐ Irrigation ☐ Municipal ☐ Quasi-municipal ☐ Commercial ☐ Industrial ☐ Instream (complete and attach <i>Supplemental Form C</i>) ☐ Domestic (indicate number of households) _____ ☐ Other _____ ☐ Substitution (A supplemental ground water right will be substituted for a primary surface water right.) ☐ 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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2. CURRENT WATER RIGHT INFORMATION

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

☒ Certificated Right	6670 Certificate Number	5123 Permit Number or Decree Name
☐ Adjudicated, Non-certificated Right	_____ Name of Decree	_____ Page Number
☐ Permit for which Proof has been Approved	_____ Permit Number	_____ Date Claim of Beneficial Use Submitted
☐ Transferred Right for which Proof has been Filed	_____ Previous Transfer Number	_____ Date Claim of Beneficial Use Submitted

▪ Name on Permit, Certificate, or Decree: N.K. WEST

▪ County: UNION

▪ Authorized Use(s) to be Affected by Transfer: Irrigation

▪ Priority Date(s): MAY 23, 1921

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: End Creek and Unnamed Creek
caused by a spring.

Tributary to: Grande Ronde River

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: 6670

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)
Authorized P.O.D.	End Creek	1S	38E	w.m.	15	SW/SW	1200	N 2710' & E 203' FROM WEST 1/4 COR. SEC.22

- 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: 6670

Will the ENTIRE water right be affected by this transfer? ☐ Yes ☒ No

If "Yes", the remainder of this page does not need to be completed. Go on to the next page.

If “No”, the following information must be provided only for those places of use that are involved in the transfer (i.e., list only the portion of the water right to be affected by the change.)

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 Place of Use to be Affected:

(i.e., the allowed lands listed on the water right that will be affected by the proposed transfer, the "FROM" lands)

[illegible]

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▪ Certificate Number or other identifying number: 6670

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)
End Creek	1S	38E	w.m.	22	SW/NE		3375'E & 2710'S of West 1/4 Cor. Sec.22

- 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

▪ Certificate Number or other identifying number: 6670

Describe proposed changes to the water right involving place of use. Information described below should accurately correspond to the proposed place of use shown on the accompanying application map. Attach additional pages as necessary.

Location of Proposed Place of Use: (i.e., the "TO" lands) ☐ N/A – Instream Water Right Transfer

(NOTE: Complete this table *only* if a Change in Place of Use is being proposed.)

[illegible]

Remarks:

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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.

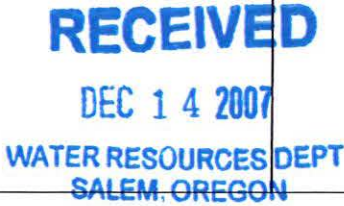
Attach additional copies of Supplemental Form A as needed to describe other certificates, permits, decrees or other rights involved in this transfer.

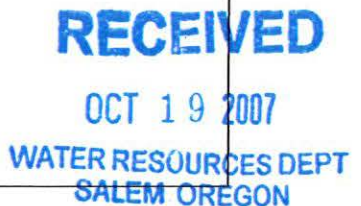
▪ Certificate Number or other identifying number: 33244

1. TYPE OF CHANGE(S) PROPOSED

(Check *all* that apply.)

Point of Diversion or Appropriation	Place of Use	Character of Use
☐ 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.) ☐ 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.) ☒ Historic Point of Diversion or Appropriation Change (Unauthorized point of diversion or appropriation used for more than 10 years.) ☐ 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.) ☐ Point of Diversion Change due to Government Action (The old point of diversion or appropriation can no longer be used due to government action.) ☐ Exchange (Water from another source will be used in exchange for supplying an equal amount of replacement water to that source.)	☐ All of the right will be exercised at a different location than currently authorized (Use of water at the current location will be discontinued.) ☐ 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: ☐ Irrigation ☐ Municipal ☐ Quasi-municipal ☐ Commercial ☐ Industrial ☐ Instream (complete and attach <i>Supplemental Form C</i>) ☐ Domestic (indicate number of households) _____ ☐ Other _____ ☐ Substitution (A supplemental ground water right will be substituted for a primary surface water right.) ☐ Supplemental Use to Primary Use (Primary water right shall be cancelled and the supplemental water right will change to primary use.)





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: 6619

1. TYPE OF CHANGE(S) PROPOSED

(Check ***all*** that apply.)

Point of Diversion or Appropriation	Place of Use	Character of Use
☐ 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.) ☐ 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.) ☒ Historic Point of Diversion or Appropriation Change (Unauthorized point of diversion or appropriation used for more than 10 years.) ☐ 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.) ☐ Point of Diversion Change due to Government Action (The old point of diversion or appropriation can no longer be used due to government action.) ☐ Exchange (Water from another source will be used in exchange for supplying an equal amount of replacement water to that source.)	☐ All of the right will be exercised at a different location than currently authorized (Use of water at the current location will be discontinued.) ☐ 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: ☐ Irrigation ☐ Municipal ☐ Quasi-municipal ☐ Commercial ☐ Industrial ☐ Instream (complete and attach <i>Supplemental Form C</i>) ☐ Domestic (indicate number of households) _____ ☐ Other _____ ☐ Substitution (A supplemental ground water right will be substituted for a primary surface water right.) ☐ 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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2. CURRENT WATER RIGHT INFORMATION

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

☒ Certificated Right	6619 Certificate Number	Grande Ronde River Permit Number or Decree Name
☐ Adjudicated, Non-certificated Right	 Name of Decree	 Page Number
☐ Permit for which Proof has been Approved	 Permit Number	 Date Claim of Beneficial Use Submitted
☐ Transferred Right for which Proof has been Filed	 Previous Transfer Number	 Date Claim of Beneficial Use Submitted

- Name on Permit, Certificate, or Decree: G.I. WADE
- County: UNION
- Authorized Use(s) to be Affected by Transfer: Irrigation
- Priority Date(s): 1863-1900

*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: End Creek and Unnamed Creek and two springs.

Tributary to: Grande Ronde River

*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: 6619

*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)
Authorized P.O.D.	End Creek/Unnamed stream	1S	38E	w.m.	15	SW/SW	1200	N 2710' & E 203' FROM WEST 1/4 COR. SEC.22
	& two springs							

- 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: 6619

Will the ENTIRE water right be affected by this transfer? ☒ Yes ☐ No

If "Yes", the remainder of this page does not need to be completed. Go on to the next page.

If “No”, the following information must be provided only for those places of use that are involved in the transfer (i.e., list only the portion of the water right to be affected by the change.)

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 Place of Use to be Affected:

(i.e., the allowed lands listed on the water right that will be affected by the proposed transfer, the "FROM" lands)

[illegible]

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SALEM OREGON

▪ Certificate Number or other identifying number: 6619

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)
End Creek/	1S	38E	w.m.	22	SW/NE		3375'E & 2710'S of West 1/4 Cor. Sec.22
Unnamed Creek							
& Two Springs							

- 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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▪ Certificate Number or other identifying number: 6619

Describe proposed changes to the water right involving place of use. Information described below should accurately correspond to the proposed place of use shown on the accompanying application map. Attach additional pages as necessary.

Location of Proposed Place of Use: (i.e., the "TO" lands) ☐ N/A – Instream Water Right Transfer

(NOTE: Complete this table only if a Change in Place of Use is being proposed.)

[illegible]

Remarks: _____

STATE OF OREGON

COUNTY OF UNION

CERTIFICATE OF WATER RIGHT

This Is to Certify, That WAYNE R. FRIZZELL

of Summerville State of Oregon, has a right
to the use of the waters of Lewis Branch for Tract #1; Mountain streams for Tract #2;

a tributary of for the purpose of
irrigation of 37 acres

and that said right has been confirmed by decree of the Circuit Court of the State of Oregon for
Union County, and the said decree entered of record at Salem, in the Order Record of
the STATE ENGINEER, in Volume 8, at page 1; that the priority of the right thereby
confirmed dates from 1906 for Tract #1; 1893 for Tract #2;

that the amount of water to which such right is entitled, for the purposes aforesaid, is limited to an
amount actually beneficially used for said purposes, and shall not exceed Three acre feet per
acre in any irrigation season, diverted at a rate of not to exceed one-fortieth
of a cubic foot per second per acre;

The point of diversion is located in the Tract 1 - NE $\frac{1}{4}$ NW $\frac{1}{4}$, Section 10, Tract 2 - SW $\frac{1}{4}$ SW $\frac{1}{4}$,
Section 15, both in T. 1 S., R. 38 E., W. M.
A description of the place of use under the right, and to which such right is appurtenant, is as
follows:

Tract #1:

7 acres NE $\frac{1}{4}$ NW $\frac{1}{4}$
Section 10
T. 1 S., R. 38 E., W. M.

Tract #2:

10 acres SW $\frac{1}{4}$ NE $\frac{1}{4}$
10 acres NE $\frac{1}{4}$ NW $\frac{1}{4}$
10 acres SE $\frac{1}{4}$ NW $\frac{1}{4}$
Section 22
T. 1 S., R. 38 E., W. M.

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This certificate corrects and supersedes the certificate heretofore issued to
Mrs. Mattie Frizzell and recorded at Volume 6, page 6270, State Record of Water
Right Certificates to confirm the decree corrected by an order of the Circuit
Court for Union County, entered May 10, 1966.

And said right shall be subject to all other conditions and limitations contained in said decree.
The right to the use of the water for the purposes aforesaid is restricted to the lands or place
of use herein described.

WITNESS the signature of the State Engineer, affixed

this date July 19, 1966.

CHRIS L. WHEELER
State Engineer

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Recorded in State Record of Water Right Certificates, Volume 25, page 33244

1 10500

STATE OF OREGON

COUNTY OF UNION

CERTIFICATE OF WATER RIGHT

This is to Certify, That G. I. WADE

of SUMMERVILLE, State of OREGON has a right to the use of
the waters of (See below*)

for the purpose of Irrigation

and that said right has been confirmed by decree of the Circuit Court of the State of Oregon for
Union County, and the said decree entered of record at Salem, in the Order
Record of the STATE ENGINEER, in Volume 8, at page 1; that the priority
of the right thereby confirmed dates from (See below*)

that the amount of water to which such right is entitled, for the purposes aforesaid, is limited to an
amount actually beneficially used for said purposes, and shall not exceed Three acre feet per
acre in any irrigation season, diverted at a rate of not to exceed one-fortieth
of a cubic foot per second per acre;

A description of the lands irrigated under such right, and to which the water is appurtenant
(or, if for other purposes, the place where such water is put to beneficial use), is as follows:

DATE	ACRES	STREAM	DESCRIPTION OF LAND
1863	279	Erd Creek and unnamed Creek and two springs	40 acres in SW $\frac{1}{4}$ NE $\frac{1}{4}$ 7 acres in SW $\frac{1}{4}$ NW $\frac{1}{4}$ 40 acres in SE $\frac{1}{4}$ NW $\frac{1}{4}$ 40 acres in NE $\frac{1}{4}$ SW $\frac{1}{4}$ 20 acres in NW $\frac{1}{4}$ SW $\frac{1}{4}$ 10 acres in SW $\frac{1}{4}$ SW $\frac{1}{4}$ 40 acres in SE $\frac{1}{4}$ SW $\frac{1}{4}$ 40 acres in NW $\frac{1}{4}$ SE $\frac{1}{4}$ 40 acres in SW $\frac{1}{4}$ SE $\frac{1}{4}$ Section 23, 2 acres in NE $\frac{1}{4}$ SW $\frac{1}{4}$ Section 22, T. 1 S. R. 38 E. W. M.
1900	20	Erd Creek and unnamed Creek and two springs	20 acres in SE $\frac{1}{4}$ NE $\frac{1}{4}$ Section 22, T. 1 S. R. 38 E. W. M.
1875	40	McDonald Creek	40 acres in NW $\frac{1}{4}$ NE $\frac{1}{4}$ Section 26, T. 1 S. R. 38 E. W. M.

The right to the use of the water for irrigation purposes is restricted to the lands or place
of use herein described, and said right shall be subject to all other conditions and
limitations contained in said decree.

WITNESS the signature of the State Engineer,

affixed this 1st day

of November, 192

RECEIVED

RECEIVED

DEC 14 2007

OCT 19 2007

WATER RESOURCES DEPT

WATER RESOURCES DEPT

SALEM, OREGON

SALEM, OREGON

RENA LUPER

State Engineer.

Recorded in State Record of Water Right Certificates, Volume 7

, page 6619

1 10500

IN THE CIRCUIT COURT OF THE STATE OF OREGON FOR THE COUNTY OF
UNION.

IN THE MATTER OF THE DETERMINATION OF THE	)	
RELATIVE RIGHTS OF THE VARIOUS CLAIMANTS	)	
TO THE USE OF THE WATERS OF <u>GRANDE RONDE RIVER</u>	)	
ABOVE THE MOUTH OF GORDON CREEK, AND OF ALL	)	D E C R E E
ITS TRIBUTARIES ABOVE SAID POINT, INCLUDING	)	
GORDON CREEK, EXCEPT MILL CREEK, HERETOFORE	)	
ADJUDICATED, IN UNION COUNTY, OREGON.	)	

At this time, this 13th day of March, 1924, the above entitled matter comes on for hearing on the original and supplemental Findings and Order of Determination made and filed by the State Water Board of the State of Oregon, and upon exceptions to said Findings and Order; and the Court having duly considered the same, and it appearing that said Findings and Order should be in the main affirmed and should in some details hereinafter referred to be modified, it is

CONSIDERED, ORDERED and DECREED: That said Findings and Order of Determination be and hereby are modified as hereinafter set forth, and in the following particulars, to-wit:-

1.

With reference to the exceptions filed by Mrs. M. W. Mitchell to Finding No. 8 of the said Supplemental Findings, there be and hereby is added to said Finding No. 8, as a part thereof, the following, to-wit:-
"As to Murphy Creek, mentioned in said stipulation, the dates of priority are the same, said stipulation providing for equal division of the waters from said Murphy Creek; and the Water Master shall so divide said waters in accordance with such dates of priority."

2.

That there be and hereby is added to Finding No. 18 of said Supplemental Findings, as a part thereof, the following:

"Provided that the owners of the Conklin Estate lands shall have the first right to the use of the waters from the springs rising on said Conklin Estate lands, and on the Payne Estate lands, to the extent that same are beneficially used."

3.

That as shown by the exception of Carrie Hunter and Pearl Harrison, the streams from which appropriations are made by S. A. Pennick, E. D. Whiting and E. L. Whiting are the same streams which furnish water to Hunter Canyon Creek, from which W. G. Hunter Estate has an appropriation;

and that in the suit wherein W. G. Hunter was plaintiff and F. M. Stanley and Harry Huntley were defendants, in the Circuit Court of the State of Oregon for the County of Union, the rights of the predecessors in interest of E. D. Whiting, E. L. Whiting and S. A. Pennick were decreed inferior to the right of the said W. G. Hunter.

The original tabulation of the rights of the W. G. Hunter Estate should stand as rights superior to those of the said S. A. Pennick and E. D. Whiting and E. L. Whiting, as tabulated in the Supplemental Findings of said State Water Board.

4.

That in said Supplemental Findings, at the pages and opposite the names of the persons hereinafter set forth, in the column headed "Name of Ditch," the name "May Park Water Ditch Co." should be substituted for the name "May Park Water Co.", as follows:

At page 13, opposite the name of M. A. Adams,
At page 13, opposite the name of James Ainsworth,
At page 13, opposite the name of B. P. Courtney,
At page 13, opposite the name of Elizabeth Elsworth,
At page 23, opposite the name of J. W. O'Bryant,
At page 25, opposite the name of Belle Quinland,
At page 27, opposite the name of Charles Wilson,

and that in said particulars the tabulation hereinafter set forth is hereby substituted for said Supplemental Findings, at said names and pages, and which said Supplemental Findings are in said particulars hereby so modified.

5.

That the date of relative priority of the rights of George Chadwick as given in the tabulation in the Original Findings of said State Water Board, at page 29 of said Findings, should be 1874 instead of 1897; and that the tabulation as to said George Chadwick hereinafter set forth is hereby substituted in place of said original tabulation in said respect, and which tabulation is hereby in said particular so modified.

6.

That the rights of J. B. Tallent should be included in said Findings and there tabulated; and that the tabulation hereinafter set forth as to the said J. B. Tallent is hereby made a part of said tabulation.

7.

That with reference to the exception by L. M. Wilson to Supplemental Finding No. 18¹/₂, there should be and hereby is added thereto as a part thereof, by inserting immediately after the words, "State Water Board," on second line of said Finding, the following, to-wit: "except that the said L. M. Wilson has a date

of priority as of 1880, and the original tabulation, appearing on page 100 of said original Findings, be modified so as to read as the tabulation hereinafter set forth as to the said L. M. Wilson."

8.

That with reference to the exception filed by Pearl Payne Huntley, it appears that lands belonging to her are tabulated at page 81 of the original Findings as a part of the lands of the Payne Estate; and that her lands should be separately tabulated, and the tabulation hereinafter set forth as to the said Payne Estate and the said Pearl Payne Huntley is accordingly hereby substituted in said respects for said original tabulation.

9.

That with reference to the exception filed by C. C. Henderson, successor in interest of R. L. Wakefield, to the tabulation of the rights appearing on page 27 of said Supplemental Findings, the date of priority for the 98.25 acres of land there described should be 1874 instead of 1900, and the name of the stream furnishing water for said 98.25 acres in Little Creek; and that for the purpose of such correction, the tabulation of the rights of said C. C. Henderson, successor in interest of R. L. Wakefield hereinafter set forth, is hereby in said particular substituted for said supplemental tabulation.

10.

That with reference to the exceptions filed by Edward Gillaspie, the tabulation hereinafter set forth as to the said Edward Gillaspie is hereby added to as a part of the said original tabulation, and that said Findings are in said particulars so modified.

Name and Postoffice Address of Appropriator	Date of Relative Priority	Amount Cable Feet Per Second	Number Acres	Use	Name of Ditch	Stream	Description of Land or Place of Use
Adams, M. A. La Grande, Ore.	May 10, 1902.		10	Irrigation. Water Ditch Company	May Park Ditch Company	Grande Ronde	10 acres in NE $\frac{1}{4}$ SW $\frac{1}{4}$ Section 4, T. 3 S. R. 38 E. W. M.
Ainsworth, James La Grande, Ore.	" "		18.1	"	" "	" "	8.1 acres in NW $\frac{1}{4}$ NW $\frac{1}{4}$ 10 acres in SW $\frac{1}{4}$ NW $\frac{1}{4}$ Section 4, T. 3 S. R. 38 E. W. M.
Courtney, B.P. La Grande, Ore.	" "		12.5	"	" "	" "	10 acres in SW $\frac{1}{4}$ NW $\frac{1}{4}$ 2.5 acres in NW $\frac{1}{4}$ SW $\frac{1}{4}$ Section 4. T. 3 S. R. 38 E. W. M.
Ellsworth, Elizabeth La Grande, Ore.	" "		10	"	" "	" "	10 acres in SW $\frac{1}{4}$ NW $\frac{1}{4}$ Section 4. T. 3 S. R. 38 E. W. M.
O'B ryant, J.W. La Grande, Ore.	" "		10	"	" "	" "	10 acres in SE $\frac{1}{4}$ NW $\frac{1}{4}$ Section 4. T. 3 S. R. 38 E. W. M.
Quinland, Belle La Grande, Ore.	" "		6	"	" "	" "	6 acres in SW $\frac{1}{4}$ NW $\frac{1}{4}$ Section 4. T. 3 S. R. 38 E. W. M.
Wilson, Charles La Grande, Ore.	" "		23	"	" "	" "	3 acres in NE $\frac{1}{4}$ NE $\frac{1}{4}$ 20 acres in SE $\frac{1}{4}$ NE $\frac{1}{4}$ Section 5. T. 3 S. R. 38 E. W. M.
Chadwick, Geo. Cove, Ore.	1874		35	"	Rees	Warm Creek	5 acres in NW $\frac{1}{4}$ NE $\frac{1}{4}$ 15 acres in NE $\frac{1}{4}$ NW $\frac{1}{4}$ 15 acres in NW $\frac{1}{4}$ NE $\frac{1}{4}$ Section 10. T. 3 S. R. 40 E. W. M.
✓ Tallent, J. B. Cove, Oregon.	1863		30	"	May's ditch	North Br. Warm Creek.	5 acres in NE $\frac{1}{4}$ SW $\frac{1}{4}$ 25 acres in NW $\frac{1}{4}$ SW $\frac{1}{4}$ Section 10. T. 3 S. R. 40 E. W. M.
Wilson, L. M. La Grande, Ore.	1880		35	"	Wilson 1 & 2	Ladd Creek	34 acres in NE $\frac{1}{4}$ NW $\frac{1}{4}$ 1 acre in SE $\frac{1}{4}$ NW $\frac{1}{4}$ Section 12. T. 4 S. R. 38 E. W. M.
✓ Payne, Estate Cove, Oregon.	1874		35	"	Payne Estate	Thomas Creek & Spring Branch Warm Ok.	15 acres in SW $\frac{1}{4}$ SE $\frac{1}{4}$ Section 10. 20 acres in NW $\frac{1}{4}$ NE $\frac{1}{4}$ Section 15. T. 3 S. R. 40 E. W. M.
✓ Huntley, Pearl Payne, Cove, Oregon.	1874		18.5	"	" "	" "	8 acres in SW $\frac{1}{4}$ NW $\frac{1}{4}$ 10.5 acres in SW $\frac{1}{4}$ NW $\frac{1}{4}$ Section 15. T. 3 S. R. 40 E. W. M.

Name and Postoffice Address of Appropriator	Date of Relative Priority	Amount Cubic Feet Per Second	Number Acres	Use	Name of Ditch	Stream	Description of Land or Place of Use
Wakefield, R.L. C. C. Henderson Successors in interest.	1876		0.5	Irrigation	Town	Catherine Creek	S $\frac{1}{2}$ of Block 13 in West Union, Oregon (being in NW $\frac{1}{4}$ NW $\frac{1}{4}$ Sec. 19, T. 4 S. R. 40 E. W. M.)
	1874		98.	Irrigation	Wright Hutchinson	Little Creek	40 acres in NE $\frac{1}{4}$ SW $\frac{1}{4}$ 38.5 acres in NW $\frac{1}{4}$ SW $\frac{1}{4}$ 9.75 acres in SW $\frac{1}{4}$ SW $\frac{1}{4}$ 10 acres in SE $\frac{1}{4}$ SW $\frac{1}{4}$ Section 12. T. 4 S. R. 39 E. W. M.
✓ Gillaspie, Edw. Union, Oregon.	1896		55	Irrigation		Brinker Creek	30 acres in NW $\frac{1}{4}$ NW $\frac{1}{4}$ Section 11. 25 acres in SW $\frac{1}{4}$ SW $\frac{1}{4}$ Section 2. T. 5 S. R. 40 E.W.M.

It is further CONSIDERED, ORDERED and DECREED: That said Findings and Order of Determination as amended by said Supplemental Findings and as same are herein modified, be and hereby are in all things approved and affirmed.

It is further CONSIDERED, ORDERED and DECREED: That upon the above entitled matter being determined on appeal, or in the event that no appeal be taken, then upon expiration of the time allowed for appeal, the said original Findings and Order of determination be so transcribed that all matters by the decree of the Court ordered eliminated ^{by} in such transcript omitted, and that all matters by the decree of the Court ordered added to or substituted for matters now contained in said original, be so added or substituted, as the case may be, as in the decree of the Court provided with reference to said original and said supplemental findings, so that said Findings and Order of Determination, when so transcribed, shall in all respects be as same would have been if originally made as in the decree of the Court provided; and that such transcript, when so made correctly and to the satisfaction of the Court, together with final decree affirming the same, be incorporated in the Journals of this Court and then signed by the Judge thereof as the final decree in said matters.

In other words, make a consolidated decree when the rights are finally determined.

(signed) Gustav Anderson,

Circuit Judge.

STATE OF OREGON,)
) SS.
COUNTY OF UNION.)

I, C. K. McCormick, County Clerk and Ex-Officio Clerk of the Circuit Court of Union County, State of Oregon, do hereby certify that the foregoing copy of Decree in the matter of the determination of the relative rights to the use of the waters of the Grande Ronde River and its tributaries, has been compared by me with the original, and it is a correct transcript therefrom, and of the whole of such original decree as the same appears of record in my office and in my custody.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of said Court this 19th day of March A.D., 1924.

C. K. McCormick
County Clerk
By C. L. Graham
Deputy

STATE OF OREGON,)
) SS.
COUNTY OF MARION.)

I, RHEA LUPER, STATE ENGINEER of the State of Oregon, do hereby certify that the above and foregoing is a full, true and correct copy of the decree of March 13th, 1924 in the matter of the determination of the relative rights to the use of the waters of the Grande Ronde River and its tributaries, has been compared by me with the original, and it is a correct transcript therefrom, and of the whole of such original decree as the same appears of record in my office and in my custody.

IN WITNESS WHEREOF, I have hereunto set my hand this 21st day of March, 1924.

Rhea Luper
RHEA LUPER,
STATE ENGINEER.

STATE OF OREGON

COUNTY OF

UNION

CERTIFICATE OF WATER RIGHT

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DEC 14 2007

WATER RESOURCES DEPT
SALEM, OREGON

This is to Certify, That N. K. West

of LaGrande, State of Oregon, has made proof to the satisfaction of the STATE ENGINEER of a right to the use of the waters of End Creek, unnamed creek caused by April 1881, Sec. 21, Tp. 1 S., R. 38 E., W.M., and all Springs in SE $\frac{1}{4}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 21, Tp. 1 S., R. 38 E., W.M. a tributary of Grande Ronde River for the purpose of Irrigation under Permit No. 5123 of the State Engineer, and that said right to the use of said waters has been perfected in accordance with the laws of Oregon; that the priority of the right hereby confirmed dates from May 23, 1921;

that the amount of water to which such right is entitled and hereby confirmed, for the purposes aforesaid, is limited to an amount actually beneficially used for said purposes, and shall not exceed 5.26 cubic feet per second;

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

The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands, shall be limited to one-eightieth of one cubic foot per second per acre, or its equivalent in case of rotation.

A description of the lands irrigated under the right hereby confirmed, and to which such right is appurtenant (or, if for other purposes, the place where the water is put to beneficial use), is as follows:

35 acres in the Southwest Quarter of the Northwest Quarter (SW $\frac{1}{4}$ NW $\frac{1}{4}$)
20 acres in the Northwest Quarter of the Southwest Quarter (NW $\frac{1}{4}$ SW $\frac{1}{4}$)
30 acres in the Southwest Quarter of the Southwest Quarter (SW $\frac{1}{4}$ SW $\frac{1}{4}$)

of Section Twenty-three (23);

20 acres in the Southeast Quarter of the Northeast Quarter (SE $\frac{1}{4}$ NE $\frac{1}{4}$)
40 acres in the Northeast Quarter of the Southeast Quarter (NE $\frac{1}{4}$ SE $\frac{1}{4}$)
40 acres in the Northwest Quarter of the Southeast Quarter (NW $\frac{1}{4}$ SE $\frac{1}{4}$)
40 acres in the Southeast Quarter of the Southeast Quarter (SE $\frac{1}{4}$ SE $\frac{1}{4}$)
40 acres in the Southwest Quarter of the Southeast Quarter (SW $\frac{1}{4}$ SE $\frac{1}{4}$)
40 acres in the Southeast Quarter of the Southwest Quarter (SE $\frac{1}{4}$ SW $\frac{1}{4}$)
40 acres in the Northwest Quarter of the Southwest Quarter (NW $\frac{1}{4}$ SW $\frac{1}{4}$)
38 acres in the Northeast Quarter of the Southwest Quarter (NE $\frac{1}{4}$ SW $\frac{1}{4}$)

of Section Twenty-two (22);

40 acres in the Northeast Quarter of the Southeast Quarter (NE $\frac{1}{4}$ SE $\frac{1}{4}$)

of Section Twenty-one (21);

All in Township One South, Range Thirty-eight East of the Willamette Meridian, in Union County, Oregon, being a total of 421 acres.

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

Rights to the use of water for power purposes are limited to a period of forty years from the date of priority of the right, as herein set forth, subject to a preference right of renewal under the laws existing at the date of the expiration of the right for power purposes, as hereby confirmed and limited.

WITNESS the signature of the State Engineer,

affixed this 1st day
of November, 1926.

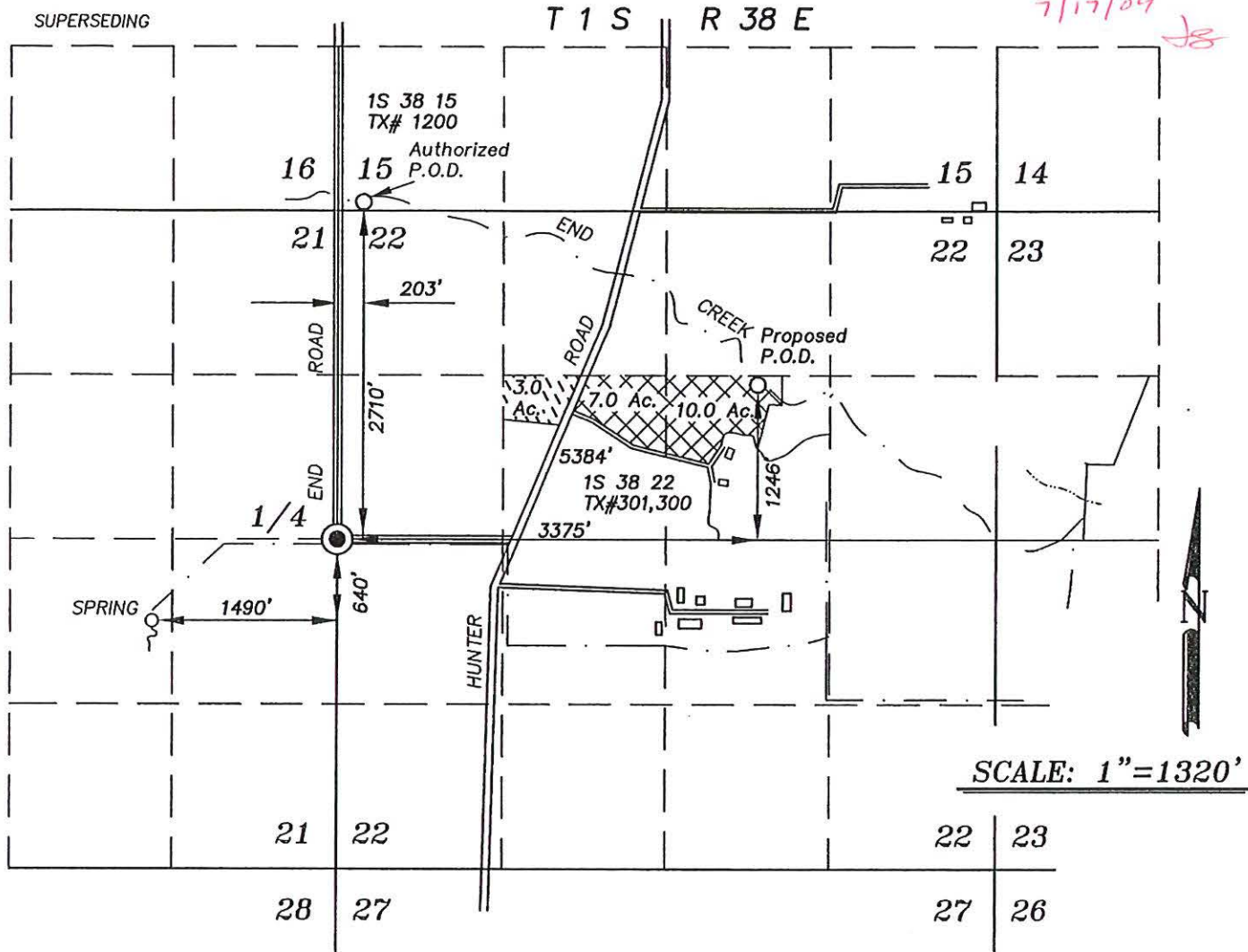
RHEA LUPER,

State Engineer.

T 10500

Purchased 1993

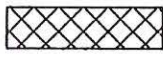
Reviewed 7/17/09 JS



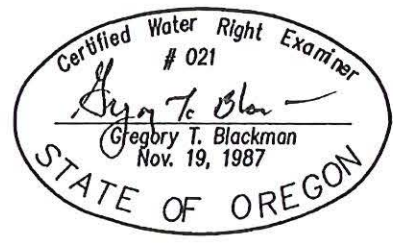
SCALE: 1"=1320'



LANDS IRRIGATED UNDER CERTIFICATE 33244, PRIORITY DATE OF 1893, OWNED BY OTHERS.



LANDS IRRIGATED UNDER CERTIFICATE 33244, PRIORITY DATE OF 1893, REQUESTING A HISTORICAL CHANGE OF POINT OF DIVERSION.



SUPERSEDING
July 17, 2009

APPLICATION MAP OF A
HISTORIC CHANGE OF
POINT OF DIVERSION
FOR
DAN DAVIDSON

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

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

APPLICATION NO. T-10500
PERMIT NUMBER

EOT

EASTERN OREGON TITLE, INC.

1601 Adams Avenue
La Grande, OR 97850

Phone: (541) 963-8561 Fax: (541) 963-2391

TITLE INSURANCE

ESCROW CLOSING

ESCROW COLLECTION

**TITLE
FAX COVER SHEET**

DATE: October 17, 2007

EOT ORDER NO.: 07-18881

TO: Bagett, Griffith, Blackman & Associates

ATTN: Greg

Re: Davidson

FROM: Patti J. Pointer

9 PAGES (including cover sheet)

SUBJECT: Lot Book

FAX NO.: 963-7322

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DEC 14 2007

**WATER RESOURCES DEPT
SALEM, OREGON**

Thank You For Your Business! We Know You Have A Choice.

IMPORTANT NOTICE:

Should any of these papers require an **ORIGINAL SIGNATURE** and your fax machine produces the facsimile on thermal paper, please **PHOTOCOPY** then sign the photocopy.

We will "not" accept an Original Signature on **THERMAL** fax paper.

Thank you for your cooperation in this matter.

**IF TRANSMISSION OF ALL PAGES IS NOT COMPLETE OR IF AN ORIGINAL IS NEEDED,
PLEASE CONTACT THE SENDER.**

1 10500

EOT**EASTERN OREGON TITLE, INC.**

1601 Adams Avenue

La Grande, OR 97850

Phone: (541) 963-8561 Fax: (541) 963-2391

TITLE INSURANCE

ESCROW CLOSING

ESCROW COLLECTION

LOT BOOK SERVICES

Baggett, Griffith, Blackman & Associates
2006 Adams Avenue
La Grande, OR 97850

October 17, 2007
Title No.: 07-18881

Report: \$250.00**Attn: Greg Blackman**

We have searched our Tract Indices as to the following described property as of October 16, 2007, at 8:00 a.m.:

SEE EXHIBIT "A" ATTACHED HERETO FOR DETAILED LEGAL DESCRIPTION

Vested in:

**DANIEL A. DAVIDSON AND TRACY L. DAVIDSON,
HUSBAND AND WIFE, AS TENANTS BY THE ENTIRETY**

Subject to the following exceptions:

Exceptions affecting all parcels:

1. The assessment roll and the tax roll disclosed that the within described premises were specially assessed as farm land. If the land has become or becomes disqualified for the special assessment under the statute, an additional tax and interest may be levied for the years in which the land was subject to the special land use assessment.
2. Rights of the public and ownership which may be claimed by the State of Oregon in and to that portion of this property lying below the high water mark of creeks, as they cross this property.
3. Wetland Reserve Easement, granted to the United States of America, by and through the Secretary of Agriculture, including the terms and provisions thereof, as set forth in Warranty Easement Deed, dated March 14, 2006, recorded March 16, 2006, as Microfilm Document No. 20061193, Records of Union County, Oregon.
4. Taxes for 2007-08: \$3,123.12 total; (minus 3% discount if paid by 11/15/2007), amount due \$3,029.43 - **YET UNPAID**.
(Account No. [REDACTED]; Code 1105; Ref. #17313) (Affects Parcel A)

Taxes for 2007-08: \$183.49 total; (minus 3% discount if paid by 11/15/2007), amount due \$177.99 - **YET UNPAID**.
(Account No. [REDACTED]; Code 1105; Ref. #17154) (Affects Parcel C)

RECEIVED**DEC 14 2007****WATER RESOURCES DEPT
SALEM, OREGON**

Title No.: 07-18881

Taxes for 2007-08: \$449.64 total; (minus 3% discount if paid by 11/15/2007), amount due
\$436.15 - YET UNPAID.
(Account No. [REDACTED]; Code 1105; Ref. #10864) (Affects Parcels A and B)

Exceptions for Parcel A:

1. Right-of-Way Easement, including the terms and provisions thereof, granted to California-Pacific Utilities Company, a corporation, dated November 18, 1976, recorded November 22, 1976, as Microfilm Document No. 65470, Records of Union County, Oregon, for the right to construct, reconstruct, operate and maintain electric power lines and all necessary poles, towers and appurtenances over, under and upon a strip of land 15 feet in width.

Note: All Electric utility easements have been transferred to Oregon Trail Electric Co-op.

2. This property has been approved for a nonfarm dwelling and is no longer eligible for farm use assessment as disclosed by Request to Disqualify Farm/Forest Deferral, dated March 24, 1997, recorded March 31, 1997 as Microfilm Document No. 971358. (Affects Tax Lot 301 only)
3. Easement Private Party, including the terms and provisions thereof, granted to Oregon Trail Electric Consumers Cooperative, a corporation, dated April 17, 1997, recorded April 28, 1997, as Microfilm Document No. 971777, Records of Union County, Oregon, for the right to construct, reconstruct, operate, maintain, repair, replace and remove electric power lines and all necessary poles, towers, transformers, cables, conduits, pipes and appurtenances, over, under and upon a strip of this property, 30 feet in width.

Exceptions for Parcel B:

1. Right-of-way for Union County Road No. 14 (Hunter Road) across the West side of this property.
2. Right-of-Way Easement, including the terms and provisions thereof, granted to Eastern Oregon Light and Power Company, a corporation, dated September 15, 1931, recorded September 28, 1931, in Book 91, Page 394, Records of Union County, Oregon.

Note: All Electric utility easements have been transferred to Oregon Trail Electric Co-op.

3. Agreement for Domestic Water, between B. L. Davis Ranch, Inc., and the owners of the adjoining properties, dated June 18, 1976, recorded July 6, 1976, as Microfilm Document No. 62574, Records of Union County, Oregon,
4. Right-of-Way Easement, including the terms and provisions thereof, granted to California-Pacific Utilities Company, a corporation, dated February 2, 1977, recorded February 8, 1977, as Microfilm Document No. 66926, Records of Union County, Oregon.

Note: All Electric utility easements have been transferred to Oregon Trail Electric Co-op.

5. Spring Use and Pipeline Easement, including the terms and provisions thereof, recorded December 26, 1995, as Microfilm Document No. 162531, Records of Union County, Oregon.
6. Subject to the terms and conditions of an unrecorded lease between Joel Rice and Bill Howell.

Exceptions for Parcel C:

(No separate exceptions for this Parcel. See Page 1)

- END OF EXCEPTIONS -

Page 2 of 5

1 10500

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**WATER RESOURCES DEPT
SALEM, OREGON**

NOTE: We are informed that the property described herein has a physical address of:

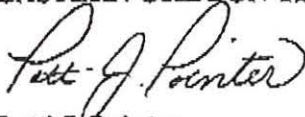
**Bare Land, 01S38, Tax Lot 7507, Union County, Oregon
Bare Land, 01S3822, Tax Lot 300, Union County, Oregon
66589 Hunter Road, La Grande, Union County, Oregon**

We have also searched our General Index for judgments and state and federal tax liens against the above named vestee and find the following:

NONE

Our search for apparent encumbrances was limited to our Tract Indices. The liability in connection with this Lot Book service is expressly limited to the sum paid therefore, and the issuing company will not otherwise be responsible for errors and omissions therein. The charge for this service will not include supplemental reports.

Sincerely,
EASTERN OREGON TITLE, INC.



Patti J. Pointer
Title Officer

PJP:LJ
CC:

**THANK YOU FOR CHOOSING EASTERN OREGON TITLE!
WE KNOW YOU HAVE A CHOICE!**

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DEC 14 2007
WATER RESOURCES DEPT
SALEM, OREGON

EXHIBIT "A"**PARCEL A:**

That portion of the Southeast quarter of the Northwest quarter lying East of Hunter Road (Union county Road No. 14) and all of the Southwest quarter of the Northeast quarter of Section 22, Township 1, South, Range 38 East of the Willamette Meridian, Union County, Oregon.

(01S3822-301)

PARCEL B:

Situate in the Northeast quarter of the Southwest quarter, and the North half of the Southeast quarter of Section 22, Township 1 South, Range 38 East of the Willamette Meridian, Union County, Oregon, more particularly described as follows, with reference to Survey No. 003-2004, as filed in the Office of the Union County Surveyor;

Beginning at the intersection of the East line of Hunter Road, and the North line of the Southwest quarter of said Section 22, said point being North 89°06'19" East, a distance of 1,484.42 feet from the West quarter corner of said Section 22;

thence, North 89°06'19" East, along said North line of the South half of said Section 22, a distance of 2,523.61 feet to the intersection of a North-South fence;

thence, South 0°09'48" East along said fence line, a distance of 434.79 feet, to the intersection of the North line of a gravel access road if extended;

thence, North 89°38'20" West and along said North line of said access road, a distance of 2,662.13 feet, to the intersection of the East line of Hunter Road, said point being on a 300-foot spiral if measured at the centerline;

thence, around said spiral, (long chord bears North 18°42'52" East 283.68 feet) to the PT of said spiral, and being station PT 554+62.41;

thence, North 22°56'16" East along said East line of Hunter Road, a distance of 119.35 feet, to the Point of Beginning of this description.

(01S3822-300)

PARCEL C:

A parcel of land situated in the Southeast quarter of the Northeast quarter of Section 22, also situated in the Southwest quarter of the Northwest quarter of Section 23, Township 1 South, Range 38 East of the Willamette Meridian, Union County, Oregon, more particularly described as follows, with reference to Map of Survey No. 001-1998, as filed in the Office of the Union County Surveyor;

All of the Southeast quarter of the Northeast quarter of said Section 22;

RECEIVED**DEC 14 2007****WATER RESOURCES DEPT
SALEM, OREGON**

ALSO, beginning at the Southwest corner of the Northwest quarter of said Section 23; thence, East along the South line of said Northwest quarter, a distance of 725.7 feet, more or less, to the intersection of an existing fence line, said fence line being North 89°05'08" East, a distance of 6,005.71 feet from the Southwest corner of the Northwest quarter of said Section 22; thence, North 2°23'05" East along said fence line, a distance of 619.77 feet; thence, South 89°15'21" East, along said fence line, a distance of 216.24 feet; thence North 21°42'48" East along said fence line a distance of 766.86 feet, more or less, to the intersection of the North line of the Southwest quarter of the Northwest quarter; thence, West along the North line of the Southwest quarter of the Northwest quarter, a distance of 1,251 feet, more or less, to the intersection of the West line of said Southwest quarter of the Northwest quarter; thence, South along the West line of said Southwest quarter of the Northwest quarter, a distance of 1,320 feet, more or less, to the Point of Beginning of this description.

(01S38-7507)

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**WATER RESOURCES DEPT
SALEM, OREGON**

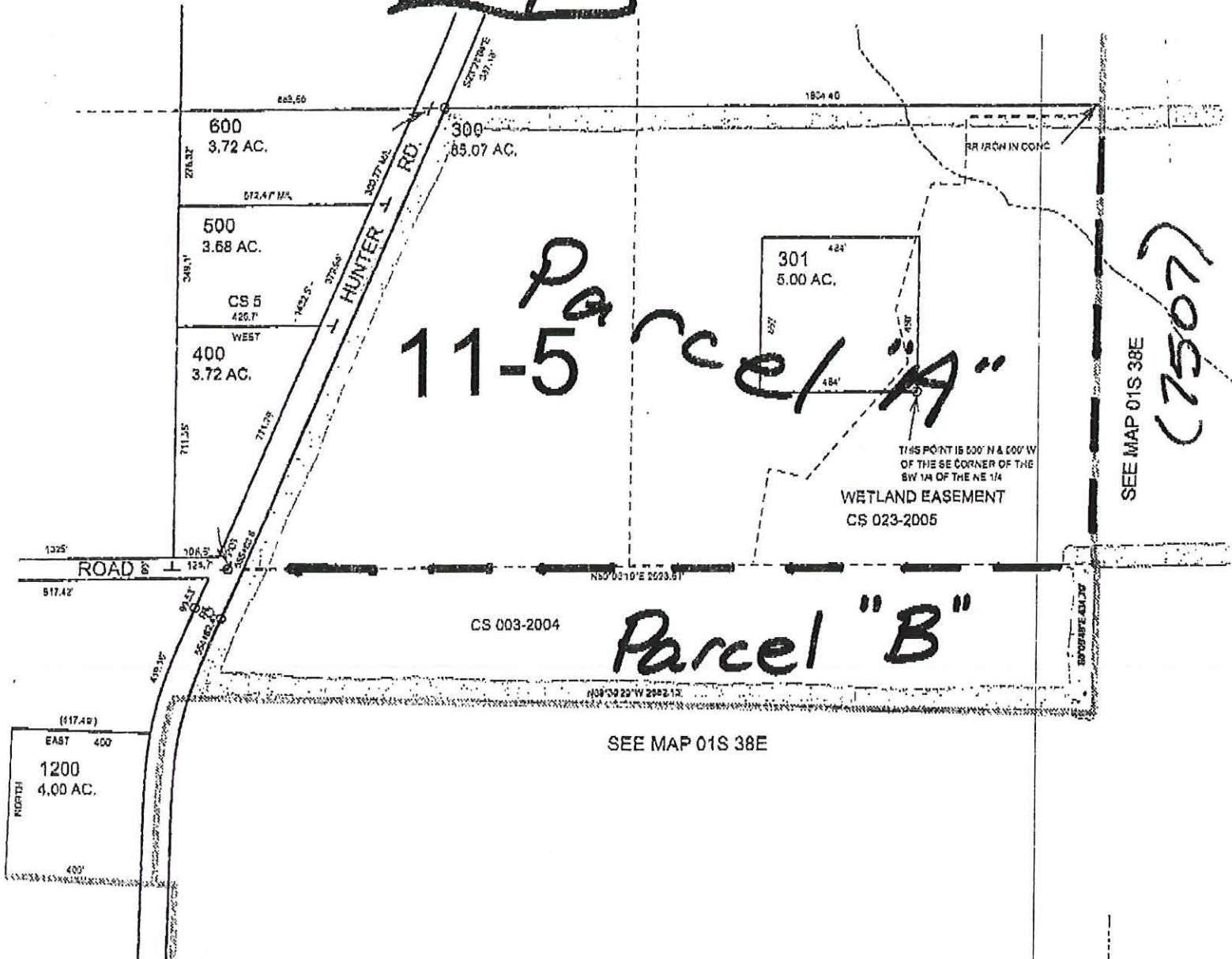
EOT**EASTERN OREGON TITLE, INC.**1601 Adams Avenue
La Grande, OR 97850-1084Phone: (541) 963-8561 Fax: (541) 963-2391 Web: www.eotitle.com

TITLE INSURANCE

ESCROW CLOSING

ESCROW COLLECTION

THIS MAP IS FURNISHED ONLY AS A CONVENIENCE IN LOCATING THE PROPERTY.
THE COMPANY ASSUMES NO RESPONSIBILITY FOR ANY VARIATION THAT MAY BE
DISCLOSED BY A SURVEY.

Order No. 07-18881**Map 1****RECEIVED**

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WATER RESOURCES DEPT
SALEM, OREGON

1 10500

EOT**EASTERN OREGON TITLE, INC.**

1601 Adams Avenue

La Grande, OR 97850-1084

Phone: (541) 963-8561 Fax: (541) 963-2391 Web: www.eotitle.com

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Order No. 07-18881**Map 2**

8100

207.69 AC.

1251' M/L

7507

S89°15'21"E

216.24'

N21°42'48"E
766.66'

68.00 AC Parcel

CS 023-2005 - "C"

WETLAND EASEMENT

1327.99'

716.30'

N02°23'05"E
619.77'

1303.80'

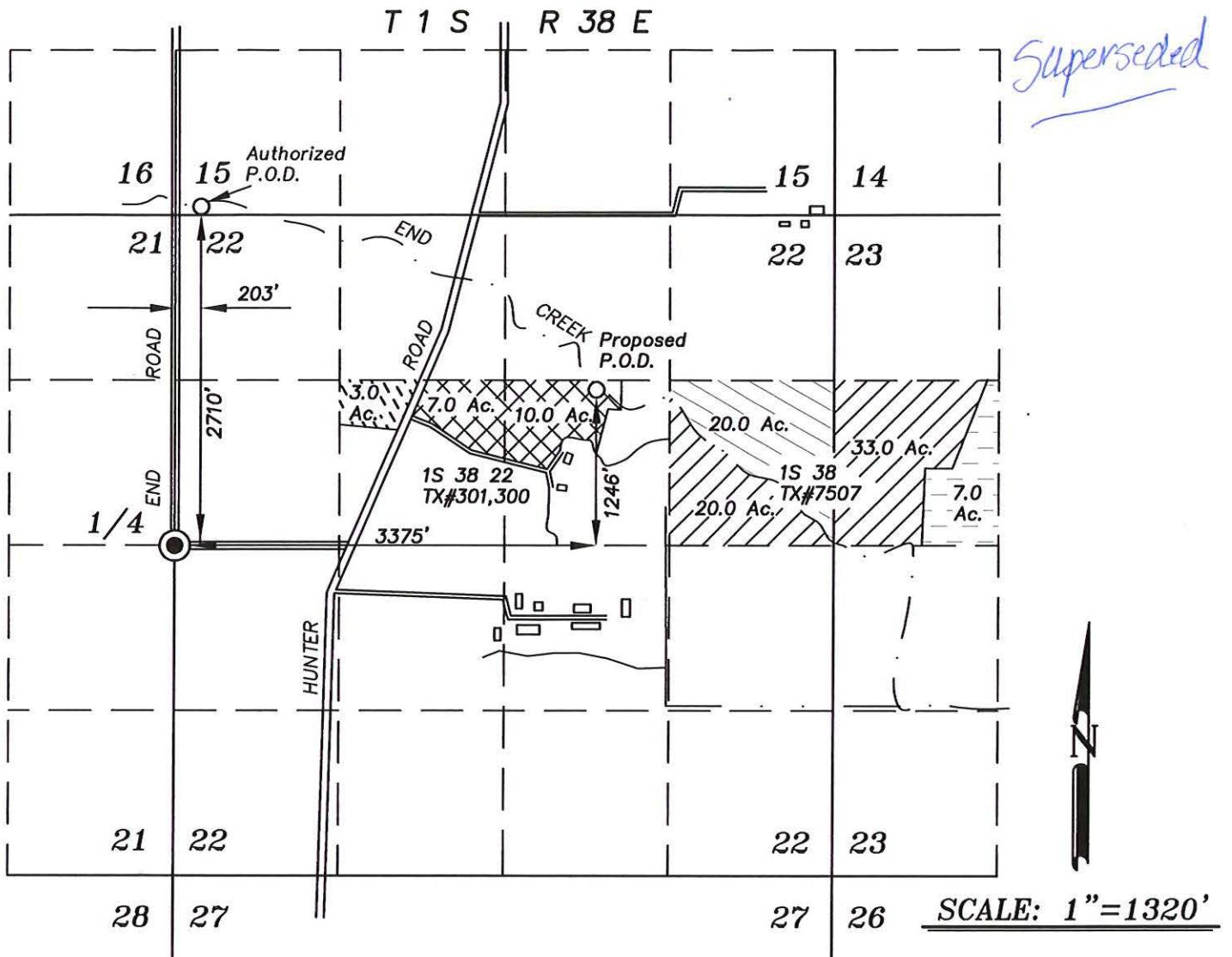
N89°05'08"E
725.71'**RECEIVED**

DEC 14 2007

WATER RESOURCES DEPT
SALEM, OREGON

1 10500

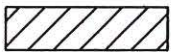
CS 001-



LANDS IRRIGATED UNDER CERTIFICATE 6619,
PRIORITY DATE OF 1900-1863, REQUESTING A
HISTORICAL CHANGE OF POINT OF DIVERSION.



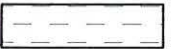
LANDS IRRIGATED UNDER CERTIFICATE 33244,
PRIORITY DATE OF 1893, OWNED BY OTHERS.



LANDS IRRIGATED UNDER CERTIFICATE 6670,
PRIORITY DATE OF 1921, REQUESTING A
HISTORICAL CHANGE OF POINT OF DIVERSION.



LANDS IRRIGATED UNDER CERTIFICATE 33244,
PRIORITY DATE OF 1893, REQUESTING A
HISTORICAL CHANGE OF POINT OF DIVERSION.



LANDS IRRIGATED UNDER CERTIFICATE 6619,
PRIORITY DATE OF 1900-1863, OWNED BY OTHERS.



RECEIVED

OCT 19 2007

WATER RESOURCES DEPT
SALEM OREGON

SEPTEMBER 12, 2007

APPLICATION MAP OF A
HISTORIC CHANGE OF
POINT OF DIVERSION
FOR
DAN DAVIDSON

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

RECEIVED

DEC 14 2007

WATER RESOURCES DEPT
SALEM OREGON

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

APPLICATION NO. _____

PERMIT NUMBER _____

10500

Water Right Transfer Checklist

Transfer T-10500

Transfer Specialist: J. Spriet

Transfer Type: HIST POD

Applicant Name/Address: Dan Davidson, 66589 Hunter Road, La Grande, OR 97850

Agent Name/Address: Greg Blackman, 2006 Adams Ave., La Grande, OR 97850

CWRE Name/Number: Greg Blackman # 021

Rec Landowner Name/Address: _____

Irr. District Name/Address: _____

Affected Gov'ts Name/Address: Union County

Commentors: Name/Address: _____

Water Rights Affected

Records Marked	Records Copied	App File No. or Decree Name	Permit No.	Certificate No.	RR/CR Needed	RR/CR Nos.
☐	☒	Grande Ronde		6619	☐ Yes ☐ No	
☐	☒	Grande Ronde		33244	☐ Yes ☐ No	
☐	☒		5123	6670	☐ Yes ☐ No	

Key Dates & Initial Actions

Rec'd: 12/14/2007	Proposed Action(s): POU POD HST APOD USE OTHER:	
Fees Pd: _____	WM District: 6	ODFW District: _____
Initial Notice: 12/25/2007	WM Review sent: _____	ODFW Review sent: _____
Acknowledgement Letter Sent ☐	GW Review sent: _____	

Processing Dates & Actions

Deficiency Contacts: _____

Newspaper Pub Affid Due: _____

☐ not required

DPD Mailed: _____

Affid of Pub Rec'd: _____

☐ ODFW contact sheet sent with DPD, or ☐ N/A

Last Day Published: _____

PD Mailed: _____

Affidavit Reminder Sent: _____

PD Weekly Notice: _____

Reminder Deadline: _____

Preliminary Determination

☒ Electronic Files uploaded

☐ Preliminary Determination

☐ PD Cover letter

☐ Fee Refund Due

☐ PD Notice

☒ Remaining Rights

☐ File Assigned/ ModPod updated

☒ CONFIRMING

DPD Review (Optional)	PD Review (Salem)	Final Order Review (Salem)
Reviewer: _____	Reviewer: _____	Reviewer: _____
Date: _____	Date: _____	Date: _____
Coordinator: _____	Coordinator: _____	Coordinator: <u>ODP</u>
Date: _____	Date: _____	Date: <u>1/18/12</u>
Comments/Special Issues: <u>PC 06-09 cancelled all but 1.0 ac</u> <u>ISSUE BOTH CONFIRMING & REMAINING CERTS</u>		

Special Order Volume: Vol 85 Pages 941-944 Final Order Signature Date: _____

Notice of FO email'd to processors _____

Application

- ☒ The type of change is clearly indicated.
☒ The application is appropriately signed.
☒ Appropriate fees were paid. ☐ 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.

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 & ¼ ¼ 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 ¼ ¼.

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)

- | | | | | |
|--|---|---|---|---|
| ☒ application complete | ☒ map | ☐ FPS | ☒ evidence of use | ☒ land-use form |
| ☒ deed/ROLI | ☒ certificate | ☒ fees paid | ☐ well logs | ☒ plat card |
| ☐ audit | ☐ 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 –

8/10/09 1:40pm

Bonnie

541-963-2952

- Acres:

FAX

541-962-7074

- Priority Date:

- Way up at the end road

Bonnie called she wanted to know how many acres there were, the Priority & where the pad was located. I faxed her the application map.

CG

Bonnie said she was going to protest because the ground was for sale.

Spoke w/ Bonnie 8/11 to explain that

the transfer has changed to only C-33244

9/17 Received letter from Bonnie Arnoldus commenting that she was not in favor of the Transfer. & felt the land had not been irrigated. Forwarded copy to Shad. He said he would speak with her.

9/8 Spoke to Dan & let him know there were some comments questioning the validity of his right. He claims it has been used by the person leasing the property until 2007 & will speak to them.

9/15/05 Dan Davidson came into the office +
submitted a photo of the diversion from approx
2003 to add evidence of use to the file.

9/22 Received copy of cancellation affidavit
sent to Salem by Becky Preston

* Permit No. 5123

CERTIFICATE NO. 6670

APPLICATION FOR A PERMIT

ABSTRACT MADE

To Appropriate the Public Waters of the State of Oregon

I, N K West
 (Name of Applicant)
 of La Grande, County of Union
Oregon (Postoffice)
 State of Oregon, do hereby make application for a permit to appropriate the
 following described public waters of the State of Oregon subject to existing rights:

If the applicant is a corporation, give date and place of incorporation

End Creek, Unnamed Creek caused by springs
 1. The source of the proposed appropriation is in the NW SE Sec. 21 T 1 S R 38 E.W.M.
 (Name of stream)
and all springs in SE SW, SE NE Sec. 21
Sec. 22
 tributary of Grande Ronde River T 1 S R 38 E.W.M.

2. The amount of water which the applicant intends to apply to beneficial use is
5.4 cubic feet per second.

3. The use to which the water is to be applied is
Irrigation (Irrigation, power, mining, manufacturing,
 domestic supplies, etc.)

4. The point of diversion is located SE NE Sec. 22; SE NW Sec. 21, NW SE Sec. 21 and
SE SW and SE NE Sec. 22 T 1 S R 38 E.W.M. (Give distance and bearing to section corner)

being within the 21 of Sec. 22, Tp. 1 S
 (Give smallest legal subdivision) (No. N. or S.)
 R. 38 E, W. M., in the county of Union
 (No. E. or W.) See REMARKS

5. The to be
 (Main ditch, canal or pipe line)
 miles in length, terminating in the of Sec. 22, Tp. 1 S
 (Smallest legal subdivision) (No. N. or S.)
 R. 38 E, W. M., the proposed location being shown throughout on the accompanying map.
 (No. E. or W.)

6. The name of the ditch, canal or other works is
West Ditches.

DESCRIPTION OF WORKS

DIVERSION WORKS— Wood 4 8
Concrete 3 6
 7. (a) Height of dam Concrete 3 feet, length on top 6 feet, length at bottom
Wood 6
Concrete 6 feet; material to be used and character of construction Wood and concrete
 (Loose rock, concrete,
 masonry, rock and brush, timber crib, etc., wasteway over or around dam)

(b) Description of headgate
 (Timber, concrete, etc., number and size of openings)

* A different form of application is provided where storage works are contemplated. These forms can be secured without charge, together with instructions, by addressing the State Engineer, Salem, Oregon.

CANAL SYSTEM—

8. (a) Give dimensions at each point of canal where materially changed in size, stating miles from headgate. At headgate: Width on top (at water line) See REMARKS feet; width on bottom feet; depth of water feet; grade feet fall per one thousand feet.

(b) At miles from headgate. Width on top (at water line) feet; width on bottom feet; depth of water feet; grade feet fall per one thousand feet.

FILL IN THE FOLLOWING INFORMATION WHERE THE WATER IS USED FOR:

IRRIGATION—

421.°

9. The land to be irrigated has a total area of acres, located in each smallest legal subdivision, as follows:

(Give area of land in each smallest legal subdivision which you intend to irrigate.)

33 ac. SW NW

20 ac. NW SW

20 ac. SW SW Sec. 25,

20 ac. SE NE; SE $\frac{1}{4}$ Sec. 22 (160 ac)

40 ac. SE SW Sec. 22,

40 ac. NE SE. Sec. 21 T. 1 S. R. 36 E. W. M.

40 acres NW $\frac{1}{4}$ SW $\frac{1}{4}$ ~~50~~ acres NE $\frac{1}{4}$ SW $\frac{1}{4}$ Sec. 22

(If more space required, attach separate sheet)

POWER, MINING, MANUFACTURING, OR TRANSPORTATION PURPOSES—

10. (a) Total amount of power to be developed theoretical horsepower.

(b) Total fall to be utilized feet.

(Head)

(c) The nature of the works by means of which the power is to be developed

(d) Such works to be located in of Sec.

(Legal subdivision)

Tp., R., W. M.

(No. N. or S.)

(No. E. or W.)

(e) Is water to be returned to any stream?

(Yes or No)

(f) If so, name stream and locate point of return

....., Sec., Tp., R., W. M.

(No. N. or S.)

(No. E. or W.)

(g) The use to which power is to be applied is

(h) The nature of the mines to be served

MUNICIPAL SUPPLY—

11. To supply the city of
 County, having a present population of and an
 (Name of)
 estimated population of in 19.....

(Answer questions 12, 13, 14 and 15 in all cases)

12. Estimated cost of proposed works, \$ 7,500

13. Construction work will begin on or before June 1st, 1921

14. Construction work will be completed on or before June, 1923

15. The water will be completely applied to the proposed use on or before

June 1923

Duplicate maps of the proposed ditch or other works, prepared in accordance with the rules of the
 State Water Board, accompany this application.

N K West

(Name of applicant)

Signed in the presence of us as witnesses:

(1) Mae M Robinson

La Grande, Ore.

(Name)

(Address of Witness)

(2) D J McLellan

" " "

(Name)

(Address of Witness)

Remarks: End Creek Ditch will be approx. 1 mile long and 3 feet on the bottom;
 Approx. 1 mile of 4 inch wood pipe, and the ditch from unnamed Creek will be
 approx. 1 3/4 miles in length and 2 feet wide on bottom. There will be approx.
 15,000 feet of tiling for springs from 3 in. to 6 in.
 End Creek Ditch will terminate in the SE SW Sec. 23, the wood pipe line in the
 NW SE Sec. 22, the ditch from unnamed creek will end in the SW SE Sec. 22, and
 the spring ditches will terminate in the SE SE Sec. 22 and the SE NE Sec. 22
 T 1 S R 38 E.W.M.

STATE OF OREGON, }
 County of Marion, } ss.

This is to certify that I have examined the foregoing application, together with the accompanying
 maps and data, and return the same for correction or completion, as follows:

In order to retain its priority, this application must be returned to the State Engineer, with correc-
 tions, on or before, 19.....

WITNESS my hand this day of, 19.....

State Engineer.

Application No. 7905

Permit No. 5123

PERMIT
TO APPROPRIATE THE PUBLIC
WATERS OF THE STATE
OF OREGON

District No.

This instrument was first received
in the office of the State Engineer at

Salem, Oregon, on the 23 day

of May, 1921

at 8:30 o'clock A.M.

Returned to applicant for correction

Corrected application received

Approved:

July 15, 1921

Recorded in Book No. 18 of

Permits, on Page 5123

Percy A. Cupper

1 map RS State Engineer.

\$34.05

STATE OF OREGON, }
County of Marion, } ss.

This is to certify that I have examined the foregoing application and do hereby grant the same, subject to the following limitations and conditions: If for irrigation, this appropriation shall be limited to

one-eightieth of one cubic foot per second, or its equivalent, for each acre irrigated, and shall be subject to such reasonable rotation system as may be ordered by the proper state officer.

The right herein granted is limited to the appropriation of water from End Creek, unnamed Creek and springs for irrigation purposes.

The amount of water appropriated shall be limited to the amount which can be applied to beneficial use and not to exceed 5.25 cubic feet per second, or its equivalent in case of

rotation. The priority date of this permit is May 25, 1921

Actual construction work shall begin on or before July 15, 1922 and shall thereafter be prosecuted with reasonable diligence and be completed on or before June 1, 1923

Complete application of the water to the proposed use shall be made on or before

October 1, 1925

WITNESS my hand this 15th day of July, 1921

Percy A. Cupper

State Engineer.

Permits for power development are subject to the limitation of franchise as provided in Section 6633, Lord's Oregon Laws, and the payment of annual fees as provided in Chapter 218, Session Laws of 1915.

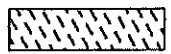
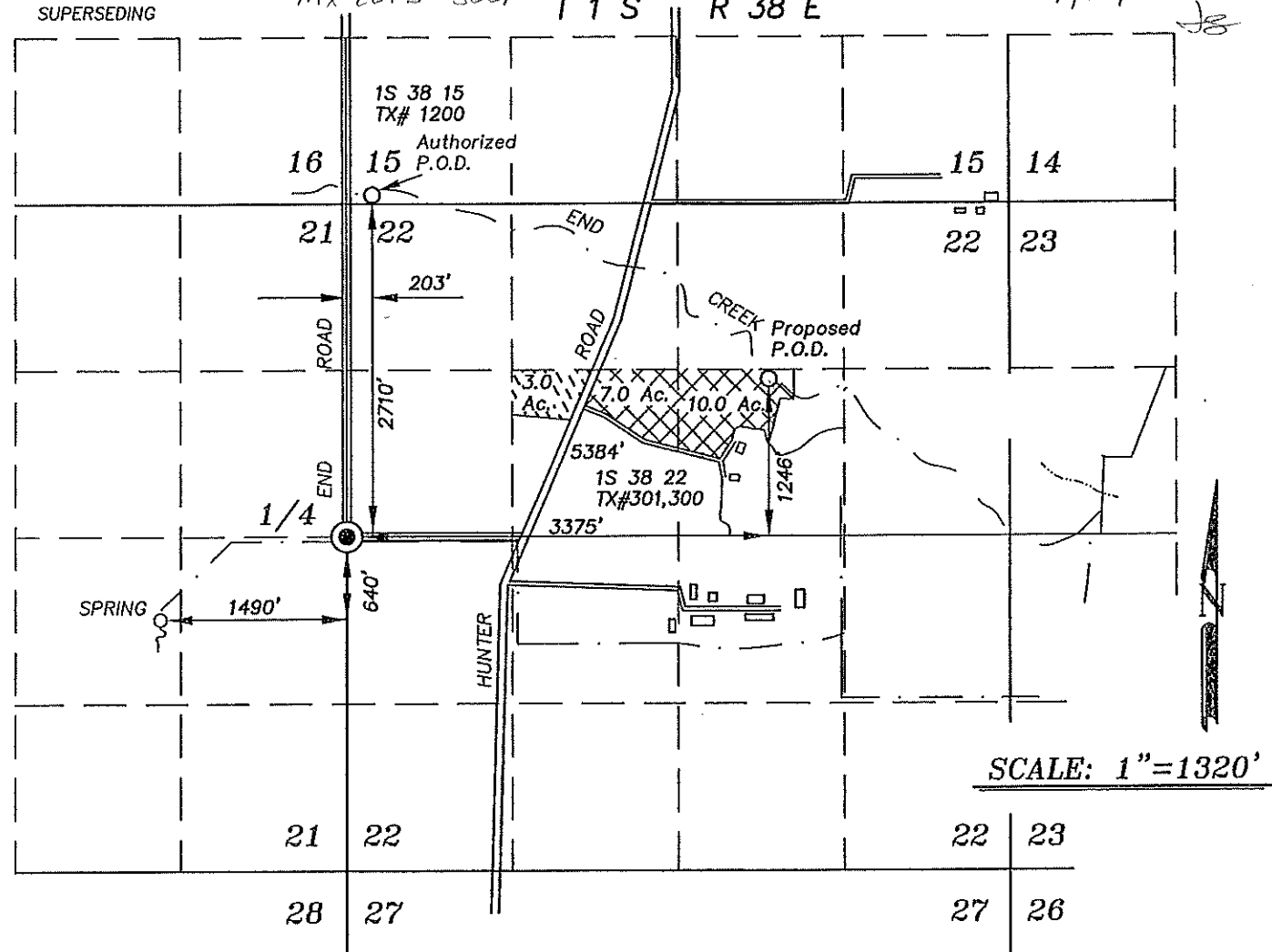
This form approved by the State Water Board, March 11, 1909.

PROPERTY LOCATION: T. 1 S, R. 38 E, SECTION 22 SWNE + SE NW

Reviewed 7/17/09 JS

SUPERSEDING

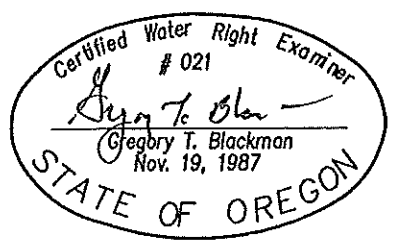
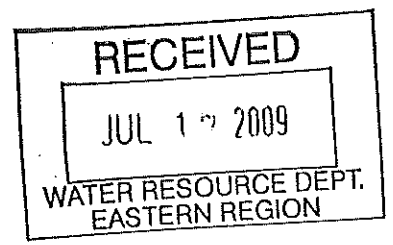
TAX LOTS 300, 301 T 1 S R 38 E



LANDS IRRIGATED UNDER CERTIFICATE 33244, PRIORITY DATE OF 1893, OWNED BY OTHERS.



LANDS IRRIGATED UNDER CERTIFICATE 33244, PRIORITY DATE OF 1893, REQUESTING A HISTORICAL CHANGE OF POINT OF DIVERSION.



SUPERSEDING July 17, 2009

APPLICATION MAP OF A HISTORIC CHANGE OF POINT OF DIVERSION FOR DAN DAVIDSON

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

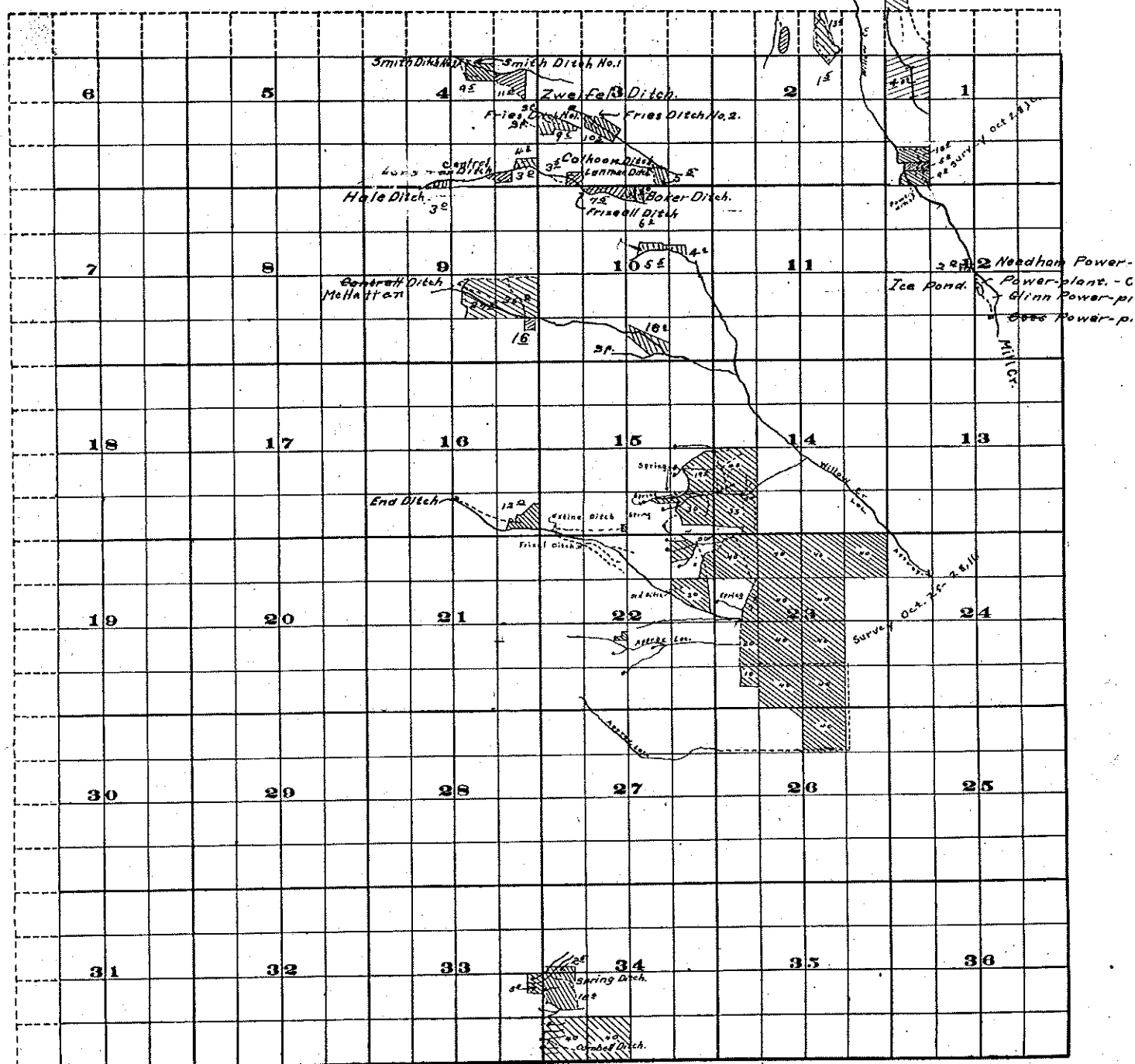
NOTE: The preparation of this map was for the purpose of identifying the location of the proposed water right and has no intent to provide dimensions or location of property ownership lines. Location information shown hereon was furnished by the applicant.

APPLICATION NO. T-10500 PERMIT NUMBER

Water Right Information Query Results																																																											
Contact Information					Documents View all scanned documents																																																						
▼ Current contact information OWNER: ▶ WAYNE R FRIZZELL SUMMERVILLE, OR 97876					▶ Decree: GRANDE RONDE RIVER document ▶ Certificate: 33244 document ▶ Transfer(s) ▶ View right with Web Mapping ▶ View Places of Use from Water Rights in the Same Area																																																						
Water Right Information																																																											
Status: Non-Cancelled County: Union File Folder Location: Salem Watermaster District: 6																																																											
Point(s) of Diversion																																																											
▼ POD 1 - LEWIS BRANCH > WILLOW CREEK ▼ Description ▶ T-R-S-QQ: 1.00S-38.00E-10-NE NW ▶ Location Description: TRACT 1 ▶ POD Rate ▶ IRRIGATION (Primary) ▼ POD 2 - MOUNTAIN STREAMS > END CREEK ▼ Description ▶ T-R-S-QQ: 1.00S-38.00E-15-SW SW ▶ Location Description: TRACT 2 ▶ POD Rate ▶ IRRIGATION (Primary)																																																											
Place(s) of Use Add TRS grouping																																																											
▼ Use - IRRIGATION (Primary) - 30.0 acres; Priority Date: 12/31/1893 <i>Propose</i>																																																											
<table border="1" style="width:100%; border-collapse: collapse;"> <thead> <tr> <th>T-R-S</th> <th>QQ</th> <th>DLC</th> <th>Gov't Lot</th> <th>Taxlot</th> <th>Acres</th> <th>Status</th> <th>Linked PODs</th> <th>Inchoate Info</th> <th>Remarks</th> </tr> </thead> <tbody> <tr> <td>1.00S-38.00E-22</td> <td>SW NE</td> <td></td> <td></td> <td></td> <td>10.0</td> <td>NC</td> <td>10.0</td> <td></td> <td>TRACT 2</td> </tr> <tr> <td>▶ 1.00S-38.00E-22</td> <td>NE NW</td> <td></td> <td></td> <td></td> <td>10.0</td> <td>NC</td> <td></td> <td></td> <td>TRACT 2</td> </tr> <tr> <td>1.00S-38.00E-22</td> <td>SE NW</td> <td></td> <td></td> <td></td> <td>10.0</td> <td>NC</td> <td>7.0</td> <td></td> <td>TRACT 2</td> </tr> <tr> <td colspan="6">Sum of Acres: 30.0</td> <td colspan="4"></td> </tr> </tbody> </table> <i>9.0</i> <i>→ Historic</i> <i>7.0</i>										T-R-S	QQ	DLC	Gov't Lot	Taxlot	Acres	Status	Linked PODs	Inchoate Info	Remarks	1.00S-38.00E-22	SW NE				10.0	NC	10.0		TRACT 2	▶ 1.00S-38.00E-22	NE NW				10.0	NC			TRACT 2	1.00S-38.00E-22	SE NW				10.0	NC	7.0		TRACT 2	Sum of Acres: 30.0									
T-R-S	QQ	DLC	Gov't Lot	Taxlot	Acres	Status	Linked PODs	Inchoate Info	Remarks																																																		
1.00S-38.00E-22	SW NE				10.0	NC	10.0		TRACT 2																																																		
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▼ Use - IRRIGATION (Primary) - 7.0 acres; Priority Date: 12/31/1906																																																											
<table border="1" style="width:100%; border-collapse: collapse;"> <thead> <tr> <th>T-R-S</th> <th>QQ</th> <th>DLC</th> <th>Gov't Lot</th> <th>Taxlot</th> <th>Acres</th> <th>Status</th> <th>Linked PODs</th> <th>Inchoate Info</th> <th>Remarks</th> </tr> </thead> <tbody> <tr> <td>▶ 1.00S-38.00E-10</td> <td>NE NW</td> <td></td> <td></td> <td></td> <td>7.0</td> <td>NC</td> <td></td> <td></td> <td>TRACT 1</td> </tr> <tr> <td colspan="6">Sum of Acres: 7.0</td> <td colspan="4"></td> </tr> </tbody> </table>										T-R-S	QQ	DLC	Gov't Lot	Taxlot	Acres	Status	Linked PODs	Inchoate Info	Remarks	▶ 1.00S-38.00E-10	NE NW				7.0	NC			TRACT 1	Sum of Acres: 7.0																													
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Water Right Genealogy																																																											
--Cert:33244 CR *																																																											

[View Water Rights in same Family](#)
[Help understanding and working with the Water Rights Information System](#)
[Report Errors with Water Right Data](#)
[Return to WRIS Query](#)

Township 1 South., Range 38. E.W.M.



FROM OFFICE OF THE STATE ENGINEER, MALEN, OREGON

Adjudication

OF GRANDE RONDE RIVER AND TRIBUTARIES ABOVE AND INCLUDING GORDAN CREEK

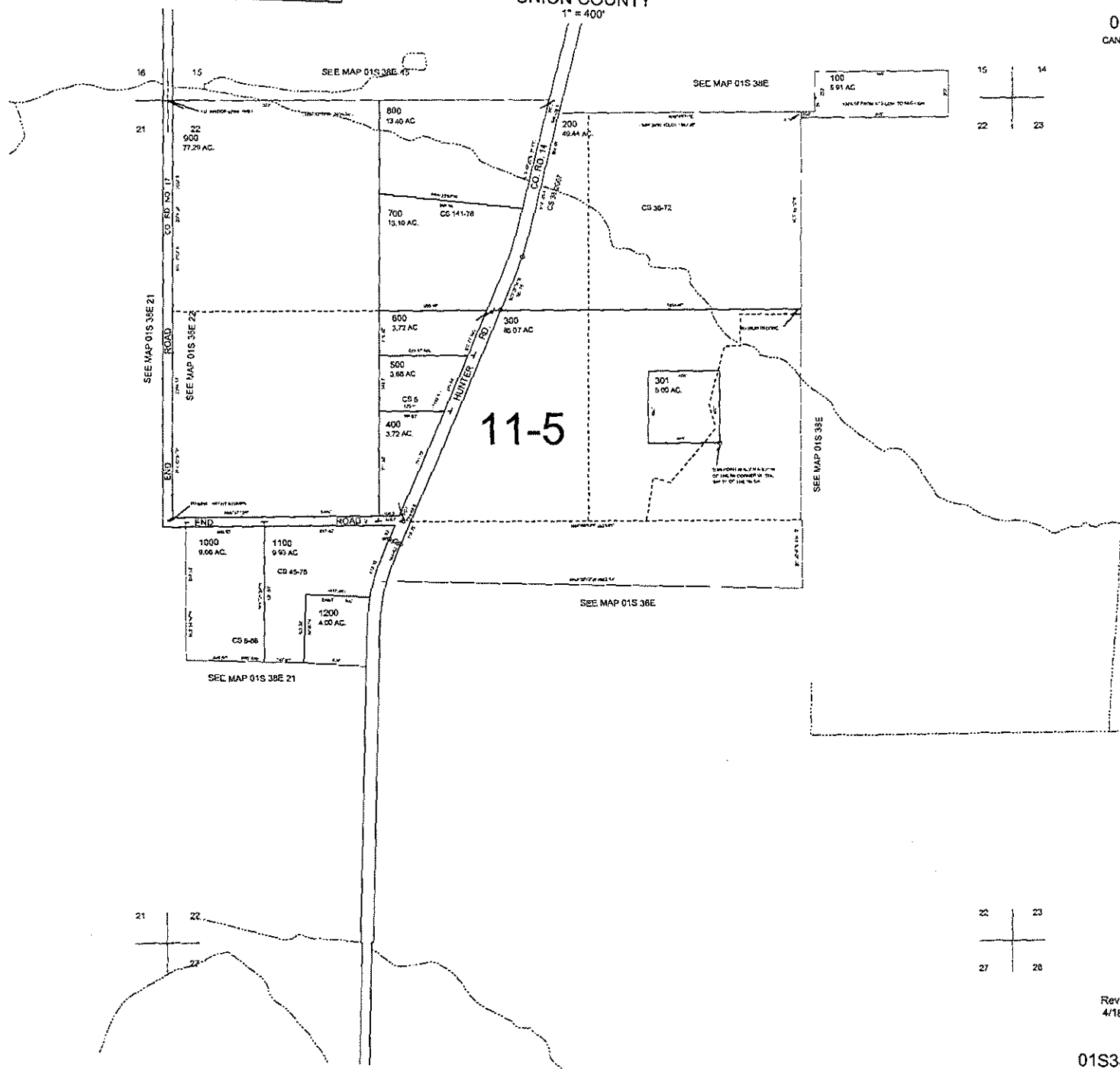
John H. Lewis, State Engr.

1912.

— Legend —
1 Irrigated land with area.
Ditches.
Streams.

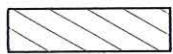
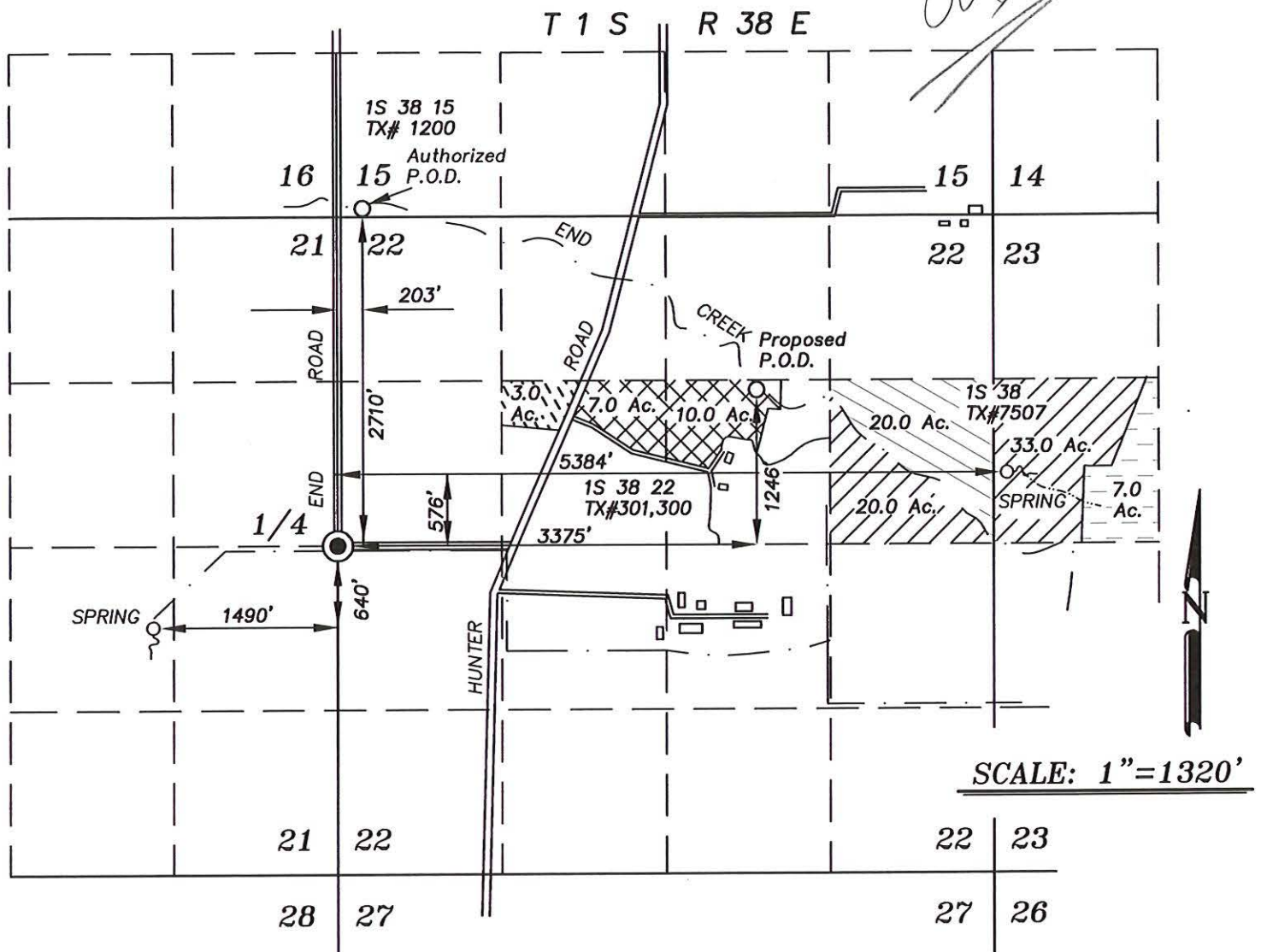
1° = 400'

CANCELLED:



Revised 9C
4/18/2008

01S38E22



LANDS IRRIGATED UNDER CERTIFICATE 6619,
PRIORITY DATE OF 1900-1863, REQUESTING A
HISTORICAL CHANGE OF POINT OF DIVERSION.



LANDS IRRIGATED UNDER CERTIFICATE 33244,
PRIORITY DATE OF 1893, OWNED BY OTHERS.



LANDS IRRIGATED UNDER CERTIFICATE 6670,
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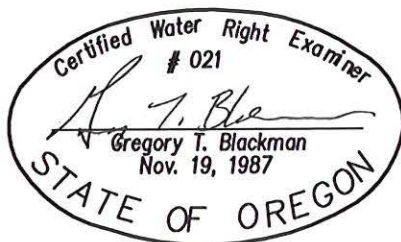
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Existing Spring



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WATER RESOURCES DEPT
SALEM, OREGON

SEPTEMBER 12, 2007

APPLICATION MAP OF A
HISTORIC CHANGE OF
POINT OF DIVERSION
FOR
DAN DAVIDSON

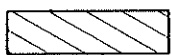
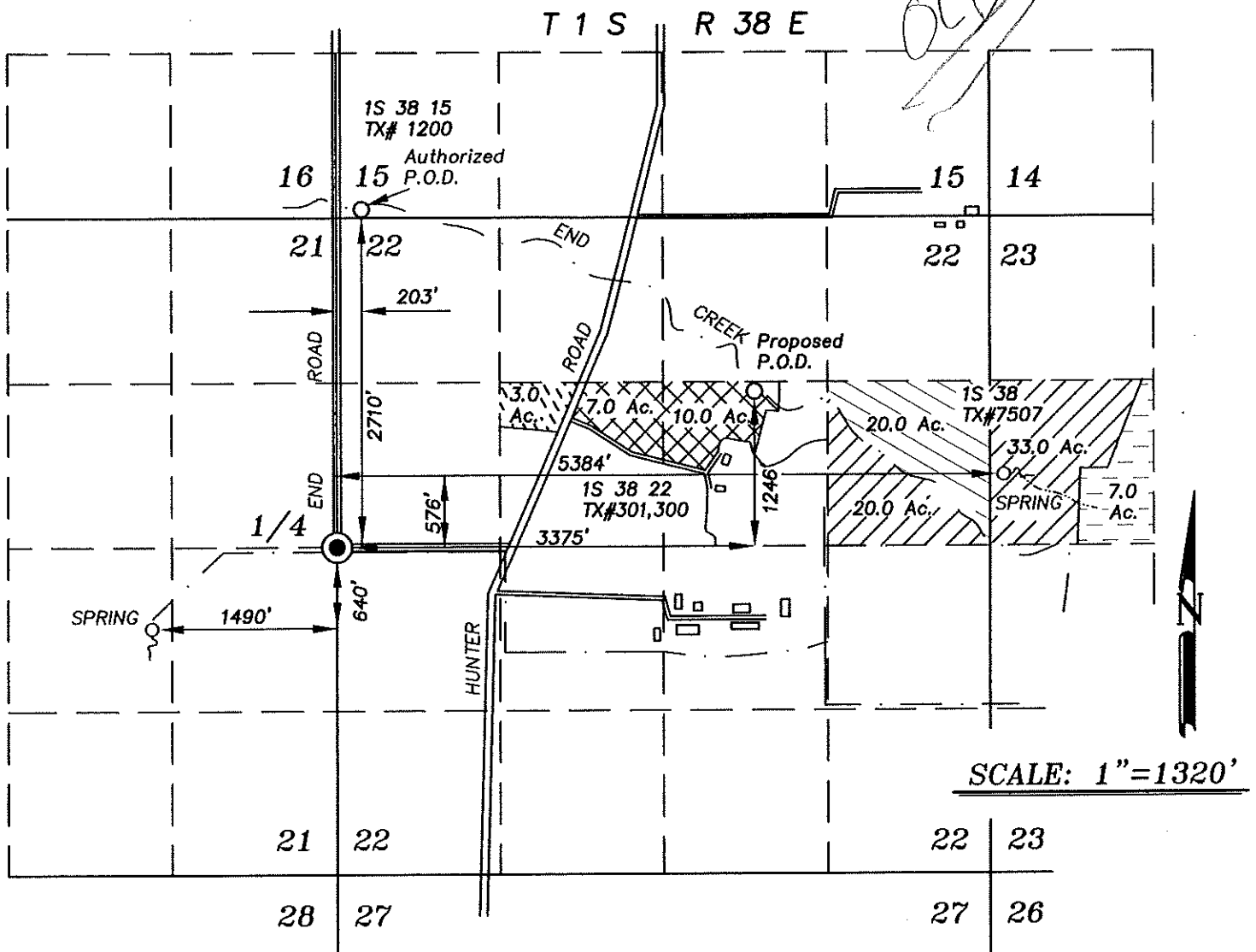
BY
BAGETT - GRIFFITH & BLACKMAN
2006 ADAMS AVENUE
LAGRANDE, OREGON 97850

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

APPLICATION NO. _____

PERMIT NUMBER _____

1 10500



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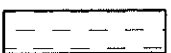
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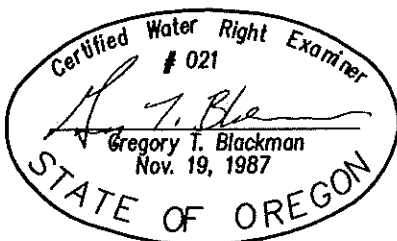
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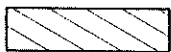
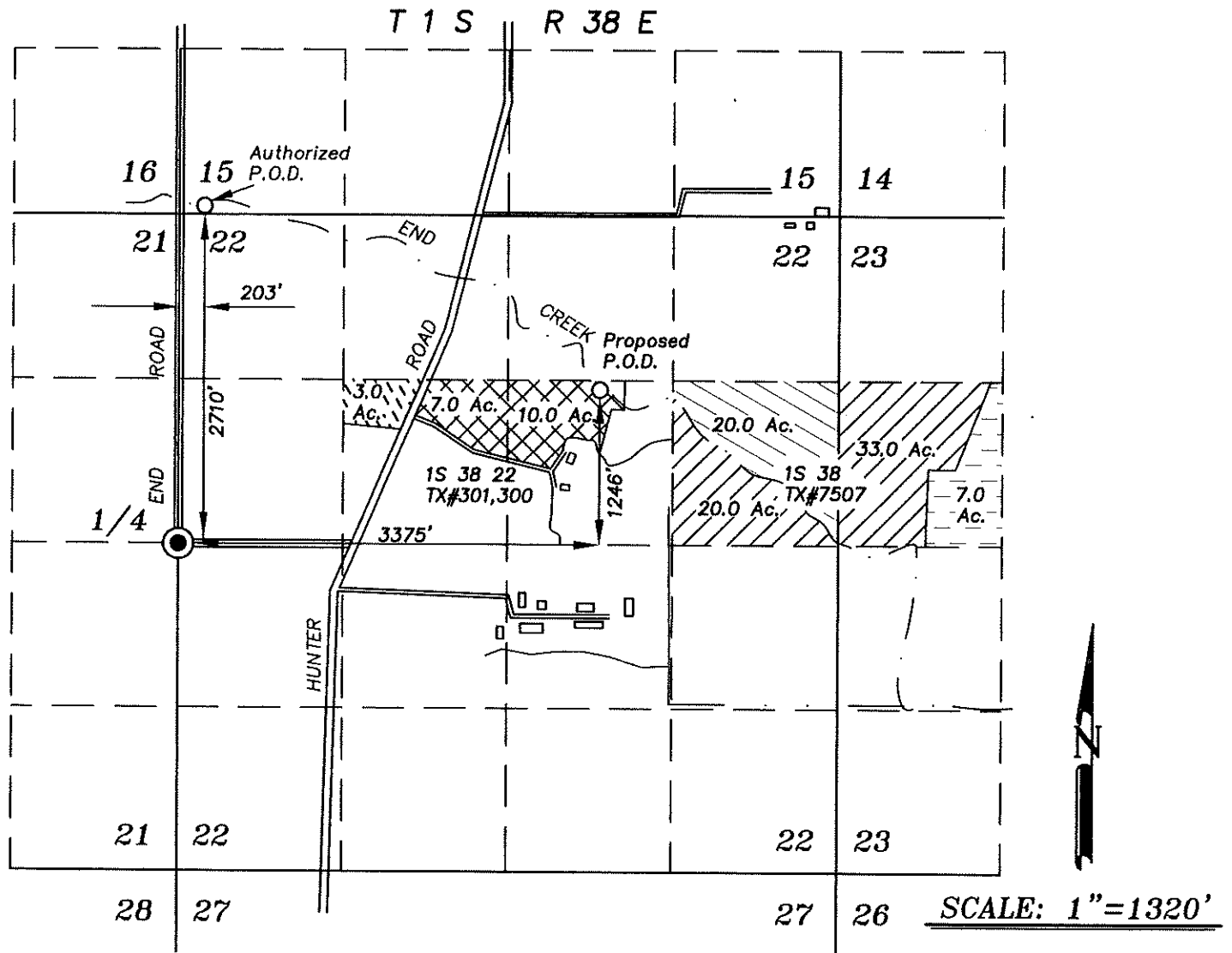
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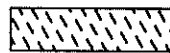
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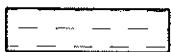
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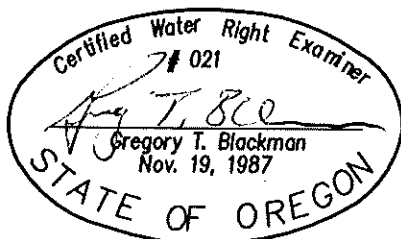
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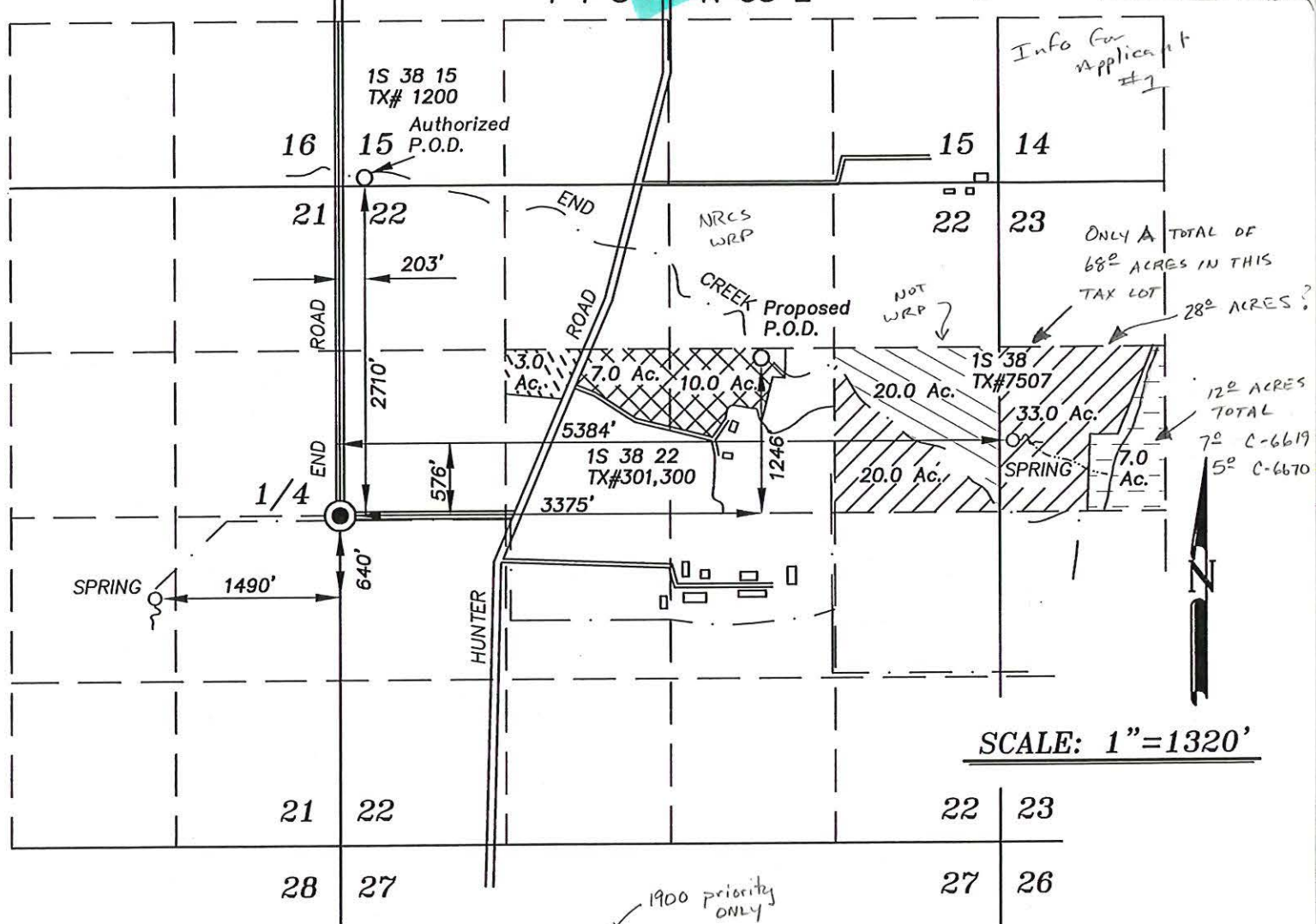
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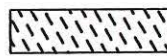
T 1 S R 38 E

Paragraph B #2

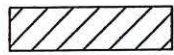
NOTES removed Funding
Mitchell Act
Screen Funding



LANDS IRRIGATED UNDER CERTIFICATE 6619, PRIORITY DATE OF 1900-1863, REQUESTING A HISTORICAL CHANGE OF POINT OF DIVERSION.



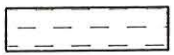
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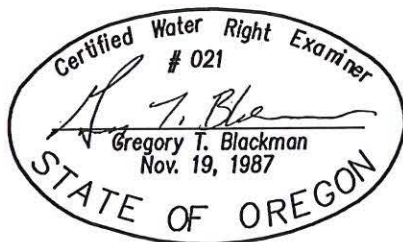
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Existing Spring



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DAN DAVIDSON

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BAGETT - GRIFFITH & BLACKMAN
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LAGRANDE, OREGON 97850

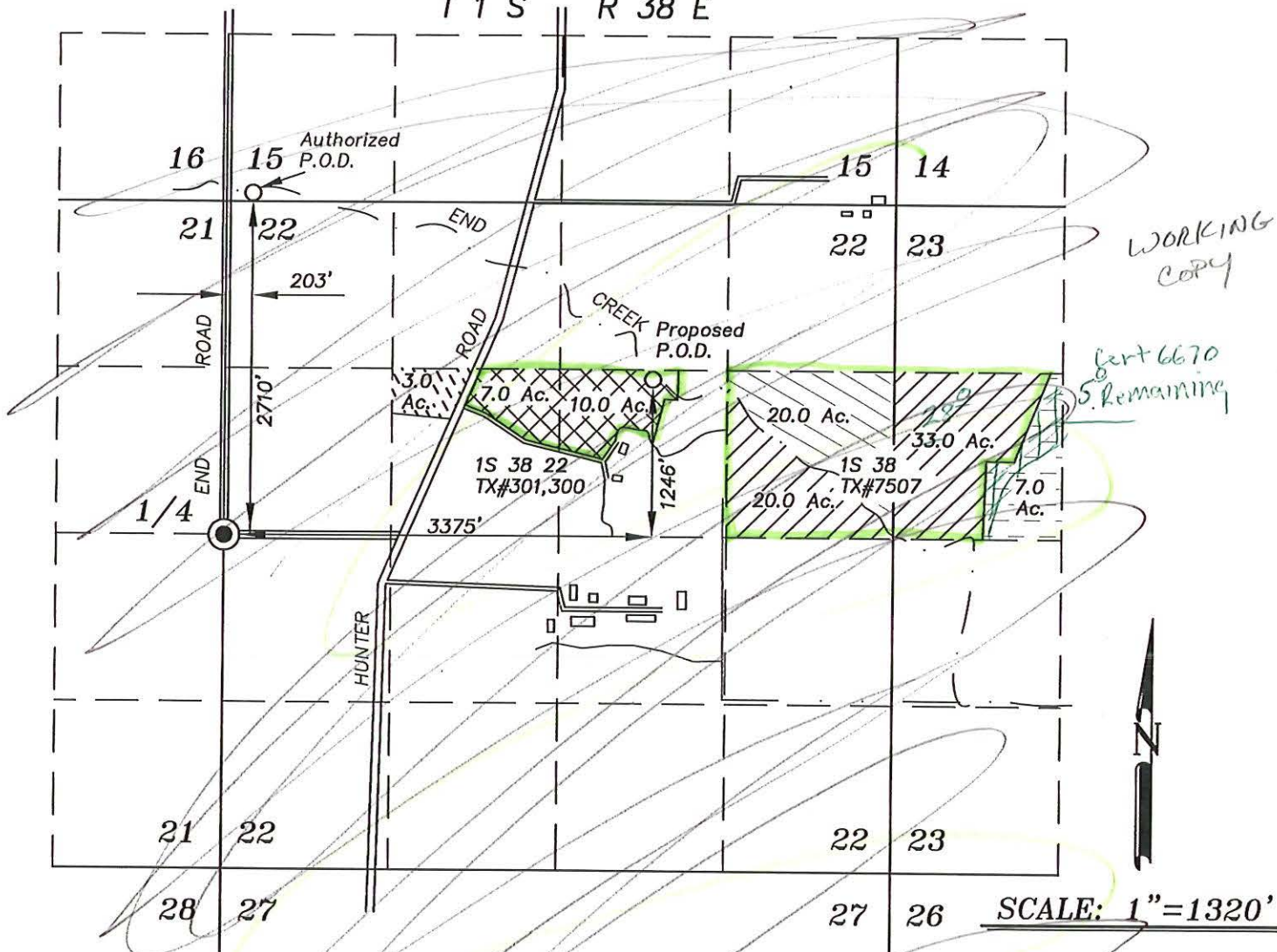
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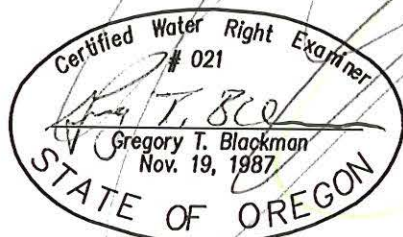
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SALEM, OREGON

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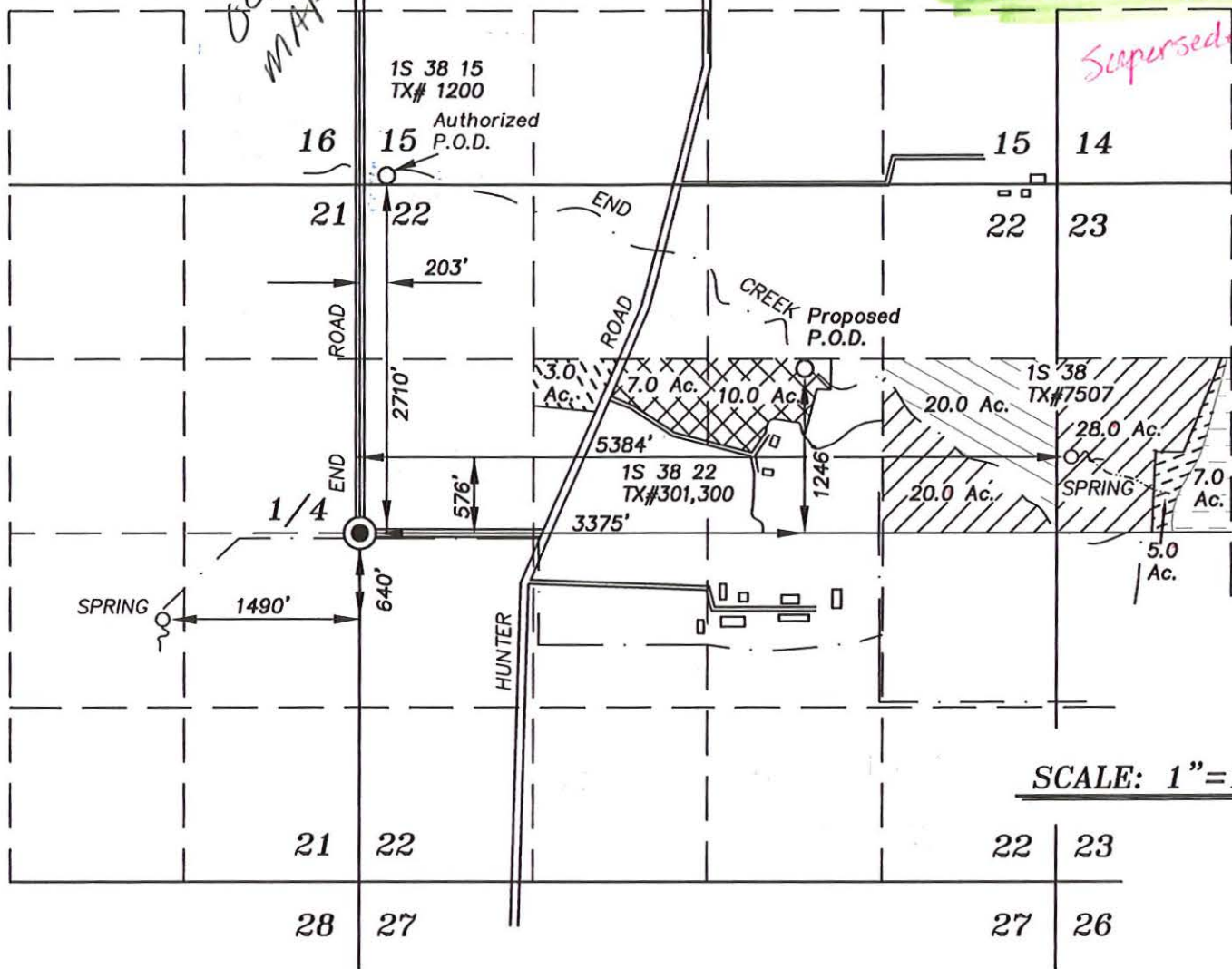
10500

SUPERSEDING

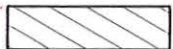
T 1 S R 38 E

OLD MAP

Superseded



SCALE: 1"=1320'



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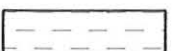
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Existing Spring



SUPERSEDING
SEPTEMBER 12, 2008

APPLICATION MAP OF A
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POINT OF DIVERSION
FOR
DAN DAVIDSON

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

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APPLICATION NO. T-10500
PERMIT NUMBER



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: DAN DAVIDSON
Mailing Address: 66589 HUNTER ROAD
City: LA GRANDE State: Ore. Zip: 97850 Day Phone: 541-963-8530

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 (c.g. Rural Residential/RR-5)	Water to be:	Proposed Land Use:
1S	38E	22	N1/2	300-301	UC-A1	☒ Diverted ☒ Conveyed ☒ Used	Irrigation
1S	38E	22-23	-	7507	UC-A1	☐ Diverted ☒ Conveyed ☒ Used	Irrigation
						☐ Diverted ☐ Conveyed ☐ Used	
						☐ Diverted ☐ Conveyed ☐ Used	

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

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) END CREEK & SPRINGS

Estimated quantity of water needed: 2.42 ☒ cubic feet per second ☐ gallons per minute ☐ acre-feet

Intended use of water: ☒ Irrigation ☐ Commercial ☐ Industrial ☐ Domestic for household(s)
☐ Municipal ☐ Quasi-municipal ☐ Instream ☐ Other

Briefly describe: Irrigation of farmland and pasture.

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SALEM OREGON

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

10500

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): _____.
- ☐ 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:	
		☐ Obtained ☐ Denied	☐ Being pursued ☐ Not being pursued
		☐ Obtained ☐ Denied	☐ Being pursued ☐ Not being pursued
		☐ Obtained ☐ Denied	☐ Being pursued ☐ Not being pursued
		☐ Obtained ☐ Denied	☐ Being pursued ☐ Not being pursued
		☐ Obtained ☐ Denied	☐ Being pursued ☐ Not being pursued

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

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OCT 19 2007
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SALEM, OREGON

Name: Cody VAURA

Title: ASSISTANT PLANNER

Signature: [Signature]

Phone: 541-963-1014

Date: 10/1/07

Government Entity: Union County

1 10500

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: