

SCANNED

JUL 07 2026

Regular

Name law and mary DaviesAddress PO Box 3005
Princeton Oregon 97721Change in POADate Filed 5/22/2020Initial notice date 6/9/2020

DPD issued date

PD issued date 7/9/2021PD notice date 9/16/2021Date of FO 4/7/2021 Vol 20 Page 104-1075/10/2021 120 489C-Date 10/01/2022COBU due date 10/01/2023

COBU Received date

Certificate issued 97058

DESCRIPTION OF WATER RIGHT(s)

Name of Stream wellTrib. of South Fork malheur riverUse irrigation County Harney

Quantity of water (CFS) No. of Acres

Name of ditch

App# 67921 Per # 67312 Cert # 52037 PR Date 3/14/1977

App# Per # Cert # PR Date

App# Per # Cert # PR Date

App# Per # Cert # PR Date

App# Per # Cert # PR Date

FEES PAID

Date	Amount	Receipt #
<u>5-22-2020</u>	<u>\$1,570.00</u>	<u>132588</u>
<u>11-23-2020</u>	<u>\$1192.00</u>	<u>134023</u>
<u>7-22-2022</u>	<u>\$230.00</u>	<u>138724</u>

FEES REFUNDED

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

Assignments:

Irrigation District

Agent

CWRE

CC's list

☐ - Oversized map - Location

Mailing List for Final Transfer Certificate(s)

Transfer Application: T-13450

Certificate: 97058 (C-94900)

Certificate/Transfer Holder: (include copy of map)

LOU WILLIAM DAVIES

MARY JOSEPHINE DAVIES

PO BOX 3005

PRINCETON, OR 97721

Is the Transfer Holder(s) of record currently identified as a landowner of any tax lots involved as confirmed by the County records? YES

Copies of Final Transfer Certificate(s) to be sent to:

1. Watermaster District #: 10
2. Water Availability
3. Vault
4. File

Other persons to receive copies: (include map):

5. Robert D. Bagett, CWRE
6. TS Ranch LLC : current land owner
PO Box 3005
Princeton, OR 97721

Record Marking(s):

1. Original Application# G7921
2. Old Certificate# 94900

Copies Mailed	
by:	<u>KMWF</u> (STAFF)
on:	<u>MAY 12 2023</u> (DATE)

STATE OF OREGON

COUNTY OF HARNEY

CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

LOU WILLIAM DAVIES
MARY JOSEPHINE DAVIES
PO BOX 3005
PRINCETON, OR 97721

confirms the right to the use of water perfected under the terms of Permit G-7312. The amount of water used to which this right is entitled is limited to the amount used beneficially, and shall not exceed the amount specified, or its equivalent in the case of rotation, measured at the well. The specific limits and conditions of the use are listed below.

SOURCE: A WELL, A TRIBUTARY OF SOUTH FORK MALHEUR RIVER

USE: IRRIGATION OF 36.7 ACRES

RATE: 0.46 CUBIC FOOT PER SECOND

PRIORITY DATE: MARCH 14, 1977

The well is located as follows:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
27 S	35 E	WM	18	SE NE	WELL #5 - 2620 FEET SOUTH AND 1055 FEET WEST FROM NE CORNER, SECTION 18

The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands, shall be limited to ONE-EIGHTIETH of one cubic foot per second per acre, or its equivalent for each acre irrigated and shall be further limited to a diversion of not to exceed 3.0 acre-feet per acre for each acre irrigated during the irrigation season of each year and shall conform to such reasonable rotation system as may be ordered by the proper state officer.

A description of the place of use is as follows:

Twp	Rng	Mer	Sec	Q-Q	Acres
27 S	35 E	WM	18	SE NE	36.7

The quantity of water diverted at the new point of appropriation (Well #5, shall not exceed the quantity of water lawfully available from the original point of appropriation (Well #4) described as follows:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
27 S	35 E	WM	17	NW NW	30 FEET SOUTH AND 540 FEET EAST FROM NW CORNER, SECTION 17

NOTICE OF RIGHT TO PETITION FOR RECONSIDERATION OR JUDICIAL REVIEW

This is an order in other than a contested case. This order is subject to judicial review under ORS 183.482. Any petition for judicial review must be filed within the 60-day time period specified by ORS 183.482. Pursuant to ORS 183.482, ORS 536.075 and OAR 137-003-0675, you may petition for judicial review and petition the Director for reconsideration of this order. A petition for reconsideration may be granted or denied by the Director, and if no action is taken within 60 days following the date the petition was filed, the petition shall be deemed denied.

Water use measurement conditions:

- a) The water user shall maintain the totalizing flow meter, or, as approved by the Director, another suitable measuring device, at each point of appropriation.
- b) 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.

Water shall be acquired from the same aquifer (water source) as the original point of appropriation.

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

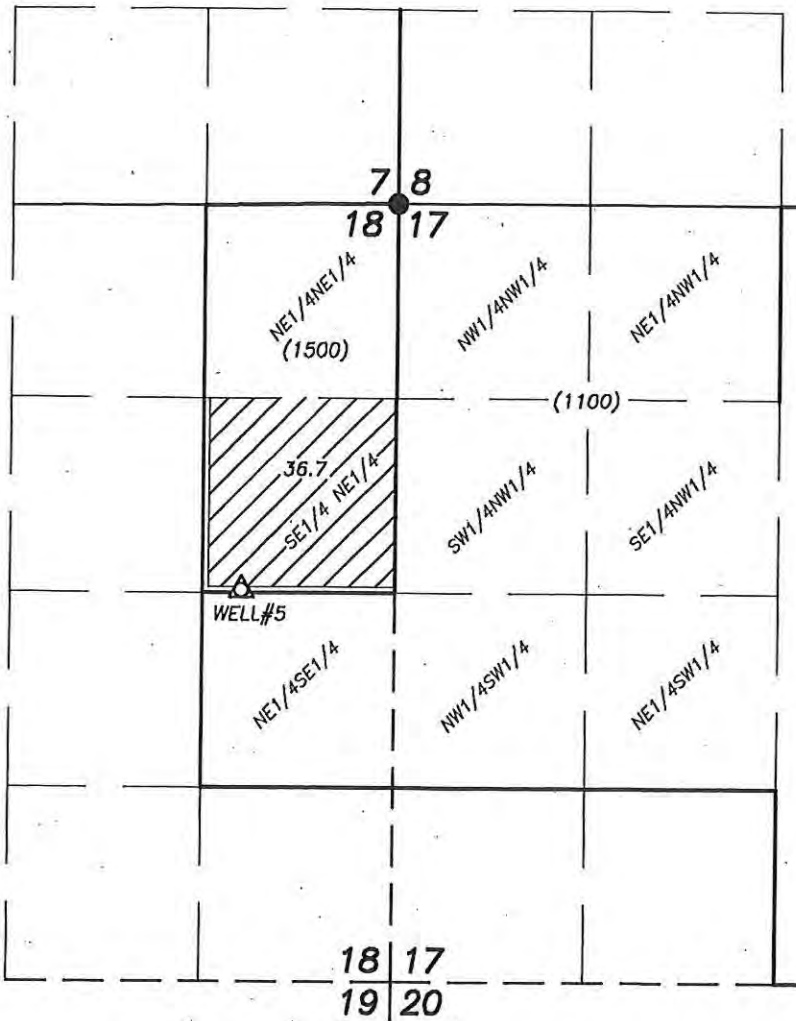
This certificate is issued to confirm a change in POINT OF APPROPRIATION approved by an order of the Water Resources Director entered April 7, 2021, at Special Order Volume 120, Page 64, approving Transfer Application T-13450, supersedes Certificate 94900, State record of Water Right Certificates.

Issued MAY 12 2023



Dwight French
Water Right Services Division Administrator, for
Douglas E. Woodcock, Acting Director
Oregon Water Resources Department

SECTION 18, T.27S., R.35E., W.M.



SCALE: 1" = 1320'

CLAIM OF BENEFICIAL USE MAP
UNDER TRANSFER T-13450

IN NAME OF
LOU WILLIAM DAVIES &
MARY JOSEPHINE DAVIES

RECEIVED

JUL 22 2022

OWRD

PREPARED BY:
ROBERT D. BAGETT, PLS, CWRE
217 N. CANYON BLVD.
JOHN DAY, OR 97845
(541) 575-1251

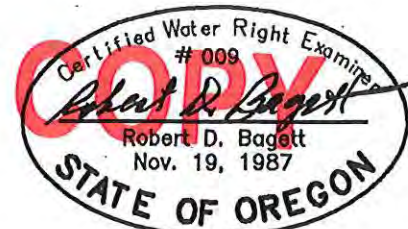
JULY 8, 2022

△ WELL #5 AND METER
2620 FT. SOUTH & 1055 FT. WEST
FROM NE CORNER SECTION 18

▨ PLACE OF USE
PRIORITY DATE: MARCH 14, 1977

● FOUND MONUMENT - NE COR. SEC. 18

() TAX LOT



RENEWS: 12/31/2023

DISCLAIMER: THIS MAP IS NOT INTENDED TO PROVIDE LEGAL
DIMENSIONS OR LOCATIONS OF PROPERTY OWNERSHIP LINES.

TRANSFER

Memo- Proof to Satisfaction

Transfer App #	T-13450	
WRD Reviewer (CW)	Breck EC	Date: March 2023
WRD Peer Reviewer (PR)	J Skaug	Date: April 2023

ORIGINAL CERT:	CHANGE REQUESTED:	RR Cert:
52037	☐ POU ☒ POD/POA ☐ APOD/APOA ☐ USE	
	☐ POU ☐ POD/POA ☐ APOD/APOA ☐ USE	
	☐ POU ☐ POD/POA ☐ APOD/APOA ☐ USE	
	☐ POU ☐ POD/POA ☐ APOD/APOA ☐ USE	

PREPARATION:

CW	PR	RESEARCH:
☒	☒	☒ CBU Report/Map ☒ Transfer Order Ord 120 Vol 64 Issued Date 4/7/2021 ☐ Assignment ☐ Transfer Extension ☒ n/a ☒ n/a
☒	☒	Electronic Folder:
☒	☒	☒ Create CBU folder ☒ Create Work Packet Folder
☒	☒	SCAN: Above documents into "CBU Folder"
☒	☒	SAVE: other documents in "Work Packet Folder"
☒	☒	☒ Certificate(s) ☒ Transfer App Maps (To/From) ☐ ☒ OrMap Tax Lot Map ☒ Ownership Report ☒ BLM Cadastral Survey ☐ GW Logs ☐ GW Conditions ☐ Mitigation ☐ POU Report (conflict) ☐ Others: ☐ n/a ☐ n/a ☐ n/a ☒ n/a
☒	☒	SEARCH:
☒	☒	☒ Interactive Mapper ☐ AOI ☒ Map and TaxLot ID ☐ Receiving LO: ☒ n/a 27335E000001500 ☐ n/a
		Research Comments: T-13450 Correcting Order
		New Landowner:

REVIEW OF CLAIM:

ORDER REQ'D	CERTIFICATE REQ'D	COMPLIED YES/NO	CONDITIONS:	NOTES:
☒ Y ☐ N/A	☐ Y ☐ N/A	☐ Y ☐ N	Fish Condition	
☒ Y ☐ N/A	☐ Y ☐ N/A	☐ Y ☐ N	Meter/Measuring Device	May 1, 2021 - completed "Sept. 1 2008"
☐ Y ☐ N/A	☐ Y ☐ N/A	☐ Y ☐ N	Water Use Reporting	
☐ Y ☐ N/A	☐ Y ☐ N/A	☐ Y ☐ N	SWL (Month)	
☐ Y ☐ N/A	☐ Y ☐ N/A	☐ Y ☐ N	Dedicated MMS tube	
☐ Y ☐ N/A	☐ Y ☐ N/A	☐ Y ☐ N	Well Id	
☐ Y ☐ N/A	☐ Y ☐ N/A	☐ Y ☐ N	Other:	
☐ Y ☐ N/A	☐ Y ☐ N/A	☐ Y ☐ N	C-date: Oct. 1 2022	EXT C-Date:

REVIEW OF MAP: (Only the changes approved)

CW	PR	Notes:
☒	☒	Verify POA/POD Location (New Only)
☐	☐	Verify POU (New only)
☐	☐	POU clearly identified by Use Type/Certificate
☐	☐	DLC/GOV'T LOT
		☐ Original Cert Map for unchanged POU/POD/POA (Attached for Peer Reviewer/Data) ☐ Note Maps for Reference

POD/POA/APOD/POA ONLY: RUN CAPACITY CALCULATOR AND SAVE CALCS TO APPLICATION FOLDER:

POD/POA-NEW/ADD'T	AUTHORIZED RATE	CLAIM RATE	CALCULATED RATE	NOTES:
Well #5	0.46	1.31	1.312	Overage

DETERMINATION:

CW	PR	DOCUMENT	NOTES:
☐	☐	LETTER FOR CLARIFICATION	
☐	☐	DRAFT (PLEASE EXPLAIN)	
☐	☐	PROPOSED	
☐	☐	FINAL	
☐	☐	PROPOSED ORDER TO CANCEL	

FINAL CHECKS: Review your document; BEFORE printing proposed for Support

CW	PR	DID YOU CHECK?	NOTES:
☐	☐	DATA REVIEW	
		☐ POA/POD/DAM TABLES/DESCRIPTIONS	☐ PLACE OF USE TABLES, INCLUDING ACRES FOR GOV'T LOTS/DLC
☐	☐	SPELL CHECK DOC	
☐	☐	MAPS: Identified for Reference	
☐		CERT NUMBER ISSUED:	
		Original Cert # App	New Cert #
		Original Cert # App	New Cert #
		Original Cert # App	New Cert #
		Original Cert # App	New Cert #

EXTRAS: BEFORE Printing your Final Certificate

CW	PR	DID YOU CHECK?	NOTES:
☐	☐	DATA REVIEW COMMENTS UPDATED	
☐	☐	SPELL CHECKED DOC	

CASEWORKER REVIEW COMMENTS:**PEER REVIEWER COMMENTS:**

STATE OF OREGON
WATER RESOURCES DEPARTMENT

RECEIPT # **138724** 725 Summer St. N.E. Ste. A
SALEM, OR 97301-4172 INVOICE # _____
(503) 986-0900 / (503) 986-0904 (fax)

RECEIVED FROM: TS Ranch LLC APPLICATION T-13450
BY: _____ PERMIT _____
CASH: ☐ CHECK:# 392 OTHER: (IDENTIFY) ☐ TRANSFER _____
TOTAL REC'D \$ 230.00

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 EXAM FEE \$ _____ 0202 RECORD FEE \$ _____
0203 GROUND WATER \$ _____ 0204 \$ _____
0205 TRANSFER \$ _____

WELL CONSTRUCTION

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

0200 OTHER (IDENTIFY) CORRE \$ 23000

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: **138724** DATED: 07/22/22 BY: [Signature]

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

**CLAIM OF
BENEFICIAL USE
for Transfer New or Additional
POA Only**



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

**A fee of \$230 must accompany this form for any Transfer final orders
including a water right with a priority date of July 9, 1987, or later.**

**Example – A transfer involves 5 rights and one of the rights
has a priority date of July 9, 1987, or later, the fee is required.**

A separate form shall be completed for each transfer.

This form is subject to revision. **Begin each new claim** by checking for a new version of this form at:
<https://www.oregon.gov/OWRD/Forms/Pages/default.aspx>

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

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

"Section 8" of this form is intended to aid in the completion of this form and should not be submitted.\

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

If you have questions regarding the completion of this form, please call 503-979-9103.

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

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

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**SECTION 1
GENERAL INFORMATION**

JUL 22 2022

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Type of Authorized Change

This Claim is being submitted for a transfer where the only authorized change was a change in point(s) of appropriation or additional point(s) of appropriation, or a combination of both. **YES NO**
If additional changes were authorized, you will need to select a different form.

1. File Information

APPLICATION #

T-13450**2. Property Owner (current owner information)**

APPLICANT/BUSINESS NAME Lou William Davies & Mary Josephine Davies		PHONE NO. 541-493-2693	ADDITIONAL CONTACT NO.
ADDRESS P. O. Box 3005			
CITY Princeton	STATE OR	ZIP 97721	E-MAIL

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

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

TRANSFER HOLDER OF RECORD Lou William Davies & Mary Josephine Davies		
ADDRESS P. O. Box 3005		
CITY Princeton	STATE OR	ZIP 97721

4. Date of Site Inspection:**July 8, 2022****5. Person(s) interviewed and description of their association with the project:**

NAME	DATE	ASSOCIATION WITH THE PROJECT
Lou Davies	July 8, 2022	Owner-Operator

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

OWNER OF RECORD NA		
ADDRESS		
CITY	STATE	ZIP

Add additional tables for owners of record as needed

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SECTION 2 SIGNATURES

CWRE Statement, Seal and Signature

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



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CWRE NAME Robert D. Baggett	PHONE No. 541-620-0717	ADDITIONAL CONTACT No. 541-575-1251
ADDRESS P. O. Box 476		
CITY John Day	STATE OR	ZIP 97845
E-MAIL bobbagett@gmail.com		

Transfer Holder of Record Signature or Acknowledgement

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

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

SIGNATURE	PRINT OR TYPE NAME	TITLE	DATE
	Lou William Davies	Owner manager	7-21-2022
	Mary Josephine Davies	CO-OWNER	7-21-2022

SECTION 3 CLAIM DESCRIPTION

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Note: The Claim only needs to describe the new or additional point(s) of appropriation. This Claim does not need to provide information for the original point(s) of appropriation unless the original point of appropriation is either a new or additional point of appropriation on another right involved in this transfer.

1. New or additional point of appropriation name or number:

POINT OF APPROPRIATION (POA) NAME OR NUMBER (CORRESPOND TO MAP)	WELL LOG ID # FOR ALL WORK PERFORMED ON THE WELL (IF APPLICABLE)	WELL TAG # (IF APPLICABLE)	SOURCE (IF LISTED IN TRANSFER FINAL ORDER)
Well #5	L-26619	HARN 51074	A tributary of South Fork Malheur River

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

If well logs are available, items A and B below can be deleted

A. If well logs are not available, provide as much of the following information as possible:

CASING DIAMETER	CASING DEPTH	TOTAL DEPTH	COMPLETION DATE OF ORIGINAL WELL	COMPLETION DATES OF ALTERATIONS	WHO THE WELL WAS DRILLED FOR	WELL DRILLED BY
14"	+2 to 50'	195'	7/20/2004	NA	Lou Davies	Don Read

B. In addition to the information requested in item "A" above, provide any other information which may help the Department locate any well logs associated with this appropriation.

NA

2. Variations:

Was the use developed differently from what was authorized by the transfer final order, or extension final?

NO

If yes, describe below.

(e.g. "The order allowed three new/additional points of appropriation. The water user only developed one of the points.")

NA

3. Claim Summary:

NEW OR ADDITIONAL POA NAME OR #	MAXIMUM RATE AUTHORIZED	CALCULATED THEORETICAL RATE BASED ON SYSTEM	AMOUNT OF WATER MEASURED
Well #5	0.46 cfs	1.31 cfs	NA

SECTION 4
SYSTEM DESCRIPTION

Are there multiple new or additional Points of Appropriation (POA)?

NO

If "YES" you will need to copy and complete a separate Section 4.

POA Name or Number this section describes (only needed if there is more than one):

A. POA System Information

Provide the following information concerning the point of appropriation. Information provided must describe the equipment used to appropriate water from the point of appropriation.

1. Pump Information

MANUFACTURER	MODEL	SERIAL NUMBER	TYPE (CENTRIFUGAL, TURBINE OR SUBMERSIBLE)	INTAKE SIZE	DISCHARGE SIZE
American Marsh	10 N/C-5	NA	Turbine	6"	8"

2. Motor Information

MANUFACTURER	HORSEPOWER
US Electric	40

3. Theoretical Pump Capacity

HORSEPOWER	OPERATING PSI	LIFT FROM SOURCE TO PUMP *If a well, the water level during pumping	LIFT FROM PUMP TO PLACE OF USE	TOTAL PUMP OUTPUT (IN CFS)
40	40	100'	113'	1.31 cfs

4. Provide pump calculations:

See Attached Exhibit A

5. Measured Pump Capacity (using meter if meter was present and system was operating)

INITIAL METER READING	ENDING METER READING	DURATION OF TIME OBSERVED	TOTAL PUMP OUTPUT (IN CFS)
NA	NA	NA	NA

Reminder: For pump calculations use the reference information at the end of this document.

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B. Groundwater Source Information (Well and Sump)

3. Is the appropriation from a dug well (sump)?

NO

If "NO", items 4 through 6 relating to this section may be deleted.

Reminder: Construction standards for sumps can be found in OAR 690-210-0400.

C. Additional notes or comments related to the system:

No additional comments.

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SECTION 5 CONDITIONS

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

1. Time Limits:

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

	DATE FROM TRANSFER	DATE THE NEW AND/OR ADDITIONAL POA(S) WERE READY FOR USE *THIS DATE MUST FALL BETWEEN THE "ISSUANCE DATE" AND THE "COMPLETENESS DATE"
ISSUANCE DATE	April 7, 2021	
COMPLETENESS DATE FROM ORDER (C)	October 1, 2022	May 1, 2021

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

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NO

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

If "NO", you may delete the following table.

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3. Measurement Conditions:

- a. Does the transfer final order, or any extension final order require the installation of a meter or other approved measuring device?

YES

If "NO", items b through f relating to this section may be deleted.

Reminder: If a meter or approved measuring device was required, the COBU map must indicate the location of the device in relation to the point of appropriation.

- b. Has a meter been installed?

YES

c. Meter Information

POA NAME OR #	MANUFACTURER	SERIAL #	CONDITION (WORKING OR NOT)	CURRENT METER READING	DATE INSTALLED
Well #5	Mccrometer	07-04145	Working	483441	Sept. 1, 2008

If a meter has been installed, items d through f relating to this section may be deleted.

4. Recording and reporting conditions

- a. Is the water user required to report the water use to the Department?

NO

If "NO", item b relating to this section may be deleted.

5. Other conditions required by the transfer final order or extension final order:

- a. Were there special well construction standards?

NO

- b. Was submittal of a ground water monitoring plan required?

NO

c. Other conditions?

NO

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

--

SECTION 6
ATTACHMENTS

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

ATTACHMENT NAME	DESCRIPTION
Exhibit A	Pump Capacity Calculations

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SECTION 7

CLAIM OF BENEFICIAL USE MAP

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

For the purpose of this Claim, the map identifying the location of the place of use does not require a new survey. The location of the place of use identified on the Claim map should be based on the original right of record at the time the transfer final order was issued. In transfers approved for additional points of appropriation, the original points must be identified the map based on the original right of record at the time the transfer final order was issued.

Provide a general description of the survey method used to prepare the map. Examples of possible methods include, but are not limited to, a traverse survey, GPS, or the use of aerial photos. If the basis of the survey is an aerial photo, provide the source, date, series and the aerial photo identification number.

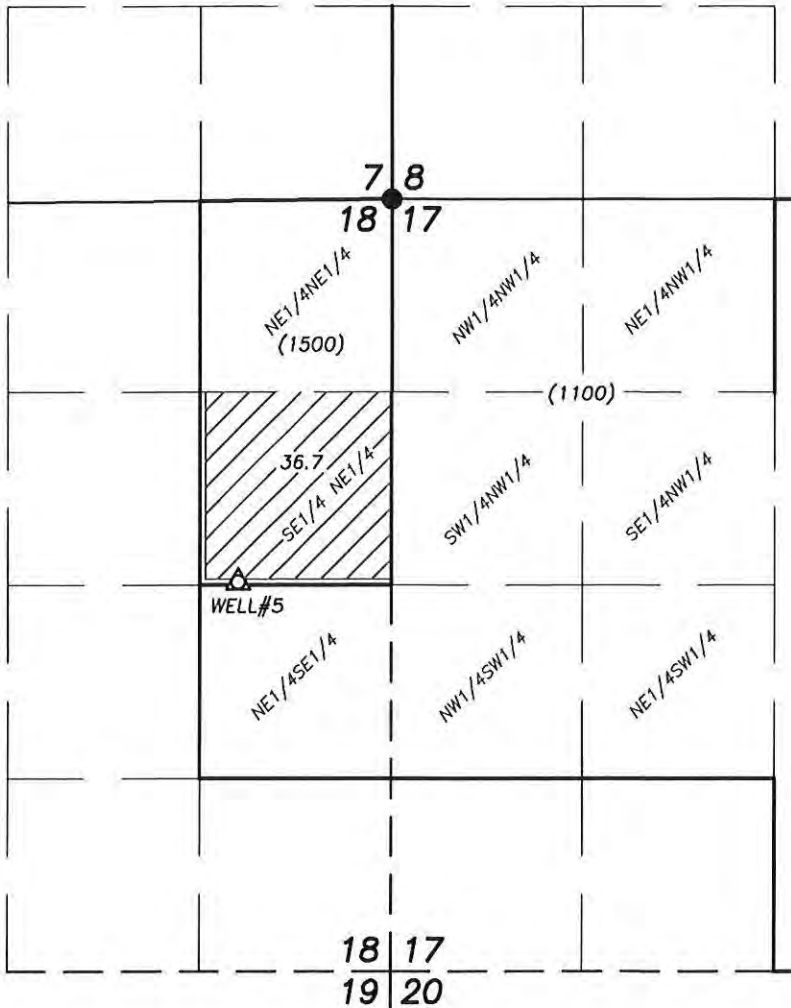
Used GPS in RTK mode to locate Well #5 and the NE corner of Section 18.

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SECTION 18, T.27S., R.35E., W.M.



SCALE: 1" = 1320'

CLAIM OF BENEFICIAL USE MAP
UNDER TRANSFER T-13450

IN NAME OF
LOU WILLIAM DAVIES &
MARY JOSEPHINE DAVIES

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PREPARED BY:
ROBERT D. BAGETT, PLS, CWRE
217 N. CANYON BLVD.
JOHN DAY, OR 97845
(541) 575-1251

JULY 8, 2022

△ WELL #5 AND METER
2620 FT. SOUTH & 1055 FT. WEST
FROM NE CORNER SECTION 18

▨ PLACE OF USE
PRIORITY DATE: MARCH 14, 1977

● FOUND MONUMENT — NE COR. SEC. 18

() TAX LOT



RENEWS: 12/31/2023

DISCLAIMER: THIS MAP IS NOT INTENDED TO PROVIDE LEGAL
DIMENSIONS OR LOCATIONS OF PROPERTY OWNERSHIP LINES.

Map Checklist

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

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

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Pump Capacity Calculation Sheet

using Department designed formula:

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

Efficiency:

Centrifugal = 6.61

Turbine = 7.04

Data Entry (fill in underlined blanks)

HP = 40
Efficiency = 7.04
Lift = 113
PSI = 40

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Results Calculated

$(hp)(\text{efficiency}) = 281.6$
Head based on psi = 101.6
Total dynamic head = 214.6
(head + lift)

Pump Capacity = 1.31 feet per second

LOU & MARY JO DAVIES

T-13450

WELL #5

EXHIBIT A



Oregon
Kate Brown, Governor

Water Resources Department

725 Summer St NE, Suite A

Salem, OR 97301

(503) 986-0900

Fax (503) 986-0904

7/25/2022

Lou William Davie & Mary Josephine Davies
P.O. Box 3005
Princeton, OR 97721

On 7-22-2022, the Water Resources Department received the Claim of Beneficial Use (COBU) for the following files:

Transfer T-13450

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

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

Customer Service phone: (503) 986-0900

Enclosed is your receipt for the \$230.00 COBU recording fee.

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

Sincerely,
Dante Luongo

Cc: file

Checklist for Claims of Beneficial Use Received at CSG Counter

Application #:	WRD Reviewer:Dante Luongo
Transfer #:T-13450	
Date Received:7-22-2022	
CWRE Name:Robert D. Bagett	
Priority Date (s):3-14-1977	

Fees Required:

- ☐ YES ☒ NO ☐ A fee of \$230 must accompany this form for permits with priority dates of July 9, 1987, or later.
- ☐ YES ☒ NO ☐ A fee of \$230 must accompany this form for any transfers including a water right with a priority date of July 9, 1987, or later.
Example – A transfer involves 5 rights and one of the rights has a priority date of July 9, 1987, or later, the fee is required.
- Fill in

Fill in App
or Transfer
Number

Map Review:

- ☒ Map on polyester film (OAR 690-014-0170(1) & 310-0050(1)(b))
- ☒ Application & permit #; or transfer # (OAR 690-014-0100(1))
- ☒ Disclaimer (OAR 690-014-0170(5))
- ☒ North arrow (OAR 690-310-0050(2)(c))
- ☒ CWRE stamp and signature (OAR 690-014 & 310-0050)
- ☒ Appropriate scale (1" = 1320', 1" = 400', or the original full-size scale of the county assessor map) (014 & 310)
- ☒ Township, range, section, and tax lot numbers (OAR 690-310-0050(4))

Report Review:

- ☒ On form provided by the Department (OAR 690-014-0100(1))
- ☒ Application & permit #; or transfer # (OAR 690-014)
- ☒ Ownership information (OAR 690-014)
- ☒ Date of survey (OAR 690-014)
- ☒ Person interviewed (OAR 690-014)
- ☒ County (OAR 690-014)
- ☒ CWRE stamp and signature (OAR 690-014-0100)
- ☒ Signature(s) of all permittee of transfer holder (OAR 690-014-0100)

DATE:		RECEIPT #:	
RECEIVED FROM _____		APPLICATION _____	
_____		PERMIT _____	
_____		TAXPAYER _____	
0434 CHECK # _____ OTHER (IDENTIFY) _____ ☐ _____ ☐ _____		TOTAL RECEIVED _____	
0403 TRAILER/UNIT 429B MARC CASH/ACCY		_____	
0407 CONES & OTHER (IDENTIFY) _____ 0410 Inland Limit 0411 Main Power Mgmt Plan 0416 Code 0404		_____	
0403 TRAILER/UNIT 429B MARC CASH/ACCY		_____	
MISCELLANEOUS 0407 COPY & TAPE FEES 4611			
0410 RESEARCH FEES		_____	
0408 MISC. GENERAL (IDENTIFY)		_____	
0414 DEPOSIT HAS (IDENTIFY)		_____	
0410 EXTENSION OF TIME		_____	
WATER RIGHTS		_____	
0401	SURFACE WATER	0401	RECORD FEE
0403	GROUND WATER	0404	_____
0405	TRANSFER	0405	_____
WELL CONSTRUCTION		_____	
0418	WELL DRILL CONSTRUCTION	0418	RECORD FEE
0419	LANDOWNER PERMIT	0419	_____
0420	OTHER (IDENTIFY) 0084	0420	_____
0403 TRAILER/UNIT 429B MARC CASH/ACCY		_____	
0413 POWER LICENSE FEE (IF APPLICABLE)		_____	
0414 AVIATION LICENSE FEE (IF APPLICABLE)		_____	
HYDRO APPLICATION		_____	
SPECIAL INSTRUCTIONS: ☐ RETURN TO APPLICANT - LETTER ATTACHED			

Groundwater File Review:

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



Oregon

Kate Brown, Governor

Water Resources Department

725 Summer St NE, Suite A

Salem, OR 97301

(503) 986-0900

Fax (503) 986-0904

May 10, 2021

LOU WILLIAM DAVIES
PO BOX 3005
PRINCETON, OR 97721

Reference: T-13450 Correcting Final Order

Enclosed is a correcting final order recorded in Special Order Vol. 120, Page 489, issued to correct a scrivener's error in the order recorded in Special Order Vol. 120, Page 64. The enclosed final order has been amended to reflect the scrivener's error. Please keep this document with the final order in Special Order Vol. 120 Page 64 as additional information.

If you have any questions please contact your caseworker, Kelly Starnes, by telephone at (503) 986-0886 or by e-mail at Patrick.K.Starnes@oregon.gov.

Sincerely,

Julie C. Baustian
Water Right Support
Transfers and Conservation Section

cc: Watermaster Dist. #10 *(via email)*

Enclosures

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

In the Matter of Special Order Volume)
120, Pages 64-67 approving T-13450,)
Harney County)

CORRECTING ORDER

Applicant

LOU WILLIAM DAVIES
MARY JOSEPHINE DAVIES
PO BOX 3005
PRINCETON, OR 97721

Findings of Fact

1. On April 7, 2021, the Department issued an order approving Transfer T-13450. The order was recorded at Special Order Volume 120, Pages 64-67.
2. The order contained a scrivener's error in the proposed point of appropriation table.
3. The correct proposed point of appropriation table is as follows:

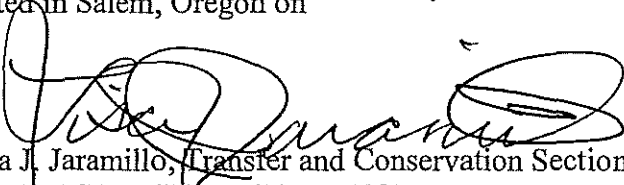
Twsp	Rng	Mer	Sec	Q-Q	Measured Distances
27 S	35 E	WM	18	SE NE	WELL #5 - 2620 FEET SOUTH AND 1055 FEET WEST FROM THE NE CORNER OF SECTION 18

Now, therefore, it is ORDERED:

1. The order approving T-13450, as recorded in Special Order Volume 120, Pages 64-67 is corrected to correct the scrivener's error.
2. All other provisions of Special Order Volume 120, Pages 64-67 remain in effect.

Dated in Salem, Oregon on

MAY 10 2021


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

MAY 11 2021

Mailing Date: _____

This final order is subject to judicial review by the Court of Appeals under ORS 183.482. Any petition for judicial review must be filed within the 60-day time period specified by ORS 183.482(1). Pursuant to ORS 536.075 and OAR 137-003-0675, you may petition for judicial review or petition the Director for reconsideration of this order. A petition for reconsideration may be granted or denied by the Director, and if no action is taken within 60 days following the date the petition was filed, the petition shall be deemed denied.

WATER RIGHT TRANSFER COVER SHEET

Transfer: T- 13450

Transfer Specialist: Scott

Transfer Type: Regular

Applicant: LOU WILLIAM DAVIES PO BOX 3005 PRINCETON, OR 97721 Email: _____ Phone: _____		Agent: ☐ N/A UNAVAILABLE Email: _____ Phone: _____	
Irrigation District: ☐ N/A Email: _____		CWRE: ☐ N/A Email: _____	
Affected Local Gov'ts: ☐ N/A Email: _____		Affected Tribal Gov't: ☐ N/A UNAVAILABLE Email: _____	
Current Landowner if other than Applicant: ☐ N/A Email: _____		Receiving Landowner: ☐ N/A Email: _____	

Water Rights Affected

File Marked	App. File # or Decree Name	Permit	949co Certificate	RR/CR Needed	RR/CR Nos.
☐	G-7921	G-7312	52037	☒ Yes ☒ No	
☐				☐ Yes ☐ No	
☐				☐ Yes ☐ No	

Key Dates & Initial Actions:

Rec'd: <u>May 22, 2020</u>	Proposed Action(s): <u>POINT OF APPROPRIATION</u>	
Fees Pd: <u>1570.00</u>	WM District: <u>10</u>	ODFW District:
Initial Public Notice: <u>June 9, 2020</u>	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: <u>10/22/20</u>	Request for news \$ sent:	News \$ received: <u>11/23/20</u>
Request to publish sent:	Affidavit of publication received: <u>3/1/21</u>	Last day of publication: <u>2/24/21</u>

* BURNS TIME HERALD more than .25 mile

Document	Drafted	Peer Review	Changes Made	Coordinator	Changes Made	Signature Bin	Signature Date
DPD	Date: <u>10-5-20</u> Initials: <u>Scott</u>	Date: <u>10-7-20</u> Initials: <u>Joan</u>	Date: _____ Initials: _____	Date: <u>10/19/20</u> Initials: <u>PKS</u>	Date: <u>10/22/20</u> Initials: <u>Scott</u>	CW Sent: <u>10/20/20</u>	N/A
PD	Date: <u>12/28/20</u> Initials: <u>Scott</u>	Date: <u>1/4/21</u> Initials: <u>Joan</u>	Date: _____ Initials: _____	Date: <u>1/15/21</u> Initials: <u>PKS</u>	Date: <u>1/27/21</u> Initials: <u>Scott</u>	Date: <u>1/27/21</u>	Date: <u>4/9/2021</u>
FO	Date: <u>3/11/21</u> Initials: <u>Scott</u>	Date: <u>3/15/21</u> Initials: <u>ca</u>	Date: _____ Initials: _____	Date: <u>3/19/21</u> Initials: <u>PKS</u>	Date: <u>3/26/21</u> Initials: <u>Scott</u>	Date: <u>3/26/21</u>	Date: <u>3/26/21</u>

Special Issues: (see notes) from Joan FO. Affor March 26, 2021 4/7/20

Special Order Volume: Vol. 1120 Pages 604-607

Correcting order	Peer Review	Coordinator Rev	Changes	Sig bin
Date: <u>4/16/21</u> Initials: <u>Scott</u>	Date: <u>4/18/21</u> Initials: <u>PKS</u>	Date: <u>4/27/21</u> Initials: <u>PKS</u>	Date: _____ Initials: _____	Date: <u>4/28/21</u> Initials: <u>Scott</u>

Part 5 of 5 – Water Right Information

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

CERTIFICATE # **52037**

RECEIVED

MAY 22 2020

Description of Water Delivery System

System capacity: **1.43** 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. Water pumped from well through main lines to wheel lines to irrigate field.

Table 1. Location of Authorized and Proposed Point(s) of Diversion (POD) or Appropriation (POA)
(Note: If the POD/POA name is not specified on the certificate, assign it a name or number here.)

POD/POA Name or Number	Is this POD/POA Authorized on the Certificate or is it Proposed?	If POA, OWRD Well Log ID# (or Well ID Tag # L-___)	Twp	Rng	Sec	¼ ¼	Tax Lot, DLC or Gov't Lot	Measured Distances (from a recognized survey corner)
Well #4	☒ Authorized ☐ Proposed	HARN 1514	27 S	35 E	17	NW NW	1100	30 ft. South & 540 ft. East from NW Cor. Sec. 17
Well #5	☐ Authorized ☒ Proposed	L- 26619	27 S	35 E	18	SE NE	1500	2620 ft. South & 1055 ft. West from NE cor. Sec. 18
	☐ Authorized ☐ Proposed							
	☐ Authorized ☐ Proposed							

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

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

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

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

5. On February 9, 2021, the Department issued a Preliminary Determination proposing to approve Transfer Application T-13450 and sent a copy to the applicants. Additionally, notice of the Preliminary Determination for the transfer application was published in the Department's weekly notice on February 16, 2021, and in the Burns Times-Herald newspaper on February 17 and 24, 2021, pursuant to ORS 540.520 and OAR 690-380-4020. No protests were filed in response to the notice.

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

Certificate: 94900 in the name of M. M. DAVIES (perfected under Permit G-7312)
Use: IRRIGATION of 36.7 ACRES
Priority Date: MARCH 14, 1977
Rate: 0.46 CUBIC FEET PER SECOND
Limit/Duty: The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands, shall be limited to ONE-EIGHTIETH of one cubic foot per second per acre, or its equivalent for each acre irrigated and shall be further limited to a diversion of not to exceed 3.0 acre-feet per acre for each acre irrigated during the irrigation season of each year.
Source: A WELL a tributary of SOUTH FORK MALHEUR RIVER

Authorized Point of Appropriation:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
27 S	35 E	WM	17	NW NW	30 FEET SOUTH AND 540 FEET EAST FROM THE NW CORNER OF SECTION 17

Authorized Place of Use:

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
27 S	35 E	WM	18	SE NE	36.7

7. Transfer Application T-13450 proposes to move the authorized point of appropriation approximately 0.6 mile from the existing point of appropriation to:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
27 S	35 E	WM	17	NW NW	WELL #5 - 2620 FEET SOUTH AND 1055 FEET WEST FROM THE NE CORNER OF SECTION 18

Transfer Review Criteria (OAR 690-380-4010)

8. Water has been used within the last five years. There is no information in the record that would demonstrate that the right is subject to forfeiture under ORS 540.610.
9. A pump, pipeline, and sprinkler system sufficient to use the full amount of water allowed under the existing right were present within the five-year period prior to submittal of Transfer Application T-13450.
10. The proposed change would not result in enlargement of the right.



Oregon

Kate Brown, Governor

Water Resources Department

725 Summer St NE, Suite A

Salem, OR 97301

(503) 986-0900

Fax (503) 986-0904

April 7, 2021

LOU WILLIAM & MARY JOSEPHINE DAVIES

PO BOX 3005

PRINCETON, OR 97721

REFERENCE: Transfer Application T-13450

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

The time allowed to complete the transfer is specified in the final order. **YOU SHOULD GIVE PARTICULAR ATTENTION TO THE TIME LIMIT.** The water right for any portion of the authorized change in character of use or change in place of use NOT carried out within the time allowed will be lost.

An extension of the time limit can be allowed only upon a showing that diligent effort has been made to complete the actual change(s) within the time allowed.

You are required to hire a Certified Water Rights Examiner (CWRE) to complete a Claim of Beneficial Use report and map which must be submitted to this Department within one year of the date you complete the change(s) or within one year of the completion date authorized in the transfer final order, whichever occurs first.

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

Sincerely,

Julie C. Baustian

Water Right Services Support

Transfers and Conservation Section

cc: J R. Johnson, Watermaster Dist. #10 (via email)

Enclosure

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

In the Matter of Transfer Application	)	FINAL ORDER APPROVING A
T-13450, Harney County	)	CHANGE IN POINT OF
	)	APPROPRIATION

Authority

Oregon Revised Statutes (ORS) 537.705 and 540.505 to 540.580 establish the process in which a water right holder may submit a request to transfer the point of appropriation, place of use, or character of use authorized under an existing water right. Oregon Administrative Rules (OAR) Chapter 690, Division 380 implement the statutes and provides the Department's procedures and criteria for evaluating transfer applications.

Applicant

LOU WILLIAM DAVIES
MARY JOSEPHINE DAVIES
PO BOX 3005
PRINCETON, OR 97721

Findings of Fact

1. On May 22, 2020, LOU WILLIAM DAVIES and MARY JOSEPHINE DAVIES filed an application to change the point of appropriation under Certificate 52037. The Department assigned the application number T-13450.
2. Notice of the application for transfer was published on June 9, 2020, pursuant to OAR 690-380-4000. No comments were filed in response to the notice.
3. On October 27, 2020, Transfer Application T-12869 was approved and entered in Special Order Volume 117, pages 798-801. Transfer Application T-12869 cancelled Water Right Certificate 52037. Certificate 94900 was issued to describe lands not affected by Transfer Application T-12869.
4. On October 22, 2020, the Department sent a copy of the draft Preliminary Determination proposing to approve Transfer Application T-13450 to the applicants. The draft Preliminary Determination cover letter set forth a deadline of November 21, 2020, for the applicants to respond. The applicants requested that the Department proceed with issuance of a Preliminary Determination and provided the necessary information to demonstrate that the applicant is authorized to pursue the transfer.

This final order is subject to judicial review by the Court of Appeals under ORS 183.482. Any petition for judicial review must be filed within the 60-day time period specified by ORS 183.482(1). Pursuant to ORS 536.075 and OAR 137-003-0675, you may petition for judicial review or petition the Director for reconsideration of this order. A petition for reconsideration may be granted or denied by the Director, and if no action is taken within 60 days following the date the petition was filed, the petition shall be deemed denied.

5. On February 9, 2021, the Department issued a Preliminary Determination proposing to approve Transfer Application T-13450 and sent a copy to the applicants. Additionally, notice of the Preliminary Determination for the transfer application was published in the Department's weekly notice on February 16, 2021, and in the Burns Times-Herald newspaper on February 17 and 24, 2021, pursuant to ORS 540.520 and OAR 690-380-4020. No protests were filed in response to the notice.

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

Certificate: 94900 in the name of M. M. DAVIES (perfected under Permit G-7312)

Use: IRRIGATION of 36.7 ACRES

Priority Date: MARCH 14, 1977

Rate: 0.46 CUBIC FEET PER SECOND

Limit/Duty: The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands, shall be limited to ONE-EIGHTIETH of one cubic foot per second per acre, or its equivalent for each acre irrigated and shall be further limited to a diversion of not to exceed 3.0 acre-feet per acre for each acre irrigated during the irrigation season of each year.

Source: A WELL a tributary of SOUTH FORK MALHEUR RIVER

Authorized Point of Appropriation:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
27 S	35 E	WM	17	NW NW	30 FEET SOUTH AND 540 FEET EAST FROM THE NW CORNER OF SECTION 17

Authorized Place of Use:

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
27 S	35 E	WM	18	SE NE	36.7

7. Transfer Application T-13450 proposes to move the authorized point of appropriation approximately 0.6 mile from the existing point of appropriation to:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
27 S	35 E	WM	17	NW NW	WELL #5 - 2620 FEET SOUTH AND 1055 FEET WEST FROM THE NE CORNER OF SECTION 18

Transfer Review Criteria (OAR 690-380-4010)

8. Water has been used within the last five years. There is no information in the record that would demonstrate that the right is subject to forfeiture under ORS 540.610.
9. A pump, pipeline, and sprinkler system sufficient to use the full amount of water allowed under the existing right were present within the five-year period prior to submittal of Transfer Application T-13450.
10. The proposed change would not result in enlargement of the right.

11. The proposed change would not result in injury to other water rights.
12. All other application requirements are met.

Conclusions of Law

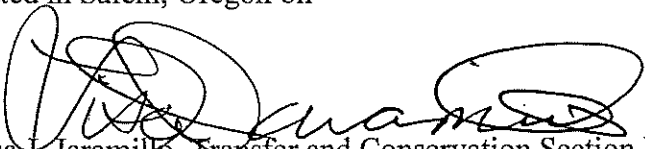
The change in point of appropriation proposed in Transfer Application T-13450 is consistent with the requirements of ORS 537.705 and 540.505 to 540.580 and OAR 690-380-5000.

Now, therefore, it is ORDERED:

1. The change in point of appropriation proposed in Transfer Application T-13450 is approved.
2. The right to the use of the water is restricted to beneficial use at the place of use described, and is subject to all other conditions and limitations contained in Certificate 52037 and any related decree.
3. Water right Certificate 94900 is cancelled. A new certificate will be issued describing that portion of the right not affected by this transfer.
4. The quantity of water diverted at the new point of appropriation (Well #5), shall not exceed the quantity of water lawfully available at the original point of appropriation (Well #4).
5. Water use measurement conditions:
 - a. Before water use may begin under this order, the water user shall install a totalizing flow meter, or, with prior approval of the Director, another suitable measuring device, at each point of appropriation.
 - b. The water user shall maintain the meters or measuring devices in good working order.
 - c. The water user shall allow the Watermaster access to the meters or measuring devices; provided however, where the meters or measuring devices are located within a private structure, the Watermaster shall request access upon reasonable notice.
6. Water shall be acquired from the same aquifer (water source) as the original point of appropriation.
7. Full beneficial use of the water shall be made, consistent with the terms of this order, on or before **October 1, 2022**. A Claim of Beneficial Use prepared by a Certified Water Right Examiner shall be submitted by the applicant to the Department within one year after the deadline for completion of the change and full beneficial use of the water.

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

Dated in Salem, Oregon on **APR 07 2021**


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

Mailing date: **APR 09 2021**

**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 # **134023**

INVOICE # _____

RECEIVED FROM: TJ Ranch LLC

APPLICATION	
PERMIT	
TRANSFER	<u>T-13450</u>

BY: _____

CASH: ☐ CHECK: # 132 OTHER: (IDENTIFY) ☐

TOTAL REC'D \$ 192.00

1083 TREASURY 4170 WRD MISC CASH ACCT

0407 COPIES 4618 \$
0207 OTHER: (IDENTIFY) Newspaper Notice \$ 192.00

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	\$		

WELL CONSTRUCTION

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

OTHER (IDENTIFY) _____

0536 TREASURY 0437 WELL CONST. START FEE

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

0607 TREASURY 0467 HYDRO ACTIVITY LIC NUMBER

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

TREASURY OTHER / RDX

FUND _____ TITLE _____

OBJ. CODE _____ VENDOR # _____

DESCRIPTION _____ \$ _____

RECEIPT: **134023**

DATED: 11-23-2020 BY: [Signature]

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

PUBLIC NOTICE

**Notice of Preliminary
Determination for
Water Right Transfer
T-13450**

T-13450 filed by Lou William Davies and Mary Josephine Davies, PO Box 3005, Princeton, OR 97721, proposes a change in point of appropriation under Certificate 52037. The right allow the use of 0.46 cubic foot per second from a well in Sec. 17, T27S, R35E, WM for irrigation in Sec. 18, T27S, R35E, WM. The applicant proposes to move the point of appropriation in Sec. 18, T27S, R35E, WM. The Water Resources Department proposes to approve the transfer, based on the requirements of ORS Chapter 540 and OAR 690-380-5000.

Any person may file, jointly or severally, a protest or standing statement within 30 days after the last date of newspaper publication of this notice, 02/24/2021. Call (503) 986-0815 to obtain additional information. If no protests are filed, the Department will issue a final order consistent with the preliminary determination.

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

Publish Feb 17 and 24, 2021

RECEIVED

MAR 01 2021

OWRD

BURNS TIMES-HERALD

355 N. Broadway, Burns, Oregon 97720

AFFIDAVIT OF PUBLICATION

STATE OF OREGON

(
(S.S.

County of Harney

I Brian Graham, being first and duly sworn, depose and say that I am the Advertising Manager of the Burns Times-Herald, a newspaper of general circulation, as defined by ORS 193.010 and 193.020, published at Burns, in the aforesaid County and State by the Burns Times-Herald that the

Public Notice: T-13450

a printed copy of which is hereto annexed, was published in the said newspaper for

2 successive and consecutive weeks in the following issues:

Dates of Publication: Feb 17 & 24, 2021

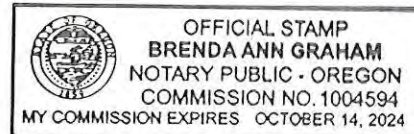
Signed

By Brian Graham, Advertising Manager
The Burns Times-Herald

Subscribed and sworn before me this 24th day of February 2021.

Brenda Graham

Notary Public for Oregon



No. _____

STATE OF OREGON
for the
COUNTY OF HARNEY

Filed _____, 21

Clerk

Deputy

From the Office of _____

Attorney for _____



Oregon
Kate Brown, Governor

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

February 9, 2021

Applicant

LOU WILLIAM DAVIES
MARY JOSEPHINE DAVIES
PO BOX 3005
PRINCETON, OR 97721

SUBJECT: Water Right Transfer Application T-13450

Please find enclosed the Preliminary Determination indicating that, based on the information available, the Department intends to approve application T-13450. This document is an intermediate step in the approval process; water may not be used legally as proposed in the transfer application until a Final Order has been issued by the Department. Please read this entire letter carefully to determine your responsibility for additional action.

A public notice is being published in the Department's weekly publication and in the Burns Time Herald newspaper, simultaneously with issuance of the Preliminary Determination. The notice initiates a period in which any person may file either a protest opposing the decision proposed by the Department in the Preliminary Determination or a standing statement supporting the Department's decision. The protest period will end 30 days after the last date of newspaper publication.

If no protest is filed, the Department will issue a Final Order consistent with the Preliminary Determination. You should receive a copy of the Final Order about 30 days after the close of the protest period.

If a protest is filed, the application may be referred to a contested case proceeding. A contested case provides an opportunity for the proponents and opponents of the decision proposed in the Preliminary Determination to present information and arguments supporting their position in a quasi-judicial proceeding.

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

Sincerely,

Scott Grew

Transfer Specialist

cc: Transfer Application file T-13450
J R. Johnson, District 10 Watermaster *(via e-mail)*
Robert D. Baggett, CWRE # *(via e-mail)*

encs

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

In the Matter of Transfer Application	)	PRELIMINARY DETERMINATION
T-13450, Harney County	)	PROPOSING APPROVAL OF A
	)	CHANGE IN POINT OF
	)	APPROPRIATION

Authority

Oregon Revised Statutes (ORS) 537.705 and 540.505 to 540.580 establish the process in which a water right holder may submit a request to transfer the point of appropriation, place of use, or character of use authorized under an existing water right. Oregon Administrative Rules (OAR) Chapter 690, Division 380 implement the statutes and provides the Department's procedures and criteria for evaluating transfer applications.

Applicant

LOU WILLIAM DAVIES
MARY JOSEPHINE DAVIES
PO BOX 3005
PRINCETON, OR 97721

Findings of Fact

1. On May 22, 2020, LOU WILLIAM DAVIES and MARY JOSEPHINE DAVIES filed an application to change the point of appropriation under Certificate 52037. The Department assigned the application number T-13450.
2. Notice of the application for transfer was published on June 9, 2020, pursuant to OAR 690-380-4000. No comments were filed in response to the notice.
3. On October 27, 2020, Transfer Application T-12869 was approved and entered in Special Order Volume 117, pages 798-801. Transfer Application T-12869 cancelled Water Right Certificate 52037. Certificate 94900 was issued to describe lands not affected by Transfer Application T-12869.
4. On October 22, 2020, the Department sent a copy of the draft Preliminary Determination proposing to approve Transfer Application T-13450 to the applicants. The draft Preliminary Determination cover letter set forth a deadline of November 21, 2020, for the applicants to respond. The applicants requested that the Department proceed with issuance of a Preliminary Determination and provided the necessary information to demonstrate that the applicant is authorized to pursue the transfer.

Pursuant to OAR 690-380-4030, any person may file a protest or standing statement within 30 days after the last date of publication of notice of this preliminary determination.

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

Certificate: 94900 in the name of M. M. DAVIES (perfected under Permit G-7312)
Use: IRRIGATION of 36.7 ACRES
Priority Date: MARCH 14, 1977
Rate: 0.46 CUBIC FEET PER SECOND
Limit/Duty: The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands, shall be limited to ONE-EIGHTIETH of one cubic foot per second per acre, or its equivalent for each acre irrigated and shall be further limited to a diversion of not to exceed 3.0 acre-feet per acre for each acre irrigated during the irrigation season of each year.
Source: A WELL a tributary of SOUTH FORK MALHEUR RIVER

Authorized Point of Appropriation:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
27 S	35 E	WM	17	NW NW	30 FEET SOUTH AND 540 FEET EAST FROM THE NW CORNER OF SECTION 17

Authorized Place of Use:

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
27 S	35 E	WM	18	SE NE	36.7

6. Transfer Application T-13450 proposes to move the authorized point of appropriation approximately 0.6 mile from the existing point of appropriation to:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
27 S	35 E	WM	17	NW NW	WELL #5 - 2620 FEET SOUTH AND 1055 FEET WEST FROM THE NE CORNER OF SECTION 18

Transfer Review Criteria (OAR 690-380-4010)

7. Water has been used within the last five years. There is no information in the record that would demonstrate that the right is subject to forfeiture under ORS 540.610.
8. A pump, pipeline, and sprinkler system sufficient to use the full amount of water allowed under the existing right were present within the five-year period prior to submittal of Transfer Application T-13450.
9. The proposed change would not result in enlargement of the right.
10. The proposed change would not result in injury to other water rights.
11. All other application requirements are met.

Determination and Proposed Action

The change in point of appropriation proposed in Transfer Application T-13450 appears to be consistent with the requirements of ORS 537.705 and 540.505 to 540.580 and OAR 690-380-5000. If protests are not filed pursuant to OAR 690-380-4030, the application will be approved.

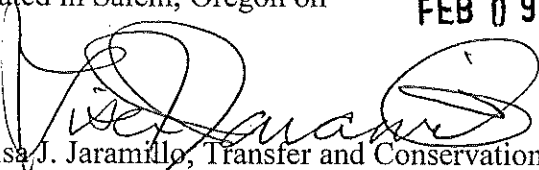
If Transfer Application T-13450 is approved, the final order will include the following:

- 1. The change in point of appropriation proposed in Transfer Application T-13450 is approved.*
- 2. The right to the use of the water is restricted to beneficial use at the place of use described, and is subject to all other conditions and limitations contained in Certificate 52037 and any related decree.*
- 3. Water right Certificate 94900 is cancelled. A new certificate will be issued describing that portion of the right not affected by this transfer.*
- 4. The quantity of water diverted at the new point of appropriation (Well #5), shall not exceed the quantity of water lawfully available at the original point of appropriation (Well #4).*
- 5. Water use measurement conditions:*
 - a. Before water use may begin under this order, the water user shall install a totalizing flow meter, or, with prior approval of the Director, another suitable measuring device, at each point of appropriation.*
 - b. The water user shall maintain the meters or measuring devices in good working order.*
 - c. The water user shall allow the Watermaster access to the meters or measuring devices; provided however, where the meters or measuring devices are located within a private structure, the Watermaster shall request access upon reasonable notice.*
- 6. Water shall be acquired from the same aquifer (water source) as the original point of appropriation.*
- 7. Full beneficial use of the water shall be made, consistent with the terms of this order, on or before **October 1, 2022**. A Claim of Beneficial Use prepared by a Certified Water Right Examiner shall be submitted by the applicant to the Department within one year after the deadline for completion of the change and full beneficial use of the water.*

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

Dated in Salem, Oregon on

FEB 09 2021


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

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

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

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

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

Lou William Davies
Mary Josephine Davies
PO Box 3005
Princeton, OR 97721

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

November 13, 2020

RE: Water Right Transfer Application T-13450

We are responding to the draft of the departments preliminary determination regarding the transfer application T-13450. We are wanting to move forward and are in the process. We thought we would have all the required documents to send in together by the deadline of November 21, 2020. We still believe we will but just in case we do not receive the Land Title documents in a timely fashion we are going ahead and sending this letter solo to show we are wanting to proceed with the application. Hopefully within a couple of days we will be sending everything necessary. Our mail all goes to Portland and is dispersed from there. At times it does not all go smoothly.

Sincerely,

A handwritten signature in cursive script that reads "Mary Jo Davies".

Mary Jo Davies
Lou W. Davies

RECEIVED
NOV 19 2020
OWRD



Property Profile

Prepared For:

State of Oregon Water Resources Dept.

Property Address:

48647 Highway 78, Princeton, OR 97721

Property Parcel Number:

November 12, 2020

RECEIVED

NOV 23 2020

OWRD

Includes the following:

- Tax Information
- Plat Map
- Last Vesting Document

Prepared by:

Please email your customer service requests to burns@amerititle.com

Serving Harney County!

The following information is provided at no cost and is for informational purposes only. This report is based on a search of our tract indexes of the county records. This is not a title or ownership report and no examination of the title to the property described has been made. For this reason, the company assumes no liability for any errors or omissions contained herein.

RECEIVED

NOV 23 2020

OWRD

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

TS Ranch LLC
PO Box 3005
Princeton, OR 97721

After recording return to:

Lou W. & Mary J. Davies
PO Box 3005
Princeton, OR 97721

HARNEY COUNTY, OR
DEED-BSD

2018-1721

12/13/2018 11:20 AM

Pgs=3

Total:\$91.00



00017594201800017210030030

I, Derrin Robinson, County Clerk for Harney
County, Oregon certify that the instrument
identified herein was recorded in the Co.
Clerk's records.

Derrin Robinson
Derrin E. Robinson, Harney County Clerk



BARGAIN AND SALE DEED

Lou W. Davies and Mary J. Davies, Husband and Wife, Grantors, convey to TS Ranch LLC an Oregon Limited Liability Company, Grantee, the following described real property:

**See Exhibit A attached hereto and
by this reference incorporated herein**

BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON TRANSFERRING FEE TITLE SHOULD INQUIRE ABOUT THE PERSON'S RIGHTS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, SECTIONS 2 TO 9 AND 1, CHAPTER 855, OREGON LAWS 2009, AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010. THIS INSTRUMENT DOES NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY THAT THE UNIT OF LAND BEING TRANSFERRED IS A LAWFULLY ESTABLISHED LOT OR PARCEL, AS DEFINED IN ORS 92.010 OR 215.010, TO VERIFY THE APPROVED USES OF THE LOT OR PARCEL, TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES, AS DEFINED IN ORS 30.930, AND TO INQUIRE ABOUT THE RIGHTS OF NEIGHBORING PROPERTY OWNERS, IF ANY, UNDER ORS 195.300, 195.301, AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009, AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010 SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009, AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010.

The true consideration for this conveyance is other property or value was either part or the whole consideration.

RECEIVED

NOV 23 2020

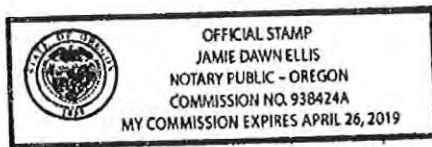
OWRD

IN WITNESS WHEREOF, the Grantor has executed this instrument

Lou W. Davies 12-13-2018
Lou W. Davies date

Mary Jo Davies 12-13-2018
Mary Jo Davies date

Lou W. Davies and Mary J. Davies personally appeared before me, a Notary Public, known or identified to me to be the persons whose names are subscribed to the written instrument, and acknowledged to me that they executed the same.



Camie Ellis
Notary Public for Oregon
My Commission Expired: April 26, 2019

Harney County Real Legal Descriptions

11/14/2018 9:38:51 AM

Account # [REDACTED]

Map 27S35E0000-01500

Effective Date 01-Aug-2010 12:00 AM

Disclaimer This information is maintained for assessment and taxation purposes only. The county is not responsible for possible errors, omissions, misuse, or misinterpretation. The legal description shown will not show any changes and/or modifications thereto subsequent to the EFFECTIVE DATE.

Subdivision	Block	Lot	Direction	Part	Part Type
-------------	-------	-----	-----------	------	-----------

Metes and Bounds

T 27 S., R 35 E., W.M. TL 1500
LAND IN HARNEY COUNTY, OREGON, AS FOLLOWS:
IN TOWNSHIP 27 S., RANGE 35 E., W.M.
SECTION 18: E1/2NE1/4

RECEIVED

NOV 23 2020

OWRD

NOV 23 2020

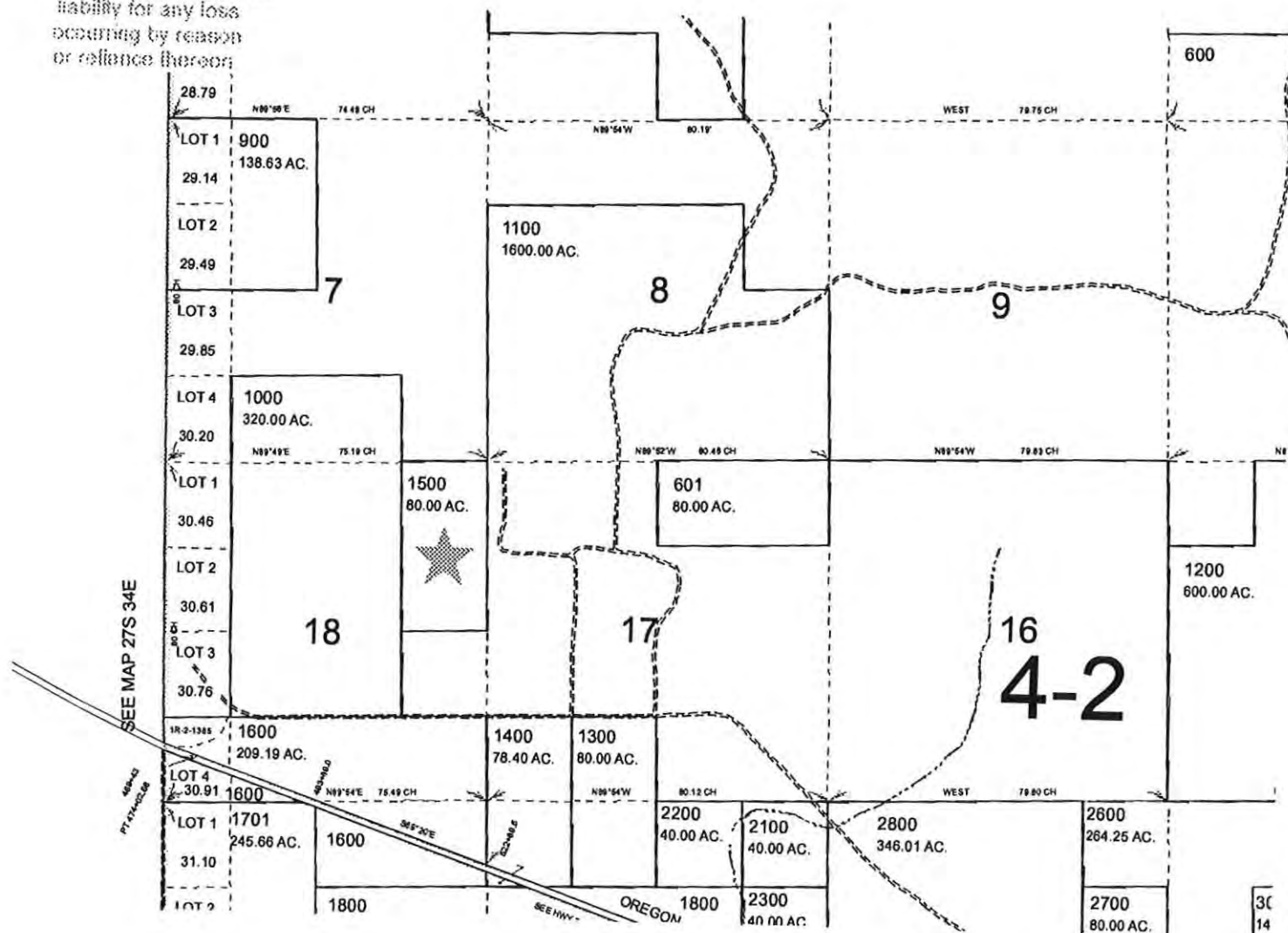
OWRD



COMPLIMENTS OF
AmeriTitle

This sketch 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 or reliance thereon.



Application for Water Right
Transfer
Consent by Deeded Landowner



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

RECEIVED

NOV 23 2020

OWRD

State of Oregon)
County of Harney)ss

Lou William Davies
Mary Josephine Davies
I in my/our capacity as owners of the water rights and members of
TS Ranch LLC

mailing address P.O. Box 3005 Princeton, OR. 97721

telephone number 541 493 2693, duly sworn depose and say that I

consent to the proposed change(s) to Water Right Certificate Number 52037

described in a Transfer Application (T-13450) submitted by Lou William Davies } TS Ranch LLC
Mary Josephine Davies }

on the property in tax lot number(s) 1500, Section 18-E 1/2 NE 4, Township 27S.

North, Range 35 East, W.M., located at 53502 Anderson Valley Rd.
Princeton, OR. 97721
(site address)

Mary Josephine Davies
Signature of Affiant

11/17/2020
Date

Lou William Davies
Signature of Affiant

11-17-2020
Date

Subscribed and Sworn to before me this 17 day of November, 2020 ^{FA}



Tammera Sue Attleberger
Notary Public for Oregon

My commission expires 9/8/2024



Contact Information

(Click to Collapse...)

Contact information

OWNER:
M DAVIES
PO BOX 10 S
PRINCETON, OR 97721

Water Right Information

(Click to Collapse...)

Status: Cancelled

County: Harney

File Folder Location: Salem

Watermaster District: 10

Scanned Documents

(Click to Expand...)

Point(s) of Diversion

(Click to Collapse...)

▶ **POD 1 - A WELL > SOUTH FORK MALHEUR RIVER; CN** (View Groundwater Site HARN0001514)

Place(s) of Use

(Click to Collapse...)

Use - IRRIGATION

(Primary) - 114.5 acres; Priority Date: 3/14/1977

Water Right Genealogy

(Click to Collapse...)

↳ Cert:52037 OR CN

↳ Inchoate: T 12869 CF (REG)*

↳ Cert:94900 (T 12869 RB)*

View Water Rights in same Family

Report Errors with Water Right Data

Processing History

(Click to Expand...)

▶ Application: G 7921

▶ Permit: G 7312 [document](#) , [paper map](#)

▼ Certificate: 52037 [document](#) , [paper map](#)

▶ Signature: 5/29/1984

▶ Type: Original

Transfer(s)

Transfer	Transfer type	Status
▶ T12869 (Changes this right)	Regular	Approved
▶ T13450 (Changes this right)	Regular	Under Review
▶ View right with Web Mapping		
▶ View Places of Use from Water Rights in the Same Area		

RECEIVED

NOV 23 2020

OWRD

Add TRS grouping

Lou William & Mary Josephine Davies
PO Box 3005
Princeton, OR 97721

RECEIVED

NOV 23 2020

OWRD

Water Resources Department
Attn: Scott Grew
725 Summer St. NE, Suite A
Salem, OR 97301

November 18, 2020

RE: T-13450 Transfer Application

We are wanting to proceed with the water rights transfer and agree to follow through as outlined in the letter. With this letter we are sending the Land Title property profile, the fee for posting in the local newspaper, and an Affidavit for consent by landowner. We also downloaded a copy of the original water rights certificate 52037 that belonged to Lou's father.

If you are in need of any other documents, information, and or clarification we may be reached via email at maryjodavies@hotmail.com or 541-493-2693.

Sincerely,

A handwritten signature in cursive script, appearing to read "Mary Jo Davies".

Lou & Mary Jo Davies

STATE OF OREGON
COUNTY OF HARNEY
CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

M. M. DAVIES
P.O. BOX 10 S.
PRINCETON, OR 97721

confirms the right to use the waters of a WELL a tributary of SOUTH FORK MALHEUR RIVER for IRRIGATION of 36.7 ACRES.

This right was perfected under Permit G-7312. The date of priority is MARCH 14, 1977. The amount of water to which this right is entitled is limited to an amount actually used beneficially, and shall not exceed 0.46 CUBIC FOOT PER SECOND or its equivalent in case of rotation, measured at the point of diversion from the well.

The well is located as follows:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
27 S	35 E	WM	17	NW NW	30 FEET SOUTH AND 540 FEET EAST FROM THE NW CORNER OF SECTION 17

The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands, shall be limited to ONE-EIGHTIETH of one cubic foot per second per acre, or its equivalent for each acre irrigated and shall be further limited to a diversion of not to exceed 3.0 acre-feet per acre for each acre irrigated during the irrigation season of each year and shall conform to such reasonable rotation system as may be ordered by the proper state officer.

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

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
27 S	35 E	WM	18	SE NE	36.7

This certificate describes that portion of water right Certificate 52037, State Record of Water Right Certificates, NOT modified by the provisions of an order of the Water Resources Director entered OCT 27 2020, approving Transfer Application T-12869.

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.

WITNESS the signature of the Water Resources Director, affixed OCT 27 2020.



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



Oregon

Kate Brown, Governor

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

October 22, 2020

Applicant

LOU WILLIAM DAVIES
MARY JOSEPHINE DAVIES
PO BOX 3005
PRINCETON, OR 97721

Reference: Water Right Transfer Application T-13450

Your water right transfer is in the first of three phases of processing. Enclosed is a draft of the Department's Preliminary Determination regarding Transfer Application T-13450. The document reflects the Department's conclusion that, based on the information currently available, the transfer will be approved.

Items needed before the next phase of processing...

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

Conditions to your water right...

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

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

What happens next...

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

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

1. Your written response to the conditions and proposed action in the draft Preliminary Determination (e-mail is acceptable); and
2. Report of ownership, and affidavits of consent from any landowners shown in the ownership report who have not signed the transfer application;

If we do not receive the items listed above by November 21, 2020, a Preliminary Determination may be issued denying the application as incomplete.

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

Sincerely,

Scott Grew

Transfer Specialist

cc: Transfer Application file T-13450
J R. Johnson, District 10 Watermaster (*via e-mail*)
Robert D. Bagett, CWRE # (*via e-mail*)

encs

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

In the Matter of Transfer Application
T-13450, Harney County

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

Authority

Oregon Revised Statutes (ORS) 537.705 and 540.505 to 540.580 establish the process in which a water right holder may submit a request to transfer the point of appropriation, place of use, or character of use authorized under an existing water right. Oregon Administrative Rules (OAR) Chapter 690, Division 380 implement the statutes and provides the Department's procedures and criteria for evaluating transfer applications.

Applicant

LOU WILLIAM DAVIES
MARY JOSEPHINE DAVIES
PO BOX 3005
PRINCETON, OR 97721

Findings of Fact

1. On May 22, 2020, LOU WILLIAM DAVIES and MARY JOSEPHINE DAVIES filed an application to change the point of appropriation under Certificate 52037. The Department assigned the application number T-13450.
2. Notice of the application for transfer was published on June 9, 2020, pursuant to OAR 690-380-4000. No comments were filed in response to the notice.

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

Certificate: 52037 in the name of M. M. DAVIES (perfected under Permit G-7312)
Use: IRRIGATION of 36.7 ACRES
Priority Date: MARCH 14, 1977
Rate: 0.46 CUBIC FEET PER SECOND
Limit/Duty: The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands, shall be limited to ONE-EIGHTIETH of one cubic foot per second per acre, or its equivalent for each acre irrigated and shall be further limited to a diversion of not to exceed 3.0 acre-feet per acre for each acre irrigated during the irrigation season of each year.
Source: A WELL a tributary of SOUTH FORK MALHEUR RIVER

Authorized Point of Appropriation:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
27 S	35 E	WM	17	NW NW	30 FEET SOUTH AND 540 FEET EAST FROM THE NW CORNER OF SECTION 17

Authorized Place of Use:

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
27 S	35 E	WM	18	SE NE	36.7

4. Transfer Application T-13450 proposes to move the authorized point of appropriation approximately 0.6 mile from the existing point of appropriation to:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
27 S	35 E	WM	17	NW NW	WELL #5 - 2620 FEET SOUTH AND 1055 FEET WEST FROM THE NE CORNER OF SECTION 18

Transfer Review Criteria (OAR 690-380-4010)

- Water has been used within the last five years. There is no information in the record that would demonstrate that the right is subject to forfeiture under ORS 540.610.
- A pump, pipeline, and sprinkler system sufficient to use the full amount of water allowed under the existing right were present within the five-year period prior to submittal of Transfer Application T-13450.
- The proposed change would not result in enlargement of the right.
- The proposed change would not result in injury to other water rights.
- All other application requirements are met.

Determination and Proposed Action

The change in point of appropriation proposed in Transfer Application T-13450 appears to be consistent with the requirements of ORS 537.705 and 540.505 to 540.580 and OAR 690-380-5000. If protests are not filed pursuant to OAR 690-380-4030, the application will be approved.

If Transfer Application T-13450 is approved, the final order will include the following:

- The change in point of appropriation proposed in Transfer Application T-13450 is approved.*
- The right to the use of the water is restricted to beneficial use at the place of use described, and is subject to all other conditions and limitations contained in Certificate 52037 and any related decree.*
- Water right Certificate 52037 is cancelled. A new certificate will be issued describing that portion of the right not affected by this transfer.*

4. *The quantity of water diverted at the new point of appropriation (Well #5), shall not exceed the quantity of water lawfully available at the original point (Well #4) of appropriation.*
5. *Water use measurement conditions:*
 - a. *Before water use may begin under this order, the water user shall install a totalizing flow meter, or, with prior approval of the Director, another suitable measuring device, at each point of appropriation.*
 - b. *The water user shall maintain the meters or measuring devices in good working order.*
 - c. *The water user shall allow the Watermaster access to the meters or measuring devices; provided however, where the meters or measuring devices are located within a private structure, the Watermaster shall request access upon reasonable notice.*
6. *Water shall be acquired from the same aquifer (water source) as the original point of appropriation.*
7. *Full beneficial use of the water shall be made, consistent with the terms of this order, on or before **October 1, 2022**. A Claim of Beneficial Use prepared by a Certified Water Right Examiner shall be submitted by the applicant to the Department within one year after the deadline for completion of the change and full beneficial use of the water.*
8. *After satisfactory proof of beneficial use is received, a new certificate confirming the right transferred will be issued.*

Dated in Salem, Oregon on

D R A F T

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

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

Oregon Water Resources Department**Measurement Condition Information for the Applicant**
*(to be sent with the Draft Preliminary Determination or Final Order)*Transfer #: T-13450

- ☒ In order to avoid enlargement of the right or injury to other rights, a Totalizing flow meter will be required to be installed prior to diversion of water, as a condition of this transfer:
- ☒ at each point of diversion/appropriation (new and existing) or
☐ at each new point of diversion/appropriation.

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

Watermaster name: JR JohnsonDistrict: 10Address: 450 N Buena VistaCity/State/Zip: Burns, OR 97720Phone: 541 573 2764Email: jr.johnson@wr.d.state.or.us

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

November 3, 2020

Applicant

LOU WILLIAM DAVIES
MARY JOSEPHINE DAVIES
PO BOX 3005
PRINCETON, OR 97721

SUBJECT: Water Right Transfer Application T-13450

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

Items needed before the next phase of processing...

At this time you need to:

1. submit a check for \$ 192.00 (to cover cost of publication of the notice), made out to the Oregon Water Resources Department.
2. **write "for T-13450 NOTICE" on the front of your check, and**
3. submit it with the tracking stub at the bottom of this letter.

Mail the check to 725 Summer St. NE, Suite A, Salem, OR 97301-1266, **no later than December 3, 2020.**

What happens next...

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

If we do not receive payment for newspaper notice by December 3, 2020, a Preliminary Determination may be issued denying the application as incomplete.

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

Sincerely,

Scott Grew

Transfer Specialist

cc: T-13450
J R. Johnson- District 10 Watermaster (via e-mail)

✂-----

Attached is a check for \$ 192.00 (PCA #46118) for Newspaper Notice for Transfer T-13450 made out to Oregon Water Resources Department (or WRD)

- **"for T-13450 NOTICE" written on front of check**

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

Caseworker: Scott Grew

GREW Scott A * WRD

From: BAUSTIAN Julie C * WRD
Sent: Tuesday, November 3, 2020 1:42 PM
To: GREW Scott A * WRD
Subject: t-13450

Hi there,

I received a quote back for 13450. Total for two weeks is \$192.



[Julie Baustian](#)

Water Right Support
725 Summer Street NE Ste A
Salem, Oregon 97301 | Phone 503-986-0815



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

**Notice of Preliminary Determination for
Water Right Transfer T-13450**

T-13450 filed by Lou William Davies and Mary Josephine Davies, PO Box 3005, Princeton, OR 97721, proposes a change in point of appropriation under Certificate 52037. The right allow the use of 0.46 cubic feet per second from a well in Sec. 17, T27S, R35E, WM for irrigation in Sec. 18, T27S, R35E, WM. The applicant proposes to move the point of appropriation in Sec. 18, T27S, R35E, WM. The Water Resources Department proposes to approve the transfer, based on the requirements of ORS Chapter 540 and OAR 690-380-5000.

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

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



Oregon Water Resources Department Water Rights Platcard Report

- [Main](#)
- [Help](#)
- [Return](#)
- [Contact Us](#)

Search Criteria

Meridian: Willamette Township: 27 South Range: 35 East Section: 18 Records per Page: 100 [Search](#)

Platcards Maps!
[Learn about](#) * [View Map](#)

Water Right	Changing Xfers	Priority	Use	Use Status	DLC	Gov't Lot	QQ(40): Q(160):	NE NE	NW NE	SW NE	SE NE	NE NW	NW NW	SW NW	SE NW	NE SW	NW SW	SW SW	SE SW	NE SE	NW SE	SW SE	SE SE	Unknown QQ
Select Cert:52037 OR * Additional Info: M DAVIES App: G7921 Permit: G7312 Cert: 52037	T12869, T13450	3/14/1977	IRRIGATION								36.7													
Select Cert:94289 OR * Additional Info: LOU WILLIAM DAVIES App: G15909 Permit: G15484 Cert: 94289		1/9/2003	IRRIGATION					23	31	40		40			40	33.9					40			
Select Cert:95199 OR * Additional Info: ANDREA DAVIES App: G17441 Permit: G16854 Cert: 95199		12/1/2010	IRRIGATION																	39.5				

Acreage Legend: 12.25 Regular acreage

~~12.25~~ Acreage is on a canceled right

(12.25) Acreage is part of a transfer and has not been proven up on yet (inchoate)

[12.25] Acreage has been suspended

* Acreage is not specified

No Conflict

Regular Transfer Review Checklist

T-13450

Caseworker: Scott

TYPE OF TRANSFER	
☒	POD, APOD or POA, APOA and/or Place of Use (690-380-2110 and 690-380-2200)
Transfers Requiring Supplemental Review Criteria	
☐	Character of Use (690-380-2300)
☐	Instream, ORS 537.348, (690-380-2200, 690-380-2300 and 690-077-065 thru 075)
☐	Consent to Injury of Instream (CTI) ORS 540.530, (690-380-5050)
☐	Surface Water to Ground Water (SW to GW), ORS 540.531, (690-380-2130)
☐	Supplemental Use to Primary Use (S to P), ORS 540.524, (690-380-2320)
If transfer type not listed above, see separate checklists	

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

PR Initials

[Signature]

BASIC APPLICATION REVIEW and NOTICE (OAR 680-380-3000 and -4000)					
CW	N/A		CW	N/A	
☒		Appropriately signed	☒	☐	Check Area of Interest – Print if needed, include in WRIS stakeholder as interested party
☒		All required Attachments Received	☒	☐	Ditch Co., Irr. Dist and/or BOR sent copies
☐		Appropriate Fees Paid	☒	☐	Overpayment of Fees, Refund Request w/FO
☒	☐	Local Government [County] noticed Copy of Acknowledgment Letter	☒	☐	OWRD Land Use Form matches Tax Lots, is signed by proper official and is APPROVED N/A = Must meet all 4 criteria for exemption (OAR 690-380-3000(19))

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

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

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

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

PR Initials



Amended Application Pages and Maps

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

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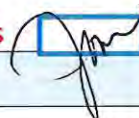
Layered and Supplemental Water Rights (OAR 690-380-2240)

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

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TRANSFER REVIEW Criteria (OAR 690-380-4010)

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

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

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

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[Signature]

Additional Findings of Fact

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

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[Signature]

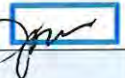
Additional Conditions and Provisions under Review Criteria

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

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

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Determination and Conclusions of Law

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

Determination and Conclusions of Law (Cont'd)

Based on review of the record, the proposed change(s) would not result in injury to other water rights. OR, if denial The proposed change(s) would result in the routing of return flows around at least one diversion of other existing water rights, resulting in injury to those rights. OR An instream water right, Certificate XXXXX, exists for the reach of the river in which the authorized point of diversion would be moved upstream, and streamflows within the reach are frequently below the levels allocated under the instream water right. Thus, the instream water right would be injured as a result of the proposed change in point of diversion.	The proposed change(s) would not result in injury to other water rights. OR The proposed change would result in injury to other water rights. OR The proposed change would result in injury to the instream water right. [See consent to injury]
☐ The application is complete. OR ☐ The application is incomplete	☐ All other application requirements are met. OR ☐ The application is incomplete because . . . _____

Ensure all conditions are carried forward in Order section.

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☒ N/A Denial of Transfer (OAR 690-380-4010(3))	
OAR 690-380-4010(3)(a) Describe the basis for the denial	☐ ☐ Injury ☐ Enlargement ☐ Deficiencies not rectified
OAR 690-380-4010(3)(b) Identify conditions or restrictions that, if included in the transfer, would allow approval of the transfer	☐ Examples: consent to injury; amend application to remove well ☐ Yes Approve with conditions _____ _____ _____ _____ _____ ☐ No Must be denied

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DRAFT PRELIMINARY DETERMINATION**Document Preparation**

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

Cover Letter

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

Remaining Right Certificate(s)

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

COMMENTS

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PRELIMINARY DETERMINATION**Public/Newspaper Notice**

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

Ownership Verification

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

Document Preparation

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

Cover Letter

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

Remaining Right Certificate(s)

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

Data Center Review

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

COMMENTS

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FINAL ORDER**Document Preparation**

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

Remaining Right Certificate

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

COMMENTS

Oregon Water Resources Department

Measurement Condition Information for the Applicant
(to be sent with the Draft Preliminary Determination or Final Order)

Transfer #: T-13450

- ☒ In order to avoid enlargement of the right or injury to other rights, a Totalizing flow meter will be required to be installed prior to diversion of water, as a condition of this transfer:
- ☒ at each point of diversion/appropriation (new and existing) or
☐ at each new point of diversion/appropriation.

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

Watermaster name: JR JohnsonDistrict: 10Address: 450 N Buena VistaCity/State/Zip: Burns, OR 97720Phone: 541 573 2764Email: jr.johnson@wrdd.state.or.us

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

Groundwater Transfer Review Summary Form

Transfer/PA # T- 13450

GW Reviewer Phil Marcy Date Review Completed: 07/28/2020

Summary of Same Source Review:

☐ The proposed change in point of appropriation is not within the same aquifer as per OAR 690-380-2110(2).

Summary of Injury Review:

☐ The proposed transfer will result in another, existing water right not receiving previously available water to which it is legally entitled or result in significant interference with a surface water source as per 690-380-0100(3).

Summary of GW-SW Transfer Similarity Review:

☐ The proposed SW-GW transfer doesn't meet the definition of "similarly" as per OAR 690-380-2130.

This is only a summary. Documentation is attached and should be read thoroughly to understand the basis for determinations.



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

Ground Water Review Form:

- ☒ Water Right Transfer
☐ Permit Amendment
☐ GR Modification
☐ Other

Application: T-13450

Applicant Name: Lou and Mary Davies

Proposed Changes: ☒ POA ☐ APOA ☐ SW→GW ☐ RA
☐ USE ☐ POU ☐ OTHER

Reviewer(s): Phillip I. Marcy

Date of Review: 07/28/2020

Date Reviewed by GW Mgr. and Returned to WRSD: JTI 7/29/2020

The information provided in the application is insufficient to evaluate whether the proposed transfer may be approved because:

- ☐ The water well reports provided with the application do not correspond to the water rights affected by the transfer.
- ☐ The application does not include water well reports or a description of the well construction details sufficient to establish the ground water body developed or proposed to be developed.
- ☐ Other _____

1. Basic description of the changes proposed in this transfer: The applicant proposes to change POA wells from "Well 4", which is authorized to pump 1.43 cfs under Certificate 52037, to "Well 5". The tag number for the proposed replacement well is L-26619, corresponding to well log ID HARN 51074.

2. Will the proposed POA develop the same aquifer (source) as the existing authorized POA?
☒ Yes ☐ No Comments: The authorized POA (HARN 1415) produces groundwater from horizons primarily described as "black" or "multicolored" lava, at depths below 214 feet. The proposed POA well, HARN 51074, is sealed into basalt, producing from "multicolored cinders" below 145 feet.

Groundwater in the alluvial sequence and subjacent volcanic and volcanoclastic materials is likely hydraulically connected, composing a single groundwater system occurring in different geologic units. Leonard (1970) found that near the edges of the valley there is likely good interconnection between alluvium and underlying volcanic rocks, which in turn are hydraulically connected between horizons at these margins. Additionally, water level data from wells nearby display remarkably similar elevations (see attached hydrograph), from wells that produce from volcanic deposits over a range of open interval depths..

3. a) Is there more than one source developed under the right (e.g., basalt and alluvium)?
☐ Yes ☒ No There is only one authorized POA on Certificate 52037.

b) If yes, estimate the portion of the right supplied by each of the sources and describe any limitations that will need to be placed on the proposed change (rate, duty, etc.): NA

4. a) Will this proposed change, at its maximum allowed rate of use, likely result in an increase in interference with **another ground water right**?

☒ Yes ☐ No Comments: The proposed POA location is significantly closer to nearby authorized GW POAs under permit G-16854 and Certificate 94289, the latter of which is under the name the applicant herein.

b) If yes, would this proposed change, at its maximum allowed rate of use, likely result in another groundwater right not receiving the water to which it is legally entitled?

☐ Yes ☒ No If yes, explain: Considering the closest POA well affected that does not belong to the applicant, at a distance of 1,650 feet from the proposed POA location, the impact of moving the source of groundwater pumping is unlikely to interfere with production at HARN 51727. Using a range of values from local pump tests, estimated drawdown induced by pumping at the proposed location ranges from 30-60', as compared to anticipated drawdown of 22-42' at the currently authorized POA location, which is 2,600 feet away. HARN 51727 is 232 feet in depth, and the change in anticipated drawdowns is not expected to result in this groundwater user to lose the ability to pump due to excessive seasonal drawdown caused by the proposed change.

5. a) Will this proposed change, at its maximum allowed rate of use, likely result in an increase in interference with **another surface water source**?

☐ Yes ☒ No Comments: The proposed POA location is not significantly closer to any surface water source.

b) If yes, at its maximum allowed rate of use, what is the expected change in degree of interference with any **surface water sources** resulting from the proposed change?

Stream: NA

☐ Minimal ☐ Significant

Stream: NA

☐ Minimal ☐ Significant

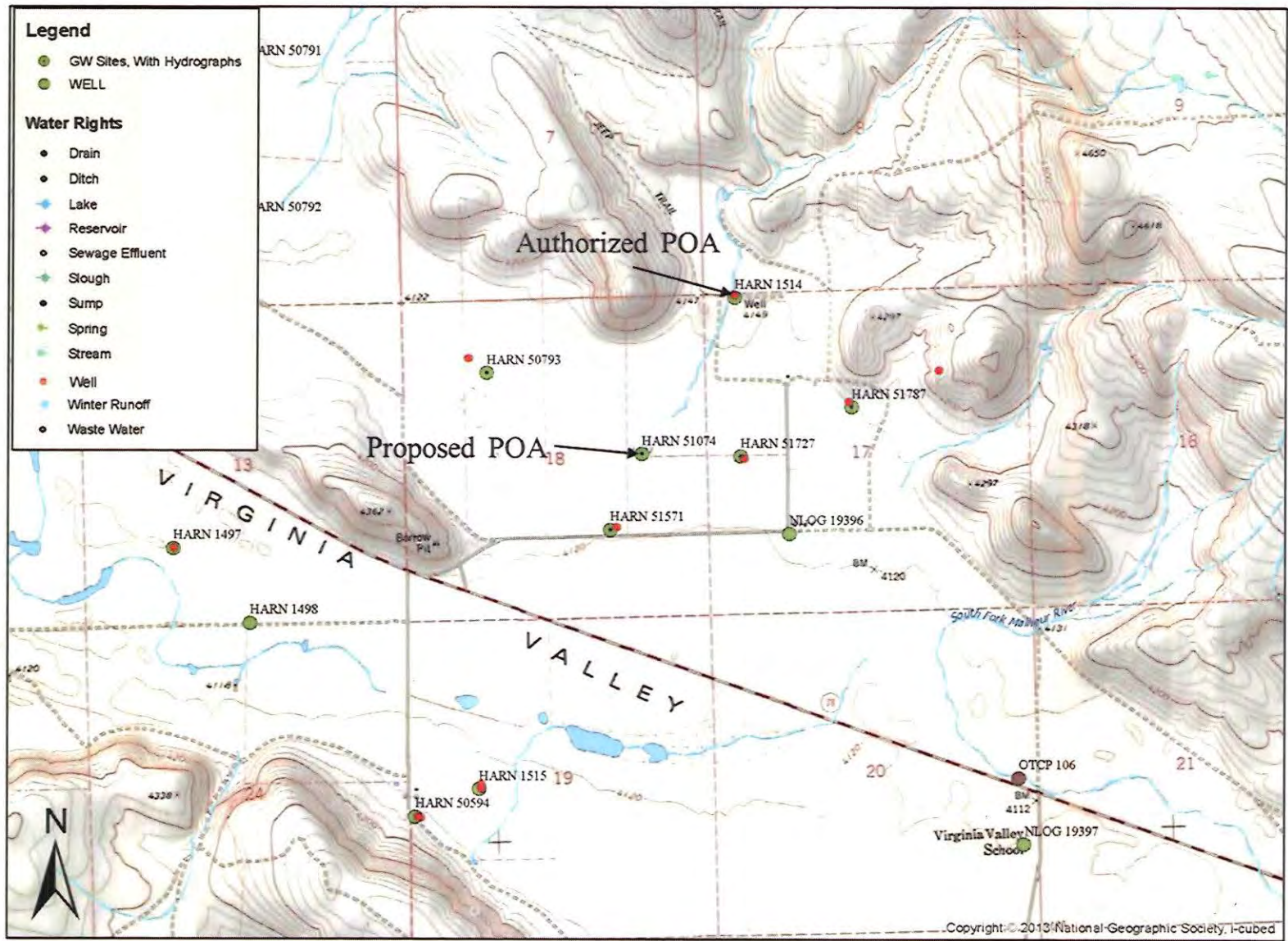
Provide context for minimal/significant impact: There are no perennial surface water sources within one mile.

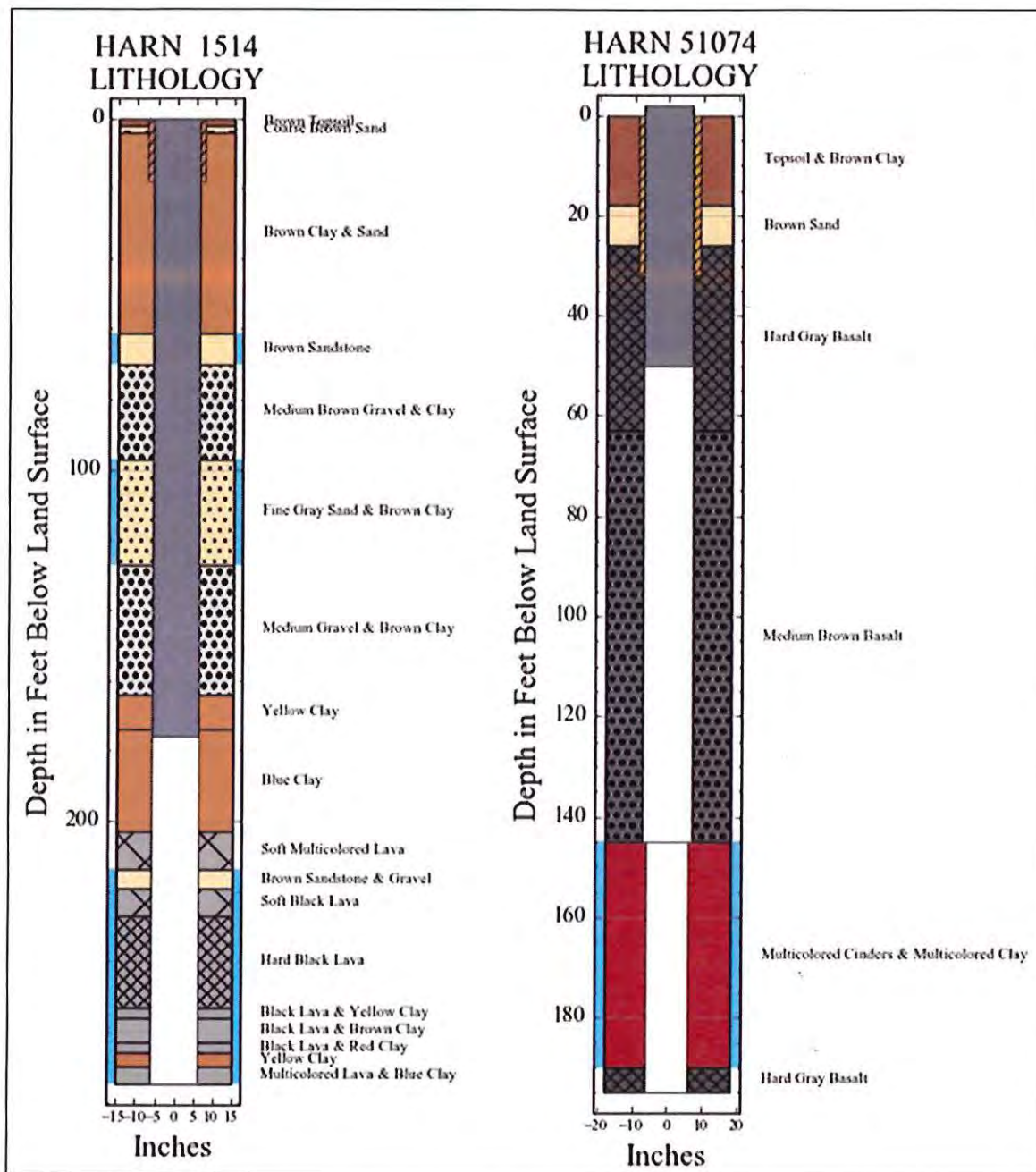
6. For SW-GW transfers, will the proposed change in point of diversion affect the surface water source similarly (as per OAR 690-380-2130) to the authorized point of diversion specified in the water use subject to transfer?

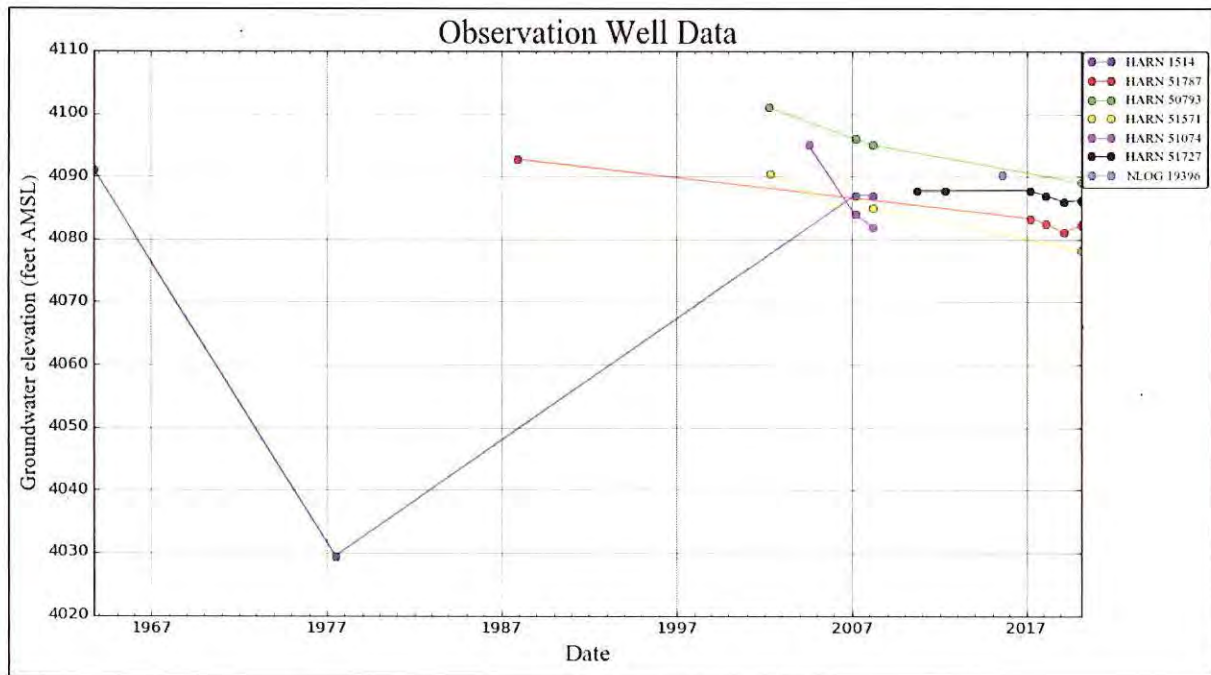
☐ Yes ☐ No Comments: NA

7. What conditions or other changes in the application are necessary to address any potential issues identified above: None.

8. Any additional comments: _____









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

Watermaster Review Form: Water Right Transfer

Transfer Application: T-13450

Review Due Date: _____

Applicant Name: Lou William & Mary Josphine Davies

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

Reviewer(s): _____

Date of Review: Jun. 4, 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. 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: _____
12. What alternatives may be available for addressing any issues identified above: N/A
13. 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 below:
- ☐ 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 3)
 - 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.*
 - 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 3)
 - 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-13450

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

- ☒ *at each point of diversion/appropriation (new and existing) or*
☐ *at each new point of diversion/appropriation.*

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

Watermaster name: JR Johnson

District: 10

Address: 450 N Buena Vista

City/State/Zip: Burns, OR 97720

Phone: 541 573 2764

Email: jr.johnson@wrdd.state.or.us

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

Causeworker Copies

690-10-GBC

STATE OF OREGON

COUNTY OF

HARNEY

CERTIFICATE OF WATER RIGHT

This is to certify, That M. M. DAVIES

of P. O. Box 10 S., Princeton, State of Oregon 97721, has made
proof to the satisfaction of the Water Resources Director, of a right to the use of the waters of
a well

a tributary of South Fork Malheur River for the purpose of
irrigation of 114.5 acres

under Permit No. G-7312 and that said right to the use of said waters has been perfected in
accordance with the laws of Oregon; that the priority of the right hereby confirmed dates from
March 14, 1977
that the amount of water to which such right is entitled and hereby confirmed, for the purposes aforesaid, is
limited to an amount actually beneficially used for said purposes, and shall not exceed
1.43 cubic feet per second

or its equivalent in case of rotation, measured at the point of diversion from the well. The well is
located in the NW 1/4 NW 1/4, Section 17, T27S, R35E,
WM; 30 feet South and 540 feet East from NW Corner Section 17.

The amount of water used for irrigation, together with the amount secured under any other right
existing for the same lands, shall be limited to one-eightieth of one cubic foot per second
per acre, or its equivalent for each acre irrigated and shall be further
limited to a diversion of not to exceed 3 acre-feet per acre for each acre
irrigated during the irrigation season of each year

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

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

38.8 acres NW 1/4 NW 1/4
39.0 acres SW 1/4 NW 1/4
Section 17
36.7 acres SE 1/4 NE 1/4
Section 18
Township 27 South, Range 35 East, WM

The right to the use of the water for the purposes aforesaid is restricted to the lands or place of use herein
described.

WITNESS the signature of the Water Resources Director, affixed

this date. May 29, 1984

William H. Young

Water Resources Director

Recorded in State Record of Water Right Certificates, Volume 47, page 52037

1111C

T-12869
Affected this
right & this
Trans-
T-13450
will work on the
remaining portions

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

In the Matter of Transfer Application	)	PRELIMINARY DETERMINATION
T-12869, Harney County	)	PROPOSING APPROVAL OF A
	)	CHANGE IN POINT OF
	)	APPROPRIATION

Authority

Oregon Revised Statutes (ORS) 537.705 and 540.505 to 540.580 establish the process in which a water right holder may submit a request to transfer the point of appropriation, place of use, or character of use authorized under an existing water right. Oregon Administrative Rules (OAR) Chapter 690, Division 380 implement the statutes and provides the Department's procedures and criteria for evaluating transfer applications.

Applicant

M MARTIN AND ANDREA DAVIES
48647 HWY 78
PRINCETON, OR 97721

Findings of Fact

1. On March 12, 2018, M MARTIN AND ANDREA DAVIES filed an application to change the point of appropriation under Certificate 52037. The Department assigned the application number T-12869.
2. Notice of the application for transfer was published on March 20, 2018, pursuant to OAR 690-380-4000. No comments were filed in response to the notice.
3. On November 5, 2018, the Department sent a copy of the draft Preliminary Determination proposing to approve Transfer Application T-12869 to the applicants. The draft Preliminary Determination cover letter set forth a deadline of December 5, 2018, for the applicants to respond. The applicants requested that the Department proceed with issuance of a Preliminary Determination and provided the necessary information to demonstrate that the applicant is authorized to pursue the transfer.
4. The portion of the right to be transferred is as follows:
Certificate: 52037 in the name of M. M. DAVIES (perfected under Permit G-7312)
Use: IRRIGATION of 77.8 ACRES
Priority Date: MARCH 14, 1977
Rate: 0.97 CUBIC FOOT PER SECOND

Pursuant to OAR 690-380-4030, any person may file a protest or standing statement within 30 days after the last date of publication of notice of this preliminary determination.
--

Limit/Duty: The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands, shall be limited to ONE-EIGHTIETH of one cubic foot per second per acre, or its equivalent for each acre irrigated, and shall be further limited to a diversion of not to exceed 3.0 acre-feet per acre for each acre irrigated during the irrigation season of each year.

Source: A WELL a tributary of SOUTH FORK MALHEUR RIVER

Authorized Point of Appropriation:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
27 S	35 E	WM	17	NW NW	WELL #4 - 30 FEET SOUTH AND 540 FEET EAST FROM THE NW CORNER OF SECTION 17

Authorized Place of Use:

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
27 S	35 E	WM	17	NW NW	38.8
27 S	35 E	WM	17	SW NW	39.0
				Total	77.8

5. Transfer Application T-12869 proposes to move the authorized point of appropriation to:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances	Approximate distance from original point of appropriation in feet (ft.)
27 S	35 E	WM	17	SE NW	WELL #2 - 1920 FEET SOUTH AND 2470 FEET EAST FROM THE NW CORNER OF SECTION 17	2706 ft.
27 S	35 E	WM	17	NW SW	WELL #1 - 2670 FEET SOUTH AND 630 FEET EAST FROM THE NW CORNER OF SECTION 17	2640 ft.

Transfer Review Criteria (OAR 690-380-4010)

- Water has been used within the last five years according to the terms and conditions of the right. There is no information in the record that would demonstrate that the right is subject to forfeiture under ORS 540.610.
- A pump, pipeline, and sprinkler system sufficient to use the full amount of water allowed under the existing right were present within the five-year period prior to submittal of Transfer Application T-12869.
- The proposed change would not result in enlargement of the right.
- The proposed change would not result in injury to other water rights.
- All other application requirements are met.

Determination and Proposed Action

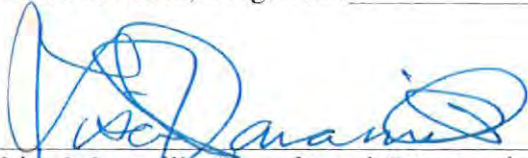
The change in point of appropriation proposed in Transfer Application T-12869 appears to be consistent with the requirements of ORS 537.705 and 540.505 to 540.580 and OAR 690-380-5000. If protests are not filed pursuant to OAR 690-380-4030, the application will be approved.

If Transfer Application T-12869 is approved, the final order will include the following:

- 1. The change in point of appropriation proposed in Transfer Application T-12869 is approved.*
- 2. The right to the use of the water is restricted to beneficial use at the place of use described, and is subject to all other conditions and limitations contained in Certificate 52037 and any related decree.*
- 3. Water right Certificate 52037 is cancelled. A new certificate will be issued describing that portion of the right not affected by this transfer.*
- 4. The quantity of water diverted at the new points of appropriation (Well #1 and Well #2), shall not exceed the quantity of water lawfully available at the original point of appropriation (Well #4).*
- 5. Water use measurement conditions:*
 - a. Before water use may begin under this order, the water user shall install a totalizing flow meter, or, with prior approval of the Director, another suitable measuring device at each point of appropriation (new and existing).*
 - b. The water user shall maintain the meters or measuring devices in good working order.*
 - c. The water user shall allow the Watermaster access to the meters or measuring devices; provided however, where the meters or measuring devices are located within a private structure, the Watermaster shall request access upon reasonable notice.*
- 6. Water shall be acquired from the same aquifer (water source) as the original point of appropriation.*
- 7. Full beneficial use of the water shall be made, consistent with the terms of this order, on or before October 1, 2021. A Claim of Beneficial Use prepared by a Certified Water Right Examiner shall be submitted by the applicant to the Department within one year after the deadline for completion of the change and full beneficial use of the water.*

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

Dated at Salem, Oregon this FEB 18 2020.



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

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

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

Notice Regarding Service Members: Active duty service members have a right to stay proceedings under the federal Service Members Civil Relief Act, 50 U.S.C. App. §§501-597b. You may contact the Oregon State Bar or the Oregon Military Department for more information. The toll-free telephone number for the Oregon State Bar is: 1 (800) 452-8260. The toll-free telephone number of the Oregon Military Department is: 1 (800) 452-7500. The Internet address for the United States Armed Forces Legal Assistance Legal Services Locator website is: <http://legalassistance.law.af.mil>



Oregon
Kate Brown, Governor

Water Resources Department

725 Summer St NE, Suite A

Salem, OR 97301

(503) 986-0900

Fax (503) 986-0904

February 18, 2020

MARTIN AND ANDREA DAVIES
48647 HWY 78
PRINCETON, OR 97721

SUBJECT: Water Right Transfer Application T-12869

Please find enclosed the Preliminary Determination indicating that, based on the information available, the Department intends to approve application T-12869. This document is an intermediate step in the approval process; water may not be used legally as proposed in the transfer application until a Final Order has been issued by the Department. Please read this entire letter carefully to determine your responsibility for additional action.

A public notice is being published in the Department's weekly publication and in the Burns Times Herald newspaper, simultaneously with issuance of the Preliminary Determination. The notice initiates a period in which any person may file either a protest opposing the decision proposed by the Department in the Preliminary Determination or a standing statement supporting the Department's decision. The protest period will end 30 days after the last date of newspaper publication.

If no protest is filed, the Department will issue a Final Order consistent with the Preliminary Determination. You should receive a copy of the Final Order about 30 days after the close of the protest period.

If a protest is filed, the application may be referred to a contested case proceeding. A contested case provides an opportunity for the proponents and opponents of the decision proposed in the Preliminary Determination to present information and arguments supporting their position in a quasi-judicial proceeding.

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

Sincerely,

Corey Courchane
Transfer Specialist
Transfer and Conservation Section

cc: T-12869
J R. Johnson, District 10 Watermaster (*via e-mail*)

encs



Oregon

Kate Brown, Governor

Water Resources Department

725 Summer St NE, Suite A

Salem, OR 97301

(503) 986-0900

Fax (503) 986-0904

June 3, 2020

LOU WILLIAM DAVIES
MARY JOSEPHINE DAVIES
PO BOX 3005
PRINCETON, OR 97721

Reference: Application T- 13450

On May 22, 2020, we received your water right Transfer application. The application was accompanied by \$1570.00. Our receipt number 132588 is enclosed.

By copy of this letter, we are asking the Watermaster for a report regarding the potential for injury to existing water rights which may be caused by the requested change. A review form will also be sent to our groundwater staff to determine whether the proposed well accesses the same source of water as the original well or as the original POD.

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

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

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

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

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

Cc: Watermaster Dist. #10 (*via email*)

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 # **132588**

INVOICE # _____

RECEIVED FROM: TS Ranch LLC
BY: _____

APPLICATION	
PERMIT	
TRANSFER	<u>T-13450</u>

CASH: ☐ CHECK# 1371 OTHER: (IDENTIFY) ☐

TOTAL REC'D \$ 1,570.00

1083 TREASURY 4170 WRD MISC CASH ACCT

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

4270 WRD OPERATING ACCT

MISCELLANEOUS

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

WATER RIGHTS:

0201 SURFACE WATER \$
0203 GROUND WATER \$
0205 TRANSFER \$ 1,570.00

WELL CONSTRUCTION

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

OTHER (IDENTIFY) _____

0536 TREASURY 0437 WELL CONST. START FEE

0211 WELL CONST START FEE \$
0210 MONITORING WELLS \$
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: **132588**

DATED: 5-22-2020 BY: [Signature]

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

Application for Permanent Water Right Transfer

Part 1 of 5 – Minimum Requirements Checklist



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

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

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

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

- ☒ Part 1 – Completed Minimum Requirements Checklist.
- ☒ Part 2 – Completed Transfer Application Map Checklist.
- ☒ Part 3 – Application Fee, payable by check to the Oregon Water Resources Department, and completed Fee Worksheet, page 3. Try the new online fee calculator at: http://apps.wrd.state.or.us/apps/misc/wrd_fee_calculator. If you have questions, call Customer Service at (503) 986-0801.

- ☒ Part 4 – Completed Applicant Information and Signature.

- ☐ Part 5 – Information about Water Rights to be Transferred: **How many water rights are to be transferred? 1 List them here: C-52037**

Please include a separate Part 5 for each water right. (See instructions on page 6)

Attachments:

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

RECEIVED

MAY 22 2020

OWRD

(For Staff Use Only)

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

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

Other/Explanation _____

Staff: _____ 503-986-0_____

Date: ____/____/____

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Part 2 of 5 – Transfer Application Map

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

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

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

[illegible]

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

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

Part 4 of 5 – Applicant Information and Signature

Applicant Information

APPLICANT/BUSINESS NAME Lou William Davies & Mary Josephine Davies			PHONE NO. 541-493-2693	ADDITIONAL CONTACT NO.
ADDRESS P. O. Box 3005			FAX NO.	
CITY Princeton	STATE OR	ZIP 97721	E-MAIL	
BY PROVIDING AN E-MAIL ADDRESS, CONSENT IS GIVEN TO RECEIVE ALL CORRESPONDENCE FROM THE DEPARTMENT ELECTRONICALLY. COPIES OF THE FINAL ORDER DOCUMENTS WILL ALSO BE MAILED.				

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

AGENT/BUSINESS NAME NA			PHONE NO.	ADDITIONAL CONTACT NO.
ADDRESS			FAX NO.	
CITY	STATE	ZIP	E-MAIL	
BY PROVIDING AN E-MAIL ADDRESS, CONSENT IS GIVEN TO RECEIVE ALL CORRESPONDENCE FROM THE DEPARTMENT ELECTRONICALLY. COPIES OF THE FINAL ORDER DOCUMENTS WILL ALSO BE MAILED.				

Explain in your own words what you propose to accomplish with this transfer application, and why:
We need to change the POA from Well #4 to Well #5 because Well #4 is no longer in service.

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

Check One Box

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

By my signature below, I confirm that I understand:

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

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


Lou William Davies
Applicant signature

Lou William Davies
Print Name (and Title if applicable)

5-15-2020
Date

Mary Josephine Davies
Applicant signature

Mary Josephine Davies
Print Name (and Title if applicable)

5/15/2020
Date

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

Check the following boxes that apply:

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

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

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

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

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

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

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Describe any special ownership circumstances here: _____

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

IRRIGATION DISTRICT NAME NA	ADDRESS	
CITY	STATE	ZIP

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

ENTITY NAME NA	ADDRESS	
CITY	STATE	ZIP

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

ENTITY NAME NA	ADDRESS	
CITY	STATE	ZIP

ENTITY NAME	ADDRESS	
CITY	STATE	ZIP

Part 5 of 5 – Water Right Information

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

CERTIFICATE # 52037

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Description of Water Delivery System

System capacity: 1.43 cubic feet per second (cfs) OR

_____ gallons per minute (gpm)

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Describe the current water delivery system or the system that was in place at some time within the last five years. Include information on the pumps, canals, pipelines, and sprinklers used to divert, convey, and apply the water at the authorized place of use. Water pumped from well through main lines to wheel lines to irrigate field.

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

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

POD/POA Name or Number	Is this POD/POA Authorized on the Certificate or is it Proposed?	If POA, OWRD Well Log ID# (or Well ID Tag # L-___)	Twp	Rng	Sec	¼	¼	Tax Lot, DLC or Gov't Lot	Measured Distances (from a recognized survey corner)
Well #4	☒ Authorized ☐ Proposed	HARN 1514	27 S	35 E	17	NW	NW	1100	30 ft. South & 540 ft. East from NW Cor. Sec. 17
Well #5	☐ Authorized ☒ Proposed	L- 26619	27 S	35 E	18	SE	NE	1500	2620 ft. South & 1055 ft. West from NE cor. Sec. 18
	☐ Authorized ☐ Proposed								
	☐ Authorized ☐ Proposed								

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

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

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

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

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

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

Table 2. Description of Changes to Water Right Certificate # 52037

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

AUTHORIZED (the "from" or "off" lands) The listing that appears on the certificate BEFORE PROPOSED CHANGES List only that part or portion of the water right that will be changed.											Proposed Changes (see "CODES" from previous page)	PROPOSED (the "to" or "on" lands) The listing as it would appear AFTER PROPOSED CHANGES are made.														
Twp	Rng	Sec	¼ ¼	Tax Lot	Gvt Lot or DLC	Acres	Type of USE listed on Certificate	POD(s) or POA(s) (name or number from Table 1)	Priority Date	Twp		Rng	Sec	¼ ¼	Tax Lot	Gvt Lot or DLC	Acres	New Type of USE	POD(s)/ POA(s) to be used (from Table 1)	Priority Date						
EXAMPLE																										
2	S	9	E	15	NE	NW	100		15.0	Irrigation	POD #1 POD #2	1901	POU/POD	2	S	9	E	1	NW	NW	500	1	10.0		POD #5	1901
														2	S	9	E	2	SW	NW	500		5.0		POD #6	1901
27	S	35	E	18	SE	NE	1500		36.7	Irrigation	Well #4	1977	POA	27	S	35	E	18	SE	NE	1500		36.7	irrigation	Well #5	1977
TOTAL ACRES:									36.7		TOTAL ACRES:									36.7						

Additional remarks:CHANGE IN POA ONLY..

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For Place of Use or Character of Use Changes

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

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

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

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

Ground water supplemental Permit or Certificate # NA;

Surface water primary Certificate # NA.

For a change from Supplemental Irrigation Use to Primary Irrigation Use

Identify the primary certificate to be cancelled. Certificate # NA

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

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

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

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

AND/OR

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

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Table 3. Construction of Point(s) of Appropriation

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

Proposed or Authorized POA Name or Number	Is well already built? (Yes or No)	If an existing well: OWRD Well ID Tag No. L-___	Total well depth	Casing Diameter	Casing Intervals (feet)	Seal depth(s) (intervals)	Perforated or screened intervals (in feet)	Static water level of completed well (in feet)	Source aquifer (sand, gravel, basalt, etc.)	Well-specific rate (cfs or gpm). If less than full rate of water right
Well #5	Yes	26619	195	14"	2-50	6-32	NA	26	0-18 top soil & br clay 18-26 br sand 26-63 hard grey basalt	500 gpm
									63-145 medium br basalt 145-190 red brown & green cinders with	
									white & yellow clay	
									190-195 hard grey basalt	

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Application for Water Right Transfer Evidence of Use Affidavit



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

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

State of Oregon)
) ss

County of HARNEY)

I, LOU DAVIES, in my capacity as OWNER,

mailing address P. O. BOX 3005 PRINCETON, OR 97721

telephone number (541)493-2693, 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 # ____; **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)
52037	27	S	35	E	WM	18	SE	NE		36.7

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)

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3. The water right was used for: (e.g., crops, pasture, etc.): ALFALFA, HAY, 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.

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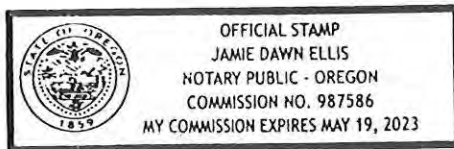
MAY 22 2020

Jamie S
Signature of Affiant

5.15.2020
Date

OWRD

Signed and sworn to (or affirmed) before me this 15 day of may, 2020.



Jamie S

Notary Public for Oregon

My Commission Expires: may 19, 2023

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

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STATE OF OREGON
WATER SUPPLY WELL REPORT
(as required by ORS 537.765)

WELL ID. # L 26619
START CARD # 155954

Instructions for completing this report are on the last page of this form.

(1) LAND OWNER

Well Number _____

Name Low DaviesAddress P.O. Box 3005City Princeton State OR Zip 97721

(2) TYPE OF WORK

☒ New Well ☐ Deepening ☐ Alteration (repair/recondition) ☐ Abandonment

(3) DRILL METHOD:

☒ Rotary Air ☐ Rotary Mud ☐ Cable ☐ Auger

☐ Other _____

(4) PROPOSED USE:

☐ Domestic ☐ Community ☐ Industrial ☒ Irrigation

☐ Thermal ☐ Injection ☐ Livestock ☐ Other _____

(5) BORE HOLE CONSTRUCTION:

Special Construction approval ☐ Yes ☒ No Depth of Completed Well 195 ft.

Explosives used ☐ Yes ☒ No Type _____ Amount _____

HOLE			SEAL			Sacks or pounds
Diameter	From	To	Material	From	To	
18"	0	32	Bent	0	32	26 Sacks
14	32	195	-			
12	195	195				

How was seal placed: Method ☐ A ☐ B ☒ C ☐ D ☐ E

☐ Other _____

Backfill placed from _____ ft. to _____ ft. Material _____

Gravel placed from _____ ft. to _____ ft. Size of gravel _____

(6) CASING/LINER:

	Diameter	From	To	Gauge	Steel	Plastic	Welded	Threaded
Casing:	14	42	50	250	☒	☐	☒	☐
					☐	☐	☐	☐
					☐	☐	☐	☐
					☐	☐	☐	☐
Liner:					☐	☐	☐	☐
					☐	☐	☐	☐

Drive Shoe used ☐ Inside ☐ Outside ☐ None

Final location of shoe(s) _____

(7) PERFORATIONS/SCREENS:

☐ Perforations

Method _____

☐ Screens

Type _____

Material _____

From	To	Slot size	Number	Diameter	Tele/pipe size	Casing	Liner
						☐	☐
						☐	☐
						☐	☐
						☐	☐

(8) WELL TESTS: Minimum testing time is 1 hour

☐ Pump

☐ Bailer

☒ Air

☐ Flowing

Yield gal/min

Drawdown

Drill stem at

Time

500+ 120 146 1 hr.

Temperature of water 61 Depth Artesian Flow Found _____

Was a water analysis done? ☒ Yes By whom _____

Did any strata contain water not suitable for intended use? ☒ NO ☐ Too little

☐ Salty ☐ Muddy ☐ Odor ☐ Colored ☐ Other _____

Depth of strata: _____

(9) LOCATION OF WELL by legal description:

County Harney Latitude _____ Longitude _____

Township 27 S Range 35 E Br W. WM.

Section 18 SW 1/4 NE 1/4

Tax Lot 1500 Lot _____ Block _____ Subdivision _____

Street Address of Well (or nearest address) 9 mi SE of Princeton (mile North)

(10) STATIC WATER LEVEL:

26 ft. below land surface.

Date 7-20-04

Artesian pressure _____ lb. per square inch

Date _____

(11) WATER BEARING ZONES:

Depth at which water was first found _____

From	To	Estimated Flow Rate	SWL
145	190	500	26

(12) WELL LOG:

Ground Elevation _____

Material	From	To	SWL
Top Soil			
Brown Clay	0	18	-
Brown Sand	18	26	-
Hard Grey Basalt	26	63	-
Medium Brown Basalt	63	145	-
Red Brown + Green Gravel			
w/Whitet			
Yellow Clay	145	190	26
Hard Grey Basalt	190	195	26

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WATER RESOURCES DEPT
SALEM, OREGON

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Date started 7-16-04 Completed 7-20-04

(unbonded) Water Well Constructor Certification:

I certify that the work I performed on the construction, alteration, or abandonment of this well is in compliance with Oregon water supply well construction standards. Materials used and information reported above are true to the best of my knowledge and belief.

WWC Number _____

Signed _____

Date _____

(bonded) Water Well Constructor Certification:

I accept responsibility for the construction, alteration, or abandonment work performed on this well during the construction dates reported above. All work performed during this time is in compliance with Oregon water supply well construction standards. This report is true to the best of my knowledge and belief.

Signed Donald W. Read WWC Number 1521 Date 7-31-04

ORIGINAL - WATER RESOURCES DEPARTMENT

FIRST COPY - CONSTRUCTOR

SECOND COPY - CUSTOMER

13450

Untitled Map

IMAGERY DATE 6/30/2016

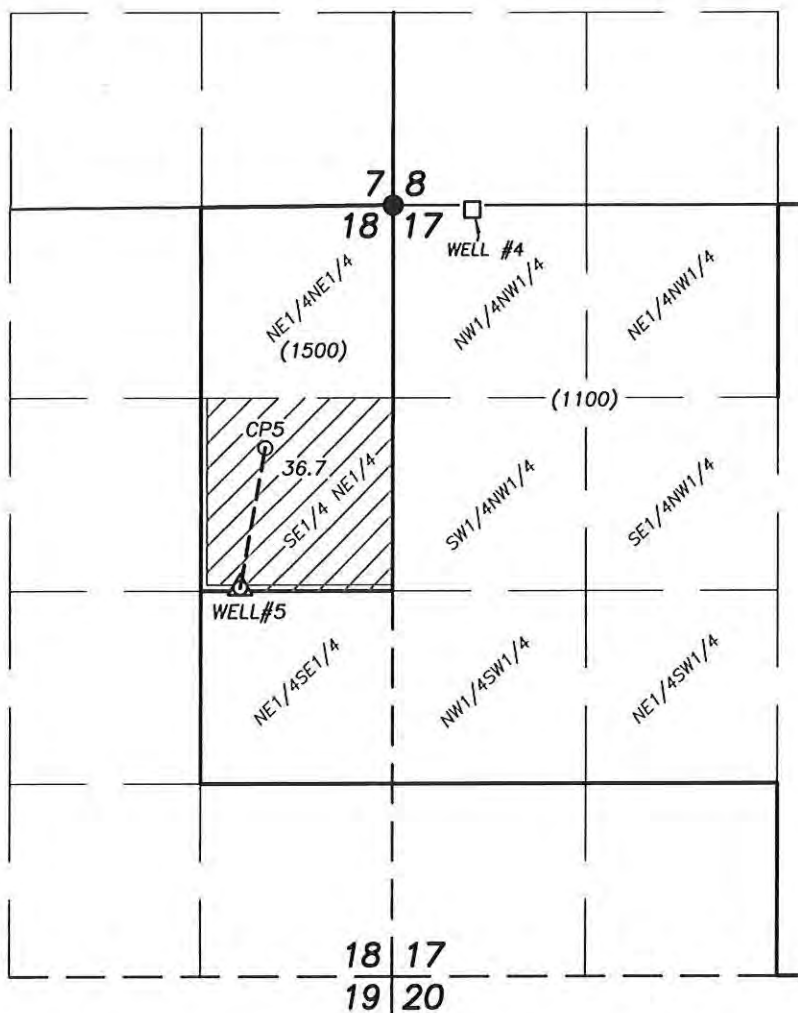
18450-

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3000 ft

T.27S., R.35E., W.M.



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MAY 22 2020

OWRD

SCALE: 1" = 1320'

**TRANSFER APPLICATION MAP
CHANGE IN POINT OF APPROPRIATION
UNDER CERTIFICATE C-52037**

IN NAME OF
LOU WILLIAM DAVIES
& MARY JOSEPHINE DAVIES

BY
ROBERT D. BAGETT, PLS, CWRE
217 N. CANYON BLVD.
JOHN DAY, OREGON
(541) 575-1251

APRIL 3, 2020

□ AUTHORIZED POA - WELL #4
30 FT. SOUTH AND 540 FT. EAST FROM THE
NW CORNER SECTION 17

△ PROPOSED POA - WELL #5
2620 FT. SOUTH & 1055 FT. WEST FROM NE
CORNER SECTION 18

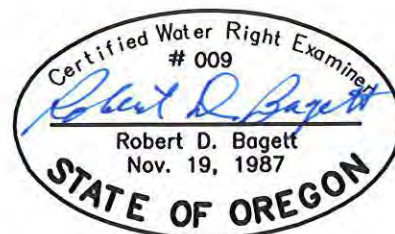
▨ PLACE OF USE C-52037
PRIORITY DATE: MARCH 14, 1977

CP#
○ CENTER PIVOT

--- EXISTING MAINLINE

● FOUND SECTION COR. REBAR & CAP

() TAX LOT



RENEWS: 12/31/2021

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DISCLAIMER: THIS MAP IS NOT INTENDED TO
PROVIDE LEGAL DIMENSIONS OR LOCATIONS
OF PROPERTY OWNERSHIP

Land Use Information Form



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

Applicant(s): Lou William Davies & Mary Josephine Davies

Mailing Address: P. O. Bos 3005

City: Princeton

State: OR

Zip Code: 97721

Daytime Phone: 541-493-2693

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>27S</u>	<u>35E</u>	<u>18</u>	<u>SENE</u>	<u>1500</u>	_____	☒ Diverted	☒ Conveyed	☒ Used	_____
_____	_____	_____	_____	_____	_____	☐ Diverted	☐ Conveyed	☐ Used	_____
_____	_____	_____	_____	_____	_____	☐ Diverted	☐ Conveyed	☐ Used	_____
_____	_____	_____	_____	_____	_____	☐ Diverted	☐ Conveyed	☐ Used	_____

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

Harney County

B. Description of Proposed Use

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

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

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

Estimated quantity of water needed: 0.46 ☒ 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 need to change the POA from Well #4 to Well #5 because Well #4 is no longer in service.

RECEIVED

MAY 22 2020

OWRD

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): HCCO 3.010 / EFCU-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
		☐ Obtained ☐ Denied	☐ Being Pursued ☐ Not Being Pursued
		☐ Obtained ☐ Denied	☐ Being Pursued ☐ Not Being Pursued
		☐ Obtained ☐ Denied	☐ Being Pursued ☐ Not Being Pursued
		☐ Obtained ☐ Denied	☐ Being Pursued ☐ Not Being Pursued

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

Name: Brandon McMullen Title: Planning Director

Signature: [Signature] Phone: 541.583.6655 Date: 5/15/20

Government Entity: Harvey County

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

Receipt for Request for Land Use Information

Applicant name: _____

City or County: _____ Staff contact: _____

Signature: _____ Phone: _____ Date: _____

Regular Permanent Water Right Transfer Application Checklist

Checked by Joan

Date 6/1/20

(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. Are fees included and correct? Fee paid: _____
If not, the correct fee would be: _____, so the amount missing is: _____

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

*NOTE: [POD/APOD, POA/APOA, SW to GW, Gov Action] are all counted as one type
POU is counted as one type
[USE or (Supplemental to Primary)] are counted as one type

☒ 3. Page 3 of application: Have all the applicants listed at the top of the page signed?
If no, whose signature is missing? _____

☒ 4. Are all listed certificates or permits shown by WRIS as non-cancelled?
If no, which are cancelled? This right Trans will work off the RR portion of T-12867
For each cancelled certificate, if there has been a remaining right certificate issued that covers the lands in the left side of Table 2, list its number _____ and check the #4 box at left on this checklist.

☒ 5. If any certificate is in the name of a "district", is a Supplemental Form D from that district enclosed?
☒ N/A ☐ Form D needed from _____ (district)

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

Certs & acres involved:
Changes: _____
cfs involved: _____
Source: _____

see note - ok to cook -
Joan

T-13450 ✓