

T-10516

T-10516

RA

Assigned
 Name Oregon Dept. of Forestry
~~David Lorenz~~ ~~Anne Helms~~
 Address 1758 NE Airport Rd. D.L. Phipps Forest Nursery
Roseburg OR 97470 2424 Wells Road, Elkton, OR 97346
541-440-3412 541-440-3419 Fax
 Change in POD
 Date Filed 12/27/07
 Initial notice date 1-29-2008
 DPD issued date _____
 PD issued date _____
 PD notice date _____
 Date of FO 10-31-08 Vol 76 Page 659
 C-Date 10-1-2010
 COBU due date 10-1-2011
 COBU Received date 7/28/2009
 Certificate issued MAR 28 2014 89/21

DESCRIPTION OF WATER RIGHT(S)

Name of Stream Umpqua RiverTrib. of Pacific OceanUse IRCounty Douglas

Quantity of water (CFS) _____

No. of Acres 155.2

Name of ditch _____

App #	Per #	Cert #	PR Date
<u>28152</u>	<u>522157</u>	<u>49769</u>	<u>1953</u>
App #	Per #	Cert #	PR Date
App #	Per #	Cert #	PR Date
App #	Per #	Cert #	PR Date
App #	Per #	Cert #	PR Date

FEES PAID

Date	Amount	Receipt #
<u>1/22/08</u>	<u>525.00</u>	<u>AR044671B</u>
<u>9-16-09</u>	<u>150.00</u>	<u>97777</u>
<u>8-16-13</u>	<u>\$75.00</u>	<u>109645</u>

FEES REFUNDED

Date	Amount	Receipt#
<u>10/1/09</u>	<u>150.00</u>	<u>97777</u>

Assignments 8/16/2013

FOUR ELL TRUST
 c/o LISA DAVIS, TRUSTEE
 2947 WELLS RD
 ELKTON OR 97436

Irrigation District _____

Agent _____

CWRE Duane Kirby #214CC's list Douglas CountyC/O + P/O: Russell & Lois Four Ell Trust 2950 Wells Rd Elkton, OR 97436Reimbursement Authority Contractor: PBS☐ - Oversized map - Location

STATE OF OREGON

COUNTY OF DOUGLAS

CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

FOUR ELL TRUST
2947 WELLS RD
ELKTON OR 97436

confirms the right to use the waters of UMPQUA RIVER, tributary to PACIFIC OCEAN for IRRIGATION of 155.2 ACRES.

This right was perfected under Permit S-22157. The date of priority is FEBRUARY 27, 1953. The amount of water to which this right is entitled is limited to an amount actually used beneficially, and shall not exceed 1.08 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	DLC	Measured Distances
23 S	8 W	WM	2	SW NW	38	SOUTH 43 DEGREES 30 MINUTES WEST, 2050 FEET FROM N1/4 CORNER, SECTION 2

The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands, is limited to a diversion of ONE-EIGHTIETH 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 2.5 acre-feet per acre for each acre irrigated during the irrigation season of each year.

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

A description of the place of use is as follows:

Twp	Rng	Mer	Sec	Q-Q	DLC	Acres
23 S	8 W	WM	2	SW NE	38	0.8
23 S	8 W	WM	2	SW NE	38	2.7
23 S	8 W	WM	2	NE NW	38	15.6
23 S	8 W	WM	2	SE NW	38	0.4
23 S	8 W	WM	2	SE NW	38	34.7
23 S	8 W	WM	2	NE SW	38	13.9
23 S	8 W	WM	2	NE SW	38	17.2
23 S	8 W	WM	2	SE SW	38	2.4
23 S	8 W	WM	2	NE SE	38	4.0
23 S	8 W	WM	2	NW SE	38	31.0
23 S	8 W	WM	2	SW SE	38	25.4
23 S	8 W	WM	2	SE SE	38	7.1

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

	Twp	Rng	Mer	Sec	Q-Q	DLC	Measured Distances
POD 1	23 S	8 W	WM	11	NE NE	38	440 FEET SOUTH AND 40 FEET WEST FROM THE SE CORNER OF SECTION 2
POD 2	23 S	8 W	WM	11	NE NE	38	250 FEET SOUTH AND 480 FEET WEST FROM THE SE CORNER OF SECTION 2
POD 3	23 S	8 W	WM	2	SW SE	38	320 FEET NORTH AND 2160 FEET WEST FROM THE SE CORNER OF SECTION 2

The water user shall maintain and operate a fish screen and/or a fish by-pass device, as appropriate, at the point of diversion.

The water user shall maintain and operate an in-line flow meter, weir, or other suitable device for measuring and recording the quantity of water diverted.

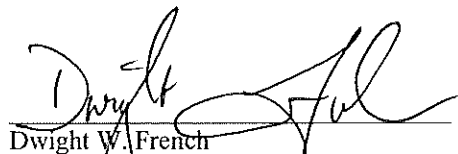
When required by the Department, the water user shall install, maintain, and operate a headgate to control and regulate the quantity of water diverted. The type and plans of the headgate must be approved by the Department prior to beginning construction and shall be installed under the general supervision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

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

This certificate is issued to confirm a change in POINT OF DIVERSION approved by an order of the Water Resources Director entered OCTOBER 31, 2008, at Special Order Volume 76, Page 659, approving Transfer Application 10516, supercedes Certificate 49769, State record of Water Right Certificates.

MAR 28 2014

Issued _____.



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



Oregon

John A. Elizabeth, M.D., 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: March 28, 2014

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.

Mailing List for Transfer Certificate

Application: T-10516

Certificate: 89121

Certificate/Transfer Holder: (include copy of map)

FOUR ELL TRUST ✓
2947 WELLS RD
ELKTON OR 97436

Copies of final Certificate to be sent to:

1. Watermaster # 15 (Include map) ✓
2. Data Center ✓
3. Water Availability ✓
4. Vault ✓
5. File ✓

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

PER ASSESSORS OFFICE:

DUANE KIRBY, CWRE ✓

Record Marking(s):

1. Original Application# 28152 ✓
2. Old Certificate# 49769 ✓

Copies Mailed

By: *Connie Vance*
(SUPPORT STAFF)

on: MAR 28 2014
(DATE)

STATE OF OREGON

COUNTY OF DOUGLAS

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2947 WELLS RD
ELKTON OR 97436

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~~89103~~
89124

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Issued _____.

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

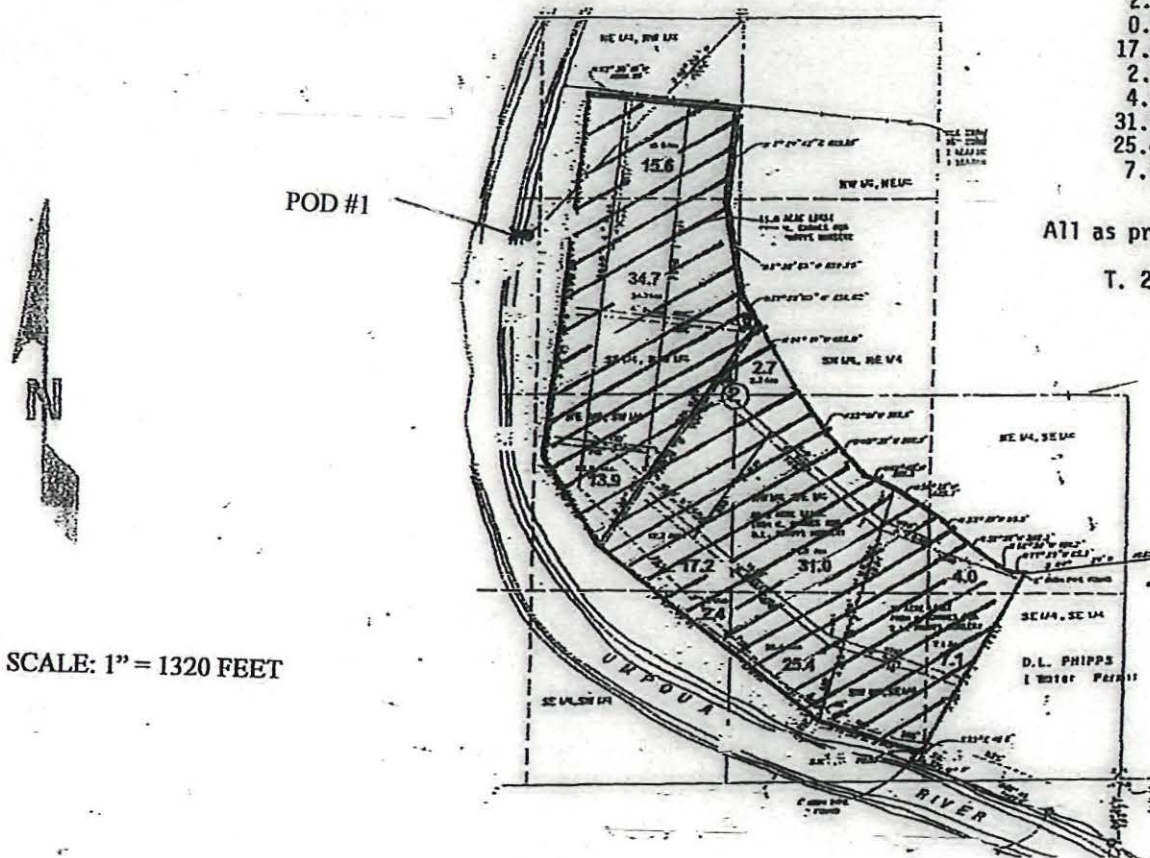
COPY
CLAIM OF BENEFICIAL USE
FOR: RUSSELL AND LOUIS FOUR ELL TRUST
BY: DUANE W. KIRBY
T26S, R8W., W.M. SEC 2
23 T-10516
TAX LOT 200
FISH SCREEN IS AT THE POD

METER IS LOCATED 100 FEET FROM THE POD

IRRIGATION

0.8 acre	SW $\frac{1}{4}$ NE $\frac{1}{4}$
15.6 acres	NE $\frac{1}{4}$ NW $\frac{1}{4}$
34.7 acres	SE $\frac{1}{4}$ NW $\frac{1}{4}$
13.9 acres	NE $\frac{1}{4}$ SW $\frac{1}{4}$
2.7 acres	SW $\frac{1}{4}$ NE $\frac{1}{4}$
0.4 acre	SE $\frac{1}{4}$ NW $\frac{1}{4}$
17.2 acres	NE $\frac{1}{4}$ SW $\frac{1}{4}$
2.4 acres	SE $\frac{1}{4}$ SW $\frac{1}{4}$
4.0 acres	NE $\frac{1}{4}$ SE $\frac{1}{4}$
31.0 acres	NW $\frac{1}{4}$ SE $\frac{1}{4}$
25.4 acres	SW $\frac{1}{4}$ SE $\frac{1}{4}$
7.1 acres	SE $\frac{1}{4}$ SE $\frac{1}{4}$

All as projected within Bay DLC 38
 Section 2
 T. 23 S., R. 8 W., W. M.



SCALE: 1" = 1320 FEET

POD LOCATED SOUTH 43° 30' WEST 2050 FEET FROM THE NW $\frac{1}{4}$ COR SEC 2

RECEIVED

JUL 28 2009

WATER RESOURCES DEPT
 SALEM, OREGON

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





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:

DEC 06 2013

NOTICE

Reference: Transfer Application 10516

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

Mailing List for Transfer Certificate

Application: T-10516

Certificate: PROPOSED

Certificate/Transfer Holder: (include copy of map)

✓ FOUR ELL TRUST
2947 WELLS RD
ELKTON OR 97436

Copies of final Certificate to be sent to:

- ✓ 1. Watermaster # 15 (Include map)
- 2. Data Center
- 3. Water Availability
- 4. Vault
- ✓ 5. File

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

✓ DUANE KIRBY, CWRE

Record Marking(s):

- 1. Original Application# 28152
- 2. Old Certificate# 49769

Copies Mailed

By: *YC*
(SUPPORT STAFF)

on: *12/6/2013*
(DATE)

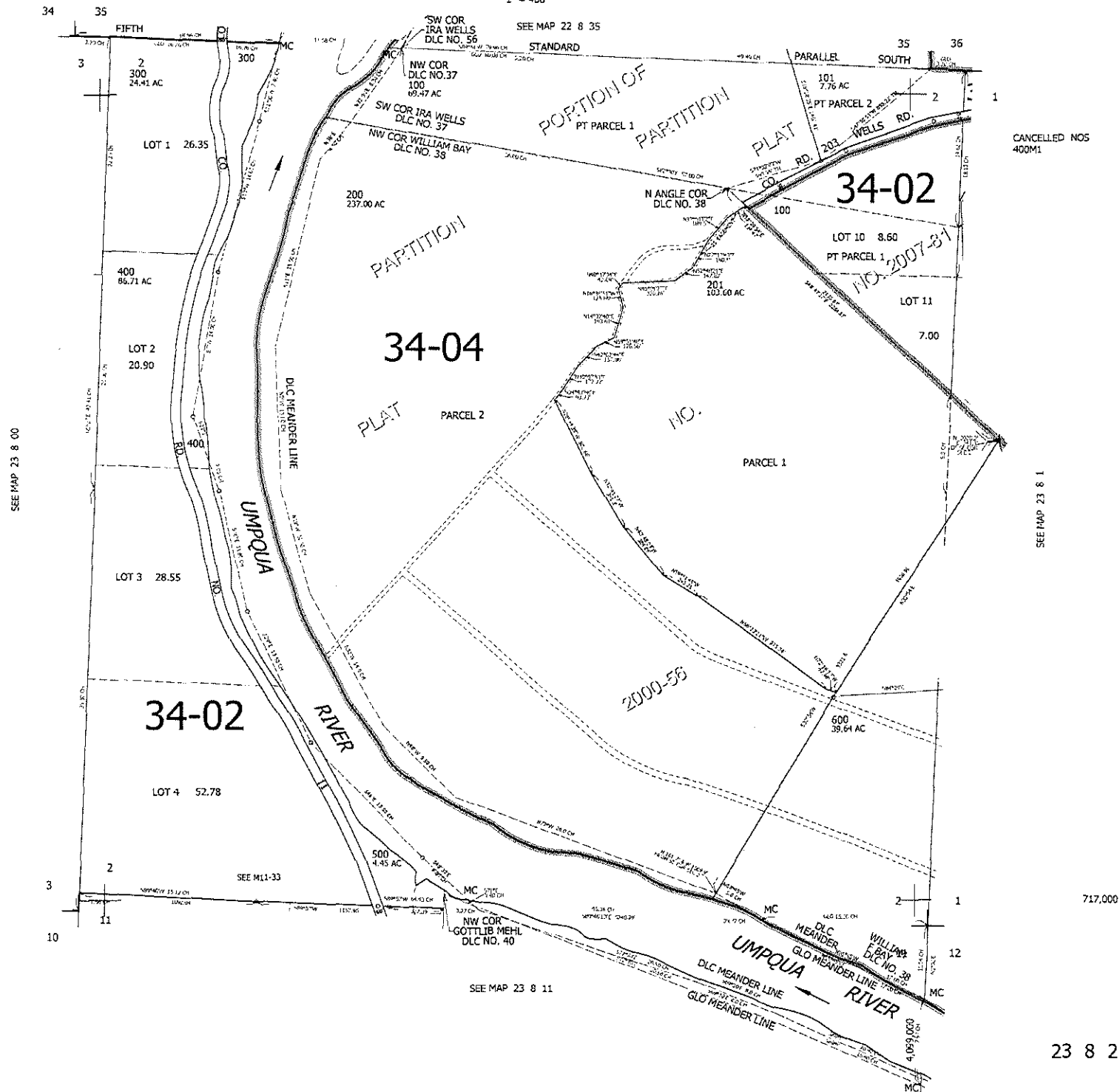
THIS MAP WAS PREPARED FOR
ASSESSMENT PURPOSE ONLY.

SEC.2 T.23S. R.8W. W.M.
DOUGLAS COUNTY

1" = 400'

REVISED ON
6-21-07

23 8 2



MEMO

TO: FILE T-10516

FROM: Kerry Kammagh

DATE: 10-8, 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

ΔPOD CH 49769

Cdate = 10-1-08

COBU rec'd 7-28-09

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. No new owners.

Still Four ELLs

AC
11/19/2013

☒ Prepare a mailing list.

☐ Record marking: App _____ Cert _____

NOTES:

• Assigned to Four ELL Trust

• 7-28-09 ODFW approved fish screen

• Proposed → limit Q to 1.08 CFS

Δ POD

C date = 10-1-08

1.94 CFS
img 155.2 ac

Corbu rec'd 7-28-09 $\rightarrow$ complete application of water 7-28-09
G meter installed $\hookrightarrow$ fish screen installed

from 3 POD's to original POD from preceding cert

under Cert 49769 - POW divided by one, two or three PODs

POD

Pump

30 Hp centrifugal

50 psi

lift = 4ft + 52ft = 56ft

total theoretical rate = 1.08 CFS

Sprinkler

98 - 5/32" nozzle size

50 psi

Sprinkler Capacity Calculator

Data Entry (fill in underlined blanks)

Sprinkler group 1 Nozzle size = 5/32 inch (type an apostrophe before the size)
 Pressure = 50 PSI
 Number of heads = 98

Sprinkler group 2 Nozzle size = 0 inch (type an apostrophe before the size)
(if applicable) Pressure = 0 PSI
 Number of heads = 0

Sprinkler group 3 Nozzle size = 0 inch (type an apostrophe before the size)
(if applicable) Pressure = 0 PSI
 Number of heads = 0

Results calculated

Sprinkler group 1 capacity = 490 gpm, or 1.09 cfs
Sprinkler group 2 capacity = 0 gpm, or 0 cfs
Sprinkler group 3 capacity = 0 gpm, or 0 cfs

Total sprinkler capacity = 490 gpm, or 1.09 cfs

Note: If entered values return a result of "#N/A" gpm, then the sprinkler capacity chart does not contain a rate for that nozzle size and PSI.

T-10516
11-4-13
KJK

Pump Capacity Calculation Sheet

using Department designed formula:

T-10516

11/4/2013

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

klk

Efficiency:

Centrifugal = 6.61

Turbine = 7.04

Data Entry (fill in underlined blanks)

HP = 30
Efficiency = 6.61
Lift = 56
PSI = 50

Results Calculated

$(hp)(\text{efficiency}) = 198.3$
Head based on psi = 127.0
Total dynamic head = 183.0
(head + lift)

Pump Capacity =

1.08 feet per second

THIS MAP WAS PREPARED FOR
ASSESSMENT PURPOSE ONLY.

SEE MAP 25 8 00

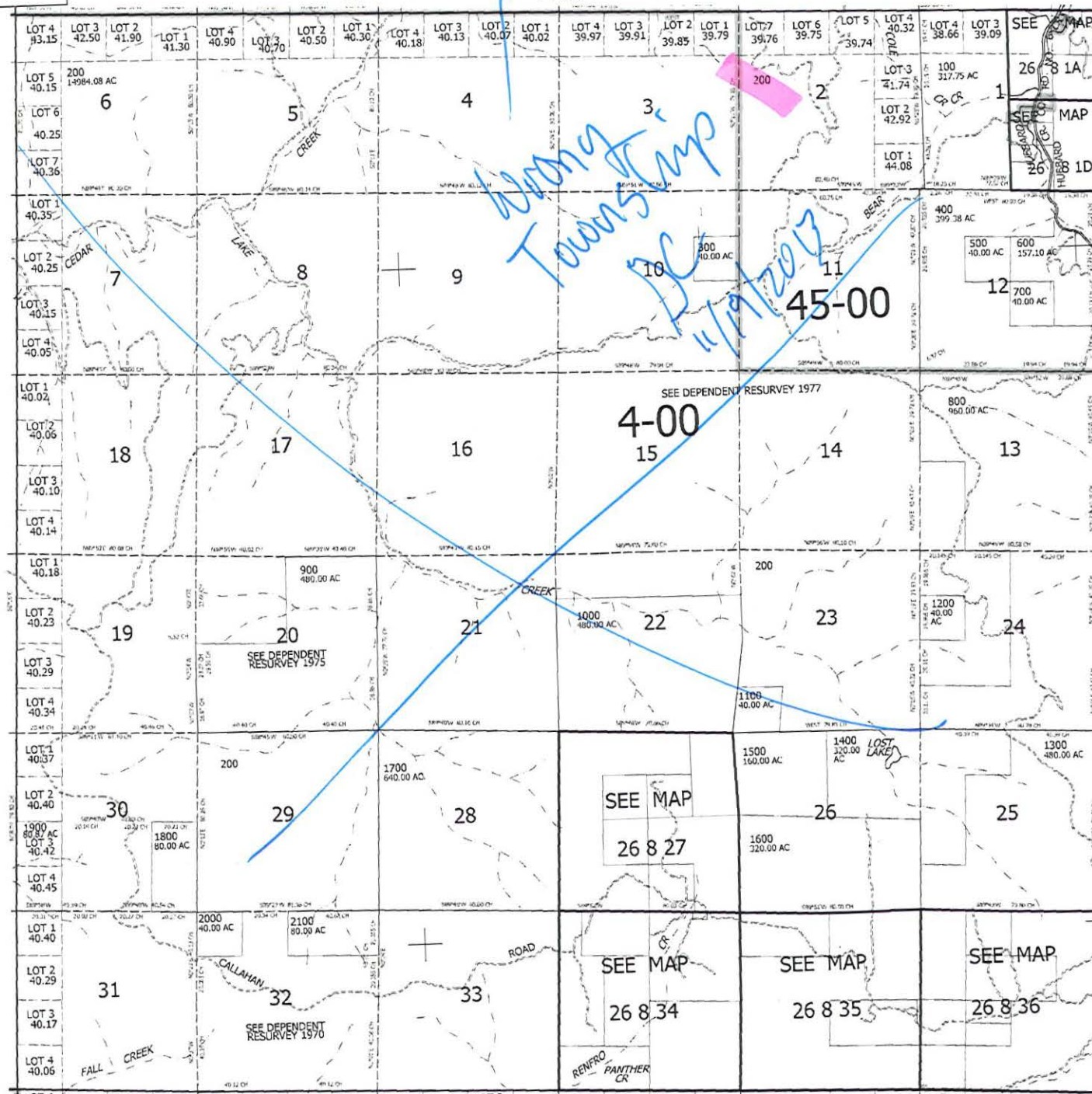
T.26S. R.8W. W.M.
DOUGLAS COUNTY
1" = 2000'

REVISED ON
3-1-99

26 8 00
& INDEX

SEE MAP 26 9 00

SEE MAP 26 7 00



SEE MAP 27 8 00

26 8 00
& INDEX

Property Details for Property ID: M84851**Owner Information :**

Owner Name: NORTH PACIFIC SECURITY
Owner Address #1: INC
Owner Address #2: PO BOX 1217
Owner Address # 3:
Owner City/State/Zip: COOS BAY, OR 97420

Alternate Account #: [REDACTED]
Account Status: I

Property Information :

Township: 26
Range: 08W
Section: 00
Quarter:
Sixteenth:
Maintenance Area: 5
Year Built: 1958
Bedrooms: 1
Exemption Code:
MFD Home ID: 193088

Situs Address: 0 HUBBARD CREEK RD
UMPQUA, OR 97486
Map ID: 26080000200
County Property Class: M904
Legal Acreage: 0.00
Code Area: 00400
Neighborhood Code: MH5
Living Area: 370
Baths: BATH1
Exemption Desc.:

Value Information : 2012-2013 Certified Values and Tax Information

Improvement Appr. Value: \$0.00	Total Appr. Value: \$0.00
Land Appr. Value: \$0.00	Exemption Value: \$0.00
Land Market Value: \$0.00	Total Assessed Value: \$0.00
Total Real Market Value: \$0.00	Taxes Imposed: \$0.00

Sales Information :

Deed No:
Sale Price: \$0.00
Sale Date:

DISCLAIMER

The information provided here is for convenience ONLY. For All Commercial, Industrial, and Multi-Family Properties visit the Douglas County Assessor's Office. The records located at the Douglas County Assessor's office are the one and only legal instruments for Assessment purposes. Although reasonable attempts are made to maintain this information as accurate as possible, these documents are being provided as an informational convenience ONLY. Douglas County in no way will be liable for any inaccuracies, inconsistencies, errors, omissions, or other deviations in these documents from the original copies maintained and filed at the Douglas County Assessor's Office.

*wrong Township
PC
11/19/2013*

Property Details for Property ID: R59793**Owner Information :**

Owner Name: WEYERHAEUSER COMPANY
Owner Address #1: TAX DEPT - CH 1C28
Owner Address #2: PO BOX 9777
Owner Address # 3:
Owner City/State/Zip: FEDERAL WAY, WA
98063-9777

Alternate Account #: [REDACTED]

Account Status: A

Property Information :

Township: 26
Range: 08W
Section: 00
Quarter:
Sixteenth:
Maintenance Area: 2
Year Built:
Bedrooms:
Exemption Code:
MFD Home ID:

Situs Address: 0 HUBBARD CREEK RD
UMPUQUA, OR 97486
Map ID: 26080000200
County Property Class: 640
Legal Acreage: 1288.31
Code Area: 04500
Neighborhood Code: SD
Living Area:
Baths:
Exemption Desc.:

Value Information : 2012-2013 Certified Values and Tax Information

Improvement Appr. Value: \$0.00
Land Appr. Value: \$707,331.00
Land Market Value: \$707,333.00
Total Real Market Value: \$707,333.00

Total Appr. Value: \$707,331.00
Exemption Value: \$0.00
Total Assessed Value: \$438,452.00
Taxes Imposed: \$2,985.42

Sales Information :

Deed No:
Sale Price: \$0.00

Sale Date:

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*WRONG Township
PC
11/19/2013*

Completion Checklist for CWRE Claims of Beneficial Use



Date Received 7/28/2009
 CWRE Name Duane Kirby
 Claim Logged 9-15-2009
 File Marked 9-15-2009
 Oversized Map # _____
 Read the file and attach a copy of the
 permit or transfer final order. _____

Application # _____
 Permit # _____
 Transfer # T10516
 Date 9/15/09
 Reviewer C.U.

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)

_____ Check for ownership

Any Conflicts? _____

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:

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 # 97777

INVOICE # _____

RECEIVED FROM: State of Oregon

BY: Dep of Forestry

CASH: ☐ CHECK: # 1590331 OTHER: (IDENTIFY) ☐

APPLICATION	
PERMIT	
TRANSFER	<u>T-10516</u>

TOTAL REC'D \$ 150.00

1083 TREASURY 4170 WRD MISC CASH ACCT

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

4270 WRD OPERATING ACCT

MISCELLANEOUS		
0407	COPY & TAPE FEES	\$
0410	RESEARCH FEES	\$
0408	MISC REVENUE: (IDENTIFY)	\$
TC162	DEPOSIT LIAB. (IDENTIFY)	\$
0240	EXTENSION OF TIME	\$
WATER RIGHTS:		
0201	SURFACE WATER	\$
0203	GROUND WATER	\$
0205	TRANSFER	\$
WELL CONSTRUCTION		
0218	WELL DRILL CONSTRUCTOR	\$
	LANDOWNER'S PERMIT	\$
0200	OTHER (IDENTIFY) <u>Cobu</u>	\$ <u>150.00</u>

0536 TREASURY 0437 WELL CONST. START FEE

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

0607 TREASURY 0467 HYDRO ACTIVITY LIC NUMBER

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

TREASURY OTHER / RDX

FUND	TITLE	
OBJ. CODE	VENDOR #	
DESCRIPTION		\$

RECEIPT: 97777

DATED: 9-11-04 BY: 2R

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

This form is subject to revision. Begin each new claim by checking for a new version of this form and downloading a new one if necessary.

If you have questions regarding the completion of this form, contact:

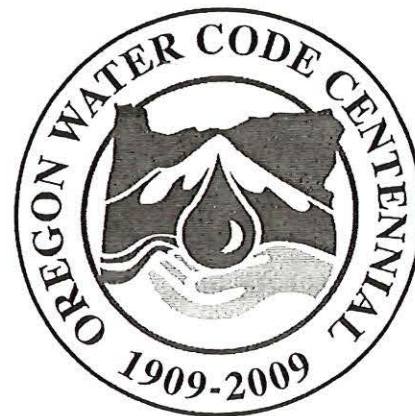
Jerry Clark by e-mail at Gerald.E.CLARK@wrд.state.or.us or by phone at 503-986-0811,

Or Jerry Gainey by e-mail at Jerry.W.GAINEY@wrд.state.or.us or by phone at 503-986-0812.

The Department has a new program that allows a permit holder to pay the cost to have a private contractor review of the claim and, if appropriate, prepare a certificate. This new program means a certificate can be issued in about a month. The Department has a list of trained contractors that are selected on a rotating basis. For more information on this program see: <http://www.wrд.state.or.us/programs/index.shtml>.

**This box can be deleted

Oregon Water Resources Department
725 Summer St. NE, Suite A
Salem, OR 97301-1271



CLAIM OF BENEFICIAL USE

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 numbered item must have a response. If any requested information does not apply to the Claim, insert "n/a." Do not delete 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.

A separate form shall be completed for each permit or transfer final order.

I. General Information

1. File Information

Application Number (G, R, S or T)	Permit Number (if applicable)
7-10516	

2. Property owner (current owner information)

a. Individuals

Name	Fair ELL TRUST	
Mailing Address	Rossett & Lewis Fair	ELL TRUST
City/State/Zip	2950 wells Rd	EKTON, OR 97436
Phone #	EKTON, OR 97436	
Fax #		
e-mail address		

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b. Businesses/Organizations

Name	
Contact Person and Title	
Mailing Address	
City/State/Zip	
Phone	
Fax	
e-mail	

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

3. Permittee / Transferee of record (this may, or may not, be the current property owner)

a. Individuals

	Individual 1	Individual 2
Name		
Mailing Address		
City/State/Zip		

b. Businesses/Organizations

Name	
Contact Person and Title	
Mailing Address	
City/State/Zip	

4. Date of Site Inspection: 5-13-09

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

Name	Date	Association with the project
Lincoln Russell	5-13-09	owner Fiduciary/Ranch Manager
	7-20-09	

6. County: Douglas

7. Tax Lot Information:

Tax map number	Tax lot number
235 R865 sec 2	200

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8. 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**

Name	
Contact Person and Title	
Mailing Address	
City/State/Zip	
Phone #	

Name	
Contact Person and Title	
Mailing Address	
City/State/Zip	
Phone #	

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II. Points of Diversion/Appropriation and Place of Use

For each point of diversion or appropriation, provide the following information. If the claim is for more than one point of diversion/appropriation, copy and complete this section for each point of diversion or appropriation.

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

6" pipe at POD to pump which is 4' above the water
then from pump by 6" pipe to other pipes that
are above ground and some buried,
lateral lines spaced 38 1/2' apart - 30' long with rainbirds

2. Point of diversion/appropriation name or number (correspond to map):

Point of diversion/appropriation name or number (correspond to map)	Well log ID # for all work performed on the well (if applicable)	Well tag # (if applicable)
POD No 1		

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

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

Source	Tributary to
Umpqua River	Pacific Ocean

4. Point of diversion/appropriation location:

(DLC, Government Lot, 1/4 1/4, Section, Township, Range)	Reference to a recognized public land survey corner by distance and bearing or by coordinates
DLC 38 SW 1/4 sec 2 T 23 S R 8 W W 1/4	S 43° 30' W, 2050' From the N 1/4 corner of sec 2

5. Actual use(s), period of use, and rate for each use:

Uses	If irrigation, list crop type	When water is used	Rate for use
Irrigation	Nursery, Trees	March 1, Oct 31	1.94 cfs

Total Quantity of Water 1.94 cfs

6. Place of use being claimed for the point of diversion or appropriation:

DLC	Gov lot	1/4 1/4	Section	Township	Range	Use	# of primary acres	# of supplemental acres
38		SWNE	2	23S	8W	11W	2.7	
38		SWNE	2	23S	8W		0.8	
38		NENW	2	23S	8W		15.6	
38		SENE	2	23S	8W		34.7	
38		SENE	2	23S	8W		0.4	
38		NESE	2	23S	8W		17.2	
38		NESE	2	23S	8W		13.9	
38		SESE	2	23S	8W		2.4	
38		NESE	2	23S	8W		4.0	
38		NWSE	2	23S	8W		31.0	
38		SWSE	2	23S	8W		25.4	
38		SESE	2	23S	8W		7.1	

Total Acres Irrigated 155.2

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5. Provide sump volume calculations in the box below:

Reservoir Data

**If this claim is not for a reservoir, or the system does not involve a reservoir as part of the distribution system, this section, items 1-7, can be deleted.

1. If the reservoir required the submittal of as-built plans and specifications, complete the table below:

Have the documents been submitted? yes or no	When were the documents submitted	Have they been approved by the Department?	Number of acre feet stored

2. If the reservoir stores less than 9.2 acre-feet of water or if the dam is less than 10 feet in height, and as-built plans and specifications are not required, complete the table below and items 3-7.

Maximum depth	Average depth	Surface area (in acres)	Volume in acre feet

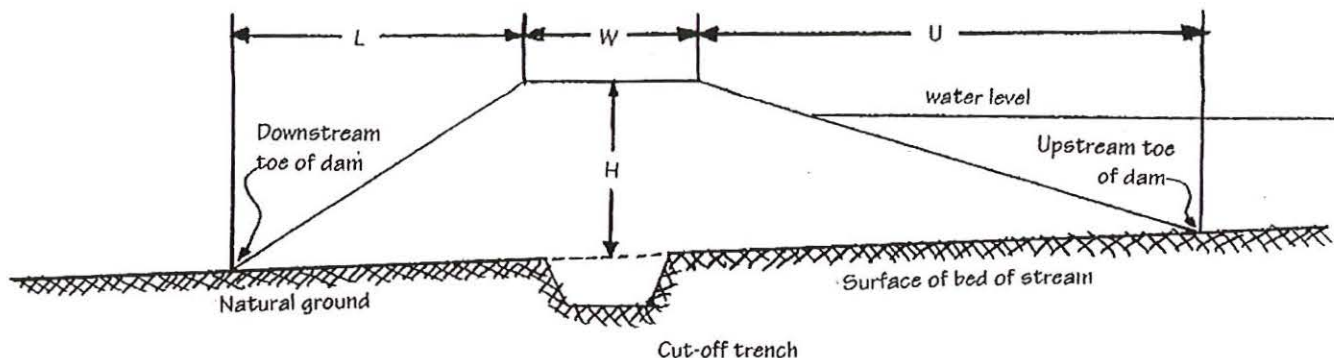
3. Provide reservoir volume calculations in the box below:

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4. Provide the following information concerning the physical characteristics of the dam:

Crest width (W)	Dam height at centerline (H)	Distance from downstream top of dam to downstream toe (L)	Distance from upstream top of dam to upstream toe (U)	Water level at inspection	Downstream slope	Upstream slope

Example Dam Profile **This box can be deleted from the form



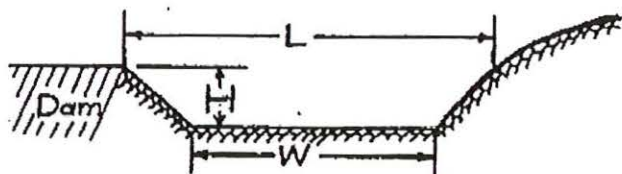
5. In the box below, provide a drawing showing the cross section of the dam at the maximum section indicating details and dimensions. The drawing should be drawn at a standard even scale.

6. Describe the outlet works (size and type of the outlet conduit and location) in the box below:

7. Describe the emergency spillway (dimensions and location) in the box below:

Spillway location	Bottom width (W)	Top width (L)	Spillway depth (H)

Spillway cross section at the spillway crest



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Storage tank data

**If this system does not include a storage tank as part of the distribution system, this section, item 1, can be deleted.

1. If the system involved a storage tank, complete the table below:

Material (concrete, fiberglass, metal, etc.)	Capacity in gallons	Above ground or buried

Gravity flow pipe (The Department typically uses the Hazen-William's formula for a gravity flow pipe system)

**If this claim does not rely on a gravity flow pipe to convey the water as part of the distribution system, this section, items 1-3, can be deleted.

1. If the system involves a gravity flow pipe, complete the table below.

Pipe size	Pipe type	"C" factor	Amount of fall	Length of pipe	Slope	Computed rate of water flow

2. Provide calculations in the box below:

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--

3. If an actual measurement was taken, provide the following:

Date of Measurement	Who made the measurement	Measurement method	Measured quantity of water

Attach measurements notes

Gravity flow canal or ditch (The Department typically uses Manning's formula for canals and ditches)

**If this claim does not rely on a gravity flow canal or ditch to convey the water as part of the distribution system, this section, items 1-3, can be deleted.

1. If the system involves a gravity canal or ditch, complete the table below.

Canal or ditch type (material)	Top width of canal or ditch	Bottom width of canal or ditch	Depth	"N" factor	Amount of fall	Length of canal/ditch	Slope	Computed volume

2. Provide calculations in the box below:

--

3. If an actual measurement was taken, provide the following:

Date of Measurement	Who made the measurement	Measurement method	Measured quantity of water

Attach measurements notes

System Information:

Provide the following information concerning the diversion and delivery system. Trace the flow of water from the point of diversion/appropriation to the place of use.

1. Pump information

Brand	Model	Serial Number	Type (centrifugal, turbine or submersible)	Intake size	Discharge size
Rain Flow	2 1/2 X 433	123-1	centrifugal	3"	3"

2. Motor information

Brand	Model	Horsepower	Max RPM	Voltage
General Electric A101	5K284X	30	3450	230

3. Meter information (if required in permit or transfer final order)

Make	Serial #	Condition (working or not)	Current meter reading	Notes
McCrometer	09-05605	working		

4. Measurement device description

Device description	Condition (working or not)	Notes

5. 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

6. Theoretical pump capacity

Horsepower	Operating psi	Lift from source to pump *If a well, the water level during pumping (see pump test results)	Lift from pump to place of use	Total pump output
30	50	4'	52'	1.0836 cfs

7. Provide pump calculations in the box below:

$$Q_{pump} = \frac{6.61 \times 30}{56' + 127.0} = 1.0836 \text{ cfs}$$

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$$Q_{\text{pump}} = \frac{(\text{Hp})(550 \text{ ft lb/sec/Hp})(\text{efficiency})}{(62.4 \text{ lb/cu ft})(\text{lift} + \text{press})} = \frac{(\text{efficiency})(\text{Hp})}{\text{total head}} = \text{cfs}$$
$$Q_{\text{pump}} = \frac{(\text{Hp})(\text{conversion factor})}{(\text{lift} + \text{pressure}) \text{ total head in feet}} = \text{cfs}$$
$$\text{Centrifugal Pump, 75\% eff. } \frac{(550 \text{ ft lb/sec/Hp})(.75)}{(62.4 \text{ lb/cu ft})} = 6.61 \text{ ft}^4/\text{sec/Hp}$$

Efficiencies have been assumed to be 75% for centrifugal pump installations and 80% for turbine or submersible pumps. See the list below of converted psi's to feet of head. These figures account for minor friction losses. If the system involves unusually long pipelines friction losses should be accounted for by using standard charts and formulas.

$$[(\text{psi}/.433)(1.1) = \text{head (in feet/psi)} = 2.54 \text{ feet head/psi}]$$

PSI	HEAD	PSI	HEAD
25	63.5	55	139.7
30	76.2	60	152.4
35	88.9	65	165.1
40	101.6	70	177.8
45	114.3	75	190.5
50	127.0	80	203.2

Mainline size	Length	Type of pipe	Buried or above ground
600	500	PVC & Metal	Both
Exhibit A	Exhibit A		

Lateral or handline size	Length	Type of pipe	Buried or above ground
see	see	metal	above ground
Exhibit A	Exhibit A		

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SALEM, OREGON

10. Sprinkler information Make and model:

Make	Model	Size	Operating psi	Sprinkler output	Maximum number used	Total sprinkler output
rainbird	F33	5/32	50	5.0 gpm	48	1.0836

Refer to the chart of sprinkler output at various pressures for most nozzle sizes attached to this document.

$$Q_{\text{sprinklers}} = \frac{(\text{max \# heads})(\text{gpm/head})}{448.8 \text{ gpm/cfs}} = \text{cfs}$$

11. Additional notes or comments related to the system:

III. CONDITIONS

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

1. Time Limits:

Permits or transfer 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 or transfer final order:

	Dates from permit or transfer final order	Date accomplished	Description of actions taken by water user to comply with the time limits
Begin construction			
Complete construction			
Complete application of water	10-1-2010	7-20-09	

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2. Initial Water Level Measurements:

**If the Claim is for surface water or a reservoir, or if the water user was not required to submit static water level measurements, items b through e relating to this section can be deleted.

a. Was the water user required to submit an initial static water level measurement? YES NO NA

b. What month was the initial measurement to be taken in?

c. Did an authorized individual (as stated in the permit or transfer final order) make the initial static water level measurement in the month required?

YES NO

d. If "YES", was the measurement submitted to the Department? YES NO

e. If the initial measurement not been submitted, provide that measurement now if available:

Date of measurement	Who made measurement	Method	Measurement

3. Annual Static Water Level Measurements:

**If the Claim is for surface water or a reservoir, or if the water user was not required to submit static water level measurements, items b through e relating to this section can be deleted.

a. Was the water user required to submit annual static water level measurements? YES NO NA

b. In the box below, provide the month in which the static water level was to be made:

--

c. Were the static water level measurements taken in the month required? YES NO

d. If "YES", were those measurements submitted to the Department? YES NO

e. If the annual measurements were not submitted, provide the measurements now in the box below:

Year	Month	Measurement made by	Measurement

4. Measurement, recording, and reporting conditions:

a. Does the permit or transfer final order require the installation of a meter or approved measuring device?
YES NO

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.

150' from POD

**If "NO", items b through g relating to this section can be deleted.

b. Has a meter been installed? YES NO

c. Provide the date the meter was installed:

7-11-09

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

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e. If "YES", provide a copy of the letter approving the device, if available. If the letter is not available provide the name and title of the Water Resources Department employee approving the measuring device, and the approximate date of the approval:

Name	Title	Approximate date

f. Is the water user required to report the water use to the Department? YES NO

g. Have the reports been submitted? YES NO

If the reports have not been submitted, attach a copy of the reports if available.

5. Fish Screening and/or By-pass Devices

a. Are any points of diversion required to be screened and/or have a by-pass device to prevent fish from entering the point of diversion? YES NO NA

If fish screening and/or by-pass devices were required, the COBU map must indicate their location in relation to the point of diversion. AT POD

**If "NO", items b through l relating to this section can be deleted

b. Has the fish screening been installed? YES NO

c. When was the fish screening installed?

Date	By whom
4-1-09	Lincoln Russell

d. Is the **total** diversion rate of all rights at the point of diversion less than 0.5 cfs? YES NO

e. If the total diversion rate is less than 0.5 cfs, has the water user self certified the fish screen. YES NO

f. Has a self certification form been previously submitted to the Department? YES NO

g. If not, is the self certification form attached to this Claim? YES NO

h. If the total diversion rate is greater than 0.5 cfs, has ODFW approved the screening? YES NO

i. Has the water user previously submitted a letter from ODFW approving the screening? YES NO

j. If not, is the approval letter attached to the Claim? YES NO

k. Has the by-pass device been installed? YES NO

l. Describe the by-pass device (must be approved by ODFW): Not required will get letter (see letter) Form ODFW

When installed	By whom	Approved by ODFW	Description

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

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

****If "NO" or "NA", items b through d relating to this section can be deleted**

b. Has the pump test been previously submitted to the Department? YES NO

c. Has the pump test been approved by the Department? YES NO

d. If no, is the pump test attached to this Claim? YES NO

7. Other Permit Conditions (examples: special well construct standards, water conservation plans, no obstructions to fish without a fishway, etc.; number as appropriate.)

a. Did the permit or transfer final order contain any other condition? YES NO

If "YES", identify the condition and describe the water users actions to comply with the condition(s):

--

IV. Variations, Attachments, Conclusions, Map and Signatures

Variations

Include a description of variations from the permit or transfer final order:

--

Attachments

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

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Attachment name	Description

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Permit and Transfer Final Order Rates and System Rates Comparisons:

POD or POA name or #	Maximum rate allowed by permit or transfer final order	Calculated theoretical rate of water based on system	Actual amount of water measured (if measured)	Developed use	# of acres allowed by permit or transfer final order	# of acres developed
1	1.94 CES	1.0836		irrigation	155.2	155.2

--	--	--	--	--	--	--

Claim of Beneficial Use Map

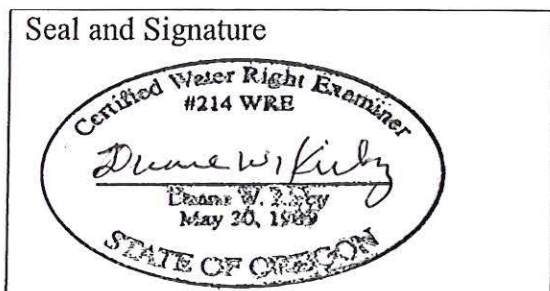
The Claim of Beneficial Use Map must be submitted with this Claim. Claims submitted without the Claim of Beneficial Use map will be returned. The map shall be submitted on poly film at a scale of 1" = 1320', 1" = 400', or the original full-size scale of the county assessor map for the location.

In the following box, 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.

Assessor map 235 R8W Sec 2
Traverse To the property corner

CWRE Statement, Seal and Signature

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



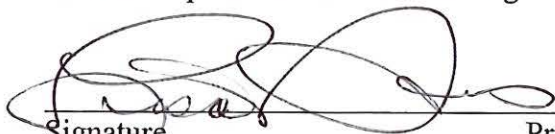
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Permit or Transfer Holders Signature or Acknowledgement

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.

WATER RESOURCES DEPT
SALEM, OREGON



Signature

Print or type name

Lisa Davis Trustee

Date

7/24/09



Signature

Print or type name

Lincoln Russell

Date

7/24/09

CLAIM OF BENEFICIAL USE
FOR: ~~RUSSELL AND LOUIS~~ FOUR ELL TRUST

BY: DUANE W. KIRBY

T26S, R8W., W.M. SEC 2

T-10516

TAX LOT 200

FISH SCREEN IS AT THE POD

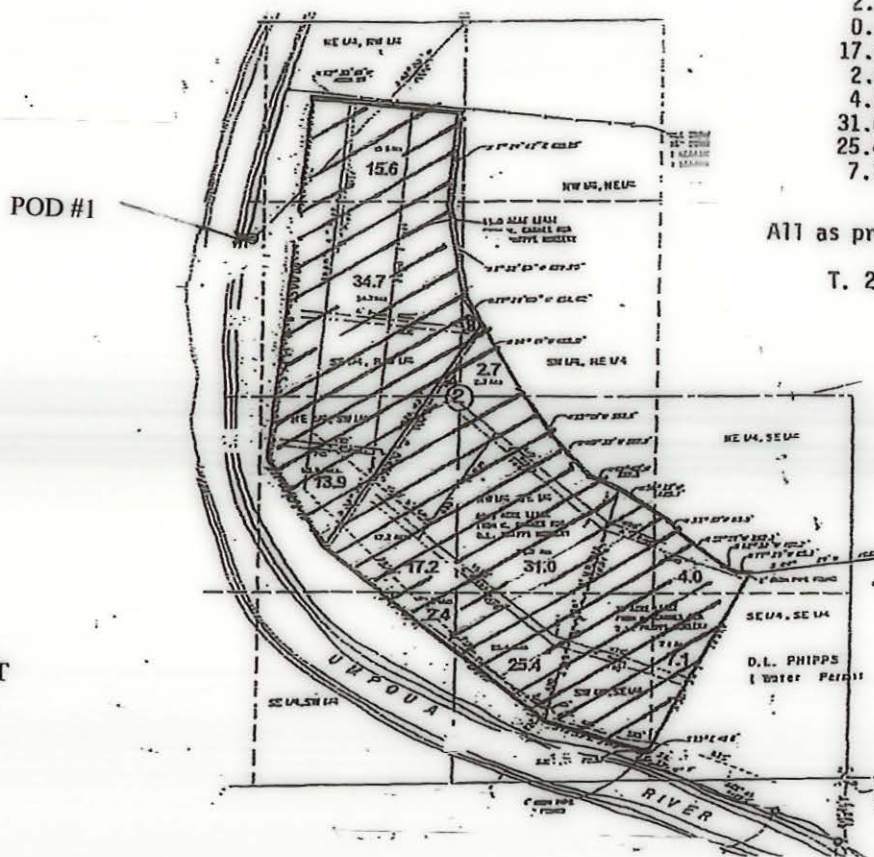
IRRIGATION

METER IS LOCATED 100 FEET FROM THE POD

0.8 acre SW $\frac{1}{4}$ NE $\frac{1}{4}$
15.6 acres NE $\frac{1}{4}$ NW $\frac{1}{4}$
34.7 acres SE $\frac{1}{4}$ NW $\frac{1}{4}$
13.9 acres NE $\frac{1}{4}$ SW $\frac{1}{4}$

2.7 acres SW $\frac{1}{4}$ NE $\frac{1}{4}$
0.4 acre SE $\frac{1}{4}$ NW $\frac{1}{4}$
17.2 acres NE $\frac{1}{4}$ SW $\frac{1}{4}$
2.4 acres SE $\frac{1}{4}$ SW $\frac{1}{4}$
4.0 acres NE $\frac{1}{4}$ SE $\frac{1}{4}$
31.0 acres NW $\frac{1}{4}$ SE $\frac{1}{4}$
25.4 acres SW $\frac{1}{4}$ SE $\frac{1}{4}$
7.1 acres SE $\frac{1}{4}$ SE $\frac{1}{4}$

All as projected within Bay DLC 38
Section 2
T. 23 S., R. 8 W., W. M.



SCALE: 1" = 1320 FEET

POD LOCATED SOUTH 43° 30' WEST 2050 FEET FROM THE NW $\frac{1}{4}$ COR SEC 2

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



SPRINKLER CAPACITIES BY NOZZLE SIZE IN GALLONS PER MINUTE

This chart is comprised of information gathered from a number of sources and may differ slightly from the manufacturer's specifications.

("*" designates computed capacity)

**This page can be deleted

		P.S.I.																	
NOZZLE SIZE		5	10	15	20	25	30	35	40	45	50	55	60	65	70	75	80	85	90
	3/32				1.1	1.3	1.4	1.5	1.6	1.7	1.8								
	7/64				1.5	1.7	1.9	2	2.2										
	1/8				1.9	2.2	2.4	2.7	2.9	3	3.2								
	9/64				2.3	2.6	2.9	3.1	3.4	3.7	4								
	5/32				3	3.4	3.8	4.1	4.4	4.7	5								
	11/64	1.9	2.7	3.3	3.7	4.2	4.6	5	5.4	5.7	6	6.3	6.6						
	3/16	2.2	3.2	3.9	4.3	5	5.5	6	6.4	6.8	7.2	7.5	7.8						
	13/64	2.9	3.6	4.5	5.1	5.9	6.5	7.1	7.6	8.1	8.5	8.9	9.2						
	7/32		4.1	5.1	5.8	6.8	7.6	8.3	8.9	9.4	9.9	10.3	10.6						
	15/64							8.8		10		11.2		12.4					
	1/4		5.2	6.4	7.4	8.9	9.8	10.6	11.4	12.1	12.8	13.4	13.9	14.8*	15.3*	15.9*	16.4*	16.9*	17.4*
	17/64								12.5		14		15.6		17.1				
	9/32					11.2	12.3	13.3	14.3	15.2	16	16.8	17.5	18.1	18.9	19.7	20.7*	21.4*	22*
	19/64									16.6		18.3		19.9		21.4			
	5/16					13.1	15.2	16.5	17.7	18.9	20	21	22	23	23.9	24.8	25.7	26.4*	27.1*
	21/64										20.8		22.7		24.6		26.4		
	11/32					16.5	18	19.7	21.1	22.5	23.8	25	26.2	27.4	28.5	29.6	30.6	31.9*	32.8*
	23/64										24.5		26.8		29.1		31.4		
	3/8					19	21	22.8	24.4	26	27.5	29.1	30.6	32	33.2	34.5	35.7	38*	39*
	13/32								29*	30.9*	32.7*	34.5*	36.2*	37.4*	38.9*	40.4*	41.9*	43.3*	44.7*
	7/16								33.5*	35.6*	37.7*	39.7*	41.7*	43.6*	45.3*	46.9*	48.4*	50.1*	51.6*
	1/2								42.5*	45.2*	47.7*	50.2*	52.5*	54.7*	56.8*	58.6*	60.6*	63.6*	66.7*



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

November 1, 2008

OREGON DEPARTMENT OF FORESTRY
1758 NE AIRPORT ROAD
ROSEBURG, OR 97470

Reference: Transfer 10516

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 #15
Duane Kirby, CWRE

Enclosure



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

In the Matter of Transfer Application	)	FINAL ORDER APPROVING A
T-10516, Douglas County	)	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

OREGON DEPARTMENT OF FORESTRY
1758 NE AIRPORT ROAD
ROSEBURG, OR 97470

Findings of Fact

Background

1. On January 22, 2008, Oregon Department of Forestry filed an application to change the point of diversion under Certificate 49769. The Department assigned the application number T-10516.

2. The right to be transferred is as follows:

Certificate: 49769 in the name of OREGON DEPARTMENT OF FORESTRY (perfected under Permit S-22157)

Use: IRRIGATION of 155.2 ACRES

Priority Date: FEBRUARY 27, 1953

Rate: 1.94 CUBIC FEET PER SECOND

Limit/Duty: ONE-EIGHTIETH cfs per acre, not to exceed 2.5 acre-feet per acre per year

Source: UMPQUA RIVER, tributary to PACIFIC OCEAN

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.

Authorized Points of Diversion:

Twp	Rng	Mer	Sec	Q-Q	DLC	Survey Coordinates
23 S	8 W	WM	2	SW SE	38	NO. 3: 320 FEET NORTH AND 2160 FEET WEST FROM THE SE CORNER OF SECTION 2
23 S	8 W	WM	11	NE NE	38	NO. 1: 440 FEET SOUTH AND 40 FEET WEST FROM THE SE CORNER OF SECTION 2
23 S	8 W	WM	11	NE NE	38	NO. 2: 250 FEET SOUTH AND 480 FEET WEST FROM THE SE CORNER OF SECTION 2

Authorized Place of Use:

IRRIGATION						
Twp	Rng	Mer	Sec	Q-Q	DLC	Acres
23 S	8 W	WM	2	SW NE	38	2.7
23 S	8 W	WM	2	SW NE	38	0.8
23 S	8 W	WM	2	NE NW	38	15.6
23 S	8 W	WM	2	SE NW	38	34.7
23 S	8 W	WM	2	SE NW	38	0.4
23 S	8 W	WM	2	NE SW	38	17.2
23 S	8 W	WM	2	NE SW	38	13.9
23 S	8 W	WM	2	SE SW	38	2.4
23 S	8 W	WM	2	NE SE	38	4.0
23 S	8 W	WM	2	NW SE	38	31.0
23 S	8 W	WM	2	SW SE	38	25.4
23 S	8 W	WM	2	SE SE	38	7.1

3. Application T-10516 proposes to move the authorized point of diversion to the original point of diversion described in Certificate 49769 as:

Twp	Rng	Mer	Sec	Q-Q	DLC	Survey Coordinates
23 S	8 W	WM	2	SW NW	38	SOUTH 43 DEGREES, 30 MINUTES WEST, 2050 FEET FROM THE N¼ CORNER OF SECTION 2

4. Notice of the application for transfer was published on January 29, 2008, pursuant to OAR 690-380-4000. No comments were filed in response to the notice.
5. On April 11, 2008, the Department mailed a copy of the draft Preliminary Determination proposing to approve Transfer Application T-10516 to the applicant. The draft Preliminary Determination cover letter set forth a deadline of May 15, 2008, for the applicant to respond. 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.
6. On July 28, 2008, the Department issued a Preliminary Determination proposing to approve Transfer T-10516 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 August 5, 2008, and in the Roseburg News-Review newspaper on August 10, 17 and 24, 2008, pursuant to ORS 540.520 and OAR 690-380-4020. No protests were filed in response to the notice.

7. The Oregon Department of Fish and Wildlife (ODFW) has determined that a fish screening and/or by-pass device is necessary at the new point of diversion to prevent fish from entering the diversion and/or safely transport fish back to the body of water from which the fish were diverted and that the diversion is not currently equipped with an appropriate fish screening and/or by-pass device. This diversion may be eligible for screening cost share funds.
8. Russell and Lois Four ELL Trust, 2950 Wells Rd., Elkton, OR 97436 are designated as the receiving landowners.

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

9. 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.
10. 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-10516.
11. The proposed change would not result in enlargement of the right.
12. The proposed change would not result in injury to other water rights.

Conclusions of Law

The change in point of diversion proposed in application T-10516 is consistent with the requirements of ORS 540.505 to 540.580 and OAR 690-380-5000.

Now, therefore, it is ORDERED:

1. The changes in point of diversion proposed in application T-10516 are approved.
2. Water right certificate 49769 is cancelled.
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 49769 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(s) of diversion.
5. 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.

6. Prior to diverting water, the water user shall install 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. The water user shall maintain and operate the measuring device as required by 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, 2010**. 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 31ST day of October 2008.


Phillip C. Ward, Director

rw
Mailing date: NOV 03 2008

STATE OF OREGON

COUNTY OF

DOUGLAS

CERTIFICATE OF WATER RIGHT

This Is to Certify, That

HOWARD F. CARNES
c/o Department of Forestry

of 2600 State Street, Salem, State of Oregon 97310, has made proof to the satisfaction of the Water Resources Director, of a right to the use of the waters of Umpqua River

a tributary of Pacific Ocean
irrigation of 155.2 acres

for the purpose of

under Permit No. 22157 and that said right to the use of said waters has been perfected in accordance with the laws of Oregon; that the priority of the right hereby confirmed dates from February 27, 1953

that the amount of water to which such right is entitled and hereby confirmed, for the purposes aforesaid, is limited to an amount actually beneficially used for said purposes, and shall not exceed 1.94 cubic feet per second, if available at the original point of diversion, SW $\frac{1}{4}$ NW $\frac{1}{4}$ as projected within Bay DLC 38, Section 2, T. 23 S., R. 8 W., W.M., South 43° 30' West, 2050 feet from the N $\frac{1}{4}$ corner, Section 2.

or its equivalent in case of rotation, measured at the point of diversion from the stream. The point of diversion is located in the NE $\frac{1}{4}$ NE $\frac{1}{4}$ Section 11, SW $\frac{1}{4}$ SE $\frac{1}{4}$ Section 2, both as projected within Bay DLC 38, T. 23 S., R. 8 W., W.M.; No. 1 - 440 feet South and 40 feet West, No. 2 - 250 feet South and 480 feet West, No. 3 - 320 feet North and 2160 feet West, all from SE corner, Section 2.

The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands, shall be limited to one-eightieth of one cubic foot per second per acre, or its equivalent for each acre irrigated and shall be further limited to a diversion of not to exceed 2 $\frac{1}{2}$ acre feet per acre for each acre irrigated during the irrigation season of each year,

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

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

SEE NEXT PAGE

Diversion Points 1 and 2

2.7 acres SW $\frac{1}{4}$ NE $\frac{1}{4}$
0.4 acre SE $\frac{1}{4}$ NW $\frac{1}{4}$
17.2 acres NE $\frac{1}{4}$ SW $\frac{1}{4}$
2.4 acres SE $\frac{1}{4}$ SW $\frac{1}{4}$
4.0 acres NE $\frac{1}{4}$ SE $\frac{1}{4}$
31.0 acres NW $\frac{1}{4}$ SE $\frac{1}{4}$
25.4 acres SW $\frac{1}{4}$ SE $\frac{1}{4}$
7.1 acres SE $\frac{1}{4}$ SE $\frac{1}{4}$

Diversion Points 1, 2 and 3

0.8 acre SW $\frac{1}{4}$ NE $\frac{1}{4}$
15.6 acres NE $\frac{1}{4}$ NW $\frac{1}{4}$
34.7 acres SE $\frac{1}{4}$ NW $\frac{1}{4}$
13.9 acres NE $\frac{1}{4}$ SW $\frac{1}{4}$

All as projected within Bay DLC 38
Section 2
T. 23 S., R. 8 W., W. M.

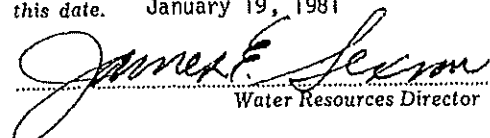
This certificate is issued to confirm changes in point of diversion approved by orders of the Water Resources Director entered May 10, 1973 and April 13, 1978 and together with certificate of water right recorded at Page 46171, Volume 38, State Record of Water Right Certificates supersedes certificate of water right recorded at Page 22393, Volume 16, State Record of Water Right Certificates.

The issuance of this superseding certificate does not confirm the status of the water right in reference to ORS 540.610.

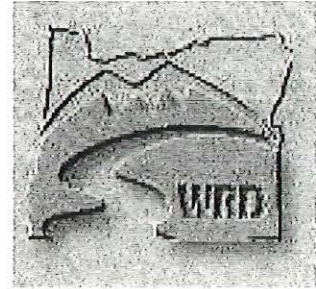
The right to the use of the water for the purposes aforesaid is restricted to the lands or place of use herein described, and is subject to the existing minimum flow policies established by the Water Policy Review Board.

WITNESS the signature of the Water Resources Director, affixed

this date. January 19, 1981


Water Resources Director

Recorded in State Record of Water Right Certificates, Volume 43 , page 49769



OREGON DEPARTMENT OF FISH AND WILDLIFE
OREGON WATER RESOURCES DEPARTMENT

FOUR ELL TRACT FISH SCREEN INSPECTION FORM
Applicant ROSE
Name: Four Water Right Number: T-10516 Water Right Amount (cfs) 1.94

Address: 2950 Wells Rd, Elkton, OR 97436 Phone _____

Diversion
Stream: Umpqua River Tributary to: Pacific Ocean

Address (if different than applicants): same

Diversion Type: pump Location: T____, R____, Sec.____

GPS Coordinates: 43.60099 - 123.61964 SATS: 4

Pump Information

Brand: GE/RainFlow Horsepower: 30 Intake Size: 3"

Screen Information

Type: Pump-Rite Installed by: Pacific Ag Systems Date Installed: _____

Date of Inspection: 6-30-09 Inspected by: R. L. L. L. Agency: ODFW

Comments: Fish passage and fish bypass are not issues
☒ Screen meets current state criteria for fish protection. at this diversion.

RL

☐ Screen does not meet current state criteria for fish protection.

☐ Another screen inspection should be done before water use begins.

RECEIVED

JUL 28 2009

WATER RESOURCES DEPT
SALEM, OREGON



Oregon

John A. Kitzhaber, MD, Governor

September 12, 2013

Water Resources Department

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

Oregon Department of Forestry
2600 State Street, Building E
Salem, Oregon 97310

Reference: Transfer T-10516

This correcting assignment from Oregon Department of Forestry is to correctly identify the recipient as Four Ell Trust, and has been recorded in the records of the Water Resources Department.

The Departments records will now show Four Ell Trust as the transfer holder of record.

Our records have been changed accordingly and the original request is enclosed. Receipt number 109645 covering the recording fee is also enclosed.

Sincerely,

Jerry Sauter
Water Rights Program Analyst
Water Right Services Division

Enclosure:

cc: Watermaster 15
Four Ell Trust
Data Center, OWRD (cover letter & request)
Hydrographics
File



Jerry Sauter

From: lisa.brtree@gmail.com
Sent: Thursday, September 12, 2013 1:57 PM
To: Jerry Sauter
Subject: Transfer T-10516

Hi Jerry,

RE:
Application # S-28152
Permit # S-22157
Transfer #T-10516

I just received a copy of this transfer from the Dept. Of Forestry. I am worried that it is not in the right name. It has it as "Russell and Lois Four Ell Trust". It should have been Four Ell Trust, Lois Russell, Trustee. In addition to that...Lois passed away four years ago. I am her daughter and am the Trustee of Four Ell Trust now.
What do I need to do to fix this error?

Thank you for any help you can give me.

Four Ell Trust
Lisa Davis, Trustee
2947 Wells Rd
Elkton, OR 97436
541-584-2844



FREE Animations for your email

Click Here!

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 # 109645

INVOICE # _____

RECEIVED FROM: Department of Forestry
BY: _____

APPLICATION	
PERMIT	
TRANSFER	T-10516

CASH: ☐ CHECK: # 3242630 OTHER: (IDENTIFY) _____

TOTAL REC'D	\$ 75.00
-------------	----------

1083 TREASURY 4170 WRD MISC CASH ACCT

0407 COPIES	\$
OTHER: (IDENTIFY) _____	\$

0243 I/S Lease _____ 0244 Muni Water Mgmt. Plan _____ 0245 Cons. Water _____

4270 WRD OPERATING ACCT

MISCELLANEOUS

0407 COPY & TAPE FEES	\$
0410 RESEARCH FEES	\$
0408 MISC REVENUE: (IDENTIFY) <u>46111 Assignment</u>	\$ 75.00
TC162 DEPOSIT LIAB. (IDENTIFY) _____	\$
0240 EXTENSION OF TIME	\$

WATER RIGHTS:	
0201 SURFACE WATER	EXAM FEE \$
0203 GROUND WATER	EXAM FEE \$
0205 TRANSFER	EXAM FEE \$

WELL CONSTRUCTION	
0218 WELL DRILL CONSTRUCTOR	EXAM FEE \$
LANDOWNER'S PERMIT	EXAM FEE \$

RECORD FEE	
0202	\$
0204	\$

LICENSE FEE	
0219	\$
0220	\$

OTHER (IDENTIFY) _____

0536 TREASURY 0437 WELL CONST. START FEE

0211 WELL CONST START FEE	\$	CARD #	
0210 MONITORING WELLS	\$	CARD #	

OTHER (IDENTIFY) _____

0607 TREASURY 0467 HYDRO ACTIVITY LIC NUMBER

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

TREASURY OTHER / RDX

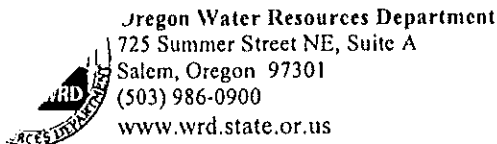
FUND _____ TITLE _____
OBJ. CODE _____ VENDOR # _____
DESCRIPTION _____ \$ _____

RECEIPT: 109645

DATED: 8-16-13

BY: BW Williamson

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



Request for Assignment

RECEIVED BY OWRD

AUG 16 2013

SALEM, OR

If for multiple rights, a separate form and fee for each right will be required.

I, OREGON DEPT. OF FORESTRY (REGISTRAR: DAVID C. STEWART)
(Name of Applicant / Permit / Transfer Holder / License Holder / GR Certificate of Registration)
BUILDING E
2600 STATE STREET E SALEM OR 97310 (503) 945-7375
(Mailing Address) (City) (State) (Zip) (Phone #)

- ☒ hereby assign all my interest in and to application/permit/transfer/license/GR Certificate of Registration;
- ☐ hereby assign all my interest in and to a portion of application/permit/transfer/license/GR Certificate of Registration; (You must include a map showing the portion of the application/permit/transfer/license/GR Certificate of Registration to be assigned.)
- ☐ hereby assign a portion of my interest in and to the entire application/permit/transfer/license/GR Certificate of Registration:

Application # S-28152; Permit # S-22157; Transfer # T-10516
-OR-
License # _____; GR Statement # _____; GR Certificate of Registration # _____

As filed in the office of the Water Resources Director, to:

RUSSELL L LOIS FOUR ELL TRUST
(Name of New Owner)
2950 WELLS RD. ELKTON OR 97436
(Mailing Address) (City) (State) (Zip) (Phone #)

Note: If there are other owners of the property described in the Application, Permit, Transfer, License, or GR Certificate of Registration, you must provide a list of all other owners' names and mailing addresses and attach it to this form.

I hereby certify that I have notified all other owners of the property described in this Application, Permit, Transfer, License, or GR Certificate of Registration of this Request for Assignment

Witness my hand this 12th day of JUNE, 20 13.

Applicant/Permit Holder DAVID C. STEWART (OREGON DEPT. OF FORESTRY)
Applicant/Permit Holder _____

DO NOT WRITE IN THIS BOX

This certifies assignment and record change at Oregon Water Resources Department effective 8:00 a.m. on date of receipt at Salem, Oregon.
Fee receipt # 69645
For Director by Jerry Sauter, Program Analyst in Water Rights Division

The completed "Request for Assignment" form *must* be submitted to the Department along with the recording fee of \$75.



Oregon

John A. Kitzhaber, MD, Governor

August 20, 2013

Water Resources Department

North Mall Office Building

725 Summer St. NE, Suite A

Salem, OR 97301

Phone 503-986-0900

FAX 503-986-0904

www.wrd.state.or.us

Oregon Department of Forestry
2600 State Street, Building E
Salem, Oregon 97310

Reference: Transfer T-10516

The assignment from Oregon Department of Forestry to Russell and Lois Four Ell Trust has been recorded in the records of the Water Resources Department.

The Departments records will now show Russell and Lois Four Ell Trust as the transfer holder of record.

Our records have been changed accordingly and the original request is enclosed. Receipt number 109645 covering the recording fee is also enclosed.

Sincerely,

Jerry Sauter
Water Rights Program Analyst
Water Right Services Division

Enclosure: Receipt 109645

cc: Watermaster 15

Russell and Lois Four Ell Trust

Data Center, OWRD (cover letter & request)

Hydrographics

File

MEMORANDUM

TO: FISCAL
FROM: GERRY CLARK
SUBJECT: CLAIM OF BENEFICIAL USE FEE REFUND
TRANSFER T-10516
DATE: 9/16/2009

Please prepare a refund in the amount of \$150 for the above referenced file, Receipt 97777, attached, for Claim of Beneficial Use submittal fees.

The Department has determined that the fee is not required to submit Claim of Beneficial Use for a transfer.


APPROVED



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

September 17, 2009

Oregon Department of Forestry
Attn: Judy Wilder
2600 State St
Salem, OR 97310

RE: Application File # T-10516

Dear Judy:

Governor Theodore Kulongoski signed SB788 on July 23, 2009, which, in part, raised the fee for many of the Department's water right related processes and created fees for processes not previously requiring fees. The Bill created a fee for the submittal of a Claim of Beneficial Use (Claim). After further review, the Department has determined that the Bill did not contain a requirement for a fee to be submitted for transfer Claims; only for Claims for permits having a priority date of July 9, 1987, or later.

Thus, the Department is refunding \$150. A check for this amount is enclosed. Please give Gerry Clark (503-986-0811) a call if you have any questions about this refund.

Sincerely,



Gerry Clark
Water Right Specialist



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

August 19, 2009

Oregon Department of Forestry
2600 State St
Salem OR 97310

RE: Transfer Application 10516

INVOICE FOR CLAIM OF BENEFICIAL USE FEE

Claim of Beneficial Use Submittal Fee:	\$150.00
TOTAL DUE:	\$150.00 ✓

The fee requirement for the submittal of a Claim of Beneficial Use is a new fee enacted by the 2009 Legislature. The fee went into effect on July 24, 2009.

PLEASE REMIT TO:	CONTACT FOR QUESTIONS:
STATE OF OREGON WATER RESOURCES DEPARTMENT ATTN: FISCAL SECTION ✓ 725 SUMMER ST NE, STE A SALEM OR 97301-1271	JERRY GAINEY PHONE (503) 986-0812 PREPARED BY: JWG

PLEASE RETURN ONE COPY OF INVOICE WITH PAYMENT

cc: WRD Fiscal Section
WRD Receptionist

bc

doc#

VP036757-\$150-

Post-It® Fax Note	7671	Date	9/14	# of pages	1
To	Sarah Henderson				
Co/Dept.	Co. Judy Wilder				
Phone #	Phone # 503-945-7234				
Fax #	Fax #				

7-20-09

Lincoln

Here is the map, report, and
Fish screen report From Fish & Wildlife
Also Exhibit A.

Please you and your sister need
to sign page 14 of the report.

Please send all originals to
the following

Oregon Water Resources Department
725 Summer St. NE Suite A
Salem, OR 97301-1271

Thanks

RECEIVED

JUL 28 2009

WATER RESOURCES DEPT
SALEM, OREGON

CW re #214
Duane W. Kiley
541 679 4692
8087 Lookingglass Rd
Roseburg OR 97471

Jerry Gainey

From: MCKEE Robert P [robert.p.mckee@state.or.us]
Sent: Wednesday, August 19, 2009 8:08 AM
To: CHRISTENSEN Becky
Cc: Jerry W GAINERY
Subject: FW: Transfer Application 10516

Becky,

Please see that this fee Jerry mentions is paid as soon as possible. I'm not sure what numbers or information you'll need to work your magic so if you have questions let's try Jerry first and maybe he'll be able to answer.

Thanks,
Bob

Robert McKee
Facilities Manager
Oregon Department of Forestry
503-945-7503

-----Original Message-----

From: Jerry Gainey [mailto:gaineyjw@wrdd.state.or.us]
Sent: Tuesday, August 18, 2009 3:21 PM
To: MCKEE Robert P
Subject: Transfer Application 10516

Bob,

Per our conversation, a fee requirement for the submittal of a Claim of Beneficial Use was enacted by the 2009 Legislature. The Governor signed SB 788 on July 24, 2009 and the new fee requirement became effective on July 24, 2009.

The fee is \$150.00.

Please ensure when the payment is submitted it references Transfer Application 10516 and is for the Claim of Beneficial Use.

Thanks

Jerry

Jerry Gainey
Water Rights Specialist/Certificates
725 Summer St NE, Ste A
Salem OR 97301

PHONE: (503) 986-0812

FAX: (503) 986-0901

*

Please Note: under Oregon Law, messages to and from this e-mail address may be available to the public.

*

Jerry Gainey

From: Jerry Gainey
Sent: Tuesday, August 18, 2009 3:21 PM
To: 'robert.p.mckee@state.or.us'
Subject: Transfer Application 10516

Bob,

Per our conversation, a fee requirement for the submittal of a Claim of Beneficial Use was enacted by the 2009 Legislature. The Governor signed SB 788 on July 24, 2009 and the new fee requirement became effective on July 24, 2009.

The fee is \$150.00.

Please ensure when the payment is submitted it references Transfer Application 10516 and is for the Claim of Beneficial Use.

Thanks

Jerry

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PHONE: (503) 986-0812
FAX: (503) 986-0901

*
Please Note: under Oregon Law, messages to and from this e-mail address may be available
to the public.

*

Herb Mosgar

From: Tyler Martin
Sent: Friday, February 20, 2009 8:14 AM
To: kendrickforestfarm@earthlink.net; wriserror
Cc: Herb Mosgar
Subject: RE: T10516: WR Cert# 49769

-Forwarded email 1 of 2-

Ms. Kendrick-

Unfortunately, I can only assist you in issues of database error. We in the data center lack any authority in the matter of water allocation. With that in mind, I am forwarding your email to Herb Mosgar in our Customer Service Group. He will be able to answer your questions and refer you to the appropriate staff.

Let me know if I can be of any more assistance.

Tyler

Tyler Martin
Water Rights Technician
Information Services Division
Oregon Water Resources Department
725 Summer St. NE, Suite A
Salem, OR 97301-1271
Ph: (503)986-0862
www.wrd.state.or.us

From: kendrickforestfarm@earthlink.net [mailto:kendrickforestfarm@earthlink.net]
Sent: Thursday, February 19, 2009 11:17 AM
To: wriserror
Subject: T10516: WR Cert# 49769

Re: Water Right appurtenant to Sale Property: Oregon Dept. of Forestry Phipps Nursery -2424 Wells Road, Elkton, Oregon

Dear WRD:

In reviewing the water right information for the aforementioned sale property, I tracked the Water Right Certificate #49769 with priority date 2-27-1953 perfected under Permit S22157, to Transfer #10516, which cancelled Certificate #49769 and transferred the entire right of 1.94 cfs from the Umpqua River, to adjacent property owners, Russell, Four Ell Trust.

Although the sale property, Oregon Dept. of Forestry Phipps Nursery-Elkton, Oregon still has separate Water Right Certificate #46171 with priority date 2-27-1953 perfected under Permit S22157, that right is

2/20/2009

only for 0.35 cfs from the Umpqua River.

In further checking, I find that the Oregon Dept. of Forestry Phipps Nursery -Elkton, Oregon has an additional Water Right #4917 with priority date 5-9-1957perfected under Permit S24900 for 0.99 cfs from the Umpqua River.

Although this right remains in place, the priority date is three years less than Water Right#49769 giving the purchaser of the sale property, Oregon Dept. of Forestry Phipps Nursery a distinct disadvantage should water priority date become an issue. This does not seem to be an equitable situation for the purchaser and although the paperwork has been completed for the unperfected right transfer, it would seem to be worth review and consideration by WRD.

Sincerely,
Ms. jeannie A. Kendrick, CDE

2/20/2009

Herb Mosgar

From: Tyler Martin
Sent: Friday, February 20, 2009 8:15 AM
To: kendrickforestfarm@earthlink.net; wriserror
Cc: Herb Mosgar
Subject: RE: T10516: WR Cert# 49769

-Forwarded email 2 of 2-

Tyler Martin
Water Rights Technician
Information Services Division
Oregon Water Resources Department
725 Summer St. NE, Suite A
Salem, OR 97301-1271
Ph: (503) 986-0862
www.wrd.state.or.us

From: kendrickforestfarm@earthlink.net [mailto:kendrickforestfarm@earthlink.net]
Sent: Thursday, February 19, 2009 11:22 AM
To: wriserror
Subject: FW: T10516: WR Cert# 49769

Please note: the previous e-mail had an error in paragraph 3 and should refer to: Water Right Certificate # 49171

----- Original Message -----

From: kendrickforestfarm@earthlink.net
To: wriserror@wrds.state.or.us
Sent: 2/19/2009 11:16:55 AM
Subject: T10516: WR Cert# 49769

Re: Water Right appurtenant to Sale Property: Oregon Dept. of Forestry Phipps Nursery -2424 Wells Road, Elkton, Oregon

Dear WRD:

In reviewing the water right information for the aforementioned sale property, I tracked the Water Right Certificate #49769 with priority date 2-27-1953 perfected under Permit S22157, to Transfer #10516, which cancelled Certificate #49769 and transferred the entire right of 1.94 cfs from the Umpqua River, to adjacent property owners, Russell, Four Ell Trust.

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In further checking, I find that the Oregon Dept. of Forestry Phipps Nursery -Elkton, Oregon has an additional Water Right #4917 with priority date 5-9-1957 perfected under Permit S24900 for 0.99 cfs from the Umpqua

2/20/2009

River.

Although this right remains in place, the priority date is three years less than Water Right#49769 giving the purchaser of the sale property, Oregon Dept. of Forestry Phipps Nursery a distinct disadvantage should water priority date become an issue. This does not seem to be an equitable situation for the purchaser and although the paperwork has been completed for the unperfected right transfer, it would seem to be worth review and consideration by WRD.

Sincerely,
Ms. Jeannie A. Kendrick, CDE

2/20/2009

Dorothy Pedersen

From: MCKEE Robert P [Robert.P.Mckee@state.or.us]
Sent: Monday, September 08, 2008 11:38 AM
To: CHRISTENSEN Becky
Cc: Dorothy Pedersen
Subject: RE: Newspaper notice for T-10516

Becky,

Would you see that Dorothy gets a copy of the affidavit of publication for the ad in the Roseburg paper.

Thanks,
Bob

Robert McKee
Facilities Manager
Facilities Section - Business Services Program Oregon Department of Forestry
503-945-7503

-----Original Message-----

From: Dorothy Pedersen [mailto:pedersdi@wrdd.state.or.us]
Sent: Monday, September 08, 2008 10:48 AM
To: MCKEE Robert P
Subject: Newspaper notice for T-10516

Hi Bob,

On July 29, 2008 we issued a preliminary determination for T-10516 and in the cover letter, requested a notice of the preliminary determination to be published in a local newspaper once a week for three consecutive weeks. By September 1, we were to have received an original affidavit of publication from the newspaper. To date we have not received the affidavit of publication. Could you check on that, or forward this message to the person who is handling publication of the notice?

Once we receive the affidavit of publication, provided no protests are received, the Department will prepare to issue the Final Order for T-10516 shortly after the close of the protest period (30 days after the last date of publication).

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

Water Right Transfer Checklist

Transfer T-10516

Transfer Specialist: Dorothy Pedersen/Reim

Transfer Type: Regular

Applicant Name/Address: Oregon Department of Forestry Attn: David Lorenz 1758 NE Airport Rd. Roseburg, OR 97470

Agent Name/Address: None

CWRE Name/Number: Duane Kirby # 214

Rec Landowner Name/Address: Russell & Lois Four ELL Trust 2950 Wells Rd, Elkton, OR 97436

Irr. District Name/Address: None

Affected Gov'ts Name/Address: Douglas County

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.
☒	☒	S 28152	S 22157	49769	☐ Yes ☒ No	
☐	☐				☐ Yes ☐ No	
☐	☐				☐ Yes ☐ No	

Key Dates & Initial Actions

Rec'd: 12/27/2007	Proposed Action(s): POU POD HST APD USE OTHER: POD	
Fees Pd: 525.00	WM District: 15	ODFW District: 1
Initial Notice: 1/29/2008	WM Review sent: 1/28/2008	ODFW Review sent: 1/28/2008
Acknowledgement Letter Sent ☒	GW Review sent: none	

Processing Dates & Actions

Deficiency Contacts: _____

Newspaper Pub Affid Due: _____

☐ not required

DPD Mailed: 4/11/08

Affid of Pub Rec'd: _____

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

Last Day Published: _____

PD Mailed: _____

Affidavit Reminder Sent: _____

PD Weekly Notice: _____

Reminder Deadline: _____

Preliminary Determination

☒ Electronic Files uploaded

☒ Preliminary Determination

☒ PD Cover letter

☐ Fee Refund Due

☒ PD Notice

☒ Remaining Rights

☐ File Assigned/ ModPod updated

DPD Review (Optional)	PD Review (Salem)	Final Order Review (Salem)
Reviewer: _____	Reviewer: <u>IKS</u>	Reviewer: _____
Date: _____	Date: <u>7/25/08</u>	Date: _____
Coordinator: _____	Coordinator: <u>AKP</u>	Coordinator: <u>AKP</u>
Date: _____	Date: <u>7/28/08</u>	Date: <u>10/31/08</u>
Comments/Special Issues: <u>Reimbursement Authority</u>		

Special Order Volume: Vol 76 Pages 659 Final Order Signature Date: 10-31-08

Notice of FO email'd to processors Dorothy

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 –

Affidavit of Publication

The News-Review

OF DOUGLAS COUNTY

Roseburg, Oregon

ISSUED DAILY EXCEPT SATURDAY

STATE OF OREGON
COUNTY OF DOUGLAS } ss.

I, SAM HOLLENBECK, being first duly sworn, depose and say that I am the Business Manager, of The News-Review, a newspaper of general circulation, as defined by ORS 193.010 and 193.020; printed and published at Roseburg in the aforesaid county and state; that the _____

#8642 Water Right Transfer Notice

_____ a printed copy of which is hereto annexed, was published in the entire issue of said newspaper for 3 successive and consecutive days in the following issue: _____

August 10, 17, and 24, 2008

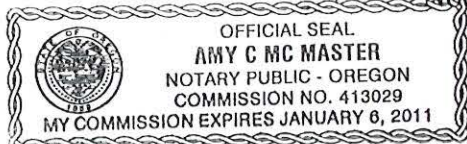
The fee actually charged by such newspaper for such publication is \$ 171.00.



Subscribed and sworn to before me this 24th day of August, 2008.



Notary Public of Oregon



Legal Notices

Notice of Preliminary Determination for Water Right Transfer T-10516

T-10516 filed by Oregon Department of Forestry, 1758 NE Airport Road, Roseburg, Oregon 97470, proposes a change in point of diversion under Certificate 49769. The right allows the use of 1.94 cfs (priority date February 27, 1953) from diversions in Sects. 2 and 11, T 23 S, R 8 W, W.M. (Umpqua River) for irrigation in Sec. 2. The applicant proposes to change the point of diversion approximately 0.75 miles northwest (Sec. 2, T 23 S, R 8 W, 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 with in 30 days after the date of final publication of notice in the Department's weekly notice or of this newspaper notice, whichever is later. A protest form calling (503) 986-0881. The last date of newspaper publication is August 24, 2008. If no protests are filed, the Department will issue a final order consistent with the preliminary determination.

#8642 Pub. Dates: August 10, 17, 24, 2008.

RECEIVED

DEC 29 2008

WATER RESOURCES DEPT
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

July 29, 2008 FAX 503-986-0904

Robert McKee
Oregon Department of Forestry
2600 State Street
Salem, OR 97301

SUBJECT: Transfer Application T-10516

Please find enclosed the Preliminary Determination indicating that, based on the information available, the Department intends to approve application T-10516. 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.

Because the new point of diversion is more than ¼ mile from the authorized point of diversion, the applicant is responsible for giving public notice of the transfer changes in a local newspaper having a general circulation in the area of the water right. The notice must be published at least once a week for three consecutive weeks. We have prepared the notice for you (enclosed). The deadline for individuals to file protests or standing statements is 30 days after the date of last publication. Please have the newspaper insert the date of last publication in the proper place.

After publication, the Department needs to receive an affidavit specifying the dates the notice was published. Please have the newspaper prepare and mail an original *affidavit of publication* to the Department, to me at the address above by **September 1, 2008**.

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 for assistance.

Sincerely,

Dorothy I. Pedersen
Field Services Division

cc: David Williams, Watermaster, District 15
Dan Shults, ODF Southern Oregon Area Director
Anne Helms, ODF--D.L. Phipps Forest Nursery
Russell and Lois Four ELL Trust, receiving landowners
Duane W. Kirby, CWRE #214

encls

PD Noticed
8-5-08

Affidavit of publication

due 9/1/08

Checked by phone 10/17

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

In the Matter of Transfer Application	)	PRELIMINARY DETERMINATION
T-10516, Douglas 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

OREGON DEPARTMENT OF FORESTRY
1758 NE AIRPORT ROAD
ROSEBURG, OR 97470

Findings of Fact

Background

1. On January 22, 2008, Oregon Department of Forestry filed an application to change the point of diversion under Certificate 49769. The Department assigned the application number T-10516.

2. The right to be transferred is as follows:

Certificate: 49769 in the name of OREGON DEPARTMENT OF FORESTRY (perfected under Permit S-22157)

Use: IRRIGATION of 155.2 ACRES

Priority Date: FEBRUARY 27, 1953

Rate: 1.94 CUBIC FEET PER SECOND

Limit/Duty: ONE-EIGHTIETH cfs per acre, not to exceed 2.5 acre-feet per acre per year

Source: UMPQUA RIVER, tributary to PACIFIC OCEAN

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 Points of Diversion:

Twp	Rng	Mer	Sec	Q-Q	DLC	Survey Coordinates
23 S	8 W	WM	2	SW SE	38	NO. 3: 320 FEET NORTH AND 2160 FEET WEST FROM THE SE CORNER OF SECTION 2
23 S	8 W	WM	11	NE NE	38	NO. 1: 440 FEET SOUTH AND 40 FEET WEST FROM THE SE CORNER OF SECTION 2
23 S	8 W	WM	11	NE NE	38	NO. 2: 250 FEET SOUTH AND 480 FEET WEST FROM THE SE CORNER OF SECTION 2

Authorized Place of Use:

IRRIGATION						
Twp	Rng	Mer	Sec	Q-Q	DLC	Acres
23 S	8 W	WM	2	SW NE	38	2.7
23 S	8 W	WM	2	SW NE	38	0.8
23 S	8 W	WM	2	NE NW	38	15.6
23 S	8 W	WM	2	SE NW	38	34.7
23 S	8 W	WM	2	SE NW	38	0.4
23 S	8 W	WM	2	NE SW	38	17.2
23 S	8 W	WM	2	NE SW	38	13.9
23 S	8 W	WM	2	SE SW	38	2.4
23 S	8 W	WM	2	NE SE	38	4.0
23 S	8 W	WM	2	NW SE	38	31.0
23 S	8 W	WM	2	SW SE	38	25.4
23 S	8 W	WM	2	SE SE	38	7.1

3. Application T-10516 proposes to move the authorized point of diversion to the original point of diversion described in Certificate 49769 as:

Twp	Rng	Mer	Sec	Q-Q	DLC	Survey Coordinates
23 S	8 W	WM	2	SW NW	38	SOUTH 43 DEGREES, 30 MINUTES WEST, 2050 FEET FROM THE N¼ CORNER OF SECTION 2

4. Notice of the application for transfer was published on January 29, 2008, pursuant to OAR 690-380-4000. No comments were filed in response to the notice.
5. On April 11, 2008, the Department mailed a copy of the draft Preliminary Determination proposing to approve Transfer Application T-10516 to the applicant. The draft Preliminary Determination cover letter set forth a deadline of May 15, 2008, for the applicant to respond. 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.
6. 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.

7. Russell and Lois Four ELL Trust, 2950 Wells Rd., Elkton, OR 97436 are designated as the receiving landowners.

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-10516.
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

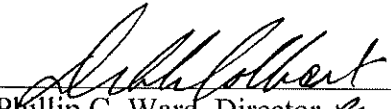
The change in point of diversion proposed in application T-10516 appears to be consistent with the requirements of ORS 540.505 to 540.580 and OAR 690-380-5000. If protests are not filed pursuant to OAR 690-380-4030, the application will be approved.

If application T-10516 is approved, the final order will include the following:

1. *The changes in point of diversion proposed in application T-10516 are approved.*
2. *Water right certificate 49769 is cancelled.*
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 49769 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(s) of diversion.*
5. *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.*

6. *Prior to diverting water, the water user shall install 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. The water user shall maintain and operate the measuring device as required by 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 28th day of July 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@wrdd.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-10516**

T-10516 filed by Oregon Department of Forestry, 1758 NE Airport Road, Roseburg, Oregon 97470, proposes a change in point of diversion under Certificate 49769. The right allows the use of 1.94 cfs (priority date February 27, 1953) from diversions in Sects. 2 and 11, T 23 S, R 8 W, W.M. (Umpqua River) for irrigation in Sec. 2. The applicant proposes to change the point of diversion approximately 0.75 miles northwest (Sec. 2, T 23 S, R 8 W, 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 or of this newspaper notice, whichever is later. A protest form and additional information on filing protests may be obtained by calling (503) 986-0881. The last date of newspaper publication is [DATE OF LAST PUBLICATION]. If no protests are filed, the Department will issue a final order consistent with the preliminary determination.

Dorothy Pedersen

From: MCKEE Robert P [Robert.P.Mckee@state.or.us]
Sent: Monday, June 02, 2008 2:15 PM
To: Dorothy Pedersen
Cc: HELMS Anne M; SHULTS Dan L
Subject: RE: Ownership report for T-10516

Dorothy,

Tax Lot 200, Section 2, T23S, R8W is not state owned property. The property is owned by 4ELL Trust but had been under lease by the State of Oregon for a number of years. This past year our lease with 4ELL Trust for the property expired and the use of the property reverts back to the exclusive use of 4ELL Trust. The State has relinquished all interest to this parcel in a Quitclaim Deed, dated April 8, 2008.

Please let me know if you need further information.

Bob

Robert McKee
Facilities Manager
Facilities Section
Oregon Department of Forestry
2600 State Street
Salem, OR 97310
503-945-7503
503-945-7525 (FAX)

-----Original Message-----

From: Dorothy Pedersen [mailto:pedersdi@wrdd.state.or.us]
Sent: Friday, May 30, 2008 12:42 PM
To: MCKEE Robert P
Subject: Ownership report for T-10516

Robert,

The contractor has informed me that the ownership report you submitted for T-10516 does not cover all the tax lots within the place of use of the water right. The report covers Tax Lot 600 in Sections 1 & 2, T23S, R8W and Tax Lot 500 in Section 12, T23S, R8W. However, the bulk of the land to which the right is appurtenant is in Tax Lot 200, Section 2, T23S, R8W, so we need a report that covers that tax lot.

Thank you for your attention to this matter.

Dorothy

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

2A

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

Reference Transfer #: T-10516

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.

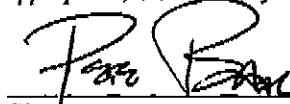
Condition: Within two years after the date of this order, the water user shall install a fish screening and/or by-pass device, as appropriate, at the new point of diversion consistent with the Oregon Department of Fish and Wildlife's (ODFW) design and construction standards. Prior to installation, the 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

Pete Baki

Printed Name

ASST. HABITAT CONSERVATION BIOLOGIST

Title

(541) 440-3353

Phone

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

Transfer # T-10516

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: PETE BAKI

Address: 4192 N. Umpqua Hwy

City/State/Zip: ROSEBURG, OR, 97470

Phone: (541) 440-3353



OREGON DEPARTMENT FISH & WILDLIFE

4192 NORTH UMPQUA HWY - ROSEBURG OR 97470

(541)440-3353 FAX (541)673-0372

FAX TRANSMITTAL

Date 3/7/08

Pages 4 including cover ☐

To: SARAH HENDERSON

From: PAUL BAKI

Subject: T-10516

Special Instructions:

Doc 2.

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FEB 29 2008

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 # 10516

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.

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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: LAURA S. JACKSON

Address: 4192 N. Umpqua Hwy

City/State/Zip: ROSEBURG, OR 97470

Phone: (541) 440 3353



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-10516

Review Due Date: 2/26/2008

Applicant Name: Oregon Department of Forestry

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

Reviewer(s): David S. Williams

Date of Review: Feb. 5, 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: _____
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: _____
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.

Application

- ☒ The type of change is clearly indicated. *Permanent transfer*
- ☒ The application is appropriately signed.
- ☒ Appropriate fees were paid. ☐ If overpayment, Refund Request to be sent with FO
- DEF ☐ Land use form matches affected tax lots and is signed by proper official. *(from ALL affected Govt's) - Missing a POD*
- ☒ Ditch company, district and/or BOR, sent a copy of the application and map, if appropriate. *Douglas County*
- NO ☐ All required attachments received. *Missing land owner consent form.*

Water right subject to transfer

- ☒ Certificated right or Proof accepted "to the satisfaction...." *Certificate 49769.*
- ☒ The right been exercised according to terms & conditions of certificate.
- ☒ Delivery system has the capacity to fully divert the rate/duty of the right. *Capacity = 14.7 cfs (No calculations)*
- 3 ☐ No information in record that suggests forfeiture. *- No land ownership records in file.*
- ☐ 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. *NE Property boundaries - not shown*
- ☒ 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. *No Final Proof map. Acres don't match between Permit map and Transfer map*
- 3 ☐ Have final proof maps/decree maps for the rights. ☐ Application map matches certificate FPS.
- NO ☐ 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 POUs 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.) *No deed in file*
- NO ☐ Have current tax lot map. *(If transfer application is several years old, contact assessor's office) No tax map.*
- NO ☐ The applicant is the owner of the "from" lands.
- NO ☐ All owners on the deed/ROLI have signed the application. *Not signed by "owners".*
- NO ☐ If necessary, there is a notarized, signed statement of consent from landowners other than applicant. *Not in file*
- ☐ If necessary, there is a copy of written notification to each lien holder identified on ROLI. *Not known if any lien holders*
- 3 ☐ Agent has authorization to make decisions. *Not supported by documents.*

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
- Injury: Y ☒ N Enlargement: Y ☒ N

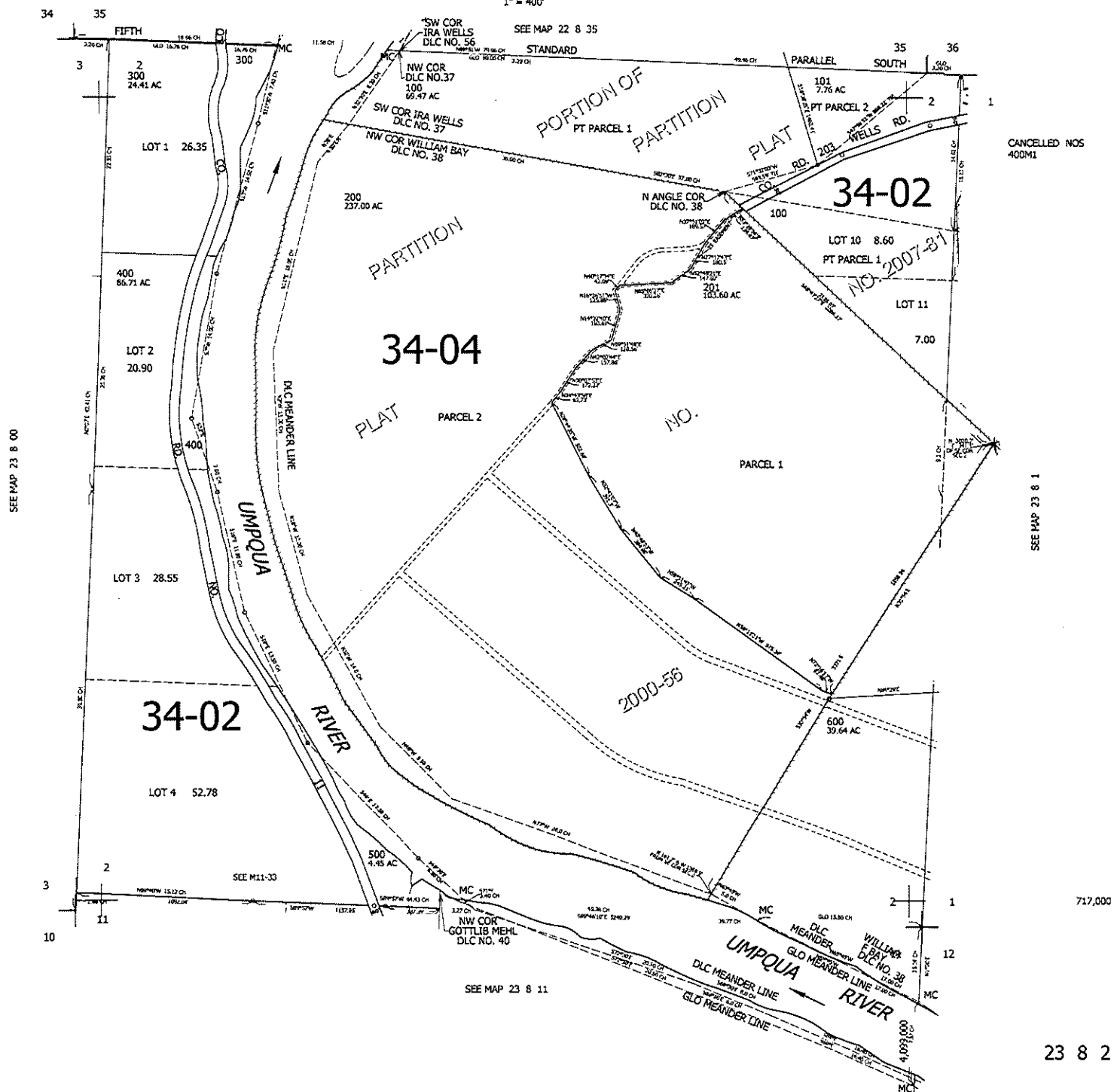
Conditions to avoid enlargement/injury - *None**Fish screen required at new POD, per ODFW*

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APR 03 2008

WATER RESOURCES DEPT
SALEM, OREGON

1" = 400'



Contacts for Application T-10516

Applicant:

David Lorentz
Oregon Department of Forestry
1758 NE Airport Road
Roseburg, OR 97470
Phone: 541-440-3412
Fax: 541-440-3419
E-mail: dlorentz@odf.state.or.us

Receiving Landowner:

Russell and Lois Four, ELL Trust
2950 Wells Road
Elkton, OR 97436

CWRE:

Duane W. Kirby – CWRE #214

State Agency:

Oregon Department of Fish and Wildlife
Pete Baki
4192 N. Umpqua Highway
Roseburg, OR 97470
Phone: 541-440-3353

District #15, Watermaster – David Williams

Local and Tribal Governments:

Commenters:

Irrigation Districts:

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**WATER RESOURCES DEPT
SALEM, OREGON**

April 1, 2008

Mr. David Lorenz
Oregon Department of Forestry
1758 NE Airport Rd.
Roseburg, OR 97470

SUBJECT: Application T-10516

Enclosed find a draft of our Preliminary Determination regarding transfer application T-10516. 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.

Because the new point of appropriation is more than ¼ mile from the authorized point of appropriation/diversion, the applicant is responsible for publishing notice of the transfer in a local newspaper having a general circulation in the area of the water right. The notice must be published at least once a week for three consecutive weeks. We will provide a copy of the required notice to you upon issuance of the Preliminary Determination.

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 xxxx, 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: David Williams, Watermaster, District 15

enc

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**WATER RESOURCES DEPT
SALEM, OREGON**

**Notice of Preliminary Determination for
Water Right Transfer T-10516**

T-10516 filed by Oregon Department of Forestry, 1758 NE airport road, Roseburg, Oregon, proposes a change in point of diversion under Certificate 49769. The right allows the use of 1.94 cfs (priority date February 27, 1953) from a diversion in Sec. 2, T23S, R8W, W.M. (_____ Basin) for irrigation in Sec. 2. The applicant proposes to change the point of diversion to another location approximately 0.75 miles northwest (Sec. 2, T23S, R8W, 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 or of this newspaper notice, whichever is later. A protest form and additional information on filing protests may be obtained by calling (503) 986-0881. The last date of newspaper publication is [DATE OF LAST PUBLICATION]. If no protests are filed, the Department will issue a final order consistent with the preliminary determination.

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**WATER RESOURCES DEPT
SALEM, OREGON**

April 1, 2008

Mr. David Lorenz
Oregon Department of Forestry
1758 NE Airport Rd.
Roseburg, OR 97470

SUBJECT: Transfer Application T-10516

Please find enclosed the Preliminary Determination indicating that, based on the information available, the Department intends to approve application T-10516. 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.

Because the new point of diversion is more than $\frac{1}{4}$ mile from the authorized point of diversion, the applicant is responsible for giving public notice of the transfer changes in a local newspaper having a general circulation in the area of the water right. The notice must be published at least once a week for three consecutive weeks. We have prepared the notice for you (enclosed). The deadline for individuals to file protests or standing statements is 30 days after the date of last publication. Please have the newspaper insert the date of last publication in the proper place. After publication, the Department needs to receive an affidavit specifying the dates the notice was published. Typically, the newspaper will prepare and mail an original *affidavit of publication* to the Department, however you will want to request specifically that they do so. The newspaper can mail the affidavit to me at the address above.

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 if I may be of assistance.

Sincerely,

Field Services Division

cc: David Williams, Watermaster, District 15
Applicant Agent
CWRE
Commenters

encls

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WATER RESOURCES DEPT
SALEM, OREGON



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

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DEC 27 2007

2. APPLICANT INFORMATION

WATER RESOURCES DEPT
SALEM, OREGON

Name: Oregon Department of Forestry (David Lorenz)

First

Last

Address: 1758 NE Airport Road

Roseburg

OR

97470

City

State

Zip

Phone: 541-440-3412

Home

Work

Other

Fax: 541-440-3419

E-Mail address: dlorenz@odf.state.or.us

3. AGENT INFORMATION

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

Name: _____

First

Last

Address: _____

City

State

Zip

Phone: _____

Home

Work

Other

Fax: _____

E-Mail address: _____

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WATER RESOURCES DEPT
SALEM, OREGON

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WATER RESOURCES DEPT
SALEM, OREGON

- 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.

**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>
☒	Transfer Application	<u>T-10516</u>
☐	Certificate Request	_____
☐	Extension of Time Request	_____

<u>Applicant Information</u>		<u>Applicant's Representative/Contact</u>
Name: (Please Print)	Oregon Department of Forestry	David Lorenz
Address:	1758 NE Airport Road	
	Roseburg, OR 97470	
Phone:	541-440-3412	
Fax	541-440-3419	
E-Mail Address:	dlorenz@odf.state.or.us	

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.
- Send completed Application and payment to:

**OWRD – Reimbursement Authority Program
725 Summer St. NE, Suite A
Salem, OR 97301-1266.**

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

Signature: _____

Name: David Lorenz

OWRD USE ONLY

Contractor Assigned:	Total Amount Paid: \$
OWRD Approval:	

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.			49769 ✓
2.			
3.			
4.			
5.			
6.			

- Attach a **separate Supplemental Form A** (Description of Proposed Change(s) to a Water Right) for **each** water right listed above.

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

- ☐ Place of Use ☒ Point of Diversion (POD) ✓ ☐ Additional Point of Diversion
☐ Character of Use ☐ Point of Appropriation (POA, or well) ☐ Additional POA
☐ Instream Transfer ☐ Surface Water POD to Ground Water POA
☐ Substitution of Supplemental Groundwater right for Primary Surface water right
☐ Historic POD change ☐ Other

- Reason(s) for change(s): The state will no longer lease this land and needs to move POD to original location so landowner may use 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.

- 4 pumps
- ① 60 hp/900 gpm
 - ② 100 hp/1500 gpm
 - ③ 125 hp/1900 gpm
 - ④ 150 hp/2300 gpm

In ground main line with 4 inch to 15 inch diameter pipes.
Total in-ground irrigations lines are approximately 28,000 feet
Above ground irrigation pipes are used with sprinkler heads to irrigate.

- System capacity: 14.7 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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Transfer Application/2

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6. EVIDENCE OF BENEFICIAL WATER USE

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

7. AFFECTED DISTRICTS

- Are any of the water rights proposed for transfer located within or served by an irrigation or other water district? ☐ Yes ☒ No
- Will any of the water rights be located within or served by an irrigation or other water district after the proposed transfer? ☐ Yes ☒ No
- Is water for any of the rights supplied under a water service agreement or other contract for stored water with a federal agency or other entity? ☐ Yes ☒ No

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

8. LOCAL GOVERNMENTS

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

✓ Douglas County

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9. LAND OWNERSHIP

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

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

Names of Current Landowner(s): Russell & Lois Four Elk Trust
First Last

Address: 2950 WELLS Rd

ELKTON OR 97436
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): Russell & Lois Four Elk Trust ✓
First Last

Address: 2950 WELLS Rd

ELKTON OR 97436
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.)

10. Other Remarks (optional)

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No deed document in file.

11. ATTACHMENTS

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

Supplemental Form A –

Description of Proposed Change(s) to a Water Right

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

Supplemental Form B –

Evidence of Use Affidavit(s)

- ☒ At least one Evidence of Use Affidavit documenting that the right has been used during the last five years or that the right is not subject to forfeiture under ORS 540.610 is attached. The affidavit provided must be the original (not a copy), and
- ☒ The Evidence of Use Affidavit must be accompanied by supporting documentation.

Map

- ☒ *Water Right Transfer*
The map must be prepared by a Certified Water Right Examiner and meet the requirements of OAR 690-380-3100 unless a waiver has been granted. The map provided must be the original, not a copy.
- ☐ *Temporary Transfer or Historical POD Change*
A map meeting the requirements of OAR 690-380-3100 must be included but need not be prepared by a Certified Water Right Examiner.

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

- ☐ The application is for a change in point of appropriation or change from surface water to ground water and copies of all water well reports are attached.
- ☐ Water well reports are not available and a description of construction details including well depth, static water level, and information necessary to establish the ground water body developed or proposed to be developed is attached.
- ☐ N/A. The application does not involve a change in point of appropriation or a change from surface water to ground water, so water well reports are not required.)

Land Use Information For Proposed Changes:

For Instream Transfers:

- ☐ Notice of the intent to file an instream transfer application has been provided to each affected local government along the proposed reach, and copies of the notices are enclosed. (*For instream transfers a Land Use Information Form is not required.*)

For All Other Transfers:

- ☒ Land Use Information Form is enclosed; *or*
- ☐ All of the following criteria are met, therefore a Land Use Information Form is not required:
- 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: \$ Interagency billing
See the Department's Fee Schedule at www.wrd.state.or.us or call (503) 986-0900.

Instream Water Right Transfers, also include:

Supplemental Form C –

Instream Water Right Transfer

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

Temporary Transfers, also include:

Recorded Deed:

- ☐ The applicant must submit a copy of the current deed of record for the land from which the authorized place of use or point of diversion/appropriation is being moved.

Affidavit of Consent:

- ☐ If the applicant is NOT the owner of record for the land from which the authorized place of use or point of diversion/appropriation is being moved, a notarized statement from the actual owner of record consenting to the proposed transfer must be submitted.

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

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

12. SIGNATURES

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

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

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

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

☐ I (we) affirm that the applicant is a municipality, as defined in ORS 540.510(3)(b), and that the right is in the name of the municipality or a predecessor. Therefore, pursuant to OAR 690-380-3000(13)(b), the applicant is **NOT** required to provide the above described report of ownership and lien information.

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

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

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

 applicant signature	David Lorenz Assistant Area Director name and title if applicable (print)	12/21/07 date
 applicant signature	 name and title if applicable (print)	 date

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Transfer Application/6

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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.

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▪ Certificate Number or other identifying number: 49769

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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</u> of the old point of diversion. The old point of diversion will <u>not</u> be used.) ☐ Point of Diversion Change due to Government Action (The old point of diversion or appropriation can no longer be used due to government action.) ☐ Exchange (Water from another source will be used in exchange for supplying an equal amount of replacement water to that source.)	☐ All of the right will be exercised at a different location than currently authorized (Use of water at the current location will be discontinued.) ☐ Only a portion of the right will be exercised at a different location than currently authorized (Use of water at the current location will be discontinued.)	Proposed new use: ☐ Irrigation ☐ Municipal ☐ Quasi-municipal ☐ Commercial ☐ Industrial ☐ Instream (complete and attach <i>Supplemental Form C</i>) ☐ Domestic (indicate number of households) _____ ☐ Other _____ ☐ Substitution (A supplemental ground water right will be substituted for a primary surface water right.) ☐ Supplemental Use to Primary Use (Primary water right shall be cancelled and the supplemental water right will change to primary use.)

2. CURRENT WATER RIGHT INFORMATION

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

☒ Certificated Right	<u>49769</u>	
	Certificate Number	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: Howard F Carnes

▪ County: Douglas

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

▪ Priority Date(s): February 27 1953

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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: Umpqua River

▪ Tributary to: Pacific Ocean

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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no change in POW

■ Certificate Number or other identifying number: 49769

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)
1	Umpqua River 2-27-1953	23 S	8 W	WM	11	NENE	(38) 600	N 40° S & 40° W From SE cor sec 2
2	Umpqua 2-27-1953	23 S	8 W	WM	11	NENE	(38) 600	250° S & 480° W From SE cor sec 2
3	Umpqua 2-27-1953	23 S	8 W	WM	2	SWSE	(38) 200	320° N & 2160° W From SE cor sec 2

Missing POD 4, shown on Land Use Information Form.

■ 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

■ Certificate Number or other identifying number: 49 767

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

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

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

Attach additional pages as necessary.

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

Location of Existing Authorized Place of Use to be Affected:

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

[illegible]

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■ Certificate Number or other identifying number: 49769

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)
Ungava River	23 S	8 W	W M	2	SW NW	(39) 200	S 43° 30' W, 2050' From N ¼ ¼ cor, sec 2

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

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

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

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

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

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

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▪ Certificate Number or other identifying number: 49 769

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

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

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

[illegible]

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Remarks:

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Last revised: October 13, 2006

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

State of Oregon)
County of Douglas) ss

I, David Lorenz, in my capacity as Assistant to the SOA Director,
mailing address 1758 NE Airport Road, Roseburg, OR 97470
telephone number (541) 440-3412, 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)
23	S	8	W	W.M. 2	NE NW ✓	15.6 ✓
23	S	8	W	W.M. 2	SE NW ✓	35.1 ✓
23	S	8	W	W.M. 2	NE SW ✓	31.1 ✓
23	S	8	W	W.M. 2	SE SW ✓	2.4 ✓
23	S	8	W	W.M. 2	SW NE ✓	2.7 ✓
23	S	8	W	W.M. 2	SW NE ✓	0.8 ✓
23	S	8	W	W.M. 2	NW SE ✓	31.0 ✓
23	S	8	W	W.M. 2	SW SE ✓	25.4 ✓
23	S	8	W	W.M. 2	NE SE ✓	4.0 ✓
23	S	8	W	W.M. 2	SE SE ✓	7.1 ✓

*matchless
certificate
49769.*

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(continues on reverse side)

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

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

✓ To grow conifer seedlings for reforestation of Oregon's forests.

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

4 pumps - (1) 60hp, 900 gpm, (2) 100 hp, 1500 gpm, (3) 125 hp, 1900 gpm, (4) 150 hp, 2300 gpm.

In-ground main line with 4 inch to 15 inch diameter pipes. Total in-ground irrigation lines

are approximately 28,000 feet long. Above ground irrigation pipes are used with sprinkler heads to irrigate.

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, (seedlings)

☐ 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,

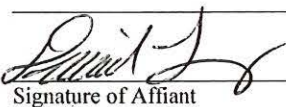
☐ Instream lease number _____,

☐ Other: _____

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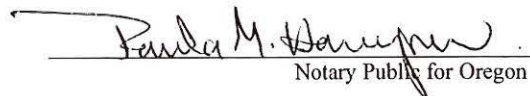
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Signature of Affiant

12/21/07
Date

Signed and sworn to (or affirmed) before me this 21 day of December, 2007.




Notary Public for Oregon

My Commission Expires: 11-11-09

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

Invoice #: N22118
Order #: 15067
Invoice Date: 10/24/2007
Type: Contract Inventory
Terms: Net 30 Days

Visa ☐ **Card #:** _____
MasterCard ☐ **Expiration Date:** _____
Print Name on Card: _____
Signature: _____

Total Due: \$17,590.81

		Batch Type:			Batch No:		Batch Date:	
		SFMS Coding						
Tcode	Seq#	Index	PCA	Project	Phase	Object	Amount	Inv GL #
		76010	71200			8554	\$17,590.81	
Total:							\$17,590.81	

ORIGINAL (Customer Copy)

Invoice #: N22115
Order #: 15065
Invoice Date: 10/24/2007
Type: Contract Inventory
Terms: Net 30 Days

If paying by check, send remittance copy and payment to address above.

Total Invoice:	59,185.85	30,928.60	\$14,796.47
Paid on this Invoice:			\$0.00
Total Due:			\$14,796.47

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	Batch Type:				Batch No:		Batch Date:	
	SFMS Coding							
Tcode	Seq#	Index	PCA	Project	Phase	Object	Amount	Inv GL#
		76010	71200			8551	\$14,796.47	
Total:							\$14,796.47	

ORIGINAL (Customer Copy)

OREGON DEPARTMENT OF FORESTRY
D.L. PHIPPS FOREST NURSERY
Unit 13
P.O. Box 4395
Portland, OR 97208-4395

Invoice #: N22126
Order #: 14812
Invoice Date: 10/24/2007
Type: Contract Inventory
Terms: Net 30 Days

If paying by credit card, send remittance copy and credit card information to Credit Card Processing Center.

If paying by check, send remittance copy and payment to address above.

Lot #	Description	Size	Ordered Amt	Harvest Qty	Unit	Unit Cost	Total Bill	Previous Billings	% to Bill	Bill Amount
RRD-80-73-DFR-06	Inventory Bill for RRD8073DFR06	11XX	100,000	97,973	M	383.00	37,523.66	19,150.00	75%	9,380.92

If you have any questions regarding the Invoice or Payment, direct inquiries to: Lisa Clemo at (541) 584-2214 ext 114.

Fax # (541) 584-2326

E-Mail: lclemo@odf.state.or.us

Total Invoice:	37,523.66	19,150.00	\$9,380.92
Paid on this Invoice:			\$0.00
Total Due:			\$9,380.92

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ORS 82.010 mandates the collection of interest at the annualized rate of 9%. Additionally, delinquent accounts assigned to collection agencies may be assessed a \$25.00 collection fee and the full cost incurred to collect the outstanding balance.

		Batch Type:			Batch No:		Batch Date:	
SFMS Coding								
Tcode	Seq#	Index	PCA	Project	Phase	Object	Amount	Inv GL #
		76010	71200			8551	\$9,380.92	
Total:							\$9,380.92	

ORIGINAL (Customer Copy)

Invoice #: N22114
Order #: 15078
Invoice Date: 10/24/2007
Type: Contract Inventory
Terms: Net 30 Days

If paying by check, send remittance copy and payment to address above.

Total Due: \$3,821.98

		Batch Type:			Batch No:		Batch Date:	
		SFMS Coding						
Teodo	Seq#	Index	PCA	Project	Phase	Object	Amount	Inv GL #
		76010	71200			8551	\$3,821.98	
Total:							\$3,821.98	



COPY

Oregon Water Resources Department Land Use Information Form

W/S 07-1195
R 62557

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

Applicant Name: Dave Korenz
Mailing Address: 1758 NE Airport Rd
City: Roseburg State: OR Zip: 97470 Day Phone: 541 440 3412

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

A. Land and Location

Please include the following information for all tax lots where water will be diverted (taken from its source), conveyed (transported), or used. Applicants for municipal use, or irrigation uses within irrigation districts may substitute existing and proposed service-area boundaries for the tax-lot information requested below.

POD 1/2 2
POD 3
(POD 4)

Township	Range	Section	1/4 1/4	Tax Lot #	Plan Designation (e.g. Rural Residential/RR-5)	Water to be:	Proposed Land Use:
233	8W	11	NENE	600		☒ Diverted ☐ Conveyed ☐ Used	
233	8W	2	SWS	200		☒ Diverted ☐ Conveyed ☐ Used	
233	8W	2	SWN	200		☒ Diverted ☒ Conveyed ☒ Used	
						☐ Diverted ☐ Conveyed ☐ Used	

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

B. Description of Proposed Use

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

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

Source of water: ☐ Reservoir/Pond ☐ Ground Water ☒ Surface Water (name) Umpqua River

Estimated quantity of water needed: 1.94 ☒ cubic feet per second ☐ gallons per minute ☐ acre-feet

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

Briefly describe: _____

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

Receipt for Request for Land Use Information

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

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SALEM, OREGON

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For Local Government Use Only

The following section must be completed by a planning official from each county and city listed unless the project will be located entirely within the city limits. In that case, only the city planning agency must complete this form.

This deals only with the local land-use plan. Do not include approval for activities such as building or grading permits.

Please check the appropriate box below and provide the requested information

☒ Land uses to be served by proposed water uses (including proposed construction) are allowed outright or are not regulated by your comprehensive plan. Cite applicable ordinance section(s): 3.3.050.

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

Type of Land-Use Approval Needed (e.g. plan amendments, rezones, conditional-use permits, etc.)	Cite Most Significant, Applicable Plan Policies & Ordinance Section References	Land-Use Approval:	
		☐ Obtained ☐ Denied	☐ Being pursued ☐ Not being pursued
		☐ Obtained ☐ Denied	☐ Being pursued ☐ Not being pursued
		☐ Obtained ☐ Denied	☐ Being pursued ☐ Not being pursued
		☐ Obtained ☐ Denied	☐ Being pursued ☐ Not being pursued
		☐ Obtained ☐ Denied	☐ Being pursued ☐ Not being pursued

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

Name: Ryan Beyer Title: Planning Tech
Signature: Ryan Beyer Phone: 541-440-4289 Date: 12/14/07
Government Entity: Douglas County Planning Department

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

Receipt for Request for Land Use Information

Applicant name: _____

City or County: _____ Staff contact: _____

Signature: _____ Phone: _____ Date: _____

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

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Watermaster Review Form: Water Right Transfer

Transfer Application: T-10516

Review Due Date: 2/26/2008

Applicant Name: Oregon Department of Forestry

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

Reviewer(s): David S. Williams

Date of Review: Feb. 5, 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: _____
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: _____
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: _____

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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.

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SALEM, OREGON

**TRANSFER APPLICATION
FOR DAVE LORENZ
BY : DUANE W. KIRBY
T23S, R8W, W.M., SEC. 2
CERTIFICATE NO 49769
TAX LOT 200**

**FROM : DIVERSION POINT NO. 1,2,3 (155.2 ACRES)
TO: DIVERSION POINT NO. 4 (155.2 ACRES)**

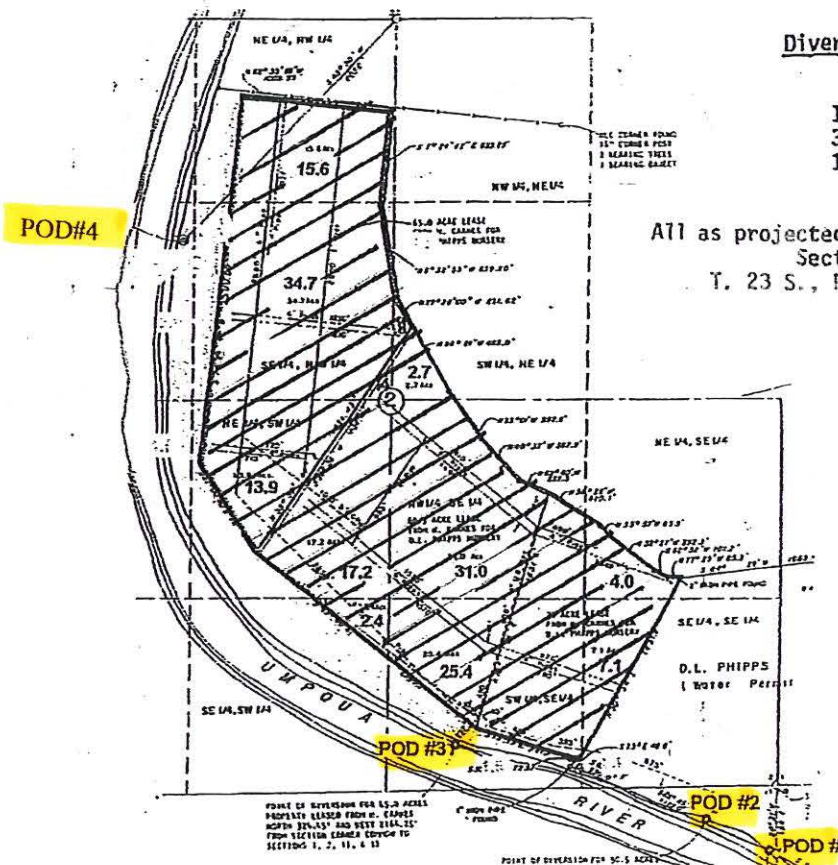
Diversion Points 1 and 2

2.7 acres SW $\frac{1}{4}$ NE $\frac{1}{4}$
0.4 acre SE $\frac{1}{4}$ NW $\frac{1}{4}$
17.2 acres NE $\frac{1}{4}$ SW $\frac{1}{4}$
2.4 acres SE $\frac{1}{4}$ SW $\frac{1}{4}$
4.0 acres NE $\frac{1}{4}$ SE $\frac{1}{4}$
31.0 acres NW $\frac{1}{4}$ SE $\frac{1}{4}$
25.4 acres SW $\frac{1}{4}$ SE $\frac{1}{4}$
7.1 acres SE $\frac{1}{4}$ SE $\frac{1}{4}$

Diversion Points 1, 2 and 3

0.8 acre SW $\frac{1}{4}$ NE $\frac{1}{4}$
15.6 acres NE $\frac{1}{4}$ NW $\frac{1}{4}$
34.7 acres SE $\frac{1}{4}$ NW $\frac{1}{4}$
13.9 acres NE $\frac{1}{4}$ SW $\frac{1}{4}$

All as projected within Bay DLC 38
Section 2
T. 23 S., R. 8 W., W. M.



SCALE: 1" = 1320 FEET

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- ✓ POD NO. 1- 440 FEET SOUTH AND 40 FEET WEST
- ✓ POD NO. 2- 250 FEET SOUTH AND 480 FEET WEST
- ✓ POD NO. 3- 320 FEET NORTH AND 2160 FEET WEST
- ALL FROM SE CORNER, SECTION 2
- ✓ POD NO. 4- SOUTH 43° 30' WEST, 2050 FEET FROM THE NW $\frac{1}{4}$ COR., SEC 2

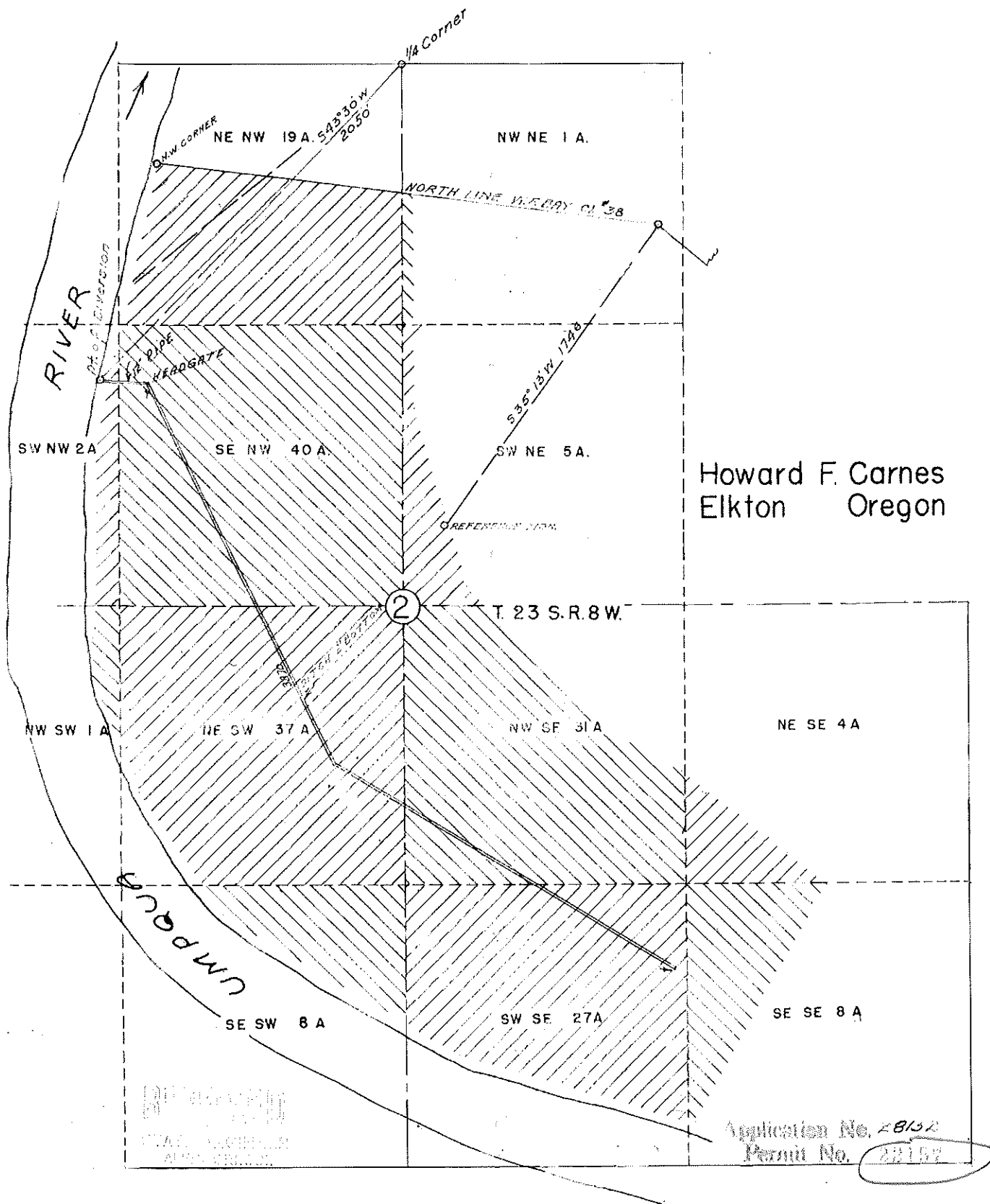
THE PURPOSE OF THIS MAP IS TO IDENTIFY THE LOCATION OF THE WATER RIGHT. IT IS NOT INTENDED TO PROVIDE INFORMATION RELATIVE TO THE LOCATION OF PROPERTY OWNERSHIP BOUNDARY LINES.



I, FRED L. DOW OF SUTHERLIN, OREGON DO HEREBY CERTIFY THAT THIS MAP WAS MADE FROM NOTES TAKEN DURING AN ACTUAL SURVEY MADE BY ME ON DEC. 20, 1953; THAT THE MONUMENT SHOWN ON THIS MAP CONSISTING OF A 1" X 36" IRON PIPE IS 335°13'W 1746 FEET FROM THE NORTHEAST CORNER OF THE WE. BAY ALONG No 38 IN SEC. 2, T. 23 S. R. 8 W.

certificate
map.

Free & Low



COPY

2A

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

Reference Transfer #: T-10516

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>.

ODFW/WRD Screening Comment Form 1/1/2007

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SALEM, OREGON

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.

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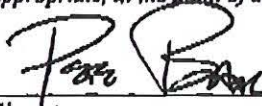
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- ☐ 4. The new Point of Diversion (POD) does not currently require a fish screen and/or by-pass device, however, the permittee may be required in the future to install, maintain, and operate fish screening and/or by-pass devices.

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

PETE BAKI

Printed Name

ASST. HABITAT CONSERVATION BIOLOGIST

Title

(541) 440-3353

Phone

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

Transfer # T-105/6

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: PETE BAKI

Address: 4192 N. Umpqua Hwy

City/State/Zip: ROSEBURG, OR, 97470

Phone: (541) 440-8353

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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.)

WATER RESOURCES DEPT
SALEM, OREGON

Transfer # 10516

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: MURK S. JACKSON

Address: RD 4192 N. Umpqua Hwy

City/State/Zip: ROSEBURG, OR 97470

Phone: (541) 440 3353

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Oregon

Theodore R. Kulongoski, Governor

Department of Forestry

State Forester's Office

2600 State Street

Salem, OR 97310

(503) 945-7200

FAX (503) 945-7212

TTY (503) 945-7213 / 800-437-4490

<http://www.odf.state.or.us>

May 9, 2008

Ms. Dorothy Pedersen
Water Resources Department
Field Services Division
North Mall Office Building
725 Summer Street NE, Suite A
Salem, OR 97301-1266



"STEWARDSHIP IN FORESTRY"

SUBJECT: Application T-10516

Please accept this letter as the Oregon Department of Forestry's (ODF) written response to your Department's draft Preliminary Determination regarding transfer application T-10516. The ODF has reviewed the draft Preliminary Determination and finds the document to be consistent with our intent in seeking the transfer and we agree to the proposed action.

In addition, please find enclosed a current title report of ownership and lien information for the lands to which the water right is appurtenant.

Upon issuance of the Preliminary Determination, we will be awaiting a copy of the notice of the transfer to be published in a local newspaper having a general circulation in the area of the water right. Please send the copy of the notice and any other correspondence related to this matter directing to my attention at the address below.

Please let me know if you have any questions. I may be reached at (503) 945-7503 or by email at: bmckee@odf.state.or.us.

Sincerely,

Robert McKee

Facilities Manager
Oregon Department of Forestry
2600 State Street
Salem, OR 97301

Cc: Dan Shults, ODF Southern Oregon Area Director
David Williams, Watermaster, District 15
Russell and Lois Four ELL Trust, receiving landowners

Enc.

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Dorothy Pedersen

From: HELMS Anne M [Anne.M.Helms@state.or.us]
Sent: Tuesday, April 15, 2008 12:44 PM
To: Salem Opeifa; PEDERSEN Dorothy I
Subject: Status Application T-10516

If possible, could you give me the status of Application T-10516 transferring the POD for original water rights certificate 49769. The Transfer Agreement R09-097 indicated the estimated deadline for applicant's review of draft preliminary determination was April 15, 2008. I have not received any correspondence on the Transfer Agreement.

Thank You.

Anne Helms
Oregon Department of Forestry
D. L. Phipps Forest Nursery
2424 Wells Road
Elkton, OR 97346
Phone: (541) 584-2214 ext. 117
Fax: (541) 584-2326

-----Original Message-----

From: Salem Opeifa [mailto:opeifasb@wrdd.state.or.us]
Sent: Thursday, February 14, 2008 8:28 AM
To: LORENZ Dave C
Cc: HELMS Anne M
Subject: RE: Proposed Agreement

Thanks. We'll note that.

-----Original Message-----

From: LORENZ Dave C [mailto:Dave.C.Lorenz@state.or.us]
Sent: Thursday, February 14, 2008 8:14 AM
To: Salem Opeifa
Cc: HELMS Anne M
Subject: FW: Proposed Agreement

If possible, please forward all future correspondence to Anne Helms (e-mail address above). She will be handling this from the Department of Forestry's end from here on out.

Thanks,
Dave

-----Original Message-----

From: Salem Opeifa [mailto:opeifasb@wrdd.state.or.us]
Sent: Wednesday, February 13, 2008 3:20 PM
To: LORENZ Dave C
Subject: Proposed Agreement

Hello,
We received the estimate for the recent Transfer Application you turned in through the reimbursement authority program. I have attached a proposed agreement based on this estimate. Please review the agreement and let us know if it is acceptable to you and would like to move ahead with the process. If you do want to proceed, please send in a signed copy of the attached agreement along with the payment of the estimated cost to process your request.

If you have any question please contact me by email or at the phone number below.



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

April 11, 2008

Mr. David Lorenz
Oregon Department of Forestry
1758 NE Airport Rd.
Roseburg, OR 97470

SUBJECT: Application T-10516

Enclosed find a draft of our Preliminary Determination regarding transfer application T-10516. 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. You will need to submit affidavits of consent from any land owners that are not included as applicants to the transfer. 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.

Because the proposed point of diversion is more than ¼ mile from the authorized points of diversion, the applicant is responsible for publishing notice of the transfer in a local newspaper having a general circulation in the area of the water right. The notice must be published at least once a week for three consecutive weeks. We will provide a copy of the required notice to you upon issuance of the Preliminary Determination.

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 **May 15, 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: David Williams, Watermaster, District 15
Russell and Lois Four ELL Trust, receiving landowners
enc

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

In the Matter of Transfer Application
T-10516, Douglas County

)
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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

OREGON DEPARTMENT OF FORESTRY
1758 NE AIRPORT ROAD
ROSEBURG, OR 97470

Findings of Fact

Background

1. On January 22, 2008, Oregon Department of Forestry filed an application to change the point of diversion under Certificate 49769. The Department assigned the application number T-10516.
2. The right to be transferred is as follows:
Certificate: 49769 in the name of OREGON DEPARTMENT OF FORESTRY (perfected under Permit S-22157)
Use: IRRIGATION of 155.2 ACRES
Priority Date: FEBRUARY 27, 1953
Rate: 1.94 CUBIC FEET PER SECOND
Limit/Duty: ONE-EIGHTIETH cfs per acre, not to exceed 2.5 acre-feet per acre per year
Source: UMPQUA RIVER, tributary to PACIFIC OCEAN

Authorized Points of Diversion:

Twp	Rng	Mer	Sec	Q-Q	DLC	Survey Coordinates
23 S	8 W	WM	2	SW SE	38	NO. 3: 320 FEET NORTH AND 2160 FEET WEST FROM THE SE CORNER OF SECTION 2
23 S	8 W	WM	11	NE NE	38	NO. 1: 440 FEET SOUTH AND 40 FEET WEST FROM THE SE CORNER OF SECTION 2
23 S	8 W	WM	11	NE NE	38	NO. 2: 250 FEET SOUTH AND 480 FEET WEST FROM THE SE CORNER OF SECTION 2

Authorized Place of Use:

IRRIGATION						
Twp	Rng	Mer	Sec	Q-Q	DLC	Acres
23 S	8 W	WM	2	SW NE	38	2.7
23 S	8 W	WM	2	SW NE	38	0.8
23 S	8 W	WM	2	NE NW	38	15.6
23 S	8 W	WM	2	SE NW	38	34.7
23 S	8 W	WM	2	SE NW	38	0.4
23 S	8 W	WM	2	NE SW	38	17.2
23 S	8 W	WM	2	NE SW	38	13.9
23 S	8 W	WM	2	SE SW	38	2.4
23 S	8 W	WM	2	NE SE	38	4.0
23 S	8 W	WM	2	NW SE	38	31.0
23 S	8 W	WM	2	SW SE	38	25.4
23 S	8 W	WM	2	SE SE	38	7.1

3. Application T-10516 proposes to move the authorized point of diversion to the original point of diversion described in Certificate 49769 as:

Twp	Rng	Mer	Sec	Q-Q	DLC	Survey Coordinates
23 S	8 W	WM	2	SW NW	38	SOUTH 43 DEGREES, 30 MINUTES WEST, 2050 FEET FROM THE N¼ CORNER OF SECTION 2

4. Notice of the application for transfer was published on January 29, 2008, pursuant to OAR 690-380-4000. No comments were filed in response to the notice.
5. 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.
6. Russell and Lois Four ELL Trust, 2950 Wells Rd., Elkton, OR 97436 are designated as the receiving landowners.

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

7. 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.
8. 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-10516.
9. The proposed change would not result in enlargement of the right.
10. 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-10516 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-10516 is approved, the final order will include the following:

1. *The changes in point of diversion proposed in application T-10516 are approved.*
2. *Water right certificate 49769 is cancelled.*
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 49769 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. *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.*
6. *Prior to diverting water, the water user shall install 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. The water user shall maintain and operate the measuring device as required by 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.

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

Transfer # T-105/6

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: PETE BAKI

Address: 4192 N. Umpqua Hwy

City/State/Zip: ROSEBURG, OR, 97470

Phone: (541) 440-3353



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 25, 2008

OREGON DEPT. OF FORESTRY
DAVID LORENZ
1758 NE AIRPORT RD.
ROSEBURG, OR 97470

Reference: Transfer 10516

On January 22, 2008 we received your water right transfer application requesting point of diversion. We have received your payment of \$525.00. Application fees of \$400.00 and \$125.00 for Reimbursement Authority. Our invoice AR04467B 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 # 15
CWRE # 214
Russel & Lois Four
ODFW
Files

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 1/29/2008

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: DOUGLAS
Transfer: 10516
Water Right: CERT 49769
Priority Date: 1953
Name: OREGON DEPARTMENT OF FORESTRY
Address: 1758 NE AIRPORT ROAD, ROSEBURG, OR 97470
Change: POD
Source: UMPQUA RIVER
Authorized POD: T23S,R8W, 11,2
Proposed POD: T23S,R8W, 2

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: ODO Forestry / David Lorenz (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:

- OK 1) an adjudication with a court decree; *or*
OK 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: 525

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 + 125 RA

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 / RA (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.

	Checklist for Supplemental Form A – (Attachments)	
OK	• Certificate # filled in on each page?	(Page 1)
OK	• Type of change(s) proposed clear?	(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.	(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	
None	• 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? YES NO If NO The applicant must list current landowner name & address.	(Page 4)
OK	• Who will be responsible for completion of the changes? <i>applicant</i> 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 ½ X 14 than 3 copies of map is needed & an electronic pdf file of map ___ north arrow ___ size & scale ___ other: _____ ___ authorized acreage per ¼ ¼ matches the water right ___ authorized POD/POA and POU (<i>clearly shown, labeled & matches application listing</i>) ___ point plotted for the authorized POD/POA agrees with location coordinates on supplemental form A and WR ___ proposed POD/POA and/or POU (<i>clearly shown, labeled & matches application “proposed” listing</i>) ___ location coordinates accurately describe the point identified as the proposed POD/POA	(Page 5)
OK	• Land Use form, 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)

- Signature(s) of applicant(s):

Are one of the boxes checked?

All applicants listed on page 1 of the application must sign the application.

OK

WRD Completeness Reviewer's Name:

S. Henderson

Date:

1-4-07

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



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

Application for Water Right Transfer

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

1. TYPE OF TRANSFER APPLICATION

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

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WATER RESOURCES DEPT
SALEM, OREGON

2. APPLICANT INFORMATION

Name: Oregon Department of Forestry (David Lorenz)
First Last
Address: 1758 NE Airport Road
Roseburg OR 97470
City State Zip
Phone: 541-440-3412
Home Work Other
Fax: 541-440-3419 E-Mail address: dlorenz@odf.state.or.us

3. AGENT INFORMATION

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

Name: _____
First Last
Address: _____

City State Zip
Phone: _____
Home Work Other
Fax: _____ E-Mail address: _____

- 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.			49769
2.			
3.			
4.			
5.			
6.			

- Attach a **separate Supplemental Form A** (Description of Proposed Change(s) to a Water Right) for **each** water right listed above.

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

- ☐ Place of Use ☒ Point of Diversion (POD) ☐ Additional Point of Diversion
☐ Character of Use ☐ Point of Appropriation (POA, or well) ☐ Additional POA
☐ Instream Transfer ☐ Surface Water POD to Ground Water POA
☐ Substitution of Supplemental Groundwater right for Primary Surface water right
☐ Historic POD change ☐ Other

- Reason(s) for change(s): The state will no longer lease this land and needs to move POD to original location so landowner may use water

5. WATER DELIVERY SYSTEM

- Describe the **current** water delivery system **or** the system that **was in place** at some time 4 pumps **within the last 5 years**. Include information on the pumps, canals, pipelines and sprinklers ① 60 hp/900 gpm used to divert, convey and apply the water at the authorized place of use. If the transfer ② 100 hp/1500 gpm involves multiple rights that have independent systems, describe each system separately. ③ 125 hp/1900 gpm ④ 150 hp/2300 gpm

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.

In ground main line with 4 inch to 15 inch diameter pipes.
Total in-ground irrigations lines are approximately 28,000 feet
Above ground irrigation pipes are used with sprinkler heads to irrigate.

- System capacity: 14.7 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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WATER RESOURCES DEPT
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

- 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:

8. LOCAL GOVERNMENTS

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

Douglas County

9. LAND OWNERSHIP

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

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

Names of Current Landowner(s): Russell & Lois Four Elk Trust
First Last

Address: 2950 Wells Rd

Elkton OR 97436
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): Russell & Lois Four Elk Trust
First Last

Address: 2950 Wells Rd

Elkton OR 97436
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.)

10. Other Remarks (optional)

11. ATTACHMENTS

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

Supplemental Form A –

Description of Proposed Change(s) to a Water Right

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

Supplemental Form B –

Evidence of Use Affidavit(s)

- ☒ At least one Evidence of Use Affidavit documenting that the right has been used during the last five years or that the right is not subject to forfeiture under ORS 540.610 is attached. The affidavit provided must be the original (not a copy), and
- ☒ The Evidence of Use Affidavit must be accompanied by supporting documentation.

Map

☒ Water Right Transfer

The map must be prepared by a Certified Water Right Examiner and meet the requirements of OAR 690-380-3100 unless a waiver has been granted. The map provided must be the original, not a copy.

- ☐ Temporary Transfer or Historical POD Change

A map meeting the requirements of OAR 690-380-3100 must be included but need not be prepared by a Certified Water Right Examiner.

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

- ☐ The application is for a change in point of appropriation or change from surface water to ground water and copies of all water well reports are attached.
- ☐ Water well reports are not available and a description of construction details including well depth, static water level, and information necessary to establish the ground water body developed or proposed to be developed is attached.
- ☐ N/A. The application does not involve a change in point of appropriation or a change from surface water to ground water, so water well reports are not required.)

Land Use Information For Proposed Changes:

For Instream Transfers:

- ☐ Notice of the intent to file an instream transfer application has been provided to each affected local government along the proposed reach, and copies of the notices are enclosed. (For instream transfers a Land Use Information Form is not required.)

For All Other Transfers:

- ☒ Land Use Information Form is enclosed; or
- ☐ All of the following criteria are met, therefore a Land Use Information Form is not required:
- ① In EFU zone or irrigation district,
 - ② Change in place of use only,
 - ③ No structural changes needed, including diversion works, delivery facilities, other structures, and
 - ④ Irrigation only.

Fees:

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

Instream Water Right Transfers, also include:

Supplemental Form C –

Instream Water Right Transfer

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

Temporary Transfers, also include:

Recorded Deed:

- ☐ The applicant must submit a copy of the current deed of record for the land from which the authorized place of use or point of diversion/appropriation is being moved.

Affidavit of Consent:

- ☐ If the applicant is NOT the owner of record for the land from which the authorized place of use or point of diversion/appropriation is being moved, a notarized statement from the actual owner of record consenting to the proposed transfer must be submitted.

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

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

12. SIGNATURES

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

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

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

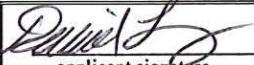
☐ I (we) affirm that interest in the water right has been conveyed to someone other than the landowner, and documents, including a water right conveyance agreement, report of ownership and lien information, and any required lienholder notification are enclosed, demonstrating that I am (we are) authorized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

☐ I (we) affirm that the applicant is a municipality, as defined in ORS 540.510(3)(b), and that the right is in the name of the municipality or a predecessor. Therefore, pursuant to OAR 690-380-3000(13)(b), the applicant is NOT required to provide the above described report of ownership and lien information.

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

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

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

 applicant signature	David Lorenz, Assistant Area Director name and title if applicable (print)	12/21/07 date
 applicant signature	 name and title if applicable (print)	 date

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**WATER RESOURCES DEPT
SALEM, OREGON**

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.

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▪ Certificate Number or other identifying number: 49769

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WATER RESOURCES DEPT
SALEM, OREGON

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</u> of the old point of diversion. The old point of diversion will <u>not</u> be used.) ☐ Point of Diversion Change due to Government Action (The old point of diversion or appropriation can no longer be used due to government action.) ☐ Exchange (Water from another source will be used in exchange for supplying an equal amount of replacement water to that source.)	☐ All of the right will be exercised at a different location than currently authorized (Use of water at the current location will be discontinued.) ☐ Only a <u>portion</u> 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.)

2. CURRENT WATER RIGHT INFORMATION

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

☒ Certificated Right	<u>49769</u>	
	Certificate Number	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: Howard F Carnes

▪ County: Douglas

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

▪ Priority Date(s): February 27 1953

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: Umpqua River

Tributary to: Pacific Ocean

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: 49769

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)
1		Umpqua River 2-27-1953	23 S	8 W	WM	11	NENE	(38) 600	N40'S & 40'W From SE cor Sec 2
2		Umpqua 2-27-1953	23 S	8 W	WM	11	NENE	(38) 600	250'S & 480'W From SE cor Sec 2
3		Umpqua 2-27-1953	23 S	9 W	WM	2	SWSE	(38) 200	320'N & 2160'W From SE cor Sec 2

- 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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SALEM, OREGON

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

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

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

■ Certificate Number or other identifying number: 49 769

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

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

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

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

Location of Existing Authorized Place of Use to be Affected:

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

[illegible]

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SALEM, OREGON

■ Certificate Number or other identifying number: 49769

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)
Umpqua River	23 S	8 W	W 1/4	2	SW 1/4	200	543°30'W, 2050' from NW cor. sec 2

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

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

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

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

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

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

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WATER RESOURCES DEPT
SALEM, OREGON

■ Certificate Number or other identifying number: 49 769

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: _____

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**WATER RESOURCES DEPT
SALEM, OREGON**

TRANSFER APPLICATION
FOR DAVE LORENZ
BY : DUANE W. KIRBY
T23S, R8W, W.M., SEC. 2
CERTIFICATE NO 49769
TAX LOT 200

FROM : DIVERSION POINT NO. 1,2,3 (155.2 ACRES)
TO: DIVERSION POINT NO. 4 (155.2 ACRES)

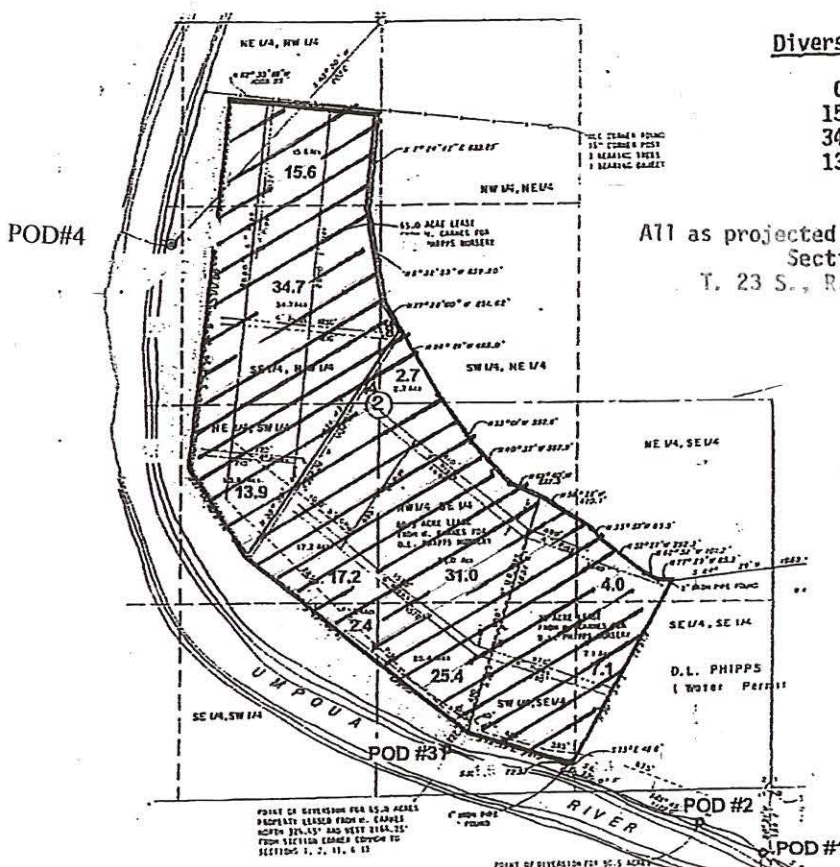
Diversion Points 1 and 2

2.7 acres SW $\frac{1}{4}$ NE $\frac{1}{4}$
0.4 acre SE $\frac{1}{4}$ NW $\frac{1}{4}$
17.2 acres NE $\frac{1}{4}$ SW $\frac{1}{4}$
2.4 acres SE $\frac{1}{4}$ SW $\frac{1}{4}$
4.0 acres NE $\frac{1}{4}$ SE $\frac{1}{4}$
31.0 acres NW $\frac{1}{4}$ SE $\frac{1}{4}$
25.4 acres SW $\frac{1}{4}$ SE $\frac{1}{4}$
7.1 acres SE $\frac{1}{4}$ SE $\frac{1}{4}$

Diversion Points 1, 2 and 3

0.8 acre SW $\frac{1}{4}$ NE $\frac{1}{4}$
15.6 acres NE $\frac{1}{4}$ NW $\frac{1}{4}$
34.7 acres SE $\frac{1}{4}$ NW $\frac{1}{4}$
13.9 acres NE $\frac{1}{4}$ SW $\frac{1}{4}$

All as projected within Bay DLC 38
Section 2
T. 23 S., R. 8 W., W. M.



SCALE: 1" = 1320 FEET

POD NO. 1- 440 FEET SOUTH AND 40 FEET WEST
POD NO. 2- 250 FEET SOUTH AND 480 FEET WEST
POD NO. 3- 320 FEET NORTH AND 2160 FEET WEST
ALL FROM SE CORNER, SECTION 2
POD NO. 4- SOUTH 43° 30' WEST, 2050 FEET FROM THE NW $\frac{1}{4}$ COR., SEC 2

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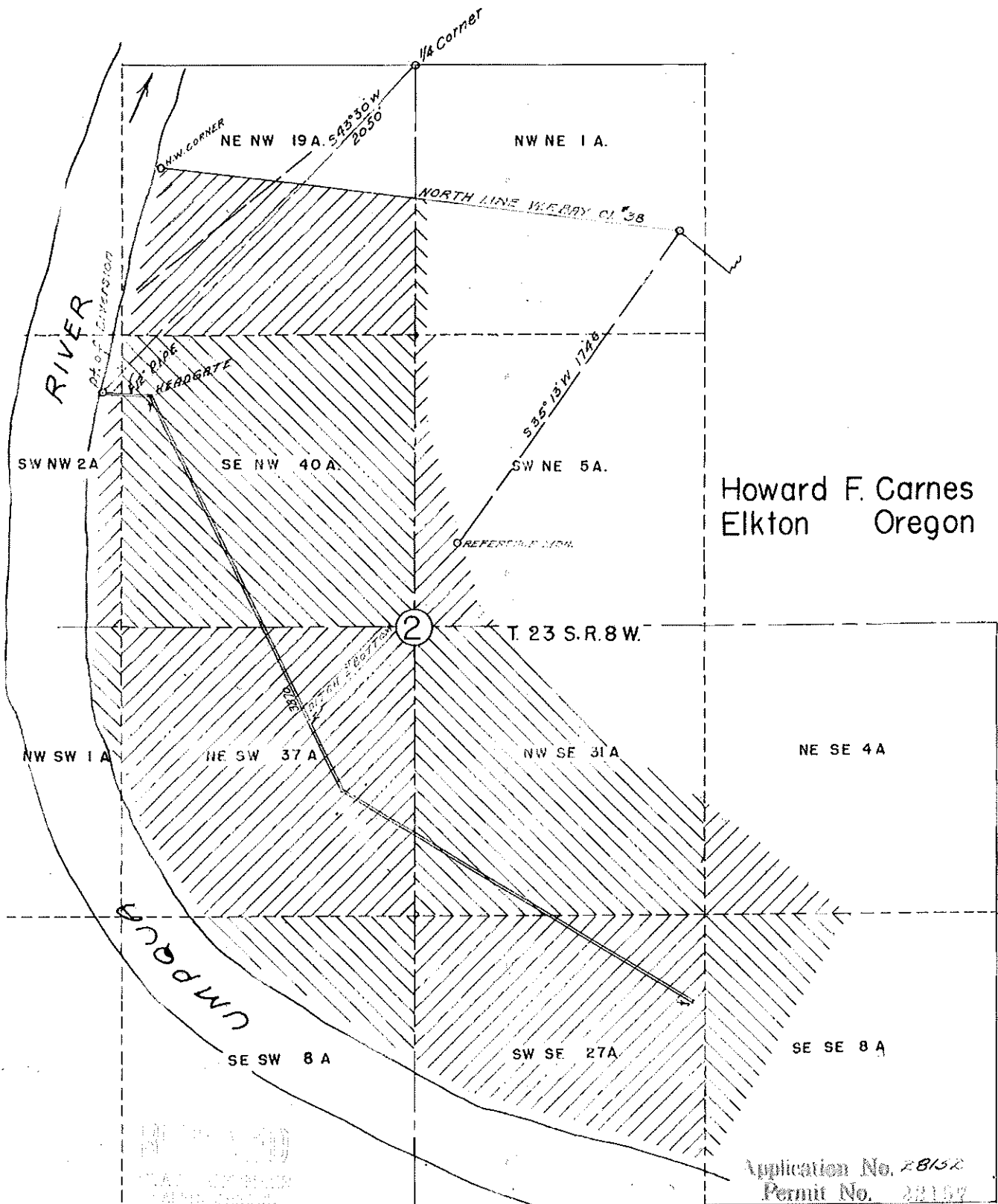
WATER RESOURCES DEPT
SALEM, OREGON

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



I FRED L. DOW OF SUTHERLIN, OREGON DO HEREBY CERTIFY THAT THIS MAP WAS MADE FROM NOTES TAKEN DURING AN ACTUAL SURVEY MADE BY ME ON DEC. 20, 1952; THAT THE MONUMENT SHOWN ON THIS MAP CONSISTING OF A 1" X 36" IRON PIPE IS S35°13' W 1746 FEET FROM THE NORTHEAST CORNER OF THE W.F. DAY Q.L.C. No 38 IN SEC. 2, T. 23 S. R. 8 W.

Fred L. Dow





Oregon Water Resources Department
Land Use Information Form

W/S 07-1195
R 62557

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

Applicant Name: Dave Lorenz
Mailing Address: 1758 NE Airport Rd
City: Roseburg State: OR Zip: 97470 Day Phone: 541 440 3412

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

A. Land and Location

Please include the following information for all tax lots where water will be diverted (taken from its source), conveyed (transported), or used. Applicants for municipal use, or irrigation uses within irrigation districts may substitute existing and proposed service-area boundaries for the tax-lot information requested below.

POD 1 & 2
POD 3
POD 4

Township	Range	Section	1/4 1/4	Tax Lot #	Plan Designation (e.g. Rural Residential/RR-5)	Water to be:	Proposed Land Use:
233	8W	11	NENE	600		☒ Diverted ☐ Conveyed ☐ Used	
233	8W	2	SWS	200		☒ Diverted ☐ Conveyed ☐ Used	
233	8W	2	SWN	200		☒ Diverted ☒ Conveyed ☒ Used	
						☐ Diverted ☐ Conveyed ☐ Used	

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

B. Description of Proposed Use

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

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

Source of water: ☐ Reservoir/Pond ☐ Ground Water ☒ Surface Water (name) Umpqua River

Estimated quantity of water needed: 1.94 ☒ cubic feet per second ☐ gallons per minute ☐ acre-feet

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

Briefly describe: _____

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

Receipt for Request for Land Use Information

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

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**WATER RESOURCES DEPT
SALEM, OREGON**

For Local Government Use Only

The following section must be completed by a planning official from each county and city listed unless the project will be located entirely within the city limits. In that case, only the city planning agency must complete this form.

This deals only with the local land-use plan. Do not include approval for activities such as building or grading permits.

Please check the appropriate box below and provide the requested information

☒ Land uses to be served by proposed water uses (including proposed construction) are allowed outright or are not regulated by your comprehensive plan. Cite applicable ordinance section(s): 3.3.050.

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

Type of Land-Use Approval Needed (e.g. plan amendments, rezones, conditional-use permits, etc.)	Cite Most Significant, Applicable Plan Policies & Ordinance Section References	Land-Use Approval:	
		☐ Obtained ☐ Denied	☐ Being pursued ☐ Not being pursued
		☐ Obtained ☐ Denied	☐ Being pursued ☐ Not being pursued
		☐ Obtained ☐ Denied	☐ Being pursued ☐ Not being pursued
		☐ Obtained ☐ Denied	☐ Being pursued ☐ Not being pursued
		☐ Obtained ☐ Denied	☐ Being pursued ☐ Not being pursued

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

Name: Ryan Beyer Title: Planning Tech
Signature: Ryan Beyer Phone: 541-440-4289 Date: 12/14/07
Government Entity: Angus County Planning Department

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

Receipt for Request for Land Use Information

Applicant name: _____

City or County: _____ Staff contact: _____

Signature: _____ Phone: _____ Date: _____

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**WATER RESOURCES DEPT
SALEM, OREGON**

Water Right Transfer Supplemental Form B

AFFIDAVIT ATTESTING TO THE USE OF WATER

State of Oregon)
) ss
 County of Douglas)

I, David Lorenz, in my capacity as Assistant to the SOA Director,
 mailing address 1758 NE Airport Road, Roseburg, OR 97470
 telephone number (541) 440-3412, 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)
23	S	8	W	W.M.	2	NE NW		15.6
23	S	8	W	W.M.	2	SE NW		35.1
23	S	8	W	W.M.	2	NE SW		31.1
23	S	8	W	W.M.	2	SE SW		2.4
23	S	8	W	W.M.	2	SW NE		2.7
23	S	8	W	W.M.	2	SW NE		0.8
23	S	8	W	W.M.	2	NW SE		31.0
23	S	8	W	W.M.	2	SW SE		25.4
23	S	8	W	W.M.	2	NE SE		4.0
23	S	8	W	W.M.	2	SE SE		7.1

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**WATER RESOURCES DEPT
SALEM, OREGON**

(continues on reverse side)

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

4. The water right was exercised for the authorized purpose described below (e.g., crops grown):
To grow conifer seedlings for reforestation of Oregon's forests.

5. The water delivery system used to apply water as authorized by the right is described below:
4 pumps - (1) 60hp, 900 gpm, (2) 100 hp, 1500 gpm, (3) 125 hp, 1900 gpm, (4) 150 hp, 2300 gpm.
In-ground main line with 4 inch to 15 inch diameter pipes. Total in-ground irrigation lines
are approximately 28,000 feet long. Above ground irrigation pipes are used with sprinkler heads to irrigate.

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: _____

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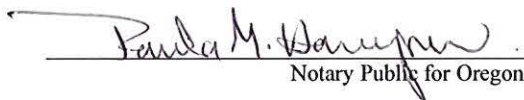
**WATER RESOURCES DEPT
SALEM, OREGON**


Signature of Affiant

12/21/07
Date

Signed and sworn to (or affirmed) before me this 21 day of December, 2007.




Notary Public for Oregon

My Commission Expires: 11-11-09

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

OREGON DEPARTMENT OF FORESTRY
D.L. PHIPPS FOREST NURSERY
Unit 13
P.O. Box 4395
Portland, OR 97208-4395

Seedling Invoice

ORIGINAL (Customer Copy)

Invoice #: N22114
Order #: 15078
Invoice Date: 10/24/2007
Type: Contract Inventory
Terms: Net 30 Days

*If paying by credit card, send remittance copy and
credit card information to Credit Card Processing Center.*

*If paying by check, send remittance copy and
payment to address above.*

Lot #	Description	Size	Ordered Amt	Harvest Qty	Unit	Unit Cost	Total Bill	Previous Billings	% to Bill	Bill Amount
HLS-30-81-NFR-06	Inventory Bill for HLS3081NFR06	11	25,000	25,000	M	378.00	9,450.00	4,725.00	25%	2,362.50
HLS-31-25-NFR-06	Inventory Bill for HLS3125NFR06	20	12,000	10,703	M	273.00	2,921.92	819.00	25%	730.48
HLS-32-24-DFR-06	Inventory Bill for HLS3224DFR06	20	12,000	12,000	M	243.00	2,916.00	729.00	25%	729.00

If you have any questions regarding the Invoice or Payment, direct
inquiries to: Lisa Clemo at (541) 584-2214 ext 114.

Fax # (541) 584-2326

E-Mail: lclemo@odf.state.or.us

Total Invoice: 15,287.92 6,273.00 \$3,821.98

Paid on this Invoice: \$0.00

Total Due: \$3,821.98

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DEC 27 2007

WATER RESOURCES DEPT
SALEM, OREGON

ORS 82.010 mandates the collection of interest at the annualized rate of 9%. Additionally, delinquent accounts assigned to collection agencies may be assessed a \$25.00 collection fee and the full cost incurred to collect the outstanding balance.

Batch Type:		Batch No:		Batch Date:	
Trcode	Seq#	SFMS Coding			Inv GL#
		Index	PCA	Project	
		76010	71200	8551	
Total:				\$3,821.98	

ORIGINAL (Customer Copy)

Invoice #: N22126
Order #: 14812
Invoice Date: 10/24/2007
Type: Contract Inventory
Terms: Net 30 Days

If paying by check, send remittance copy and payment to address above.

Total Invoice:	37,523.66	19,150.00	\$9,380.92
Paid on this Invoice:			\$0.00
Total Due:			\$9,380.92

WATER RESOURCES DEPT
SALEM, OREGON

Tcode	Batch Type:				Batch No:		Batch Date:	
	Seq#	Index	PCA	Project	Phase	Object	Amount	Inv GL #
		76010	71200			8551	\$9,380.92	
Total:							\$9,380.92	

ORIGINAL (Customer Copy)

Invoice #: N22115
Order #: 15065
Invoice Date: 10/24/2007
Type: Contract Inventory
Terms: Net 30 Days

If paying by check, send remittance copy and payment to address above.

Total Invoice:	59,185.85	30,928.60	\$14,796.47
Paid on this Invoice:			\$0.00
Total Due:			\$14,796.47

WATER RESOURCES DEPT
SALEM, OREGON

		Batch Type:			Batch No:		Batch Date:	
		SFMS Coding						
Tcode	Seq#	Index	PCA	Project	Phase	Object	Amount	Inv GL#
		76010	71200			8551	\$14,796.47	
Total:							\$14,796.47	

REMITTANCE COPY

Invoice #: N22118
Order #: 15067
Invoice Date: 10/24/2007
Type: Contract Inventory
Terms: Net 30 Days

Paying by CHECK: Mail remittance copy to address above

Paying by CREDIT CARD: D.L. Phipps Credit Card Processing Center
Mail remittance copy to: 2424 Wells Road No Checks to this
Elkton, OR 97436 address please!

Visa ☐ **Card #:** _____
MasterCard ☐ **Expiration Date:** _____
Print Name on Card: _____
Signature: _____

Total Invoice:	70,363.25	36,477.88	\$17,590.81
Paid on this Invoice:			\$0.00
Total Due:			\$17,590.81

WATER RESOURCES DEPT
SALEM, OREGON

		Batch Type:			Batch No:		Batch Date:	
		SFMS Coding						
Tcode	Seq#	Index	PCA	Project	Phase	Object	Amount	Inv GL #
		76010	71200			8554	\$17,590.81	
Total:							\$17,590.81	



State of Oregon
Water Resources Department
725 Summer Street NE, Suite A
Salem OR 97301-1266
Kim Hall 503-986-0923

INVOICE

To: DEPARTMENT OF FORESTRY
2424 WELLS RD
ELKTON, OREGON 97436
ATTN: ANNE HELMS
FAX: 541-584-2326

Invoice No.: ~~4467~~ AR04467B
Date: 01/09/08
Terms: Net 30 days
Amount: \$525.00

Please reference invoice # with payment.

Description	Unit Quantity	Unit Price	Total
TRANSFER FEES: (T-10516)			400.00
REIMBURSEMENT AUTHORITY			
ESTIMATED FEE:			125.00

FISCAL

PA 1/22/08

Total \$525.00

For SFMS Agencies

Vendor Number	SFX	PCA	Agency Obj	AY	Cash Account	Tcodes	Amount
Invoice # AR004467	001	46111	0205	09		730/731	400.00
	002	47119	0408				125.00

AR04467B

DEPARTMENT OF
FORESTRY

Southern Oregon Area
Office



"STEWARDSHIP IN
FORESTRY"

OWRD – Reimbursement Authority Program
Attn: Dorothy Pedersen
725 Summer St. NE, Suite A
Salem, OR 97301-1266

RECEIVED

DEC 27 2007

WATER RESOURCES DEPT
SALEM, OREGON

December 21, 2007

Dorothy:

Enclosed please find my application for the point of diversion transfer we talked about several weeks ago. I have also enclosed an application for a Reimbursement Authority estimate. I understand that there is a \$400 fee for the transfer and a \$120 fee for the estimate. As we discussed earlier, I would like to handle both of these payments through an interagency billing. Any questions regarding coordination of billings should be directed to Anne Helms our Nursery Manager (541-584-2214 ext. 117). If you have questions regarding the application itself, please contact me. Thank you for your help in this matter.

Sincerely,

David Lorenz
Assistant to the SOA Director



1758 NE Airport Road
Roseburg, OR 97470
(503) 440-3412
FAX 440-3424



1495 NW Garden Valley Blvd
Roseburg, OR 97470
(541) 672-6651 * Fax (541) 672-3980

Anne Helms
Oregon Department of Forestry D.L. Phipps State Forest Nursey
2424 Wells Road
Elkton, OR 97436

05/01/2008

Report #1

Title Number : 0701055
Title Officer : Walt Duran

PRELIMINARY TITLE REPORT

Property Address:

2420 and 2424 Wells Road, Elkton, Oregon and
0 Mehl Creek Road, Oakland, Oregon, Douglas COUNTY, OR

Policy or Policies to be issued:

PRELIMINARY REPORT ONLY
ADDITIONAL CHAIN FEE

<u>Liability</u>	<u>Premium</u>
	\$200.00
	\$100.00

We are prepared to issue ALTA (06/17/06) title insurance policy(ies) of TRANSNATION TITLE INSURANCE COMPANY of OREGON, in the usual form insuring the title to the land described as follows:

SEE ATTACHED EXHIBIT "A"

and dated as of April 12, 2008 at 8:00 a.m., title is vested in:

STATE OF OREGON by and through its State Forester

The estate or interest in the land described or referred to in this Commitment and covered herein is:

Fee Simple

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WATER RESOURCES DEPT
SALEM, OREGON

Schedule B of the policy(ies) to be issued will contain the following general and special exceptions unless removed prior to issuance:

GENERAL EXCEPTIONS:

1. Taxes or assessments which are not shown as existing liens by the records of any taxing authority that levies taxes or assessments on real property or by the Public Records; proceedings by a public agency which may result in taxes or assessments, or notices of such proceedings, whether or not shown by the records of such agency or by the Public Records.
2. Facts, rights, interests or claims which are not shown by the Public Records but which could be ascertained by an inspection of the Land or by making inquiry of persons in possession thereof.
3. Easements, or claims of easement, not shown by the Public Records; reservations or exceptions in patents or in Acts authorizing the issuance thereof; water rights, claims or title to water.
4. Any encroachment (of existing improvements located on the subject Land onto adjoining Land or of existing improvements located on adjoining Land onto the subject Land) encumbrance, violation, variation, or adverse circumstance affecting the Title that would be disclosed by an accurate and complete land survey of the subject Land.
5. Any lien, or right to a lien, for services, labor, material, equipment rental or workers compensation heretofore or hereafter furnished, imposed by law and not shown by the Public Records.
6. Unpatented mining claims whether or not shown by the Public Records.

EXCEPTIONS 1 THROUGH 6 ABOVE APPLY TO STANDARD COVERAGE POLICIES AND MAY BE MODIFIED OR ELIMINATED ON AN EXTENDED COVERAGE POLICY.

SPECIAL EXCEPTIONS:

Tax Information

7. Taxes not assessed because of exemption. If the exempt status is terminated under the statute prior to the date on which the assessment roll becomes the tax roll in the year in which said taxes were exempted, a tax may be levied.
Exemption : State
Account No's. : R62501 R62494; R62480 & R62487
8. Any adverse claim based upon the assertion that:
 - (a) Said land or any part thereof is now or at any time has been below the ordinary high water mark of the Umpqua River;
 - (b) Some portion of said land has been created by artificial means or has accreted to such portion so created; or,
 - (c) Some portion of said land has been brought within or removed from the boundaries thereof by a change in the location of the Umpqua River.
9. Rights of the public in and to that portion of the herein described property lying within the limits of roads and highways.

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WATER RESOURCES DEPT
SALEM, OREGON

10. An easement created by instrument, including the terms and provisions thereof,
Dated : April 5, 1957
Recorded : April 7, 1957 Book: 269 Page: 929
Instrument No. 237882
In favor of : Norman L. Compton and Gertrude O. Compton
For : Roadway purposes
Also disclosed by Warranty Deed in Instrument No. 296082

NOTE: The following deed(s) affecting said land were recorded within twenty-four (24) months of the date of this report: **NONE**

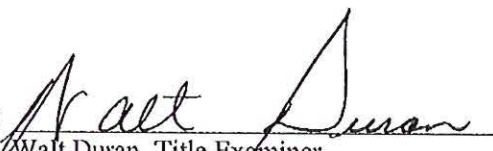
NOTE: As of the date hereof, there are no matters against State of Oregon, State Forester which would appear as exceptions in the policy to issue, except as shown herein.

NOTE: Any map or sketch enclosed as an attachment herewith is furnished for information purposes only to assist in property location with reference to streets and other parcels. No representation is made as to accuracy and the company assumes no liability for any loss occurring by reason of reliance thereon.

NOTE: The policy to be issued may contain an arbitration clause. When the Amount of Insurance is less than the amount, if any, set forth in the arbitration clause, all arbitrable matters shall be arbitrated at the option of either the Company or the Insured as the exclusive remedy of the parties.

This report is preliminary to the issuance of a policy of title insurance and shall become null and void unless a policy is issued and the full premium paid.

AmeriTitle

By: 
Walt Duran, Title Examiner
W:kp

"Superior Service with Commitment and Respect for Customers and Employees"

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MAY 12 2008
WATER RESOURCES DEPT
SALEM, OREGON

EXHIBIT "A"

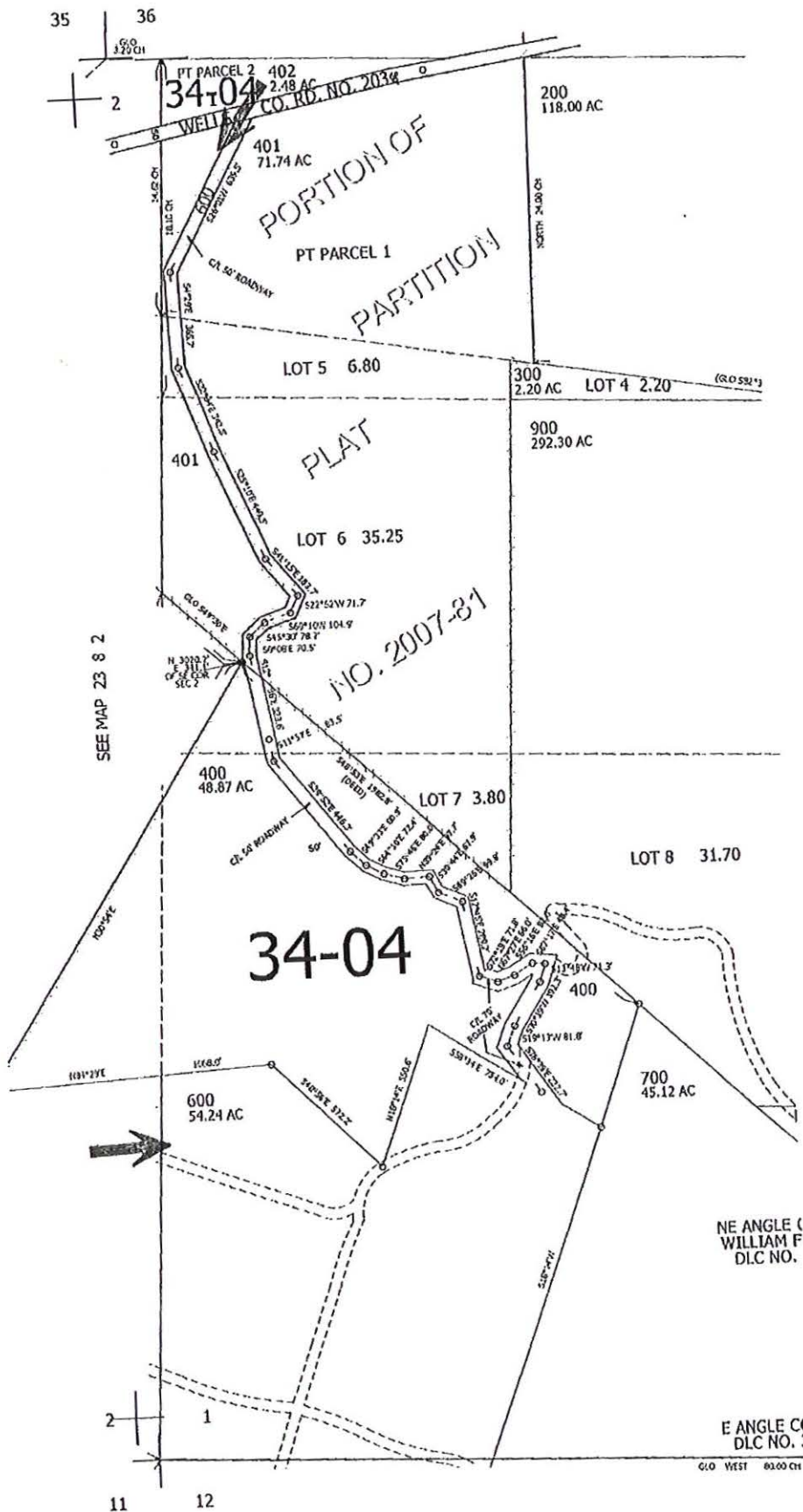
BEGINNING at a point on the property line between Norman L. Compton and Keith Kesterson 1265.6 feet North and 957.0 feet West of the one-quarter corner common to Sections 1 and 12, Township 23 South, Range 8 West, Willamette Meridian, Douglas County, Oregon; thence South 18° 14' West 2436.7 feet along the Keith Kesterson property line; thence North 57° 30' West 1099.8 feet; North 65° 45' West 1122.0 feet; North 63° 45' West 330.0 feet; North 73° West 48.8 feet to a point on the Howard F. Carnes property line; thence North 30° 54' East 1451.8 feet along the Howard F. Carnes property line; thence North 84° 29' East 1068.0 feet; South 48° 56' East 572.2 feet; North 18° 14' East 550.6 feet; South 58° 34' East 754.0 feet to the point of beginning, all in Douglas County, Oregon.

ALSO, BEGINNING at a point 25 feet South of the center of the existing County Road No. 203, said point being 532.7 feet North and 1773.0 feet East of the Northeast corner of the William F. Bay Donation Land Claim No. 38, Township 23 South, Range 8 West, Willamette Meridian, Douglas County, Oregon; thence along the center line of a road right of way 50 feet in width, South 26° 01' West 639.5 feet; South 11° 57' East 83.5 feet; South 4° 29' East 365.7 feet; South 39° 52' East 446.3 feet; South 22° 34' East 342.8 feet; South 49° 33' East 80.9 feet; South 25° 10' East 449.5 feet; South 64° 10' East 72.4 feet; South 41° 15' East 183.7 feet; South 75° 46' East 80.0 feet; South 22° 52' West 71.7 feet; North 89° 24' East 97.7 feet; South 69° 10' West 104.9 feet; South 36° 44' East 67.9 feet; South 45° 30' West 78.2 feet; South 69° 26' East 99.8 feet; South 0° 08' East 70.5 feet; South 12° 45' East 289.2 feet; South 12° 36' East 323.0 feet; South 72° 19' East 71.8 feet; thence along a 70 foot right of way, North 67° 27' East 66.0 feet; South 30° 19' West 192.3 feet; North 56° 16' East 82.0 feet; South 19° 13' West 81.8 feet; South 87° 17' East 48.4 feet; South 36° 39' East 222.7 feet; South 13° 48' West 71.3 feet to a point on the North boundary of the proposed Elkton Nursery site 1370.5 feet North and 1128.8 feet West of the one-quarter corner common to Sections 1 and 12, Township 23 South, Range 8 West, Willamette Meridian, Douglas County, Oregon.

"FOR INFORMATION PURPOSES ONLY, THE FOLLOWING IS INCLUDED:"

T23S, R08W, S01, TL 600
T23S, R08W, S02, TL 600
T23S, R08W, S12, TL 500

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MAY 12 2008
WATER RESOURCES DEPT
SALEM, OREGON



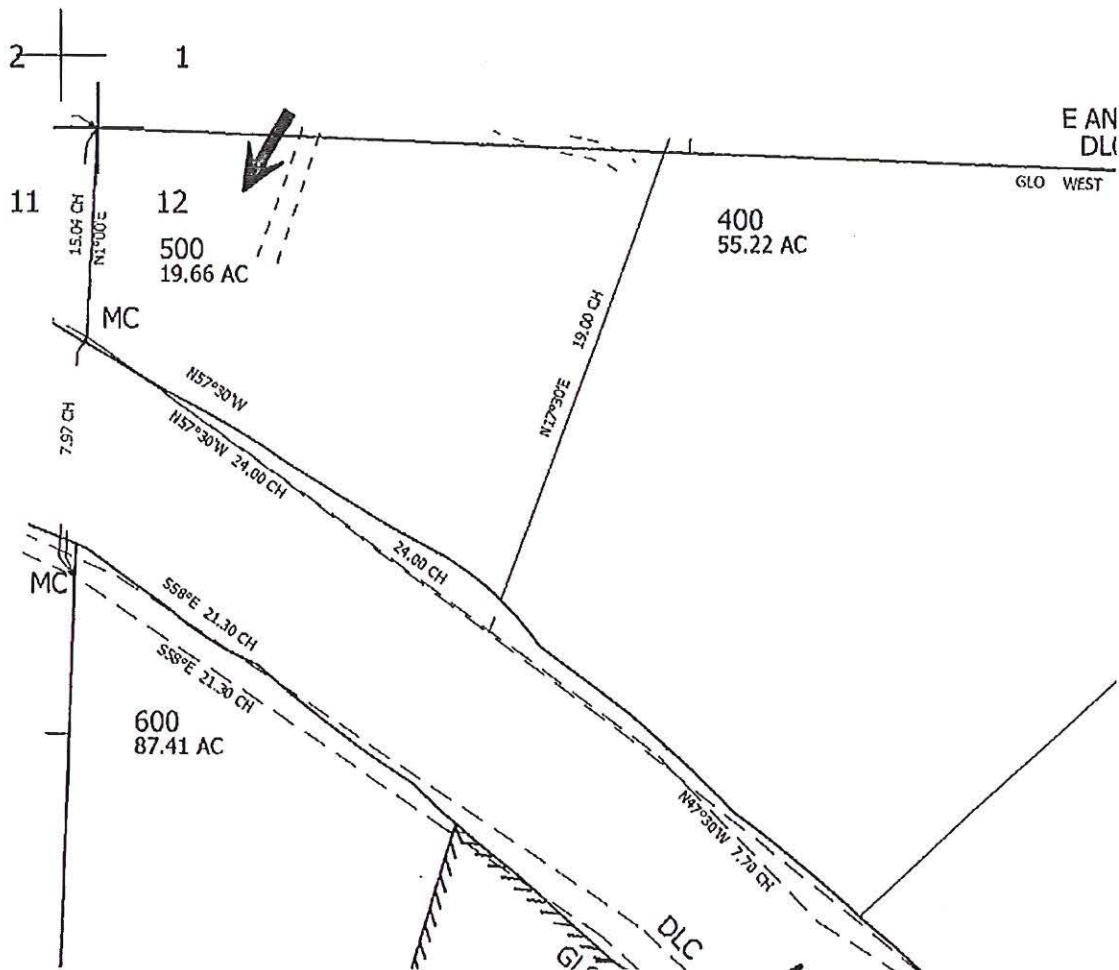
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MAY 12 2008

WATER RESOURCES DEPT
SALEM OREGON

USE ONLY.

DOUC



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MAY 12 2008

WATER RESOURCES DEPT
SALEM, OREGON



1495 NW Garden Valley Blvd
Roseburg, OR 97470
(541) 672-6651 * Fax (541) 672-3980

Anne Helms
Oregon Department of Forestry
2424 Wells Road
Elkton, OR 97436

06/06/2008
Report #1

Title Number : 0701262
Title Officer : Walt Duran

PRELIMINARY TITLE REPORT

Property Address:

2942, 2943, 2947 and 2950 Wells Road, Elkton, OR 97436

Policy or Policies to be issued:
Preliminary Title Report Only

<u>Liability</u>	<u>Premium</u>
	\$200.00

We are prepared to issue ALTA (06/17/06) title insurance policy(ies) of TRANSNATION TITLE INSURANCE COMPANY of OREGON, in the usual form insuring the title to the land described as follows:

Parcel 2 of PARTITION PLAT NO. 2000-0056, Surveyor's Records of Douglas County, Oregon.

and dated as of May 15, 2008 at 8:00 a.m., title is vested in:

LOIS RUSSELL and LISA DAVIS, Trustees of the FOUR ELL TRUST dated May 20, 1995,

The estate or interest in the land described or referred to in this Commitment and covered herein is:

Fee Simple

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JUN 09 2008

WATER RESOURCES DEPT.
SALEM, OREGON

Schedule B of the policy(ies) to be issued will contain the following general and special exceptions unless removed prior to issuance:

GENERAL EXCEPTIONS:

1. Taxes or assessments which are not shown as existing liens by the records of any taxing authority that levies taxes or assessments on real property or by the Public Records; proceedings by a public agency which may result in taxes or assessments, or notices of such proceedings, whether or not shown by the records of such agency or by the Public Records.
2. Facts, rights, interests or claims which are not shown by the Public Records but which could be ascertained by an inspection of the Land or by making inquiry of persons in possession thereof.
3. Basements, or claims of easement, not shown by the Public Records; reservations or exceptions in patents or in Acts authorizing the issuance thereof; water rights, claims or title to water.
4. Any encroachment (of existing improvements located on the subject Land onto adjoining Land or of existing improvements located on adjoining Land onto the subject Land) encumbrance, violation, variation, or adverse circumstance affecting the Title that would be disclosed by an accurate and complete land survey of the subject Land.
5. Any lien, or right to a lien, for services, labor, material, equipment rental or workers compensation heretofore or hereafter furnished, imposed by law and not shown by the Public Records.
6. Unpatented mining claims whether or not shown by the Public Records.

EXCEPTIONS 1 THROUGH 6 ABOVE APPLY TO STANDARD COVERAGE POLICIES AND MAY BE MODIFIED OR ELIMINATED ON AN EXTENDED COVERAGE POLICY.

SPECIAL EXCEPTIONS:

Tax Information

Taxes assessed under Code No. 34.04 Account No. R62557 Map No. T23S, R08W, S02 TL 200

NOTE: The 2007-2008 Taxes: \$2,593.21 , Paid in Full

Taxes assessed under Code No. 34.04 Account No. M83757 Map No. T23S, R08W, S02 TL 200

NOTE: The 2007-2008 Taxes: \$225.23 , Paid in Full

Taxes assessed under Code No. 34.04 Account No. M93125 Map No. T23S, R08W, S02 TL 200

NOTE: The 2007-2008 Taxes: \$218.41 , Paid in Full

7. The premises described herein have been specially assessed for farm use. If the land becomes disqualified for the special assessment under the statutes, an additional tax, plus interest and penalty, may be levied.
8. The premises described herein have been specially assessed as forest land. If the land becomes disqualified for this special assessment under the statutes, an additional tax, plus interest and penalty, may be levied.

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JUN 09 2008
WATER RESOURCES DEPT.
SALEM, OREGON

9. Any adverse claim based upon the assertion that:

- (a) Said land or any part thereof is now or at any time has been below the ordinary high water mark of Umpqua River;
- (b) Some portion of said land has been created by artificial means or has accreted to such portion so created; or,
- (c) Some portion of said land has been brought within or removed from the boundaries thereof by a change in the location of Umpqua River.

10. Rights of the public in and to that portion of the herein described property lying within the limits of roads and highways.

11. An easement created by instrument, including the terms and provisions thereof,

Dated : October 14, 1982
Recorded : December 29, 1982 Book: 836 Page: 809
Instrument No. 82-13999
In favor of : Cascade Utilities, Inc., an Oregon corporation
For : Telephone line or system
(Exact location not set out)

12. An easement created by instrument, including the terms and provisions thereof,

Dated : April 3, 1984
Recorded : April 5, 1984 Book: 877 Page: 453
Instrument No. 84-4201
In favor of : Cascade Utilities, Inc., an Oregon corporation
For : Communication line right of way

13. Unrecorded Trust Agreement, including the terms and provisions thereof,

Disclosed by : Warranty Deed
From : Frances Carnes
To : Lois Russell and Mary F. Carnes, Trustees of the FOUR ELL TRUST,
Dated May 20, 1995
Recorded : July 7, 1997 Book: 1431 Page: 380
Instrument No. 97-13953

A CERTIFICATION OF TRUST, PURSUANT TO O.R.S. CHAPTER 128, MUST BE FURNISHED FOR REVIEW PRIOR TO INSURING ANY FORTHCOMING DOCUMENT.

14. Easement(s) for 25 foot wide Access and Utility as delineated on the recorded plat of LAND PARTITION NO. 2000-0056.

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WATER RESOURCES DEPT.
SALEM, OREGON

15. Line of Credit Trust Deed, including the terms and provisions thereof, to secure the amount noted below and any other amounts secured thereunder, if any;

Amount : \$525,000.00
Dated : January 9, 2003
Recorded : January 15, 2003 Instrument No. 2003-1081
Trustor : Lois Russell and Lisa David, Trustees of the Four Ell Trust, dated May 20, 1995
Trustee : Key Title Company
Beneficiary : James R. Greene, Trustee of the James R. Greene Profit Sharing Plan
Loan No. : None given

16. Trust Deed, including the terms and provisions thereof, to secure the amount noted below and any other amounts secured thereunder, if any;

Amount : \$536,000.00
Dated : March 13, 2008
Recorded : April 25, 2008 Instrument No. 2008-008335
Trustor : Lois Russell and Lisa Davis, Co-Trustees of Four Ell Trust, under Trust Agreement dated 5/2/95
Trustee : Ticor Title, a corporation
Beneficiary : Northwest Farm Credit Services, FLCA, a corporation
Loan No. : 56032-442
(Covers Additional Property)

17. Unrecorded lease, including the terms and provisions thereof,

Dated : September 4, 2007
Lessor : Lisa Davis and Lois Russell, Co-Trustees of Four Ell Trust, under Trust Agreement dated 5/2/95
Lessee : IFA Nurseries, Inc.

Disclosed by the following assignment:

Assignment of the Lessor's interest, including the terms and provisions thereof,

Dated : March 13, 2008
Recorded : April 25, 2008 Instrument No. 2008-8336
From : Lisa Davis and Lois Russell, Co-Trustees of Four Ell Trust, under Trust Agreement dated 5/2/95
To : Northwest Farm Credit Services, FLCA, a corporation
(Covers Additional Property)

18. Subject to the requirements and provisions of the ORS Chapter 820, pertaining to the registration and transfer of ownership of a mobile home and any interest or liens disclosed thereby.

19. The title insurance policy will not insure title to the mobile home located on the herein described land.

NOTE: The following deed(s) affecting said land were recorded within twenty-four (24) months of the date of this report: Quitclaim Deed from State of Oregon, acting by and through its State Board of Forestry to Lois Russell and Lisa Davis, Trustee(s) of the Four Ell Trust dated May 20, 1995

NOTE: As of the date hereof, there are no matters against Lois Russell and Lisa Davis, as Trustees of the Four Ell Trust which would appear as exceptions in the policy to issue, except as shown herein.

RECEIVED

JUN 09 2008

WATER RESOURCES DEPT.
SALEM, OREGON

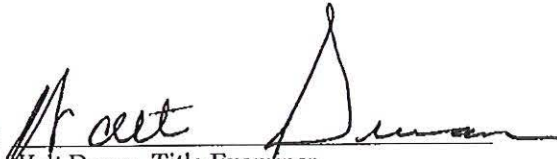
NOTE: Any map or sketch enclosed as an attachment herewith is furnished for information purposes only to assist in property location with reference to streets and other parcels. No representation is made as to accuracy and the company assumes no liability for any loss occurring by reason of reliance thereon.

NOTE: The policy to be issued may contain an arbitration clause. When the Amount of Insurance is less than the amount, if any, set forth in the arbitration clause, all arbitrable matters shall be arbitrated at the option of either the Company or the Insured as the exclusive remedy of the parties.

This report is preliminary to the issuance of a policy of title insurance and shall become null and void unless a policy is issued and the full premium paid.

AmeriTitle

By:



Walt Duran, Title Examiner

WD:bt

"Superior Service with Commitment and Respect for Customers and Employees"

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JUN 09 2008

WATER RESOURCES DEPT.
SALEM, OREGON

LETTER OF TRANSMITTAL

STATE OF OREGON
DEPARTMENT OF FORESTRY
FACILITIES SERVICES UNIT
2600 STATE STREET
SALEM OR 97310
PHONE: (503) 945-7503
FAX: (503) 945-7525

RECEIVED
JUL 09 2008
WATER RESOURCES DEPT.
SALEM, OREGON

Date: July 7, 2008

TO: Dorothy I. Pedersen
Oregon Water Resources Department
725 Summer St. NE, Suite A
Salem, Oregon 97301-1266

WE ARE SENDING YOU THE FOLLOWING ITEMS: ☒ Attached ☐ Copy of letter

☐ Under separate cover via _____ ☐ Plans ☐ Specifications

☐ Change order ☒ Other Letters

Copies	Description
1 EA	Copy of Letter to Lien Holders – D L Phipps Nursery – Key Bank, Ticor Title, Northwest Farm Credit Service, and FOUR ELL TREST.
1	Copy – Affidavit Consenting to Proposed Water Rights Transfer – from FOUR ELL TRUST

THESE ARE TRANSMITTED AS CHECKED BELOW:

☐ For approval ☒ For your use ☐ As requested
☐ For review and comment ☐ For your signature ☐ _____

REMARKS:

COPY TO _____

SIGNED


Phil Rogers

RECEIVED

JUL 09 2008

WATER RESOURCES DEPT.
SALEM, OREGON

July 7, 2008

Key Bank
4545 Commercial St. SE
Salem, OR 97302
Attn: Kathy Kibler

REFERENCE: Water Right Transfer (T – 10516) for The Oregon Department of Forestry
(D. L. Phipps Nursery)

To Whom It May Concern:

We were the Lessee of a portion of land involved in a water right transfer application that proposes to transfer the original water right back to the property owners. This property is located on tax lot 200 in and at the common corner of Sections 1, 2, 11, and 12, (Parcel #1, 30 acres), also the SW $\frac{1}{4}$ NE $\frac{1}{4}$, the SE $\frac{1}{4}$ NW $\frac{1}{4}$, the W $\frac{1}{2}$ SE $\frac{1}{4}$, and the E $\frac{1}{2}$ SW $\frac{1}{4}$, of Section 2 (Parcel #2, 60.5 acres) lying north of the Umpqua River, also a parcel northwest of the common corner of Section 1, 2, 11, and 12, (Parcel #3, 65 acres) all in Township 23 South, Range 8 West, WM, Douglas County, Oregon. The portion of water rights being transferred back (tax lot 200) totals 155.5 acres. These water rights will be transferred back to the FOUR ELL NURSERY TRUST (tax lot 200), which is not under our ownership.

As part of this proposed transfer, we are required to notify any lien holder that may have an interest in the property in the transfer.

If you have any questions, you may contact us at (503) 945-7375), or you may contract Dorothy Pederson, Transfer Specialist, with the Oregon Water Resources Department at (503) 986-0890.

Sincerely,

Phil Rogers
Facilities Specialist
The Oregon Department of Forestry

RECEIVED

JUL 09 2008

WATER RESOURCES DEPT.
SALEM, OREGON

July 7, 2008

Ticor Title
222 High St. SE
Salem, OR 97301
Attn: Rob Lowe

REFERENCE: Water Right Transfer (T – 10516) for The Oregon Department of Forestry
(D. L. Phipps Nursery)

To Whom It May Concern:

We were the Lessee of a portion of land involved in a water right transfer application that proposes to transfer the original water right back to the property owners. This property is located on tax lot 200 in and at the common corner of Sections 1, 2, 11, and 12, (Parcel #1, 30 acres), also the SW $\frac{1}{4}$ NE $\frac{1}{4}$, the SE $\frac{1}{4}$ NW $\frac{1}{4}$, the W $\frac{1}{2}$ SE $\frac{1}{4}$, and the E $\frac{1}{2}$ SW $\frac{1}{4}$, of Section 2 (Parcel #2, 60.5 acres) lying north of the Umpqua River, also a parcel northwest of the common corner of Section 1, 2, 11, and 12, (Parcel #3, 65 acres) all in Township 23 South, Range 8 West, WM, Douglas County, Oregon. The portion of water rights being transferred back (tax lot 200) totals 155.5 acres. These water rights will be transferred back to the FOUR ELL NURSERY TRUST (tax lot 200), which is not under our ownership.

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Sincerely,

Phil Rogers
Facilities Specialist
The Oregon Department of Forestry

RECEIVED
JUL 09 2008
WATER RESOURCES DEPT.
SALEM, OREGON

July 7, 2008

Northwest Farm Credit Services
650 Hawthorne Ave. SE, Suite 210
Salem, OR 97301

REFERENCE: Water Right Transfer (T – 10516) for The Oregon Department of Forestry
(D. L. Phipps Nursery)

To Whom It May Concern:

We were the Lessee of a portion of land involved in a water right transfer application that proposes to transfer the original water right back to the property owners. This property is located on tax lot 200 in and at the common corner of Sections 1, 2, 11, and 12, (Parcel #1, 30 acres), also the SW $\frac{1}{4}$ NE $\frac{1}{4}$, the SE $\frac{1}{4}$ NW $\frac{1}{4}$, the W $\frac{1}{2}$ SE $\frac{1}{4}$, and the E $\frac{1}{2}$ SW $\frac{1}{4}$, of Section 2 (Parcel #2, 60.5 acres) lying north of the Umpqua River, also a parcel northwest of the common corner of Section 1, 2, 11, and 12, (Parcel #3, 65 acres) all in Township 23 South, Range 8 West, WM, Douglas County, Oregon. The portion of water rights being transferred back (tax lot 200) totals 155.5 acres. These water rights will be transferred back to the FOUR ELL NURSERY TRUST (tax lot 200), which is not under our ownership.

As part of this proposed transfer, we are required to notify any lien holder that may have an interest in the property in the transfer.

If you have any questions, you may contact us at (503) 945-7375), or you may contract Dorothy Pederson, Transfer Specialist, with the Oregon Water Resources Department at (503) 986-0890.

Sincerely,

Phil Rogers
Facilities Specialist
The Oregon Department of Forestry

July 7, 2008

FOUR ELL TRUST
2974 Wells Rd.
Elkton, OR 97436

RECEIVED
JUL 09 2008
WATER RESOURCES DEPT.
SALEM, OREGON

REFERENCE: Water Right Transfer (T – 10516) for The Oregon Department of Forestry
(D. L. Phipps Nursery)

To Whom It May Concern:

We were the Lessee of a portion of land involved in a water right transfer application that proposes to transfer the original water right back to the property owners. This property is located on tax lot 200 in and at the common corner of Sections 1, 2, 11, and 12, (Parcel #1, 30 acres), also the SW $\frac{1}{4}$ NE $\frac{1}{4}$, the SE $\frac{1}{4}$ NW $\frac{1}{4}$, the W $\frac{1}{2}$ SE $\frac{1}{4}$, and the E $\frac{1}{2}$ SW $\frac{1}{4}$, of Section 2 (Parcel #2, 60.5 acres) lying north of the Umpqua River, also a parcel northwest of the common corner of Section 1, 2, 11, and 12, (Parcel #3, 65 acres) all in Township 23 South, Range 8 West, WM, Douglas County, Oregon. The portion of water rights being transferred back (tax lot 200) totals 155.5 acres. These water rights will be transferred back to the FOUR ELL NURSERY TRUST (tax lot 200), which is not under our ownership.

As part of this proposed transfer, we are required to notify any lien holder that may have an interest in the property in the transfer.

If you have any questions, you may contact us at (503) 945-7375), or you may contract Dorothy Pederson, Transfer Specialist, with the Oregon Water Resources Department at (503) 986-0890.

Sincerely,

Phil Rogers
Facilities Specialist
The Oregon Department of Forestry

RECEIVED

JUL 09 2008

WATER RESOURCES DEPT.
SALEM, OREGON

AFFIDAVIT CONSENTING TO PROPOSED WATER RIGHT TRANSFER

State of Oregon)
County of Douglas)ss
)

I/We Lisa Davis / Four EII Trust in my
capacity as Trustee,
mailing address 2947 Wells Rd Elkton, OR 97436,
telephone number 541-584-2844, duly sworn depose and say that I/We
consent to the proposed change(s) to Water Right Certificate Number 49769 as
described in Transfer Application T- 10516, on the property located on tax lot
number 200, Section 2, Township 23 (north or south),
Range 8 (east or west), W.M.

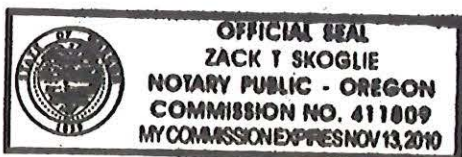
[Signature]
Signature of Affiant

Date

[Signature]
Signature of Affiant

6.6.08
Date

Subscribed and Sworn to before me this 6th day of June, 2008.



[Signature]
Notary Public for Oregon

My commission expires 11/13/2010.



Engineering +
Environmental

RECEIVED

APR 03 2008

WATER RESOURCES DEPT
SALEM, OREGON

TRANSMITTAL

DATE: April 1, 2008

TO: Dorothy Pedersen
Oregon Water Resources Department
725 Summer Street NE, Suite A
Salem, OR 97301-1271

FROM: Andrew Harvey

PROJECT NO: 18774.003

RE: Deliverables for Oregon Department of Forestry Transfer Application T-10516
WRD Reimbursement Authority

Dorothy,

Enclosed are the final deliverables for the transfer application T-10516 from Oregon Department of Forestry. We are sending original paper copies of the review checklist, draft deficiency letter, contact list, Draft Preliminary Determination, DPD Cover Letter, PD Notice, and PD Cover Letter. Also enclosed is the marked-up review copy of the transfer application and maps. The draft deficiency letter, contact list, Draft Preliminary Determination, DPD Cover Letter, PD Notice, and PD Cover Letter were also sent to you electronically by email on April 1, 2008.

Please contact me (503-417-7693) in our Portland office if you have questions.

Thank you for your help with the document templates.

Andrew Harvey

Bandon | Bend | Boise | Eugene | Portland | Seattle | Tri-Cities | Vancouver

4412 SW Corbett Avenue, Portland, OR 97239
503.248.1939 Main
503.248.0223 Fax
888.248.1939 Toll-Free
www.pbsenv.com

REIMBURSEMENT AUTHORITY APPLICANT'S AGREEMENT

This Agreement is between the Oregon Water Resources Department, hereafter OWRD, and Oregon Department of Forestry hereafter Applicants, hereafter known together as the parties.

OWRD Information	Applicant's Information	Applicant's Representative
Project Contact: Dorothy Pedersen	Oregon Department of Forestry	Name:
Title: Transfer Advisor	Project Contact:	Project Contact:
Address: 725 Summer Street, NE	Address: 1758 Airport Road	Address:
Salem, OR 97301-1271	Roseburg, OR 97470	
Phone: 503 986-0890	Phone Number: 541-440-3412	Phone Number:
Fax: 503 986-0903	Fax Number:	Fax Number:
Email: Dorothy.I.Pedersen@wrdd.state.or.us	Email Address: dllorenz@odf.state.or.us	Email:

- Purpose** The purpose of this Agreement is to expedite the processing of the Certificate Application. (Application Number: T-10516)
- Authority** The OWRD has been authorized pursuant to HB 2551(2003 Oregon Laws) to enter into a voluntary agreement with any applicant, permittee or regulated entity (collectively Applicant) for expediting or enhancing a regulatory process. In making this agreement, OWRD shall require the applicant to pay the full cost of expedited process.
- Restrictions.** Oregon Department of Forestry and OWRD agree that this Agreement shall not be construed to restrict in any way the decisions and actions by OWRD. OWRD shall be free to exercise independent judgment consistent with existing laws and regulations.
- Effective Date and Duration.** Unless otherwise terminated by non-deposit of funds by the Applicant, this Agreement shall become effective on the date on which both parties have signed the Agreement and the full deposit of the estimated cost of the proposed service.
- Statement of Work.** The Statement of Work is contained in Exhibit A attached hereto and incorporated by reference into this Agreement. OWRD agrees to perform this work in accordance with the terms and conditions of this Agreement.
- Consideration.**
 - Oregon Department of Forestry shall pay OWRD in advance for actual costs incurred by OWRD as specified in the Statement of work attached and incorporated as Exhibit A. The estimated maximum reimbursement payable to OWRD under this Agreement is \$1,440.00. Oregon Department of Forestry agrees to pay the full amount of \$1,440.00 to OWRD prior to commencement of any work stated in this Agreement. This payment will be placed in an account administered by OWRD and drawn upon as costs are actually incurred. If the actual cost of performing the work is less than payments received, OWRD will refund the unspent balance. If the actual cost of processing exceeds the estimate, the Applicant can either elect to terminate this Agreement or amend the Agreement to reflect the increase in cost.
 - The costs stated in this Agreement do not include the statutory application processing and filing fees.
- Subcontracts.** OWRD intends to undertake the work described in this Agreement by assigning the work to a contractor from its established pre-qualified contractor pool

8. **Contract Documents.** This Agreement consists of the following documents which are listed in descending order of precedence: this Agreement and the attached Exhibit A. All attached Exhibits are incorporated into this Agreement by reference.
9. **Confidentiality.** Oregon Department of Forestry agrees that any information provided to or acquired by OWRD under this Agreement will be subject to the Oregon Public Records Law and shall be considered public records.
10. **Indemnity.** Applicant shall defend, save, hold harmless, and indemnify the State of Oregon, OWRD, PBS Engineering and Environmental Inc. (Contractor) and their officers, employees, and agents from and against all claims, suits, actions, losses, damages, liabilities, costs and expenses of any nature resulting from or arising out of, or relating to the activities of Applicant or its representatives, officers, employees, contractors, or agents under this Agreement or with respect to the expedited service. The Applicant acknowledges that the Oregon Water Resources Department cannot and does not guarantee a favorable review under the subject regulatory process.
11. **Termination.** Applicant may request to terminate this agreement only in writing at anytime during the process. The Applicant agrees to pay for the work done by the Contractor up until the time of the written termination request. OWRD, upon receiving such written termination request from the Applicant and appropriately notifying the Contractor, will refund any unspent balance after paying the contractor for the work done.
12. **Funds Authorized and Available.** By its execution of this Agreement, Applicants certify that sufficient funds are authorized and available to cover the expenditures contemplated by this Agreement.
13. **Duration of Estimate.** The Estimate of Time to complete the work in Exhibit A (Statement of Work) becomes null and void after thirty- (30) days from the date the Applicant's Agreement is mailed. If the Applicant's Agreement is not received by the Department within thirty (30) days of mailing the Agreement, the Applicant must re-apply for a new estimate.
14. **Completion Date.** OWRD, by the execution of this Agreement does not guarantee the completion date indicated in this Agreement. Completion date is only an estimate and may be affected by the Department's workload, issues arising from the processing of the requested services and Applicant's timely response to requests for additional information.
15. **Captions.** The captions or headings in this Agreement are for the convenience only and in no way define limit or describe the scope or intent of any provision of this Agreement.
16. **Amendment and Merger.** The terms of this Agreement shall not be waived, altered, modified, supplemented or amended in any manner whatsoever, except by written instrument signed by both parties. Such waiver, consent, modification or change, if made, shall be effective only in the specific instance and for the specific purpose given. There are no understandings, agreements or representations, oral or written, not specified herein regarding this Agreement.
17. **Signatures.** All parties, by the authorized representative's signature below, hereby acknowledge that they have read this Agreement, understand it and agree to be bound by its terms and conditions.

For Oregon Department of Forestry:


Signature2/14/08
DateAnne Helms
NameNursery Manager
Title

For OWRD:

Tracy Loudon - Administrator

Date

Mail signed Agreement to:

Salem Opeifa
Oregon Water Resources Department
725 Summer Street NE, Suite A
Salem, OR 97301-1271

R09-097

Applicant's Agreement

2 of 3

App Revised: 8/14/06

Exhibit A
Statement of Work

Application Number: T-10516

Name of Applicant: Oregon Department of Forestry

**Reimbursement Authority Process
Itemized Estimate Sheet
For
Transfer**

	Item	Time
1	Review of application for completeness.	2.5
2	Review of "From" lands to confirm consistency with existing right(s) and ownership.	2.5
3	Review of "To" lands for conflicts and preparation of draft deficiency letter (if necessary).	3.0
4	Preparation of draft preliminary determination, DPD cover letter and contact list.	2.0
5	Preparation of PD public notice, PD cover letter (and remaining right certificate(s) if necessary), and processing documentation.	2.0
Total Estimated Time:		12.0

Total estimated cost is 12.0 hours at \$120.00 per hour = \$1,440.00

Estimated date of completion of draft preliminary determination: March 10, 2008

Deadline for applicant's review of draft preliminary determination: April 15, 2008. *

**Dates are contingent on the Applicant's expeditious resolution of any deficiency and may be affected by Department's work load.*

Dorothy Pedersen

From: Dorothy Pedersen
Sent: Wednesday, February 13, 2008 6:58 AM
To: 'Andrew_Harvey@pbsenv.com'
Subject: Itemized Estimate Sheet for Water Rights Transfer T-10516

From: Dorothy Pedersen
Sent: Wednesday, February 13, 2008 6:57 AM
Subject: RE: Itemized Estimate Sheet for Water Rights Transfer T-10516

Drew,

I haven't reviewed the T-10516 application as closely as you have, but from your comments I think you may be able to dispense with a deficiency letter unless you find additional problems as you get into the review. In regard to the county agency addresses, we can usually easily get those from the county websites, so we don't make a big issue if that is all that is missing.

When we send out the Draft Preliminary Determination (DPD) we ask for them to submit a report of ownership and lien information. When that comes in is when we check for consent of all owners and documentation that notice has been sent to all lienholders.

So, unless you find additional discrepancies or missing information, you should be able to generate the DPD and request the ownership documentation in the cover letter that goes with the DPD.

It is good to have incorporated time for doing a deficiency letter in the estimate, so you will be covered in case you need that time. If not, then at the end of the project you'll only bill for the actual time spent and the applicant may receive a partial refund. That always makes them happy!

Have a good day,
Dorothy

From: Salem Opeifa
Sent: Tuesday, February 12, 2008 7:51 AM
To: Dorothy Pedersen
Subject: FW: Itemized Estimate Sheet for Water Rights Transfer T-10516

FYI -

From: Andrew Harvey [mailto:andrew_harvey@pbsenv.com]
Sent: Monday, February 11, 2008 5:52 PM
To: Salem Opeifa
Subject: Itemized Estimate Sheet for Water Rights Transfer T-10516

Salem,

Attached is PBS' Itemized Estimate Sheet for Water Rights Transfer for the Application No. T-10516, Oregon Department of Forestry.

It initially appears that a Deficiency Letter will need to be sent to clear up the From and To land ownership

2/13/2008

information and some missing County agency address information.

Dorothy Pedersen sent me the Watermaster Review and the templates.

If there are questions concerning our estimate, please have the appropriate WRD person for this transfer application contact me at 503-417-7693.

Thank you,

Andrew F. Harvey, RG, CWRE

Senior Geologist
andrew_harvey@pbsenv.com
503.417.7693

PBS Engineering + Environmental

Engineering | Natural Resources | Environmental | Health and Safety

www.pbsenv.com

4412 SW Corbett Ave. Portland OR, 97239

Main ph: 503.248.1939 ; fax: 503.248.0223

DISCLAIMER:

This message and any attachments are considered privileged and confidential and are intended for the sole use of the individual or entity to whom the message is addressed. If you have received this message in error, please immediately advise the sender and permanently delete the message and any attachments.

2/13/2008

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

Application Number T-10516

Name of Applicant: Oregon Department of Forestry

Proposed Timeline

1/29/08	Public Notice (start of 30-day comment period).
3/10/08	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).
4/15/08	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.	2.5
2	Review of "From" lands to confirm consistency with existing right(s) and ownership.	2.5
3	Review of "To" lands for conflicts and preparation of draft deficiency letter (if necessary).	3
4	Preparation of draft preliminary determination, DPD cover letter and contact list.	2
5	Preparation of PD public notice, PD cover letter (and remaining right certificate(s) if necessary), and processing documentation.	2
Total Estimated Time:		12

(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: PBS Engineering and Environmental

Authorized Representative: Arden Horney

Date: 2/11/2008

Dorothy Pedersen

From: Dorothy Pedersen
Sent: Monday, February 11, 2008 9:26 AM
To: 'Andrew_Harvey@pbsenv.com'
Subject: Watermaster review for T-10516

Attachments: 10516-wm-rev.pdf



10516-wm-rev.pdf
(28 KB)

Drew,

Here is the T-10516 watermaster review that I neglected to attach to the previous email.

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: Monday, February 11, 2008 9:20 AM
To: 'Andrew_Harvey@pbsenv.com'
Subject: Templates for T-10516

Attachments: pd-cov-template.doc; 10516-dpd-template.doc; 10516-RA-ReviewChecklist.doc; DPD Cover Approval.doc; DPD Cover Deny.doc; Contact List.dot; supplemental-lang.dot; DeficLet.dot; PD_notice.dot



pd-cov-template.doc (35 KB)



10516-dpd-template.doc (150 KB)



10516-RA-ReviewChecklist.doc (...)



DPD Cover Approval.doc (39 KB)



DPD Cover Deny.doc (41 KB)



Contact List.dot (26 KB)



supplemental-lang.dot (169 KB)



DeficLet.dot (27 KB)



PD_notice.dot (29 KB)

Hi Drew,

I've attached templates and the watermaster review for the T-10516 project (Oregon Department of Forestry) so that you will have them when you are issued a work order and are ready to start work on the project.

If you have questions at that point, either call or email me.

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

Shipping Checklist for Reimbursement Authority File

File T- 10516 Applicant: Oregon Dept. of Forestry

Agent/Contact: David Lorenz

Ship to Contractor: PRS

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 - *will send electronically with the templates*
- ☒ 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 1/29/08

Number of sheets copied 16

File contents copied by Lisa Paschke Date 1/25/08

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

Application Number T-10516

Name of Applicant: Oregon Department of Forestry

Proposed Timeline

1/29/08	Public Notice (start of 30-day comment period).
3/10/08	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).
4/15/08	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: PBS Engineering and Environmental

Authorized Representative: _____

Date: _____

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

Transfer # T-10516

Applicant: Oregon Department of Forestry

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 needed)

***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>
☒	Transfer Application	<u>T-10516</u>
☐	Certificate Request	_____
☐	Extension of Time Request	_____

<u>Applicant Information</u>		<u>Applicant's Representative/Contact</u>
Name: (Please Print)	Oregon Department of Forestry	David Lorenz
Address:	1758 NE Airport Road	
	Roseburg, OR 97470	
Phone:	541-440-3412	
Fax	541-440-3419	
E-Mail Address:	dlorenz@odf.state.or.us	

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.
- Send completed Application and payment to: **OWRD – Reimbursement Authority Program
725 Summer St. NE, Suite A
Salem, OR 97301-1266.**

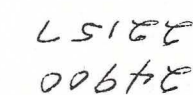
I certify that I am the (check one) ☒ Applicant ☐ Applicant's Representative ☐ Other (Please specify) _____

Signature: 

Name: David Lorenz

OWRD USE ONLY

Contractor Assigned:	Total Amount Paid: \$
OWRD Approval:	



100-443887-1

AB-36
8-5-77
M. STEVENS