

T-13532

Regular

T-13532

Name Muddy Creeks Irrigation Project
clo Jane DeWallAddress P.O. Box 225
Harrisburg, OR 97446
jdewall@uwal.netChange in POU
Date Filed 9-28-2020
Initial notice date 10-13-2020
DPD issued datePD issued date 3/14/2022
PD notice date 3/15/2022Date of FO 5/9/2022 Vol 125 Page 42-45C-Date 10/01/2024
COBU due date 10/01/2025
COBU Received date
Certificate issued

Assignments:

Irrigation District

Agent Jeanne Boatwright - jeanne@boatwrightengr.com

CWRE

CC's list linn county☐ - Oversized map - Location

DESCRIPTION OF WATER RIGHT(S)

Name of Stream McKenzie RiverTrib. of Willamette RiverUse IrrigationCounty Lane / Linn

Quantity of water (CFS) No. of Acres

Name of ditch

App# S-70410 Per # S-51504 Cert # 76240 PR Date 6/12/1990

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>9-28-2020</u>	<u>\$1,160.00</u>	<u>133565</u>
<u>9-3-2025</u>	<u>345.00</u>	<u>145978</u>

FEES REFUNDED

Date	Amount	Receipt #
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Oregon

Tina Kotek, Governor

Water Resources Department

725 Summer St NE, Suite A

Salem, OR 97301

(503) 986-0900

www.oregon.gov/owrd

September 5, 2025

David & Rachel Birky
30315 Nixon Dr.
Halsey, OR 97348

On September 3, 2025, the Water Resources Department received the Claim of Beneficial Use (COBU) for the following file:

T-13532

The COBU included a report and map. In the future the Department will review your submittal. At that time we will review these items and provide a final certificate, proposed certificate, or a request for additional information.

If you are interested in having your COBU reviewed sooner, you may pay to have your file processed immediately, using the Reimbursement Authority program, which is described at: <https://www.oregon.gov/owrd/programs/WaterRights/RA/Pages/default.aspx>

Customer Service phone: (503) 986-0900

Enclosed is your receipt for the \$345.00 COBU recording fee.

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

Cc: file T-13532



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September 5, 2025

D2B Farm, LLC
PO Box 321
Halsey, OR 97348

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T-13532

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September 5, 2025

Muddy Creek Irrigation Project
PO Box 225
Harrisburg, OR 97446

On September 3, 2025, the Water Resources Department received the Claim of Beneficial Use (COBU) for the following file:

T-13532

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Customer Service phone: (503) 986-0900

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Cc: file T-13532

Checklist for Claims of Beneficial Use Received at CSG Counter

Application #:	WRD Reviewer: Corie
Transfer #: T-13532	
Date Received: 9/3/2025	
CWRE Name: Corby Boatwright	

Fees Required:

- ☐ YES ☐ NO ☐ A fee of \$345 must accompany this form for permits with priority dates of July 9, 1987, or later. **Priority date of affected water right(s):**
- ☒ YES ☐ NO ☐ A fee of \$345 must accompany this form for any transfer applications submitted July 9, 1987, or later. **Submission date of transfer application:**
11/5/2020

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))

Report Review:

- ☒ On form 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)
- ☒ CWRE stamp and signature (OAR 690-014-0100)
- ☒ Signature(s) of all permittee of transfer holder (OAR 690-014-0100)

Groundwater File Review:

- ☐ Pump Test not required (Priority Date prior to December 20, 1988) *If no, include pump test flyer w/acknowledgment letter
- ☐ Pump Test required (Priority Date on or after December 20, 1988)
- ☐ Pump Test submitted
- ☐ Pump Test not submitted

Fill in App or Transfer Number

MONEY SLIP	
DATE:	RECEIPT #:
RECEIVED FROM:	APPLICATION PERMIT TRANSFER
CASH ☐ CHECK # ☐ OTHER (IDENTIFY) ☐	TOTAL REC'D: \$
1083 TREASURY 4178 MISC CASH ACCT.	
0407 COPIES	\$
OTHER (IDENTIFY)	\$
0243 Indiv. Lease 0244 Min. Water Mgmt. Plan 0245 Cons. Water	
1083 TREASURY 4279 WRO OPERATING ACCT.	
MISCELLANEOUS	
0407 COPY & TAPE FEES	\$
0410 RESEARCH FEES	\$
0408 MISC REVENUE (IDENTIFY)	\$
1C163 DEPOSIT LAB (IDENTIFY)	\$
0240 EXTENSION OF TIME	\$
WATER RIGHTS	
0201 SURFACE WATER	EXAM FEE \$ RECORD FEE \$
0202 GROUND WATER	\$ \$
0205 TRANSFER	\$ \$
WELL CONSTRUCTION	
0218 WELL DRILL CONSTRUCTOR	EXAM FEE \$ RECORD FEE \$
LANDOWNER'S PERMIT	\$ \$
OTHER (IDENTIFY)	\$ \$
0097 TREASURY 0487 HYDROELECTRIC	
LIC NUMBER	
0233 POWER LICENSE FEE (PWWPFD)	\$
0231 HYDRO LICENSE FEE (PWWPFD)	\$
HYDRO APPLICATION	
\$	
SPECIAL INSTRUCTIONS:	

☐ RETURN TO APPLICANT - LETTER ATTACHED

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 # 145978

INVOICE # _____

RECEIVED FROM: DRB Land, LLC

BY: _____

APPLICATION	
PERMIT	
TRANSFER	<u>F-13532</u>

CASH: ☐ CHECK:# 1317 OTHER: (IDENTIFY) ☐

TOTAL REC'D \$ 345.00

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

WATER RIGHTS:

	EXAM FEE		RECORD FEE
0201	\$	0202	\$
0203	\$	0204	\$
0205	\$		

WELL CONSTRUCTION

	EXAM FEE		LICENSE FEE
0218	\$	0219	\$
		0220	\$

LANDOWNER'S PERMIT

0200 OTHER (IDENTIFY) Cobee 18 345.00

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 RECEIVED
OBJ. CODE _____ VENDOR # OVER THE COUNTER
DESCRIPTION _____ \$ _____

RECEIPT: 145978

DATED: 9-3-25 BY: m-mills

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

**CLAIM OF
BENEFICIAL USE
for Transfers
Place of Use Only**



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

A fee of \$345 must accompany this form for transfers where the application was submitted on July 9, 1987, or later.

Enter the date the transfer application was submitted:

September 28, 2020

A separate form shall be completed for each transfer.

This form is subject to revision. **Begin each new claim** by checking for a new version of this form at:

<https://www.oregon.gov/OWRD/Forms/Pages/default.aspx>

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

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

"Section 7" of this form is intended to aid in the completion of this form and should not be submitted.

A claim of beneficial use includes both this report and a map. If the map is being mailed separately from this form, please include a note with this form indicating such.

If you have questions regarding the completion of this form, please call 503-986-0900.

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

<https://www.oregon.gov/OWRD/programs/WaterRights/RA/Pages/default.aspx>

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SEP 03 2025

Salem, OR

SECTION 1

GENERAL INFORMATION

Type of Authorized Change

This Claim is being submitted for a transfer where the only authorized change was a change in place of use.

If additional changes were authorized, you will need to select a different form.

YES

1. File Information

APPLICATION # **T-13532**

2. Property Owner (current owner information)

Tax Lot 14S 04W 13 300			
APPLICANT/BUSINESS NAME D2B Farm, LLC		PHONE NO. 541.990.4260	ADDITIONAL CONTACT No.
ADDRESS PO Box 321			
CITY Halsey	STATE OR	ZIP 97348	E-MAIL office@d2bfarm.com

Tax Lot 14S 04W 14 200			
APPLICANT/BUSINESS NAME David D. Birky & Rachel C. Birky		PHONE NO. 541.990.4260	ADDITIONAL CONTACT No.
ADDRESS 30315 Nixon Drive			
CITY Halsey	STATE OR	ZIP 97348	E-MAIL drbirky@gmail.com

If the current property owner is not the transfer holder of record, it is recommended that an assignment be filed with the Department. ***Each transfer holder of record must sign this form.***

3. Transfer holder of record (this may, or may not, be the current property owner)

TRANSFER HOLDER OF RECORD Muddy Creeks Irrigation Project		
ADDRESS PO Box 225		
CITY Harrisburg	STATE OR	ZIP 97446

4. Date of Site Inspection:

September 26, 2023 August 29, 2024

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

SITE	NAME	DATE	ASSOCIATION WITH THE PROJECT
TL 14S 4W 14 200	David Birky	September 26, 2023	Property Owner
TL 14S 4W 13 300	Darren Birky	August 29, 2024	Property Owner

6. County:

LINN

7. If any property described in the place of use of the transfer final order is excluded from this report, identify the owner of record for that property (ORS 537.230(5)):

OWNER OF RECORD NONE		
ADDRESS		
CITY	STATE	ZIP

Add additional tables for owners of record as needed

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Revised 7/1/2025 **SEP 03 2025**

Salem, OR

Change in Place of Use Only - Page 2 of 7

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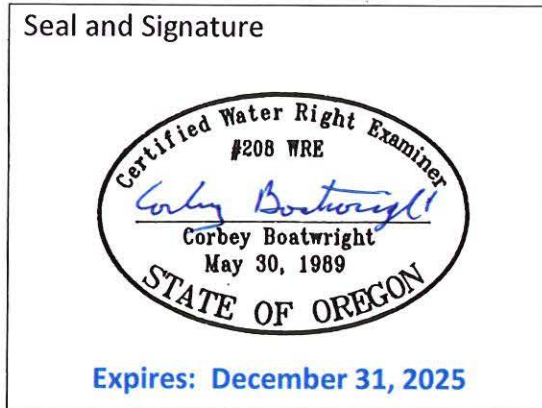
SEP 03 2025 WR

Salem, OR

SECTION 2
SIGNATURES

CWRE Statement, Seal and Signature

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



CWRE NAME Corbey Boatwright		PHONE NO. 503.363.9225	ADDITIONAL CONTACT NO.
ADDRESS Boatwright Engineering, Inc. 2613 12th Street, SE			
CITY Salem	STATE Oregon	ZIP 97302	E-MAIL corbey@boatwrightengr.com

Transfer Holder(s) of Record Signature or Acknowledgement

Each transfer holder of record must sign this form in the space provided below.

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

SIGNATURE	PRINT OR TYPE NAME	TITLE	DATE
	Mike Stevenson	President, Muddy Creeks Irrigation Project	8-26-25

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SECTION 3
EXTENT OF CHANGE COMPLETED

1. Claim Summary:

If Irrigation or Nursery Use:

THE # OF ACRES ALLOWED	THE # OF ACRES DEVELOPED
71.4	71.4

If the use(s) was not irrigation or nursery:

WAS THE NEW PLACE OF USE DEVELOPED TO THE FULL EXTENT AUTHORIZED UNDER THE ORDER? (INCLUDE THE LOCATION OF THE DEVELOPED PLACE USE ON THE CLAIM MAP)
YES

2. Variations:

Was the use developed differently from what was authorized by the transfer final order? **NO**

If yes, describe below.

(e.g. "The order authorized a change in place of use for 40 acres. The water user only developed 38 acres.")

NOTE: While the irrigation in Section 13, was developed within a slightly different footprint, it is still located in the authorized quarter-quarters and within the tax lot listed on the transfer application and shown on the application map.

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SECTION 4

CONDITIONS

All conditions contained in the transfer, or any extension final order shall be addressed. Reports that do not address all performance related conditions will be returned.

1. Time Limits:

Describe how the water user has complied with each of the development timelines established in the transfer final order and any extensions of time issued for the transfer:

	DATE FROM TRANSFER	DATE THE AUTHORIZED CHANGE WAS COMPLETED *THIS DATE MUST FALL BETWEEN THE "ISSUANCE DATE" AND THE "COMPLETENESS DATE"
ISSUANCE DATE	May 9, 2022	
COMPLETENESS DATE FROM ORDER (C)	October 1, 2024	By August 29, 2024, water was put to beneficial use on the total number of authorized acres and at the authorized places of use in compliance with the Transfer Order V 125-P 42, and all conditions of the transferred Certificate 76240

* MUST BE WITHIN PERIOD BETWEEN TRANSFER FINAL ORDER, OR ANY EXTENSION FINAL ORDER ISSUANCE AND THE DATE TO COMPLETE THE CHANGE

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

NO

3. Measurement Conditions:

a. Does the transfer final order require the installation of a meter or approved measuring device?

NO

4. Other conditions required by the transfer final order:

a. Other conditions?

NO

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

NOTE:

Requirements for a meter, monthly use data collection, annual use reporting, fish screens and bypass devices are all applicable and maintained at the Muddy Creeks Irrigation Project's McKenzie River diversion point located in the NE ¼, NE ¼, Section 9, as projected within Spores DLC 38, Township 17 South, Range 3 West, WM (in Lane County); 4440 feet south and 5250 feet east from the SE corner of Mansfield DLC 79.

Per Gerry Clark, OWRD Program Analyst, Certificate Section, Water Right Services Division, these requirements do not apply to re-diversion points within the Muddy Creeks Irrigation Project's delivery system. The two PODs in this report are re-diversion points.

SECTION 5
ATTACHMENTS

Provide a list of any additional documents you are attaching to this report:

ATTACHMENT NAME	DESCRIPTION
CLAIM OF BENEFICIAL USE	2 CBU MAPS

SECTION 6
CLAIM OF BENEFICIAL USE MAP

A 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 polyester film at a scale of 1" = 1320 feet, 1" = 400 feet, or the original full-size scale of the county assessor map for the location.

For the purpose of this Claim, the map must identify the developed new place of use. The existing point(s) of diversion or point(s) of appropriation are required to be included on the Claim map, based on the locations described in the transfer final order.

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.

Google Earth aerial photo dated 7-13-2022, for site in Section 14.
Site measurements of field in Section 13 at time of visit and Google Earth dated 7-13-2022 for ditch, buildings, and fences used as reference points of measurements.

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SEP 03 2025
Salem, OR

Map Checklist

Please be sure that the map you submit includes ALL the items listed below.
(Reminder: Incomplete maps and/or claims may be returned.)

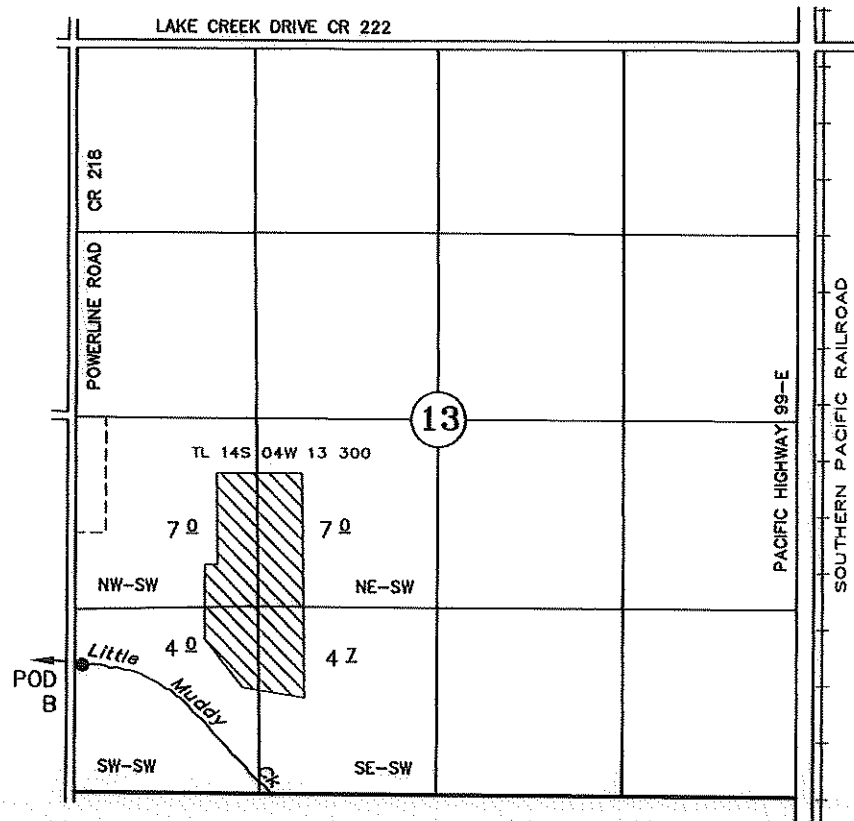
- ☒ Map on polyester film.
- ☒ Appropriate scale (1" = 400 feet, 1" = 1320 feet, or the original full-size scale of the county assessor map)
- ☒ Township, Range, Section, Donation Land Claims, and Government Lots
- ☐ Locations of fish screens and/or fish by-pass devices in relationship to point of diversion
- ☐ Locations of meters and/or measuring devices in relationship to point of diversion
- ☐ Conveyance structures illustrated (pumps, reservoirs, pipelines, ditches, etc.) ***Not required for this type of Claim of Beneficial Use**
- ☒ Point(s) of diversion or appropriation (illustrated and coordinates)
- ☒ Tax lot boundaries and numbers
- ☒ Quarter-Quarters illustrated and named (NE NE, NW NE, etc.)
- ☒ Source illustrated if surface water
- ☒ Disclaimer ("This map is not intended to provide legal dimensions or locations of property ownership lines")
- ☒ Transfer application number
- ☒ North arrow
- ☒ Legend
- ☒ CWRE stamp and signature

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SEP 03 2025
Salem, OR

T.14S. R.4W. W.M.

LINN COUNTY, OREGON

Page 1 of 2



RE-DIVERSION LITTLE MUDDY CREEK, POD B: 1733' SOUTH & 60' EAST OF THE WEST 1/4 COR, SEC 13
OWNER: D2B FARM LLC

Point of Diversion: McKenzie River, NE1/4-NE1/4, Section 9, as projected within the Spores DLC 38, T17S, R3W, WM, being 4440' S & 5250' E of SE Cor Mansfield DLC No 79, T17S, R3W, WM
Located in Lane County.

CLAIM OF BENEFICIAL USE

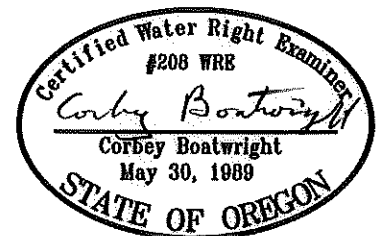
Transfer No. T- 13532

Muddy Creeks Irrigation Project

AUGUST 29, 2024

SCALE 1" = 1320'

NOTE: This map is not intended to provide legal dimensions or locations of property ownership lines.

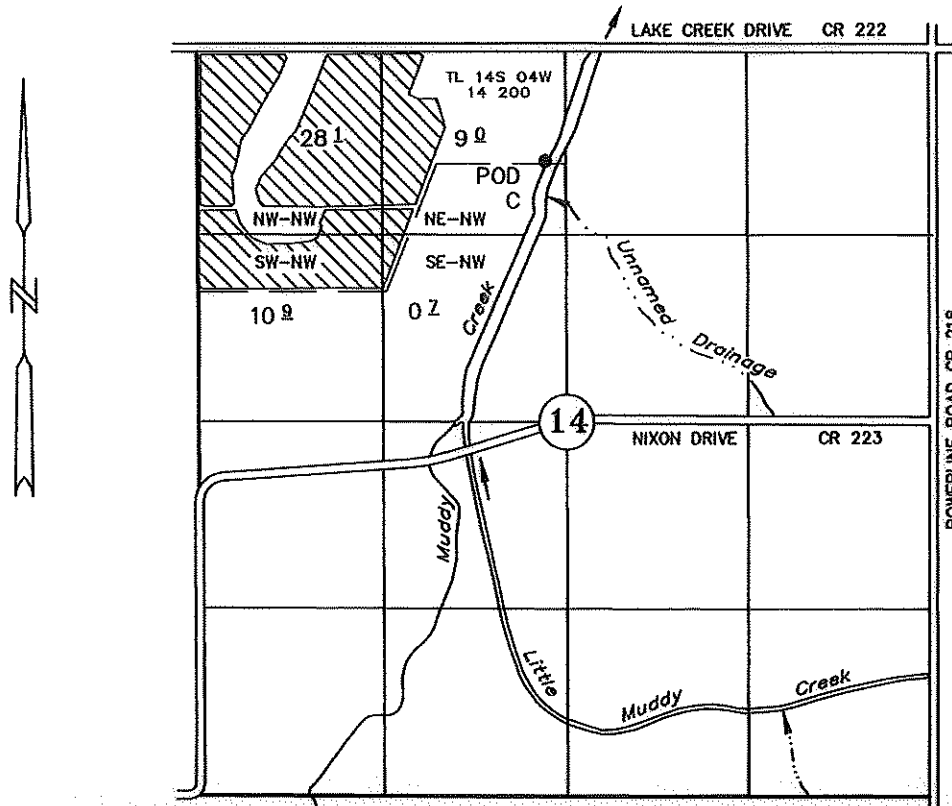


RENEWAL DATE: 12-31-25

T.14S. R.4W. W.M.

LINN COUNTY, OREGON

Page 2 of 2



RE-DIVERSION MUDDY CREEK, POD C: 805' SOUTH & 140' WEST OF THE NORTH 1/4 COR, SEC 14
OWNERS: RACHEL C BIRKEY, DAVID D BIRKEY

Point of Diversion: McKenzie River, NE1/4-NE1/4, Section 9, as projected within the Spores DLC 38, T17S, R3W, WM, being 4440' S & 5250' E of SE Cor Mansfield DLC No 79, T17S, R3W, WM
Located in Lane County.

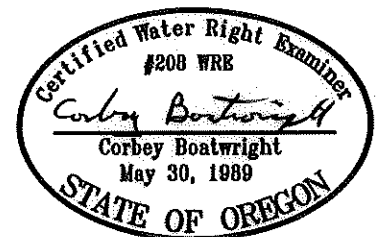
CLAIM OF BENEFICIAL USE

Transfer No. T- 13532

Muddy Creeks Irrigation Project

SEPTEMBER 26, 2023

SCALE 1" = 1320'



NOTE: This map is not intended to provide legal dimensions or locations of property ownership lines.

RENEWAL DATE: 12-31-25



Received by OWRD

SEP 03 2025

Salem, OR

Date Received (Date Stamp Here)

OWRD Over-the-Counter Submission Receipt

Applicant Name(s) & Address: Muddy Creeks IR Project/DZB Farm
PO Box 225 Hamsburg OR 97446

Transaction Type: Claim

Fees Received: \$ 345.00

☐ Cash

☒ Check:

Check No. 1317

Name(s) on Check: DRB Land LLC

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

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

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

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

Sincerely,

OWRD Customer Service Staff

Submission received by: Corie Lounien
(Name of OWRD staff)

Instructions for OWRD staff:

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



Oregon

Kate Brown, Governor

Water Resources Department

725 Summer St NE, Suite A

Salem, OR 97301

(503) 986-0900

Fax (503) 986-0904

May 9, 2022

MUDDY CREEKS IRRIGATION PROJECT
ATTN JANE DEWALL
PO BOX 225
HARRISBURG, OR 97446

REFERENCE: Transfer Application T-13532

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

The time allowed to complete the transfer is specified in the final order. YOU SHOULD GIVE PARTICULAR ATTENTION TO THE TIME LIMIT. The water right for any portion of the authorized change in character of 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(s) within the time allowed.

You are required to hire a Certified Water Rights 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 complete the change(s) or within one year of the completion date authorized in the transfer final order, whichever occurs first.

If you have any questions related to the approval of this transfer, you may contact your caseworker, Scott Grew, by telephone at (503) 986-0890 or by e-mail at Scott.A.Grew@oregon.gov.

Sincerely,

Julie C. Baustian
Water Rights Services Support
Transfers and Conservation Section

cc: Lanaya F. Blakely, Watermaster Dist. # 2 (via email)
Linn County Planning
Jeanne Boatwright, Agent

Enclosure

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

In the Matter of Transfer Application	)	FINAL ORDER APPROVING A
T-13532, Lane, Linn County	)	CHANGE IN PLACE OF USE

Authority

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

Applicant

MUDDY CREEKS IRRIGATION PROJECT
C/O JANE DEWALL
PO BOX 225
HARRISBURG, OR 97446

Findings of Fact

1. On September 28, 2020, MUDDY CREEKS IRRIGATION PROJECT, C/O JANE DEWALL, filed an application to change the place of use under Certificate 76240. The Department assigned the application number T-13532.
2. Notice of the application for transfer was published on October 13, 2020, pursuant to OAR 690-380-4000. No comments were filed in response to the notice.
3. On November 5, 2020, the applicant submitted a revised application.
4. On November 22, 2021, the agent submitted a revised Table 2.
5. On November 23, 2021, the Department sent a copy of the draft Preliminary Determination proposing to approve Transfer Application T-13532 to the applicant. The draft Preliminary Determination cover letter set forth a deadline of December 23, 2021, 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.

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.

6. On December 22, 2021, the agent for the applicant requested the completion date of October 1, 2024, to allow adequate time needed to put the water to beneficial use on the new place of use. The Department granted the longer time for completion per OAR 690-380-5140 (3).
7. On March 14, 2022, the Department issued a Preliminary Determination proposing to approve Transfer Application T-13532 and sent a copy to the applicant. Additionally, notice of the Preliminary Determination for the transfer application was published in the Department's weekly notice on March 15, 2022, pursuant to ORS 540.520 and OAR 690-380-4020. No protests were filed in response to the notice.
8. The portion of the right to be transferred is as follows:

Certificate: 76240 in the name of MUDDY CREEKS IRRIGATION PROJECT
(perfected under Permit S-51504)

Use: IRRIGATION of 71.4 ACRES

Priority Date: JUNE 12, 1990

Rate: 0.8 CUBIC FOOT PER SECOND

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

Period of Use: MARCH 1 THROUGH OCTOBER 31

Source: MCKENZIE RIVER, a tributary of WILLAMETTE RIVER

Authorized Point of Diversion:

Twp	Rng	Mer	Sec	Q-Q	DLC	Measured Distances
17 S	3 W	WM	9	NE NE	38	4440 FEET SOUTH AND 5250 FEET EAST FROM THE SE CORNER OF DLC 79

Point of Re-Diversion:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
14 S	4 W	WM	27	SW SW	CAMOUS CREEK RE-DIVERSION POD A – 50 FEET NORTH AND 945 FEET EAST OF THE SW CORNER OF SECTION 27

Authorized Place of Use:

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
14 S	4 W	WM	27	NE SW	12.9
14 S	4 W	WM	27	SE SW	37.7
14 S	4 W	WM	27	NW SE	5.3
14 S	4 W	WM	27	SW SE	15.5
				Total	71.4

9. Transfer Application T-13532 proposes to change the place of use of the right to:

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
14 S	4 W	WM	13	NE SW	6.4
14 S	4 W	WM	13	NW SW	3.1
14 S	4 W	WM	13	SW SW	3.8
14 S	4 W	WM	13	SE SW	9.4
14 S	4 W	WM	14	NE NW	9.0
14 S	4 W	WM	14	NW NW	28.1
14 S	4 W	WM	14	SW NW	10.9
14 S	4 W	WM	14	SE NW	0.7
Total					71.4

10. The points of re-diversion to serve the proposed places of use are located as follows:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
14 S	4 W	WM	13	SW SW	RE-DIVERSION LITTLE MUDDY CREEK POD B - 1733 FEET SOUTH AND 60 FEET EAST OF THE W1/4 CORNER OF SECTION 13
14 S	4 W	WM	14	NE NW	RE-DIVERSION LITTLE MUDDY CREEK POD C - 805 FEET SOUTH AND 140 FEET WEST OF THE N1/4 CORNER OF SECTION 14

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

11. Water has been used within the five-year period prior to submittal of the transfer application according to the terms and conditions of the right. There is no information in the record that would demonstrate that the right is subject to forfeiture under ORS 540.610.
12. A diversion structure and ditch sufficient to use the full amount of water allowed under the existing right were present within the five-year period prior to submittal of Transfer Application T-13532.
13. The proposed change would not result in enlargement of the right.
14. The proposed change would not result in injury to other water rights.
15. All other application requirements are met.

Conclusions of Law

The change in place of use proposed in Transfer Application T-13532 is consistent with the requirements of ORS 540.505 to 540.580 and OAR 690-380-5000.

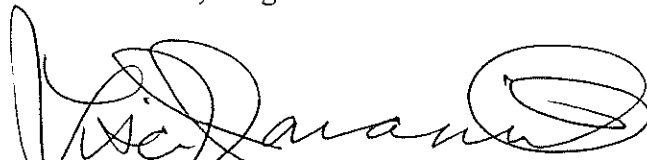
Now, therefore, it is ORDERED:

1. The change in place of use proposed in Transfer Application T-13532 is approved.
2. The right to the use of the water is restricted to beneficial use at the place of use described, and is subject to all other conditions and limitations contained in Certificate 76240 and any related decree.

3. Water right Certificate 76240 is cancelled. A new certificate will be issued describing that portion of the right not affected by this transfer.
4. The former place of use of the transferred right shall no longer receive water under the right.
5. Full beneficial use of the water shall be made, consistent with the terms of this order, on or before **October 1, 2024**. A Claim of Beneficial Use prepared by a Certified Water Right Examiner shall be submitted by the applicant to the Department within one year after the deadline for completion of the change and full beneficial use of the water.
6. After satisfactory proof of beneficial use is received, a new certificate confirming the right transferred will be issued.

Dated in Salem, Oregon on

MAY 09 2022



Lisa J. Jaramillo, Transfer and Conservation Section Manager, for
THOMAS M BYLER, DIRECTOR
Oregon Water Resources Department

MAY 10 2022

Mailing date: _____

STATE OF OREGON

COUNTY OF LANE

CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

MUDDY CREEKS IRRIGATION PROJECT

C/O JANE DEWALL

PO BOX 225

HARRISBURG, OR 97446

confirms the right to use the waters of MCKENZIE RIVER, a tributary of WILLAMETTE RIVER, for IRRIGATION of 798.7 ACRES

This right was perfected under Permit S-51504. The date of priority is JUNE 12, 1990. The amount of water to which this right is entitled is limited to an amount actually used beneficially, and shall not exceed 9.2 CUBIC FEET PER SECOND, or its equivalent in case of rotation, measured at the point of diversion from the source.

The point of diversion is located as follows:

Twp	Rng	Mer	Sec	Q-Q	DLC	Measured Distances
17 S	3 W	WM	9	NE NE	38	4440 FEET SOUTH AND 5250 FEET EAST FROM THE SE CORNER OF DLC 79

The points of re-diversion are located as follows:

Twp	Rng	Mer	Sec	Q-Q	POINT #	Measured Distances
14 S	4 W	WM	14	NE SW	1	MUDDY CREEK RE-DIVERSION - 2920 FEET SOUTH AND 1625 FEET EAST FROM THE NW CORNER OF SECTION 14
14 S	4 W	WM	14	NE SW	2	LITTLE MUDDY CREEK RE-DIVERSION - 2905 FEET SOUTH AND 1943 FEET EAST FROM THE NW CORNER OF SECTION 14
14 S	4 W	WM	16	NW SW	3	LAKE CREEK RE-DIVERSION - 1990 FEET NORTH AND 1880 FEET EAST FROM THE SW CORNER OF DLC 42
15 S	3 W	WM	16	NE SE	4	LITTLE MUDDY CREEK RE-DIVERSION - 2625 FEET NORTH AND 1550 FEET WEST FROM THE NE CORNER OF DLC 60
15 S	4 W	WM	23	NE SW	5	MUDDY CREEK CANAL LATERAL D-1 RE-DIVERSION - 1816 FEET NORTH AND 1671 FEET EAST FROM THE SW CORNER OF SECTION 23
16 S	3 W	WM	5	SW SE	6	MUDDY CREEK RE-DIVERSION - 65 FEET NORTH AND 880 FEET EAST FROM THE S1/4 CORNER OF SECTION 5
16 S	3 W	WM	6	NE NW	7	MUDDY CREEK RE-DIVERSION - 849 FEET SOUTH AND 1996 FEET EAST FROM THE NW CORNER OF SECTION 6
16 S	3 W	WM	8	SW NW	8	DRY MUDDY CREEK RE-DIVERSION - 2620 FEET SOUTH AND 860 FEET EAST FROM THE NW CORNER OF SECTION 8

The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands, is limited to ONE-EIGHTIETH of one cubic foot per second per acre, or its equivalent for each acre irrigated, and shall be further limited to a diversion of not to exceed 2.5 acre-feet per acre for each acre irrigated during the irrigation season of each year. The period of allowed use is limited to March 1 through October 31 of each year.

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

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

Twp	Rng	Mer	Sec	Q-Q	GLot	DLC	Acres	Point of Re-Diversion
14 S	4 W	WM	14	NE NW			10.4	1
14 S	4 W	WM	14	SW NW			2.4	1
14 S	4 W	WM	14	SE NW			9.0	1
14 S	4 W	WM	14	NE SW			0.2	1
14 S	4 W	WM	14	NE SW			16.0	2
14 S	4 W	WM	14	NW SW			2.6	1
14 S	4 W	WM	14	SE SW			6.6	2
14 S	4 W	WM	14	NW SE			35.5	2
14 S	4 W	WM	14	SW SE			10.4	2
14 S	4 W	WM	16	NW SW		42	5.2	3
14 S	4 W	WM	16	SW SW		42	12.5	3
14 S	4 W	WM	17	NE SE		42	10.1	3
14 S	4 W	WM	17	SE SE		42	23.6	3
15 S	3 W	WM	15	NW SW	10		14.7	4
15 S	3 W	WM	15	SW SW			38.3	4
15 S	3 W	WM	15	SE SW			8.1	4
15 S	3 W	WM	16	NE SW			22.0	4
15 S	3 W	WM	16	SE SW			22.2	4
15 S	3 W	WM	16	NE SE			38.1	4
15 S	3 W	WM	16	NW SE			40.1	4
15 S	3 W	WM	16	SW SE			39.9	4
15 S	3 W	WM	16	SE SE			39.4	4
15 S	4 W	WM	22	SE NE		45	5.6	5
15 S	4 W	WM	22	NE SE		45	14.0	5
15 S	4 W	WM	23	SW NW			20.2	5
15 S	4 W	WM	23	SE NW			17.8	5
15 S	4 W	WM	23	NE SW			38.6	5
15 S	4 W	WM	23	NW SW			39.7	5
15 S	4 W	WM	23	SW SW			20.1	5
15 S	4 W	WM	23	SE SW			39.9	5
15 S	4 W	WM	26	NE NW			29.2	5
15 S	4 W	WM	26	NW NW			1.2	5
16 S	3 W	WM	6	NE NW		52	11.0	7
16 S	3 W	WM	6	NW NW		52	42.7	7
16 S	3 W	WM	6	SW NW		52	15.4	7
16 S	3 W	WM	6	SE NW		52	8.5	7
16 S	3 W	WM	6	SE SE			15.1	6
16 S	3 W	WM	8	NW NE			11.5	6
16 S	3 W	WM	8	NW NW			31.4	8
16 S	3 W	WM	8	SW NW			25.6	8
16 S	4 W	WM	1	NE NE		52	3.9	7

Measurement, recording and reporting conditions:

- A. The water user shall maintain a meter or measuring device in good working order, shall keep a complete record of the amount of water used each month and shall submit a report which includes the recorded water use measurements to the Department annually or more frequently as may be required by the Director. Further, the Director may require the water user to report general water use information, including the place and nature of use of water under the right.
- B. The water user shall allow the watermaster access to the meter or measuring device; provided however, where the meter or measuring device is located within a private structure, the watermaster shall request access upon reasonable notice.

In the event of a request for a change in point of diversion, an additional point of diversion or alteration of the diversion facility associated with this authorized diversion, the quantity of water allowed herein, together with any other right, shall not exceed the capacity of the facility at the time of perfection of this right.

The water user shall operate and maintain all fish screening and by-pass devices required by the Oregon Department of Fish and Wildlife to prevent fish entering the diversion.

Failure to comply with any of the provisions of this right may result in action including, but not limited to restrictions on the use, civil penalties, or cancellation of the right.

This right is for the beneficial use of water without waste. The water user is advised that new regulations may require the use of best practical technologies or conservation practices to achieve this end.

By law, the land use associated with this water use must be in compliance with statewide land-use goals and any local acknowledged land-use plan.

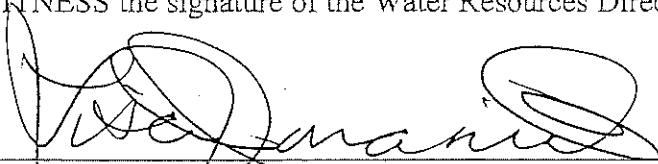
The right to the use of the water for the above purpose is restricted to beneficial use on the lands or place of use described. The use confirmed herein may be made only at times when sufficient water is available to satisfy all prior rights, including rights for maintaining instream flows.

This certificate describes that portion of water right Certificate 76240, State Record of Water Right Certificates, NOT modified by the provisions of an order of the Water Resources Director entered MAY 09 2022 approving Transfer Application T-13532.

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

The right to the use of the water for the above purpose is restricted to beneficial use on the lands or place of use described. The use confirmed herein may be made only at times when sufficient water is available to satisfy all prior rights, including rights for maintaining instream flows.

WITNESS the signature of the Water Resources Director, affixed MAY 09 2022.

A handwritten signature in black ink, appearing to read 'Lisa J. Jaramillo', written over a horizontal line.

Lisa J. Jaramillo, Transfer and Conservation Section Manager, for
THOMAS M BYLER, DIRECTOR
Oregon Water Resources Department

SUPERSEDED

WATER RIGHT TRANSFER COVER SHEET

Transfer: T- 13532

Transfer Specialist: *Scott*

Transfer Type: *Regular* District Permanent Transfer

Applicant: MUDDY CREEKS IRRIGATION PROJECT ATTN JANE DEWALL PO BOX 225 HARRISBURG, OR 97446 Email: _____ Phone: _____	Agent: ☐ N/A JEANNE BOATWRIGHT 2613 12TH ST SE SALEM, OR 97302 Email: _____ Phone: _____
Irrigation District: ☐ N/A Email: _____	CWRE: ☐ N/A Email: _____
Affected Local Gov'ts: ☐ N/A Email: _____	Affected Tribal Gov't: ☐ N/A UNAVAILABLE Email: _____
Current Landowner if other than Applicant: ☐ N/A Email: _____	Receiving Landowner: ☐ N/A Email: _____

Water Rights Affected

File Marked	App. File # or Decree Name	Permit	Certificate	RR/CR Needed	RR/CR Nos.
☐	S-70410	S-51504	76240	☒ Yes ☐ No	
☐				☐ Yes ☐ No	
☐				☐ Yes ☐ No	

Key Dates & Initial Actions:

Rec'd: September 28, 2020	Proposed Action(s): PLACE OF USE	
Fees Pd: 1160.00	WM District: 2	ODFW District:
Initial Public Notice: October 13, 2020	WM Review sent:	ODFW Review sent:
Acknowledgement Letter Sent ☒		GW Review sent: ☐ N/A
County sent cc: of Ack Letter ☒	BOR notified (date): ☐ N/A	
Newspaper quote requested:	Request for news \$ sent:	News \$ received:
Request to publish sent:	Affidavit of publication received:	Last day of publication:

Document	Drafted	Peer Review	Changes Made	Coordinator	Changes Made	Signature Bin	Signature Date
DPD	Date: <i>11/12/21</i> Initials: <i>Scott</i>	Date: <i>12/15/21</i> Initials: <i>CC</i>	Date: _____ Initials: _____	Date: <i>11/15/21</i> Initials: <i>PKS</i>	Date: <i>11-22-21</i> Initials: <i>Scott</i>	CW Sent: <i>11/23/21</i>	N/A
PD	Date: <i>2/23/22</i> Initials: <i>Scott</i>	Date: <i>12/27/21</i> Initials: <i>Jen</i>	Date: _____ Initials: _____	Date: <i>2/14/22</i> Initials: <i>PKS</i>	Date: <i>2/23/22</i> Initials: <i>Scott</i>	Date: _____	Date: <i>3/14/2022</i>
FO	Date: <i>3/28/22</i> Initials: <i>Scott</i>	Date: <i>3-28-22</i> Initials: <i>B</i>	Date: _____ Initials: _____	Date: <i>4/12/22</i> Initials: <i>PKS</i>	Date: <i>4/27/22</i> Initials: <i>Scott</i>	Date: <i>4/27/22</i>	Date: <i>5/9/2022</i>

Special Issues: _____

Special Order Volume: Vol. *125* Pages *42-45*



Oregon

Kate Brown, Governor

Water Resources Department

725 Summer St NE, Suite A

Salem, OR 97301

(503) 986-0900

Fax (503) 986-0904

March 14, 2022

Applicant

MUDDY CREEKS IRRIGATION PROJECT
C/O JANE DEWALL
PO BOX 225
HARRISBURG, OR 97446

SUBJECT: Water Right Transfer Application T-13532

Please find enclosed the Preliminary Determination indicating that, based on the information available, the Department intends to approve application T-13532. 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 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. The protest period will end 30 days after the Department's notice.

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 contact me at scott.a.grew@oregon.gov or 503-986-0890 if I may be of assistance.

Sincerely,

Scott Grew

Transfer Specialist

cc: Transfer Application file T-13532
Lanaya F. Blakely, District 2 Watermaster (via e-mail)
Jeanne Boatwright, Agent for the applicant (via e-mail)

Encs

IMPORTANT: Due to COVID-19, the Department's office is closed to walk-in services. The Department encourages the submission of protests by U.S. Mail. Please consider mailing early to ensure the Department receives the protest by the deadline specified above.

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

In the Matter of Transfer Application	)	PRELIMINARY DETERMINATION
T-13532, Lane, Linn County	)	PROPOSING APPROVAL OF A
	)	CHANGE IN PLACE OF USE

Authority

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

Applicant

MUDDY CREEKS IRRIGATION PROJECT
C/O JANE DEWALL
PO BOX 225
HARRISBURG, OR 97446

Findings of Fact

1. On September 28, 2020, MUDDY CREEKS IRRIGATION PROJECT, C/O JANE DEWALL, filed an application to change the place of use under Certificate 76240. The Department assigned the application number T-13532.
2. Notice of the application for transfer was published on October 13, 2020, pursuant to OAR 690-380-4000. No comments were filed in response to the notice.
3. On November 5, 2020, the applicant submitted a revised application.
4. On November 22, 2021, the agent submitted a revised Table 2.
5. On November 23, 2021, the Department sent a copy of the draft Preliminary Determination proposing to approve Transfer Application T-13532 to the applicant. The draft Preliminary Determination cover letter set forth a deadline of December 23, 2021, 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.

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.

6. On December 22, 2021, the agent for the applicant requested the completion date of October 1, 2024, to allow adequate time needed to put the water to beneficial use on the new place of use. The Department granted the longer time for completion per OAR 690-380-5140 (3).

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

Certificate: 76240 in the name of MUDDY CREEKS IRRIGATION PROJECT
(perfected under Permit S-51504)
Use: IRRIGATION of 71.4 ACRES
Priority Date: JUNE 12, 1990
Rate: 0.8 CUBIC FOOT PER SECOND
Limit/Duty: The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands, is limited to ONE-EIGHTIETH of one cubic foot per second per acre, or its equivalent for each acre irrigated, and shall be further limited to a diversion of not to exceed 2.5 acre-feet per acre for each acre irrigated during the irrigation season of each year.
Period of Use: MARCH 1 THROUGH OCTOBER 31
Source: MCKENZIE RIVER, a tributary of WILLAMETTE RIVER

Authorized Point of Diversion:

Twp	Rng	Mer	Sec	Q-Q	DLC	Measured Distances
17 S	3 W	WM	9	NE NE	38	4440 FEET SOUTH AND 5250 FEET EAST FROM THE SE CORNER OF DLC 79

Point of Re-Diversion:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
14 S	4 W	WM	27	SW SW	CAMOUS CREEK RE-DIVERSION POD A – 50 FEET NORTH AND 945 FEET EAST OF THE SW CORNER OF SECTION 27

Authorized Place of Use:

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
14 S	4 W	WM	27	NE SW	12.9
14 S	4 W	WM	27	SE SW	37.7
14 S	4 W	WM	27	NW SE	5.3
14 S	4 W	WM	27	SW SE	15.5
Total					71.4

8. Transfer Application T-13532 proposes to change the place of use of the right to:

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
14 S	4 W	WM	13	NE SW	6.4
14 S	4 W	WM	13	NW SW	3.1
14 S	4 W	WM	13	SW SW	3.8
14 S	4 W	WM	13	SE SW	9.4
14 S	4 W	WM	14	NE NW	9.0
14 S	4 W	WM	14	NW NW	28.1

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
14 S	4 W	WM	14	SW NW	10.9
14 S	4 W	WM	14	SE NW	0.7
				Total	71.4

9. The points of re-diversion to serve the proposed places of use are located as follows:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
14 S	4 W	WM	13	SW SW	RE-DIVERSION LITTLE MUDDY CREEK POD B - 1733 FEET SOUTH AND 60 FEET EAST OF THE W1/4 CORNER OF SECTION 13
14 S	4 W	WM	14	NE NW	RE-DIVERSION LITTLE MUDDY CREEK POD C - 805 FEET SOUTH AND 140 FEET WEST OF THE N1/4 CORNER OF SECTION 14

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

- Water has been used within the five-year period prior to submittal of the transfer application according to the terms and conditions of the right. There is no information in the record that would demonstrate that the right is subject to forfeiture under ORS 540.610.
- A diversion structure and ditch sufficient to use the full amount of water allowed under the existing right were present within the five-year period prior to submittal of Transfer Application T-13532.
- The proposed change would not result in enlargement of the right.
- The proposed change would not result in injury to other water rights.
- All other application requirements are met.

Determination and Proposed Action

The change in place of use proposed in Transfer Application T-13532 appears to be consistent with the requirements of ORS 540.505 to 540.580 and OAR 690-380-5000. If protests are not filed pursuant to OAR 690-380-4030, the transfer application will be approved.

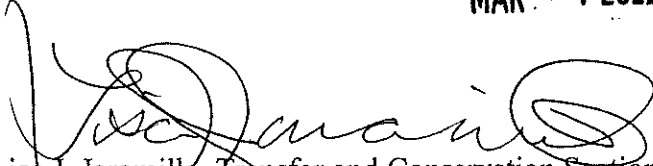
If Transfer Application T-13532 is approved, the final order will include the following:

- The change in place of use proposed in Transfer Application T-13532 is approved.*
- 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 76240 and any related decree.*
- Water right Certificate 76240 is cancelled. A new certificate will be issued describing that portion of the right not affected by this transfer.*
- The former place of use of the transferred right shall no longer receive water under the right.*

5. *Full beneficial use of the water shall be made, consistent with the terms of this order, on or before **October 1, 2024**. A Claim of Beneficial Use prepared by a Certified Water Right Examiner shall be submitted by the applicant to the Department within one year after the deadline for completion of the change and full beneficial use of the water.*
6. *After satisfactory proof of beneficial use is received, a new certificate confirming the right transferred will be issued.*

Dated in Salem, Oregon on

MAR 14 2022



Lisa J. Jaramillo, Transfer and Conservation Section Manager, for
THOMAS M BYLER, DIRECTOR
Oregon Water Resources Department

This Preliminary Determination was prepared by Scott Grew. If you have questions about the information in this document, you may reach him at scott.a.grew@oregon.gov or 503-986-0890.

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

IMPORTANT: Due to COVID-19, the Department's office is closed to walk-in services. The Department encourages the submission of protests by U.S. Mail. Please consider mailing early to ensure the Department receives the protest by the deadline specified above.

Notice Regarding Service Members: Active duty servicemembers have a right to stay these proceedings under the federal Servicemembers Civil Relief Act. For more information contact the Oregon State Bar at 800-452-8260, the Oregon Military Department at 503-584-3571, or the nearest United States Armed Forces Legal Assistance Office through <http://legalassistance.law.af.mil>. The Oregon Military Department does not have a toll free number.

GREW Scott A * WRD

From: BUCHHOLZ Sheila L * WRD
Sent: Tuesday, March 1, 2022 8:24 AM
To: GREW Scott A * WRD; BAUSTIAN Julie C * WRD
Cc: MARTIN Duff A * WRD
Subject: PD T-13532
Attachments: PD T-13532.pdf

Hey Scott & Julie,

This PD Transfer has been completed by Data.

Thanks so much!

Sheila Buchholz

Data Technician 1

725 Summer St. NE, Suite A | Salem, Oregon 97301

Email: Sheila.L.Buchholz@water.oregon.gov



OREGON
WATER
RESOURCES
DEPARTMENT

Integrity | Service | Technical Excellence | Teamwork | Forward-Looking

GREW Scott A * WRD

From: Jeanne Boatwright <jeanne@boatwrightengr.com>
Sent: Wednesday, December 22, 2021 8:09 AM
To: GREW Scott A * WRD
Subject: RE: T-13532 - Issuance of Draft Preliminary Determination - Action Required!

Hi Scott,

Sorry about that. Guess I pursued the Title Report and forgot to follow up on the acknowledgement. I don't see anything wrong with the DPD, except for a small typo on page 2/4: "7. The points of rediversion to serve the proposed places of use ~~is~~ are located as follows:"

I would like to request that the full beneficial use date be extended out to October 1, 2024. It has taken more than a year from the filing date to get to this point. I don't want the receiving property owner to end up with a short window to use the water, especially with the Covid virus still disrupting life.

Thanks.

Jeanne Boatwright
Boatwright Engineering, Inc.
2613 12th Street SE
Salem, Oregon 97302
ph: 503-363-9225

From: GREW Scott A * WRD <Scott.A.GREW@water.oregon.gov>
Sent: Tuesday, December 21, 2021 5:56 PM
To: Jeanne Boatwright <jeanne@boatwrightengr.com>
Cc: GREW Scott A * WRD <Scott.A.GREW@water.oregon.gov>
Subject: RE: T-13532 - Issuance of Draft Preliminary Determination - Action Required!

Hi Jeanne,

I received the Report of ownership but not your response in writing as required in the DPD letter.

Respond in writing by December 23, 2021, with acknowledgement that you agree to the proposed action and conditions

Thank you,

Scott Grew
Transfer Specialist
Oregon Water Resources Department
503-986-0890

From: Jeanne Boatwright <jeanne@boatwrightengr.com>
Sent: Wednesday, November 24, 2021 10:55 AM
To: GREW Scott A * WRD <Scott.A.GREW@water.oregon.gov>
Cc: BLAKELY Lanaya F * WRD <Lanaya.F.BLAKEY@water.oregon.gov>
Subject: RE: T-13532 - Issuance of Draft Preliminary Determination - Action Required!

Hi Scott,



Property Profile Report

Client Name:

Boatwright Engineering

Today's Date:

11/24/2021

Owner Name:

German Apostolic Christian Church

Property Address:

OR 97348

Reference Number:

14S04W2700400

Account Number:



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OCT 24 2021

Salem, OR

Seven Ticor Mid-Valley locations to serve you:

220 SW 6th Ave Albany, OR 97321 541.926.2111	400 SW 4th St Ste 100 Corvallis, OR 97330 541.757.1466	52 E Airport Rd Lebanon, OR 97355 541.258.2813	1215 NE Baker St McMinnville, OR 97128 503.472.6101	315 Commercial St SE, Ste 150 Salem, OR 97301 503.585.1881	115 N College St STE 200 Newberg, OR 97132 503.542.1400	206 N 1st St Silverton, OR 97381 503.873.5305
--	--	---	--	---	---	--

This title information has been furnished, without charge, in conformance with guidelines approved by the State of Oregon Insurance Commissioner. The Insurance Division cautions that indiscriminate use only benefiting intermediaries will not be permitted. No liability is assumed for any errors in this record.

The information compiled in this report(s) was imported from a vendor-provided database source. Although the information is deemed reliable and every effort has been taken to correct data imperfections, Ticor Title cannot be held responsible for any inaccuracies.

TITLE AND ESCROW SERVICES

www.TicorMidValley.com

For all your customer service needs: MVCS@TicorTitle.com

**Parcel Information**

Parcel #:	0316964
Tax Lot:	14S04W2700400
Site Address:	
	OR 97348
Owner:	German Apostolic Christian Church
	1125 Cascade Hwy SE
	Salem OR 97317
Twn/Range/Section:	14S / 04W / 27
Parcel Size:	72.21 Acres (3,145,468 SqFt)
Lot:	
Census Tract/Block:	030600 / 3033
Levy Code Area:	00702
Levy Rate:	13.4790
Market Value Land:	\$533,140.00
Market Value Impr:	\$0.00
Market Value Total:	\$533,140.00
Assessed Value:	\$68,713.00

Tax Information

Tax Year	Annual Tax
2021	\$926.18
2020	\$912.59
2019	\$894.14

Legal

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Land

Land Use:	500 - HBU FARM NO SPECIAL ASSMT VACANT
Watershed:	Muddy Creek-Willamette River
Recreation:	
Primary School:	HARRISBURG ELEMENTARY SCHOOL
High School:	HARRISBURG HIGH SCHOOL

Zoning:	County-EFU - Exclusive Farm Use
Std Land Use:	AMSC - Agricultural Misc
School District:	7 - Harrisburg
Middle School:	HARRISBURG MIDDLE SCHOOL

Improvement

Year Built:	Stories:	Finished Area:
Bedrooms:	Bathrooms:	Pool:
Bldg Type:		

Sentry Dynamics, Inc. and its customers make no representations, warranties or conditions, express or implied, as to the accuracy or completeness of information contained in this report.

STATEMENT OF TAX ACCOUNT

Linn County Courthouse, Room 214
300 4th Ave SW, PO Box 100
Albany, Oregon 97321-8600
(541) 967-3808

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OCT 24 2021 24-Nov-2021

Salem, OR

GERMAN APOSTOLIC CHRISTIAN CHURCH
C/O ROBERT HARI
1125 CASCADE HWY SE
SALEM OR 97317

Tax Account #		Lender Name	
Account Status	A	Loan Number	
Roll Type	Real	Property ID	00702
Situs Address		Interest To	Dec 15, 2021

Tax Summary

Tax Year	Tax Type	Total Due	Current Due	Interest Due	Discount Available	Original Due	Due Date
2021	ADVALOREM	\$0.00	\$0.00	\$0.00	\$0.00	\$926.18	Nov 15, 2021
2020	ADVALOREM	\$0.00	\$0.00	\$0.00	\$0.00	\$912.59	Nov 15, 2020
2019	ADVALOREM	\$0.00	\$0.00	\$0.00	\$0.00	\$894.14	Nov 15, 2019
2018	ADVALOREM	\$0.00	\$0.00	\$0.00	\$0.00	\$843.94	Nov 15, 2018
2017	ADVALOREM	\$0.00	\$0.00	\$0.00	\$0.00	\$807.07	Nov 15, 2017
2016	ADVALOREM	\$0.00	\$0.00	\$0.00	\$0.00	\$737.08	Nov 15, 2016
2015	ADVALOREM	\$0.00	\$0.00	\$0.00	\$0.00	\$716.78	Nov 15, 2015
2014	ADVALOREM	\$0.00	\$0.00	\$0.00	\$0.00	\$701.97	Nov 15, 2014
2013	ADVALOREM	\$0.00	\$0.00	\$0.00	\$0.00	\$670.89	Nov 15, 2013
2012	ADVALOREM	\$0.00	\$0.00	\$0.00	\$0.00	\$660.15	Nov 15, 2012
2011	ADVALOREM	\$0.00	\$0.00	\$0.00	\$0.00	\$638.31	Nov 15, 2011
2010	ADVALOREM	\$0.00	\$0.00	\$0.00	\$0.00	\$601.93	Nov 15, 2010
2009	ADVALOREM	\$0.00	\$0.00	\$0.00	\$0.00	\$581.04	Nov 15, 2009
2008	ADVALOREM	\$0.00	\$0.00	\$0.00	\$0.00	\$572.48	Nov 15, 2008
2007	ADVALOREM	\$0.00	\$0.00	\$0.00	\$0.00	\$556.05	Nov 15, 2007
2006	ADVALOREM	\$0.00	\$0.00	\$0.00	\$0.00	\$527.22	Nov 15, 2006
2005	ADVALOREM	\$0.00	\$0.00	\$0.00	\$0.00	\$513.39	Nov 15, 2005
2004	ADVALOREM	\$0.00	\$0.00	\$0.00	\$0.00	\$521.78	Nov 15, 2004
2003	ADVALOREM	\$0.00	\$0.00	\$0.00	\$0.00	\$508.97	Nov 15, 2003
2002	ADVALOREM	\$0.00	\$0.00	\$0.00	\$0.00	\$484.44	Nov 15, 2002
2001	ADVALOREM	\$0.00	\$0.00	\$0.00	\$0.00	\$470.85	Nov 15, 2001
2000	ADVALOREM	\$0.00	\$0.00	\$0.00	\$0.00	\$466.85	Nov 15, 2000
1999	ADVALOREM	\$0.00	\$0.00	\$0.00	\$0.00	\$388.21	Nov 15, 1999
1998	ADVALOREM	\$0.00	\$0.00	\$0.00	\$0.00	\$374.68	Nov 15, 1998
1997	ADVALOREM	\$0.00	\$0.00	\$0.00	\$0.00	\$373.56	Dec 15, 1997
1996	ADVALOREM	\$0.00	\$0.00	\$0.00	\$0.00	\$356.38	Nov 15, 1996
1995	ADVALOREM	\$0.00	\$0.00	\$0.00	\$0.00	\$345.26	Nov 15, 1995
1994	ADVALOREM	\$0.00	\$0.00	\$0.00	\$0.00	\$339.06	Nov 15, 1994
1993	ADVALOREM	\$0.00	\$0.00	\$0.00	\$0.00	\$396.12	Nov 15, 1993
1992	ADVALOREM	\$0.00	\$0.00	\$0.00	\$0.00	\$439.75	Nov 15, 1992
1991	ADVALOREM	\$0.00	\$0.00	\$0.00	\$0.00	\$458.51	Nov 15, 1991
Total		\$0.00	\$0.00	\$0.00	\$0.00	\$17,785.63	

STATEMENT OF TAX ACCOUNT

Linn County Courthouse, Room 214

300 4th Ave SW, PO Box 100

Albany, Oregon 97321-8600

(541) 967-3808

24-Nov-2021

GERMAN APOSTOLIC CHRISTIAN CHURCH
C/O ROBERT HARI
1125 CASCADE HWY SE
SALEM OR 97317

Tax Account #	██████	Lender Name	
Account Status	A	Loan Number	
Roll Type	Real	Property ID	00702
Situs Address		Interest To	Dec 15, 2021

Tax Summary

Tax Year	Tax Type	Total Due	Current Due	Interest Due	Discount Available	Original Due	Due Date
-------------	-------------	--------------	----------------	-----------------	-----------------------	-----------------	-------------

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LINN County Assessor's Summary Report

Real Property Assessment Report

FOR ASSESSMENT YEAR 2021

November 24, 2021 10:41:13 am

Account # [REDACTED] Map # 14S04W2700 00400 Code - Tax # 00702-316964 Legal Descr See Record Mailing Name GERMAN APOSTOLIC CHRISTIAN CHURCH Agent In Care Of C/O ROBERT HARI Mailing Address 1125 CASCADE HWY SE SALEM, OR 97317	Tax Status ASSESSABLE Acct Status ACTIVE Subtype NORMAL Deed Reference # See Record Sales Date/Price See Record Appraiser UNKNOWN
--	--

Prop Class	550	MA	SA	NH	Unit
RMV Class	500	06	00	000	29983-1

Situs Address(s)				Situs City	
Code Area	RMV	MAV	Value Summary AV	RMV Exception	CPR %
00702 Land	533,140			Land	0
Impr.	0			Impr.	0
Code Area Total	533,140	0	68,713		0
Grand Total	533,140	0	68,713		0

Code Area	ID#	RFPD	Ex	Plan Zone	Value Source	TD%	LS	Size	Land Class	Trended RMV
00702	2	☒			Farm Use Zoned	101	A	72.21	3	533,140
Grand Total								72.21		533,140

Code Area	ID#	Yr Built	Stat Class	Description	Improvement Breakdown	TD%	Total Sq. Ft.	Ex%	MS Acct #	Trended RMV
Grand Total										0

Code Area	Type	Exemptions/Special Assessments/Potential Liability								
NOTATION(S): ■ POT'L ADD'L TAX LIABILITY ADDED 2009 Amount 0.00 Tax 0.00										

Comments:

***** CAP NOTE - Type J *****
 EV2001-584:ALTER BY AC CHANGE CODE 7-02 -.40AC OF CL 3 SOIL TO CO RD LEAVES
 72.21AC TOTAL.DUS8/2001

***** CAP NOTE - Type X *****
 EV2001-584:ALTER BY AC CHANGE CODE 7-02 -.40AC OF CL 3 SOIL TO CO RD LEAVES
 72.21AC TOTAL.MAV WAS NO CODE & 38255, THEN AFTER THIS JV MAV TO
 CODE 90 & 38045.DUS8/2001

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Salem, OR

07 - 01 - 93

PERSONAL REPRESENTATIVE'S DEED

THIS INDENTURE Made this 23rd day of July, 1993, by and between Pioneer Trust Bank, N.A. the duly appointed, qualified and acting personal representative of the estate of Lena Jensen German Apostolic Christian Church deceased, hereinafter called the first party, and hereinafter called the second party; WITNESSETH:

For value received and the consideration hereinafter stated, the receipt whereof hereby is acknowledged, the first party has granted, bargained, sold and conveyed, and by these presents does grant, bargain, sell and convey unto the second party and second party's heirs, successors-in-interest and assigns all the estate, right and interest of the deceased at the time of decedent's death, and all the right, title and interest that the estate of the deceased by operation of the law or otherwise may have thereafter acquired in that certain real property situated in the County of Linn, State of Oregon, described as follows, to-wit:

Beginning 12 chains West of the Southeast corner of the Southwest quarter of the Southeast quarter of Section 27 in Township 14 South, Range 4 West of the Willamette Meridian, Linn County, Oregon; running thence North 26-2/3 chains; thence West 28 chains to the West line of the East half of the Southwest quarter of said section; thence South on the said West line of the East half of the Southwest quarter of said section to the South line of said section; thence East 28 chains to the place of beginning.

(If space insufficient, continue description on reverse side)

TO HAVE AND TO HOLD the same unto the second party, and second party's heirs, successors-in-interest and assigns forever.

The true and actual consideration paid for this transfer, stated in terms of dollars, is \$ (-SNIL-Distribution)

However, the actual consideration consists of or includes other property or value given or promised which is part of the consideration (indicate which). the whole

IN WITNESS WHEREOF, the first party has executed this instrument; if first party is a corporation, it has caused its name to be signed and its seal, if any, affixed by an officer or other person duly authorized to do so by order of its board of directors.

THIS INSTRUMENT WILL NOT ALLOW USE OF THE PROPERTY OR DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY APPROVED USES.

Pioneer Trust Bank, N.A.
[Signature]
Personal Representative
of the Estate of Lena Jensen Deceased.

NOTE—The sentences between the symbols (), if not applicable, should be deleted. See OES 93-006.

STATE OF OREGON, County of Marion) ss.

This instrument was acknowledged before me on June 23, 1993

by Keith R Ramey

as Trust Officer

of PIONEER TRUST BANK, N.A.

[Signature]
Notary Public for Oregon
My commission expires 12/1/96

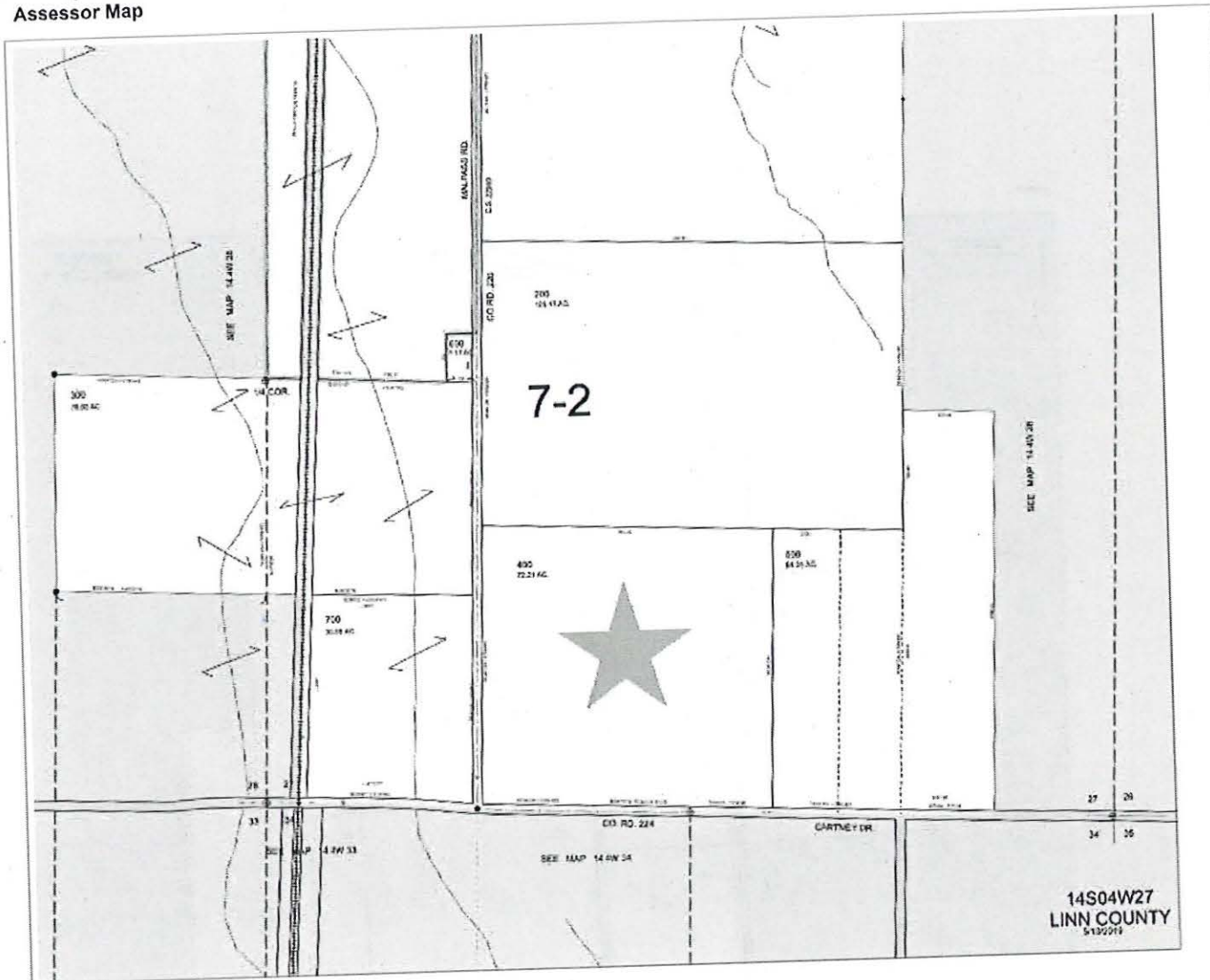
Pioneer Trust Bank, N.A.
P.O. Box 2305
Salem, OR 97308
German Apostolic Christian Church
8954 Hazelgreen Road NE
Silverton, OR 97381
After recording return to Pioneer Trust Bank, N.A.
Pioneer Trust Bank, N.A.
P.O. Box 2305
Salem, OR 97308
Most personal references and all ten statements to Pioneer, Address: 2047
Paul Jensen, Jr.
5287 Bluegrass Lane NE
Silverton, OR 97381

STATE OF OREGON,
County of Marion) ss.
I certify that the within instrument
was received for record on the 23 day
of June, 1993, at
11 o'clock AM, and recorded in

STATE OF OREGON
County of Linn
I hereby certify that the attached
was received and duly recorded
by me in Linn County records.
STEVE DRUCKENHILLER
Linn County Clerk
My commission expires 12/1/96

JUL 01 1993

Assessor Map



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Salem, OR

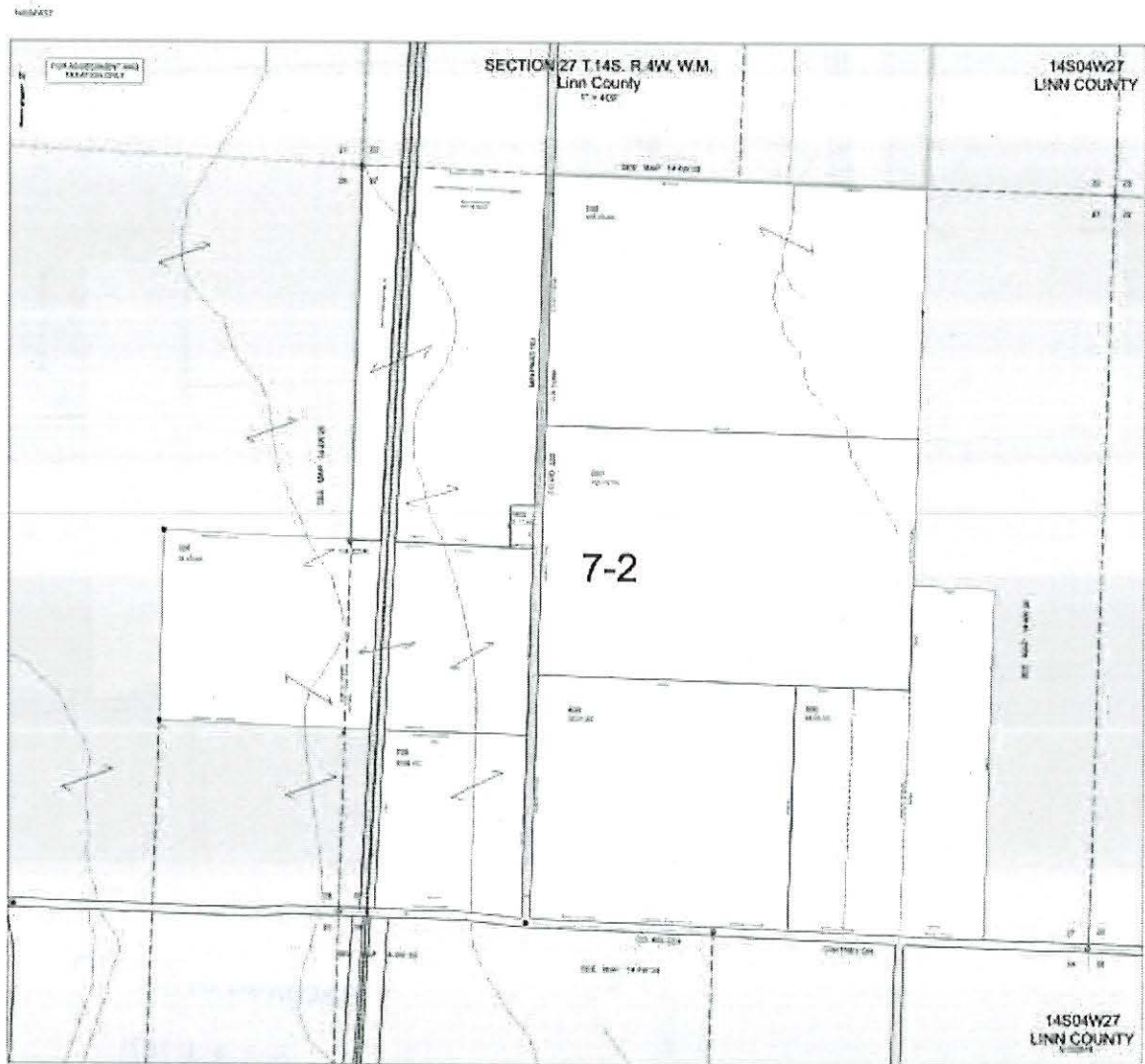


TICOR TITLE™

Parcel ID: 0316964

Site Address:

Sentry Dynamics, Inc. and its customers make no representations, warranties or conditions, express or implied, as to the accuracy or completeness of information contained in this report.



Received by OWRD

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Salem, OR



TICOR TITLE™

Parcel ID: 0316964

Site Address:

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Aerial Map



TICOR TITLE™

Parcel ID: 0316964

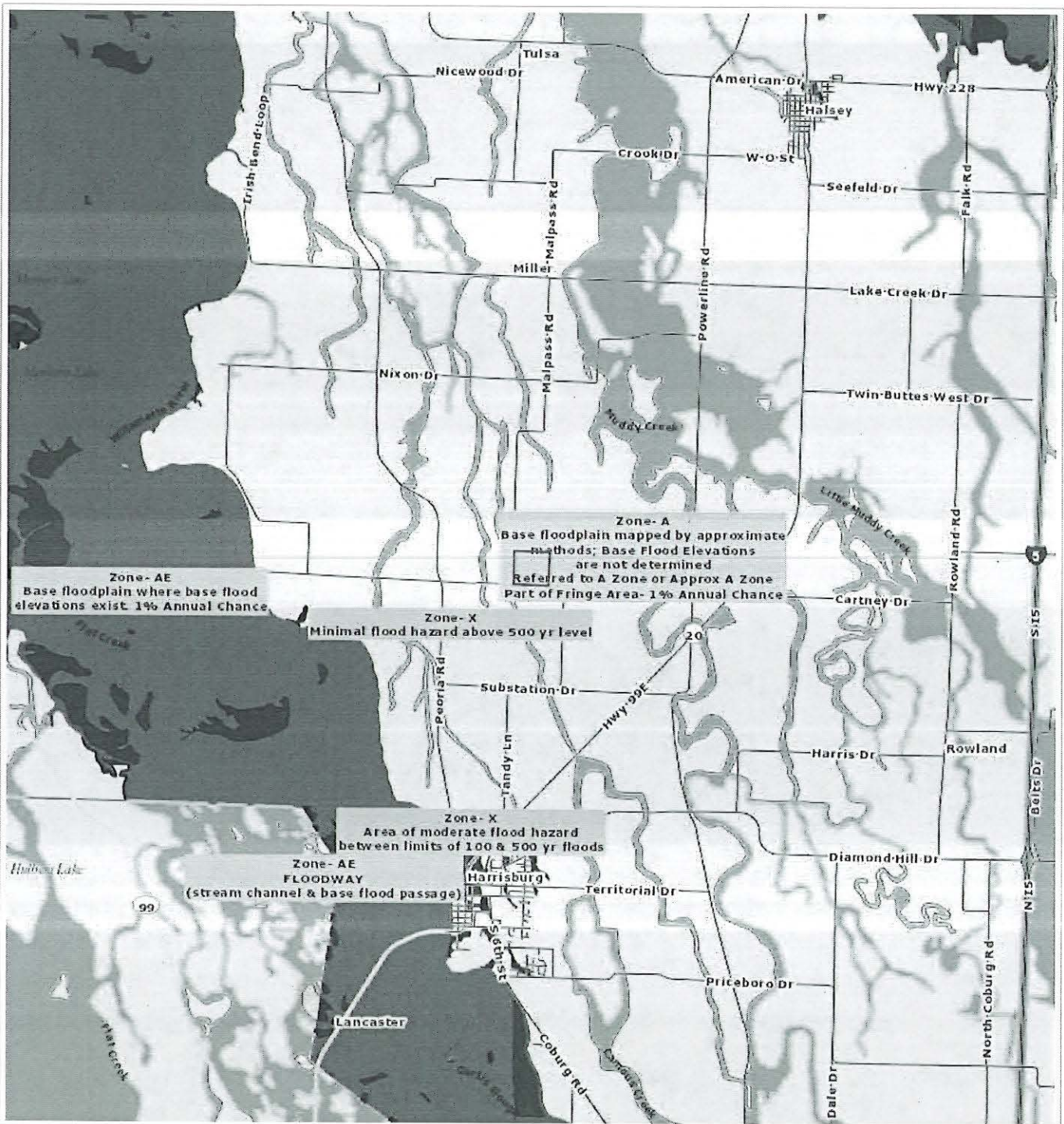
Sentry Dynamics, Inc. and its customers make no representations, warranties or conditions, express or implied, as to the accuracy or completeness of information contained in this report.

Received by *OWD*

OCT 24 2021

Salem, OR

Flood Map



TICOR TITLE™

Parcel ID: 0316964

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Received by

OCT 24 2001

Salem, OR

Zoning Map



TICOR TITLE™

Parcel ID: 0316964

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Received by OWRD

OCT 24 2021

Salem, OR



Oregon

Kate Brown, Governor

Water Resources Department

725 Summer St NE, Suite A

Salem, OR 97301

(503) 986-0900

Fax (503) 986-0904

November 23, 2021

Applicant

MUDDY CREEKS IRRIGATION PROJECT

C/O JANE DEWALL

PO BOX 225

HARRISBURG, OR 97446

Reference: Water Right Transfer Application T-13532

Your water right transfer is in the first of three phases of processing. Enclosed is a draft of the Department's Preliminary Determination regarding Transfer Application T-13532. The document reflects the Department's conclusion that, based on the information currently available, the transfer will be approved. Your response and submittal of the items outlined below are required by December 23, 2021.

Required items needing your immediate attention:

1. Please carefully review the Draft Preliminary Determination to verify that it accurately reflects the changes you intend to make and to become familiar with the proposed conditions.
2. **Respond in writing** by December 23, 2021, with acknowledgement that you agree to the proposed action and conditions.
3. If you find any errors, please let me know.
4. **REQUIRED:** You must submit a **Report of Ownership** for the lands where the water right(s) are currently located (i.e., the FROM lands). This report:
 - a) Must be prepared by a title company;
 - b) Shall include a "prepared by" statement and the date the title company prepared the report printed on the cover sheet;
 - c) Must be:
 - i. Prepared within 3 months of the Draft Preliminary Determination showing current ownership; **OR**
 - ii. Prepared within 3 months of recording of a water right conveyance agreement; **OR**
 - iii. Have a prepared date showing ownership at the time a water right conveyance agreement was recorded.

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

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

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

Conditions to your water right...

Please note the proposed date by which all conditions must be met: October 1, 2023. If the required completion date is insufficient to comply with any of the conditions, you may request more time, at no cost to you, during this stage of processing. **Please let me know by the comment deadline if you will need more time and explain the reasons why.**

What happens next...

Once the preliminary determination is issued a publication period is required. The Department will publish a notice in their weekly publication, which opens a 30-day period in which the transfer can be protested.

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

1. Your written response to the conditions and proposed action in the Draft Preliminary Determination (e-mail is acceptable); and
2. The Report of Ownership, including affidavits of consent from any landowners shown in the ownership report who have not signed the transfer application. The title company must indicate/state the date that they prepared the ownership report on the coversheet and/or first

If we do not receive the items listed above by December 23, 2021, a Preliminary Determination may be issued denying the application as incomplete.

Please contact me at scott.a.grew@oregon.gov or 503-986-0890 if I may be of assistance.

Sincerely,

Scott Grew

Transfer Specialist

cc: Transfer Application file T-13532
Lanaya F. Blakely, District 2 Watermaster (*via e-mail*)
Jeanne Boatwright, Agent for the applicant (*via e-mail*)

encs

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

In the Matter of Transfer Application
T-13532, Lane, Linn County

)
)
)
)
)

D R A F T

PRELIMINARY DETERMINATION
PROPOSING APPROVAL OF A
CHANGE IN PLACE OF USE

Authority

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

Applicant

MUDDY CREEKS IRRIGATION PROJECT
C/O JANE DEWALL
PO BOX 225
HARRISBURG, OR 97446

Findings of Fact

1. On September 28, 2020, MUDDY CREEKS IRRIGATION PROJECT, C/O JANE DEWALL, filed an application to change the place of use under Certificate 76240. The Department assigned the application number T-13532.
2. Notice of the application for transfer was published on October 13, 2020, pursuant to OAR 690-380-4000. No comments were filed in response to the notice.
3. On November 5, 2020, the applicant submitted a revised application.
4. On November 22, 2021, the agent submitted a revised Table 2.
5. The portion of the right to be transferred is as follows:

Certificate:	76240 in the name of MUDDY CREEKS IRRIGATION PROJECT (perfected under Permit S-51504)
Use:	IRRIGATION of 71.4 ACRES
Priority Date:	JUNE 12, 1990
Rate:	0.8 CUBIC FOOT PER SECOND
Limit/Duty:	The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands, is limited to ONE-EIGHTIETH of one cubic foot per second per acre, or its equivalent for each acre irrigated, and shall be further limited to a diversion of not to

exceed 2.5 acre-feet per acre for each acre irrigated during the irrigation season of each year.

Period of Use: MARCH 1 THROUGH OCTOBER 31

Source: MCKENZIE RIVER, a tributary of WILLAMETTE RIVER

Authorized Point of Diversion:

Twp	Rng	Mer	Sec	Q-Q	DLC	Measured Distances
17 S	3 W	WM	9	NE NE	38	4440 FEET SOUTH AND 5250 FEET EAST FROM THE SE CORNER OF DLC 79

Point of Re-Diversion:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
14 S	4 W	WM	27	SW SW	CAMOUS CREEK RE-DIVERSION POD A – 50 FEET NORTH AND 945 FEET EAST OF THE SW CORNER OF SECTION 27

Authorized Place of Use:

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
14 S	4 W	WM	27	NE SW	12.9
14 S	4 W	WM	27	SE SW	37.7
14 S	4 W	WM	27	NW SE	5.3
14 S	4 W	WM	27	SW SE	15.5
				Total	71.4

6. Transfer Application T-13532 proposes to change the place of use of the right to:

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
14 S	4 W	WM	13	NE SW	6.4
14 S	4 W	WM	13	NW SW	3.1
14 S	4 W	WM	13	SW SW	3.8
14 S	4 W	WM	13	SE SW	9.4
14 S	4 W	WM	14	NE NW	9.0
14 S	4 W	WM	14	NW NW	28.1
14 S	4 W	WM	14	SW NW	10.9
14 S	4 W	WM	14	SE NW	0.7
				Total	71.4

7. The points of re-diversion to serve the proposed places of use is located as follows:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
14 S	4 W	WM	13	SW SW	RE-DIVERSION LITTLE MUDDY CREEK POD B - 1733 FEET SOUTH AND 60 FEET EAST OF THE W1/4 CORNER OF SECTION 13
14 S	4 W	WM	14	NE NW	RE-DIVERSION LITTLE MUDDY CREEK POD C - 805 FEET SOUTH AND 140 FEET WEST OF THE N1/4 CORNER OF SECTION 14

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

8. Water has been used within the five-year period prior to submittal of the transfer application according to the terms and conditions of the right. There is no information in the record that would demonstrate that the right is subject to forfeiture under ORS 540.610.
9. A diversion structure and ditch sufficient to use the full amount of water allowed under the existing right were present within the five-year period prior to submittal of Transfer Application T-13532.
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.
12. All other application requirements are met.

Determination and Proposed Action

The change in place of use proposed in Transfer Application T-13532 appears to be consistent with the requirements of ORS 540.505 to 540.580 and OAR 690-380-5000. If protests are not filed pursuant to OAR 690-380-4030, the transfer application will be approved.

If Transfer Application T-13532 is approved, the final order will include the following:

1. *The change in place of use proposed in Transfer Application T-13532 is approved.*
2. *The right to the use of the water is restricted to beneficial use at the place of use described, and is subject to all other conditions and limitations contained in Certificate 76240 and any related decree.*
3. *Water right Certificate 76240 is cancelled. A new certificate will be issued describing that portion of the right not affected by this transfer.*
4. *The former place of use of the transferred right shall no longer receive water under the right.*
5. *Full beneficial use of the water shall be made, consistent with the terms of this order, on or before **October 1, 2023**. A Claim of Beneficial Use prepared by a Certified Water Right Examiner shall be submitted by the applicant to the Department within one year after the deadline for completion of the change and full beneficial use of the water.*

6. *After satisfactory proof of beneficial use is received, a new certificate confirming the right transferred will be issued.*

Dated in Salem, Oregon on

D R A F T

Lisa J. Jaramillo, Transfer and Conservation Section Manager, for
THOMAS M BYLER, DIRECTOR
Oregon Water Resources Department

This draft Preliminary Determination was prepared by Scott Grew. If you have questions about the information in this document, you may reach him at scott.a.grew@oregon.gov or 503-986-0890.

Please use and attach additional pages of Table 2 as needed.
See page 6 for instructions.

Do you have questions about how to fill-out the tables?
Contact the Department at 503-986-0900 and ask for Transfer Staff.

Table 2. Description of Changes to Water Right Certificate # 76240

List the change proposed for the acreage in each ¼ ¼. If more than one change is proposed, specify the acreage associated with each change.
If there is more than one POD/POA involved in the proposed changes, specify the acreage associated with each POD/POA.

AUTHORIZED (the “from” or “off” lands) The listing that appears on the certificate BEFORE PROPOSED CHANGES List only that part or portion of the water right that will be changed.													Proposed Changes (see “CODES” from previous page)	PROPOSED (the “to” or “on” lands) The listing as it would appear AFTER PROPOSED CHANGES are made.													
Twp	Rng	Sec	¼ ¼	Tax Lot	Gvt Lot or DLC	Acres	Type of USE listed on Certificate	POD(s) or POA(s) (name or number from Table 1)	Priority Date	Twp	Rng	Sec		¼ ¼	Tax Lot	Gvt Lot or DLC	Acres	New Type of USE	POD(s)/ POA(s) to be used (from Table 1)	Priority Date							
EXAMPLE																											
2	S	9	E	15	NE	NW	100		15.0	Irrigation	POD #1 POD #2	1901	POU/POD	2	S	9	E	1	NW	NW	500	1	10.0		POD #5	1901	
														2	S	9	E	2	SW	NW	500		5.0		POD #6	1901	
14	S	4	W	27	NE	SW	400	---	12.9	IR	McKenzie River	1990	POU	14	S	4	W	13	NE	SW	300	---	6.4	IR	McKenzie River	1990	
14	S	4	W	27	SE	SW	400	---	37.7	IR	McKenzie River	1990	POU	14	S	4	W	13	NW	SW	300	---	3.1	IR	McKenzie River	1990	
14	S	4	W	27	NW	SE	400	---	53	IR	McKenzie River	1990	POU	14	S	4	W	13	SW	SW	300	---	3.8	IR	McKenzie River	1990	
14	S	4	W	27	SW	SE	400	---	15.5	IR	McKenzie River	1990	POU	14	S	4	W	13	SE	SW	300	---	9.4	IR	McKenzie River	1990	
					Corrected 11-22-2021 Jeanne Boatwright								POU	14	S	4	W	14	NE	NW	200	---	9.0	IR	McKenzie River	1990	
													POU	14	S	4	W	14	NW	NW	200	---	28.1	IR	McKenzie River	1990	
													POU	14	S	4	W	14	SW	NW	200	---	10.9	IR	McKenzie River	1990	
													POU	14	S	4	W	14	SE	NW	200	---	0.7	IR	McKenzie River	1990	
TOTAL ACRES:									71.4					TOTAL ACRES:									71.4				

Additional remarks: Existing and proposed places of use will access water through re-diversion points as shown on the application maps.

GREW Scott A * WRD

From: GREW Scott A * WRD
Sent: Thursday, November 18, 2021 5:49 PM
To: Jeanne Boatwright
Cc: GREW Scott A * WRD
Subject: T-13532 Muddy Creeks Irrigation Project

Jeanne,

I am working on Application T-13532 Muddy Creek Irrigation Project. The application was originally submitted on Sept 28, 2020 and on November 5, 2020, a revised application was submitted, but the FROM lands in Table 2 do not match the acres in the original map that was submitted in September.

Please let me know which is correct and submit either a corrected map or table 2.

For reference table 2 lists:

Twp	Rng	Mer	Sec	Q-Q	Acres
14 S	4 W	WM	27	NE SW	5.3
14 S	4 W	WM	27	NW SW	12.9
14 S	4 W	WM	27	SW SW	37.7
14 S	4 W	WM	27	SE SW	15.5
				Total	71.4

The map shows:

Twp	Rng	Mer	Sec	Q-Q	Acres
14 S	4 W	WM	27	NE SW	12.9
14 S	4 W	WM	27	SE SW	37.7
14 S	4 W	WM	27	NW SE	5.3
14 S	4 W	WM	27	SW SE	15.5
				Total	71.4

Thank you,

Scott Grew
Transfer Specialist
Oregon Water Resources Department
503-986-0890

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 # 133565

INVOICE # _____

RECEIVED FROM: Nixon Ridge Farm
BY: _____

APPLICATION	
PERMIT	
TRANSFER	<u>T-13532</u>

CASH: ☐ CHECK: # 6901 OTHER: (IDENTIFY) ☐

TOTAL REC'D \$ 1,160.00

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	\$	0202	\$
0203 GROUND WATER	\$	0204	\$
0205 TRANSFER	\$ <u>1,160.00</u>		

WELL CONSTRUCTION

0218 WELL DRILL CONSTRUCTOR	\$	0219	\$
LANDOWNER'S PERMIT		0220	\$

OTHER (IDENTIFY) _____

0536 TREASURY 0437 WELL CONST. START FEE

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

OTHER (IDENTIFY) _____

0607 TREASURY 0467 HYDRO ACTIVITY LIC NUMBER

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

TREASURY OTHER / RDX

FUND _____ TITLE _____

OBJ. CODE _____ VENDOR # _____

DESCRIPTION _____

\$ _____

RECEIPT: 133565

DATED: 9-28-2020 BY: [Signature]

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

Application for Permanent Water Right Transfer

Part 1 of 5 – Minimum Requirements Checklist



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

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

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

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

- ☒ Part 1 – Completed Minimum Requirements Checklist.
- ☒ Part 2 – Completed Transfer Application Map Checklist.
- ☒ Part 3 – Application Fee, payable by check to the Oregon Water Resources Department, and completed Fee Worksheet, page 3. Try the new online fee calculator at: http://apps.wrd.state.or.us/apps/misc/wrd_fee_calculator. If you have questions, call Customer Service at (503) 986-0801.
- ☒ Part 4 – Completed Applicant Information and Signature.
- ☒ Part 5 – Information about Water Rights to be Transferred: **How many water rights are to be transferred? 1 List them here: 76240**
Please include a separate Part 5 for each water right. (See instructions on page 6)

Attachments:

- ☒ Completed Transfer Application Map.
- ☒ Completed Evidence of Use Affidavit and supporting documentation.
- ☒ ☐ N/A Affidavit(s) of Consent from Landowner(s) (if the applicant does not own the land the water right is on.)
- ☐ ☒ N/A Supplemental Form D – For water rights served by or issued in the name of an irrigation district. Complete when the transfer applicant is not the irrigation district.
- ☒ ☐ N/A Oregon Water Resources Department's Land Use Information Form with approval and signature (or signed land use form receipt stub) from each local land use authority in which water is to be diverted, conveyed, and/or used. Not required if water is to be diverted, conveyed, and/or used only on federal lands or if **all** of the following apply: a) a change in place of use only, b) no structural changes, c) the use of water is for irrigation only, and d) the use is located within an irrigation district or an exclusive farm use zone.
- ☐ ☒ N/A Water Well Report/Well Log for changes in point(s) of appropriation (well(s)) or additional point(s) of appropriation.
- ☐ ☒ N/A Geologist Report for a change from a surface water point of diversion to a ground water point of appropriation (well), if the proposed well is more than 500' from the surface water source and more than 1000' upstream or downstream from the point of diversion. See OAR 690-380-2130 for requirements and applicability.

(For Staff Use Only)

WE ARE RETURNING YOUR APPLICATION FOR THE FOLLOWING REASON(S):

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

Other/Explanation _____

Staff: _____ 503-986-0_____

Date: ____/____/____

Part 2 of 5 – Transfer Application Map

Your transfer application will be returned if any of the map requirements listed below are not met.

OWRD

Please be sure that the transfer application map you submit includes all the required items and matches the existing water right map. Check all boxes that apply.

- ☒ ☐ N/A Certified Water Right Examiner (CWRE) Stamp and Original Signature. For a list of CWREs, see http://apps.wrd.state.or.us/apps/wr/cwre_license_view/. CWRE stamp and signature are not required for substitutions.
- ☐ ☒ N/A If **more than three** water rights are involved, separate maps are needed for each water right.
- ☒ Permanent quality printed with dark ink on good quality paper.
- ☒ The size of the map can be 8½ x 11 inches, 8½ x 14 inches, 11 x 17 inches, or up to 30 x 30 inches. For 30 x 30 inch maps, one extra copy is required.
- ☒ A north arrow, a legend, and scale.
- ☒ The scale of the map must be: 1 inch = 400 feet, 1 inch = 1,320 feet, the scale of the Final Proof/Claim of Beneficial Use Map (the map used when the permit was certificated), the scale of the county assessor map if the scale is not smaller than 1 inch = 1,320 feet, or a scale that has been pre-approved by the Department.
- ☒ Township, Range, Section, ¼ ¼, DLC, Government Lot, and other recognized public land survey lines.
- ☒ Tax lot boundaries (property lines) are required. Tax lot numbers are recommended.
- ☒ Major physical features including rivers and creeks showing direction of flow, lakes and reservoirs, roads, and railroads.
- ☒ Major water delivery system features from the point(s) of diversion/appropriation such as main pipelines, canals, and ditches.
- ☒ Existing place of use that includes separate hachuring for each water right, priority date, and use including number of acres in each quarter-quarter section, government lot, or in each quarter-quarter section as projected within government lots, donation land claims, or other recognized public land survey subdivisions. If less than the entirety of the water right is being changed, a separate hachuring is needed for lands left unchanged.
- ☒ ☐ N/A Proposed place of use that includes separate hachuring for each water right, priority date, and use including number of acres in each quarter-quarter section, government lot, or in each quarter-quarter section as projected within government lots, donation land claims, or other recognized public land survey subdivisions.
- ☒ Existing point(s) of diversion or well(s) with distance and bearing or coordinates from a recognized survey corner. This information can be found in your water right certificate or permit.
- ☐ ☒ N/A If you are proposing a change in point(s) of diversion or well(s), show the proposed location and label it clearly with distance and bearing or coordinates. If GPS coordinates are used, latitude-longitude coordinates may be expressed as either degrees-minutes-seconds with at least one digit after the decimal (example – 42°32'15.5") or degrees-decimal with five or more digits after the decimal (example – 42.53764°).

FEE WORKSHEET for PERMANENT TRANSFER (except Substitution)			
1	Base Fee (includes one type of change to one water right for up to 1 cfs)	1	\$1,160
	Types of change proposed: ☒ Place of Use ☐ Character of Use ☐ Point of Diversion/Appropriation Number of above boxes checked = <u>1</u> (2a) Subtract 1 from the number in line 2a = <u>0</u> (2b) <i>If only one change, this will be 0</i> Multiply line 2b by \$930 and enter » » » » » » » » » » » » » » » »	2	0
	Number of water rights included in transfer <u>1</u> (3a) Subtract 1 from the number in 3a above: <u>0</u> (3b) <i>If only one water right this will be 0</i> Multiply line 3b by \$520 and enter » » » » » » » » » » » » » » » »	3	0
	Do you propose to add or change a well, or change from a surface water POD to a well? ☒ No: enter 0 » ☐ Yes: enter \$410 »	4	0
	Do you propose to change the place of use or character of use? ☐ No: enter 0 on line 5 » ☒ Yes: enter the cfs for the portions of the rights to be transferred (see example below*): <u>0.89</u> (5a) Subtract 1.0 from the number in 5a above: <u>-0.11</u> (5b) If 5b is 0 or less, enter 0 on line 5 » If 5b is greater than 0, round up to the nearest whole number: _____ (5c) and multiply 5c by \$350, then enter on line 5 » » » » » » » » » » » » » » » »	5	0
6	Add entries on lines 1 through 5 above » » » » » » » » » » Subtotal:	6	\$1,160
	Is this transfer: ☐ necessary to complete a project funded by the Oregon Watershed Enhancement Board (OWEB) under ORS 541.932? ☐ endorsed in writing by ODFW as a change that will result in a net benefit to fish and wildlife habitat? If one or more boxes is checked, multiply line 6 by 0.5 and enter on line 7 »	7	0
8	Subtract line 7 from line 6 » » » » » » » » » » » » » » » » Transfer Fee:	8	\$1,160

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

FEE WORKSHEET for SUBSTITUTION			
1	Base Fee (includes change to one well)	1	\$840.00
	Number of wells included in substitution _____ (2a) Subtract 1 from the number in 2a above: _____ (2b) <i>If only one well this will be 0</i>		
2	Multiply line 2b by \$410 and enter » » » » » » » » » » » » » » »	2	
3	Add entries on lines 1 through 2 above » » » » » » » Fee for Substitution:	3	

NOV 05 2020

Part 4 of 5 – Applicant Information and Signature

Applicant Information

APPLICANT/BUSINESS NAME MUDDY CREEKS IRRIGATION PROJECT % Jane DeWall		PHONE NO. 541.995.6332	ADDITIONAL CONTACT NO. OWRD
ADDRESS PO BOX 225		FAX NO.	
CITY HARRISBURG	STATE OREGON	ZIP 97446	E-MAIL jdewall@uwol.net
BY PROVIDING AN E-MAIL ADDRESS, CONSENT IS GIVEN TO RECEIVE ALL CORRESPONDENCE FROM THE DEPARTMENT ELECTRONICALLY. COPIES OF THE FINAL ORDER DOCUMENTS WILL ALSO BE MAILED.			

Agent Information – The agent is authorized to represent the applicant in all matters relating to this application.

AGENT/BUSINESS NAME JEANNE BOATWRIGHT		PHONE NO. 503.363.9225	ADDITIONAL CONTACT NO.
ADDRESS BOATWRIGHT ENGINEERING, INC. 2613 12TH STREET SE		FAX NO.	
CITY SALEM	STATE OREGON	ZIP 97302	E-MAIL jeanne@boatwrightengr.com
BY PROVIDING AN E-MAIL ADDRESS, CONSENT IS GIVEN TO RECEIVE ALL CORRESPONDENCE FROM THE DEPARTMENT ELECTRONICALLY. COPIES OF THE FINAL ORDER DOCUMENTS WILL ALSO BE MAILED.			

Explain in your own words what you propose to accomplish with this transfer application, and why:

We are moving water rights from one farm which no longer has use for them to two farms that need additional irrigated area. The diversion point from the McKenzie River will not be affected. The original re-diversion point will be moved to two separate re-diversion points; one for each of the "to" land sites.

If you need additional space, continue on a separate piece of paper and attach to the application as "Attachment 1".

Check One Box

- ☒ By signing this application, I understand that, upon receipt of the draft preliminary determination and prior to Department approval of the transfer, I will be required to provide landownership information and evidence that I am authorized to pursue the transfer as identified in OAR 690-380-4010(5); **OR**
- ☐ I affirm the applicant is a municipality as defined in ORS 540.510(3)(b) and that the right is in the name of the municipality or a predecessor; **OR**
- ☐ I affirm the applicant is an entity with the authority to condemn property and is acquiring by condemnation the property to which the water right proposed for transfer is appurtenant and have supporting documentation.

By my signature below, I confirm that I understand:

- Prior to Department approval of the transfer application, I may be required to submit payment to the Department for publication of a notice in a newspaper with general circulation in the area where the water right is located, once per week for two consecutive weeks. If more than one qualifying newspaper is available, I suggest publishing the notice in the following newspaper: **Albany Democrat-Herald.**
- Amendments to the application may only be made in response to the Department's Draft Preliminary Determination (DPD). The applicant will have a period of at least 30 days to amend the application to address any issues identified by the Department in the DPD, or to withdraw the application. Note that amendments may be subject to additional fees, pursuant to ORS 536.050.
- Failure to complete an approved change in place of use and/or change in character of use, will result in loss of the water right (OAR 690-380-6010).

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


Applicant signature

Jane S. DeWall, Secretary
Muddy Creeks Irrigation Project

10/30/20, 2020
Date

Is the applicant the sole owner of the land on which the water right, or portion thereof, proposed for transfer is located? ☐ Yes ☒ No If NO, include signatures of all deeded landowners (and mailing and/or e-mail addresses if different than the applicant's) or attach affidavits of consent (and mailing and/or e-mail addresses) from all landowners or individuals/entities to which the water right(s) were conveyed.

Check the following boxes that apply:

- ☐ The applicant is responsible for completion of change(s). Notices and correspondence should continue to be sent to the applicant.
- ☐ The receiving landowner will be responsible for completing the proposed change(s) after the final order is issued. Copies of notices and correspondence should be sent to this landowner.
- ☒ Both the receiving landowner and applicant will be responsible for completion of change(s). Copies of notices and correspondence should be sent to this landowner and the applicant.

At this time, are the lands in this transfer application in the process of being sold? ☐ Yes ☒ No

If YES, and you know who the new landowner will be, please complete the receiving landowner information table below. If you do not know who the new landowner will be, then a request for assignment will have to be filed for at a later date.

If a property sells, the certificated water right(s) located on the land belong to the new owner, unless a sale agreement or other document states otherwise. For more information see:

https://www.oregon.gov/owrd/WRDFormsPDF/Transfer_Property_Transactions.pdf

RECEIVING LANDOWNER NAME See information in attached MEMO			PHONE NO.	ADDITIONAL CONTACT NO.
ADDRESS				FAX NO.
CITY	STATE	ZIP	E-MAIL	

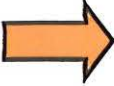
Describe any special ownership circumstances here: **See information in attached MEMO**

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

IRRIGATION DISTRICT NAME	ADDRESS	
CITY	STATE	ZIP

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

ENTITY NAME	ADDRESS	
CITY	STATE	ZIP

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

ENTITY NAME Linn County	ADDRESS 300 SW 4th Avenue, Rm 114	
CITY Albany	STATE Oregon	ZIP 97321

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OWRD
13532

Part 5 of 5 – Water Right Information

CERTIFICATE # 76240

OWRD

Please use a separate Part 5 for each water right being changed. See instructions on page 6, to copy and paste additional Part 5s, or to add additional rows to tables within the form.

Description of Water Delivery System

System capacity: _____ cubic feet per second (cfs) OR

415 gallons per minute (gpm)

Describe the current water delivery system or the system that was in place at some time within the last five years. Include information on the pumps, canals, pipelines, and sprinklers used to divert, convey, and apply the water at the authorized place of use.

Creek Diversion: Cornell pump on a 4-cycle diesel engine with 4" discharge.

Pipelines: Buried 6" PVC to farm. 6" overland main on farm property.

Application: Hard hose traveler gun w/ Nelson 150 with 1.3" nozzle. Estimated pressure 70 psi. Estimated gpm at nozzle 415.

Table 1. Location of Authorized and Proposed Point(s) of Diversion (POD) or Appropriation (POA)

(Note: If the POD/POA name is not specified on the certificate, assign it a name or number here.)

POD/POA Name or Number	Is this POD/POA Authorized on the Certificate or is it Proposed?	If POA, OWRD Well Log ID# (or Well ID Tag # L-_____)	Twp	Rng	Sec	¼	¼	Tax Lot, DLC or Gov't Lot	Measured Distances (from a recognized survey corner)
McKenzie River	☒ Authorized ☐ Proposed	NA	17 S	3 W	9	NE	NE	38	4440' S & 5250' E of SE Cor DLC 79
	☐ Authorized ☐ Proposed								
	☐ Authorized ☐ Proposed								
	☐ Authorized ☐ Proposed								

Check all type(s) of change(s) proposed below (change "CODES" are provided in parentheses):

- | | |
|--|---|
| ☒ Place of Use (POU) | ☐ Supplemental Use to Primary Use (S to P) |
| ☐ Character of Use (USE) | ☐ Point of Appropriation/Well (POA) |
| ☐ Point of Diversion (POD) | ☐ Additional Point of Appropriation (APOA) |
| ☐ Additional Point of Diversion (APOD) | ☐ Substitution (SUB) |
| ☐ Surface Water POD to Ground Water POA (SW/GW) | ☐ Government Action POD (GOV) |

Will all of the proposed changes affect the entire water right?

- ☐ Yes Complete only the Proposed ("to" or "on" lands) section of Table 2 on the next page. Use the "CODES" listed above to describe the proposed changes.
- ☒ No Complete all of Table 2 to describe the portion of the water right to be changed 13532

Please use and attach additional pages of Table 2 as needed.
See page 6 for instructions.

Do you have questions about how to fill-out the tables?
Contact the Department at 503-986-0900 and ask for Transfer Staff.

Table 2. Description of Changes to Water Right Certificate # 76240

List the change proposed for the acreage in each ¼ ¼. If more than one change is proposed, specify the acreage associated with each change.
If there is more than one POD/POA involved in the proposed changes, specify the acreage associated with each POD/POA.

AUTHORIZED (the "from" or "off" lands) The listing that appears on the certificate BEFORE PROPOSED CHANGES List only that part or portion of the water right that will be changed.												Proposed Changes (see "CODES" from previous page)	PROPOSED (the "to" or "on" lands) The listing as it would appear AFTER PROPOSED CHANGES are made.										
Twp	Rng	Sec	¼ ¼	Tax Lot	Gvt Lot or DLC	Acres	Type of USE listed on Certificate	POD(s) or POA(s) (name or number from Table 1)	Priority Date	Twp	Rng		Sec	¼ ¼	Tax Lot	Gvt Lot or DLC	Acres	New Type of USE	POD(s)/ POA(s) to be used (from Table 1)	Priority Date			
EXAMPLE																							
2	S	9	E 15 NE NW	100		15.0	Irrigation	POD #1 POD #2	1901	POU/POD	2	S	9	E 1 NW NW	500	1	10.0		POD #5	1901			
											2	S	9	E 2 SW NW	500		5.0		POD #6	1901			
14	S	4	W 27 NE SW	400	---	5.3	IR	McKenzie River	1990	POU	14	S	4	W 13 NE SW	300	---	6.4	IR	McKenzie River	1990			
14	S	4	W 27 NW SW	400	---	12.9	IR	McKenzie River	1990	POU	14	S	4	W 13 NW SW	300	---	3.1	IR	McKenzie River	1990			
14	S	4	W 27 SW SW	400	---	37.7	IR	McKenzie River	1990	POU	14	S	4	W 13 SW SW	300	---	3.8	IR	McKenzie River	1990			
14	S	4	W 27 SE SW	400	---	15.5	IR	McKenzie River	1990	POU	14	S	4	W 13 SE SW	300	---	9.4	IR	McKenzie River	1990			
										POU	14	S	4	W 14 NE NW	200	---	9.0	IR	McKenzie River	1990			
										POU	14	S	4	W 14 NW NW	200	---	28.1	IR	McKenzie River	1990			
										POU	14	S	4	W 14 SW NW	200	---	10.9	IR	McKenzie River	1990			
	1353									POU	14	S	4	W 14 SE NW	200	---	0.7	IR	McKenzie River	1990			
TOTAL ACRES:						71.4					TOTAL ACRES:						71.4						

Additional remarks: Existing and proposed places of use will access water through re-diversion points as shown on the application maps.

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OWB

For Place of Use or Character of Use Changes

Are there other water right certificates, water use permits or ground water registrations associated with the "from" or the "to" lands? ☐ Yes ☒ No

If YES, list the certificate, water use permit, or ground water registration numbers:_____.

 Pursuant to ORS 540.510, any "layered" water use such as an irrigation right that is supplemental to a primary right proposed for transfer must be included in the transfer or be cancelled. Any change to a ground water registration must be filed separately in a ground water registration modification application.

For Substitution (ground water supplemental irrigation will be substituted for surface water primary irrigation)

Ground water supplemental Permit or Certificate # _____;

Surface water primary Certificate # _____.

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For a change from Supplemental Irrigation Use to Primary Irrigation Use

Identify the primary certificate to be cancelled. Certificate # _____

OWRD

For a change in point(s) of appropriation (well(s)) or additional point(s) of appropriation:

- ☐ Well log(s) are attached for each authorized and proposed well(s) that are clearly labeled and associated with the corresponding well(s) in Table 1 above and on the accompanying application map.

Tip: You may search for well logs on the Department's web page at:

http://apps.wrd.state.or.us/apps/gw/well_log/Default.aspx

AND/OR

- ☐ Describe the construction of the authorized and proposed well(s) in Table 3 for any wells that do not have a well log. For *proposed wells not yet constructed or built*, provide "a best estimate" for each requested information element in the table. The Department recommends you consult a licensed well driller, geologist, or certified water right examiner to assist with assembling the information necessary to complete Table 3.

Table 3. Construction of Point(s) of Appropriation

Any well(s) in this listing must be clearly tied to corresponding well(s) described in Table 1 and shown on the accompanying application map. Failure to provide the information will delay the processing of your transfer application until it is received. The information is necessary for the department to assess whether the proposed well(s) will access the same source aquifer as the authorized point(s) of appropriation (POA). The Department is prohibited by law from approving POA changes that do not access the same source aquifer.

Proposed or Authorized POA Name or Number	Is well already built? (Yes or No)	If an existing well: OWRD Well ID Tag No. L-____	Total well depth	Casing Diameter	Casing Intervals (feet)	Seal depth(s) (intervals)	Perforated or screened intervals (in feet)	Static water level of completed well (in feet)	Source aquifer (sand, gravel, basalt, etc.)	Well-specific rate (cfs or gpm). If less than full rate of water right

Application for Water Right Transfer

Evidence of Use Affidavit



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

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

State of Oregon)
County of **Linn**) ss

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I, **David Birky**, in my capacity as **tenant farmer**,
mailing address **30315 Nixon Drive, Halsey, OR 97348**
telephone number **541.990.4260**, being first duly sworn ^{affirmed} depose and say:

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

☒ Personal observation ☐ Professional expertise

2. I attest that:

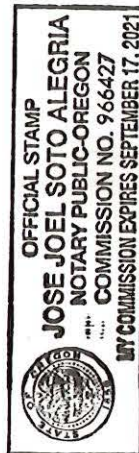
- ☐ Water was used during the previous five years on the **entire** place of use for Certificate # ____; **OR**
- ☒ My knowledge is specific to the use of water at the following locations within the last five years:

Certificate #	Township		Range		Mer	Sec	¼ ¼		Gov't Lot or DLC	Acres (if applicable)
76240	14	S	4	W	WM	27	NE	SW	-----	12.9
76240	14	S	4	W	WM	27	SE	SW	-----	37.7
76240	14	S	4	W	WM	27	NW	SE	-----	5.3
76240	14	S	4	W	WM	27	SW	SE	-----	15.5

OR

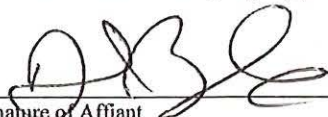
- ☐ Confirming Certificate # ____ has been issued within the past five years; **OR**
- ☐ Part or all of the water right was leased instream at some time within the last five years. The instream lease number is: ____ (Note: If the entire right proposed for transfer was not leased, additional evidence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

(continues on reverse side)



3. The water right was used for: (e.g., crops, pasture, etc.): **Annual ryegrass seed**

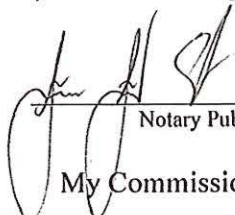
4. I understand that if I do not attach one or more of the documents shown in the table below to support the above statements, my application will be considered incomplete.


Signature of Affiant

11-2-20, 2020
Date

Signed and sworn to (or affirmed) before me this 2nd day of November, 2020.




Notary Public for Oregon
My Commission Expires: September 17, 2021

Supporting Documents	Examples
☐ Copy of a water right certificate that has been issued within the last five years. (not a remaining right certificate)	Copy of confirming water right certificate that shows issue date
☐ Copies of receipts from sales of irrigated crops or for expenditures related to use of water	• Power usage records for pumps associated with irrigation use • Fertilizer or seed bills related to irrigated crops • Farmers Co-op sales receipt
☐ Records such as FSA crop reports, irrigation district records, NRCS farm management plan, or records of other water suppliers	• District assessment records for water delivered • Crop reports submitted under a federal loan agreement • Beneficial use reports from district • IRS Farm Usage Deduction Report • Agricultural Stabilization Plan • CREP Report
☒ Aerial photos containing sufficient detail to establish location and date of photograph Ground level photograph of irrigation and irrigation system taken Sept. 15, 2015 by David Birky.	Multiple photos can be submitted to resolve different areas of a water right. If the photograph does not print with a "date stamp" or without the source being identified, the date of the photograph and source should be added. Sources for aerial photos: OSU – www.oregonexplorer.info/imagery OWRD – www.wrd.state.or.us Google Earth – earth.google.com TerraServer – www.terraSERVER.com
☐ Approved Lease establishing beneficial use within the last 5 years	Copy of instream lease or lease number

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13532_{FS}



CARL JENSEN FIELD - SEPT 15, 2015

15532
Irrigated entire TO ACRE FIELD.

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Boatwright Engineering, Inc.
civil engineering ♦ water rights ♦ land surveying

2613 12th Street SE, Salem, Oregon 97302
Phone (503) 363-9225
Fax (503) 363-1051
e-mail: jeanne@boatwrightengr.com

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MEMO

To: Ann Reece - Oregon Department of Water Resources
From: Jeanne Boatwright 
Date: September 8, 2020
Re: Muddy Creeks Irrigation Project Transfer Application

Ann,

I prepared the application packet for the attached ~~Document~~ Water Right Transfer and can be contacted with any questions that arise.

The current owner of the "from" land is: German Apostolic Christian Church
1125 Cascade Hwy SE
Salem, Oregon 97317

I was contacted by Carl Jensen to prepare the transfer application. Carl is the son of Lena Jensen, identified in Certificate 76240 as the owner of the "from" land at the time of the Certificate issuance. Mr. Jensen sold the property to the Church and is in contact with the Church. The Church is aware that the transfer is being applied for and has no objections.

The current owner of the "to" land in Section 13 is: D2B Farm, LLC
PO Box 321
Halsey, Oregon 97348

The current owner of the "to" land in Section 14 is: GDB Investments, LLC
30998 Lake Creek Dr
Halsey, Oregon 97348

The receiving land owners will be responsible for completing the transfer and providing the Claim of Beneficial Use Report on behalf of the Muddy Creeks Irrigation Project.

13532

Application for Water Right
Transfer
Consent by Deeded Landowner



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

State of Oregon)
)ss
County of Marion)

I, **Thomas Kuenzi** in my capacity as **President of German Apostolic Christian Church**,
mailing address **1125 Cascade Hwy SE Salem OR 97317**,
telephone number **503.480.5827**, do solemnly and sincerely declare and affirm that I consent to
the proposed changes to Water Right Certificate Number **76240**

described in a Transfer Application **13532** submitted by **Muddy Creeks Irrigation Project**,
(transfer number, if known)

on the property in tax lot number **400**, Section **27**, Township **14 South**, Range **4 East**, W.M.,
located at **the northeast corner of the intersection of Cartney Drive (CR 224) and Malpass
Road (CR 220) (no site address assigned)**.
(site address)

Thomas Kuenzi
Thomas Kuenzi
President
German Apostolic Christian Church

11/13/2020 2020
Date

Subscribed and Affirmed to before me this 13th day of November, 2020.



Sasha Roebuck
Notary Public for Oregon

My commission expires Oct. 28th 2023

T.14S. R.4W. W.M.

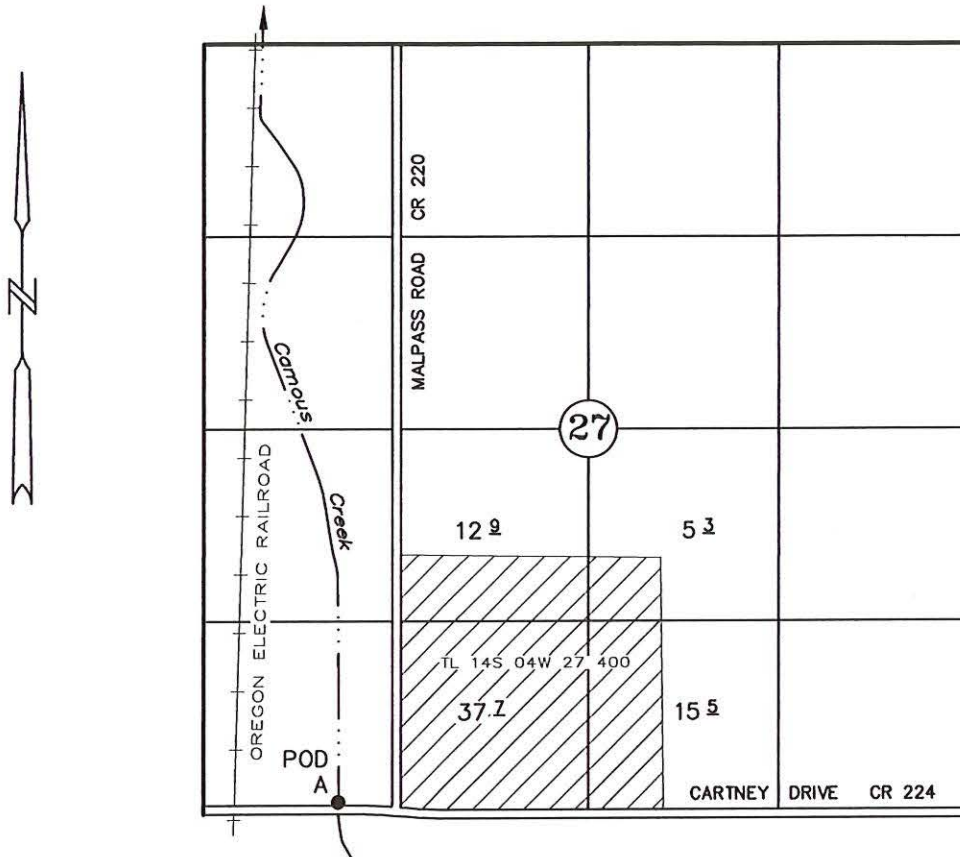
LINN COUNTY, OREGON

Page 1 of 3
FROM LANDS

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RE-DIVERSION CAMOUS CREEK, POD A: 50' NORTH & 945' EAST OF THE SW COR, SEC 27



"FROM" LAND

APPLICATION TO TRANSFER A WATER RIGHT

PLACE OF USE AND POINT OF RE-DIVERSION

Certificate No. 76240 Transfer No. T-

Muddy Creeks Irrigation Project

APRIL 20, 2020

SCALE 1" = 1320'



NOTE: This map is not intended to provide legal dimensions or locations of property ownership lines.

RENEWAL DATE: 12-31-21

13532

T.14S. R.4W. W.M.

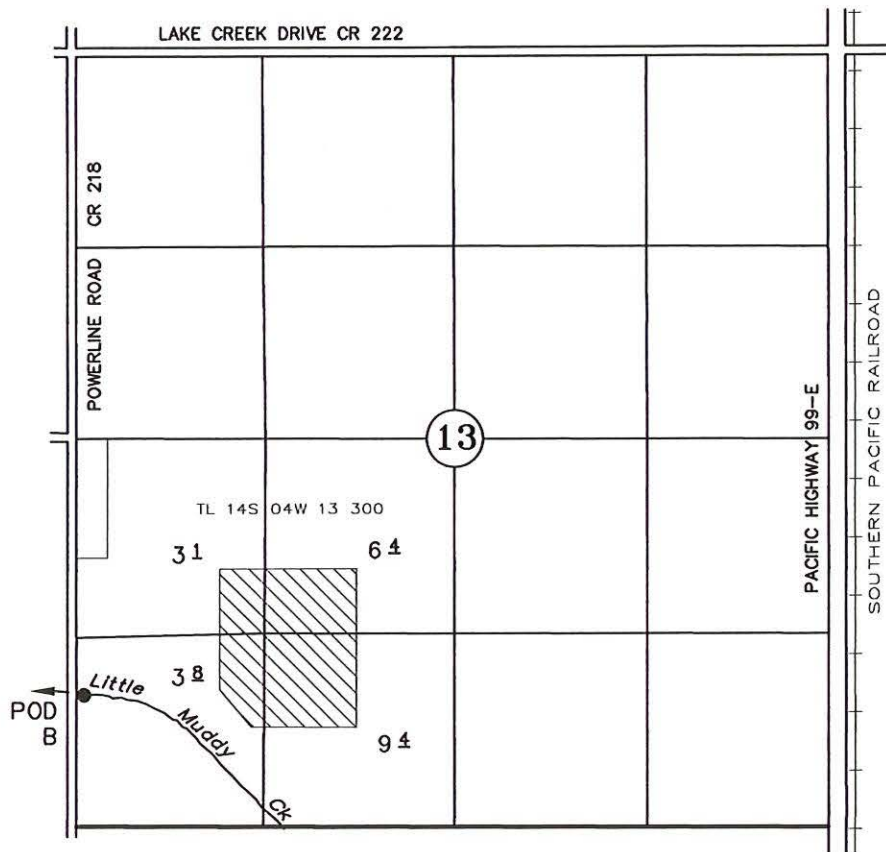
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Page 2 of 3
TO LANDS & TO POD B

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PROPOSED RE-DIVERSION LITTLE MUDDY CREEK, POD B: 1733' SOUTH & 60' EAST OF THE WST 1/4 COR, SEC 13



"TO" LAND, w/NEW RE-DIVERSION POINT, POD B

APPLICATION TO TRANSFER A WATER RIGHT

PLACE OF USE AND POINT OF RE-DIVERSION

Certificate No. 76240 Transfer No. T-

Muddy Creeks Irrigation Project

APRIL 20, 2020

SCALE 1" = 1320'



NOTE: This map is not intended to provide legal dimensions or locations of property ownership lines.

RENEWAL DATE: 12-31-21

13532

T.14S. R.4W. W.M.

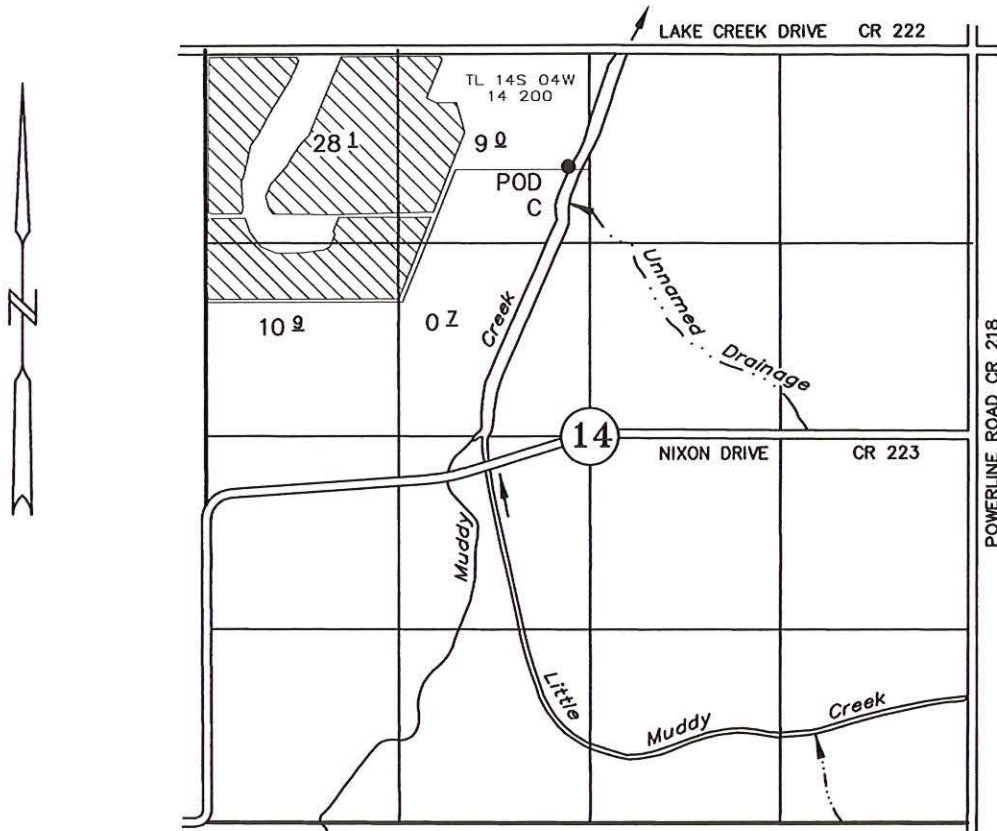
LINN COUNTY, OREGON

Page 3 of 3
TO LANDS & TO POD C

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PROPOSED RE-DIVERSION MUDDY CREEK, POD C: 805' SOUTH & 140' WEST OF THE NORTH 1/4 COR, SEC 14



"TO" LAND, w/NEW RE-DIVERSION POINT, POD C

APPLICATION TO TRANSFER A WATER RIGHT

PLACE OF USE AND POINT OF RE-DIVERSION

Certificate No. 76240 Transfer No. T-

Muddy Creeks Irrigation Project

APRIL 20, 2020

SCALE 1" = 1320'

NOTE: This map is not intended to provide legal dimensions or locations of property ownership lines.



RENEWAL DATE: 12-31-21

13532



Oregon

Kate Brown, Governor

Water Resources Department

North Mall Office Building

725 Summer St NE, Ste A

Salem, OR 97301

Phone: 503-986-0900

Fax: 503-986-0904

www.Oregon.gov/OWRD

SUPERSEDED

October 8, 2020

MUDDY CREEKS IRRIGATION DISTRICT
PO BOX 225
HARRISBURG OR 97446

Reference: District Permanent Transfer T-13532

On September 28, 2020 we received your district transfer application requesting PLACE OF USE change. The application was accompanied by \$1160.00. Your receipt number 133565 is enclosed.

By copy of this letter, we are asking the Watermaster for their report regarding the potential for injury to existing water rights which may be caused by the change.

This application will be published on the Department's weekly notice dated October 13, 2020 viewable at http://apps.wrd.state.or.us/apps/misc/wrd_notice_view/?notice_id=21. A copy of the application can be assessed through this public notice link. Pursuant to Oregon administrative rules, the Department is requesting public comments on the recently filed district transfer application listed above. Comments may be submitted by any interested persons within 30 days of the weekly notice publication date. Comments must be received by the Department on or before November 12, 2020. For details on how to file comments please refer to the Department's weekly notice. Details for filing protests, if applicable, are also noted on the weekly notice.

If you have any questions, please call the Transfer Section, (503) 986-0815.

cc: Watermaster # (via email)
Jeanne Boatwright, Agent
File

enclosure





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

Application for
District Permanent
Water Right

Transfer

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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 the application is available at www.wrd.state.or.us/OWRD/PUBS/forms.shtml#app_criteria_review.

Change in Place of Use Only

1A. APPLICANT INFORMATION

IRRIGATION DISTRICT MUDDY CREEKS IRRIGATION PROJECT % Jane DeWall		PHONE NO. 541.995.6332	ADDITIONAL CONTACT NO.
ADDRESS PO BOX 225			FAX NO.
CITY HARRISBURG	STATE OREGON	ZIP 97446	E-MAIL jdewall@uwol.net
BY PROVIDING AN E-MAIL ADDRESS, CONSENT IS GIVEN TO RECEIVE ALL CORRESPONDENCE FROM THE DEPARTMENT ELECTRONICALLY. COPIES OF THE FINAL ORDER DOCUMENTS WILL ALSO BE MAILED.			

1B. AGENT INFORMATION

AGENT/BUSINESS NAME JEANNE BOATWRIGHT		PHONE NO. 503.363.9225	ADDITIONAL CONTACT NO.
ADDRESS BOATWRIGHT ENGINEERING, INC. 2613 12TH STREET SE			FAX NO.
CITY SALEM	STATE OREGON	ZIP 97302	E-MAIL jeanne@boatwrightengr.com
BY PROVIDING AN E-MAIL ADDRESS, CONSENT IS GIVEN TO RECEIVE ALL CORRESPONDENCE FROM THE DEPARTMENT ELECTRONICALLY. COPIES OF THE FINAL ORDER DOCUMENTS WILL ALSO BE MAILED.			

2. 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.)

	Certificate	Permit / Previous Transfer	Decree
1.	76240	S-51504	
2.		-	
3.		-	
4.		-	
5.		-	
6.		-	

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SUPERSEDED**3. 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 <u>separate</u> Supplemental Form A is enclosed for <u>each</u> water right to be affected by this transfer. Map ☒ Permanent Transfer A map meeting the requirements of OAR 690-385-3300 must be included but need not be prepared by a Certified Water Right Examiner (CWRE).	Fees: ☐ Amount enclosed: \$1,160 See the Department's Fee Schedule at www.wrd.state.or.us or call (503) 986-0900. Land Use Compatibility Statement ☒ The Land Use Information Form is <u>not</u> required if water is to be diverted, conveyed and/or used only on federal lands or if <u>ALL</u> of the following apply: a) a change in place of use only, b) a change that does not involve the placement or modification of structures, c) the use of water is for irrigation <u>only</u> and d) the use is located within an irrigation district or an exclusive farm use zone.
--	---

4. SIGNATURES

The district certifies the following:

- (1) The water rights proposed for transfer are water rights subject to transfer and are not subject to forfeiture for nonuse under ORS 540.610;
- (2) Each user affected by the proposed transfer has provided written authorization for the transfer and such authorization is on file with the district; and
- (3) On behalf of the district, I affirm to the best of my knowledge the information contained in this application is true and accurate.

 District Manager signature

 name (print)

 date

OR

Jane S. DeWall
 Authorized District Representative signature

Jane S. DeWall
 name (print)

9/9/20
 date

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

- Answered each question completely.
- Included all the required attachments.
- Included a check payable to the Oregon Water Resources Department for the appropriate amount.



Supplemental Form A

SEP 28 2020

DESCRIPTION OF PROPOSED CHANGE(S) TO A WATER RIGHT

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

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

☒ Certificated Right	76240	
	Certificate Number	
☐ 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
☐ Permit for Supplemental Irrigation	- Permit Number	

- Name on Permit, Certificate, or Decree: **Muddy Creeks Irrigation Project**
- Priority Date(s): **June 12, 1990**

If there are **multiple Priority Dates** identified on the water right, any information provided in Supplemental Form A of this application must identify which priority date is associated with each of the authorized points of diversion or appropriation and places of use.

Source(s) of Water to be Affected by Transfer: **McKenzie River**

Tributary to: **Willamette River**

- Are there **other water rights**, Permits or Ground Water Registrations associated with this land?

☐ Yes ☒ No

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

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.**

13532

SUPERSEDED

- Certificate Number or other identifying number: **76240**

The following information must be provided only for those points of diversion or appropriation that are involved in the transfer.

If a point of diversion or appropriation is not numbered on the decree or water right certificate or permit, assign it a unique number in the following table (e.g. POD #1 or POA(well) #1). Use the number to refer to the point of diversion or appropriation serving the place of use described in Tables I and II. Note: Permanent district transfers do not allow for a change in point of diversion or appropriation to serve the proposed place of use.

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

Location of Existing Authorized Point(s) of Diversion (POD) or Appropriation (POA):

(i.e., the allowed point(s) of diversion or appropriation listed on the water right for the "FROM" or "OFF" lands)

AUTHORIZED POINT(S) of DIVERSION (POD) or APPROPRIATION (POA)							
POD# or POA#	TWP	RNG	SEC	QQ	DLC	GOV'T LOT	MEASURED DISTANCES
POD 1	17 S	3W	9	NE-NE	38	----	4440' SOUTH & 5250' EAST FOR SE COR DLC 79
POD A Camous Ck Re-Diversion	14 S	4W	27	SW-SW	----	----	50' NORTH & 945' EAST FOR SW COR SECTION 27

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- Certificate Number or other identifying number: **76240**

Provided the district filed notice of a change in place of use pursuant to OAR 690-385-4100, reference the District Internal Notice Number (DINN) used to describe the change(s) to be made permanent by this transfer.

Government lot (GOV'T LOT) and donation land claim numbers (DLC) must be included in the tables below **only** if the information is reflected on the existing water right.

TABLE I. – AUTHORIZED PLACE OF USE												
POD# or POA#	PRIORITY DATE	USE	LEGAL DESCRIPTION							ACRES	USER NAME	DINN
			TWP	RNG	SEC	QQ	DLC	GOV'T LOT	TAX LOT			
POD A Camous Ck Re-Diversion	6-12-1990	IR	14S	4W	27	NE-SW	----	----	400	12.9	Lena Jensen	
	6-12-1990	IR	14S	4W	27	SE-SW	----	----	400	37.7	Lena Jensen	
	6-12-1990	IR	14S	4W	27	NW-SE	----	----	400	2.3	Lena Jensen	
	6-12-1990	IR	14S	4W	27	SW-SE	----	----	400	15.5	Lena Jensen	
TOTAL:										71.4		

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SUPERSEDED

▪ Certificate Number or other identifying number: **76240**

TABLE II. – PROPOSED PLACE OF USE

POD / POA #	PRIORITY DATE	USE	LEGAL DESCRIPTION							ACRES	USER NAME	DINN
			TWP	RNG	SEC	QQ	DLC	GOV'T LOT	TAX LOT			
POD B Little Muddy Ck Re-Diversion	6-12-1990	IR	14S	4W	13	NE-SW	----	----	300	6.4	D2B Farm, LLC	
	6-12-1990	IR	14S	4W	13	NW-SW	----	----	300	3.1	D2B Farm, LLC	
	6-12-1990	IR	14S	4W	13	SW-SW	----	----	300	3.8	D2B Farm, LLC	
	6-12-1990	IR	14S	4W	13	SE-SW	----	----	300	9.4	D2B Farm, LLC	
POD C Muddy Ck Re-Diversion	6-12-1990	IR	14S	4W	14	NNE-NW	----	----	200	9.0	GDB Investments, LLC	
	6-12-1990	IR	14S	4W	14	NW-NW	----	----	200	28.1	GDB Investments, LLC	
	6-12-1990	IR	14S	4W	14	SW-NW	----	----	200	10.9	GDB Investments, LLC	
	6-12-1990	IR	14S	4W	14	SE-NW	----	----	200	0.7	GDB Investments, LLC	
TOTAL:										71.4		

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Oregon Water Resources Department
Transfer Fee Calculation for Permanent District Transfer

Main
Return

Help
Contact Us

SUPERSEDED

Today's Date: Monday, April 20, 2020

Fee Calculation

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

\$1,160.00

Enter total number of water rights included in transfer.

\$0.00

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

☒ Check this box if you propose to change the place of use for an irrigation use

Enter the following for irrigation uses included in the transfer:

(If a supplemental certificate also covers the same land as an included primary right, only list the primary.)

Only list a supplemental right if ONLY the supplemental is moving (to a "like" primary.)

Certificate #	Total acres in the water right	# of acres to be transferred	Total cfs in the water right certificate	OR If certificate does not list cfs, enter 1/___ cfs per acre	Transfer cfs
76240	870.1	71.4	10.0		0.820595

Total Transfer CFS(rounded up to the next whole cfs):1.00

Subtotal:

\$1,160.00

Transfer Fee:

\$1,160.00

[Return to Edit](#)

[Clear](#)

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13532

Joan

Checklist for District Transfer Intake – Division 385

Permanent or Non-Use district transfers are for POU *ONLY*.

Temporary district transfers can include changes in POD/POA (to facilitate a change in POU) and are limited to a single year.

Please assure a “Supplemental Form A” is included for each water right involved, and that all required attachments are completed and included.

Note: Generally speaking, we prefer not to return district applications for deficiencies; if it is questionable, please check with the District Transfer Program advisor before returning the application.

- ☒ Identify the type of district transfer application. (Note: a “District Notice” **is not** an application, but at the after the end of the irrigation season, District Permanent Applications may include copies of prior District Notices.)

Sometimes districts inadvertently use parts of two different types of transfer forms when filing. If not sure if a district is submitting a Transfer Notice or a District Transfer, or if not sure if a district is submitting a District Temporary or District Permanent Transfer, or not sure if a district is submitting a regular transfer or a District Transfer, **please contact Ann or Joan.**

- ☒ Is the use proposed for transfer irrigation or supp'l irrigation? **If not please contact Ann or Joan.**

These items need to be included in the district transfer application:

- ☒ Transfer Application communicating rights affected and includes signature.
- ☒ POU listing – both “authorized/from” and “proposed/to”. Multiple formats accepted.
- ☒ POD/POA listing – if temporary – both “authorized/from” and proposed/to”
- ☒ Land Use Information Form – Not required if (a) for place of use change only (b) existing and proposed water use is located entirely w/in EFU or w/in an irrigation district (c) The change does not involve the placement or modification of structures, including but no limited to water diversions, impoundments, distribution facilities , water wells and well houses and (d) application involves irrigation water uses **ONLY**.
- ☒ Maps - – both “authorized/from” and “proposed/to” (From and to can be on same map.)
NOTE- districts are authorized to submit the maps in multiple digital formats and often submit maps via email. If maps are not submitted, please contact Ann or Joan.
- ☒ Appropriate Fees

Land Use Information Form



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

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Applicant(s): **Muddy Creeks Irrigation Project**

Mailing Address: **PO Box 225**

City: **Harrisburg**

State: **Oregon**

Zip Code: **97446**

Daytime Phone: **541.995.6332**

A. Land and Location

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

Township	Range	Section	¼ ¼	Tax Lot #	Plan Designation (e.g., Rural Residential/RR-5)	Water to be:			Proposed Land Use:
				SEE	ATTACHED	☐ Diverted	☐ Conveyed	☐ Used	
					SHEET	☐ Diverted	☐ Conveyed	☐ Used	
						☐ Diverted	☐ Conveyed	☐ Used	

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

LINN COUNTY

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

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

Estimated quantity of water needed: **0.82** ☒ 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:

We are requesting a place of use transfer of permitted water rights for irrigation. The change will also necessitate a change of the re-diversion point from Camous Creek to a point on Muddy Creek and a point on Little Muddy Creek, but no change to the McKenzie River point of diversion.

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

See bottom of Page 3. →

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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 the proposed water uses (including proposed construction) are allowed outright or are not regulated by your comprehensive plan. Cite applicable ordinance section(s):

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

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

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

Farm use is an outright use in the EFU zone pursuant to LCC 928.310(8)(1).

Name: Jennifer Cepello Title: Planner

Signature: [Signature] Phone: 541.967.3816 Date: 9/11/20

Government Entity: Linn County Planning Division

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: _____