

T-10509

T-10509

RA

Name Scott HendricksAddress PO Box 293
Milton - Freewater, OR 97862
509 520-0954Change in POD
Date Filed 12/24/2007
Initial notice date 1/8/2008
DPD issued date _____
PD issued date _____
PD notice date _____
Date of FO 7-21-08 Vol 75 Page 402C-Date 10-1-09
COBU due date 10-1-2010
COBU Received date COBU 10/15/2010
Certificate issued 84205
DEC 31 2013 467914

DESCRIPTION OF WATER RIGHT(S)

Name of Stream Middle Branch Mud CreekTrib. of Mud CreekUse IR, LV, DOCounty Umatilla

Quantity of water (CFS) _____

No. of Acres _____

Name of ditch _____

App #	Per #	Cert #	PR Date
		<u>1736</u>	<u>1896</u>
App #	Per #	Cert #	PR Date
App #	Per #	Cert #	PR Date
App #	Per #	Cert #	PR Date
App #	Per #	Cert #	PR Date

Middle Branch Mud Creek Decree July 16, 1917

FEES PAID		
Date	Amount	Receipt #
<u>12/24/07</u>	<u>400.00</u>	<u>91038</u>

FEES REFUNDED		
Date	Amount	Receipt #

Assignments: _____

Irrigation District Hudson Bay District Improvement Company PO Box 110Agent William Fortily PO Box 643 Stanfield, OR 97875 541-449-1327 541-561-7259CWRE Dale Van Schoiack #333CC's list Umatilla County 216 SE 4th Pendleton, OR 97801☐ - Oversized map - Location

Reimbursement Authority Contractor - Newton Consultants

Mailing List for Transfer Certificate

Application: T-10509

Certificate: 88794

Certificate/Transfer Holder: (include copy of map)

✓ SCOTT REBECCA HENDRICKS
✓ PO BOX 293
✓ MILTON FREEWATER OR 97862

Copies Mailed

By: RA/CV
(SUPPORT STAFF)

on: DEC 31 2013
(DATE)

Copies of final Certificate to be sent to:

- ✓ 1. Watermaster #05 (Include map)
- ✓ 2. Data Center
- ✓ 3. Water Availability
- ✓ 4. Vault
- ✓ 5. File

Other Persons to receive copies (proposed and/or final certificate: (Include map)

- ✓ 1. DALE VAN SCHOIACK, CWRE
- ✓ 2. HUDSON BAY DISTRICT IMPROVEMENT COMPANY, PO BOX 110, MILTON-FREEWATER OR 97862

Record Marking(s):

- 1. Original Application# NA - DECREED RIGHT
- 2. Old Certificate# 1736

5/6



Oregon

John A. Kitzhaber, MD, Governor

Five

Water Resources Department
North Mall Office Building
725 Summer Street NE, Suite A
Salem, OR 97301-1271
503-986-0900
FAX 503-986-0904

Date Mailed: December 31, 2013

NOTICE OF CERTIFICATE ISSUANCE

Attached is a certificate that confirms the water rights established under the terms of a transfer order issued by this Department.

This certificate is an order in other than a contested case. This order is subject to judicial review under ORS 183.482. Any petition for judicial review must be filed within the 60-day time period specified by ORS 183.482. Pursuant to ORS 183.482, ORS 536.075 and OAR 137-003-0675, you may petition for judicial review and 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.

This statement of judicial review rights is required under ORS 536.075; it does not alter or add to existing review rights or create review rights that are not otherwise provided by law.

The water must be controlled and not wasted. To change the location of the point of diversion, the character of use, or the location of use requires the advance approval of the Water Resources Director.

If you have any questions please contact Gerry Clark at 503-986-0811.

STATE OF OREGON
COUNTY OF UMATILLA
CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

SCOTT AND REBECCA HENDRICKS
PO BOX 293
MILTON FREEWATER OR 97862

confirms the right to use the waters of MIDDLE BRANCH OF MUD CREEK, tributary to EAST BRANCH OF MUD CREEK for IRRIGATION OF 20.8 ACRES AND LIVESTOCK.

This right was confirmed by decree of the Circuit Court of the State of Oregon for Umatilla County. The decree is of record at Salem, in the Order Record of the Water Resources Director in Volume 3, at Page 322. The date of priority is 1893 for 2.3 acres and 1896 for 18.5 acres.

The amount of water to which this right is entitled is limited to an amount actually used beneficially, and shall not exceed 0.257 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
6 N	35 E	WM	20	NE NE	40 FEET SOUTH AND 25 FEET WEST FROM NE CORNER, SECTION 20

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 is as follows:

PRIORITY DATE	Twp	Rng	Mer	Sec	Q-Q	Acres
1893	6 N	35 E	WM	20	NE NE	2.3
1896	6 N	35 E	WM	20	NE NE	18.5

The quantity of water diverted at the new point of diversion shall not exceed the quantity of water available from the original point of diversion described as follows:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
6 N	35 E	WM	20	NE NE	1280 FEET SOUTH & 30 FEET WEST FROM NE CORNER, SECTION 20

NOTICE OF RIGHT TO PETITION FOR RECONSIDERATION OR JUDICIAL REVIEW

This is an order in other than a contested case. This order is subject to judicial review under ORS 183.482. Any petition for judicial review must be filed within the 60-day time period specified by ORS 183.482. Pursuant to ORS 183.482, ORS 536.075 and OAR 137-003-0675, you may petition for judicial review and 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.

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

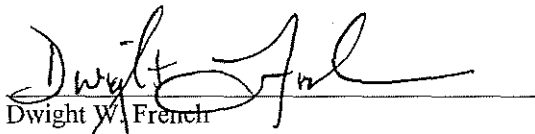
When required by the Department the water user shall install, maintain and operate an in-line flow meter, weir, or other suitable device for measuring and recording the quantity of water diverted. The type and plans of the measuring device must be approved by the Department prior to beginning construction and shall be installed under the general supervision of the Department.

When required by the Department, the water user shall install, maintain and operate a headgate to control and regulate the quantity of water diverted. The type and plans of the headgate must be approved by the Department prior to beginning construction and shall be installed under the general supervision of the Department.

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

This certificate is issued to confirm a change in POINT OF DIVERSION approved by an order of the Water Resources Director entered JULY 21, 2008, at Special Order Volume 75, Page 402, approving Transfer Application 10509, and together with Certificate 84205, supercedes Certificate 1736, State Record of Water Right Certificates.

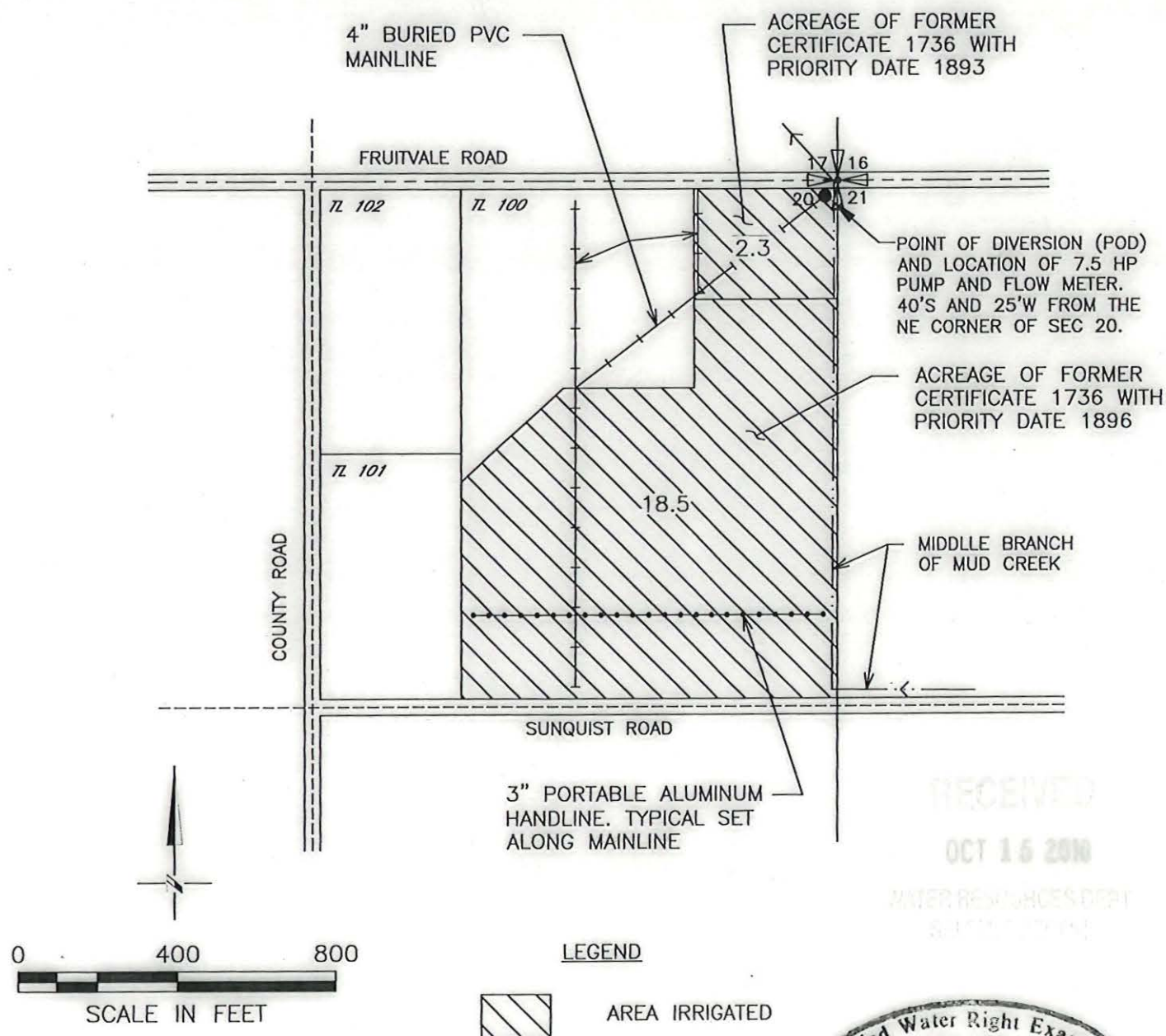
Issued DEC 31 2013.


Dwight W. French
Administrator, Water Right Services, for
Phillip C. Ward, Director

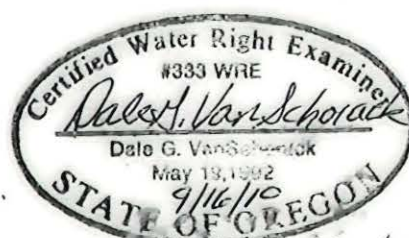
COPY

CLAIM OF BENEFICIAL USE MAP
FOR TRANSFER T-10509 IN THE NAME OF
SCOTT HENDRICKS

NE $\frac{1}{4}$ NE $\frac{1}{4}$, SEC 20, T6N, R35E, WM,
UMATILLA CO



NOTE:
THE PURPOSE OF THIS MAP IS TO IDENTIFY THE APPROXIMATE LOCATION
OF THE WATER RIGHT. IT IS NOT INTENDED TO PROVIDE INFORMATION
RELATIVE TO THE LOCATION OF PROPERTY OWNERSHIP BOUNDARY LINES.



Renews 6/30/12

Mailing List for Transfer Certificate

Application: T-10509

Certificate:

Certificate/Transfer Holder: (include copy of map)

mb
SCOTT/REBECCA HENDRICKS
PO BOX 293
MILTON FREEWATER OR 97862

Copies Mailed
By: <u>Dawn</u> (SUPPORT STAFF)
on: <u>MAY 08</u> 2013 (DATE)

Copies of final Certificate to be sent to:

1. Watermaster #05 (Include map)
2. Data Center
3. Water Availability
4. Vault
5. File

Other Persons to receive copies (proposed and/or final certificate: (Include map)

- ✓ 1. DALE VAN SCHOIACK, CWRE
- ✓ 2. HUDSON BAY DISTRICT IMPROVEMENT COMPANY, PO BOX 110, MILTON-FREEWATER OR 97862

Record Marking(s):

1. Original Application# NA - DECREED RIGHT
2. Old Certificate# 1736



Oregon

John A. Kitzhaber, MD, Governor

Water Resources Department
North Mall Office Building
725 Summer Street NE, Suite A
Salem, OR 97301-1271
503-986-0900
FAX 503-986-0904

DATE MAILED:

MAY 08 2013

NOTICE

Reference: Transfer Application 10509

Enclosed is a proposed certificate of water right and map. The proposed certificate represents the extent water was used within the terms of an order approving the transfer based upon a Claim of Beneficial Use, prepared by a Certified Water Right Examiner, that either you or a previous transfer holder submitted.

The certificate is the final step in the water right process. The Department encourages you to review this proposal. If you do not agree with the proposed certificate, Oregon Administrative Rule 690-330-010 (2) allows the transferee or landowner 60 days from the mailing date of this notice to request the Department to reconsider the contents of the proposed certificate.

If you do not agree with the proposed certificate, Oregon Administrative Rule 690-380-6040 allows the transferee or landowner 60 days from the mailing date of this notice to request the Department to reconsider the contents of the proposed certificate.

If your name is not listed on the proposed certificate, and you are the current landowner, and would like to have the final certificate issued in your name, you may apply through the Department to have the transfer assigned to you. If you have any questions about the assignment process, please contact Jerry Sauter at 503-986-0817.

If you agree with the proposed certificate and map no response to this notice is required. Sometime after the 60 day period, a recommendation will be made to the Director to issue a certificate, and if the Director signs the certificate, the recorded certificate of water right will be mailed to you.

If you have any questions please contact Gerry Clark at 503-986-0811.

Sincerely,

Dwight French

Water Right Services Division Administrator for
Phillip C. Ward, Director

MEMO

TO: FILE T-16509

FROM: JWG

DATE: 4.22, 2013

RE: DETERMINATION OF PROOF

I've determined that a ☒ PROPOSED ☐ FINAL certificate should be prepared and mailed to the permit holder consistent with:

☐ Permit ☒ Transfer

☐ FPS ☒ COBU

As described in the permit/transfer but as clarified by the ☐ FPS ☐ COBU

As described in the PERMIT/TRANSFER and FPS or COBU but as further specified below:

☐ Conflict? ☒ No ☐ Yes: _____

☒ stamped PROPOSED or assign Cert # _____

☐ Draft certificate(s) are available in the transfer directory.

☒ Water Organization identified using area of interest tool? ☒ No ☐ Yes, cc: _____

☒ Check ownership; and if there is a new owner, add them to the mailing list.

☒ Prepare a mailing list.

☐ Record marking: App _____ Cert _____

NOTES:

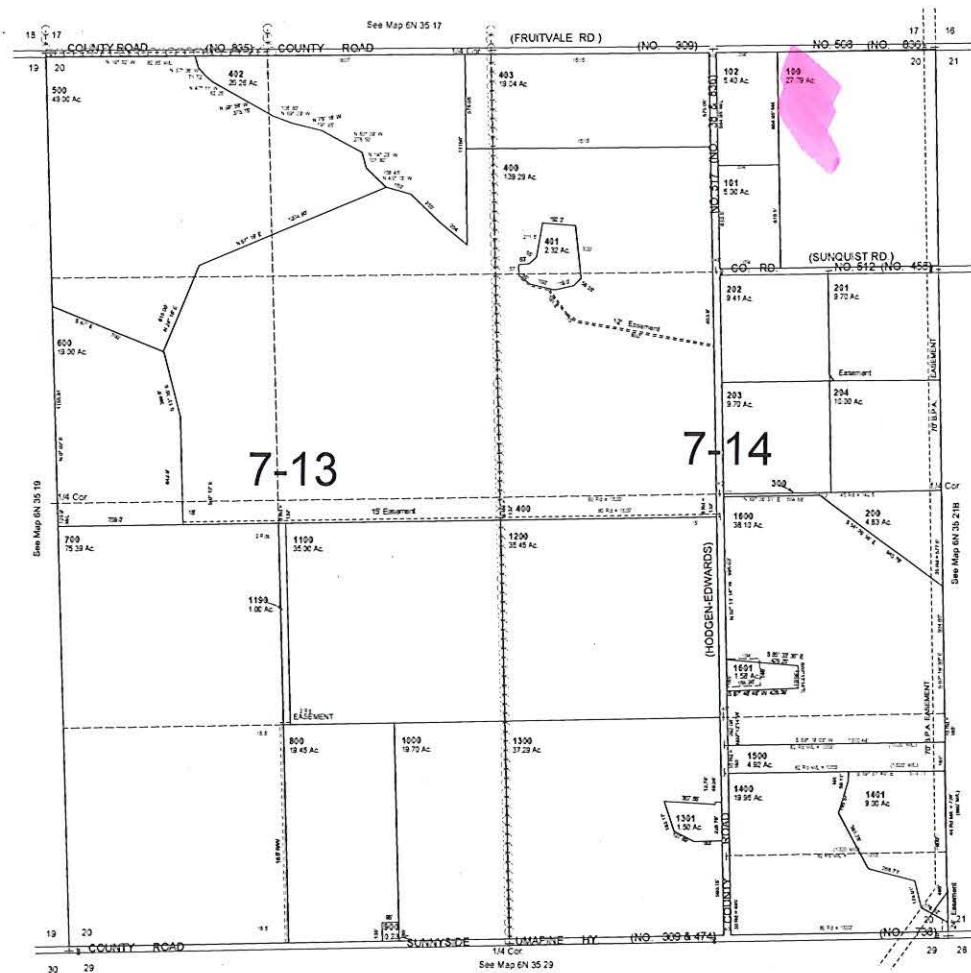
Per claim - no domestic.

This map was prepared for Assessment and Taxation purposes only and has NOT been prepared for legal, engineering or surveying purposes.

SEC 20 T6N R35E WM
UMATILLA COUNTY
SCALE 1"=400'

Revised 1/8/08

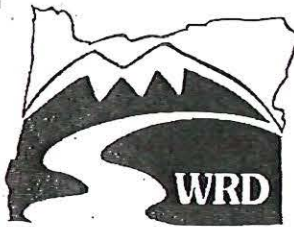
6N 35 20



6N 35 20

Completion Checklist for CWRE Claims of Beneficial Use

Application # T 10509



Date Received 10/15/2010

CWRE Name Dele Van Schoiack Claim Logged yes

File Marked yes

Oversized Map # _____

Read the file and attach a copy of the permit or transfer final order. _____

Map Review:

- ☒ Map on polyester film (OAR 690-014-0170(1) & 310-0050(1)(b))
- ☒ Application & permit #; or transfer # (OAR 690-014-0100(1))
- ☒ Disclaimer (OAR 690-014-0170(5))
- ☒ North arrow (OAR 690-310-0050(2)(c))
- ☒ CWRE stamp and signature (OAR 690-014 & 310-0050)
- ☒ Appropriate scale (1" = 1320', 1" = 400', or the original full-size scale of the county assessor map) (014 & 310)
- ☒ Township, range, section, and tax lot numbers (OAR 690-310-0050(4))
- ☒ Source illustrated if surface water (OAR 690-014-0170(3))
- ☒ Point(s) of diversion or appropriation (illustrated) (OAR 690-014(4) & 690-310-0050)
- ☒ Point(s) of diversion or appropriation (coordinates) (OAR 690-014(4) & 690-310-0050)
- ☒ Conveyance structures illustrated (pump, pipelines, ditches, etc.) (OAR 690-310-0050)
- ☒ Description of the location, in relation to the point of diversion or appropriation, of any fish screens, by-pass devices, and measuring devices required (OAR 690-014(4))
- ☒ Place of use (1/4 1/4, or projected 1/4 1/4 lines within DLCs, or Gov Lots; if irrigation, # of acres in each subdivision; if for domestic or human consumption, location of dwelling or spigot) (OAR 690-310-0050, 690-014, 690-380-6010)

Report Review:

- ☒ On form or format provided by the Department (OAR 690-014-0100(1))
- ☒ Application & permit #; or transfer # (OAR 690-014)
- ☒ Ownership information (OAR 690-014)
- ☒ Date of survey (OAR 690-014)
- ☒ Person interviewed (OAR 690-014)
- ☒ County (OAR 690-014)
- ☒ Tax lot information (OAR 690-014)
- ☒ Description of conveyances system (from POD to POU) (OAR 690-014-0100)
- ☒ Source(s) of water (OAR 690-014-0100)
- ☒ Point of diversion/appropriation location (OAR 690-014-0100)
- ☒ Use, period of use, and rate for use (OAR 690-014-0100)
- ☒ Place of use location (OAR 690-014-0100)
- ☒ Type of use (OAR 690-014-0100)
- ☒ Extent of use (OAR 690-014-0100)
- ☒ Rate and Duty (OAR 690-014-0100)
- ☒ Diversion rate for each use (OAR 690-014-0100)
- ☒ Diversion works description (pump make, serial model, capacity, and description) (OAR 690-014-0100)
- ☒ System capacity (OAR 690-014-0100)
 - ☒ Calculated capacity of system (required)
 - ☒ Measured amount of use (optional)
- ☒ Permit/Transfer Final Order Conditions (OAR 690-014-0100)
 - ☒ Time limits
 - ☒ Initial water level measurements
 - ☒ Annual static water level measurements
 - ☒ Measurement, recording, and reporting
 - ☒ Meter/measuring device
 - ☒ Water use reporting
 - ☒ Fish screening and/or by-pass
 - ☒ Pump test (ground water)
 - ☒ Other conditions
- ☒ CWRE stamp and signature (OAR 690-014-0100)
- ☒ Signature(s) of permittee of transfer holder (OAR 690-014-0100)

DEF = deficient

N/A = Not Applicable

Certificate Issuance Processing Checklist

_____ Map and COBU reviewed
_____ Conflict check (include copy of plat card printout) Any Conflicts? _____
_____ Check for ownership

Staff Recommendations:

_____ Proof to the Satisfaction has been established to the full extent as described in the permit or transfer order.
_____ Proof to the Satisfaction has been not been established to the full extent as described in the permit or transfer order and the right should be limited as follows: _____
_____ Proof to the Satisfaction has not been established for the following reasons: _____
_____ **Proposed Actions:**
Send letter requesting the following items/information: _____
Send letter recommending extension to cure deficiencies: _____

Can certificate be processed further?

_____ Yes

If "Yes":

_____ Proposed
_____ Final

Certificate # _____

Mailing list:

Proposed:

Final:

**CLAIM OF
BENEFICIAL USE
for Permits claiming more
than 0.1 cfs and All Transfers**



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

**A fee of \$150 must accompany this form to be accepted for permits
with a priority date of July 9, 1987, or later. (ORS 536.050(1))**

A separate form shall be completed for each permit.

In cases where a permit has been amended through the permit amendment process, a separate claim for the permit amendment is not required. Incorporate the permit amendment into the claim for the permit.

This form is subject to revision. **Begin each new claim** by checking for a new version of this form at:
http://www.wrd.state.or.us/OWRD/WR/cwre_info.shtml#.

The completion of this form is required by OAR 690-014-0100(1) and 690-014-0110(4).

Please type or print in dark ink. If this form is found to contain errors or omissions, it may be returned to you. **Every item must have a response.** If any requested information does not apply to the claim, insert "NA." **Do not delete or alter any section of this form unless directed by the form.** The Department may require the submittal of additional information from any water user or authorized agent.

If you have questions regarding the completion of this form, please call 503-986-0900 and ask for the Certificate Section.

The Department has a program that allows it to enter into a voluntary agreement with an applicant for expedited services. Under such an agreement, the applicant pays the cost to hire additional staff that would not otherwise be available. This program means a certificate may be issued in about a month. For more information on this program see http://www.wrd.state.or.us/OWRD/mgmt_reimbursement_authority.shtml.

**SECTION 1
GENERAL INFORMATION**

1. File Information

APPLICATION # (G, R, S OR T)	PERMIT # (IF APPLICABLE)	PERMIT AMENDMENT # (IF APPLICABLE)
T-10509		

2. Property Owner (current owner information)

APPLICANT/BUSINESS NAME Scott Hendricks		PHONE NO. 541 558 9451	ADDITIONAL CONTACT NO.
ADDRESS P. O. Box 293			
CITY Milton-Freewater	STATE OREGON	ZIP 97862	E-MAIL

If the current property owner is not the permit or transfer holder of record, it is recommended that an assignment be filed with the Department. **The COBU must be signed by the permit or transfer holder of record.**

3. Is the Property Owner the permit or transfer holder of record?

YES

If "YES" the remainder of this item may be deleted.

Permit or transfer holder of record (this may, or may not, be the current property owner)

PERMIT OR TRANSFER HOLDER OF RECORD

Not Applicable

ADDRESS

CITY

STATE

ZIP

Are there additional permit or transfer holders of record?

NO

If "NO" the following box may be deleted.

ADDITIONAL PERMIT OR TRANSFER HOLDER OF RECORD

Not Applicable

ADDRESS

CITY

STATE

ZIP

4. Date of Site Inspection: August 30, 2010

5. Person(s) interviewed and description of their association with the project:

NAME	DATE	ASSOCIATION WITH THE PROJECT
Scott Hendricks	August 30, 2010	Owner
Gage Hendricks	August 30, 2010	Farmer

6. County: Umatilla

7. If any property described in the place of use of the permit or transfer final order is excluded from this report, identify the owner of record for that property (ORS 537.230(4)):

**Mark "NA" if there are no owners of property not included in this claim

OWNER OF RECORD

Not Applicable

ADDRESS

CITY

STATE

ZIP

Are there additional Owners of Record?

NO

If "NO" the following box may be deleted.

ADDITIONAL OWNER OF RECORD

Not Applicable

ADDRESS

CITY

STATE

ZIP

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WATER RESOURCES DEPT
BUREAU OF WATER

SECTION 2

SYSTEM DESCRIPTION

A. Points of Diversion/Appropriation

1. Point of diversion/appropriation name or number:

POINT OF DIVERSION/APPROPRIATION (POD/POA) NAME OR NUMBER (CORRESPOND TO MAP)	WELL LOG ID # FOR ALL WORK PERFORMED ON THE WELL (IF APPLICABLE)	WELL TAG # (IF APPLICABLE)
POD		

Attach each well log available for the well (include the log for the original well and any subsequent alterations, reconstructions, or deepenings)

2. Point of diversion/appropriation source and, if from surface water, the tributary:

POD/POA NAME OR NUMBER	SOURCE	TRIBUTARY
POD	Middle Branch of Mud Creek	East Branch of Mud Creek

3. Developed use(s), period of use, and rate for each use:

POD/POA NAME OR NUMBER	USES	IF IRRIGATION, LIST CROP TYPE	SEASON OR MONTHS WHEN WATER WAS USED	RATE OR VOLUME FOR USE (CFS, GPM, OR AF)
POD	Irrigation and Livestock	Corn and Pasture	Irrigation Season	0.257 CFS
Total Quantity of Water Used				0.257 CFS

4. Provide a general narrative description of the distribution works. This description must trace the water system from **each** point of diversion or appropriation to the place of use:

The POD is located near the NE corner of Section 20, T6N, R35E, W.M. along the west side of the Middle Branch of Mud Creek just south of Fruitvale Road. Water is withdrawn from the creek with a 7.5 horsepower centrifugal pump. The pump discharges into a buried 4" PVC pipeline that extends approximately 760 feet in a southwesterly direction where it connects to another 4" buried PVC pipeline that is installed along the north/south centerline of the NE1/4NE1/4 of Section 20. There is also a segment of mainline that connects to the approximate midpoint of the southwesterly extending mainline. It extends in a northerly direction to Fruitvale Road. Risers and valves for connecting to portable 3" aluminum handlines are installed along the mainline at approximately 60 foot spacing. Portable aluminum handlines (40' lengths of 3" pipe) with impact sprinklers are used to irrigate the farmland. Hoses connected to the riser valves and sprinklers are reported to be used to fill stock water troughs to provide water for livestock.

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WATER RESOURCES DEPT
SALEM, OREGON

SECTION 2

SYSTEM DESCRIPTION (B through H)

Are there multiple PODs or POAs?

NO

If "YES" you will need to copy and complete Sections 2B through 2H for each POD/POA.

POD/POA Name or Number this section describes (only needed if there is more than one):

POD

B. Place of Use

1. Is the right for municipal use?

NO

If "YES" the table below may be deleted.

TWP	RNG	MER	SEC	Q-Q	GLOT	DLC	USE	IF IRRIGATION, # PRIMARY ACRES	IF IRRIGATION, # SUPPLEMENTAL ACRES
6 N	35 E	W.M.	20	NENE			Irrigation & Livestock	20.8	
Total Acres Irrigated								20.8	

Reminder: The map associated with this claim must identify Donation Land Claims (DLC), Government Lots (Gov Lot), Quarter-Quarters (QQ), and if for irrigation, the number of acres irrigated within each projected DLC, Gov Lot, and QQ.

C. Diversion and Delivery System Information

Provide the following information concerning the diversion and delivery system. Information provided must describe the equipment used to transport and apply the water from the point of diversion/appropriation to the place of use.

1. Is a pump used?

YES

If "NO" items 2 through item 6 may be deleted.

2. Pump Information

MANUFACTURER	MODEL	SERIAL NUMBER	TYPE (CENTRIFUGAL, TURBINE OR SUBMERSIBLE)	INTAKE SIZE	DISCHARGE SIZE
Berkeley	B2TPM (5.875" imp)	738170P	Centrifugal	2.5"	2"

3. Motor Information

MANUFACTURER	HORSEPOWER
Baldor	7.5

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WATER RESOURCES DEPT
SALEM, OREGON

4. Theoretical Pump Capacity

HORSEPOWER	OPERATING PSI	LIFT FROM SOURCE TO PUMP *If A WELL, THE WATER LEVEL DURING PUMPING	LIFT FROM PUMP TO PLACE OF USE	TOTAL PUMP OUTPUT (IN CFS)
7.5	58 psi (135 ft)	3 ft +/-	8 ft +/-	

5. Provide pump calculations:

Estimate of pumping head:

Lift	11 ft	
Pressure	99 ft	(43 psi at most distal and highest sprinkler)
Valves and fittings	5 ft	(Estimated)
Pipe loss	20 ft	(Estimated)
Total	135 ft	

Estimate of pump flow:

7.5 hp centrifugal pump.

$$Hp = \frac{\text{gpm} \times \text{head (ft)}}{3960 \times \text{efficiency (\%)}} \quad \text{or} \quad \text{gpm} = \frac{Hp \times 3960 \times \text{efficiency (\%)}}{\text{head (ft)}}$$

$$\frac{7.5 \times 3960 \times .65^*}{135} = 143 \text{ gpm} = 0.319 \text{ cfs}$$

* Efficiency taken from manufacturer's pump curve.

6. Measured Pump Capacity (using meter if meter was present and system was operating)

INITIAL METER READING	ENDING METER READING	DURATION OF TIME OBSERVED	TOTAL PUMP OUTPUT (IN CFS)
105 gpm Instantaneous flow meter reading at time of site visit.			

Reminder: For pump calculations use the reference information at the end of this document.

7. Is the distribution system piped?

YES

If "NO" items 8 through item 11 may be deleted.

8. Mainline Information

MAINLINE SIZE	LENGTH	TYPE OF PIPE	BURIED OR ABOVE GROUND
4"	2080 ft +/-	PVC	Buried

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OCT 15 2010

WATER RESOURCES DEPT
SALEM, OREGON

9. Lateral or Handline Information

LATERAL OR HANDLINE SIZE	LENGTH	TYPE OF PIPE	BURIED OR ABOVE GROUND
3"	24 – 40 ft segments	Portable aluminum	Above ground

10. Sprinkler Information

SIZE	OPERATING PSI	SPRINKLER OUTPUT (GPM)	TOTAL NUMBER OF SPRINKLERS	MAXIMUM NUMBER USED	TOTAL SPRINKLER OUTPUT (CFS)
5/32" dia	50 psi (average)	5.0 gpm (average)	24	24	120 gpm

Reminder: For sprinkler output determination use the reference information at the end of this document.

11. Pivot Information

MANUFACTURER	MAXIMUM WETTED RADIUS	OPERATING PSI	TOTAL PIVOT OUTPUT (GPM)	TOTAL PIVOT OUTPUT (CFS)
Not Applicable				

12. Additional notes or comments related to the system:

None

D. Groundwater Source Information (Well and Sump)

1. Is the appropriation from ground water (well or sump)?

NO

If "NO", items 2 through 8 relating to this section may be deleted.

Items 2 through 8 relating to this section were deleted..

E. Storage

1. Does the distribution system include in-system storage (i.e. storage tank, bulge in system / reservoir)

NO

If "NO", item 2 and 3 relating to this section may be deleted.

Items 2 and 3 relating to this section were deleted.

F. Gravity Flow Pipe

(THE DEPARTMENT TYPICALLY USES THE HAZEN-WILLIAM'S FORMULA FOR A GRAVITY FLOW PIPE SYSTEM)

1. Does the system involve a gravity flow pipe?

NO

If "NO", items 2 through 4 relating to this section may be deleted.

Items 2 through 4 relating to this section were deleted..

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SALEM, OREGON

G. Gravity Flow Canal or Ditch

(THE DEPARTMENT TYPICALLY USES MANNING'S FORMULA FOR CANALS AND DITCHES)

1. Is a gravity flow canal or ditch used to convey the water as part of the distribution system? **NO**

If "NO", items 2 through 4 relating to this section may be deleted.

Items 2 through 4 relating to this section were deleted.

H. Reservoir

1. Does the claim involve a reservoir modified through a transfer? **NO**

Reminder: This section should only be completed if the reservoir right has been modified through the transfer process. If the claim is for a permitted reservoir use the Claim of Beneficial Use form for reservoirs.

If "NO", items 2 through 9 relating to this section may be deleted.

Items 2 through 9 relating to this section were deleted.

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WATER RESOURCES DEPT
SALEM, OREGON

SECTION 3

CONDITIONS

Please pay special attention to this section. All conditions contained in the permit, permit amendment, transfer final order, or any extension final order shall be addressed. Reports that do not address all performance related conditions will be returned.

1. Time Limits:

Permits, transfer final orders, and any extension final orders contain any or all of the following dates; the date when the actual construction work was to begin, the date when the construction was to be completed, and the date when the complete application of water to the proposed use is to be completed by. These dates may be referred to as ABC dates. Describe how the water user has complied with each of the development timelines established in the permit, extension or transfer final order:

	DATE FROM PERMIT OR TRANSFER	DATE ACCOMPLISHED*	DESCRIPTION OF ACTIONS TAKEN BY WATER USER TO COMPLY WITH THE TIME LIMITS
ISSUANCE DATE	July 21, 2008		
BEGIN CONSTRUCTION (A)		September 2008	The water user started installation of the pump and piping system.
COMPLETE CONSTRUCTION (B)		April 2009	The water user completed installation of the pump and piping system.
COMPLETE APPLICATION OF WATER (C)	October 1, 2009	October 1, 2009	The water user used the irrigation system to irrigate the farmland and provide water for livestock as authorized by the final order.

* MUST BE WITHIN PERIOD BETWEEN PERMIT, TRANSFER FINAL ORDER, OR ANY EXTENSION FINAL ORDER ISSUANCE AND THE DATE TO COMPLETELY APPLY WATER

2. Is there an extension final order(s)?

NO

If "NO", you may delete item 3 in this section.

3. If for a transfer extension order, provide the following information:

VOLUME	PAGE	DATE EXTENDED TO
Not Applicable		

4. Initial Water Level Measurements:

a. Was the water user required to submit an initial static water level measurement?

NO

If "NO", items 4b through 4d relating to this section may be deleted.

Items 4b through 4d relating to this section were deleted.

5. Annual Static Water Level Measurements:

a. Was the water user required to submit annual static water level measurements?

NO

If "NO", items 5b through 5e relating to this section may be deleted.

Items 5b through 5e relating to this section were deleted.

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SALEM OREGON

6. Pump Test (Required for most ground water permits prior to issuance of a certificate)

a. Did the permit require the submittal of a pump test? **NO**

If "NO", items 6b through 6d relating to this section may be deleted.

Items 6b through 6d relating to this section were deleted.

7. Measurement Conditions:

a. Does the permit, permit amendment, transfer final order, or any extension final order require the installation of a meter or approved measuring device? **NO**

If "NO", items 7b through 7f relating to this section may be deleted.

Reminder: If a meter or approved measuring device was required, the COBU map must indicate the location of the device in relation to the point of diversion or appropriation.

b. Has a meter been installed? **YES**

Although a meter was not required by the Final Order the water user has installed one.

c. Meter Information

POD/POA NAME OR #	MANUFACTURER	SERIAL #	CONDITION (WORKING OR NOT)	CURRENT METER READING	DATE INSTALLED
POD	SeaMetrics	8009758153	Working	150.15 AF	March 2009

d. If a meter has not been installed, has a suitable measuring device been installed and approved by the Department? **NO**

If a meter has been installed, items 7e through 7g relating to this section may be deleted

Items 7e through 7g relating to this section were deleted.

8. Recording and reporting conditions

a. Is the water user required to report the water use to the Department? **NO**

If "NO", item 8b relating to this section may be deleted.

Items 8b relating to this section was deleted.

9. Fish Screening

a. Are any points of diversion required to be screened to prevent fish from entering the point of diversion? **NO**

If "NO", items 9b through 9e relating to this section may be deleted

Items 9b through 9e relating to this section were deleted.

10. By-pass Devices

a. Are any points of diversion required to have a by-pass device to prevent fish from entering the point of diversion?

NO

If "NO", items 10b and 10c relating to this section may be deleted

Items 10b through 10c relating to this section were deleted.

11. Other conditions required by permit, permit amendment final order, extension final order, or transfer final order

a. Were there special well construction standards? NO

b. Was submittal of a ground water monitoring plan required? NO

c. Was the water user required to restore the riparian area if it was disturbed? NO

d. Was a fishway required? NO

e. Was submittal of a letter from an engineer required prior to storage of water? NO

f. Was submittal of a water management and conservation plan required? NO

g. Other conditions? NO

If "YES" to any of the above, identify the condition and describe the water user's actions to comply with the condition(s):

SECTION 4 VARIATIONS

Include a description of variations from the permit, permit amendment final order, extension final order, or transfer final order. (i.e. *"The permit allowed three points of diversion. The water user only developed one of the points."* or *"The permit allowed 40.0 acres of irrigation. The water user only developed 10.0 acres."*)

The Final Order authorized the use of water as Irrigation, Livestock and Domestic. No domestic use was made of the water during the term of the transfer.

SECTION 5 ATTACHMENTS

If you are attaching any documents to this report, provide a list:

ATTACHMENT NAME	DESCRIPTION
COBU Map	COBU Map
Pump Curve	Berkeley Model B2TPM pump curve.

SECTION 6 CLAIM SUMMARY

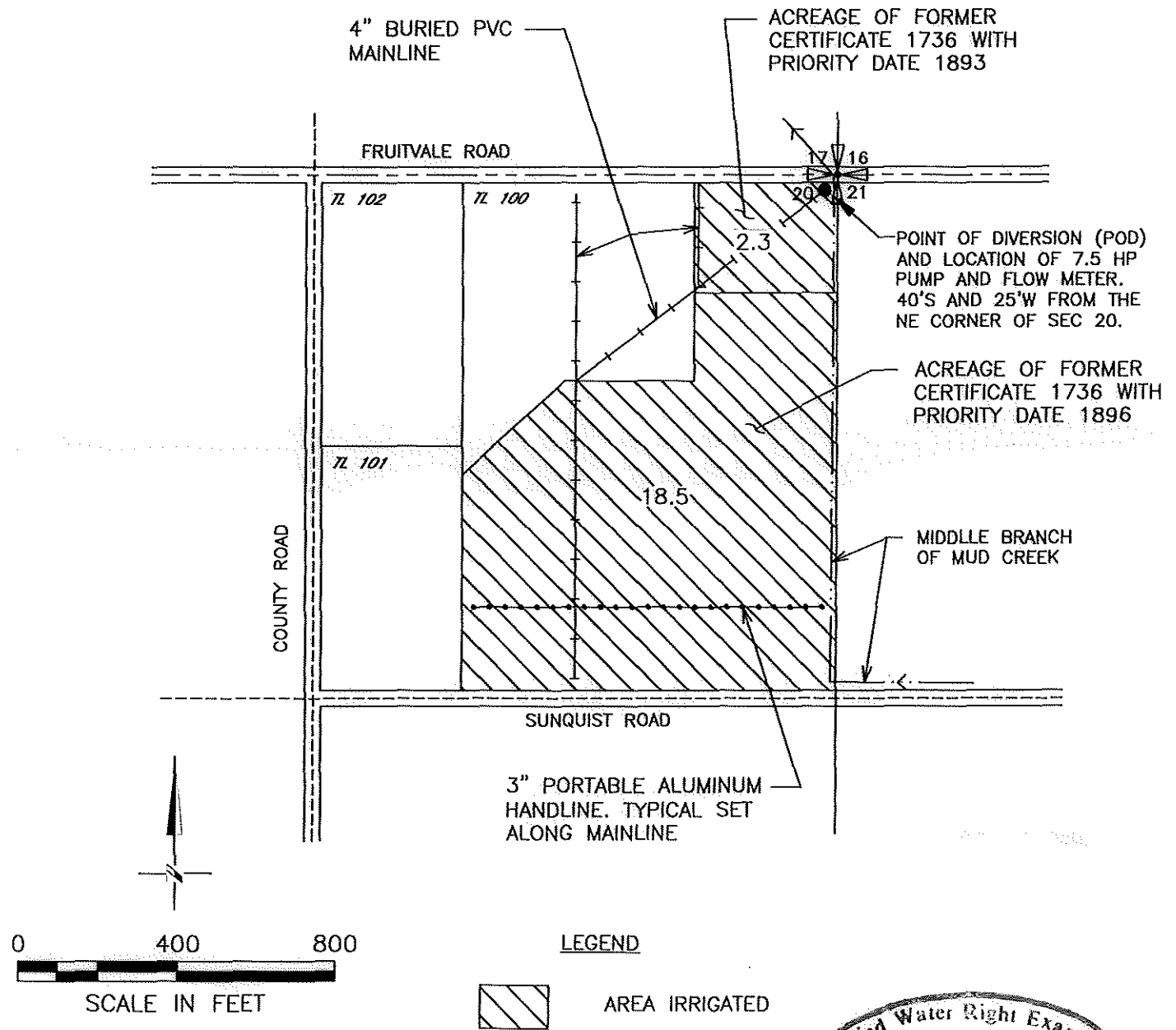
POD / POA NAME OR #	MAXIMUM RATE AUTHORIZED	CALCULATED THEORETICAL RATE BASED ON SYSTEM	AMOUNT OF WATER MEASURED	USE	# OF ACRES ALLOWED	# OF ACRES DEVELOPED
POD	0.257 cfs	0.267 cfs (based on 24 sprinklers @ 5 gpm each)	105 gpm flow meter reading at time of site visit.	Irrigation and Livestock	20.8	20.8

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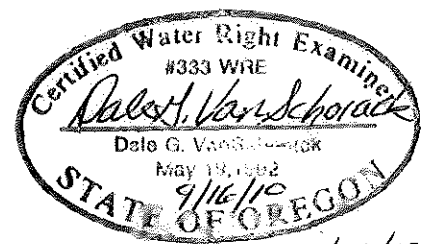
OCT 15 2010

CLAIM OF BENEFICIAL USE MAP FOR TRANSFER T-10509 IN THE NAME OF SCOTT HENDRICKS

NE $\frac{1}{4}$ NE $\frac{1}{4}$, SEC 20, T6N, R35E, WM,
UMATILLA CO



NOTE:
THE PURPOSE OF THIS MAP IS TO IDENTIFY THE APPROXIMATE LOCATION OF THE WATER RIGHT. IT IS NOT INTENDED TO PROVIDE INFORMATION RELATIVE TO THE LOCATION OF PROPERTY OWNERSHIP BOUNDARY LINES.



Renewed 6/30/12

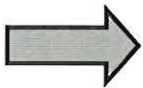
SECTION 7

CLAIM OF BENEFICIAL USE MAP

The Claim of Beneficial Use Map must be submitted with this claim. Claims submitted without the Claim of Beneficial Use map will be returned. The map shall be submitted on poly film at a scale of 1" = 1320 feet, 1" = 400 feet, or the original full-size scale of the county assessor map for the location.

Provide a general description of the survey method used to prepare the map. Examples of possible methods include, but are not limited to, a traverse survey, GPS, or the use of aerial photos. If the basis of the survey is an aerial photo, provide the source, date, series and the aerial photo identification number.

The COBU map was prepared from observations and measurements made during the site visit and reference to Google and ARCS aerial photos.



Map Checklist

Please be sure that the map you submit includes ALL the items listed below.

(Reminder: Incomplete maps and/or claims may be returned.)

- ☒ Map on polyester film.
- ☒ Appropriate scale (1" = 400 feet, 1" = 1320 feet, or the original full-size scale of the county assessor map)
- ☒ Township, Range, Section, Donation Land Claims, and Government Lots
- ☒ If irrigation, number of acres irrigated within each projected Donation Land Claims, Government Lots, Quarter-Quarters
- ☒ Locations of fish screens, fish by-pass devices, meters and measuring devices in relationship to point of diversion or appropriation.
- ☒ Conveyance structures illustrated (pumps, reservoirs, pipelines, ditches, etc.)
- ☒ Point(s) of diversion or appropriation (illustrated and coordinates)
- ☒ Tax lot boundaries and numbers
- ☒ Source illustrated if surface water
- ☒ Disclaimer ("This map is not intended to provide legal dimensions or locations of property ownership lines")
- ☒ Application and permit number or transfer number
- ☒ North arrow
- ☒ Legend
- ☒ CWRE stamp and signature

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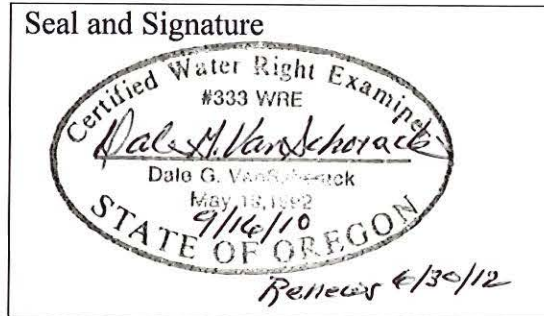
OCT 15 2010

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SALEM, OREGON

SECTION 8 SIGNATURES

CWRE Statement, Seal and Signature

The facts contained in this Claim of Beneficial Use are true and correct to the best of my knowledge.



CWRE NAME Dale VanSchoiack		PHONE No. 509 627 8717	ADDITIONAL CONTACT No.
ADDRESS 2141 South Lyle			
CITY Kennewick	STATE WA	ZIP 99337	E-MAIL dalevs@frontier.com

Permit or Transfer Holder's of Record Signature or Acknowledgement

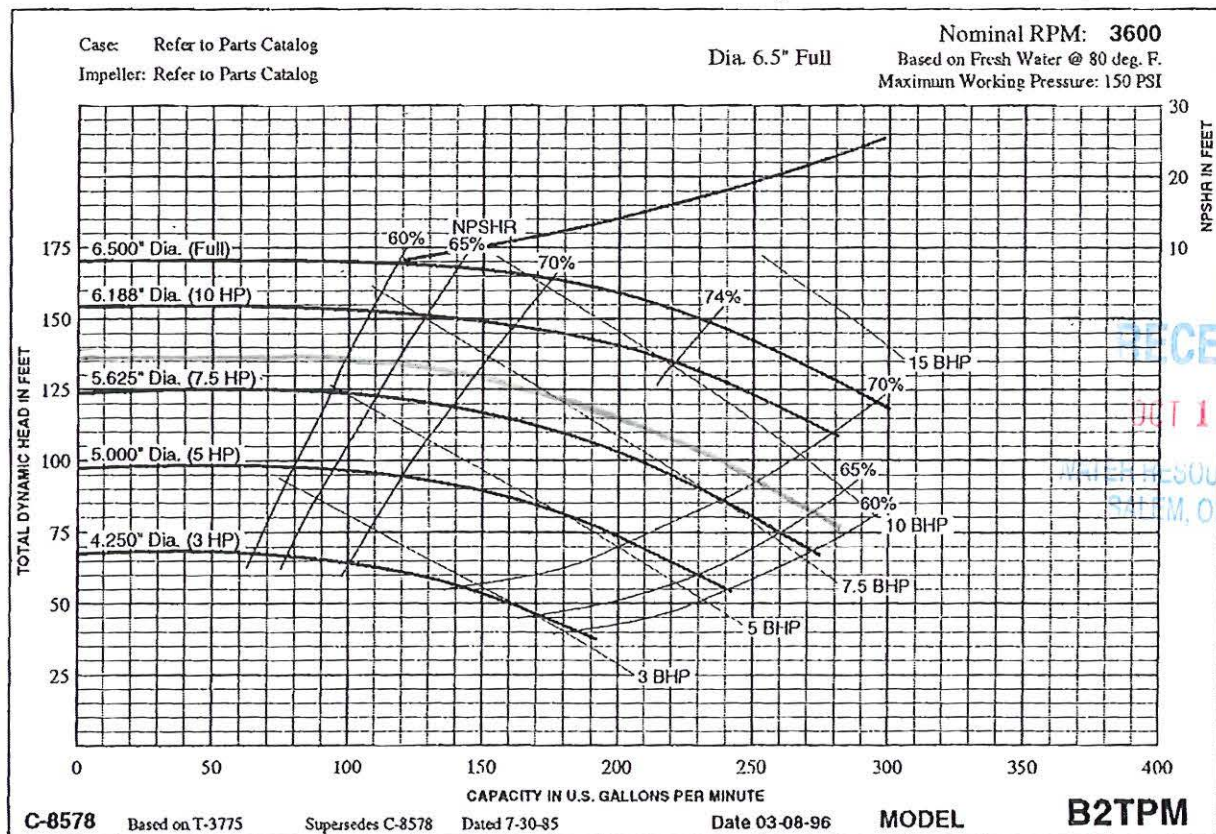
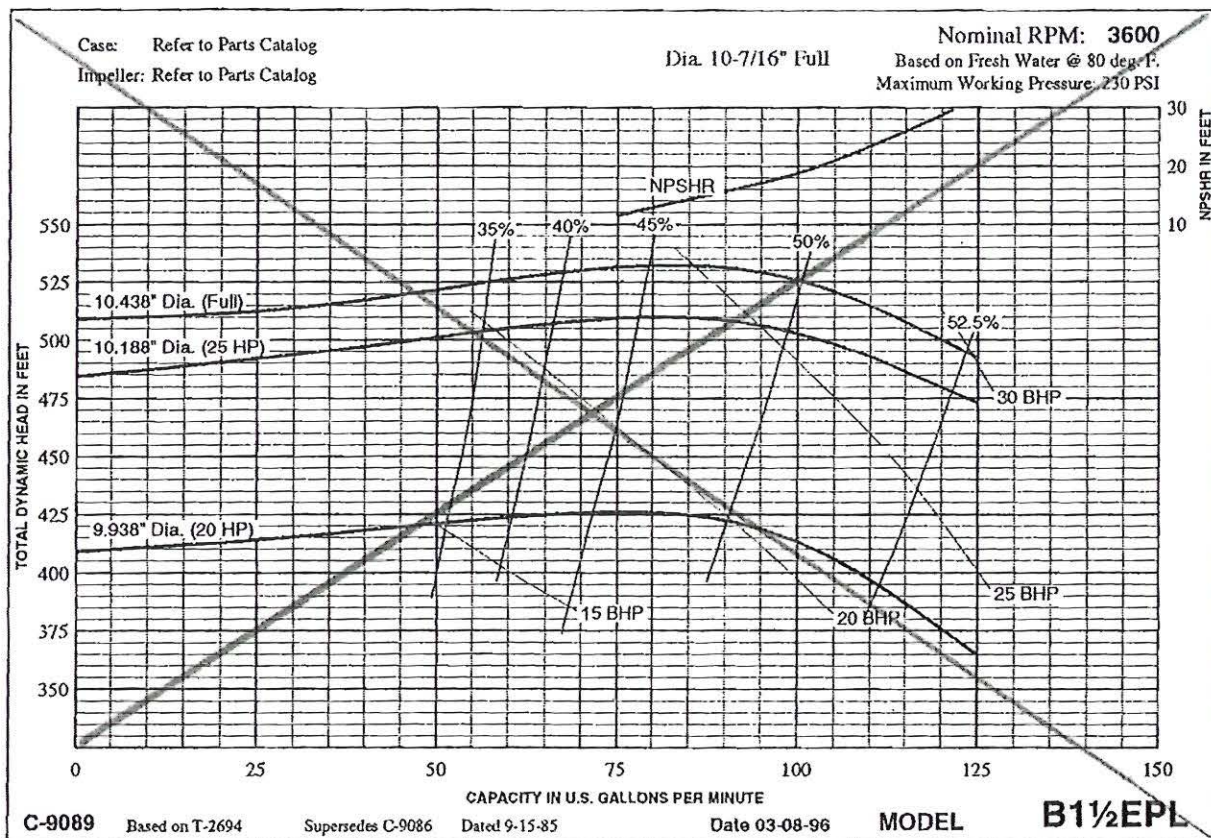
The facts contained in this Claim of Beneficial Use are true and correct to the best of my knowledge. I request that the Department issue a water right certificate.

SIGNATURE	PRINT OR TYPE NAME	DATE
	Scott A. Hendricks	10-6-10



MOTOR DRIVE

CURVE	4075
DATE	02-26-96
PAGE	2.02
SUPERSEDES	
Curve 4075	Page 2.02
Dated 01-02-86	



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JUL 15 2010
WATER RESOURCES DEPT
PORTLAND, OREGON



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

July 24, 2008

SCOTT HENDRICKS
PO BOX 293
MILTON-FREEWATER, OR 97862

Reference: Transfer 10509

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

A time to complete the transfer is given the order. YOU SHOULD GIVE PARTICULAR ATTENTION TO THE TIME LIMIT. The water right for any portion of the authorized change in use or change in place of use NOT carried out within the time allowed will be lost.

An extension of the time limit can be allowed only upon a showing that diligent effort has been made to complete the actual change within the time allowed.

You have the requirement to hire a Certified Water Right Examiner (CWRE) to complete a Claim of Beneficial Use report and map which must be submitted to this department within one year of the date you completed the change or within one year of the completion date authorized in the transfer, whichever occurs first.

Sincerely,

Sarah Henderson
Executive Support

cc: Watermaster #5
Dale VanSchoiack, CWRE
Hudson Bay District Improvement Company
William Porfily, Agent

Enclosure



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

In the Matter of Transfer Application)
T-10509, Umatilla County) **FINAL ORDER APPROVING A
CHANGE IN POINT OF DIVERSION**

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

Scott Hendricks
P.O. Box 293
Milton-Freewater, OR 97862

Agent

William Porfily
P.O. Box 463
Stanfield, OR 97875

Findings of Fact

Background

1. On December 24, 2007, Scott Hendricks filed an application to change the point of diversion under Certificate 1736. The Department assigned the application number T-10509.
2. The portion of the right to be transferred is as follows:

Certificate: 1736 in the name of MARIA HALVERSON (confirmed by the Middle Mud Creek Decree)

Use: IRRIGATION of 20.8 ACRES, LIVESTOCK AND DOMESTIC

Priority Dates: 1893 for 2.3 acres and 1896 for 18.5 acres

Rate: 0.257 CUBIC FOOT PER SECOND (cfs)

Source: MIDDLE BRANCH OF MUD CREEK, tributary to the EAST BRANCH OF MUD CREEK

Authorized Place of Use:

IRRIGATION, LIVESTOCK AND DOMESTIC					
Twp	Rng	Mer	Sec	Q-Q	Acres
6 N	35 E	WM	20	NE NE	20.8

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

3. Certificate 1736 does not describe the location of the authorized point of diversion, however information is available from the Certified Water Rights Examiner (CWRE) and the applicant indicating that the authorized point of diversion is located as follows:

Authorized Point of Diversion:

Twp	Rng	Mer	Sec	Q-Q	Survey Coordinates
6 N	35 E	WM	20	NE NE	1280 FEET SOUTH AND 30 WEST FROM THE NE CORNER OF SECTION 20

4. Certificate 1736 also does not describe the duty of the right, however information is available in the State Water Board, Middle Branch Mud Creek Decree dated July 16, 1917 indicating that the rate shall not exceed one-fourtieth (1/40) of a cubic foot per second.
5. Transfer Application T-10509 proposes to move the authorized point of diversion approximately 1200 feet downstream in the source to:

Twp	Rng	Mer	Sec	Q-Q	Survey Coordinates
6 N	35 E	WM	20	NE NE	40 FEET SOUTH AND 30 FEET WEST FROM THE NE CORNER OF SECTION 20

6. Notice of the application for transfer was published on January 8, 2008, pursuant to OAR 690-380-4000. No comments were filed in response to the notice.
7. Transfer Application T- 10509 proposes to change a point of diversion for the portion of a water right, Certificate 1736, that is within the boundaries of Hudson Bay District Improvement Company. The district was notified of the proposed change in point of diversion and did not provide any comments.
8. On March 25, 2008, the Department mailed a copy of the draft Preliminary Determination proposing to approve Transfer Application T-10509 to the applicant. The cover letter that accompanied the draft Preliminary Determination set forth a deadline of April 28, 2008, for the applicant to respond with comments. The applicant requested that the Department proceed with issuance of a Preliminary Determination and provided the necessary information to demonstrate that the applicant is authorized to pursue the transfer.
9. On June 3, 2008, the Department issued a Preliminary Determination proposing to approve Transfer T-10509 and mailed a copy to the applicant. Additionally, notice of the Preliminary Determination for the transfer application was published on the Department's weekly notice on June 10, 2008, pursuant to ORS 540.520 and OAR 690-380-4020. No protests were filed in response to the notice.
10. The Oregon Department of Fish and Wildlife (ODFW) 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.

Transfer Review Criteria [OAR 690-380-4010(2)]

11. Water has been used within the last five years according to the terms and conditions of the right, and there is no information in the record that would demonstrate that the right is subject to forfeiture under ORS 540.610.
12. A pump, pipeline, and sprinkler system sufficient to use the full amount of water allowed under the existing right were present within the five-year period prior to submittal of Application T-10509.
13. The proposed change would not result in enlargement of the right.
14. The proposed change would not result in injury to other water rights.

Conclusions of Law

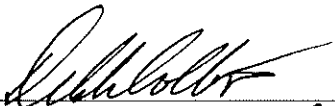
The change in point of diversion proposed in Transfer Application T-10509 is consistent with the requirements of ORS 540.505 to 540.580 and OAR 690-380-5000.

Now, therefore, it is ORDERED:

1. The change in point of diversion proposed in application T-10509 is approved.
2. The right to the use of the water is restricted to beneficial use at the place of use described, and is subject to all other conditions and limitations contained in Certificate 1736 and any related decree.
3. Water right Certificate 1736 is cancelled. A new certificate will be issued describing that portion of the right not affected by this transfer.
4. The quantity of water diverted at the new point of diversion shall not exceed the quantity of water lawfully available at the original point of diversion.
5. 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.
6. When required by the Department, the water user shall install, maintain and operate 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 measuring device must be approved by the Department prior to beginning construction and shall be installed under the general supervision of the Department.

7. When required by the Department, the water user shall install, maintain and operate a headgate to control and regulate the quantity of water diverted. The type and plans of the headgate must be approved by the Department prior to beginning construction and shall be installed under the general supervision of the Department.
8. The approved changes shall be completed and full beneficial use of the water shall be made on or before **October 1, 2009**. A Claim of Beneficial Use prepared by a Certified Water Rights Examiner shall be submitted by the applicant to the Department within one year after the deadline for completion of the changes and full beneficial use of the water.
9. When satisfactory proof of the completed change is received, a new certificate confirming the right transferred will be issued.

Dated at Salem, Oregon this 21ST day of July, 2008.



Phillip C. Ward, Director *PCW*

Mailing date: JUL 25 2008

STATE OF OREGON

COUNTY OF UMATILLA

CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

MARIA HALVERSON
MILTON FREEWATER, OR

confirms the right to use the waters of MIDDLE BRANCH OF MUD CREEK, tributary to EAST BRANCH OF MUD CREEK for IRRIGATION of 0.2 ACRES, LIVESTOCK AND DOMESTIC USE.

This right was confirmed by decree of the Circuit Court of the State of Oregon for Umatilla County. The decree is of record at Salem, in the Order Record of the Water Resources Director in Volume 3, at Page 322. 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 0.003 CUBIC FOOT PER SECOND, or its equivalent in case of rotation.

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

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.

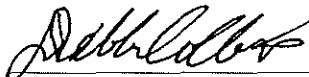
A description of the place of use to which this right is appurtenant is as follows:

IRRIGATION, LIVESTOCK AND DOMESTIC					
Twp	Rng	Mer	Sec	Q-Q	Acres
6 N	35 E	WM	20	NE NE	0.2

This certificate describes that portion of the water right confirmed by Certificate 1736, State Record of Water Right Certificates, NOT modified by the provisions of an order of the Water Resources Director entered July 21, 2008, approving Transfer Application T-10509.

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 July 21, 2008.


Phillip C. Ward, Director



Oregon

Theodore R. Kulongoski, Governor

Water Resources Department

North Mall Office Building
725 Summer Street NE, Suite A
Salem, OR 97301-1271
503-986-0900
FAX 503-986-0904

October 19, 2010

Scott Hendricks
PO Box 293
Milton Freewater OR 97862

On October 15, 2010, the Water Resources Department received the Claim of Beneficial Use (COBU) for the following file(s):

Transfer T-10509

The COBU included a report and map. The Department hopes to review your submittal within approximately 2 - 4 years. At that time we will review these items and provide a final certificate, proposed certificate, or a request for additional information.

If you are interested in having your COBU reviewed sooner, you may pay to have your file processed immediately, using the Reimbursement Authority program. The typical cost to process applications ranges from \$700 to \$1100, with \$800 being the most common. The time to process most applications is 30 days. For more information on expediting the review of your Claim of Beneficial Use and issuing a water right certificate, go to http://www.wrd.state.or.us/OWRD/mgmt_reimbursement_authority.shtml or contact Bob Rice at (503) 986-0927 or Robert.D.Rice@ wrd.state.or.us.

For all other questions please call our Customer Service phone: (503) 986-0801.

If you sell the property, please contact the Department, or have the new owners contact the Department about the need to file an assignment.

**WATER RESOURCES DEPARTMENT
REIMBURSEMENT AUTHORITY ESTIMATE APPLICATION**

House Bill 2551(2003 Oregon Laws) authorizes the Oregon Water Resources Department to expedite or enhance regulatory processes voluntarily requested under the agreement. The voluntary agreement can be entered into with any person requesting services and agreeing to pay the Department's costs of providing the service.

The Department has established a pool of qualified contractors to perform expedited services for water right transfers, water right permits extensions, and water right certificates.

The purpose of this application is to obtain an estimate from the next qualified contractor in the appropriate pool. There is a non-refundable application fee of \$125.00 per request. The contractor will provide an estimate of the cost and of the time required to process and develop a recommendation on the request of a: (check one):

<u>REQUEST</u>	<u>TYPE</u>	<u>FILE NUMBER</u>
XX	Transfer Application	T-10509
☐	Certificate Request	
☐	Extension of Time Request	

<u>Applicant Information</u>		<u>Applicant's Representative/Contact</u>
Name: (Please Print)	Scott Hendricks	William I. Porfily
Address:	P.O. Box 293	P.O. Box 643, 415 E. Wheeler
	Milton-Freewater, OR 97862	Stanfield, OR 97875
Phone:	(509)520-0954	(541)449-1327
Fax		(541)449-1327
E-Mail Address:		bporfily@my180.net

I understand the following:

- There is a non-refundable application fee of \$125.00 per request.
- That upon receipt of my non-refundable application fee in the amount of **\$ 125.00**, OWRD will assign my request to the next contractor in the pool of contractors performing expedited services.
- That this fee covers the copying, the mailing cost, as well as the cost for the contractor to evaluate and provide the estimate for processing of the request.
- That OWRD will provide all pertinent information to the assigned contractor within three (3) business days.
- That OWRD will, within fourteen (14) days, notify me in writing of the estimates of costs and time frame for the expedited service.
- That upon receiving the estimates I may agree or decline to enter into a formal contract to pay the estimated cost in advance to initiate the expedited service.
- An incomplete or inaccurate application may delay the process and increase the cost to process my request.
- Expedited processing does not guarantee a favorable review of my request.

I certify that I am the (check one) ☐ Applicant ☒ Applicant's Representative ☐ Other (Please specify) _____

Signature: _____

Name: **Scott Hendricks**

RECEIVED

Dec 24 2007

OWRD USE ONLY

Contractor Assigned:	Total Amount Paid: \$	WATER RESOURCES DEP
OWRD Approval:		SALEM, OREGON

T 10509

Water Right Transfer Checklist

Transfer T-10509

Transfer Specialist: Dorothy / Reimbursement Authority

Transfer Type: Regular

Applicant Name/Address: Scott Hendricks PO Box 293, Milton-Freewater, OR 97862

Agent Name/Address: William Porfily PO Box 643, Stanfield, OR 97875

CWRE Name/Number: Dale VanSchoiack # 333

Rec Landowner Name/Address: none

Irr. District Name/Address: Hudson Bay District Improvement Company PO Box 110, Milton-Freewater, OR 97862

Affected Gov'ts Name/Address: Umatilla County 216 SE 4th St., Pendleton, OR 97801

Commentors: Name/Address: none

Water Rights Affected

Records Marked	Records Copied	App File No. or Decree Name	Permit No.	Certificate No.	RR/CR Needed	RR/CR Nos.
☒	☒	Mud Creek Decree		1736	☒ Yes ☐ No	84205
☐	☐				☐ Yes ☐ No	
☐	☐				☐ Yes ☐ No	

Key Dates & Initial Actions

Rec'd: 12/24/2007	Proposed Action(s): POU POD HST APOD USE OTHER: POD	
Fees Pd: 400.00	WM District: 5	ODFW District: 55
Initial Notice: 1/8/2008	WM Review sent: 1/3/2008	ODFW Review sent: 1/3/2008
Acknowledgement Letter Sent ☒		GW Review sent: none

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
- ☐ PD Cover letter
- ☐ PD Notice
- ☐ File Assigned/ ModPod updated

- ☐ Preliminary Determination
- ☐ Fee Refund Due
- ☐ Remaining Rights

DPD Review (Optional)	PD Review (Salem)	Final Order Review (Salem)
Reviewer: _____	Reviewer: <u>SD</u>	Reviewer: _____
Date: _____	Date: <u>6-2-08</u>	Date: _____
Coordinator: _____	Coordinator: <u>DP</u>	Coordinator: <u>DP</u>
Date: _____	Date: <u>6/3/08</u>	Date: <u>7/8/08</u>
Comments/Special Issues: <u>Reimbursement Authority</u>		

Special Order Volume: Vol 75 Pages 402

Final Order Signature Date: 7-21-08

Notice of FO email'd to processors Dorothy

Review Checklist**T-10509****Processor: Dorothy Pedersen****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 –



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

June 4, 2008

Ready for PD
PD Notice 6/10
FO due 7/11

Scott Hendricks
P.O. Box 293
Milton-Freewater, OR 97862

SUBJECT: Transfer Application T-10509

Please find enclosed the Preliminary Determination indicating that, based on the information available, the Department intends to approve application T-10509. This document is an intermediate step in the approval process; water may not be used legally as proposed in the transfer application until a Final Order has been issued by the Department. Please read this entire letter carefully to determine your responsibility for additional action.

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

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

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

Please do not hesitate to contact me at (503) 986-0890 or Dorothy.I.PEDERSEN@wrdd.state.or.us if I may be of assistance.

Sincerely,

Dorothy I. Pedersen
Field Services Division

cc: Tony Justus, District 5 Watermaster
Dale G. VanSchoiack – CWRE #333
William Porfily, Agent

encs

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

In the Matter of Transfer Application	)	PRELIMINARY DETERMINATION
T-10509, Umatilla County	)	PROPOSING APPROVAL OF A
	)	CHANGE IN POINT OF DIVERSION

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

Scott Hendricks
P.O. Box 293
Milton-Freewater, OR 97862

Agent

William Porfily
P.O. Box 463
Stanfield, OR 97875

Findings of Fact

Background

1. On December 24, 2007, Scott Hendricks filed an application to change the point of diversion under Certificate 1736. The Department assigned the application number T-10509.
2. The portion of the right to be transferred is as follows:

Certificate: 1736 in the name of MARIA HALVERSON (confirmed by the Middle Mud Creek Decree)

Use: IRRIGATION of 20.8 ACRES, LIVESTOCK AND DOMESTIC

Priority Dates: 1893 for 2.3 acres and 1896 for 18.5 acres

Rate: 0.257 CUBIC FOOT PER SECOND (cfs)

Source: MIDDLE BRANCH OF MUD CREEK, tributary to the EAST BRANCH OF MUD CREEK

Authorized Place of Use:

IRRIGATION, LIVESTOCK AND DOMESTIC					
Twp	Rng	Mer	Sec	Q-Q	Acres
6 N	35 E	WM	20	NE NE	20.8

3. Certificate 1736 does not describe the location of the authorized point of diversion, however information is available from the Certified Water Rights Examiner (CWRE) and the applicant indicating that the authorized point of diversion is located as follows:

Pursuant to OAR 690-380-4030, any person may file a protest or standing statement within 30 days after the last date of publication of notice of this preliminary determination.
--

Authorized Point of Diversion:

Twp	Rng	Mer	Sec	Q-Q	Survey Coordinates
6 N	35 E	WM	20	NE NE	1280 FEET SOUTH AND 30 WEST FROM THE NE CORNER OF SECTION 20

4. Certificate 1736 also does not describe the duty of the right, however information is available in the State Water Board, Middle Branch Mud Creek Decree dated July 16, 1917 indicating that the rate shall not exceed one-fourtieth (1/40) of a cubic foot per second.
5. Transfer Application T-10509 proposes to move the authorized point of diversion approximately 1200 feet downstream in the source to:

Twp	Rng	Mer	Sec	Q-Q	Survey Coordinates
6 N	35 E	WM	20	NE NE	40 FEET SOUTH AND 30 FEET WEST FROM THE NE CORNER OF SECTION 20

6. Notice of the application for transfer was published on January 8, 2008, pursuant to OAR 690-380-4000. No comments were filed in response to the notice.
7. Transfer Application T- 10509 proposes to change a point of diversion for the portion of a water right, Certificate 1736, that is within the boundaries of Hudson Bay District Improvement Company. The district was notified of the proposed change in point of diversion and did not provide any comments.
8. On March 25, 2008, the Department mailed a copy of the draft Preliminary Determination proposing to approve Transfer Application T-10509 to the applicant. The cover letter that accompanied the draft Preliminary Determination set forth a deadline of April 28, 2008, for the applicant to respond with comments. The applicant requested that the Department proceed with issuance of a Preliminary Determination and provided the necessary information to demonstrate that the applicant is authorized to pursue the transfer.
9. The Oregon Department of Fish and Wildlife (ODFW) 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.

Transfer Review Criteria [OAR 690-380-4010(2)]

10. Water has been used within the last five years according to the terms and conditions of the right, and there is no information in the record that would demonstrate that the right is subject to forfeiture under ORS 540.610.
11. A pump, pipeline, and sprinkler system sufficient to use the full amount of water allowed under the existing right were present within the five-year period prior to submittal of Application T-10509.
12. The proposed change would not result in enlargement of the right.

13. The proposed change would not result in injury to other water rights.

Determination and Proposed Action

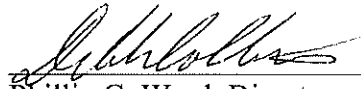
The change in point of diversion proposed in Transfer Application T-10509 appears to be consistent with the requirements of ORS 540.505 to 540.580 and OAR 690-380-5000. If protests are not filed pursuant to OAR 690-380-4030, the application will be approved.

If application T-10509 is approved, the final order will include the following:

- 1. The change in point of diversion proposed in application T-10509 is approved.*
- 2. The right to the use of the water is restricted to beneficial use at the place of use described, and is subject to all other conditions and limitations contained in Certificate 1736 and any related decree.*
- 3. Water right Certificate 1736 is cancelled. A new certificate will be issued describing that portion of the right not affected by this transfer.*
- 4. The quantity of water diverted at the new point of diversion shall not exceed the quantity of water lawfully available at the original point of diversion.*
- 5. 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.*
- 6. When required by the Department, the water user shall install, maintain and operate 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 measuring device must be approved by the Department prior to beginning construction and shall be installed under the general supervision of the Department.*
- 7. When required by the Department, the water user shall install, maintain and operate a headgate to control and regulate the quantity of water diverted. The type and plans of the headgate must be approved by the Department prior to beginning construction and shall be installed under the general supervision of the Department.*
- 8. The approved changes shall be completed and full beneficial use of the water shall be made on or before **October 1, 2009**. A Claim of Beneficial Use prepared by a Certified Water Rights Examiner shall be submitted by the applicant to the Department within one year after the deadline for completion of the changes and full beneficial use of the water.*

9. *When satisfactory proof of the completed change is received, a new certificate confirming the right transferred will be issued.*

Dated at Salem, Oregon this 3rd day of June, 2008.


Phillip C. Ward, Director

This Preliminary Determination was prepared by a Reimbursement Authority contractor. If you have questions about the information in this document, you may reach Dorothy Pedersen at 503-986-0890 or Dorothy.I.Pedersen@wrд.state.or.us.

Protests should be addressed to the attention of Field Services Division, Water Resources Department, 725 Summer St. NE, Suite A, Salem, OR 97301-1266.

**Notice of Preliminary Determination for
Water Right Transfer T-10509**

T-10509 filed by Scott Hendricks, P.O. Box 293, Milton-Freewater, OR 97862, proposes a change in point of diversion under Certificate 1736. The right allows the use of 0.257 cfs (priority dates 1893 and 1896) from the MIDDLE BRANCH MUD CREEK in Sec. 20, T6N, R35E, W.M. for IRRIGATION, LIVESTOCK AND DOMESTIC USES in Sec. 20. The applicant proposes to move the point of diversion approximately 1200 feet downstream (Sec. 20, T6N, R35E, W.M.) The Water Resources Department has concluded that the proposed transfer appears to be consistent with the requirements of ORS Chapter 540 and OAR 690-380-5000.

Any person may file, jointly or severally, with the Department a protest or standing statement within 30 days after the date of final publication of notice in the Department's weekly notice. A protest form and additional information on filing protests may be obtained by calling (503) 986-0883. If no protests are filed, the Department will issue a final order consistent with the preliminary determination.

Dorothy Pedersen

From: Bill Porfily [bporfily@my180.net]
Sent: Friday, May 30, 2008 2:54 PM
To: Dorothy Pedersen
Cc: 'Scott Hendricks'
Subject: RE: TransferT-10509 Scott Hendricks
Attachments: Lot Book Report.pdf

Dorothy

Please review the Emails below. There has been no change in ownership and we accept the preliminary determination and the proposed action. I have attached the lot book report mentioned below. Will this email be adequate for responding to your March 25th Letter?

WILLIAM I. PORFILY

P.O. Box 643
Stanfield, OR 97875
(541) 449-1327 Off & Fax
(541)561-7259 Cell
bporfily@my180.net

From: Dorothy Pedersen [mailto:pedersdi@wrdd.state.or.us]
Sent: Monday, March 31, 2008 7:19 AM
To: Bill Porfily
Subject: RE: TransferT-10509 Scott Hendricks

Bill,

Yes, we'll accept it as long as there haven't been any changes in ownership or lien information since the report was generated. We neglected to modify the standard language in the DPD cover letter for this transfer--sorry. Since the Division 380 rules require the report of ownership and lien information to be submitted upon issuance of the DPD, we don't generally have the report in hand at the time we send out these letters.

Dorothy

From: Bill Porfily [mailto:bporfily@my180.net]
Sent: Thursday, March 27, 2008 11:17 AM
To: Dorothy Pedersen
Subject: TransferT-10509 Scott Hendricks

Dorothy

We sent a Lot Book Report in with the Transfer Application for the above mention Transfer. We obtain it 3 month and one week from dating of your March 25 letter Draft Preliminary Determination Letter. Is that close enough?

Porfily

5/30/2008

Dorothy Pedersen

From: Dorothy Pedersen
Sent: Friday, May 30, 2008 2:10 PM
To: 'windrow@innw.net'
Cc: 'Bill Porfily'
Subject: T-10509 status

Scott,

I'm following up to make sure that you received the draft of the preliminary determination for T-10509 that was mailed to you on March 25, 2008. The cover letter requested a response from you by April 28, 2008. I don't see anything in the file indicating that we received a response from you.

Please let me know at your earliest convenience whether you received the draft, and whether you find it satisfactory, or have questions, comments or concerns.

Once we hear from you and know that the draft is satisfactory, I will move the transfer application forward to the next step, being issuance of the signed preliminary determination and public notice, which initiates the protest period.

Let me know if you need a copy of the document, or have questions.

Thank you,
Dorothy

Dorothy I. Pedersen
Transfer Program Advisor
(503) 986-0890
Oregon Water Resources Department
725 Summer St. NE, Suite A
Salem, OR 97301-1266

Scott Hendricks

994.151

Review Checklist

T-10509

Processor: RA-Newton Consultants

Application

- ☒ The type of change is clearly indicated. *change in POD only*
- ☒ 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)*
- NA* ☒ 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..." *certificate 1736*
- ☒ The right been exercised according to terms & conditions of certificate. *power record + affidavit*
- ☒ 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. *only POD changing*
- NA* ☒ 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. *certificate doesn't give POD location*
- ☒ Map acres match the tabulation on the certificate. *2 ac. is on neighboring property*
- ☒ Have final proof maps/deed maps for the rights. ☐ Application map matches certificate FPS.
- NA* ☒ Have necessary aerial photos. *only POD changing, use for irr. of ... land, domestic + stock*

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

- lands not changing only POD* ☒ 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)*
- NA* ☒ Marked on certificate the acreage being transferred, cancelled and remaining by ¼ ¼. *2 ac remaining 1893. right*

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.
- NA* ☒ If necessary, there is a notarized, signed statement of consent from landowners other than applicant.
- NA* ☒ If necessary, there is a copy of written notification to each lien holder identified on ROLI.
- ☒ Agent has authorization to make decisions.

Evaluation

- 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 –

Materials needed for peer reviewer

- ☐ application marked ☐ transfer map ☐ Water right map (if marked) ☐ certificate marked
- ☐ deed/ROLI (if marked) ☐ plat card marked printout (if POU or Use change)
- ☐ other processing notes

RECEIVED

MAR 28 2008

WATER RESOURCES DEPT
SALEM, OREGON

Contacts for Application T-10509

Applicant:

Scott Hendricks
P.O. Box 293
Milton-Freewater, OR 97862
509-520-0954
windrow@innw.net

Agent:

William Porfily
P.O. Box 643
Stanfield, OR 97875
541-561-7259
bporfily@my180.net

Receiving Landowner: Same as Applicant

CWRE:

Dale G. VanSchorack – CWRE #333

District #5 Watermaster – Tony Justus

Local and Tribal Governments:

Umatilla County
216 SE 4th
Pendleton, OR 97801

Commenters: N/A

Irrigation Districts:

Hudson Bay District Improvement Company
P.O. Box 110
Milton-Freewater, OR 97862

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MAR 28 2008

**WATER RESOURCES DEPT
SALEM, OREGON**

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

In the Matter of Transfer Application
T-10509, Umatilla County

) **D R A F T**
)
) PRELIMINARY DETERMINATION
) PROPOSING APPROVAL OF A
) CHANGE IN POINT OF DIVERSION

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

Scott Hendricks
P.O. Box 293
Milton-Freewater, OR 97862

Findings of Fact

Background

1. On December 24, 2007, Scott Hendricks filed an application to change the point of diversion under Certificate 1736. The Department assigned the application number T-10509.
2. The portion of the right to be transferred is as follows:
Certificate: 1736 in the name of MARIA HALVERSON (confirmed by Middle Mud Creek (F) decree)
Use: IRRIGATION, LIVESTOCK AND DOMESTIC of 20.8 ACRES
Priority Date: DECEMBER 31, 1893 (2.3 acres), DECEMBER 31, 1896 (18.5 acres)
Rate: 0.257 CUBIC FOOT PER SECOND
Limit/Duty: ONE-FOURTIETH cfs per acre
Source: MIDDLE BRANCH OF MUD CREEK, tributary to EAST BRANCH OF MUD CREEK
3. Certificate 1736 does not list survey coordinates for the authorized point of diversion, however, mapping for transfer application T-10509 identifies the location of the authorized point of diversion more specifically as being:

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MAR 28 2008

**WATER RESOURCES DEPT
SALEM, OREGON**

Authorized Point of Diversion:

Twp	Rng	Mer	Sec	Q-Q	Survey Coordinates
6 N	35 E	WM	20	NE NE	1280 FEET SOUTH AND 30 WEST OF THE NE CORNER OF SECTION 20*

*NOTE: Neither the decree nor Certificate 1736 identifies the location of the historical point of diversion.

Authorized Place of Use:

IRRIGATION, LIVESTOCK AND DOMESTIC					
Twp	Rng	Mer	Sec	Q-Q	Acres
6 N	35 E	WM	20	NE NE	20.8

4. Certificate 1736 does not describe the duty of the right, however information is available in the State Water Board, Middle Branch Mud Creek Decree dated July 16, 1917 indicating that the rate shall not exceed one-fourtieth of a cubic foot per second.
5. Application T-10509 proposes to move the authorized point of diversion approximately 1200 feet downstream to:

Twp	Rng	Mer	Sec	Q-Q	Survey Coordinates
6 N	35 E	WM	20	NE NE	40 FEET SOUTH AND 30 FEET WEST OF THE NE CORNER OF SECTION 20

6. Notice of the application for transfer was published on January 8, 2008, 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 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.

Transfer Review Criteria [OAR 690-380-4010(2)]

8. Water has been used within the last five years according to the terms and conditions of the right, and there is no information in the record that would demonstrate that the right is subject to forfeiture under ORS 540.610.
9. A pump, pipeline, and sprinkler system sufficient to use the full amount of water allowed under the existing right were present within the five-year period prior to submittal of Application T-10509.
10. The proposed change would not result in enlargement of the right.
11. The proposed change would not result in injury to other water rights.

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MAR 11 2009

T-10509.ra-dip

Determination and Proposed Action

The change in point of diversion proposed in application T-10509 appears to be consistent with the requirements of ORS 540.505 to 540.580 and OAR 690-380-5000. If protests are not filed pursuant to OAR 690-380-4030, the application will be approved.

If application T-10509 is approved, the final order will include the following:

- 1. The change in point of diversion proposed in application T-10509 is approved.*
- 2. Water right certificate 1736 is cancelled. A new certificate will be issued describing that portion of the right not affected by this transfer.*
- 3. 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 1736 and any related decree.*
- 4. The quantity of water diverted at the new point of diversion shall not exceed the quantity of water lawfully available at the original point of diversion.*
- 5. 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.*
- 6. When required by the Department, the water user shall install, maintain and operate 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 measuring device must be approved by the Department prior to beginning construction and shall be installed under the general supervision of the Department.*
- 7. When required by the Department, the water user shall install, maintain and operate a headgate to control and regulate the quantity of water diverted. The type and plans of the headgate must be approved by the Department prior to beginning construction and shall be installed under the general supervision of the Department.*
- 8. The approved changes shall be completed and full beneficial use of the water shall be made on or before **October 1, 2009**. A Claim of Beneficial Use prepared by a Certified Water Rights Examiner shall be submitted by the applicant to the Department within one year after the deadline for completion of the changes and full beneficial use of the water.*

9. *When satisfactory proof of the completed change is received, a new certificate confirming the right transferred will be issued.*

Dated at Salem, Oregon this _____ day of _____ 2008.

D R A F T

Phillip C. Ward, Director

This draft Preliminary Determination was prepared by a Reimbursement Authority contractor. If you have questions about the information in this document, you may reach Dorothy Pedersen at 503-986-0890 or Dorothy.I.Pedersen@wrд.state.or.us.

RECEIVED

T-10509.ra-dip

March 25, 2008

Scott Hendricks
P.O. Box 293
Milton-Freewater, OR 97862

SUBJECT: Application T-10509

Enclosed find a draft of our Preliminary Determination regarding transfer application T-10509. 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.

At this time, you must submit a report of ownership and lien information for the lands to which the water right(s) are appurtenant (the FROM lands) that has been prepared within the last three months by a title company. If there are additional lienholders identified in the report that have not previously been notified of the transfer, you must send notice of the transfer to them, and submit copies of each such notice to the Department to document that each lienholder has been informed of the transfer.

Issuance of the Preliminary Determination will occur shortly after we receive both your written response and the report of ownership and lien information. If we do not receive your response and the report by April 28, 2008, a Preliminary Determination may be issued denying the application as incomplete.

Please do not hesitate to contact me at 503-986-0890 or Dorothy.I.Pedersen@wrд.state.or.us if I may be of assistance.

Sincerely,

Dorothy Pedersen
Field Services Division

cc: Tony Justus, District 5 Watermaster
William Porfily, Agent

enc

RECEIVED
MAR 28 2008
WATER RESOURCES DEPT
SALEM, OREGON

STATE OF OREGON
COUNTY OF UMATILLA
CERTIFICATE OF WATER RIGHT

RECEIVED
MAR 28 2008
WATER RESOURCES DEPT
SALEM, OREGON

THIS CERTIFICATE ISSUED TO

Scott Hendricks
P.O. Box 293
Milton-Freewater, OR 97862

confirms the right to use the waters of MIDDLE BRANCH OF MUD CREEK, tributary to EAST BRANCH OF MUD CREEK for IRRIGATION, LIVESTOCK AND DOMESTIC of 0.2 ACRES.

This right was confirmed by decree of the Circuit Court of the State of Oregon for Umatilla County. The decree is of record at Salem, in the Order Record of the Water Resources Director in Volume 3, at Page 67. The date of priority is DECEMBER 31, 1893.

The amount of water to which this right is entitled is limited to an amount actually used beneficially, and shall not exceed 0.0025 CUBIC FEET 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	Survey Coordinates
6 N	35 E	WM	20	NE NE	1280 FEET SOUTH AND 30 WEST OF THE NE CORNER OF SECTION 20

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 0.0025 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 UNAVAILABLE 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. 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, LIVESTOCK AND DOMESTIC					
Twp	Rng	Mer	Sec	Q-Q	Acres
6 N	35 E	WM	20	NE NE	0.2

This use may be regulated if analysis of data available discloses that the appropriation will measurably reduce the surface water flows necessary to maintain the free-flowing character of a scenic waterway in quantities necessary for recreation, fish and wildlife in effect as of the priority date of this right or as those quantities may be subsequently reduced.

This certificate describes that portion of the water right confirmed by Certificate 1736, State Record of Water Right Certificates, NOT modified by the provisions of an order of the Water Resources Director entered _____, approving Transfer Application 10509.

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 _____.

Phillip C. Ward, Director



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

COPY

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	☐ Permanent
• total number of years: _____	☐ Time-Limited
(begin year: _____)	☐ Drought Transfer
(end year: _____)	☐ Other

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2. APPLICANT INFORMATION

Name: Scott Hendricks
First Last

Address: P. O. Box 293

Milton-Freewater Oregon 97862
City State Zip

Phone: 509 520 0954
Home Work Other

Fax: _____ E-Mail address: windrow@innw.net

3. AGENT INFORMATION

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

Name: William Porfily
First Last

Address: P.O. Box 643

Stanfield Oregon 97875
City State Zip

Phone: 541 449 1327 541 561 7259
Home Work Other

Fax: _____ E-Mail address: bporfily@my180.net

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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)

- 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.	State Water Board, Middle Branch Mud Creek Decree, July 16, 1917		1736
2.			
3.			
4.			
5.			
6.			

- Check **all** proposed change(s) included in this transfer application:

☐ Place of Use ☒ Point of Diversion ☐ Additional Point of Diversion
☐ Character of Use ☐ Point of Appropriation ☐ Additional Point of Appropriation
☐ Instream Transfer ☐ Surface Water source to Ground Water source

- Reason(s) for change(s): **The change is being made to allow better management of water.**

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 irrigation system consists of a 7.5 horsepower centrifugal pump and 48 joints of handline. The sprinklers are equipped with 4 gallon per minute nozzles. The owner indicates the system has a capacity of approximately 200 gallons per minute.

★ Pacific Power records indicate a 10hp pump

- System capacity: 0.45 cubic feet per second (cfs). If the transfer involves multiple rights that have independent systems, describe the capacity for each system separately.

*OK
7.26 cfs
in cert.*

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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: 1736

1. TYPE OF CHANGE(S) PROPOSED

(Check *all* that apply.)

Point of Diversion or Appropriation	Place of Use	Character of Use
X 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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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.

10. SIGNATURES

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

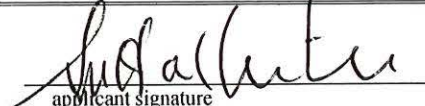
☒ In accordance with OAR 690-380-3000(13)(a), I (we) understand that prior to Department approval of a permanent transfer and upon my receipt of a draft Preliminary Determination for the proposed transfer, I (we) will be required [pursuant to OAR 690-380-4010(5)] to provide the following landownership 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 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 the information contained in this application is true and accurate.

 applicant signature	Scott Hendricks name (print)	12.18.07 date
 applicant signature	 name (print)	 date

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6. EVIDENCE OF BENEFICIAL WATER USE

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

7. AFFECTED DISTRICTS AND LOCAL GOVERNMENTS

- 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:

Hudson Bay District Improvement Company

P.O. Box 110, Milton-Freewater, OR 97862

- List the name and mailing address of all affected local governments (e.g., county, city, municipal corporation, and tribal governments within whose jurisdiction the rights are located).

Umatilla County, 216 SE 4th, Pendleton, OR 97801

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8. 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:

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

- 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.)

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2. CURRENT WATER RIGHT INFORMATION

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

☒ Certificated Right	<u>1736</u> Certificate Number	<u>Middle Branch of Mud Creek</u> 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: Maria Halverson
- County: Umatilla
- Authorized Use(s) to be Affected by Transfer: Irrigation
- Priority Date(s): 1893 for the irrigation of 2.5 acres and 1896 for the irrigation of 18.5 acres. Note 0.2 acres of the water right with the 1893 priority date is on a neighboring property and is not a part of this transfer.
- *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: Middle Branch of Mud Creek

Tributary to: East Branch of Mud Creek

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

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

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

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

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

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

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* Historical POD location not specified in Certificate or decree

■ Certificate Number or other identifying number: 1736

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)
	Middle Branch of Mud Creek 2.3 acres Priority 1893	T 6 N	R 35 E	WM	20	NENE	100	1280 ft. South and 30 ft. West of the NE Corner of Section 20
	Middle Branch of Mud Creek 18.5 acres Priority 1896	T 6 N	R 35 E	WM	20	NENE	100	1280 ft. South and 30 ft. West of the NE Corner of Section 20

- Does the water right being transferred involve a ground water source(s)?

☐ Yes ☒ No (Surface water source only.)

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

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

or

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

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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
N/A									

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*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.*

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

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Y902

▪ Certificate Number or other identifying number: 1736

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)
Middle Branch of Mud Creek 2.3 acres Priority 1893	T 6 N	R 35 E	WM	20	NENE	100	40 ft. South and 30 ft. West of the NE Corner of Section 20
Middle Branch of Mud Creek 18.5 acres Priority 1896	T 6 N	R 35 E	WM	20	NENE	100	40 ft. South and 30 ft. West of the NE Corner of Section 20

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

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▪ Certificate Number or other identifying number: 1736

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)
Middle Branch of Mud Creek 2.3 acres Priority 1893	T 6 N	R 35 E	WM	20	NENE	100	40 ft. South and 30 ft. West of the NE Corner of Section 20
Middle Branch of Mud Creek 18.5 acres Priority 1896	T 6 N	R 35 E	WM	20	NENE	100	40 ft. South and 30 ft. West of the NE Corner of Section 20

- 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
N/A										

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Certificate Number or other identifying number: 1736

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.)

Source	Township	Range	Mer	Sec	¼ ¼ Section	Tax Lot, DLC or Gov't Lot	Acres (if applicable)

Remarks: This transfer does not involve a change in the place of use.

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T 10509

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

State of Oregon)
County of Umatilla) ss

I, Scott Hendricks, in my capacity as Owner,
mailing address P. O. box 293, Milton-Freewater, OR 97862
telephone number (509) 520 0954, being first duly sworn depose and
say:

1. I attest that:

- ☒ Water was used during the previous five years on the entire authorized place of use
of the water right proposed for transfer as described on the accompanying transfer
application; **or**
- ☐ The water right was leased instream at some time within the last five years. The
instream lease number is as follows: _____; **or**
- ☐ The water right is not subject to forfeiture and documentation that a presumption of
forfeiture for non-use would be rebutted under ORS 540.610(2) is attached.

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

☒ Personal observation ☐ Professional expertise

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

Township		Range		Mer	Sec	¼ ¼ Section	Gov't Lot or DLC	Acres (if applicable)
6	N	35	E	WM	20	NE NE	100	20.8

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T 10509

mud creek Pump

* application says 7.5 hp pump



SCOTT HENDRICKS
PO BOX 293
MILTON FREEWATER OR 97862-0293

Questions about your bill: 1-888-221-7070
24 hours a day, 7 days a week
www.pacificpower.net

PAGE 1 OF 2

BILLING DATE: Sep 26, 2007
ACCOUNT NUMBER: [REDACTED]
DATE DUE: Oct 12, 2007
AMOUNT DUE: \$0.00

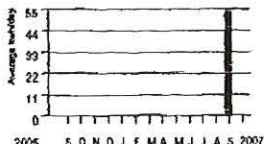
Your Balance With Us

Previous Account Balance	218.65
Payments/Credits	-353.65
New Charges	+69.56
Current Account Balance	-\$ 65.44

Payments Received

DATE	DESCRIPTION	AMOUNT
Aug 27, 2007	Payment Received - Thank you	353.65
Total Payments		\$ 353.65

Historical Data - ITEM 4



Year Average Daily Usage by Month

PERIOD ENDING	SEP 2007	SEP 2006
Avg. Daily Temp.	67	66
Total kwh	1134	0
Avg. kwh per Day	54	0
Cost per Day	\$3.31	

Fuel source, environmental impact and price comparison information is available on our Web site at www.pacificpower.net/forpower.

Talk with an expert.
Pacific Power has a hotline specifically for irrigators. If you have any questions about your pumping account or your billing, please call 1-800-715-9238.

Detailed Account Activity

ITEM 4 - ELECTRIC SERVICE

52052 Fruitvale Rd # 10HP Milton Freewater OR
10hp Irr Pump Schedule 41
Service ID: 626931893-001

METER NUMBER	SERVICE PERIOD From To	ELAPSED DAYS	METER READINGS Previous Current	METER MULTIPLIER	AMOUNT USED THIS MONTH
28447256	Sep 4, 2007 Sep 25, 2007	21	652 1786	1.0	1,134 kwh
28447256	Demand Sep 25, 2007		6.518	1.0	7 kw

Previous Month Estimated

NEW CHARGES - BOLT

	UNITS	COST PER UNIT	CHARGE
Delivery Charge Secondary for 21 day(s) (Season End Est Charge Sec Is for 21 day(s) \$88.20)	1,134 kwh	0.0204900	23.24
Supply Energy Sec Summer for 21 day(s) Public Purpose	1,134 kwh	0.0387400 0.0300900	43.93 2.02
Low Income Assistance for 21 day(s)	1,134 kwh	0.0003300	0.37
Total New Charges			69.56

See reverse

Write account number on check & mail to: Pacific Power, 1033 NE 6th Ave, Portland, OR 97256-0001

RETAIN THIS PORTION FOR YOUR RECORDS
RETURN THIS PORTION WITH YOUR PAYMENT



CHANGE SERVICE REQUESTED

#BWNMPTC
#2484201000245006#
23021 01 AT 0.334 84-0



WRITE ACCOUNT NUMBER
ON CHECK & MAIL TO:

PACIFIC POWER
1033 NE 6TH AVE
PORTLAND OR
97256-0001

Account Number: [REDACTED]
Date Due: Oct 12, 2007

AMOUNT DUE: \$0.00

Change of Mailing Address or Phone?
Check here & provide information on back.

Late Payment Charge for Oregon
A late payment charge of 1.7% may be charged on any balance not paid in full each month.

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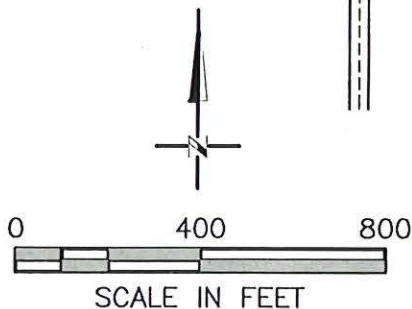
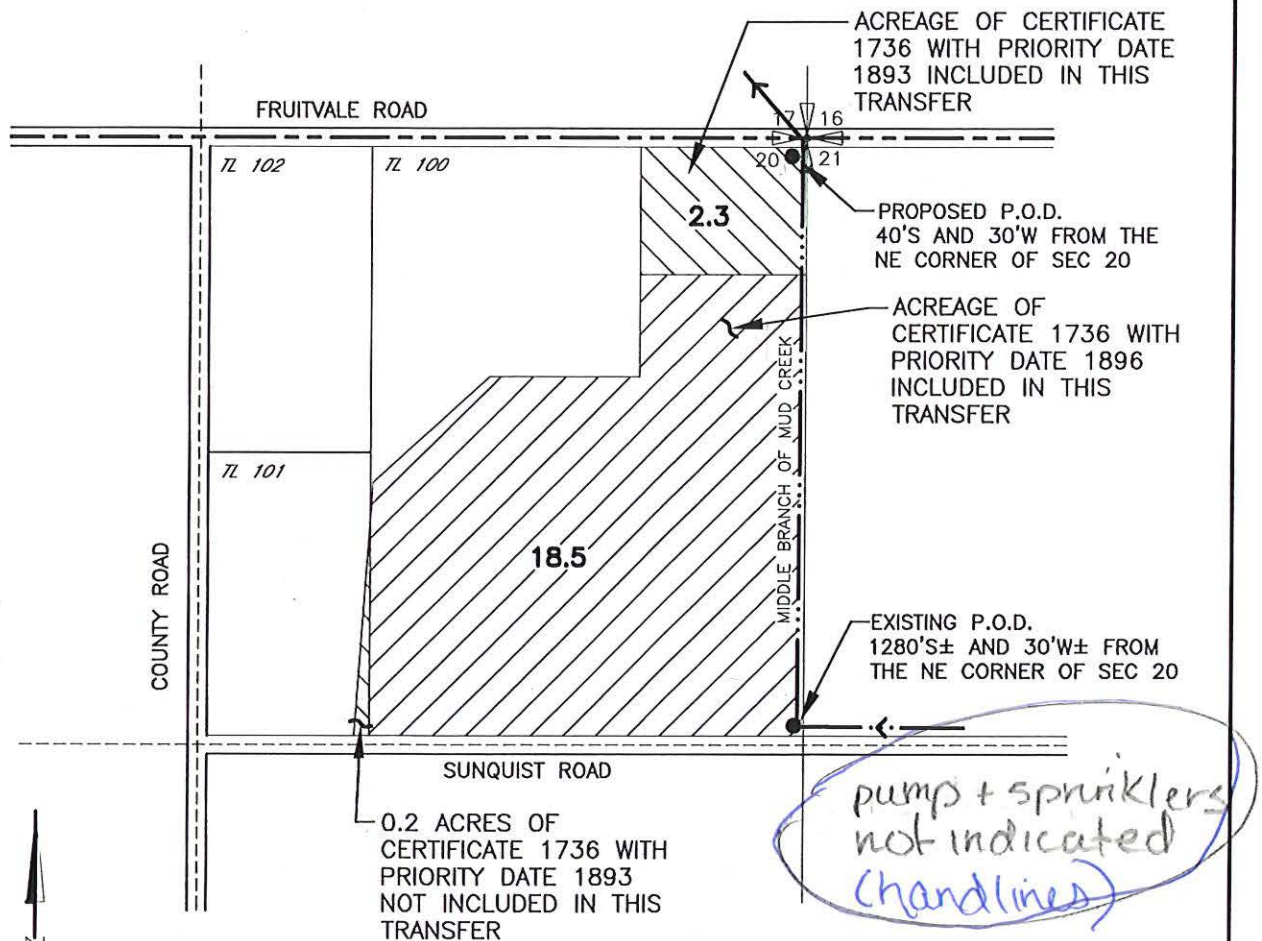
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SALEM, OREGON

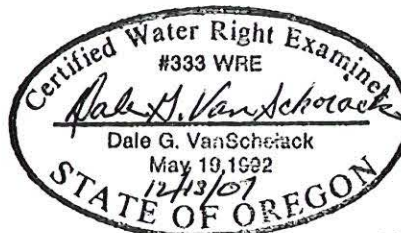
T 10509

COPY

SCOTT HENDRICKS WATER RIGHT TRANSFER
APPLICATION MAP
FOR
CHANGE IN LOCATION OF P.O.D.
CERTIFICATE 1736
NE $\frac{1}{4}$ NE $\frac{1}{4}$, SEC 20, T6N, R35E, WM,
UMATILLA CO



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Expires 6/30/08

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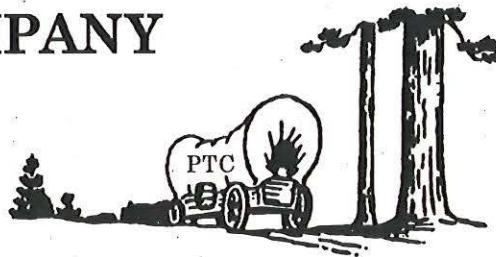
NOTE:
THE PURPOSE OF THIS MAP IS TO IDENTIFY THE APPROXIMATE LOCATION OF THE WATER RIGHT. IT IS NOT INTENDED TO PROVIDE INFORMATION RELATIVE TO THE LOCATION OF PROPERTY OWNERSHIP BOUNDARY LINES.

DRAWING: H:\CAD\AG\3522\Hendricks\3522300HenPODR.dwg
PRINTED BY: Roger Willard on 12/13/07 03:07 PM

1 10509

PIONEER TITLE COMPANY

P.O. Box 128
126 S.E. Court Ave.
Pendleton, OR 97801
Ph: (541) 276-4431
Fx: (541) 276-2007



PIONEER ESCROW, INC.
P.O. Box 187 • 630 S. Hwy 395
Hermiston, OR 97838
Ph: (541) 567-9743
Fx: (541) 567-7307

PIONEER ESCROW, INC.
178 S. Main St.
Milton-Freewater, OR 97862
Ph: (541) 938-3327
Fx: (541) 938-5089

PIONEER ESCROW, INC.
P.O. Box 1538 • 132 S.E. Court Ave.
Pendleton, OR 97801
Ph: (541) 276-5114
Fx: (541) 276-0484

To: William Porfily
PO Box 643
Stanfield, OR 97875

Order No: 82556
Your No : n/a
Owner : HENDRICKS
Report : Lot Book Report

TYPE OF POLICY:	AMOUNTS	CODE	PREMIUMS
Lot Book Report Guarantee	\$0.00		\$200.00

We hereby certify that we have searched our Tract Indices as to the following described property:

SEE ATTACHED DESCRIPTION

And as of December 10, 2007, at 5 o'clock P.M., we find that the last document of record runs to:

✓ SCOTT A. HENDRICKS and REBECCA L. HENDRICKS
as tenants by the entirety as to a fee simple interest

We also find the following monetary incumbrances appearing of record within ten years prior to the date of this search:

- 2007-2008 Taxes, \$1,234.23
Portion paid - 411.41
Unpaid balance \$ 822.82
Code No. 7-14, Map No. 6N-35-20, Tax Lot 100, Serial No. 129413
(This assessment includes M/H X-255365 which has been detitled)
- As disclosed by the tax rolls the premises herein described have been zoned or classified for special use. At any time that said land is disqualified for such use said property will be subject to additional taxes and interest.
- City Liens, County Liens, Special Assessments if any.

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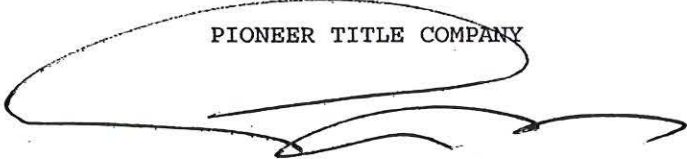
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This is NOT A TITLE REPORT, since no examination has been made of the title to the above described property. Our search for apparent incumbrances was limited to our Tract Indices, and therefore above listings do not include additional matters which might have been disclosed by an examination of the record title. We assume no liability in connection with this report and will not be responsible for errors or omissions therein.

Very truly yours,

PIONEER TITLE COMPANY



Jeremy S. Parker
Title Examiner

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The Northeast Quarter of the Northeast Quarter of Section 20, Township 6 North, Range 35, East of the Willamette Meridian, Umatilla County, Oregon;

Excepting therefrom that tract of land described as commencing at the Southwest corner of the Northeast Quarter of the Northeast Quarter of said Section 20; thence East 20 feet to a point on the East line of County Roads No. 38 and No. 836; thence North 20 feet to a point on the North line of County Road No. 455, said point also being the True Point of Beginning for this description; thence East along the North line of said County Road No. 455 a distance of 354 feet to a point; thence North and parallel to the East line of County Roads No. 38 and No. 836 a distance of 615.50 feet to a point; thence West and parallel to the North line of County Road No. 455 a distance of 354 feet to a point on the East line of County Roads No. 38 and No. 836; thence South along said East line a distance of 615.50 feet to the true point of beginning;

Also excepting therefrom that tract of land described as commencing at the Southwest corner of the the Northeast Quarter of the Northeast Quarter of said Section 20; thence East 20 feet to a point on the East line of County Roads No. 38 and No. 836; thence North 20 feet to a point on the North line of County Road No. 455; thence North along the East line of County Roads No. 38 and No. 836 a distance of 615.50 feet to a point, said point also being being the True Point of Beginning for this description; thence East and parallel with North line of County Road No. 455 a distance of 354 feet; thence North and parallel with County Roads No. 38 and No. 836 a distance of 664.95 feet, more or less, to a point on the South line of County Road No. 309; thence West and parallel with the North line of County Road No. 455 a distance of 354 feet to the East line of County Roads No. 38 and No. 836; thence South along said East line a distance of 664.95 feet; more or less to the true point of beginning;

Also excepting therefrom any portion lying within the County Roads rights-of-ways.

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PRIVACY POLICY

An Agent of FIRST AMERICAN TITLE INSURANCE COMPANY OF OREGON
WE ARE COMMITTED TO SAFEGUARDING CUSTOMER INFORMATION

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In order to better serve your needs now and in the future, we may ask you to provide us with certain information. We understand that you may be concerned about what we will do with such information, particularly any personal or financial information. We agree that you have a right to know how we will utilize the personal information you provide to us. Therefore, we have adopted this Privacy Policy to govern the use and handling of your personal information.

APPLICABILITY. This Privacy Policy governs our use of the information which you provide to us. It does not govern the manner in which we may use the information we have obtained from any other source, such as information obtained from a public record or from another person or entity.

TYPES OF INFORMATION. Depending upon which our services you are utilizing, the types of nonpublic personal information that we may collect include:

- A. Information we receive from you on applications, forms and in other communications to us, whether in writing, in person, by telephone or any other means;
- B. Information about your transactions with us, our affiliated companies, or others; and
- C. Information we receive from a consumer reporting agency.

USE OF INFORMATION. We request information from you for our own legitimate business purposes and not for the benefit of any non affiliated party. Therefore, we will not release your information to nonaffiliated parties except: (1) as necessary for use to provide the product or service you have requested to use; or (2) as permitted by law. We may however, store such information indefinitely, including the period after which any customer relationship has ceased. Such information may be used for any internal purposes, such as quality control efforts or customer analysis. We may also provide all of the types of nonpublic personal information listed above to one or more of our affiliated companies. Such affiliated companies include financial service providers, such as title insurers, property and casualty insurers, and trust and investment advisory companies, or companies involved in real estate services, such as appraisal companies, home warranty companies and escrow companies. Furthermore, we may also provide all the information we collect, as described above, to companies that perform marketing services on our behalf, on behalf of our affiliated companies, or to other financial institutions with whom we or our affiliated companies have joint marketing agreements.

FORMER CUSTOMERS. Even if you are no longer our customer, our Privacy Policy will continue to apply to you.

CONFIDENTIALITY AND SECURITY. We will use our best efforts to ensure that no unauthorized parties have access to any of your information. We restrict access to nonpublic personal information about you to those individuals and entities who need to know that information to provide products or services to you. We will use our best efforts to train and oversee our employees and agents to ensure that your information will be handled responsibly and accordance with this Privacy Policy. We currently maintain physical, electronic, and procedural safeguards that comply with federal regulations to guard your nonpublic personal information.

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Oregon Water Resources Department Land Use Information Form

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This information is needed to determine compatibility with local comprehensive plans required by ORS 197.180. WRD will use this and other information to evaluate the water use application. **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, or exchange 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.

To Be Completed By Applicant

This section must be completed by the individual or group that is filing an application with the Water Resources Department. Attach a copy of the map from the application to this form.

- A. Applicant

Name: Scott HendricksAddress: P.O. Box 293City: Milton-Freewater State: OR Zip: 97862Day Phone: 509 520 0954

- B. Land and Location

Please provide information as requested below for all tax lots on or through which water will be diverted, conveyed, or used. Check "diverted" if water is diverted (taken) from its source on tax lot, "conveyed" if water is conveyed (transported) on tax lot, and "used" if water will be put to beneficial use on tax lot. More than one box may be checked. (Attach extra sheets as necessary.) 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.

Tax Lot I.D.	Plan Designated (e.g. Rural Residential/RR-5)	Water to be: (Check all that apply)			Proposed Land Use
TL 100	EFU	☒ Diverted	☒ Conveyed	☒ Used	Irrigated Farmland
		☐ Diverted	☐ Conveyed	☐ Used	
		☐ Diverted	☐ Conveyed	☐ Used	
		☐ Diverted	☐ Conveyed	☐ Used	
		☐ Diverted	☐ Conveyed	☐ Used	
		☐ Diverted	☐ Conveyed	☐ Used	

List counties and cities where water is proposed to be diverted, conveyed, or used. **Umatilla County**

- C. Description of Proposed Use

Indicate the type of application to be filed with the Water Resources Department.

☐ Water Use Permit ☒ Water Right Transfer ☐ Allocation of Conserved Water ☐ Exchange

Indicate the intended use of water and describe the key characteristics of the project.

☐ Commercial ☐ Industrial ☐ Instream ☒ Irrigation
☐ Municipal ☐ Quasi-municipal ☐ Domestic (indicate number of households)
☐ Other

Briefly describe: The owner is moving his irrigation point of diversion out of the Middle Branch of Mud Creek downstream to a more convenient location.

Indicate the source of the water to be used.

☐ Reservoir/Pond ☐ Ground Water ☒ Surface Water Middle Branch of Mud Creek

Indicate the estimated quantity of water the use will require: ☐ CFS ☐ GPM ☐ Acre-Feet (Source)

Last Revised: 04/06/04

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For Local Government Use Only

The following section must be completed by a planning official from each county and city listed unless the project will be located entirely within the city limits. In this case, only the city planning agency must complete this form. Please request additional forms as needed or feel free to copy.

A. Allowed Use

Check the appropriate box below and provide 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): 152.056. Go to section B "Approval" below.
- ☐ Land uses to be served by proposed water uses (including proposed construction) involve discretionary land use approvals as listed in the table below.

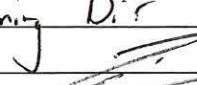
Please provide information as requested below for all tax lots on or through which water will be diverted, conveyed, or used. Check "diverted" if water is diverted (taken) from its source on tax lot, "conveyed" if water is conveyed (transported) on tax lot, and "used" if water will be put to beneficial use on tax lot. More than one box may be checked. (Attach extra sheets as necessary.) 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.

Type of Land Use Approval Needed (3.g. plan amendments, rezones, conditional use permits, etc.)	City Most Significant, Applicable Plan Policies & Ordinance Section References	Check the item that applies: Land Use Approval	
N/A	N/A	☐ 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
		☐ Obtained ☐ Denied	☐ Being pursued ☐ Not being pursued
		☐ Obtained ☐ Denied	☐ Being pursued ☐ Not being pursued

Note: Please attach documentation of applicable local land use approvals which have already been obtained. (Record of Action/land use decision and accompanying findings are sufficient.)

B. Approval

Please provide printed name and written signature.

Name: J.R. Cook Date: 12-14-07
Title: Asst. Planning Dir Phone: 503.278.6251
Signature: 

C. Additional Comments

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

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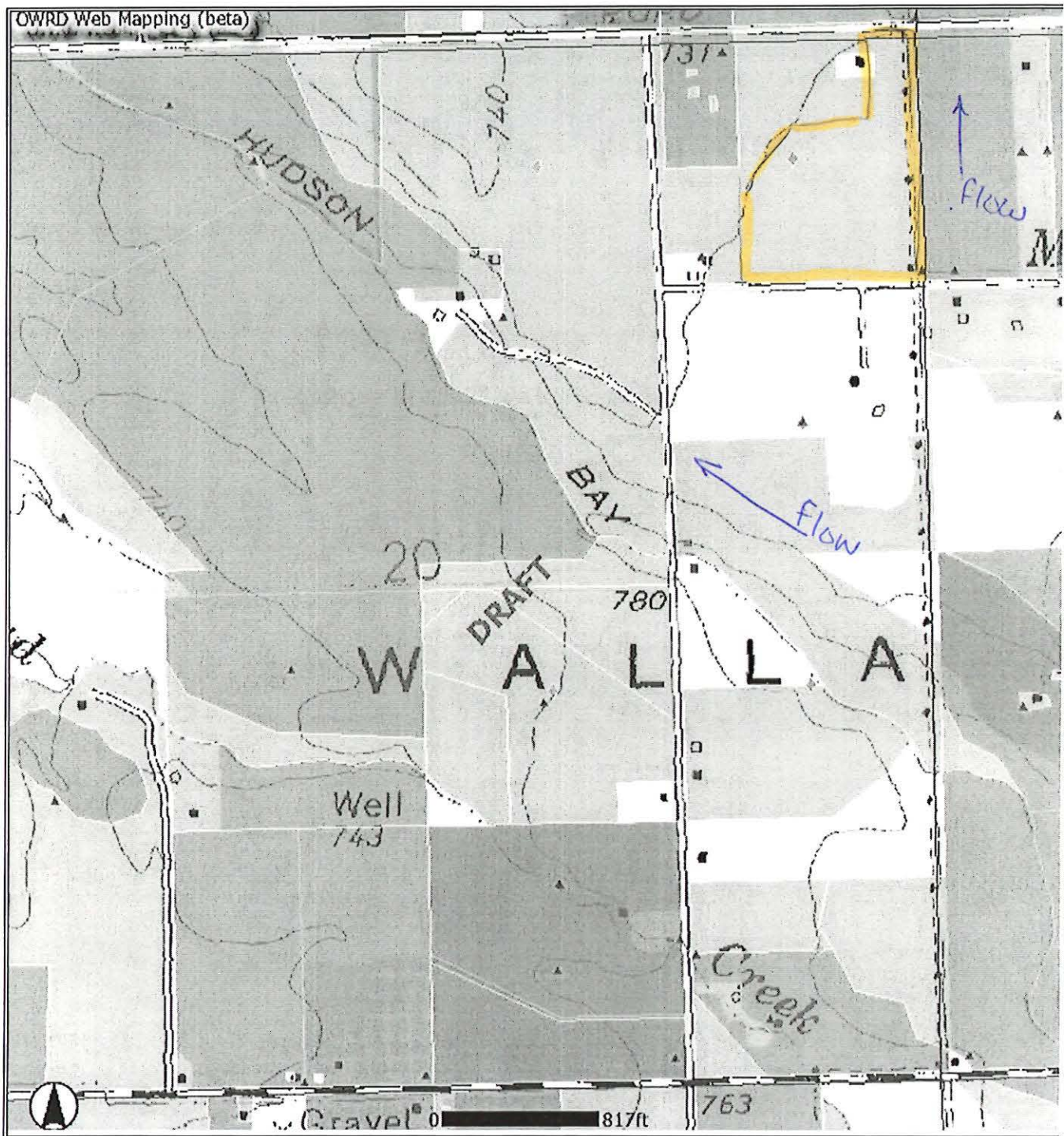
Note: If this form cannot be completed while the applicant waits, sign and detach the receipt stub as instructed below. You will have 30 days from the Water Resources Department's notice date to return the completed Land Use Information Form or WRD may presume the land use associated with the proposed use of water is compatible with local comprehensive plans.

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T6N R35E Section 20



Flow directions from Milton-Freewater
Topo map.

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SALEM, OREGON**

3/6/2008

T-10509 - Note: only POD is changing

Water Rights Platcard Report

Meridian: WILLAMETTE Township: 6 North Range: 35 East Section: 20 Records per Page: 10 Search

Water Right	Changing Xfers	Priority	Use	Use Status	DLC	Gov't Lot	QQ(40): Q(160):	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Unknown QQ
Select Cert:1747 OR CN Additional Info: F MEIHOFF Decree: MIDDLE MUD CREEK (F) Cert: 1747	T8904	12/31/1905	DOMESTIC	CN							*													
Select Cert:79766 RR * Additional Info: F MEIHOFF Decree: MIDDLE MUD CREEK (F) Cert: 79766		12/31/1905	DOMESTIC								*													
Select Permit:G 15133 * Additional Info: DELBERT W NORTON App: G15180 Permit: G15133		7/5/2000	IRRIGATION				5																	
Select Claim:GR 1271 * Additional Info: CHARLES ORVILLE ALEXANDER Claim: GR1271		5/31/1924	IRRIGATION												20									
Select Claim:GR 2248 * Additional Info: RALPH P & JET LILE Claim: GR2248		2/28/1912	IRRIGATION																39					
Select Permit:S 53662 * Additional Info: HUDSON BAY DISTRICT IMPROVEMENT CO. App: S68629 Permit: S53662	T9354	1/11/1988	IRRIGATION				15																	
Select Cert:38 OR CN Additional Info: PHIL MURPHY Decree: SOUTH MUD CREEK (F) Cert: 38		12/31/1883	IRRIGATION	CN											49	7								
Select Cert:42 OR CN Additional Info: ROY RECORDS Decree: SOUTH MUD CREEK (F) Cert: 42			IRRIGATION	CN															20	25				
Select Cert:43 OR * Additional Info: G E SANDROCK Decree: SOUTH MUD CREEK (F) Cert: 43		12/31/1890	IRRIGATION																			13		

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Water Rights Platcard Report

Meridian: WILLAMETTE Township: 6 North Range: 35 East Section: 20 Records per Page: 10 Search

Water Right	Changing Xfers	Priority	Use	Use Status	DLC	Gov't Lot	QQ(40): Q(160):	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Unkown QQ
Select Cert:1747 OR CN Additional Info: F MEIHOFF Decree: MIDDLE MUD CREEK (F) Cert: 1747	T8904	12/31/1905	IRRIGATION	CN							9																	
Select Cert:3501 OR CN Additional Info: F MEIHOFF App: S6247 Permit: S3988 Cert: 3501	T8904	8/21/1918	IRRIGATION	CN							12																	
Select Cert:21112 OR CN Additional Info: R P LILE App: S25568 Permit: S20072 Cert: 21112		1/11/1951	IRRIGATION	CN																					15			
Select Cert:24161 OR * Additional Info: W R MURPHY App: U543 Permit: U496 Cert: 24161		12/2/1952	IRRIGATION													28												
Select Cert:24664 OR * Additional Info: PHIL MURPHY App: S27897 Permit: S21827 Cert: 24664		12/8/1952	IRRIGATION															21.4	28.6									
Select Cert:36154 RR CN Additional Info: ROY RECORDS Decree: SOUTH MUD CREEK Cert: 36154			IRRIGATION	CN																					20			
Select Cert:48485 RR * Additional Info: PHIL MURPHY Decree: SOUTH MUD CREEK (F) Cert: 48485		12/31/1883	IRRIGATION															7										
Select Cert:49477 CF * Additional Info: RALPH LILE Decree: SOUTH MUD CREEK (F) Cert: 49477			IRRIGATION																						25			

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Select Cert:49478 CF *	1/11/1951	IRRIGATION											15			
Additional Info: RALPH LILE App: S25568 Permit: S20072 Cert: 49478																
Select Cert:49737 CF *		IRRIGATION											20			
Additional Info: ROY RECORDS Decree: SOUTH MUD CREEK Cert: 49737																
			1	2	3	4	5	6								

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

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Water Right	Changing Xfers	Priority	Use	Use Status	DLC	Gov't Lot	QQ(40): Q(160):	NE NE	NW NE	SW NE	SE NE	NE NW	NW NW	SW NW	SE NW	NE SW	NW SW	SW SW	SE SW	NE SE	NW SE	SW SE	SE SE	Unkown QQ
Select Cert:54122 CF * Additional Info: JOHN LEBER Decree: SOUTH MUD CREEK (F) Cert: 54122		12/31/1883	IRRIGATION													13								
Select Cert:54745 OR * Additional Info: WAYNE SKRAMSTAD App: G9660 Permit: G8966 Cert: 54745		4/11/1980	IRRIGATION																				2	
Select Cert:55011 OR * Additional Info: CARL H GROTH App: G7238 Permit: G6888 Cert: 55011		1/26/1976	IRRIGATION																	14.6				
Select Cert:55207 OR * Additional Info: JOHN E LEE App: G8593 Permit: G7915 Cert: 55207		12/29/1977	IRRIGATION					35.9	22.9		2.9		5.3	0.9										
Select Inchoate: T 8904 CF (REG) * Additional Info: KEVIN GRIFFITH App: G1378 Permit: G1217		2/11/1959	IRRIGATION							(9.7)														
Select Cert:79765 RR * Additional Info: F MEIHOFF App: S6247 Permit: S3988 Cert: 79765		8/21/1918	IRRIGATION							10.31														
Select Cert:79766 RR * Additional Info: F MEIHOFF Decree: MIDDLE MUD CREEK (F) Cert: 79766		12/31/1905	IRRIGATION							5.89														
Select Inchoate: T 9354 CF (AMN) WD Additional Info: HUDSON BAY DISTRICT IMPROVEMENT COMPANY App: S68629 Permit: S53662		1/11/1988	IRRIGATION	WD				(+5)																

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Select Cert:47 OR * Additional Info: H M WILLIAMS Decree: SOUTH MUD CREEK (F) Cert: 47	12/31/1890 IRRIGATION AND DOMESTIC	16
Select Cert:1736 OR * Additional Info: MARIA HALVERSON Decree: MIDDLE MUD CREEK (F) Cert: 1736	10509 IRRIGATION, LIVESTOCK AND DOMESTIC	21

*subject
file*

Acreage Legend: 12.25 Regular acreage
 ~~12.25~~ Acreage is on a canceled right
 (12.25) Acreage is part of a transfer and has not been proven up on yet (Inchoate)
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Water Right	Changing Xfers	Priority	Use	Use Status	DLC	Gov't Lot	QQ(40): Q(160):	NE NE	NW NE	SW NE	SE NE	NE NW	NW NW	SW NW	SE NW	NE SW	NW SW	SW SW	SE SW	NE SE	NW SE	SW SE	SE SE	Unknown QQ
Select Cert:13083 CF CN Additional Info: MILTON FREEWATER & HUDSON BAY IRRIGATION CO. Decree: WALLA WALLA RIVER Cert: 13083	T5517	2/16/1903	IRRIGATION, LIVESTOCK AND DOMESTIC	CN				9	20	10	36	43.7	17.3	43	24.5	10.4	40	17.1	10				9	
Select Cert:52576 CF CN Additional Info: MILTON FREEWATER & HUDSON BAY IRRIGATION CO. Cert: 52576		2/16/1903	IRRIGATION, LIVESTOCK AND DOMESTIC	CN				9	20	10	36	43.7	17.3	43	24.5	10.4	40	17.1	10				9	
Select Cert:67205 RR * Additional Info: HUDSON BAY IRRIGATION CO. Decree: WALLA WALLA RIVER Cert: 67205	CW23, CW38	2/16/1903	IRRIGATION, LIVESTOCK AND DOMESTIC					3	20	18	36	43.7	17.3	43	24.5	10.4	40	17.1	4				9	
Select Inchoate: CW 23 CF (ACW) WD Additional Info: HUDSON BAY IRRIGATION CO. Decree: WALLA WALLA RIVER		2/16/1903	IRRIGATION, LIVESTOCK AND DOMESTIC	WD				9	20	10	36	43.7	17.3	43	24.5	10.4	40	17.1	10				9	
Select Cert:1747 OR CN Additional Info: F MEIHOFF Decree: MIDDLE MUD CREEK (F) Cert: 1747	T8904	12/31/1905	LIVESTOCK	CN						*														
Select Cert:79766 RR * Additional Info: F MEIHOFF Decree: MIDDLE MUD CREEK (F) Cert: 79766		12/31/1905	LIVESTOCK							*														
Select Permit:G 8589 * Additional Info: M PATRICIA VOLLMER App: G9228 Permit: G8589		5/7/1979	SUPPLEMENTAL IRRIGATION (Suppl'mtl)								18	3												
Select Cert:11061 OR CN <i>cancelled</i> Additional Info: FRUITVALE WATER USERS ASSOCIATION App: S11954 Permit: S8354 Cert: 11061	T8904	2/23/1928	SUPPLEMENTAL IRRIGATION (Suppl'mtl)	CN				40		9														
Select Cert:24161 OR * Additional Info: W R MURPHY App: U543		12/2/1952	SUPPLEMENTAL IRRIGATION (Suppl'mtl)												7									

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Permit: U496 Cert: 24161 Select Cert:24664 OR * Additional Info: PHIL MURPHY App: S27897 Permit: S21827 Cert: 24664	12/8/1952 SUPPLEMENTAL IRRIGATION (Suppl'mtl)																																				
		<table border="1"> <tr> <td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td> </tr> <tr> <td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td>7</td><td>10.4</td><td></td> </tr> </table>																																			7
										7	10.4																										

1 2 3 4 5 6

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Water Right	Changing Xfers	Priority	Use	Use Status	DLC	Gov't Lot	QQ(40): Q(160):	NE NE	NW NE	SW NE	SE NE	NE NW	NW NW	SW NW	SE NW	NE SW	NW SW	SW SW	SE SE	NE SE	NW SE	SW SE	SE SE	Unknown QQ
Select Cert:28730 OR * Additional Info: LAWRENCE MCBRIDE App: G1426 Permit: G1326 Cert: 28730		3/27/1959	SUPPLEMENTAL IRRIGATION (Suppl'mtl)									5.8	36.8	5.6										
Select Cert:28732 OR * Additional Info: LAWRENCE MCBRIDE App: G1428 Permit: G1328 Cert: 28732		3/27/1959	SUPPLEMENTAL IRRIGATION (Suppl'mtl)				37.3																	
Select Cert:31283 OR CN Additional Info: MRS R HOODENPYLE App: G1378 Permit: G1217 Cert: 31283	T8904	2/11/1959	SUPPLEMENTAL CN IRRIGATION (Suppl'mtl)																					
Select Cert:31287 OR * Additional Info: R.P. LILE App: G1978 Permit: G1814 Cert: 31287		4/6/1961	SUPPLEMENTAL IRRIGATION (Suppl'mtl)																			37.2		
Select Cert:33368 OR * Additional Info: DAVID ALEXANDER App: G2241 Permit: G2063 Cert: 33368		2/23/1962	SUPPLEMENTAL IRRIGATION (Suppl'mtl)																19.7					
Select Cert:41036 OR CN Additional Info: FRUITVALE WATER USERS ASSOCIATION App: S44614 Permit: S33427 Cert: 41036	T8904	3/19/1968	SUPPLEMENTAL CN IRRIGATION (Suppl'mtl)																					
Select Cert:54745 OR * Additional Info: WAYNE SKRAMSTAD App: G9660 Permit: G8966 Cert: 54745		4/11/1980	SUPPLEMENTAL IRRIGATION (Suppl'mtl)																				18	
Select Cert:55011 OR * Additional Info: CARL H GROTH		1/26/1976	SUPPLEMENTAL IRRIGATION (Suppl'mtl)																			18.5		

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App: G7238 Permit: G6888 Cert: 55011																			
Select Cert:55207 OR *	12/29/1977	SUPPLEMENTAL IRRIGATION (Suppl'mtl)	2.2	17.7	14.5	2	9.6	40.9	3.6						3.8				
Additional Info: JOHN E LEE App: G8593 Permit: G7915 Cert: 55207																			
Select Cert:79764 RR *	2/11/1959	SUPPLEMENTAL IRRIGATION (Suppl'mtl)		29.1										5					
Additional Info: MRS R HOODENPYLE App: G1378 Permit: G1217 Cert: 79764																			

1 2 3 4 5 6

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

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Water Rights Platcard Report

Meridian: WILLAMETTE Township: 6 North Range: 35 East Section: 20 Records per Page: 10 Search

Water Right	Changing Xfers	Priority	Use	Use Status	DLC	Gov't Lot	QQ(40): Q(160):	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Unkown QQ
Select Cert:79767 RR *		2/23/1928	SUPPLEMENTAL IRRIGATION (Suppl'mtl)					40			5.89													
Additional Info: FRUITVALE WATER USERS ASSOCIATION App: S11954 Permit: S8354 Cert: 79767			Walla Walla River no conflict																					
Select Cert:79768 RR *		3/19/1968	SUPPLEMENTAL IRRIGATION (Suppl'mtl)								24.7								5					
Additional Info: FRUITVALE WATER USERS ASSOCIATION App: S44614 Permit: S33427 Cert: 79768																								
Select Permit:S 43973 *		9/28/1978	SUPPLEMENTAL IRRIGATION (Suppl'mtl)																16					
Additional Info: BOB HODENFIELD App: S57959 Permit: S43973																								

1 2 3 4 5 6

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

Pump Capacity Calculation Sheet

using Department designed formula:

$$(\text{hp})(\text{efficiency}) / (\text{lift} + \text{psi head}) = \text{capacity in cfs}$$

Efficiency:

Centrifugal = 6.61

Turbine = 7.04

Data Entry (fill in underlined blanks)

HP =	<u>7.5</u>
Efficiency =	<u>6.61</u>
Lift =	<u>10</u>
PSI =	<u>55</u>

not enough info to
verify capacity
assumed 10 ft lift
and 55 psi

Results Calculated

(hp)(efficiency) =	49.575
Head based on psi =	139.7
Total dynamic head =	149.7
(head + lift)	

Pump Capacity = 0.33 feet per second

> .26 in certificate
OK

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WATER RESOURCES DEPT
SALEM, OREGON

DAVID J. NEWTON ASSOCIATES, INC.

1201 SW 12th Avenue, Suite 620
PORTLAND, OREGON 97205
(503) 228-7718

JOB OWRD Hendrick 994.151
SHEET NO. _____ OF _____
CALCULATED BY _____ DATE 3-5-08
CHECKED BY _____ DATE _____
SCALE _____

20.8 AC in appl. vs 21 AC in certificate

.26 cfs

↳ .2 AC on neighboring property
↳ remaining right

Middle Branch of mud creek → trib. of East Branch
of mud creek

applicant Scott Hendricks — title info ok.
certificate Maria Halverson

power records indicate 10 hp pump
appl. " 7.5 hp

→ no fish screens? ODFW review?

not enough info to check capacity

look up topo

certificate did not have conditions

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SALEM, OREGON



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

March 25, 2008

Scott Hendricks
P.O. Box 293
Milton-Freewater, OR 97862

SUBJECT: Application T-10509

Enclosed find a draft of our Preliminary Determination regarding transfer application T-10509. 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.

At this time, you must submit a report of ownership and lien information for the lands to which the water right(s) are appurtenant (the FROM lands) that has been prepared within the last three months by a title company. If there are additional lienholders identified in the report that have not previously been notified of the transfer, you must send notice of the transfer to them, and submit copies of each such notice to the Department to document that each lienholder has been informed of the transfer.

Issuance of the Preliminary Determination will occur shortly after we receive both your written response and the report of ownership and lien information. If we do not receive your response and the report by April 28, 2008, a Preliminary Determination may be issued denying the application as incomplete.

Please do not hesitate to contact me at 503-986-0890 or Dorothy.I.Pedersen@wrdd.state.or.us if I may be of assistance.

Sincerely,

Dorothy Pedersen
Field Services Division

cc: Tony Justus, District 5 Watermaster
William Porfily, Agent

enc

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

In the Matter of Transfer Application
T-10509, Umatilla County

) **D R A F T**
)
) PRELIMINARY DETERMINATION
) PROPOSING APPROVAL OF A
) CHANGE IN POINT OF DIVERSION

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

Scott Hendricks
P.O. Box 293
Milton-Freewater, OR 97862

Findings of Fact

Background

1. On December 24, 2007, Scott Hendricks filed an application to change the point of diversion under Certificate 1736. The Department assigned the application number T-10509.
2. The portion of the right to be transferred is as follows:
Certificate: 1736 in the name of MARIA HALVERSON (confirmed by Middle Mud Creek (F) decree)
Use: IRRIGATION, LIVESTOCK AND DOMESTIC of 20.8 ACRES
Priority Date: DECEMBER 31, 1893 (2.3 acres), DECEMBER 31, 1896 (18.5 acres)
Rate: 0.257 CUBIC FOOT PER SECOND
Limit/Duty: ONE-FOURTIETH cfs per acre
Source: MIDDLE BRANCH OF MUD CREEK, tributary to EAST BRANCH OF MUD CREEK
3. Certificate 1736 does not list survey coordinates for the authorized point of diversion, however, mapping for transfer application T-10509 identifies the location of the authorized point of diversion more specifically as being:

Authorized Point of Diversion:

Twp	Rng	Mer	Sec	Q-Q	Survey Coordinates
6 N	35 E	WM	20	NE NE	1280 FEET SOUTH AND 30 WEST OF THE NE CORNER OF SECTION 20*

*NOTE: Neither the decree nor Certificate 1736 identifies the location of the historical point of diversion.

Authorized Place of Use:

IRRIGATION, LIVESTOCK AND DOMESTIC					
Twp	Rng	Mer	Sec	Q-Q	Acres
6 N	35 E	WM	20	NE NE	20.8

4. Certificate 1736 does not describe the duty of the right, however information is available in the State Water Board, Middle Branch Mud Creek Decree dated July 16, 1917 indicating that the rate shall not exceed one-fourtieth of a cubic foot per second.
5. Application T-10509 proposes to move the authorized point of diversion approximately 1200 feet downstream to:

Twp	Rng	Mer	Sec	Q-Q	Survey Coordinates
6 N	35 E	WM	20	NE NE	40 FEET SOUTH AND 30 FEET WEST OF THE NE CORNER OF SECTION 20

6. Notice of the application for transfer was published on January 8, 2008, 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 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.

Transfer Review Criteria [OAR 690-380-4010(2)]

8. Water has been used within the last five years according to the terms and conditions of the right, and there is no information in the record that would demonstrate that the right is subject to forfeiture under ORS 540.610.
9. A pump, pipeline, and sprinkler system sufficient to use the full amount of water allowed under the existing right were present within the five-year period prior to submittal of Application T-10509.
10. The proposed change would not result in enlargement of the right.
11. The proposed change would not result in injury to other water rights.

Determination and Proposed Action

The change in point of diversion proposed in application T-10509 appears to be consistent with the requirements of ORS 540.505 to 540.580 and OAR 690-380-5000. If protests are not filed pursuant to OAR 690-380-4030, the application will be approved.

If application T-10509 is approved, the final order will include the following:

- 1. The change in point of diversion proposed in application T-10509 is approved.*
- 2. Water right certificate 1736 is cancelled. A new certificate will be issued describing that portion of the right not affected by this transfer.*
- 3. 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 1736 and any related decree.*
- 4. The quantity of water diverted at the new point of diversion shall not exceed the quantity of water lawfully available at the original point of diversion.*
- 5. 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.*
- 6. When required by the Department, the water user shall install, maintain and operate 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 measuring device must be approved by the Department prior to beginning construction and shall be installed under the general supervision of the Department.*
- 7. When required by the Department, the water user shall install, maintain and operate a headgate to control and regulate the quantity of water diverted. The type and plans of the headgate must be approved by the Department prior to beginning construction and shall be installed under the general supervision of the Department.*
- 8. The approved changes shall be completed and full beneficial use of the water shall be made on or before **October 1, 2009**. A Claim of Beneficial Use prepared by a Certified Water Rights Examiner shall be submitted by the applicant to the Department within one year after the deadline for completion of the changes and full beneficial use of the water.*

9. *When satisfactory proof of the completed change is received, a new certificate confirming the right transferred will be issued.*

Dated at Salem, Oregon this _____ day of _____ 2008.

D R A F T

Phillip C. Ward, Director

This draft Preliminary Determination was prepared by a Reimbursement Authority contractor. If you have questions about the information in this document, you may reach Dorothy Pedersen at 503-986-0890 or Dorothy.I.Pedersen@wrд.state.or.us.

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WATER RESOURCES DEPT
SALEM, OREGON

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.)

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JAN 7 2008

Pendleton Dist. Office

Reference Transfer #: 10509

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 _____. Because,
(Stream)

(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

*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>.

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 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.

Signature

Printed Name

Title

Phone

William B Duke
William B Duke
District Fish Biologist
(541) 276-2344

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WATER RESOURCES DEPT
SALEM, OREGON

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 # _____

**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: _____

Address: _____

City/State/Zip: _____

Phone: (____) _____

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

Watermaster Review Form: Water Right Transfer

Transfer Application: T-10509

Review Due Date: 2/2/08

Applicant Name: Scott Hendricks

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

Reviewer(s): Tony Justus

Date of Review: Jan. 29, 2008

1. Do you have information suggesting that the water rights may be subject to forfeiture?
☐ Yes ☒ No If "Yes", describe the information and indicate if you intend to file a cancellation affidavit or if you need additional time to determine if a cancellation affidavit should be filed: _____
2. Is there a history of regulation on the source that serves the right proposed for transfer that has involved the right and downstream water rights? ☒ Yes ☐ No Generally characterize the frequency of any regulation or explain why regulation has not occurred: Regulation of Middle Mud has occurred intermitently in the past based on requests from users. There is currently a user organization which handles much of the complaints/concerns of users on the system. Occasionally, we get requests for regulation from Washington users who are allowed to request upstream regulation based on a Supreme Court Decesion.
3. Check here if it appears that downstream water rights benefit from return flows resulting from the current use of the right? ☐ If you check the box, generally characterize the locations where the return flows likely occur and list the water rights that benefit most: _____
4. Are there upstream water rights that would be affected by the proposed change?
☐ Yes ☒ No If "Yes", describe how the rights would be affected and list the rights most affected: _____
5. For POD changes and instream transfers, check here if there are channel losses between the old and new PODs or within the proposed instream reach? ☒ If you check the box, describe and, if possible, estimate the losses: Do not know, the system is an open, unlined ditch-like system. Loss in this short distance is probably unmeasureable.
6. Would distribution of water for the right after the proposed change result in regulation of other water rights that would not have occurred if use of the existing right was maximized?
☐ Yes ☒ No If "Yes", explain: _____
7. For POU changes, would the original place of use continue to receive water from the same source? ☐ Yes ☐ No ☒ N/A If "Yes", explain: _____

8. For POU or USE changes, would use of the existing right at "full face value," result in the diversion of more water than can be used beneficially and without waste? ☐ Yes ☐ No
If "Yes", explain: _____
9. Are there other issues not identified through the above questions? ☐ Yes ☒ No If "Yes", explain: _____
10. What alternatives may be available for addressing any issues identified above: _____
11. Have headgate notices been issued for the source that serves the right? ☐ Yes ☒ No
12. What water control and measurement conditions should be included in the transfer:

Measurement Devices	☐ Present and should be maintained.	☐ Should be required prior to diverting water.	☒ May be required in the future.
Headgates	☐ Present and should be maintained.	☐ Should be required prior to diverting water.	☒ May be required in the future.

STATE OF OREGON

WATER DIVISION NO. 2 COUNTY OF UMATILLA

CERTIFICATE OF WATER RIGHT

(For Rights which have been confirmed by the Courts)

This is to Certify, That MARIA HALVERSON
of Freewater State of Oregon 97862 has a right to the use of
the waters of Middle Branch of Mud Creek, a tributary of East Branch of Mud Creek,

for the purpose of the irrigation of 21 acres of land, domestic and stock use,

and that said right has been confirmed by decree of the Circuit Court of the State of
Oregon for Umatilla County, and the said decree entered of record at Salem,
in the Order Record of the ~~State Water Board~~ of the State of Oregon, in Volume 3 at
page 322 ; that the priority of the right hereby confirmed dates from the year 1893
for the irrigation of 2.5 acres and from 1896 for 18.5 acres;

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 pur-
poses, and shall not exceed a rate of flow of 0.26 cubic foot per second or its
equivalent in case of rotation. The use hereunder for irrigation purposes shall
conform to any reasonable rotation system ordered by the proper state officer.

A description of the lands irrigated under such right, and to which the water
hereby confirmed is appurtenant, or, if for other purposes, the place where such water
is put to beneficial use, is as follows: 21 acres in Northeast quarter of Northeast
quarter of Section Twenty (20), Township Six (6) North, Range Thirty-five (35)
East of Willamette Meridian, in Umatilla County, Oregon.

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

WITNESS the seal and signature of the ~~State~~
Water Board
~~State Water Board~~, affixed this 16th day

of July, 1917.

STATE WATER BOARD
~~State Water Board~~

(SEAL OF STATE WATER BOARD)

By JOHN H. LEWIS
State Engineer, President

Attest:

M. F. MERS

Secretary

Recorded in State Record of Water Right Certificates, Volume 3 page 1736

7-10509



BEFORE THE STATE WATER BOARD OF THE STATE OF OREGON

WATER DIVISION NO. 2.

UMATILLA COUNTY.

IN THE MATTER OF THE DETERMINATION	)	
OF THE RELATIVE RIGHTS OF THE VARIOUS	)	
CLAIMANTS TO THE WATERS OF <u>MIDDLE</u>	)	
<u>BRANCH OF MUD CREEK, A TRIBUTARY OF</u>	)	FINDINGS OF FACT .
EAST BRANCH OF MUD CREEK, IN UMA-	)	
TILLA COUNTY, OREGON.	)	
-----	)	

Now, on this 12th day of April, 1916, the above entitled matter coming on before the State Water Board of the State of Oregon, at a meeting of said Board, commenced and held on said date, and it appearing to said Board that all the evidence and testimony taken in the above entitled proceeding has been duly filed in the office of said Board, and the said Board having carefully considered all of the said evidence, proofs and testimony taken, and the information and data gathered by the State Engineer, and being now fully advised in the premises, makes and orders to be entered of record in its office, the following

FINDINGS OF FACT:

1.

That on the 11th day of March, 1914, there was filed in the office of the State Water Board of the State of Oregon, a petition signed by Maria Halverson, F. E. Kralman, N. McDonald, H. A. Megy, Wm. Swash, Admr., Bade Bros., F. J. Meihoff, A. Behnke and G. W. Smiley, water users upon said stream, requesting a determination of the relative rights of the various claimants to the waters of said stream, and that said petitioners are now users of the waters of the said East Branch of Mud Creek and its tributaries, as appears from the order of determination herein; that thereupon the said State Water Board, after a full investigation and due consideration of said petitions, finding the facts and conditions such as to justify the making of a determination of the relative rights of the various claimants of the waters of said stream and its tributaries thereto, made and entered its order in the records of said office, fixing a time and place for the beginning and making of such an examination of said stream by the State Engineer, as would enable the said Board to determine the rights of

the said claimants and also the time and place for the beginning and taking of testimony by the Superintendent of Water Division No. 2. That said time and place when said State Engineer or his assistants should begin the examination of said stream was set by said order of said Board, for the 27th day of March, 1915, and the time when the Superintendent of Water Division No. 2 should attend and take the testimony of the various claimants was set by order of said Board on Tuesday the 30th day of March, 1915, at the City Hall, in the town of Free-water, Umatilla County, Oregon.

2.

That on the 23rd day of February, 1915, the Superintendent of Water Division No. 2, did send by registered mail, to each person, firm and corporation claiming a right to use the water of said stream, or any tributary thereof, and to each person, firm and corporation owning or being in possession of land bordering on or having access to said stream or its tributaries, in so far as said claimants, owners, firms, or corporations in possession, could be reasonably ascertained, a notice setting forth the date when the State Engineer would commence the examination of said stream and its tributaries, and the ditches diverting water therefrom, and the time and place certain when the Superintendent of said Water Division would commence the taking of testimony as to the relative rights of the various claimants to said stream and its tributaries, and said Superintendent did enclose with each of said notices a blank form upon which the said claimant or person in possession, should present in writing all the particulars necessary for the determination of his rights to the waters of said stream, or a tributary thereof, under oath; that due proof of the sending of said notice by registered mail has been made, and is duly filed and is now a part of the record hereof.

3.

That at the time specified in said original notice, a duly qualified assistant of the State Engineer of the State of Oregon, did proceed to make an examination of the said stream and its tributaries, and all of the ditches diverting water therefrom, and of the lands irrigated and susceptible of irrigation from said ditches and canals, together with the measurements thereof, which observations and the measurements were made a matter of record in the office of the State Engineer, and the State Engineer did prepare a plat and a map on a scale of measurement of 800 feet to one inch, showing with substantial accuracy the course of said stream and its tributaries, and the location of the various ditches diverting water therefrom, and the legal subdivisions of land which had been irrigated or which were susceptible to irrigation from said ditches and

canals already constructed, blue prints and copies of said maps and information duly certified to by the State Engineer being now on file herein, and a part of the records hereof.

That statements and proofs of claimants to the use of the waters of said stream and its tributaries were filed with the Superintendent of Water Division No. 2, by the following persons, firms and corporations, to-wit:

Alexander, J. E.	Hodgen, Mrs. Alice by Geo. R. Hodgen	Meihoff, F. J.
Bade, Fritz	Hodgen, Mrs. Malinda J. by Edward Hodgen	Robinson, C. E.
Baker, J. A.	Johnson, Matilda	School District #72 by F.E.Kralman.
Behnke, Otto	Kralman, Fred	Smiley, C. E.
Behnke, Alfred	Johnson, L. P.	Smiley, G. W.
Behnke, Herman	Lockwood, F. M.	Smitten, R. F. by W.L.Stirling
Dixon, Mrs. Elizabeth	Martin, L.	Swash, Wm., Admr. of Estate of Eva Swash.
Estoup, Geo. H.	McDarmald, N.	Taylor, Chas. M.
Estoup, M.	Markman, Mrs. Caroline	
Halverson, Maria	Megy, H. A.	

4.

That upon the completion of the taking of testimony by the Superintendent of Water Division No. 2, said Superintendent did, on the 16th day of November, 1915, give notice by registered mail to each of the various claimants to the waters of said stream and its tributaries, that at the time and place named in said notice, to-wit: beginning on Monday the 6th day of December, 1915, and ending on Monday the 20th day of December, 1915 (Sundays excepted, from 9 A.M. to 12 M., and from 2 P.M. to 5 P.M., at the following places in Umatilla and Union counties, State of Oregon, to-wit: at the Commercial Club Rooms in Freewater, Umatilla County, Oregon, from Monday the 6th day of December, 1915, to Wednesday the 8th day of December, 1915, inclusive, and at the office of the Superintendent of Water Division No. 2, in La Grande, Union County, State of Oregon, from Thursday the 9th day of December to Monday the 20th day of December, 1915, inclusive, all of said evidence would be open to inspection to the various claimants and owners, and that said Division Superintendent did keep said evidence open to inspection at said times and places for a period of 13 days, and said notice did also set forth the county in which the determination of the Water Board would be held by the Circuit Court, to-wit: Circuit Court of the State of Oregon, for Umatilla County, due proof of the holding of said inspection and of the sending of said notices by registered mail being filed herein.

5.

That after the close of the public inspection of the statements and proofs of claim of the various claimants to the use of the waters of said stream, no contests were filed with the Superintendent of Water Division No. 2; that such contests were avoided by stipulations and agreements entered into by the various claimants, and copies of such stipulations and agreements are on file herein.

6.

That Middle Branch of Mud Creek and its tributaries, form a perennial stream with well defined bed and banks, wholly within the County of Umatilla, State of Oregon, rising mainly from springs in Section 28, Twp. 6 N.R. 35 East, and flowing in a northerly direction about two miles to its junction with East Branch of Mud Creek. That the flow of said stream is relatively constant owing to the fact that its supply is derived from springs, and that the mean discharge is about five second feet, or 200 miners inches; that during the irrigation season, little, if any of its waters reach the East Branch of Mud Creek, all being diverted and consumed above, in the irrigation of the lands as herein-after set forth.

That the soil varies from a fine loam or volcanic ash, to a type containing gravel in variable quantities, and where drainage is poor, the soil is often badly alkaline. It is, in general, underlaid with a more or less impervious hard-pan, and the topography is such that irrigation by the flooding method is easily accomplished.

7.

That all claimants herein for water for irrigation shall be entitled to use such water for stock and domestic purposes. That the rights of use for stock and domestic purposes is hereby confirmed, and entitle the owner of such right to divert and use such a quantity of water as is reasonably necessary for his household and stock use, and for stock use the water so diverted and used shall not exceed the rate of one-fortieth of a cubic foot, per second, for each one thousand (1,000) head of stock, and the quantity diverted for irrigation purposes during the irrigation season shall include such an amount as may be reasonably necessary for said stock and domestic purposes, and the right to divert and use the waters of said stream and its tributaries for stock and domestic purposes, continues throughout the year.

8.

That the rights of appropriation hereby confirmed are appurtenant to the lands herein described for irrigation purposes, and the rights of use of

the waters of said stream and its tributaries by virtue of such rights of appropriation are limited and confined to the irrigation of the lands herein described, to the extent of said lands as herein set forth, and the priorities herein confirmed confer no right of use of the waters of said stream and its tributaries on any lands other than those specified tracts to which such rights of appropriation are herein set forth as being appurtenant, and each and every person shall be, and hereby is prohibited, restrained, and enjoined from diverting and using water from said stream on such other land, without lawful permit from the State Engineer.

9.

That the order of the rights of the respective appropriators of the waters of said stream and its tributaries, and the order in which they are entitled to divert and use the said water shall be, and is, according to the date of relative priority of the right as herein set forth and determined, and the first in order of time according to the date of relative priority shall be, and is, the first in order of right, and the next in order of time is the next in order of right, and so on down to the date of the latest date of priority, and those having prior rights are entitled to divert and use the waters of said stream and its tributaries when necessary for the beneficial irrigation of their respective land or other useful and beneficial purposes for which they are accorded a right of use at all times, as against those having subsequent rights, without let or hinderance, and whenever water is not required by the appropriator for the purpose for which such water was appropriated, said appropriator may and shall permit it to flow down in the natural channel as it was wont to flow in its natural course without hinderance or diversion thereof, and those having subsequent rights of appropriation are entitled to use such water and to divert the same to the extent of their rights of appropriations, according to the order of their priority date of right, and at all times the water diverted shall be beneficially, economically and reasonably used without waste, by those having the right to do so by reason of their priority date of right, and no rights of appropriation are hereby confirmed to divert a greater quantity of water into the head of the ditch, or ditches having a valid right to divert such water, than such appropriator can beneficially use for the purpose to which the water is to be put, and in no event shall the quantity of water diverted exceed the quantity herein determined as the quantity to which such appropriator is entitled for the proper and beneficial irrigation of his land, and which has actually been put to a beneficial use.

That the specification of a definite amount of water per acre in these findings shall not be taken as granting that specific amount of water, but shall only be taken as a rule and guide for the water master in distributing a maximum amount of water to any water user, and it shall be in the discretion of such water master to cut down the amount of water given for any particular tract of land and turn the amount of water to other land, at any time that such land becomes fully irrigated upon a less amount of water, or such water is not economically or beneficially used; and the water master shall have the right in his discretion to cut off the supply of water for any land at any time when the flow of water becomes inadequate to supply such land in addition to prior rights.

That a stipulation was entered into by and between H. F. Smitten, C. M. Taylor, Fritz Bade, Malinda J. Hodgen, Alice L. Hodgen, Estate of Eva Swash, J. A. Baker, G. W. Smiley, C. E. Smiley, Maria Halverson, H. A. Megy, Caroline Markman, Alfred Behnke, Otto Behnke, F. J. Melhoff, L. P. Johnson, Matilda Johnson and N. McDannald, whereby the following agreement was had:

(a) That the year 1893 would be taken as the earliest priority date of any right to the use of water from the Middle Branch of Mud Creek, and that under this date Alice L. Hodgen was entitled to irrigate 13.75 acres; Malinda J. Hodgen 15 acres; H. A. Megy 14 acres; N. McDannald 15 acres; J. A. Baker 40 acres; Estate of Eva Swash 75 acres; Charles M. Taylor 10 acres; R. F. Smitten 27.6 acres; L. Martin 10 acres; L. P. Johnson 5 acres; Matilda Johnson 4 acres; Caroline Markman 1 acre; Otto Behnke 3 acres; Alfred Behnke 4 acres; Herman Behnke 3 acres; M. Estoup 13 acres; Fritz Bade 3 acres; C. E. Smiley 4 acres; George Estoup 5.2 acres; Maria Halverson 2.5 acres. That the second date of priority would be of the year 1894, and that under this date Otto Behnke is entitled to sufficient water for the irrigation of 12 acres; Alfred Behnke for 6.5 acres; Herman Behnke for 7 acres; George Estoup for 1.5 acres; L. P. Johnson for 3 acres; Caroline Markman for 3 acres; Matilda Johnson for 6 acres. That under the priority date of 1896, School District #72 should be entitled to sufficient water for the irrigation of 1.5 acres; Maria Halverson for the irrigation of 18.5 acres, and Fred Kralman for 5 acres. That Fritz Bade would be entitled to irrigate 6 acres under a priority date of 1901. That L. Martin would be entitled to irrigate 8 acres under a priority date of 1902. That F. J. Melhoff would be entitled to irrigate 9 acres under a priority date of 1905, C. E. Robinson 1 acre of the year 1906, Alice L. Hodgen 8 acres of the year 1905,

and the Estate of Eva Swash 10 acres of the year 1907.

(b) That all claimants using water from springs tributary to the Main Middle Branch of Mud Creek were entitled to the exclusive use of the waters of said springs as against all users diverting water from the Main Middle Branch of Mud Creek, but that such claimants were not entitled to divert water from the Main Stream as a supplemental supply to said springs except when the discharge of said springs was insufficient for the proper irrigation of their lands, when used economically.

(c) That R. F. Smitten is entitled to sufficient water for the irrigation of 27.6 acres of the year 1893 as hereinbefore set forth, and that for the remainder of his land, being 46 acres, water shall be allowed of the date immediately subsequent to the priority of the other claimants herein, to-wit: of the year 1908, provided, that said lands shall be reclaimed on or before December, 1920.

(d) That the irrigation season should not be limited to the summer months, but should continue throughout the whole calendar year. That in accordance with said stipulation and agreements the rights of the parties thereto are as set forth in the tabulated statement herein.

12.

That the appropriation for the irrigation of the lands owned by R. F. Smitten, claimant herein, was initiated in the year 1893, and has not yet been completed. That due diligence has not been exercised in the completion of this appropriation, and that therefore the date of priority for the lands of said R. F. Smitten that have been reclaimed and irrigated is of the year 1893 as set forth in the tabulation herein, but that the date of priority of said Smitten lands that have not been reclaimed shall be, and is, subsequent to all other claims herein, to-wit: of the date of 1908 for the irrigation of 46 acres, situated in Fruitvale Tract, Section 21, Twp. 6 N. R. 35 East; provided further, that said R. F. Smitten shall complete said appropriation, including the construction work and the application of water to a beneficial use, on or before December 1, 1920.

Upon the expiration of said time, the State Water Board shall, after due notice, cause proof to be taken of such application of water to a beneficial use, and shall grant such water right certificate as said Water Board may ascertain that said R. F. Smitten, or his successors in interest are entitled to receive by virtue of such proof.

13.

That C. E. Smiley, G. W. Smiley, Mrs. Elizabeth Dixon and J. E. Alexander, have developed a water supply by cutting trenches through a swamp situate on the lands of M. Estoup in the Northeast Quarter of Section 28, Twp. 6 N. R. 35 East, thereby increasing the drainage from said swamp. That C. E. Smiley is entitled to sufficient of said water for the irrigation of 5.5 acres of the date of priority of 1890; G. W. Smiley for 21.5 acres of the date 1890. J. E. Alexander is entitled to sufficient water for the irrigation of 9 acres, and Mrs. Elizabeth Dixon for the irrigation of 14 acres, both of the date of priority of 1900.

14.

That what is known as Behnke Springs, rises in the SW $\frac{1}{4}$ of SW $\frac{1}{4}$ of Sec. 22, Twp. 6 N. R. 35 East, and flows in a well defined natural channel, having both bed and banks, in a northwesterly direction. That for many years past the waters from said spring have not been allowed to reach the Middle Branch of Mud Creek, but that all of said water has been diverted and used for irrigation and other purposes on that part of the land comprising the Behnke Estate, now owned by Herman Behnke, Alfred Behnke, Matilda Johnson and Otto Behnke. That said owners are entitled to enjoy the exclusive use of said waters as against every one else, and as between themselves of equal priority date and in the extent as set forth in the tabulation herein.

That L. P. Johnson and Caroline Markman are also owners of land which was originally a part of the Behnke Estate but that none of the water from said Behnke Spring has been used on their land, and that therefore, they have no right to the use of said water.

15.

That the amount of water to be used for the irrigation of the lands described in the tabulation herein is limited to a continuous flow of not to exceed 1/80th of one second foot for each acre of land, throughout the year. That to get a sufficient head of water the water master of the district in which such water is situated shall arrange such a system or systems of rotation as may be best applicable, either

FIRST, by giving the greater amount of water to an appropriator for a proportionately shorter period of time, provided, that the giving of such greater amount does not infringe upon any of the rights confirmed by this decree, and provided further, that the amount of water taken by the appropriator shall not exceed 1 acre foot during any 30 day period; or

SECOND, where two or more appropriators agree as between themselves as to the manner of said rotation in the use of water, said water master shall distribute water to which they are collectively entitled in accordance with such agreement, provided always, that such arrangement into groups or systems of rotation shall not interfere with the prior right of any appropriator not a member of such group or system, and provided further, that such agreement shall be in writing, and filed by said appropriators with the water master; or

THIRD, in the absence of such agreement between such appropriators arranging for such rotation or manner in which such water shall be used in rotation, the water master shall arrange such appropriators in groups or systems, first giving to one appropriator in such group, a quantity of water equal to the combined appropriations of the appropriators in said group for a number of hours bearing the same ratio to the whole number of hours required to make the complete rotation through the whole group of appropriators, as the amount of the appropriation by such appropriator bears to the amount of the combined appropriations of the appropriators, arranged in such group or system and shall next serve another appropriator with a like quantity of water for his proportionate time and so on until all the appropriators in such group or system are served. The determination of whom shall be first served in said group or system of appropriators shall be left to the judgment of the water master.

16.

It is hereby further ordered, adjudged and decreed that the name and postoffice address of each appropriator of water from said stream, in alphabetical order, together with the date of relative priority of each appropriation, the amount of such appropriation in cubic feet per second, the number of acres of land to which such appropriation is applied and to which such water is appurtenant, the use or uses for which such water was appropriated and is now applied, the name of the ditch or ditches through which such appropriation is diverted, and a description of the legal subdivisions in which such irrigated land is situated, with the number of acres in each such subdivision, arranged and set forth in tabulated form, opposite the name of each appropriator, are as follows:

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
MIDDLE BRANCH OF MUD CREEK							
2-1717 Alexander, J. E. Freewater, Ore.	1900	0.13	9	Irrigation	Main Spring Ditch	Springs	9 acres in SW $\frac{1}{4}$ SW $\frac{1}{4}$; Sec. 21; Tp. 6 N.R. 35 E.W.M.
2-1727 Bade, Fritz Walla Walla, Wash.	1893	0.04	3	Irrigation	Bade	Middle Branch of Mud Creek	9 acres in SW $\frac{1}{4}$ NW $\frac{1}{4}$; Sec. 21; Tp. 6 N.R. 35 E.W.M.
	1901	0.08	6				
2-1728 Baker, J. A. Freewater, Ore.	1893	0.50	40	Irrigation	Baker	Middle Branch of Mud Creek	40 acres in SE $\frac{1}{4}$ SW $\frac{1}{4}$; Sec. 21; Tp. 6 N.R. 35 E.W.M.
<i>Ch. Pt. of Div. Sp. Or. Vol. 10, p. 41.</i>							
2-1729 Behnke, Otto Freewater, Ore.	1893	0.04	3	Irrigation	Behnke & Spring Branch	Middle Branch of Mud Creek & Behnke Spring Branch	2.3 acres in SW $\frac{1}{4}$ NE $\frac{1}{4}$; 8 acres in SE $\frac{1}{4}$ NE $\frac{1}{4}$; Sec. 21; Tp. 6 N.R. 35 E.W.M.
	1894	0.09	7.3				
	1875	0.06	4.8	Irrigation		Behnke Spring	4.8 acres in SE $\frac{1}{4}$ NE $\frac{1}{4}$; Sec. 21; Tp. 6 N.R. 35 E.W.M.
2-1730 Behnke, Alfred Freewater, Ore.	1893	0.05	4	Irrigation	Behnke & Spring Branch	Behnke Spring Branch & Middle Branch of Mud Creek	1.2 acres in SE $\frac{1}{4}$ NE $\frac{1}{4}$; 5.2 acres in NE $\frac{1}{4}$ SE $\frac{1}{4}$; Sec. 21; Tp. 6 N.R. 35 E.W.M.
	1894	0.03	2.4				
	1875	0.05	4.1	Irrigation	Behnke & Spring Branch	Behnke Spring Branch	0.6 acres in SE $\frac{1}{4}$ NE $\frac{1}{4}$; 3.5 acres in NE $\frac{1}{4}$ SE $\frac{1}{4}$; Sec. 21; Tp. 6 N.R. 35 E.W.M.
2-1731 Behnke, Herman Freewater, Ore.	1893	0.04	3.0	Irrigation	Behnke & Spring Branch	Middle Branch Mud Creek	7.2 acres in NE $\frac{1}{4}$ SE $\frac{1}{4}$; Sec. 21; Tp. 6 N.R. 35 E.W.M.
	1894	0.05	4.2				
	1875	0.04	2.8	Irrigation	Behnke & Spring Branch	Behnke Spring	2.8 acres in NE $\frac{1}{4}$ SE $\frac{1}{4}$; Sec. 21; Tp. 6 N.R. 35 E.W.M.
2-1732 Dixon, Mrs. Elizabeth, Freewater, Ore.	1900	0.18	14	Irrigation		Springs	14 acres in NW $\frac{1}{4}$ SW $\frac{1}{4}$; Sec. 21; Tp. 6 N.R. 35 E.W.M.
2-1733 Estoup, M. Freewater, Ore.	1893	0.16	13	Irrigation	Private	Spring & Middle Branch of Mud Creek	13 acres in NW $\frac{1}{4}$ NE $\frac{1}{4}$; Sec. 28; Tp. 6 N.R. 35 E.W.M.
2-1735 Estoup, George H. Freewater, Ore.	1894	0.02	1.5	Irrigation	House	Middle Branch of Mud Creek	1.5 acres in NE $\frac{1}{4}$ NE $\frac{1}{4}$; Sec. 28; Tp. 6 N.R. 35 E.W.M.
MIDDLE BRANCH OF MUD CREEK							

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
x-1735 Estoup, George H. (continued)	1893	0.07	5.2	Irrigation	House	Middle Branch of Mud Creek	5.2 acres in NE $\frac{1}{4}$ NE $\frac{1}{4}$; Sec. 28; Tp. 6 N.R. 35 E.W.M.
x-1736 Halverson, Maria Freewater, Ore.	1893	0.03	2.5	Irrigation	Private	Middle Branch of Mud Creek	21 acres in NE $\frac{1}{4}$ NE $\frac{1}{4}$; Sec. 20; Tp. 6 N.R. 35 E.W.M.
	1896	0.23	18.5				
x-1737 Hodgen, Mrs. Alice L. Hillyard, Wash. by Geo. E. Hodgen, Freewater, Ore.	1893	0.18	13.75	Irrigation	Upper	Middle Branch of Mud Creek	21.75 acres in NE $\frac{1}{4}$ NW $\frac{1}{4}$; Sec. 21; Tp. 6 N.R. 35 E.W.M.
	1905	0.01	8				
x-1738 Hodgen, Mrs. Malinda Huntsville, Wash. by Edward Hodgen, Freewater, Ore.	1893	0.19	15	Irrigation		Middle Branch of Mud Creek	10 acres in NE $\frac{1}{4}$ NW $\frac{1}{4}$; 5 acres in NW $\frac{1}{4}$ NW $\frac{1}{4}$; Sec. 21; Tp. 6 N.R. 35 E.W.M.
x-1739 Johnson, Matilda Freewater, Ore.	1893	0.05	4	Irrigation	Behnke Spring Branch & Ditch	Middle Branch of Mud Creek & Behnke Spring Branch	6 acres in SE $\frac{1}{4}$ NE $\frac{1}{4}$; Sec. 21; Tp. 6 N.R. 35 E.W.M.
	1894	0.03	2	Irrigation			
	1875	0.05	4	Irrigation	Behnke Spring Branch & Ditch	Behnke Spring	4 acres in SE $\frac{1}{4}$ NE $\frac{1}{4}$; Sec. 21; Tp. 6 N.R. 35 E.W.M.
x-1740 Johnson, L. P. Freewater, Ore.	1893	0.07	5	Irrigation	Behnke	Middle Branch of Mud Creek	8 acres in NE $\frac{1}{4}$ SE $\frac{1}{4}$; Sec. 21; Tp. 6 N.R. 35 E.W.M.
	1894	0.04	3				
x-1741 Kralman, F. E. Freewater, Ore.	1896	0.06	5	Irrigation	Private	Middle Branch of Mud Creek	5 acres in SW $\frac{1}{4}$ SW $\frac{1}{4}$; Sec. 16; Tp. 6 N.R. 35 E.W.M.
x-1742 Lockwood, F. M. Walla Walla, Wash.	1893	0.50	40	Supplemental to water right from East Branch of Mud Creek, for leaching alkali and winter irrigation, from Sept. 1st to April 1st only.			40 acres in SE $\frac{1}{4}$ SE $\frac{1}{4}$; Sec. 17; 10 acres in SW $\frac{1}{4}$ SW $\frac{1}{4}$; Sec. 16; Tp. 6 N.R. 35 E.W.M.
x-1743 Martin, L. Freewater, Ore.	1893	0.13	10	Irrigation		Middle Branch of Mud Creek	10 acres in NW $\frac{1}{4}$ SE $\frac{1}{4}$; 10 acres in SW $\frac{1}{4}$ NE $\frac{1}{4}$; Sec. 21; Tp. 6 N.R. 35 E.W.M.
	1902	0.13	10				
x-1744 Markman, Mrs. Caroline Freewater, Ore.	1893	0.01	1	Irrigation	Behnke	Middle Branch of Mud Creek	4 acres in NE $\frac{1}{4}$ SE $\frac{1}{4}$; Sec. 21; Tp. 6 N.R. 35 E.W.M.
	1894	0.04	3				

MIDDLE BRANCH OF MUD CREEK

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
x-1745 McDarmald, H. Freewater, Ore.	1893	0.19	15	Irrigation		Middle Branch of Mud Creek	15 acres in NW ¹ / ₄ NW ¹ / ₄ ; Sec. 21; Tp. 6 N.R. 35 E.W.M.
x-1746 Magy, H. A. Freewater, Ore.	1893	0.18	14	Irrigation		Middle Branch of Mud Creek	14 acres in NW ¹ / ₄ NW ¹ / ₄ ; Sec. 21; Tp. 6 N.R. 35 E.W.M.
x-1747 Meihoff, F. J. Freewater, Ore.	1905	0.11	9	Irrigation	Meihoff	Middle Branch of Mud Creek	9 acres in SE ¹ / ₄ NE ¹ / ₄ ; Sec. 20; Tp. 6 N.R. 35 E.W.M.
x-1748 Robinson, C. E. Freewater, Ore.	1906	0.01	1	Irrigation		Middle Branch of Mud Creek	1 acre in NE ¹ / ₄ NE ¹ / ₄ ; Sec. 28; Tp. 6 N.R. 35 E.W.M.
x-1749 School District #72 by F.E.Kralman Freewater, Ore.	1896	0.02	1.5	Irrigation		Middle Branch of Mud Creek	1.5 acres in NW ¹ / ₄ NW ¹ / ₄ ; Sec. 21; Tp. 6 N.R. 35 E.W.M.
x-1750 Smiley, C. E. Freewater, Ore.	1893 1890	0.05 0.07	4 5.5	Irrigation		Mud Creek Springs	9.5 acres in NW ¹ / ₄ NE ¹ / ₄ ; Sec. 28; Tp. 6 N.R. 35 E.W.M.
x-1751 Smiley, G. W. Freewater, Ore.	1890	0.27	21.5	Irrigation		Springs	21 ¹ / ₂ acres in NE ¹ / ₄ NW ¹ / ₄ ; Sec. 28; Tp. 6 N.R. 35 E.W.M.
x-1752 Smitten, R. F. Houston, Texas. by W.L.Stirling Walla Walla, Wash. 6-5120 6-5121 6-5122 6-5123 (See paragraph 12)	1893 1908	0.35	27.6 46	Irrigation Right to be perfected Dec. 1920.	Smitten & Swash	Middle Branch of Mud Creek	11 acres in SW ¹ / ₄ NE ¹ / ₄ ; 13 acres in NW ¹ / ₄ SE ¹ / ₄ ; 3.6 acres in SW ¹ / ₄ SE ¹ / ₄ ; Sec. 21; Tp. 6 N.R. 35 E.W.M. Fruitvale Tract in Sec. 21; Tp. 6 N.R. 35 E.W.M.
x-1753 Swash, Wm., Admr. Estate of Eva Swash, deceased. Freewater, Ore.	1893 1907	0.90 0.13	75 10	Irrigation	#5,4,3,2,1	Middle Branch of Mud Creek	* 30 acres in SE ¹ / ₄ NW ¹ / ₄ ; 40 acres in NE ¹ / ₄ SW ¹ / ₄ ; 10 acres in NW ¹ / ₄ SE ¹ / ₄ ; 5 acres in SW ¹ / ₄ SE ¹ / ₄ ; Sec. 21; Tp. 6 N.R. 35 E.W.M.
	1893	0.25		Power & domestic	Ram	Middle Branch of Mud Creek	Operating Ram on Lot 3, Fruitvale Tract. Water to be returned to stream at place of use.
x-1754 Taylor, Chas. M. 212 No. 2nd Street, Walla Walla, Wash.	1893	0.13	10	Irrigation		Middle Branch of Mud Creek	10 acres in SE ¹ / ₄ NW ¹ / ₄ ; Sec. 21; Tp. 6 N.R. 35 E.W.M.

MIDDLE BRANCH OF MUD CREEK

And the State Water Board being fully advised in the premises, it is hereby CONSIDERED and ORDERED, that the relative rights to the use of the waters of MIDDLE BRANCH OF MUD CREEK, a tributary of East Branch of Mud Creek, be, and the same are hereby adjudicated, determined and settled, in accordance with the foregoing findings. It is further CONSIDERED and ORDERED, that each and every appropriator holding permits from the State Engineer of Oregon, for the appropriation of water from MIDDLE BRANCH OF MUD CREEK and its tributaries, shall have such water right thereunder as is provided by law, and the rights of such appropriators shall be established in the manner provided by law for the issuing of water right certificates in such cases.

John W. Lewis
State Engineer, and President
of State Water Board.

James T. Chinnock
Superintendent of Water Division No. 1.
Geo T. Cochran
Superintendent of Water Division No. 2.

ATTEST:

M. F. Myers
Secretary of State Water Board.



Oregon

Theodore R. Kulongoski, Governor

Water Resources Department

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

January 2, 2008

SCOTT HENDRICKS
PO BOX 293
MILTON-FREEWATER, OR 97862

Reference: Transfer 10509

On December 24, 2007 we received your water right transfer application requesting point of diversion. The application was accompanied by \$400.00. Our receipt 91038 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.

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 # 5
CWRE # 333
Hudson Bay District Improvement Company
William Porfily, Agent
Umatilla County
Reimbursement Authority

enclosure



Oregon

Theodore R. Kulongoski, Governor

Water Resources Department

725 Summer Street NE, Suite A

Salem, OR 97301-1271

503-986-0900

FAX 503-986-0904

Notice of Application for Water Right Transfer, Temporary Transfer, or Permit Amendment 1/8/2008

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: UMATILLA
Transfer: 10509
Water Right: CERT 1736
Priority Date: 1896
Name: SCOTT HENDRICKS
Address: PO BOX 293, MILTON-FREEWATER, OR 97862
Change: POD
Source: MIDDLE BRANCH MUD CREEK
Authorized POD: T6N, R35E, 20
Proposed POD: T6N, R35E, 20

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.

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

Permanent Transfer Application – OAR 690-380 3000 & 3100

Completeness Checklist

Applicant's Name: Scott Hendricks

(Form last revised: March 13, 2007)

Section A – Status of Right

Is this a Water Right that can be transferred?

[OAR 690-380-0100(14)]

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

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

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

Section B – Type of Change

Is the proposed change(s) allowed under the Transfer process?

[ORS 540.510]

NOTE: Only POD, POA or POU or USE changes are allowed on Transfers.

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

Section C - Fees

Have the appropriate fees been paid?

Total Required Fees: _____

Fee Schedule – ORS 536.050(1)(h)

Base fee (1st change and 1st CFS of water)

- Each additional type of change requested

- For each CFS, or fraction thereof, requested beyond 1st CFS
(for POU, Type of Use, or Exchange)

Total Fees Paid: 400

Fees Due (if any): _____

Refund Due (if any): _____

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

Section D – Completeness

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

Is the Transfer application complete?

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

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

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

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

- Type of transfer application

Reg

(Page 1)

- Applicant's name, mailing address and contact information.

(Page 1)

- Agent's name, mailing address and contact information, if applicable.

(Page 1)

- Are the water rights to be affected by this transfer listed?

(Page 2)

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

T 10509

T 10509

	Checklist for Supplemental Form A – (Attachments)	
OK	• Certificate # filled in on each page?	(Page 1)
OK	• Type of change(s) proposed clear? POD	(Page 1)
OK	• Current Water Right information is complete?	(Page 2)
N/A	• If for a change in POU or USE..... (Page 2) Are there any “layered” irrigation rights, permits, or GR registrations appurtenant to the same place of use as the water right proposed to be transferred? YES NO If YES..... the other “layered” water uses subject to transfer must either change concurrently or be cancelled, except as provided in OAR 690-380-2240(5). If layered with GR, must submit a GR Modification application as well as this application. Are they included in application? If not, contact applicant or agent.	
OK	• Location description of the authorized POA/POD to be changed. (Page 3) NOTE: Ensure that the location coordinates listed in the application match the point and location coordinates illustrated on the application map. Additionally, if the existing authorized source is ground water (POA), the applicant must either: _____ 1) supply a copy of the well log(s), <u>or</u> _____ 2) if well logs are not available, describe the construction of the well(s) in the table provided on page 3 of the supplemental form A application.	
OK	• Location description of the existing authorized POU and associated acres (if applicable). (Page 4) NOTE: Ensure that the location and number of acres listed per ¼ ¼ in the application match those illustrated on the application map.	
OK	• Location description of the proposed POA/POD. (Page 5) NOTE: Ensure that the proposed location coordinates listed in the application match the proposed point and location coordinates illustrated on the application map. Additionally, if the proposed source is ground water (POA), the applicant must either: _____ 1) supply a copy of the well log(s), <u>or</u> _____ 2) if well logs are not available <u>or</u> the well is not yet constructed, describe the construction of the well(s) in the table provided on page 5 of the application.	
N/A	• Location description of the proposed POU and associated acres (if applicable). (Page 6) NOTE: Ensure that the location and number of acres listed per ¼ ¼ in the application match those illustrated on the application map.	
Return back to Page 2 of transfer application		
OK	• The type of changes being proposed. POD	(Page 2)
OK	• Reason for the transfer.	(Page 2)
OK	• Description of current water delivery system.	(Page 2)
OK	• System Capacity. .45	(Page 2)

	Checklist for Supplemental Form B – (Attachments)	
OK	• Is there a box checked in #1?	(Page 1)
OK	• Is there a box checked in #2?	(Page 1)
OK	• Does the description of POU on page 4 of the supplemental form A application, match authorized POU in question #3?	(Page 1)
OK	• In question #4 and #5 are they filled out. 2)	(Page 2)
OK	• Is there a box checked in #6?	(Page 2)
OK	• Is the #6 supporting documentation included with application? 2)	(Page 2)
OK	• Is there an original signature of the notary and notary stamp? 2)	(Page 2)
Return back to Page 3 of transfer application		
YES	• Affected districts and local governments. If within a district/local government jurisdiction, ensure that name & mailing address is provided.	(Page 3)
OK	• Is the applicant the Landowner of the "from" and "to" Lands? <u>YES</u> NO If NO..... The applicant must list current landowner name & address.	(Page 4)
OK	• Who will be responsible for completion of the changes? <u>Applicant</u> Is a box checked? If no box is checked the applicant or agent must be contacted.	(Page 4)
OK	• Map..... (Required to be prepared by a CWRE) unless... 1. Map Waiver included with application 2. FP map with advance email or written approval 3. POD/POA without POU change and for entire right with FP map for "from" map ___ if more than 3 rights are included in transfer, is there a separate map for each water right? ___ If larger than 8 1/2 X 14 than 3 copies of map is needed & an electronic pdf file of map ___ north arrow ___ size & scale ___ other: _____ ___ authorized acreage per 1/4 1/4 matches the water right ___ authorized POD/POA and POU (clearly shown, labeled & matches application listing) ___ point plotted for the authorized POD/POA agrees with location coordinates on supplemental form A and WR ___ proposed POD/POA and/or POU (clearly shown, labeled & matches application "proposed" listing) ___ location coordinates accurately describe the point identified as the proposed POD/POA	(Page 5)
	• Land Use form, if applicable. Is the form signed by the local planning department staff? May be needed if the POD/POA or POU is moving a great distance <u>and</u> off of land originally involved in WR.	(Page 5)
N/A	• If a groundwater right is involved, are the well logs or a description included.	(Page 5)
N/A	• If this is an instream water right transfer, is there a form C included and filled out.	(Page 5)

OK	● Signature(s) of applicant(s): Are one of the boxes checked? <u>All</u> applicants listed on page 1 of the application <u>must</u> sign the application.
WRD Completeness Reviewer's Name: <u>S. Henderson</u> Date: <u>12-27-07</u>	

ORIGINALS

Transfer Application and Map

Amendments/Revisions to Appl & Map

Receipt

Deed or Lot Book Report

Notarized Consent

Evidence of Use Affidavit

Land Use Information Form

Lien Holder Notification *(if applicable)*

Report of Ownership and Lien Info *(if applicable)*

&

Other Supporting Documentation

**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 # **91038**

INVOICE # _____

RECEIVED FROM:

*Porphyly Water Rights
Consulting*

BY:

APPLICATION

PERMIT

TRANSFER

T-10509

CASH:

CHECK: #

OTHER: (IDENTIFY)

☐
☒ *5424*
☐

TOTAL REC'D

\$ *400.00*

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:

0201 SURFACE WATER

EXAM FEE

\$

0202

RECORD FEE

\$

0203 GROUND WATER

\$

0204

\$

0205 TRANSFER

\$ *400.00*

WELL CONSTRUCTION

EXAM FEE

0218 WELL DRILL CONSTRUCTOR

\$

0219

LICENSE FEE

\$

LANDOWNER'S PERMIT

0220

\$

OTHER

(IDENTIFY)

0536 TREASURY 0437 WELL CONST. START FEE

0211 WELL CONST START FEE

\$

CARD #

0210 MONITORING WELLS

\$

CARD #

OTHER

(IDENTIFY)

0607 TREASURY 0467 HYDRO ACTIVITY LIC NUMBER

0233 POWER LICENSE FEE (FWWRD)

\$

0231 HYDRO LICENSE FEE (FWWRD)

\$

HYDRO APPLICATION

\$

TREASURY OTHER / RDX

FUND _____ TITLE _____

OBJ. CODE _____ VENDOR # _____

DESCRIPTION _____

\$

RECEIPT: **91038**

DATED: *12/24/07* 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

☐ Temporary Transfer

- total number of years: _____

(begin year: _____)

(end year: _____)

☐ Instream Transfer

☐ Permanent☐ Time-Limited

☐ Drought Transfer

☐ Other

2. APPLICANT INFORMATION

Name: Scott Hendricks
First Last

Address: P. O. Box 293

Milton-Freewater	Oregon	97862
City	State	Zip

Phone: 509 520 0954

Fax: _____ E-Mail address: **windrow@innw.net**

3. AGENT INFORMATION

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

Name: William Porfily
First Last

Address: P.O. Box 643

Stanfield	Oregon	97875
City	State	Zip

Phone: 541 449 1327 541 561 7259

Fax: _____ E-Mail address: **bporfily@my180.net**

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

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

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

	Application / Decree	Permit / Previous Transfer	Certificate
1.	State Water Board, Middle Branch Mud Creek Decree, July 16, 1917		1736
2.			
3.			
4.			
5.			
6.			

- Check **all** proposed change(s) included in this transfer application:
☐ Place of Use ☒ Point of Diversion ☐ Additional Point of Diversion
☐ Character of Use ☐ Point of Appropriation ☐ Additional Point of Appropriation
☐ Instream Transfer ☐ Surface Water source to Ground Water source
- Reason(s) for change(s): **The change is being made to allow better management of water.**

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 irrigation system consists of a 7.5 horsepower centrifugal pump and 48 joints of handline. The sprinklers are equipped with 4 gallon per minute nozzles. The owner indicates the system has a capacity of approximately 200 gallons per minute.

- System capacity: **0.45** cubic feet per second (cfs). If the transfer involves multiple rights that have independent systems, describe the capacity for each system separately.

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SALEM, OREGON

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 AND LOCAL GOVERNMENTS

- 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:

Hudson Bay District Improvement Company

P.O. Box 110, Milton-Freewater, OR 97862

- List the name and mailing address of all affected local governments (e.g., county, city, municipal corporation, and tribal governments within whose jurisdiction the rights are located).

Umatilla County, 216 SE 4th, Pendleton, OR 97801

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WATER RESOURCES DEPT
SALEM, OREGON

T 10509

8. 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:

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

- 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.)

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SALEM OREGON FS

9. 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 Form:

- ☒ Enclosed; *or*
- ☐ Not Required if all of the following are met:
- ❶ In EFU zone or irrigation district,
 - ❷ Change in place of use only,
 - ❸ No structural changes needed, including diversion works, delivery facilities, other structures, *and*
 - ❹ Irrigation only.

Fees:

- ☒ Amount enclosed: \$ 400.00
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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SALEM, OREGON

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.

10. SIGNATURES

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

X 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 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 the information contained in this application is true and accurate.

 applicant signature	Scott Hendricks name (print)	12-18-07 date
 applicant signature	 name (print)	 date

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WATER RESOURCES DEPT
SALEM, OREGON

FS

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: 1736

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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DEC 24 2007

WATER RESOURCES DEPT
SALEM, OREGON

2. CURRENT WATER RIGHT INFORMATION

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

☒ Certificated Right	<u>1736</u> Certificate Number	<u>Middle Branch of Mud Creek</u> 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: Maria Halverson
- County: Umatilla
- Authorized Use(s) to be Affected by Transfer: Irrigation
- Priority Date(s): 1893 for the irrigation of 2.5 acres and 1896 for the irrigation of 18.5 acres. Note 0.2 acres of the water right with the 1893 priority date is on a neighboring property and is not a part of this transfer.
- *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: Middle Branch of Mud Creek

Tributary to: East Branch of Mud Creek

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

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

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

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

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

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

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**WATER RESOURCES DEPT
SALEM, OREGON**

- Certificate Number or other identifying number: **1736**

*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)
	Middle Branch of Mud Creek 2.3 acres Priority 1893	T 6 N	R 35 E	WM	20	NENE	100	1280 ft. South and 30 ft. West of the NE Corner of Section 20
	Middle Branch of Mud Creek 18.5 acres Priority 1896	T 6 N	R 35 E	WM	20	NENE	100	1280 ft. South and 30 ft. West of the NE Corner of Section 20

- Does the water right being transferred involve a ground water source(s)?

☐ Yes ☒ No (Surface water source only.)

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

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

or

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

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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
N/A									

▪ Certificate Number or other identifying number: **1736**

*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 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 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: **1736**

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)
Middle Branch of Mud Creek 2.3 acres Priority 1893	T 6 N	R 35 E	WM	20	NENE	100	40 ft. South and 30 ft. West of the NE Corner of Section 20
Middle Branch of Mud Creek 18.5 acres Priority 1896	T 6 N	R 35 E	WM	20	NENE	100	40 ft. South and 30 ft. West of the NE Corner of Section 20

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

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▪ Certificate Number or other identifying number: **1736**

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.)

Source	Township	Range	Mer	Sec	¼ ¼ Section	Tax Lot, DLC or Gov't Lot	Acres (if applicable)

Remarks: **This transfer does not involve a change in the place of use.**

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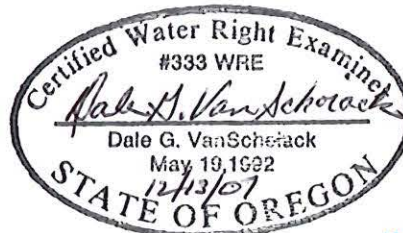
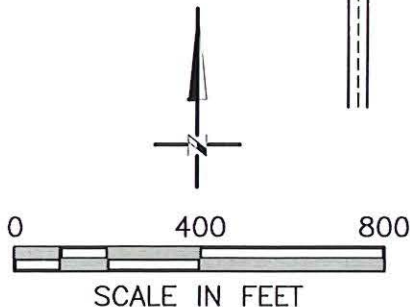
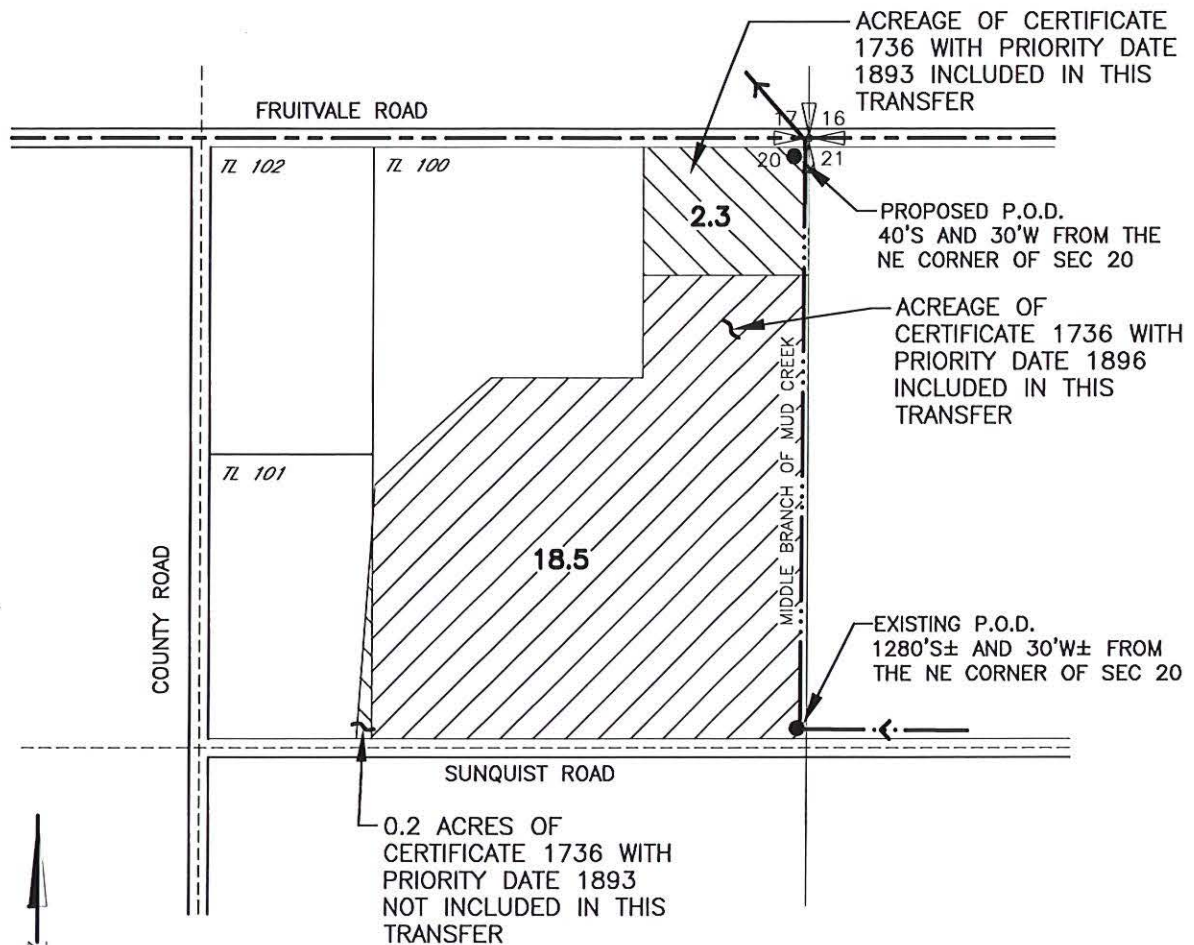
WATER RESOURCES DEPT
SALEM, OREGON

T 10509

SCOTT HENDRICKS WATER RIGHT TRANSFER
APPLICATION MAP

FOR
CHANGE IN LOCATION OF P.O.D.
CERTIFICATE 1736

NE $\frac{1}{4}$ NE $\frac{1}{4}$, SEC 20, T6N, R35E, WM,
UMATILLA CO



Expires 6/30/08

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MAY 24 2007

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NOTE:
THE PURPOSE OF THIS MAP IS TO IDENTIFY THE APPROXIMATE LOCATION
OF THE WATER RIGHT. IT IS NOT INTENDED TO PROVIDE INFORMATION
RELATIVE TO THE LOCATION OF PROPERTY OWNERSHIP BOUNDARY LINES.

DRAWING: H:\CAD\AG\3522\Hendricks\3522300HenPODR.dwg
PRINTED BY: Roger Willard on 12/13/07 03:07 PM

1 10509

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

State of Oregon)
) ss
County of **Umatilla**)

I, **Scott Hendricks**, in my capacity as **Owner**,
mailing address **P. O. box 293, Milton-Freewater, OR 97862**
telephone number (509) **520 0954**, being first duly sworn depose and
say:

1. I attest that:

- ☒ Water was used during the previous five years on the entire authorized place of use
of the water right proposed for transfer as described on the accompanying transfer
application; **or**
- ☐ The water right was leased instream at some time within the last five years. The
instream lease number is as follows: _____; **or**
- ☐ The water right is not subject to forfeiture and documentation that a presumption of
forfeiture for non-use would be rebutted under ORS 540.610(2) is attached.

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

☒ Personal observation

☐ Professional expertise

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

Township		Range		Mer	Sec	¼ ¼ Section	Gov't Lot or DLC	Acres (if applicable)
6	N	35	E	WM	20	NE NE	100	20.8

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

The water was used to irrigate pasture.

5. The water delivery system used to apply water as authorized by the right is described below:

The water delivery system includes a 7.5 horsepower centrifugal pump and 48 hand lines.

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

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

[Signature]
Signature of Affiant

12-18-07
Date

Signed and sworn to (or affirmed) before me this 18 day of Dec., 2007.



[Signature]
Notary Public for Oregon

My Commission Expires: Jan. 27, 2010

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SALEM, OREGON

T 0509

mud creek Pump



SCOTT HENDRICKS
PO BOX 293
MILTON FREEWATER OR 97862-0293

Questions about your bill: 1-888-221-7070
24 hours a day, 7 days a week
www.pacificpower.net

PAGE 1 OF 2

BILLING DATE: Sep 26, 2007
ACCOUNT NUMBER: [REDACTED]
DATE DUE: Oct 12, 2007
AMOUNT DUE: \$0.00

Your Balance With Us

Previous Account Balance	218.65
Payments/Credits	-353.65
New Charges	+69.56
Current Account Balance	- \$ 65.44

Payments Received

DATE	DESCRIPTION	AMOUNT
Aug 27, 2007	Payment Received - Thank you	353.65
	Total Payments	\$ 353.65

Historical Data - ITEM 4



2006 S O N D J F M A M J J A S 2007

Your Average Daily kWh Usage by Month

PERIOD ENDING	SEP 2007	SEP 2006
Avg. Daily Temp.	67	66
Total kWh	1134	0
Avg. kWh per Day	54	0
Cost per Day	\$3.31	

Fuel source, environmental impact and price comparison information is available on our Web site at www.pacificpower.net/ortpower.

Talk with an expert.
Pacific Power has a hotline specifically for irrigators. If you have any questions about your pumping account or your billing, please call 1-800-715-9238.

Detailed Account Activity

ITEM 4 - ELECTRIC SERVICE

52052 Fruitvale Rd # 10HP Milton Freeewater OR
10hp Irr Pump Schedule 41
Service ID: 626931893-001

METER NUMBER	SERVICE PERIOD From To	ELAPSED DAYS	METER READINGS Previous Current	METER MULTIPLIER	AMOUNT USED THIS MONTH
28447256	Sep 4, 2007 Sep 25, 2007	21	652 1786	1.0	1,134 kWh
28447256	Demand Sep 25, 2007		6.518	1.0	7 kw

Previous Month Estimated

NEW CHARGES - 9/27

	UNITS	COST PER UNIT	CHARGE
Delivery Charge Secondary for 21 day(s)	1,134 kWh	0.0204900	23.24
(Season End Est Charge Sec Is for 21 day(s) \$88.20)			
Supply Energy Sec Summer for 21 day(s)	1,134 kWh	0.0387400	43.93
Public Purpose		0.0300000	2.02
Low Income Assistance for 21 day(s)	1,134 kWh	0.0003300	0.37
Total New Charges			69.56

See reverse

Write account number on check & mail to: Pacific Power, 1033 NE 6th Ave, Portland, OR 97256-0001

RETAIN THIS PORTION FOR YOUR RECORDS
RETURN THIS PORTION WITH YOUR PAYMENT



CHANGE SERVICE REQUESTED

#BWNMPTC
#2484201000245006#
23021 01 AT 0.334 84-0



WRITE ACCOUNT NUMBER
ON CHECK & MAIL TO:

PACIFIC POWER
1033 NE 6TH AVE
PORTLAND OR
97256-0001

Late Payment Charge for Oregon
A late payment charge of 1.7% may be charged on any balance not paid in full each month.

Change of Mailing Address or Phone?
Check here & provide information on back.

Account Number: [REDACTED]
Date Due: Oct 12, 2007

AMOUNT DUE: \$0.00

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WATER RESOURCES DEPT
SALEM, OREGON

T 10509



Oregon Water Resources Department Land Use Information Form

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WATER RESOURCES DEPT
Salem, Oregon

This information is needed to determine compatibility with local comprehensive plans as required by ORS 197.180. WRD will use this and other information to evaluate the water use application. 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, or exchange 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.

To Be Completed By Applicant

This section must be completed by the individual or group that is filing an application with the Water Resources Department. Attach a copy of the map from the application to this form.

- A. Applicant

Name: Scott Hendricks

Address: P.O. Box 293

City: Milton-Freewater State: OR Zip: 97862

Day Phone: 509 520 0954

- B. Land and Location

Please provide information as requested below for all tax lots on or through which water will be diverted, conveyed, or used. Check "diverted" if water is diverted (taken) from its source on tax lot, "conveyed" if water is conveyed (transported) on tax lot, and "used" if water will be put to beneficial use on tax lot. More than one box may be checked. (Attach extra sheets as necessary.) 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.

Tax Lot I.D.	Plan Designated (e.g. Rural Residential/RR-5)	Water to be: (Check all that apply)			Proposed Land Use
TL 100	EFU	☒ Diverted	☒ Conveyed	☒ Used	Irrigated Farmland
		☐ Diverted	☐ Conveyed	☐ Used	
		☐ Diverted	☐ Conveyed	☐ Used	
		☐ Diverted	☐ Conveyed	☐ Used	
		☐ Diverted	☐ Conveyed	☐ Used	
		☐ Diverted	☐ Conveyed	☐ Used	

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

- C. Description of Proposed Use

Indicate the type of application to be filed with the Water Resources Department.

☐ Water Use Permit ☒ Water Right Transfer ☐ Allocation of Conserved Water ☐ Exchange

Indicate the intended use of water and describe the key characteristics of the project.

☐ Commercial ☐ Industrial ☐ Instream ☒ Irrigation
☐ Municipal ☐ Quasi-municipal ☐ Domestic (indicate number of households)
☐ Other _____

Briefly describe: The owner is moving his irrigation point of diversion out of the Middle Branch of Mud Creek downstream to a more convenient location.

Indicate the source of the water to be used.

☐ Reservoir/Pond ☐ Ground Water ☒ Surface Water Middle Branch of Mud Creek

Indicate the estimated quantity of water the use will require: _____ ☐ CFS ☐ GPM ☐ Acre-Feet (Source)

Last Revised: 04/06/04

T 10509

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 this case, only the city planning agency must complete this form. Please request additional forms as needed or feel free to copy.

A. Allowed Use

Check the appropriate box below and provide 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): 152.056. Go to section B "Approval" below.
- ☐ Land uses to be served by proposed water uses (including proposed construction) involve discretionary land use approvals as listed in the table below.

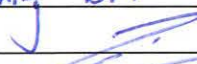
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Type of Land Use Approval Needed (3.g. plan amendments, rezones, conditional use permits, etc.)	City Most Significant, Applicable Plan Policies & Ordinance Section References	Check the item that applies: Land Use Approval	
<u>N/A</u>	<u>N/A</u>	☐ Obtained ☐ 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
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Note: Please attach documentation of applicable local land use approvals which have already been obtained. (Record of Action/land use decision and accompanying findings are sufficient.)

B. Approval

Please provide printed name and written signature.

Name: J.R. Cook Date: 12-14-07
 Title: Asst. Planning Dir Phone: 541.278.6251
 Signature: 

C. Additional Comments

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

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WATER RESOURCES DEPT
SALEM OREGON

Note: If this form cannot be completed while the applicant waits, sign and detach the receipt stub as instructed below. 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.

T 10509



Oregon Water Resources Department Land Use Information Form

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Day Phone: **509 520 0954**

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		☐ Diverted	☐ Conveyed	☐ Used	
		☐ Diverted	☐ Conveyed	☐ Used	
		☐ Diverted	☐ Conveyed	☐ Used	
		☐ Diverted	☐ Conveyed	☐ Used	

List counties and cities where water is proposed to be diverted, conveyed, or used. **Umatilla County**

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☐ Municipal ☐ Quasi-municipal ☐ Domestic (indicate number of households)
☐ Other

Briefly describe: The owner is moving his irrigation point of diversion out of the Middle Branch of Mud Creek downstream to a more convenient location.

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Indicate the estimated quantity of water the use will require: ☐ CFS ☐ GPM ☐ Acre-Feet (Source)

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Last Revised: 04/06/04

For Local Government Use Only

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N/A	N/A	☐ Obtained	☐ Being pursued
		☐ Denied	☐ Not being pursued
		☐ Obtained	☐ Being pursued
		☐ Denied	☐ Not being pursued
		☐ Obtained	☐ Being pursued
		☐ Denied	☐ Not being pursued
		☐ Obtained	☐ Being pursued
		☐ Denied	☐ Not being pursued
		☐ Obtained	☐ Being pursued
		☐ Denied	☐ Not being pursued
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		☐ Denied	☐ Not being pursued

Note: Please attach documentation of applicable local land use approvals which have already been obtained. (Record of Action/land use decision and accompanying findings are sufficient.)

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Please provide printed name and written signature.

Name: J.R. Cook Date: 12-14-07

Title: Asst. Planning Dir. Phone: 541.278.6251

Signature: 

C. Additional Comments

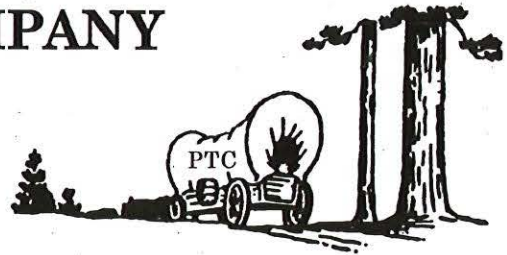
Local governments are invited to express special land use concerns or make recommendations to the Department regarding this proposed use of water below, or on a separate sheet.

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T 10509

PIONEER TITLE COMPANY

P.O Box 128
126 S.E. Court Ave.
Pendleton, OR 97801
Ph: (541) 276-4431
Fx: (541) 276-2007



PIONEER ESCROW, INC.
P.O Box 187 • 630 S. Hwy 395
Hermiston, OR 97838
Ph: (541) 567-9743
Fx: (541) 567-7307

PIONEER ESCROW, INC.
178 S. Main St.
Milton-Freewater, OR 97862
Ph: (541) 938-3327
Fx: (541) 938-5089

PIONEER ESCROW, INC.
P.O. Box 1538 • 132 S.E. Court Ave.
Pendleton, OR 97801
Ph: (541) 276-5114
Fx: (541) 276-0484

To: William Porfily
PO Box 643
Stanfield, OR 97875

Order No: 82556
Your No : n/a
Owner : HENDRICKS
Report : Lot Book Report

TYPE OF POLICY:	AMOUNTS	CODE	PREMIUMS
Lot Book Report Guarantee	\$0.00		\$200.00

We hereby certify that we have searched our Tract Indices as to the following described property:

SEE ATTACHED DESCRIPTION

And as of December 10, 2007, at 5 o'clock P.M., we find that the last document of record runs to:

SCOTT A. HENDRICKS and REBECCA L. HENDRICKS
as tenants by the entirety as to a fee simple interest

We also find the following monetary incumbrances appearing of record within ten years prior to the date of this search:

- 2007-2008 Taxes, \$1,234.23
Portion paid - 411.41
Unpaid balance \$ 822.82
Code No. 7-14, Map No. 6N-35-20, Tax Lot 100, Serial No. 129413
(This assessment includes M/H X-255365 which has been detitled)
- As disclosed by the tax rolls the premises herein described have been zoned or classified for special use. At any time that said land is disqualified for such use said property will be subject to additional taxes and interest.
- City Liens, County Liens, Special Assessments if any.

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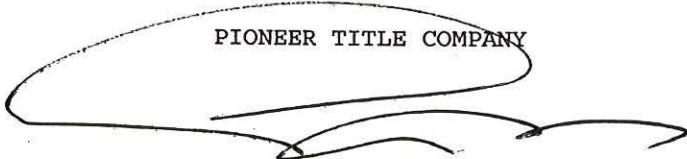
WATER RESOURCES DEPT
SALEM, OREGON

T 10509

This is NOT A TITLE REPORT, since no examination has been made of the title to the above described property. Our search for apparent incumbrances was limited to our Tract Indices, and therefore above listings do not include additional matters which might have been disclosed by an examination of the record title. We assume no liability in connection with this report and will not be responsible for errors or omissions therein.

Very truly yours,

PIONEER TITLE COMPANY



Jeremy S. Parker
Title Examiner

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WATER RESOURCES DEPT
SALEM OREGON

T 10509

The Northeast Quarter of the Northeast Quarter of Section 20, Township 6 North, Range 35, East of the Willamette Meridian, Umatilla County, Oregon;

Excepting therefrom that tract of land described as commencing at the Southwest corner of the Northeast Quarter of the Northeast Quarter of said Section 20; thence East 20 feet to a point on the East line of County Roads No. 38 and No. 836; thence North 20 feet to a point on the North line of County Road No. 455, said point also being the True Point of Beginning for this description; thence East along the North line of said County Road No. 455 a distance of 354 feet to a point; thence North and parallel to the East line of County Roads No. 38 and No. 836 a distance of 615.50 feet to a point; thence West and parallel to the North line of County Road No. 455 a distance of 354 feet to a point on the East line of County Roads No. 38 and No. 836; thence South along said East line a distance of 615.50 feet to the true point of beginning;

Also excepting therefrom that tract of land described as commencing at the Southwest corner of the the Northeast Quarter of the Northeast Quarter of said Section 20; thence East 20 feet to a point on the East line of County Roads No. 38 and No. 836; thence North 20 feet to a point on the North line of County Road No. 455; thence North along the East line of County Roads No. 38 and No. 836 a distance of 615.50 feet to a point, said point also being being the True Point of Beginning for this description; thence East and parallel with North line of County Road No. 455 a distance of 354 feet; thence North and parallel with County Roads No. 38 and No. 836 a distance of 664.95 feet, more or less, to a point on the South line of County Road No. 309; thence West and parallel with the North line of County Road No. 455 a distance of 354 feet to the East line of County Roads No. 38 and No. 836; thence South along said East line a distance of 664.95 feet, more or less to the true point of beginning;

Also excepting therefrom any portion lying within the County Roads rights-of-ways.

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WATER RESOURCES DEPT
SALEM, OREGON

PIONEER TITLE COMPANY

PRIVACY POLICY

An Agent of FIRST AMERICAN TITLE INSURANCE COMPANY OF OREGON
WE ARE COMMITTED TO SAFEGUARDING CUSTOMER INFORMATION

In order to better serve your needs now and in the future, we may ask you to provide us with certain information. We understand that you may be concerned about what we will do with such information, particularly any personal or financial information. We agree that you have a right to know how we will utilize the personal information you provide to us. Therefore, we have adopted this Privacy Policy to govern the use and handling of your personal information.

APPLICABILITY. This Privacy Policy governs our use of the information which you provide to us. It does not govern the manner in which we may use the information we have obtained from any other source, such as information obtained from a public record or from another person or entity.

TYPES OF INFORMATION. Depending upon which our services you are utilizing, the types of nonpublic personal information that we may collect include:

- A. Information we receive from you on applications, forms and in other communications to us, whether in writing, in person, by telephone or any other means;
- B. Information about your transactions with us, our affiliated companies, or others; and
- C. Information we receive from a consumer reporting agency.

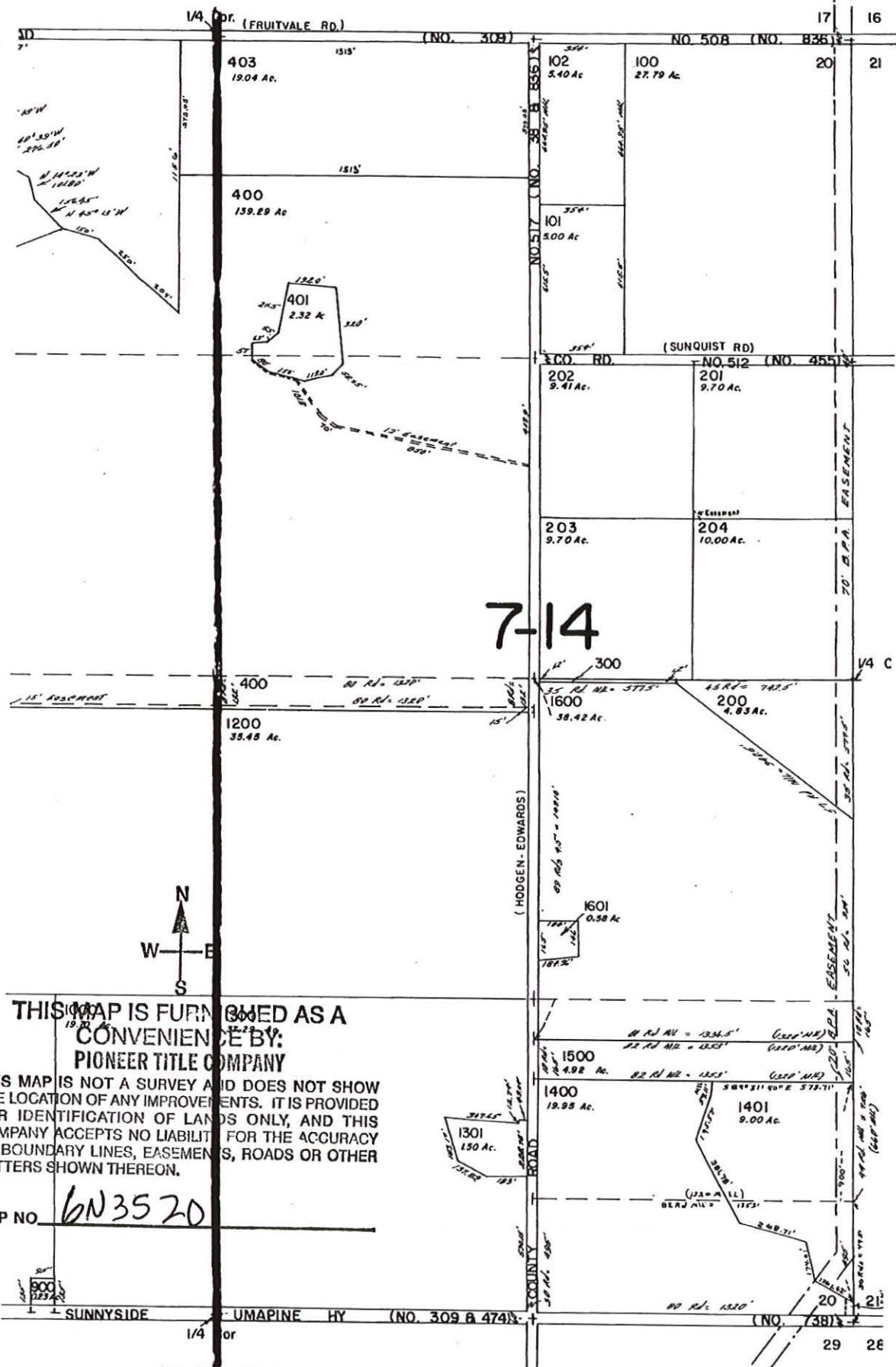
USE OF INFORMATION. We request information from you for our own legitimate business purposes and not for the benefit of any non affiliated party. Therefore, we will not release your information to nonaffiliated parties except: (1) as necessary for use to provide the product or service you have requested to use; or (2) as permitted by law. We may however, store such information indefinitely, including the period after which any customer relationship has ceased. Such information may be used for any internal purposes, such as quality control efforts or customer analysis. We may also provide all of the types of nonpublic personal information listed above to one or more of our affiliated companies. Such affiliated companies include financial service providers, such as title insurers, property and casualty insurers, and trust and investment advisory companies, or companies involved in real estate services, such as appraisal companies, home warranty companies and escrow companies. Furthermore, we may also provide all the information we collect, as described above, to companies that perform marketing services on our behalf, on behalf of our affiliated companies, or to other financial institutions with whom we or our affiliated companies have joint marketing agreements.

FORMER CUSTOMERS. Even if you are no longer our customer, our Privacy Policy will continue to apply to you.

CONFIDENTIALITY AND SECURITY. We will use our best efforts to ensure that no unauthorized parties have access to any of your information. We restrict access to nonpublic personal information about you to those individuals and entities who need to know that information to provide products or services to you. We will use our best efforts to train and oversee our employees and agents to ensure that your information will be handled responsibly and accordance with this Privacy Policy. We currently maintain physical, electronic, and procedural safeguards that comply with federal regulations to guard your nonpublic personal information.

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WATER RESOURCES DEPT
SALEM, OREGON



See Map 6N 35 29

T 10509



Transmittal

To: Dorothy Pedersen
Water Rights Specialist/
Transfers
OWRD

Date: March 25, 2008

From: Katie Turner

Project Name: Scott Hendricks
Transfer T-10509

Subject: Final Deliverables

Project No.: 994.151

We are sending you via Mail the following items:

Copies	Date	Description
1	03/25/08	Final Deliverables for Scott Hendricks Transfer, T-10509

These are transmitted:

☐ For Approval
☒ For Your Use, As Discussed
☐ As Requested
☐ For Review and Comment

Remarks:

Dorothy,

Here are the originals of the final deliverables for the Hendricks Transfer. Call if you have any questions.

Thanks

Katie

Copy To: _____

Signed: _____

Dorothy Pedersen

From: Katie Turner [kturner@newtonconsultants.com]
Sent: Friday, March 07, 2008 8:56 AM
To: Dorothy Pedersen
Attachments: Review Checklist T10509.pdf; 10509-rr-1736-template.doc; contact list.doc; 10509-dpd.doc; DPD Cover Approval 10509.doc; RA-pd-cov-template.doc

Dorothy,

I have attached the electronic deliverables for the Scott Hendricks Transfer T-10509. The review checklist is also attached for your review.

Things to note about this transfer are:

1. There is 0.2 acres that will be a remaining right.
2. The power records indicate a 10 hp pump where the application indicates a 7.5 hp pump. Some assumptions were made to verify the system capacity.
3. The original certificate (dated 1917) did not have any conditions including fish screen requirements. I did include the standard paragraph that ODFW may require fish screens in the future.

Please review and let me know if there are changes that need to be made.

Sincerely,

Katie Turner, GIT

Engineering/Geological Technician



521 SW 6th Street, Suite 100
Redmond, Oregon 97756
541-504-9960 ext. 210
541-504-9961 fax

Dorothy Pedersen

From: Dorothy Pedersen
Sent: Wednesday, January 30, 2008 11:17 AM
To: 'jnewton@newtonconsultants.com'
Subject: Watermaster review for T-10509

Attachments: 10509-WM Review.pdf



10509-WM
Review.pdf (27 KB)

Hi Jim,

Attached is the watermaster review for T-10509. Please put it with your file materials, to review once you have a work order for the project.

Thanks,
Dorothy

Dorothy I. Pedersen
Transfer Program Advisor
(503) 986-0890
Oregon Water Resources Department
725 Summer St. NE, Suite A
Salem, OR 97301-1266

Dorothy Pedersen

From: Dorothy Pedersen
Sent: Wednesday, January 23, 2008 12:37 PM
To: 'jnewton@newtonconsultants.com'
Subject: T-10509 templates

Attachments: supplemental-lang.dot; DeficLet.dot; PD_notice.dot; Contact List.dot; RA-pd-cov-template.doc; 10509-dpd-template.doc; 10509-RA-ReviewChecklist template.doc; DPD Cover Approval.doc; DPD Cover Deny.doc; 10509-rr-1736-template.doc

						
supplemental-lang. dot (169 KB)...	DeficLet.dot (27 KB)	PD_notice.dot (29 KB)	Contact List.dot (26 KB)	RA-pd-cov-templat e.doc (35 KB)...	10509-dpd-templat e.doc (97 KB)...	10509-RA-ReviewC hecklist templ...
						
DPD Cover approval.doc (39 KB).	DPD Cover Deny.doc (41 KB)	10509-rr-1736-tem plate.doc (49...				

Hi Jim,

Attached are templates for the T-10509 project for use once you have received a work order.

Included is an editable review checklist. To get the boxes checked, double click on the checkbox, then in the resulting dialog box click the radio button to make the default "checked".

Let me know if you do not have a work order by February 12th.

Dorothy

Dorothy I. Pedersen
Transfer Program Advisor
(503) 986-0890
Oregon Water Resources Department
725 Summer St. NE, Suite A
Salem, OR 97301-1266

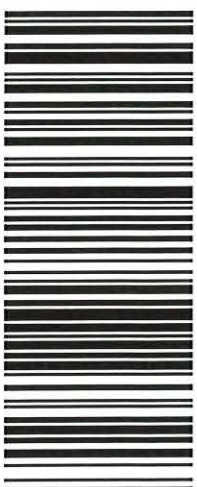
UPS Internet Shipping: View/Print Label

1. **Print the label(s):** Select the Print button on the print dialog box that appears. Note: If your browser does not support this function select Print from the File menu to print the label.
2. **Fold the printed label at the dotted line.** Place the label in a UPS Shipping Pouch. If you do not have a pouch, affix the folded label using clear plastic shipping tape over the entire label.
3. **GETTING YOUR SHIPMENT TO UPS**
Customers without a Daily Pickup
 - Schedule a same day or future day Pickup to have a UPS driver pickup all of your Internet Shipping packages.
 - Hand the package to any UPS driver in your area.
 - Take your package to any location of The UPS Store®, UPS Drop Box, UPS Customer Center, UPS Alliances (Office Depot® or Staples®) or Authorized Shipping Outlet near you. Items sent via UPS Return ServicesSM (including via Ground) are accepted at Drop Boxes.
 - To find the location nearest you, please visit the 'Find Locations' Quick link at ups.com.

Customers with a Daily Pickup

- Your driver will pickup your shipment(s) as usual.

FOLD HERE

TIFFANY 5039860800 OR WATER RESOURCES DEPT 725 SUMMER ST NE SALEM OR 97301	LTR	1 OF 1
SHIP TO: DAVID NEWTON NEWTON CONSULTANTS SUITE 100 531 SW 6TH ST REDMOND OR 97756-2702		
OR 977 0-02 		
		
UPS NEXT DAY AIR TRACKING #: 1Z F72 205 01 9276 2543		
		
BILLING: P/P		
Reference#1: DOROTHY PEDERSEN Reference#2: PCA 47119 & RA 33 PGS US 10.0.22 WXPDE60 72.0A 10/2007		
 TM		

Shipping Checklist for Reimbursement Authority File

File T- 10509 Applicant: Scott Hendricks

Agent/Contact: William Porcily

Ship to Contractor: Newton

Items included:

- ☒ Copy of front of file folder
- ☒ Reimbursement Authority Estimate Application
- ☒ Transfer Application form
- ☒ Transfer map
- ☒ Evidence of use affidavit
- ☒ Supporting documentation for evidence of use
- ☒ Land-use Information form
- ☐ Lot book report (or deed if instream or temporary transfer, or application received before 7/1/03)
- ☒ Certificate or copy of decree for each right to be transferred
- ☒ Final Proof map or decree map for each right to be transferred
- ☒ Well logs (if change in POA, SW POD-to-GW POA change)
- ☒ Watermaster review (all transfers)
- ☒ ODFW review (if change in POD)
- ☒ GW review (if Δ POA, or POD-to-POA change)
- ☒ Transfer review checklist
- ☒ Final Deliverable cover sheet
- ☒ Itemized Estimate sheet for contractor

Additional things to check:

- ☒ All regular application processing fees paid
- ☒ Reimbursement Authority \$125 fee paid for preparing estimate
- ☒ Date of WRD initial Public Notice 1-8-08

Number of sheets copied 33

File contents copied by Lisa Paschke Date 1/2/08

**Reimbursement Authority Process
Itemized Estimate Sheet
for
Water Rights Transfer**

Application Number T-10509

Name of Applicant: Scott Hendricks

Proposed Timeline

1/8/2008	Public Notice (start of 30-day comment period).
2/19/08	Completion of draft preliminary determination--1 week after contracts signed and removal of deficiencies, but not before the end of the Public Notice comment period and receipt of all agency reviews (Watermaster, groundwater and ODFW as applicable).
3/25/08	Deadline for applicant review of draft preliminary determination--30 days or more after draft PD mailed to applicant, depending on issues to be resolved.
5 working days after DPD comments received	Completion of contract work: Submittal of PD cover letter, PD public notice (and remaining rights certificates if applicable)--within 5 business days after comments received from applicant that the draft is satisfactory, or after the end of the period for applicant to comment on draft PD and remedy deficiencies.

For purposes of water right transfers, all deliverables must be in Microsoft Word except remaining right certificates for which electronic copies of the existing certificates are currently available in WordPerfect.

Estimate

	Item	Time
1	Review of application for completeness.	
2	Review of "From" lands to confirm consistency with existing right(s) and ownership.	
3	Review of "To" lands for conflicts and preparation of draft deficiency letter (if necessary).	
4	Preparation of draft preliminary determination, DPD cover letter and contact list.	
5	Preparation of PD public notice, PD cover letter (and remaining right certificate(s) if necessary), and processing documentation.	
Total Estimated Time:		

(Indicate the estimated amount of time, in ½ hour increments, needed to complete each item listed.)

Prior to preparing an estimate, contact Department staff if work could not be performed consistent with the proposed timeline. In developing the estimate, review the transfer application, transfer map, existing certificate, and final proof map. Pay particular attention to the clarity of the existing rights and the complexity of the request.

Name of Consultant: Newton Consultants

Authorized Representative: _____

Date: _____

Review Checklist**T-10509**Processor: *Reimbursement Authority*
Dorothy Pedersen**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 & 1/4 1/4 on map match the transfer application and certificate descriptions.
- ☐ Map acres match the tabulation on the certificate.
- ☐ Have final proof maps/deed maps for the rights. ☐ Application map matches certificate FPS.
- ☐ Have necessary aerial photos.

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

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

Ownership

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

Evaluation (materials needed for peer reviewer in bold)

- | | | | | |
|---|--------------------------------------|------------------------------------|--|--|
| ☐ 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 ☐ GWHeadgate ☐ When in the judgment ☐ Prior to diverting ☐ Existing and maintainMeasuring Devices ☐ When in the judgment ☐ Prior to diverting ☐ Existing and maintainFish Screen Devices ☐

Injury: Y N Enlargement: Y N

Conditions to avoid enlargement/injury -

**Reimbursement Authority
Final Deliverables Cover Sheet
for
Transfers**

Transfer # T-10509

Applicant: Scott Hendricks

The following items have been submitted electronically*:

- ☐ Contact List
- ☐ Draft Preliminary Determination (DPD)
- ☐ DPD Cover Letter
- ☐ PD Notice
- ☐ PD Cover Letter
- ☐ Remaining Right Certificates (one for each right that is not entirely affected by the transfer)
- ☐ Instream Water Right Certificate (if required)

***NOTE:** Transfer documents should be submitted in MS Word format preferably, or "rich text" format.

The following items are enclosed:

- ☐ Review checklist
- ☐ Marked copy of transfer application
- ☐ (for POU changes) Plat Card Report marked to indicate any other rights on the "From" lands
- ☐ (for POU changes) Plat Card Report marked to indicate rights overlapping proposed POU
- ☐ Notes or sketches, maps, etc. from evaluation of changes, injury evaluation, etc. that will help document what was considered in reaching the findings and determination in the Preliminary Determination.
- ☐ Copies of each certificate that is only partially included in the transfer, marked as needed to show what portion of the right is being affected, and what remains unchanged.
- ☐ Signature of Contractor: _____ Date: _____

For WRD use only:

WRD approval by: _____ Date: _____

**WATER RESOURCES DEPARTMENT
REIMBURSEMENT AUTHORITY ESTIMATE APPLICATION**

House Bill 2551 (2003 Oregon Laws) authorizes the Oregon Water Resources Department to expedite or enhance regulatory processes voluntarily requested under the agreement. The voluntary agreement can be entered into with any person requesting services and agreeing to pay the Department's costs of providing the service.

The Department has established a pool of qualified contractors to perform expedited services for water right transfers, water right permits extensions, and water right certificates.

The purpose of this application is to obtain an estimate from the next qualified contractor in the appropriate pool. There is a non-refundable application fee of \$125.00 per request. The contractor will provide an estimate of the cost and of the time required to process and develop a recommendation on the request of a: (check one):

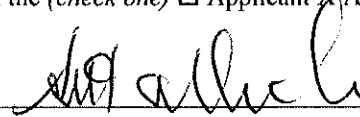
<u>REQUEST</u>	<u>TYPE</u>	<u>FILE NUMBER</u>
☒ XX	Transfer Application	<u>T-10509</u>
☐	Certificate Request	_____
☐	Extension of Time Request	_____

<u>Applicant Information</u>		<u>Applicant's Representative/Contact</u>
Name: (Please Print)	Scott Hendricks	William I. Porfily
Address:	P.O. Box 293	P.O. Box 643, 415 E. Wheeler
	Milton-Freewater, OR 97862	Stanfield, OR 97875
Phone:	(509)520-0954	(541)449-1327
Fax		(541)449-1327
E-Mail Address:		bporfily@my180.net

I understand the following:

- There is a non-refundable application fee of \$125.00 per request.
- That upon receipt of my non-refundable application fee in the amount of \$ 125.00, OWRD will assign my request to the next contractor in the pool of contractors performing expedited services.
- That this fee covers the copying, the mailing cost, as well as the cost for the contractor to evaluate and provide the estimate for processing of the request.
- That OWRD will provide all pertinent information to the assigned contractor within three (3) business days.
- That OWRD will, within fourteen (14) days, notify me in writing of the estimates of costs and time frame for the expedited service.
- That upon receiving the estimates I may agree or decline to enter into a formal contract to pay the estimated cost in advance to initiate the expedited service.
- An incomplete or inaccurate application may delay the process and increase the cost to process my request.
- Expedited processing does not guarantee a favorable review of my request.

I certify that I am the (check one) ☐ Applicant ☒ Applicant's Representative ☐ Other (Please specify) _____

Signature:  Name: Scott Hendricks

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DEC 24 2007

OWRD USE ONLY

Contractor Assigned: <u>Newton Consultants</u>	Total Amount Paid: <u>\$125.00</u>
OWRD Approval: _____	

