

Drought temp

T-13529

Name Sean DimmickAddress 7120 East Kierland Blvd  
Scottsdale AZ 85254

## DESCRIPTION OF WATER RIGHT(s)

Name of Stream Lost Creek ReservoirTrib. of Rogue RiverUse Irrigation, SI County Josephine

Quantity of water (CFS) \_\_\_\_\_ No. of Acres \_\_\_\_\_

Name of ditch \_\_\_\_\_

App# 569870 Per # 550762 Cert # 68731 PR Date 4/12/1989

App# \_\_\_\_\_ Per # \_\_\_\_\_ Cert # \_\_\_\_\_ PR Date \_\_\_\_\_

App# \_\_\_\_\_ Per # \_\_\_\_\_ Cert # \_\_\_\_\_ PR Date \_\_\_\_\_

App# \_\_\_\_\_ Per # \_\_\_\_\_ Cert # \_\_\_\_\_ PR Date \_\_\_\_\_

App# \_\_\_\_\_ Per # \_\_\_\_\_ Cert # \_\_\_\_\_ PR Date \_\_\_\_\_

Change in POWDate Filed 9/21/2020Initial notice date 10/16/2020

DPD issued date \_\_\_\_\_

PD issued date \_\_\_\_\_

PD notice date \_\_\_\_\_

Date of FO 10/15/2020 Vol 17 Page 743-45

C-Date \_\_\_\_\_

COBU due date \_\_\_\_\_

COBU Received date \_\_\_\_\_

Certificate issued \_\_\_\_\_

## FEES PAID

Amount

Receipt #

Date

## FEES REFUNDED

Amount

Receipt #

Date

Assignments: \_\_\_\_\_

Irrigation District \_\_\_\_\_

Agent \_\_\_\_\_

CWRE \_\_\_\_\_

CC's list Josephine County Planning☐ - Oversized map - Location \_\_\_\_\_



**DROUGHT**

WATER RIGHT TRANSFER COVER SHEET

Transfer: T- 13529

Transfer Specialist: *Scott*

Transfer Type: **Drought Transfer**

|                                                                                                                    |                                                                                           |
|--------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------|
| <b>Applicant:</b><br>SEAN DIMMICK<br>7120 E KIERLAND BLVD<br>SCOTTSDALE, AZ 85254<br>Email: _____ Phone: _____     | <b>Agent:</b> <input type="checkbox"/> N/A<br>UNAVAILABLE<br>Email: _____ Phone: _____    |
| <b>Irrigation District:</b> <input type="checkbox"/> N/A<br>Email: _____                                           | <b>CWRE:</b> <input type="checkbox"/> N/A<br>Email: _____                                 |
| <b>Affected Local Gov'ts:</b> <input type="checkbox"/> N/A<br>Josephine County Planning Department<br>Email: _____ | <b>Affected Tribal Gov't:</b> <input type="checkbox"/> N/A<br>UNAVAILABLE<br>Email: _____ |
| <b>Current Landowner if other than Applicant:</b> <input type="checkbox"/> N/A<br>Email: _____                     | <b>Receiving Landowner:</b> <input type="checkbox"/> N/A<br>Email: _____                  |

Water Rights Affected

| File Marked              | App. File # or Decree Name | Permit  | Certificate | RR/CR Needed                                             | RR/CR Nos. |
|--------------------------|----------------------------|---------|-------------|----------------------------------------------------------|------------|
| <input type="checkbox"/> | S-69870                    | S-50762 | 68731       | <input type="checkbox"/> Yes <input type="checkbox"/> No |            |
| <input type="checkbox"/> |                            |         |             | <input type="checkbox"/> Yes <input type="checkbox"/> No |            |
| <input type="checkbox"/> |                            |         |             | <input type="checkbox"/> Yes <input type="checkbox"/> No |            |

Key Dates & Initial Actions:

|                                                                 |                                                   |                                              |
|-----------------------------------------------------------------|---------------------------------------------------|----------------------------------------------|
| Rec'd: September 30, 2020                                       | Proposed Action(s): PLACE OF USE                  |                                              |
| Fees Pd: 200.00                                                 | WM District: 14                                   | ODFW District:                               |
| Initial Public Notice: October 6, 2020                          | WM Review sent:                                   | ODFW Review sent:                            |
| Acknowledgement Letter Sent <input checked="" type="checkbox"/> |                                                   | GW Review sent: <input type="checkbox"/> N/A |
| County sent cc: of Ack Letter <input type="checkbox"/>          | BOR notified (date): <input type="checkbox"/> N/A |                                              |
| Newspaper quote requested:                                      | Request for news \$ sent:                         | News \$ received:                            |
| Request to publish sent:                                        | Affidavit of publication received:                | Last day of publication:                     |

| Document             | Drafted                          | Peer Review                    | Changes Made                   | Coordinator                    | Changes Made                      | Signature Bin  | Signature Date |
|----------------------|----------------------------------|--------------------------------|--------------------------------|--------------------------------|-----------------------------------|----------------|----------------|
| DPD                  | Date: _____<br>Initials: _____   | Date: _____<br>Initials: _____ | Date: _____<br>Initials: _____ | Date: _____<br>Initials: _____ | Date: _____<br>Initials: _____    | CW Sent: _____ | N/A            |
| PD                   | Date: _____<br>Initials: _____   | Date: _____<br>Initials: _____ | Date: _____<br>Initials: _____ | Date: _____<br>Initials: _____ | Date: _____<br>Initials: _____    | Date: _____    | Date: _____    |
| <b>DROUGHT</b><br>FO | Date: 10/1/20<br>Initials: Scott | Date: 10/4/20<br>Initials: AD  | Date: 10/8/20<br>Initials: PLS | Date: _____<br>Initials: _____ | Date: 10/15/20<br>Initials: Scott | Date: 10/15/20 | Date: _____    |

Special Issues:

**NOTE: WAITING ON WM REVIEW STILL** *Revd 10/14/20*

Special Order Volume: Vol. 117 Pages 743-45



**Oregon**  
Kate Brown, Governor

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

October 15, 2020

SEAN DIMMICK  
7120 E KIERLAND BLVD  
SCOTTSDALE, AZ 85254

REFERENCE: Temporary Drought Transfer Application T-13529

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

The temporary change shall be effective upon issuance of this final order. Please note, the use shall revert back to the original authorized place of use at the end of the 20\_\_ irrigation season or the end of the Governor's declared drought, whichever occurs first.

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

Sincerely,

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

cc: Scott C. Ceciliani, Watermaster Dist. #14 (via email)  
Josephine County

Enclosure

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

|                                       |   |                           |
|---------------------------------------|---|---------------------------|
| In the Matter of Transfer Application | ) | FINAL ORDER APPROVING     |
| T-13529, Josephine County             | ) | AN EMERGENCY USE DROUGHT  |
|                                       | ) | TEMPORARY CHANGE IN PLACE |
|                                       | ) | OF USE                    |

**Authority**

Oregon Revised Statute (ORS) 536.750 establishes the process in which a water right holder may submit a request to temporarily transfer the use, place of use or point of diversion of water in the event of a declaration of drought, without complying with the notice and waiting requirements under ORS 540.520. Oregon Administrative Rule (OAR) Chapter 690, Division 019 implements the statutes and provides the Department's procedures and criteria for evaluating drought transfer applications.

**Applicant**

SEAN DIMMICK  
7120 E KIERLAND BLVD  
SCOTTSDALE, AZ 85254

**Findings of Fact**

1. On September 30, 2020, SEAN DIMMICK filed an application to temporarily change the place of use for Certificate 68731 for the remainder of the 2020 irrigation season or the term of the Governor's declared drought, whichever is shorter. The Department assigned the application number T-13529.

2. Notice of the application for transfer was published on October 6, 2020, pursuant to OAR 690-380-4000. No comments were filed in response to the notice.

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

**Certificate:** 68731 in the name of A-D DAIRY; ANTHONY AGUIAR (perfected under Permit S-50762)

**Use:** SUPPLEMENTAL IRRIGATION of 33.0 ACRES

**Priority Date:** APRIL 12, 1989

**Rate:** 99.0 ACRE-FEET of STORED WATER ONLY

**Limit/Duty:** The amount of water shall be further limited to a diversion of not to exceed 4.5 acre-feet per acre for each acre irrigated during the irrigation season of each year.

This is a final order in other than a contested case. This order is subject to judicial review under ORS 183.484. Any petition for judicial review must be filed within the 60-day time period specified by ORS 183.484(2). Pursuant to ORS 536.075 and OAR 137-004-0080, you may petition for judicial review or petition the Director for reconsideration of this order. A petition for reconsideration may be granted or denied by the Director, and if no action is taken within 60 days following the date the petition was filed, the petition shall be deemed denied.



**Source:** LOST CREEK RESERVOIR, CONSTRUCTED UNDER PERMIT R-8142,  
a tributary of ROGUE RIVER

**Authorized Point of Diversion:**

| Twp  | Rng | Mer | Sec | Q-Q   | Measured Distances                                                      |
|------|-----|-----|-----|-------|-------------------------------------------------------------------------|
| 35 S | 7 W | WM  | 14  | SE NW | 938 FEET NORTH AND 3853 FEET WEST FROM<br>THE W1/4 CORNER OF SECTION 13 |

**Authorized Place of Use:**

| SUPPLEMENTAL IRRIGATION |     |     |     |       |       |
|-------------------------|-----|-----|-----|-------|-------|
| Twp                     | Rng | Mer | Sec | Q-Q   | Acres |
| 35 S                    | 7 W | WM  | 13  | SE SW | 14.1  |
| 35 S                    | 7 W | WM  | 13  | SW SE | 18.9  |
|                         |     |     |     | Total | 33.0  |

4. Temporary Transfer Application T-13529 proposes to temporarily change the place of use of the right to:

| SUPPLEMENTAL IRRIGATION |     |     |     |       |       |
|-------------------------|-----|-----|-----|-------|-------|
| Twp                     | Rng | Mer | Sec | Q-Q   | Acres |
| 35 S                    | 6 W | WM  | 18  | SW SW | 5.3   |
| 35 S                    | 7 W | WM  | 13  | SE SE | 27.7  |
|                         |     |     |     | Total | 33.0  |

***Temporary Drought Transfer Review Criteria***

5. Water has been used within the last five years according to the terms and conditions of the right.
6. A pump, pipeline, and sprinkler system sufficient to use the full amount of water allowed under the existing right are present.
7. The Governor issued an executive order on July 1, 2020, declaring a state of drought emergency in Josephine County due to drought and extreme weather conditions, which is still in effect and the water right proposed for transfer is on lands included in the area covered by the drought order.
8. The proposed changes would not result in enlargement of the rights.
9. The proposed changes would not result in injury to other water rights. This finding is made through an abbreviated review recognizing that the transfer may be revoked under OAR 690-019-055(3) if injury to existing water rights is shown and cannot be mitigated to the satisfaction of the Director and injured parties.

**Conclusions of Law**

The temporary change in place of use proposed in Temporary Drought Transfer Application T-13529 is consistent with the requirements of ORS 536.750 and OAR 690-019-0055.

**Now, therefore, it is ORDERED:**

1. The temporary change in place of use proposed in Temporary Drought Transfer Application T-13529 is approved.
2. The former places of use **shall not** be irrigated as part of these water rights during the remainder of the 2020 irrigation season or until the end of the Governor's declared drought, whichever occurs first.
3. The approval of this temporary drought transfer may be revoked or modified if the Department finds the change causes injury to any existing water right.
4. The use of water at the temporary places of use authorized by this transfer shall be in accordance with the terms and conditions of Certificate 68731. The use shall revert to the authorized place of use at the end of the 2020 irrigation season.
5. The proposed change in place of use shall revert to the authorized place of use at the end of the 2020 irrigation season or the end of the Governor's declared drought, whichever occurs first.
6. The use of the remaining water right described by Certificate 68731 shall continue to be in accordance with the terms and conditions of Certificate 68731.

Dated in Salem, Oregon on

**OCT 15 2020**



Dwight French, Water Right Services Division Administrator, for  
THOMAS M BYLER, DIRECTOR  
Oregon Water Resources Department

*Mailing Date:*

**OCT 16 2020**



## 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](http://www.oregon.gov/OWRD)

Transfer Application: T-13529

Review Due Date:

Applicant Name: Sean Dimmick

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

Reviewer(s): Scott Ceciliani

Date of Review: 10/14/2020

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:
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:

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: \_\_\_\_



**Oregon Water Resources Department**  
**Measurement Condition Information for the Applicant**  
*(To be sent with the Draft Preliminary Determination or Final Order)*

Transfer #: T-

☐ In order to avoid enlargement of the right or injury to other rights, a \_\_\_\_\_ 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:

District:

Address:

City/State/Zip:

Phone:

Email:

**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-  
*(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:

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_  
 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

Application for Water Right  
Temporary or Drought Temporary 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

RECEIVED

SEP 21 2020

This temporary 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.

OWRD

FOR ALL TEMPORARY TRANSFER APPLICATIONS

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

- ☒ Part 1 – Completed Minimum Requirements Checklist.
- ☒ Part 2 – Completed Temporary 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 online fee calculator at: [http://apps.wrd.state.or.us/apps/misc/wrd\\_fee\\_calculator](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 Transferred Water Rights: **How many water rights are to be transferred? 1 List them here: Certificate 68731**  
Please include a separate Part 5 for each water right. (See instructions on page 6)
- ☐ ☒ N/A For standard Temporary Transfer (one to five years) **Begin Year:** \_\_\_\_ **End Year:** \_\_\_\_.
- ☒ ☐ N/A Temporary Drought Transfer (Only in counties where the Governor has declared drought)

Attachments:

- ☒ Completed Temporary Transfer Application Map.
- ☒ Completed Evidence of Use Affidavit and supporting documentation.
- ☒ Current recorded deed for the land from which the authorized place of use is temporarily being moved.
- ☒ ☐ N/A Affidavit(s) of Consent from Landowner(s) (if the applicant does not own the land upon which the water right is located.)
- ☐ ☒ N/A Supplemental Form D – For water rights served by or issued in the name of a district. Complete when the temporary transfer applicant is not the 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 (if necessary to convey water to the proposed place of use).

(For Staff Use Only)

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

\_\_\_ Application fee not enclosed/or is insufficient      \_\_\_ Map not included or incomplete  
\_\_\_ Land Use Form not enclosed or incomplete  
\_\_\_ Additional signature(s) required      \_\_\_ Part \_\_\_\_ is incomplete  
Other/Explanation \_\_\_\_\_  
Staff: \_\_\_\_\_ 503-986-0\_\_\_\_ Date: \_\_\_\_/\_\_\_\_/\_\_\_\_



## Part 2 of 5 – Temporary Transfer Application Map Checklist

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

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

- ☐ ☒ 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 temporary 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) to convey water to the new temporary place of use, 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 TEMPORARY (not drought) TRANSFERS |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |   |          |
|-----------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---|----------|
| 1                                                   | Base Fee (includes temporary change to one water right for up to 1 cfs)                                                                                                                                                                                                                                                                                                                                                                                                                                                      | 1 | \$810.00 |
|                                                     | Number of water rights included in transfer: _____ (2a)<br>Subtract 1 from the number in 3a above: _____ (2b) <i>If only one water right this will be 0</i>                                                                                                                                                                                                                                                                                                                                                                  |   |          |
| 2                                                   | Multiply line 2b by \$260.00 and enter » » » » » » » » » » » » » » » »                                                                                                                                                                                                                                                                                                                                                                                                                                                       | 2 |          |
| 3                                                   | Do you propose to change the place of use for a non-irrigation use?<br><input type="checkbox"/> No: enter 0 on line 3 » » » » » » » » » » » » » » » »<br><input type="checkbox"/> Yes: enter the cfs for the portions of the rights to be transferred: _____ (3a)<br>Subtract 1.0 from the number in 3a above: _____ (3b)<br>If 3b is 0, enter 0 on line 3 » » » » » » » » » » » » » » » »<br>If 3b is greater than 0, round up to the nearest whole number: _____ (3c)<br>and multiply 4c by \$200.00, then enter on line 3 | 3 |          |
| 4                                                   | Do you propose to change the place of use for an irrigation use?<br><input type="checkbox"/> No: enter 0 on line 4 » » » » » » » » » » » » » » » »<br><input type="checkbox"/> Yes: enter the number of acres for the portions of the rights to be transferred: _____ (4a)<br>Multiply the number of acres in 4a above by \$2.30 and enter on line 4 » »                                                                                                                                                                     | 4 |          |
| 5                                                   | Add entries on lines 1 through 4 above » » » » » » » » » » » Subtotal:                                                                                                                                                                                                                                                                                                                                                                                                                                                       | 5 |          |
| 6                                                   | Is this transfer:<br><input type="checkbox"/> necessary to complete a project funded by the Oregon Watershed Enhancement Board (OWEB) under ORS 541.932?<br><input type="checkbox"/> endorsed in writing by ODFW as a change that will result in a net benefit to fish and wildlife habitat?<br>If one or more boxes is checked, multiply line 5 by 0.5 and enter on line 6 »<br>If no box is applicable, enter 0 on line 7 » » » » » » » » » » » » » » » »                                                                  | 6 |          |
| 7                                                   | Subtract line 6 from line 5 » » » » » » » » » » » » » » » » Transfer Fee:                                                                                                                                                                                                                                                                                                                                                                                                                                                    | 7 |          |

| FEE WORKSHEET for TEMPORARY DROUGHT TRANSFERS |                                                                                                                                                                                                                                                                                                                                                                                        |   |          |
|-----------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---|----------|
| 1                                             | Base Fee (includes drought application and recording fee for up to 1 cfs)                                                                                                                                                                                                                                                                                                              | 1 | \$200.00 |
|                                               | Enter the cfs for the portions of the rights to be transferred (see example below*):<br><u>0.41 (2a)</u><br>Subtract 1.0 from the number in 2a above: <u>0.0 (2b)</u><br>If 2b is 0, enter 0 on line 2 » » » » » » » » » » » » » » » »<br>If 2b is greater than 0, round up to the nearest whole number: _____ (2c)<br>and multiply 2c by \$50, then enter on line 2 » » » » » » » » » |   |          |
| 2                                             |                                                                                                                                                                                                                                                                                                                                                                                        | 2 | \$0      |
| 3                                             | Add entries on lines 1 through 2 above » » » » » » » » » » <b>Transfer Fee:</b>                                                                                                                                                                                                                                                                                                        | 3 | \$200    |

1. Divide total authorized cfs by total acres in the water right (for C12345,  $1.25 \text{ cfs} \div 100 \text{ ac}$ ); then multiply by the number of acres to be transferred to get the transfer cfs ( $x 45 \text{ ac} = 0.56 \text{ cfs}$ ).
2. If the water right certificate does not list total cfs, but identifies the allowable use as  $1/40$  or  $1/80$  of a cfs per acre; multiply number of acres proposed for change by either  $0.025$  ( $1/40$ ) or  $0.0125$  ( $1/80$ ). (For C87654,  $45.0 \text{ ac} \times 0.0125 \text{ cfs/ac} = 0.56 \text{ cfs}$ )
3. 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 2a would be only  $0.56 \text{ cfs}$ , since both rights serve the same  $45.0$  acres. Blank 2b would be  $0$  and Line 2 would then also become  $0$ ).



RECEIVED

SEP 21 2020

Part 4 of 5 – Applicant Information and Signature

Applicant Information

|                                                                                                                                                                             |                    |                     |                                      |                        |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------|---------------------|--------------------------------------|------------------------|
| APPLICANT/BUSINESS NAME<br><b>Sean Dimmick</b>                                                                                                                              |                    |                     | PHONE NO.<br><b>925-605-6300</b>     | ADDITIONAL CONTACT NO. |
| ADDRESS<br><b>7120 East Kierland Blvd.</b>                                                                                                                                  |                    |                     | FAX NO.                              |                        |
| CITY<br><b>Scottsdale</b>                                                                                                                                                   | STATE<br><b>AZ</b> | ZIP<br><b>85254</b> | E-MAIL<br><b>seandimmick@mac.com</b> |                        |
| 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. |       |     |           |                        |

Explain in your own words what you propose to accomplish with this transfer application and why:  
The applicant is proposing to transfer 33.0 acres of supplemental irrigation land from a neighboring property to his property. See the attached affidavit of consent by deeded landowner.

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

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

  
Applicant signature

**Sean T. Dimmick**  
Print Name (and Title if applicable)

**9/18/20**  
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 landowners (and mailing and/or e-mail addresses if different than the applicant's) or attach affidavits of consent from all landowners or individuals/entities (and mailing and/or e-mail addresses) to which the water right(s) has been conveyed.

RECEIVED

SEP 21 2020

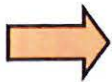
QWRD

☐ 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. (NOTE: If this box is checked, you must complete and attach Supplemental Form D.)

|               |         |     |
|---------------|---------|-----|
| 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 local governments (each county, city, municipal corporation, or tribal government) within whose jurisdiction water will be diverted, conveyed and/or used.

|                                          |                                       |              |
|------------------------------------------|---------------------------------------|--------------|
| ENTITY NAME<br>Josephine County Planning | ADDRESS<br>700 NW Dimmick St., Ste. C |              |
| CITY<br>Grants Pass                      | STATE<br>OR                           | ZIP<br>97526 |

13529

RECEIVED

SEP 21 2020

## Part 5 of 5 – Water Right Information

OWRD

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

Water Right Certificate # 68731

## Description of Water Delivery System

System capacity: 0.56 cubic feet per second (cfs) OR

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 the authorized point of diversion through 8" PVC pipe southeast to the authorized places of 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)         |
|------------------------|-------------------------------------------------------------------------------------|----------------------------------------------------|------|-----|-----|-------|---------------------------|--------------------------------------------------------------|
| POD 1                  | <input checked="" type="checkbox"/> Authorized<br><input type="checkbox"/> Proposed | N/A                                                | 35 S | 7 W | 14  | SE NW | 700                       | 938' North & 3,853' West from the W 1/4 Corner of Section 13 |

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

- |                                                               |                                                                   |
|---------------------------------------------------------------|-------------------------------------------------------------------|
| <input type="checkbox"/> Place of Use (POU)                   | <input type="checkbox"/> Appropriation/Well (POA)                 |
| <input type="checkbox"/> Point of Diversion (POD)             | <input type="checkbox"/> Additional Point of Appropriation (APOA) |
| <input type="checkbox"/> Additional Point of Diversion (APOD) |                                                                   |

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

- |                                                        |                                                                   |
|--------------------------------------------------------|-------------------------------------------------------------------|
| <input checked="" type="checkbox"/> Place of Use (POU) | <input type="checkbox"/> Point of Appropriation/Well (POA)        |
| <input type="checkbox"/> Character of Use (USE)        | <input type="checkbox"/> Additional Point of Appropriation (APOA) |
| <input type="checkbox"/> Point of Diversion (POD)      | <input type="checkbox"/> Additional Point of Diversion (APOD)     |

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

- |                                        |                                                                                                                                             |
|----------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------|
| <input type="checkbox"/> Yes           | Complete only the Proposed ("to" lands) section of Table 2 on the next page. Use the "CODES" listed above to describe the proposed changes. |
| <input checked="" type="checkbox"/> No | Complete all of Table 2 to describe the portion of the water right to be changed.                                                           |

13529



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 Temporary Changes to Water Right Certificate # 68731**

List only the part of the right that will be changed. For the acreage in each ¼ ¼, list the change proposed. If more than one change, specify the acreage associated with each change. If more than one POD/POA, specify the acreage associated with each POD/POA.

| AUTHORIZED (the "from" or "off" lands)<br>The listing that appears on the Certificate BEFORE PROPOSED CHANGES<br>List only that part or portion of the water right that will be changed. |     |     |   |    |            |                      |       |                                         |                                                               |                            |                  |      | Proposed<br>Changes (see<br>"CODES" from<br>previous<br>page) | PROPOSED (the "to" or "on" lands)<br>The listing as it would appear AFTER PROPOSED CHANGES<br>are made. |   |   |            |                      |       |                    |                                                                |                  |      |                            |           |      |  |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----|-----|---|----|------------|----------------------|-------|-----------------------------------------|---------------------------------------------------------------|----------------------------|------------------|------|---------------------------------------------------------------|---------------------------------------------------------------------------------------------------------|---|---|------------|----------------------|-------|--------------------|----------------------------------------------------------------|------------------|------|----------------------------|-----------|------|--|
| Twp                                                                                                                                                                                      | Rng | Sec | ¼ | ¼  | Tax<br>Lot | Gvt<br>Lot or<br>DLC | Acres | Type of USE<br>listed on<br>Certificate | POD(s) or<br>POA(s)<br>(name or<br>number<br>from Table<br>1) | Priority<br>Date           | Twp              | Rng  |                                                               | Sec                                                                                                     | ¼ | ¼ | Tax<br>Lot | Gvt<br>Lot or<br>DLC | Acres | New Type<br>of USE | POD(s)<br>/<br>POA(s)<br>to be<br>used<br>(from<br>Table<br>1) | Priority<br>Date |      |                            |           |      |  |
| EXAMPLE                                                                                                                                                                                  |     |     |   |    |            |                      |       |                                         |                                                               |                            |                  |      |                                                               |                                                                                                         |   |   |            |                      |       |                    |                                                                |                  |      |                            |           |      |  |
| 2                                                                                                                                                                                        | S   | 9   | E | 15 | NE         | NW                   | 100   |                                         | 15.0                                                          | Irrigation                 | POD #1<br>POD #2 | 1901 | POU/POD                                                       | 2                                                                                                       | S | 9 | E          | 1                    | NW    | NW                 | 500                                                            | 1                | 10.0 |                            | POD<br>#5 | 1901 |  |
| "                                                                                                                                                                                        | "   | "   | " | "  | "          | "                    | "     | "                                       | "                                                             | EXAMPLE                    | "                | "    | "                                                             | 2                                                                                                       | S | 9 | E          | 2                    | SW    | NW                 | 500                                                            |                  | 5.0  |                            | POD<br>#6 | 1901 |  |
| 35                                                                                                                                                                                       | S   | 7   | W | 13 | SW         | SE                   | 803   |                                         | 18.9                                                          | Supplemental<br>Irrigation | POD 1            | 1989 | POU                                                           | 35                                                                                                      | S | 6 | W          | 18                   | SW    | SW                 | 300                                                            |                  | 5.3  | Supplemental<br>Irrigation | POD 1     | 1989 |  |
| 35                                                                                                                                                                                       | S   | 7   | W | 13 | SE         | SW                   | 803   |                                         | 14.1                                                          | Supplemental<br>Irrigation | POD 1            | 1989 | POU                                                           | 35                                                                                                      | S | 7 | W          | 13                   | SE    | SE                 | 701                                                            |                  | 27.7 | Supplemental<br>Irrigation | POD 1     | 1989 |  |
| TOTAL ACRES                                                                                                                                                                              |     |     |   |    |            |                      |       |                                         | 33.0                                                          |                            |                  |      |                                                               | TOTAL ACRES                                                                                             |   |   |            |                      |       |                    |                                                                |                  | 33.0 |                            |           |      |  |

Additional remarks: \_\_\_\_\_

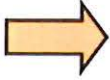
13529

RECEIVED  
SEP 21 2020  
OWRD

**For Place 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: Certificates 31678 & 62736



Pursuant to ORS 540.525, any "layered" water use such as an irrigation right that is supplemental to a primary right proposed for temporary transfer can be included in the transfer or remain unused on the authorized place of use. If the primary water right does not revert soon enough to allow use of the supplemental right within five years, the supplemental right shall become subject to cancellation for nonuse under ORS 540.610.

**If a change in point(s) of appropriation (well(s)) or additional point(s) of appropriation is necessary to convey the water to the new temporary place of use you must provide:**

- ☐ Well log(s) 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](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 below for any well that does not have a well log. For a *proposed well(s) 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 |
|-------------------------------------------|------------------------------------|-------------------------------------------------|------------------|-----------------|-------------------------|---------------------------|--------------------------------------------|------------------------------------------------|---------------------------------------------|--------------------------------------------------------------------------|
|                                           |                                    |                                                 |                  |                 |                         |                           |                                            |                                                |                                             |                                                                          |

RECEIVED

SEP 21 2020

OWRD



# 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 )  
 ) ss  
County of JOSEPHINE )

I, SEAN DIMMICK, in my capacity as NEIGHBORING PROPERTY OWNER,  
mailing address 7120 EAST KIRLAND BLVD., #1010, SCOTTSDALE, AZ 85254  
telephone number (925)605-6300, being first duly sworn depose and say:

RECEIVED  
SEP 21 2020  
OWRD

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

☒ Personal observation ☐ Professional expertise

2. I attest that:

☐ Water was used during the previous five years on the **entire** place of use for  
Certificate # \_\_\_\_; **OR**

☒ My knowledge is specific to the use of water at the following locations within the last five years:

| Certificate # | Township |   | Range |   | Mer | Sec | ¼ ¼ |    | Gov't Lot<br>or DLC | Acres<br>(if applicable) |
|---------------|----------|---|-------|---|-----|-----|-----|----|---------------------|--------------------------|
| 68731         | 35       | S | 7     | W | WM  | 13  | SW  | SE |                     | 18.9                     |
| 68731         | 35       | S | 7     | W | WM  | 13  | SE  | SW |                     | 14.1                     |

**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

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.

13529





Signature of Affiant

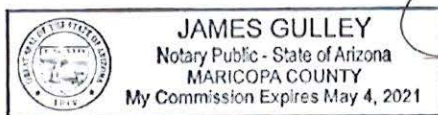
9/18/20  
Date

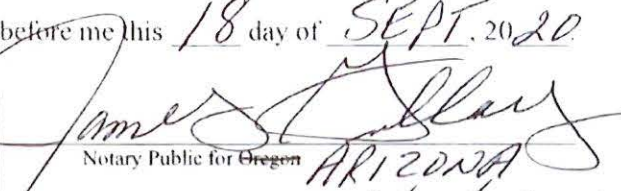
RECEIVED

SEP 21 2020

OWRD

Signed and sworn to (or affirmed) before me this 18 day of SEPT. 2020



  
Notary Public for Oregon ARIZONA

My Commission Expires: MAY-04-2021

| Supporting Documents                                                                                                                                   | Examples                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |
|--------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <input type="checkbox"/> Copy of a water right certificate that has been issued within the last five years. (not a remaining right certificate)        | Copy of <b>confirming</b> water right certificate that shows issue date                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |
| <input type="checkbox"/> Copies of receipts from sales of irrigated crops or for expenditures related to use of water                                  | <ul style="list-style-type: none"><li>• Power usage records for pumps associated with irrigation use</li><li>• Fertilizer or seed bills related to irrigated crops</li><li>• Farmers Co-op sales receipt</li></ul>                                                                                                                                                                                                                                                                                                                                                                                   |
| <input type="checkbox"/> Records such as FSA crop reports, irrigation district records, NRCS farm management plan, or records of other water suppliers | <ul style="list-style-type: none"><li>• District assessment records for water delivered</li><li>• Crop reports submitted under a federal loan agreement</li><li>• Beneficial use reports from district</li><li>• IRS Farm Usage Deduction Report</li><li>• Agricultural Stabilization Plan</li><li>• CREP Report</li></ul>                                                                                                                                                                                                                                                                           |
| <input checked="" type="checkbox"/> 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.<br>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.<br><br>Sources for aerial photos:<br>OSU – <a href="http://www.oregonexplorer.info/imagery">www.oregonexplorer.info/imagery</a><br>OWRD – <a href="http://www.wrd.state.or.us">www.wrd.state.or.us</a><br>Google Earth – <a href="http://earth.google.com">earth.google.com</a><br>TerraServer – <a href="http://www.terra-server.com">www.terra-server.com</a> |
| <input type="checkbox"/> Approved Lease establishing beneficial use within the last 5 years                                                            | Copy of instream lease or lease number                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |

Application for Water Right  
Transfer  
Consent by Deeded Landowner



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

RECEIVED

SEP 21 2020

OWRD

State of Oregon )  
 )ss  
County of Josephine )

I Sean T. Dimmick in my/our capacity as Owner / manager LLC  
mailing address 2275 Galice Rd Merlin, OR 97532  
telephone number 925.605.6300, duly sworn depose and say that I  
consent to the proposed change(s) to Water Right Certificate Number 68731  
described in a Transfer Application (T-      ) submitted by Sean Dimmick,  
*(transfer number, if known)*  
on the property in tax lot number(s) 803, Section 13, Township 35  
South, Range 7 West, W.M., located at 3153 Galice Rd., Merlin, OR, 97532,  
*(site address)*

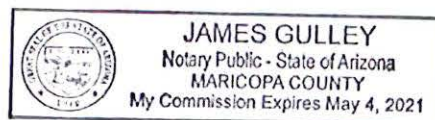
[Signature]  
Signature of Affiant

9/18/20  
Date

Subscribed and Sworn to before me this 18 day of SEPT, 2020.

[Signature]  
Notary Public for Oregon ARIZONA

My commission expires MAY 04 2021



13529

Until a change is requested,  
all tax statements will be sent to:

Dimmick Farms LLC  
c/o Sean Dimmick  
2275 Galice Road  
Merlin, OR 97532

JOSEPHINE COUNTY OFFICIAL RECORDS  
RHIANNON HENKELS COUNTY CLERK  
DED-QTD 2019-002528  
Cnt=1 Pgs=2 Stn=4 LBOSS 03/06/2019 12:52 PM  
\$10.00 \$11.00 \$60.00 \$10.00 \$5.00 Total:\$96.00



00433491201900025280020023

I, Rhiannon Henkels, County Clerk, certify that the within document was received and duly recorded in the official records of Josephine County.

After recording return to:

Dimmick Farms LLC  
c/o Sean Dimmick  
2275 Galice Road  
Merlin, OR 97532

RECEIVED

SEP 21 2020

OWRD

### STATUTORY QUITCLAIM DEED

Alejandro Leon Gutierrez and Augustin Rodriguez not as tenants in common, but with rights of survivorship, Grantors, release and quitclaim to Dimmick Farms LLC, Grantee, all right, title, and interest in and to the following described real property located in Josephine County, Oregon:

Address: 2275 Galice Road, Merlin, OR 97352

Legal Description: Parcel 1 of Partition Plat No. 1999-97 in Josephine, County, Oregon

The true consideration for this conveyance is other, non-monetary consideration.

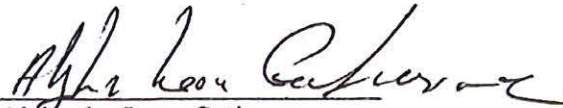
BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON TRANSFERRING FEE TITLE SHOULD INQUIRE ABOUT THE PERSON'S RIGHTS, IF ANY, UNDER ORS 195.300 (Definitions for ORS 195.300 to 195.336), 195.301 (Legislative findings) AND 195.305 (Compensation for restriction of use of real property due to land use regulation) TO 195.336 (Compensation and Conservation Fund) AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009, AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010. THIS INSTRUMENT DOES NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY THAT THE UNIT OF LAND BEING TRANSFERRED IS A LAWFULLY ESTABLISHED LOT OR PARCEL, AS DEFINED IN ORS 92.010 (Definitions for ORS 92.010 to 92.192) OR 215.010 (Definitions), TO VERIFY THE APPROVED USES OF THE LOT OR PARCEL, TO

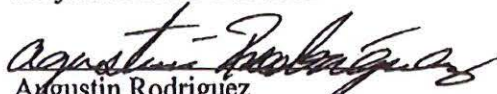


(2)

DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES, AS DEFINED IN ORS 30.930 (Definitions for ORS 30.930 to 30.947), AND TO INQUIRE ABOUT THE RIGHTS OF NEIGHBORING PROPERTY OWNERS, IF ANY, UNDER ORS 195.300 (Definitions for ORS 195.300 to 195.336), 195.301 (Legislative findings) AND 195.305 (Compensation for restriction of use of real property due to land use regulation) TO 195.336 (Compensation and Conservation Fund) AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009, AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010.

DATED: March 4<sup>th</sup>, 2019.

  
Alejandro Leon Gutierrez

  
Augustin Rodriguez

RECEIVED

SEP 21 2020

OWRD

T-N.  
STATE OF ~~OREGON~~ CALIFORNIA  
COUNTY OF Stanislaus

The foregoing Quitclaim Deed was acknowledged before me on March 4<sup>th</sup>, 2019 by Alejandro Leon Gutierrez and Augustin Rodriguez, who personally known to me or who produced a valid driver's license and/or passport as identification, and such individual(s) having executed aforementioned instrument of his/her/their free and voluntary act and deed.

IN WITNESS THEREOF, to this Quitclaim Deed, I set my hand and seal.

Signed, sealed and delivered in the presence of:

  
(Signature of Notary)

Thuy T. Nguyen  
(Printed Notary Name)



My Commission expires: January 13<sup>th</sup>, 2021

STATE OF OREGON  
COUNTY OF JOSEPHINE  
CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

A-D DAIRY  
ANTHONY AGUIAR  
3153 GALICE ROAD  
MERLIN, OR 97532

confirms the right to use the waters of LOST CREEK RESERVOIR CONSTRUCTED UNDER PERMIT R-8142, a tributary of ROGUE RIVER, for PRIMARY IRRIGATION OF 2.7 ACRES AND SUPPLEMENTAL IRRIGATION OF 47.0 ACRES.

This right was perfected under Permit 50762. The date of priority is APRIL 12, 1989. The amount of water to which this right is entitled is limited to an amount actually beneficially used and shall not exceed 150.0 ACRE-FEET OF STORED WATER ONLY, or its equivalent in case of rotation, measured at the point of diversion from the source.

The point of diversion is located as follows:

SE 1/4 NW 1/4, SECTION 14, T 35 S, R 7 W, W.M.; 938 FEET NORTH AND 3853 FEET WEST FROM THE W 1/4 CORNER OF SECTION 13.

The amount of water used for irrigation shall be further limited to a diversion of not to exceed 4.5 acre-feet per acre for each acre irrigated during the irrigation season of each year. The right shall be limited to any deficiency in the available supply of any prior right for the same land and shall not exceed the limitation allowed herein.

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

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

|               | <u>PRIMARY</u> | <u>SUPPLEMENTAL</u> |
|---------------|----------------|---------------------|
| SW 1/4 SW 1/4 | 2.70 ACRES     | 4.6 ACRES           |
| SE 1/4 SW 1/4 |                | 23.5 ACRES          |
| SW 1/4 SE 1/4 |                | 18.9 ACRES          |

SECTION 13  
TOWNSHIP 35 SOUTH, RANGE 7 WEST, W.M.

THE USE OF WATER UNDER THIS RIGHT IS SUBJECT TO THE TERMS AND CONDITIONS OF CONTRACT NO. 9-07-10-W0772 BETWEEN THE BUREAU OF RECLAMATION AND THE LANDOWNER, OR A SATISFACTORY REPLACEMENT, A COPY OF WHICH IS ON FILE IN THE RECORDS OF THE WATER RESOURCES DIRECTOR.

This right is for the beneficial use of water without waste.

SEE NEXT PAGE

47.0  
2.7  
49.7  
150.0

0.33/33333

150 af  
49.7 = 3

100 AF

99  
99 AF

PAGE TWO

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

WITNESS the signature of the Water Resources Director, affixed DECEMBER 27, 1995.

Steven P. Applegate

Martha O. Pagel

Recorded in State Record of Water Right Certificates numbered 68731.

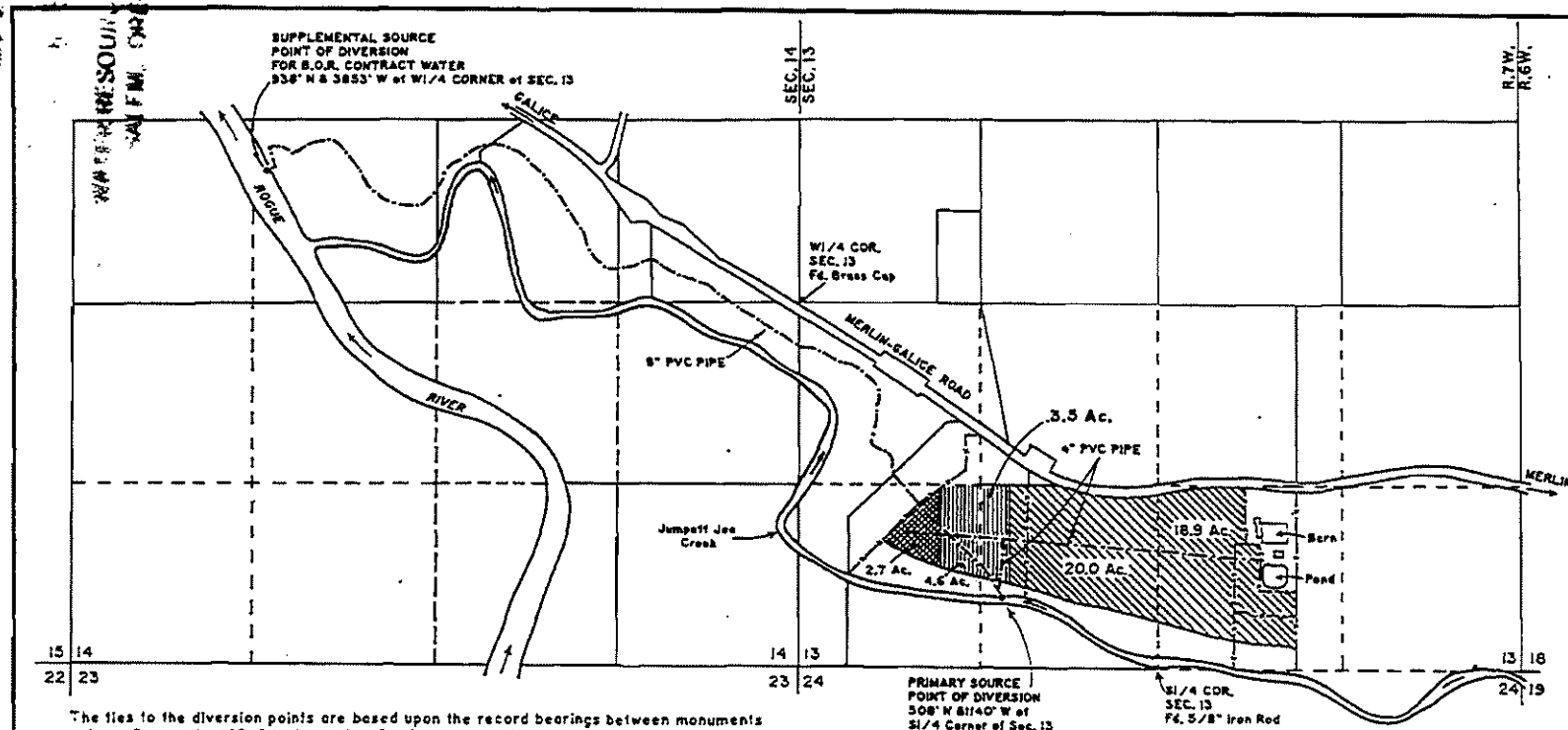
BASIN 15

VOLUME 1 ROGUE RIVER MISC.

DISTRICT 19

69870.JT



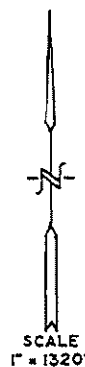


The ties to the diversion points are based upon the record bearings between monuments set per Survey No. 149-84, Josephine Co. Surveyors office.

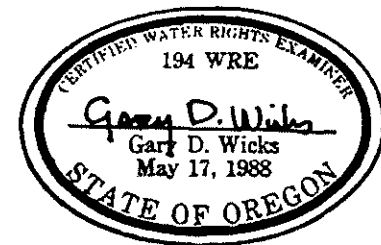
Survey ties were made using a Wild T-1600 Theodolite and Distomat DI-1000 E.D.M.I.

This plat was prepared for the purpose of identifying the water rights for the Transfer Order No. T-6229 and for Permit No. 50762 which authorizes use of water subject to B.O.R. Contract No. 9-07-10-W0772. There is no intent to provide dimensions or locations of property ownership lines.

A four page site report accompanies this plat.



- LEGEND**
- Supplemental Place of Use (38.9 Acres) (Primary Rights Per C-16497)
  - Primary Place of Use (2.7 Acres) (Per Permit No. 50762)
  - Supplemental Place of Use (8.1 Acres) Transferred To per Transfer No. T-6229 (Primary Rights Per C-16497)



# PLAT OF CLAIM OF BENEFICIAL USE

LOCATED IN  
S1/2 OF SECTION 13, T.35 S., R.7W., W.M.  
JOSEPHINE COUNTY, OREGON

REVISED 6-16-93

|                             |                          |                     |                     |
|-----------------------------|--------------------------|---------------------|---------------------|
| PROJECT NO.<br>57 - 88 - 52 | DRAWING NO.<br>43-8.5.11 | DATE<br>9 - 27 - 91 | SCALE<br>1" = 1320' |
|-----------------------------|--------------------------|---------------------|---------------------|

PREPARED FOR:  
MR. ANTHONY AGUIAR  
A-D DAIRY  
3153 CALICE ROAD  
MERLIN, OR 97532  
TEL. 476-4556

PREPARED BY:  
GARY D. WICKS, PE, PLS  
CIVIL ENGINEER & LAND SURVEYOR  
962 S.E. "N" STREET  
GRANTS PASS, OR 97526-3250  
TEL. 479-3456



Received by OWRD

OCT 01 2020

Salem, OR

Galice Rd

Received by OWRD

OCT 01 2020

Salem, OR

Abegg Rd

Google Earth

Date: May 27, 2016



1000 ft



STATE OF OREGON  
COUNTY OF JOSEPHINE  
CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

A-D DAIRY; ANTHONY AGUIAR  
3153 GALICE ROAD  
MERLIN, OREGON 97532

confirms the right to use the waters of JUMP OFF JOE CREEK, a tributary of ROGUE RIVER, for IRRIGATING 47.0 ACRES.

This right was confirmed by decree of the Circuit Court of the State of Oregon for JOSEPHINE County. The decree is of record at Salem, in the Order Record of the WATER RESOURCES DIRECTOR, in Volume 4, at Page 1. The date of priority is 1875.

The amount of water to which this right is entitled is limited to an amount actually beneficially used and shall not exceed 0.671 CUBIC FOOT PER SECOND, or its equivalent in case of rotation, measured at the point of diversion from the source.

The point of diversion is located as follows:

SE 1/4 SW 1/4, SECTION 13, T 35 S, R 7 W, W.M.; 508 FEET NORTH AND 1140 FEET WEST FROM THE SOUTH QUARTER CORNER OF SECTION 13.

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

|                                       |            |
|---------------------------------------|------------|
| SW 1/4 SW 1/4                         | 4.6 ACRES  |
| SE 1/4 SW 1/4                         | 3.5 ACRES  |
| SE 1/4 SW 1/4                         | 20.0 ACRES |
| SW 1/4 SE 1/4                         | 18.9 ACRES |
| SECTION 13                            |            |
| TOWNSHIP 35 SOUTH, RANGE 7 WEST, W.M. |            |

This certificate is issued to confirm a change in PLACE OF USE AND POINT OF DIVERSION approved by an order of the Water Resources Director entered SEPTEMBER 27, 1989, and together with Certificate 62736, supersedes Certificate 16497, State Record of Water Right Certificates.

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

The quantity of water diverted at the new point of diversion, shall not exceed the quantity of water available at the original point of diversion.

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

SEE NEXT PAGE

T-6229.LMS



PAGE TWO

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

WITNESS the signature of the Water Resources Director, affixed DECEMBER 27, 1995.

Steven P. Applegate

for Martha O. Pagel

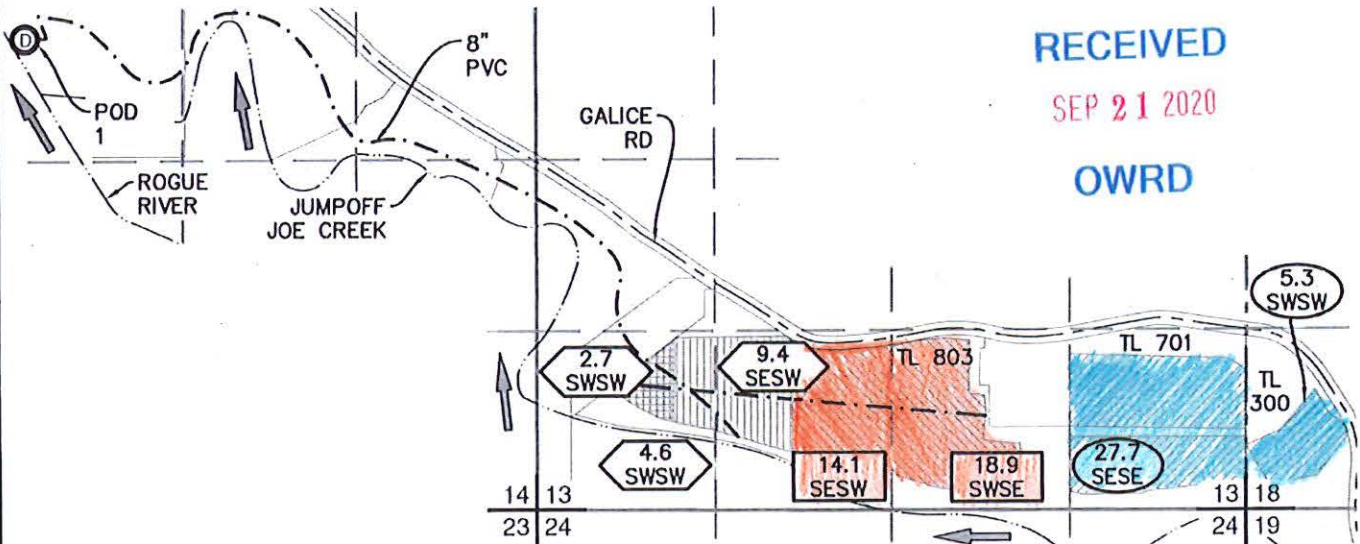
Recorded in State Record of Water Right Certificates numbered 68732.

T-6229.LMS

RECEIVED

SEP 21 2020

OWRD



**NOTES:**

1. THIS MAP WAS PREPARED FROM FIELD MEASUREMENTS, NAIP 2020 AERIAL PHOTOGRAPHY, JOSEPHINE COUNTY TAX MAPS, AND OREGON GLO MAPS.

2. THE PURPOSE OF THIS MAP IS TO IDENTIFY THE LOCATION OF THE WATER RIGHT ONLY, AND IS NOT INTENDED TO PROVIDE DIMENSIONS OR LOCATION OF PROPERTY LINES.

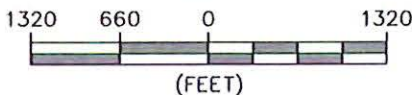
3. DATE OF PRIORITY FOR THIS CERTIFICATE IS APRIL 12, 1989.

**POD LOCATION:**

POD 1: 938' NORTH & 3853' WEST FROM THE W 1/4 CORNER OF SECTION 13.

**LEGEND**

|  |                   |  |                                                           |
|--|-------------------|--|-----------------------------------------------------------|
|  | RANGE LINE        |  | CERTIFICATE 68731 TRANSFERRED "TO" TEMPORARY LANDS        |
|  | SECTION LINE      |  | CERTIFICATE 68731 TRANSFERRED "FROM" TEMPORARY LANDS      |
|  | 1/4 1/4 LINE      |  | CERTIFICATE 68731 REMAINING SUPPLEMENTAL IRRIGATION LANDS |
|  | TAX LOT LINE      |  | CERTIFICATE 68731 REMAINING PRIMARY IRRIGATION LANDS      |
|  | CANAL/CREEK       |  | "TO" ACRES<br>1/4 1/4 SECTION                             |
|  | MAINLINE          |  | "FROM" ACRES<br>1/4 1/4 SECTION                           |
|  | Q ROAD            |  | REMAINING ACRES<br>1/4 1/4 SECTION                        |
|  | FLOW DIRECTION    |  |                                                           |
|  | SECTION CORNER    |  |                                                           |
|  | TAX LOT NUMBER    |  |                                                           |
|  | POD (RIVER/CREEK) |  |                                                           |



**AL ADKINS**  
ENGINEERING & SURVEYING

o / 541.884.4666  
w / AdkinsEngineering.com

1435 ESPLANADE AVENUE, KLAMATH FALLS, OR 97601

SERVING S. OREGON & N. CALIFORNIA

9/18/2020

ENGINEERING • SURVEYING • PLANNING • TESTING

3793-01

**DROUGHT TEMPORARY TRANSFER**

FOR

SEAN DIMMICK

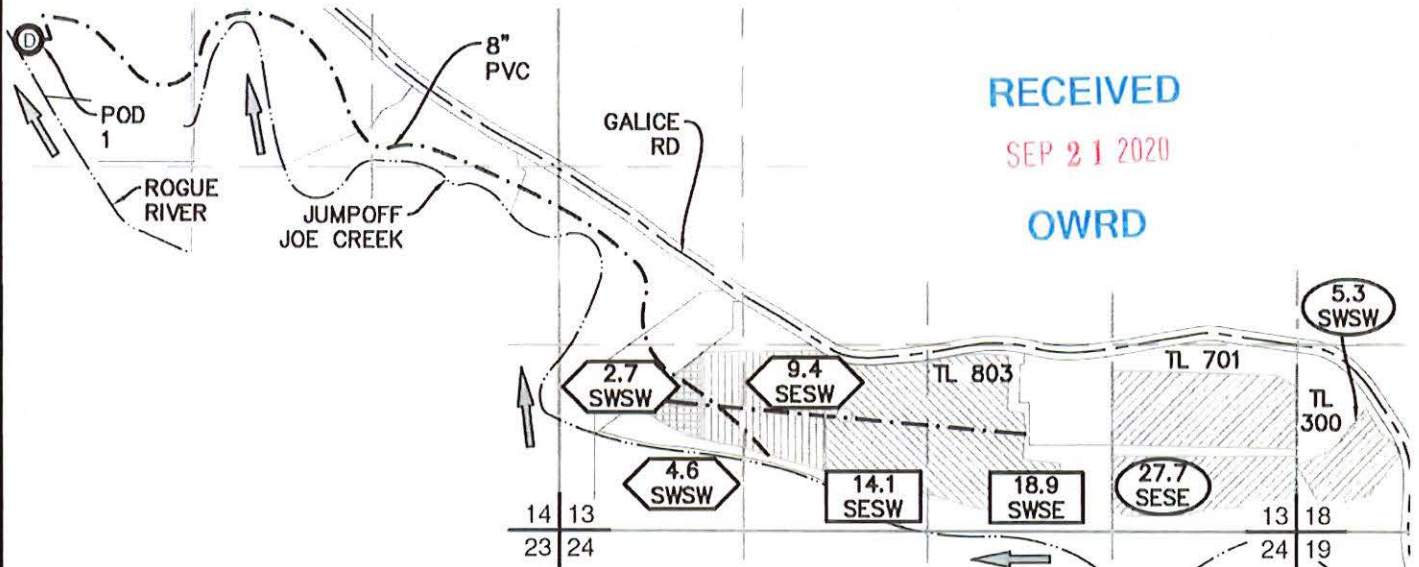
T35S, R7W, SEC. 13, WM  
JOSEPHINE COUNTY, OREGON  
CERTIFICATE 68731

13529

RECEIVED

SEP 21 2020

OWRD



# NOTES:

1. THIS MAP WAS PREPARED FROM FIELD MEASUREMENTS, NAIP 2020 AERIAL PHOTOGRAPHY, JOSEPHINE COUNTY TAX MAPS, AND OREGON GLO MAPS.

2. THE PURPOSE OF THIS MAP IS TO IDENTIFY THE LOCATION OF THE WATER RIGHT ONLY, AND IS NOT INTENDED TO PROVIDE DIMENSIONS OR LOCATION OF PROPERTY LINES.

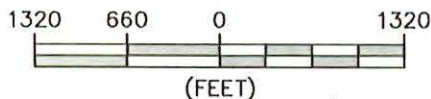
3. DATE OF PRIORITY FOR THIS CERTIFICATE IS APRIL 12, 1989.

## POD LOCATION:

POD 1: 938' NORTH & 3853' WEST FROM THE W 1/4 CORNER OF SECTION 13.

## LEGEND

|     |                   |               |                                                           |
|-----|-------------------|---------------|-----------------------------------------------------------|
| --- | RANGE LINE        | [Hatched Box] | CERTIFICATE 68731 TRANSFERRED "TO" TEMPORARY LANDS        |
| --- | SECTION LINE      | [Hatched Box] | CERTIFICATE 68731 TRANSFERRED "FROM" TEMPORARY LANDS      |
| --- | 1/4 1/4 LINE      | [Hatched Box] | CERTIFICATE 68731 REMAINING SUPPLEMENTAL IRRIGATION LANDS |
| --- | TAX LOT LINE      | [Hatched Box] | CERTIFICATE 68731 REMAINING PRIMARY IRRIGATION LANDS      |
| --- | CANAL/CREEK       | [Hatched Box] | "TO" ACRES                                                |
| --- | MAINLINE          | [Hatched Box] | 1/4 1/4 SECTION                                           |
| --- | Q ROAD            | [Hatched Box] | "FROM" ACRES                                              |
| --- | FLOW DIRECTION    | [Hatched Box] | 1/4 1/4 SECTION                                           |
| --- | SECTION CORNER    | [Hatched Box] | REMAINING ACRES                                           |
| --- | TAX LOT NUMBER    | [Hatched Box] | 1/4 1/4 SECTION                                           |
| --- | POD (RIVER/CREEK) | [Hatched Box] |                                                           |



**AL ADKINS**  
ENGINEERING & SURVEYING

o / 541.884.4666  
w / AdkinsEngineering.com

1435 ESPLANADE AVENUE, KLAMATH FALLS, OR 97601

SERVING S. OREGON & N. CALIFORNIA

9/18/2020 ENGINEERING • SURVEYING • PLANNING • TESTING

3793-01

## DROUGHT TEMPORARY TRANSFER

FOR  
SEAN DIMMICK  
T35S, R7W, SEC. 13, WM  
JOSEPHINE COUNTY, OREGON  
CERTIFICATE 68731

18529



SAFE  
LANDS  
AS  
"TO"  
LANDS

**Oregon Water Resources Department  
Water Right Services Division**

|                                                                               |             |
|-------------------------------------------------------------------------------|-------------|
| Water Right Application G-19029 in the name of SEAN DIMMICK and DIMMICK FARMS | FINAL ORDER |
|-------------------------------------------------------------------------------|-------------|

***Authority***

Oregon Revised Statutes 536.700 - 536.780 and Oregon Administrative Rules 690-019 establish the process by which the Department can allow temporary emergency-use permits.

***Findings of Fact***

1. On September 14, 2020, Sean Dimmick and Dimmick Farms submitted an application to the Department for an emergency-use permit, requesting 0.47 cubic foot per second and 2.3 acre-feet of groundwater for supplemental irrigation of 33.0 acres from a proposed sump well.
2. The Department has not received adverse comments related to the possible issuance of the attached permit.
3. The Department completed a review of the application in accordance with OAR 690-019-0040.
4. Drought conditions have created an inability on the part of the applicant to obtain water under existing Certificates 31678 and 62736.
5. The use is proposed in a designated drought area according to the Governor's July 1, 2020 Executive Order 20-31.
6. The required examination and recording fees were paid.
7. The Department considered the factors described in OAR 690-310-0130 and finds that:
  - (a) The proposed use requested in this application is allowed in the Rogue Basin Program (OAR 690-515-0040;
  - (b) Groundwater is available in the amount requested for this emergency, temporary use;
  - (c) The proposed use will not injure other water rights; and
  - (d) The proposed use complies with other rules of the Commission.

**NOTICE OF RIGHT TO PETITION FOR RECONSIDERATION OR JUDICIAL REVIEW**

This is a Final Order in other than contested case. This order is subject to judicial review under ORS 536.075 and ORS 183.484. Any petition for judicial review must be filed within the 60 day time period specified by ORS 183.484(2). Pursuant to OAR 137-004-0080 you may 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.

8. The Department has also considered the need for water because of the drought emergency and the short-term nature of the proposed emergency use and has determined that the use would not impair or be detrimental to the public interest.
9. The attached permit has been limited to the standard 1/80<sup>th</sup> of 1 cubic foot per second (CFS) per acre, being 0.41 CFS for supplemental irrigation of 33.0 acres.

### ***Conclusions of Law***

The application will not cause injury to existing water rights and will not impair or be detrimental to the public interest (OAR 690-019-0040(3)).

### **Order**

Now therefore, it is ordered, Application G-19029 is hereby approved and Permit G-18503 is issued as limited by the conditions contained therein.

DATED SEP 29 2020



Dwight French  
Water Right Services Division Administrator, for  
Thomas M. Byler, Director  
Oregon Water Resources Department

*This document was prepared by Kim French. If you have any questions about any of the statements contained in this document I can be reached at Kim.R.French@oregon.gov or 503-986-0816.*

*If you have other questions about the Department or any of its programs please contact our Customer Service Group at 503-986-0801.*

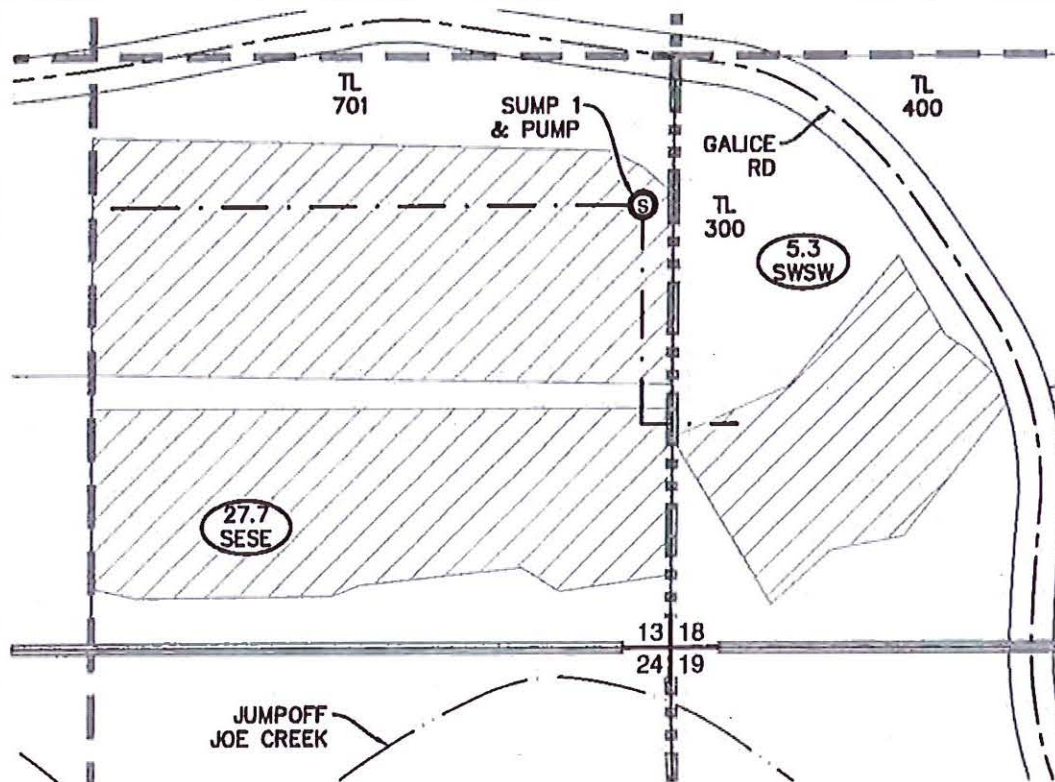
*Address all other correspondence to: Water Rights Section, Oregon Water Resources Department, 725 Summer St NE Ste A, Salem OR 97301-1266, Fax: 503-986-0901.*



RECEIVED

SEP 18 2020

OWRD



# LEGEND

|  |              |  |                                   |
|--|--------------|--|-----------------------------------|
|  | RANGE LINE   |  | SECTION CORNER                    |
|  | SECTION LINE |  | TAX LOT NUMBER                    |
|  | 1/4 1/4 LINE |  | SUMP                              |
|  | TAX LOT LINE |  | IRRIGATED UNDER CERTIFICATE 62736 |
|  | CANAL/CREEK  |  | IRRIGATED ACRES                   |
|  | MAINLINE     |  | 1/4 1/4 SECTION                   |
|  | Q ROAD       |  |                                   |

## NOTES:

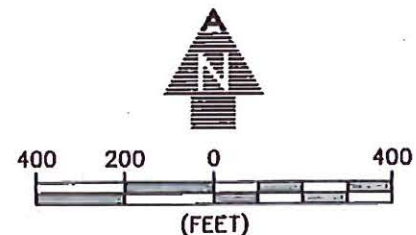
1. THIS MAP WAS PREPARED FROM FIELD MEASUREMENTS, NAIP 2020 AERIAL PHOTOGRAPHY, JOSEPHINE COUNTY TAX MAPS, AND OREGON GLO MAPS.

2. THE PURPOSE OF THIS MAP IS TO IDENTIFY THE LOCATION OF THE WATER RIGHT ONLY, AND IS NOT INTENDED TO PROVIDE DIMENSIONS OR LOCATION OF PROPERTY LINES.

3. DATE OF PRIORITY FOR THIS CERTIFICATE IS 1875.

## SUMP LOCATION:

SUMP 1: 980' NORTH & 60' WEST FROM THE SOUTHEAST CORNER OF SECTION 13.



**AL ADKINS**  
ENGINEERING & SURVEYING

o / 541.884.4666  
w / AdkinsEngineering.com

1435 ESPLANADE AVENUE, KLAMATH FALLS, OR 97601

SERVING S. OREGON & N. CALIFORNIA

ENGINEERING • SURVEYING • PLANNING • TESTING

## EMERGENCY USE PERMIT FOR GROUND WATER (DROUGHT) MAP

FOR  
SEAN DIMMICK  
T35S, R7W, SEC. 13, WM  
JOSEPHINE COUNTY, OREGON

9/10/2020

3793-01





Oregon  
Kate Brown, Governor

Water Resources Department

725 Summer St NE, Suite A

Salem, OR 97301

(503) 986-0900

Fax (503) 986-0904

September 30, 2020

SEAN DIMMICK  
7120 E KIERLAND BLVD  
SCOTTSDALE, AZ 85254

Reference: Application T- 13529

On September 30, 2020, we received your water right Transfer application. The application was accompanied by \$200.00. Our receipt number 133518 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.

Except as provided under ORS 540.510(3) for municipalities, you may not *temporarily* use water at the new place of use until a final order approving the temporary transfer application has been issued by the Department. Additionally, pursuant to OAR 690-380-8010, the lands from which an irrigation water right is to be temporarily transferred and the land to which the right is to be temporarily transferred may not both receive water during the same season. If the temporary transfer is approved during an irrigation season and water has already been used at the currently authorized location during that season, then the temporary transfer will not take effect until the following season.

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

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

Cc: Watermaster Dist. #14 (via email)  
Josephine County Planning

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 # **133518**

INVOICE # \_\_\_\_\_

RECEIVED FROM: Dimmick Farms LLC

BY: \_\_\_\_\_

CASH: ☐ CHECK: # 2004 OTHER: (IDENTIFY) ☐

APPLICATION  
PERMIT  
TRANSFER T-13529

TOTAL REC'D \$ 200.00

**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:  
0201 SURFACE WATER EXAM FEE 0202 RECORD FEE \$  
0203 GROUND WATER \$ 0204 \$  
0205 TRANSFER \$ 200.00  
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 **RECEIVED**  
OBJ. CODE \_\_\_\_\_ VENDOR # **OVER THE COUNTER**  
DESCRIPTION \_\_\_\_\_ \$

RECEIPT: **133518**

DATED: 9-4-2020 BY: [Signature]

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



Application for Water Right  
Temporary or Drought Temporary 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

RECEIVED

SEP 21 2020

This temporary 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.

OWRD

FOR ALL TEMPORARY TRANSFER APPLICATIONS

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

- ☒ Part 1 – Completed Minimum Requirements Checklist.
- ☒ Part 2 – Completed Temporary 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 online fee calculator at: [http://apps.wrd.state.or.us/apps/misc/wrd\\_fee\\_calculator](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 Transferred Water Rights: **How many water rights are to be transferred? 1 List them here: Certificate 68731**  
Please include a separate Part 5 for each water right. (See instructions on page 6)
- ☐ ☒ N/A For standard Temporary Transfer (one to five years) **Begin Year: \_\_\_\_\_ End Year: \_\_\_\_\_.**
- ☒ ☐ N/A Temporary Drought Transfer (Only in counties where the Governor has declared drought)

Attachments:

- ☒ Completed Temporary Transfer Application Map.
- ☒ Completed Evidence of Use Affidavit and supporting documentation.
- ☒ Current recorded deed for the land **from** which the authorized place of use is temporarily being moved.
- ☒ ☐ N/A Affidavit(s) of Consent from Landowner(s) (if the applicant does not own the land upon which the water right is located.)
- ☐ ☒ N/A Supplemental Form D – For water rights served by or issued in the name of a district. Complete when the temporary transfer applicant is not the 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 (if necessary to convey water to the proposed place of use).

(For Staff Use Only)

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

\_\_\_ Application fee not enclosed/or is insufficient      \_\_\_ Map not included or incomplete  
\_\_\_ Land Use Form not enclosed or incomplete  
\_\_\_ Additional signature(s) required      \_\_\_ Part \_\_\_ is incomplete  
Other/Explanation \_\_\_\_\_  
Staff: \_\_\_\_\_ 503-986-0 \_\_\_\_\_ Date: \_\_\_\_/\_\_\_\_/\_\_\_\_



## Part 2 of 5 – Temporary Transfer Application Map Checklist

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

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

- ☐ ☒ 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 temporary 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) to convey water to the new temporary place of use, 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°).



SEP 21 2020

## Part 3 of 5 – Fee Worksheet

| FEE WORKSHEET for TEMPORARY (not drought) TRANSFERS |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |   |          |
|-----------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---|----------|
| 1                                                   | Base Fee (includes temporary change to one water right for up to 1 cfs)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             | 1 | \$810.00 |
| 2                                                   | Number of water rights included in transfer: <u>      (2a)      </u><br>Subtract 1 from the number in 3a above: <u>      (2b)      </u> <i>If only one water right this will be 0</i><br>Multiply line 2b by \$260.00 and enter » » » » » » » » » » » » » » » »                                                                                                                                                                                                                                                                                                     | 2 |          |
| 3                                                   | Do you propose to change the place of use for a non-irrigation use?<br><input type="checkbox"/> No: enter 0 on line 3 » » » » » » » » » » » » » » » »<br><input type="checkbox"/> Yes: enter the cfs for the portions of the rights to be transferred: <u>      (3a)      </u><br>Subtract 1.0 from the number in 3a above: <u>      (3b)      </u><br>If 3b is 0, enter 0 on line 3 » » » » » » » » » » » » » » » »<br>If 3b is greater than 0, round up to the nearest whole number: <u>      (3c)      </u><br>and multiply 4c by \$200.00, then enter on line 3 | 3 |          |
| 4                                                   | Do you propose to change the place of use for an irrigation use?<br><input type="checkbox"/> No: enter 0 on line 4 » » » » » » » » » » » » » » » »<br><input type="checkbox"/> Yes: enter the number of acres for the portions of the rights to be transferred: <u>      (4a)      </u><br>Multiply the number of acres in 4a above by \$2.30 and enter on line 4 » »                                                                                                                                                                                               | 4 |          |
| 5                                                   | Add entries on lines 1 through 4 above » » » » » » » » » » Subtotal:                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                | 5 |          |
| 6                                                   | Is this transfer:<br><input type="checkbox"/> necessary to complete a project funded by the Oregon Watershed Enhancement Board (OWEB) under ORS 541.932?<br><input type="checkbox"/> endorsed in writing by ODFW as a change that will result in a net benefit to fish and wildlife habitat?<br>If one or more boxes is checked, multiply line 5 by 0.5 and enter on line 6 »                                                                                                                                                                                       | 6 |          |
| 7                                                   | Subtract line 6 from line 5 » » » » » » » » » » » » » » » » Transfer Fee:                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           | 7 |          |

| FEE WORKSHEET for TEMPORARY DROUGHT TRANSFERS |                                                                                                                                                                                                                                                                                                                                                                                                       |   |          |
|-----------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---|----------|
| 1                                             | Base Fee (includes drought application and recording fee for up to 1 cfs)                                                                                                                                                                                                                                                                                                                             | 1 | \$200.00 |
| 2                                             | Enter the cfs for the portions of the rights to be transferred (see example below*):<br><u>0.41 (2a)</u><br>Subtract 1.0 from the number in 2a above: <u>0.0 (2b)</u><br>If 2b is 0, enter 0 on line 2 » » » » » » » » » » » » » » » »<br>If 2b is greater than 0, round up to the nearest whole number: <u>      (2c)      </u><br>and multiply 2c by \$50, then enter on line 2 » » » » » » » » » » | 2 | \$0      |
| 3                                             | Add entries on lines 1 through 2 above » » » » » » » » » » Transfer Fee:                                                                                                                                                                                                                                                                                                                              | 3 | \$200    |

\*Example for Line 2a calculation to transfer 45.0 acres of Primary Certificate 12345 (total 1.25 cfs for 100 acres) and 45.0 acres of Supplemental Certificate 87654 (1/80 cfs per acre) on the same land:

1. Divide total authorized cfs by total acres in the water right (for C12345,  $1.25 \text{ cfs} \div 100 \text{ ac}$ ); then multiply by the number of acres to be transferred to get the transfer cfs ( $\times 45 \text{ ac} = 0.56 \text{ cfs}$ ).
2. If the water right certificate does not list total cfs, but identifies the allowable use as 1/40 or 1/80 of a cfs per acre; multiply number of acres proposed for change by either 0.025 (1/40) or 0.0125 (1/80). (For C87654,  $45.0 \text{ ac} \times 0.0125 \text{ cfs/ac} = 0.56 \text{ cfs}$ )
3. 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 2a would be only 0.56 cfs, since both rights serve the same 45.0 acres. Blank 2b would be 0 and Line 2 would then also become 0).

RECEIVED

SEP 21 2020

Part 4 of 5 – Applicant Information and Signature

Applicant Information

|                                                                                                                                                                             |                    |                     |                                      |                        |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------|---------------------|--------------------------------------|------------------------|
| APPLICANT/BUSINESS NAME<br><b>Sean Dimmick</b>                                                                                                                              |                    |                     | PHONE NO.<br><b>925-605-6300</b>     | ADDITIONAL CONTACT NO. |
| ADDRESS<br><b>7120 East Kierland Blvd.</b>                                                                                                                                  |                    |                     | FAX NO.                              |                        |
| CITY<br><b>Scottsdale</b>                                                                                                                                                   | STATE<br><b>AZ</b> | ZIP<br><b>85254</b> | E-MAIL<br><b>seandimmick@mac.com</b> |                        |
| 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. |       |     |           |                        |

Explain in your own words what you propose to accomplish with this transfer application and why:  
The applicant is proposing to transfer 33.0 acres of supplemental irrigation land from a neighboring property to his property. See the attached affidavit of consent by deeded landowner.

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

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

  
Applicant signature

**Sean T. Dimmick** **9/18/20**  
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 landowners (and mailing and/or e-mail addresses if different than the applicant's) or attach affidavits of consent from all landowners or individuals/entities (and mailing and/or e-mail addresses) to which the water right(s) has been conveyed.



RECEIVED

SEP 21 2020

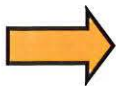
OWRD

☐ 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. (NOTE: If this box is checked, you must complete and attach Supplemental Form D.)

|               |         |     |
|---------------|---------|-----|
| 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 local governments (each county, city, municipal corporation, or tribal government) within whose jurisdiction water will be diverted, conveyed and/or used.

|                                                 |                                              |                     |
|-------------------------------------------------|----------------------------------------------|---------------------|
| ENTITY NAME<br><b>Josephine County Planning</b> | ADDRESS<br><b>700 NW Dimmick St., Ste. C</b> |                     |
| CITY<br><b>Grants Pass</b>                      | STATE<br><b>OR</b>                           | ZIP<br><b>97526</b> |

13529

RECEIVED

SEP 21 2020

## Part 5 of 5 – Water Right Information

OWRD

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

Water Right Certificate # 68731

## Description of Water Delivery System

System capacity: 0.56 cubic feet per second (cfs) OR

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 the authorized point of diversion through 8" PVC pipe southeast to the authorized places of 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)         |
|------------------------|-------------------------------------------------------------------------------------|----------------------------------------------------|-----|---|-----|---|-----|-----|----|---------------------------|--------------------------------------------------------------|
| POD 1                  | <input checked="" type="checkbox"/> Authorized<br><input type="checkbox"/> Proposed | N/A                                                | 35  | S | 7   | W | 14  | SE  | NW | 700                       | 938' North & 3,853' West from the W 1/4 Corner of Section 13 |

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

- |                                                               |                                                                   |
|---------------------------------------------------------------|-------------------------------------------------------------------|
| <input type="checkbox"/> Place of Use (POU)                   | <input type="checkbox"/> Appropriation/Well (POA)                 |
| <input type="checkbox"/> Point of Diversion (POD)             | <input type="checkbox"/> Additional Point of Appropriation (APOA) |
| <input type="checkbox"/> Additional Point of Diversion (APOD) |                                                                   |

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

- |                                                        |                                                                   |
|--------------------------------------------------------|-------------------------------------------------------------------|
| <input checked="" type="checkbox"/> Place of Use (POU) | <input type="checkbox"/> Point of Appropriation/Well (POA)        |
| <input type="checkbox"/> Character of Use (USE)        | <input type="checkbox"/> Additional Point of Appropriation (APOA) |
| <input type="checkbox"/> Point of Diversion (POD)      | <input type="checkbox"/> Additional Point of Diversion (APOD)     |

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

- ☐ Yes      Complete only the Proposed ("to" 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.

13529

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 Temporary Changes to Water Right Certificate # 68731**

List only the part of the right that will be changed. For the acreage in each ¼ ¼, list the change proposed. If more than one change, specify the acreage associated with each change. If more than one POD/POA, specify the acreage associated with each POD/POA.

| AUTHORIZED (the “from” or “off” lands)<br>The listing that appears on the Certificate BEFORE PROPOSED CHANGES<br>List only that part or portion of the water right that will be changed. |     |     |     |            |                      |       |                                         |                                                               |                  |                            |                  |      | Proposed<br>Changes (see<br>“CODES” from<br>previous<br>page) | PROPOSED (the “to” or “on” lands)<br>The listing as it would appear AFTER PROPOSED CHANGES<br>are made. |            |                      |       |                    |                                                                |                  |     |   |      |                            |           |      |  |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----|-----|-----|------------|----------------------|-------|-----------------------------------------|---------------------------------------------------------------|------------------|----------------------------|------------------|------|---------------------------------------------------------------|---------------------------------------------------------------------------------------------------------|------------|----------------------|-------|--------------------|----------------------------------------------------------------|------------------|-----|---|------|----------------------------|-----------|------|--|
| Twp                                                                                                                                                                                      | Rng | Sec | ¼ ¼ | Tax<br>Lot | Gvt<br>Lot or<br>DLC | Acres | Type of USE<br>listed on<br>Certificate | POD(s) or<br>POA(s)<br>(name or<br>number<br>from Table<br>1) | Priority<br>Date | Twp                        | Rng              | Sec  |                                                               | ¼ ¼                                                                                                     | Tax<br>Lot | Gvt<br>Lot or<br>DLC | Acres | New Type<br>of USE | POD(s)<br>/<br>POA(s)<br>to be<br>used<br>(from<br>Table<br>1) | Priority<br>Date |     |   |      |                            |           |      |  |
| EXAMPLE                                                                                                                                                                                  |     |     |     |            |                      |       |                                         |                                                               |                  |                            |                  |      |                                                               |                                                                                                         |            |                      |       |                    |                                                                |                  |     |   |      |                            |           |      |  |
| 2                                                                                                                                                                                        | S   | 9   | E   | 15         | NE                   | NW    | 100                                     |                                                               | 15.0             | Irrigation                 | POD #1<br>POD #2 | 1901 | POU/POD                                                       | 2                                                                                                       | S          | 9                    | E     | 1                  | NW                                                             | NW               | 500 | 1 | 10.0 |                            | POD<br>#5 | 1901 |  |
| “                                                                                                                                                                                        | “   | “   | “   | “          | “                    | “     | “                                       | “                                                             | “                | EXAMPLE                    | “                | “    | “                                                             | 2                                                                                                       | S          | 9                    | E     | 2                  | SW                                                             | NW               | 500 |   | 5.0  |                            | POD<br>#6 | 1901 |  |
| 35                                                                                                                                                                                       | S   | 7   | W   | 13         | SW                   | SE    | 803                                     |                                                               | 18.9             | Supplemental<br>Irrigation | POD 1            | 1989 | POU                                                           | 35                                                                                                      | S          | 6                    | W     | 18                 | SW                                                             | SW               | 300 |   | 5.3  | Supplemental<br>Irrigation | POD 1     | 1989 |  |
| 35                                                                                                                                                                                       | S   | 7   | W   | 13         | SE                   | SW    | 803                                     |                                                               | 14.1             | Supplemental<br>Irrigation | POD 1            | 1989 | POU                                                           | 35                                                                                                      | S          | 7                    | W     | 13                 | SE                                                             | SE               | 701 |   | 27.7 | Supplemental<br>Irrigation | POD 1     | 1989 |  |
| TOTAL ACRES                                                                                                                                                                              |     |     |     |            |                      |       |                                         |                                                               | 33.0             |                            |                  |      |                                                               | TOTAL ACRES                                                                                             |            |                      |       |                    |                                                                |                  |     |   | 33.0 |                            |           |      |  |

Additional remarks: \_\_\_\_\_

13529

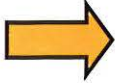
RECEIVED  
SEP 21 2020  
OWRD



**For Place 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: Certificates 31678 & 62736



Pursuant to ORS 540.525, any "layered" water use such as an irrigation right that is supplemental to a primary right proposed for temporary transfer can be included in the transfer or remain unused on the authorized place of use. If the primary water right does not revert soon enough to allow use of the supplemental right within five years, the supplemental right shall become subject to cancellation for nonuse under ORS 540.610.

**If a change in point(s) of appropriation (well(s)) or additional point(s) of appropriation is necessary to convey the water to the new temporary place of use you must provide:**

- ☐ Well log(s) 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](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 below for any well that does not have a well log. For a *proposed well(s) 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 |
|-------------------------------------------|------------------------------------|-------------------------------------------------|------------------|-----------------|-------------------------|---------------------------|--------------------------------------------|------------------------------------------------|---------------------------------------------|--------------------------------------------------------------------------|
|                                           |                                    |                                                 |                  |                 |                         |                           |                                            |                                                |                                             |                                                                          |

**RECEIVED**

SEP 21 2020

**OWRD**

Application for Water Right  
Transfer  
Consent by Deeded Landowner



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

RECEIVED

SEP 21 2020

OWRD

State of Oregon )  
 )ss  
County of Josephine )

I Sean T. Dimmick in my/our capacity as Owner / manager LLC  
mailing address 2275 Galice Rd Merlin, OR 97532  
telephone number 925.605.6300, duly sworn depose and say that I  
consent to the proposed change(s) to Water Right Certificate Number 68731  
described in a Transfer Application (T-\_\_\_\_) submitted by Sean Dimmick,  
(transfer number, if known)  
on the property in tax lot number(s) 803, Section 13, Township 35  
South, Range 7 West, W.M., located at 3153 Galice Rd., Merlin, OR, 97532.  
(site address)

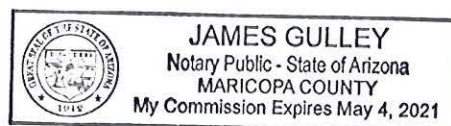
[Signature]  
Signature of Affiant

9/18/20  
Date

Subscribed and Sworn to before me this 18 day of SEPT, <sup>2020</sup>~~201~~.

[Signature]  
Notary Public for Oregon ARIZONA

My commission expires MAY 04 2021



13529



Until a change is requested,  
all tax statements will be sent to:

Dimmick Farms LLC  
c/o Sean Dimmick  
2275 Galice Road  
Merlin, OR 97532

JOSEPHINE COUNTY OFFICIAL RECORDS  
RHIANNON HENKELS, COUNTY CLERK  
DED-QTD  
Cnt=1 Pgs=2 Stn=4 LBOSS  
\$10.00 \$11.00 \$80.00 \$10.00 \$5.00  
2019-002528  
03/06/2019 12:52 PM  
Total:\$96.00



I, Rhiannon Henkels, County Clerk, certify that the within document was received and duly recorded in the official records of Josephine County.

After recording return to:

Dimmick Farms LLC  
c/o Sean Dimmick  
2275 Galice Road  
Merlin, OR 97532

RECEIVED

SEP 21 2020

OWRD

### STATUTORY QUITCLAIM DEED

Alejandro Leon Gutierrez and Augustin Rodriguez not as tenants in common, but with rights of survivorship, Grantors, release and quitclaim to Dimmick Farms LLC, Grantee, all right, title, and interest in and to the following described real property located in Josephine County, Oregon:

Address: 2275 Galice Road, Merlin, OR 97352

Legal Description: Parcel 1 of Partition Plat No. 1999-97 in Josephine, County, Oregon

The true consideration for this conveyance is other, non-monetary consideration.

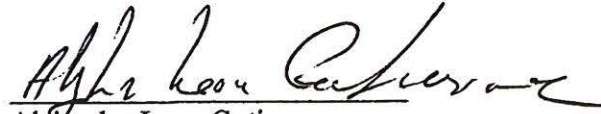
BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON TRANSFERRING FEE TITLE SHOULD INQUIRE ABOUT THE PERSON'S RIGHTS, IF ANY, UNDER ORS 195.300 (Definitions for ORS 195.300 to 195.336), 195.301 (Legislative findings) AND 195.305 (Compensation for restriction of use of real property due to land use regulation) TO 195.336 (Compensation and Conservation Fund) AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009, AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010. THIS INSTRUMENT DOES NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY THAT THE UNIT OF LAND BEING TRANSFERRED IS A LAWFULLY ESTABLISHED LOT OR PARCEL, AS DEFINED IN ORS 92.010 (Definitions for ORS 92.010 to 92.192) OR 215.010 (Definitions), TO VERIFY THE APPROVED USES OF THE LOT OR PARCEL, TO



(2)

DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES, AS DEFINED IN ORS 30.930 (Definitions for ORS 30.930 to 30.947), AND TO INQUIRE ABOUT THE RIGHTS OF NEIGHBORING PROPERTY OWNERS, IF ANY, UNDER ORS 195.300 (Definitions for ORS 195.300 to 195.336), 195.301 (Legislative findings) AND 195.305 (Compensation for restriction of use of real property due to land use regulation) TO 195.336 (Compensation and Conservation Fund) AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009, AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010.

DATED: March 4<sup>th</sup>, 2019.

  
Alejandro Leon Gutierrez

  
Augustin Rodriguez

RECEIVED

SEP 21 2020

OWRD

T-N  
STATE OF ~~OREGON~~ CALIFORNIA  
COUNTY OF Stanislaus

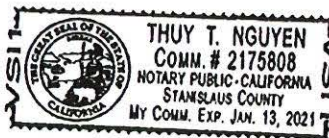
The foregoing Quitclaim Deed was acknowledged before me on March 4<sup>th</sup>, 2019 by Alejandro Leon Gutierrez and Augustin Rodriguez, who personally known to me or who produced a valid driver's license and/or passport as identification, and such individual(s) having executed aforementioned instrument of his/her/their free and voluntary act and deed.

IN WITNESS THEREOF, to this Quitclaim Deed, I set my hand and seal.

Signed, sealed and delivered in the presence of:

  
(Signature of Notary)

Thuy T. Nguyen  
(Printed Notary Name)



My Commission expires: January 13<sup>th</sup>, 2021

# 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 )  
 ) ss  
County of JOSEPHINE)

I, SEAN DIMMICK, in my capacity as NEIGHBORING PROPERTY OWNER,  
mailing address 7120 EAST KIERLAND BLVD., #1010, SCOTTSDALE, AZ 85254  
telephone number (925)605-6300, being first duly sworn depose and say:

RECEIVED  
SEP 21 2020  
OWRD

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

☒ Personal observation ☐ Professional expertise

2. I attest that:

☐ Water was used during the previous five years on the **entire** place of use for  
Certificate # \_\_\_\_; **OR**

☒ My knowledge is specific to the use of water at the following locations within the last five years:

| Certificate # | Township |   | Range |   | Mer | Sec | ¼ ¼ |    | Gov't Lot<br>or DLC | Acres<br>(if applicable) |
|---------------|----------|---|-------|---|-----|-----|-----|----|---------------------|--------------------------|
| 68731         | 35       | S | 7     | W | WM  | 13  | SW  | SE |                     | 18.9                     |
| 68731         | 35       | S | 7     | W | WM  | 13  | SE  | SW |                     | 14.1                     |

**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

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.

13529



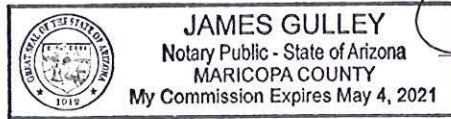


Signature of Affiant

9/18/20  
Date

RECEIVED  
SEP 21 2020  
OWRD

Signed and sworn to (or affirmed) before me this 18 day of SEPT, 2020.



Notary Public for ~~Oregon~~ ARIZONA

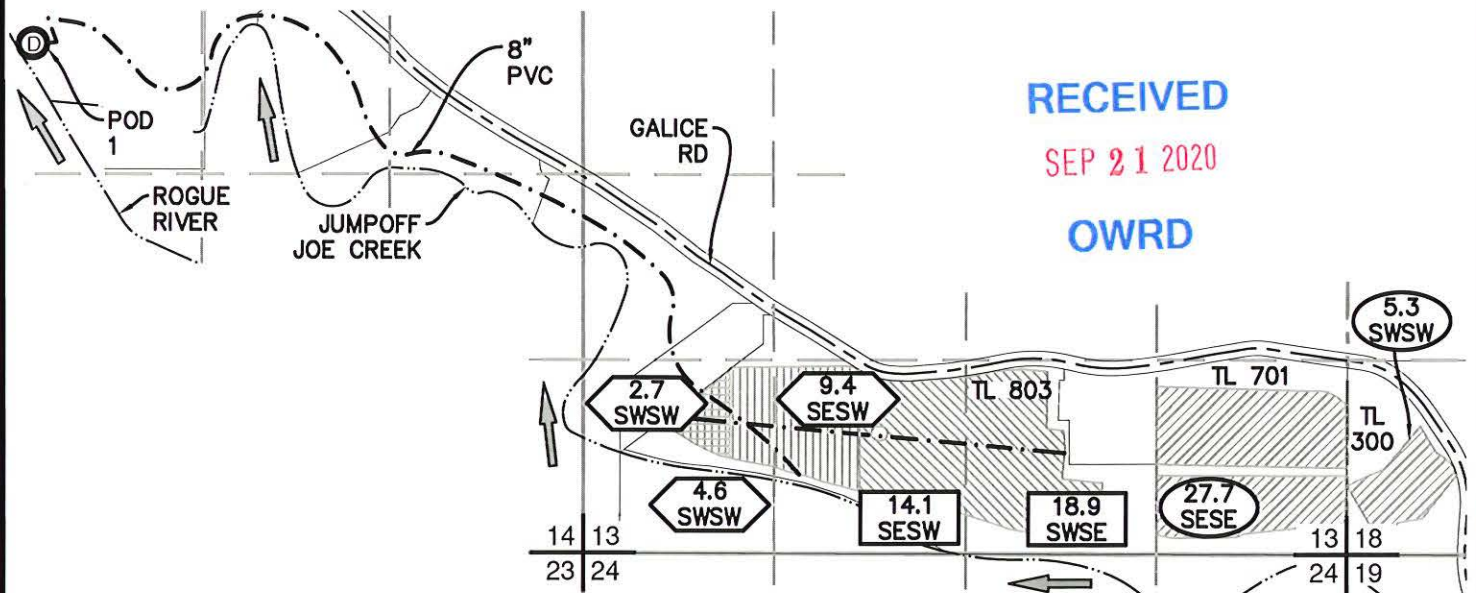
My Commission Expires: MAY-04-2021

| Supporting Documents                                                                                                                                   | Examples                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |
|--------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <input type="checkbox"/> Copy of a water right certificate that has been issued within the last five years. (not a remaining right certificate)        | Copy of <b>confirming</b> water right certificate that shows issue date                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |
| <input type="checkbox"/> Copies of receipts from sales of irrigated crops or for expenditures related to use of water                                  | <ul style="list-style-type: none"><li>● Power usage records for pumps associated with irrigation use</li><li>● Fertilizer or seed bills related to irrigated crops</li><li>● Farmers Co-op sales receipt</li></ul>                                                                                                                                                                                                                                                                                                                                                                                 |
| <input type="checkbox"/> Records such as FSA crop reports, irrigation district records, NRCS farm management plan, or records of other water suppliers | <ul style="list-style-type: none"><li>● District assessment records for water delivered</li><li>● Crop reports submitted under a federal loan agreement</li><li>● Beneficial use reports from district</li><li>● IRS Farm Usage Deduction Report</li><li>● Agricultural Stabilization Plan</li><li>● CREP Report</li></ul>                                                                                                                                                                                                                                                                         |
| <input checked="" type="checkbox"/> 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.<br>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.<br><br>Sources for aerial photos:<br>OSU – <a href="http://www.oregonexplorer.info/imagery">www.oregonexplorer.info/imagery</a><br>OWRD – <a href="http://www.wrd.state.or.us">www.wrd.state.or.us</a><br>Google Earth – <a href="http://earth.google.com">earth.google.com</a><br>TerraServer – <a href="http://www.terraserver.com">www.terraserver.com</a> |
| <input type="checkbox"/> Approved Lease establishing beneficial use within the last 5 years                                                            | Copy of instream lease or lease number                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |



13529





#### NOTES:

1. THIS MAP WAS PREPARED FROM FIELD MEASUREMENTS, NAIP 2020 AERIAL PHOTOGRAPHY, JOSEPHINE COUNTY TAX MAPS, AND OREGON GLO MAPS.

2. THE PURPOSE OF THIS MAP IS TO IDENTIFY THE LOCATION OF THE WATER RIGHT ONLY, AND IS NOT INTENDED TO PROVIDE DIMENSIONS OR LOCATION OF PROPERTY LINES.

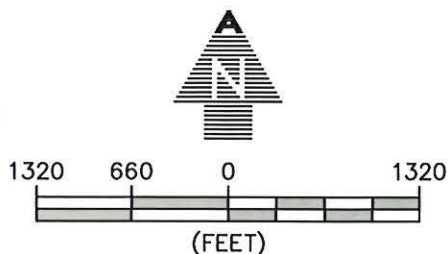
3. DATE OF PRIORITY FOR THIS CERTIFICATE IS APRIL 12, 1989.

#### POD LOCATION:

POD 1: 938' NORTH & 3853' WEST FROM THE W 1/4 CORNER OF SECTION 13.

#### LEGEND

|                    |                   |  |                                                           |
|--------------------|-------------------|--|-----------------------------------------------------------|
| ---                | RANGE LINE        |  | CERTIFICATE 68731 TRANSFERRED "TO" TEMPORARY LANDS        |
| ---                | SECTION LINE      |  | CERTIFICATE 68731 TRANSFERRED "FROM" TEMPORARY LANDS      |
| ---                | 1/4 1/4 LINE      |  | CERTIFICATE 68731 REMAINING SUPPLEMENTAL IRRIGATION LANDS |
| ---                | TAX LOT LINE      |  | CERTIFICATE 68731 REMAINING PRIMARY IRRIGATION LANDS      |
| ---                | CANAL/CREEK       |  | "TO" ACRES                                                |
| ---                | MAINLINE          |  | 1/4 1/4 SECTION                                           |
| ---                | Q ROAD            |  | "FROM" ACRES                                              |
| ←                  | FLOW DIRECTION    |  | 1/4 1/4 SECTION                                           |
| 22   22<br>22   22 | SECTION CORNER    |  | REMAINING ACRES                                           |
| TL 0000            | TAX LOT NUMBER    |  | 1/4 1/4 SECTION                                           |
| ⊙                  | POD (RIVER/CREEK) |  |                                                           |



**AL ADKINS**  
ENGINEERING & SURVEYING

o / 541.884.4666  
w / AdkinsEngineering.com

1435 ESPLANADE AVENUE, KLAMATH FALLS, OR 97601

SERVING S. OREGON & N. CALIFORNIA

9/18/2020

ENGINEERING • SURVEYING • PLANNING • TESTING

3793-01

#### DROUGHT TEMPORARY TRANSFER

FOR  
SEAN DIMMICK  
T35S, R7W, SEC. 13, WM  
JOSEPHINE COUNTY, OREGON  
CERTIFICATE 68731

13529



RECEIVED

SEP 21 2020

OWRD

RECEIVED

SEP 21 2020

OWRD

Date Received (Date Stamp Here)

## OWRD Over-the-Counter Submission Receipt

Applicant Name(s) & Address: Sean Dimmick

7120 East Kierland Blvd Scottsdale, AZ 85254

Transaction Type: DROUGHT TEMP. TRANSFER

Fees Received: \$ 200.00

☐ Cash

☒ Check:

Check No. 2004

Name(s) on Check: Dimmick Farms LLC

Address on Check: Same as above

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

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

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

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

Sincerely,

OWRD Customer Service Staff

Submission received by: C. M. M. M. M. M.  
(Name of OWRD staff)

### Instructions for OWRD staff:

- Complete this Submission Receipt, and make two (2) copies. Place one copy with the check/cash; and place the other copy with the submission (i.e., the application or other document).
- Date-stamp all pages. (NOTE: Do not stamp check.)
- Give this original Submission Receipt to the applicant.
- Record Submission Receipt information on the "RECEIVED OVER THE COUNTER" log sheet.
- Place the Submission Receipt with check/cash in the small top drawer (i.e., "Fiscal Pick Up Drawer"). Place the Submission Receipt with submission (application/other document) in the large bottom drawer.



# Regular Temporary Water Right Transfer Application Checklist

Checked by Jan

Date 9-23-20

**A temporary transfer must be for a change in place of use. A temporary change in POD/POA or APOD/APOA cannot be accepted as a stand-alone change.**

A change in POD/POA can accompany the temporary change in place of use, only if the proposed temporary POD/POA is supplying water to the proposed temporary place of use.

(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? \_\_\_\_\_
- ☒ 2. Are fees included and correct?  
If not, the correct fee would be: \_\_\_\_\_, so the amount missing is: \_\_\_\_\_
- ☒ 3. Part 4 of application: Have all the applicants listed at the top of the page signed at the bottom?  
If not, whose signature is missing? \_\_\_\_\_
- ☒ 4. Are all listed certificates shown by WRIS as non-cancelled?  
If not, which are cancelled? \_\_\_\_\_  
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.

Cert - 60731



**EXECUTIVE ORDER NO. 20-31 -**

**DETERMINATION OF A STATE OF DROUGHT EMERGENCY IN DOUGLAS, GILLIAM, JOSEPHINE, CROOK, DESCHUTES, JEFFERSON AND WASCO COUNTIES DUE TO UNUSUALLY LOW WATER SUPPLIES AND HOT, DRY CONDITIONS**

At the request of Douglas County (by Resolution 2020-0466 dated May 13, 2020), Gilliam County (by Resolution 2020-16, dated May 19, 2020) and Josephine County (by Resolution 2020-024 dated June 9, 2020), Crook County (by Resolution 2020-32), Deschutes County (by Resolution 2020-024 dated June 15, 2020), Jefferson County (by Resolution 003-20, dated June 3, 2020) and Wasco County (by Order 20-035 dated June 3, 2020), and based on the recommendations of the Drought Readiness Council and the Water Supply Availability Committee, and pursuant to ORS 536.740, I find the continuing dry conditions, low snowpack, and lack of precipitation have caused natural and economic disaster conditions in these seven counties.

Forecasted water supply conditions are not expected to improve, and drought is likely to have significant economic impacts on the farm, forest, recreation, drinking water, and natural resources sectors, as well as impacts on fish and wildlife and other natural resources which are dependent on adequate precipitation and streamflow in these areas. Extreme conditions have already affected local growers, and increased the potential for fire, a loss of economic stability, shortened growing season, and decreased water supplies.

Conditions continue to be monitored by the state's natural resource and public safety agencies, including the Oregon Water Resources Department and the Oregon Office of Emergency Management.

Preparation and resiliency to drought are vital to the health and safety of persons, property, and the economic security of the citizens and businesses. I therefore declare that a severe, continuing drought emergency exists in Douglas, Gilliam, Josephine, Crook, Deschutes, Jefferson and Wasco counties.

**NOW, THEREFORE, IT IS HEREBY DIRECTED AND ORDERED:**

- I. The Oregon Department of Agriculture is directed to coordinate and provide assistance in seeking federal resources to mitigate drought conditions and to assist in agricultural recovery in Douglas, Gilliam, Josephine, Crook, Deschutes, Jefferson and Wasco counties.





**EXECUTIVE ORDER NO. 20-31**

**PAGE TWO**

- II. The Oregon Water Resources Department and the Water Resources Commission are directed to coordinate and provide assistance to water users in Douglas, Gilliam, Josephine, Crook, Deschutes, Jefferson and Wasco counties as the Department and Commission determine is necessary and appropriate in accordance with ORS 536.700 to 536.780.
- III. The Oregon Water Resources Department is directed to seek information from the Oregon Department of Fish and Wildlife to help understand the impacts of water availability on Oregon's fish and wildlife, as necessary and appropriate in accordance with ORS 536.700 to 536.780.
- IV. The Office of Emergency Management is directed to coordinate and assist as needed with assessment and mitigation activities to address current and projected conditions in Douglas, Gilliam, Josephine, Crook, Deschutes, Jefferson and Wasco counties.
- V. All other state agencies are directed to coordinate with the above agencies and to provide appropriate state resources as needed to assist affected political subdivisions and water users in Douglas, Gilliam, Josephine, Crook, Deschutes, Jefferson and Wasco counties.
- VI. This Executive Order expires on December 31, 2020.

Done at Salem, Oregon, this 1<sup>st</sup> day of July 2020.

---

Kate Brown  
GOVERNOR

ATTEST:

---

Bev Clarno  
SECRETARY OF STATE

