

Regular

Name Oregon Dept Fish & Wildlife
attn Scott Widger
Address PO Box 93
Dayville Oregon 97825

Name of Stream Flat creek

Trib. of John Day river

Use irrigation, livestock, domestic County Grant

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

Name of ditch

App# Deere Per # John Day Cert # 25865 PR Date 12/31/89

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

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

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

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

Change in _____
Date Filed 7/24/2020
Initial notice date 9/8/2020
DPD issued date 1/20/2021
PD issued date 5/11/2021
PD notice date 5/18/2021
Date of FO 7/20/2021 Vol 121 Page 48-51

C-Date 10/01/2022
COBU due date 10/01/2023
COBU Received date _____
Certificate issued _____

Assignments:

Irrigation District_

Agent_

CWRE

CC's list Grant County

☐ - Oversized map - Location.

Date	Amount	Receipt #
7-24-2020	\$1,160.00	135126
4-23-21	\$172.08	135064

Date	Amount	Receipt #
------	--------	-----------



Oregon
Kate Brown, Governor

Water Resources Department
725 Summer St NE, Suite A
Salem, OR 97301
(503) 986-0900
Fax (503) 986-0904

July 20, 2021

OREGON DEPARTMENT OF FISH AND WILDLIFE
PO BOX 93
DAYVILLE, OR 97825

REFERENCE: Transfer Application T-13511

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 temporary transfer, you may contact your caseworker, Corey Courchane by telephone at (503) 986-0825 or by e-mail at Corey.A.Courchane@oregon.gov.

Sincerely,

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

cc: Eric W. Julsrud, Watermaster Dist. #4 (via email)
Grant County Planning

Enclosure

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

In the Matter of Transfer Application)
T-13511, Grant County) **FINAL ORDER APPROVING A
CHANGE IN POINT OF DIVERSION**

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

OREGON DEPARTMENT OF FISH AND WILDLIFE
PO BOX 93, 45403 HWY 26
DAYVILLE, OR 97825

Findings of Fact

1. On September 2, 2020, OREGON DEPARTMENT OF FISH AND WILDLIFE filed an application to change the point of diversion under Certificate 25865. The Department assigned the application number T-13511.
2. Notice of the application for transfer was published on September 8, 2020, pursuant to OAR 690-380-4000. No comments were filed in response to the notice.
3. On January 28, 2021, the Department mailed a copy of the draft Preliminary Determination proposing to approve Transfer Application T-13511 to the applicant. The draft Preliminary Determination cover letter set forth a deadline of March 1, 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.

4. On May 11, 2021, the Department issued a Preliminary Determination proposing to approve Transfer T-13511 and mailed a copy to the applicant. Additionally, notice of the Preliminary Determination for the transfer application was published on the Department's weekly notice on May 18, 2021, and in the Blue Mountain Eagle newspaper on May 19 and 26, 2021, pursuant to ORS 540.520 and OAR 690-380-4020. No protests were filed in response to the notice.

5. The right to be transferred is as follows:

Certificate: 25865 in the name of STEWART LIVESTOCK COMPANY,
INCORPORATED BY SARAH STEWART, PRESIDENT (confirmed by
John Day River (F) Decree)
Use: IRRIGATION, DOMESTIC AND STOCK
Priority Date: 1897
Rate: 1/40 CUBIC FOOT PER SECOND PER ACRE IRRIGATED TO JUNE 1
AND 1/80 CUBIC FOOT PER SECOND PER ACRE THEREAFTER;
FURTHER LIMITED TO ONE ACRE-FOOT PER CALENDAR MONTH
TO JUNE 1 AND FOUR ACRE-FOOT PER ACRE DURING SEASON
APRIL 1 TO SEPT. 30, MEASURED AT POINT OF DIVERSION
Source: FLAT CREEK, tributary of JOHN DAY RIVER.

Authorized Point of Diversion:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
<i>Not specified in certificate</i>					

Authorized Place of Use:

IRRIGATION, DOMESTIC AND STOCK					
Twp	Rng	Mer	Sec	Q-Q	Acres
13 S	27 E	WM	13	NE NW	9.6
13 S	27 E	WM	13	NW NW	22.4
13 S	27 E	WM	13	SW NW	0.8
13 S	27 E	WM	13	SE NW	14.9
13 S	27 E	WM	14	NE NE	0.2
Total					47.9

6. The Department received information from the applicant that better describes the location of the authorized point of diversion for Certificate 25865 as follows:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
13 S	27 E	WM	13	NW SE	POD 1 - LATITUDE: 44° 26' 23.26" NORTH LONGITUDE: -119° 25' 09.56" WEST

7. Transfer Application T-13511 proposes to move the authorized point of diversion approximately 1491.3 feet upstream to:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
13 S	27 E	WM	13	SE SW	POD 2 - LATITUDE: 44° 26' 10.31" NORTH LONGITUDE: -119° 25' 14.63" WEST

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

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

9. Water has been used within the last five years according to the terms and conditions of the right. There is no information in the record that would demonstrate that the right is subject to forfeiture under ORS 540.610.
10. 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-13511.
11. The proposed change would not result in enlargement of the right.
12. The proposed change would not result in injury to other water rights.
13. All other application requirements are met.

Conclusions of Law

The change in point of diversion proposed in Transfer Application T-13511 is consistent with the requirements of ORS 540.505 to 540.580 and OAR 690-380-5000.

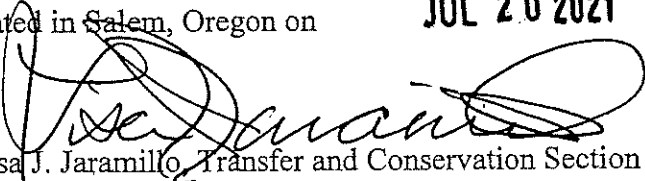
Now, therefore, it is ORDERED:

1. The change in point of diversion proposed in Transfer Application T-13511 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 25865 and any related decree.
3. Water right Certificate 25865 is cancelled.
4. The quantity of water diverted at the new point of diversion (POD 2), shall not exceed the quantity of water lawfully available at the original point of diversion (POD 1).

5. Water use measurement conditions:

- a. Before water use may begin under this order, the water user shall install a totalizing flow meter, or, with prior approval of the Director, another suitable measuring device, at each point of diversion (new and existing).
 - b. The water user shall maintain the meters or measuring devices in good working order.
 - c. The water user shall allow the Watermaster access to the meters or measuring devices; provided however, where the meters or measuring devices are located within a private structure, the Watermaster shall request access upon reasonable notice.
6. The water user shall maintain and operate a fish screening and/or by-pass device, as appropriate, at the point of diversion consistent with the Oregon Department of Fish and Wildlife's operational and maintenance standards.
7. Full beneficial use of the water shall be made, consistent with the terms of this order, on or before **October 1, 2022**. 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.
8. After satisfactory proof of beneficial use is received, a new certificate confirming the right transferred will be issued.

Dated in Salem, Oregon on **JUL 20 2021**


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

JUL 21 2021
Mailing date: _____

WATER RIGHT TRANSFER COVER SHEET

Transfer: T- 13511

Transfer Specialist:

Transfer Type: Regular

Covey

Applicant: OREGON DEPARTMENT OF FISH AND WILDLIFE PO BOX 93 DAYVILLE, OR 97825 Email: _____ Phone: _____		Agent: ☐ N/A Email: _____ Phone: _____	
Irrigation: ☐ N/A Email: _____		CWRE: ☐ N/A Email: _____	
Affected Local Gov'ts: ☐ N/A Grant County 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.
☐	Decree	John Day	25865	☐ Yes ☒ No	
☐				☐ Yes ☐ No	
☐				☐ Yes ☐ No	

Key Dates & Initial Actions:

Rec'd: September 2, 2020	Proposed Action(s): POINT OF DIVERSION	
Fees Pd: 1160.00	WM District: 4	ODFW District:
Initial Public Notice: September 8, 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: 4/8/21	Request for news \$ sent: 4/14/21	News \$ received: 4/23/21
Request to publish sent:	Affidavit of publication received:	Last day of publication:

Blue Mountain Eagle

Document	Drafted	Peer Review	Changes Made	Coordinator	Changes Made	Signature Bin	Signature Date
DPD	Date: 12/23/20 Initials: CC	Date: 1/4/21 Initials: CC	Date: _____ Initials: _____	Date: 1/9/21 Initials: PKS	Date: _____ Initials: _____	CW Sent: 1/28/21	N/A
PD	Date: 3/15/21 Initials: CC	Date: 3-22-21 Initials: B	Date: _____ Initials: _____	Date: 4/6/21 Initials: PKS	Date: 4/8/21 Initials: CC	Date: 5/3/21	Date: 5/11/2021
FO	Date: 5/24/21 Initials: CC	Date: 5-28-21 Initials: B	Date: _____ Initials: _____	Date: 6/3/21 Initials: PKS	Date: _____ Initials: _____	Date: 7/14/21	Date: 7/20/2021

Special Issues: _____

Special Order Volume: Vol. 121 Pages 48-51

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

In the Matter of Transfer Application	)	FINAL ORDER APPROVING A
T-13511, Grant County	)	CHANGE IN POINT OF DIVERSION

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.

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AND 1/80 CUBIC FOOT PER SECOND PER ACRE THEREAFTER;
FURTHER LIMITED TO ONE ACRE-FOOT PER CALENDAR MONTH
TO JUNE 1 AND FOUR ACRE-FOOT PER ACRE DURING SEASON
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7. Full beneficial use of the water shall be made, consistent with the terms of this order, on or before **October 1, 2022**. 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.
8. After satisfactory proof of beneficial use is received, a new certificate confirming the right transferred will be issued.

Dated in Salem, Oregon on

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

Mailing date: _____

✓



Oregon

Kate Brown, Governor

Water Resources Department

725 Summer St NE, Suite A

Salem, OR 97301

(503) 986-0900

Fax (503) 986-0904

April, 2021

OREGON DEPARTMENT OF FISH AND WILDLIFE
PO BOX 93, 45403 HWY 26
DAYVILLE, OR 97825

SUBJECT: Water Right Transfer Application T-13511

Please find enclosed the Preliminary Determination indicating that, based on the information available, the Department intends to approve application T-13511. 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 and in the Blue Mountain Eagle newspaper, 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 last date of newspaper publication.

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.

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.

Please do not hesitate to contact me, at corey.a.courchane@oregon.gov or (503) 986-0825, if I may be of assistance.

Sincerely,

Corey Courchane
Transfer Specialist
Transfer and Conservation Section

cc: T-13511
Eric W. Julsrud, District 4 Watermaster (via e-mail)

encs

**Notice of Preliminary Determination for
Water Right Transfer T-13511**

T-13511 filed by Oregon Department of Fish And Wildlife, PO Box 93, 45403 Hwy 26, Dayville, OR 97825, proposes a change in point of diversion under Certificate 25865. The right allows the use of 1/40 cubic foot per second per acre irrigated to June 1 and 1/80 cubic foot per second per acre thereafter; further limited to one acre-foot per calendar month to June 1 and four acre-feet per acre during season April 1 to Sept. 30 from Flat Creek in Sec. 13, T13S, R27E, WM for irrigation, domestic, and stock in Sects. 13 and 14, T13S, R27E, WM. The applicant proposes to move the point of diversion within Sec. 13, T13S, R27E, WM. The Water Resources Department proposes to approve the transfer, based on the requirements of ORS Chapter 540 and OAR 690-380-5000.

Any person may file, jointly or severally, a protest or standing statement within 30 days after the last date of newspaper publication of this notice, MM/DD/YEAR. Call (503) 986-0815 to obtain additional information. If no protests are filed, the Department will issue a final order consistent with the preliminary determination.

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.

COURCHANE Corey A * WRD

From: BUCHHOLZ Sheila L * WRD
Sent: Monday, April 26, 2021 7:17 AM
To: COURCHANE Corey A * WRD; BAUSTIAN Julie C * WRD
Cc: MARTIN Duff A * WRD
Subject: PD T-13511
Attachments: PD T-13511.pdf

Good Morning,
This PD Transfer has been completed.
Thanks,

Sheila Buchholz

Data Technician 1

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

Email: Sheila.L.Buchholz@oregon.gov



OREGON
WATER
RESOURCES
DEPARTMENT

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

COORD INITIALS

PR Initials

PRELIMINARY DETERMINATION**Public/Newspaper Notice**

CW	N/A		CW	N/A	
☐	☐	Prepare public/newspaper notice using template	☐	☐	Send letter to Applicant/Agent regarding newspaper notice cost
☐		Notice and Letter are "Spellchecked"	☐	☐	Funds received from Applicant/Agent for newspaper notice
☐	☐	Forward Draft Newspaper Notice to Coordinator	☐	☐	Affidavit of Publication Received

Ownership Verification

CW		CW	
☐	The Deed/ROI matches the "from" lands	☐	Compare with current tax lot map
☐	All owners on the Deed/ROI have signed the application	☐	☐ N/A Notarized, signed statement of consent

Document Preparation

CW		CW	
☐	Save DPD document as a new document XXXXX-pd.doc	☐	Hidden Findings unveiled (control "a", select Font, unmark hidden box)
☐	Any substantive changes/amendments as result of DPD ☐ Yes ☐ No If yes, issue revised DPD	☐	Remove "DRAFT" from document title and any extra "carriage" returns
☐	Update the hidden paragraph following the received notice and amendments findings (regarding is authorized to pursue transfer, etc.)	☐	Select the appeals language in the first page footer for the preliminary determination
☐	Protest language is listed following document preparation box	☐	Notice Regarding Service Members is showing
		☐	Document is "Spell checked"

Cover Letter

☐	Cover letter prepared	☐	Email addresses checked for accuracy
		☐	Document is "Spell checked"

Remaining Right Certificate(s)

☐	Assign certificate #s to all Remaining Right Certificates	☐	Document is "Spell checked"
☐	Remaining right Certificate numbers Orig. Cert. # _____ RR Cert. # _____ Orig. Cert. # _____ RR Cert. # _____ Orig. Cert. # _____ RR Cert. # _____ Orig. Cert. # _____ RR Cert. # _____ Orig. Cert. # _____ RR Cert. # _____ Orig. Cert. # _____ RR Cert. # _____	☐	Update Certificates with new Certificate numbers and print

COORD INITIALS

PR Initials

DRAFT PRELIMINARY DETERMINATION**Document Preparation**

☐	☐ N/A	Additional Supplemental Review Criteria Checklist attached	
CW		CW	
☒	Check tenses (Find and Replace (s), is/are, was/were	☒	Add agent, receiving landowner, if applicable, etc.
☒	Compare authorized PODs/POAs with marked up Certificate	☒	Compare "from" lands with marked up Table 2 of Application and Certificate
☒	Compare Proposed PODs/POAs with Table 1 of Application and Map	☒	Compare Proposed Place of Use with Table 2 of Application and Map

Cover Letter

CW	N/A		CW	N/A	
☒	☐	Correct Name and Address including email address	☒	☐	Attach supporting documents to cover letter ☐ Completed Watermaster Contact Sheet ☐ ODFW Contact sheet
☒	☐	Include email addresses for agent and other interested parties (in cc section) of letter	☐	☒	Any special conditions explained
			☒		Document is "Spell checked"

Remaining Right Certificate(s)

☐	Check tenses (Find and Replace (s), is/are, was/were	☐	Table format matches current template
☐	Content format matches original certificate (e.g., rate/duty limitation)	☐	Name and address matches originating certificate Note: Remaining rights can only be issued in the name of the current landowner(s) of the remaining rights <u>IF</u> 1) the Report of Ownership information supplied for the transfer covers all of the remaining right lands (as well as the right being transferred) <u>and</u> 2) the applicant asks for the remaining right to be issued in its name. Otherwise, the name(s) on the remaining right will be the same as the original water right involved in the transfer.
☐	Determination and remaining acres combined match acres under originating certificate?	☐	All water accounted for
☐	Draft all remaining right certificates	☐	Document is "Spell checked"

COMMENTS

--

Determination and Conclusions of Law (Cont'd)

Based on review of the record, the proposed change(s) would not result in injury to other water rights.

OR, if denial

The proposed change(s) would result in the routing of return flows around at least one diversion of other existing water rights, resulting in injury to those rights. **OR**

An instream water right, Certificate XXXXX, exists for the reach of the river in which the authorized point of diversion would be moved upstream, and streamflows within the reach are frequently below the levels allocated under the instream water right. Thus, the instream water right would be injured as a result of the proposed change in point of diversion.

The proposed change(s) would not result in injury to other water rights.

OR

The proposed change would result in injury to other water rights.

OR

The proposed change would result in injury to the instream water right. [See consent to injury]

- ☒ The application is complete. **OR**
☐ The application is incomplete

- ☒ All other application requirements are met. **OR**
☐ The application is incomplete because . . .

Ensure all conditions are carried forward in Order section.

COORD INITIALS

PR Initials

☒ N/A

Denial of Transfer (OAR 690-380-4010(3))

OAR 690-380-4010(3)(a)
Describe the basis for the denial

☐

- ☐ Injury
☐ Enlargement
☐ Deficiencies not rectified

OAR 690-380-4010(3)(b)
Identify conditions or restrictions that, if included in the transfer, would allow approval of the transfer

☐

Examples: consent to injury; amend application to remove well
☐ Yes Approve with conditions

☐ No Must be denied

Additional Conditions and Provisions under Review Criteria (Cont'd)					
CW	N/A		CW	N/A	SAMPLE FINDING
☐	☒	Additional finding for evaluation of comments received and any actions or conditions to address comments	☐	☐	
☐	☒	Add any other special provisions	☐	☐	Additional findings to support determination of additional review criteria listed
☐	☒	Any cancellation/diminishment submitted? ☐ Yes ☐ No	☐	☐	If yes: (See Supplemental Language Document) ☐ Add Authority after 1 st paragraph ☐ Add finding(s) to document cancellation/diminishment
☐	☒	Are the existing water rights issued in the name of a District or Bureau of Reclamation? ☐ Yes ☒ No	☐	☐	If yes, a Finding of Fact and an Order item identifying the name in which the confirming certificate will be issued and who is responsible for COBU. Notes: <i>See "Supplemental Processing Checklist for Transfers within a District"</i>

COORD INITIALS

PR Initials

Determination and Conclusions of Law

FINDINGS	DETERMINATION AND PROPOSED ACTION / CONCLUSIONS OF LAW
Based on review of the evidence submitted, the Department finds the water right(s) has/have been used [within the last five years] OR [within the five-year period prior to submittal of the transfer application] according to the terms and conditions of the right(s) and the right(s) is/are not subject to forfeiture.	The right(s) has/have been used [within the past five years] OR [within the five-year period prior to submittal of the transfer application] according to the terms and conditions of the right(s). OR Confirming water right Certificate XXXXX was issued within the last five years prior to submission of Transfer Application T-XXXXX.
Based on the information submitted [and Department records], a diversion structure and ditch sufficient to use the full amount of water allowed under the existing right(s) were present within the five-year period prior to submittal of the transfer application. OR Based on the information submitted [and Department records], a pump, pipeline, and sprinkler system sufficient to use the full amount of water allowed under the existing right(s) were present within the five-year period prior to submittal of the transfer application.	The Applicant is ready, willing, and able to use the full quantity of water under the right. There is no evidence in the record to suggest the right is subject to forfeiture.
[As conditioned,] the proposed change(s) would not result in enlargement of the right. OR, if denial The lands currently irrigated under the right would continue to receive water from the same source resulting in enlargement of the right(s).	The proposed change(s) will not enlarge the right. OR The proposed change(s) would result in enlargement of the right.

TRANSFER REVIEW Criteria Cont'd (OAR 690-380-4010)

☒	Injury OAR 690-380-4010(2)(d) The proposed transfer would result in injury ☐ Yes ☒ No Notes: _____ _____ _____ (Must make a positive finding of "No injury").	☐	The proposed transfer would result in another, existing water right not receiving previously available water to which it is legally entitled ☐ Watermaster Review. ☐ Yes ☐ No ☐ Groundwater Review. ☐ Yes ☐ No ☐ N/A ☐ ODFW Review. ☐ Yes ☐ No ☐ N/A If yes, can the injury be mitigated? ☐ Yes ☐ No Conditions: _____ Also See Injurious Transfers (690-380-5030 to 5050)
☒	Other requirements OAR 690-380-4010(2)(e) Any other requirements for water right transfers are met.	☐	Attach supplemental criteria checklist for transfer type marked on page 1 ☐ Character of Use ☐ SW to GW ☐ Instream ☐ Supplemental to Primary ☐ Consent to Injury of Instream Water Right

COORD INITIALS

PR Initials

Additional Findings of Fact

CW	N/A		CW	N/A	SAMPLE FINDING
☐	☐	Add Finding for submission of amended application pages or amended map	☐	☐	On ____, the applicant submitted an amended application page/map clarifying
☐	☐	Add Finding for timely comments received	☐	☐	On (date), timely comments were received from (name), asserting (issues). The Department has considered the comments and finds: (do they assert injury/enlargement or forfeiture?)
☐	☐	Add Watermaster Review	☐	☐	The District ____ Watermaster reviewed the proposed transfer application and concluded the proposed transfer would not result in enlargement of the right or injury to existing water rights. OR would result in injury or enlargement of the right unless it was conditioned

COORD INITIALS

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Additional Conditions and Provisions under Review Criteria

CW	N/A		CW	N/A	SAMPLE FINDING
☒	☐	Add Watermaster conditions	☒	☐	See Supplemental Language (Measurement devices) or requirements to prevent injury or enlargement
☒	☐	Add ODFW fish screen requirements	☒	☐	See Supplemental Language Fish Screen Requirements
☐	☒	Add ground water conditions	☐	☒	See Groundwater Review / Supplemental Language

PR Initials

Layered and Supplemental Water Rights (OAR 690-380-2240)

CW	N/A		CW	N/A	NOTES
☐	☐	OAR 690-380-2240(2) and (3) Transfer of Layered Water Rights and Certificates of Registration (change in use or pou) <i>See definition of layered in OAR 690-380- 0100(4)</i>	☐	☐	Are there other layered water uses subject transfer, permits or certificates of registration which were not included in the application? ☐ Yes ☐ No If yes, provide applicant 30days to: ☐ Submit application for concurrent changes ☐ Submit affidavits for voluntary cancellations ☐ Withdraw the application
☐	☐	OAR 690-380-2240(5) Transfer of Supplemental Irrigation water right separately from associated primary water right. Transfer of supplemental irrigation right may be moved separately from associated primary irrigation right if another primary irrigation right with similar reliability is appurtenant to the lands to which the supplemental right is to be moved.	☐	☐	Does the new primary irrigation water right have similar reliability as the associated primary irrigation water right? ☐ Yes ☐ No Will the supplemental water right be used more than it was when associated with previous primary right? New primary right priority date: _____ Prior primary right priority date: _____ History of regulation? ☐ Yes ☐ No Watermaster Review

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TRANSFER REVIEW Criteria (OAR 690-380-4010)

CW		CW	DOCUMENTATION
☒	Validity of the Right; Not Forfeited OAR 690-380-4010(2)(a) The right(s) has been used over the past five years according to the terms and conditions of the right and the right is not subject to forfeiture under ORS 540.610.	☒	☒ Evidence of Use & supporting documentation ☐ Confirming Cert issued within last 5 years ☐ Rebuttal to forfeiture (ORS 540.610(2)) _____
☒	Ready, Willing, and Able OAR 690-380-4010(2)(b) The water user is ready, willing and able to use the full amount of water allowed under the right.	☒	☒ Current delivery system description in Part 5 of Application Notes: _____ Delivery system has the capacity to fully divert and use the rate/duty of the right
☒	Enlargement OAR 690-380-4010(2)(c) The proposed transfer would result in enlargement ☐ Yes ☒ No Notes: _____ _____ (Must make a positive finding of "No enlargement").	☒	No expansion of the right: ☒ No greater rate or duty per acre than currently allowed ☐ Cannot increase acreage under the right ☐ Must prevent the original place of use from receiving water from the same source ☐ Cannot divert more water at the new POD or POA than is legally available to that right at the original point of diversion/appropriation See deficient rate right guidance See micro irrigation guidance

BASIC APPLICATION REVIEW and NOTICE (OAR 680-380-3000 and -4000) Cont'd

CW	N/A		CW	N/A	
☐	☒	Supp. Form D or Letter of approval from Irrigation or Water Control District	☒	☐	Evidence of Use is submitted with supporting documentation
☐	☒	Are the supplemental water rights included in the Transfer? ☐ Yes ☐ No If no, are they cancelling? ☐ Yes ☐ No	☒		Map meets criteria of OAR 690-380-3100
☒	☒	Water Use Subject to Transfer (OAR 690-380-0100(14)) Is the water right(s) proposed for transfer a water use(s) subject to transfer? ☒ Adjudicated or decreed ☐ Certificated ☐ Water use permit with CBU and proof to satisfaction issued ☐ Transfer app for which an order approving change has been issued and proper proof of the completion of the change has been filed	☒		Any application deficiencies that need to be addressed? ☐ Yes ☒ No Notes: _____ _____ _____

PR Initials

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

CW		CW	
☒	<u>From:</u> Only the authorized POD's/POA's and POU's involved are listed.	☒	<u>From:</u> Application & certificate tabulations match. (Mark on appl. and cert. copies and note corrections needed)
☒	<u>From:</u> Marked on certificate the acreage being affected and remaining by ¼ ¼.	☒	<u>From:</u> Marked on certificate the quantity of water being transferred, cancelled, and remaining
☒	<u>From and To:</u> Print Plat Card(s), check and note conflicts (change in pou and use only)	☒	<u>From and To:</u> Compare water right map to Application tabulation (Table 2) to Application map for accuracy

PR Initials

Amended Application Pages and Maps

CW	N/A		CW	N/A	Notes/Documentation
☐	☐	Amended Application Pages Rec'd _____ Amended Application Map Rec'd _____	☐	☐	☐ Scan new pages ☐ Update WRIS with new pages ☐ Mark replaced pages in red with 'SUPERSEDED' and place in back of file
☐	☐	Did the amendment change the location of the proposed POD or POA? ☐ Yes ☐ No	☐	☐	☐ For POD changes, re-review from Watermaster or other documentation ☐ For POA changes, re-review from GW section

Regular Transfer Review Checklist

T-13511

Caseworker: Coxey

TYPE OF TRANSFER

☒ POD, APOD or POA, APOA and/or Place of Use (690-380-2110 and 690-380-2200)

Transfers Requiring Supplemental Review Criteria

☐ Character of Use (690-380-2300)

☐ Instream, ORS 537.348, (690-380-2200, 690-380-2300 and 690-077-065 thru 075)

☐ Consent to Injury of Instream (CTI) ORS 540.530, (690-380-5050)

☐ Surface Water to Ground Water (SW to GW), ORS 540.531, (690-380-2130)

☐ Supplemental Use to Primary Use (S to P), ORS 540.524, (690-380-2320)

If transfer type not listed above, see separate checklists

FILE PREPARATION

CW		CW	
☒	File Assigned (Computer Entry)		All Stakeholders accurately listed in WRIS with email addresses if available, including ☐ Irrigation District ☐ BOR ☐ Tribes Is this a <i>Living</i> Certificate? ☐ Yes ☒ No
☒	Is transfer within a district boundary? ☐ Yes ☒ No <i>If yes, attach "Supplemental Processing Checklist for Transfers with a District" for additional required information.</i>	☒	
☒	Make Copies and Place in Working File: ☒ Application ☒ Map	☒	Double check all water rights/permits are included in WRIS under Transfer #
☒	Verify all Certificates/Permits are shown in WRIS to be non-cancelled ☒ Print Certificates and Place in Working File	☒	Copy and Place in Working File: ☒ Watermaster Review ☐ Groundwater Review ☒ ODFW Review
☒	Add Working file to T-file		Public Comments Received? ☐ Yes ☒ No
☒	Check Public Comments https://apps.wrd.state.or.us/apps/wr/wr_public_comment_mgmt/default.aspx	☒	If yes, print comments and place in file ☐ Timely ☐ Untimely Notes:

PR Initials

BASIC APPLICATION REVIEW and NOTICE (OAR 680-380-3000 and -4000)

CW	N/A		CW	N/A	
☒		Appropriately signed	☒	☒	Check Area of Interest – Print if needed, include in WRIS stakeholder as interested party
☒		All required Attachments Received	☐	☒	Ditch Co., Irr. Dist and/or BOR sent copies
☒		Appropriate Fees Paid	☐	☒	Overpayment of Fees, Refund Request w/FO
☒	☐	Local Government [County] noticed Copy of Acknowledgment Letter	☒	☐	OWRD Land Use Form matches Tax Lots, is signed by proper official and is APPROVED N/A = Must meet all 4 criteria for exemption (OAR 690-380-3000(19))

Data Center Review

CW		CW	
☐	Prepare Route Slip	☐	☐ Prepare Revised DPD if <i>substantive changes</i> OR ☐ Issue Preliminary Determination
☐	File Returned		

COMMENTS

COORD INITIALS

PR Initials

FINAL ORDER**Document Preparation**

CW		CW	
☐	Save PD document as new document XXXXX-ord-approve.doc	☐	Hidden Findings unveiled (control "a", select Font, unmark hidden box)
☐	Update the hidden paragraph following the received notice and amendments findings (regarding issuance of PD)	☐	Remove "PRELIMINARY DETERMINATION" from document title and replace with "FINAL ORDER", Replace "PROPOSING APPROVAL/DENIAL OF" with APPROVING/DENYING"
☐	Unhide and Select the appeals language in the first page footer for the "Final Order" language; unhide Special Order Volume and page	☐	Change "Determination and Proposed Action" to "Conclusions of Law" and update paragraph
☐	Replace "If application T-XXXXX is approved . . ." with Now, therefore, it is ORDERED:	☐	Select text below "It is ORDERED" section and turn off Italics. Restart numbering at "1".
☐	Delete Protest language, Document preparation box, and Notice Regarding Servicemembers; Insert "Mailing Date: _____"	☐	Final Check: All Conclusions of Law have Findings to support them
		☐	Document is "Spell checked"

Remaining Right Certificate

CW		CW	
☐	Assign Certificate Number from Spreadsheet	☐	Update footer to read: T-XXXXX.rr.YYYYY.ini, where YYYYY is original certificate number, and ini stands for your initials
☐	Input new certificate number on right side of footer	☐	Print on Certificate paper
		☐	Document is "Spell checked"

COMMENTS

**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 # **135064**

INVOICE # _____

RECEIVED FROM:

*State of Oregon; Oregon Dept
of Fish and Wildlife
126022270*

APPLICATION

PERMIT

TRANSFER

T.13511

BY:

CASH:

CHECK: #

OTHER: (IDENTIFY)

TOTAL REC'D \$ *172.08*

1083 TREASURY 4170 WRD MISC CASH ACCT

0407 COPIES

0207 OTHER:

(IDENTIFY)

46118 Newspaper Notice

\$

\$ *172.08*

0243 I/S Lease

0244 Muni Water Mgmt. Plan

0245 Cons. Water

4270 WRD OPERATING ACCT

MISCELLANEOUS

0407 COPY & TAPE FEES

0410 RESEARCH FEES

0408 MISC REVENUE: (IDENTIFY)

TC162 DEPOSIT LIAB. (IDENTIFY)

0240 EXTENSION OF TIME

\$

\$

\$

\$

\$

WATER RIGHTS:

EXAM FEE

RECORD FEE

0201 SURFACE WATER

0203 GROUND WATER

0205 TRANSFER

0202

0204

\$

\$

\$

WELL CONSTRUCTION

EXAM FEE

LICENSE FEE

0218 WELL DRILL CONSTRUCTOR

LANDOWNER'S PERMIT

0219

0220

\$

\$

OTHER

(IDENTIFY)

0536 TREASURY 0437 WELL CONST. START FEE

0211 WELL CONST START FEE

0210 MONITORING WELLS

OTHER

(IDENTIFY)

\$

\$

CARD #

CARD #

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: **135064**

DATED: *4-23-2021*

BY: *[Signature]*

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

IN THE CIRCUIT COURT OF THE
STATE OF OREGON FOR GRANT
COUNTY

} AFFIDAVIT OF PUBLICATION

STATE OF OREGON
County of Grant } ss

I, Alexandra Hand being
duly sworn, depose and say that
I am the principal clerk of the
publisher of the Blue Mountain
Eagle, bluemountaineagle.com, a
newspaper of general circulation,
as defined by ORS 193.010 and
193.020; that the

**NOTICE OF PRELIMINARY DETERMINATION FOR
WATER RIGHT TRANSFER T-13511**

T-13511 filed by Oregon Department of Fish And Wildlife, PO Box 93, 45403 Hwy 26, Dayville, OR 97825, proposes a change in point of diversion under Certificate 25865. The right allows the use of 1/40 cubic foot per second per acre irrigated to June 1 and 1/80 cubic foot per second per acre thereafter; further limited to one acre-foot per calendar month to June 1 and four acre-feet per acre during season April 1 to Sept. 30 from Flat Creek in Sec. 13, T13S, R27E, WM for irrigation, domestic, and stock in Sects. 13 and 14, T13S, R27E, WM. The applicant proposes to move the point of diversion within Sec. 13, T13S, R27E, WM. The Water Resources Department proposes to approve the transfer, based on the requirements of ORS Chapter 540 and OAR 690-380-5000. Any person may file, jointly or severally, a protest or standing statement within 30 days after the last date of newspaper publication of this notice, 05/26/2021. Call (503) 986-0815 to obtain additional information. If no protests are filed, the Department will issue a final order consistent with the preliminary determination. **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.

RECEIVED

JUN 03 2021

OWRD

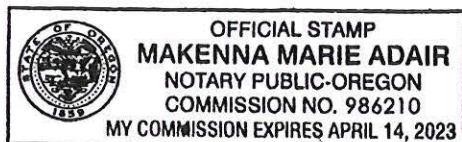
Water Rights Transfer T-13511

a printed copy of which is hereto
annexed; was published in the
entire issue of said newspaper for 2
successive and consecutive issues in
the following issues:
05/19/2021, 05/26/2021

Subscribed and sworn to before me
on this **27th day of May, A.D. 2021**

Alexandra Hand
Melvin M. Adair

Notary Public of Oregon





Oregon

Kate Brown, Governor

Water Resources Department

725 Summer St NE, Suite A

Salem, OR 97301

(503) 986-0900

Fax (503) 986-0904

May 11, 2021

OREGON DEPARTMENT OF FISH AND WILDLIFE
PO BOX 93, 45403 HWY 26
DAYVILLE, OR 97825

SUBJECT: Water Right Transfer Application T-13511

Please find enclosed the Preliminary Determination indicating that, based on the information available, the Department intends to approve application T-13511. 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 and in the Blue Mountain Eagle newspaper, 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 last date of newspaper publication.

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.

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.

Please do not hesitate to contact me, at corey.a.courchane@oregon.gov or (503) 986-0825, if I may be of assistance.

Sincerely,

Corey Courchane
Transfer Specialist
Transfer and Conservation Section

cc: T-13511
Eric W. Julsrud, District 4 Watermaster (via e-mail)

encs

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

In the Matter of Transfer Application	)	PRELIMINARY DETERMINATION
T-13511, Grant County	)	PROPOSING APPROVAL OF A
	)	CHANGE IN POINT OF DIVERSION

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

OREGON DEPARTMENT OF FISH AND WILDLIFE
PO BOX 93, 45403 HWY 26
DAYVILLE, OR 97825

Findings of Fact

1. On September 2, 2020, OREGON DEPARTMENT OF FISH AND WILDLIFE filed an application to change the point of diversion under Certificate 25865. The Department assigned the application number T-13511.
2. Notice of the application for transfer was published on September 8, 2020, pursuant to OAR 690-380-4000. No comments were filed in response to the notice.
3. On January 28, 2021, the Department mailed a copy of the draft Preliminary Determination proposing to approve Transfer Application T-13511 to the applicant. The draft Preliminary Determination cover letter set forth a deadline of March 1, 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.
--

4. The right to be transferred is as follows:

Certificate: 25865 in the name of STEWART LIVESTOCK COMPANY,
INCORPORATED BY SARAH STEWART, PRESIDENT (confirmed by
John Day River (F) Decree)
Use: IRRIGATION, DOMESTIC AND STOCK
Priority Date: 1897
Rate: 1/40 CUBIC FOOT PER SECOND PER ACRE IRRIGATED TO JUNE 1
AND 1/80 CUBIC FOOT PER SECOND PER ACRE THEREAFTER;
FURTHER LIMITED TO ONE ACRE-FOOT PER CALENDAR MONTH
TO JUNE 1 AND FOUR ACRE-FOOT PER ACRE DURING SEASON
APRIL 1 TO SEPT. 30, MEASURED AT POINT OF DIVERSION
Source: FLAT CREEK, tributary of JOHN DAY RIVER

Authorized Point of Diversion:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
Not specified in certificate					

Authorized Place of Use:

IRRIGATION, DOMESTIC AND STOCK					
Twp	Rng	Mer	Sec	Q-Q	Acres
13 S	27 E	WM	13	NE NW	9.6
13 S	27 E	WM	13	NW NW	22.4
13 S	27 E	WM	13	SW NW	0.8
13 S	27 E	WM	13	SE NW	14.9
13 S	27 E	WM	14	NE NE	0.2
Total					47.9

5. The Department received information from the applicant that better describes the location of the authorized point of diversion for Certificate 25865 as follows:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
13 S	27 E	WM	13	NW SE	POD 1 - LATITUDE: 44° 26' 23.26" NORTH LONGITUDE: -119° 25' 09.56" WEST

6. Transfer Application T-13511 proposes to move the authorized point of diversion approximately 1491.3 feet upstream to:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
13 S	27 E	WM	13	SE SW	POD 2 - LATITUDE: 44° 26' 10.31" NORTH LONGITUDE: -119° 25' 14.63" WEST

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

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

8. Water has been used within the last five years according to the terms and conditions of the right. 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-13511.
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 point of diversion proposed in Transfer Application T-13511 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.

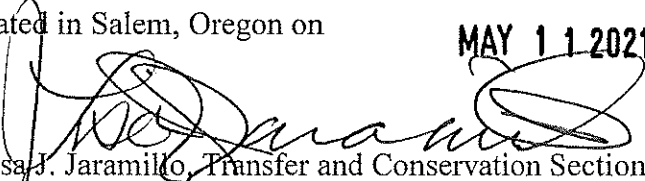
If Transfer Application T-13511 is approved, the final order will include the following:

1. *The change in point of diversion proposed in Transfer Application T-13511 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 25865 and any related decree.*
3. *Water right Certificate 25865 is cancelled.*
4. *The quantity of water diverted at the new point of diversion (POD 2), shall not exceed the quantity of water lawfully available at the original point of diversion (POD 1).*
5. *Water use measurement conditions:*
 - a. *Before water use may begin under this order, the water user shall install a totalizing flow meter, or, with prior approval of the Director, another suitable measuring device, at each point of diversion (new and existing).*
 - b. *The water user shall maintain the meters or measuring devices in good working order.*
 - c. *The water user shall allow the Watermaster access to the meters or measuring devices; provided however, where the meters or measuring devices are located within a private structure, the Watermaster shall request access upon reasonable notice.*

6. *The water user shall maintain and operate a fish screening and/or by-pass device, as appropriate, at the point of diversion consistent with the Oregon Department of Fish and Wildlife's operational and maintenance standards.*
7. *Full beneficial use of the water shall be made, consistent with the terms of this order, on or before **October 1, 2022**. 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.*
8. *After satisfactory proof of beneficial use is received, a new certificate confirming the right transferred will be issued.*

Dated in Salem, Oregon on

MAY 11 2021


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

This Preliminary Determination was prepared by Corey Courchane. If you have questions about the information in this document, you may reach me at 503-986-0825 or corey.a.courchane@oregon.gov

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.



Oregon
Kate Brown, Governor

RECEIVED

APR 23 2021

OWRD

RA
Water Resources Department
725 Summer St NE, Suite A
Salem, OR 97301
(503) 986-0900
Fax (503) 986-0904

April 14, 2021

OREGON DEPARTMENT OF FISH AND WILDLIFE
PO BOX 93, 45403 HWY 26
DAYVILLE, OR 97825

SUBJECT: Water Right Transfer Application T-13511

Your water right transfer is ready for issuance of the Preliminary Determination, once the Department receives payment for publication of the newspaper notice.

Items needed before the next phase of processing...

At this time you need to:

1. submit a check for \$172.08 (to cover cost of publication of the notice), made out to the Oregon Water Resources Department.
2. write "for T-13511 NOTICE" on the front of your check, and
3. submit it with the tracking stub at the bottom of this letter.

Mail the check to 725 Summer St. NE, Suite A, Salem, OR 97301-1266, no later than May 14, 2021.

What happens next...

Shortly after receiving payment, the Department will issue the Preliminary Determination, initiate publication in the Blue Mountain Eagle newspaper, and also publish the notice on the Department's weekly notice. Publication of the notice will initiate a protest period during which any person may file either a protest opposing the decision proposed by the Department in the Preliminary Determination or a standing statement supporting the Department's decision.

If we do not receive payment for newspaper notice by May 14, 2021, a Preliminary Determination may be issued denying the application as incomplete.

RECEIVED

APR 15 2021

ACCOUNTS PAYABLE

X-----
Attached is a check for \$172.08 (PCA #46118) for Newspaper Notice for Transfer T-13511 made out to Oregon Water Resources Department (or WRD)

- "for T-13511 NOTICE" written on front of check

Mail to: Oregon Water Resources Department
725 Summer St. NE, Suite A
Salem, OR 97301-1266

Caseworker: cc

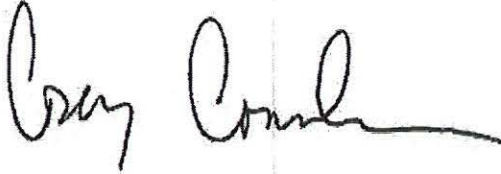
RECEIVED

APR 23 2021

OWRD

Please do not hesitate to contact me, at corey.a.courchane@oregon.gov or (503) 986-0825, if I may be of assistance.

Sincerely,



Corey Courchane
Transfer Specialist
Transfer and Conservation Section

cc: T-13511
Eric W. Julsrud, District 4 Watermaster (via e-mail)

RECEIVED

APR 15 2021

ACCOUNTS PAYABLE



Oregon

Kate Brown, Governor

Water Resources Department
725 Summer St NE, Suite A
Salem, OR 97301
(503) 986-0900
Fax (503) 986-0904

April 14, 2021

OREGON DEPARTMENT OF FISH AND WILDLIFE
PO BOX 93, 45403 HWY 26
DAYVILLE, OR 97825

SUBJECT: Water Right Transfer Application T-13511

Your water right transfer is ready for issuance of the Preliminary Determination, once the Department receives payment for publication of the newspaper notice.

Items needed before the next phase of processing...

At this time you need to:

1. submit a check for \$172.08 (to cover cost of publication of the notice), made out to the Oregon Water Resources Department.
2. write **"for T-13511 NOTICE"** on the front of your check, and
3. submit it with the tracking stub at the bottom of this letter.

Mail the check to 725 Summer St. NE, Suite A, Salem, OR 97301-1266, **no later than May 14, 2021.**

What happens next...

Shortly after receiving payment, the Department will issue the Preliminary Determination, initiate publication in the Blue Mountain Eagle newspaper, and also publish the notice on the Department's weekly notice. Publication of the notice will initiate a protest period during which any person may file either a protest opposing the decision proposed by the Department in the Preliminary Determination or a standing statement supporting the Department's decision.

If we do not receive payment for newspaper notice by May 14, 2021, a Preliminary Determination may be issued denying the application as incomplete.

✕-----
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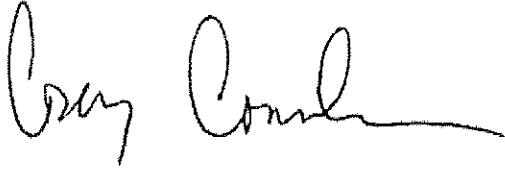
- **"for T-13511 NOTICE" written on front of check**

Mail to: Oregon Water Resources Department
725 Summer St. NE, Suite A
Salem, OR 97301-1266

Caseworker: cc

Please do not hesitate to contact me, at corey.a.courchane@oregon.gov or (503) 986-0825, if I may be of assistance.

Sincerely,

A handwritten signature in black ink, appearing to read "Corey Courchane". The signature is fluid and cursive, with the first name "Corey" and last name "Courchane" clearly distinguishable.

Corey Courchane
Transfer Specialist
Transfer and Conservation Section

cc: T-13511
Eric W. Julsrud, District 4 Watermaster (*via e-mail*)

COURCHANE Corey A * WRD

From: PHILLIPS Stacy H * WRD
Sent: Wednesday, April 14, 2021 12:58 PM
To: STARNES Patrick K * WRD
Cc: COURCHANE Corey A * WRD
Subject: RE: Newspaper Estimate for Transfer Application T-13511

Hey Corey,

The quote came in for this notice. Total cost will be \$172.08.

Thanks,

Stacy H. Phillips

Restoration Program Technician

725 Summer Street NE, Suite A, Salem, OR 97301 | Office: 503-986-0898

Email: stacy.h.phillips@oregon.gov



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

From: STARNES Patrick K * WRD <Patrick.K.Starnes@oregon.gov>
Sent: Wednesday, April 14, 2021 9:37 AM
To: PHILLIPS Stacy H * WRD <Stacy.H.Phillips@oregon.gov>
Cc: COURCHANE Corey A * WRD <Corey.A.Courchane@oregon.gov>
Subject: Newspaper Estimate for Transfer Application T-13511

Hi Stacy –

Corey will need a quote for the attached TRANSFER Application notice to run in the Blue Mountain Eagle. Run time is two weeks.

Thanks!

Kelly

Kelly Starnes, Transfer Program Analyst
Oregon Water Resources Department
725 Summer St NE Suite A
Salem OR 97301-1271
Telephone: 503-986-0886 Fax: 503-986-0903
E-mail: patrick.k.starnes@oregon.gov

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

COURCHANE Corey A * WRD

From: Jack O Vaughn <Jack.O.Vaughn@state.or.us>
Sent: Monday, March 15, 2021 8:39 AM
To: COURCHANE Corey A * WRD
Subject: Water Right Transfer Application T-13511
Attachments: Ownership_Encumbrance_Report_03-01-2021.pdf

Good morning Corey,

I received the Ownership and Encumbrance Report for the Water Right Transfer Application and have attached it to this email. Please let me know if it will work or if you need anything else. I look forward to keeping this moving forward!

Cheers,

Jack Vaughn

John Day Wildlife Habitat Program Manager
PO Box 93
Dayville, OR 97825
Office: 541-987-2171
Cell: 541-620-1047
Email: jack.o.vaughn@state.or.us

Land Title Company of Grant County, Inc.

145 NE Dayton Street
John Day, OR 97845-1092

Phone: (541) 575-1529
Fax: 1(541) 628-7415
E-Mail: landtitleco@ltcofgrantcounty.com

Date: March 09, 2021

Fee: \$300.00

OWNERSHIP AND ENCUMBRANCE REPORT

Property Address: Dayville, OR 97825

The Company has searched its title plant records, and the Company reports as follows:

According to the Company's title plant records for Grant County as to land described below, the Company finds the following matters as of 8:00 a.m. on March 01, 2021:

A. The land which is the subject of this search is described as follows:

SEE EXHIBIT "A" ATTACHED HERETO

B. The apparent vested owner is:

State of Oregon acting by and through its Game Commission

C. The land is subject to the following apparent monetary encumbrances and real property taxes:

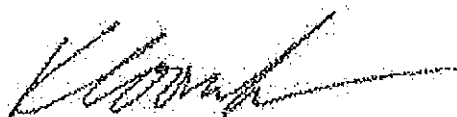
1. Taxes, including the current fiscal year, not assessed due to ownership by a governmental entity. If the exempt status is terminated, an additional tax may be levied.
Account No. : 16 13-27 TL1800; Ref. 8950
2. The legal description in this report is based on information provided by the parties or their representative. The parties to the forthcoming transaction must notify the title company prior to closing if the description does not conform to their expectations.

Assessed Land Value: \$3,398,080.00
Assessed Improvements Value:
Assessed Total Value: \$3,398,080.00

THIS SEARCH DOES NOT INCLUDE ANY EASEMENTS, COVENANTS, RESTRICTIONS OR OTHER SUCH MATTERS.

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

Land Title Company of Grant County, Inc.



Order No.: 27528

EXHIBIT "A"
LEGAL DESCRIPTION

Township 13 South, Range 27 East, Willamette Meridian, Grant County, Oregon:

Section 11: S1/2N1/2; S1/2; SAVE AND EXCEPT the following:

- (a) That portion conveyed to Grant County, Oregon by Deed dated April 12, 1922, recorded February 2, 1925 in Book 35, Page 577, Deed Records of Grant County, Oregon, for right of way.
- (b) That portion conveyed to the State of Oregon, by and through its State Highway Commission, by Deed dated September 13, 1935, recorded September 27, 1935 in Book 40, Page 574, Deed Records of Grant County, Oregon, for right of way.
- (c) That portion conveyed to Joe C. Martin by Deed dated September 14, 1977, recorded November 18, 1977 in Book 117, Page 911, Deed Records of Grant County, Oregon.

Section 13: All

Section 14: All

Section 15: All

Section 16: All

Section 21: All

Section 22: All

Section 23: All

Section 24: All

Section 25: All

Section 26: SE1/4NE1/4; E1/2SE1/4; SW1/4SE1/4; W1/2.

Section 27: E1/2; W1/2SW1/4; NW1/4.

Section 35: E1/2.

Section 36: All

(Tax Acct. 16 13-27 TL1800; Ref. 8950)

THIS MAP WAS PREPARED FOR
ASSESSMENT PURPOSE ONLY

0 1,000 2,000 3,000 4,000 Feet

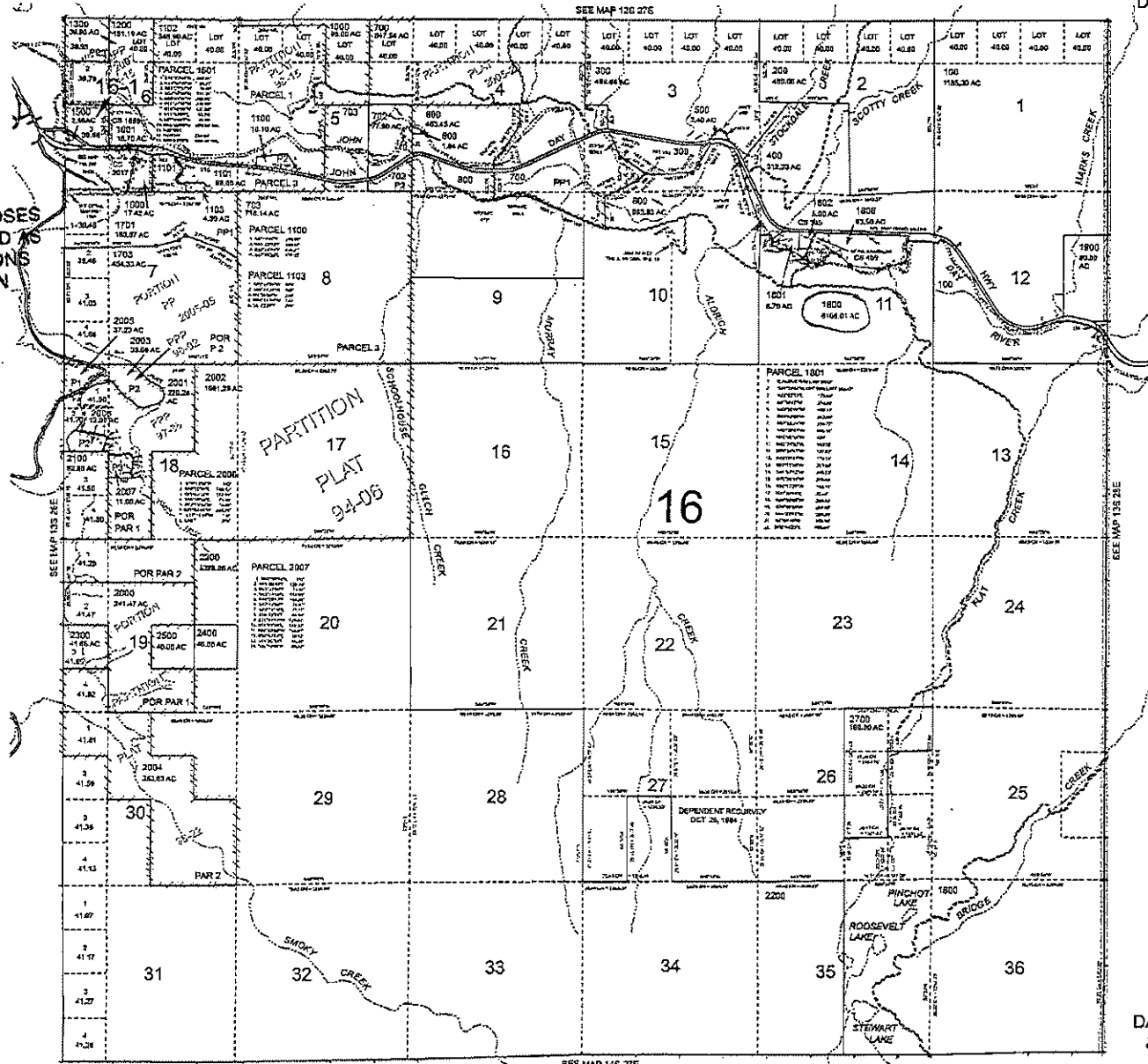
T.13S. R.27E. W.M.
GRANT COUNTY
1" = 2000'

SEE MAP 126 27E

13S27E
& INDEX
DAYVILLE

Cancelled
451
501
701
1400
1602
1702
1903
1804
1905
2500

THIS SKETCH IS FOR LOCATION PURPOSES
ONLY, AND NO WARRANTIES ARE IMPLIED AS
TO VARIATIONS, IF ANY, IN DIMENSIONS
OR LOCATION AS REVEALED BY AN
ACCURATE SURVEY.



Revised: MA
01/10/2019
DAYVILLE
& INDEX
13S27E



Oregon
Kate Brown, Governor

Water Resources Department
725 Summer St NE, Suite A
Salem, OR 97301
(503) 986-0900
Fax (503) 986-0904

January ²⁹, 2021

OREGON DEPARTMENT OF FISH AND WILDLIFE
PO BOX 93, 45403 HWY 26
DAYVILLE, OR 97825

Reference: Water Right Transfer Application T-13511

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-13511. The document reflects the Department's conclusion that, based on the information currently available, the transfer will be approved.

Items needed before the next phase of processing...

1. Please review the draft carefully to see if it accurately reflects the changes you intend to make, and to become familiar with all proposed conditions. **You will need to respond in writing** by the deadline provided below, whether you agree with the proposed action and conditions. Also we will appreciate having you let us know if there are typographical errors that need to be corrected.
2. A report of landownership for the lands to which the water right(s) are appurtenant (the FROM lands) is required. **The report must be prepared by a title company and meet the criteria below.** (*Reports may be called by various names, such as Customer Service Report, Property Analysis Report (PAR), List Pack, Lot Book Report, etc.*)
 - a) The title company's report must either 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) prepared at any time, but showing ownership at the time a water right conveyance agreement was recorded.
 - b) The ownership report shall include:
 - i) Date the ownership report was generated or prepared; and
 - ii) List of owners at that time; and
 - iii) Legal description of the property where the water right to be transferred is currently located.
 - c) You will need to submit a notarized statement of consent from any landowner listed in the ownership report who is not already included in the transfer application, or other information such as a water right conveyance agreement, if applicable.
3. Notice of this transfer will need to be published in a newspaper with general circulation in the area where the water rights are currently located. You will be responsible for the charges. Please confirm the Blue Mountain Eagle as the newspaper you prefer to publish in so we can get an accurate estimate of the cost.

Conditions to your water right...

The Watermaster has required a water measurement device(s) at the new diversion point(s) prior to diversion of water. Enclosed is a contact information sheet to assist you in pursuing additional information or approval of the required (or alternate) device(s).

Please note the proposed date by which all conditions must be met: October 1, 2022. If the required completion date is insufficient to comply with any of the conditions, you may extend the date at no cost to you during this stage of processing. Please let me know by the comment deadline so we can make the proper arrangements to get you the time you need.

What happens next...

Once the Preliminary Determination is issued a publication period is required. Because there is more than ¼ mile between the new and the authorized points of diversion, the Department will publish notice of the transfer in a local newspaper having a general circulation in the area of the water right at least once per week for two consecutive weeks. You are responsible for sending a check to cover the cost of publication prior to the issuance of the Preliminary Determination and publication of notice.

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. Report of ownership, and affidavits of consent from any landowners shown in the ownership report who have not signed the transfer application.

March 1
If we do not receive the items listed above by ~~February~~ , 2021, a Preliminary Determination may be issued denying the application as incomplete.

Please do not hesitate to contact me, at corey.a.courchane@oregon.gov or (503) 986-0825, if I may be of assistance.

Sincerely,



Corey Courchane
Transfer Specialist
Transfer and Conservation Section

cc: Transfer Application file T-13511
Eric W. Julsrud, District 4 Watermaster (via e-mail)

encs

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

In the Matter of Transfer Application
T-13511, Grant County

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

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

OREGON DEPARTMENT OF FISH AND WILDLIFE
PO BOX 93, 45403 HWY 26
DAYVILLE, OR 97825

Findings of Fact

1. On September 2, 2020, OREGON DEPARTMENT OF FISH AND WILDLIFE filed an application to change the point of diversion under Certificate 25865. The Department assigned the application number T-13511.
2. Notice of the application for transfer was published on September 8, 2020, pursuant to OAR 690-380-4000. No comments were filed in response to the notice.
3. The right to be transferred is as follows:

Certificate: 25865 in the name of STEWART LIVESTOCK COMPANY,
INCORPORATED BY SARAH STEWART, PRESIDENT (confirmed by
John Day River (F) Decree)

Use: IRRIGATION, DOMESTIC AND STOCK

Priority Date: 1897

Rate: 1/40 CUBIC FOOT PER SECOND PER ACRE IRRIGATED TO JUNE 1
AND 1/80 CUBIC FOOT PER SECOND PER ACRE THEREAFTER;
FURTHER LIMITED TO ONE ACRE-FOOT PER CALENDAR MONTH
TO JUNE 1 AND FOUR ACRE-FOOT PER ACRE DURING SEASON
APRIL 1 TO SEPT. 30, MEASURED AT POINT OF DIVERSION

Source: FLAT CREEK, tributary of JOHN DAY RIVER

Authorized Point of Diversion:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
<i>Not specified in certificate</i>					

Authorized Place of Use:

IRRIGATION, DOMESTIC AND STOCK					
Twp	Rng	Mer	Sec	Q-Q	Acres
13 S	27 E	WM	13	NE NW	9.6
13 S	27 E	WM	13	NW NW	22.4
13 S	27 E	WM	13	SW NW	0.8
13 S	27 E	WM	13	SE NW	14.9
13 S	27 E	WM	14	NE NE	0.2
Total					47.9

4. The Department received information from the applicant that better describes the location of the authorized point of diversion for Certificate 25865 as follows:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
13 S	27 E	WM	13	NW SE	POD 1 - LATITUDE: 44° 26' 23.26" NORTH LONGITUDE: -119° 25' 09.56" WEST

5. Transfer Application T-13511 proposes to move the authorized point of diversion approximately 1491.3 feet upstream to:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
13 S	27 E	WM	13	SE SW	POD 2 - LATITUDE: 44DEG 26 MIN 10.31 SEC N LONGITUDE: -119 DEG 25 MIN 14.63 SEC W

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

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

7. Water has been used within the last five years according to the terms and conditions of the right. There is no information in the record that would demonstrate that the right is subject to forfeiture under ORS 540.610.
8. 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-13511.
9. The proposed change would not result in enlargement of the right.
10. The proposed change would not result in injury to other water rights.
11. All other application requirements are met.

Determination and Proposed Action

The change in point of diversion proposed in Transfer Application T-13511 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-13511 is approved, the final order will include the following:

- 1. The change in point of diversion proposed in Transfer Application T-13511 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 25865 and any related decree.*
- 3. Water right Certificate 25865 is cancelled.*
- 4. The quantity of water diverted at the new point of diversion (POD 2), shall not exceed the quantity of water lawfully available at the original point of diversion (POD 1).*
- 5. Water use measurement conditions:*
 - a. Before water use may begin under this order, the water user shall install a totalizing flow meter, or, with prior approval of the Director, another suitable measuring device, at each point of diversion (new and existing).*
 - b. The water user shall maintain the meters or measuring devices in good working order.*
 - c. The water user shall allow the Watermaster access to the meters or measuring devices; provided however, where the meters or measuring devices are located within a private structure, the Watermaster shall request access upon reasonable notice.*
- 6. The water user shall maintain and operate a fish screening and/or by-pass device, as appropriate, at the point of diversion consistent with the Oregon Department of Fish and Wildlife's operational and maintenance standards.*
- 7. Full beneficial use of the water shall be made, consistent with the terms of this order, on or before **October 1, 2022**. 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.*

8. *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 Corey Courchane. If you have questions about the information in this document, you may reach me at 503-986-0825 or corey.a.courchane@oregon.gov

Watermaster Review Form: Water Right Transfer



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

Transfer Application: T-13511

Review Due Date: 10/26/2020

Applicant Name: Oregon Department of Fish and Wildlife

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

Reviewer(s): Assistant Watermaster/Hailey Hughes Date of Review: 10/26/2020

1. Do you have evidence that the right has not been used in the last 5 years and that the presumption of forfeiture would not likely be rebuttable? ☐ Yes ☒ No If "Yes", attach evidence (e.g. dated aerial photo showing pavement or building on the land for >5 yrs.)
2. Is there a history of regulation on the source that serves this (or these) right(s) that has involved the transferred right(s) and downstream water rights? ☐ Yes ☒ No Generally characterize the frequency of any regulation or explain why regulation has not occurred:

This is a dis-tributary system with only one active water right. There has not been a call for water to satisfy any other users.
3. Have headgate notices been issued for the source that serves the transferred right(s)?
☐ Yes ☒ No ☐ Records not available.
4. In your estimation, after the proposed change, would distribution of water for the right(s) result in regulation of other water rights that would not have occurred if use under the original right(s) was/were maximized? ☐ Yes ☒ No If "Yes", explain:
5. In your estimation, if the proposed change is approved, are there upstream water rights that would be affected? ☐ Yes ☒ No If "Yes", describe how the rights would be affected and list the rights most affected:

6. Check here ☐ if it appears that downstream water rights benefit from return flows resulting from the current use of the transferred right(s)? If you check the box, generally characterize the locations where the return flows likely occur and list the water rights that benefit most:

☒ N/A

7. For POD changes and instream transfers, check here if there are channel losses between the old and new PODs or within the proposed instream reach? If you check the box, describe and, if possible, estimate the losses:

☒ N/A

8. For instream transfers that propose protection of a reach beyond the mouth of the source stream:

☒ N/A Would the quantity be measureable into the receiving stream consistent with OAR 690-077-0015(8)? ☐ Yes ☐ No

9. For POU changes: ☒ N/A Is it likely the original place of use would continue to receive water from the same source? ☐ Yes ☐ No If "Yes", explain:

10. For POU or USE changes: ☒ N/A In your best judgment, would use of the existing right at "full face value," result in the diversion of more water than can be used beneficially and without waste? ☐ Yes ☐ No If "Yes", explain:

11. For POU changes that involve micro-irrigation: ☒ N/A

- a. Has the applicant made changes (absent a transfer) to convert to micro-irrigation within the current place of use boundary of the water right proposed for transfer, and previously demonstrated to the Department through monitoring and site inspections by the Watermaster that the proposed transfer will not result in injury or enlargement?

☐ Yes ☐ No If "Yes", explain:

- b. Has a temporary transfer of this nature been previously filed and approved on the same lands (or portions thereof) as those lands involved in this transfer?

☐ Yes ☒ No If "Yes", answer the following:

- i. Were there any problems with more acres being irrigated (or wetted) than were authorized under the temporary transfer? ☐ Yes ☐ No If "Yes", explain:

- ii. Did the designated areas that were to remain dry (or not wetted) under the temporary transfer actually remain dry? ☐ Yes ☐ No If "No", explain:

- iii. Did the applicant comply with and meet all of the conditions of the temporary transfer? ☐ Yes ☐ No If "No", explain:

- iv. Do you have any other observations regarding the temporary transfer?

☐ Yes ☐ No If "Yes", describe:

- v. Did the applicant demonstrate to the Department through monitoring and site inspections by the Watermaster that neither injury nor enlargement occurred as a result of the temporary transfer? ☐ Yes ☐ No If "No", explain:

- c. To the best of your knowledge, if this transfer is approved, does it appear that:

- i. "Injury" will occur to other water rights that share the same source?

☐ Yes ☒ No If "Yes", explain:

- ii. "Enlargement" of the water right being transferred will occur?

☐ Yes ☒ No If "Yes", explain:

12. Are there other issues not identified through the above questions that should be considered in determining whether the change "can be effected without injury to other rights"?

☐ Yes ☒ No If "Yes", explain:

13. What alternatives may be available for addressing any issues identified above:

An opened channel device would be acceptable at the original point of diversion and an in line flow meter at the new point in order to confirm rate authorized when water is being diverted.

14. Do conditions need to be included in the transfer order to avoid enlargement of the right or injury to other rights? ☒ No ☐ Yes, as checked and provided below:

☐ For POU changes that involve micro-irrigation, provide the monitoring and reporting conditions necessary to prevent injury/enlargement:

☐ A Headgate should be required prior to diverting water.

☒ Measurement Devices for POD or POA: (if this condition is selected, also fill in the top sections of Page 4)

*a. Before water use may begin under this order, the water user shall install a **totalizing flow meter***, or, with prior approval of the Director, another suitable measuring device, ☒ at each point of diversion/appropriation (new and existing) OR at each new point of diversion/appropriation ☐ with the exception that water rights issued to the Bureau of Reclamation or an irrigation district (or similar entity) are not subject to this condition.*

b. The water user shall maintain the meters or measuring devices in good working order.

c. The water user shall allow the Watermaster access to the meters or measuring devices; provided however, where the meters or measuring devices are located within a private structure, the Watermaster shall request access upon reasonable notice.

☐ Reservoir water use measurement: (if this condition is selected, also fill in the top sections of Page 4)

*a. Before water use may begin under this order, the water user shall install **staff gages***, or, with prior approval of the Director, other suitable measuring devices, that measure the entire range and stage between empty and full in each reservoir. Staff gages shall be United States Geological Survey style.*

b. Before water use may begin under this order, if the reservoir is located in channel, weirs or other suitable measuring devices must be installed upstream and downstream of the reservoir, and, an adjustable outlet valve must be installed. The water user shall maintain such devices in good working order. A written waiver may be obtained, if in the judgment of the Director, the installation of weirs or other suitable measuring devices, or the adjustable outlet valve, will provide no public benefit.

* The following alternative device(s) should be substituted for the bold, underlined device in the above selected condition:



Weir



Submerged Orifice



Parshall Flume



Flow Restrictor



Other: Ramp Flume

Oregon Water Resources Department

Measurement Condition Information for the Applicant

(To be sent with the Draft Preliminary Determination or Final Order)

Transfer #: T- 13511



In order to avoid enlargement of the right or injury to other rights, a **totalizing flow meter** will be required to be installed **prior to diversion of water**, as a condition of this transfer:



at each point of diversion/appropriation (new and existing) **OR**



at each new point of diversion/appropriation.

For additional information, or to obtain approval of a different type of measurement device, the applicant should contact the area Watermaster:

Watermaster name: Assistant Watermaster/Hailey Boethin

District: 4

Address: 201 S Humbolt St, Ste 180

City/State/Zip: Canyon City/OR 97820

Phone: 541-575-0119

Email: hailey.d.hughes@oregon.gov

Note: If a device other than the one specified in the Preliminary Determination or Final Order is approved by the Watermaster, fill out and mail the form below to the Salem office.

Approval of an Alternate Measurement Device

T- 13511

(to be filled out after consultation with the applicant, or after a site visit)

On behalf of the Director, I authorize use of the following suitable alternate measurement device:

4

Watermaster signature

District

Date

If this form is used for approval of an alternative measurement device, it must be mailed to:

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

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

Reference Transfer #: T-13511, ODFW

Date of review: 9/3/20

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

☐ The Oregon Department of Fish and Wildlife (ODFW) believes this proposed transfer may injure an instream water right(s) on *[stream]*, tributary to , because .

(Please attach any available supporting information.)

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

B. Please check one of the following five boxes related to fish screen requirements pursuant to ORS 540.525 or 540.532:

☒ **1. Screen Maintain**

[Select this option if the new Point of Diversion (POD) requires a fish screen and is currently equipped with an appropriate fish screen that will still be in compliance if the transferred water is diverted from this POD.]

Note: This option will yield the following:

Finding of Fact: The Oregon Department of Fish and Wildlife has determined that a fish screen is necessary at the new point of diversion to prevent fish from entering the diversion and that the diversion is currently equipped with an appropriate fish screen.

Condition: The water user shall operate and maintain an approved fish screen at the new point of diversion. If Oregon Department of Fish and Wildlife (ODFW) determines the screen is not functioning properly, and is unsuccessful in working with the water user to meet ODFW standards, ODFW may request that OWRD regulate the use of water until OWRD receives notification from ODFW that the fish screen is functioning properly.

☐ **2. Screen Now**

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

Note: This option will yield the following:

Finding of Fact: The Oregon Department of Fish and Wildlife (ODFW) has determined that a fish screen is necessary at the new point of diversion to prevent fish from entering the diversion and that the diversion is not currently equipped with an appropriate fish screen. This diversion may be eligible for screening cost-share funds.

Condition: Prior to diverting water, the water user shall install an approved fish screen at the new point of diversion and shall provide to the OWRD a written statement from Oregon Department of Fish and Wildlife (ODFW) that the installed screen meets the state's criteria, or that ODFW has determined a screen is not necessary.

The water user shall operate and maintain the fish screen at the new point of diversion consistent with ODFW's operational and maintenance standards. If ODFW determines the screen is not functioning properly, and is unsuccessful in working with the water user to meet ODFW standards, ODFW may request that OWRD regulate the use of water until OWRD receives notification from ODFW that the fish screen is functioning properly.

*Please return all 3 pages to: Transfers Section, Water Resources Department,
725 Summer St. NE, Suite A, Salem, OR 97301-1266*

☐ **3. Screen 2 Year**

[Option 3 may be checked if the change is from an unscreened diversion to a HISTORIC POD or an existing POD in use for another water right, and cost-share funds are not currently available. It should NOT be checked if listed fish species are present at the point of diversion, the originating water right diversion is screened, cost-share funds are currently available, or the diversion is not eligible for ODFW's cost-share program. Please provide contact information on the "Fish Screening and Passage Information" sheet.] If extraordinary circumstances are present, please explain: _____

Note: This option will yield the following:

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

Condition: By October 1, 20__ [Within two years after the date of this order] the water user shall install an approved fish screen at the new point of diversion. The water user may withdraw water at the new point of diversion without a screen until October 1, 20__. The water user shall provide to OWRD a written statement from Oregon Department of Fish and Wildlife (ODFW) that the installed screen meets the state's criteria, or that ODFW has determined a screen is not necessary.

The water user shall maintain and operate the fish screen at the new point of diversion consistent with ODFW's operational and maintenance standards. If ODFW determines the screen is not functioning properly, and is unsuccessful in working with the water user to meet ODFW standards, ODFW may request that OWRD regulate the use of water until OWRD receives notification from ODFW that the fish screen is functioning properly.

☐ **4. Screen Future**

[Use this option if fish are not currently present, but might possibly be at some future time.]

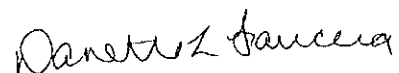
Note: This option will yield the following:

Finding of Fact: The Oregon Department of Fish and Wildlife has determined that the diversion is not currently equipped with an appropriate fish screen, but a fish screen may be required in the future at the new point of diversion to prevent fish from entering the diversion.

Condition: The Oregon Department of Fish and Wildlife (ODFW) may require the water user to install an approved fish screen at the new point of diversion within one year after receiving written notification that a fish screen is required. Once installed the water user shall maintain and operate the fish screen at the new point of diversion according to ODFW's operational and maintenance standards. If ODFW determines the screen is not functioning properly, and is unsuccessful in working with the water user to meet ODFW standards, ODFW may request that OWRD regulate the use of water until OWRD receives notification from ODFW that the fish screen is functioning properly.

☐ **5. No Screen Needed**

[Check this box if fish are not currently present, and are not expected in the future.]



Signature

Danette Faucera
Printed Name

(503) 947-6092

Phone

Water Policy Coordinator
Title

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

Transfer #: T-13511, ODFW

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

- ☒ Fish screening is required as a condition of this transfer. The fish screen must meet ODFW's design, construction, operational and maintenance standards.

Pursuant to ORS 498.306, cost-share funds may be available to assist in the installation of fish screening.

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

ODFW staff name: Nathaniel Ashley

Address: 357 Patterson Bridge Rd

City/State/Zip: John Day, OR 97845

Phone: (541) 575-0561

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

ODFW staff name: Danette Faucera

Address: 4034 Fairview Industrial Dr. SE

City/State/Zip: Salem, OR 97302

Phone: (503) 947-6092



Oregon
Kate Brown, Governor

Water Resources Department
725 Summer St NE, Suite A
Salem, OR 97301
(503) 986-0900
Fax (503) 986-0904

September 2, 2020

OREGON DEPARTMENT OF FISH AND WILDLIFE
PO BOX 93
DAYVILLE, OR 97825

Reference: Application T- 13511

On September 2, 2020, we received your water right Transfer application. The application was accompanied by \$1160.00. Our receipt number 133126 is enclosed.

By copy of this letter, we are asking the Watermaster for a report regarding the potential for injury to existing water rights which may be caused by the requested change. A review form will also be sent to Oregon Department of Fish and Wildlife to determine if a fish screen is needed.

This application may require publication of a notice for two consecutive weeks in a newspaper with general circulation in the area where the water right is located. If it is determined that newspaper notice will be required, the Department will prepare the notice and notify you of the cost. You will be responsible for submitting payment to the Department prior to publication of the notice.

Except as provided under ORS 540.510(3) for municipalities, you may not use water from the new point of diversion until a final order approving the transfer application has been issued by the Department. In order to avoid any possible forfeiture of the water right, you should continue to use the water as described by your existing water right.

If the land is sold before the application is approved, the buyer's consent to the application will be required unless a recorded deed or other legal document clearly established that the water right was not conveyed in the sale.

Refer to the following page for a chart showing the steps and expected timelines for the processing of your application.

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

Cc: Watermaster Dist. #4 (*via email*)
Grant County

Enclosure

**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 # **133126**

INVOICE # _____

RECEIVED FROM: *State of Oregon*
BY: *Oregon Dept of Fish and Wildlife*
WARRANT.

APPLICATION	
PERMIT	
TRANSFER	<i>T-13511</i>

CASH: ☐ CHECK: # ☐ OTHER: (IDENTIFY) ☒ *125803851*

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

46110

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

WATER RIGHTS:

	EXAM FEE		RECORD FEE
0201 SURFACE WATER	\$ _____	0202	\$ _____
0203 GROUND WATER	\$ _____	0204	\$ _____
0205 TRANSFER	\$ <i>1,160.00</i>		

WELL CONSTRUCTION

	EXAM FEE		LICENSE FEE
0218 WELL DRILL CONSTRUCTOR	\$ _____	0219	\$ _____
LANDOWNER'S PERMIT		0220	\$ _____

OTHER (IDENTIFY) _____

0536 TREASURY 0437 WELL CONST. START FEE

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

0607 TREASURY 0467 HYDRO ACTIVITY LIC NUMBER

0233 POWER LICENSE FEE (FWWRD) \$ _____
0231 HYDRO LICENSE FEE (FWWRD) \$ _____
HYDRO APPLICATION \$ _____

TREASURY OTHER / RDX

FUND _____ TITLE _____

OBJ. CODE _____ VENDOR # _____

DESCRIPTION _____ \$ _____

RECEIPT: **133126**

DATED: *7-24-2020*

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.

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:** Transferring Cert# 25865 POD #1 upstream to current historical location.
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: ____/____/____

RECEIVED

JUL 24 2020

OWRD

13511

Part 2 of 5 – Transfer Application Map

RECEIVED

JUL 24 2020

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>		0
2	Multiply line 2b by \$930 and enter » » » » » » » » » » » » » » » »	2	
3	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
4	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
5	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*): _____ (5a) Subtract 1.0 from the number in 5a above: _____ (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
7	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 » If no box is applicable, enter 0 on line 7 »	7	
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 cfs ÷ 100 ac*); then multiply by the number of acres to be transferred to get the transfer cfs (*x 45 ac = 0.56 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 ac x 0.0125 cfs/ac = 0.56 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*).

TACS

Part 4 of 5 – Applicant Information and Signature

Applicant Information

APPLICANT/BUSINESS NAME Oregon Department of Fish and Wildlife		PHONE NO. 541-987-2171	ADDITIONAL CONTACT NO. 541-620-3151
ADDRESS PO Box 93, 45403 Hwy 26			FAX NO. 541-987-2172
CITY Dayville	STATE OR	ZIP 97825	E-MAIL scott.x.quigley@state.or.us
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		PHONE NO.	ADDITIONAL CONTACT NO.
ADDRESS			FAX NO.
CITY	STATE	ZIP	E-MAIL
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.			

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

Applicant is seeking to officially transfer the POD for water right certificate 25865 with a priority date of 1897. The purpose of this transfer is to move the authorized POD upstream 1635 feet to the current POD that has been in use for 40+ years. The current POD has an approved fish passage screen, gravity fed pipe with mainline and sprinkler irrigation system used to irrigate 47.9 acres of alfalfa and grain crops for livestock and wildlife use.

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

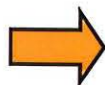
Check One Box

- ☒ 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: Blue Mountain Eagle
- 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.



	Scott Quigley - F&W Supervisor	7/7/20
Applicant signature	Print Name (and Title if applicable)	Date
_____	_____	_____
Applicant signature	Print Name (and Title if applicable)	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			PHONE NO.	ADDITIONAL CONTACT NO.
ADDRESS				FAX NO.
CITY	STATE	ZIP	E-MAIL	

Describe any special ownership circumstances here:

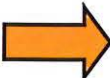
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- ☐ Check here if any of the water rights proposed for transfer are or will be located within or served by an irrigation or other water district. (Tip: Complete and attach Supplemental Form D.)

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 Grant County	ADDRESS 201 S Humbolt St, Ste 280	
CITY Canyon City	STATE OR	ZIP 97820

ENTITY NAME	ADDRESS	
CITY	STATE	ZIP

Part 5 of 5 – Water Right Information

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.

CERTIFICATE # 25865

Description of Water Delivery System

System capacity: 1.19/0.6 cubic feet per second (cfs) OR
 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.

Water is diverted from Flat Creek through an approved ODFW fish passage screen. From the screen the water goes into a 6" mainline and is delivered to a gravity fed sprinkler system that irrigates 47.9 acres of alfalfa and grain crops for livestock and wildlife use.

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)
25865	☒ Authorized ☐ Proposed		13 S	27 E	13	NW	SE	1800	3617 ft NW of SE corner of Sec. 13 44 26' 23.26 N 119 25' 09.56 W
25865	☐ Authorized ☒ Proposed		13 S	27 E	13	SE	SW	1800	3175 ft NW of SE corner of Sec. 13 44 26' 10.31 N 119 25' 14.63 W
	☐ 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.

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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 # 25865

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		
13	S	27	E 13 NW SE	1800		47.9	Irrigation	POD #1	1897	POD	13	S	27	E 13 SE SW	1800		47.9	Irrigation	POD #2	1897		
TOTAL ACRES:						47.9						TOTAL ACRES:						47.9				

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Additional remarks: Moving POD #1 upstream to POD #2.

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 # _____.

For a change from Supplemental Irrigation Use to Primary Irrigation Use

Identify the primary certificate to be cancelled. Certificate # _____

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

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ATTENTION:

Dear Customer Service,

The Staff of the Water master's Office in District 4 assisted with the preparation of this application.

If there are any questions or problems with this application please contact Assistant Watermaster Hailey Boethin at (541)575-0119 for additional information.

Thank you for your assistance

Sincerely,



Watermster Office, District 4

201 South Humbolt St., Ste 180

Canyon City, OR 97820

Voice: 541-575-0119

Fax: 541-575-0641

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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 Grant)

ss

I, Scott Quigley, in my capacity as Fish and Wildlife Supervisor,
mailing address PO Box 93, 45403 Hwy 26, Dayville, OR 97825
telephone number (541) 987-2171, being first duly sworn depose and say:

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

☒ Personal observation

☐ Professional expertise

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2. I attest that:

☒ Water was used during the previous five years on the **entire** place of use for
Certificate # 25865; **OR**

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☐ 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)

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.): Crops, wildlife forage
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

Date

Signed and sworn to (or affirmed) before me this 20 day of July, 2020.



Savannah Marie Pattee
Notary Public for Oregon

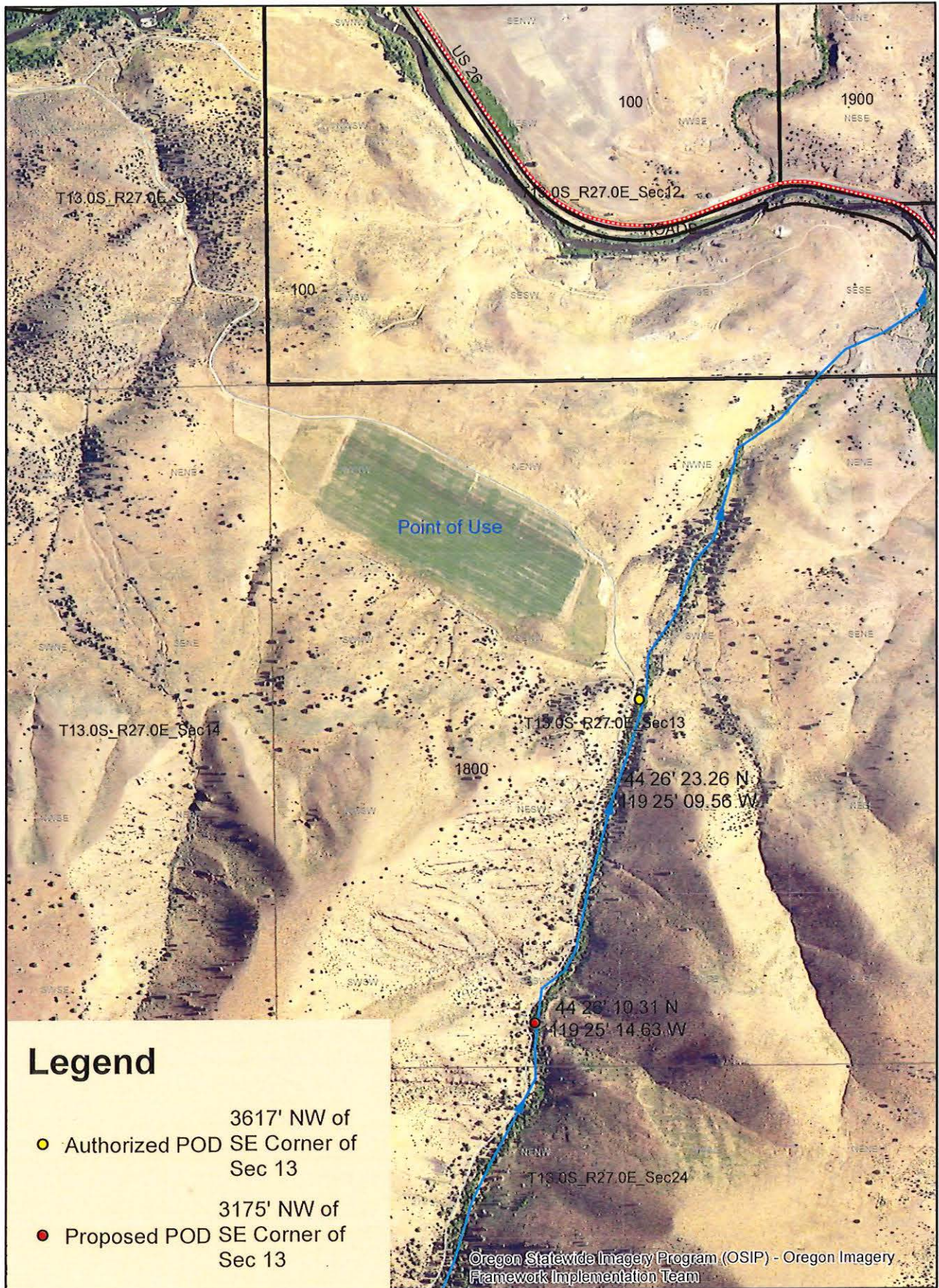
My Commission Expires: 3/19/2021

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	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.terra-server.com
☐ Approved Lease establishing beneficial use within the last 5 years	Copy of instream lease or lease number

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Certificate #25865 Evidence of Use Aerial Photo 2017



Legend

- 3617' NW of
Authorized POD SE Corner of
Sec 13
- 3175' NW of
Proposed POD SE Corner of
Sec 13



0 425 850 1,700 Feet

13511

SMITH Joan M * WRD

From: Scott X Quigley <Scott.X.Quigley@state.or.us>
Sent: Tuesday, September 01, 2020 10:50 AM
To: SMITH Joan M * WRD
Subject: RE: Important-Transfer application
Attachments: Flat_Cr_POD_Evidence of Use_Aerial Photo.pdf

Hi Joan,

I have attached an aerial picture from OSIP for the evidence of use form. I have also contacted a CWRE to map the POD location and should be able to get that to you within the 3 month window. Please let me know if there is anything else you need from me and I'm sorry for any inconvenience.

Thanks,

Scott Quigley

Fish & Wildlife Supervisor
Phillip W. Schneider Wildlife Area
45403 Highway 26, PO Box 93
Dayville, OR 97825
Phone: (541) 987-2171
Cell: (541) 620-3151
Email: scott.x.quigley@state.or.us

From: SMITH Joan M * WRD <Joan.M.Smith@oregon.gov>
Sent: Tuesday, August 25, 2020 10:07 AM
To: QUIGLEY Scott X <Scott.X.Quigley@state.or.us>
Subject: Important-Transfer application

Scott, we received your application, however, a couple things are missing. – The photos mentioned in the application were not included and the map doesn't appear have been stamped by a certified water right examiner. If you can send me these things as soon as possible (maybe e-mail and then post the originals attention Joan) then I can accept the application. If that is not possible I will have to send the application back.

Let me know how you would like to proceed as soon as possible.

Thank you

Joan

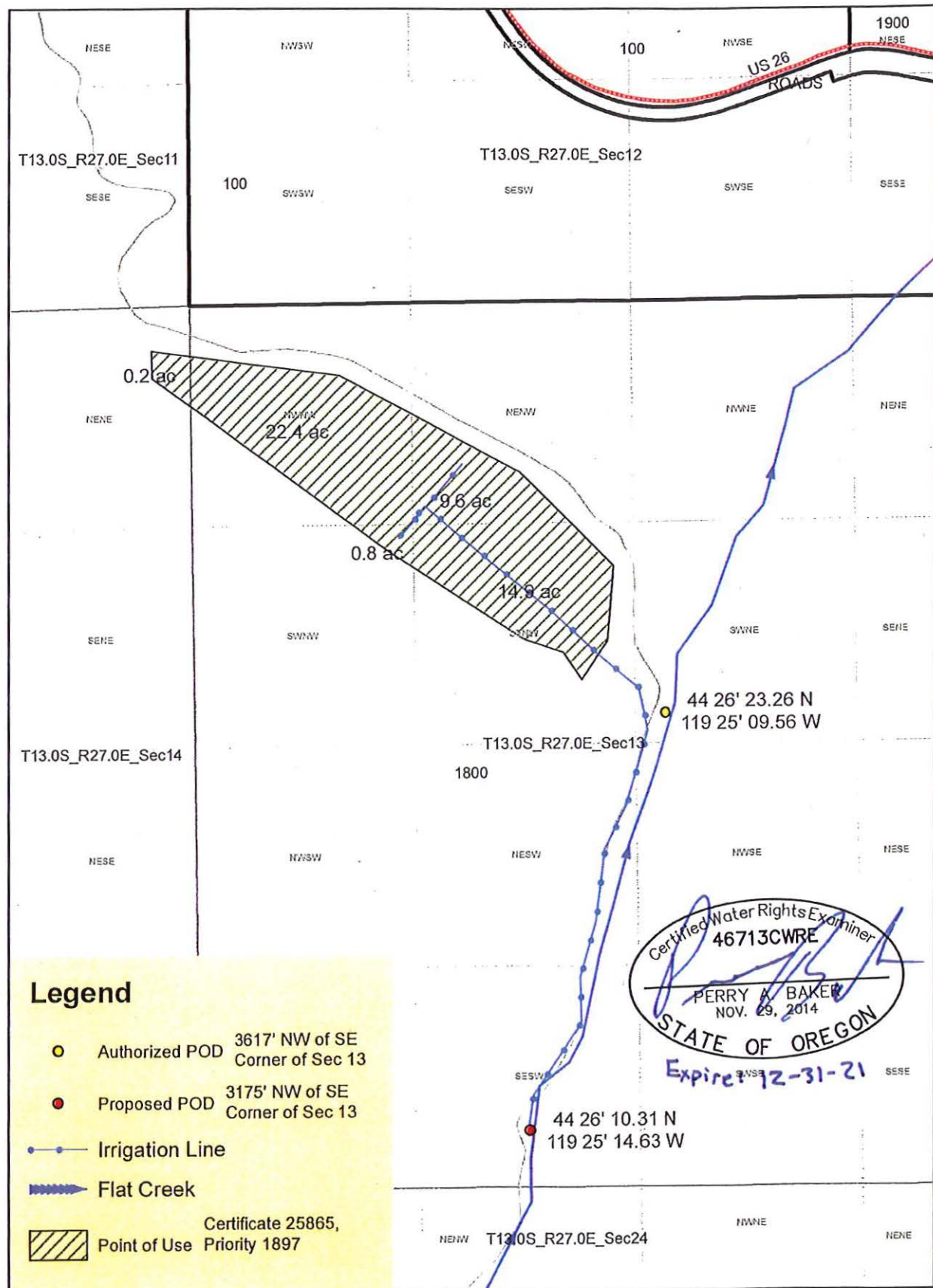
JOAN M. SMITH | TRANSFER SPECIALIST

TRANSFER & CONSERVATION SECTION

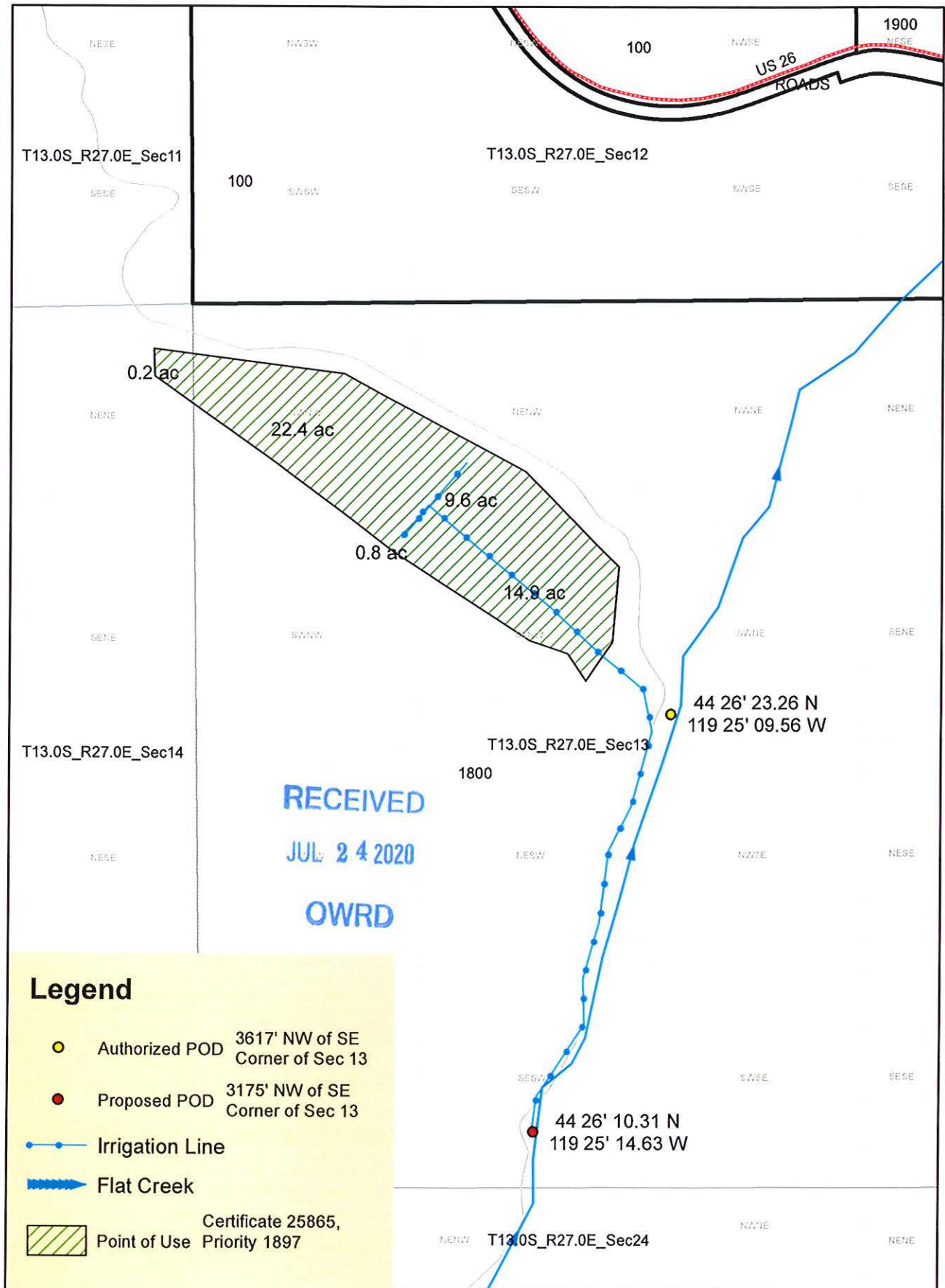
725 Summer Street NE, Suite A Salem, OR 97301 | Phone 503-986-0892



Certificate #25865 Water Right Transfer



Certificate #25865 Water Right Transfer



Land Use Information Form

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

Applicant: Scott Quigley
First Last

Mailing Address: PO Box 93, 45403 Hwy 26

Dayville OR 97825 Daytime Phone: (541) 987-2171
City State Zip

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/RK-5)	Water to be:			Proposed Land Use:
13S	27E	13	SESW	1800	<u>mur</u>	☒ Diverted	☐ Conveyed	☐ Used	Irrigation
13S	27E	13	SESW, NESW, SENW	1800	<u>mur</u>	☐ Diverted	☒ Conveyed	☐ Used	Irrigation
13S	27E	13, 14	NENE, NWNW, NENW, SWNW, SENW	1800	<u>mur</u>	☐ Diverted	☐ Conveyed	☒ Used	Irrigation
						☐ Diverted	☐ Conveyed	☐ Used	

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

Grant County, Oregon

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) Flat Creek

Estimated quantity of water needed: 1.19 ☒ 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:

ODFW proposes to move the Point of Diversion on water right certificate #25865 from its authorized location to its current 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. →

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): Grant County Land Dev. Code Article 4
- ☐ 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.

Irrigation is an allowable use in an Ag Zone.

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Name: Shana J Hunt Title: Assistant Planner

Signature: Shana J Hunt Phone: 575-1519 Date: 6-17-20

Government Entity: Grant Co. Planning Dept.

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: _____

Regular Permanent Water Right Transfer Application Checklist

Checked by Joan Date 7-29-20

(If OK, check box to left; if not, fill in the blank)

☐ 1. Page 1 of application: Are all attachments that have been checked actually included?

If not, what is missing? photos & CURC

☒ 2. Are fees included and correct? Fee paid: 1160

If not, the correct fee would be: _____, so the amount missing is: _____

► If a Government Action POD change (see: Page 5): NO CHARGE

*NOTE: [POD/APOD, POA/APOA, SW to GW, Gov Action] are all counted as one type

POU is counted as one type

[USE or (Supplemental to Primary)] are counted as one type

☒ 3. Page 3 of application: Have all the applicants listed at the top of the page signed?

If no, whose signature is missing? _____

☒ 4. Are all listed certificates or permits shown by WRIS as non-cancelled?

If no, which are cancelled? 25865

For each cancelled certificate, if there has been a remaining right certificate issued that covers the lands in the left side of Table 2, list its number _____ and check the #4 box at left on this checklist.

☒ 5. If any certificate is in the name of a "district", is a Supplemental Form D from that district enclosed?

☒ N/A ☐ Form D needed from _____ (district)

6. If all #1-#5 boxes on this checklist are checked (with no remaining deficiencies identified), accept the application. Put this check sheet in the transfer folder. If #1, #2, #3, #4 or #5 on this checklist is deficient, the application cannot be accepted. It should be returned and the deficiencies listed in the "staff" section at the bottom of Application Page 1, unless the applicant or agent can resolve the deficiencies within 2-3 days.

Cent # 25865 John Dan

POD Δ

DDFW

Return to Joan
Prior to processing please

Certs & acres involved:

Changes: _____

cfs involved: _____

Source: _____