

T-13512

Regular

T-13512

Name Lee GilmourAddress 30427 Stellmacher Drive,  
Albany Oregon 97321Change in PODDate Filed 8/24/2020Initial notice date 9/8/2020DPD issued date 7/7/2021PD issued date 9/22/2021PD notice date 9/28/2021Date of FO 1/26/2022 Vol 122 Page 346C-Date 10/11/2023COBU due date 10/11/2024

COBU Received date

Certificate issued 98807 issued 12-12-2025

## DESCRIPTION OF WATER RIGHT(s)

Name of Stream horseshoe, Hills creek, Fall creek, cottage grove,  
Blue river, Doran Res, Lookout Res, Cougar Res, Fern ridgeTrib. of Williamette river, Fall creek, Coast Fork, Blue river, Row river  
middle fork, South Fork, Long Tom riverUse irrigation County Benton linn

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

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

App# S-71571 Per # S-53335 Cert # 90098 PR Date 5/16/99

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 # |
|------------|-----------|-----------|
| 8-24-2020  | \$1160.00 | 133311    |
| 11-25-2024 | \$238.00  | 144260    |

## FEES REFUNDED

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

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

Irrigation District BORAgent Udell engineering Kyle@udelleng.com

CWRE \_\_\_\_\_

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

# Mailing List for Final Transfer Certificate(s)

Transfer Application: T-13512

Certificate: 98807 (C-90098)

Certificate/Transfer Holder: (include copy of map)

LEE GILMOUR

30415 STELLMACHER DR

ALBANY, OR 97321

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 #: 2
2. Water Availability
3. Vault
4. File

**Other persons to receive copies: (include map):**

5. KYLE LATIMER, CWRE

**Record Marking(s):**

1. Original Application# S-71571
2. Old Certificate# 90098

|                                                                                                       |
|-------------------------------------------------------------------------------------------------------|
| <p><b>Copies Mailed</b></p> <p>by: <u>TM</u><br/>(STAFF)</p> <p>on: <u>DEC 12 2025</u><br/>(DATE)</p> |
|-------------------------------------------------------------------------------------------------------|



# Oregon

Tina Kotek, Governor

Water Resources Department  
North Mall Office Building  
725 Summer Street NE, Suite A  
Salem, OR 97301  
Phone: 503-986-0900  
Fax: 503-986-0904  
[www.Oregon.gov/OWRD](http://www.Oregon.gov/OWRD)

Date Mailed: DEC 12 2025

## NOTICE OF CERTIFICATE ISSUANCE

Attached is a certificate that confirms the water rights established under the terms of a transfer order issued by this Department.

This certificate is an order in order 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.

This statement of judicial review rights is required under ORS 536.075 it does not alter or add to existing review rights or create review rights that are not otherwise provided by law.

The water must be controlled and not wasted. To change the location of the point of diversion, the character of use, or the location of use requires the advance approval of the Water Resources Director.

If you have any questions please contact Jonnine Skaug at 503-979-3943.

STATE OF OREGON

COUNTY OF LINN

CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

LEE GILMOUR  
30415 STELLMACHER DR  
ALBANY, OR 97321

confirms the right to the use of water perfected under the terms of Permit S-53335. 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 point(s) of diversion from the source. The specific limits and conditions of the use are listed below.

SOURCE OF WATER: HORSESHOE LAKE AND WILLAMETTE BASIN PROJECT RESERVOIRS, CONSTRUCTED UNDER PERMIT R-5363, TRIBUTARIES OF WILLAMETTE RIVER

PURPOSE OR USE: IRRIGATION OF 84.93 ACRES

MAXIMUM RATE: 1.03 CUBIC FEET PER SECOND FROM LIVE FLOW AND NOT MORE THAN 104.8 ACRE-FEET (AF) PER YEAR STORED WATER ONLY, PROVIDED THAT THE TOTAL VOLUME OF STORED WATER USED UNDER THIS RIGHT TOGETHER WITH ANY AMOUNT USED UNDER PERMIT 53334 DOES NOT EXCEED 104.8 AF PER YEAR, BEING THE AMOUNT OF STORED WATER MADE AVAILABLE UNDER THE BUREAU OF RECLAMATION WATER SUPPLY CONTRACT

PERIOD OF USE: MARCH 1 THROUGH JUNE 30 AND SEPTEMBER 1 THROUGH OCTOBER 31 FROM LIVE FLOW; STORED WATER MAY BE USED MARCH 1 THROUGH OCTOBER 31 OR AS FURTHER LIMITED BY THE BUREAU OF RECLAMATION WATER SUPPLY CONTRACT

DATE OF PRIORITY: MAY 6, 1991

The points of diversion are located as follows:

| Twp  | Rng | Mer | Sec | Q-Q   | DLC | Measured Distances                                                                |
|------|-----|-----|-----|-------|-----|-----------------------------------------------------------------------------------|
| 11 S | 4 W | WM  | 15  | SW SW | 59  | POD #2 (ADDITIONAL) - 214 FEET NORTH AND 660 FEET EAST FROM SW CORNER, SECTION 15 |
| 11 S | 4 W | WM  | 15  | SW SW | 59  | POD #1 (ORIGINAL) - 500 FEET NORTH AND 100 FEET EAST FROM SW CORNER, SECTION 15   |

The amount of water used for irrigation under this right, together with the amount secured under any other right existing for the same lands, is limited to a diversion of ONE-EIGHTIETH of one cubic foot per second (or its equivalent) and 2.5 acre-feet for each acre irrigated during the irrigation season of each year.

**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.

A description of the place of use is as follows:

| Twp  | Rng | Mer | Sec | Q-Q   | DLC | Acres |
|------|-----|-----|-----|-------|-----|-------|
| 11 S | 4 W | WM  | 15  | NE SW |     | 15.70 |
| 11 S | 4 W | WM  | 15  | NW SW | 59  | 3.50  |
| 11 S | 4 W | WM  | 15  | SW SW | 59  | 8.93  |
| 11 S | 4 W | WM  | 15  | SE SW |     | 39.50 |
| 11 S | 4 W | WM  | 15  | NW SE | 58  | 4.40  |
| 11 S | 4 W | WM  | 15  | SW SE |     | 12.90 |

The quantity of water diverted at the additional point of diversion (POD #2), together with that diverted at the original point of diversion (POD #1), shall not exceed the quantity of water lawfully available at the original point of diversion (POD #1).

Measurement, recording and reporting conditions:

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

Water user may pump directly from point of diversion on Horseshoe Lake unless pumping causes substantial interference with more senior water right users and regulation occurs, then use must stop.

The water user shall maintain and operate fish screening and fishway passage as required by the Oregon Department of Fish and Wildlife to prevent fish from entering the diversion.

The use of water under this right is subject to the terms and conditions of Contract No. 8-07-10-W1195 between the Bureau of Reclamation and the water user, or a satisfactory replacement, a copy of which is on file in the records of the Water Resources Department.

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

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

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

The use of water allowed herein may be made only at times when sufficient water is available to satisfy all prior rights, including prior rights for maintaining instream flows.

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.

This certificate is issued to confirm an ADDITIONAL POINT OF DIVERSION approved by an order of the Water Resources Director entered January 26, 2022, at Special Order Volume 122, Page 366, approving Transfer Application T-13512, and together with Certificate 95940, supercedes Certificate 90098, State record of Water Right Certificates.

Issued **DEC 12 2025**



Katherine Ratcliffe  
Water Right Services Division Administrator, for  
Ivan Gall, Director  
Oregon Water Resources Department

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



STELLMACHER DRIVE C.R. NO. 104

CLAIM OF BENEFICIAL USE MAP  
TRANSFER T-13512  
FOR LEE GILMOUR  
LOCATED IN SECTION 15, T. 11 S., R. 4 W., W.M.  
LINN COUNTY, OREGON  
FOR A PORTION OF LINN COUNTY  
TAX LOT 600, MAP 11S04W15  
SITUS: 35580 RIVERSIDE DR SW, ALBANY, OR  
NOVEMBER 15, 2024

UDELL ENGINEERING &  
LAND SURVEYING, LLC  
63 EAST ASH ST.  
LEBANON, OREGON, 97355  
541-451-5125

LEGEND

AC  
C.R.  
DLC  
PP

ACRES  
COUNTY ROAD  
DONATION LAND CLAIM  
PARTITION PLAT

TAX LOT 503  
PARCEL 1  
PP 2014-49



SCALE:

0' 400'

Received  
NOV 25 2024  
OWRD

NW 1/4,  
SW 1/4  
12.1 AC.  
NOT A  
PART

NW 1/4,  
SW 1/4  
3.50 AC.

NE 1/4, SW 1/4  
15.7 AC.

NW 1/4,  
SE 1/4  
4.4 AC.

SW 1/4,  
SW 1/4  
24.07 AC.  
NOT A  
PART

DECOSTER  
TAX LOT 601  
PARCEL 2  
PP 2017-15

SE 1/4, SW 1/4  
39.5 AC.

CARNEGIE TRUST  
TAX LOT 600

SW 1/4,  
SE 1/4  
12.9 AC.

POINT OF DIVERSION PER  
CERTIFICATE NO. 90098

EXISTING MAIN  
DISTRIBUTION LINE

DAVIS LAYTON  
DLC NO. 58

UNNAMED  
SEASONAL  
STREAM

100' EAST  
RETURNS TO  
WILLAMETTE  
RIVER

HORSESHOE  
LAKE

NEW POINT OF  
DIVERSION #2,  
FISH SCREEN &  
METER

SW 1/4,  
SW 1/4  
8.93 AC.

PROPOSED  
DISTRIBUTION  
LINE

JOHN MOORE  
DLC NO. 59

WILLIAM MOORE  
DLC NO. 60

TAX LOT 800

TAX LOT 900

TAX LOT 1000

16  
15  
21 22

NORTH 214'  
TAX LOT 799

HORSESHOE DRIVE  
C.R. NO. 105

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



STELLMACHER DRIVE C.R. NO. 104

CLAIM OF BENEFICIAL USE MAP  
TRANSFER T-13512  
FOR LEE GILMOUR  
LOCATED IN SECTION 15, T. 11 S., R. 4 W., W.M.  
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PP

ACRES  
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SCALE:

0' 400'

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NW 1/4,  
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NOT A  
PART

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3.50 AC.

NE 1/4, SW 1/4  
15.7 AC.

NW 1/4,  
SE 1/4  
4.4 AC.

SW 1/4,  
SW 1/4  
24.07 AC.  
NOT A  
PART

DECOSTER  
TAX LOT 601  
PARCEL 2  
PP 2017-15

SE 1/4, SW 1/4  
39.5 AC.

CARNEGIE TRUST  
TAX LOT 600

SW 1/4,  
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12.9 AC.

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DISTRIBUTION LINE

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DLC NO. 58

UNNAMED  
SEASONAL  
STREAM

WILLIAM MOORE  
DLC NO. 60

SW 1/4,  
SW 1/4  
8.93 AC.

JOHN MOORE  
DLC NO. 59

TAX LOT 800

TAX LOT 900

TAX LOT 1000

NEW POINT OF  
DIVERSION #2,  
FISH SCREEN &  
METER

PROPOSED  
DISTRIBUTION  
LINE

100' EAST  
RETURNS TO  
WILLAMETTE  
RIVER

HORSESHOE  
LAKE

16  
15  
21  
22

NORTH 214'  
TAX LOT 799

HORSESHOE DRIVE  
C.R. NO. 105

## TRANSFER

## Memo- Proof to Satisfaction

|                                       |                       |
|---------------------------------------|-----------------------|
| Transfer App # <i>T-13512</i>         |                       |
| WRD Reviewer (CW) <i>J Skang</i>      | Date: <i>Oct 2025</i> |
| WRD Peer Reviewer (PR) <i>hulches</i> | Date: <i>Oct 25</i>   |

|                                |                                  |                                               |
|--------------------------------|----------------------------------|-----------------------------------------------|
| ORIGINAL CERT:<br><i>90098</i> | CHANGE REQUESTED:                | RR Cert:<br><i>95940</i>                      |
| <input type="checkbox"/> POU   | <input type="checkbox"/> POD/POA | <input checked="" type="checkbox"/> APOD/APOA |
| <input type="checkbox"/> POU   | <input type="checkbox"/> POD/POA | <input type="checkbox"/> USE                  |
| <input type="checkbox"/> POU   | <input type="checkbox"/> POD/POA | <input type="checkbox"/> USE                  |
| <input type="checkbox"/> POU   | <input type="checkbox"/> POD/POA | <input type="checkbox"/> USE                  |
| <input type="checkbox"/> POU   | <input type="checkbox"/> POD/POA | <input type="checkbox"/> USE                  |

App #  
*S-71571*

## PREPARATION:

|                                     |                          |                                                                                                                                                     |
|-------------------------------------|--------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------|
| CW                                  | PR                       | RESEARCH:                                                                                                                                           |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> CBU Report/Map<br><input checked="" type="checkbox"/> Transfer Order<br>Ord Vol<br>Issued Date <i>1/26/2022</i> |
|                                     |                          | <input type="checkbox"/> Assignment<br><input type="checkbox"/> Transfer Extension                                                                  |
|                                     |                          | Electronic Folder:                                                                                                                                  |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> Create CBU folder<br><input checked="" type="checkbox"/> Create Work Packet Folder                              |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | SCAN: Above documents into "CBU Folder"                                                                                                             |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | SAVE: other documents in "Work Packet Folder"                                                                                                       |
|                                     |                          | <input checked="" type="checkbox"/> Certificate(s)<br><input checked="" type="checkbox"/> Transfer App Maps (To/From)                               |
|                                     |                          | <input checked="" type="checkbox"/> OrMap Tax Lot Map<br><input checked="" type="checkbox"/> Ownership Report                                       |
|                                     |                          | <input type="checkbox"/> GW Conditions<br><input type="checkbox"/> Mitigation                                                                       |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | SEARCH:                                                                                                                                             |
|                                     |                          | <input checked="" type="checkbox"/> Interactive Mapper<br><input type="checkbox"/> AOI                                                              |
|                                     |                          | <input checked="" type="checkbox"/> Map and TaxLot ID<br><i>600</i>                                                                                 |
|                                     |                          | <input type="checkbox"/> Receiving LO:<br>New Landowner:<br><i>just Street # is different<br/>30415</i>                                             |

## REVIEW OF CLAIM:

| ORDER REQ'D                                                        | CERTIFICATE REQ'D                                       | COMPLIED YES/NO                                                  | CONDITIONS:              | NOTES:                                                                        |
|--------------------------------------------------------------------|---------------------------------------------------------|------------------------------------------------------------------|--------------------------|-------------------------------------------------------------------------------|
| <input checked="" type="checkbox"/> Y <input type="checkbox"/> N/A | <input type="checkbox"/> Y <input type="checkbox"/> N/A | <input checked="" type="checkbox"/> Y <input type="checkbox"/> N | Fish Condition           | <i>ODFW approved bypass not required<br/>installed 7/2022 Replaced 7/2024</i> |
| <input checked="" type="checkbox"/> Y <input type="checkbox"/> N/A | <input type="checkbox"/> Y <input type="checkbox"/> N/A | <input checked="" type="checkbox"/> Y <input type="checkbox"/> N | Meter/Measuring Device   |                                                                               |
| <input type="checkbox"/> Y <input type="checkbox"/> N/A            | <input type="checkbox"/> Y <input type="checkbox"/> N/A | <input type="checkbox"/> Y <input type="checkbox"/> N            | Water Use Reporting      |                                                                               |
| <input type="checkbox"/> Y <input type="checkbox"/> N/A            | <input type="checkbox"/> Y <input type="checkbox"/> N/A | <input type="checkbox"/> Y <input type="checkbox"/> N            | SWL (Month)              |                                                                               |
| <input type="checkbox"/> Y <input type="checkbox"/> N/A            | <input type="checkbox"/> Y <input type="checkbox"/> N/A | <input type="checkbox"/> Y <input type="checkbox"/> N            | Dedicated MMS tube       |                                                                               |
| <input type="checkbox"/> Y <input type="checkbox"/> N/A            | <input type="checkbox"/> Y <input type="checkbox"/> N/A | <input type="checkbox"/> Y <input type="checkbox"/> N            | Well Id                  |                                                                               |
| <input type="checkbox"/> Y <input type="checkbox"/> N/A            | <input type="checkbox"/> Y <input type="checkbox"/> N/A | <input type="checkbox"/> Y <input type="checkbox"/> N            | Other:                   |                                                                               |
| <input checked="" type="checkbox"/> Y <input type="checkbox"/> N/A | <input type="checkbox"/> Y <input type="checkbox"/> N/A | <input checked="" type="checkbox"/> Y <input type="checkbox"/> N | C-date: <i>10/1/2023</i> | EXT C-Date: <i>Claim Says 7/2022</i>                                          |

## REVIEW OF MAP: (Only the changes approved)

| CW                                  | PR                       | Notes:                                                                                                           |
|-------------------------------------|--------------------------|------------------------------------------------------------------------------------------------------------------|
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | Verify POA/POD Location (New Only)                                                                               |
| <input type="checkbox"/>            | <input type="checkbox"/> | Verify POU (New only)                                                                                            |
| <input type="checkbox"/>            | <input type="checkbox"/> | POU clearly identified by Use Type/Certificate                                                                   |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | DLC/GOV'T LOT                                                                                                    |
|                                     |                          | <input type="checkbox"/> Original Cert Map for <i>unchanged</i> POU/POD/POA<br>(Attached for Peer Reviewer/Data) |
|                                     |                          | <input type="checkbox"/> 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:                |
|-------------------|-----------------|------------|-----------------|-----------------------|
|                   | <i>1.03cfs</i>  |            | <i>2.79cfs</i>  | <i>See Calc Sheet</i> |

|  |  |  |  |  |
|--|--|--|--|--|
|  |  |  |  |  |
|  |  |  |  |  |

**DETERMINATION:**

| CW                                  | PR                       | DOCUMENT                 | NOTES:            |
|-------------------------------------|--------------------------|--------------------------|-------------------|
| <input type="checkbox"/>            | <input type="checkbox"/> | LETTER FOR CLARIFICATION |                   |
| <input type="checkbox"/>            | <input type="checkbox"/> | DRAFT (PLEASE EXPLAIN)   |                   |
| <input type="checkbox"/>            | <input type="checkbox"/> | PROPOSED                 |                   |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | FINAL                    | <i>made proof</i> |
| <input type="checkbox"/>            | <input type="checkbox"/> | PROPOSED ORDER TO CANCEL |                   |

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

| CW                       | PR                       | DID YOU CHECK?                                              | NOTES:                                                                              |
|--------------------------|--------------------------|-------------------------------------------------------------|-------------------------------------------------------------------------------------|
| <input type="checkbox"/> | <input type="checkbox"/> | DATA REVIEW                                                 |                                                                                     |
|                          |                          | <input type="checkbox"/> POA/POD/DAM<br>TABLES/DESCRIPTIONS | <input type="checkbox"/> PLACE OF USE TABLES,<br>INCLUDING ACRES FOR GOV'T LOTS/DLC |
| <input type="checkbox"/> | <input type="checkbox"/> | SPELL CHECK DOC                                             |                                                                                     |
| <input type="checkbox"/> | <input type="checkbox"/> | MAPS: Identified for Reference                              |                                                                                     |
| <input type="checkbox"/> |                          | 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: |
|--------------------------|--------------------------|---------------------------------|--------|
| <input type="checkbox"/> | <input type="checkbox"/> | DATA REVIEW COMMENTS<br>UPDATED |        |
| <input type="checkbox"/> | <input type="checkbox"/> | SPELL CHECKED DOC               |        |

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



# Oregon

Tina Kotek, Governor

## Water Resources Department

725 Summer St NE, Suite A

Salem, OR 97301

(503) 986-0900

[www.oregon.gov/owrd](http://www.oregon.gov/owrd)

November 27, 2024

Lee Gilmour  
30415 Stellmacher Dr SW  
Albany, OR 97321

On November 25, 2024, the Water Resources Department received the Claim of Beneficial Use (COBU) for the following file:

T-13512

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.

Cc: file T-13512

# Checklist for Claims of Beneficial Use Received at CSG Counter

|                            |                    |
|----------------------------|--------------------|
| Application #:             | WRD Reviewer:Corie |
| Transfer #:T-13512         |                    |
| Date Received:11/25/24     |                    |
| CWRE Name:Kyle Latimer     |                    |
| Priority Date (s):5/6/1991 |                    |

## 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 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)

**MONEY SLIP**

DATE: \_\_\_\_\_ RECEIPT #: \_\_\_\_\_

RECEIVED FROM: \_\_\_\_\_ APPLICATION POWER TRANSFER

CASH CHECK # \_\_\_\_\_ OTHER IDENTIFY: \_\_\_\_\_ TOTAL RECEIVED: \_\_\_\_\_

ONE TREASURY 47% MISC CASH/STOCK \_\_\_\_\_

4452 COMB'S \_\_\_\_\_ IDENTIFY: \_\_\_\_\_

4453 OTHER \_\_\_\_\_ IDENTIFY: \_\_\_\_\_

4454 Interest Rate \_\_\_\_\_ 4455 Min. Term Mgmt. Plan \_\_\_\_\_ 4456 Cont. Plan \_\_\_\_\_

ONE TREASURY 47% MISC CASH/STOCK \_\_\_\_\_

MISCELLANEOUS \_\_\_\_\_

4457 COPY & TAPE FEES 4611 \_\_\_\_\_

4458 RESEARCH FEES \_\_\_\_\_

4459 MISC. REVENUE IDENTIFY: \_\_\_\_\_

4460 DEPOSIT LAB. IDENTIFY: \_\_\_\_\_

4461 EXTENSION OF TIME \_\_\_\_\_

4462 WATER RIGHTS \_\_\_\_\_

4463 SURFACE WATER \_\_\_\_\_

4464 GROUND WATER \_\_\_\_\_

4465 TRANSFER \_\_\_\_\_

4466 WELL CONSTRUCTION \_\_\_\_\_

4467 WELL DRILL CONSTRUCTION \_\_\_\_\_

4468 LAKESIDE PERMIT \_\_\_\_\_

4469 OTHER \_\_\_\_\_ IDENTIFY: \_\_\_\_\_

4470 TREASURY \_\_\_\_\_

4471 POWER LICENSE FEE (PUMPED) \_\_\_\_\_

4472 HYDRO LICENSE FEE (PUMPED) \_\_\_\_\_

4473 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

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 # 144260

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

RECEIVED FROM: W. Jell Engineering & Land Surveying, LLC  
BY: \_\_\_\_\_

|             |         |
|-------------|---------|
| APPLICATION | T-13512 |
| PERMIT      |         |
| TRANSFER    |         |

CASH: ☐ CHECK: # 45843 OTHER: (IDENTIFY) ☐

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 46111

|                          |                                |          |
|--------------------------|--------------------------------|----------|
| 0407                     | COPY & TAPE FEES               | \$ _____ |
| 0410                     | RESEARCH FEES                  | \$ _____ |
| 0408                     | MISC REVENUE: (IDENTIFY) _____ | \$ _____ |
| TC162                    | DEPOSIT LIAB. (IDENTIFY) _____ | \$ _____ |
| 0240                     | EXTENSION OF TIME              | \$ _____ |
| <b>WATER RIGHTS:</b>     |                                |          |
| 0201                     | SURFACE WATER                  | \$ _____ |
| 0203                     | GROUND WATER                   | \$ _____ |
| 0205                     | TRANSFER                       | \$ _____ |
| <b>WELL CONSTRUCTION</b> |                                |          |
| 0218                     | WELL DRILL CONSTRUCTOR         | \$ _____ |
| LANDOWNER'S PERMIT       |                                | \$ _____ |

0200 OTHER (IDENTIFY) C013w \$ 230.00

0536 TREASURY 0437 WELL CONST. START FEE

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

0607 TREASURY 0467 HYDRO ACTIVITY LIC NUMBER

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

TREASURY OTHER / RDX

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

RECEIPT: 144260

DATED: 11-25-24 BY: Lo-D Mhu

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

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



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

**SECTION 1**

**GENERAL INFORMATION**

**Type of Authorized Change**

This Claim is being submitted for a transfer where the only authorized change was a change in either point(s) of diversion or additional point(s) of diversion, 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-13512**

**Received**

**NOV 25 2024**

**2. Property Owner (current owner information)**

|                                               |                    |                                  |                                              |
|-----------------------------------------------|--------------------|----------------------------------|----------------------------------------------|
| APPLICANT/BUSINESS NAME<br><b>Lee Gilmour</b> |                    | PHONE NO.<br><b>541-974-0825</b> | ADDITIONAL CONTACT NO.                       |
| ADDRESS<br><b>30415 Stellmacher Dr SW</b>     |                    |                                  |                                              |
| CITY<br><b>Albany</b>                         | STATE<br><b>OR</b> | ZIP<br><b>97321</b>              | E-MAIL<br><b>Riverbottomfarms1@gmail.com</b> |

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<br><b>Same as applicant/owner</b> |       |     |
| ADDRESS                                                     |       |     |
| CITY                                                        | STATE | ZIP |

**4. Date of Site Inspection:**

|                           |
|---------------------------|
| <b>8/2022 and 11/2024</b> |
|---------------------------|

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

| NAME               | DATE           | ASSOCIATION WITH THE PROJECT |
|--------------------|----------------|------------------------------|
| <b>Lee Gilmour</b> | <b>8/2022</b>  | <b>Owner</b>                 |
| <b>Lee Gilmour</b> | <b>11/2024</b> | <b>Owner</b>                 |

**6. County:**

|             |
|-------------|
| <b>Linn</b> |
|-------------|

**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<br><b>n/a</b> |       |     |
| ADDRESS                       |       |     |
| CITY                          | STATE | ZIP |

Add additional tables for owners of record as needed

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NOV 25 2024

OWRD

## SECTION 2 SIGNATURES

### CWRE Statement, Seal and Signature

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



|                                     |                                  |                        |
|-------------------------------------|----------------------------------|------------------------|
| CWRE NAME<br><b>Kyle W. Latimer</b> | PHONE NO.<br><b>541-451-5125</b> | ADDITIONAL CONTACT NO. |
| ADDRESS<br><b>63 E Ash Street</b>   |                                  |                        |
| CITY<br><b>Lebanon</b>              | STATE<br><b>OR</b>               | ZIP<br><b>97355</b>    |
| E-MAIL<br><b>Kyle@udelleng.com</b>  |                                  |                        |

### 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            |
|-----------|--------------------|--------------|-----------------|
|           | <b>Lee Gilmore</b> | <b>owner</b> | <b>11/15/24</b> |
|           |                    |              |                 |
|           |                    |              |                 |

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 NOV 25 2024  
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### SECTION 3 CLAIM DESCRIPTION

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

**1. New or additional point of diversion name or number:**

| POINT OF DIVERSION<br>(POD) NAME OR NUMBER<br>(CORRESPOND TO MAP) | SOURCE                                             |
|-------------------------------------------------------------------|----------------------------------------------------|
| <b>POD #2</b>                                                     | <b>Horseshoe Lake and Willamette Basin Project</b> |
|                                                                   | <b>Reservoirs constructed under Permit R-5363</b>  |

**2. Variations:**

Was the use developed differently from what was authorized by the transfer final order, **YES** **NO** or extension final? If yes, describe below.

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

**3. Claim Summary:**

| NEW OR ADDITIONAL POD<br>NAME OR # | MAXIMUM RATE AUTHORIZED<br>IN ORDER | CALCULATED THEORETICAL<br>RATE BASED ON SYSTEM | AMOUNT OF WATER<br>MEASURED |
|------------------------------------|-------------------------------------|------------------------------------------------|-----------------------------|
| <b>POD #2</b>                      | <b>1.03 CFS</b>                     | <b>2.79 CFS maximum</b>                        | <b>Not operating during</b> |
|                                    |                                     |                                                | <b>Site visits</b>          |

## SECTION 4

### SYSTEM DESCRIPTION

Are there multiple new or additional Points of Diversion (POD)s?

YES **NO**

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

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

**POD #2**

#### A. POD System Information

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

##### 1. Pump Information

| MANUFACTURER            | MODEL   | SERIAL NUMBER | TYPE (CENTRIFUGAL, TURBINE OR SUBMERSIBLE) | INTAKE SIZE | DISCHARGE SIZE |
|-------------------------|---------|---------------|--------------------------------------------|-------------|----------------|
| Pacific Pumping Company | unknwon | AY80850       | Centrifugal                                | 6"          | 6"             |

##### 2. Motor Information

| MANUFACTURER   | HORSEPOWER |
|----------------|------------|
| Allis-Chalmers | 75         |

##### 3. Theoretical Pump Capacity

| HORSEPOWER | OPERATING PSI | LIFT FROM SOURCE TO PUMP | LIFT FROM PUMP TO PLACE OF USE | TOTAL PUMP OUTPUT (IN CFS) |
|------------|---------------|--------------------------|--------------------------------|----------------------------|
| 75         | 60            | 25                       | 0                              |                            |

##### 4. Provide pump calculations:

**(75 hp)(6.61 pump efficiency)/(152.4' psi head loss + 25' suction head loss) = 2.79 cfs**

##### 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) |
|-----------------------|----------------------|---------------------------|----------------------------|
| n/a                   | n/a                  | n/a                       | n/a                        |

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

#### B. Gravity Flow Pipe

(THE DEPARTMENT TYPICALLY USES THE HAZEN-WILLIAM'S FORMULA FOR A GRAVITY FLOW PIPE SYSTEM)

##### 1. Does the diversion involve a gravity flow pipe?

YES **NO**

If "NO", items 2 through 4 relating to this section may be deleted.

Received

### C. Gravity Flow Canal or Ditch

(THE DEPARTMENT TYPICALLY USES MANNING'S FORMULA FOR CANALS AND DITCHES)

1. Does the diversion involve a gravity flow ditch or canal?

YES **NO**

If "NO", items 2 through 4 relating to this section may be deleted.

### D. Additional notes or comments related to the system:

## 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 POD(S) WERE READY FOR USE<br>*THIS DATE MUST FALL BETWEEN THE "ISSUANCE DATE" AND THE "COMPLETENESS DATE" |
|----------------------------------|--------------------|------------------------------------------------------------------------------------------------------------------------------------------|
| ISSUANCE DATE                    | January 26, 2022   |                                                                                                                                          |
| COMPLETENESS DATE FROM ORDER (C) | October 1, 2023    | July 2022                                                                                                                                |

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

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

YES **NO**

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

If for a transfer extension order, provide the following information:

#### 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** NO

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 diversion.

b. Has a meter been installed?

**YES** NO

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c. Meter Information

| POD NAME<br>OR # | MANUFACTURER | SERIAL #     | CONDITION<br>(WORKING OR NOT) | CURRENT METER<br>READING | DATE INSTALLED                 |
|------------------|--------------|--------------|-------------------------------|--------------------------|--------------------------------|
| POD #2           | McCrometer   | 24-<br>04669 | Working<br>(replaced)         | 38,155,700<br>gallons    | Originally<br>installed 7/2022 |
|                  |              |              |                               |                          | Replaced<br>7/2024             |

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?

☒ YES ☐ NO

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

b. Have the reports been submitted?

☒ YES ☐ NO

If the reports have not been submitted, attach a copy of the reports if available.

5. Fish Screening

a. Are any points of diversion required to be screened to prevent fish from entering the point of diversion?

☒ YES ☐ NO

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

Reminder: If fish screening devices were required, the COBU map must indicate their location in relation to the point of diversion.

b. Has the fish screening been installed?

☒ YES ☐ NO

c. When was the fish screening installed?

| DATE   | BY WHOM            |
|--------|--------------------|
| 7/2022 | Lee Gilmour, Owner |

Reminder: If the permit or transfer final order was issued on or after February 1, 2011, the fish screen is required to be approved by the Oregon Department of Fish and Wildlife regardless of the rate of diversion.

d. If the diversion involves a pump and the total diversion rate of all rights at the point of diversion is less than 225 gpm (0.5 cfs) and the permit was issued prior to February 1, 2011:

- Has the self-certification form previously been submitted to the Department? ☒ NA ☐ YES ☐ NO

If not, go to <https://www.oregon.gov/OWRD/Forms/Pages/default.aspx>, complete and attach a copy of the 'ODFW Small Pump Screen Self Certification' form to this claim, and send a copy of it to the Oregon Department of Fish and Wildlife (ODFW).

Reminder: Failure to submit evidence of a timely installed fish screen may result in an unfavorable determination. The ODFW self certification form needs to have been previously submitted or be attached to this form.

e. If the diversion does **not involve a pump** or the **total** diversion rate of all rights at the point of diversion is 225 gpm (0.5 cfs) or greater:

- Has the ODFW approval been previously submitted?

NA YES **NO**  
Attached here

If not, contact and work with ODFW to ensure compliance. To demonstrate compliance, provide signed documentation from ODFW. A form is available at:

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

**Reminder: Failure to submit evidence of a timely installed fish screen may result in an unfavorable determination. In order to receive a favorable approval, the ODFW/WRD "Fish Screen Inspection" form needs to have been previously submitted or be attached to this form.**

## 6. By-pass Devices

- a. Are any points of diversion required to have a by-pass device to prevent fish from entering the point of diversion?

YES **NO**

*If "NO", items b and c relating to this section may be deleted.*

**Reminder: If by-pass devices were required, the COBU map must indicate their location in relation to the point of diversion.**

(Provide a letter from ODFW indicating the device is approved or is unnecessary. If there is no letter from ODFW, explain whether or not a by-pass device is necessary.)

| DESCRIPTION<br>(E.G. "ODFW HAS APPROVED THE BY-PASS DEVICE" OR "NO BY-PASS DEVICE IS NECESSARY BECAUSE THERE IS A DIRECT DIVERSION FROM THE STREAM VIA A PUMP ON RIVER LEFT STREAM BANK WITH FOOT VALVE DESCENDING DIRECTLY INTO NATURAL POOL.") IN ADDITION, YOU MAY ATTACH PHOTOS TO THIS CLAIM. | IF INSTALLED<br>(DATE) | IF INSTALLED, BY WHOM |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------|-----------------------|
| <u>A by-pass device is not required at this point of diversion as this is an end of pipe fish screen</u>                                                                                                                                                                                           | <b>Not installed</b>   | n/a                   |

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

- a. Was the water user required to restore the riparian area if it was disturbed?
- b. Was a fishway required?
- c. Other conditions?

YES **NO**  
YES **NO**  
YES **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                                    |
|-------------------------|------------------------------------------------|
| ODFW Fish screen letter | June 16, 2022 ODFW fish screen approval letter |
|                         |                                                |
|                         |                                                |

**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 diversion, 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.

Additional point of diversion was located using a Topcon Hiper VR network rover utilizing RTK corrections from the Oregon Real Time GNSS Network, Oregon State Plane Coordinate System, North Zone, NAD83(2011)

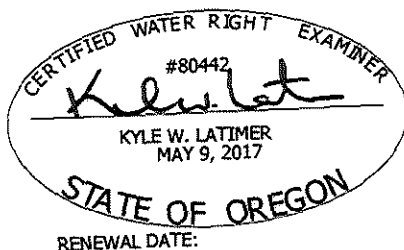
## Map Checklist

Please be sure that the map you submit includes ALL the items listed below.

(Reminder: Incomplete maps and/or claims may be returned.)

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

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



STELLMACHER DRIVE C.R. NO. 104

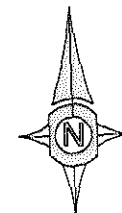
CLAIM OF BENEFICIAL USE MAP  
TRANSFER T-13512  
FOR LEE GILMOUR  
LOCATED IN SECTION 15, T. 11 S., R. 4 W., W.M.  
LINN COUNTY, OREGON  
FOR A PORTION OF LINN COUNTY  
TAX LOT 600, MAP 11S04W15  
SITUS: 35580 RIVERSIDE DR SW, ALBANY, OR  
NOVEMBER 15, 2024

UDELL ENGINEERING &  
LAND SURVEYING, LLC  
63 EAST ASH ST.  
LEBANON, OREGON, 97355  
541-451-5125

LEGEND  
AC  
C.R.  
DLC  
PP

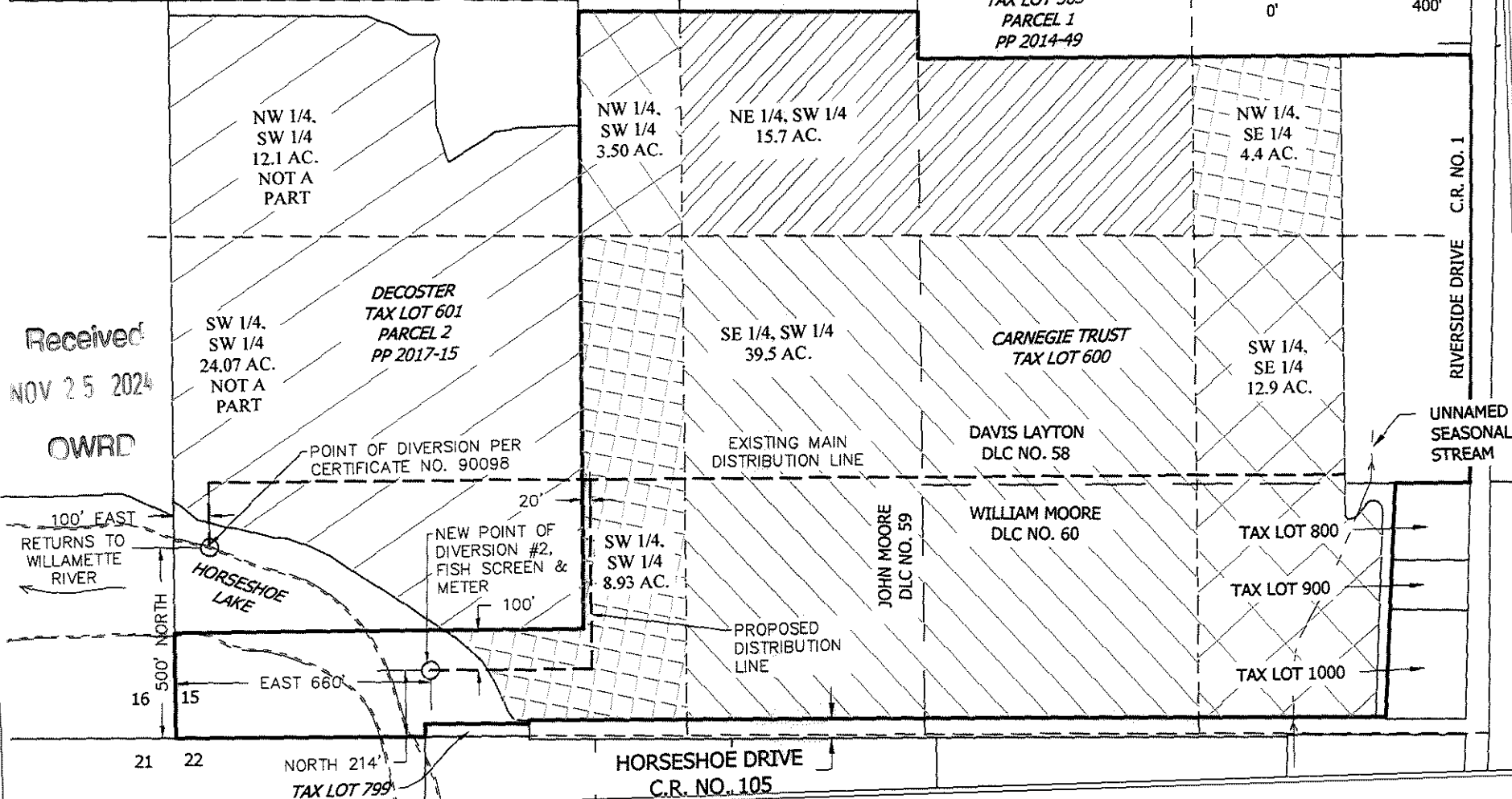
ACRES  
COUNTY ROAD  
DONATION LAND CLAIM  
PARTITION PLAT

TAX LOT 503  
PARCEL 1  
PP 2014-49



SCALE:

0' 400'





# Oregon

Kate Brown, Governor

## Department of Fish and Wildlife

### The Dalles Screen Shop

3561 Klindt Drive  
The Dalles, OR 97058  
(541) 296-8026  
FAX (541) 296-7889  
odfw.com

June, 16, 2022

Attn. Lee Gilmour  
River Bottom Farms, Inc  
30415 SW Stellmacher Dr  
Albany, OR 97321



RE: T-13512

To whom it may concern,

This letter is in regards to fish screening and bypass device requirements set forth by the Oregon Water Resources Department for T-13512. This water right diverts water from Horseshoe Lake.

The fish screen that is in use is a Sure-Flo SCS6 self-cleaning screen. This model of self-cleaning screen, when installed and maintained properly is capable of effectively screening up to 479 gpm, while protecting all age classes of anadromous salmonids from entrapment and impingement. ODFW concludes that this screen will meet current state and federal fish screening criteria set forth by National Marine Fisheries Service for the maximum diversion rate of 1.07 cfs (479 gpm). A by-pass device is not required at this point of diversion as this is an end of pipe fish screen.

This approval is contingent on the following: the screen is installed prior to any withdraw of water, the screen is installed so that the effective screen area is submerged during operation, and the screen is regularly inspected and maintained to ensure it remains in working order, including removing debris as necessary, and the screen is annually inspected when it is not in use.

If there are any questions regarding the approval of this screen for T-13512, please call me at 541-967-2162.

Sincerely,

Bryce Macnab

Fish Screens and Passage Coordinator

Received  
NOV 25 2024  
OWRD



**Oregon**  
Kate Brown, Governor

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

January 26, 2022

LEE GILMOUR  
30427 STELLMACHER DR  
ALBANY, OR 97321

REFERENCE: Transfer Application T-13512

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

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

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

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

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

Sincerely,

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

cc: Lanaya F. Blakely, Watermaster Dist. #2 (via email)  
Udell Engineering, Agent  
Bureau of Reclamation  
Linn County  
Landowners

Enclosure

BEFORE THE WATER RESOURCES DEPARTMENT  
OF THE  
STATE OF OREGON

|                                       |   |                               |
|---------------------------------------|---|-------------------------------|
| In the Matter of Transfer Application | ) | FINAL ORDER APPROVING AN      |
| T-13512, Linn County                  | ) | ADDITIONAL POINT OF DIVERSION |

**Authority**

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

**Applicant**

LEE GILMOUR  
30427 STELLMACHER DRIVE  
ALBANY, OR 97321

**Findings of Fact**

1. On September 2, 2020, LEE GILMOUR filed an application for an additional point of diversion under Certificate 90098. The Department assigned the application number T-13512.
2. Notice of the application for transfer was published on September 8, 2020, pursuant to OAR 690-380-4000. No comments were filed in response to the notice.
3. On January 25, 2021, the Department contacted the applicant by written correspondence to notify the applicant and the applicant's agent of deficiencies in the application. Table 1 of the application identified a change in point of diversion, whereas Table 2 identified an additional point of diversion, and the affidavits for Evidence of Use and Consent by Deeded Landowner are copies. The Department requires an original signature on affidavits, so the original affidavits need to be submitted. The Department requested that the deficiencies be resolved by February 24, 2021.

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

4. On February 24, 2021, the agent submitted a revised Table 1 identifying an additional point of diversion, rather than a change in point of diversion. The applicant is actively retrieving the original affidavits for Evidence of Use, to be submitted at a later date.
5. On March 22, 2021, the Department informed the applicant, that a Final Order would not be issued unless the Department receives the original Evidence of Use affidavits.
6. On June 14, 2021, the Department received an Evidence of Use affidavit containing an original signature.
7. On June 28, 2021, the Department received an Affidavit of Consent by Deeded Landowner containing an original signature, resolving the deficiencies.
8. On July 7, 2021, the Department mailed a copy of the draft Preliminary Determination proposing to approve Transfer Application T-13512 to the applicant. The draft Preliminary Determination cover letter set forth a deadline of August 6, 2021, for the applicant to respond. The applicant requested that the Department proceed with issuance of a Preliminary Determination and provided the necessary information to demonstrate that the applicant is authorized to pursue the transfer.
9. On September 22, 2021, the Department issued a Preliminary Determination proposing to approve Transfer T-13512 and mailed a copy to the applicant. Additionally, notice of the Preliminary Determination for the transfer application was published on the Department's weekly notice on September 28, 2021, pursuant to ORS 540.520 and OAR 690-380-4020. No protests were filed in response to the notice.

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

|                       |                                                                                                                                                                                                                                                                                                                                                                                   |
|-----------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Certificate:</b>   | 90098 in the name of WILLIAM J. STELLMACHER and JOYCE M. CARNEGIE (perfected under Permit S-53335)                                                                                                                                                                                                                                                                                |
| <b>Use:</b>           | IRRIGATION of 84.93 ACRES                                                                                                                                                                                                                                                                                                                                                         |
| <b>Priority Date:</b> | MAY 6, 1991                                                                                                                                                                                                                                                                                                                                                                       |
| <b>Rate:</b>          | 1.03 CUBIC FEET PER SECOND FROM LIVE FLOW AND NOT MORE THAN 104.8 ACRE-FEET (AF) PER YEAR FROM STORED WATER ONLY, PROVIDED THAT THE TOTAL VOLUME OF STORED WATER USED UNDER THIS PERMIT TOGETHER WITH ANY AMOUNT USED UNDER PERMIT 53334 DOES NOT EXCEED 104.8 AF PER YEAR, BEING THE AMOUNT OF STORED WATER MADE AVAILABLE UNDER THE BUREAU OF RECLAMATION WATER SUPPLY CONTRACT |
| <b>Limit/Duty:</b>    | The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands, is limited to a diversion of ONE-EIGHTIETH of one cubic foot per second (or its equivalent) and 2.5 acre-feet per acre for each acre irrigated during the irrigation season of each year.                                                            |

**Period of Use:** MARCH 1 THROUGH JUNE 30 AND SEPTEMBER 1 THROUGH OCTOBER 31 FROM LIVE FLOW; STORED WATER MAY BE USED MARCH 1 THROUGH OCTOBER 31 OR AS FURTHER LIMITED BY THE BUREAU OF RECLAMATION WATER SUPPLY CONTRACT.

**Source:** HORSESHOE LAKE AND WILLAMETTE BASIN PROJECT RESERVOIRS, CONSTRUCTED UNDER PERMIT R-5363, TRIBUTARIES OF WILLAMETTE RIVER

**Authorized Point of Diversion:**

| Twp  | Rng | Mer | Sec | Q-Q   | DLC | Measured Distances                                                         |
|------|-----|-----|-----|-------|-----|----------------------------------------------------------------------------|
| 11 S | 4 W | WM  | 15  | SW SW | 59  | POD #1 - 500 FEET NORTH AND 100 FEET EAST FROM THE SW CORNER OF SECTION 15 |

**Authorized Place of Use:**

| IRRIGATION |     |     |     |       |     |       |
|------------|-----|-----|-----|-------|-----|-------|
| Twp        | Rng | Mer | Sec | Q-Q   | DLC | Acres |
| 11 S       | 4 W | WM  | 15  | NE SW |     | 15.70 |
| 11 S       | 4 W | WM  | 15  | NW SW | 59  | 3.50  |
| 11 S       | 4 W | WM  | 15  | SW SW | 59  | 8.93  |
| 11 S       | 4 W | WM  | 15  | SE SW |     | 39.50 |
| 11 S       | 4 W | WM  | 15  | NW SE | 58  | 4.40  |
| 11 S       | 4 W | WM  | 15  | SW SE |     | 12.90 |
| Total      |     |     |     |       |     | 84.93 |

11. Transfer Application T-13512 proposes an additional point of diversion approximately 515.8 feet upstream to:

| Twp  | Rng | Mer | Sec | Q-Q   | DLC | Measured Distances                                                         |
|------|-----|-----|-----|-------|-----|----------------------------------------------------------------------------|
| 11 S | 4 W | WM  | 15  | SW SW | 59  | POD #2 - 214 FEET NORTH AND 530 FEET EAST FROM THE SW CORNER OF SECTION 15 |

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

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

13. 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.
14. 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-13512.

15. The proposed change would not result in enlargement of the right.
16. The proposed change would not result in injury to other water rights.
17. All other application requirements are met.

#### **Conclusions of Law**

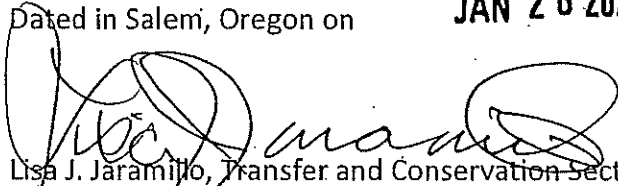
The additional point of diversion proposed in Transfer Application T-13512 is consistent with the requirements of ORS 540.505 to 540.580 and OAR 690-380-5000.

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

1. The additional point of diversion proposed in Transfer Application T-13512 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 90098 and any related decree.
3. Water right Certificate 90098 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 additional point of diversion (POD #2), together with that diverted at the original point of diversion (POD #1), shall not exceed the quantity of water lawfully available at the original point of diversion (POD #1).
5. Water use measurement conditions:
  - a. Before water use may begin under this order, the water user shall install a totalizing flow meter, or, with prior approval of the Director, another suitable measuring device, at each point of diversion (new and existing).
  - b. The water user shall maintain the meters or measuring devices in good working order.
  - c. The water user shall allow the Watermaster access to the meters or measuring devices; provided however, where the meters or measuring devices are located within a private structure, the Watermaster shall request access upon reasonable notice.
6. Prior to diverting water, the water user shall install a fish screening and/or by-pass device, as appropriate, at the new point of diversion consistent with the Oregon Department of Fish and Wildlife's (ODFW) design and construction standards. Prior to installation, the water user shall obtain written approval from ODFW that the required screen and/or by-pass device meets ODFW's criteria. Prior to submitting a Claim of Beneficial Use, the water user must obtain written approval from ODFW that the required screening and/or by-pass device was installed to the state's criteria. The water user shall maintain and operate the fish screen and/or by-pass device, as appropriate, at the point of diversion consistent with ODFW's operational and maintenance standards.

7. Full beneficial use of the water shall be made, consistent with the terms of this order, on or before **October 1, 2023**. A Claim of Beneficial Use prepared by a Certified Water Right Examiner shall be submitted by the applicant to the Department within one year after the deadline for completion of the change and full beneficial use of the water.
8. After satisfactory proof of beneficial use is received, a new certificate confirming the right transferred will be issued.

Dated in Salem, Oregon on **JAN 26 2022**



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

Mailing date: **JAN 27 2022**

STATE OF OREGON

COUNTY OF LINN

CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

WILLIAM J. STELLMACHER  
30416 STELLMACHER DR SW  
ALBANY, OR 97321

JOYCE M CARNEGIE  
1305 14<sup>TH</sup> AVE SW  
ALBANY OR 97321

confirms the right to use the waters of HORSESHOE LAKE AND WILLAMETTE BASIN PROJECT RESERVOIRS, CONSTRUCTED UNDER PERMIT R-5363, TRIBUTARIES OF WILLAMETTE RIVER for IRRIGATION of 36.67 ACRES.

This right was perfected under Permit S-53335. The date of priority is MAY 6, 1991. The amount of water to which this right is entitled is limited to an amount actually used beneficially, and shall not exceed 0.44 CUBIC FOOT PER SECOND FROM LIVE FLOW AND NOT MORE THAN 104.8 ACRE-FEET (AF) PER YEAR FROM STORED WATER ONLY, PROVIDED THAT THE TOTAL VOLUME OF STORED WATER USED UNDER THIS PERMIT TOGETHER WITH ANY AMOUNT USED UNDER PERMIT 53334 DOES NOT EXCEED 104.8 AF PER YEAR, BEING THE AMOUNT OF STORED WATER MADE AVAILABLE UNDER THE BUREAU OF RECLAMATION WATER SUPPLY CONTRACT, or its equivalent in case of rotation, measured at the point of diversion.

The point of diversion is located as follows:

| Twp  | Rng | Mer | Sec | Q-Q   | DLC | Measured Distances                                                   |
|------|-----|-----|-----|-------|-----|----------------------------------------------------------------------|
| 11 S | 4 W | WM  | 15  | SW SW | 59  | 500 FEET NORTH AND 100 FEET EAST<br>FROM THE SW CORNER OF SECTION 15 |

The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands, is limited to a diversion of ONE-EIGHTIETH of one cubic foot per second (or its equivalent) and 2.5 acre-feet per acre for each acre irrigated during the irrigation season of each year.

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

| IRRIGATION |     |     |     |       |     |       |
|------------|-----|-----|-----|-------|-----|-------|
| Twp        | Rng | Mer | Sec | Q-Q   | DLC | Acres |
| 11 S       | 4 W | WM  | 15  | NW SW | 59  | 12.10 |
| 11 S       | 4 W | WM  | 15  | SW SW | 59  | 24.07 |
| 11 S       | 4 W | WM  | 16  | NE SE |     | 0.20  |
| 11 S       | 4 W | WM  | 16  | SE SE |     | 0.30  |
| Total      |     |     |     |       |     | 36.67 |

Measurement, recording and reporting conditions:

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

Water user may pump directly from proposed point of diversion on Horseshoe Lake unless pumping causes substantial interference with more senior water right users and regulation occurs, then use must stop.

The water user shall maintain and operate fish screening and fishway passage as required by the Oregon Department of Fish and Wildlife to prevent fish from entering the diversion.

The use of water under this right is subject to the terms and conditions of Contract No. 8-07-10-W1195 between the Bureau of Reclamation and the water user, or a satisfactory replacement, a copy of which is on file in the records of the Water Resources Department.

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

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

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

The use of water allowed herein may be made only at times when sufficient water is available to satisfy all prior rights, including prior rights for maintaining instream flows.

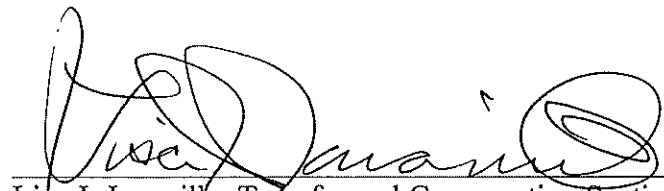
This certificate describes that portion of water right Certificate 90098, State Record of Water Right Certificates, NOT modified by the provisions of an order of the Water Resources Director entered JAN 26 2022, approving Transfer Application T-13512.

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.

JAN 26 2022

WITNESS the signature of the Water Resources Director, affixed \_\_\_\_\_.

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

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

# WATER RIGHT TRANSFER COVER SHEET

Transfer: T- 13512

Transfer Specialist:

Transfer Type: Regular

Corey

|                                                                                                  |  |                                                                                     |  |
|--------------------------------------------------------------------------------------------------|--|-------------------------------------------------------------------------------------|--|
| <b>Applicant:</b><br>LEE GILMOUR<br>30427 STELLMACHER DRIVE<br>ALBANY, OR 97321<br>Email: Phone: |  | <b>Agent:</b> <input type="checkbox"/> N/A<br>UNAVAILABLE<br>Email: Phone:          |  |
| <b>Irrigation District:</b> <input type="checkbox"/> N/A<br>Email:                               |  | <b>CWRE:</b> <input type="checkbox"/> N/A<br>Email:                                 |  |
| <b>Affected Local Gov'ts:</b> <input type="checkbox"/> N/A<br>Bureau of Reclamation<br>Email:    |  | <b>Affected Tribal Gov't:</b> <input type="checkbox"/> N/A<br>UNAVAILABLE<br>Email: |  |
| <b>Current Landowner if other than Applicant:</b> <input type="checkbox"/> N/A<br>Email:         |  | <b>Receiving Landowner:</b> <input type="checkbox"/> N/A<br>Email:                  |  |

## Water Rights Affected

| File Marked              | App. File # or Decree Name | Permit  | Certificate | RR/CR Needed                                                        | RR/CR Nos. |
|--------------------------|----------------------------|---------|-------------|---------------------------------------------------------------------|------------|
| <input type="checkbox"/> | S-71571                    | S-53335 | 90098       | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No | 95940      |
| <input type="checkbox"/> |                            |         |             | <input type="checkbox"/> Yes <input type="checkbox"/> No            |            |
| <input type="checkbox"/> |                            |         |             | <input type="checkbox"/> Yes <input type="checkbox"/> No            |            |

## Key Dates & Initial Actions:

|                                                                 |                                                   |                                              |
|-----------------------------------------------------------------|---------------------------------------------------|----------------------------------------------|
| Rec'd: September 2, 2020                                        | Proposed Action(s): POINT OF DIVERSION            |                                              |
| Fees Pd: 1160.00                                                | WM District: 2                                    | ODFW District:                               |
| Initial Public Notice: September 8, 2020                        | WM Review sent:                                   | ODFW Review sent:                            |
| Acknowledgement Letter Sent <input checked="" type="checkbox"/> |                                                   | GW Review sent: <input type="checkbox"/> N/A |
| County sent cc: of Ack Letter <input type="checkbox"/>          | BOR notified (date): <input type="checkbox"/> N/A |                                              |
| Newspaper quote requested: N/A                                  | Request for news \$ sent:                         | News \$ received:                            |
| Request to publish sent:                                        | Affidavit of publication received:                | Last day of publication:                     |

| Document | Drafted                        | Peer Review                      | Changes Made                   | Coordinator                    | Changes Made                   | Signature Bin   | Signature Date |
|----------|--------------------------------|----------------------------------|--------------------------------|--------------------------------|--------------------------------|-----------------|----------------|
| DPD      | Date: 1/26/21<br>Initials: CC  | Date: 4/28/21<br>Initials: AD    | Date: _____<br>Initials: _____ | Date: 5/17/21<br>Initials: PKS | Date: 5/27/21<br>Initials: CC  | CW Sent: 7/7/21 | N/A            |
| PD       | Date: 8/5/21<br>Initials: CC   | Date: 8-31-21<br>Initials: TS    | Date: _____<br>Initials: _____ | Date: 9/3/21<br>Initials: PKS  | Date: 9/8/21<br>Initials: CC   | Date: 9/20/21   | 9/22/2021      |
| FO       | Date: 10/25/21<br>Initials: CC | Date: 10/27/21<br>Initials: Joan | Date: _____<br>Initials: _____ | Date: 1/7/22<br>Initials: PKS  | Date: _____<br>Initials: _____ | Date: 1/12/22   | 1/26/2022      |

Special Issues: \_\_\_\_\_

Special Order Volume: Vol. 122 Pages 366



# Oregon

Kate Brown, Governor

## Water Resources Department

725 Summer St NE, Suite A

Salem, OR 97301

(503) 986-0900

Fax (503) 986-0904

September , 2021

LEE GILMOUR  
30427 STELLMACHER DRIVE  
ALBANY, OR 97321

SUBJECT: Water Right Transfer Application T-13512

Please find enclosed the Preliminary Determination indicating that, based on the information available, the Department intends to approve application T-13512. This document is an intermediate step in the approval process; water may not be used legally as proposed in the transfer application until a Final Order has been issued by the Department. Please read this entire letter carefully to determine your responsibility for additional action.

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

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

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

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

Please do not hesitate to contact me at if I may be of assistance.

# Regular Transfer Review Checklist

T- 13512

Caseworker: Corey

| TYPE OF TRANSFER                                           |                                                                                  |
|------------------------------------------------------------|----------------------------------------------------------------------------------|
| <input checked="" type="checkbox"/>                        | POD <u>APOD</u> or POA, APOA and/or Place of Use (690-380-2110 and 690-380-2200) |
| Transfers Requiring Supplemental Review Criteria           |                                                                                  |
| <input type="checkbox"/>                                   | Character of Use (690-380-2300)                                                  |
| <input type="checkbox"/>                                   | Instream, ORS 537.348, (690-380-2200, 690-380-2300 and 690-077-065 thru 075)     |
| <input type="checkbox"/>                                   | Consent to Injury of Instream (CTI) ORS 540.530, (690-380-5050)                  |
| <input type="checkbox"/>                                   | Surface Water to Ground Water (SW to GW), ORS 540.531, (690-380-2130)            |
| <input type="checkbox"/>                                   | 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                                                                                                                                                                                                                                                                                                        |
| <input checked="" type="checkbox"/> | File Assigned (Computer Entry)                                                                                                                                                                                                                                                                            |
| <input checked="" type="checkbox"/> | Is transfer within a district boundary?<br><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No<br>If yes, attach "Supplemental Processing Checklist for Transfers with a District" for additional required information.                                                                   |
| <input checked="" type="checkbox"/> | Make Copies and Place in Working File:<br><input checked="" type="checkbox"/> Application <input checked="" type="checkbox"/> Map                                                                                                                                                                         |
| <input checked="" type="checkbox"/> | Verify all Certificates/Permits are shown in WRIS to be non-cancelled<br><input checked="" type="checkbox"/> Print Certificates and Place in Working File                                                                                                                                                 |
| <input checked="" type="checkbox"/> | Add Working file to T-file                                                                                                                                                                                                                                                                                |
| <input checked="" type="checkbox"/> | Check Public Comments<br><a href="https://apps.wrd.state.or.us/apps/wr/wr_public_comment_mgmt/default.aspx">https://apps.wrd.state.or.us/apps/wr/wr_public_comment_mgmt/default.aspx</a>                                                                                                                  |
|                                     | All Stakeholders accurately listed in WRIS with email addresses if available, including<br><input type="checkbox"/> Irrigation District <input type="checkbox"/> BOR <input type="checkbox"/> Tribes<br>Is this a Living Certificate? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No |
|                                     | Double check all water rights/permits are included in WRIS under Transfer #                                                                                                                                                                                                                               |
|                                     | Copy and Place in Working File:<br><input checked="" type="checkbox"/> Watermaster Review <input type="checkbox"/> Groundwater Review<br><input checked="" type="checkbox"/> ODFW Review                                                                                                                  |
|                                     | Public Comments Received?<br><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No<br>If yes, print comments and place in file<br><input type="checkbox"/> Timely <input type="checkbox"/> Untimely<br>Notes:                                                                               |

PR Initials  

| BASIC APPLICATION REVIEW and NOTICE (OAR 680-380-3000 and -4000) |                          |                                                                 |                                     |                                     |                                                                                                                                                                 |
|------------------------------------------------------------------|--------------------------|-----------------------------------------------------------------|-------------------------------------|-------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------|
| CW                                                               | N/A                      |                                                                 | CW                                  | N/A                                 |                                                                                                                                                                 |
| <input checked="" type="checkbox"/>                              |                          | Appropriately signed                                            | <input type="checkbox"/>            | <input checked="" type="checkbox"/> | Check Area of Interest – Print if needed, include in WRIS stakeholder as interested party                                                                       |
| <input checked="" type="checkbox"/>                              |                          | All required Attachments Received                               | <input type="checkbox"/>            | <input checked="" type="checkbox"/> | Ditch Co., Irr. Dist and/or BOR sent copies                                                                                                                     |
| <input checked="" type="checkbox"/>                              |                          | Appropriate Fees Paid                                           | <input type="checkbox"/>            | <input checked="" type="checkbox"/> | Overpayment of Fees, Refund Request w/FO                                                                                                                        |
| <input checked="" type="checkbox"/>                              | <input type="checkbox"/> | Local Government [County] noticed Copy of Acknowledgment Letter | <input checked="" type="checkbox"/> | <input type="checkbox"/>            | OWRD Land Use Form matches Tax Lots, is signed by proper official and is <b>APPROVED</b><br>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                      |                                                                                                                                                                            |
|-------------------------------------|-------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------|--------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <input type="checkbox"/>            | <input checked="" type="checkbox"/> | Supp. Form D or Letter of approval from Irrigation or Water Control District                                                                                                                                                                                                                                                                                                                                                                                                                    | <input checked="" type="checkbox"/> | <input type="checkbox"/> | Evidence of Use is submitted with supporting documentation                                                                                                                 |
| <input type="checkbox"/>            | <input checked="" type="checkbox"/> | Are the supplemental water rights included in the Transfer? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No<br>If no, are they cancelling? <input type="checkbox"/> Yes <input type="checkbox"/> No                                                                                                                                                                                                                                                                         | <input checked="" type="checkbox"/> |                          | Map meets criteria of OAR 690-380-3100                                                                                                                                     |
| <input checked="" type="checkbox"/> |                                     | Water Use Subject to Transfer (OAR 690-380-0100(14))<br>Is the water right(s) proposed for transfer a water use(s) subject to transfer?<br><input type="checkbox"/> Adjudicated or decreed <input checked="" type="checkbox"/> Certificated<br><input type="checkbox"/> Water use permit with CBU and proof to satisfaction issued<br><input type="checkbox"/> Transfer app for which an order approving change has been issued and proper proof of the completion of the change has been filed | <input checked="" type="checkbox"/> |                          | Any application deficiencies that need to be addressed?<br><input checked="" type="checkbox"/> Yes <input type="checkbox"/> No Notes: <u>see 1/28/21 deficiency letter</u> |

PR Initials

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

| CW                                  |                                                                                               | CW                                  |                                                                                                                        |
|-------------------------------------|-----------------------------------------------------------------------------------------------|-------------------------------------|------------------------------------------------------------------------------------------------------------------------|
| <input checked="" type="checkbox"/> | <u>From:</u> Only the authorized POD's/POA's and POU's involved are listed.                   | <input checked="" type="checkbox"/> | <u>From:</u> Application & certificate tabulations match. (Mark on appl. and cert. copies and note corrections needed) |
| <input checked="" type="checkbox"/> | <u>From:</u> Marked on certificate the acreage being affected and remaining by ¼ ¼.           | <input checked="" type="checkbox"/> | <u>From:</u> Marked on certificate the quantity of water being transferred, cancelled, and remaining                   |
| <input checked="" type="checkbox"/> | <u>From and To:</u> Print Plat Card(s), check and note conflicts (change in pou and use only) | <input checked="" type="checkbox"/> | <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                                                                                                                                                                                                                |
|-------------------------------------|-------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------|-------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <input checked="" type="checkbox"/> | <input type="checkbox"/>            | Amended Application Pages Rec'd <u>2/24/21</u><br>Amended Application Map Rec'd _____                                                 | <input checked="" type="checkbox"/> | <input type="checkbox"/>            | <input checked="" type="checkbox"/> Scan new pages<br><input checked="" type="checkbox"/> Update WRIS with new pages<br><input checked="" type="checkbox"/> Mark replaced pages in red with 'SUPERSEDED' and place in back of file |
| <input type="checkbox"/>            | <input checked="" type="checkbox"/> | Did the amendment change the location of the proposed POD or POA? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No | <input type="checkbox"/>            | <input checked="" type="checkbox"/> | <input type="checkbox"/> For POD changes, re-review from Watermaster or other documentation<br><input type="checkbox"/> For POA changes, re-review from GW section                                                                 |

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

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

COORD INITIALS  PR Initials  **TRANSFER REVIEW Criteria (OAR 690-380-4010)**

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

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

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

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### Additional Findings of Fact

| CW                                  | N/A                                 |                                                                        | CW                                  | N/A                      | SAMPLE FINDING                                                                                                                                                                                                                                                                               |
|-------------------------------------|-------------------------------------|------------------------------------------------------------------------|-------------------------------------|--------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <input checked="" type="checkbox"/> | <input type="checkbox"/>            | Add Finding for submission of amended application pages or amended map | <input checked="" type="checkbox"/> | <input type="checkbox"/> | On ____, the applicant submitted an amended application page/map clarifying . . . .                                                                                                                                                                                                          |
| <input type="checkbox"/>            | <input checked="" type="checkbox"/> | Add Finding for timely comments received                               | <input type="checkbox"/>            | <input type="checkbox"/> | On (date), timely comments were received from (name), asserting (issues). The Department has considered the comments and finds: . . . .<br>(do they assert injury/enlargement or forfeiture?)                                                                                                |
| <input type="checkbox"/>            | <input checked="" type="checkbox"/> | Add Watermaster Review                                                 | <input type="checkbox"/>            | <input type="checkbox"/> | 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. <b>OR</b> would result in injury or enlargement of the right unless it was conditioned . . . . |

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### Additional Conditions and Provisions under Review Criteria

| CW                                  | N/A                                 |                                   | CW                                  | N/A                                 | SAMPLE FINDING                                                                                   |
|-------------------------------------|-------------------------------------|-----------------------------------|-------------------------------------|-------------------------------------|--------------------------------------------------------------------------------------------------|
| <input checked="" type="checkbox"/> | <input type="checkbox"/>            | Add Watermaster conditions        | <input checked="" type="checkbox"/> | <input type="checkbox"/>            | See Supplemental Language (Measurement devices) or requirements to prevent injury or enlargement |
| <input checked="" type="checkbox"/> | <input type="checkbox"/>            | Add ODFW fish screen requirements | <input checked="" type="checkbox"/> | <input type="checkbox"/>            | See Supplemental Language Fish Screen Requirements                                               |
| <input type="checkbox"/>            | <input checked="" type="checkbox"/> | Add ground water conditions       | <input type="checkbox"/>            | <input checked="" type="checkbox"/> | See Groundwater Review / Supplemental Language                                                   |

| Additional Conditions and Provisions under Review Criteria (Cont'd) |                                     |                                                                                                                                                                 |                          |                          |                                                                                                                                                                                                                                                                    |
|---------------------------------------------------------------------|-------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------|--------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| CW                                                                  | N/A                                 |                                                                                                                                                                 | CW                       | N/A                      | SAMPLE FINDING                                                                                                                                                                                                                                                     |
| <input type="checkbox"/>                                            | <input checked="" type="checkbox"/> | Additional finding for evaluation of comments received and any actions or conditions to address comments                                                        | <input type="checkbox"/> | <input type="checkbox"/> |                                                                                                                                                                                                                                                                    |
| <input type="checkbox"/>                                            | <input checked="" type="checkbox"/> | Add any other special provisions                                                                                                                                | <input type="checkbox"/> | <input type="checkbox"/> | Additional findings to support determination of additional review criteria listed                                                                                                                                                                                  |
| <input type="checkbox"/>                                            | <input checked="" type="checkbox"/> | Any cancellation/diminishment submitted?<br><input type="checkbox"/> Yes <input type="checkbox"/> No                                                            | <input type="checkbox"/> | <input type="checkbox"/> | If yes: (See Supplemental Language Document)<br><input type="checkbox"/> Add Authority after 1 <sup>st</sup> paragraph<br><input type="checkbox"/> Add finding(s) to document cancellation/diminishment                                                            |
| <input type="checkbox"/>                                            | <input checked="" type="checkbox"/> | Are the existing water rights issued in the name of a District or Bureau of Reclamation?<br><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No | <input type="checkbox"/> | <input type="checkbox"/> | 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.<br>Notes:<br>_____<br>_____<br><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] <b>OR</b> [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] <b>OR</b> [within the five-year period prior to submittal of the transfer application] according to the terms and conditions of the right(s). <b>OR</b><br>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. <b>OR</b> 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.<br><b>OR, if denial</b><br>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.<br><b>OR</b><br>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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PR Initials  

### ☒ N/A Denial of Transfer (OAR 690-380-4010(3))

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

☐

- ☐ Injury  
☐ Enlargement  
☐ Deficiencies not rectified

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

☐

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

☐ No Must be denied

**DRAFT PRELIMINARY DETERMINATION****Document Preparation**

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

**Cover Letter**

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

**Remaining Right Certificate(s)**

|                                     |                                                                                       |                                     |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |
|-------------------------------------|---------------------------------------------------------------------------------------|-------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <input checked="" type="checkbox"/> | Check tenses (Find and Replace (s), is/are, was/were                                  | <input checked="" type="checkbox"/> | Table format matches current template                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |
| <input checked="" type="checkbox"/> | Content format matches original certificate (e.g., rate/duty limitation)              | <input checked="" type="checkbox"/> | Name and address matches originating certificate<br>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. |
| <input checked="" type="checkbox"/> | Determination and remaining acres combined match acres under originating certificate? | <input checked="" type="checkbox"/> | All water accounted for                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |
| <input checked="" type="checkbox"/> | Draft all remaining right certificates                                                | <input checked="" type="checkbox"/> | Document is "Spell checked"                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |

**COMMENTS**

|  |
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|  |
|--|

COORD INITIALS

PR Initials

**PRELIMINARY DETERMINATION****Public/Newspaper Notice**

| CW                       | N/A                      |                                                | CW                       | N/A                      |                                                                |
|--------------------------|--------------------------|------------------------------------------------|--------------------------|--------------------------|----------------------------------------------------------------|
| <input type="checkbox"/> | <input type="checkbox"/> | Prepare public/newspaper notice using template | <input type="checkbox"/> | <input type="checkbox"/> | Send letter to Applicant/Agent regarding newspaper notice cost |
| <input type="checkbox"/> |                          | Notice and Letter are "Spellchecked"           | <input type="checkbox"/> | <input type="checkbox"/> | Funds received from Applicant/Agent for newspaper notice       |
| <input type="checkbox"/> | <input type="checkbox"/> | Forward Draft Newspaper Notice to Coordinator  | <input type="checkbox"/> | <input type="checkbox"/> | Affidavit of Publication Received                              |

**Ownership Verification**

| CW                       |                                                        | CW                       |                                                                        |
|--------------------------|--------------------------------------------------------|--------------------------|------------------------------------------------------------------------|
| <input type="checkbox"/> | The Deed/ROI matches the "from" lands                  | <input type="checkbox"/> | Compare with current tax lot map                                       |
| <input type="checkbox"/> | All owners on the Deed/ROI have signed the application | <input type="checkbox"/> | <input type="checkbox"/> N/A<br>Notarized, signed statement of consent |

**Document Preparation**

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

**Cover Letter**

|                          |                       |                          |                                      |
|--------------------------|-----------------------|--------------------------|--------------------------------------|
| <input type="checkbox"/> | Cover letter prepared | <input type="checkbox"/> | Email addresses checked for accuracy |
|                          |                       | <input type="checkbox"/> | Document is "Spell checked"          |

**Remaining Right Certificate(s)**

|                          |                                                                                                                                                                                                                                                                                     |                          |                                                            |
|--------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------|------------------------------------------------------------|
| <input type="checkbox"/> | Assign certificate #s to all Remaining Right Certificates                                                                                                                                                                                                                           | <input type="checkbox"/> | Document is "Spell checked"                                |
| <input type="checkbox"/> | Remaining right Certificate numbers<br>Orig. Cert. # _____ RR Cert. # _____<br>Orig. Cert. # _____ RR Cert. # _____<br>Orig. Cert. # _____ RR Cert. # _____<br>Orig. Cert. # _____ RR Cert. # _____<br>Orig. Cert. # _____ RR Cert. # _____<br>Orig. Cert. # _____ RR Cert. # _____ | <input type="checkbox"/> | Update Certificates with new Certificate numbers and print |

| Data Center Review       |                    |                          |                                                                                                                                                  |
|--------------------------|--------------------|--------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------|
| CW                       |                    | CW                       |                                                                                                                                                  |
| <input type="checkbox"/> | Prepare Route Slip | <input type="checkbox"/> | <input type="checkbox"/> Prepare Revised DPD if <i>substantive changes</i> <b>OR</b><br><input type="checkbox"/> Issue Preliminary Determination |
| <input type="checkbox"/> | File Returned      |                          |                                                                                                                                                  |

| COMMENTS    |
|-------------|
| <div></div> |

COORD INITIALS

PR Initials

**FINAL ORDER****Document Preparation**

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

**Remaining Right Certificate**

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

**COMMENTS**



# Oregon

Kate Brown, Governor

## Water Resources Department

725 Summer St NE, Suite A

Salem, OR 97301

(503) 986-0900

Fax (503) 986-0904

September 22, 2021

LEE GILMOUR  
30427 STELLMACHER DRIVE  
ALBANY, OR 97321

SUBJECT: Water Right Transfer Application T-13512

Please find enclosed the Preliminary Determination indicating that, based on the information available, the Department intends to approve application T-13512. This document is an intermediate step in the approval process; water may not be used legally as proposed in the transfer application until a Final Order has been issued by the Department. Please read this entire letter carefully to determine your responsibility for additional action.

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

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

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

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

Please do not hesitate to contact me at if I may be of assistance.

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

|                                       |   |                               |
|---------------------------------------|---|-------------------------------|
| In the Matter of Transfer Application | ) | PRELIMINARY DETERMINATION     |
| T-13512, Linn County                  | ) | PROPOSING APPROVAL FOR AN     |
|                                       | ) | ADDITIONAL POINT OF DIVERSION |

**Authority**

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

**Applicant**

LEE GILMOUR  
30427 STELLMACHER DRIVE  
ALBANY, OR 97321

**Findings of Fact**

1. On September 2, 2020, LEE GILMOUR filed an application for an additional point of diversion under Certificate 90098. The Department assigned the application number T-13512.
2. Notice of the application for transfer was published on September 8, 2020, pursuant to OAR 690-380-4000. No comments were filed in response to the notice.
3. On January 25, 2021, the Department contacted the applicant by written correspondence to notify the applicant and the applicant's agent of deficiencies in the application. Table 1 of the application identified a change in point of diversion, whereas Table 2 identified an additional point of diversion, and the affidavits for Evidence of Use and Consent by Deeded Landowner are copies. The Department requires an original signature on affidavits, so the original affidavits need to be submitted. The Department requested that the deficiencies be resolved by February 24, 2021.
4. On February 24, 2021, the agent submitted a revised Table 1 identifying an additional point of diversion, rather than a change in point of diversion. The applicant is actively retrieving the original affidavits for Evidence of Use, to be submitted at a later date.

|                                                                                                                                                                                  |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 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. On March 22, 2021, the Department informed the applicant, that a Final Order would not be issued unless the Department receives the original Evidence of Use affidavits.
6. On June 14, 2021, the Department received an Evidence of Use affidavit containing an original signature.
7. On June 28, 2021, the Department received an Affidavit of Consent by Deeded Landowner containing an original signature, resolving the deficiencies.
8. On July 7, 2021, the Department mailed a copy of the draft Preliminary Determination proposing to approve Transfer Application T-13512 to the applicant. The draft Preliminary Determination cover letter set forth a deadline of August 6, 2021, for the applicant to respond. The applicant requested that the Department proceed with issuance of a Preliminary Determination and provided the necessary information to demonstrate that the applicant is authorized to pursue the transfer.
9. The portion of the right to be transferred is as follows:

**Certificate:** 90098 in the name of WILLIAM J. STELLMACHER and JOYCE M. CARNEGIE (perfected under Permit S-53335)

**Use:** IRRIGATION of 84.93 ACRES

**Priority Date:** MAY 6, 1991

**Rate:** 1.03 CUBIC FEET PER SECOND FROM LIVE FLOW AND NOT MORE THAN 104.8 ACRE-FEET (AF) PER YEAR FROM STORED WATER ONLY, PROVIDED THAT THE TOTAL VOLUME OF STORED WATER USED UNDER THIS PERMIT TOGETHER WITH ANY AMOUNT USED UNDER PERMIT 53334 DOES NOT EXCEED 104.8 AF PER YEAR, BEING THE AMOUNT OF STORED WATER MADE AVAILABLE UNDER THE BUREAU OF RECLAMATION WATER SUPPLY CONTRACT

**Limit/Duty:** The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands, is limited to a diversion of ONE-EIGHTIETH of one cubic foot per second (or its equivalent) and 2.5 acre-feet per acre for each acre irrigated during the irrigation season of each year.

**Period of Use:** MARCH 1 THROUGH JUNE 30 AND SEPTEMBER 1 THROUGH OCTOBER 31 FROM LIVE FLOW; STORED WATER MAY BE USED MARCH 1 THROUGH OCTOBER 31 OR AS FURTHER LIMITED BY THE BUREAU OF RECLAMATION WATER SUPPLY CONTRACT.

**Source:** HORSESHOE LAKE AND WILLAMETTE BASIN PROJECT RESERVOIRS, CONSTRUCTED UNDER PERMIT R-5363, TRIBUTARIES OF WILLAMETTE RIVER

**Authorized Point of Diversion:**

| Twp  | Rng | Mer | Sec | Q-Q   | DLC | Measured Distances                                                         |
|------|-----|-----|-----|-------|-----|----------------------------------------------------------------------------|
| 11 S | 4 W | WM  | 15  | SW SW | 59  | POD #1 - 500 FEET NORTH AND 100 FEET EAST FROM THE SW CORNER OF SECTION 15 |

**Authorized Place of Use:**

| IRRIGATION |     |     |     |       |     |       |
|------------|-----|-----|-----|-------|-----|-------|
| Twp        | Rng | Mer | Sec | Q-Q   | DLC | Acres |
| 11 S       | 4 W | WM  | 15  | NE SW |     | 15.70 |
| 11 S       | 4 W | WM  | 15  | NW SW | 59  | 3.50  |
| 11 S       | 4 W | WM  | 15  | SW SW | 59  | 8.93  |
| 11 S       | 4 W | WM  | 15  | SE SW |     | 39.50 |
| 11 S       | 4 W | WM  | 15  | NW SE | 58  | 4.40  |
| 11 S       | 4 W | WM  | 15  | SW SE |     | 12.90 |
| Total      |     |     |     |       |     | 84.93 |

10. Transfer Application T-13512 proposes an additional point of diversion approximately 515.8 feet upstream to:

| Twp  | Rng | Mer | Sec | Q-Q   | DLC | Measured Distances                                                         |
|------|-----|-----|-----|-------|-----|----------------------------------------------------------------------------|
| 11 S | 4 W | WM  | 15  | SW SW | 59  | POD #2 - 214 FEET NORTH AND 530 FEET EAST FROM THE SW CORNER OF SECTION 15 |

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

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

12. 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.
13. 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-13512.
14. The proposed change would not result in enlargement of the right.
15. The proposed change would not result in injury to other water rights.
16. All other application requirements are met.

**Determination and Proposed Action**

The additional point of diversion proposed in Transfer Application T-13512 appears to be consistent with the requirements of ORS 540.505 to 540.580 and OAR 690-380-5000. If protests are not filed pursuant to OAR 690-380-4030, the transfer application will be approved.

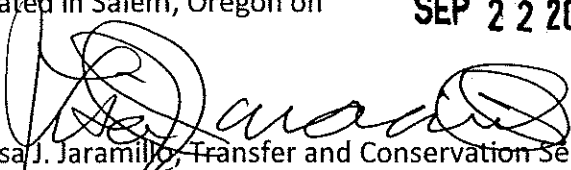
*If Transfer Application T-13512 is approved, the final order will include the following:*

- 1. The additional point of diversion proposed in Transfer Application T-13512 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 90098 and any related decree.*
- 3. Water right Certificate 90098 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 additional point of diversion (POD #2), together with that diverted at the original point of diversion (POD #1), shall not exceed the quantity of water lawfully available at the original point of diversion (POD #1).*
- 5. Water use measurement conditions:*
  - a. Before water use may begin under this order, the water user shall install a totalizing flow meter, or, with prior approval of the Director, another suitable measuring device, at each point of diversion (new and existing).*
  - b. The water user shall maintain the meters or measuring devices in good working order.*
  - c. The water user shall allow the Watermaster access to the meters or measuring devices; provided however, where the meters or measuring devices are located within a private structure, the Watermaster shall request access upon reasonable notice.*
- 6. Prior to diverting water, the water user shall install a fish screening and/or by-pass device, as appropriate, at the new point of diversion consistent with the Oregon Department of Fish and Wildlife's (ODFW) design and construction standards. Prior to installation, the water user shall obtain written approval from ODFW that the required screen and/or by-pass device meets ODFW's criteria. Prior to submitting a Claim of Beneficial Use, the water user must obtain written approval from ODFW that the required screening and/or by-pass device was installed to the state's criteria. The water user shall maintain and operate the fish screen and/or by-pass device, as appropriate, at the point of diversion consistent with ODFW's operational and maintenance standards.*
- 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

**SEP 22 2021**



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

This Preliminary Determination was prepared by Corey Courchane. If you have questions about the information in this document, you may reach me at 503-979-3917 or [corey.a.courchane@oregon.gov](mailto:corey.a.courchane@oregon.gov)

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

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

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

## COURCHANE Corey A \* WRD

---

**From:** BUCHHOLZ Sheila L \* WRD  
**Sent:** Thursday, September 16, 2021 2:40 PM  
**To:** COURCHANE Corey A \* WRD; BAUSTIAN Julie C \* WRD  
**Cc:** MARTIN Duff A \* WRD  
**Subject:** PD T-13512  
**Attachments:** Peer Review PD T-13512.pdf

Corey & Julie,

Data is finished with this PD Transfer.

Thanks!

[Sheila Buchholz](#)

Data Technician 1

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

Email: [Sheila.L.Buchholz@oregon.gov](mailto:Sheila.L.Buchholz@oregon.gov)



OREGON  
WATER  
RESOURCES  
DEPARTMENT

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# Oregon

Kate Brown, Governor

## Water Resources Department

725 Summer St NE, Suite A

Salem, OR 97301

(503) 986-0900

Fax (503) 986-0904

July 7, 2021

LEE GILMOUR  
30427 STELLMACHER DRIVE  
ALBANY, OR 97321

Reference: Water Right Transfer Application T-13512

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-13512. 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.

### Conditions to your water right...

The Watermaster has required a water measurement devices at the new diversion point 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).

This transfer will require installation of a fish screen at the new diversion point **prior to diversion of water. You may not divert water prior to installation and approval of the fish screen by the Oregon Department of Fish and Wildlife (ODFW).** You may wish to contact the ODFW staff person listed on the enclosed contact sheet for more information about the screen and to determine a reasonable timeline.

**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. The Department will publish a notice in their weekly publication, which opens a 30-day period in which the transfer can be protested.

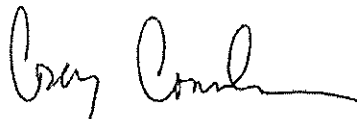
Issuance of the Preliminary Determination will occur shortly after we receive:

1. Your written response to the conditions and proposed action in the draft Preliminary Determination (e-mail is acceptable); and
2. 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 August 6, 2021, a Preliminary Determination may be issued denying the application as incomplete.**

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

Sincerely,



Corey Courchane  
Transfer Specialist  
Transfer and Conservation Section

cc: Transfer Application file T-13512  
Lanaya F. Blakely, District 2 Watermaster (*via e-mail*)  
Udell Engineering and Land Surveying, LLC, Agent for the applicant (*via e-mail*)

encs

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

In the Matter of Transfer Application  
T-13512, Linn County

) **D R A F T**  
)  
) PRELIMINARY DETERMINATION  
) PROPOSING APPROVAL FOR AN  
) ADDITIONAL POINT OF DIVERSION

**Authority**

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

**Applicant**

LEE GILMOUR  
30427 STELLMACHER DRIVE  
ALBANY, OR 97321

**Findings of Fact**

1. On September 2, 2020, LEE GILMOUR filed an application for an additional point of diversion under Certificate 90098. The Department assigned the application number T-13512.
2. Notice of the application for transfer was published on September 8, 2020, pursuant to OAR 690-380-4000. No comments were filed in response to the notice.
3. On January 25, 2021, the Department contacted the applicant by written correspondence to notify the applicant and the applicant's agent of deficiencies in the application. Table 1 of the application identified a change in point of diversion, whereas Table 2 identified an additional point of diversion, and the affidavits for Evidence of Use and Consent by Deeded Landowner are copies. The Department requires an original signature on affidavits, so the original affidavits need to be submitted. The Department requested that the deficiencies be resolved by February 24, 2021.
4. On February 24, 2021, the agent submitted a revised Table 1 identifying an additional point of diversion, rather than a change in point of diversion. The applicant is actively retrieving the original affidavits for Evidence of Use, to be submitted at a later date.
5. On March 22, 2021, the Department informed the applicant, that a Final Order would not be issued unless the Department receives the original Evidence of Use affidavits.

6. On June 14, 2021, the Department received an Evidence of Use affidavit containing an original signature.
7. On June 28, 2021, the Department received an Affidavit of Consent by Deeded Landowner containing an original signature, resolving the deficiencies.
8. The portion of the right to be transferred is as follows:

**Certificate:** 90098 in the name of WILLIAM J. STELLMACHER and JOYCE M. CARNEGIE (perfected under Permit S-53335)

**Use:** IRRIGATION of 84.93 ACRES

**Priority Date:** MAY 6, 1991

**Rate:** 1.03 CUBIC FEET PER SECOND FROM LIVE FLOW AND NOT MORE THAN 104.8 ACRE-FEET (AF) PER YEAR FROM STORED WATER ONLY, PROVIDED THAT THE TOTAL VOLUME OF STORED WATER USED UNDER THIS PERMIT TOGETHER WITH ANY AMOUNT USED UNDER PERMIT 53334 DOES NOT EXCEED 104.8 AF PER YEAR, BEING THE AMOUNT OF STORED WATER MADE AVAILABLE UNDER THE BUREAU OF RECLAMATION WATER SUPPLY CONTRACT

**Limit/Duty:** The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands, is limited to a diversion of ONE-EIGHTIETH of one cubic foot per second (or its equivalent) and 2.5 acre-feet per acre for each acre irrigated during the irrigation season of each year.

**Period of Use:** MARCH 1 THROUGH JUNE 30 AND SEPTEMBER 1 THROUGH OCTOBER 31 FROM LIVE FLOW; STORED WATER MAY BE USED MARCH 1 THROUGH OCTOBER 31 OR AS FURTHER LIMITED BY THE BUREAU OF RECLAMATION WATER SUPPLY CONTRACT.

**Source:** HORSESHOE LAKE AND WILLAMETTE BASIN PROJECT RESERVOIRS, CONSTRUCTED UNDER PERMIT R-5363, TRIBUTARIES OF WILLAMETTE RIVER

**Authorized Point of Diversion:**

| Twp  | Rng | Mer | Sec | Q-Q   | DLC | Measured Distances                                                         |
|------|-----|-----|-----|-------|-----|----------------------------------------------------------------------------|
| 11 S | 4 W | WM  | 15  | SW SW | 59  | POD #1 - 500 FEET NORTH AND 100 FEET EAST FROM THE SW CORNER OF SECTION 15 |

**Authorized Place of Use:**

| IRRIGATION |     |     |     |       |     |       |
|------------|-----|-----|-----|-------|-----|-------|
| Twp        | Rng | Mer | Sec | Q-Q   | DLC | Acres |
| 11 S       | 4 W | WM  | 15  | NE SW |     | 15.70 |
| 11 S       | 4 W | WM  | 15  | NW SW | 59  | 3.50  |
| 11 S       | 4 W | WM  | 15  | SW SW | 59  | 8.93  |
| 11 S       | 4 W | WM  | 15  | SE SW |     | 39.50 |
| 11 S       | 4 W | WM  | 15  | NW SE | 58  | 4.40  |
| 11 S       | 4 W | WM  | 15  | SW SE |     | 12.90 |
| Total      |     |     |     |       |     | 84.93 |

9. Transfer Application T-13512 proposes an additional point of diversion approximately 515.8 feet upstream to:

| Twp  | Rng | Mer | Sec | Q-Q   | DLC | Measured Distances                                                         |
|------|-----|-----|-----|-------|-----|----------------------------------------------------------------------------|
| 11 S | 4 W | WM  | 15  | SW SW | 59  | POD #2 - 214 FEET NORTH AND 530 FEET EAST FROM THE SW CORNER OF SECTION 15 |

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

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

11. 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.
12. 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-13512.
13. The proposed change would not result in enlargement of the right.
14. The proposed change would not result in injury to other water rights.
15. All other application requirements are met.

**Determination and Proposed Action**

The additional point of diversion proposed in Transfer Application T-13512 appears to be consistent with the requirements of ORS 540.505 to 540.580 and OAR 690-380-5000. If protests are not filed pursuant to OAR 690-380-4030, the transfer application will be approved.

*If Transfer Application T-13512 is approved, the final order will include the following:*

- 1. The additional point of diversion proposed in Transfer Application T-13512 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 90098 and any related decree.*
- 3. Water right Certificate 90098 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 additional point of diversion (POD #2), together with that diverted at the original point of diversion (POD #1), shall not exceed the quantity of water lawfully available at the original point of diversion (POD #1).*

5. *Water use measurement conditions:*

- a. Before water use may begin under this order, the water user shall install a totalizing flow meter, or, with prior approval of the Director, another suitable measuring device, at each point of diversion (new and existing).*
- b. The water user shall maintain the meters or measuring devices in good working order.*
- c. The water user shall allow the Watermaster access to the meters or measuring devices; provided however, where the meters or measuring devices are located within a private structure, the Watermaster shall request access upon reasonable notice.*

6. *Prior to diverting water, the water user shall install a fish screening and/or by-pass device, as appropriate, at the new point of diversion consistent with the Oregon Department of Fish and Wildlife's (ODFW) design and construction standards. Prior to installation, the water user shall obtain written approval from ODFW that the required screen and/or by-pass device meets ODFW's criteria. Prior to submitting a Claim of Beneficial Use, the water user must obtain written approval from ODFW that the required screening and/or by-pass device was installed to the state's criteria. The water user shall maintain and operate the fish screen and/or by-pass device, as appropriate, at the point of diversion consistent with ODFW's operational and maintenance standards.*

7. *Full beneficial use of the water shall be made, consistent with the terms of this order, on or before **October 1, 2022**. A Claim of Beneficial Use prepared by a Certified Water Right Examiner shall be submitted by the applicant to the Department within one year after the deadline for completion of the change and full beneficial use of the water.*

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

Dated in Salem, Oregon on

**D R A F T**

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

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

Application for Water Right  
Transfer  
Consent by Deeded Landowner



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

State of Oregon )  
County of Linn )ss

We Marta DeCoster  
Kevin DeCoster in my/our capacity as Deeded Landowner  
mailing address 30560 Stellmacher Dr SW Albany, OR 97321  
telephone number 541 928-4323, duly sworn depose and say that I  
consent to the proposed change(s) to Water Right Certificate Number 90098  
described in a Transfer Application (T- 13512 ) submitted by Lee Gilmour  
on the property in tax lot number(s) 600 , Section 15 , Township 11  
South, Range 4 West, W.M., located at 35580 Riverside Dr, SW, Albany,  
Oregon

RECEIVED

JUN 28 2021

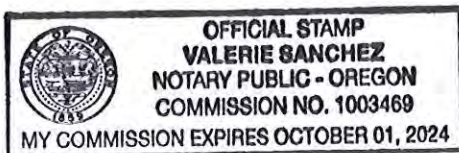
OWRD

Marta DeCoster  
Signature of Affiant  
Kevin DeCoster  
Signature of Affiant

6-23-2021  
Date

6-23-2021  
Date

Subscribed and Sworn to before me this 23 day of June , 202 1.



Valerie Sanchez  
Notary Public for Oregon

My commission expires 10/1/24.

# Application for Water Right Transfer Evidence of Use Affidavit



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

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

State of Oregon )  
County of Linn ) ss

I, Judith R. Waggle, in my capacity as Trustee of Mary Joyce Carnegie Trust  
mailing address 35130 Riverside Dr. S.W. Albany, OR 97321  
telephone number (541) 967-8004, being first duly sworn depose and say:

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

☒ Personal observation ☐ Professional expertise

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JUN 14 2021

OWRD

2. I attest that:

☒ Water was used during the previous five years on the entire place of use for  
Certificate # 90098; OR

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

| Certificate # | Township | Range | Mer | Sec | 1/4 1/4 | Gov't Lot<br>or DLC | Acres<br>(if applicable) |
|---------------|----------|-------|-----|-----|---------|---------------------|--------------------------|
|               |          |       |     |     |         |                     |                          |
|               |          |       |     |     |         |                     |                          |
|               |          |       |     |     |         |                     |                          |
|               |          |       |     |     |         |                     |                          |
|               |          |       |     |     |         |                     |                          |
|               |          |       |     |     |         |                     |                          |
|               |          |       |     |     |         |                     |                          |

OR

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

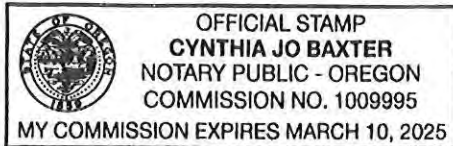
(continues on reverse side)

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

Judith A. Wagner  
Signature of Affiant

6-7-2021  
Date

Signed and sworn to (or affirmed) before me this 7<sup>TH</sup> day of JUNE, 2021.



Cynthia Jo Baxter  
Notary Public for Oregon

My Commission Expires: MARCH 10, 2025

| Supporting Documents                                                                                                                                   | Examples                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |
|--------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <input type="checkbox"/> Copy of a water right certificate that has been issued within the last five years. (not a remaining right certificate)        | Copy of <b>confirming</b> water right certificate that shows issue date                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |
| <input type="checkbox"/> Copies of receipts from sales of irrigated crops or for expenditures related to use of water                                  | <ul style="list-style-type: none"> <li>• Power usage records for pumps associated with irrigation use</li> <li>• Fertilizer or seed bills related to irrigated crops</li> <li>• Farmers Co-op sales receipt</li> </ul>                                                                                                                                                                                                                                                                                                                                                                                               |
| <input type="checkbox"/> Records such as FSA crop reports, irrigation district records, NRCS farm management plan, or records of other water suppliers | <ul style="list-style-type: none"> <li>• District assessment records for water delivered</li> <li>• Crop reports submitted under a federal loan agreement</li> <li>• Beneficial use reports from district</li> <li>• IRS Farm Usage Deduction Report</li> <li>• Agricultural Stabilization Plan</li> <li>• CREP Report</li> </ul>                                                                                                                                                                                                                                                                                    |
| <input type="checkbox"/> Aerial photos containing sufficient detail to establish location and date of photograph                                       | <p>Multiple photos can be submitted to resolve different areas of a water right.<br/>If the photograph does not print with a "date stamp" or without the source being identified, the date of the photograph and source should be added.</p> <p>Sources for aerial photos:<br/> OSU – <a href="http://www.oregonexplorer.info/imagery">www.oregonexplorer.info/imagery</a><br/> OWRD – <a href="http://www.wrd.state.or.us">www.wrd.state.or.us</a><br/> Google Earth – <a href="http://earth.google.com">earth.google.com</a><br/> TerraServer – <a href="http://www.terra-server.com">www.terra-server.com</a></p> |
| <input type="checkbox"/> Approved Lease establishing beneficial use within the last 5 years                                                            | Copy of instream lease or lease number                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |

RECEIVED

JUN 14 2021

OWRD

Stellmacher Dr SW

RECEIVED  
JUN 14 2012  
CWRD

Horseshoe Dr SW

Riverside Dr

RECEIVED

JUN 14 2021

OWRD

RECEIVED

Map of Beneficial Use  
under WATER RIGHTS PERMIT  
APPLICATION S-71571  
SALEM, OREGON

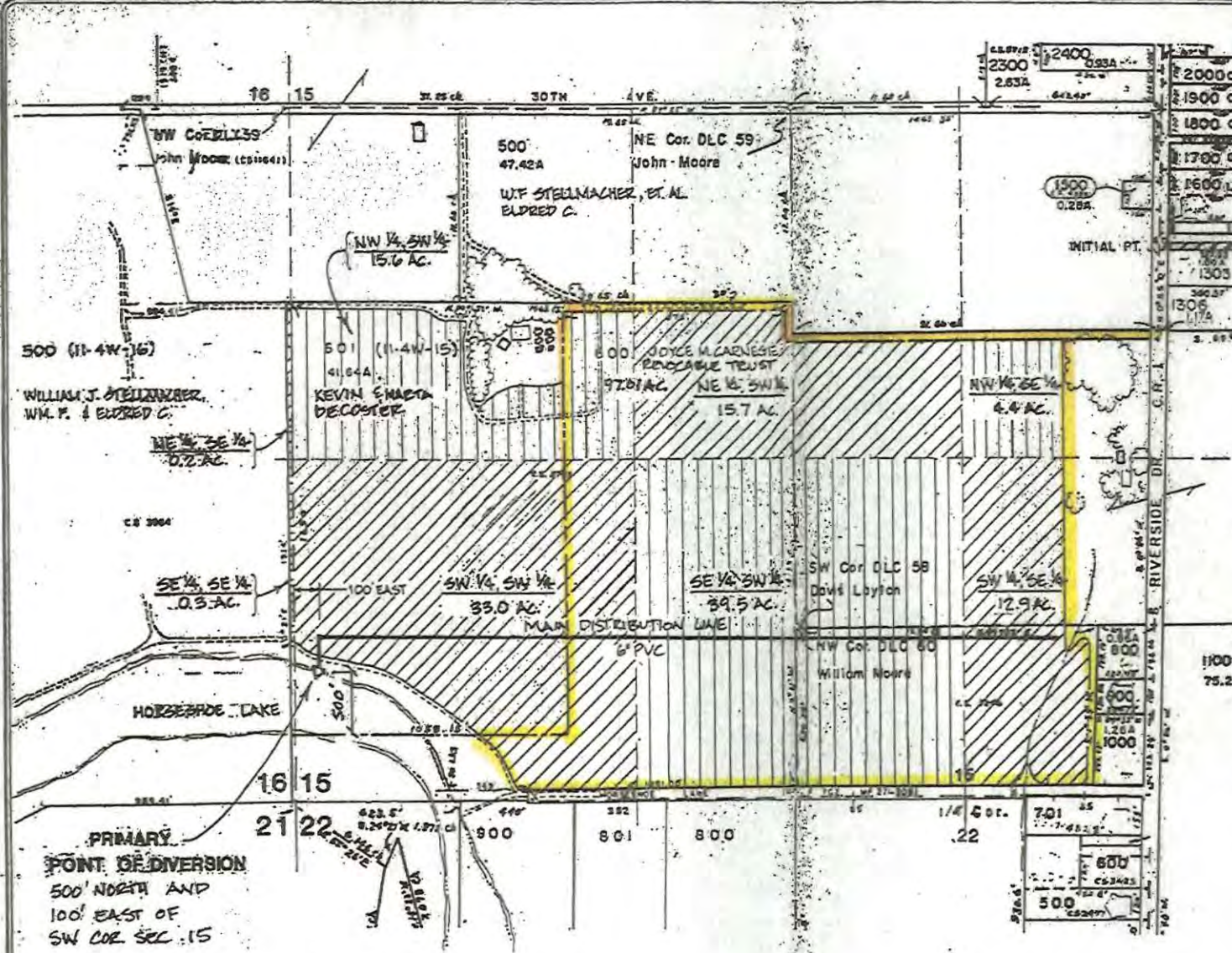
in name of  
**MARY JOYCE CARNEGIE  
REVOCABLE TRUST**  
1305 - 14<sup>th</sup> Avenue SW  
Albany, OR 97321

Date of Site Inspection: April 27, 1999  
Date of Map: July 13, 1999

Tax Lot: 600 and 601 (11-4W-15)  
Source: Horseshoe Lake and the  
Willamette River Basin Project  
Reservoir

I, JACK R. BURRELL, BEING DULY SWORN  
AS A WATER RIGHT EXAMINER, LICENSE  
NO. 209, HAVE PREPARED THIS MAP FOR  
MARY JOYCE CARNEGIE, REVOCABLE  
TRUST ON THIS 13<sup>th</sup> DAY OF JULY 1999. THE  
AREAS HATCHED REPRESENT THE LANDS  
BEING IRRIGATED UNDER THIS PERMIT.

PREPARATION OF THIS MAP IS FOR THE  
PURPOSE OF IDENTIFYING THE LOCATION  
OF THE WATER RIGHT ONLY AND HAS NO  
INTENT TO PROVIDE DIMENSIONS OR  
LOCATION OF PROPERTY OWNERSHIP  
LINES.



**KD ENGINEERING, INC.**  
800 N.W. MICKORY STREET  
POST OFFICE BOX 788  
ALBANY, OREGON 97321

**STELLMACHER / CARNEGIE  
WATER RIGHTS**  
Sec. 15, T.11S, R.4W, LINN COUNTY, OREGON

|                  |                      |             |
|------------------|----------------------|-------------|
| Desn. by: J.R.B. | Scale: 1"=400'       | Sheet no. 1 |
| Dwn. by: J.R.B.  | Date: JULY 13, 1999  |             |
| Eng. by: J.R.B.  | Project no.: 91-57-A |             |

## **COURCHANE Corey A \* WRD**

---

**From:** COURCHANE Corey A \* WRD  
**Sent:** Monday, March 22, 2021 7:08 AM  
**To:** Kyle Latimer; riverbottomfarms1@gmail.com  
**Cc:** BLAKELY Lanaya F \* WRD  
**Subject:** RE: Lee Gilmour, T-13512

Good morning,

I will proceed with processing the application, with the draft Preliminary Determination being the first to be issued. However, I will not be able to issue a Final Order until the original affidavits are received.

Thank you,

Corey Courchane

**COREY A COURCHANE | TRANSFER SPECIALIST**  
**TRANSFER AND CONSERVATION SECTION**

**Water Resources Department** | 725 Summer St. NE, Suite A | Salem, Oregon 97301  
Ph: 503 986-0825 | Fax: 503 986-0901  
Email: [corey.a.courchane@oregon.gov](mailto:corey.a.courchane@oregon.gov) | Web: <http://www.oregon.gov/OWRD>

**From:** Kyle Latimer <kyle@udelleng.com>  
**Sent:** Wednesday, February 24, 2021 11:51 AM  
**To:** COURCHANE Corey A \* WRD <Corey.A.Courchane@oregon.gov>; riverbottomfarms1@gmail.com  
**Cc:** BLAKELY Lanaya F \* WRD <Lanaya.F.Blakely@oregon.gov>  
**Subject:** RE: Lee Gilmour, T-13512

Good afternoon Corey,

I have attached the revised part 5 of 5 of this transfer application. On page 7, it has been noted that POD#2 is an 'additional point of diversion' and the water delivery system specifics have been added.

I am still in the process of obtaining the original copies of the 'evidence of use affidavit' and the 'affidavit for consent by deeded landowner' to satisfy the wet signature requirement.

Please let me know if you need anything further from me, beyond the affidavits, to continue processing this.

Thank you,

Kyle Latimer PLS  
Udell Engineering and Land Surveying, LLC  
63 East Ash St. Lebanon, OR 97355  
541-451-5125 (Phone) 541-451-1366 (Fax)

**From:** COURCHANE Corey A \* WRD <Corey.A.Courchane@oregon.gov>  
**Sent:** Monday, January 25, 2021 1:31 PM

To: [riverbottomfarms1@gmail.com](mailto:riverbottomfarms1@gmail.com); Kyle Latimer <[kyle@udelleng.com](mailto:kyle@udelleng.com)>

Cc: BLAKELY Lanaya F \* WRD <[Lanaya.F.Blakely@oregon.gov](mailto:Lanaya.F.Blakely@oregon.gov)>

Subject: Lee Gilmour, T-13512

Good afternoon,

Please see attached, and let me know if I may be of further assistance.

Thank you,

Corey Courchane

**COREY A COURCHANE | TRANSFER SPECIALIST  
TRANSFER AND CONSERVATION SECTION**

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

Ph: 503 986-0825 | Fax: 503 986-0901

Email: [corey.a.courchane@oregon.gov](mailto:corey.a.courchane@oregon.gov) | Web: <http://www.oregon.gov/OWRD>

## **COURCHANE Corey A \* WRD**

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**From:** Kyle Latimer <kyle@udelleng.com>  
**Sent:** Wednesday, February 24, 2021 11:51 AM  
**To:** COURCHANE Corey A \* WRD; riverbottomfarms1@gmail.com  
**Cc:** BLAKELY Lanaya F \* WRD  
**Subject:** RE: Lee Gilmour, T-13512  
**Attachments:** Gilmour T-13512 corrected part 5 of 5.pdf

Good afternoon Corey,

I have attached the revised part 5 of 5 of this transfer application. On page 7, it has been noted that POD#2 is an 'additional point of diversion' and the water delivery system specifics have been added.

I am still in the process of obtaining the original copies of the 'evidence of use affidavit' and the 'affidavit for consent by deeded landowner' to satisfy the wet signature requirement.

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Kyle Latimer PLS  
Udell Engineering and Land Surveying, LLC  
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541-451-5125 (Phone) 541-451-1366 (Fax)

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**Sent:** Monday, January 25, 2021 1:31 PM  
**To:** riverbottomfarms1@gmail.com; Kyle Latimer <kyle@udelleng.com>  
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**Subject:** Lee Gilmour, T-13512

Good afternoon,

Please see attached, and let me know if I may be of further assistance.

Thank you,

Corey Courchane

**COREY A COURCHANE | TRANSFER SPECIALIST  
TRANSFER AND CONSERVATION SECTION**

**Water Resources Department** | 725 Summer St. NE, Suite A | Salem, Oregon 97301  
Ph: 503 986-0825 | Fax: 503 986-0901  
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## 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 # 90098

Received by OWRD

### Description of Water Delivery System

System capacity: 1.47 cubic feet per second (cfs) OR  
\_\_\_\_\_ gallons per minute (gpm)

FEB 24 2021

Salem, OR

*Revised*

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. **Both POD#1 and POD#2 do/will utilize mobile pumps with diesel generators as power sources. The water delivery system mainline is an 8" underground pipe with intermittent risers to the surface. Water is/will be delivered to the crop via a combination of 4-5" wheel-lines and 3" hand-lines with 11/64" nozzle orifices.**

**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<br>Name or<br>Number | Is this POD/POA<br>Authorized on<br>the Certificate or<br>is it Proposed?           | If POA, OWRD<br>Well Log ID#<br>(or Well ID<br>Tag # L-___) | Twp |   | Rng |   | Sec | ¼ ¼ |    | Tax<br>Lot,<br>DLC<br>or<br>Gov't<br>Lot | Measured Distances<br>(from a recognized<br>survey corner) |
|------------------------------|-------------------------------------------------------------------------------------|-------------------------------------------------------------|-----|---|-----|---|-----|-----|----|------------------------------------------|------------------------------------------------------------|
| POD #1                       | <input checked="" type="checkbox"/> Authorized<br><input type="checkbox"/> Proposed |                                                             | 11  | S | 4   | W | 15  | SW  | SW |                                          | 100' east and 500' north<br>of SW Cor. Of Section 15       |
| POD #2                       | <input type="checkbox"/> Authorized<br><input checked="" type="checkbox"/> Proposed |                                                             | 11  | S | 4   | W | 15  | SW  | SW |                                          | 530' east and 214' north of<br>SW Cor. of Section 15       |
|                              | <input type="checkbox"/> Authorized<br><input type="checkbox"/> Proposed            |                                                             |     |   |     |   |     |     |    |                                          |                                                            |
|                              | <input type="checkbox"/> Authorized<br><input type="checkbox"/> Proposed            |                                                             |     |   |     |   |     |     |    |                                          |                                                            |

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

- |                                                                          |                                                                   |
|--------------------------------------------------------------------------|-------------------------------------------------------------------|
| <input type="checkbox"/> Place of Use (POU)                              | <input type="checkbox"/> Supplemental Use to Primary Use (S to P) |
| <input type="checkbox"/> Character of Use (USE)                          | <input type="checkbox"/> Point of Appropriation/Well (POA)        |
| <input type="checkbox"/> Point of Diversion (POD)                        | <input type="checkbox"/> Additional Point of Appropriation (APOA) |
| <input checked="" type="checkbox"/> Additional Point of Diversion (APOD) | <input type="checkbox"/> Substitution (SUB)                       |
| <input type="checkbox"/> Surface Water POD to Ground Water POA (SW/GW)   | <input type="checkbox"/> 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 # 90098**

List the change proposed for the acreage in each  $\frac{1}{4}$   $\frac{1}{4}$ . 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)<br>The listing that appears on the certificate BEFORE PROPOSED CHANGES<br>List only that part or portion of the water right that will be changed. |     |     |                             |         |                |       |                                   |                                                |               |         | Proposed Changes (see "CODES" from previous page) | PROPOSED (the "to" or "on" lands)<br>The listing as it would appear AFTER PROPOSED CHANGES are made. |     |                             |         |                |       |                 |                                          |               |  |  |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----|-----|-----------------------------|---------|----------------|-------|-----------------------------------|------------------------------------------------|---------------|---------|---------------------------------------------------|------------------------------------------------------------------------------------------------------|-----|-----------------------------|---------|----------------|-------|-----------------|------------------------------------------|---------------|--|--|
| Twp                                                                                                                                                                                      | Rng | Sec | $\frac{1}{4}$ $\frac{1}{4}$ | 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 | $\frac{1}{4}$ $\frac{1}{4}$ | Tax Lot | Gvt Lot or DLC | Acres | New Type of USE | POD(s)/ POA(s) to be used (from Table 1) | Priority Date |  |  |
| <b>EXAMPLE</b>                                                                                                                                                                           |     |     |                             |         |                |       |                                   |                                                |               |         |                                                   |                                                                                                      |     |                             |         |                |       |                 |                                          |               |  |  |
| 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          |  |  |
| 11                                                                                                                                                                                       | S   | 4   | W 15 NW SW                  | 600     |                | 3.50  | Irrigation                        | POD #1                                         | 1991          | POD     | 11                                                | S                                                                                                    | 4   | W 15 NW SW                  | 600     |                | 3.50  | Irrigation      | POD #1&2                                 | 1991          |  |  |
| 11                                                                                                                                                                                       | S   | 4   | W 15 NE SW                  | 600     |                | 15.70 | Irrigation                        | POD #1                                         | 1991          | POD     | 11                                                | S                                                                                                    | 4   | W 15 NE SW                  | 600     |                | 15.70 | Irrigation      | POD #1&2                                 | 1991          |  |  |
| 11                                                                                                                                                                                       | S   | 4   | W 15 NW SE                  | 600     |                | 4.4   | Irrigation                        | POD #1                                         | 1991          | POD     | 11                                                | S                                                                                                    | 4   | W 15 NW SE                  | 600     |                | 4.4   | Irrigation      | POD #1&2                                 | 1991          |  |  |
| 11                                                                                                                                                                                       | S   | 4   | W 15 SW SE                  | 600     |                | 12.9  | Irrigation                        | POD #1                                         | 1991          | POD     | 11                                                | S                                                                                                    | 4   | W 15 SW SE                  | 600     |                | 12.9  | Irrigation      | POD #1&2                                 | 1991          |  |  |
| 11                                                                                                                                                                                       | S   | 4   | W 15 SE SW                  | 600     |                | 39.5  | Irrigation                        | POD #1                                         | 1991          | POD     | 11                                                | S                                                                                                    | 4   | W 15 SE SW                  | 600     |                | 39.5  | Irrigation      | POD #1&2                                 | 1991          |  |  |
| 11                                                                                                                                                                                       | S   | 4   | W 15 SW SW                  | 600     |                | 8.93  | Irrigation                        | POD #1                                         | 1991          | POD     | 11                                                | S                                                                                                    | 4   | W 15 SW SW                  | 600     |                | 8.93  | Irrigation      | POD #1&2                                 | 1991          |  |  |
|                                                                                                                                                                                          |     |     |                             |         |                |       |                                   |                                                |               |         |                                                   |                                                                                                      |     |                             |         |                |       |                 |                                          |               |  |  |
|                                                                                                                                                                                          |     |     |                             |         |                |       |                                   |                                                |               |         |                                                   |                                                                                                      |     |                             |         |                |       |                 |                                          |               |  |  |
|                                                                                                                                                                                          |     |     |                             |         |                |       |                                   |                                                |               |         |                                                   |                                                                                                      |     |                             |         |                |       |                 |                                          |               |  |  |
|                                                                                                                                                                                          |     |     |                             |         |                |       |                                   |                                                |               |         |                                                   |                                                                                                      |     |                             |         |                |       |                 |                                          |               |  |  |
| TOTAL ACRES:                                                                                                                                                                             |     |     |                             |         |                | 84.93 |                                   |                                                |               |         | TOTAL ACRES:                                      |                                                                                                      |     |                             |         |                | 84.93 |                 |                                          |               |  |  |

Received by OWRD

FEB 24 2021

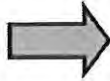
Salem, OR

Certificate # \_\_\_\_\_

**For Place of Use or Character of Use Changes**

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

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



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

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

Ground water supplemental Permit or Certificate # \_\_\_\_\_;

Surface water primary Certificate # \_\_\_\_\_.

Received by OWRD

FEB 24 2021

**For a change from Supplemental Irrigation Use to Primary Irrigation Use**

Identify the primary certificate to be cancelled. Certificate # \_\_\_\_\_

Salem, OR

**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](http://apps.wrd.state.or.us/apps/gw/well_log/Default.aspx)

**AND/OR**

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

**Table 3. Construction of Point(s) of Appropriation**

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

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



# Oregon

Kate Brown, Governor

## Water Resources Department

725 Summer St NE, Suite A

Salem, OR 97301

(503) 986-0900

Fax (503) 986-0904

January 25, 2021

Lee Gilmour  
30427 Stellmacher Dr  
Albany, OR 97321

REFERENCE: Water Right Transfer Application T-13512

The Department has completed an initial review of your water right transfer application. There are a couple of deficiencies that need to be resolved before we can continue processing your application:

1. The change identified under Table 1 on page 7, indicates a change in point of diversion (POD) is proposed. However, the proposed POD column in the "TO" lands column of Table 2, identifies POD 1 and 2. This would indicate the application is proposing an additional point of diversion rather than a change in point of diversion. Please verify what the intent of the application is, and revise either page 7, or Table 2 and resubmit.
2. The Evidence of Use Affidavit, and the Affidavit for Consent by Deeded Landowner appear to be copies. The Department requires a wet signature on all affidavits. Please submit original affidavits for the Evidence of Use and Consent by Deeded Landowner.

**If the Department does not receive the above requested materials by February 24, 2021, a draft Preliminary Determination may be issued denying the application as incomplete.**

Please do not hesitate to contact me, at [corey.a.courchane@oregon.gov](mailto: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: Lanaya Blakely, Watermaster, District 2  
Udell Engineering and Land Surveying, LLC, Agent

## Watermaster Review Form: Water Right Transfer



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

Transfer Application: T-13512

Review Due Date: 10/02/2020

Applicant Name: Lee Gilmour

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

Reviewer(s): L. Blakely

Date of Review: 10/27/2020

1. Do you have evidence that the right has not been used in the last 5 years and that the presumption of forfeiture would not likely be rebuttable? ☐ Yes ☒ No If "Yes", attach evidence (e.g. dated aerial photo showing pavement or building on the land for >5 yrs.)
2. Is there a history of regulation on the source that serves this (or these) right(s) that has involved the transferred right(s) and downstream water rights? ☐ Yes ☒ No Generally characterize the frequency of any regulation or explain why regulation has not occurred:
3. Have headgate notices been issued for the source that serves the transferred right(s)?  
☐ Yes ☐ No ☐ Records not available.
4. In your estimation, after the proposed change, would distribution of water for the right(s) result in regulation of other water rights that would not have occurred if use under the original right(s) was/were maximized? ☐ Yes ☒ No If "Yes", explain:
5. In your estimation, if the proposed change is approved, are there upstream water rights that would be affected? ☐ Yes ☒ No If "Yes", describe how the rights would be affected and list the rights most affected:

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

☒ N/A

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

☒ N/A

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

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

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

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

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

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

☐ Yes ☐ No If "Yes", explain:

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

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

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

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

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

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

☐ Yes ☐ No If "Yes", describe:

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

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

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

☐ Yes ☐ No If "Yes", explain:

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

☐ Yes ☐ No If "Yes", explain:

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

☐ Yes ☒ No If "Yes", explain:

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

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

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

☐ A Headgate should be required prior to diverting water.

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

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

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

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

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

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

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

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

☐

Weir

☐

Submerged Orifice

☐

Parshall Flume

☐

Flow Restrictor

☐

Other: \_\_\_\_\_

## Oregon Water Resources Department

## Measurement Condition Information for the Applicant

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

Transfer #: T- 13512



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: Lanaya Blakely

District: 2

Address: 125 E. 8th Ave

City/State/Zip: Eugene, OR 97401

Phone: (541)682-3620

Email: Lanaya.F.Blakely@oregon.gov

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

\*\*\*\*\*

## Approval of an Alternate Measurement Device

T- 13512

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

Reference Transfer #: T-13512

Date of review: 10/1/20

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

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

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

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

☐ **1. Screen Maintain**

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

**Note:** This option will yield the following:

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

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

☒ **2. Screen Now**

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

**Note:** This option will yield the following:

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

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

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

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

☐ **3. Screen 2 Year**

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

**Note:** This option will yield the following:

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

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

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

☐ **4. Screen Future**

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

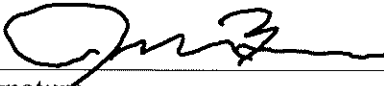
**Note:** This option will yield the following:

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

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

☐ **5. No Screen Needed**

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

  
\_\_\_\_\_  
Signature

Jason Brandt  
Printed Name

(541) 315-6222  
Phone

SW Hydro Coordinator  
Title

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

Transfer #: T-13512

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

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

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

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

ODFW staff name: Hilary Doulos

Address: 3561 Klindt Dr

City/State/Zip: The Dalles/OR/97058

Phone: (541) 296-8026

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

ODFW staff name: Jason Brandt

Address: 4192 North Umpqua Hwy

City/State/Zip: Roseburg/OR/97470

Phone: (541) 315-6222



Oregon  
Kate Brown, Governor

**Water Resources Department**

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

September 2, 2020

LEE GILMOUR  
30427 STELLMACHER DRIVE  
ALBANY, OR 97321

Reference: Application T- 13512

On September 2, 2020, we received your water right Transfer application. The application was accompanied by \$1160.00. Our receipt number 133311 is enclosed.

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

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

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

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

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

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

Cc: Watermaster Dist. #2 (*via email*)  
Linn County  
Bureau of Reclamation

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 # 133311

INVOICE #

RECEIVED FROM:

*River Bottom Farm, Inc*

BY:

APPLICATION

PERMIT

TRANSFER

*7-13312*

CASH:

CHECK: #

OTHER: (IDENTIFY)

☐☒

*10627*

☐

TOTAL REC'D

\$ *1,160.00*

1083 TREASURY 4170 WRD MISC CASH ACCT

0407

COPIES

\$

OTHER: (IDENTIFY)

\$

0243 I/S Lease

0244 Muni Water Mgmt. Plan

0245 Cons. Water

4270 WRD OPERATING ACCT

MISCELLANEOUS

0407

COPY & TAPE FEES

\$

0410

RESEARCH FEES

\$

0408

MISC REVENUE: (IDENTIFY)

\$

TC162

DEPOSIT LIAB. (IDENTIFY)

\$

0240

EXTENSION OF TIME

\$

WATER RIGHTS:

EXAM FEE

RECORD FEE

0201

SURFACE WATER

\$

0202

\$

0203

GROUND WATER

\$

0204

\$

0205

TRANSFER

\$

*1,160.00*

WELL CONSTRUCTION

EXAM FEE

LICENSE FEE

0218

WELL DRILL CONSTRUCTOR

\$

0219

\$

LANDOWNER'S PERMIT

0220

\$

OTHER (IDENTIFY)

0536 TREASURY 0437 WELL CONST. START FEE

0211

WELL CONST START FEE

\$

CARD #

0210

MONITORING WELLS

\$

CARD #

OTHER (IDENTIFY)

0607 TREASURY 0467 HYDRO ACTIVITY LIC NUMBER

0233

POWER LICENSE FEE (FW/WRD)

\$

0231

HYDRO LICENSE FEE (FW/WRD)

\$

HYDRO APPLICATION

\$

TREASURY OTHER / RDX

FUND TITLE

OBJ. CODE VENDOR #

DESCRIPTION

\$

RECEIPT: 133311

DATED: *8-24-2020*

BY: *[Signature]*

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

# Application for Permanent Water Right Transfer

## Part 1 of 5 – Minimum Requirements Checklist



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

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

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

RECEIVED

AUG 24 2020

OWRD

### 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: \$1160  
[http://apps.wrd.state.or.us/apps/misc/wrd\\_fee\\_calculator](http://apps.wrd.state.or.us/apps/misc/wrd_fee_calculator). If you have questions, call Customer Service at (503) 986-0801.
- ☒ Part 4 – Completed Applicant Information and Signature.
- ☒ Part 5 – Information about Water Rights to be Transferred: **How many water rights are to be transferred?** 1 **List them here:** 90098  
Please include a separate Part 5 for each water right. (See instructions on page 6)

### Attachments:

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

### (For Staff Use Only)

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

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

Other/Explanation \_\_\_\_\_

Staff: \_\_\_\_\_ 503-986-0\_\_\_\_\_

Date: \_\_\_\_/\_\_\_\_/\_\_\_\_

## Part 2 of 5 – Transfer Application Map

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

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

| FEE WORKSHEET for PERMANENT TRANSFER (except Substitution) |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |   |         |
|------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---|---------|
| 1                                                          | Base Fee (includes one type of change to one water right for up to 1 cfs)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     | 1 | \$1,160 |
|                                                            | Types of change proposed:<br><input type="checkbox"/> Place of Use<br><input type="checkbox"/> Character of Use<br><input checked="" type="checkbox"/> Point of Diversion/Appropriation<br>Number of above boxes checked = <u>1</u> (2a)<br>Subtract 1 from the number in line 2a = <u>0</u> (2b) <i>If only one change, this will be 0</i>                                                                                                                                                                                                                                                                                   |   |         |
| 2                                                          | Multiply line 2b by \$930 and enter » » » » » » » » » » » » » » » »                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           | 2 | 0       |
|                                                            | Number of water rights included in transfer <u>1</u> (3a)<br>Subtract 1 from the number in line 3a above: <u>0</u> (3b) <i>If only one water right this will be 0</i><br>Multiply line 3b by \$520 and enter » » » » » » » » » » » » » » » »                                                                                                                                                                                                                                                                                                                                                                                  |   |         |
| 3                                                          |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               | 3 | 0       |
|                                                            | Do you propose to add or change a well, or change from a surface water POD to a well?<br><input checked="" type="checkbox"/> No: enter 0 » » » » » » » » » » » » » » » » » » » » » »<br><input type="checkbox"/> Yes: enter \$410 » » » » » » » » » » » » » » » » » » » » » »                                                                                                                                                                                                                                                                                                                                                 |   |         |
| 4                                                          |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               | 4 | 0       |
|                                                            | Do you propose to change the place of use or character of use?<br><input checked="" type="checkbox"/> No: enter 0 on line 5 » » » » » » » » » » » » » » » » » » » » » »<br><input type="checkbox"/> Yes: enter the cfs for the portions of the rights to be transferred (see example below*): _____ (5a)<br>Subtract 1.0 from the number in 5a above: _____ (5b)<br>If 5b is 0 or less, enter 0 on line 5 » » » » » » » » » » » » » » » » » » » » » »<br>If 5b is greater than 0, round up to the nearest whole number: _____ (5c) and multiply 5c by \$350, then enter on line 5 » » » » » » » » » » » » » » » » » » » » » » |   |         |
| 5                                                          |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               | 5 | 0       |
| 6                                                          | Add entries on lines 1 through 5 above » » » » » » » » » » Subtotal:                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          | 6 | 1160    |
|                                                            | Is this transfer:<br><input type="checkbox"/> necessary to complete a project funded by the Oregon Watershed Enhancement Board (OWEB) under ORS 541.932?<br><input type="checkbox"/> endorsed in writing by ODFW as a change that will result in a net benefit to fish and wildlife habitat?<br>If one or more boxes is checked, multiply line 6 by 0.5 and enter on line 7 »<br>If no box is applicable, enter 0 on line 7 » » » » » » » » » » » » » » » » » » » » » »                                                                                                                                                       |   |         |
| 7                                                          |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               | 7 | 0       |
| 8                                                          | Subtract line 7 from line 6 » » » » » » » » » » » » » » » » Transfer Fee:                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     | 8 | 1160    |

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)<br>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 » » » » » » <b>Fee for Substitution:</b>                                                                  | 3 |          |

**Part 4 of 5 – Applicant Information and Signature**

RECEIVED

AUG 24 2020

**Applicant Information**

|                                                                                                                                                                             |             |                             |                                       |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------|-----------------------------|---------------------------------------|
| APPLICANT/BUSINESS NAME<br>Lee Gilmour                                                                                                                                      |             | PHONE NO.<br>(541) 974-0825 | ADDITIONAL CONTACT NO.                |
| ADDRESS<br>30427 Stellmacher Dr                                                                                                                                             |             | FAX NO.                     |                                       |
| CITY<br>Albany                                                                                                                                                              | STATE<br>OR | ZIP<br>97321                | E-MAIL<br>riverbottomfarms1@gmail.com |
| BY PROVIDING AN E-MAIL ADDRESS, CONSENT IS GIVEN TO RECEIVE ALL CORRESPONDENCE FROM THE DEPARTMENT ELECTRONICALLY. COPIES OF THE FINAL ORDER DOCUMENTS WILL ALSO BE MAILED. |             |                             |                                       |

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

|                                                                                                                                                                             |             |                             |                             |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------|-----------------------------|-----------------------------|
| AGENT/BUSINESS NAME<br>Udell Engineering and Land Surveying, LLC                                                                                                            |             | PHONE NO.<br>(541) 451-5125 | ADDITIONAL CONTACT NO.      |
| ADDRESS<br>63 E Ash Street                                                                                                                                                  |             | FAX NO.<br>(541) 451-1366   |                             |
| CITY<br>Lebanon                                                                                                                                                             | STATE<br>OR | ZIP<br>97355                | E-MAIL<br>kyle@udelleng.com |
| BY PROVIDING AN E-MAIL ADDRESS, CONSENT IS GIVEN TO RECEIVE ALL CORRESPONDENCE FROM THE DEPARTMENT ELECTRONICALLY. COPIES OF THE FINAL ORDER DOCUMENTS WILL ALSO BE MAILED. |             |                             |                             |

Explain in your own words what you propose to accomplish with this transfer application, and why:  
 Due to conflict with one of the land tenants farming the westerly 36.17 acres (tax lot 601) of certificate no. 90098, the applicant and land owner are seeking approval to place a new point of diversion to serve the easterly 84.93 acres (tax lot 600) of said certificate area

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

**Check One Box**

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

**By my signature below, I confirm that I understand:**

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

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

Applicant signature

Print Name (and Title if applicable)

Date

Applicant signature

Print Name (and Title if applicable)

Date

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

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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 **SOLD**

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](https://www.oregon.gov/owrd/WRDFormsPDF/Transfer_Property_Transactions.pdf)

|                                         |             |                             |                                       |
|-----------------------------------------|-------------|-----------------------------|---------------------------------------|
| RECEIVING LANDOWNER NAME<br>Lee Gilmour |             | PHONE NO.<br>(541) 974-0825 | ADDITIONAL CONTACT NO.                |
| ADDRESS<br>30427 Stellmacher Dr SW      |             |                             | FAX NO.                               |
| CITY<br>Albany                          | STATE<br>OR | ZIP<br>97321                | E-MAIL<br>riverbottomfamrs1@gmail.com |

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 | 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<br>Bureau of Reclamation (contract no. 8-07-10-W1195) | ADDRESS<br>1150 North Curtis Road, Suite 100 |              |
| CITY<br>Boise                                                     | STATE<br>Idaho                               | ZIP<br>83706 |

 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<br>Linn County | ADDRESS<br>PO Box 100 |              |
| CITY<br>Albany             | STATE<br>OR           | ZIP<br>97321 |

|             |         |     |
|-------------|---------|-----|
| ENTITY NAME | ADDRESS |     |
| CITY        | STATE   | ZIP |

Certificate # \_\_\_\_\_

**For Place of Use or Character of Use Changes**

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

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



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

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

Ground water supplemental Permit or Certificate # \_\_\_\_\_;

Surface water primary Certificate # \_\_\_\_\_.

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**For a change from Supplemental Irrigation Use to Primary Irrigation Use**

Identify the primary certificate to be cancelled. Certificate # \_\_\_\_\_

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**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](http://apps.wrd.state.or.us/apps/gw/well_log/Default.aspx)

**AND/OR**

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

**Table 3. Construction of Point(s) of Appropriation**

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

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



POINT OF DIVERSION TRANSFER APPLICATION MAP  
FOR A PORTION OF CERTIFICATE 90098,  
PRIORITY DATE OF MAY 6, 1991  
AT THE REQUEST OF LEE GILMOUR  
LOCATED IN SECTION 15, T. 11 S., R. 4 W., W.M.  
LINN COUNTY, OREGON  
FOR A PORTION OF TAX LOT 600, MAP 11S04W15  
OWNER: MARY JOYCE CARNEGIE REVOCABLE TRUST  
SITUS: 35580 RIVERSIDE DR SW, ALBANY, OR  
MAILING: 35130 RIVERSIDE DR SW, ALBANY, OR  
APRIL 21, 2020

UDELL ENGINEERING &  
LAND SURVEYING, LLC  
63 EAST ASH ST.  
LEBANON, OREGON, 97355  
541-451-5125

LEGEND

AC ACRES  
C.R. COUNTY ROAD  
DLC DONATION LAND CLAIM  
PP PARTITION PLAT

TAX LOT 503  
PARCEL 1  
PP 2014-49

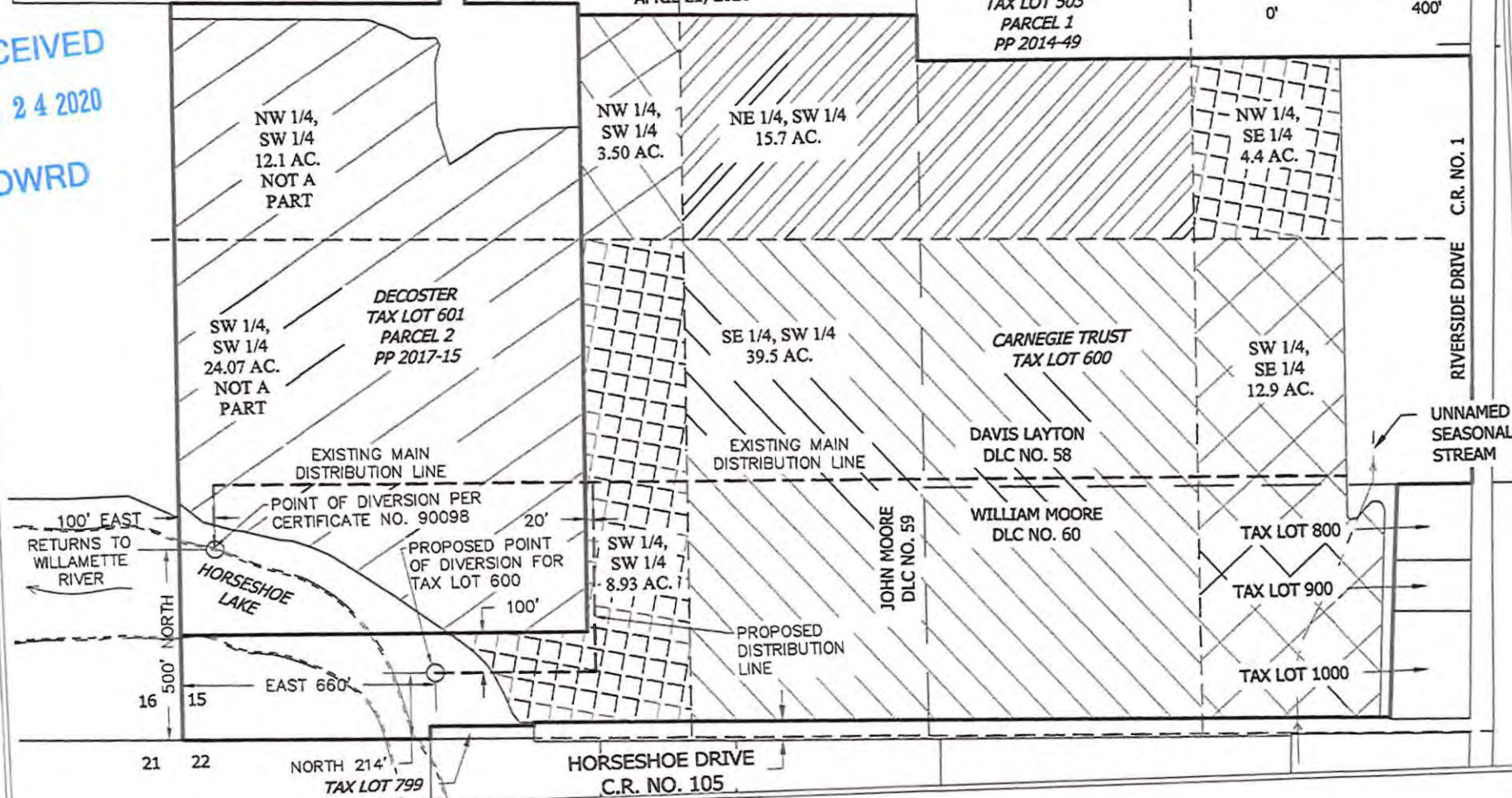


SCALE:

0' 400'

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# Application for Water Right Transfer Evidence of Use Affidavit



Oregon Water Resources Department  
723 Summer Street NE, Suite A  
Salem, Oregon 97301-1266  
(503) 986-0000  
www.wrd.state.or.us

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

State of Oregon )  
County of Linn ) ss

I, Judith A. Waggle, in my capacity as Trustee of Mary Joyce Carnegie Trust  
mailing address 35130 Riverside Dr. SW Albany, OR 97321  
telephone number (541) 979-9192, 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 # 90042; OR

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

| Certificate # | Township | Range | Mer | Sec | $\frac{1}{4}$ | Gov't Lot<br>or DLC | Acres<br>(if applicable) |
|---------------|----------|-------|-----|-----|---------------|---------------------|--------------------------|
|               |          |       |     |     |               |                     |                          |
|               |          |       |     |     |               |                     |                          |
|               |          |       |     |     |               |                     |                          |
|               |          |       |     |     |               |                     |                          |
|               |          |       |     |     |               |                     |                          |
|               |          |       |     |     |               |                     |                          |
|               |          |       |     |     |               |                     |                          |
|               |          |       |     |     |               |                     |                          |
|               |          |       |     |     |               |                     |                          |

OR

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

(continues on reverse side)

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3. The water right was used for: (e.g., crops, pasture, etc.): crops
4. I understand that if I do not attach one or more of the documents shown in the table below to support the above statements, my application will be considered incomplete.

Dudith Wiggles  
Signature of Affiant

7-13-2020  
Date

Signed and sworn to (or affirmed) before me this 13 day of July, 2020.



Linda Purkey  
Notary Public for Oregon

My Commission Expires: 5/3/2024

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

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Application for Water Right  
Transfer  
Consent by Deeded Landowner



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

State of Oregon )  
County of Linn )ss

We, Marta C. DeCoster and Kevin DeCoster in my/our capacity as Deeded Landowner,  
mailing address 30560 Stellmacher Dr. SW, Albany, OR 97321  
telephone number 541-928-4323, duly sworn depose and say that I  
consent to the proposed change(s) to Water Right Certificate Number 90098  
described in a Transfer Application (T-      ) submitted by Lee Gilmour,  
(transfer number, if known)  
on the property in tax lot number(s) 600, Section 15, Township 11  
South, Range 4 West, W.M., located at 35580 Riverside Dr SW,  
(site address)

Marta C. DeCoster  
Signature of Affiant

5-19-2020  
Date

Kevin DeCoster  
Signature of Affiant

5-18-2020  
Date

Subscribed and Sworn to before me this 19th day of May, 2020.



Debora Ann Reimers  
Notary Public for Oregon

My commission expires 1-31-2022

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# 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: Lee Gilmour  
First Last

Mailing Address: 30427 Stellmacher Dr SW

Albany OR 97321 Daytime Phone: (541) 974-0825  
City State Zip

## A. Land and Location

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

| Township | Range | Section | ¼ ¼ | Tax Lot # | Plan Designation (e.g., Rural Residential/RR-5) | Water to be:                                 |                                              |                                          | Proposed Land Use: |
|----------|-------|---------|-----|-----------|-------------------------------------------------|----------------------------------------------|----------------------------------------------|------------------------------------------|--------------------|
| 11s      | 4w    | 15      |     | 600       | EFU                                             | <input checked="" type="checkbox"/> Diverted | <input checked="" type="checkbox"/> Conveyed | <input checked="" type="checkbox"/> Used | Farm               |
|          |       |         |     |           |                                                 | <input type="checkbox"/> Diverted            | <input type="checkbox"/> Conveyed            | <input type="checkbox"/> Used            |                    |
|          |       |         |     |           |                                                 | <input type="checkbox"/> Diverted            | <input type="checkbox"/> Conveyed            | <input type="checkbox"/> Used            |                    |
|          |       |         |     |           |                                                 | <input type="checkbox"/> Diverted            | <input type="checkbox"/> Conveyed            | <input type="checkbox"/> Used            |                    |

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

Linn County

## B. Description of Proposed Use

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

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

Source of water: ☐ Reservoir/Pond ☐ Ground Water ☒ Surface Water (name) Horseshoe Lake (Willamette River)

Estimated quantity of water needed: 1.03 ☒ 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:

Applicant is seeking a point of diversion transfer for a portion of the area in water rights certificate 90098

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

See bottom of Page 3. →

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Land Use Information Form - Page 2 of 3

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## For Local Government Use Only

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

**Please check the appropriate box below and provide the requested information**

- ☒ Land uses to be served by the proposed water uses (including proposed construction) are allowed outright or are not regulated by your comprehensive plan. Cite applicable ordinance section(s): LCC 928.310(B)
- ☐ 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<br>(e.g., plan amendments, rezones, conditional-use permits, etc.) | Cite Most Significant, Applicable Plan Policies & Ordinance Section References | Land-Use Approval:                                                   |                                                                                      |
|-----------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------|----------------------------------------------------------------------|--------------------------------------------------------------------------------------|
|                                                                                                     |                                                                                | <input type="checkbox"/> Obtained<br><input type="checkbox"/> Denied | <input type="checkbox"/> Being Pursued<br><input type="checkbox"/> Not Being Pursued |
|                                                                                                     |                                                                                | <input type="checkbox"/> Obtained<br><input type="checkbox"/> Denied | <input type="checkbox"/> Being Pursued<br><input type="checkbox"/> Not Being Pursued |
|                                                                                                     |                                                                                | <input type="checkbox"/> Obtained<br><input type="checkbox"/> Denied | <input type="checkbox"/> Being Pursued<br><input type="checkbox"/> Not Being Pursued |
|                                                                                                     |                                                                                | <input type="checkbox"/> Obtained<br><input type="checkbox"/> Denied | <input type="checkbox"/> Being Pursued<br><input type="checkbox"/> Not Being Pursued |
|                                                                                                     |                                                                                | <input type="checkbox"/> Obtained<br><input type="checkbox"/> Denied | <input type="checkbox"/> Being Pursued<br><input type="checkbox"/> Not Being Pursued |
|                                                                                                     |                                                                                | <input type="checkbox"/> Obtained<br><input type="checkbox"/> Denied | <input type="checkbox"/> Being Pursued<br><input type="checkbox"/> 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: Alyssa Bales Title: Senior Planner  
 Signature: Alyssa Bales Phone: 541-967-3816 Date: 5/21/20  
 Government Entity: Linn 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: \_\_\_\_\_

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Land Use Information Form - Page 3 of 3

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STATE OF OREGON

COUNTY OF LINN

CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

WILLIAM J STELLMACHER  
30416 STELLMACHER DR SW  
ALBANY OR 97321

JOYCE M CARNEGIE  
1305 14TH AVE SW  
ALBANY OR 97321

confirms the right to use the waters of HORSESHOE LAKE AND WILLAMETTE BASIN PROJECT RESERVOIRS, CONSTRUCTED UNDER PERMIT R-5363, TRIBUTARIES OF WILLAMETTE RIVER, for IRRIGATION of 121.6 ACRES.

This right was perfected under Permit S-53335. The date of priority is MAY 6, 1991. The amount of water to which this right is entitled is limited to an amount actually used beneficially, and shall not exceed 1.47 CUBIC FEET PER SECOND FROM LIVE FLOW AND NOT MORE THAN 150.0 ACRE-FEET (AF) PER YEAR FROM STORED WATER ONLY, PROVIDED THAT THE TOTAL VOLUME OF STORED WATER USED UNDER THIS PERMIT TOGETHER WITH ANY AMOUNT USED UNDER PERMIT 53334 DOES NOT EXCEED 150.0 AF PER YEAR, BEING THE AMOUNT OF STORED WATER MADE AVAILABLE UNDER THE BUREAU OF RECLAMATION WATER SUPPLY CONTRACT or its equivalent in case of rotation, measured at the point of diversion.

The period of use is MARCH 1 THROUGH JUNE 30 AND SEPTEMBER 1 THROUGH OCTOBER 31 FROM LIVE FLOW; STORED WATER MAY BE USED MARCH 1 THROUGH OCTOBER 31 OR AS FURTHER LIMITED BY THE BUREAU OF RECLAMATION WATER SUPPLY CONTRACT.

The point of diversion is located as follows:

| Twsp | Rng | Mer | Sec | Q-Q   | DLC | Measured Distances                                          |
|------|-----|-----|-----|-------|-----|-------------------------------------------------------------|
| 11 S | 4 W | WM  | 15  | SW SW | 59  | 500 FEET NORTH AND 100 FEET EAST FROM SW CORNER, SECTION 15 |

The amount of water used for irrigation under this right, together with the amount secured under any other right existing for the same lands, is limited to a diversion of ONE-EIGHTIETH of one cubic foot per second (or its equivalent) and 2.5 acre-feet for each acre irrigated during the irrigation season of each year.

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**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 183.484 and ORS 536.075. Any petition for judicial review must be filed within the 60-day time period specified by ORS 183.484(2). Pursuant to ORS 183.484, ORS 536.075 and OAR 137-004-0080, 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. In addition, under ORS 537.260 any person with an application, permit or water right certificate subsequent in priority may jointly or severally contest the issuance of the certificate within three months after issuance of the certificate.

A description of the place of use is as follows:

| Twp  | Rng | Mer | Sec | Q-Q   | DLC | Acres |
|------|-----|-----|-----|-------|-----|-------|
| 11 S | 4 W | WM  | 15  | NE SW |     | 15.7  |
| 11 S | 4 W | WM  | 15  | NW SW | 59  | 15.6  |
| 11 S | 4 W | WM  | 15  | SW SW | 59  | 33.0  |
| 11 S | 4 W | WM  | 15  | SE SW |     | 39.5  |
| 11 S | 4 W | WM  | 15  | NW SE | 58  | 4.4   |
| 11 S | 4 W | WM  | 15  | SW SE |     | 12.9  |
| 11 S | 4 W | WM  | 16  | NE SE |     | 0.2   |
| 11 S | 4 W | WM  | 16  | SE SE |     | 0.3   |

Measurement, recording and reporting conditions:

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

Water user may pump directly from proposed point of diversion on Horseshoe Lake unless pumping causes substantial interference with more senior water right users and regulation occurs, then use must stop.

The water user shall maintain and operate fish screening and fishway passage as required by the Oregon Department of Fish and Wildlife to prevent fish from entering the diversion.

The use of water under this right is subject to the terms and conditions of Contract No. 8-07-10-W1195 between the Bureau of Reclamation and the water user, or a satisfactory replacement, a copy of which is on file in the records of the Water Resources Department.

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

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

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

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The use of water allowed herein may be made only at times when sufficient water is available to satisfy all prior rights, including prior rights for maintaining instream flows.

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.

APR 24 2015

Issued



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

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# Regular Permanent Water Right Transfer Application Checklist

Checked by Jan Date 8-27-20

(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: 1160.00  
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? \_\_\_\_\_  
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: \_\_\_\_\_

T-13512

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**Part 5 of 5 – Water Right Information**

OWRD

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

**CERTIFICATE #** 90098

**Description of Water Delivery System**

System capacity: 1.47 cubic feet per second (cfs) OR  
 \_\_\_\_\_ gallons per minute (gpm)

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

*Superseded*

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

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

| POD/POA Name or Number | Is this POD/POA Authorized on the Certificate or is it Proposed?                    | If POA, OWRD Well Log ID# (or Well ID Tag # L-___) | Twp  | Rng | Sec | ¼  | ¼  | Tax Lot, DLC or Gov't Lot | Measured Distances (from a recognized survey corner) |
|------------------------|-------------------------------------------------------------------------------------|----------------------------------------------------|------|-----|-----|----|----|---------------------------|------------------------------------------------------|
| POD #1                 | <input checked="" type="checkbox"/> Authorized<br><input type="checkbox"/> Proposed |                                                    | 11 S | 4 W | 15  | SW | SW |                           | 100' east and 500' north of SW Cor. Of Section 15    |
| POD #2                 | <input type="checkbox"/> Authorized<br><input checked="" type="checkbox"/> Proposed |                                                    | 11 S | 4 W | 15  | SW | SW |                           | 530' east and 214' north of SW Cor. of Section 15    |
|                        | <input type="checkbox"/> Authorized<br><input type="checkbox"/> Proposed            |                                                    |      |     |     |    |    |                           |                                                      |
|                        | <input type="checkbox"/> Authorized<br><input type="checkbox"/> Proposed            |                                                    |      |     |     |    |    |                           |                                                      |

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

- |                                                                        |                                                                   |
|------------------------------------------------------------------------|-------------------------------------------------------------------|
| <input type="checkbox"/> Place of Use (POU)                            | <input type="checkbox"/> Supplemental Use to Primary Use (S to P) |
| <input type="checkbox"/> Character of Use (USE)                        | <input type="checkbox"/> Point of Appropriation/Well (POA)        |
| <input checked="" type="checkbox"/> Point of Diversion (POD)           | <input type="checkbox"/> Additional Point of Appropriation (APOA) |
| <input type="checkbox"/> Additional Point of Diversion (APOD)          | <input type="checkbox"/> Substitution (SUB)                       |
| <input type="checkbox"/> Surface Water POD to Ground Water POA (SW/GW) | <input type="checkbox"/> 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 # 90098**

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)<br>The listing that appears on the certificate BEFORE PROPOSED CHANGES<br>List only that part or portion of the water right that will be changed. |     |     |            |         |                |       |                                   |                                                |               |         |     |              | Proposed Changes (see "CODES" from previous page) | PROPOSED (the "to" or "on" lands)<br>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          |  |  |  |  |  |
| 11                                                                                                                                                                                       | S   | 4   | W 15 NW SW | 600     |                | 3.50  | Irrigation                        | POD #1                                         | 1991          | POD     | 11  | S            | 4                                                 | W 15 NW SW                                                                                           | 600     |                | 3.50  | Irrigation      | POD #1&2                                 | 1991          |  |  |  |  |  |
| 11                                                                                                                                                                                       | S   | 4   | W 15 NE SW | 600     |                | 15.70 | Irrigation                        | POD #1                                         | 1991          | POD     | 11  | S            | 4                                                 | W 15 NE SW                                                                                           | 600     |                | 15.70 | Irrigation      | POD #1&2                                 | 1991          |  |  |  |  |  |
| 11                                                                                                                                                                                       | S   | 4   | W 15 NW SE | 600     |                | 4.4   | Irrigation                        | POD #1                                         | 1991          | POD     | 11  | S            | 4                                                 | W 15 NW SE                                                                                           | 600     |                | 4.4   | Irrigation      | POD #1&2                                 | 1991          |  |  |  |  |  |
| 11                                                                                                                                                                                       | S   | 4   | W 15 SW SE | 600     |                | 12.9  | Irrigation                        | POD #1                                         | 1991          | POD     | 11  | S            | 4                                                 | W 15 SW SE                                                                                           | 600     |                | 12.9  | Irrigation      | POD #1&2                                 | 1991          |  |  |  |  |  |
| 11                                                                                                                                                                                       | S   | 4   | W 15 SE SW | 600     |                | 39.5  | Irrigation                        | POD #1                                         | 1991          | POD     | 11  | S            | 4                                                 | W 15 SE SW                                                                                           | 600     |                | 39.5  | Irrigation      | POD #1&2                                 | 1991          |  |  |  |  |  |
| 11                                                                                                                                                                                       | S   | 4   | W 15 SW SW | 600     |                | 8.93  | Irrigation                        | POD #1                                         | 1991          | POD     | 11  | S            | 4                                                 | W 15 SW SW                                                                                           | 600     |                | 8.93  | Irrigation      | POD #1&2                                 | 1991          |  |  |  |  |  |
|                                                                                                                                                                                          |     |     |            |         |                |       |                                   |                                                |               |         |     |              |                                                   |                                                                                                      |         |                |       |                 |                                          |               |  |  |  |  |  |
|                                                                                                                                                                                          |     |     |            |         |                |       |                                   |                                                |               |         |     |              |                                                   |                                                                                                      |         |                |       |                 |                                          |               |  |  |  |  |  |
|                                                                                                                                                                                          |     |     |            |         |                |       |                                   |                                                |               |         |     |              |                                                   |                                                                                                      |         |                |       |                 |                                          |               |  |  |  |  |  |
|                                                                                                                                                                                          |     |     |            |         |                |       |                                   |                                                |               |         |     |              |                                                   |                                                                                                      |         |                |       |                 |                                          |               |  |  |  |  |  |
| TOTAL ACRES:                                                                                                                                                                             |     |     |            |         |                | 84.93 |                                   |                                                |               |         |     | TOTAL ACRES: |                                                   |                                                                                                      |         |                |       | 84.93           |                                          |               |  |  |  |  |  |

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