

T-13513

T-13513

Historic

Name Arlene M DethloffAddress 8855 SW 82nd
Portland Oregon 97223Change in APDDate Filed 8/20/2020Initial notice date 9/8/2020

DPD issued date _____

PD issued date _____

PD notice date _____

Date of FO 6/30/2021 Vol 120 Page 1022-26

C-Date _____

COBU due date _____

COBU Received date _____

Certificate issued _____

DESCRIPTION OF WATER RIGHT(s)

Name of Stream Rock CreekTrib. of Powder riverUse Irrigation County Baker

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

Name of ditch _____

App# Decree Per # Powder river Cert # 68433 PR Date 12/31/879

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 #
8-20-2020	\$1,160.00	133293

FEES REFUNDED

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

Assignments: _____

Irrigation District _____

Agent _____

CWRE _____

CC's list Baker County☐ - Oversized map - Location _____



Oregon
Kate Brown, Governor

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

June 30, 2021

ARLENE DETHLOFF
ATTN DAVID SCHIERMAN
8855 SW 82ND
PORTLAND, OR 97223

REFERENCE: Transfer Application T-13513

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

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

If you have any questions related to the approval of this temporary transfer, you may contact your caseworker, Corey Courchane by telephone at (503) 986-0825 or by e-mail at Corey.A.Courchane@oregon.gov.

Sincerely,

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

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

Enclosures

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

In the Matter of Transfer Application	)	FINAL ORDER APPROVING AN
T-13513, Baker County	)	ADDITIONAL POINT OF DIVERSION TO
	)	REFLECT HISTORIC USE AND PARTIAL
	)	CANCELLATION OF A WATER RIGHT
	)	CERTIFICATE

Authority

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

ORS 540.621 establishes the process for the owner of land to which a water right is appurtenant to certify under oath that the water right, or a portion thereof, has been abandoned and to voluntarily request that it be cancelled.

Applicant

ARLENE M. DETHLOFF
8855 SW 82ND
PORTLAND, OR 97223

Findings of Fact

1. On September 2, 2020, ARLENE M. DETHLOFF filed a transfer application for authorization of an historic point of diversion under Certificate 68433. The Department assigned the application number T-13513.
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.

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

3. On March 1, 2021, the Department contacted the applicant by written correspondence to notify the applicant of a deficiency in the application. The Evidence of Use supporting documentation submitted with the application, being a Google Earth Image, identified some physical features that were not identified on the application map. The physical features were also in place for the previous five years prior to submitting T-13513, making those portions of the place of use not subject to transfer. The Department requested that the deficiencies be resolved by March 30, 2021.
4. On March 29, 2021, the Department received an Affidavit for the Voluntary Cancellation of a Portion of Water Right Certificate 68433 and map, resolving the deficiency.

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

Certificate: 68433 in the name of H. K. FISHER (confirmed by POWDER RIVER Decree)

Use: IRRIGATION of 159.68 ACRES

Priority Date: 1872 FOR 159.68 ACRES

Rate: 1/40 CUBIC FOOT PER SECOND PER ACRE

Source: ROCK CREEK, a tributary of the POWDER RIVER

Authorized Point of Diversion:

H. K. FISHER AND A. LONG DITCHES FOR 159.68 ACRES

Authorized Place of Use:

IRRIGATION - 1872					
Twp	Rng	Mer	Sec	Q-Q	Acres
7 S	38 E	WM	26	SW NW	39.68
7 S	38 E	WM	26	SE NW	40.00
7 S	38 E	WM	26	NE SW	40.00
7 S	38 E	WM	26	NW SW	40.00
Total					159.68

6. The Department received information from the applicant that better describes the location of the authorized point of diversion for Certificate 68433 as follows:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
7 S	38 E	WM	34	SW NE	FISHER LONG DITCH - 2500 FEET SOUTH AND 2100 FEET WEST FROM THE NE CORNER OF SECTION 34

7. Transfer Application T-13513 proposes an additional point of diversion approximately 0.2 mile downstream to:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
7 S	38 E	WM	34	NE SW	ROCK CREEK PIPELINE - 3040 FEET SOUTH AND 3102 FEET WEST FROM THE NE CORNER OF SECTION 34

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

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

9. Pursuant to OAR 690-380-2120(2)(a), evidence has been submitted that the actual, current point of diversion for the water right in question, as described in Finding No. 7, has been in use for more than 10 years.
10. Pursuant to OAR 690-380-2120(2)(c), the Watermaster provided a statement that to her knowledge there has been no complaint of injury due to the use of water at the actual, current point of diversion, prior to the transfer request.
11. Pursuant to OAR 690-380-2120(3), the Department provided the applicant a list of the affected water rights and a copy of the notice to be provided to each affected water right holder. The applicant has provided written proof of service of notice of the proposed transfer on all affected water right holders.
12. Water has been used within the last five years according to the terms and conditions of the right. There is no evidence available that would demonstrate that the right is subject to forfeiture under ORS 540.610.
13. A diversion structure and ditch sufficient to use the full amount of water allowed under the existing right are present.
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.

Partial Cancellation of a Water Right

16. On March 29, 2021, an affidavit certifying that a portion of a water right has been abandoned and requesting cancellation of the right was received from Dave and Theresa Schierman, Representatives of the Arlene Dethloff Estate. The right to be cancelled is as follows:

Certificate: 68433 in the name of H. K. FISHER (confirmed by POWDER RIVER Decree)
Use: IRRIGATION of 0.32 ACRE
Priority Date: 1872 FOR 0.32 ACRE
Rate: 1/40 CUBIC FOOT PER SECOND PER ACRE
Source: ROCK CREEK, a tributary of the POWDER RIVER

Authorized Points of Diversion:

H. K. FISHER AND A. LONG DITCHES FOR 0.32 ACRE
--

Authorized Place of Use:

IRRIGATION - 1872					
Twp	Rng	Mer	Sec	Q - Q	Acres
7 S	38 E	WM	26	SW NW	0.32

Conclusions of Law

The proposed additional point of diversion to reflect historical use in application T-13513 is consistent with the requirements of ORS 540.532, and OAR 690-380-2120 and the abandoned right should be cancelled.

Now, therefore, it is ORDERED:

1. The change proposed in T-13513 is approved and effective immediately. The portion of the right that has been abandoned is cancelled.
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 68433 and any related decree.
3. Water right certificate 6843368433 is cancelled. Certificate 95712 will be issued to describe the additional point of diversion for the portion of the right included in T-13513. Certificate 95713 shall be issued to describe the portion of Certificate 68433 not modified by this order and cancellation. Together, the new Certificates shall supersede Certificate 68433.
4. The quantity of water diverted at the additional point of diversion (Rock Creek Pipeline), together with that diverted at the old point of diversion (Fisher Long Ditch), shall not exceed the quantity of water lawfully available at the original point of diversion (Fisher Long Ditch).

5. Prior to October 1, 2022, 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..

Dated in Salem, Oregon on

JUN 30 2021



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

Mailing date:

JUN 30 2021

WATER RIGHT TRANSFER COVER SHEET

Transfer: T- 13513

Transfer Type: Historic POD

Transfer Specialist:

Corey

Applicant: ARLENE M. DETHLOFF 8855 SW 82ND PORTLAND, OR 97223 Email: _____ Phone: _____	Agent: ☐ N/A UNAVAILABLE Email: _____ Phone: _____
Irrigation District: ☐ N/A Email: _____	CWRE: ☐ N/A Email: _____
Affected Local Gov'ts: ☐ N/A Baker County Email: _____	Affected Tribal Gov't: ☐ N/A UNAVAILABLE Email: _____
Current Landowner if other than Applicant: ☐ N/A Email: _____	Receiving Landowner: ☐ N/A Email: _____

Water Rights Affected

File Marked	App. File # or Decree Name	Permit	Certificate	RR/CR Needed	RR/CR Nos.
☐	DECREE	POWDER RIVER	68433	☒ Yes ☐ No	95713
☐				☐ Yes ☐ No	
☐				☐ Yes ☐ No	

Key Dates & Initial Actions:

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

Document	Drafted	Peer Review	Changes Made	Coordinator	Changes Made	Signature Bin	Signature Date
DPD	Date: _____ Initials: _____	Date: _____ Initials: _____	Date: _____ Initials: _____	Date: _____ Initials: _____	Date: _____ Initials: _____	CW Sent: _____	N/A
PD	Date: _____ Initials: _____	Date: _____ Initials: _____	Date: _____ Initials: _____	Date: _____ Initials: _____	Date: _____ Initials: _____	Date: _____	Date: _____
FO	Date: 4/16/21 Initials: CC	Date: 4/13/21 Initials: Jan	Date: _____ Initials: _____	Date: 4/26/21 Initials: PK	Date: 4/21/21 Initials: CC	Date: 6/14/21	Date: 6/30

Special Issues: Historic APD

Special Order Volume: Vol. 120 Pages 1022-24

STATE OF OREGON
COUNTY OF BAKER
CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

H.K. FISHER
HAINES, OREGON 97833

confirms the right to use the waters of ROCK CREEK, a tributary of the POWDER RIVER, for IRRIGATION OF 280.0 ACRES.

This right was confirmed by decree of the Circuit Court of the State of Oregon for BAKER County. The decree is of record at Salem, in the Order Record of the WATER RESOURCES DIRECTOR, in Volume 6, at Page 291. The date of priority is 1879 FOR 120 ACRES AND 1872 FOR 160 ACRES.

The use is limited to 1/40 CUBIC FOOT PER SECOND PER ACRE CUBIC FOOT PER SECOND or its equivalent in case of rotation, measured at the point of diversion from the source.

The points of diversion are located as follows:

J.K. FISHER AND A. LONG DITCHES FOR 120 ACRES, AND H.K. FISHER AND A. LONG DITCHES FOR 160 ACRES.

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

1879
SW $\frac{1}{4}$ SW $\frac{1}{4}$ 40.0 ACRES
SECTION 24

NW $\frac{1}{4}$ NW $\frac{1}{4}$ 40.0 ACRES
SW $\frac{1}{4}$ NW $\frac{1}{4}$ 40.0 ACRES
SECTION 25

1872
SW $\frac{1}{4}$ NW $\frac{1}{4}$ 40.0 ACRES 39.68
SE $\frac{1}{4}$ NW $\frac{1}{4}$ 40.0 ACRES
NE $\frac{1}{4}$ SW $\frac{1}{4}$ 40.0 ACRES
NW $\frac{1}{4}$ SW $\frac{1}{4}$ 40.0 ACRES
SECTION 26

TOWNSHIP 7 SOUTH, RANGE 38 EAST, W.M.

This certificate describes that portion of the water right confirmed by Certificate 4150, State Record of Water Right Certificates, NOT modified by the provisions of an order of the Water Resources Director entered Jan 23, 1995, approving Transfer Application 6900.

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

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

WITNESS the signature of the Water Resources Director,
affixed Jan 23, 1995.

15/ A. Reed Marbut
for Martha O. Pagel, Director

Recorded in State Record of Water Right Certificates numbered 68433.

T-6900.LHN

Cancel
0.32

total - 159.68



Oregon
Kate Brown, Governor

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

May 3, 2021

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MAY 13 2021

OWRD

ARLENE M. DETHLOFF
8855 SW 82ND
PORTLAND, OR 97223

SUBJECT: Water Right Transfer Application T-13513

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

There are additional items needed at this time:

1. We are required by rule to provide you with a list of affected water right holders. The listing of the potential affected water right holders is set out in the enclosed Proof of Service form.
2. You are responsible for mailing or hand delivering a copy of the enclosed Notice to the persons listed on the Proof of Service form. In addition, you need to provide proof to us that you mailed or hand delivered a copy of the Notice to the identified affected water right holders. Please complete the Proof of Service form and return it to us.
3. At this time, you must submit a report of ownership. This is a document prepared by a title company within the last 3 months that includes ownership and a legal description of the land to which the water rights are appurtenant. Specifically, we need to have a report on the ownership of tax lot 7800, in Section 26, Township 7 South, Range 38 East, Willamette Meridian. (*Reports may be called by various names, such as Customer Service Report, Property Analysis Report (PAR), List Pack, Lot Book Report, etc.*)

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

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

Issuance of the Final Order will occur shortly after we receive the proof of service, and the report of ownership. The order may be issued denying the application as incomplete if I do not receive your response, proof of service, and the report of ownership by **June 2, 2021**.

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

Sincerely,



Corey Courchane
Transfer Specialist
Transfer and Conservation Section

cc: Transfer Application file T-13513
Marcy J. Osborn, District 8 Watermaster (*via e-mail*)

Enclosures:

Notice
Proof of Service
ODFW Contact Sheet

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IN THE CIRCUIT COURT OF THE STATE OF OREGON
For the County of Baker, Probate Department

IN THE MATTER OF THE ESTATE OF) No.
ARLENE M. DETHLOFF,)
Deceased.) LETTERS TESTAMENTARY

THIS CERTIFIES that DAVID SCHIERMAN and THERESA SCHIERMAN have been appointed and are at the date hereof the duly appointed, qualified and acting Co-Personal Representatives of the Will and Estate of ARLENE M. DETHLOFF, deceased.

IN WITNESS WHEREOF, I, as Clerk of the Circuit Court of the State of Oregon of the County of Baker, in which proceedings for administration of this Estate are pending, do hereby subscribe my name and affix the seal of said court, this 6th day of June, 2017.



Leacy M. Williams
Clerk of the Court

By _____ Deputy

STATE OF OREGON)
County of Baker) ss.

I, _____, Clerk of the Circuit Court, of the State of Oregon for Baker County, hereby do certify that the foregoing copy of Letters Testamentary has been compared by me with the original, that it is a correct transcript therefrom and the whole of such original Letters Testamentary as the same appear on file and of record in my office and in my custody and that said Letters are now in full force and effect.

IN TESTIMONY WHEREOF, I have hereunto subscribed my hand and affixed the seal of said court the 6th day of June, 2017.



Leacy M. Williams
Clerk of the Court

By _____ Deputy

PROOF OF SERVICE

OWRD

I, Theresa A. Scherman, certify that the Notice of Change in Historic Point of Diversion for Transfer Application T-13513 was delivered to the following individuals/entities in the manner and dates identified:

Cert. #	Name and Address	Service Date
57913	Name: Donald F. and Nancy McGinn ✓ Address: 46502 Schoolhouse Rd City, State, Zip: Haines, OR 97833	<u>5/7/2021</u> ☒ mailing date or ☐ hand delivered
90188	Name: Vance A. and Alice E. Tucker ✓ Address: 46404 Rock Creek Town Rd City, State, Zip: Haines, OR 97833	<u>5/7/2021</u> ☒ mailing date or ☐ hand delivered
91648	Name: Tim L. and Janice L. Kerns ✓ Address: 45917 Quail Road City, State, Zip: Haines, OR 97833	<u>5/7/2021</u> ☒ mailing date or ☐ hand delivered
91649 and 91651	Name: Timothy A. Kerns ✓ Address: 45306 Schoolhouse Road City, State, Zip: Haines, OR 97833	<u>5/7/2021</u> ☒ mailing date or ☐ hand delivered
91650	Name: Earl N. and Wilma M. Switter Trust ✓ Address: 1923 18 th St City, State, Zip: Baker City, OR 97814	<u>5/7/2021</u> ☒ mailing date or ☐ hand delivered
91651	Name: Mickey and Linda Cowan ✓ Address: 45600 Schoolhouse Rd City, State, Zip: Haines, OR 97833	<u>5/7/2021</u> ☒ mailing date or ☐ hand delivered

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

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Dated this 7th day of May, 2021.

Theresa A. Schierman

Applicant or Applicant's Agent (printed name)

Theresa A. Schierman

Applicant or Applicant's Agent (signature)

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

From: Theresa Schierman
Sent: Friday, May 7, 2021 4:23 PM
To: Dave Schierman
Subject: Diversion request letter

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Sent from my iPhone

RECEIVED

MAY 13 2021

OWRD

B11 25 0049

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

NO CHANGE

After recording return to:
Demetri Tsohantaris PC
Attorney at Law
PO Box 238
Newberg, OR 97132

STATE OF OREGON)
COUNTY OF BAKER)
I CERTIFY THAT THIS
INSTRUMENT WAS RECEIVED
AND RECORDED IN THE BOOK
OF RECORDS OF SAID COUNTY
TAMARA J. GREEN, BAKER CO. CLERK
BY Cindy Carpenter DEPUTY
DOC#: 11250849B
6/20/2011 11:15 AM
REF .00 41.00

00
EK

STATUTORY WARRANTY DEED

MARY L. DETHLOFF, Trustee of the William J. and Mary L. Dethloff Trust, Grantor, conveys and warrants to ARLENE MARY DETHLOFF, Grantee, the following described real property situate in the County of Baker, State of Oregon, described as follows:

In Twp. 7 S., R. 38 E., W.M.:
Sec. 26: S1/2 NW1/4;
N1/2 SW1/4.

SUBJECT TO rights of way and easements for roads, highways, ditches, pipelines and utility lines, poles and appurtenances.

SUBJECT TO the recorded easement for ingress and egress.

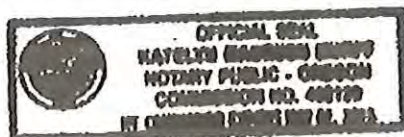
The true consideration for this conveyance is payment made on contract of sale.

DATED: June 10, 2011

Mary L. Dethloff
Mary L. Dethloff, Trustee of the
William J. and Mary L. Dethloff Trust

State of Oregon)
County of Multnomah) ss.

This instrument was acknowledged before me on this 10 day of JUNE, 2011,
by Mary L. Dethloff, trustee of the William J. and Mary L. Dethloff Trust.



Name: _____

Notary Public for Oregon

My Commission expires: May 1, 2015

5/04/21

3:24 POTENTIAL LIABILITY

REAL PROPERTY

INQUIRY

JW
A10100

REF # 2020 R 7129 PRIOR YEAR

Last Viewd

MAP# LOT# A NUM CODE PCL MCL AP VA ZONE PAR# %.xxxx REAL# PR

07S38 7800 518 559 559 3 EFU

OWNER DETHLOFF, ARLENE MARY

ET ALS

CNTRCT

Pg 1

ADDR C/O THERESA SCHIERMAN

8855 SW 82ND AVE

CTY/ST PORTLAND, OR 97223

SC DEF SITUS: COUNTY

SITUS: 46803 FOOTHILL RD

HOME ID: L 175297 KINGWOOD

ACTION CDS MAPCODE 0518

YR AP 2015 APPR TM TROY LEPLY

ACRES 156.36 SPC ASM

LAND RMV M5 VALUE TOTAL AV

IMPROV 751,000 183,930 107,697

SUBTOT 20,840 20,840 20,840

LESS EXEMPTIONS: 204,770 128,537

LESS VET EXEMPT: 0 0

NET VALUES: 204,770 128,537

NOTES

1-KEY 2-IMP 3-LND 7-EOJ 8-CLR 9-BACK 10-FORWARD 17-JV/TL 22-SALES 23-TAX INQ

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MAY 13 2021

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5/04/21

BAKER COUNTY TAX COLLECTOR

T10200

POTENTIAL LIABILITY

TAX HISTORY

REF# 7129 REAL MAP/LOT 07S38 7800 CODE 518

OWNER DETHLOFF, ARLENE MARY

C/O

COM

FEES DUE

.00

ADDR C/O THERESA SCHIERMAN

TOTAL DUE

.00

1 CTY/ST PORTLAND, OR

97223

INTEREST DATE(CMD-22 TO CHANGE) 051521

SITUS CITY COUNTY

ADDRESS 46803

FOOTHILL

RD

YR M JV ASD VAL TAX AMT - TAX PD = TAX DUE + INT/-DISC = BAL DUE

20 128537 1560.86 1560.86

19 121936 1480.94 1480.94

18 118651 1442.07 1442.07

17 115859 1409.47 1409.47

16 112379 1468.12 1468.12

15 109250 1430.84 1430.84

14 104326 1272.01 1272.01

13 103635 1364.48 1364.48

12 101998 1345.14 1345.14

11 101550 1340.28 1340.28

10 100731 1242.57 1242.57

09 99028 1300.03 1300.03

TOTALS 35954.79 35954.79

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1-HLP 2-FE 3-PHS 4-JV 5-DET 7-EQJ 8-CLR 9-PRV 10-NXT 13-1/3 14-LEN 16-COM 23-A/I

F19 MENU

5/04/21
 3:24 2020
 REF/LN CODE MAP/LOT NAME AA VA PCL MCL
 7129 1 0518 07S38 07800 000 DETHLOFF, ARLENE MARY 3 559 559
 BK 2015 BC 294 CLASS 4 DOUBLE WIDE MOBILE APPR TM YRAP 2015 BEGTR 2015
 YRBL 1984 SITUS 46803 — — FOOTHILL RD COUNTY
 P 1 ENDTR YRREM C=Cost, I=Income C INCOME APPROACH:
 ELEM UNITS UTP D DESCRIPTION ELEM INVENTORY DESCRIPTION
 0001 840 SQFT S MAIN FLOOR AREA 0001 FLOOR AREA MAIN
 0900 124 LNFT MOBILE HM FOUNDATION 0900 MOBILE HM FOUNDATION
 0904 1 EACH MOBILE HM WOOD STOVE

SQFT:(840 -MAIN)(-BASEMENT)(-UPPER FLOOR)

F2 IMP F3 RM F7 EOJ F8 CLR F9 PRV F10 NXT F11 COM

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5/04/21 3:24 2020 IMPROVEMENT COST ELEMENTS INQUIRY JW
 REF/LN CODE MAP/LOT NAME AA VA PCL MCL A10129
 7129 1 0518 07S38 07800 000 DETHLOFF, ARLENE MARY 3 559 559
 BK 2015 BC 294 CLASS 4 DOUBLE WIDE MOBILE APPR TM YRAP 2015 BEGTR 2015
 YRBL 1984 SITUS 46803 Foothill RD COUNTY
 P 1 ENDTR YRREM C=Cost, I=Income C INCOME AMT:
 ELEM UNITS UTYP D DESCRIPTION W/C CST/UN.xx ADJUSTMENT AMOUNT
 0001 840 SQFT S MAIN FLOOR AREA 41.27 100 34667
 0900 124 LNFT MOBILE HM FOUNDATION 43.00 100 5332
 0904 1 EACH MOBILE HM WOOD STOVE 2100.00 100 2100

ECL % DES % DES % DES % DES % DES % ADJUSTED BASE: 42,099
 LCM 121 PHY 25 FNC 100 CL+ 100 CL- 100 100 100 = 12,735
 MAIN SQFT 840 COND = ADJUDICATED VALUE: YEAR AMT
 TRENDING: YEAR 2015 2016 2017 2018 2019 2020 = RMV 17,670
 % 97 X 104 X 106 X 100 X 103 X 126 X 100 X 100 = M5 17,670

F2 M/S F3 RM F5 DFT F6 INV F7 EOJ F8 CLR F9PRV F10 NXT F11 COM F14 DEL

RECEIVED

MAY 13 2021

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O/00/00
O:00
MANUFACTURED STRUCTURE
MAP/LOT NAME
REF/LN 7129 1 07S38 07800 000 DETHLOFF, ARLENE MARY
BK YR 2015 BC 294 CLASS 4 DOUBLE WIDE MOBILE
YRBL 1984 SITUS 46803 FOOTHILL RD
AA VA 3
YR AP 2015
COUNTY
JW
A101M5
PCL MCL
559 559

PARK NAME:

SPACE #:

L/LE/X/EM (L-LOIS,LE-LOIS EXEMPT,X-X NUMBER,EM-SURRENDER #)

CODE(L,LE,X,EM): L

L/LE/X/EM #: 175297

SERIAL #: 61NK4620CS3529

SQUARE FOOTAGE:

MFG:

KINGWOOD

MODEL:

DIMENSIONS: X X X X

OLD (X,EM) CODE: X

OLD (X,EM) #: 94893

COMMENT:

F7 E0J F11 COM

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MAY 13 2021

OWRD



Oregon

Kate Brown, Governor

Water Resources Department

725 Summer St NE, Suite A

Salem, OR 97301

(503) 986-0900

Fax (503) 986-0904

May 3, 2021

ARLENE M. DETHLOFF
8855 SW 82ND
PORTLAND, OR 97223

SUBJECT: Water Right Transfer Application T-13513

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

There are additional items needed at this time:

1. We are required by rule to provide you with a list of affected water right holders. The listing of the potential affected water right holders is set out in the enclosed Proof of Service form.
2. You are responsible for mailing or hand delivering a copy of the enclosed Notice to the persons listed on the Proof of Service form. In addition, you need to provide proof to us that you mailed or hand delivered a copy of the Notice to the identified affected water right holders. Please complete the Proof of Service form and return it to us.
3. At this time, you must submit a report of ownership. This is a document prepared by a title company within the last 3 months that includes ownership and a legal description of the land to which the water rights are appurtenant. Specifically, we need to have a report on the ownership of tax lot 7800, in Section 26, Township 7 South, Range 38 East, Willamette Meridian. (*Reports may be called by various names, such as Customer Service Report, Property Analysis Report (PAR), List Pack, Lot Book Report, etc.*)

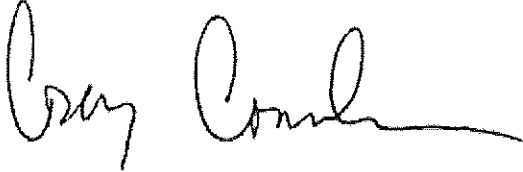
After you have mailed or delivered the Notice to the persons identified in the Proof of Service, a 30-day comment period will run. This time period will allow the affected holders of the water rights identified to provide comments on whether the requested change in point of diversion will cause injury.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

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

Issuance of the Final Order will occur shortly after we receive the proof of service, and the report of ownership. The order may be issued denying the application as incomplete if I do not receive your response, proof of service, and the report of ownership by **June 2, 2021**.

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

Sincerely,

A handwritten signature in black ink, appearing to read "Corey Courchane", with a long horizontal flourish extending to the right.

Corey Courchane
Transfer Specialist
Transfer and Conservation Section

cc: Transfer Application file T-13513
Marcy J. Osborn, District 8 Watermaster *(via e-mail)*

Enclosures:

Notice
Proof of Service
ODFW Contact Sheet



Oregon
Kate Brown, Governor

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

March 1, 2021

Arlene M. Dethloff
8855 SW 82nd
Portland, OR 97223

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REFERENCE: Historic Change in Point of Diversion Application T-13513

The Department has completed an initial review of your historic change in point of diversion application. There is a deficiency that needs to be resolved before we can continue processing your application:

- The Evidence of Use supporting documentation that was provided, being an aerial image of the place of use, identifies some areas in the SW NW of Section 26 that appear to not have been irrigated within the last 5 years. Looking more closely, there is a driveway and some structures that have been in place for more than 5 years, which are not identified on the map. Pursuant to Oregon Administrative Rule 690-380-3100(2) (i) the map shall include, notwithstanding the requirements of subsection (1)(g), the general location of physical features sufficient to assist in defining the location of the place of use of the water use subject to transfer. These features may include, but are not limited to, rivers, creeks, lakes, reservoirs, ponds, roads, railroads, fences, and direction of flow, if appropriate.

Pursuant to Oregon Revised Statue 540.610(1) Beneficial use shall be the basis, the measure and the limit of all rights to the use of water in this state. Whenever the owner of a perfected and developed water right ceases or fails to use all or part of the water appropriated for a period of five successive years, the failure to use shall establish a rebuttable presumption of forfeiture of all or part of the water right. Therefore, the portions of Certificate 68433 that have not received water within the previous 5 years prior to receiving T-13513, being August 20, 2015, to August 20, 2020, are not subject to transfer. Please revise your application map with the identified portions removed, and resubmit.

If the Department does not receive the above requested materials by March 31, 2021, a Final Order may be issued denying the application as incomplete.

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

Sincerely,

Corey Courchane
Transfer Specialist
Transfer and Conservation Section

cc: Marcy J. Osborn, Watermaster, District 8

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**AFFIDAVIT FOR THE VOLUNTARY CANCELLATION
OF A PORTION OF A WATER RIGHT CERTIFICATE (ORS 540.621)**

State of Oregon)
) ss
County of Baker)

I/We (or authorized agent), Dave & Theresa Schierman, Representatives of the Arlene Dethloff Estate, residing at 8855 SW 82nd, Portland, OR 97223, telephone number 503-320-4801, being first duly sworn depose and say:

1. I/We are the legal representatives for the Estate of Arlene Dethloff, deeded owner(s) of the property described as tax lot number 7800, within the SWNW $\frac{1}{4}\frac{1}{4}$, Section 26, Township 7S (N/S), Range 38E (E/W), of the Willamette Meridian, in Baker County, Oregon, as shown on the attached map and described in the attached deed and legal description and made part of this affidavit.
2. I/We wish to cancel the following portion(s) of the water right certificate number 68433 issued to H.K. Fisher with a date of priority of 1872.

☒ A place of use, or use.

- For the use of (specify irrigation, domestic, etc.) Irrigation

FOR IRRIGATION OR NURSERY USE:

- Total number of acres to be cancelled 0.32 ac
- Location of acres to be cancelled must be clearly identified on a copy of the final proof map.
- In the amount of 0.008 cubic foot per second
- From the water source (s) Rock Creek

AND/OR (less common)

☐ One or more of the authorized points of diversion (surface water) or points of appropriation (groundwater) authorized under the certificate.

- For the use of (specify irrigation, domestic, etc.)
- From the water source (s)
- Located within the _____ $\frac{1}{4}\frac{1}{4}$, Section _____, Township _____ (N/S), Range _____ (E/W)

Location Description (if given on the certificate)

MAR 29 2021

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3. The appurtenant water right is/is not located within the boundaries of an irrigation, drainage, water improvement, or water control district, or federal reclamation project (*if the right is located within a district or reclamation project, name it here: Powder Valley Water Control District*)
4. The portion of the water right being cancelled is served by an irrigation district. The signature of the district manager on the line below indicates the concurrence of the district to the cancellation of the portion of the water right served by the district.

Signature of district manager_____
Printed Name_____
Date

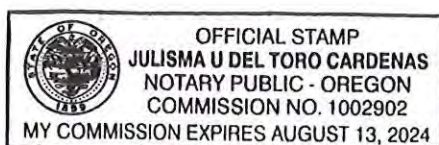
5. If the water right is issued in the name of an irrigation district then the affiant must have the concurrence of the district to the cancellation of the portion of the water right. (*Signature of district manager on the line below documents consent of the district.*)

Signature of district manager_____
Printed Name_____
Date

6. I/We have abandoned any and all interest in the portion of the water right described in Item 2, above, and request that portion of the right be canceled.

Signature of legal owner as listed on deed, or authorized agent_____
Date_____
Signature of legal co-owner as listed on deed
(If applicable)_____
Date

Subscribed and Sworn to Before Me this 25 day of March, 2021.

_____
Notary Public for OregonMy Commission Expires Aug 13, 2024**PLEASE ATTACH A LEGIBLE COPY OF:**

- 1) A deed which lists landowners and includes a legal description of affected lands, and
- 2) A copy of a water right final proof map, or a tax lot map, or an adjudication map with the abandoned portion of the right clearly drawn and identified.
- 3) IF ACTING AS AN AUTHORIZED AGENT, include a copy of Power of Attorney or other documents granting authority to act on behalf of the legal owner(s).

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IN THE CIRCUIT COURT OF THE STATE OF OREGON
For the County of Baker, Probate Department

IN THE MATTER OF THE ESTATE OF) No.
ARLENE M. DETHLOFF,)
Deceased.) LETTERS TESTAMENTARY

THIS CERTIFIES that DAVID SCHIERMAN and THERESA SCHIERMAN have been appointed and are at the date hereof the duly appointed, qualified and acting Co-Personal Representatives of the Will and Estate of ARLENE M. DETHLOFF, deceased.

IN WITNESS WHEREOF, I, as Clerk of the Circuit Court of the State of Oregon of the County of Baker, in which proceedings for administration of this Estate are pending, do hereby subscribe my name and affix the seal of said court, this 6th day of June, 2017.



Lacey M. Williams
Clerk of the Court

By _____
Deputy

STATE OF OREGON)
County of Baker) ss.

I, _____, Clerk of the Circuit Court, of the State of Oregon for Baker County, hereby do certify that the foregoing copy of Letters Testamentary has been compared by me with the original, that it is a correct transcript therefrom and the whole of such original Letters Testamentary as the same appear on file and of record in my office and in my custody and that said Letters are now in full force and effect.

IN TESTIMONY WHEREOF, I have hereunto subscribed my hand and affixed the seal of said court the 6th day of June, 2017.



Lacey M. Williams
Clerk of the Court

By _____
Deputy

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

NO CHANGE

After recording return to:
Demetri Tsohantaris PC
Attorney at Law
PO Box 238
Newberg, OR 97132

STATE OF OREGON }
COUNTY OF BAKER }
I CERTIFY THAT THIS
INSTRUMENT WAS RECEIVED
AND RECORDED IN THE BOOK
OF RECORDS OF SAID COUNTY
TAMARA J. GREEN, BAKER CO. CLERK
BY Cindy Carpenter DEPUTY
DOC#: 11250049B
6/20/2011 11:15 AM
REF .00 41.00
CK

STATUTORY WARRANTY DEED

MARY L. DETHLOFF, Trustee of the William J. and Mary L. Dethloff Trust, Grantor, conveys and warrants to ARLENE MARY DETHLOFF, Grantee, the following described real property situate in the County of Baker, State of Oregon, described as follows:

In Twp. 7 S., R. 38 E., W.M.:
Sec. 26: S1/2 NW1/4;
N1/2 SW1/4.

SUBJECT TO rights of way and easements for roads, highways, ditches, pipelines and utility lines, poles and appurtenances.

SUBJECT TO the recorded easement for ingress and egress.

The true consideration for this conveyance is payment made on contract of sale.

DATED: June 10, 2011

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Mary L. Dethloff
Mary L. Dethloff, Trustee of the
William J. and Mary L. Dethloff Trust

State of Oregon)
County of Multnomah) ss.

This instrument was acknowledged before me on this 10 day of JUNE, 2011, by Mary L. Dethloff, trustee of the William J. and Mary L. Dethloff Trust.



Name: Katelyn Harrison Curry
Notary Public for Oregon
My Commission expires: May 1, 2015

9

~~150-303-050 (9-87)~~

PERSONAL REPRESENTATIVE'S DEED

THIS INDENTURE, made this 11 day of July, 1975 by and between PEARL L. STEWARD, the duly appointed, qualified and acting personal representative of the Estate of William E. Steward, deceased, hereinafter called the first party, and MARY L. DETHLOFF, hereinafter called the second party;

WITNESSETH: that in accordance with the provisions of the Last Will and Testament of William E. Steward, deceased, the first party has granted, bargained, sold and conveyed, and by those presents does grant, bargain, sell and convey unto the said second party IN TRUST for the benefit of Pearl L. Steward during the lifetime of said Pearl L. Steward and after the death of the said Pearl L. Steward to the second party, her heirs, successors-in-interest and assigns, an undivided one-half interest as tenant-in-common in the following property situated in Baker County, State of Oregon, described as follows, to-wit:

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*This does not
dece all of 738
10000 5-8. Name
skipped on entire
act as I feel the
intent was to
convey all of this
parcel*

Township 7 S., R. 38 E., W.M. 1
Sec. 26: S 1/2 NW 1/4, N 1/2 SW 1/4
~~Sec. 26: S 1/2 NW 1/4, N 1/2 SW 1/4,
NW 1/4 NW 1/4, NE 1/4 SE 1/4,
N 1/2 NW 1/4 SE 1/4~~
Sec. 34: S 1/2 NW 1/4, North 15 Acres of
~~NW 1/4 SW 1/4, SW 1/4 SW 1/4,
E 1/2 SW 1/4, SE 1/4~~

Excepting County Road-right-of-way.
Together with all and singular the tenements,
hereditaments and appurtenances thereunto
belonging or in anywise appertaining.
Together with any and all water and water
rights, ditch and ditch rights thereunto
belonging or in anywise appertaining.

TO HAVE AND TO HOLD the same unto the said second party,
IN TRUST for the benefit of Pearl L. Steward, during her lifetime
and after the death of Pearl L. Steward to have and to hold the
same unto said second party and the second party's heirs, successors-
in-interest and assigns forever.

No consideration has been paid for this transfer, and this
transfer is made in accordance with the provisions of the Last Will and
Testament of William E. Steward. The value of this interest as
reflected in the Oregon Inheritance Tax Return is the sum of
\$112,000.00.

IN WITNESS WHEREOF, the said first party has executed
this instrument.

Pearl L. Steward
Personal Representative

State of OREGON)
County of Multnomah) ss.

Personally appeared the said Pearl L. Steward, an
knowned the foregoing instrument to be her voluntary act and deed.
Before me:

Nancy Public for Oregon
My Commission Expires: _____

3rd
13-1-1

115514

Oct 15, 1975

1975-22 ABIA C. JOHNS 14, Clerk, Baker Co. Or.

John L. Johnson
Notary Public
Deputy

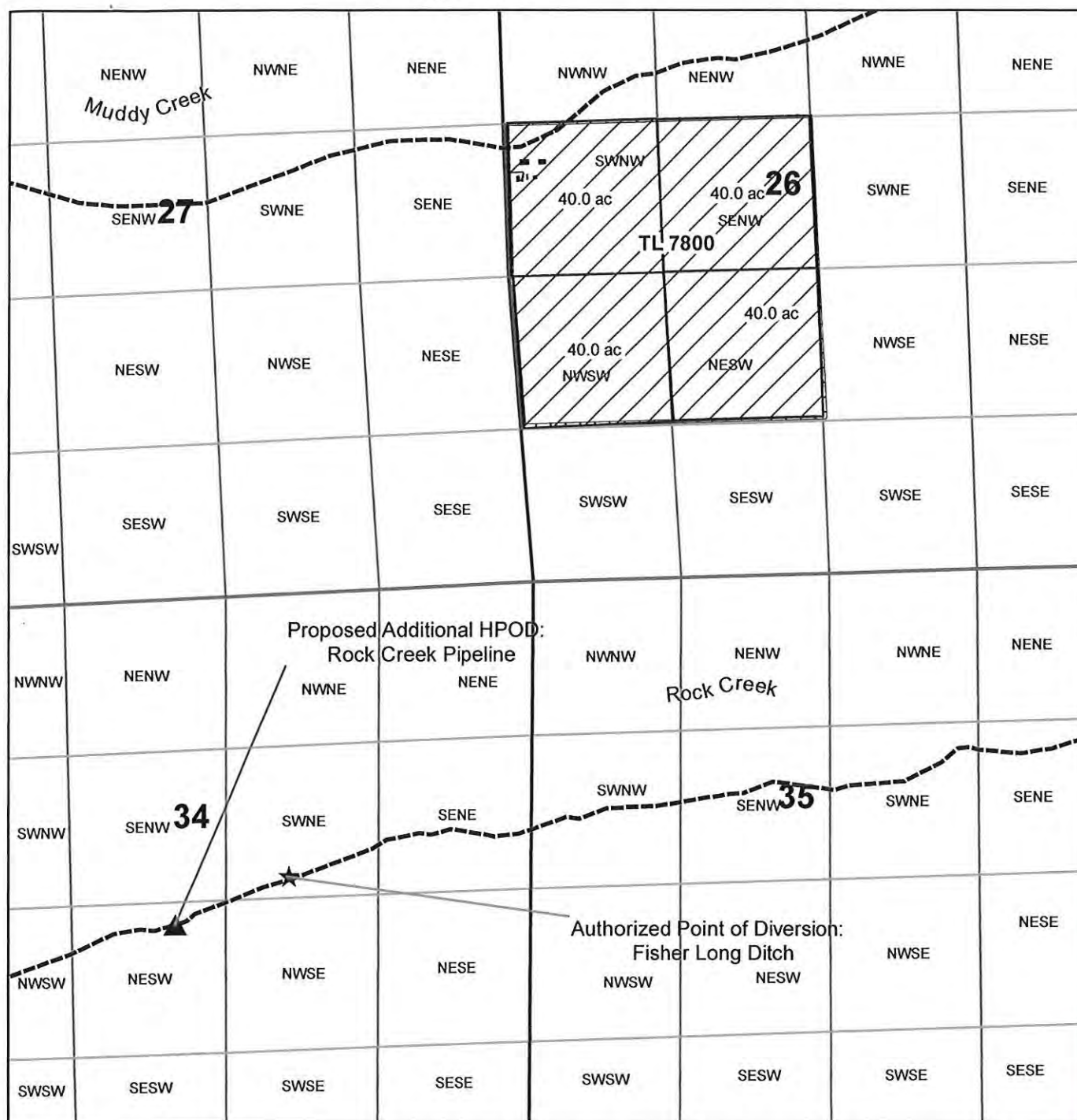
7 38 12500 5-8				BAKER COUNTY ASSESSOR'S OFFICE						
TWP. S.	RGE. E.	SEC.	1/4	1/16	TAX LOT NUMBER	TYP. SPEC. INT. IN REAL PROP.	CODE AREA NUMBER	FORMERLY PART OF T.L. NO.	CITY	
MAP NUMBER						ACCOUNT NUMBER				
IDENT EACH NEW USE TO THIS POINT						ADDITIONAL DESCRIPTION AND RECORD OF CHANGE		DATE OF ENTRY ON THIS CARD	DEED RECORD VOL. PG.	ACRES REMAINING
Sec. 26 S $\frac{1}{2}$ NW $\frac{1}{4}$, N $\frac{1}{2}$ SW $\frac{1}{4}$ T7S R38E WM						P.F.		269-A	160.00	
Except:										
Co. Rd.						1.82			158.18	
1. Steward, William E & Pearl L $\frac{1}{2}$ ea						13216		11/15/71	71-43-002 WD	
2. Steward, Pearl $\frac{1}{2}$ & Pearl L (LE) $\frac{1}{2}$						20889		10/27/75	75-42-025	
Except:										
Fisher Loop Co. Rd No 1142						1.20			156.98	
3. Dethloff, Mary L						44991		1/6/88	86-49-038 Estate thru 049 Proceeding	
									87-50-068 Probate	
									87-50-070 ITC	
									87-50-071 Probate	
									87-50-074 Pro/Will	
									87-50-075 Will	
									87-50-078 Affidav	
									87-50-079 Probate	
Subject to: A underground irrigation pipeline easement, 20 ft on each side of the center line as desc in deed 86-23-057 and ingress and egress easement upon an existing road conveyed by deed 88-11-204.										
4. Dethloff, William J & Mary L Trust;						47242		06/01/89	89-20-038 SWD	
Dethleff, William J & Mary L Trustees										

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MAR 29 2021

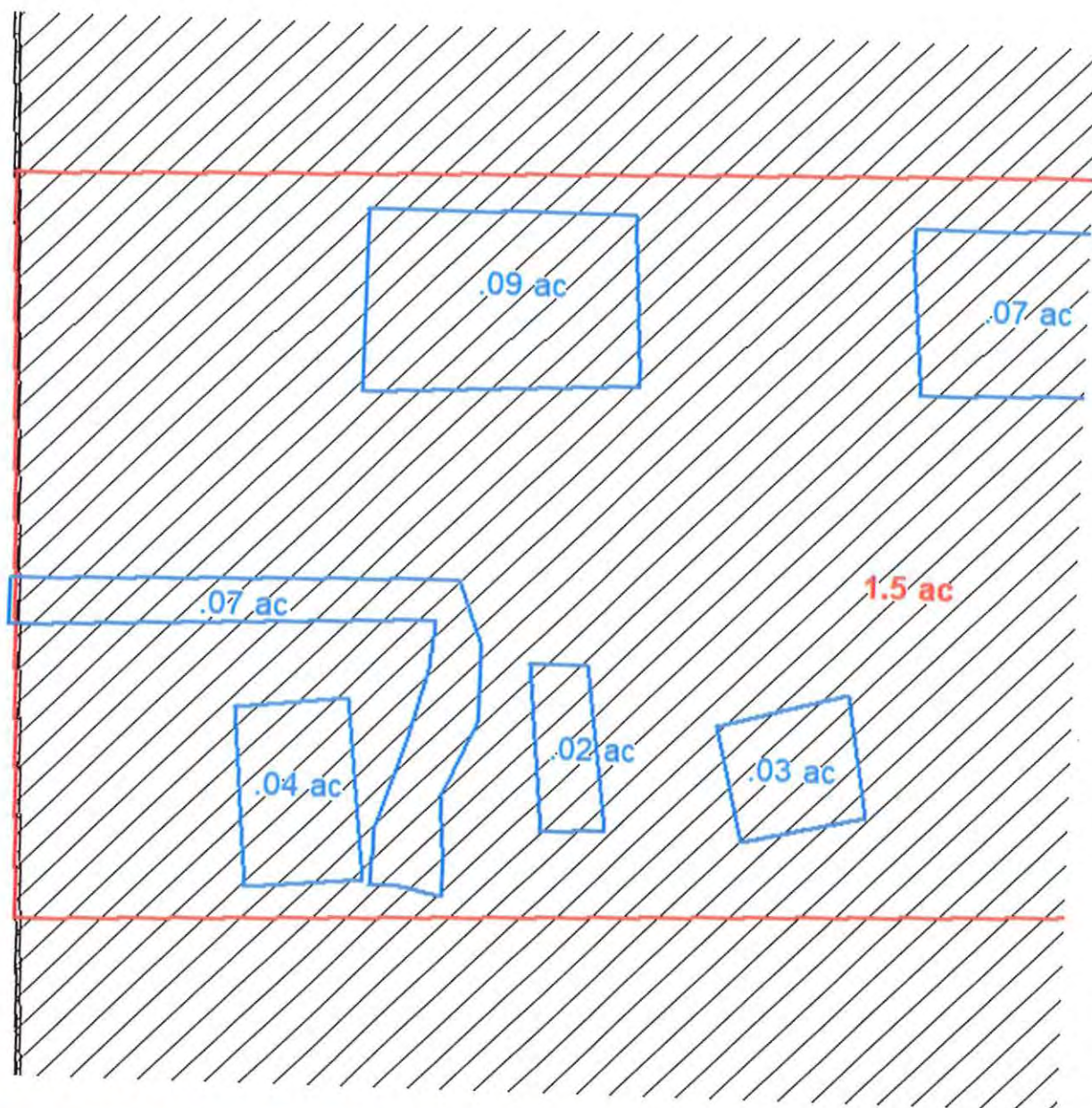
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Map to ϵ Histo



OWRD

INE



Let me know what you would like to do. I will get a hold of Corey and see if the areas that I have mapped out will be sufficient for him to move forward after you decide which direction you would like to go.

Marcy J. Osborn

Watermaster, Dist. 8

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

marcy.j.osborn@oregon.gov

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



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

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MAR 29 2021

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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

March 1, 2021

Arlene M. Dethloff
8855 SW 82nd
Portland, OR 97223

REFERENCE: Historic Change in Point of Diversion Application T-13513

The Department has completed an initial review of your historic change in point of diversion application. There is a deficiency that needs to be resolved before we can continue processing your application:

- The Evidence of Use supporting documentation that was provided, being an aerial image of the place of use, identifies some areas in the SW NW of Section 26 that appear to not have been irrigated within the last 5 years. Looking more closely, there is a driveway and some structures that have been in place for more than 5 years, which are not identified on the map. Pursuant to Oregon Administrative Rule 690-380-3100(2) (i) the map shall include, notwithstanding the requirements of subsection (1)(g), the general location of physical features sufficient to assist in defining the location of the place of use of the water use subject to transfer. These features may include, but are not limited to, rivers, creeks, lakes, reservoirs, ponds, roads, railroads, fences, and direction of flow, if appropriate.

Pursuant to Oregon Revised Statue 540.610(1) Beneficial use shall be the basis, the measure and the limit of all rights to the use of water in this state. Whenever the owner of a perfected and developed water right ceases or fails to use all or part of the water appropriated for a period of five successive years, the failure to use shall establish a rebuttable presumption of forfeiture of all or part of the water right. Therefore, the portions of Certificate 68433 that have not received water within the previous 5 years prior to receiving T-13513, being August 20, 2015, to August 20, 2020, are not subject to transfer. Please revise your application map with the identified portions removed, and resubmit.

If the Department does not receive the above requested materials by March 31, 2021, a Final Order may be issued denying the application as incomplete.

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

Sincerely,

Corey Courchane
Transfer Specialist
Transfer and Conservation Section

cc: Marcy J. Osborn, Watermaster, District 8

Oregon Department of Fish and Wildlife
Historic Point of Diversion Fish Screen Requirement Form
(ODFW provides to WRD so that WRD can make findings according to statutory requirements.)

Reference Transfer #: T-13513, Dethloff/Schierman

Date of review: 11/19/20

Please check one of the following five boxes related to fish screen requirements pursuant to ORS 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 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 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 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.]

Danette L. Faucera

Signature

Danette Faucera
Printed Name

(503) 947-6092
Phone

Water Policy Coordinator
Title

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

Transfer #: T-13513, Dethloff/Schierman

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

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

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

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

ODFW staff name: Nathaniel Ashley

Address: 357 Patterson Bridge Rd

City/State/Zip: John Day, OR 97845

Phone: (541) 575-0561

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

ODFW staff name: Danette Faucera

Address: 4034 Fairview Industrial Dr. SE

City/State/Zip: Salem, OR 97302

Phone: (503) 947-6092

Watermaster Review Form: Water Right Transfer



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

Transfer Application: T-13513

Review Due Date:

Applicant Name: Arlene Dethloff

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

Reviewer(s): Marcy Osborn

Date of Review: 10/05/2020

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:
Rock Creek is regulated annually.
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- 13513

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

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

☐ at each new point of diversion/appropriation.

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

Watermaster name: Marcy Osborn

District: 8

Address: 1995 3rd St.

City/State/Zip: Baker City, OR 97814

Phone: 541-523-8224

Email: marcy.j.osborn@oregon.gov

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

Approval of an Alternate Measurement Device T-
(to be filled out after consultation with the applicant, or after a site visit)

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

Watermaster signature_____
District_____
Date

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

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



Oregon
Kate Brown, Governor

Water Resources Department

725 Summer St NE, Suite A

Salem, OR 97301

(503) 986-0900

Fax (503) 986-0904

September 2, 2020

ARLENE M. DETHLOFF
8855 SW 82ND
PORTLAND, OR 97223

Reference: Application T- 13513

On September 2, 2020, we received your water rightTransfer application. The application was accompanied by \$1160.00. Our receipt number 133293 is enclosed.

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

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

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

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

Cc: Watermaster Dist. #8 (via email)
Baker County

Enclosure

STATE OF OREGON
WATER RESOURCES DEPARTMENT

RECEIPT # **133293**

725 Summer St. N.E. Ste. A
SALEM, OR 97301-4172
(503) 986-0900 / (503) 986-0904 (fax)

INVOICE # _____

RECEIVED FROM: *Estate of Arlene M. Dethloff*

BY: _____

CASH: ☐

CHECK # *236*

OTHER: (IDENTIFY) _____

APPLICATION	
PERMIT	
TRANSFER	<i>7-13513</i>

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:

0201 SURFACE WATER _____

0203 GROUND WATER _____

0205 TRANSFER _____

EXAM FEE	
\$	0202
\$	0204
\$ <i>1,160.00</i>	
EXAM FEE	
\$	0219
	0220

RECORD FEE
\$ _____
\$ _____

WELL CONSTRUCTION

0218 WELL DRILL CONSTRUCTOR _____

LANDOWNER'S PERMIT _____

LICENSE FEE
\$ _____
\$ _____

OTHER (IDENTIFY) _____

0536 TREASURY 0437 WELL CONST. START FEE

0211 WELL CONST START FEE _____

0210 MONITORING WELLS _____

OTHER (IDENTIFY) _____

\$ _____
\$ _____

CARD # _____
CARD # _____

0607 TREASURY 0467 HYDRO ACTIVITY LIC NUMBER

0233 POWER LICENSE FEE (FW/WRD) _____

0231 HYDRO LICENSE FEE (FW/WRD) _____

HYDRO APPLICATION _____

\$ _____
\$ _____
\$ _____

TREASURY OTHER / RDX

FUND _____ TITLE _____

OBJ. CODE _____ VENDOR # _____

DESCRIPTION _____

\$ _____

RECEIPT: **133293**

DATED: *8-20-2020* BY: *[Signature]*

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



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

Application for Historic Change in Point of Diversion/Appropriation

Part 1 of 5 – Minimum Requirements Checklist

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This historic change in point of diversion/appropriation application will be returned if Parts 1 through 5 and all required attachments are not completed and included.

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

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

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Part 1 – Completed Minimum Requirements Checklist.



Part 2 – Completed Application Map Checklist.



Part 3 – Application Fee, payable by check to the Oregon Water Resources Department, and completed Fee Worksheet, page 3. Try the new online fee calculator at:

http://apps.wrd.state.or.us/apps/misc/wrd_fee_calculator. If you have questions, call Customer Service at (503) 986-0801.



Part 4 – Completed Applicant Information and Signature.

Part 5 – Information about the Transferred Water Rights: **How many water rights are to be transferred?** 1 **List them here:** 68433

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

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Attachments:



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



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



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



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



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



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

(For Staff Use Only)

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

___ Application fee not enclosed/insufficient

___ Map not included or incomplete

___ Land Use Form not enclosed or incomplete

___ Additional signature(s) required

___ Part 1 is incomplete

Other/Explanation not an individual per 690-380-2120

Staff: Crey 503-986-0 825

Date: 8 / 6 / 20

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

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

Please be sure that the historic change in point of diversion/appropriation application map you submit includes all the required items and matches the existing water right map. Check all boxes that apply.

- ☒ ☐ N/A If **more than three** water rights are involved, separate maps are needed for each water right.
- ☒ Permanent quality printed with dark ink on white or clear paper or film.
- ☒ The size of the map can be 8½ x 11 inches, 8½ x 14 inches, or up to 30 x 30 inches. For 30 x 30 inch maps, three (3) paper copies and an electronic copy in a .pdf, .tiff or .jpg format are required.
- ☒ A north arrow, a legend, and scale.
- ☒ The scale of the map must be: 1 inch = 400 feet, 1 inch = 1,320 feet, the scale of the Final Proof/Claim of Beneficial Use Map (the map used when the permit was certificated), the scale of the county assessor map if the scale is not smaller than 1 inch = 1,320 feet, or a scale that has been pre-approved by the Department.
- ☒ Township, Range, Section, ¼ ¼, DLC, Government Lot, and other recognized public land survey lines.
- ☒ Tax lot boundaries (property lines) and county tax lot numbers are required.
- ☒ Major physical features including rivers and creeks showing direction of flow, lakes and reservoirs, roads, and railroads.
- ☒ Major water delivery system features from the point(s) of diversion/appropriation such as main pipelines, canals, and ditches.
- ☒ Authorized point(s) of diversion or well(s) with distance and bearing or coordinates from a recognized survey corner. This information can be found in your water right certificate.
- ☒ Actual, current point of diversion/appropriation. Show the location and label it clearly with distance and bearing or coordinates. If GPS coordinates are used, latitude-longitude coordinates may be expressed as either degrees-minutes-seconds with at least one digit after the decimal (example – 42°32'15.5") or degrees-decimal with five or more digits after the decimal (example – 42.53764°).
- ☒ Existing place of use that includes separate hachuring for each water right, priority date, and use including number of acres in each quarter-quarter section, government lot, or in each quarter-quarter section as projected within government lots, donation land claims, or other recognized public land survey subdivisions. If less than the entirety of the water right is being changed, a separate hachuring is needed for lands left unchanged.
- ☒ N/A If for more than one actual, current point of diversion/appropriation, separate hachuring is needed for each place of use served by each point of diversion/appropriation, including the number of acres in each quarter-quarter section, government lot, or in each quarter-quarter section as projected within government lots, donation land claims, or other recognized public land survey subdivisions.

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Part 3 of 5 — Fee Worksheet

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

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

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Part 4 of 5 – Applicant Information and Signature

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Applicant Information

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

APPLICANT/BUSINESS NAME <i>ARLENE M. Dethloff</i>		PHONE NO. <i>503-320-4801</i>	ADDITIONAL CONTACT NO. <i>503-407-4286</i>
ADDRESS <i>8855 S.W. 82nd</i>		FAX NO.	
CITY <i>Portland</i>	STATE <i>ORE</i>	ZIP <i>97223</i>	E-MAIL <i>dschiermiane@PCHruit.com</i>
BY PROVIDING AN E-MAIL ADDRESS, CONSENT IS GIVEN TO RECEIVE ALL CORRESPONDENCE FROM THE DEPARTMENT ELECTRONICALLY. COPIES OF THE FINAL ORDER DOCUMENTS WILL ALSO BE MAILED.			

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

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

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

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

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Applicant Signature

Print Name (and Title if applicable)

Date _____

Applicant Signature _____

Print Name (and Title if applicable)

Date _____

13513

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

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

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

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

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

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

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Describe any special ownership circumstances here: _____

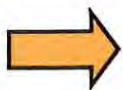
OWRD

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

ENTITY NAME	ADDRESS	
CITY	STATE	ZIP

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

ENTITY NAME	ADDRESS	
CITY	STATE	ZIP

ENTITY NAME	ADDRESS	
CITY	STATE	ZIP

Explain in your own words what you propose to accomplish with this transfer application; and why:
WE WOULD LIKE TO ADD ANOTHER HISTORIC POINT OF DIVERSION TO REFLECT USE OF THE ROCK CREEK PIPELINE FOR MORE THAN 10 YEARS.
 If you need additional space, continue on a separate piece of paper and attach to the application as "Attachment 1".

Part 5 of 5 – Water Right Information

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

CERTIFICATE # 68433

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Description of Water Delivery System

System capacity: 25 cubic feet per second (cfs) OR
_____ gallons per minute (gpm)

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

CURRENTLY WE DIVERT WATER FROM ROCK CREEK THROUGH THE PIPE LINE TO OUR PROPERTY WHERE WE USE A CENTER PIVOT FOR IRRIGATION.

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

POD/POA Name or Number	Is this POD/POA Authorized on the Certificate or is it the Current POD/POA that has been used for more than 10 years?	If POA, OWRD Well Log ID# (or Well ID Tag # L-___)	Twp	Rng	Sec	1/4 1/4	Tax Lot, DLC or Gov't Lot	Measured Distances (from a recognized survey corner)
<i>Fisher Long -</i>	☒ Authorized ☐ Current							<i>NONE GIVEN</i>
<i>RC PIPE LINE</i>	☐ Authorized ☒ Current		<i>7S</i>	<i>38E</i>	<i>34</i>	<i>NE SW</i>		<i>3,040' South 8,102' West FROM N.E. CORNER OF SECTION 34</i>
	☐ Authorized ☐ Current							
	☐ Authorized ☐ Current							

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

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

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

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

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

Table 2. Description of Changes to Water Right Certificate # 68433

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

Authorized ("from" lands) as they appear before the changes											Proposed Change (POD, POA, APOD, or APOA)	Current (in use for more than ten years) POD(s)/ POA(s) to be used (from Table 1)	Priority Date
Twp		Rng		Sec	¼ ¼		Tax Lot	Gvt Lot or DLC	Acres (if applicable)	POD(s) or POA(s) (name or number from Table 1)			
2	S	9	E	15	NE	NW	100		15.0	POD #1 POD #2	POD	POD #5	1897
“	“	“	“	“	“	“	“	“	EXAMPLE	“	“	“	“
7	S	38	E	26	S.W.	N.W.	7800		40	Fisher Long	APOD	PIPE LINE	1872
7	S	38	E	26	S.E	N.W.	7800		40	Fisher Long	APOD	PIPE LINE	1872
7	S	38	E	26	N.E	S.W.	7800		40	Fisher Long	APOD	PIPE LINE	1872
7	S	38	E	26	N.W	S.W.	7800		40	Fisher Long	APOD	PIPE LINE	1872

Additional remarks: _____

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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 current well(s) that are clearly labeled and associated with the corresponding well(s) in Table 1 above and on the accompanying application map. (**Tip:** You may search for well logs on the Department's web page at: http://apps.wrd.state.or.us/apps/gw/well_log/)

OR

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

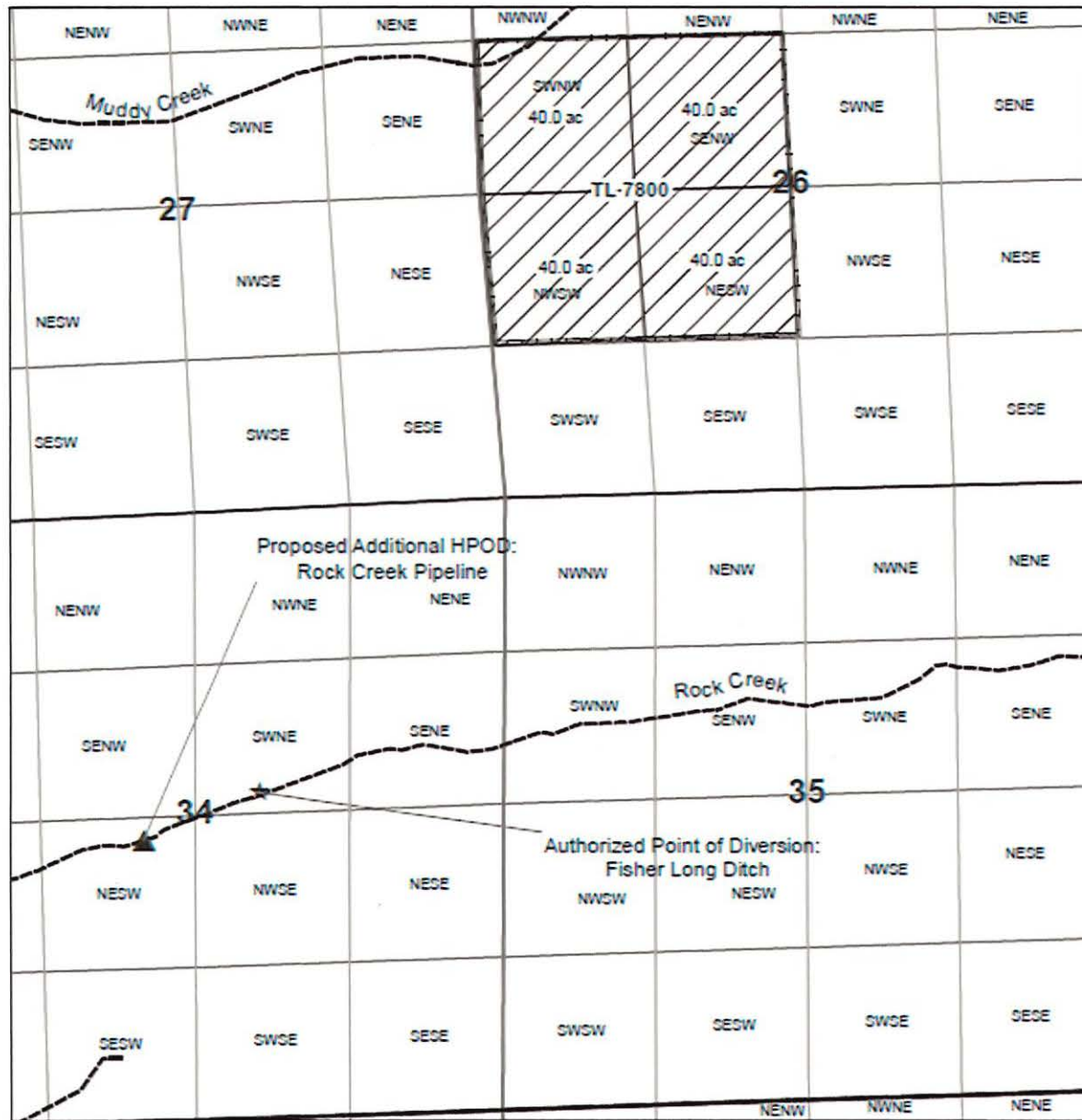
Table 3. Construction of Point(s) of Appropriation

Any well(s) in this listing must be clearly tied to corresponding well(s) described in Table 1 and shown on the accompanying application map. Failure to provide adequate information is likely to delay the processing of your transfer application.

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

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T.7S, R. 38E



Map to accompany an additional
Historic Point of Diversion
for
Arlene Dethloff



Scale: 1" = 1320'

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C-68433
160.0 ac - 1872



Proposed Additional HPOD:
Rock Creek Pipeline:
3040' S & 3102' W
from the NE corn. of Sect. 34



Authorized Point of Diversion:
Fisher Long Ditch:
2500' S & 2100' W
from the NE corn. of Sect. 34
(Distances from HB311 -
Cert does not give
metes and bounds)



Creeks

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13513

Application for Water Right Transfer Evidence of Use Affidavit



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

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

State of Oregon)
) ss

County of BAKER)

I, DAVE SCHIERMAN, in my capacity as TRUSTEE,

mailing address 8855 SW 82ND AVE, PORTLAND, OR 97223

telephone number (503-320-4801), being first duly sworn depose and say:

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

☒ Personal observation

☐ Professional expertise

2. I attest that:

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

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

Certificate #	Township		Range		Mer	Sec	¼ ¼		Gov't Lot or DLC	Acres (if applicable)
68433	7	S	38	E	WM	26	SW	NW		40.0
68433	7	S	38	E	WM	26	SE	NW		40.0
68433	7	S	38	E	WM	26	NE	SW		40.0
68433	7	S	38	E	WM	26	NW	SW		40.0

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 # 68433 (For Historic POD/POA Transfers)

(continues on reverse side)

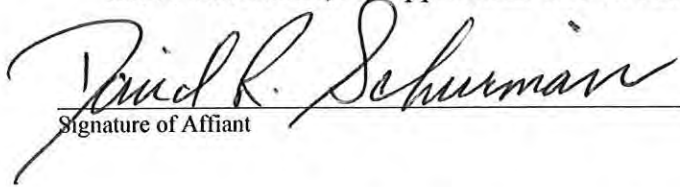
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3. The water right was used for: (e.g., crops, pasture, etc.): CROPS AND PASTURE

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

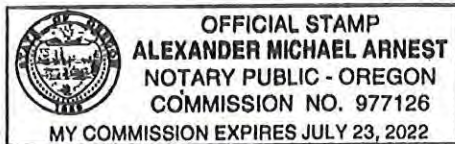

Signature of Affiant

08/03/2020
Date

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Signed and sworn to (or affirmed) before me this 3rd day of August, 2020.




Notary Public for Oregon

My Commission Expires: 07/23/2022

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

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

NO CHANGE

After recording return to:
Demetri Tsohantaris PC
Attorney at Law
PO Box 238
Newberg, OR 97132

STATE OF OREGON)
COUNTY OF BAKER)
I CERTIFY THAT THIS
INSTRUMENT WAS RECEIVED
AND RECORDED IN THE BOOK
OF RECORDS OF SAID COUNTY
TAMARA J. GREEN, BAKER CO. CLERK
BY Cindy Carpenter DEPUTY
DOC#: 1125049B
6/20/2011 11:15 AM
REF .00 41.00
CK

STATUTORY WARRANTY DEED

MARY L. DETHLOFF, Trustee of the William J. and Mary L. Dethloff Trust, Grantor,
conveys and warrants to ARLENE MARY DETHLOFF, Grantee, the following described real
property situate in the County of Baker, State of Oregon, described as follows:

In Twp. 7 S., R. 38 E., W.M.:
Sec. 26: S1/2 NW1/4;
N1/2 SW1/4.

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SUBJECT TO rights of way and easements for roads, highways, ditches, pipelines and
utility lines, poles and appurtenances.

SUBJECT TO the recorded easement for ingress and egress.

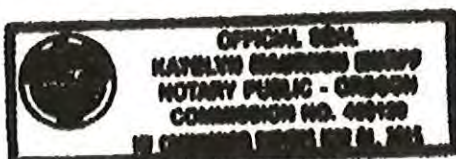
The true consideration for this conveyance is payment made on contract of sale.

DATED: June 10, 2011

Mary L. Dethloff
Mary L. Dethloff, Trustee of the
William J. and Mary L. Dethloff Trust

State of Oregon)
) ss.
County of Multnomah

This instrument was acknowledged before me on this 10 day of June, 2011,
by Mary L. Dethloff, trustee of the William J. and Mary L. Dethloff Trust.



Name: Kathryn Harrison
Notary Public for Oregon
My Commission expires: May 1, 2015

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IN THE CIRCUIT COURT OF THE STATE OF OREGON
For the County of Baker, Probate Department

IN THE MATTER OF THE ESTATE OF) No.
ARLENE M. DETHLOFF,)
Deceased.)
LETTERS TESTAMENTARY

THIS CERTIFIES that DAVID SCHIERMAN and THERESA SCHIERMAN have been appointed and are at the date hereof the duly appointed, qualified and acting Co-Personal Representatives of the Will and Estate of ARLENE M. DETHLOFF, deceased.

IN WITNESS WHEREOF, I, as Clerk of the Circuit Court of the State of Oregon of the County of Baker, in which proceedings for administration of this Estate are pending, do hereby subscribe my name and affix the seal of said court, this 6th day of June, 2017.



Lacey M. Williams
Clerk of the Court

By _____
Deputy

STATE OF OREGON)

County of Baker)

) ss.

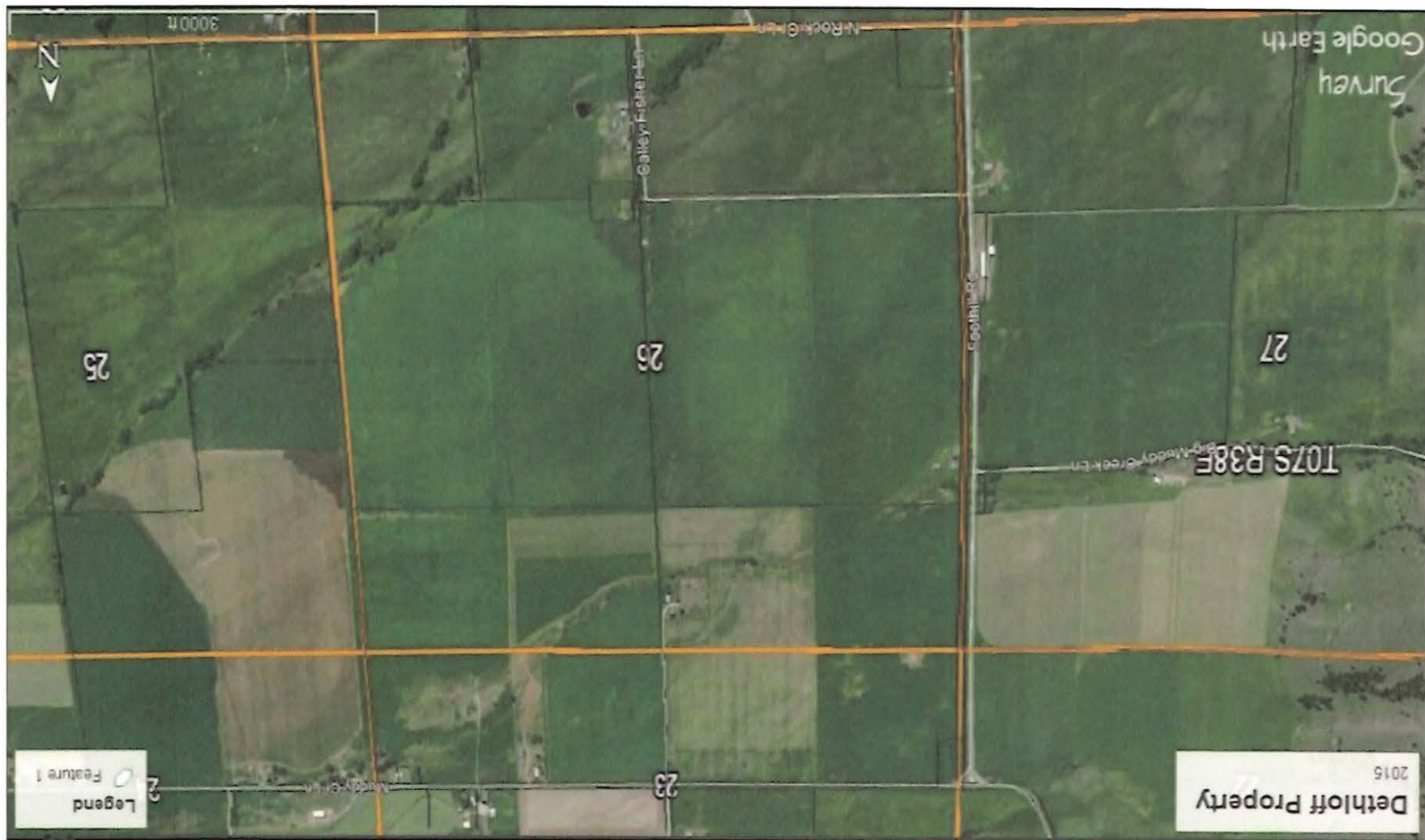
I, _____, Clerk of the Circuit Court, of the State of Oregon for Baker County, hereby do certify that the foregoing copy of Letters Testamentary has been compared by me with the original, that it is a correct transcript therefrom and the whole of such original Letters Testamentary as the same appear on file and of record in my office and in my custody and that said Letters are now in full force and effect.

IN TESTIMONY WHEREOF, I have hereunto subscribed my hand and affixed the seal of said court the 6th day of June, 2017.



Lacey M. Williams
Clerk of the Court

By _____
Deputy



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Application for Water Right Historic POD/POA Transfer Watermaster Statement



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

I, MARCY OSBORN, Watermaster of District 8,

state that to my knowledge, there has been no claim of injury due to use of an historic point of
diversion/appropriation for Certificate 68433

from Rock Creek located as follows:
(source)

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

Twp	Rng	Mer	Sec	Q-Q	DLC	GLot	Measured Distances
7S	38E	W.M.	34	NES W			3040'S & 3102'W from the NE corner of Sect. 34

OR

☐ by GPS coordinates: Latitude: _____ Longitude: _____

OR

☐ as shown on the attached map.

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Marcy Osborn
Signature

7/22/2020
Date

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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

August 6, 2020

Estate of Arlene M. Dethloff
8855 S. W. 82nd
Portland, OR 97223

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Regarding your Application for Historic Change in Point of Diversion Received August 4, 2020:

The Water Resources Department has received your Application for Historic Change in Point of Diversion. At this time however, we are unable to accept your application, because the minimum filing requirements are not met.

The reason for this return is identified on the check list located on your application:

- Pursuant to Oregon Administrative Rule 690-380-2120(1), as provided in ORS 540.532, any individual who holds a water right certificate or decree may request a change in point of diversion or appropriation to reflect the historical use of water at a point of diversion or appropriation other than that described in the water right certificate or decree. The individual shall use the Department's water right transfer application form, clearly marked "Historic Change in POD," and, except as otherwise provided in section (2) of this rule, include the information required in OAR 690-380-3000. An estate is not considered an individual, therefore the application does not meet the criteria for a historical point of diversion change. You will need to submit a Permanent Water Right Transfer.

We are hereby returning the incomplete application and the fees submitted.

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

Sincerely,

Corey Courchane
Transfer Specialist
Transfer and Conservation Section

Cc: OWRD Fiscal

Corey,
We have communicated with
Maray Osborn, Watermaster of District 8
and followed her instructions regarding
this matter.

All the documentation included with the
application.

Thank you!

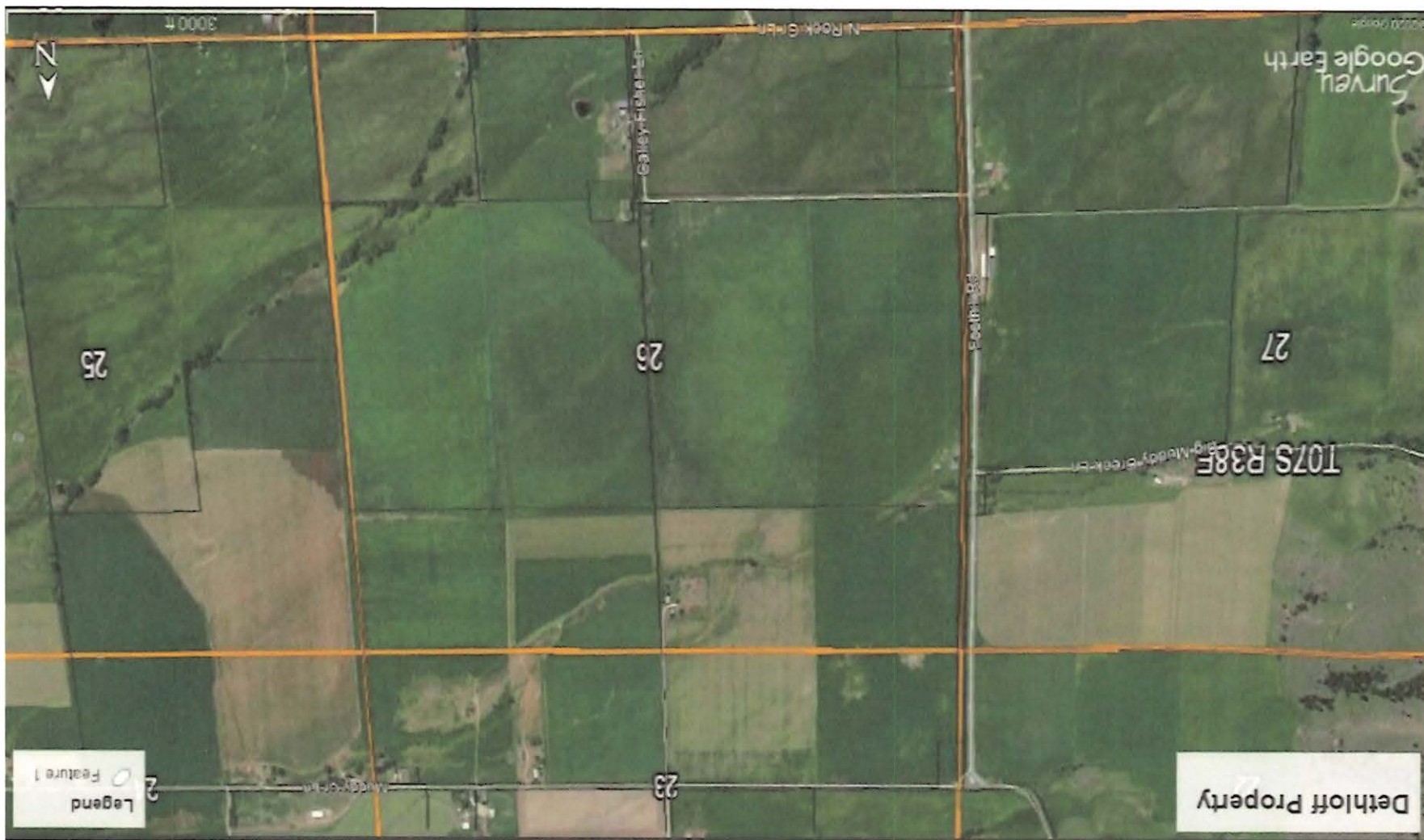
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Land Use Information Form



Oregon Water
Resources

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Applicant(s): Estate of Arlene Dethloff

Mailing Address: 8855 SW 82nd Ave.

City: Portland

State: OR

Zip Code: 97814

Daytime Phone: 503-320-4801

A. Land and Location

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

Township	Range	Section	¼ ¼	Tax Lot #	Plan Designation (e.g., Rural Residential/RR-5)	Water to be:	Proposed Land Use:
<u>7S</u>	<u>38E</u>	<u>26</u>	<u>SWNW</u>	<u>7800</u>	_____	☐ Diverted ☒ Conveyed ☐ Used	<u>IR</u>
<u>7S</u>	<u>38E</u>	<u>26</u>	<u>SEnw</u>	<u>7800</u>	_____	☐ Diverted ☒ Conveyed ☒ Used	<u>IR</u>
<u>7S</u>	<u>38E</u>	<u>26</u>	<u>NESW</u>	<u>7800</u>	_____	☐ Diverted ☒ Conveyed ☒ Used	<u>IR</u>
<u>7S</u>	<u>38E</u>	<u>26</u>	<u>NWSW</u>	<u>7800</u>	_____	☐ Diverted ☒ Conveyed ☒ Used	<u>IR</u>

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

Baker 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) Rock Creek

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

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

Briefly describe:

Currently we are using the Rock Creek Pipeline as our diversion to irrigate our property and the pipeline is not an authorized point of diversion. We have been using this POD for over 10 years.

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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WR/FS

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):
- ☐ Land uses to be served by the proposed water uses (including proposed construction) involve discretionary land-use approvals as listed in the table below. (Please attach documentation of applicable land-use approvals which have already been obtained. Record of Action/land-use decision and accompanying findings are sufficient.) **If approvals have been obtained but all appeal periods have not ended, check "Being pursued."**

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

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

Irrigation of property with transferred water rights permitted according to BCZO Chapter 410 - Exclusive Farm Use Zone.

Name: Eva Henes Title: Senior Planner

Signature: *Eva Henes* Phone: 541-523-8219 Date: July 22nd, 2020

Government Entity: Baker City-County Planning Dept.

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

Receipt for Request for Land Use Information

Applicant name: _____

City or County: _____ Staff contact: _____

Signature: _____ Phone: _____ Date: _____

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

Checked by: JM

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. Does the attached local "Watermaster Statement" indicate that, based upon the watermaster's knowledge and Department records, no complaint of injury has been made due to use of water at the actual, current point of diversion or appropriation (*i.e., the historic POD/POA*)?
- If **NO**, a complaint of injury has NOT been made – proceed to Item #3.
 - If **YES**, a complaint of injury has been made – **STOP!**
The application does **not** meet the criteria for ORS 540.532 (OAR 690-380-2120).
➔ Return the application/fees and direct the applicant to *instead* use the standard POD/POA change Transfer Application and process under ORS 540.520 & 540.530 (OAR 690-380-2110).
- ☒ 3. Is the applicant an "individual" as required by ORS 540.532 and defined in OAR 690-380-2120(7)?
- If **YES**, the applicant is an "individual" – proceed to Item #4.
 - If **NO**, the applicant is not an "individual" – **STOP!**
The application does **not** meet the criteria for ORS 540.532 and OAR 690-380-2120(7).
➔ Return the application/fees and direct the applicant to *instead* use the standard POD/POA change Transfer Application and process under ORS 540.520 & 540.530 (OAR 690-380-2110).
- ☒ 4. Are fees included and correct?
If not, the correct fee would be: _____, so the amount missing is: _____
- ☒ 5. Page 3 of application: Have all the applicants listed at the top of the page signed at the bottom?
If not, whose signature is missing? _____
- ☒ 6. Are all listed certificates or permits shown by WRIS as non-cancelled?
If not, which are cancelled? _____
For each cancelled certificate, if there has been a remaining right certificate issued that covers the lands in the left side of Table 2, list its number _____ and check the #4 box at left on this checklist.
- ☒ 7. If any certificate is in the name of a "district", is a Supplemental Form D from that district enclosed?
☒ N/A ☐ Form D needed from _____ (district)
8. If all #1-#7 boxes on this checklist are checked, accept the application. Put this check sheet in the transfer folder. If #1, #2, #3, #4, #5, #6 or #7 on this checklist is deficient, the application cannot be accepted. It should be returned and the **deficiencies listed in the "staff" section at the bottom of Application Page 1**, unless the applicant or agent can resolve the deficiencies within 2-3 days.

T-13513