

Historic

app: Roger Gulick 46153 Oliver Rd halfway or

DESCRIPTION OF WATER RIGHT(S)

Address app: Clifford + Ester Willmarth
45395 Gulick lane,
Halfway Oregon 97834

Name of Stream Clear Creek Pine Creek, Sag creek/waste
Spring Creek
Trib. of Pine Creek, Snake river

Use Irrigation, livestock + domestic County Baker
Quantity of water (CFS) No. of Acres

Name of ditch

App#	Decree	Per #	Pine Creek	Cert #	10401	PR Date	12/31/870
App#	Decree	Per #	Pine Creek	Cert #	10555	PR Date	12/31/870
App#	Decree	Per #	Pine Creek	Cert #	10437	PR Date	12/31/870
App#		Per #		Cert #		PR Date	
App#		Per #		Cert #		PR Date	

FEES PAID

Date	Amount	Receipt #
5-19-2020	\$1,100.00	132550
5-19-2020	\$1,100.00	132549

Change in APD

Date Filed 5/19/2020

Initial notice date 6/2/2020

DPD issued date

PD issued date

PD notice date

Date of FO 4/16/2020 Vol 122 Page 744

FEES REFUNDED

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

C-Date

COBU due date

COBU Received date

Certificate issued

Assignments:

Irrigation District

Agent

CWRE

CC's list Baker County

☐ - Oversized map - Location



Oregon

Kate Brown, Governor

Water Resources Department

725 Summer St NE, Suite A

Salem, OR 97301

(503) 986-0900

Fax (503) 986-0904

April 6, 2022

ROGER GULICK
46152 OLIVER RD
HALFWAY, OR 97834

CLIFFORD & ESTER WILLMARTH
45395 GULICK LANE
HALFWAY, OR 97834

REFERENCE: Transfer Application T-13444

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

Also enclosed is a certificate issued to confirm the historic change in point of diversion approved by the final order contained herein. Please read this document carefully and abide by the requirements.

If you have any questions related to the approval of this temporary transfer, you may contact your caseworker, Corey Courchane by telephone at (503) 979-3917 or by e-mail at Corey.A.Courchane@oregon.gov.

Sincerely,

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

cc: Marcy J. Osborn, Watermaster Dist. # 8 (via email)
Baker County Planning Department

Enclosures

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

In the Matter of Transfer Application)
T-13444, Baker County)
)
) FINAL ORDER APPROVING AN ADDITIONAL
) POINT OF DIVERSION TO REFLECT HISTORIC
) USE

Authority

ORS 540.532 establishes the process in which a water right holder may submit a request for a change in point of diversion to reflect historical use under an existing water right. OAR Chapter 690-380-2120 implements the statute and provides the Department's procedures and criteria for evaluating historic point of diversion/appropriation transfer applications.

Applicants

ROGER GULICK	CLIFFORD AND ESTER WILLMARTH
46152 OLIVER RD	45395 GULICK LANE
HALFWAY, OR 97834	HALFWAY, OR 97834

Findings of Fact

1. On May 27, 2021, ROGER GULICK and CLIFFORD AND ESTER WILLMARTH filed a transfer application for authorization of an additional historic point of diversion under Certificates 10401, 10437, and 10505. The Department assigned the application number T-13444.

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

3. The first right to be transferred is as follows:

Certificate: 10401 in the name of HENRY MELHORN (confirmed by PINE CREEK, BAKER COUNTY Decree)

Use: IRRIGATION of 38.0 ACRES, and DOMESTIC and STOCK USE

Priority Date: 1870 for TRACT NO. 1 and 1910 for TRACT NO. 2

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.

Rate: ONE-FORTIETH OF A CUBIC FOOT PER SECOND PER ACRE, MEASURED AT THE POINT OF DIVERSION AND A TOTAL LIMITATION OF ONE ACRE-FOOT PER ACRE DURING JULY, ONE ACRE-FOOT PER ACRE DURING AUGUST, AND ONE-HALF ACRE-FOOT PER ACRE DURING SEPTEMBER, OF EACH YEAR

Source: CLEAR CREEK, tributary of PINE CREEK

Authorized Point of Diversion:

Twp	Rng	Mer	Sec	Q-Q
Not specified in certificate				

Authorized Place of Use:

IRRIGATION, DOMESTIC, AND STOCK USE – TRACT NO. 1					
Twp	Rng	Mer	Sec	Q-Q	Acres
8 S	46 E	WM	23	NW NE	20.0

IRRIGATION, DOMESTIC, AND STOCK USE – TRACT NO. 1					
Twp	Rng	Mer	Sec	Q-Q	Acres
8 S	46 E	WM	23	NW NE	18.0

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

Certificate: 10437 in the name of P. R. PEARCE (confirmed by PINE CREEK, BAKER COUNTY Decree)

Use: IRRIGATION of 54.0 ACRES, DOMESTIC and STOCK USE for TRACT NOS. 1 AND 2

Priority Date: 1870 for TRACT NO. 1 and 1910 for TRACT NO. 2

Rate: ONE-FORTIETH OF A CUBIC FOOT PER SECOND PER ACRE, MEASURED AT THE POINT OF DIVERSION AND A TOTAL LIMITATION OF ONE ACRE-FOOT PER ACRE DURING JULY, ONE ACRE-FOOT PER ACRE DURING AUGUST, AND ONE-HALF ACRE-FOOT PER ACRE DURING SEPTEMBER, OF EACH YEAR

Source: CLEAR CREEK, tributary of PINE CREEK, for TRACT NOS. 1 AND 2

Authorized Point of Diversion:

Twp	Rng	Mer	Sec	Q-Q
Not specified in certificate				

Authorized Place of Use:

IRRIGATION, DOMESTIC, AND STOCK USE – TRACT NO. 1					
Twp	Rng	Mer	Sec	Q-Q	Acres
8 S	46 E	WM	14	SW SW	10.0
8 S	46 E	WM	14	SE SW	20.0
Total					30.0

IRRIGATION, DOMESTIC, AND STOCK USE – TRACT NO. 2					
Twp	Rng	Mer	Sec	Q-Q	Acres
8 S	46 E	WM	14	SW SW	19.0
8 S	46 E	WM	14	SE SW	5.0
Total					24.0

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

Certificate: 10505 in the name of EARL WHITELEY (confirmed by PINE CREEK, BAKER COUNTY Decree)
Use: IRRIGATION of 20.0 ACRES, DOMESTIC and STOCK USE for TRACT NO. 2
Priority Date: 1910 for TRACT NO. 2
Rate: ONE-FORTIETH OF A CUBIC FOOT PER SECOND PER ACRE, MEASURED AT THE POINT OF DIVERSION AND A TOTAL LIMITATION OF ONE ACRE-FOOT PER ACRE DURING JULY, ONE ACRE-FOOT PER ACRE DURING AUGUST, AND ONE-HALF ACRE-FOOT PER ACRE DURING SEPTEMBER, OF EACH YEAR
Source: CLEAR CREEK, tributary of PINE CREEK

Authorized Point of Diversion:

Twp	Rng	Mer	Sec	Q-Q
Not specified in certificate				

Authorized Place of Use:

IRRIGATION, DOMESTIC, AND STOCK USE – TRACT NO. 2					
Twp	Rng	Mer	Sec	Q-Q	Acres
8 S	46 E	WM	14	SW SE	20.0

6. Transfer Application T-13444 proposes an additional point of diversion to reflect historical use approximately 2.0 miles downstream to:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
8 S	46 E	WM	14	NW SW	POD #2 – GULICK/WILLMARTH - 1635 FEET NORTH AND 810 FEET EAST FROM THE SW CORNER OF SECTION 14

7. The Oregon Department of Fish and Wildlife (ODFW) has determined that a fish screening and/or by-pass device is necessary at the new point of diversion to prevent fish from entering the diversion and/or safely transport fish back to the body of water from which the fish were diverted and that the diversion is not currently equipped with an appropriate fish screening and/or by-pass device. This diversion may be eligible for screening cost share funds.

Transfer Review Criteria (ORS 540.532 and OAR 690-380-2120)

8. Pursuant to OAR 690-380-2120(2)(a), evidence has been submitted that the actual, current point of diversion for the water right in question, as described in Finding No. 6, has been in use for more than 10 years.

9. Pursuant to OAR 690-380-2120(2)(c), the Watermaster provided a statement that to her knowledge there has been no complaint of injury due to the use of water at the actual, current point of diversion, prior to the transfer request.
10. Pursuant to OAR 690-380-2120(3), the Department provided the applicant a list of the affected water rights and a copy of the notice to be provided to each affected water right holder. The applicant has provided written proof of service of notice of the proposed transfer on all affected water right holders.
11. Water has been used within the last five years according to the terms and conditions of the rights. There is no evidence available that would demonstrate that the right is subject to forfeiture under ORS 540.610.
12. A diversion structure and ditch sufficient to use the full amount of water allowed under the existing rights are present.
13. The proposed change would not result in enlargement of the right.
14. The proposed change would not result in injury to other water rights.

Conclusions of Law

The proposed additional point of diversion to reflect historical use in application T-13444 is consistent with the requirements of ORS 540.532, and OAR 690-380-2120.

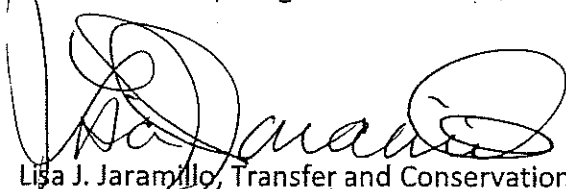
Now, therefore, it is ORDERED:

1. The change proposed in T-13444 is approved and effective immediately.
2. The right to the use of the water is restricted to beneficial use at the place of use described, and is subject to all other conditions and limitations contained in Certificates 10401, 10437, 10505, and any related decree.
3. Water right certificates 10401, 10437, and 10505 are cancelled. Certificate 96261 will be issued to describe the additional point of diversion for Certificate 10401. Certificate 96263 will be issued to describe the additional point of diversion for the portion of 10437 included in T-13444. Certificate 96262 will be issued to describe the additional point of diversion for the portion of 10505 included in T-13444. Certificate 96265 shall be issued to describe the portion of Certificate 10437 not modified by this order. Certificate 96264 shall be issued to describe the portion of Certificate 10505 not modified by this order. Together, the new Certificates shall supersede Certificates 10401, 10437, and 10505.

4. The quantity of water diverted at the additional point of diversion (POD #2 – Gulick/Wilmarth), together with that diverted at the old points of diversion, shall not exceed the quantity of water lawfully available at the original points of diversion.
5. Prior to October 1, 2022, the water user shall install and maintain a weir, or other suitable device for measuring and recording the quantity of water diverted at each new point of diversion. 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.
6. Prior to October 1, 2022, the water user shall install a fish screening and/or by-pass device, as appropriate, at the new point of diversion consistent with the Oregon Department of Fish and Wildlife's (ODFW) design and construction standards. Prior to installation, the water user shall obtain written approval from ODFW that the required screen and/or by-pass device meets ODFW's criteria. Prior to submitting a Claim of Beneficial Use, the water user must obtain written approval from ODFW that the required screening and/or by-pass device was installed to the state's criteria. The water user shall maintain and operate the fish screen and/or by-pass device, as appropriate, at the point of diversion consistent with ODFW's operational and maintenance standards.

Dated in Salem, Oregon on

APR 05 2022



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

Mailing date:

APR 06 2022

STATE OF OREGON

COUNTY OF BAKER

CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

ROGER GULICK
46152 OLIVER RD
HALFWAY, OR 97834

CLIFFORD AND ESTER WILLMARTH
45395 GULICK LANE
HALFWAY, OR 97834

confirms the right to use the waters of CLEAR CREEK, tributary of PINE CREEK for IRRIGATION of 38.0 ACRES, and DOMESTIC and STOCK USE.

This right was confirmed by decree of the Circuit Court of the State of Oregon for Baker County. The decree is of record at Salem, in the Order Record of the Water Resources Director in Volume 11, at Page 235. The date of priority is 1870 for TRACT NO. 1 and 1910 for TRACT NO. 2.

The amount of water to which this right is entitled is limited to an amount actually used beneficially, and shall not exceed ONE-FORTIETH OF A CUBIC FOOT PER SECOND PER ACRE, MEASURED AT THE POINT OF DIVERSION AND A TOTAL LIMITATION OF ONE ACRE-FOOT PER ACRE DURING JULY, ONE ACRE-FOOT PER ACRE DURING AUGUST, AND ONE-HALF ACRE-FOOT PER ACRE DURING SEPTEMBER, OF EACH YEAR.

The additional point of diversion is located as follows:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
8 S	46 E	WM	14	NW SW	POD #2 - GULICK/WILLMARTH - 1635 FEET NORTH AND 810 FEET EAST FROM THE SW CORNER OF SECTION 14

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

IRRIGATION, DOMESTIC and STOCK USE - TRACT NO. 1					
Twp	Rng	Mer	Sec	Q-Q	Acres
8 S	46 E	WM	23	NW NE	20.0

IRRIGATION, DOMESTIC and STOCK USE - TRACT NO. 2					
Twp	Rng	Mer	Sec	Q-Q	Acres
8 S	46 E	WM	23	NW NE	18.0

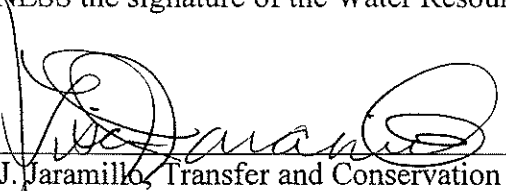
This is a final order in other than a contested case. This order is subject to judicial review under ORS 183.484. Any petition for judicial review must be filed within the 60-day time period specified by ORS 183.484(2). Pursuant to ORS 536.075 and OAR 137-004-0080, you may petition for judicial review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

Prior to October 1, 2023, the water user shall install and maintain a weir, or other suitable device for measuring and recording the quantity of water diverted at each new point of diversion. 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.

Prior to October 1, 2023, the water user shall install and maintain a fish screen or fish by-pass device, as appropriate, at the new point of diversion. The type and plans of the screen or by-pass device must be approved by the Oregon Department of Fish and Wildlife prior to beginning of construction, and shall be installed under the supervision of the Department of Fish and Wildlife.

This certificate is issued to confirm an HISTORIC CHANGE IN POINT OF DIVERSION approved by an order of the Water Resources Director entered APR 05 2022, approving Transfer Application T- 13444, and supersedes Certificate 10401, State Record of Water Right Certificates.

WITNESS the signature of the Water Resources Director, affixed APR 05 2022.



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

STATE OF OREGON

COUNTY OF BAKER

CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

ROGER GULICK
46152 OLIVER RD
HALFWAY, OR 97834

CLIFFORD AND ESTER WILLMARTH
45395 GULICK LANE
HALFWAY, OR 97834

confirms the right to use the waters of CLEAR CREEK, tributary of PINE CREEK for IRRIGATION of 20.0 ACRES, and DOMESTIC and STOCK USE.

This right was confirmed by decree of the Circuit Court of the State of Oregon for Baker County. The decree is of record at Salem, in the Order Record of the Water Resources Director in Volume 11, at Page 235. The date of priority is 1910 for TRACT NO. 2.

The amount of water to which this right is entitled is limited to an amount actually used beneficially, and shall not exceed ONE-FORTIETH OF A CUBIC FOOT PER SECOND PER ACRE, MEASURED AT THE POINT OF DIVERSION AND A TOTAL LIMITATION OF ONE ACRE-FOOT PER ACRE DURING JULY, ONE ACRE-FOOT PER ACRE DURING AUGUST, AND ONE-HALF ACRE-FOOT PER ACRE DURING SEPTEMBER, OF EACH YEAR.

The additional point of diversion is located as follows:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
8 S	46 E	WM	14	NW SW	POD #2 – GULICK/WILLMARTH - 1635 FEET NORTH AND 810 FEET EAST FROM THE SW CORNER OF SECTION 14

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

IRRIGATION, DOMESTIC and STOCK USE – TRACT NO. 2					
Twp	Rng	Mer	Sec	Q-Q	Acres
8 S	46 E	WM	14	SW SE	20.0

Prior to October 1, 2023, the water user shall install and maintain a weir, or other suitable device for measuring and recording the quantity of water diverted at each new point of diversion. 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.

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.

Prior to October 1, 2023, the water user shall install and maintain a fish screen or fish by-pass device, as appropriate, at the new point of diversion. The type and plans of the screen or by-pass device must be approved by the Oregon Department of Fish and Wildlife prior to beginning of construction, and shall be installed under the supervision of the Department of Fish and Wildlife.

This certificate is issued to confirm an HISTORIC CHANGE IN POINT OF DIVERSION approved by an order of the Water Resources Director entered APR 05 2022, approving Transfer Application T- 13444, and supersedes Certificate 10505, State Record of Water Right Certificates.

WITNESS the signature of the Water Resources Director, affixed APR 05 2022.

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

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

STATE OF OREGON

COUNTY OF BAKER

CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

ROGER GULICK
46152 OLIVER RD
HALFWAY, OR 97834

CLIFFORD AND ESTER WILLMARTH
45395 GULICK LANE
HALFWAY, OR 97834

confirms the right to use the waters of CLEAR CREEK, tributary of PINE CREEK, for TRACT NOS. 1 and 2, for IRRIGATION of 54.0 ACRES, DOMESTIC and STOCK USE for TRACT NOS. 1 and 2.

This right was confirmed by decree of the Circuit Court of the State of Oregon for Baker County. The decree is of record at Salem, in the Order Record of the Water Resources Director in Volume 11, at Page 235. The date of priority is 1870 for TRACT NO. 1 and 1910 for TRACT NO. 2.

The amount of water to which this right is entitled is limited to an amount actually used beneficially, and shall not exceed ONE-FORTIETH OF A CUBIC FOOT PER SECOND PER ACRE, MEASURED AT THE POINT OF DIVERSION AND A TOTAL LIMITATION OF ONE ACRE-FOOT PER ACRE DURING JULY, ONE ACRE-FOOT PER ACRE DURING AUGUST, AND ONE-HALF ACRE-FOOT PER ACRE DURING SEPTEMBER, OF EACH YEAR.

The additional point of diversion is located as follows:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
8 S	46 E	WM	14	NW SW	POD #2 - GULICK/WILLMARTH - 1635 FEET NORTH AND 810 FEET EAST FROM THE SW CORNER OF SECTION 14

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

IRRIGATION, DOMESTIC and STOCK USE - TRACT NO. 1					
Twp	Rng	Mer	Sec	Q-Q	Acres
8 S	46 E	WM	14	SW SW	10.0
8 S	46 E	WM	14	SE SW	20.0
Total					30.0

IRRIGATION, DOMESTIC and STOCK USE - TRACT NO. 2					
Twp	Rng	Mer	Sec	Q-Q	Acres
8 S	46 E	WM	14	SW SW	19.0
8 S	46 E	WM	14	SE SW	5.0
Total					24.0

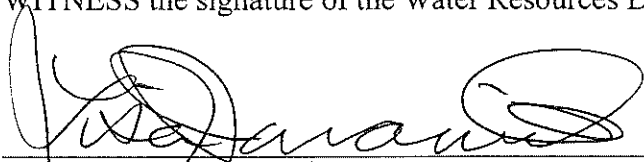
This is a final order in other than a contested case. This order is subject to judicial review under ORS 183.484. Any petition for judicial review must be filed within the 60-day time period specified by ORS 183.484(2). Pursuant to ORS 536.075 and OAR 137-004-0080, you may petition for judicial review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

Prior to October 1, 2023, the water user shall install and maintain a weir, or other suitable device for measuring and recording the quantity of water diverted at each new point of diversion. 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.

Prior to October 1, 2023, the water user shall install and maintain a fish screen or fish by-pass device, as appropriate, at the new point of diversion. The type and plans of the screen or by-pass device must be approved by the Oregon Department of Fish and Wildlife prior to beginning of construction, and shall be installed under the supervision of the Department of Fish and Wildlife.

This certificate is issued to confirm an HISTORIC CHANGE IN POINT OF DIVERSION approved by an order of the Water Resources Director entered APR 05 2022 approving Transfer Application T- 13444, and supersedes Certificate 10437, State Record of Water Right Certificates.

WITNESS the signature of the Water Resources Director, affixed APR 05 2022.

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

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

STATE OF OREGON
COUNTY OF BAKER
CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

EARL WHITELEY
PINE, OR

confirms the right to use the waters of CLEAR CREEK, tributary of PINE CREEK for IRRIGATION of 20.0 ACRES, and DOMESTIC and STOCK USE.

This right was confirmed by decree of the Circuit Court of the State of Oregon for Baker County. The decree is of record at Salem, in the Order Record of the Water Resources Director in Volume 11, at Page 235. The date of priority is 1870 for TRACT NO. 1.

The amount of water to which this right is entitled is limited to an amount actually used beneficially, and shall not exceed ONE-FORTIETH OF A CUBIC FOOT PER SECOND PER ACRE, MEASURED AT THE POINT OF DIVERSION AND A TOTAL LIMITATION OF ONE ACRE-FOOT PER ACRE DURING JULY, ONE ACRE-FOOT PER ACRE DURING AUGUST, AND ONE-HALF ACRE-FOOT PER ACRE DURING SEPTEMBER, OF EACH YEAR.

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

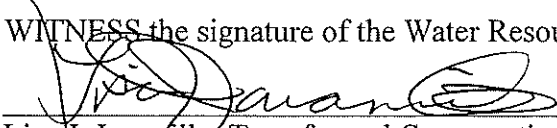
IRRIGATION, DOMESTIC and STOCK USE – TRACT NO. 1					
Twp	Rng	Mer	Sec	Q-Q	Acres
8 S	46 E	WM	14	SW SE	20.0

This certificate describes that portion of water right Certificate 10505, State Record of Water Right Certificates, NOT modified by the provisions of an order of the Water Resources Director entered APR 05 2022 approving Transfer Application T-13444.

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

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

WITNESS the signature of the Water Resources Director, affixed APR 05 2022.



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

STATE OF OREGON

COUNTY OF BAKER

CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

P. R. PEARCE
HALFWAY, OR

confirms the right to use the waters of PINE CREEK for TRACT NO. 3, for IRRIGATION of 36.0 ACRES, DOMESTIC and STOCK USE for TRACT NO. 3.

This right was confirmed by decree of the Circuit Court of the State of Oregon for Baker County. The decree is of record at Salem, in the Order Record of the Water Resources Director in Volume 11, at Page 235. The date of priority is 1885 for TRACT NO. 3.

The amount of water to which this right is entitled is limited to an amount actually used beneficially, and shall not exceed ONE-FORTIETH OF A CUBIC FOOT PER SECOND PER ACRE, MEASURED AT THE POINT OF DIVERSION AND A TOTAL LIMITATION OF ONE ACRE-FOOT PER ACRE DURING JULY, ONE ACRE-FOOT PER ACRE DURING AUGUST, AND ONE-HALF ACRE-FOOT PER ACRE DURING SEPTEMBER, OF EACH YEAR.

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

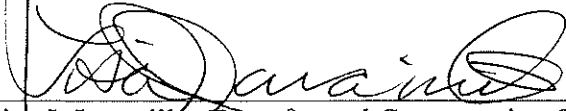
IRRIGATION, DOMESTIC and STOCK USE -- TRACT NO. 3					
Twp	Rng	Mer	Sec	Q-Q	Acres
8 S	46 E	WM	16	SW SE	16.0
8 S	46 E	WM	21	NW NE	20.0
Total					36.0

This certificate describes that portion of water right Certificate 10437, State Record of Water Right Certificates, NOT modified by the provisions of an order of the Water Resources Director entered APR 05 2022, approving Transfer Application T-13444.

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

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

WITNESS the signature of the Water Resources Director, affixed APR 05 2022.

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

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

WATER RIGHT TRANSFER COVER SHEET

Transfer: T- 13444

Transfer Specialist:

Transfer Type: Historic POD

Corey

Applicant: ROGER GULICK 46152 OLIVER RD HALFWAY, OR 97834 CLIFFORD & ESTER WILLMARTH 45395 GULICK LANE HALFWAY, OR 97834 Email: _____ Phone: _____		Agent: ☐ N/A UNAVAILABLE Email: _____ Phone: _____	
Irrigation District: ☐ N/A Email: _____		CWRE: ☐ N/A Email: _____	
Affected Local Gov'ts: ☐ N/A Baker County Planning Department Email: _____		Affected Tribal Gov't: ☐ N/A UNAVAILABLE Email: _____	
Current Landowner if other than Applicant: ☐ N/A Email: _____		Receiving Landowner: ☐ N/A Email: _____	

Water Rights Affected

File Marked	App. File # or Decree Name	Permit	Certificate	RR/CR Needed	RR/CR Nos.
☐	DECREE	PINE CK	10401	☐ Yes ☒ No	
☐	DECREE	PINE CK	10505	☒ Yes ☐ No	
☐	DECREE	PINE CK	10437	☒ Yes ☐ No	

Key Dates & Initial Actions:

Rec'd:	Proposed Action(s): ADDITIONAL POINT OF DIVERSION	
Fees Pd: 1100.00	WM District: 8	ODFW District:
Initial Public Notice: June 2, 2020	WM Review sent:	ODFW Review sent:
Acknowledgement Letter Sent ☒		GW Review sent: ☐ N/A
County sent cc: of Ack Letter ☐	BOR notified (date): ☐ N/A	
Newspaper quote requested:	Request for news \$ sent:	News \$ received:
Request to publish sent:	Affidavit of publication received:	Last day of publication:

Document	Drafted	Peer Review	Changes Made	Coordinator	Changes Made	Signature Bin	Signature Date
DPD	Date: _____ Initials: _____	Date: _____ Initials: _____	Date: _____ Initials: _____	Date: _____ Initials: _____	Date: _____ Initials: _____	CW Sent: _____	N/A
PD	Date: _____ Initials: _____	Date: _____ Initials: _____	Date: _____ Initials: _____	Date: _____ Initials: _____	Date: _____ Initials: _____	Date: _____	Date: _____
FO	Date: 01/11/21 Initials: CC	Date: 10/18/21 Initials: Scott	Date: _____ Initials: _____	Date: 10/18/21 Initials: PKS	Date: 11/11/21 Initials: CC	Date: 3/18/22	Date: 4/14/2022

Special Issues: Historic APOD

Special Order Volume: Vol. 122 Pages 744

COURCHANE Corey A * WRD

From: OSBORN Marcy J * WRD
Sent: Thursday, March 10, 2022 7:55 AM
To: COURCHANE Corey A * WRD
Subject: T-13444 Gulick/Wilmarth
Attachments: Gulick.pdf

Good morning, Corey,

I know you have a new position and I'm not sure if you are still working on this transfer. Could you please put this information in the file for T-13444? I have attached the affidavit for consent to transfer and the lot book report for the property. Please let me know if there is anything else that the applicants need to do.

Thanks

Marcy J. Osborn

Watermaster Dist. 8

1995 3rd St.

Baker City, OR 97814

541-519-6395

marcy.j.osborn@water.oregon.gov

Application for Water Right Transfer



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

Consent by Deeded Landowner

State of Oregon)

County of Baker) ss)

I Roger Gubick
Kerry Gubick in my/our capacity as Executor

mailing address 46152 Oliver Rd Halfway, OR 97834

telephone number 541-540-6666, duly sworn depose and say that I/We

consent to the proposed change(s) to Water Right Certificate Number 10437

described in a Water Right Transfer Application (T- 13444),
(transfer number, if known)

submitted by Roger Gubick

on the property in tax lot number(s) 700

Section 085 Township 46 E North/South Range 14 East/West, W.M.

located at _____

(site address)

Roger Gubick

Signature of Affiant

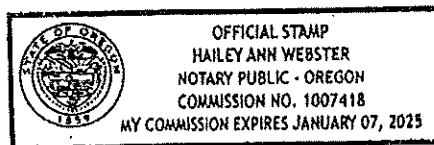
3/3/2022
Date

Kerry Gubick

Signature of Affiant

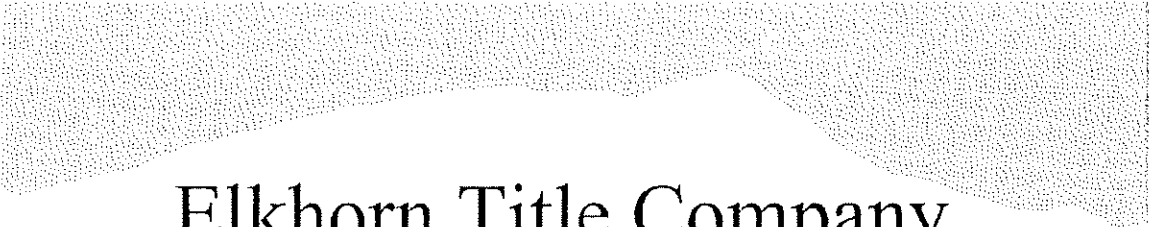
3/3/2022
Date

Subscribed and Sworn to before me this 3 day of March, 20 22.



[Signature]
Notary Public for Oregon

My commission expires January 7 2025



Elkhorn Title Company

Your only locally owned Title and Escrow Company in Baker County

1725 Main St. • Baker City, OR 97814 • www.elkhorntitle.com • 541-523-6477

LOT BOOK REPORT

Roger Gulick
46152 Olive Road
HalfwayOR 97834

Date: March 4, 2022
Title No.: 22-23575

Report: \$200.00

We have searched our Tract Indices as to the following described land as of **February 28, 2022, at 8:00 a.m.:**

SEE EXHIBIT "A" ATTACHED HERETO FOR DETAILED LEGAL DESCRIPTION

Vested In:

NELLIE GRACE GULICK, A PROTECTED PERSON

Subject to the following exceptions:

1. The assessment roll and the tax roll disclose that the premises herein described were specially assessed as Zoned Farm Use Land. Upon declassification, an additional tax may be levied.

NOTE: Your attention is called to Chapters 215, 308, 308A and 321 of the Oregon Revised Statutes. You may contact the Baker County Assessor's office for further information.

2. Due administration of the Conservatorship of Nellie Grace Gulick, in Baker County Circuit Court Case No. 04-193. Roger Newton Gulick was appointed Conservator. Any potential forthcoming conveyance must be under notice, hearing and order of the court, if this Land is the primary residence of Nellie Grace Gulick.
3. The terms and provisions of an apparent appurtenant easement for a ditch, granted by Joseph Shepard, to C L Whitley, dated December 23, 1909, recorded February 17, 1910, in Deed Book 72, Page 1, Records of Baker County, Oregon.

NOTE: Elkhorn Title Company makes no representation as to the insurability of this easement.

4. Rights of the public and of governmental bodies in and to that portion of the herein described premises lying below the high-water mark of Clear Creek.

5. Deed of Dedication for Right of Way, including the terms and provisions thereof, granted in deed from Nellie Grace Gulick, to Baker County, a political subdivision of the State of Oregon, dated May 9, 2012, recorded August 29, 2012, in Book 12 34 0232, Records of Baker County, Oregon, in order to replace Gulick Road Bridge, and to use, maintain and/or further improve the highway as part of the Baker County Road System.

Note: This deed creates two temporary easements but does not indicate when the easements should expire.

- END OF EXCEPTIONS -

NOTE: Taxes for 2021-2022 are PAID IN FULL.

Tax Amount: \$2,650.30

Account No.: [REDACTED]

Reference No.: 13377

NOTE: We are informed that the land described herein has a physical address of:

45550 Gulick Road, Halfway, OR

NOTE: The last recorded deed for the herein described land was conveyed to Nellie Grace Gulick, the vested owner herein, recorded August 22, 1988, in Deed 88 34 033, Records of Baker County, Oregon.

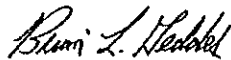
We have also searched our General Index for judgments and state and federal tax liens against the above named vestee and find the following:

NONE

THIS IS NOT A TITLE REPORT AND NO TITLE INSURANCE IS PROVIDED. Our search was limited to our Tract Indices for the past 10 years. The liability in connection with this Lot Book service is expressly limited to the sum paid therefore, and the issuing company will not otherwise be responsible for errors and omissions therein. The charge for this service will not include supplemental reports.

Sincerely,

ELKHORN TITLE COMPANY



Brian Geddes
Title Officer

THANK YOU FOR CHOOSING ELKHORN TITLE COMPANY!

EXHIBIT "A"

Land in Baker County, Oregon described as follows:

TL
700 ✓
The South half of the Southwest quarter of Section 14, Township 8 South, Range 46 East of the Willamette Meridian.

This legal description was created prior to January 1, 2008.

(6106 08S4614 700; Ref. No. 13377)

Elkhorn Title Company Privacy Notice

WHAT DOES ELKHORN TITLE COMPANY DO WITH YOUR PERSONAL INFORMATION?

Federal and applicable state law and regulations give consumers the right to limit some but not all sharing. Federal and applicable state law regulations also require us to tell you how we collect, share, and protect your personal information. Please read this notice carefully to understand how we use your personal information. This privacy notice is distributed on behalf of Elkhorn Title Company, pursuant to Title V of the Gramm-Leach-Bliley Act (GLBA).

The types of personal information we collect and share depend on the product or service that you have sought through us. This information can include social security numbers and driver's license number.

All financial companies, such as the Elkhorn Title Company, need to share customers' personal information to run their everyday business—to process transactions and maintain customer accounts. In the section below, we list the reasons that we can share customers' personal information; the reasons that we choose to share; and whether you can limit this sharing.

Reasons we can share your personal information.	Do we share	Can you limit this sharing?
For our everyday business purposes— to process your transactions and maintain your account. This may include running the business and managing customer accounts, such as processing transactions, mailing, and auditing services, and responding to court orders and legal investigations.	Yes	No
For our marketing purposes — to offer our products and services to you.	Yes	No
For joint marketing with other financial companies	No	We don't share
For our affiliates' everyday business purposes— Information about your transactions and experiences. Affiliates are companies related by common ownership or control. They can be financial and non-financial companies. Our affiliates may include Eastern Oregon Title, Inc., Columbia Title and Pioneer Title of Walla Walla Washington.	Yes	No
For our affiliates' everyday business purposes— Information about your creditworthiness.	No	We don't share
For non-affiliates to market to you. Non-affiliates are companies not related by common ownership or control. They can be financial and non-financial companies.	No	We don't share

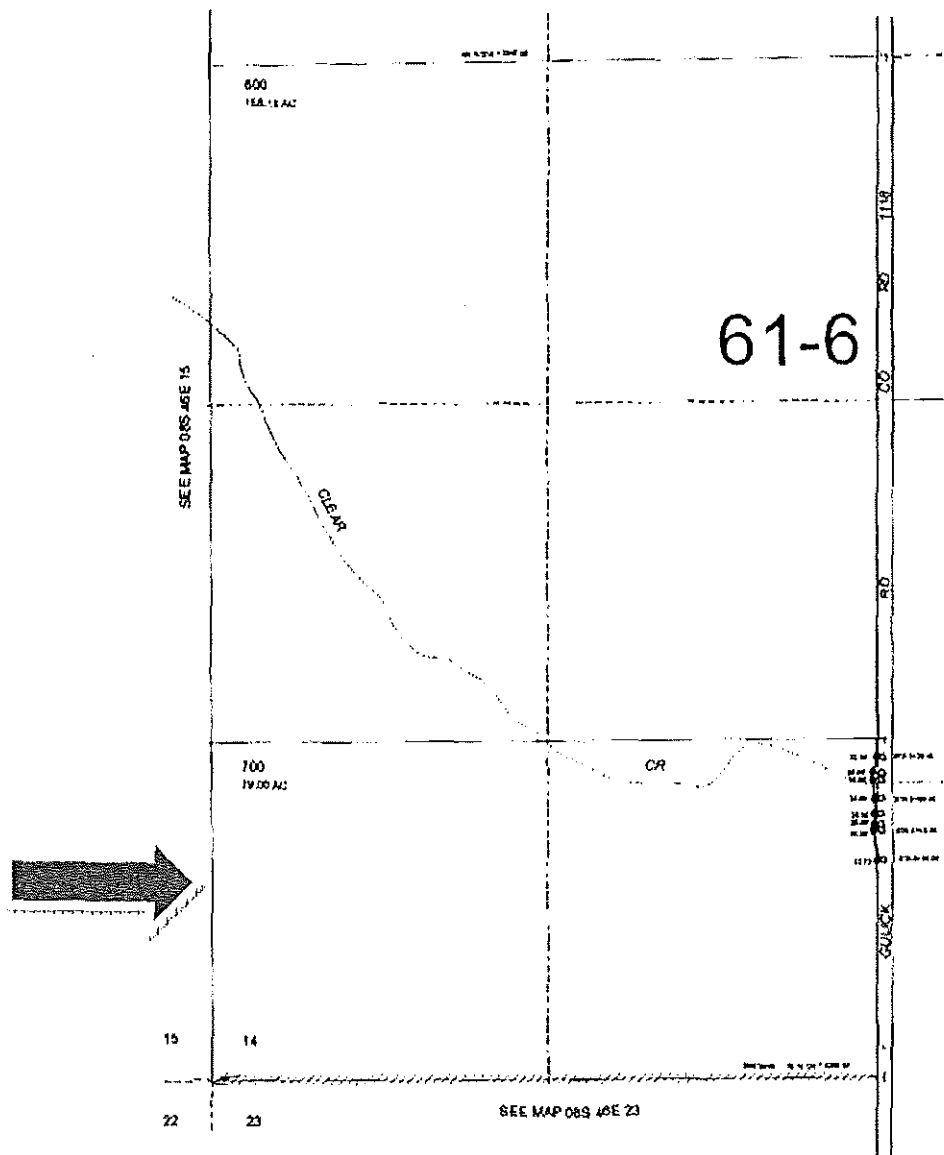
We may disclose your personal information to our affiliates or to non-affiliates as permitted by law. If you request a transaction with a non-affiliate, such as a third party insurance company, we will disclose your personal information to that non-affiliate. [We do not control their subsequent use of information, and suggest you refer to their privacy notices.]

SHARING PRACTICES

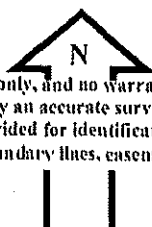
How often does Elkhorn Title Company notify me about their practices?	We must notify you about our sharing practices when you request a transaction.
How does Elkhorn Title Company protect my personal information?	To protect your personal information from unauthorized access and use, we use security measures that comply with federal law. These measures include computer, file, and building safeguards.
How does Elkhorn Title Company collect my personal information?	We collect your personal information, for example, when you - request insurance-related services - provide such information to us We also collect your personal information from others, such as the real estate agent or lender involved in your transaction, credit reporting agencies, affiliates or other companies.
What sharing can I limit?	Although federal and state law give you the right to limit sharing (e.g., opt out) in certain instances, we do not share your personal information in those instances.

Contact us: If you have any questions about this privacy notice, please contact us at: **Elkhorn Title Company, 1725 Main Street, Baker City, OR 97814**

Elkhorn Title Company



This sketch is for location purposes only, and no warranties are implied as to variations, if any, in dimensions or location as revealed by an accurate survey. It is not a survey and does not show the locations of improvements. It is provided for identification of lands only, and this company accepts no liability for the accuracy of the boundary lines, easements, roads or other matters shown thereon.



Map # 08S4614
File No. 22-23575

IMPORTANT NOTICE

OF

PROPOSED CHANGE IN A WATER RIGHT

POINT OF DIVERSION

Roger Gulick, 46152 Oliver Rd, Halfway, OR 97834, and Clifford and Ester Willmarth, 45395 Gulick Lane, Halfway, OR 97834, submitted a transfer application to the Oregon Water Resources Department under ORS 540.532 requesting a change in point of diversion of Water Right Certificates 10401, 10437, and 10505 to reflect more than 10 years of historical use of water at a point of diversion other than that described in the water right Certificate. The Transfer Application number is **T-13444**.

The authorized point of diversion evidenced by the Pine Creek, Baker County Decree is:

Ditch
Melhorn Ditch

Roger Gulick, 46152 Oliver Rd, Halfway, OR 97834, and Clifford and Ester Willmarth, 45395 Gulick Lane, Halfway, OR 97834, propose an additional point of diversion at the following location:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
8 S	46 E	WM	14	NW SW	#2 – GULICK/WILLMARTH - 1635 FEET NORTH AND 810 FEET EAST FROM THE SW CORNER OF SECTION 19

14

Why You Received This Notice

You have received this notice because the Oregon Water Resources Department has identified you as the owner of the land or water right that may be affected by the proposed change in point of diversion. By law, it is the responsibility of the applicant to provide you notice of the proposed change in point of diversion / appropriation. The applicant is also required to provide the Department with written proof that this notice was delivered to you.

The Purpose of This Notice

The purpose of this notice is to provide you an opportunity to comment upon whether the proposed change will cause injury to the exercise of your water right. **A 30-day comment period begins upon receipt of this notice.** Comments should reference the Transfer Application number **T-13444**, identify the water right subject to injury by permit or certificate number or decree name, and describe the nature of the injury caused by the change in point of diversion.

Mail Your Comments To:

Oregon Water Resources Department
Transfer Section
725 Summer Street NE, Suite A
Salem, OR 97301

How the Department Will Use Your Comments

The Department will use these comments to determine whether the proposed change in point of diversion would injure other water rights. The transfer application shall be approved if the Department finds no injury to other water rights.

PROOF OF SERVICE

I, _____, certify that the Notice of Change in Historic Point of Diversion for Transfer Application T-13444 was delivered to the following individuals/entities in the manner and dates identified:

Cert. #	Name and Address	Service Date
7626 and 10269	Name: Darryl and Kathy Peer Address: 47080 HWY 86 City, State, Zip: Halfway, OR 97834	_____ ☐ mailing date or _____ ☐ hand delivered
10414, 59078, and 63673	Name: David P and Lynda L Bird, Trustees Address: 45863 Crow Rd City, State, Zip: Halfway, OR 97834	_____ ☐ mailing date or _____ ☐ hand delivered
81610 and 86643	Name: Frances J. Gulick, etal, Trustee Address: 39486 Pine Town Lane City, State, Zip: Halfway, OR 97834	_____ ☐ mailing date or _____ ☐ hand delivered
85795 and 85796	Name: Opal M. and George A. Matile, etal Address: 2280 17 th St. City, State, Zip: Baker City, OR 97814	_____ ☐ mailing date or _____ ☐ hand delivered

Dated this ____ day of _____, 20__.

Applicant or Applicant's Agent (printed name)

Applicant or Applicant's Agent (signature)

Return this completed form to:
Oregon Water Resources Department,
725 Summer St. NE, Suite A
Salem, OR 97301-1266



Oregon

Kate Brown, Governor

Water Resources Department

725 Summer St NE, Suite A

Salem, OR 97301

(503) 986-0900

Fax (503) 986-0904

October , 2021

Applicants

ROGER GULICK
46152 OLIVER RD
HALFWAY, OR 97834

CLIFFORD AND ESTER WILLMARTH
45395 GULICK LANE
HALFWAY, OR 97834

SUBJECT: Water Right Transfer Application T-13444

Your water right transfer additional point of diversion to reflect historical use is in the first phase of processing.

Submittal of the following required items are needed at this time:

1. We are required by rule to provide you with a list of affected water right holders affected by your proposed change in point of diversion to reflect historical use. The listing of the potential affected water right holders is set out in the enclosed Proof of Service form.

You are responsible for mailing or hand-delivering a copy of the enclosed Notice to the persons listed on the Proof of Service form. In addition, you must provide proof to the Department that you mailed or hand-delivered a copy of the Notice to all of the identified affected water right holders.

Upon completion of mailing or hand-delivering a copy of the enclosed Notice to the persons listed, **please complete the enclosed Proof of Service form and return it to my attention at:**

Oregon Water Resources Department
Attn: Corey Courchane
725 Summer Street NE, Suite A
Salem, OR 97301

2. You must submit a **Report of Ownership** for the lands where the water right(s) are currently located (i.e., the FROM lands). This report:
 - a) Must be prepared by a title company;
 - b) Shall include a "prepared by" statement and the date the title company prepared the report printed on the cover sheet;
 - c) Must be:

- i. Prepared within 3 months of the Draft Preliminary Determination showing current ownership; **OR**
- ii. Prepared within 3 months of recording of a water right conveyance agreement; **OR**
- iii. Have a prepared date showing ownership at the time a water right conveyance agreement was recorded.

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

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

- d) Must include a list of owners at the time the report was generated; **AND**
- e) Must include a legal description of the property where the water right to be transferred is currently located (i.e., the FROM lands).

After you have mailed or hand-delivered the Notice to the persons identified in the Proof of Service, a 30-day comment period will run. This time period will allow the affected holders of the water rights identified to provide comments on whether the requested change in point of diversion will cause injury. After this 30-day comment period, we will determine whether you have satisfied the requirements, the change does not cause injury, or if any conditions will need to be met to prevent injury.

Enclosed is a copy of Oregon Department of Fish and Wildlife (ODFW) Additional Fish Screening and Passage Information for the Applicant. You will note that ODFW requires a fish screening and/or by-pass device to be installed. We will establish a deadline for compliance with this condition. Please contact the ODF&W personnel listed on the document for assistance.

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

Issuance of the Final Order will occur shortly after we receive your response, the proof of service, and the report of ownership. The order may be issued denying the application as incomplete if I do not receive your response, proof of service, and the report of ownership by **November , 2021.**

Please do not hesitate to contact me, at corey.a.courchane@oregon.gov or (503) 979-3917, if I may be of assistance.

Sincerely,

A handwritten signature in blue ink, appearing to read "Corey Courchane".

Corey Courchane
Transfer Specialist
Transfer and Conservation Section

cc: Transfer Application file T-13444
Marcy J. Osborn, District 8 Watermaster *(via e-mail)*

Enclosures:

Notice
Proof of Service
ODFW Contact Sheet
Watermaster Contact Sheet

RECEIVED

NOV 18 2021

OWRD

PROOF OF SERVICE

I, CLIFFORD WILLMARTH, certify that the Notice of Change in Historic Point of Diversion for Transfer Application T-13444 was delivered to the following individuals/entities in the manner and dates identified:

Cert. #	Name and Address	Service Date
7626 and 10269	Name: Darryl and Kathy Peer <i>DP</i> Address: 47080 HWY 86 City, State, Zip: Halfway, OR 97834	☐ mailing date or <u>11-11-21</u> ☒ hand delivered
10414, 59078, and 63673	Name: David P and Lynda L Bird, Trustees Address: 45863 Crow Rd City, State, Zip: Halfway, OR 97834	<u>11-12-21</u> ☒ mailing date or ☐ hand delivered
81610 and 86643	Name: Frances J. Gulick, etal, Trustee <i>46575 Lone Fir Rd</i> Address: 39486 Pine Town Lane City, State, Zip: Halfway, OR 97834 <i>F. Gulick-Vaughan</i>	☐ mailing date or <u>11-11-21</u> ☒ hand delivered
85795 and 85796	Name: Opal M. and George A. Matile, etal Address: 2280 17th St. <i>48958 Cornucopia Hwy</i> <i>Opal Matile</i> <i>Halfway, Oregon 97834</i> City, State, Zip: Baker City, OR 97814	☐ mailing date or <u>11-11-21</u> ☒ hand delivered

Dated this 12 day of Nov., 2021.

CLIFFORD WILLMARTH
Applicant or Applicant's Agent (printed name)

Clifford Willmarth
Applicant or Applicant's Agent (signature)

Return this completed form to:
Oregon Water Resources Department,
725 Summer St. NE, Suite A
Salem, OR 97301-1266

RECEIVED

NOV 18 2021

OWRD

NOV. 16, 2021

ATTN: COREY COURCHANE

DEAR SIR,

WE HAVE COMPLETED AND ENCLOSED THE "PROOF OF SERVICE" FORM YOU REQUESTED AND YESTERDAY CONTACTED "AMERITITLE" AND REQUESTED A "LOT BOOK REPORT" FROM THEM, THEY WILL BE SENDING THAT DIRECTLY TO YOU TO SPEED THINGS UP, BUT THEY SAID THEY DO NOT KNOW HOW LONG IT WOULD TAKE, WE HOPE IT GETS TO YOU IN TIME.

THINGS IN THIS PART OF THE STATE MOVE A LOT SLOWER THAN IN SALEM. THE MAIL ALONE TAKES MOST OF A WEEK TO GET HERE AND NOT EVERYONE, INCLUDING US, HAS COMPUTERS, INTERNET & CELL PHONES. WITH 2 - 2 DAY HOLIDAYS AND WEEKENDS IN NOV, THIS LEAVES US ONLY ABOUT 12 WORKING DAYS TO MEET YOUR DEADLINE OF DEC. 6. THIS MAKES IT A BIT TIGHT.

IN YOUR LETTER OF INSTRUCTIONS TO US YOU SAID THERE WERE 4 ENCLOSURES. YOU FORGOT TO INCLUDE THE DUES FROM ODFW AND THE WATERMASTER. HOW CAN WE PROCEED WITHOUT PERTINENT INFORMATION AND STILL REACH YOUR DEADLINE?

WE HAVE DONE WHAT WE CAN. THE REST IS UP TO YOU.

SINCERELY,

CLIFFORD & ESTHER WILLMARTH, TRUSTEES
THE WILLMARTH FAMILY TRUST



112 SE Court Ave., Pendleton, OR 97801
Phone: (541)276-2010 Fax: (541)276-0016

RECEIVED

JAN 18 2022

OWRD

January 14, 2022

Oregon Water Resource Department
Attn: Corey Courchane
725 Summer Street NE, Suite A
Salem, OR 97301

File No.: 510043AM

We enclose herewith the following:

Lot Book Report for Clifford and Esther Willmarth

Thank you for doing business with us. We hope to be of service to you again.

Sincerely,
AmeriTitle, LLC

Ginger Pedroza

Title Officer

Enclosures

RECEIVED

JAN 18 2022

OWRD



2245 Main St., Baker City, OR 97814
PHONE (541)523-3663 FAX (541)523-2290

LOT BOOK REPORT

Clifford and Esther Willmarth
45395 Gulick Lane
Halfway, OR 97834

January 14, 2022
Title Number: 510043AM
Title Officer: Ginger Pedroza
Client File #:
Fee: \$150.00

We have searched our Tract Indices as to the following described property:

Subject Property Address: 45395 Gulick Road, Halfway, OR 97834

Legal Description:

The Southwest quarter of the Southeast quarter of Section 14, and the Northwest quarter of the Northeast quarter of Section 23, Township 8 South, Range 46 East of the Willamette Meridian, in the County of Baker and State of Oregon.

And dated as of: January 7, 2022, at 7:30 a.m.

We find that the last deed of record runs to:

Clifford S. Willmarth and Esther R. Willmarth, Trustees of the Willmarth Family Trust UAD March 19, 2012

We also find the following apparent monetary encumbrances within ten years prior to the effective date hereof and the following unpaid taxes and city liens:

Tax Information:

Taxes assessed under Code No. 6106 Account No. [REDACTED] Map No. 08S46-2900

NOTE: The 2021-2022 Taxes: \$1,807.26, are Paid

1. Taxes deferred, as disclosed by the tax roll, the premises herein described have been zoned or classified for farm use. At any time that said Land is disqualified for such use the property will be subject to additional taxes or penalties and interest.

✓
TL
2900

We have also searched our General Index for judgments and state and federal tax liens against the above named grantees and find the following:

NONE

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

NOTE: This Lot Book Report is being made with the understanding that it does not represent any form of title insurance and is not a commitment for a policy of insurance. The information provided herein is not a full examination of the subject property. Further, if any person, corporation or entity of any kind should use this report as a basis to produce a title insurance product, it should be understood that it is clearly outside of Oregon law. Any liability hereunder is limited to the amount paid for said report.

THIS IS NOT A TITLE REPORT, A COMMITMENT TO ISSUE TITLE INSURANCE OR A GUARANTEE OF ANY KIND. No liability is assumed with this report. Our search was limited to our tract indices and no examination of the public record was made. The fee charged for this service does not include supplemental reports or other services. Further dissemination of the information in this report in a form purporting to insure title to the herein described land is prohibited by law.

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

RECEIVED

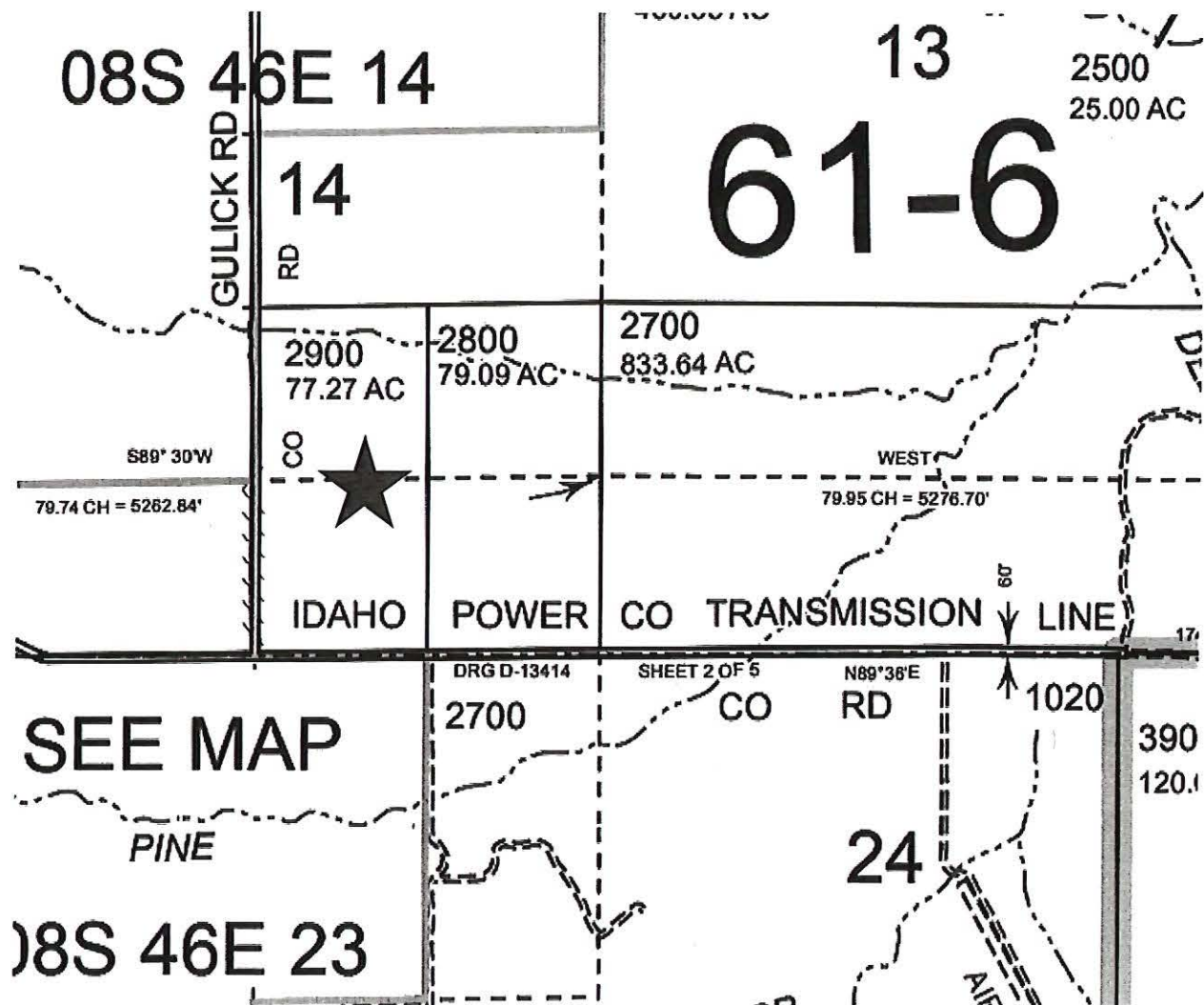
JAN 18 2022

OWRD

RECEIVED

JAN 18 2022

OWRD



45395 Gulick Road
Halfway, OR 97834

THIS MAP IS FURNISHED AS AN
ACCOMMODATION STRICTLY FOR THE
PURPOSES OF GENERALLY LOCATING
THE LAND. IT DOES NOT REPRESENT A
SURVEY OF THE LAND OR IMPLY ANY
REPRESENTATIONS AS TO THE SIZE,
AREA OR ANY OTHER FACTS RELATED TO
THE LAND SHOWN THEREOF



Oregon

Kate Brown, Governor

Water Resources Department

725 Summer St NE, Suite A

Salem, OR 97301

(503) 986-0900

Fax (503) 986-0904

November 1, 2021

Applicants

ROGER GULICK
46152 OLIVER RD
HALFWAY, OR 97834

CLIFFORD AND ESTER WILLMARTH
45395 GULICK LANE
HALFWAY, OR 97834

SUBJECT: Water Right Transfer Application T-13444

Your water right transfer additional point of diversion to reflect historical use is in the first phase of processing.

Submittal of the following required items are needed at this time:

1. We are required by rule to provide you with a list of affected water right holders affected by your proposed change in point of diversion to reflect historical use. The listing of the potential affected water right holders is set out in the enclosed Proof of Service form.

You are responsible for mailing or hand-delivering a copy of the enclosed Notice to the persons listed on the Proof of Service form. In addition, you must provide proof to the Department that you mailed or hand-delivered a copy of the Notice to all of the identified affected water right holders.

Upon completion of mailing or hand-delivering a copy of the enclosed Notice to the persons listed, **please complete the enclosed Proof of Service form and return it to my attention at:**

Oregon Water Resources Department
Attn: Corey Courchane
725 Summer Street NE, Suite A
Salem, OR 97301

2. You must submit a **Report of Ownership** for the lands where the water right(s) are currently located (i.e., the FROM lands). This report:
 - a) Must be prepared by a title company;
 - b) Shall include a "prepared by" statement and the date the title company prepared the report printed on the cover sheet;
 - c) Must be:

- i. Prepared within 3 months of the Draft Preliminary Determination showing current ownership; **OR**
- ii. Prepared within 3 months of recording of a water right conveyance agreement; **OR**
- iii. Have a prepared date showing ownership at the time a water right conveyance agreement was recorded.

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

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

- d) Must include a list of owners at the time the report was generated; **AND**
- e) Must include a legal description of the property where the water right to be transferred is currently located (i.e., the FROM lands).

After you have mailed or hand-delivered the Notice to the persons identified in the Proof of Service, a 30-day comment period will run. This time period will allow the affected holders of the water rights identified to provide comments on whether the requested change in point of diversion will cause injury. After this 30-day comment period, we will determine whether you have satisfied the requirements, the change does not cause injury, or if any conditions will need to be met to prevent injury.

Enclosed is a copy of Oregon Department of Fish and Wildlife (ODFW) Additional Fish Screening and Passage Information for the Applicant. You will note that ODFW requires a fish screening and/or by-pass device to be installed. We will establish a deadline for compliance with this condition. Please contact the ODF&W personnel listed on the document for assistance.

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

Issuance of the Final Order will occur shortly after we receive your response, the proof of service, and the report of ownership. The order may be issued denying the application as incomplete if I do not receive your response, proof of service, and the report of ownership by **December 6, 2021.**

Please do not hesitate to contact me, at corey.a.courchane@oregon.gov or (503) 979-3917, if I may be of assistance.

Sincerely,

A handwritten signature in blue ink, appearing to read "Corey Courchane".

Corey Courchane
Transfer Specialist
Transfer and Conservation Section

cc: Transfer Application file T-13444
Marcy J. Osborn, District 8 Watermaster (*via e-mail*)

Enclosures:

Notice
Proof of Service
ODFW Contact Sheet
Watermaster Contact Sheet

IMPORTANT NOTICE

OF

PROPOSED CHANGE IN A WATER RIGHT POINT OF DIVERSION

Roger Gulick, 46152 Oliver Rd, Halfway, OR 97834, and Clifford and Ester Willmarth, 45395 Gulick Lane, Halfway, OR 97834, submitted a transfer application to the Oregon Water Resources Department under ORS 540.532 requesting a change in point of diversion of Water Right Certificates 10401, 10437, and 10505 to reflect more than 10 years of historical use of water at a point of diversion other than that described in the water right Certificate. The Transfer Application number is **T-13444**.

The authorized point of diversion evidenced by the Pine Creek, Baker County Decree is:

Ditch
Melhorn Ditch

Roger Gulick, 46152 Oliver Rd, Halfway, OR 97834, and Clifford and Ester Willmarth, 45395 Gulick Lane, Halfway, OR 97834, propose an additional point of diversion at the following location:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
8 S	46 E	WM	14	NW SW	#2 – GULICK/WILLMARTH - 1635 FEET NORTH AND 810 FEET EAST FROM THE SW CORNER OF SECTION 14

Why You Received This Notice

You have received this notice because the Oregon Water Resources Department has identified you as the owner of the land or water right that may be affected by the proposed change in point of diversion. By law, it is the responsibility of the applicant to provide you notice of the proposed change in point of diversion / appropriation. The applicant is also required to provide the Department with written proof that this notice was delivered to you.

The Purpose of This Notice

The purpose of this notice is to provide you an opportunity to comment upon whether the proposed change will cause injury to the exercise of your water right. **A 30-day comment period begins upon receipt of this notice.** Comments should reference the Transfer Application number **T-13444**, identify the water right subject to injury by permit or certificate number or decree name, and describe the nature of the injury caused by the change in point of diversion.

Mail Your Comments To:

Oregon Water Resources Department
Transfer Section
725 Summer Street NE, Suite A
Salem, OR 97301

How the Department Will Use Your Comments

The Department will use these comments to determine whether the proposed change in point of diversion would injure other water rights. The transfer application shall be approved if the Department finds no injury to other water rights.

PROOF OF SERVICE

I, _____, certify that the Notice of Change in Historic Point of Diversion for Transfer Application T-13444 was delivered to the following individuals/entities in the manner and dates identified:

Cert. #	Name and Address	Service Date
7626 and 10269	Name: Darryl and Kathy Peer Address: 47080 HWY 86 City, State, Zip: Halfway, OR 97834	_____ ☐ mailing date or _____ ☐ hand delivered
10414, 59078, and 63673	Name: David P and Lynda L Bird, Trustees Address: 45863 Crow Rd City, State, Zip: Halfway, OR 97834	_____ ☐ mailing date or _____ ☐ hand delivered
81610 and 86643	Name: Frances J. Gulick, etal, Trustee Address: 39486 Pine Town Lane City, State, Zip: Halfway, OR 97834	_____ ☐ mailing date or _____ ☐ hand delivered
85795 and 85796	Name: Opal M. and George A. Matile, etal Address: 2280 17 th St. City, State, Zip: Baker City, OR 97814	_____ ☐ mailing date or _____ ☐ hand delivered

Dated this ____ day of _____, 20__.

Applicant or Applicant's Agent (printed name)

Applicant or Applicant's Agent (signature)

Return this completed form to:
Oregon Water Resources Department,
725 Summer St. NE, Suite A
Salem, OR 97301-1266

COURCHANE Corey A * WRD

From: OSBORN Marcy J * WRD
Sent: Monday, October 04, 2021 2:22 PM
To: COURCHANE Corey A * WRD
Subject: RE: Gulick/Wilmarth, T-13444
Attachments: Gulick-Wilmarth.docx

Hey Corey,

Computer just freaked out on me and I didn't know if the attachment made it to the email I just sent so I am sending it again.

Thanks

Marcy J. Osborn

Watermaster, Dist. 8

541-523-8224 Ext. 231 / 541-519-6395

marcy.j.osborn@oregon.gov

1995 3rd St. Suite 180 | Baker City, OR 97814



[Integrity](#) | [Service](#) | [Technical Excellence](#) | [Teamwork](#) | [Forward-Looking](#)

From: COURCHANE Corey A * WRD <Corey.A.Courchane@oregon.gov>
Sent: Monday, October 04, 2021 11:50 AM
To: OSBORN Marcy J * WRD <Marcy.J.Osborn@oregon.gov>
Subject: Gulick/Wilmarth, T-13444

Good morning Marcy,

I started reviewing Historic POD T-13444, which involves 3 WRs, 10401, 10505, and 10437. The application doesn't include a Table 1 or a Table 2 for C-10437. The applicant, Roger Gulick, left a phone number, but it says the call cannot be completed as dialed. There's no phone# for the other applicant, and neither has an email. I thought I would reach out to you to see if you are able to make contact, before I try sending a letter through snail mail.

If you are able to contact them, they can just email both tables to me. Thank you so much in advance if you can get ahold of them.

Thank you,

Corey

COREY A COURCHANE | TRANSFER SPECIALIST
TRANSFER AND CONSERVATION SECTION

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

Part 5 of 5 – Water Right Information

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

CERTIFICATE # 10437

Description of Water Delivery System

System capacity: 5 cubic feet per second (cfs) **OR**
 gallons per minute (gpm)

Describe the current water delivery system or the system that was in place at some time within the last five years. Include information on the pumps, canals, pipelines and sprinklers used to divert, convey and apply the water at the authorized place of use. Currently water is diverted out of Clear Creek into an open ditch which is then delivered to the property for flood irrigation.

Table 1. Location of Authorized and Current 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 the Current POD/POA that has been used for more than 10 years?	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)
#1 Melhorn Slough	☒ Authorized ☐ Current		8	S	46	E	9				None Given
#2 Gulick/Willmart h	☐ Authorized ☒ Current		8	S	46	E	14	NW	SW		1635' N & 810' E from the SW corn. of Sect. 14
	☐ Authorized ☐ Current										
	☐ Authorized ☐ Current										

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

- ☐ Point of Diversion (POD)
 ☒ Additional Point of Diversion (APOD)
 ☐ Point of Appropriation/Well (POA)
 ☐ Additional Point of Appropriation (APOA)

Will the historic change in point of diversion/appropriation affect the entire water right?

- ☐ Yes Complete only the proposed section of Table 2 on the next page.
☒ No Complete all of Table 2 to describe the portion of the water right to be changed.

Please use and attach additional pages of Table 2 as needed. Do you have questions about how to fill-out the tables? See page 5 for instructions, or contact the Department at 503-986-0900 and ask for Transfer Staff.

Table 2. Description of Changes to Water Right Certificate # 10437

List only the part of the right that will be changed. For the acreage in each $\frac{1}{4}$ $\frac{1}{4}$, list the change proposed. If more than one actual, current POD/POA, specify the acreage associated with each actual, current POD/POA.

Authorized ("from" lands) as they appear before the changes											Proposed Change (POD, POA, APOD, or APOA)	Current (in use for more than ten years) POD(s)/POA(s) to be used (from Table 1)	Priority Date
Twp		Rng		Sec	¼ ¼		Tax Lot	Gvt Lot or DLC	Acres (if applicable)	POD(s) or POA(s) (name or number from Table 1)			
2	S	9	E	15	NE	NW	100		15.0	POD #1 POD #2	POD	POD #5	1897
"	"	"	"	"	"	"	"	"	EXAMPLE	"	"	"	"
8	S	46	E	14	SW	SW	700		10.0	#1	APOD	#1, #2	1870
8	S	46	E	14	SW	SW	700		19.0	#1	APOD	#1, #2	1910
8	S	46	E	14	SE	SW	700		5.0	#1	APOD	#1, #2	1910
8	S	46	E	14	SE	SW	700		20.0	#1	APOD	#1, #2	1870

Additional remarks: _____

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

- ☐ Well log(s) are attached for each authorized and current 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/)

OR

- ☐ Describe the construction of the authorized and current well(s) in Table 3 for any wells that do not have a well log.

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 adequate information is likely to delay the processing of your transfer application.

Current or Authorized POA Name or Number	OWRD Well ID Tag No. L- (if available)	Total well depth	Casing Diameter	Casing Intervals (feet)	Seal depth(s) (intervals)	Perforated or screened intervals (in feet)	Static water level of complete d well (in feet)	Source aquifer (sand, gravel, basalt, etc.)	Well - specific rate (cfs or gpm). If less than full rate of water right

RECEIVED

MAY 19 2020

OWRD

Dear Customer Service Group :

This application has received our assistance here in Watermaster District 8.

by MARCY OSBORN Phone # 541-523-8224 Ext 231
(Name)

Please let us know if there is anything else that might be needed.

Assistance was provided in the preparation of the:

- ☒ Application
- ☒ Map
- ☐ Other

Land Use Information Form



Oregon Water
Resources

Applicant(s): Roger Gulick & Cliff & Ester Willmarth

Mailing Address: 46152 Oliver Rd.

City: Halfway

State: OR

Zip Code: 97834

Daytime Phone: 541-540-6666

A. Land and Location

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

Township	Range	Section	¼ ¼	Tax Lot #	Plan Designation (e.g., Rural Residential/RR-5)	Water to be:	Proposed Land Use:
<u>8S</u>	<u>46E</u>	<u>14</u>	<u>SWSW</u>	<u>700</u>	<u>EFU</u>	☐ Diverted ☒ Conveyed ☒ Used	<u>Irrigation</u>
<u>8S</u>	<u>46E</u>	<u>14</u>	<u>SESW</u>	<u>700</u>	<u>EFU</u>	☐ Diverted ☒ Conveyed ☒ Used	<u>Irrigation</u>
<u>8S</u>	<u>46E</u>	<u>14</u>	<u>SWSE</u>	<u>2900</u>	<u>EFU</u>	☐ Diverted ☒ Conveyed ☒ Used	<u>Irrigation</u>
<u>8S</u>	<u>46E</u>	<u>23</u>	<u>NWNE</u>	<u>2900</u>	<u>EFU</u>	☐ Diverted ☒ Conveyed ☒ Used	<u>Irrigation</u>

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

Baker County

RECEIVED

MAY 19 2020

B. Description of Proposed Use

OWRD

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

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

Source of water: ☐ Reservoir/Pond ☐ Ground Water ☒ Surface Water (name) Clear Creek

Estimated quantity of water needed: 4 ☒ cubic feet per second ☐ gallons per minute ☐ acre-feet

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

Briefly describe:

We are applying for an additional Historic Point of diversion. We have been using this ditch for 30 years and have not added it to our water right.

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

See bottom of Page 3. →

For Local Government Use Only

The following section must be completed by a planning official from each county and city listed unless the project will be located entirely within the city limits. In that case, only the city planning agency must complete this form. This deals only with the local land-use plan. Do not include approval for activities such as building or grading permits.

Please check the appropriate box below and provide the requested information

- ☒ Land uses to be served by the proposed water uses (including proposed construction) are allowed outright or are not regulated by your comprehensive plan. Cite applicable ordinance section(s): BC20 Section 410.02.A.1
- ☐ Land uses to be served by the proposed water uses (including proposed construction) involve discretionary land-use approvals as listed in the table below. (Please attach documentation of applicable land-use approvals which have already been obtained. Record of Action/land-use decision and accompanying findings are sufficient.) **If approvals have been obtained but all appeal periods have not ended, check "Being pursued."**

Type of Land-Use Approval Needed (e.g., plan amendments, rezones, conditional-use permits, etc.)	Cite Most Significant, Applicable Plan Policies & Ordinance Section References	Land-Use Approval:	
		☐ Obtained ☐ Denied	☐ Being Pursued ☐ Not Being Pursued
	RECEIVED	☐ Obtained ☐ Denied	☐ Being Pursued ☐ Not Being Pursued
	MAY 19 2020	☐ Obtained ☐ Denied	☐ Being Pursued ☐ Not Being Pursued
	OWRD	☐ Obtained ☐ Denied	☐ Being Pursued ☐ Not Being Pursued
		☐ Obtained ☐ Denied	☐ Being Pursued ☐ Not Being Pursued

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

Name: Tara Micka Title: Planner

Signature: Tara Micka Phone: 541-523-8219 Date: 3-18-2020

Government Entity: Planning Dept. (Baker Co.)

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

Receipt for Request for Land Use Information

Applicant name: _____

City or County: _____ Staff contact: _____

Signature: _____ Phone: _____ Date: _____

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

Reference Transfer #: T-13444

Date of review: 6/16/2021

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

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

(Please attach any available supporting information.)

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

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

☐ **1. Screen Maintain**

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

Note: This option will yield the following:

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

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

☒ **2. Screen Now**

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

Note: This option will yield the following:

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

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

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

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

☐ **3. Screen 2 Year**

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

Note: This option will yield the following:

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

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

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

☐ **4. Screen Future**

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

Note: This option will yield the following:

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

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

☐ **5. No Screen Needed**

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

Signature



Aaron Maxwell, East Region Hydroelectric and Water Right Coordinator
Printed Name, Title

Phone: (541) 263-0647

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

Transfer #: T-13444

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

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

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

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

ODFW staff name: Chuck Simpson

Address: 65495 Alder Slope Rd

City/State/Zip: Enterprise, OR 97828

Phone: 541-426-0311

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

ODFW staff name: Joseph Lemanski

Address: 107 S 20th S

City/State/Zip: La Grande, OR 97850

Phone: (541) 963-2138

Watermaster Review Form:

Water Right Transfer



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

Transfer Application: T-13444

Review Due Date:

Applicant Name: Roger Gulick & Clifford & Ester Willmarth

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

Reviewer(s): Marcy Osborn

Date of Review: 10/16/2020

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-13444



In order to avoid enlargement of the right or injury to other rights, a **Weir** 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: **Marcy Osborn**District: **8**Address: **1995 3rd St.**City/State/Zip: **Baker City, OR 97814**Phone: **541-523-8224**Email: **marcy.j.osborn@oregon.gov**

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

Approval of an Alternate Measurement Device

T-

(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



Oregon
Kate Brown, Governor

Water Resources Department

725 Summer St NE, Suite A

Salem, OR 97301

(503) 986-0900

Fax (503) 986-0904

May 27, 2020

ROGER GULICK
46152 OLIVER RD
HALFWAY, OR 97834

Reference: Application T- 13444

On , we received your water right Transfer application. The application was accompanied by \$1100.00. Our receipt number 132550; 132549 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, and a review form is also being sent to Oregon Department of Fish and Wildlife, to see whether a fish screen may be required.

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

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

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

Cc: Watermaster Dist. #8 (via email)
Applicant: Clifford & Ester Willmarth
Baker County

Enclosure

**STATE OF OREGON
WATER RESOURCES DEPARTMENT**

725 Summer St. N.E. Ste. A
SALEM, OR 97301-4172

(503) 986-0900 / (503) 986-0904 (fax)

RECEIPT # **132550**

INVOICE # _____

RECEIVED FROM: Clifford S. Willmarth
BY: Esther R. Willmarth

APPLICATION	
PERMIT	
TRANSFER	<u>T-13444</u>

CASH: ☐ CHECK: # 4247 OTHER: (IDENTIFY) ☐

TOTAL REC'D \$ 1,100.00

1083 TREASURY 4170 WRD MISC CASH ACCT

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

4270 WRD OPERATING ACCT

MISCELLANEOUS			
0407	COPY & TAPE FEES	\$	
0410	RESEARCH FEES	\$	
0408	MISC REVENUE: (IDENTIFY) _____	\$	
TC162	DEPOSIT LIAB. (IDENTIFY) _____	\$	
0240	EXTENSION OF TIME	\$	
WATER RIGHTS:			
0201	SURFACE WATER	\$	0202
0203	GROUND WATER	\$	0204
0205	TRANSFER	\$ <u>1,100.00</u>	
WELL CONSTRUCTION			
0218	WELL DRILL CONSTRUCTOR	\$	0219
	LANDOWNER'S PERMIT		0220
	OTHER (IDENTIFY) _____		

46110

EXAM FEE
\$
\$
\$ <u>1,100.00</u>
EXAM FEE
\$

RECORD FEE
\$
\$
\$
LICENSE FEE
\$
\$

0536 TREASURY 0437 WELL CONST. START FEE

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

0607 TREASURY 0467 HYDRO ACTIVITY LIC NUMBER

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

TREASURY OTHER / RDX

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

RECEIPT: **132550**

DATED: 5-19-2020 BY: [Signature]

**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 # **132549**

INVOICE # _____

RECEIVED FROM: Butlick Ranch

APPLICATION	
PERMIT	
TRANSFER	<u>T-13444</u>

BY: _____

CASH: ☐ CHECK: # 2275 OTHER: (IDENTIFY) ☐

TOTAL REC'D \$ 1,100.00

1083 TREASURY 4170 WRD MISC CASH ACCT

0407	COPIES	\$
	OTHER: (IDENTIFY)	\$

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

4270 WRD OPERATING ACCT

MISCELLANEOUS 46110

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

WATER RIGHTS:		EXAM FEE	RECORD FEE
0201	SURFACE WATER	\$	0202 \$
0203	GROUND WATER	\$	0204 \$
0205	TRANSFER	\$ <u>1,100.00</u>	
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 (FW/WRD)	\$
0231	HYDRO LICENSE FEE (FW/WRD)	\$
	HYDRO APPLICATION	\$

TREASURY OTHER / RDX

FUND	TITLE	
OBJ. CODE	VENDOR #	
DESCRIPTION		\$

RECEIPT: **132549**

DATED: 5-19-2020 BY: [Signature]



State of Oregon
Water Resources Department
725 Summer Street NE, Suite A
Salem, Oregon 97301-1266
(503) 986-0900

Application for Historic Change in Point of Diversion/Appropriation

Part 1 of 5 – Minimum Requirements Checklist

This historic change in point of diversion/appropriation 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.

RECEIVED

MAY 19 2020

OWRD

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



Part 1 – Completed Minimum Requirements Checklist.



Part 2 – Completed Application Map Checklist.



Part 3 – Application Fee, payable by check to the Oregon Water Resources Department, and completed Fee Worksheet, page 3. Try the new online fee calculator at: http://apps.wrd.state.or.us/apps/misc/wrd_fee_calculator. If you have questions, call Customer Service at (503) 986-0801.



Part 4 – Completed Applicant Information and Signature.



Part 5 – Information about the Transferred Water Rights: **How many water rights are to be transferred? 3 List them here: 10401, 10437, 10505**

Please include a separate Part 5 for each water right. (See instructions on page 5)

Attachments:



Completed Application Map (Does not have to be prepared by a Certified Water Right Examiner).



Completed Evidence of Use Affidavit and supporting documentation showing that water has been used on the land for five years prior to transfer filing AND diverted at the actual, current point of diversion/appropriation for more than 10 years.



Statement from the local Watermaster, based upon the Watermaster's knowledge and Department records, that no complaint of injury has been made due to the use of water at the actual, current point of diversion/appropriation.



Land Use Information Form with approval and signature (or signed land use form receipt stub).



☐ N/A

Affidavit(s) of Consent from Landowner (if the applicant does not own the land the water right is on.)



☐ N/A

Water Well Report/Well Log for changes in point(s) of appropriation (well(s)) or additional point(s) of appropriation.

(For Staff Use Only)

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

___ Application fee not enclosed/insufficient

___ Map not included or incomplete

___ Land Use Form not enclosed or incomplete

___ Additional signature(s) required

___ Part ___ is incomplete

Other/Explanation _____

Staff: _____ 503-986-0 _____

Date: ____/____/____

Part 2 of 5 – Historic Change in Point of Diversion/Appropriation Application Map Checklist

Your historic change in point of diversion/appropriation application will be returned if any of the map requirements listed below are not met.

Please be sure that the historic change in point of diversion/appropriation 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 white or clear paper or film.
- ☒ The size of the map can be 8½ x 11 inches, 8½ x 14 inches, or up to 30 x 30 inches. For 30 x 30 inch maps, three (3) paper copies and an electronic copy in a .pdf, .tiff or .jpg format are 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) and county tax lot numbers are required.
- ☒ 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.
- ☒ Authorized 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.
- ☒ Actual, current point of diversion/appropriation. Show the 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°).
- ☒ 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 If for more than one actual, current point of diversion/appropriation. separate hachuring is needed for each place of use served by each point of diversion/appropriation, including the 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.

RECEIVED

MAY 19 2020

Part 3 of 5 — Fee Worksheet

FEE WORKSHEET for HISTORIC POD/POA TRANSFER			
1	Base Fee (includes Historic POD change to one water right for up to 1 cfs)	1	\$1,160
	Number of water rights included in transfer <u>3 (2a)</u> Subtract 1 from the number in 2a above: <u>2 (2b)</u> <i>If only one water right this will be 0</i>		
2	Multiply line 2b by \$520 and enter » » » » » » » » » » » » » » » »	2	1040
	Do you propose to change a well, or change from a surface water POD to a well? ☒ No: enter 0 » ☐ Yes: enter \$410 »		
3		3	0
4	Add entries on lines 1 through 3 above » » » » » » » » Transfer Fee:	4	2200.00

☐ Check this box if this project is fully or partially funded by the American Recovery and Reinvestment Act. (Federal stimulus dollars)

Part 4 of 5 – Applicant Information and Signature

Applicant Information

Note: Applicant must be an INDIVIDUAL, as defined by OAR 690-380-2120, that is “a natural person and does not include a government body, organization, business enterprise, or other such entity.”

APPLICANT/BUSINESS NAME Roger Gulick			PHONE NO. 541-540-6666	ADDITIONAL CONTACT NO.
ADDRESS 46152 Oliver Rd.				FAX NO.
CITY Halfway	STATE OR	ZIP 97834	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.				

Applicant Information

APPLICANT/BUSINESS NAME Clifford & Ester Willmarth			PHONE NO.	ADDITIONAL CONTACT NO.
ADDRESS 45395 Gulick Lane				FAX NO.
CITY Halfway	STATE OR	ZIP 97834	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.				

By signing this application, I understand that prior to Department approval of the historic change in point of diversion/appropriation, I will be required to provide landownership information and evidence that I am authorized to pursue the change as identified in OAR 690-380-4010(5).

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


Applicant Signature

Roger Gulick
Print Name (and Title if applicable)

4/17/20
Date

RECEIVED

MAY 19 2020

Cheryl Wellmuth
Applicant Signature

CLIFFORD WILLMARTH
Print Name (and Title if applicable)

4-17-20
Date

OWRD

Revised 7/1/2017 Historic Change in Point of Diversion/Appropriation Application – Page 3 of 8

Esther Wilcox

ESTHER WILLMARTH

4-1-13444

TACS

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

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

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

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

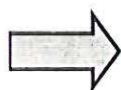
<http://www.oregon.gov/owrd/docs/transfer-propertytransactions.pdf>

RECEIVING LANDOWNER NAME			PHONE NO.	ADDITIONAL CONTACT NO.
ADDRESS				FAX NO.
CITY	STATE	ZIP	E-MAIL	

Describe any special ownership circumstances here: _____

☐ 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 or used.

ENTITY NAME BAKER COUNTY	ADDRESS 1995 3 RD ST.	
CITY BAKER CITY	STATE OR	ZIP 97814

RECEIVED

MAY 19 2020

OWRD

ENTITY NAME	ADDRESS	
CITY	STATE	ZIP

Explain in your own words what you propose to accomplish with this transfer application; and why:
We would like to apply for an additional Historic Point of diversion. We have been using this additional POD for 30 plus years and have also used the original POD, the Melhorn Slough.

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

Part 5 of 5 – Water Right Information

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

CERTIFICATE # 10401

Description of Water Delivery System

System capacity: 5 cubic feet per second (cfs) **OR**

 gallons per minute (gpm)

Describe the current water delivery system or the system that was in place at some time within the last five years. Include information on the pumps, canals, pipelines and sprinklers used to divert, convey and apply the water at the authorized place of use. Currently we divert water out of Clear Creek into an open ditch which is then delivered to the property where flood irrigation occurs.

RECEIVED

MAY 19 2020

OWRD

Table 1. Location of Authorized and Current 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 the Current POD/POA that has been used for more than 10 years?	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)
#1 - Melhorn Slough	☒ Authorized ☐ Current		8 S	46 E	9			None Given
#2 - Gulick/Willmarth	☐ Authorized ☒ Current		8 S	46 E	14	NW SW		1635' N & 810' E from the SW corner of Sect. 14
	☐ Authorized ☐ Current							
	☐ Authorized ☐ Current							

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

- ☐ Point of Diversion (POD)
 ☒ Additional Point of Diversion (APOD)
 ☐ Point of Appropriation/Well (POA)
 ☐ Additional Point of Appropriation (APOA)

Will the historic change in point of diversion/appropriation affect the entire water right?

- ☒ Yes Complete only the proposed section of Table 2 on the next page.
☐ No Complete all of Table 2 to describe the portion of the water right to be changed.

Please use and attach additional pages of Table 2 as needed. Do you have questions about how to fill-out the tables? See page 5 for instructions, or contact the Department at 503-986-0900 and ask for Transfer Staff.

Table 2. Description of Changes to Water Right Certificate # 10401

List only the part of the right that will be changed. For the acreage in each $\frac{1}{4}$ $\frac{1}{4}$, list the change proposed. If more than one actual, current POD/POA, specify the acreage associated with each actual, current POD/POA.

[illegible]

Additional remarks: _____

RECEIVED

MAY 19 2020

OWRD

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

- ☐ Well log(s) are attached for each authorized and current 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/)

OR

- ☐ Describe the construction of the authorized and current well(s) in Table 3 for any wells that do not have a well log.

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 adequate information is likely to delay the processing of your transfer application.

Current or Authorized POA Name or Number	OWRD Well ID Tag No. L-____ (if available)	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**MAY 19 2020****OWRD**

Part 5 of 5 – Water Right Information

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

CERTIFICATE # 10505

RECEIVED

Description of Water Delivery System

MAY 19 2020

System capacity: 5 cubic feet per second (cfs) OR

 gallons per minute (gpm)

OWRD

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. Currently we divert water out of Clear Creek into an open ditch which is then delivered to the property where flood irrigation occurs.

Table 1. Location of Authorized and Current 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 the Current POD/POA that has been used for more than 10 years?	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)
#1 - Melhorn Slough	☒ Authorized ☐ Current		8 S	46 E	9			None Given
#2 - Gulick/Willmarth	☐ Authorized ☒ Current		8 S	46 E	14	NW SW		1635' N & 810' E from the SW corner of Sect. 14
	☐ Authorized ☐ Current							
	☐ Authorized ☐ Current							

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

- ☐ Point of Diversion (POD)
 ☒ Additional Point of Diversion (APOD)
 ☐ Point of Appropriation/Well (POA)
 ☐ Additional Point of Appropriation (APOA)

Will the historic change in point of diversion/appropriation affect the entire water right?

- ☐ Yes Complete only the proposed section of Table 2 on the next page.
☒ No Complete all of Table 2 to describe the portion of the water right to be changed.

Please use and attach additional pages of Table 2 as needed. Do you have questions about how to fill-out the tables? See page 5 for instructions, or contact the Department at 503-986-0900 and ask for Transfer Staff.

Table 2. Description of Changes to Water Right Certificate # 10505

List only the part of the right that will be changed. For the acreage in each $\frac{1}{4}$ $\frac{1}{4}$, list the change proposed. If more than one actual, current POD/POA, specify the acreage associated with each actual, current POD/POA.

[illegible]

Additional remarks:

RECEIVED

MAY 19 2020

OWRD

Please use and attach additional pages of Table 2 as needed. Do you have questions about how to fill-out the tables? See page 5 for instructions, or contact the Department at 503-986-0900 and ask for Transfer Staff.

Table 2. Description of Changes to Water Right Certificate # 10437

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 actual, current POD/POA, specify the acreage associated with each actual, current POD/POA.

Authorized (“from” lands) as they appear before the changes											Proposed Change (POD, POA, APOD, or APOA)	Current (in use for more than ten years) POD(s)/ POA(s) to be used (from Table 1)	Priority Date
Twp	Rng		Sec	¼ ¼		Tax Lot	Gvt Lot or DLC	Acre (if applicable)	POD(s) or POA(s) (name or number from Table 1)				
2	S	9	E	15	NE	NW	100		15.0	POD #1 POD #2	POD	POD #5	1897
“	“	“	“	“	“	“	“	“	EXAMPLE	“	“	“	“
8	S	46	E	14	SW	SW	700		10.0	#1	AHPOD	1,2	1870
8	S	46	E	14	SE	SW	700		20.0	#1	AHPOD	1,2	1870
8	S	46	E	14	SW	SW	700		19.0	1	AHPOD	1,2	1910
8	S	46	E	14	SE	SW	700		5.0	1	AHPOD	1,2	1910

Additional remarks: _____

RECEIVED

MAY 19 2020

OWRD

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

- ☐ Well log(s) are attached for each authorized and current 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/)

OR

- ☐ Describe the construction of the authorized and current well(s) in Table 3 for any wells that do not have a well log.

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 adequate information is likely to delay the processing of your transfer application.

Current or Authorized POA Name or Number	OWRD Well ID Tag No. L- (if available)	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**MAY 19 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)
County of BAKER) ss

County of BAKER)

I, ROGER GULICK, in my capacity as OWNER/IRRIGATOR,

mailing address 46152 OLIVER RD.

telephone number (541)540-6666, being first duly sworn depose and say:

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

☒ Personal observation

☐ Professional expertise

2. I attest that:

☒ Water was used during the previous five years on the **entire** place of use for
Certificate # 10505, 10401, 10437; **OR**

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

Certificate #	Township		Range		Mer	Sec	¼ ¼	Gov't Lot or DLC	Acres (if applicable)

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)

13444-
13444-

RECEIVED

MAY 19 2020

OWRD

3. The water right was used for: (e.g., crops, pasture, etc.): CROPS AND PASTURE

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


Signature of Affiant

5/4/2020
Date

RECEIVED
MAY 19 2020

Signed and sworn to (or affirmed) before me this 4th day of May, 2020. OWRD




Notary Public for Oregon

My Commission Expires: October 15, 2022

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

Application for Water Right Historic POD/POA Transfer Watermaster Statement



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

RECEIVED

MAY 19 2020

OWRD

I, MARCY OSBORN, Watermaster of District 8,

state that to my knowledge, there has been no claim of injury due to use of an historic point of

diversion/appropriation for Certificate 10401, 10437, 10505

from Clear Creek located as follows:
(source)

☒ By Township, Range Section and distances from a Survey Corner:

Twp	Rng	Mer	Sec	Q-Q	DLC	GLot	Measured Distances
8 S	46 E	W.M.	14	NWS W			1635' N & 810' E from the SW corner of Section 14

OR

☐ by GPS coordinates: Latitude: _____ Longitude: _____

OR

☐ as shown on the attached map.

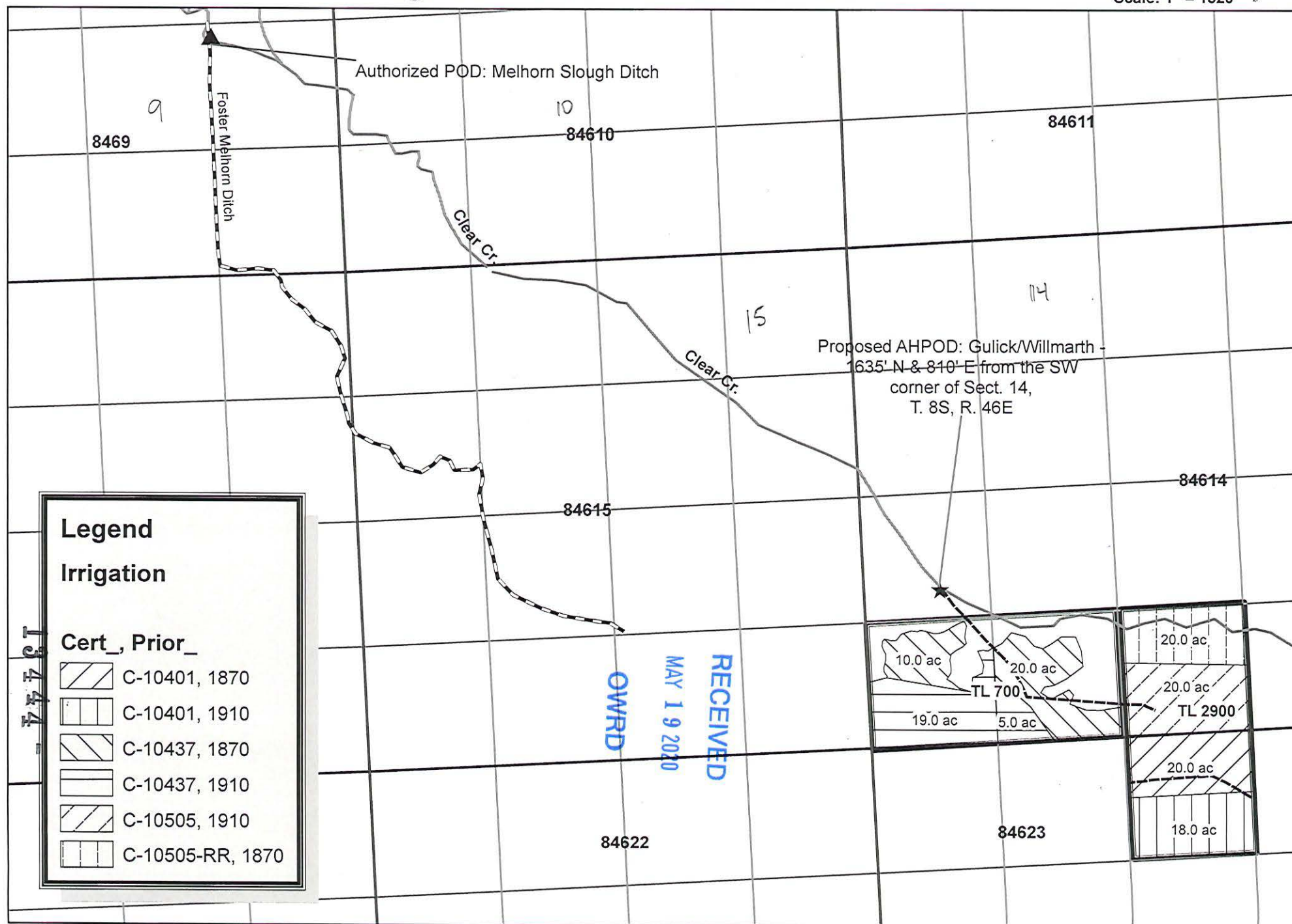

Signature

3/16/2020
Date

Map to Accompany an Additional Historic Point of Diversion for Roger Gulick and Cliff and Ester Willmarth



Scale: 1" = 1320'



Gulick/Willmarth



MAY 11, 2021

RECEIVED

Legend

Gulick Rd

Google Earth



Pine Township

1000 ft

13444 -

Gulick/Willmarth

Legend

RECEIVED
MAY 19 2020
OWRD

Gulick Rd

Google Earth

Image USDA Farm Service Agency



Pin Town

1000 ft

18444-

Historic Change in POD/POA Water Right Transfer Application Completeness Checklist

Checked by: Jan

Date: 5-26-20

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

- ☒ 1. Page 1 of application: Are all attachments that have been checked actually included?
If not, what is missing? _____
- ☒ 2. Does the attached local "Watermaster Statement" indicate that, based upon the watermaster's knowledge and Department records, no complaint of injury has been made due to use of water at the actual, current point of diversion or appropriation (*i.e., the historic POD/POA*)?
- If **NO**, a complaint of injury has NOT been made – proceed to Item #3.
 - If **YES**, a complaint of injury has been made – **STOP!**
The application does **not** meet the criteria for ORS 540.532 (OAR 690-380-2120).
→ Return the application/fees and direct the applicant to *instead* use the standard POD/POA change Transfer Application and process under ORS 540.520 & 540.530 (OAR 690-380-2110).
- ☒ 3. Is the applicant an "individual" as required by ORS 540.532 and defined in OAR 690-380-2120(7)?
- If **YES**, the applicant is an "individual" – proceed to Item #4.
 - If **NO**, the applicant is not an "individual" – **STOP!**
The application does **not** meet the criteria for ORS 540.532 and OAR 690-380-2120(7).
→ Return the application/fees and direct the applicant to *instead* use the standard POD/POA change Transfer Application and process under ORS 540.520 & 540.530 (OAR 690-380-2110).
- (two applicants)*
- ☒ 4. Are fees included and correct?
If not, the correct fee would be: _____, so the amount missing is: _____
- ☒ 5. Page 3 of application: Have all the applicants listed at the top of the page signed at the bottom?
If not, whose signature is missing? _____
- ☒ 6. Are all listed certificates or permits 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.
- ☒ 7. 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)
8. If all #1-#7 boxes on this checklist are checked, accept the application. Put this check sheet in the transfer folder. If #1, #2, #3, #4, #5, #6 or #7 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.