

T-10459

T-10459

RA

Name Scott MadisonAddress 75512 Highway 207Echo, OR 97826  
541 376-8214 541 399-2209 cellChange in POU PADDate Filed 9-14-2007Initial notice date 9-25-07DPD issued date 12/31/07PD issued date 1/28/2008PD notice date 2/5/08Date of FO 3-25-08 Vol 74 Page 444Ext of time 9-23-09 K.78p.952C-Date 10-1-09COBU due date 10-1-2010COBU Received date 1-31-2020

Certificate issued

## DESCRIPTION OF WATER RIGHT(s)

Name of Stream Butter Creek Butte CreekTrib. of Umatilla RiverUse ICCounty Umatilla

Quantity of water (CFS)

No. of Acres

Name of ditch

App #

Per #

Cert #

PR Date 1896App # 557999

Per #

46499

Cert #

PR Date 1978

App #

Per #

Cert #

PR Date

App #

Per #

Cert #

PR Date

App #

Per #

Cert #

PR Date

Butter Creek Decree (Umatilla River Decree)

## FEES PAID

| Date           | Amount         | Receipt #    |
|----------------|----------------|--------------|
| <u>9/14/07</u> | <u>1000.00</u> | <u>89667</u> |
| <u>10-4-07</u> | <u>40000</u>   | <u>9027</u>  |
| <u>9-14-09</u> | <u>50000</u>   | <u>97802</u> |

## FEES REFUNDED

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

Assignments:

Irrigation District N/AAgent William Porfily P.O. Box 643 Stanfield, OR 97875 541-449-1327 541-561-7259CWRE Dale Van Schoigek #333CC's list umatilla County 216 SE 4th Pendleton, OR 97801CLO: Virginia Elligsen 33180 Mallard Ave Nehalem, OR 97131Contractor: Andersen☐ - Oversized map - Location



# **CLAIM OF BENEFICIAL USE for Transfer with Multiple Changes – Surface Water**



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

RECEIVED

JAN 31 2020

OWRD

**A fee of \$200 must accompany this form for any Transfer final orders including a water right with a priority date of July 9, 1987, or later.**

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

**Claims received without the correct fee of \$200 will be returned.**

**A separate form shall be completed for each transfer.**

This form is subject to revision. **Begin each new claim** by checking for a new version of this form at:  
[http://www.oregon.gov/owrd/pages/wr/cwre\\_info.aspx](http://www.oregon.gov/owrd/pages/wr/cwre_info.aspx)

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

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

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

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

If you have questions regarding the completion of this form, please call 503-986-0900 and ask for the Certificate Section.

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

[http://www.oregon.gov/owrd/pages/mgmt\\_reimbursement\\_authority.aspx](http://www.oregon.gov/owrd/pages/mgmt_reimbursement_authority.aspx)

## **SECTION 1**

### **GENERAL INFORMATION**

#### **Type of Authorized Change**

This Claim is being submitted for a transfer involving multiple changes.

**YES**

Mark all that apply:

1. ☒ Change in POD(s) or Additional POD(s)
2. ☒ Change in Place of Use
3. ☐ Change in Character of Use

*A separate section will be completed for each type of change authorized in the transfer final order.*

RECEIVED

JAN 31 2020

OWRD

## 1. File Information

APPLICATION #  
**T-10459**

## 2. Property Owner (current owner information)

|                                                 |                    |                     |                        |
|-------------------------------------------------|--------------------|---------------------|------------------------|
| APPLICANT/BUSINESS NAME<br><b>Scott Madison</b> |                    | PHONE NO.           | ADDITIONAL CONTACT NO. |
| ADDRESS<br><b>75512 Highway 207</b>             |                    |                     |                        |
| CITY<br><b>Echo</b>                             | STATE<br><b>OR</b> | ZIP<br><b>97826</b> | E-MAIL                 |

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

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

|                                                   |                    |                     |  |
|---------------------------------------------------|--------------------|---------------------|--|
| TRANSFER HOLDER OF RECORD<br><b>Scott Madison</b> |                    |                     |  |
| ADDRESS<br><b>75512 Highway 207</b>               |                    |                     |  |
| CITY<br><b>Echo</b>                               | STATE<br><b>OR</b> | ZIP<br><b>97826</b> |  |

## 4. Date of Site Inspection:

**Dec 10, 2019**

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

| NAME                 | DATE                | ASSOCIATION WITH THE PROJECT |
|----------------------|---------------------|------------------------------|
| <b>Scott Madison</b> | <b>Dec 10, 2019</b> | <b>Owner</b>                 |
|                      |                     |                              |

## 6. County:

**Umatilla**

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

|                                          |       |     |
|------------------------------------------|-------|-----|
| OWNER OF RECORD<br><b>Not Applicable</b> |       |     |
| ADDRESS                                  |       |     |
| CITY                                     | STATE | ZIP |

Add additional tables for owners of record as needed



**SECTION 2**  
**SIGNATURES**

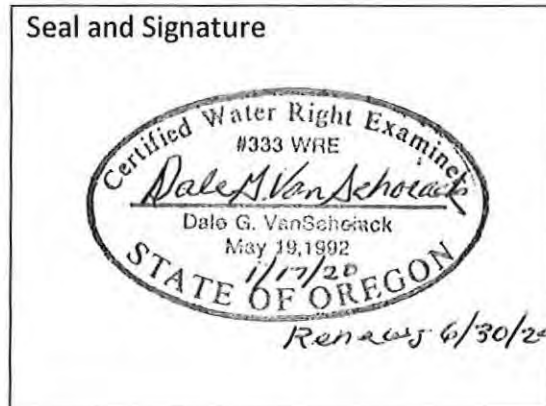
RECEIVED

JAN 31 2020

OWRD

CWRE Statement, Seal and Signature

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



|                                      |                    |                                    |                                            |
|--------------------------------------|--------------------|------------------------------------|--------------------------------------------|
| CWRE NAME<br><b>Dale VanSchoiack</b> |                    | PHONE NO.<br><b>1 509 627 8717</b> | ADDITIONAL CONTACT NO.                     |
| ADDRESS<br><b>2141 South Lyle</b>    |                    |                                    |                                            |
| CITY<br><b>Kennewick</b>             | STATE<br><b>WA</b> | ZIP<br><b>99337</b>                | E-MAIL<br><b>dalevconsulting@gmail.com</b> |

Transfer Holder of Record Signature or Acknowledgement

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

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

| SIGNATURE | PRINT OR TYPE NAME   | TITLE        | DATE           |
|-----------|----------------------|--------------|----------------|
|           | <b>Scott Madison</b> | <b>Owner</b> | <b>1-29-20</b> |
|           |                      |              |                |
|           |                      |              |                |



## SECTION 3

### Changes Made

Note: The Claim only needs to describe the changes that were authorized in the transfer final order.

This transfer involves two water rights. One certificate and one permit. For the permit, the transfer is considered a permit amendment and it will require its own separate Claim of Beneficial Use (COBU) at some point in the future. Therefore, this COBU report does not include the permit. This COBU report includes information for the certificate, Certificate 60455.

#### Change #1

##### New or Additional Point of Diversion

##### Change in POD(s) or Additional POD(s)

Did the transfer order authorize a change in the points of diversion or additional points of diversion?

YES

*If "NO", this Section can be deleted.*

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

| POINT OF DIVERSION<br>(POD) NAME OR NUMBER<br>(CORRESPOND TO MAP) | SOURCE       |
|-------------------------------------------------------------------|--------------|
| Butter Cr P.O.D.                                                  | Butter Creek |
|                                                                   |              |

#### 2. Variations:

Was the use developed differently from what was authorized by the transfer final order, or extension final? If yes, describe below.

YES

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

The final order noted the proposed new P.O.D. to be in the NWSW of Section 19 T3N R28E, W.M. It appears there is a scrivener's error in stating the location of the new P.O.D., as the transfer application map clearly shows the new P.O.D. to be in the NESW of Section 19, T3N R28E, W.M. The new P.O.D. was found to be in the NESW of Section 19.

#### 3. Claim Summary:

| NEW OR<br>ADDITIONAL<br>POD<br>NAME OR # | MAXIMUM<br>RATE<br>AUTHORIZED<br>IN ORDER | CALCULATED<br>THEORETICAL<br>RATE BASED ON<br>SYSTEM | AMOUNT OF<br>WATER<br>MEASURED |
|------------------------------------------|-------------------------------------------|------------------------------------------------------|--------------------------------|
| P.O.D.<br>Butter Cr                      | 1.16 cfs                                  | 7.47 cfs<br>(125 hp and 75<br>hp pumps)              | Not<br>Applicable              |
|                                          |                                           |                                                      |                                |

RECEIVED

JAN 31 2020

OWRD



### System Description

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

NO

If "YES" you will need to copy and complete Sections A, B, or C in this Section for each POD.

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

Butter Cr P.O.D.

RECEIVED

JAN 31 2020

OWRD

### A. POD System Information

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

#### 1. Pump Information

| MANUFACTURER   | MODEL | SERIAL<br>NUMBER | TYPE (CENTRIFUGAL,<br>TURBINE OR SUBMERSIBLE) | INTAKE<br>SIZE | DISCHARGE<br>SIZE |
|----------------|-------|------------------|-----------------------------------------------|----------------|-------------------|
| 125 hp Cornell | 6RB   | Unknown          | Centrifugal                                   | 10"            | 6"                |
| 75 hp Cornell  | 5RB   | Unknown          | Centrifugal                                   | 8"             | 5"                |

#### 2. Motor Information

| MANUFACTURER    | HORSEPOWER |
|-----------------|------------|
| 125 hp Marathon | 125 hp     |
| 75 hp Baldor    | 75 hp      |

#### 3. Theoretical Pump Capacity

| HORSEPOWER | OPERATING<br>PSI | LIFT FROM SOURCE TO PUMP | LIFT FROM PUMP<br>TO PLACE OF USE | TOTAL PUMP<br>OUTPUT<br>(IN CFS) |
|------------|------------------|--------------------------|-----------------------------------|----------------------------------|
| 125 hp     | 70 psi           | 5 ft                     | -19 ft (668'-687')                | 4.67 cfs                         |
| 75 hp      | 70 psi           | 5 ft                     | -19 ft (668'-687')                | 2.80 cfs                         |



4. Provide pump calculations:

**125 hp Centrifugal Pump**

RECEIVED

JAN 31 2020

OWRD

Estimate of pumping head:

|                     |                                  |
|---------------------|----------------------------------|
| Lift                | 5 ft (WL to pump inlet)          |
| Operating Pressure  | 162 ft (70 psi @ pump discharge) |
| Valves and fittings | <u>10 ft</u> (estimated)         |
| Total               | 177 ft                           |

Estimated flow of 125 hp pump:

$$\text{hp} = \frac{\text{gpm} \times \text{head (ft)}}{3960 \times \text{efficiency (\%)}} \text{ or } \text{gpm} = \frac{\text{hp} \times 3960 \times \text{efficiency (\%)}}{\text{head (ft)}}$$

$$\frac{125 \times 3960 \times .75}{177} = 2097 \text{ gpm (4.67 cfs)}$$

Estimated pump efficiency 75%.

**75 hp Centrifugal Pump**

Estimate of pumping head:

|                     |                                  |
|---------------------|----------------------------------|
| Lift                | 5 ft (WL to pump inlet)          |
| Operating Pressure  | 162 ft (70 psi @ pump discharge) |
| Valves and fittings | <u>10 ft</u> (estimated)         |
| Total               | 177 ft                           |

Estimated flow of 75 hp pump:

$$\text{hp} = \frac{\text{gpm} \times \text{head (ft)}}{3960 \times \text{efficiency (\%)}} \text{ or } \text{gpm} = \frac{\text{hp} \times 3960 \times \text{efficiency (\%)}}{\text{head (ft)}}$$

$$\frac{75 \times 3960 \times .75}{177} = 1258 \text{ gpm (2.80 cfs)}$$

Estimated pump efficiency 75%.

Total flow for both the 125 hp and 75 hp pumps = 4.67 cfs + 2.80 cfs = 7.47 cfs

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

| INITIAL METER<br>READING | ENDING METER<br>READING | DURATION OF TIME<br>OBSERVED | TOTAL PUMP OUTPUT<br>(IN CFS) |
|--------------------------|-------------------------|------------------------------|-------------------------------|
| Not Applicable           |                         |                              |                               |

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

RECEIVED

JAN 31 2020

OWRD

6. Additional notes or comments related to the system:

This P.O.D. provides water for other rights.

### B. Gravity Flow Pipe

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

1. Does the diversion involve a gravity flow pipe?

NO

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

Items 2 through 4 relating to this section were deleted.

### C. Gravity Flow Canal or Ditch

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

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

NO

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

Items 2 through 4 relating to this section were deleted.

### Change #2

#### Change in Place of Use

Did the transfer order authorize a change in the place of use?

YES

*If "NO", this Section can be deleted.*

1. Claim Summary – Authorized Use:

If Irrigation or Nursery Use:

| THE # OF ACRES ALLOWED | THE # OF ACRES DEVELOPED |
|------------------------|--------------------------|
| 58.0 acres             | 58.0 acres               |
|                        |                          |

2. Variations:

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

YES

If yes, describe below.

(e.g. "The order authorized a change in place of use for 40 acres. The water user only developed 38 acres.")

The location of the irrigated acres is slightly different than the location noted in the transfer final order.



### Change #3

#### Change in Character of Use

Did the transfer order authorize a change in character of use?

NO

*If "NO", this Section can be deleted.*

#### 1. Claim Summary – Authorized Use(s):

Provide the new uses authorized by the transfer final order:

| NEW USE AUTHORIZED | DATE WATER USED FOR THE NEW USE<br>(MUST FALL BETWEEN THE DATE THE ORDER<br>WAS ISSUED AND THE COMPLETION DATE) |
|--------------------|-----------------------------------------------------------------------------------------------------------------|
| Not Applicable     |                                                                                                                 |
|                    |                                                                                                                 |

RECEIVED

JAN 31 2020

OWRD

#### 2. Variations:

Were all the uses developed from what was authorized by the transfer final order?

YES

If yes, describe below.

(e.g. "The order authorized changes in character of use to industrial, commercial, and livestock. The water user only used water for livestock.")

Not Applicable

## SECTION 4 CONDITIONS

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

### 1. Time Limits:

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

|                                     | DATE FROM<br>TRANSFER | DATE THE NEW AND/OR ADDITIONAL POD(S) WERE<br>READY FOR USE<br>*THIS DATE MUST FALL BETWEEN THE "ISSUANCE<br>DATE" AND THE "COMPLETENESS DATE" |
|-------------------------------------|-----------------------|------------------------------------------------------------------------------------------------------------------------------------------------|
| ISSUANCE DATE                       | March 25, 2008        |                                                                                                                                                |
| COMPLETENESS DATE<br>FROM ORDER (C) | October 1, 2009       | March 31, 2011                                                                                                                                 |

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

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

YES

If "NO", you may delete the following table. If for a transfer extension order, provide the following information:

| VOLUME | PAGE      | DATE EXTENDED TO |
|--------|-----------|------------------|
| 78     | 952 - 953 | October 1, 2011  |

### 3. Measurement Conditions:

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

NO

If "NO", items 3b through 3f relating to this section may be deleted.

Items 3b through 3f relating to this section were deleted.

### 4. Recording and reporting conditions

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

NO

If "NO", item 4b relating to this section may be deleted.

Item 4b relating to this section was deleted.



JAN 31 2020

## 5. Fish Screening

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

OWRD  
YES

*If "NO", items 9b through 9e relating to this section may be deleted.*

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

- b. Has the fish screening been installed?

YES

- c. When was the fish screening installed?

| DATE             | BY WHOM        |
|------------------|----------------|
| January 15, 2011 | ODFW and Owner |

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

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

- Has the self-certification form previously been submitted to the Department? NA
- If not, go to <http://www.oregon.gov/owrd/Pages/pubs/forms.aspx>, complete and attach a copy of the self-certification form to this claim, and send a copy of it to the Oregon Department of Fish and Wildlife (ODFW).

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

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

- Has the ODFW approval been previously submitted? NA
- If not, contact and work with ODFW to ensure compliance. To demonstrate compliance, provide signed documentation from ODFW. A form is available at: <http://www.oregon.gov/owrd/Pages/pubs/forms.aspx>

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

## 6. By-pass Devices

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

NO

**ODFW determined that because the fish screen sets so close to the creek and head gate that a fish by-pass device is not required at this site.**

*If "NO", items 6b and 6c relating to this section may be deleted.*

**Items 6b and 6c relating to this section were deleted.**

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

- a. Was the water user required to restore the riparian area if it was disturbed? **NO**
- b. Was a fishway required? **NO**
- c. Other conditions? **NA**

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

**Not Applicable**

**RECEIVED**

**JAN 31 2020**

## **SECTION 5 ATTACHMENTS**

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

**OWRD**

| ATTACHMENT NAME    | DESCRIPTION                                                |
|--------------------|------------------------------------------------------------|
| <b>COBU Map</b>    | <b>COBU Map</b>                                            |
| <b>ODFW Letter</b> | <b>Letter from ODFW approving fish screen and by-pass.</b> |

## **SECTION 6 CLAIM OF BENEFICIAL USE MAP**

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

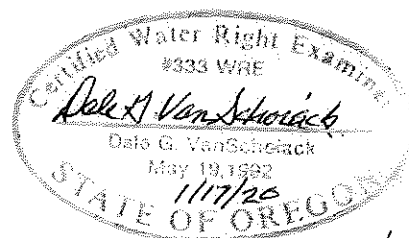
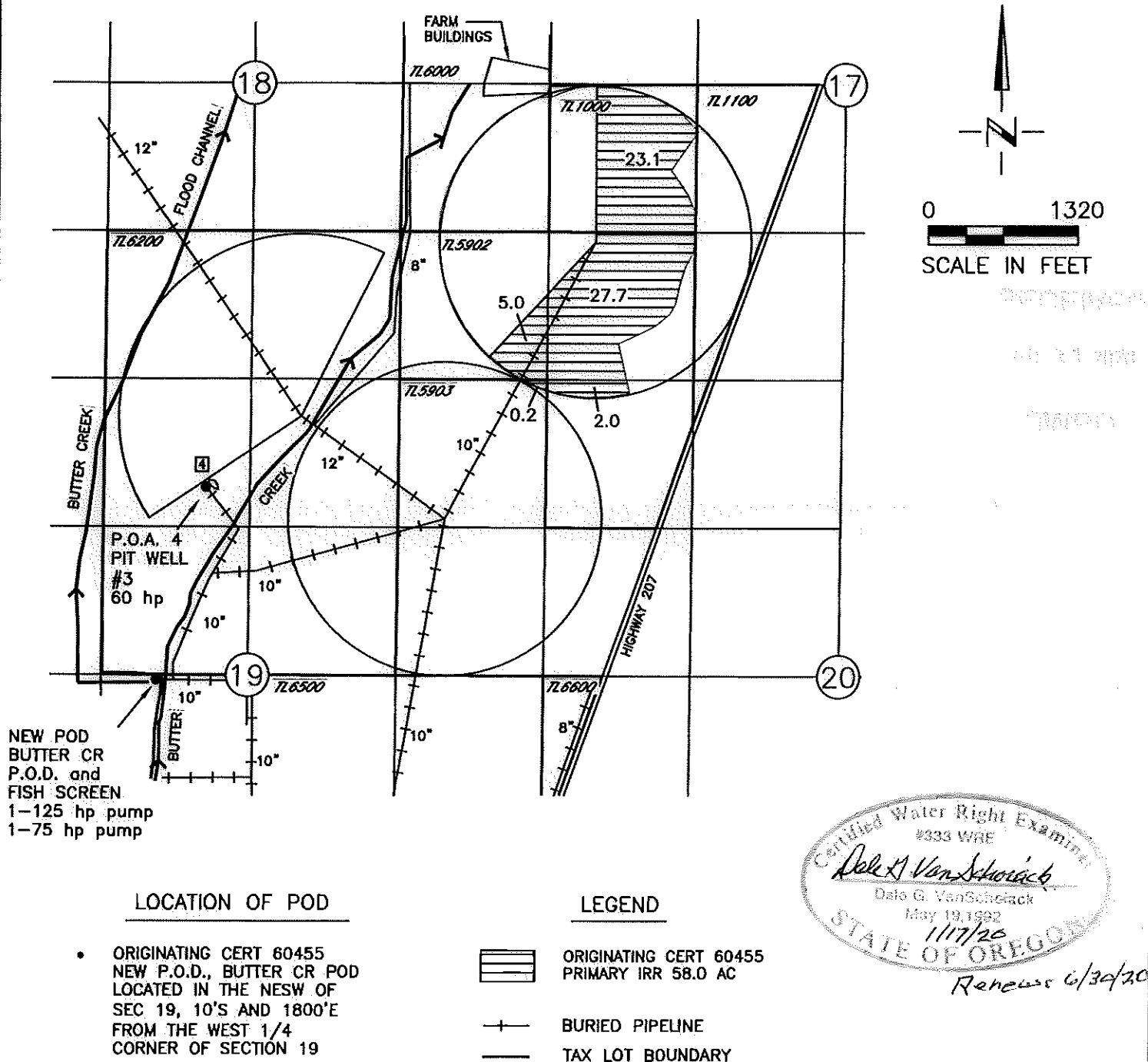
For the purpose of this Claim, the map identifying the location of the place of use does not require a new survey. The location of the place of use identified on the Claim map should be based on the original right of record at the time the transfer final order was issued. In transfers approved for additional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

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

**The COBU map was prepared using information from the transfer map, google images of the project, the county tax lot maps, and measurements and observation taken during a site visit.**



CLAIM OF BENEFICIAL MAP FOR TRANSFER T-10459 to CHANGE THE PLACE  
OF USE AND POINT OF DIVERSION UNDER CERT 60455  
IN THE NAME OF SCOTT MADISON  
UMATILLA COUNTY, T3N R28E W.M.



Renewal 6/30/20

DGV Consulting, PLLC  
PHONE (509) 627-8717  
dalevconsulting@gmail.com  
Date: Jan 17, 2020

## Map Checklist

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

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





# Oregon

Kate Brown., Governor

Department of Fish and Wildlife  
John Day Fish Screening and Passage  
357 Patterson Bridge Rd.  
P.O. Box 515  
John Day, OR 97845  
Voice: 541-575-0561  
FAX (541) 575-0868  
[www.dfw.state.or.us/](http://www.dfw.state.or.us/)

November 25, 2019

Scott Madison  
75512 Highway 207  
Echo, OR 97826

Dear Mr. Madison,

Your fish screen was inspected in 2011. In reference to water right transfer file number T-10459 this letter confirms that a National Marine Fisheries Service criteria fish screen as approved by ODFW is located on the property near GPS coordinates: 45.726447, -119.365991.

In regards to the inspection of the fish screen located on Butter Creek, the following has been determined:

1. The screen located at coordinates 45.726447, -119.365991 is an ODFW shop built 4' x 7' traveling belt type screen.
2. This screen is approved for water use up to 6.22 CFS.
3. The screen is larger than the 1.16 CFS referenced in the transfer application due to multiple PODs at this location.
4. All screen and pump configurations meet National Marine Fisheries Service criteria at the time of inspection, any changes or modifications to the configurations will not be covered by this certification letter.
5. The screen is located at the head of the ditch, right behind the headgate, therefore no by-pass device is required to meet criteria.

Please contact me if you have any questions regarding this letter.

Sincerely,

Nathaniel Ashley  
Fish Screening and Passage Coordinator

CC: Oregon Water Resources Department



RECEIVED

JAN 31 2020

OWRD



**Oregon**  
Kate Brown, Governor

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

February 11, 2020

Scott Madison  
75512 HWY 207  
Echo, OR 97826

On January 31, 2020, the Water Resources Department received the Claim of Beneficial Use (COBU) for the following Transfer(s):

T-10459

The COBU included a report and map. The Department hopes to review your submittal within approximately 2 - 4 years. At that time we will review these items and provide a final certificate, proposed certificate, or a request for additional information.

If you are interested in having your COBU reviewed sooner, you may pay to have your file processed immediately, using the Reimbursement Authority program, which is described at:

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

For all other questions please call our Customer Service phone: (503) 986-0900.

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

cc: file  
Dale VanSchoiack, CWRE.

**COPY**



## CLARK Gerald E \* WRD

---

**From:** CLARK Gerald E \* WRD  
**Sent:** Wednesday, January 15, 2020 10:13 AM  
**To:** 'dalevconsulting@gmail.com'  
**Cc:** 'William Porfily'  
**Subject:** RE: COBU for T 10459

Dale,

It would be appropriate for ODFW to provide a statement that either approves or waives the requirement for by-pass. My concern is that a Caseworker will question the letter in the future. Also, I would like ODFW to get in the habit of commenting on both the fish screen and by-pass requirement.

Gerry

[Gerry Clark](#)

**Oregon Water Resources Department**

Program Analyst, Certificate Section, Water Right Services Division  
725 Summer Street NE, Suite A Salem, OR 97301 | Phone 503-986-0811

**From:** dalevconsulting@gmail.com <dalevconsulting@gmail.com>  
**Sent:** Monday, January 13, 2020 12:02 PM  
**To:** CLARK Gerald E \* WRD <Gerald.E.Clark@oregon.gov>  
**Cc:** 'William Porfily' <wporfily@gmail.com>  
**Subject:** COBU for T 10459

Hi Gerry,

I am working on a COBU for T 10459. There is a condition in the transfer that requires prior to diverting water the water user shall install a fish screening and/or by-pass device, as appropriate, at the new POD consistent with ODFW design and construction standards (Condition 9, page 5 of 5).

The water user has a letter from ODFW (copy attached) approving the fish screen installation. This letter doesn't specifically mention a bypass device. I suspect that if there were an issue with a fish bypass device at the POD the letter from ODFW would have stated so. Does this letter satisfy the requirements of Condition 9, page 5 of 5 of the Final Order?

Thanks,

Dale

DGV Consulting, PLLC  
Dale VanSchoiack, PE, CWRE  
2141 S. Lyle, Kennewick, WA 99337  
509 627 8717  
[dalevconsulting@gmail.com](mailto:dalevconsulting@gmail.com)



# Oregon

Kate Brown., Governor

Department of Fish and Wildlife  
John Day Fish Screening and Passage  
357 Patterson Bridge Rd.  
P.O. Box 515  
John Day, OR 97845  
Voice: 541-575-0561  
FAX (541) 575-0868  
[www.dfw.state.or.us/](http://www.dfw.state.or.us/)

November 25, 2019

Scott Madison  
75512 Highway 207  
Echo, OR 97826



Dear Mr. Madison,

Your fish screens was inspected in 2011. In reference to water right transfer file number **T-10459** this letter confirms that a National Marine Fisheries Service criteria fish screen as approved by ODFW is located on the property near GPS coordinates: 45.726447, -119.365991.

In regards to the inspection of the fish screen located on Butter Creek, the following has been determined:

1. The screen located at coordinates 45.726447, -119.365991 is an ODFW shop built 4' x 7' traveling belt type screen.
2. This screen is approved for water use up to 6.22 CFS.
3. The screen is larger than the 1.16 CFS referenced in the transfer application due to multiple PODs at this location.
4. All screen and pump configurations meet National Marine Fisheries Service criteria at the time of inspection, any changes or modifications to the configurations will not be covered by this certification letter.

Please contact me if you have any questions regarding this letter.

Sincerely,

Nathaniel Ashley  
Fish Screening and Passage Coordinator

CC: Oregon Water Resources Department

RECEIVED

JAN 13 2020

OWRD





# Oregon

Theodore R. Kulongoski, Governor

## Water Resources Department

North Mall Office Building  
725 Summer Street NE, Suite A  
Salem, OR 97301-1266  
503-986-0900  
FAX 503-986-0904

September 23, 2009

Scott Madison  
75512 Highway 207  
Echo, OR 97826

REFERENCE: File Transfer 10459

We have received your application for extension of the time limit to make complete application of water under Transfer T-10459. We also have your check in the amount of \$500.00. Receipt number 97802 is enclosed.

The application indicates reasonable diligence toward completion of the proposed project. The time limit to make complete application of water is extended to October 1, 2011. The order approving the extension was entered September 23, 2009, at Volume 78, Page 952.

If you have any questions, please contact the transfer section at 503-986-0883.

Sincerely,

Sarah Henderson  
Executive Support

cc: Watermaster #5

enclosure

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

In the Matter of Application for Extension     )  
of Time for Transfer of Water Right            )  
T-10459, Umatilla County, Oregon             )

FINAL ORDER APPROVING AN  
EXTENSION OF TIME

**Applicant**

SCOTT MADISON  
75512 HIGHWAY 207  
ECHO, OR 97826

**Findings of Fact**

1. The Water Resources Department issued an order approving Transfer Application T-10459 in the name of Scott Madison, on March 25, 2008. The order was recorded in Special Order Volume 74, at Page 444. The order set a transfer completion date of October 1, 2009.
2. On September 14, 2009, the Department received an application for extension of time for transfer of water right T-10459 from Scott Madison.
3. The applicant has installed the equipment required to irrigate and has irrigated 58.0 acres. The applicant is working with the Oregon Fish and Wildlife Department on selecting and designing the fish screens.
4. Completion of the change was not accomplished within the time prescribed on the order. An extension of the time to complete the project is necessary for the applicant to fully comply with the terms of the order approving the transfer.
5. The applicant has requested that the time for completion of beneficial use be extended to October 1, 2011.

This is a final order in other than 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 either 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.



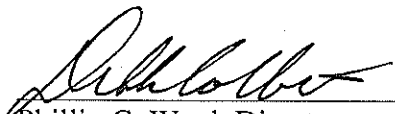
**Conclusions of Law**

Pursuant to OAR 690-380-6020, the Director of the Water Resources Department concludes the applicant has shown reasonable diligence to complete the transfer within the time period established by the order approving Transfer Application T-10459.

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

The time for completion of beneficial use authorized by T-10459 shall be extended to October 1, 2011.

Dated at Salem, Oregon this 23<sup>rd</sup> day of September, 2009

  
Phillip C. Ward, Director 

Mailing date: SEP 24 2009

STATE OF OREGON  
WATER RESOURCES DEPARTMENT

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

RECEIPT # 97802

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

RECEIVED FROM: Scott + Mary Madison  
BY: 75512 Hwy 207  
Echo, OR 97826  
CASH: ☐ CHECK: # 8236 OTHER: (IDENTIFY) ☐

|             |                  |
|-------------|------------------|
| APPLICATION |                  |
| PERMIT      |                  |
| TRANSFER    | <u>T-10459</u>   |
| TOTAL REC'D | \$ <u>500.00</u> |

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 <u>for x-to-r</u> | \$ <u>500.00</u> |                     |
| WATER RIGHTS:                            |                  |                     |
| 0201 SURFACE WATER                       | EXAM FEE \$      | 0202 RECORD FEE \$  |
| 0203 GROUND WATER                        | EXAM FEE \$      | 0204 RECORD FEE \$  |
| 0205 TRANSFER                            | EXAM FEE \$      |                     |
| WELL CONSTRUCTION                        |                  |                     |
| 0218 WELL DRILL CONSTRUCTOR              | EXAM FEE \$      | 0219 LICENSE FEE \$ |
| LANDOWNER'S PERMIT                       |                  | 0220 LICENSE FEE \$ |
| OTHER (IDENTIFY)                         |                  |                     |

0536 TREASURY 0437 WELL CONST. START FEE

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

0607 TREASURY 0467 HYDRO ACTIVITY LIC NUMBER

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

TREASURY OTHER / RDX

|             |          |
|-------------|----------|
| FUND        | TITLE    |
| OBJ. CODE   | VENDOR # |
| DESCRIPTION | \$       |

RECEIPT: 97802

DATED: 9.14.09 BY: 2R

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





# APPLICATION FOR EXTENSION OF TIME FOR TRANSFER OF WATER RIGHT

Transfer \_\_\_\_\_

A summary of review criteria and procedures that are generally applicable to these applications is available at [www.wrd.state.or.us/OWRD/PUBS/forms.shtml](http://www.wrd.state.or.us/OWRD/PUBS/forms.shtml).

To the WATER RESOURCES DIRECTOR OF OREGON:

I/We, Scott Madison

(Name of Applicant)

of 75512 Hwy 207, Echo,  
(Mailing Address) (City)state of Oregon, 97826, (541)376-8214,  
(Zip Code) (Phone Number)

do hereby make application for an extension of time within which to complete a change in:

☒ point of diversion/appropriation ☒ place of use ☐ character of useof water under the terms of an order of the Water Resources Director entered on 03-25, 2008,approving Transfer T-10459, in the name of Scott Madisonfor Sections 17, 18, 19, and 20, T3N, R28E, WM

(Give location of your property, as shown on the order approving the transfer)

THE FOLLOWING HAS BEEN accomplished toward completion of the change within the time allowed, which expired on October 1, 2009:

**I have installed the equipment required to irrigated and have irrigated all the 58.0 acre authorized in the approving order. I have been in contact from the beginning with ODF&W for the fish screen that is required for my pump station.**

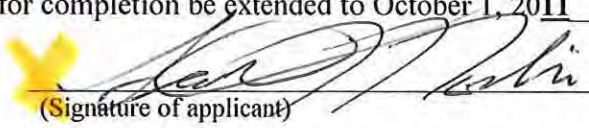
(If for irrigation, how many acres total are now irrigated)

TO FULLY COMPLETE the change, it will necessary to accomplish the following:

**I will need to install fish screen at my pumping station to the satisfaction of ODF&W**

I AM UNABLE TO COMPLETE the change under the terms of the order, within the time allowed, because **I have established a good working relationship with staff of ODF&W and we have been working together on the design for the fish screen. Because of resources (time, financing and budget issue) the design (being done by their staff) of the fish screen is not finished. If the design was finished tomorrow, there is not enough time to get it installed before the October 1<sup>st</sup> 2009 date to complete the transfer**

And request that the time for completion be extended to October 1, 2011.

  
(Signature of applicant)

In order for an application to be complete, it must be accompanied by the required fee. See the Department's fee schedule at [www.wrd.state.or.us](http://www.wrd.state.or.us) or call (503) 986-0900.

MAIL COMPLETED APPLICATION AND FEE TO:

Water Resources Department  
725 Summer Street NE, Suite A  
Salem, OR 97301-1271

**RECEIVED**

SEP 14 2009

WATER RESOURCES DEPT  
SALEM, OREGON



# Oregon

Theodore R. Kulongoski, Governor

## Water Resources Department

North Mall Office Building  
725 Summer Street NE, Suite A  
Salem, OR 97301-1266  
503-986-0900  
FAX 503-986-0904

March 26, 2008

SCOTT MADISON  
75512 HIGHWAY 207  
ECHO OR 97826

Reference: Transfer 10459

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

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

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

You have the requirement to hire a Certified Water Right Examiner (CWRE) to complete a Claim of Beneficial Use report and map which must be submitted to this department within one year of the date you completed the change or within one year of the completion date authorized in the transfer, whichever occurs first.

Sincerely,

*Sarah Henderson*

*for* Doug Parrow  
Natural Resource Specialist

DP:sh

cc: Watermaster #5  
Dale Van Schoiack, CWRE  
Bill Porfily, Agent  
Virginia Elligsen

Enclosure



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

|                                       |   |                              |
|---------------------------------------|---|------------------------------|
| In the Matter of Transfer Application | ) | FINAL ORDER APPROVING A      |
| T-10459, Umatilla County              | ) | CHANGE IN POINT OF DIVERSION |
|                                       | ) | AND CHANGE IN PLACE OF USE   |

**Authority**

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

**Applicant**

SCOTT MADISON  
75512 HIGHWAY 207  
ECHO OR 97826

**Agent**

WILLIAM I. PORFILY  
PO BOX 643  
STANFIELD, OR 97875

**Findings of Fact**

**Background**

1. On February 14, 2007, Scott Madison filed an application to change the place of use under Certificate 60455 and Permit 46499. The Department assigned the application number T-10459.

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

**Certificate:** 60455 in the name of GLENN M. COCHRAN (confirmed by the Butter Creek Decree)

**Use:** IRRIGATION OF 58.0 ACRES

**Priority Date:** 1896

**Rate:** 1.16 CUBIC FEET PER SECOND (cfs)

**Limit/Duty:** Not to exceed 4.0 acre-feet per acre during the irrigation season of each year

**Source:** BUTTER CREEK, a tributary to the UMATILLA RIVER

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

**Authorized Points of Diversion:**

| Twp | Rng  | Mer | Sec | Q-Q   | Survey Coordinates                                                     |
|-----|------|-----|-----|-------|------------------------------------------------------------------------|
| 2N  | 27 E | WM  | 11  | SE SW | 910 FEET NORTH AND 2200 FEET EAST FROM THE SW CORNER OF SECTION 11     |
| 2N  | 27E  | WM  | 11  | SE NW | 40 FEET NORTH AND 240 FEET WEST FROM THE CENTER ¼ CORNER OF SECTION 11 |

**Authorized Place of Use:**

| Twp | Rng  | Mer | Sec | Q-Q   | Acres |
|-----|------|-----|-----|-------|-------|
| 2 N | 27 E | WM  | 11  | NE NW | 18.0  |
| 2 N | 27 E | WM  | 11  | SW NW | 1.0   |
| 2 N | 27 E | WM  | 11  | SE NW | 39.0  |

3. Application T-10459 proposes to replace the authorized points of diversion with a point approximately 5.0 miles downstream from the authorized points of diversion, located:

| Twp | Rng  | Mer | Sec | Q-Q   | Survey Coordinates                                                    |
|-----|------|-----|-----|-------|-----------------------------------------------------------------------|
| 3N  | 28 E | WM  | 19  | NW SW | 10 FEET SOUTH AND 1800 FEET EAST FROM THE WEST ¼ CORNER OF SECTION 19 |

4. Application T-10459 also proposes to change the place of use of the right to:

| Twp | Rng | Mer | Sec | Q-Q   | Acres |
|-----|-----|-----|-----|-------|-------|
| 3N  | 28E | WM  | 17  | NE SW | 0.4   |
| 3N  | 28E | WM  | 17  | NW SW | 19.8  |
| 3N  | 28E | WM  | 17  | SW SW | 29.0  |
| 3N  | 28E | WM  | 17  | SE SW | 0.8   |
| 3N  | 28E | WM  | 18  | SE SE | 5.2   |
| 3N  | 28E | WM  | 19  | NE NE | 0.3   |
| 3N  | 28E | WM  | 20  | NW NW | 2.5   |

5. The portion of the water use permit to be transferred is as follows:

**Permit:** S 46499 in the name of JOHN MADISON, Agent (filed under Application S-57999)

**Use:** SUPPLEMENTAL IRRIGATION of 58 ACRES

**Priority Date:** OCTOBER 16, 1978

**Rate:** 1.16 CUBIC FEET PER SECOND (cfs)

**Limit/Duty:** ONE-FIFTIETH of a cfs per acre, not to exceed 4.0 acre-feet in any one year

**Source:** BUTTER CREEK, tributary to UMATILLA RIVER

**Period of Use:** SEPTEMBER 2 - DECEMBER 30 of each year

**Authorized Point of Diversion:**

| Twp | Rng | Mer | Sec | Q-Q   | Survey Coordinates                                                              |
|-----|-----|-----|-----|-------|---------------------------------------------------------------------------------|
| 2 N | 27E | WM  | 11  | SE NW | POD JA: 390 FEET NORTH AND 150 FEET WEST FROM THE CENTER ¼ CORNER OF SECTION 11 |



**Authorized Place of Use:**

| Twp | Rng | Mer | Sec | Q-Q   | Acres |
|-----|-----|-----|-----|-------|-------|
| 2N  | 27E | WM  | 11  | NE NW | 18.0  |
| 2N  | 27E | WM  | 11  | SW NW | 1.0   |
| 2N  | 27E | WM  | 11  | SE NW | 39.0  |

6. Application T-10459 proposes to change the point of diversion for the affected portion of the right approximately 5.5 miles downstream to:

| Twp | Rng | Mer | Sec | Q-Q   | Survey Coordinates                                                                |
|-----|-----|-----|-----|-------|-----------------------------------------------------------------------------------|
| 3N  | 23E | WM  | 19  | NW SW | 10 FEET SOUTH AND 2160 FEET EAST FROM THE WEST $\frac{1}{4}$ CORNER OF SECTION 19 |

7. Application T-10459 also proposes to change the place of use of the right to:

| Twp | Rng | Mer | Sec | Q-Q   | Acres |
|-----|-----|-----|-----|-------|-------|
| 3N  | 28E | WM  | 17  | SE SE | 0.4   |
| 3N  | 28E | WM  | 17  | NW SW | 19.8  |
| 3N  | 28E | WM  | 17  | SW SW | 29.0  |
| 3N  | 28E | WM  | 17  | SE SW | 0.8   |
| 3N  | 28E | WM  | 18  | SE SE | 5.2   |
| 3N  | 28E | WM  | 19  | NE NE | 0.3   |
| 3N  | 28E | WM  | 20  | NW NW | 2.5   |

8. Notice of the application for transfer was published on September 25, 2007, pursuant to OAR 690-380-4000. No comments were filed in response to the notice.
9. 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.
10. On December 31, 2007, the Department mailed a copy of the draft Preliminary Determination proposing to approve Transfer Application T-10459 to the applicant. The draft Preliminary Determination set forth a deadline of February 2, 2008, for the applicant to respond. The applicant requested that the Department proceed with issuance of a Preliminary Determination and provided the necessary information to demonstrate that the applicant is authorized to pursue the transfer.
11. On January 28, 2008, the Department issued a Preliminary Determination proposing to approve Transfer T-10459 and mailed a copy to the applicant. Additionally, notice of the Preliminary Determination for the transfer application was published on the Department's weekly notice on February 2, 2008, and in the East Oregonian newspaper on February 9, 16 and 23, 2008, pursuant to ORS 540.520 and OAR 690-380-4020. No protests were filed in response to the notice.

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

12. Water has not been used during accumulation rotation (approximately February-June) within the last five years, but may have been used during other months according to the terms and conditions of the right and permit. There is not sufficient information in the record that would demonstrate that the water uses are 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 and permit were present within the five-year period prior to submittal of Application T-10459. Also a pump, pipeline, and sprinkler system sufficient to use the full amount of water allowed under the existing right and permit were present within the five-year period prior to submittal of Application T-10459.
14. There appears to be some conveyance loss during accumulation rotation in the reach between the authorized and proposed points of diversion. The loss occurs early in the season, but diminishes as the season progresses and would not require conditioning to avoid injury and enlargement.
15. The applicant proposes to restrict irrigation to the place of use described on the transfer map through use of technology to turn off outer sprinkler heads as the center pivot rotates through the portion of the circle with smaller diameter. Provided the water user restricts irrigation to the mapped proposed place of use, the proposed change would not result in enlargement of the right and permit.
16. The proposed change would not result in injury to other water rights.

**Conclusions of Law**

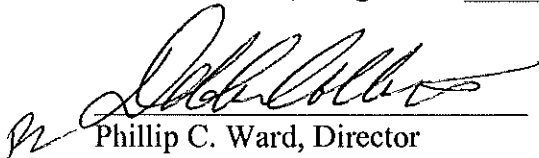
The changes in point of diversion and place of use proposed in application T-10459 are consistent with the requirements of ORS 540.505 to 540.580 and OAR 690-380-5000.

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

1. The changes in point of diversion and place of use proposed in application T-10459 are approved.
2. Water right certificate 60455 is cancelled.
3. Permit S-46499 is modified.
4. 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 60455 and Permit S-46499 and any related decree.
5. The quantity of water diverted at the new point of diversion shall not exceed the quantity of water lawfully available at the original point of diversion.

6. The former place of use of the transferred rights shall no longer receive water under the affected rights contained in this transfer.
7. The water user shall maintain and operate all existing measurement devices and shall make such improvements as may be required by the Department.
8. When required by the Department, the water user shall install, maintain and operate a headgate to control and regulate the quantity of water diverted. The type and plans of the headgate must be approved by the Department prior to beginning construction and shall be installed under the general supervision of the Department.
9. 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.
10. The approved changes shall be completed and full beneficial use of the water shall be made on or before October 1, 2009. A Claim of Beneficial Use prepared by a Certified Water Rights Examiner shall be submitted by the applicant to the Department within one year after the deadline for completion of the changes and full beneficial use of the water.
11. When satisfactory proof of the completed changes is received, certificates confirming the rights transferred will be issued.

Dated at Salem, Oregon this 25 day of March, 2008.

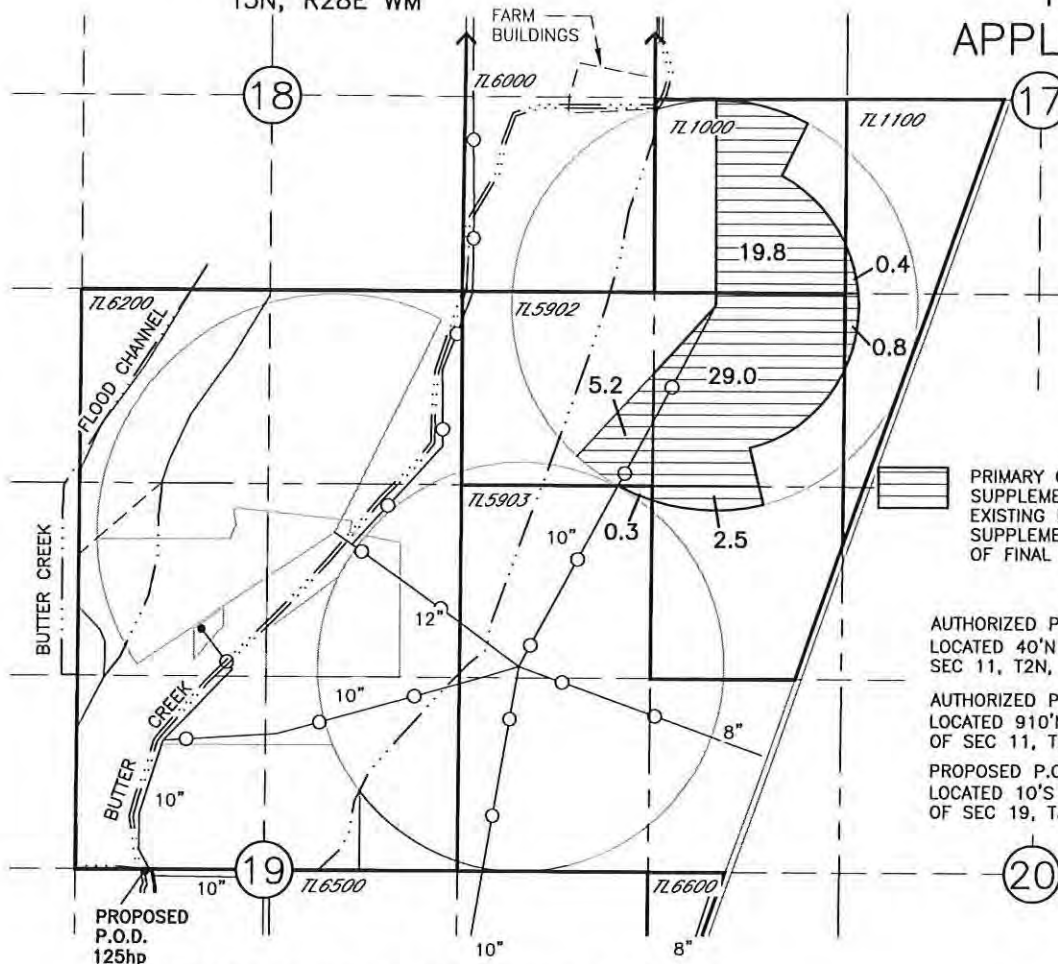
  
Phillip C. Ward, Director

Mailing date: MAR 28 2008



ACREAGE WATER IS BEING  
TRANSFERRED TO  
T3N, R28E WM

# SCOTT MADISON TRANSFER APPLICATION MAP



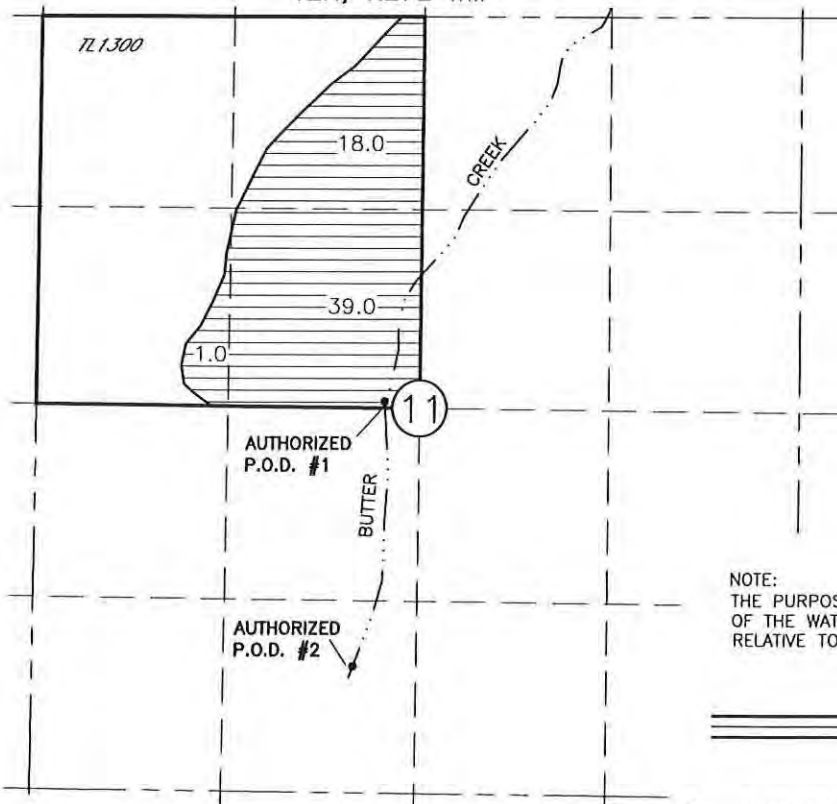
PRIMARY CERT 60455  
SUPPLEMENTAL PERMIT 46499.  
EXISTING PERMIT 51017 WILL BECOME  
SUPPLEMENTAL IN THIS AREA AT TIME  
OF FINAL PROOF

AUTHORIZED P.O.D. #1  
LOCATED 40'N AND 240'W FROM CENTER ¼ CORNER OF  
SEC 11, T2N, R27E WM

AUTHORIZED P.O.D. #2  
LOCATED 910'N AND 2200'E FROM SW CORNER  
OF SEC 11, T2N, R27E WM

PROPOSED P.O.D.  
LOCATED 10'S AND 1800'E FROM W ¼ CORNER  
OF SEC 19, T3N, R28E WM

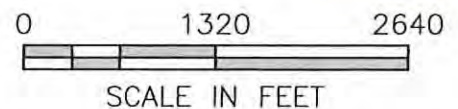
WATER IS BEING TRANSFERRED FROM  
T2N, R27E WM



RECEIVED

SEP 14 2007

WATER RESOURCES DEPT  
SALEM, OREGON



NOTE:  
THE PURPOSE OF THIS MAP IS TO IDENTIFY THE APPROXIMATE LOCATION  
OF THE WATER RIGHT. IT IS NOT INTENDED TO PROVIDE INFORMATION  
RELATIVE TO THE LOCATION OF PROPERTY OWNERSHIP BOUNDARY LINES.

**SCM** Consultants, Inc.  
A Tetra Tech Company

T 10459 DRAWING: H:\CAD\AG\3522\329\3522002TR07.dwg  
PRINTED BY: Roger Willard on 06/11/07 12:23 PM



## STATE OF OREGON

MORROW AND UMATILLA COUNTIES

### PERMIT TO APPROPRIATE THE PUBLIC WATERS

This is to certify that I have examined APPLICATION 57999 and do hereby grant the same SUBJECT TO EXISTING RIGHTS INCLUDING THE APPROPRIATE MINIMUM FLOW POLICIES ESTABLISHED BY THE WATER POLICY REVIEW BOARD and the following limitations and conditions:

This permit is issued to John Madison, of Route 1, Box 35, Echo, Oregon 97826, Agent for Frank N. Mueller, Top Cut Feedlots, Inc. by Brent Horn, Lowell Saylor, John Madison, Madison Ranches, Inc. by Gaylord Madison, Frank Pedro, Clausie H. Ammon by Bob Hale, Douglas Hale, Glenn Cochran, Jerry Myers, Mike McCarty, Ed Johnson, Frank Mader, Bob Hawkins, Bud Graham, Edward Burl Wattenburger, Jr., Earl W. Wattenburger by Eldon Witherrite, Leo Ashbeck, John B. Correa, Sidney R. Britt and Mabel Vey, for the use of the waters of Butter Creek, a tributary of Umatilla River, for the PURPOSE of supplemental irrigation. The use allowed herein may be made at any time between September 2 and December 30 of each year that water can be put to beneficial use by irrigation, either for immediate crop growth or for forecast requirements to raise soil moisture to field capacity in the soil profile to be utilized by plant growth in the subsequent growing season, that the PRIORITY OF THE RIGHT dates from October 16, 1978, and is limited to the amount of water which can be applied to beneficial use and shall not exceed 108.7 cubic feet per second measured at the point of diversion from the stream, or its equivalent in case of rotation with other water users.

The POINTS OF DIVERSION are to be LOCATED: Diversion A - 1,650 feet North and 100 feet East from the S 1/4 Corner of Section 18, being within the NW 1/4 SE 1/4 of Section 18, Township 3 North, Range 28 East, WM; Diversion B - 10 feet South and 1,800 feet East from the W 1/4 Corner of Section 19, being within the NE 1/4 SW 1/4 of Section 19, Township 3 North, Range 28 East, WM; Diversion C - 2,620 feet North and 620 feet East from the W 1/4 Corner of Section 30, being within the NW 1/4 NW 1/4 of Section 30, Township 3 North, Range 28 East, WM; Diversion D - 320 feet North and 820 feet West from the E 1/4 Corner of Section 25, being within the SE 1/4 NE 1/4 of Section 25, Township 3 North, Range 27 East, WM; Diversion E - 340 feet South and 50 feet West from the N 1/4 Corner of Section 36, being within the NE 1/4 NW 1/4 of Section 36, Township 3 North, Range 27 East, WM; Diversion F - 2,150 feet North and 860 feet East from the Southwest Corner of Section 36, being within the NW 1/4 SW 1/4 of Section 36, Township 3 North, Range 27 East, WM; Diversion G - 1,290 feet South and 80 feet West from the Northeast Corner of Section 2, being within the NE 1/4 NE 1/4 of Section 2, Township 2 North, Range 27 East, WM; Diversion H - 50 feet South and 350 feet West from the E 1/4 Corner of Section 2, being within the NE 1/4 SE 1/4 of Section 2, Township 2 North, Range 27 East, WM; Diversion J - 1,400 feet South and 300 feet East from the N 1/4 Corner of Section 11, being within the SW 1/4 NE 1/4 of Section 11, Township 2 North, Range 27 East, WM; Diversion Ja - 390 feet North and 150 feet West from the Center Quarter Corner of Section 11, being within the SE 1/4 NW 1/4 of Section 11, Township 2 North, Range 27 East, WM; Diversion K - 970 feet North and 450 feet West from the S 1/4 Corner of Section 11, being within the SE 1/4 SW 1/4 of Section 11, Township 2 North, Range 27 East, WM; Diversion L - 1,430 feet South and 1,630 feet East from the Northwest Corner of Section 14, being within the SE 1/4 NW 1/4 of Section 14, Township 2 North, Range 27 East, WM; Diversion M - 1,090 feet North and 320 feet East from the Southwest Corner of Section 14, being within the SW 1/4 SW 1/4 of Section 14, Township 2 North, Range 27 East, WM; Diversion N - 310 feet North and 260 feet East from the Southwest Corner of Section 14, being within the SW 1/4 SW 1/4 of Section 14, Township 2 North, Range 27 East, WM; Diversion O - 340 feet North and 170 feet East from the W 1/4 Corner of Section 27, being within the SW 1/4 NW 1/4 of Section 27, Township 2 North, Range 27 East, WM.

T-9877 (TEMP) V.64 p.524

APPLICATION 57999

PERMIT **46499**

T-9672 ΔPou (Temp) V.60 p.509

Temp T-8709 ΔPou  
SPV55 p.554

T10459

T-93504 Pou/AR/1 V.51 p.35

T-9284 ΔPou

Temp T-2927 ΔPou

T 10459

Diversions P - 20 feet North and 40 feet West from the W 1/4 Corner of Section 27, being within the SE 1/4 NE 1/4 of Section 28, Township 2 North, Range 27 East, WM; Diversions Q - 200 feet North and 1,340 feet West from the Southeast Corner of Section 28, being within the SW 1/4 SE 1/4 of Section 28, Township 2 North, Range 27 East, WM; Diversions R - 250 feet North and 380 feet East from the W 1/4 Corner of Section 34, being within the SW 1/4 NW 1/4 of Section 34, Township 2 North, Range 27 East, WM; Diversions S - 2,500 feet North and 380 feet East from the Southwest Corner of Section 34, being within the NW 1/4 SW 1/4 of Section 34, Township 2 North, Range 27 East, WM; Diversions T - 1,360 feet North and 1,500 feet East from the Southwest Corner of Section 34, being within the NE 1/4 SW 1/4 of Section 34, Township 2 North, Range 27 East, WM; Diversions U - North 87 degrees 10 minutes East 2,700 feet from the Southwest Corner of Section 34, being within the SE 1/4 SW 1/4 of Section 34, Township 2 North, Range 27 East, WM; Diversions V - 320 feet South and 2,400 feet West from the Northeast Corner of Section 3, being within the NW 1/4 NE 1/4 of Section 3, Township 1 North, Range 27 East, WM; Diversions W - 1,500 feet South and 2,030 feet West from the Northeast Corner of Section 3, being within the SW 1/4 NE 1/4 of Section 3, Township 1 North, Range 27 East, WM; Diversions X - 375 feet North and 1,420 feet West from the Northeast Corner of Section 10, being within the SW 1/4 SE 1/4 of Section 3, Township 1 North, Range 27 East, WM; Diversions Y - 1,450 feet South and 720 feet West from the Northeast Corner of Section 10, being within the SE 1/4 NE 1/4 of Section 10, Township 1 North, Range 27 East, WM; Diversions Z - 50 feet North and 1,260 feet West from the E 1/4 Corner of Section 10, being within the SE 1/4 NE 1/4 of Section 10, Township 1 North, Range 27 East, WM; Diversions AA - 1,620 feet South and 1,280 feet West from the Northeast Corner of Section 15, being within the SE 1/4 NE 1/4 of Section 15, Township 1 North, Range 27 East, WM; Diversions BB - 2,790 feet North and 500 feet West from the Southeast Corner of Section 15, being within the SE 1/4 NE 1/4 of Section 15, Township 1 North, Range 27 East, WM; Diversions CC - 700 feet North and 530 feet East from the Southwest Corner of Section 14, being within the SW 1/4 SW 1/4 of Section 14, Township 1 North, Range 27 East, WM; Diversions DD - South 86 degrees 15 minutes East 3,230 seconds from the W 1/4 Corner of Section 23, being within the NW 1/4 SE 1/4 of Section 23, Township 1 North, Range 27 East, WM; Diversions EE - 1,540 feet North and 470 feet West from the S 1/4 Corner of Section 24, being within the NE 1/4 SW 1/4 of Section 24, Township 1 North, Range 27 East, WM; Diversions FF - 960 feet South and 340 feet West from the Northeast Corner of Section 30, being within the NE 1/4 NE 1/4 of Section 30, Township 1 North, Range 28 East, WM; Diversions GG - 750 feet South and 170 feet West from the Northeast Corner of Section 28, being within the NE 1/4 NE 1/4 of Section 28, Township 1 North, Range 26 East, WM, in the Counties of Morrow and Umatilla.

A description of the PLACE OF USE under the permit, and to which such right is appurtenant, is as follows:

Township 3 North Range 28 East, WM Section 8

Frank N. Mueller, Owner  
W.B. Hamilton Decree  
Certificate 2668

|        |        |            |
|--------|--------|------------|
| NE 1/4 | SW 1/4 | 40.0 acres |
| SE 1/4 | NW 1/4 | 40.0 acres |
| SW 1/4 | NE 1/4 | 5.0 acres  |
| NW 1/4 | SE 1/4 | 15.0 acres |

APPLICATION 57999

PERMIT

**46499**



page three

Top Cut Feedlot, Inc., Owner  
R.B. Stanfield Decree  
Certificate 2691

|                  |                   |            |        |        |            |
|------------------|-------------------|------------|--------|--------|------------|
| Township 3 North | Range 28 East, WM | Section 7  | SE 1/4 | NE 1/4 | 19.0 acres |
|                  |                   |            | NE 1/4 | SE 1/4 | 31.0 acres |
|                  |                   |            | SW 1/4 | SE 1/4 | 40.0 acres |
|                  |                   |            | SE 1/4 | SE 1/4 | 16.0 acres |
|                  |                   | Section 8  | SW 1/4 | NW 1/4 | 20.0 acres |
|                  |                   |            | NW 1/4 | SW 1/4 | 38.0 acres |
|                  |                   | Section 18 | NE 1/4 | NE 1/4 | 7.5 acres  |
|                  |                   |            | NW 1/4 | NE 1/4 | 40.0 acres |

Lowell Saylor, Owner  
Jesse Moore Decree  
Certificate 2679

|                  |                   |            |        |        |            |
|------------------|-------------------|------------|--------|--------|------------|
| Township 3 North | Range 28 East, WM | Section 8  | SW 1/4 | SW 1/4 | 40.0 acres |
|                  |                   |            | SE 1/4 | SW 1/4 | 35.0 acres |
|                  |                   | Section 17 | NW 1/4 | NW 1/4 | 40.0 acres |
|                  |                   |            | SW 1/4 | NW 1/4 | 21.5 acres |
|                  |                   |            | SE 1/4 | NW 1/4 | 2.0 acres  |
|                  |                   |            | NE 1/4 | NW 1/4 | 28.0 acres |

Wallace A. Thomson Decree  
Certificate 2696

|                  |                   |            |        |        |            |
|------------------|-------------------|------------|--------|--------|------------|
| Township 3 North | Range 27 East, WM | Section 36 | NE 1/4 | NE 1/4 | 40.0 acres |
|                  |                   |            | NW 1/4 | NE 1/4 | 40.0 acres |
|                  |                   |            | SW 1/4 | NE 1/4 | 40.0 acres |
|                  |                   |            | SE 1/4 | NE 1/4 | 40.0 acres |
|                  |                   |            | NE 1/4 | NW 1/4 | 10.0 acres |
|                  |                   |            | SW 1/4 | NW 1/4 | 4.0 acres  |
|                  |                   |            | SE 1/4 | NW 1/4 | 40.0 acres |

Hugh Stanfield Decree  
Certificate 2690

|                  |                   |            |        |        |            |
|------------------|-------------------|------------|--------|--------|------------|
| Township 3 North | Range 27 East, WM | Section 25 | NE 1/4 | SE 1/4 | 38.0 acres |
|                  |                   |            | NW 1/4 | SE 1/4 | 6.0 acres  |
|                  |                   |            | SW 1/4 | SE 1/4 | 26.0 acres |
|                  |                   |            | SE 1/4 | SE 1/4 | 40.0 acres |

J.B. Saylor Decree  
Certificate 2687

|                  |                   |            |        |        |            |
|------------------|-------------------|------------|--------|--------|------------|
| Township 2 North | Range 27 East, WM | Section 1  | NE 1/4 | NW 1/4 | 40.0 acres |
|                  |                   |            | NW 1/4 | NW 1/4 | 34.0 acres |
| Township 3 North | Range 27 East, WM | Section 36 | NE 1/4 | SW 1/4 | 40.0 acres |
|                  |                   |            | NW 1/4 | SW 1/4 | 14.0 acres |
|                  |                   |            | SW 1/4 | SW 1/4 | 21.0 acres |
|                  |                   |            | SE 1/4 | SW 1/4 | 40.0 acres |
|                  |                   |            | NE 1/4 | SE 1/4 | 40.0 acres |
|                  |                   |            | NW 1/4 | SE 1/4 | 40.0 acres |
|                  |                   |            | SW 1/4 | SE 1/4 | 40.0 acres |
|                  |                   |            | SE 1/4 | SE 1/4 | 36.0 acres |

|                                                                                                 |                   |            |                                           |        |            |
|-------------------------------------------------------------------------------------------------|-------------------|------------|-------------------------------------------|--------|------------|
| Township 3 North                                                                                | Range 28 East, WM | Section 30 | SW 1/4                                    | SW 1/4 | 12.0 acres |
|                                                                                                 |                   |            | SE 1/4                                    | SW 1/4 | 27.0 acres |
|                                                                                                 |                   | Section 31 | NE 1/4                                    | NW 1/4 | 22.0 acres |
|                                                                                                 |                   |            | NW 1/4                                    | NW 1/4 | 38.0 acres |
|                                                                                                 |                   |            | SW 1/4                                    | NW 1/4 | 39.0 acres |
| SE 1/4                                                                                          | NW 1/4            |            | 3.0 acres                                 |        |            |
| Caroline E. Rogers Decree<br>Certificate 2683                                                   |                   |            |                                           |        |            |
| Township 3 North                                                                                | Range 28 East, WM | Section 18 | SE 1/4                                    | NE 1/4 | 40.0 acres |
|                                                                                                 |                   |            | SE 1/4                                    | SW 1/4 | 11.5 acres |
|                                                                                                 |                   |            | NE 1/4                                    | SE 1/4 | 36.0 acres |
|                                                                                                 |                   |            | SW 1/4                                    | SE 1/4 | 40.0 acres |
|                                                                                                 |                   | Section 19 | NW 1/4                                    | NE 1/4 | 15.0 acres |
| Madison Ranch Owner<br>Jesse Moore Decree<br>Certificate 49217                                  |                   |            |                                           |        |            |
| Township 3 North                                                                                | Range 28 East, WM | Section 19 | NE 1/4                                    | SW 1/4 | 13.0 acres |
|                                                                                                 |                   |            | NW 1/4                                    | SW 1/4 | 13.0 acres |
|                                                                                                 |                   |            | SW 1/4                                    | SW 1/4 | 33.0 acres |
|                                                                                                 |                   |            | SE 1/4                                    | SW 1/4 | 1.4 acres  |
|                                                                                                 |                   | Section 30 | NW 1/4                                    | NW 1/4 | 16.0 acres |
| Township 3 North                                                                                | Range 27 East, WM | Section 24 | SE 1/4                                    | SE 1/4 | 6.0 acres  |
|                                                                                                 |                   | Section 25 | NE 1/4                                    | NE 1/4 | 16.0 acres |
|                                                                                                 |                   |            | Hugh Stanfield Decree<br>Certificate 2690 |        |            |
| Township 3 North                                                                                | Range 28 East, WM | Section 30 | SW 1/4                                    | NW 1/4 | 38.0 acres |
| M.S. Corrigan Decree<br>Certificate 22981                                                       |                   |            |                                           |        |            |
| Township 3 North                                                                                | Range 27 East, WM | Section 25 | SE 1/4                                    | NE 1/4 | 20.4 acres |
| Frank Pedro, Owner<br>Jesse Moore Decree<br>Transfer 4381, Special Order<br>Volume 33, Page 128 |                   |            |                                           |        |            |

page five

|                  |                     |            |        |        |            |
|------------------|---------------------|------------|--------|--------|------------|
| Township 3 North | Range 28 East, W1/4 | Section 19 | SW 1/4 | SW 1/4 | 2.0 acres  |
|                  |                     |            | SE 1/4 | SW 1/4 | 4.6 acres  |
|                  |                     | Section 30 | NE 1/4 | NW 1/4 | 40.0 acres |
|                  |                     |            | NW 1/4 | NW 1/4 | 24.0 acres |

Claudia H. Ammon, Owner  
R.N. Stanfield Decree  
Certificate 2692

|                  |                     |           |        |        |            |
|------------------|---------------------|-----------|--------|--------|------------|
| Township 2 North | Range 27 East, W1/4 | Section 1 | NE 1/4 | NE 1/4 | 18.0 acres |
|                  |                     |           | NW 1/4 | NE 1/4 | 40.0 acres |
|                  |                     |           | SW 1/4 | NE 1/4 | 39.0 acres |
|                  |                     |           | SE 1/4 | NE 1/4 | 5.0 acres  |
|                  |                     |           | SW 1/4 | NW 1/4 | 40.0 acres |
|                  |                     |           | SE 1/4 | NW 1/4 | 40.0 acres |
|                  |                     |           | NE 1/4 | SW 1/4 | 40.0 acres |
|                  |                     |           | NW 1/4 | SW 1/4 | 40.0 acres |
|                  |                     | Section 2 | SE 1/4 | NE 1/4 | 5.0 acres  |
|                  |                     |           | NE 1/4 | SE 1/4 | 36.0 acres |
|                  |                     |           | NW 1/4 | SE 1/4 | 6.0 acres  |

Hale Brothers, Owner  
R.N. Stanfield Decree  
Certificate 2692

|                  |                     |            |            |        |            |            |
|------------------|---------------------|------------|------------|--------|------------|------------|
| Township 2 North | Range 27 East, W1/4 | Section 1  | SW 1/4     | SW 1/4 | 40.0 acres |            |
|                  |                     |            | SE 1/4     | SW 1/4 | 37.5 acres |            |
|                  |                     |            | SW 1/4     | SE 1/4 | 2.5 acres  |            |
|                  |                     |            | Section 2  | SW 1/4 | SE 1/4     | 28.0 acres |
|                  |                     |            |            | SE 1/4 | SE 1/4     | 40.0 acres |
|                  |                     | Section 11 | NE 1/4     | NE 1/4 | 40.0 acres |            |
|                  |                     |            | NW 1/4     | NE 1/4 | 40.0 acres |            |
|                  |                     |            | SW 1/4     | NE 1/4 | 40.0 acres |            |
|                  |                     |            | SE 1/4     | NE 1/4 | 40.0 acres |            |
|                  |                     |            | NE 1/4     | SW 1/4 | 40.0 acres |            |
|                  |                     | Section 12 | NE 1/4     | NW 1/4 | 10.0 acres |            |
|                  |                     |            | NW 1/4     | NW 1/4 | 40.0 acres |            |
| SW 1/4           | NW 1/4              |            | 31.0 acres |        |            |            |

Glenn Cochran, Owner  
Grant Buchanan Decree  
Certificate 2655

|                  |                     |            |        |        |            |
|------------------|---------------------|------------|--------|--------|------------|
| Township 2 North | Range 27 East, W1/4 | Section 11 | NE 1/4 | NW 1/4 | 18.0 acres |
|                  |                     |            | SW 1/4 | NW 1/4 | 1.0 acre   |
|                  |                     |            | SE 1/4 | NW 1/4 | 39.0 acres |

Jerry Myers, Owner  
Susan Thomson Decree  
Certificate 2697



page six

|                  |                    |            |               |            |
|------------------|--------------------|------------|---------------|------------|
| Township 2 North | Range 27 East, W4M | Section 11 | SW 1/4 SW 1/4 | 20.0 acres |
|                  |                    |            | SE 1/4 SW 1/4 | 40.0 acres |
|                  |                    |            | NE 1/4 SE 1/4 | 40.0 acres |
|                  |                    |            | NW 1/4 SE 1/4 | 40.0 acres |
|                  |                    |            | SW 1/4 SE 1/4 | 40.0 acres |
|                  |                    |            | SE 1/4 SE 1/4 | 35.0 acres |

|            |               |            |
|------------|---------------|------------|
| Section 12 | NW 1/4 SW 1/4 | 15.0 acres |
|------------|---------------|------------|

|            |               |            |
|------------|---------------|------------|
| Section 14 | NE 1/4 NE 1/4 | 5.0 acres  |
|            | NW 1/4 NE 1/4 | 30.0 acres |
|            | NE 1/4 NW 1/4 | 40.0 acres |
|            | NW 1/4 NW 1/4 | 40.0 acres |

|            |               |            |
|------------|---------------|------------|
| Section 15 | NE 1/4 NE 1/4 | 30.0 acres |
|------------|---------------|------------|

James F. Thomson Decree  
Certificate 2698

|                  |                    |            |               |           |
|------------------|--------------------|------------|---------------|-----------|
| Township 2 North | Range 27 East, W4M | Section 10 | SE 1/4 SE 1/4 | 6.0 acres |
|------------------|--------------------|------------|---------------|-----------|

Mike McCarty, Owner  
James A. McCarty Decree  
Certificate 2675

|                  |                    |            |               |            |
|------------------|--------------------|------------|---------------|------------|
| Township 2 North | Range 27 East, W4M | Section 15 | SW 1/4 NE 1/4 | 24.0 acres |
|                  |                    |            | SE 1/4 NE 1/4 | 40.0 acres |
|                  |                    |            | NE 1/4 SE 1/4 | 40.0 acres |
|                  |                    |            | NW 1/4 SE 1/4 | 38.5 acres |

Elizabeth McCarty Decree  
Certificate 2676

|                  |                    |            |               |            |
|------------------|--------------------|------------|---------------|------------|
| Township 2 North | Range 27 East, W4M | Section 14 | SW 1/4 NE 1/4 | 13.0 acres |
|                  |                    |            | SW 1/4 NW 1/4 | 40.0 acres |
|                  |                    |            | SE 1/4 NW 1/4 | 35.5 acres |
|                  |                    |            | NE 1/4 SW 1/4 | 18.0 acres |
|                  |                    |            | NW 1/4 SW 1/4 | 40.0 acres |
|                  |                    |            | SW 1/4 SW 1/4 | 3.0 acres  |

M.S. Corrigan Decree  
Certificate 22981

|                  |                    |            |               |            |
|------------------|--------------------|------------|---------------|------------|
| Township 2 North | Range 27 East, W4M | Section 15 | NE 1/4 SW 1/4 | 2.5 acres  |
|                  |                    |            | SE 1/4 SW 1/4 | 21.4 acres |

Ed Johnson, Owner  
C.P. Bowman Decree  
Certificate 2653  
Transfer 3491

page seven

|                  |                   |            |        |        |            |
|------------------|-------------------|------------|--------|--------|------------|
| Township 2 North | Range 27 East, WM | Section 15 | SW 1/4 | SE 1/4 | 40.0 acres |
|                  |                   |            | SE 1/4 | SE 1/4 | 40.0 acres |
|                  |                   | Section 22 | NE 1/4 | NE 1/4 | 40.0 acres |
|                  |                   |            | NW 1/4 | NE 1/4 | 40.0 acres |
|                  |                   |            | SW 1/4 | NE 1/4 | 40.0 acres |
|                  |                   |            | SE 1/4 | NE 1/4 | 35.0 acres |
|                  |                   |            | NE 1/4 | NW 1/4 | 40.0 acres |
|                  |                   |            | NW 1/4 | NW 1/4 | 16.0 acres |
|                  |                   |            | SW 1/4 | NW 1/4 | 37.5 acres |
|                  |                   |            | SE 1/4 | NW 1/4 | 40.0 acres |
|                  |                   |            | NE 1/4 | SW 1/4 | 40.0 acres |
|                  |                   |            | NW 1/4 | SW 1/4 | 40.0 acres |
|                  |                   |            | SW 1/4 | SW 1/4 | 40.0 acres |
|                  |                   |            | SE 1/4 | SW 1/4 | 40.0 acres |
|                  |                   |            | NW 1/4 | SE 1/4 | 37.0 acres |
|                  |                   |            | SW 1/4 | SE 1/4 | 15.0 acres |
|                  |                   | Section 27 | NE 1/4 | NW 1/4 | 31.0 acres |
|                  |                   |            | NW 1/4 | NW 1/4 | 40.0 acres |
|                  |                   |            | SW 1/4 | NW 1/4 | 34.5 acres |
|                  |                   |            | SE 1/4 | NW 1/4 | 1.5 acres  |

Frank Mader, Owner  
M.S. Corrigal Decree  
Certificate 22981

|                  |                   |            |        |        |            |
|------------------|-------------------|------------|--------|--------|------------|
| Township 2 North | Range 27 East, WM | Section 21 | NE 1/4 | SE 1/4 | 2.5 acres  |
|                  |                   |            | SE 1/4 | SE 1/4 | 28.5 acres |
|                  |                   | Section 28 | NE 1/4 | NE 1/4 | 40.0 acres |
|                  |                   |            | NW 1/4 | NE 1/4 | 8.5 acres  |
|                  |                   |            | SW 1/4 | NE 1/4 | 14.3 acres |
|                  |                   |            | SE 1/4 | NE 1/4 | 40.0 acres |

Bob Hawkins, Owner  
E.P. Jarnan Decree  
Certificate 2673

|                  |                   |            |        |        |            |
|------------------|-------------------|------------|--------|--------|------------|
| Township 2 North | Range 27 East, WM | Section 28 | NE 1/4 | SE 1/4 | 29.6 acres |
|                  |                   |            | NW 1/4 | SE 1/4 | 24.5 acres |
|                  |                   |            | SW 1/4 | SE 1/4 | 23.0 acres |
|                  |                   |            | SE 1/4 | SE 1/4 | 25.0 acres |
|                  |                   | Section 33 | NE 1/4 | NE 1/4 | 36.0 acres |
|                  |                   |            | NW 1/4 | NE 1/4 | 8.0 acres  |
|                  |                   |            | SE 1/4 | NE 1/4 | 32.0 acres |

Bud Graham, Owner  
A.H. Sunderman Decree  
Certificate 44542

|                  |                   |            |        |        |            |
|------------------|-------------------|------------|--------|--------|------------|
| Township 2 North | Range 27 East, WM | Section 33 | NE 1/4 | SE 1/4 | 11.4 acres |
|                  |                   |            |        |        |            |
|                  |                   | Section 34 | NW 1/4 | NW 1/4 | 6.0 acres  |
|                  |                   |            | SW 1/4 | NW 1/4 | 35.0 acres |
|                  |                   |            | SE 1/4 | NW 1/4 | 3.4 acres  |

page eight

|                  |                   |            |               |            |
|------------------|-------------------|------------|---------------|------------|
| Township 2 North | Range 27 East, WM | Section 34 | NE 1/4 SW 1/4 | 32.1 acres |
|                  |                   |            | NW 1/4 SW 1/4 | 39.2 acres |
|                  |                   |            | SE 1/4 SW 1/4 | 37.6 acres |

Burl J. Wattenburger, Owner  
W.J. Wattenburger Decree  
Transfer 2944, Special Order  
Volume 32, Page 384

|                  |                   |            |               |            |
|------------------|-------------------|------------|---------------|------------|
| Township 2 North | Range 27 East, WM | Section 34 | SW 1/4 SE 1/4 | 33.4 acres |
|                  |                   |            | SE 1/4 SE 1/4 | 6.4 acre   |

|                  |                   |           |               |            |
|------------------|-------------------|-----------|---------------|------------|
| Township 1 North | Range 27 East, WM | Section 3 | NE 1/4 NE 1/4 | 1.0 acre   |
|                  |                   |           | NW 1/4 NE 1/4 | 20.4 acres |
|                  |                   |           | SW 1/4 NE 1/4 | 23.8 acres |
|                  |                   |           | SE 1/4 NE 1/4 | 3.3 acres  |
|                  |                   |           | NE 1/4 SE 1/4 | 10.5 acres |
|                  |                   |           | NW 1/4 SE 1/4 | 34.7 acres |

Mary Wattenburger Decree  
Certificate 2706

|                  |                   |            |               |           |
|------------------|-------------------|------------|---------------|-----------|
| Township 2 North | Range 27 East, WM | Section 34 | SW 1/4 SW 1/4 | 8.3 acres |
|------------------|-------------------|------------|---------------|-----------|

Earl W. Wattenburger  
W.J. Wattenburger Decree  
Transfer 3333, Special Order  
Volume 32, Page 381

|                  |                   |           |               |            |
|------------------|-------------------|-----------|---------------|------------|
| Township 1 North | Range 27 East, WM | Section 3 | SW 1/4 SE 1/4 | 35.3 acres |
|                  |                   |           | SE 1/4 SE 1/4 | 13.2 acres |

|            |               |            |
|------------|---------------|------------|
| Section 10 | NE 1/4 NE 1/4 | 10.4 acres |
|            | NW 1/4 NE 1/4 | 32.0 acres |
|            | SW 1/4 NE 1/4 | 20.0 acres |
|            | SE 1/4 NE 1/4 | 11.1 acres |

Leo Ashbeck, Owner  
T.D. Matthews Decree  
Certificate 2674

|                  |                   |            |               |            |
|------------------|-------------------|------------|---------------|------------|
| Township 1 North | Range 27 East, WM | Section 10 | NE 1/4 SE 1/4 | 19.8 acres |
|                  |                   |            | NW 1/4 SE 1/4 | 27.9 acres |
|                  |                   |            | SW 1/4 SE 1/4 | 38.1 acres |
|                  |                   |            | SE 1/4 SE 1/4 | 20.3 acres |

|            |               |            |
|------------|---------------|------------|
| Section 15 | NE 1/4 NE 1/4 | 25.3 acres |
|            | NW 1/4 NE 1/4 | 14.2 acres |



page nine

John B. Correa, Owner  
T.D. Matthews Decree  
Certificate 2674

|                  |                   |            |               |           |
|------------------|-------------------|------------|---------------|-----------|
| Township 1 North | Range 27 East, WM | Section 15 | SW 1/4 NE 1/4 | 1.5 acres |
|                  |                   |            | SE 1/4 NE 1/4 | 4.3 acres |

George W. Vincent Decree  
Certificate 49074  
Transfer 4301, Special Order  
Volume 32, Page 642

|                  |                   |            |               |            |
|------------------|-------------------|------------|---------------|------------|
| Township 1 North | Range 27 East, WM | Section 14 | SW 1/4 NW 1/4 | 4.0 acres  |
|                  |                   |            | NW 1/4 SW 1/4 | 22.0 acres |
|                  |                   |            | SW 1/4 SW 1/4 | 33.5 acres |
|                  |                   |            | SE 1/4 SW 1/4 | 16.0 acres |

|            |               |            |
|------------|---------------|------------|
| Section 15 | SW 1/4 NE 1/4 | 9.0 acres  |
|            | SE 1/4 NE 1/4 | 34.0 acres |
|            | NE 1/4 SE 1/4 | 20.0 acres |
|            | SE 1/4 SE 1/4 | 0.5 acre   |

|            |               |            |
|------------|---------------|------------|
| Section 23 | SW 1/4 NE 1/4 | 12.5 acres |
|            | NE 1/4 NW 1/4 | 39.0 acres |
|            | NW 1/4 NW 1/4 | 9.0 acres  |
|            | SE 1/4 NW 1/4 | 13.0 acres |

Sid Britt, Owner  
James T. Ayers Decree  
Certificate 2649

|                  |                   |            |               |            |
|------------------|-------------------|------------|---------------|------------|
| Township 1 North | Range 27 East, WM | Section 23 | SW 1/4 NE 1/4 | 6.0 acres  |
|                  |                   |            | SE 1/4 NE 1/4 | 7.5 acres  |
|                  |                   |            | NE 1/4 SE 1/4 | 30.0 acres |
|                  |                   |            | NW 1/4 SE 1/4 | 9.0 acres  |

|            |               |            |
|------------|---------------|------------|
| Section 24 | NE 1/4 SW 1/4 | 5.5 acres  |
|            | NW 1/4 SW 1/4 | 31.0 acres |

Mrs. Mabel Vey, Owner  
Mary A. Barker Decree  
Certificate 2651

|                  |                   |            |               |            |
|------------------|-------------------|------------|---------------|------------|
| Township 1 North | Range 27 East, WM | Section 24 | SW 1/4 SW 1/4 | 18.6 acres |
|                  |                   |            | SE 1/4 SW 1/4 | 34.8 acres |
|                  |                   |            | SW 1/4 SE 1/4 | 20.7 acres |
|                  |                   |            | SE 1/4 SE 1/4 | 9.7 acres  |

|            |               |             |
|------------|---------------|-------------|
| Section 25 | NE 1/4 NE 1/4 | 36.3 acres  |
|            | NW 1/4 NE 1/4 | 16.77 acres |
|            | NE 1/4 NW 1/4 | 3.8 acres   |

|                  |                   |            |               |            |
|------------------|-------------------|------------|---------------|------------|
| Township 1 North | Range 28 East, WM | Section 30 | NE 1/4 NE 1/4 | 10.5 acres |
|                  |                   |            | NW 1/4 NE 1/4 | 12.3 acres |
|                  |                   |            | SE 1/4 NE 1/4 | 1.7 acres  |
|                  |                   |            | NE 1/4 NW 1/4 | 25.9 acres |
|                  |                   |            | NW 1/4 NW 1/4 | 30.5 acres |

page ten

Mrs. Mabel Vey, Owner  
Antoine Vey Decree  
Certificate 2699

|                                       |            |                  |            |
|---------------------------------------|------------|------------------|------------|
| Township 1 North    Range 28 East, WM | Section 28 | NE 1/4    NE 1/4 | 2.5 acres  |
|                                       |            | NW 1/4    NE 1/4 | 11.0 acres |
|                                       |            | NE 1/4    NW 1/4 | 10.0 acres |
|                                       |            | NW 1/4    NW 1/4 | 32.5 acres |
|                                       | Section 29 | NE 1/4    NE 1/4 | 14.0 acres |
|                                       |            | NW 1/4    NE 1/4 | 17.0 acres |
|                                       |            | NE 1/4    NW 1/4 | 12.5 acres |
|                                       |            | NW 1/4    NW 1/4 | 2.5 acres  |
|                                       |            | SW 1/4    NW 1/4 | 6.0 acres  |
|                                       |            | SE 1/4    NW 1/4 | 5.5 acres  |

The AMOUNT OF WATER used for irrigation, together with the amount secured under any other right existing for the same lands, shall be limited to 1/50 of one cubic foot per second per acre, from direct flow and shall be further limited to a diversion of not to exceed 1.0 acre-foot per acre for each acre irrigated during the period from September 2 to December 30, provided further that the right allowed herein, together with the amount secured under any other right existing for the same lands shall not exceed 4.0 acre-feet for each acre irrigated in any one year. The use of water authorized herein shall not establish priority of right as against future appropriations of surface water for beneficial uses or for storage for such beneficial uses, other than similar rights for irrigation from September 2 to December 30, and shall conform to such reasonable rotation system as may be ordered by the proper state officer.

Actual construction work shall begin on or before May 19, 1983 and shall thereafter be prosecuted with reasonable diligence and be completed on or before October 1, 1984.

Complete application of the water to the proposed use shall be made on or before October 1, 1985.

WITNESS my hand this 19th day of May, 1982.

/s/ JAMES E. SEXSON

\_\_\_\_\_  
WATER RESOURCES DIRECTOR

APPLICATION 57999

PERMIT \_\_\_\_\_

**46499**

STATE OF OREGON  
COUNTY OF UMATILLA  
CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

GLENN M. COCHRAN  
P.O. BOX 26  
ECHO, OREGON 97826

confirms the right to use the waters of BUTTER CREEK, a tributary of UMATILLA RIVER, for the purpose of IRRIGATING 58.0 ACRES.

The right has been confirmed by decree of the Circuit Court of the State of Oregon for UMATILLA County. The decree is of record at Salem, in the Order Record of the WATER RESOURCES DIRECTOR, in Volume 3, at page 250. The date of priority is 1896.

The right is limited to not more than 1.16 CUBIC FOOT PER SECOND, IF AVAILABLE AT THE ORIGINAL POINT OF DIVERSION, SE 1/4 SW 1/4 SECTION 11, T 2 N, R 27 E, W.M.

The points of diversion are located as follows:

SE 1/4 SW 1/4, SE 1/4 NW 1/4, SECTION 11, T 2 N, R 27 E, W.M.; 910 FEET NORTH & 2200 FEET EAST FROM SW CORNER SECTION 11, 40 FEET NORTH & 240 FEET WEST FROM CENTER 1/4 CORNER SECTION 11.

The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands, shall be limited to a diversion of not to exceed 4.0 acre-feet per acre for each acre irrigated during the irrigation season of each year.

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

NE 1/4 NW 1/4 18.0 ACRES  
SW 1/4 NW 1/4 1.0 ACRE  
SE 1/4 NW 1/4 39.0 ACRES  
SECTION 11  
TOWNSHIP 2 NORTH, RANGE 27 EAST, W.M.

This certificate is issued to confirm an ADDITIONAL POINT OF DIVERSION approved by an order of the State Engineer entered JULY 23, 1973 and supersedes certificate 2655, State Record of Water Right Certificates.

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

The 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 shall be subject to all other conditions and limitations contained in said decree.

WITNESS the signature of the Water Resources Director, affixed this date MARCH 23, 1989.

/s/ WILLIAM H. YOUNG  
Water Resources Director

Recorded in State Record of Water Right Certificates numbered 60455

T-2748.BE

T 10459

F10459





# Oregon

Theodore R. Kulongoski, Governor

## Water Resources Department

North Mall Office Building  
725 Summer Street NE, Suite A  
Salem, OR 97301-1266  
503-986-0900  
FAX 503-986-0904

October 4, 2007

SCOTT MADISON  
75512 HIGHWAY 207  
ECHO OR 97826

Reference: Transfer 10459

On September 14, 2007 we received your water right transfer application. The application was accompanied by \$600.00. Our receipt 89667 is enclosed. An additional \$400.00 is needed for this application and a copy of the completed affidavit of use as well. Bill Porfily and I spoke in September on these matters and he will be taking care of the items.

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 change.

Your application will be examined to determine if additional information is needed. You will be contacted following this examination.

Except as provided under ORS 540.510(3) for municipalities, you may not use water for the new use, in the new place of use or from the new point of diversion until the transfer application has been approved. In order to avoid any possible forfeiture of the water right, you should continue to use the water as described by your existing water right. If the land is sold before the 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.

We will notify you if additional information or corrections to the application or map are required.

If you have any questions, please call the Transfer Section, (503)986-0883.

Sincerely,

Sarah Henderson  
Executive Support

cc: Watermaster #5  
William Porfily, Agent  
Dale VanSchoiack, CWRE  
Bill Duke, ODFW  
Virginia Elligsen

enclosure

# Water Right Transfer Checklist

Transfer T-10459

Transfer Specialist: RA

Transfer Type: Regular

Applicant Name/Address: Scott Madison, 75512 Highway 207, Echo, OR 97826

Agent Name/Address: Bill Porfily, PO Box 643, Stanfield, OR 97875

CWRE Name/Number: Dale VanSchoiack, #333

Rec Landowner Name/Address: CLO: Virginia Elligsen, 33180 Mallard Avenue, Nehalem, Oregon 97131

Irr. District Name/Address: NONE

Affected Gov'ts Name/Address: NONE

Commentors: Name/Address: NONE

## Water Rights Affected

| Records Marked                      | Records Copied                      | App File No. or Decree Name | Permit No. | Certificate No. | RR/CR Needed                                             | RR/CR Nos. |
|-------------------------------------|-------------------------------------|-----------------------------|------------|-----------------|----------------------------------------------------------|------------|
| <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> |                             |            | 60455           | <input type="checkbox"/> Yes <input type="checkbox"/> No |            |
| <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | S 57999                     | S 46499    |                 | <input type="checkbox"/> Yes <input type="checkbox"/> No |            |
| <input type="checkbox"/>            | <input type="checkbox"/>            |                             |            |                 | <input type="checkbox"/> Yes <input type="checkbox"/> No |            |

## Key Dates & Initial Actions

|                                                                 |                                                         |                            |
|-----------------------------------------------------------------|---------------------------------------------------------|----------------------------|
| Rec'd: 09/14/07                                                 | Proposed Action(s): POU POD HST APOD USE OTHER: POU/POD |                            |
| Fees Pd: 600.00                                                 | WM District: 5                                          | ODFW District: Bill Duke   |
| Initial Notice: 09/25/07                                        | WM Review sent: 10/04/07                                | ODFW Review sent: 10/04/07 |
| Acknowledgement Letter Sent <input checked="" type="checkbox"/> |                                                         | GW Review sent: NONE       |

## Processing Dates & Actions

Deficiency Contacts: Additional 400.00 and copy of completed original affidavit needed. Included this in the ack letter, also spoke to Bill Porfily on September 21, he will be sending it in asap. *Received 10-4-07*

Newspaper Pub Affid Due: \_\_\_\_\_

☐ not required

DPD Mailed: \_\_\_\_\_

☐ ODFW contact sheet sent with DPD, or ☐ N/A

PD Mailed: \_\_\_\_\_

PD Weekly Notice: 2/5/08

Affid of Pub Rec'd: 3/21/08

Last Day Published: 2/25/08

Affidavit Reminder Sent: \_\_\_\_\_

Reminder Deadline: \_\_\_\_\_

## Preliminary Determination

☒ Electronic Files uploaded

☒ PD Cover letter

☒ PD Notice

☐ File Assigned/ ModPod updated

☒ Preliminary Determination

☐ Fee Refund Due

☐ Remaining Rights

| DPD Review (Optional)                                                                                           | PD Review (Salem)               | Final Order Review (Salem)      |
|-----------------------------------------------------------------------------------------------------------------|---------------------------------|---------------------------------|
| Reviewer: _____                                                                                                 | Reviewer: <i>[Signature]</i>    | Reviewer: _____                 |
| Date: _____                                                                                                     | Date: 1-28-07                   | Date: _____                     |
| Coordinator: _____                                                                                              | Coordinator: <i>[Signature]</i> | Coordinator: <i>[Signature]</i> |
| Date: _____                                                                                                     | Date: 1/28/08                   | Date: 3/25/08                   |
| Comments/Special Issues: <i>Reimbursement Authority</i><br><i>Need to place copies of order in file S-57999</i> |                                 |                                 |

Special Order Volume: Vol 74 Pages 444 Final Order Signature Date: 3-25-08

Notice of FO email'd to processors *Dorothy*

**Review Checklist****T-10459****Processor: RA****Application**

- ☐ The type of change is clearly indicated.
- ☐ The application is appropriately signed.
- ☐ Appropriate fees were paid. ☐ If overpayment, Refund Request to be sent with FO
- ☐ Land use form matches affected tax lots and is signed by proper official. (*from ALL affected Govt's*)
- ☐ Ditch company, district and/or BOR, sent a copy of the application and map, if appropriate.
- ☐ All required attachments received.

**Water right subject to transfer**

- ☐ Certificated right or Proof accepted "to the satisfaction..."
- ☐ The right been exercised according to terms & conditions of certificate.
- ☐ Delivery system has the capacity to fully divert the rate/duty of the right.
- ☐ No information in record that suggests forfeiture.
- ☐ No conflicts identified on the plat cards and plat card reports printed.
- ☐ Affidavits prepared for rights that need to be canceled or diminished.

**Application Map**

- ☐ The map has an original CWRE signature.
- ☐ The map size and scale accurate and appropriate per OAR 690-380-3100(1)(b)(c)&(d).
- ☐ All authorized and proposed POD's/POA's and POU's shown and clearly labeled.
- ☐ Metes and bounds for the POD's/POA's are properly described on the map.
- ☐ The POD/POA dimensions & ¼ ¼ on map match the transfer application and certificate descriptions.
- ☐ Map acres match the tabulation on the certificate.
- ☐ Have final proof maps/deed maps for the rights. ☐ Application map matches certificate FPS.
- ☐ Have necessary aerial photos.

**Determining the "From" and "To" Lands (*make working copy of application and certificates to mark on*)**

- ☐ Only the authorized POD's/POA's and POU's to be transferred are listed.
- ☐ Application & certificate tabulations match. (*Mark on appl. and cert. copies and note corrections needed*)
- ☐ Marked on certificate the acreage being transferred, cancelled and remaining by ¼ ¼.

**Ownership**

- ☐ The deed/ROLI matches the "from" lands. (Don't need to check "to" lands.)
- ☐ Have current tax lot map. (*If transfer application is several years old, contact assessor's office*)
- ☐ The applicant is the owner of the "from" lands.
- ☐ All owners on the deed/ROLI have signed the application.
- ☐ If necessary, there is a notarized, signed statement of consent from landowners other than applicant.
- ☐ If necessary, there is a copy of written notification to each lien holder identified on ROLI.
- ☐ Agent has authorization to make decisions.

**Evaluation (materials needed for peer reviewer in bold)**

- |                                               |                                      |                                    |                                          |                                        |
|-----------------------------------------------|--------------------------------------|------------------------------------|------------------------------------------|----------------------------------------|
| <input type="checkbox"/> application complete | <input type="checkbox"/> map         | <input type="checkbox"/> FPS       | <input type="checkbox"/> evidence of use | <input type="checkbox"/> land-use form |
| <input type="checkbox"/> deed/ROLI            | <input type="checkbox"/> certificate | <input type="checkbox"/> fees paid | <input type="checkbox"/> well logs       | <input type="checkbox"/> plat card     |
| <input type="checkbox"/> audit                | <input type="checkbox"/> dpd         |                                    |                                          |                                        |

Reviews/comments/conditions received? ☐ Watermaster ☐ ODFW ☐ GWHeadgate ☐ When in the judgment ☐ Prior to diverting ☐ Existing and maintainMeasuring Devices ☐ When in the judgment ☐ Prior to diverting ☐ Existing and maintainFish Screen Devices ☐

Injury: Y N Enlargement: Y N

Conditions to avoid enlargement/injury –



IN THE CIRCUIT COURT OF THE STATE OF OREGON  
FOR UMATILLA COUNTY

}

AFFIDAVIT OF PUBLICATION

STATE OF OREGON  
County of Umatilla } ss

I, Dayle Stinson being duly sworn, depose and say that I am the principal clerk of the publisher of the East Oregonian, a newspaper of general circulation, as defined by ORS 193.010 and 193.020; printed and published at Pendleton in the aforesaid county and state; that the

EO-3049- NOTICE OF PRELIMINARY DETERMINATION

a printed copy of which is hereto annexed; was published in the entire issue of said newspaper for 3 successive and consecutive issues in the following issues:

FEBRUARY 9, 16, 23, 2008

Subscribed and sworn to before me on this, 19 day of

MARCH, 2008

Dayle Stinson

Lucy A. Hearn

Notary Public of Oregon



EO-3049  
NOTICE OF PRELIMINARY DETERMINATION  
for Water Right  
Transfer T-10459  
T-10459 filed by  
SCOTT MADISON,  
75512 HIGHWAY 207,  
ECHO, OR 97826,  
proposes a change in  
place of use under  
Certificate 60455, and  
Permit S-46499. The  
right and water use  
permit allow the use of  
approximately 2.44  
CFS under a priority  
date of 1896 for certifi-  
cate 60455 and Octo-  
ber 16, 1978 for Permit  
S-46499 for irrigation  
of 122.1 acres, in Sec.  
11, T2N, R27E, W.M.  
The applicant propos-  
es to change the place  
of use to within Secs.  
17, 18, 19, and 20,

T3N, R28E, and W.M.  
T-10459 also proposes  
a change in point of di-  
version under Certifi-  
cate 60455 and Permit  
S-46499. The appli-  
cant proposes to  
change the point of di-  
version, to new diver-  
sions along Butter  
Creek, approximately  
5.0 miles downstream  
to Sec. 19, T3N,  
R28E, W.M. The Wa-  
ter Resources Depart-  
ment has concluded  
that the proposed  
transfer appears to be  
consistent with the re-  
quirements of ORS  
Chapter 540 and OAR  
690-380-5000.

Any person may file,  
jointly or severally,  
with the Department a  
protest or standing  
statement within 30  
days after the date of  
final publication of no-  
tice in the Depart-  
ment's weekly notice  
or of this newspaper  
notice, whichever is  
later. A protest form  
and additional informa-  
tion on filing protests  
may be obtained by  
calling (503) 986-0881.  
The last date of news-  
paper publication is  
February 23, 2008. If  
no protests are filed,  
the Department will is-  
sue a final order con-  
sistent with the prelimi-  
nary determination.  
February 9, 16, 23,  
2008

RECEIVED

MAR 21 2008

WATER RESOURCES DEPT  
SALEM, OREGON



IN THE CIRCUIT COURT OF THE STATE OF OREGON  
FOR UMATILLA COUNTY

}

AFFIDAVIT OF PUBLICATION

STATE OF OREGON  
County of Umatilla } ss

I, Dayle Stinson being duly sworn, depose and say that I am the principal clerk of the publisher of the East Oregonian, a newspaper of general circulation, as defined by ORS 193.010 and 193.020; printed and published at Pendleton in the aforesaid county and state; that the

EO-3049- NOTICE OF PRELIMINARY DETERMINATION

a printed copy of which is hereto annexed; was published in the entire issue of said newspaper for 3 successive and consecutive issues in the following issues:

FEBRUARY 9, 16, 23, 2008

Subscribed and sworn to before me on this, 19 day of

MARCH, 2008

Dayle Stinson

Lucy A. Hearn

Notary Public of Oregon



NOTICE OF PRELIMINARY DETERMINATION

for Water Right Transfer T-10459  
T-10459 filed by SCOTT MADISON, 75512 HIGHWAY 207, ECHO, OR 97826, proposes a change in place of use under Certificate 60455, and Permit S-46499. The right and water use permit allow the use of approximately 2.44 CFS under a priority date of 1896 for certificate 60455 and October 16, 1978 for Permit S-46499 for irrigation of 122.1 acres, in Sec. 11, T2N, R27E, W.M. The applicant proposes to change the place of use to within Secs. 17, 18, 19, and 20,

13 N, R18E and W.M. T-10459 also proposes a change in point of diversion under Certificate 60455 and Permit S-46499. The applicant proposes to change the point of diversion, to new diversions along Butter Creek approximately 5.0 miles downstream to Sec. 19, T3N, R28E, W.M. The Water Resources Department has concluded that the proposed transfer appears to be consistent with the requirements of ORS Chapter 540 and OAR 690-380-5000.

Any person may file, jointly or severally, with the Department a protest or standing statement within 30 days after the date of final publication of notice in the Department's weekly notice or of this newspaper notice, whichever is later. A protest form and additional information on filing protests may be obtained by calling (503) 986-0881. The last date of newspaper publication is February 23, 2008. If no protests are filed, the Department will issue a final order consistent with the preliminary determination. February 9, 16, 23, 2008

RECEIVED

MAR 21 2008

WATER RESOURCES DEPT  
SALEM, OREGON

IN THE CIRCUIT COURT OF THE STATE OF OREGON  
FOR UMATILLA COUNTY

} AFFIDAVIT OF PUBLICATIO

STATE OF OREGON  
County of Umatilla } ss

I, Dayle Stinson being duly sworn, depose and say that I am the principal clerk of the publisher of the East Oregonian, a newspaper of general circulation, as defined by ORS 193.010 and 193.020; printed and published at Pendleton in the aforesaid county and state; that the

EO-3049- NOTICE OF PRELIMINARY DETERMINATION

a printed copy of which is hereto annexed; was published in the entire issue of said newspaper for 3 successive and consecutive issues in the following issues:

FEBRUARY 9, 16, 23, 2008

Subscribed and sworn to before me on this, 03 day of

MARCH, 2008

Dayle Stinson  
Lucy A. Hearn



Notary Public of Oregon

EO-3049  
NOTICE OF PRELIMINARY DETERMINATION  
for Water Right  
Transfer T-10459

T-10459 filed by SCOTT MADISON, 75512 HIGHWAY 207, ECHO, OR 97826, proposes a change in place of use under Certificate 60455, and Permit S-46499. The right and water use permit allow the use of approximately 2.44 CFS under a priority date of 1896 for certificate 60455 and October 16, 1978 for Permit S-46499 for irrigation of 122.1 acres, in Sec. 11, T2N, R27E, W.M. The applicant proposes to change the place of use to within Secs. 17, 18, 19, and 20,

T3N, R20E, and W.M. T-10459 also proposes a change in point of diversion under Certificate 60455 and Permit S-46499. The applicant proposes to change the point of diversion, to new diversions along Butter Creek approximately 5.0 miles downstream to Sec. 19, T3N, R28E, W.M. The Water Resources Department has concluded that the proposed transfer appears to be consistent with the requirements of ORS Chapter 540 and OAR 690-380-5000.

Any person may file, jointly or severally, with the Department a protest or standing statement within 30 days after the date of final publication of notice in the Department's weekly notice or of this newspaper notice, whichever is later. A protest form and additional information on filing protests may be obtained by calling (503) 986-0881. The last date of newspaper publication is February 23, 2008. If no protests are filed, the Department will issue a final order consistent with the preliminary determination. February 9, 16, 23, 2008

IN THE CIRCUIT COURT OF THE STATE OF OREGON  
FOR UMATILLA COUNTY

}

AFFIDAVIT OF PUBLICATION

STATE OF OREGON  
County of Umatilla } ss

I, Dayle Stinson being duly sworn, depose and say that I am the principal clerk of the publisher of the East Oregonian, a newspaper of general circulation, as defined by ORS 193.010 and 193.020; printed and published at Pendleton in the aforesaid county and state; that the

EO-3049- NOTICE OF PRELIMINARY DETERMINATION

a printed copy of which is hereto annexed; was published in the entire issue of said newspaper for 3 successive and consecutive issues in the following issues:

FEBRUARY 9, 16, 23, 2008

Subscribed and sworn to before me on this, 03 day of

MARCH, 2008

Dayle Stinson  
Lucy A. Hearn

Notary Public of Oregon



EO-3049  
NOTICE OF PRELIMINARY DETERMINATION

for Water Right Transfer T-10459  
T-10459 filed by SCOTT MADISON, 75512 HIGHWAY 207, ECHO, OR 97826, proposes a change in place of use under Certificate 60455, and Permit S-46499. The right and water use permit allow the use of approximately 2.44 CFS under a priority date of 1896 for certificate 60455 and October 16, 1978 for Permit S-46499 for irrigation of 122.1 acres, in Sec. 11, T2N, R27E, W.M. The applicant proposes to change the place of use to within Secs. 17, 18, 19, and 20,

T3N, R28E, and W.M. T-10459 also proposes a change in point of diversion under Certificate 60455 and Permit S-46499. The applicant proposes to change the point of diversion, to new diversions along Butter Creek approximately 5.0 miles downstream to Sec. 19, T3N, R28E, W.M. The Water Resources Department has concluded that the proposed transfer appears to be consistent with the requirements of ORS Chapter 540 and OAR 690-380-5000.

Any person may file, jointly or severally, with the Department a protest or standing statement within 30 days after the date of final publication of notice in the Department's weekly notice or of this newspaper notice, whichever is later. A protest form and additional information on filing protests may be obtained by calling (503) 986-0881. The last date of newspaper publication is February 23, 2008. If no protests are filed, the Department will issue a final order consistent with the preliminary determination. February 9, 16, 23, 2008



# Oregon

Theodore R. Kulongoski, Governor

## Water Resources Department

North Mall Office Building  
725 Summer Street NE, Suite A  
Salem, OR 97301-1266  
503-986-0900  
FAX 503-986-0904

January 28, 2008

Scott Madison  
75512 Highway 207  
Echo, OR 97826

SUBJECT: Transfer Application T-10459

Please find enclosed the Preliminary Determination indicating that, based on the information available, the Department intends to approve application T-10459. This document is an intermediate step in the approval process; water may not be used legally as proposed in the transfer application until a Final Order has been issued by the Department. Please read this entire letter carefully to determine your responsibility for additional action.

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

Because the new point of diversion is more than  $\frac{1}{4}$  mile from the authorized point of diversion, the applicant is responsible for giving public notice of the transfer changes in a local newspaper having a general circulation in the area of the water right. The notice must be published at least once a week for three consecutive weeks. We have prepared the notice for you (enclosed). The deadline for individuals to file protests or standing statements is 30 days after the date of last publication. Please have the newspaper insert the date of last publication in the proper place.

After publication, the Department needs to receive an affidavit specifying the dates the notice was published. Please have the newspaper prepare and mail an *affidavit of publication* to the Department, to me at the address above **by March 10, 2008**.

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

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

Sincerely,

Dorothy Pedersen  
Field Services Division

cc: District #5 Watermaster  
William Porfily, Agent  
Dale Van Schoiack, CWRE #333

encs



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

|                                       |   |                              |
|---------------------------------------|---|------------------------------|
| In the Matter of Transfer Application | ) | PRELIMINARY DETERMINATION    |
| T-10459, Umatilla County              | ) | PROPOSING APPROVAL OF A      |
|                                       | ) | CHANGE IN POINT OF DIVERSION |
|                                       | ) | AND CHANGE IN PLACE OF USE   |

**Authority**

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

**Applicant**

SCOTT MADISON  
75512 HIGHWAY 207  
ECHO OR 97826

**Agent**

WILLIAM I. PORFELY  
PO BOX 643  
STANFIELD, OR 97875

**Findings of Fact**

**Background**

1. On February 14, 2007, Scott Madison filed an application to change the place of use under Certificates 60455 and Permit 46499. The Department assigned the application number T-10459.

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

**Certificate:** 60455 in the name of GLENN M. COCHRAN (confirmed by the Butter Creek Decree)

**Use:** IRRIGATION OF 58.0 ACRES

**Priority Date:** 1896

**Rate:** 1.16 CUBIC FEET PER SECOND (cfs)

**Limit/Duty:** Not to exceed 4.0 acre-feet per acre during the irrigation season of each year

**Source:** BUTTER CREEK, a tributary to the UMATILLA RIVER

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

**Authorized Point of Diversion:**

| Twp | Rng  | Mer | Sec | Q-Q   | Survey Coordinates                                                     |
|-----|------|-----|-----|-------|------------------------------------------------------------------------|
| 2N  | 27 E | WM  | 11  | SE SW | 910 FEET NORTH AND 2200 FEET EAST FROM THE SW CORNER OF SECTION 11     |
| 2N  | 27E  | WM  | 11  | SE NW | 40 FEET NORTH AND 240 FEET WEST FROM THE CENTER ¼ CORNER OF SECTION 11 |

**Authorized Place of Use:**

| Twp | Rng  | Mer | Sec | Q-Q   | Acres |
|-----|------|-----|-----|-------|-------|
| 2 N | 27 E | WM  | 11  | NE NW | 18.0  |
| 2 N | 27 E | WM  | 11  | SW NW | 1.0   |
| 2 N | 27 E | WM  | 11  | SE NW | 39.0  |

3. Application T-10459 proposes to change the authorized point of diversion to a point approximately 5.0 miles downstream from the authorized point of diversion to:

| Twp | Rng  | Mer | Sec | Q-Q   | Survey Coordinates                                                    |
|-----|------|-----|-----|-------|-----------------------------------------------------------------------|
| 3N  | 28 E | WM  | 19  | NW SW | 10 FEET SOUTH AND 1800 FEET EAST FROM THE WEST ¼ CORNER OF SECTION 19 |

4. Application T-10459 also proposes to change the place of use of the right to:

| Twp | Rng | Mer | Sec | Q-Q   | Acres |
|-----|-----|-----|-----|-------|-------|
| 3N  | 28E | WM  | 17  | NE SW | 0.4   |
| 3N  | 28E | WM  | 17  | NW SW | 19.8  |
| 3N  | 28E | WM  | 17  | SW SW | 29.0  |
| 3N  | 28E | WM  | 17  | SE SW | 0.8   |
| 3N  | 28E | WM  | 18  | SE SE | 5.2   |
| 3N  | 28E | WM  | 19  | NE NE | 0.3   |
| 3N  | 28E | WM  | 20  | NW NW | 2.5   |

5. The portion of the water use permit to be transferred is as follows:

**Permit:** S 46499 in the name of JOHN MADISON, Agent (filed under Application S-57999)

**Use:** SUPPLEMENTAL IRRIGATION of 58 ACRES

**Priority Date:** OCTOBER 16, 1978

**Rate:** 1.16 CUBIC FEET PER SECOND (cfs)

**Limit/Duty:** ONE-FIFTIETH of a cfs per acre, not to exceed 4.0 acre-feet in any one year

**Source:** BUTTER CREEK, tributary to UMATILLA RIVER

**Period of Use:** SEPTEMBER 2 - DECEMBER 30 of each year

**Authorized Point of Diversion:**

| Twp | Rng | Mer | Sec | Q-Q   | Survey Coordinates                                                              |
|-----|-----|-----|-----|-------|---------------------------------------------------------------------------------|
| 2 N | 27E | WM  | 11  | SE NW | POD JA: 390 FEET NORTH AND 150 FEET WEST FROM THE CENTER ¼ CORNER OF SECTION 11 |

**Authorized Place of Use:**

| Twp | Rng | Mer | Sec | Q-Q   | Acres |
|-----|-----|-----|-----|-------|-------|
| 2N  | 27E | WM  | 11  | NE NW | 18.0  |
| 2N  | 27E | WM  | 11  | SW NW | 1.0   |
| 2N  | 27E | WM  | 11  | SE NW | 39.0  |

6. Application T-10459 proposes to change the point of diversion for the affected portion of the right approximately 5.5 miles downstream to:

| Twp | Rng | Mer | Sec | Q-Q   | Survey Coordinates                                                    |
|-----|-----|-----|-----|-------|-----------------------------------------------------------------------|
| 3N  | 23E | WM  | 19  | NW SW | 10 FEET SOUTH AND 2160 FEET EAST FROM THE WEST ¼ CORNER OF SECTION 19 |

7. Application T-10459 also proposes to change the place of use of the right to:

| Twp | Rng | Mer | Sec | Q-Q   | Acres |
|-----|-----|-----|-----|-------|-------|
| 3N  | 28E | WM  | 17  | SE SE | 0.4   |
| 3N  | 28E | WM  | 17  | NW SW | 19.8  |
| 3N  | 28E | WM  | 17  | SW SW | 29.0  |
| 3N  | 28E | WM  | 17  | SE SW | 0.8   |
| 3N  | 28E | WM  | 18  | SE SE | 5.2   |
| 3N  | 28E | WM  | 19  | NE NE | 0.3   |
| 3N  | 28E | WM  | 20  | NW NW | 2.5   |

8. Notice of the application for transfer was published on September 25, 2007, pursuant to OAR 690-380-4000. No comments were filed in response to the notice.
9. 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.
10. On December 31, 2007, the Department mailed a copy of the draft Preliminary Determination proposing to approve Transfer Application T-10459 to the applicant. The draft Preliminary Determination set forth a deadline of February 2, 2008, for the applicant to respond. The applicant requested that the Department proceed with issuance of a Preliminary Determination and provided the necessary information to demonstrate that the applicant is authorized to pursue the transfer.

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

11. Water has not been used during accumulation rotation (approximately February-June) within the last five years, but may have been used during other months according to the terms and conditions of the right and permit. There is not sufficient information in the record that would demonstrate that the water uses are subject to forfeiture under ORS 540.610.

12. A diversion structure and ditch sufficient to use the full amount of water allowed under the existing right and permit were present within the five-year period prior to submittal of Application T-10459. Also a pump, pipeline, and sprinkler system sufficient to use the full amount of water allowed under the existing right and permit were present within the five-year period prior to submittal of Application T-10459.
13. There appears to be some conveyance loss during accumulation rotation in the reach between the authorized and proposed points of diversion. The loss occurs early in the season, but diminishes as the season progresses and would not require conditioning to avoid injury and enlargement.
14. The applicant proposes to restrict irrigation to the place of use described on the transfer map through use of technology to turn off outer sprinkler heads as the center pivot rotates through the portion of the circle with smaller diameter. Provided the water user restricts irrigation to the mapped proposed place of use, the proposed change would not result in enlargement of the right and permit.
15. The proposed change would not result in injury to other water rights.

#### **Determination and Proposed Action**

The changes in point of diversion and place of use proposed in application T-10459 appear to be consistent with the requirements of ORS 540.505 to 540.580 and OAR 690-380-5000. If protests are not filed pursuant to OAR 690-380-4030, the application will be approved.

*If application T-10459 is approved, the final order will include the following:*

1. *The changes in point of diversion and place of use proposed in application T-10459 are approved.*
2. *Water right certificate 60455 is cancelled.*
3. *Permit S-46499 is modified.*
4. *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 60455 and Permit S-46499 and any related decree.*
5. *The quantity of water diverted at the new point of diversion shall not exceed the quantity of water lawfully available at the original point of diversion.*
6. *The former place of use of the transferred rights shall no longer receive water under the affected rights contained in this transfer.*
7. *The water user shall maintain and operate all existing measurement devices and shall make such improvements as may be required by the Department.*



8. *When required by the Department, the water user shall install, maintain and operate a headgate to control and regulate the quantity of water diverted. The type and plans of the headgate must be approved by the Department prior to beginning construction and shall be installed under the general supervision of the Department.*
9. *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.*
10. *The approved changes shall be completed and full beneficial use of the water shall be made on or before October 1, 2009. A Claim of Beneficial Use prepared by a Certified Water Rights Examiner shall be submitted by the applicant to the Department within one year after the deadline for completion of the changes and full beneficial use of the water.*
11. *When satisfactory proof of the completed changes is received, certificates confirming the rights transferred will be issued.*

Dated at Salem, Oregon this 28<sup>th</sup> day of January, 2008.

  
Phillip C. Ward, Director

This Preliminary Determination was prepared by a Reimbursement Authority contractor. If you have questions about the information in this document, you may reach Dorothy Pedersen at 503-986-0890 or [Dorothy.I.Pedersen@wrdd.state.or.us](mailto:Dorothy.I.Pedersen@wrdd.state.or.us).

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

**Notice of Preliminary Determination for  
Water Right Transfer T-10459**

T-10459 filed by SCOTT MADISON, 75512 HIGHWAY 207, ECHO OR 97826, proposes a change in place of use under Certificate 60455, and Permit S-46499. The right and water use permit allow the use of approximately 2.44 CFS under a priority date of 1896 for certificate 60455 and October 16, 1978 for Permit S-46499 for irrigation of 122.1 acres, in Sec. 11, T2N, R27E, W.M. The applicant proposes to change the place of use to within Secs. 17, 18, 19, and 20, T3N, R28E, and W.M. T-10459 also proposes a change in point of diversion under Certificate 60455 and Permit S-46499. The applicant proposes to change the point of diversion, to new diversions along Butter Creek approximately 5.0 miles downstream to Sec. 19, T3N, R28E, W.M. The Water Resources Department has concluded that the proposed transfer appears to be consistent with the requirements of ORS Chapter 540 and OAR 690-380-5000.

Any person may file, jointly or severally, with the Department a protest or standing statement within 30 days after the date of final publication of notice in the Department's weekly notice or of this newspaper notice, whichever is later. A protest form and additional information on filing protests may be obtained by calling (503) 986-0881. The last date of newspaper publication is [DATE OF LAST PUBLICATION]. If no protests are filed, the Department will issue a final order consistent with the preliminary determination.



## STATE OF OREGON

MORROW AND UMATILLA COUNTIES

### PERMIT TO APPROPRIATE THE PUBLIC WATERS

This is to certify that I have examined APPLICATION 57999 and do hereby grant the same SUBJECT TO EXISTING RIGHTS INCLUDING THE APPROPRIATE MINIMUM FLOW POLICIES ESTABLISHED BY THE WATER POLICY REVIEW BOARD and the following limitations and conditions:

This permit is issued to John Madison, of Route 1, Box 35, Echo, Oregon 97826, Agent for Frank N. Mueller, Top Cut Feedlots, Inc. by Brent Horn, Lowell Saylor, John Madison, Madison Ranches, Inc. by Gaylord Madison, Frank Pedro, Clause H. Ammon by Bob Hale, Douglas Hale, Glenn Cochran, Jerry Myers, Mike McCarty, Ed Johnson, Frank Mader, Bob Hawkins, Bud Graham, Edward Burl Wattenburger, Jr., Earl W. Wattenburger by Eldon Witherrite, Leo Ashbeck, John B. Correa, Sidney R. Britt and Mabel Vey, for the use of the waters of Butter Creek, a tributary of Umatilla River, for the PURPOSE of supplemental irrigation. The use allowed herein may be made at any time between September 2 and December 30 of each year that water can be put to beneficial use by irrigation, either for immediate crop growth or for forecast requirements to raise soil moisture to field capacity in the soil profile to be utilized by plant growth in the subsequent growing season, that the PRIORITY OF THE RIGHT dates from October 16, 1978, and is limited to the amount of water which can be applied to beneficial use and shall not exceed 108.7 cubic feet per second measured at the point of diversion from the stream, or its equivalent in case of rotation with other water users.

The POINTS OF DIVERSION are to be LOCATED: Diversion A - 1,650 feet North and 100 feet East from the S 1/4 Corner of Section 18, being within the NW 1/4 SE 1/4 of Section 18, Township 3 North, Range 28 East, WM; Diversion B - 10 feet South and 1,800 feet East from the W 1/4 Corner of Section 19, being within the NE 1/4 SW 1/4 of Section 19, Township 3 North, Range 28 East, WM; Diversion C - 2,620 feet North and 620 feet East from the W 1/4 Corner of Section 30, being within the NW 1/4 NW 1/4 of Section 30, Township 3 North, Range 28 East, WM; Diversion D - 320 feet North and 820 feet West from the E 1/4 Corner of Section 25, being within the SE 1/4 NE 1/4 of Section 25, Township 3 North, Range 27 East, WM; Diversion E - 340 feet South and 50 feet West from the N 1/4 Corner of Section 36, being within the NE 1/4 NW 1/4 of Section 36, Township 3 North, Range 27 East, WM; Diversion F - 2,150 feet North and 860 feet East from the Southwest Corner of Section 36, being within the NW 1/4 SW 1/4 of Section 36, Township 3 North, Range 27 East, WM; Diversion G - 1,290 feet South and 80 feet West from the Northeast Corner of Section 2, being within the NE 1/4 NE 1/4 of Section 2, Township 2 North, Range 27 East, WM; Diversion H - 50 feet South and 350 feet West from the E 1/4 Corner of Section 2, being within the NE 1/4 SE 1/4 of Section 2, Township 2 North, Range 27 East, WM; Diversion J - 1,400 feet South and 300 feet East from the N 1/4 Corner of Section 11, being within the SW 1/4 NE 1/4 of Section 11, Township 2 North, Range 27 East, WM; Diversion Ja - 390 feet North and 150 feet West from the Center Quarter Corner of Section 11, being within the SE 1/4 NW 1/4 of Section 11, Township 2 North, Range 27 East, WM; Diversion K - 970 feet North and 450 feet West from the S 1/4 Corner of Section 11, being within the SE 1/4 SW 1/4 of Section 11, Township 2 North, Range 27 East, WM; Diversion L - 1,430 feet South and 1,630 feet East from the Northwest Corner of Section 14, being within the SE 1/4 NW 1/4 of Section 14, Township 2 North, Range 27 East, WM; Diversion M - 1,090 feet North and 320 feet East from the Southwest Corner of Section 14, being within the SW 1/4 SW 1/4 of Section 14, Township 2 North, Range 27 East, WM; Diversion N - 310 feet North and 260 feet East from the Southwest Corner of Section 14, being within the SW 1/4 SW 1/4 of Section 14, Township 2 North, Range 27 East, WM; Diversion O - 340 feet North and 170 feet East from the W 1/4 Corner of Section 27, being within the SW 1/4 NW 1/4 of Section 27, Township 2 North, Range 27 East, WM.

T-9877 (TEMP) V.64 p.524

APPLICATION 57999

PERMIT **46499**

T-9672 ΔPOU (Temp) V.60 p.509

Temp T-8709 ΔPOU  
Sp V55 p 554

T10459

T-93504 POU/ARBA V.51 p.35

T-9284 ΔPOU

Temp T-7927 ΔPOU

T 10459

5434.57

Diversión P - 20 feet North and 40 feet West from the W 1/4 Corner of Section 27, being within the SE 1/4 NE 1/4 of Section 28, Township 2 North, Range 27 East, WM; Diversión Q - 200 feet North and 1,340 feet West from the Southeast Corner of Section 28, being within the SW 1/4 SE 1/4 of Section 28, Township 2 North, Range 27 East, WM; Diversión R - 250 feet North and 380 feet East from the W 1/4 Corner of Section 34, being within the SW 1/4 NW 1/4 of Section 34, Township 2 North, Range 27 East, WM; Diversión S - 2,500 feet North and 380 feet East from the Southwest Corner of Section 34, being within the NW 1/4 SW 1/4 of Section 34, Township 2 North, Range 27 East, WM; Diversión T - 1,360 feet North and 1,500 feet East from the Southwest Corner of Section 34, being within the NE 1/4 SW 1/4 of Section 34, Township 2 North, Range 27 East, WM; Diversión U - North 87 degrees 10 minutes East 2,700 feet from the Southwest Corner of Section 34, being within the SE 1/4 SW 1/4 of Section 34, Township 2 North, Range 27 East, WM; Diversión V - 320 feet South and 2,400 feet West from the Northeast Corner of Section 3, being within the NW 1/4 NE 1/4 of Section 3, Township 1 North, Range 27 East, WM; Diversión W - 1,500 feet South and 2,030 feet West from the Northeast Corner of Section 3, being within the SW 1/4 NE 1/4 of Section 3, Township 1 North, Range 27 East, WM; Diversión X - 375 feet North and 1,420 feet West from the Northeast Corner of Section 10, being within the SW 1/4 SE 1/4 of Section 3, Township 1 North, Range 27 East, WM; Diversión Y - 1,450 feet South and 720 feet West from the Northeast Corner of Section 10, being within the SE 1/4 NE 1/4 of Section 10, Township 1 North, Range 27 East, WM; Diversión Z - 50 feet North and 1,260 feet West from the E 1/4 Corner of Section 10, being within the SE 1/4 NE 1/4 of Section 10, Township 1 North, Range 27 East, WM; Diversión AA - 1,620 feet South and 1,280 feet West from the Northeast Corner of Section 15, being within the SE 1/4 NE 1/4 of Section 15, Township 1 North, Range 27 East, WM; Diversión BB - 2,790 feet North and 500 feet West from the Southeast Corner of Section 15, being within the SE 1/4 NE 1/4 of Section 15, Township 1 North, Range 27 East, WM; Diversión CC - 700 feet North and 530 feet East from the Southwest Corner of Section 14, being within the SW 1/4 SW 1/4 of Section 14, Township 1 North, Range 27 East, WM; Diversión DD - South 86 degrees 15 minutes East 3,230 seconds from the W 1/4 Corner of Section 23, being within the NW 1/4 SE 1/4 of Section 23, Township 1 North, Range 27 East, WM; Diversión EE - 1,540 feet North and 470 feet West from the S 1/4 Corner of Section 24, being within the NE 1/4 SW 1/4 of Section 24, Township 1 North, Range 27 East, WM; Diversión FF - 960 feet South and 340 feet West from the Northeast Corner of Section 30, being within the NE 1/4 NE 1/4 of Section 30, Township 1 North, Range 28 East, WM; Diversión GG - 750 feet South and 170 feet West from the Northeast Corner of Section 28, being within the NE 1/4 NE 1/4 of Section 28, Township 1 North, Range 28 East, WM, in the Counties of Morrow and Umatilla.

A description of the PLACE OF USE under the permit, and to which such right is appurtenant, is as follows:

Township 3 North Range 28 East, WM Section 8

Frank N. Mueller, Owner  
W.B. Hamilton Decree  
Certificate 2668

|        |        |            |
|--------|--------|------------|
| NE 1/4 | SW 1/4 | 40.0 acres |
| SE 1/4 | NW 1/4 | 40.0 acres |
| SW 1/4 | NE 1/4 | 5.0 acres  |
| NW 1/4 | SE 1/4 | 15.0 acres |

100

APPLICATION 57999

PERMIT

**46499**



page three

Top Cut Feedlot, Inc., Owner  
R.B. Stanfield Decree  
Certificate 2691

|                  |                   |            |               |            |
|------------------|-------------------|------------|---------------|------------|
| Township 3 North | Range 28 East, WM | Section 7  | SE 1/4 NE 1/4 | 19.0 acres |
|                  |                   |            | NE 1/4 SE 1/4 | 31.0 acres |
|                  |                   |            | SW 1/4 SE 1/4 | 40.0 acres |
|                  |                   |            | SE 1/4 SE 1/4 | 16.0 acres |
|                  |                   | Section 8  | SW 1/4 NW 1/4 | 20.0 acres |
|                  |                   |            | NW 1/4 SW 1/4 | 38.0 acres |
|                  |                   | Section 18 | NE 1/4 NE 1/4 | 7.5 acres  |
|                  |                   |            | NW 1/4 NE 1/4 | 40.0 acres |

Lowell Saylor, Owner  
Jesse Moore Decree  
Certificate 2679

|                  |                   |            |               |            |
|------------------|-------------------|------------|---------------|------------|
| Township 3 North | Range 28 East, WM | Section 8  | SW 1/4 SW 1/4 | 40.0 acres |
|                  |                   |            | SE 1/4 SW 1/4 | 35.0 acres |
|                  |                   | Section 17 | NW 1/4 NW 1/4 | 40.0 acres |
|                  |                   |            | SW 1/4 NW 1/4 | 21.5 acres |
|                  |                   |            | SE 1/4 NW 1/4 | 2.0 acres  |
|                  |                   |            | NE 1/4 NW 1/4 | 28.0 acres |

Wallace A. Thomson Decree  
Certificate 2696

|                  |                   |            |               |            |
|------------------|-------------------|------------|---------------|------------|
| Township 3 North | Range 27 East, WM | Section 36 | NE 1/4 NE 1/4 | 40.0 acres |
|                  |                   |            | NW 1/4 NE 1/4 | 40.0 acres |
|                  |                   |            | SW 1/4 NE 1/4 | 40.0 acres |
|                  |                   |            | SE 1/4 NE 1/4 | 40.0 acres |
|                  |                   |            | NE 1/4 NW 1/4 | 10.0 acres |
|                  |                   |            | SW 1/4 NW 1/4 | 4.0 acres  |
|                  |                   |            | SE 1/4 NW 1/4 | 40.0 acres |

Hugh Stanfield Decree  
Certificate 2690

|                  |                   |            |               |            |
|------------------|-------------------|------------|---------------|------------|
| Township 3 North | Range 27 East, WM | Section 25 | NE 1/4 SE 1/4 | 38.0 acres |
|                  |                   |            | NW 1/4 SE 1/4 | 6.0 acres  |
|                  |                   |            | SW 1/4 SE 1/4 | 26.0 acres |
|                  |                   |            | SE 1/4 SE 1/4 | 40.0 acres |

J.B. Saylor Decree  
Certificate 2687

|                  |                     |           |               |            |
|------------------|---------------------|-----------|---------------|------------|
| Township 2 North | Range 27 East, W1/4 | Section 1 | NE 1/4 NW 1/4 | 40.0 acres |
|                  |                     |           | NW 1/4 NW 1/4 | 34.0 acres |

|                  |                   |            |               |            |
|------------------|-------------------|------------|---------------|------------|
| Township 3 North | Range 27 East, WM | Section 36 | NE 1/4 SW 1/4 | 40.0 acres |
|                  |                   |            | NW 1/4 SW 1/4 | 14.0 acres |
|                  |                   |            | SW 1/4 SW 1/4 | 21.0 acres |
|                  |                   |            | SE 1/4 SW 1/4 | 40.0 acres |
|                  |                   |            | NE 1/4 SE 1/4 | 40.0 acres |
|                  |                   |            | NW 1/4 SE 1/4 | 40.0 acres |
|                  |                   |            | SW 1/4 SE 1/4 | 40.0 acres |
|                  |                   |            | SE 1/4 SE 1/4 | 36.0 acres |

1047

8898

|                  |                   |            |                                                                                                 |        |            |
|------------------|-------------------|------------|-------------------------------------------------------------------------------------------------|--------|------------|
| Township 3 North | Range 28 East, WM | Section 30 | SW 1/4                                                                                          | SW 1/4 | 12.0 acres |
|                  |                   |            | SE 1/4                                                                                          | SW 1/4 | 27.0 acres |
|                  |                   | Section 31 | NE 1/4                                                                                          | NW 1/4 | 22.0 acres |
|                  |                   |            | NW 1/4                                                                                          | NW 1/4 | 38.0 acres |
|                  |                   |            | SW 1/4                                                                                          | NW 1/4 | 39.0 acres |
|                  |                   |            | SE 1/4                                                                                          | NW 1/4 | 3.0 acres  |
|                  |                   |            | Caroline E. Rogers Decree<br>Certificate 2683                                                   |        |            |
| Township 3 North | Range 28 East, WM | Section 18 | SE 1/4                                                                                          | NE 1/4 | 40.0 acres |
|                  |                   |            | SE 1/4                                                                                          | SW 1/4 | 11.5 acres |
|                  |                   |            | NE 1/4                                                                                          | SE 1/4 | 36.0 acres |
|                  |                   |            | SW 1/4                                                                                          | SE 1/4 | 40.0 acres |
|                  |                   | Section 19 | NW 1/4                                                                                          | NE 1/4 | 15.0 acres |
|                  |                   |            | SW 1/4                                                                                          | NE 1/4 | 3.0 acres  |
|                  |                   |            | NE 1/4                                                                                          | NW 1/4 | 22.0 acres |
|                  |                   |            | SE 1/4                                                                                          | NW 1/4 | 35.0 acres |
|                  |                   |            | Madison Ranch Owner<br>Jesse Moore Decree<br>Certificate 49217                                  |        |            |
| Township 3 North | Range 28 East, WM | Section 19 | NE 1/4                                                                                          | SW 1/4 | 13.0 acres |
|                  |                   |            | NW 1/4                                                                                          | SW 1/4 | 13.0 acres |
|                  |                   |            | SW 1/4                                                                                          | SW 1/4 | 33.0 acres |
|                  |                   |            | SE 1/4                                                                                          | SW 1/4 | 1.4 acres  |
|                  |                   | Section 30 | NW 1/4                                                                                          | NW 1/4 | 16.0 acres |
| Township 3 North | Range 27 East, WM | Section 24 | SE 1/4                                                                                          | SE 1/4 | 6.0 acres  |
|                  |                   | Section 25 | NE 1/4                                                                                          | NE 1/4 | 16.0 acres |
|                  |                   |            | Hugh Stanfield Decree<br>Certificate 2690                                                       |        |            |
| Township 3 North | Range 28 East, WM | Section 30 | SW 1/4                                                                                          | NW 1/4 | 38.0 acres |
|                  |                   |            | M.S. Corrigan Decree<br>Certificate 22981                                                       |        |            |
| Township 3 North | Range 27 East, WM | Section 25 | SE 1/4                                                                                          | NE 1/4 | 20.4 acres |
|                  |                   |            | Frank Pedro, Owner<br>Jesse Moore Decree<br>Transfer 4381, Special Order<br>Volume 33, Page 128 |        |            |

500.3

page five

Township 3 North Range 28 East, W1/4 Section 19 SW 1/4 SW 1/4 2.0 acres  
SE 1/4 SW 1/4 4.6 acres

Section 30 NE 1/4 NW 1/4 40.0 acres  
NW 1/4 NW 1/4 24.0 acres

Claudia H. Ammon, Owner  
R.N. Stanfield Decree  
Certificate 2692

Township 2 North Range 27 East, W1/4 Section 1 NE 1/4 NE 1/4 18.0 acres  
NW 1/4 NE 1/4 40.0 acres  
SW 1/4 NE 1/4 39.0 acres  
SE 1/4 NE 1/4 5.0 acres  
SW 1/4 NW 1/4 40.0 acres  
SE 1/4 NW 1/4 40.0 acres  
NE 1/4 SW 1/4 40.0 acres  
NW 1/4 SW 1/4 40.0 acres  
NW 1/4 SE 1/4 17.0 acres

Section 2 SE 1/4 NE 1/4 5.0 acres  
NE 1/4 SE 1/4 36.0 acres  
NW 1/4 SE 1/4 6.0 acres

Hale Brothers, Owner  
R.N. Stanfield Decree  
Certificate 2692

Township 2 North Range 27 East, W1/4 Section 1 SW 1/4 SW 1/4 40.0 acres  
SE 1/4 SW 1/4 37.5 acres  
SW 1/4 SE 1/4 2.5 acres

Section 2 SW 1/4 SE 1/4 28.0 acres  
SE 1/4 SE 1/4 40.0 acres

Section 11 NE 1/4 NE 1/4 40.0 acres  
NW 1/4 NE 1/4 40.0 acres  
SW 1/4 NE 1/4 40.0 acres  
SE 1/4 NE 1/4 40.0 acres  
NE 1/4 SW 1/4 40.0 acres

Section 12 NE 1/4 NW 1/4 10.0 acres  
NW 1/4 NW 1/4 40.0 acres  
SW 1/4 NW 1/4 31.0 acres

Glenn Cochran, Owner  
Grant Buchanan Decree  
Certificate 2655

Township 2 North Range 27 East, W1/4 Section 1 NE 1/4 NW 1/4 18.0 acres  
SW 1/4 NW 1/4 1.0 acre  
SE 1/4 NW 1/4 39.0 acres

Jerry Myers, Owner  
Susan Thomson Decree  
Certificate 2697

702100

page six

696.9 ↓

|                  |                     |            |        |        |            |
|------------------|---------------------|------------|--------|--------|------------|
| Township 2 North | Range 27 East, W1/4 | Section 11 | SW 1/4 | SW 1/4 | 20.0 acres |
|                  |                     |            | SE 1/4 | SW 1/4 | 40.0 acres |
|                  |                     |            | NE 1/4 | SE 1/4 | 40.0 acres |
|                  |                     |            | NW 1/4 | SE 1/4 | 40.0 acres |
|                  |                     |            | SW 1/4 | SE 1/4 | 40.0 acres |
|                  |                     |            | SE 1/4 | SE 1/4 | 35.0 acres |

|  |  |            |        |        |            |
|--|--|------------|--------|--------|------------|
|  |  | Section 12 | NW 1/4 | SW 1/4 | 15.0 acres |
|--|--|------------|--------|--------|------------|

|  |  |            |        |        |            |
|--|--|------------|--------|--------|------------|
|  |  | Section 14 | NE 1/4 | NE 1/4 | 5.0 acres  |
|  |  |            | NW 1/4 | NE 1/4 | 30.0 acres |
|  |  |            | NE 1/4 | NW 1/4 | 40.0 acres |
|  |  |            | NW 1/4 | NW 1/4 | 40.0 acres |

|  |  |            |        |        |            |
|--|--|------------|--------|--------|------------|
|  |  | Section 15 | NE 1/4 | NE 1/4 | 30.0 acres |
|--|--|------------|--------|--------|------------|

James F. Thomson Decree  
Certificate 2698

|                  |                     |            |        |        |           |
|------------------|---------------------|------------|--------|--------|-----------|
| Township 2 North | Range 27 East, W1/4 | Section 10 | SE 1/4 | SE 1/4 | 6.0 acres |
|------------------|---------------------|------------|--------|--------|-----------|

Mike McCarty, Owner  
James A. McCarty Decree  
Certificate 2675

|                  |                     |            |        |        |            |
|------------------|---------------------|------------|--------|--------|------------|
| Township 2 North | Range 27 East, W1/4 | Section 15 | SW 1/4 | NE 1/4 | 24.0 acres |
|                  |                     |            | SE 1/4 | NE 1/4 | 40.0 acres |
|                  |                     |            | NE 1/4 | SE 1/4 | 40.0 acres |
|                  |                     |            | NW 1/4 | SE 1/4 | 38.5 acres |

Elizabeth McCarty Decree  
Certificate 2676

|                  |                     |            |        |        |            |
|------------------|---------------------|------------|--------|--------|------------|
| Township 2 North | Range 27 East, W1/4 | Section 14 | SW 1/4 | NE 1/4 | 13.0 acres |
|                  |                     |            | SW 1/4 | NW 1/4 | 40.0 acres |
|                  |                     |            | SE 1/4 | NW 1/4 | 35.5 acres |
|                  |                     |            | NE 1/4 | SW 1/4 | 18.0 acres |
|                  |                     |            | NW 1/4 | SW 1/4 | 40.0 acres |
|                  |                     |            | SW 1/4 | SW 1/4 | 3.0 acres  |

M.S. Corrigan Decree  
Certificate 22981

|                  |                     |            |        |        |            |
|------------------|---------------------|------------|--------|--------|------------|
| Township 2 North | Range 27 East, W1/4 | Section 15 | NE 1/4 | SW 1/4 | 2.5 acres  |
|                  |                     |            | SE 1/4 | SW 1/4 | 21.4 acres |

Ed Johnson, Owner  
C.P. Bowman Decree  
Certificate 2653  
Transfer 3491



page seven

|                  |                   |            |        |        |            |
|------------------|-------------------|------------|--------|--------|------------|
| Township 2 North | Range 27 East, WM | Section 15 | SW 1/4 | SE 1/4 | 40.0 acres |
|                  |                   |            | SE 1/4 | SE 1/4 | 40.0 acres |
|                  |                   | Section 22 | NE 1/4 | NE 1/4 | 40.0 acres |
|                  |                   |            | NW 1/4 | NE 1/4 | 40.0 acres |
|                  |                   |            | SW 1/4 | NE 1/4 | 40.0 acres |
|                  |                   |            | SE 1/4 | NE 1/4 | 35.0 acres |
|                  |                   |            | NE 1/4 | NW 1/4 | 40.0 acres |
|                  |                   |            | NW 1/4 | NW 1/4 | 16.0 acres |
|                  |                   |            | SW 1/4 | NW 1/4 | 37.5 acres |
|                  |                   |            | SE 1/4 | NW 1/4 | 40.0 acres |
|                  |                   |            | NE 1/4 | SW 1/4 | 40.0 acres |
|                  |                   |            | NW 1/4 | SW 1/4 | 40.0 acres |
|                  |                   |            | SW 1/4 | SW 1/4 | 40.0 acres |
|                  |                   |            | SE 1/4 | SW 1/4 | 40.0 acres |
|                  |                   |            | NW 1/4 | SE 1/4 | 37.0 acres |
|                  |                   |            | SW 1/4 | SE 1/4 | 13.0 acres |
|                  |                   | Section 27 | NE 1/4 | NW 1/4 | 31.0 acres |
|                  |                   |            | NW 1/4 | NW 1/4 | 40.0 acres |
|                  |                   |            | SW 1/4 | NW 1/4 | 34.5 acres |
|                  |                   |            | SE 1/4 | NW 1/4 | 1.5 acres  |

Frank Mader, Owner  
M.S. Corrigan Decree  
Certificate 22981

|                  |                   |            |        |        |            |
|------------------|-------------------|------------|--------|--------|------------|
| Township 2 North | Range 27 East, WM | Section 21 | NE 1/4 | SE 1/4 | 2.5 acres  |
|                  |                   |            | SE 1/4 | SE 1/4 | 28.5 acres |
|                  |                   | Section 28 | NE 1/4 | NE 1/4 | 40.0 acres |
|                  |                   |            | NW 1/4 | NE 1/4 | 8.5 acres  |
|                  |                   |            | SW 1/4 | NE 1/4 | 14.3 acres |
|                  |                   |            | SE 1/4 | NE 1/4 | 40.0 acres |

Bob Hawkins, Owner  
E.P. Jarnan Decree  
Certificate 2673

|                  |                   |            |        |        |            |
|------------------|-------------------|------------|--------|--------|------------|
| Township 2 North | Range 27 East, WM | Section 28 | NE 1/4 | SE 1/4 | 29.6 acres |
|                  |                   |            | NW 1/4 | SE 1/4 | 24.5 acres |
|                  |                   |            | SW 1/4 | SE 1/4 | 23.0 acres |
|                  |                   |            | SE 1/4 | SE 1/4 | 25.0 acres |
|                  |                   | Section 33 | NE 1/4 | NE 1/4 | 36.0 acres |
|                  |                   |            | NW 1/4 | NE 1/4 | 8.0 acres  |
|                  |                   |            | SE 1/4 | NE 1/4 | 32.0 acres |

Bud Graham, Owner  
A.H. Sunderman Decree  
Certificate 44542

|                  |                   |            |        |        |            |
|------------------|-------------------|------------|--------|--------|------------|
| Township 2 North | Range 27 East, WM | Section 33 | NE 1/4 | SE 1/4 | 11.4 acres |
|                  |                   |            |        |        |            |
|                  |                   | Section 34 | NW 1/4 | NW 1/4 | 6.0 acres  |
|                  |                   |            | SW 1/4 | NW 1/4 | 35.0 acres |
|                  |                   |            | SE 1/4 | NW 1/4 | 3.4 acres  |

*1053.2*  
*1053.2* ✓

|                  |                   |            |               |            |
|------------------|-------------------|------------|---------------|------------|
| Township 2 North | Range 27 East, WM | Section 34 | NE 1/4 SW 1/4 | 32.1 acres |
|                  |                   |            | NW 1/4 SW 1/4 | 39.2 acres |
|                  |                   |            | SE 1/4 SW 1/4 | 37.0 acres |

Burl J. Wattenburger, Owner  
W.J. Wattenburger Decree  
Transfer 2944, Special Order  
Volume 32, Page 384

|                  |                   |            |               |            |
|------------------|-------------------|------------|---------------|------------|
| Township 2 North | Range 27 East, WM | Section 34 | SW 1/4 SE 1/4 | 33.4 acres |
|                  |                   |            | SE 1/4 SE 1/4 | 0.4 acre   |

|                  |                   |           |               |              |
|------------------|-------------------|-----------|---------------|--------------|
| Township 1 North | Range 27 East, WM | Section 3 | NE 1/4 NE 1/4 | 1.0 acre ✓   |
|                  |                   |           | NW 1/4 NE 1/4 | 20.4 acres ✓ |
|                  |                   |           | SW 1/4 NE 1/4 | 23.8 acres ✓ |
|                  |                   |           | SE 1/4 NE 1/4 | 3.3 acres ✓  |
|                  |                   |           | NE 1/4 SE 1/4 | 10.5 acres ✓ |
|                  |                   |           | NW 1/4 SE 1/4 | 34.7 acres ✓ |

Mary Wattenburger Decree  
Certificate 2706

|                  |                   |            |               |           |
|------------------|-------------------|------------|---------------|-----------|
| Township 2 North | Range 27 East, WM | Section 34 | SW 1/4 SW 1/4 | 8.3 acres |
|------------------|-------------------|------------|---------------|-----------|

Earl W. Wattenburger  
W.J. Wattenburger Decree  
Transfer 3333, Special Order  
Volume 32, Page 381

|                  |                   |           |               |              |
|------------------|-------------------|-----------|---------------|--------------|
| Township 1 North | Range 27 East, WM | Section 3 | SW 1/4 SE 1/4 | 35.3 acres ✓ |
|                  |                   |           | SE 1/4 SE 1/4 | 13.2 acres ✓ |

|            |               |              |
|------------|---------------|--------------|
| Section 10 | NE 1/4 NE 1/4 | 10.4 acres ✓ |
|            | NW 1/4 NE 1/4 | 32.0 acres ✓ |
|            | SW 1/4 NE 1/4 | 20.0 acres ✓ |
|            | SE 1/4 NE 1/4 | 11.1 acres ✓ |

Leo Ashbeck, Owner  
T.D. Matthews Decree  
Certificate 2674

|                  |                   |            |               |              |
|------------------|-------------------|------------|---------------|--------------|
| Township 1 North | Range 27 East, WM | Section 10 | NE 1/4 SE 1/4 | 19.8 acres ✓ |
|                  |                   |            | NW 1/4 SE 1/4 | 27.9 acres ✓ |
|                  |                   |            | SW 1/4 SE 1/4 | 38.1 acres ✓ |
|                  |                   |            | SE 1/4 SE 1/4 | 20.3 acres ✓ |

|            |               |              |
|------------|---------------|--------------|
| Section 15 | NE 1/4 NE 1/4 | 25.3 acres ✓ |
|            | NW 1/4 NE 1/4 | 14.2 acres ✓ |

*se se 13.2?*

*511.71*

page nine

John B. Correa, Owner  
T.D. Matthews Decree  
Certificate 2674

Township 1 North Range 27 East, WM Section 15  
SW 1/4 NE 1/4 1.5 acres  
SE 1/4 NE 1/4 4.3 acres

George W. Vincent Decree  
Certificate 49074  
Transfer 4301, Special Order  
Volume 32, Page 642

Township 1 North Range 27 East, WM Section 14  
SW 1/4 NW 1/4 4.0 acres ✓  
NW 1/4 SW 1/4 22.0 acres ✓  
SW 1/4 SE 1/4 33.5 acres ✓  
SE 1/4 SW 1/4 16.0 acres ✓

Section 15  
SW 1/4 NE 1/4 (9.0 acres)  
SE 1/4 NE 1/4 (34.0 acres)  
NE 1/4 SE 1/4 20.0 acres  
SE 1/4 SE 1/4 0.5 acre ✓

Section 23  
SW 1/4 NE 1/4 12.5 acres ✓  
NE 1/4 NW 1/4 39.0 acres ✓  
NW 1/4 NW 1/4 9.0 acres ✓  
SE 1/4 NW 1/4 13.0 acres ✓

Sid Britt, Owner  
James T. Ayers Decree  
Certificate 2649

Township 1 North Range 27 East, WM Section 23  
SW 1/4 NE 1/4 6.0 acres  
SE 1/4 NE 1/4 7.5 acres  
NE 1/4 SE 1/4 30.0 acres  
NW 1/4 SE 1/4 9.0 acres

Section 24  
NE 1/4 SW 1/4 5.5 acres  
NW 1/4 SW 1/4 31.0 acres

Mrs. Mabel Vey, Owner  
Mary A. Barker Decree  
Certificate 2651

Township 1 North Range 27 East, WM Section 24  
SW 1/4 SW 1/4 18.6 acres  
SE 1/4 SW 1/4 34.8 acres  
SW 1/4 SE 1/4 20.7 acres  
SE 1/4 SE 1/4 9.7 acres

Section 25  
NE 1/4 NE 1/4 36.3 acres  
NW 1/4 NE 1/4 16.77 acres  
NE 1/4 NW 1/4 3.8 acres

Township 1 North Range 28 East, WM Section 30  
NE 1/4 NE 1/4 10.5 acres  
NW 1/4 NE 1/4 12.3 acres  
SE 1/4 NE 1/4 1.7 acres  
NE 1/4 NW 1/4 25.9 acres  
NW 1/4 NW 1/4 30.5 acres

527.87

page ten

113,51

Mrs. Mabel Vey, Owner  
Antoine Vey Decree  
Certificate 2699

|                  |                   |            |        |        |            |
|------------------|-------------------|------------|--------|--------|------------|
| Township 1 North | Range 28 East, WM | Section 28 | NE 1/4 | NE 1/4 | 2.5 acres  |
|                  |                   |            | NW 1/4 | NE 1/4 | 11.0 acres |
|                  |                   |            | NE 1/4 | NW 1/4 | 10.0 acres |
|                  |                   |            | NW 1/4 | NW 1/4 | 32.5 acres |
|                  |                   | Section 29 | NE 1/4 | NE 1/4 | 14.0 acres |
|                  |                   |            | NW 1/4 | NE 1/4 | 17.0 acres |
|                  |                   |            | NE 1/4 | NW 1/4 | 12.5 acres |
|                  |                   |            | NW 1/4 | NW 1/4 | 2.5 acres  |
|                  |                   |            | SW 1/4 | NW 1/4 | 6.0 acres  |
|                  |                   |            | SE 1/4 | NW 1/4 | 5.5 acres  |

The AMOUNT OF WATER used for irrigation, together with the amount secured under any other right existing for the same lands, shall be limited to 1/50 of one cubic foot per second per acre, from direct flow and shall be further limited to a diversion of not to exceed 1.0 acre-foot per acre for each acre irrigated during the period from September 2 to December 30, provided further that the right allowed herein, together with the amount secured under any other right existing for the same lands shall not exceed 4.0 acre-feet for each acre irrigated in any one year. The use of water authorized herein shall not establish priority of right as against future appropriations of surface water for beneficial uses or for storage for such beneficial uses, other than similar rights for irrigation from September 2 to December 30, and shall conform to such reasonable rotation system as may be ordered by the proper state officer.

Actual construction work shall begin on or before May 19, 1983 and shall thereafter be prosecuted with reasonable diligence and be completed on or before October 1, 1984.

Complete application of the water to the proposed use shall be made on or before October 1, 1985.

WITNESS my hand this 19th day of May, 1982.

/s/ JAMES E. SEXSON

WATER RESOURCES DIRECTOR

APPLICATION 57999

PERMIT

**46499**



STATE OF OREGON  
COUNTY OF UMATILLA  
CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

GLENN M. COCHRAN  
P.O. BOX 26  
ECHO, OREGON 97826

confirms the right to use the waters of BUTTER CREEK, a tributary of UMATILLA RIVER, for the purpose of IRRIGATING 58.0 ACRES.

The right has been confirmed by decree of the Circuit Court of the State of Oregon for UMATILLA County. The decree is of record at Salem, in the Order Record of the WATER RESOURCES DIRECTOR, in Volume 3, at page 250. The date of priority is 1896.

The right is limited to not more than 1.16 CUBIC FOOT PER SECOND, IF AVAILABLE AT THE ORIGINAL POINT OF DIVERSION, SE 1/4 SW 1/4 SECTION 11, T 2 N, R 27 E, W.M.

The points of diversion are located as follows:

SE 1/4 SW 1/4, SE 1/4 NW 1/4, SECTION 11, T 2 N, R 27 E, W.M.; 910 FEET NORTH & 2200 FEET EAST FROM SW CORNER SECTION 11, 40 FEET NORTH & 240 FEET WEST FROM CENTER 1/4 CORNER SECTION 11.

The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands, shall be limited to a diversion of not to exceed 4.0 acre-feet per acre for each acre irrigated during the irrigation season of each year.

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

NE 1/4 NW 1/4 18.0 ACRES  
SW 1/4 NW 1/4 1.0 ACRE  
SE 1/4 NW 1/4 39.0 ACRES  
SECTION 11  
TOWNSHIP 2 NORTH, RANGE 27 EAST, W.M.

This certificate is issued to confirm an ADDITIONAL POINT OF DIVERSION approved by an order of the State Engineer entered JULY 23, 1973 and supersedes certificate 2655, State Record of Water Right Certificates.

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

The 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 shall be subject to all other conditions and limitations contained in said decree.

WITNESS the signature of the Water Resources Director, affixed this date MARCH 23, 1989.

/s/ WILLIAM H. YOUNG  
Water Resources Director

Recorded in State Record of Water Right Certificates numbered 60455

T-2748.BE

T 10459

F10459



## FAX TRANSMITTAL

### Oregon Department of Fish and Wildlife

John Day Watershed District Office  
73471 Mytinger Lane, Pendleton, Oregon 97801

TO: Dorothy

FAX NUMBER: 503-986-0903

From: Bill Duke

Phone Number: (541) 276-2344

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

Fax Number: (541) 276-4414

Pages To Follow: 2

Comments/Instructions: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

|                          |                      |                          |                       |                          |                     |
|--------------------------|----------------------|--------------------------|-----------------------|--------------------------|---------------------|
| <input type="checkbox"/> | Please circulate     | <input type="checkbox"/> | Take necessary action | <input type="checkbox"/> | Prepare reply       |
| <input type="checkbox"/> | For your information | <input type="checkbox"/> | Please investigate    | <input type="checkbox"/> | As you requested    |
| <input type="checkbox"/> | For your signature   | <input type="checkbox"/> | For your comments     | <input type="checkbox"/> | Initial and return  |
| <input type="checkbox"/> | Edit and return      | <input type="checkbox"/> | Call me               | <input type="checkbox"/> | Originals to follow |

Return by 11-3-07

RECEIVED

OCT 09 2007

**Water Right and Diversion Transfer Comment For Bendleton Dist. Office**

(ODFIW provides to WRD so that WRD can make findings according to statutory requirements.)

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

- \_\_\_\_\_, tributary to \_\_\_\_\_. Because, \_\_\_\_\_  
(Stream)

(Please attach any available supporting information.)

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

***B. Please check one of the following four boxes related to requiring a fish screen and/or bypass device pursuant to ORS 540.525 or 540.532:***

- ☐ 1. The new Point of Diversion (POD) requires a fish screening and/or by-pass device and is currently equipped with an appropriate fish screening and/or by-pass device.

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

**Finding of Fact:** The Oregon Department of Fish and Wildlife 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 currently equipped with an appropriate fish screening and/or by-pass device.

Condition: The water user shall maintain and operate a fish screening and/or by-pass device, as appropriate, at the point of diversion consistent with the Oregon Department of Fish and Wildlife's operational and maintenance standards.

- ☒ 2. The new Point of Diversion (POD) requires a fish screening and/or by-pass device prior to water being diverted. The diversion may be eligible for cost share assistance under ODFW's cost share program.

*Option 2 should generally be selected if listed fish species are present at the point of diversion and/or the originating water right diversion is currently screened. If Option 2 is*

Please return all 4 pages to: Transfers Section, Water Resources Department,  
725 Summer St. NE, Suite A, Salem, OR 97301-1271

The electronic version of this form is available at: <http://www1.wrd.state.or.us/msword/ODFWScreen.doc>.

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 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.

Condition: 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.

- ☐ 3. The new Point of Diversion (POD) requires a fish screening and/or by-pass device. However, the diversion may be used for up to two years pending a determination of whether cost share assistance under ODFW's cost share program is available.

If Option 3 is selected, provide contact information on the "Fish Screening and Passage Information" sheet. Except in extraordinary circumstances, Option 3 should NOT be checked if listed fish species are present at the point of diversion, the originating water right diversion is screened, cost-share funds are currently available, or the diversion is not eligible for ODFW's cost-share program. 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 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. 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 screening and/or by-pass device. 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: Within two years after the date of this order, 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. The water user may withdraw water at the new point of diversion without screening or by-pass devices until two years after the date of this order. 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.



- ☐ 4. The new Point of Diversion (POD) does not currently require a fish screen and/or by-pass device, however, the permittee may be required in the future to install, maintain, and operate fish screening and/or by-pass devices.

Note: This option will yield the following:

Finding of Fact: The Oregon Department of Fish and Wildlife has determined that a fish screening and/or by-pass device may be required in the future 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.

Condition: Within one year after receiving written notification from the Oregon Department of Fish and Wildlife (ODFW) that a fish screening and/or by-pass device is required, the water user shall install a screening and/or by-pass device, as appropriate, at the new point of diversion. The fish screening and/or by-pass device must meet ODFW's design and construction standards. Prior to installation, the water user shall obtain written approval from ODFW that the required screening and/or by-pass device meets ODFW's criteria. Once installed the water user shall maintain and operate the fish screening and/or by-pass device, as appropriate, at the point of diversion consistent with ODFW's operational and maintenance standards.

Signature

Printed Name

Title

Phone

William B. Duke  
William B. Duke  
District Fish Biologist  
(541) 276-2344

**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 # 10459

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 and/or fish by-pass devices are required as a condition of this transfer. The fish screen and/or by-pass device must meet ODFW's design, construction, operational and maintenance standards. Fish screening prevents fish from entering the diversion, while a by-pass device safely transports fish back to the body of water from which the fish were diverted.

Pursuant to ORS 498.306, cost share funds may be available to assist in the installation of fish screening and by-pass devices at diversions.

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

ODFW staff name: Mike Jensen  
Address: P.O. Box 515  
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 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: Bill Duke  
Address: 73741 Mytinger Lane  
City/State/Zip: Pendleton, OR 97801  
Phone: (541) 276-2344



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

## Watermaster Review Form: Water Right Transfer

Transfer Application: T-10459

Review Due Date: 10/25/07

Applicant Name: Scott Madison

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

Reviewer(s): F. Dye

Date of Review: Oct. 16, 2007

1. Do you have information suggesting that the water rights may be subject to forfeiture?  
☒ Yes ☐ No If "Yes", describe the information and indicate if you intend to file a cancellation affidavit or if you need additional time to determine if a cancellation affidavit should be filed: This water right has not been used during accumulation rotation within the last 5 years (apx. Feb.-June), but may have been used during other months. No cancellation affidavit will be filed, the applicant has indicated that it has been used.
2. Is there a history of regulation on the source that serves the right proposed for transfer that has involved the right and downstream water rights? ☒ Yes ☐ No Generally characterize the frequency of any regulation or explain why regulation has not occurred: Accumulation Rotation in accordance with the Butter Cr. Plan (apx. Feb.-June each year).
3. Check here if it appears that downstream water rights benefit from return flows resulting from the current use of the right? ☐ If you check the box, generally characterize the locations where the return flows likely occur and list the water rights that benefit most:  
\_\_\_\_\_
4. Are there upstream water rights that would be affected by the proposed change?  
☐ Yes ☒ No If "Yes", describe how the rights would be affected and list the rights most affected: \_\_\_\_\_
5. 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: There does appear to be some loss during accumulation rotation between Kent Madisons upper (radial gate) pod and Scott Madison's pod. The creek distance is apx. 3.2 miles between the two pods where the loss occurs. There appears to be an average of a 10% loss between the two pods.
6. Would distribution of water for the right after the proposed change result in regulation of other water rights that would not have occurred if use of the existing right was maximized?  
☐ Yes ☒ No If "Yes", explain: \_\_\_\_\_
7. For POU changes, would the original place of use continue to receive water from the same source? ☐ Yes ☒ No ☐ N/A If "Yes", explain: \_\_\_\_\_

8. For POU or USE changes, 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: \_\_\_\_\_
9. Are there other issues not identified through the above questions? ☒ Yes ☐ No If "Yes", explain: Can the applicant actually irrigate a center pivot circle in the shape provided on the application map? May result in water spreading issues.
10. What alternatives may be available for addressing any issues identified above: Request applicant to provide information on how irrigation can occur from a center pivot on this circle. Place water rights in the "to" locations into pie shapes for the entire length of the pivot.
11. Have headgate notices been issued for the source that serves the right? ☐ Yes ☒ No
12. What water control and measurement conditions should be included in the transfer:

|                            |                                                                       |                                                                       |                                                                    |
|----------------------------|-----------------------------------------------------------------------|-----------------------------------------------------------------------|--------------------------------------------------------------------|
| <b>Measurement Devices</b> | <input checked="" type="checkbox"/> Present and should be maintained. | <input type="checkbox"/> Should be required prior to diverting water. | <input type="checkbox"/> May be required in the future.            |
| <b>Headgates</b>           | <input type="checkbox"/> Present and should be maintained.            | <input type="checkbox"/> Should be required prior to diverting water. | <input checked="" type="checkbox"/> May be required in the future. |

**RECEIVED**

OCT 18 2007

WATER RESOURCES DEPT  
SALEM, OREGON



## Dorothy Pedersen

---

**From:** Dorothy Pedersen  
**Sent:** Wednesday, January 16, 2008 5:19 PM  
**To:** 'Darryl Anderson'  
**Subject:** RE: T-10459

Darryl,

Thanks for checking. I'll follow up on this, and check the additional report when it comes in, so go ahead and invoice.

Dorothy

---

**From:** Darryl Anderson [mailto:darryla@andersonengineering.com]  
**Sent:** Wednesday, January 16, 2008 11:46 AM  
**To:** Dorothy Pedersen  
**Cc:** Barb Thompson  
**Subject:** T-10459

Hi Dorothy

After reviewing the lot book report I have found that it covers all of Certificate 60455, which is located in tax lot 1300, however it does not cover the portion of the authorized place of use in permit S-46499 that is located in the southeast one-quarter of the northwest one-quarter of section 11, Township 2 North, Range 27 East, WM. We believe that this portion of the permit lies in tax lot 401, which is not covered in the lot book report supplied to us.

Darryl Anderson  
Anderson Engineering and Surveying inc.  
Lakeview, Oregon 97630  
541-947-4407



# Oregon

Theodore R. Kulongoski, Governor

## Water Resources Department

North Mall Office Building  
725 Summer Street NE, Suite A  
Salem, OR 97301-1266  
503-986-0900  
FAX 503-986-0904

December 31, 2007

SCOTT MADISON  
75512 HIGHWAY 207  
ECHO OR 97826

SUBJECT: Application T-10459

Enclosed find a draft of our Preliminary Determination regarding transfer application T-10459. The draft Preliminary Determination reflects the Department's conclusion that, based on the information currently available, the transfer will be approved. This draft is intended to provide you with an opportunity to comment on our findings and conclusions should you wish to do so. Please review the draft carefully to evaluate whether the document is consistent with your intent in seeking the transfer, and whether you agree with the proposed action.

At this time, you must submit a report of ownership and lien information prepared by a title company within the last three months, as required by OAR 690-380-4010(5). If there are additional lien holders identified in the report that have not previously been notified of the transfer, you must send notice of the transfer to them, and submit copies of each such notice to the Department to document that each lien holder has been informed of the transfer.

Because the new point of appropriation is more than ¼ mile from the authorized point of diversion, the applicant is responsible for publishing notice of the transfer in a local newspaper having a general circulation in the area of the water right. The notice must be published at least once a week for three consecutive weeks. We will provide a copy of the required notice to you upon issuance of the Preliminary Determination.

Issuance of the Preliminary Determination will occur shortly after we receive both your response and the report of ownership and lien information. If we do not receive your response and the report by February 2, 2008, a Preliminary Determination may be issued rejecting the application. You may provide your response in writing or via e-mail.

Please do not hesitate to contact me at 503-986-0890 or Dorothy.I.Pedersen @ wrd.state.or.us if you have questions.

Sincerely,

Dorothy Pedersen  
Field Services Division

cc: Bill Porfily, agent for the applicant  
Tony Justus, District 5 Watermaster

enc

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

In the Matter of Transfer Application  
T-10459, Umatilla County

)  
)  
)  
)  
)  
)

**D R A F T**

PRELIMINARY DETERMINATION  
PROPOSING APPROVAL OF A  
CHANGE IN POINT OF DIVERSION  
AND CHANGE IN PLACE OF USE

**Authority**

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

**Applicant**

SCOTT MADISON  
75512 HIGHWAY 207  
ECHO OR 97826

**Findings of Fact**

**Background**

1. On February 14, 2007, Scott Madison filed an application to change the place of use under Certificates 60455 and Permit 46499. The Department assigned the application number T-10459.
2. The portion of the first right to be transferred is as follows:

**Certificate:** 60455 in the name of GLENN M. COCHRAN

**Use:** IRRIGATION OF 58.0 ACRES

**Priority Date:** 1896

**Rate:** 1.16 CUBIC FEET PER SECOND

**Limit/Duty:** Not to exceed 4 acre-feet per acre during the irrigation season per year

**Source:** BUTTER CREEK, a tributary to the UMATILLA RIVER

**Authorized Point of Diversion:**

| Twp | Rng  | Mer | Sec | Q-Q   | Survey Coordinates                                                     |
|-----|------|-----|-----|-------|------------------------------------------------------------------------|
| 2N  | 27 E | WM  | 11  | SE SW | 910 FEET NORTH AND 2200 FEET EAST FROM THE SW CORNER OF SECTION 11     |
| 2N  | 27E  | WM  | 11  | SE NW | 40 FEET NORTH AND 240 FEET WEST FROM THE CENTER ¼ CORNER OF SECTION 11 |

**Authorized Place of Use:**

| Twp | Rng  | Mer | Sec | Q-Q   | Acres |
|-----|------|-----|-----|-------|-------|
| 2 N | 27 E | WM  | 11  | NE NW | 18.0  |
| 2 N | 27 E | WM  | 11  | SW NW | 1.0   |
| 2 N | 27 E | WM  | 11  | SE NW | 39.0  |

3. Application T-10459 proposes to change in point of diversion for the affected right approximately 5 to 5.5 miles downstream to:

| Twp | Rng  | Mer | Sec | Q-Q   | Survey Coordinates                                                    |
|-----|------|-----|-----|-------|-----------------------------------------------------------------------|
| 3N  | 28 E | WM  | 19  | NW SW | 10 FEET SOUTH AND 1800 FEET EAST FROM THE WEST ¼ CORNER OF SECTION 19 |

4. Application T-10459 also proposes to change the place of use of the right to:

| Twp | Rng | Mer | Sec | Q-Q   | Acres |
|-----|-----|-----|-----|-------|-------|
| 3N  | 28E | WM  | 17  | NE SW | 0.4   |
| 3N  | 28E | WM  | 17  | NW SW | 19.8  |
| 3N  | 28E | WM  | 17  | SW SW | 29.0  |
| 3N  | 28E | WM  | 17  | SE SW | 0.8   |
| 3N  | 28E | WM  | 18  | SE SE | 5.2   |
| 3N  | 28E | WM  | 19  | NE NE | 0.3   |
| 3N  | 28E | WM  | 20  | NW NW | 2.5   |

5. The portion of the second water use to be transferred is as follows:

**Permit:** S 46499 in the name of JOHN MADISON (agent)

**Use:** SUPPLEMENTAL IRRIGATION of 5435 ACRES

**Priority Date:** OCTOBER 16, 1978

**Rate:** 1.16 CUBIC FEET PER SECOND

**Limit/Duty:** ONE-FIFTIETH of a cfs per acre, not to exceed 4.0 acre-feet per acre per year

**Source:** BUTTER CREEK, tributary to UMATILLA RIVER

**Authorized Point of Diversion:**

| Twp | Rng | Mer | Sec | Q-Q   | Survey Coordinates                                                              |
|-----|-----|-----|-----|-------|---------------------------------------------------------------------------------|
| 2 N | 27E | WM  | 11  | SE NW | POD Ja: 390 FEET NORTH AND 150 FEET WEST FROM THE CENTER ¼ CORNER OF SECTION 11 |

**Authorized Place of Use:**

| Twp | Rng | Mer | Sec | Q-Q   | Acres |
|-----|-----|-----|-----|-------|-------|
| 2N  | 27E | WM  | 11  | NE NW | 18.0  |
| 2N  | 27E | WM  | 11  | SE NW | 1.0   |
| 2N  | 27E | WM  | 11  | NW NE | 39.0  |

6. Application T-10459 proposes to change the point of diversion for the affected portion of the right approximately 5.5 miles downstream to:

| Twp | Rng | Mer | Sec | Q-Q   | Survey Coordinates                                                    |
|-----|-----|-----|-----|-------|-----------------------------------------------------------------------|
| 3 N | 23E | WM  | 19  | NW SW | 10 FEET SOUTH AND 2160 FEET EAST FROM THE WEST ¼ CORNER OF SECTION 19 |



7. Application T-10459 also proposes to change the place of use of the right to:

| Twp | Rng | Mer | Sec | Q-Q   | Acres |
|-----|-----|-----|-----|-------|-------|
| 3N  | 28E | WM  | 17  | SE SE | 0.4   |
| 3N  | 28E | WM  | 17  | NW SW | 19.8  |
| 3N  | 28E | WM  | 17  | SW SW | 29.0  |
| 3N  | 28E | WM  | 17  | SE SW | 0.8   |
| 3N  | 28E | WM  | 18  | SE SE | 5.2   |
| 3N  | 28E | WM  | 19  | NE NE | 0.3   |
| 3N  | 28E | WM  | 20  | NW NW | 2.5   |

8. Notice of the application for transfer was published on September 25, 2007, pursuant to OAR 690-380-4000. No comments were filed in response to the notice.
9. The Oregon Department of Fish and Wildlife (ODFW) has determined that a fish screening and/or by-pass device is necessary at the new point of diversion to prevent fish from entering the diversion and/or safely transport fish back to the body of water from which the fish were diverted and that the diversion is not currently equipped with an appropriate fish screening and/or by-pass device. This diversion may be eligible for screening cost share funds.

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

10. Water has not been used during accumulation rotation (approximately February-June) within the last five years, but may have been used during other months according to the terms and conditions of the right and permit. There is not sufficient information in the record that would demonstrate that the water uses are subject to forfeiture under ORS 540.610.
11. A diversion structure and ditch sufficient to use the full amount of water allowed under the existing right and permit were present within the five-year period prior to submittal of Application T-10459. Also a pump, pipeline, and sprinkler system sufficient to use the full amount of water allowed under the existing right and permit were present within the five-year period prior to submittal of Application T-10459.
12. There appears to be some conveyance loss during accumulation rotation in the reach between the authorized and proposed points of diversion. The loss occurs early in the season, but diminishes as the season progresses and would not require conditioning to avoid injury and enlargement.
13. The applicant proposes to restrict irrigation to the place of use described on the transfer map through use of technology to turn off outer sprinkler heads as the center pivot rotates through the portion of the circle with smaller diameter. Provided the water user restricts irrigation to the mapped proposed place of use, the proposed change would not result in enlargement of the right and permit.
14. The proposed change would not result in injury to other water rights.

## Determination and Proposed Action

The changes in point of diversion and place of use proposed in application T-10459 appear to be consistent with the requirements of ORS 540.505 to 540.580 and OAR 690-380-5000. If protests are not filed pursuant to OAR 690-380-4030, the application will be approved.

*If application T-10459 is approved, the final order will include the following:*

- 1. The changes in point of diversion and place of use proposed in application T-10459 are approved.*
- 2. Water right certificate 60455 is cancelled.*
- 3. Permit S-46499 will be modified.*
- 4. 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 60455 and Permit S-46499, and any related decree.*
- 5. The quantity of water diverted at the new point of appropriation shall not exceed the quantity of water lawfully available at the original point of appropriation.*
- 6. The former place of use of the transferred rights shall no longer receive water under the affected rights contained in this transfer.*
- 7. The water user shall maintain and operate all existing measurement devices and shall make such improvements as may be required by the Department.*
- 8. When required by the Department, the water user shall install, maintain and operate a headgate to control and regulate the quantity of water diverted. The type and plans of the headgate must be approved by the Department prior to beginning construction and shall be installed under the general supervision of the Department.*
- 9. 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.*
- 10. The approved changes shall be completed and full beneficial use of the water shall be made on or before October 1, 2009. A Claim of Beneficial Use prepared by a Certified Water Rights Examiner shall be submitted by the applicant to the Department within one year after the deadline for completion of the changes and full beneficial use of the water.*

*11. When satisfactory proof of the completed changes is received, certificates confirming the rights transferred will be issued.*

Dated at Salem, Oregon this \_\_\_\_\_ day of \_\_\_\_\_ 2008.

**D R A F T**

\_\_\_\_\_  
Phillip C. Ward, Director

This draft Preliminary Determination was prepared by a Reimbursement Authority contractor. If you have questions about the information in this document, you may reach Dorothy Pedersen at 503-986-0890 or [Dorothy.I.Pedersen@wrд.state.or.us](mailto:Dorothy.I.Pedersen@wrд.state.or.us).

**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 # 10459

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 and/or fish by-pass devices are required as a condition of this transfer. The fish screen and/or by-pass device must meet ODFW's design, construction, operational and maintenance standards. Fish screening prevents fish from entering the diversion, while a by-pass device safely transports fish back to the body of water from which the fish were diverted.

Pursuant to ORS 498.306, cost share funds may be available to assist in the installation of fish screening and by-pass devices at diversions.

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

ODFW staff name: Mike Jensen  
Address: P.O. Box 515  
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 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: Bill Duke  
Address: 73741 Paytinger Lane  
City/State/Zip: Pendleton, OR 97801  
Phone: (541) 276 - 2344



## Dorothy Pedersen

---

**From:** Tony Justus  
**Sent:** Thursday, December 27, 2007 8:49 AM  
**To:** Frank Dye  
**Cc:** Dorothy Pedersen  
**Subject:** RE: T-10459 DPD

I think the DPD captures our issue. The difficulty will be monitoring it from here on to ensure they are doing what they say they will do.

-----Original Message-----

**From:** Frank Dye  
**Sent:** Thursday, December 27, 2007 8:23 AM  
**To:** Tony Justus  
**Subject:** FW: T-10459 DPD

Hello Tony,  
Does this sound ok to you? If so I will give Dorothy the ok. Thanks, Frank

-----Original Message-----

**From:** Dorothy Pedersen  
**Sent:** Wednesday, December 26, 2007 3:02 PM  
**To:** Frank Dye  
**Subject:** T-10459 DPD

Hi Frank,

Attached is a proposed DPD for T-10459. Based on our conversations about concerns in the watermaster review, I've highlighted a few places for you to review before we send the document out. Let me know whether or not the language expresses what we want to convey, and send suggestions or give me a call if you want to discuss it further.

Thank you,  
Dorothy

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

In the Matter of Transfer Application  
T-10459, Umatilla County

) **D R A F T**  
)  
) PRELIMINARY DETERMINATION  
) PROPOSING APPROVAL OF A  
) CHANGE IN POINT OF DIVERSION  
) AND CHANGE IN PLACE OF USE

**Authority**

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

**Applicant**

SCOTT MADISON  
75512 HIGHWAY 207  
ECHO OR 97826

**Findings of Fact**

**Background**

1. On February 14, 2007, Scott Madison filed an application to change the place of use under Certificates 60455 and Permit 46499. The Department assigned the application number T-10459.
2. The portion of the first right to be transferred is as follows:

**Certificate:** 60455 in the name of GLENN M. COCHRAN

**Use:** IRRIGATION OF 58.0 ACRES

**Priority Date:** 1896

**Rate:** 1.16 CUBIC FEET PER SECOND

**Limit/Duty:** Not to exceed 4 acre-feet per acre during the irrigation season per year

**Source:** BUTTER CREEK, a tributary to the UMATILLA RIVER

**Authorized Point of Diversion:**

| Twp | Rng  | Mer | Sec | Q-Q   | Survey Coordinates                                                     |
|-----|------|-----|-----|-------|------------------------------------------------------------------------|
| 2N  | 27 E | WM  | 11  | SE SW | 910 FEET NORTH AND 2200 FEET EAST FROM THE SW CORNER OF SECTION 11     |
| 2N  | 27E  | WM  | 11  | SE NW | 40 FEET NORTH AND 240 FEET WEST FROM THE CENTER ¼ CORNER OF SECTION 11 |

**Authorized Place of Use:**

| Twp | Rng  | Mer | Sec | Q-Q   | Acres |
|-----|------|-----|-----|-------|-------|
| 2 N | 27 E | WM  | 11  | NE NW | 18.0  |
| 2 N | 27 E | WM  | 11  | SW NW | 1.0   |
| 2 N | 27 E | WM  | 11  | SE NW | 39.0  |

3. Application T-10459 proposes to change in point of diversion for the affected right approximately 5 to 5.5 miles downstream to:

| Twp | Rng  | Mer | Sec | Q-Q   | Survey Coordinates                                                    |
|-----|------|-----|-----|-------|-----------------------------------------------------------------------|
| 3N  | 28 E | WM  | 19  | NW SW | 10 FEET SOUTH AND 1800 FEET EAST FROM THE WEST ¼ CORNER OF SECTION 19 |

4. Application T-10459 also proposes to change the place of use of the right to:

| Twp | Rng | Mer | Sec | Q-Q   | Acres |
|-----|-----|-----|-----|-------|-------|
| 3N  | 28E | WM  | 17  | NE SW | 0.4   |
| 3N  | 28E | WM  | 17  | NW SW | 19.8  |
| 3N  | 28E | WM  | 17  | SW SW | 29.0  |
| 3N  | 28E | WM  | 17  | SE SW | 0.8   |
| 3N  | 28E | WM  | 18  | SE SE | 5.2   |
| 3N  | 28E | WM  | 19  | NE NE | 0.3   |
| 3N  | 28E | WM  | 20  | NW NW | 2.5   |

5. The portion of the second water use to be transferred is as follows:

**Permit:** S 46499 in the name of JOHN MADISON (agent)

**Use:** SUPPLEMENTAL IRRIGATION of 5435 ACRES

**Priority Date:** OCTOBER 16, 1978

**Rate:** 1.16 CUBIC FEET PER SECOND

**Limit/Duty:** ONE-FIFTIETH of a cfs per acre, not to exceed 4.0 acre-feet per acre per year

**Source:** BUTTER CREEK, tributary to UMATILLA RIVER

**Authorized Point of Diversion:**

| Twp | Rng | Mer | Sec | Q-Q   | Survey Coordinates                                                              |
|-----|-----|-----|-----|-------|---------------------------------------------------------------------------------|
| 2 N | 27E | WM  | 11  | SE NW | POD Ja: 390 FEET NORTH AND 150 FEET WEST FROM THE CENTER ¼ CORNER OF SECTION 11 |

**Authorized Place of Use:**

| Twp | Rng | Mer | Sec | Q-Q   | Acres |
|-----|-----|-----|-----|-------|-------|
| 2N  | 27E | WM  | 11  | NE NW | 18.0  |
| 2N  | 27E | WM  | 11  | SE NW | 1.0   |
| 2N  | 27E | WM  | 11  | NW NE | 39.0  |

6. Application T-10459 proposes to change the point of diversion for the affected portion of the right approximately 5.5 miles downstream to:

| Twp | Rng | Mer | Sec | Q-Q   | Survey Coordinates                                                    |
|-----|-----|-----|-----|-------|-----------------------------------------------------------------------|
| 3 N | 23E | WM  | 19  | NW SW | 10 FEET SOUTH AND 2160 FEET EAST FROM THE WEST ¼ CORNER OF SECTION 19 |

7. Application T-10459 also proposes to change the place of use of the right to:

| Twp | Rng | Mer | Sec | Q-Q   | Acres |
|-----|-----|-----|-----|-------|-------|
| 3N  | 28E | WM  | 17  | SE SE | 0.4   |
| 3N  | 28E | WM  | 17  | NW SW | 19.8  |
| 3N  | 28E | WM  | 17  | SW SW | 29.0  |
| 3N  | 28E | WM  | 17  | SE SW | 0.8   |
| 3N  | 28E | WM  | 18  | SE SE | 5.2   |
| 3N  | 28E | WM  | 19  | NE NE | 0.3   |
| 3N  | 28E | WM  | 20  | NW NW | 2.5   |

8. Notice of the application for transfer was published on September 25, 2007, pursuant to OAR 690-380-4000. No comments were filed in response to the notice.
9. The Oregon Department of Fish and Wildlife (ODFW) has determined that a fish screening and/or by-pass device is necessary at the new point of diversion to prevent fish from entering the diversion and/or safely transport fish back to the body of water from which the fish were diverted and that the diversion is not currently equipped with an appropriate fish screening and/or by-pass device. This diversion may be eligible for screening cost share funds.

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

10. Water has not been used during accumulation rotation (approximately February-June) within the last five years, but may have been used during other months according to the terms and conditions of the right and permit. There is not sufficient information in the record that would demonstrate that the water uses are subject to forfeiture under ORS 540.610.
11. A diversion structure and ditch sufficient to use the full amount of water allowed under the existing right and permit were present within the five-year period prior to submittal of Application T-10459. Also a pump, pipeline, and sprinkler system sufficient to use the full amount of water allowed under the existing right and permit were present within the five-year period prior to submittal of Application T-10459.
12. There appears to be some conveyance loss during accumulation rotation in the reach between the authorized and proposed points of diversion. The loss occurs early in the season, but diminishes as the season progresses and would not require conditioning to avoid injury and enlargement.
13. The applicant proposes to restrict irrigation to the place of use described on the transfer map through use of technology to turn off outer sprinkler heads as the center pivot rotates through the portion of the circle with smaller diameter. Provided the water user restricts irrigation to the mapped proposed place of use, the proposed change would not result in enlargement of the right and permit.
14. The proposed change would not result in injury to other water rights.



## Determination and Proposed Action

The changes in point of diversion and place of use proposed in application T-10459 appear to be consistent with the requirements of ORS 540.505 to 540.580 and OAR 690-380-5000. If protests are not filed pursuant to OAR 690-380-4030, the application will be approved.

*If application T-10459 is approved, the final order will include the following:*

- 1. The changes in point of diversion and place of use proposed in application T-10459 are approved.*
- 2. Water right certificate 60455 is cancelled.*
- 3. Permit S-46499 will be modified.*
- 4. 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 60455 and Permit S-46499, and any related decree.*
- 5. The quantity of water diverted at the new point of appropriation shall not exceed the quantity of water lawfully available at the original point of appropriation.*
- 6. The former place of use of the transferred rights shall no longer receive water under the affected rights contained in this transfer.*
- 7. The water user shall maintain and operate all existing measurement devices and shall make such improvements as may be required by the Department.*
- 8. When required by the Department, the water user shall install, maintain and operate a headgate to control and regulate the quantity of water diverted. The type and plans of the headgate must be approved by the Department prior to beginning construction and shall be installed under the general supervision of the Department.*
- 9. 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.*
- 10. The approved changes shall be completed and full beneficial use of the water shall be made on or before October 1, 2009. A Claim of Beneficial Use prepared by a Certified Water Rights Examiner shall be submitted by the applicant to the Department within one year after the deadline for completion of the changes and full beneficial use of the water.*

- 11. When satisfactory proof of the completed changes is received, certificates confirming the rights transferred will be issued.*

Dated at Salem, Oregon this \_\_\_\_\_ day of \_\_\_\_\_ 2008.

**D R A F T**

\_\_\_\_\_  
Phillip C. Ward, Director

This draft Preliminary Determination was prepared by a Reimbursement Authority contractor. If you have questions about the information in this document, you may reach Dorothy Pedersen at 503-986-0890 or [Dorothy.I.Pedersen@wrд.state.or.us](mailto:Dorothy.I.Pedersen@wrд.state.or.us).

**Dorothy Pedersen**

---

**From:** Bill Porfily [bporfily@my180.net]  
**Sent:** Saturday, December 22, 2007 10:16 AM  
**To:** Dorothy Pedersen  
**Subject:** RE: T-10459 request

Dorothy

Bill Duke has called me.

I have measured the POD on the map several times and have measured the distant of 1800 ft (1320 ft + 480) west of the W1/4 corner of Section 19. I actually measure 480 ft from the SW Corner of the SE ¼ NW ¼ as the West ¼ of the section is not shown on the map. Adding 1320 ft to the 480 gives me 1800ft. The Diversion described as Diversion B in Permit 46499 is the diversion proposed in this Transfer and it describes as we have it drawn on the map. Thus we have a typing error in the Supplemental Form A for the proposed POD for Permit 46499 when it say's 2160 ft W. It should read 1800 ft W.

Sorry for the confusion.

Porfily

---

**From:** Dorothy Pedersen [mailto:pedersdi@wrdd.state.or.us]  
**Sent:** Friday, December 21, 2007 9:35 AM  
**To:** Bill Porfily  
**Subject:** RE: T-10459 request

Bill,

Thanks for the explanation of the sprinkler pattern. I will add that to the file and follow up with the watermaster.

Bill Duke, of ODFW is working on the ODFW review and may give you a call to learn more detail about the proposed point of diversion.

While looking at the description of the proposed point of diversion in the application and map I noticed that the distance east from the quarter corner is given as 1800 feet on the map legend, and in the Supplemental Form A for Certificate 60455. However, the distance east in the Supplemental Form A for Permit 46499 is given as 2160 feet east, and scaling of the point shown on the map seems to agree with that distance. Please confirm what the distance from the corner should be (if indeed both rights are moving to a common point).

Thanks for you help getting these details cleared up.

Have a good holiday,

Dorothy

Dorothy Pedersen  
(503) 986-0890

---

**From:** Bill Porfily [mailto:bporfily@my180.net]  
**Sent:** Friday, December 21, 2007 8:58 AM  
**To:** Dorothy Pedersen

12/24/2007

**Subject:** RE: T-10459 request

Dorothy

It was and is that the "To" area is in the above mention Transfer application is in a Pie shape. I have attached a map that is colored to show our intent. The water rights were place in the Circle in the area with good soil. As the end of the circle hard ware travels into area of poor soils the sprinkles in area of poor soils will be automatically electronically shut off. When the Pivot returns to the area of good soil the sprinklers will come back on much like solid set sprinklers in a lawn system which is regulated with a timer. Thus if regulation is need with this water right the pivot can be stopped before it inter this pie shape area of the water right just like any other pie shape water right. Some effort was made to measure the area of good soil under the Pivot and how many sprinklers were going to have to be shut off.

Scott Madison advised me he had discussed his plans with the Assistant Watermaster before located the rights as we did. Scott, this morning talk to the Assistant Watermaster and Scott reported that the Assistant had done the Watermaster Office Review for the transfer and had not seen any problems with what was being proposed. Scot said that the Assistant is discussing the issue with other member in the water master office and will get back to Scott what may have happened to change his recommendations.

Let me know if we need to do something different.

Porfily

**From:** Dorothy Pedersen [mailto:pedersdi@wrdd.state.or.us]  
**Sent:** Wednesday, December 19, 2007 5:32 PM  
**To:** Bill Porfily  
**Subject:** RE: T-10459 request

Hi Bill,

T-10459 is for Scott Madison. It is a POU and POD change for Certificate 60455 and Permit S-46499.

That will be good if we can handle it by email. We have been receiving calls from Gary Elligson, asking for the status. The contractor should be able to get the DPD finished up pretty soon, so hopefully things will progress quite rapidly from this point forward.

Have a good holiday, if I don't correspond with you again before then.

Dorothy

Dorothy Pedersen  
(503) 986-0890

**From:** Bill Porfily [mailto:bporfily@my180.net]  
**Sent:** Wednesday, December 19, 2007 4:23 PM  
**To:** Dorothy Pedersen  
**Subject:** RE: T-10459 request

Dorothy

Please put a name to T-10459 and I will try and take care of it with this e-mail.

Porfily

12/24/2007



**From:** Dorothy Pedersen [mailto:pedersdi@wrd.state.or.us]  
**Sent:** Wednesday, December 19, 2007 4:04 PM  
**To:** Bill Porfily  
**Subject:** T-10459 request

Bill,

The contractor working on T-10459 noticed that the watermaster review indicated some concerns with the configuration of the place of use in the pivot area. Here is what the contractor put together in the way of a request for clarification or revision to the proposed place of use:

*This transfer appears consistent with Transfer 10320 in that the areas in section 17 and 18 match together. However the areas shown to receive water in the SW ¼ of section 17 should be shown in pie shapes so regulation can occur under the center pivot. Please submit a revised map, with the CWRE's seal and signature, or explain how the water will be restricted under the center pivot to only the lands involved in the transfer.*

Can you communicate this to the applicant (and CWRE) and send me a response shortly, or would you prefer that I put this in the form of a mailed letter to the applicant?

Thanks,

Dorothy

Dorothy I. Pedersen  
Field Services Division  
Oregon Water Resources Department  
Dorothy.I.PEDERSEN@wrd.state.or.us  
503-986-0890

12/24/2007

## Dorothy Pedersen

---

**From:** Bill Porfily [bporfily@my180.net]  
**Sent:** Saturday, December 22, 2007 10:16 AM  
**To:** Dorothy Pedersen  
**Subject:** RE: T-10459 request

Dorothy

Bill Duke has called me.

I have measured the POD on the map several times and have measured the distant of 1800 ft (1320 ft + 480) west of the W1/4 corner of Section 19. I actually measure 480 ft from the SW Corner of the SE ¼ NW ¼ as the West ¼ of the section is not shown on the map. Adding 1320 ft to the 480 gives me 1800ft. The Diversion described as Diversion B in Permit 46499 is the diversion proposed in this Transfer and it describes as we have it drawn on the map. Thus we have a typing error in the Supplemental Form A for the proposed POD for Permit 46499 when it say's 2160 ft W. It should read 1800 ft W.

Sorry for the confusion.

Porfily

---

**From:** Dorothy Pedersen [mailto:pedersdi@wrд.state.or.us]  
**Sent:** Friday, December 21, 2007 9:35 AM  
**To:** Bill Porfily  
**Subject:** RE: T-10459 request

Bill,

Thanks for the explanation of the sprinkler pattern. I will add that to the file and follow up with the watermaster.

Bill Duke, of ODFW is working on the ODFW review and may give you a call to learn more detail about the proposed point of diversion.

While looking at the description of the proposed point of diversion in the application and map I noticed that the distance east from the quarter corner is given as 1800 feet on the map legend, and in the Supplemental Form A for Certificate 60455. However, the distance east in the Supplemental Form A for Permit 46499 is given as 2160 feet east, and scaling of the point shown on the map seems to agree with that distance. Please confirm what the distance from the corner should be (if indeed both rights are moving to a common point).

Thanks for you help getting these details cleared up.

Have a good holiday,

Dorothy

Dorothy Pedersen  
(503) 986-0890

---

**From:** Bill Porfily [mailto:bporfily@my180.net]  
**Sent:** Friday, December 21, 2007 8:58 AM  
**To:** Dorothy Pedersen

12/24/2007

**Subject:** RE: T-10459 request

Dorothy

It was and is that the "To" area is in the above mention Transfer application is in a Pie shape. I have attached a map that is colored to show our intent. The water rights were place in the Circle in the area with good soil. As the end of the circle hard ware travels into area of poor soils the sprinkles in area of poor soils will be automatically electronically shut off. When the Pivot returns to the area of good soil the sprinklers will come back on much like solid set sprinklers in a lawn system which is regulated with a timer. Thus if regulation is need with this water right the pivot can be stopped before it inter this pie shape area of the water right just like any other pie shape water right. Some effort was made to measure the area of good soil under the Pivot and how many sprinklers were going to have to be shut off.

Scott Madison advised me he had discussed his plans with the Assistant Watermaster before located the rights as we did. Scott, this morning talk to the Assistant Watermaster and Scott reported that the Assistant had done the Watermaster Office Review for the transfer and had not seen any problems with what was being proposed. Scot said that the Assistant is discussing the issue with other member in the water master office and will get back to Scott what may have happened to change his recommendations.

Let me know if we need to do something different.

Porfily

---

**From:** Dorothy Pedersen [mailto:pedersdi@wrđ.state.or.us]

**Sent:** Wednesday, December 19, 2007 5:32 PM

**To:** Bill Porfily

**Subject:** RE: T-10459 request

Hi Bill,

T-10459 is for Scott Madison. It is a POU and POD change for Certificate 60455 and Permit S-46499.

That will be good if we can handle it by email. We have been receiving calls from Gary Elligson, asking for the status. The contractor should be able to get the DPD finished up pretty soon, so hopefully things will progress quite rapidly from this point forward.

Have a good holiday, if I don't correspond with you again before then.

Dorothy

Dorothy Pedersen  
(503) 986-0890

---

**From:** Bill Porfily [mailto:bporfily@my180.net]

**Sent:** Wednesday, December 19, 2007 4:23 PM

**To:** Dorothy Pedersen

**Subject:** RE: T-10459 request

Dorothy

Please put a name to T-10459 and I will try and take care of it with this e-mail.

Porfily

12/24/2007

**From:** Dorothy Pedersen [mailto:pedersdi@wrд.state.or.us]  
**Sent:** Wednesday, December 19, 2007 4:04 PM  
**To:** Bill Porfily  
**Subject:** T-10459 request

Bill,

The contractor working on T-10459 noticed that the watermaster review indicated some concerns with the configuration of the place of use in the pivot area. Here is what the contractor put together in the way of a request for clarification or revision to the proposed place of use:

*This transfer appears consistent with Transfer 10320 in that the areas in section 17 and 18 match together. However the areas shown to receive water in the SW ¼ of section 17 should be shown in pie shapes so regulation can occur under the center pivot. Please submit a revised map, with the CWRE's seal and signature, or explain how the water will be restricted under the center pivot to only the lands involved in the transfer.*

Can you communicate this to the applicant (and CWRE) and send me a response shortly, or would you prefer that I put this in the form of a mailed letter to the applicant?

Thanks,

Dorothy

Dorothy I. Pedersen  
Field Services Division  
Oregon Water Resources Department  
Dorothy.I.PEDERSEN@wrд.state.or.us  
503-986-0890



**Dorothy Pedersen**

---

**From:** Frank Dye  
**Sent:** Friday, December 21, 2007 10:48 AM  
**To:** Dorothy Pedersen  
**Cc:** Tony Justus  
**Subject:** RE: T-10459 request

Hi Dorothy,

Tony and I reviewed the transfer and Profily's email. Tony said that he has never seen a circle operate in this proposed manner. Our concern is that these types of shapes within circles have potential for water spreading. As long as the shut off does occur in this area, and is not overlooked later on down the road, then perhaps it's doable. If you have any questions give me a call. Thanks,  
 Frank

---

**From:** Dorothy Pedersen  
**Sent:** Friday, December 21, 2007 9:56 AM  
**To:** 'Frank.E.DYE@wrd.state.or.us'  
**Subject:** FW: T-10459 request

Dorothy Pedersen  
 (503) 986-0890

---

**From:** Bill Porfily [mailto:bporfily@my180.net]  
**Sent:** Friday, December 21, 2007 8:58 AM  
**To:** Dorothy Pedersen  
**Subject:** RE: T-10459 request

Dorothy

It was and is that the "To" area is in the above mention Transfer application is in a Pie shape. I have attached a map that is colored to show our intent. The water rights were place in the Circle in the area with good soil. As the end of the circle hard ware travels into area of poor soils the sprinkles in area of poor soils will be automatically electronically shut off. When the Pivot returns to the area of good soil the sprinklers will come back on much like solid set sprinklers in a lawn system which is regulated with a timer. Thus if regulation is need with this water right the pivot can be stopped before it inter this pie shape area of the water right just like any other pie shape water right. Some effort was made to measure the area of good soil under the Pivot and how many sprinklers were going to have to be shut off.

Scott Madison advised me he had discussed his plans with the Assistant Watermaster before located the rights as we did. Scott, this morning talk to the Assistant Watermaster and Scott reported that the Assistant had done the Watermaster Office Review for the transfer and had not seen any problems with what was being proposed. Scot said that the Assistant is discussing the issue with other member in the water master office and will get back to Scott what may have happened to change his recommendations.

Let me know if we need to do something different.

Porfily

---

**From:** Dorothy Pedersen [mailto:pedersdi@wrd.state.or.us]  
**Sent:** Wednesday, December 19, 2007 5:32 PM

12/21/2007

**To:** Bill Porfily  
**Subject:** RE: T-10459 request

Hi Bill,

T-10459 is for Scott Madison. It is a POU and POD change for Certificate 60455 and Permit S-46499.

That will be good if we can handle it by email. We have been receiving calls from Gary Elligson, asking for the status. The contractor should be able to get the DPD finished up pretty soon, so hopefully things will progress quite rapidly from this point forward.

Have a good holiday, if I don't correspond with you again before then.

Dorothy

Dorothy Pedersen  
(503) 986-0890

---

**From:** Bill Porfily [mailto:bporfily@my180.net]  
**Sent:** Wednesday, December 19, 2007 4:23 PM  
**To:** Dorothy Pedersen  
**Subject:** RE: T-10459 request

Dorothy

Please put a name to T-10459 and I will try and take care of it with this e-mail.

Porfily

---

**From:** Dorothy Pedersen [mailto:pedersdi@wrdd.state.or.us]  
**Sent:** Wednesday, December 19, 2007 4:04 PM  
**To:** Bill Porfily  
**Subject:** T-10459 request

Bill,

The contractor working on T-10459 noticed that the watermaster review indicated some concerns with the configuration of the place of use in the pivot area. Here is what the contractor put together in the way of a request for clarification or revision to the proposed place of use:

*This transfer appears consistent with Transfer 10320 in that the areas in section 17 and 18 match together. However the areas shown to receive water in the SW ¼ of section 17 should be shown in pie shapes so regulation can occur under the center pivot. Please submit a revised map, with the CWRE's seal and signature, or explain how the water will be restricted under the center pivot to only the lands involved in the transfer.*

Can you communicate this to the applicant (and CWRE) and send me a response shortly, or would you prefer that I put this in the form of a mailed letter to the applicant?

Thanks,

Dorothy

12/21/2007





# Oregon

Theodore R. Kulongoski, Governor

## Water Resources Department

North Mall Office Building  
725 Summer Street NE, Suite A  
Salem, OR 97301-1266  
503-986-0900  
FAX 503-986-0904

October 4, 2007

SCOTT MADISON  
75512 HIGHWAY 207  
ECHO OR 97826

Reference: Transfer 10459

On September 14, 2007 we received your water right transfer application. The application was accompanied by \$600.00. Our receipt 89667 is enclosed. An additional \$400.00 is needed for this application and a copy of the completed affidavit of use as well. Bill Porfily and I spoke in September on these matters and he will be taking care of the items.

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 change.

Your application will be examined to determine if additional information is needed. You will be contacted following this examination.

Except as provided under ORS 540.510(3) for municipalities, you may not use water for the new use, in the new place of use or from the new point of diversion until the transfer application has been approved. In order to avoid any possible forfeiture of the water right, you should continue to use the water as described by your existing water right. If the land is sold before the 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.

We will notify you if additional information or corrections to the application or map are required.

If you have any questions, please call the Transfer Section, (503)986-0883.

Sincerely,

Sarah Henderson  
Executive Support

cc: Watermaster #5  
William Porfily, Agent  
Dale VanSchoiack, CWRE  
Bill Duke, ODFW  
Virginia Elligsen

enclosure



# Oregon

Theodore R. Kulongoski, Governor

## Water Resources Department

725 Summer Street NE, Suite A

Salem, OR 97301-1271

503-986-0900

FAX 503-986-0904

### Notice of Application for Water Right Transfer, Temporary Transfer, or Permit Amendment 09/25/07

The Department seeks comment on the recently-filed application listed below. Any person may comment on the application. Comments must be received by the Department within 30 days of the date of this notice. The Director may presume that the transfer would be allowed by, and compatible with comprehensive plans unless an affected local government informs the Director otherwise within 30 days of this notice.

County: UMATILLA  
Transfer: 10459  
Water Right: CERT 60455, AND PERMIT S-46499  
Priority Date: 1896, 1978  
Name: SCOTT MADISON  
Address: 75512 HIGHWAY 207, ECHO, OR 97826  
Change: POU/POD  
Source: BUTTER CREEK, BUTTE CREEK  
Authorized POU: T2N R27E 11  
Proposed POU: T3N R28E 17, 18, 19, 20  
Authorized POD: T2N R27E 11  
Proposed POD: T3N R28E 19

The holder of a water right may apply to permanently change an existing water use subject to transfer. A transfer application may involve any of the following changes: Point of diversion or appropriation (POD; POA); Additional point of diversion or appropriation (APOD; APOA); Historic POD (HIST); Place of use (POU); Character of use (USE); Instream (ISWR); Substitution (SUB); or Exchange (EXCH).

The holder of a water right subject to transfer may request to temporarily change the place of use of the water for up to 5 years and, if necessary to convey the water, to temporarily change the point of diversion or appropriation.

The holder of a water right permit may apply to change a point of diversion (POD) or appropriation (POA) or to change the place of use (POU).

Any person who provides comments within the comment period will receive a copy of the Department's preliminary determination of whether the application should be approved or rejected after the Department has completed a review of the application and will be provided an opportunity to protest the application and preliminary determination at that time. Comments should be sent to the Transfers Section at the Department's Salem office.



Indicate in this column whether or not the item is satisfied.

## Permanent Transfer Application – OAR 690-380 3000 & 3100

### Completeness Checklist

Applicant's Name: Scott Madison

(Form last revised: March 13, 2007)

#### Section A – Status of Right

Is this a Water Right that can be transferred?

[OAR 690-380-0100(14)]

**NOTE:** The Department can accept a Transfer application for any right that is:

- ☒ 1) an adjudication with a court decree; *or*
- ☐ 2) a certificate that is not cancelled; *or*
- ☐ 3) a transfer that's been approved & A COBU has been received by the Department

If the subject right does not fall into any of the above categories, **RETURN** the application & fee to the applicant.

#### Section B – Type of Change

Is the proposed change(s) allowed under the Transfer process?

[ORS 540.510]

**NOTE:** Only POD, POA or POU or USE changes are allowed on Transfers.

If the application proposes a change other than those listed above, **RETURN** the application & fee to the applicant.

#### Section C - Fees

Have the appropriate fees been paid?

*Fee Schedule – ORS 536.050(1)(h)*

- \$350 - Base fee (1<sup>st</sup> change and 1<sup>st</sup> CFS of water)
- + \$350 - Each additional type of change requested
- + \$175 - For each CFS, or fraction thereof, requested beyond 1<sup>st</sup> CFS (for POU, Type of Use, or Exchange)

Total Required Fees:

1000

Total Fees Paid:

600

Fees Due (if any):

400

Refund Due (if any):

0

If the applicant has **NOT** submitted the total fees required, **RETURN** the application & deficient fee to the applicant.

#### Section D – Completeness

Indicate in this column whether an item is incomplete, and if so, identify the deficiency.

Is the Transfer application complete?

All required elements necessary for a complete transfer application are listed below.

**Indicate whether or not the applicant has answered and/or supplied attachments to adequately address each of the following items.** If any one of the items is deficient, then the application is incomplete.

**NOTE:** For reference, the application page number upon which each item is requested is identified.

If the application is **NOT** complete, **RETURN** the application & fee to the applicant.

- Type of transfer application

Reg / RA

(Page 1)

- Applicant's name, mailing address and contact information.

(Page 1)

- Agent's name, mailing address and contact information, if applicable.

(Page 1)

- Are the water rights to be affected by this transfer listed?

(Page 2)

If there are multiple water rights listed..... The applicant must supply a separate "set" of Supplemental Form A for each water right to be transferred.



| Checklist for Supplemental Form A – (Attachments) |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |
|---------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| OK OK                                             | <ul style="list-style-type: none"> <li>• Certificate # filled in on each page? (Page 1)</li> </ul>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |
| OK OK                                             | <ul style="list-style-type: none"> <li>• Type of change(s) proposed clear? (Page 1)</li> </ul>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |
| OK OK                                             | <ul style="list-style-type: none"> <li>• Current Water Right information is complete? (Page 2)</li> </ul>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |
| OK OK                                             | <ul style="list-style-type: none"> <li>• If for a change in <b>POU or USE</b>..... (Page 2)</li> </ul> <p>Are there any “layered” irrigation rights, permits, or GR registrations appurtenant to the same place of use as the water right proposed to be transferred? <b>YES</b> NO</p> <p>If <b>YES</b>..... the other “layered” water uses subject to transfer <b>must either change concurrently or be cancelled</b>, except as provided in OAR 690-380-2240(5).</p> <p>If layered with GR, must submit a GR Modification application as well as this application.</p> <p>Are they included in application? If not, contact applicant or agent.</p>      |
| OK OK                                             | <ul style="list-style-type: none"> <li>• Location description of the authorized POA/POD to be changed. (Page 3)</li> </ul> <p><b>NOTE:</b> Ensure that the location coordinates listed in the application match the point and location coordinates illustrated on the application map.</p> <p>Additionally, if the existing authorized source is ground water (POA), the applicant must either:</p> <p>_____ 1) supply a copy of the well log(s), <u>or</u></p> <p>_____ 2) if well logs are <b>not available</b>, describe the construction of the well(s) in the table provided on page 3 of the supplemental form A application.</p>                     |
| OK OK                                             | <ul style="list-style-type: none"> <li>• Location description of the existing authorized POU and associated acres (if applicable). (Page 4)</li> </ul> <p><b>NOTE:</b> Ensure that the location and number of acres listed per ¼ ¼ in the application match those illustrated on the application map.</p>                                                                                                                                                                                                                                                                                                                                                   |
| OK OK                                             | <ul style="list-style-type: none"> <li>• Location description of the proposed POA/POD. (Page 5)</li> </ul> <p><b>NOTE:</b> Ensure that the proposed location coordinates listed in the application match the proposed point and location coordinates illustrated on the application map.</p> <p>Additionally, if the proposed source is ground water (POA), the applicant must either:</p> <p>_____ 1) supply a copy of the well log(s), <u>or</u></p> <p>_____ 2) if well logs are <b>not available</b> <u>or</u> the well is <b>not yet constructed</b>, describe the construction of the well(s) in the table provided on page 5 of the application.</p> |
|                                                   | <ul style="list-style-type: none"> <li>• Location description of the proposed POU and associated acres (if applicable). (Page 6)</li> </ul> <p><b>NOTE:</b> Ensure that the location and number of acres listed per ¼ ¼ in the application match those illustrated on the application map.</p>                                                                                                                                                                                                                                                                                                                                                              |
| Return back to Page 2 of transfer application     |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |
| OK                                                | <ul style="list-style-type: none"> <li>• The type of changes being proposed. <b>POU/POD</b> (Page 2)</li> </ul>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |
| OK                                                | <ul style="list-style-type: none"> <li>• Reason for the transfer. (Page 2)</li> </ul>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |
| OK                                                | <ul style="list-style-type: none"> <li>• Description of current water delivery system. (Page 2)</li> </ul>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |
| OK                                                | <ul style="list-style-type: none"> <li>• System Capacity. (Page 2)</li> </ul>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |



|     | Checklist for Supplemental Form B – (Attachments)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |                                              |
|-----|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------|
| OK  | • Is there a box checked in #1?                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   | (Page 1)                                     |
| LOK | • Is there a box checked in #2?                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   | (Page 1)                                     |
| OK  | • Does the description of POU on page 4 of the supplemental form A application, match authorized POU in question #3?                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              | (Page 1)                                     |
| OK  | • In question #4 and #5 are they filled out.<br>2)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                | (Page 2)                                     |
| OK  | • Is there a box checked in #6?                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   | (Page 2)                                     |
| OK  | • Is the #6 supporting documentation included with application?<br>2)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             | (Page 2)                                     |
| →   | • Is there an original signature of the notary and notary stamp?<br>2)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            | (Page 2)<br><i>Not Filled out completely</i> |
|     | <b>Return back to Page 3 of transfer application</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |                                              |
| OK  | • Affected districts and local governments.<br>If within a district/local government jurisdiction, ensure that name & mailing address is provided.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                | (Page 3)<br><i>None</i>                      |
| OK  | • Is the applicant the Landowner of the “from” and “to” Lands?<br>If <i>NO</i> ..... The applicant must list current landowner name & address.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    | (Page 4)<br><i>YES NO</i>                    |
| OK  | • Who will be responsible for completion of the changes?<br>Is a box checked? If no box is checked the applicant or agent must be contacted.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      | (Page 4)<br><i>Applicant</i>                 |
| OK  | • Map.....<br>(Required to be prepared by a CWRE) unless...<br>1. Map Waiver included with application<br>2. FP map with advance email or written approval<br>3. POD/POA without POU change and for entire right with FP map for “from” map<br>___ if more than 3 rights are included in transfer, is there a separate map for each water right?<br>___ If larger than 8 ½ X 14 than 3 copies of map is needed & an electronic pdf file of map<br>___ north arrow ___ size & scale ___ other: _____<br>___ authorized acreage per ¼ ¼ matches the water right<br>___ authorized POD/POA and POU ( <i>clearly shown, labeled &amp; matches application listing</i> )<br>___ point plotted for the authorized POD/POA agrees with location coordinates on supplemental form A and WR<br>___ proposed POD/POA and/or POU ( <i>clearly shown, labeled &amp; matches application “proposed” listing</i> )<br>___ location coordinates accurately describe the point identified as the proposed POD/POA | (Page 5)                                     |
| OK  | • Land Use form, <i>if applicable</i> .<br>Is the form signed by the local planning department staff?<br>May be needed if the POD/POA or POU is moving a great distance <u>and</u> off of land originally involved in WR.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         | (Page 5)                                     |
| N/A | • If a groundwater right is involved, are the well logs or a description included.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                | (Page 5)                                     |
| N/A | • If this is an instream water right transfer, is there a form C included and filled out.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         | (Page 5)                                     |

|                                                                           |                                                                                                                                                                                                                   |
|---------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| OK                                                                        | <ul style="list-style-type: none"><li>• Signature(s) of applicant(s):<br/>Are one of the boxes checked?<br/><u>All</u> applicants listed on page 1 of the application <u>must</u> sign the application.</li></ul> |
| WRD Completeness Reviewer's Name: <u>S Henderson</u> Date: <u>9-17-07</u> |                                                                                                                                                                                                                   |



# **ORIGINALS**

**Transfer Application and Map**

**Amendments/Revisions to Appl & Map**

**Receipt**

**Deed or Lot Book Report**

**Notarized Consent**

**Evidence of Use Affidavit**

**Land Use Information Form**

**Lien Holder Notification *(if applicable)***

**Report of Ownership and Lien Info *(if applicable)***

**&**

**Other Supporting Documentation**

**STATE OF OREGON  
WATER RESOURCES DEPARTMENT**

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

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

RECEIPT # **90027**

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

RECEIVED FROM: Scott & Mary  
BY: Madison

|             |              |
|-------------|--------------|
| APPLICATION |              |
| PERMIT      |              |
| TRANSFER    | <u>10459</u> |

CASH: ☐ CHECK: # 7407 OTHER: (IDENTIFY) ☐

TOTAL REC'D \$ 400.00

**1083 TREASURY 4170 WRD MISC CASH ACCT**

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

**4270 WRD OPERATING ACCT**

**MISCELLANEOUS**

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

**WATER RIGHTS:**

|                    |                  |      |          |
|--------------------|------------------|------|----------|
| 0201 SURFACE WATER | \$ _____         | 0202 | \$ _____ |
| 0203 GROUND WATER  | \$ _____         | 0204 | \$ _____ |
| 0205 TRANSFER      | \$ <u>400.00</u> |      |          |

**WELL CONSTRUCTION**

|                             |          |      |          |
|-----------------------------|----------|------|----------|
| 0218 WELL DRILL CONSTRUCTOR | \$ _____ | 0219 | \$ _____ |
| LANDOWNER'S PERMIT          |          | 0220 | \$ _____ |
| OTHER (IDENTIFY)            |          |      |          |

**0536 TREASURY 0437 WELL CONST. START FEE**

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

**0607 TREASURY 0467 HYDRO ACTIVITY LIC NUMBER**

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

**TREASURY OTHER / RDX**

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

RECEIPT: **90027**

DATED: 10/4/07

BY: L. Pauslike

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

STATE OF OREGON  
WATER RESOURCES DEPARTMENT

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

RECEIPT # **89667**

INVOICE #

RECEIVED FROM: Scott & Mary Madison

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

CASH: ☐ CHECK: # 7391 OTHER: (IDENTIFY) ☐

APPLICATION

PERMIT

TRANSFER

TOTAL REC'D

\$ 600.00

**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

WELL CONSTRUCTION

0218 WELL DRILL CONSTRUCTOR

LANDOWNER'S PERMIT

OTHER (IDENTIFY)

EXAM FEE

\$

\$

\$ 600.00

EXAM FEE

\$

0202

0204

0219

0220

RECORD FEE

\$

\$

\$

\$

\$

\$

\$

\$

\$

\$

\$

\$

\$

\$

\$

\$

\$

\$

\$

\$

\$

\$

\$

\$

\$

\$

\$

\$

\$

\$

\$

\$

\$

\$

\$

\$

\$

**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: **89667**

DATED: 9/14/07

BY: [Signature]

Copy - Fisc

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



# Application for Water Right Transfer

Please type or print legibly in dark ink. If your application is incomplete or inaccurate, we will return it to you. If any requested information does not apply to your application, insert "N/A" to indicate "Not Applicable." As you complete this form, please refer to notes and guidance included on the application. A summary of review criteria and procedures that are generally applicable to these applications is available at [www.wrd.state.or.us/OWRD/PUBS/forms.shtml](http://www.wrd.state.or.us/OWRD/PUBS/forms.shtml).

## 1. TYPE OF TRANSFER APPLICATION

Please check one

|                                                                                                                                                                                                                                                                                             |                                                                                                                                                                                                                                                                                       |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p><input checked="" type="checkbox"/> Permanent Transfer</p> <p><input type="checkbox"/> Temporary Transfer</p> <p style="margin-left: 40px;">• total number of years: _____</p> <p style="margin-left: 40px;">(begin year: _____)</p> <p style="margin-left: 40px;">(end year: _____)</p> | <p><input type="checkbox"/> Instream Transfer</p> <p style="margin-left: 40px;"><input type="checkbox"/> Permanent</p> <p style="margin-left: 40px;"><input type="checkbox"/> Time-Limited</p> <p><input type="checkbox"/> Drought Transfer</p> <p><input type="checkbox"/> Other</p> |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|

## 2. APPLICANT INFORMATION

Name: Scott Madison  
First Last

Address: **75512 Highway 207**

|              |           |              |
|--------------|-----------|--------------|
| <b>Echo,</b> | <b>OR</b> | <b>97826</b> |
| City         | State     | Zip          |

Phone: (541)376-8214 (541)379-2209 Cell

Fax: \_\_\_\_\_ E-Mail address: \_\_\_\_\_

### 3. AGENT INFORMATION

*(The agent listed is authorized to represent the applicant in all matters relating to this transfer application.)*

Name: William I. Porfily

Address: **P.O. Box 643**

|                  |           |              |
|------------------|-----------|--------------|
| <b>Stanfield</b> | <b>OR</b> | <b>97875</b> |
| City             | State     | Zip          |

Phone: \_\_\_\_\_ (541)449-1327 (541)-561-7259  
Home Work Other

Fax: (541)449-1327 E-Mail address: [bporfily@my180.net](mailto:bporfily@my180.net)

- If an agent is listed above, please check one of the following:
- ☐ Please send all correspondence to Agent. Send *copies* of correspondence to Applicant; or
- ☒ Please send all correspondence to Applicant. Send *copies* of correspondence to Agent.

T 10459

RECEIVED

SEP 14 2007

WATER RESOURCES DEPT  
SALEM, OREGON



#### 4. PROPOSED CHANGE(S) TO WATER RIGHT(S)

- List **all** water rights to be affected by this transfer. Indicate the certificate, permit, decree or other identifying number(s) in the table below: *(Attach additional pages as necessary.)*

|    | Application / Decree | Permit / Previous Transfer | Certificate |
|----|----------------------|----------------------------|-------------|
| 1. | Butter Creek Decree  | N/A                        | 60455       |
| 2. |                      |                            |             |
| 3. |                      |                            |             |
| 4. |                      |                            |             |
| 5. |                      |                            |             |
| 6. |                      |                            |             |

- Check **all** proposed change(s) included in this transfer application:

☒ Place of Use      ☒ Point of Diversion      ☐ Additional Point of Diversion  
☐ Character of Use      ☐ Point of Appropriation      ☐ Additional Point of Appropriation  
☐ Instream Transfer      ☐ Surface Water source to Ground Water source

- Reason(s) for change(s): To utilize more of the area under my existing center pivot

#### 5. WATER DELIVERY SYSTEM

- Describe the **current** water delivery system **or** the system that **was in place** at some time **within the last 5 years**. Include information on the pumps, canals, pipelines and sprinklers used to divert, convey and apply the water at the authorized place of use. If the transfer involves multiple rights that have independent systems, describe each system separately.

*The description must be sufficient to demonstrate that the full quantity of water to be transferred can be conveyed from the authorized source and applied at the authorized location and that the applicant is ready, willing, and able to exercise the right.*

Gary Ellison used a 271 Detroit 40hp diesel engine on a 4 inch 550 gpm centrifugal pump to deliver water through 900 ft 6 inch pvc mainline and through 600 ft 6 inch and 200 ft of 5 inch portable aluminum mainline; 1320 ft of 3 and 4 inch aluminum hand lines.

- System capacity: 1.23 cubic feet per second (cfs). If the transfer involves multiple rights that have independent systems, describe the capacity for each system separately.

RECEIVED

SEP 14 2007

WATER RESOURCES DEPT  
SALEM, OREGON

## 6. EVIDENCE OF BENEFICIAL WATER USE

- Attach one or more **Evidence of Use Affidavits** (Supplemental Form B) demonstrating that each of the right(s) involved in the transfer have been exercised in the last five years in accordance with the terms and conditions of the right or that a presumption of forfeiture for non-use could be rebutted. The Evidence of Use Affidavit(s) **must include supporting documentation** such as the following:
  - ▶ Copies of receipts from sales of irrigated crops or for expenditures relating to use of water;
  - ▶ Records such as Farm Service Agency crop reports, irrigation district records, an NRCS farm management plan, or records of other water suppliers;
  - ▶ Dated aerial photographs of the lands or other photographs containing sufficient detail to establish location and date of the photograph; *or*
  - ▶ If the right has **not** been used during the past five years, documentation that the presumption of forfeiture would be rebutted under ORS 540.610(2).

## 7. AFFECTED DISTRICTS AND LOCAL GOVERNMENTS

- Are any of the water rights proposed for transfer located within or served by an irrigation or other water district? ☐ Yes ☒ No
- Will any of the water rights be located within or served by an irrigation or other water district after the proposed transfer? ☐ Yes ☒ No
- Is 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? ☐ Yes ☒ No

*If "Yes", for any of the above, list the name and mailing address of the district, agency and/or entity:*

N/A

- List the name and mailing address of all affected local governments (e.g., county, city, municipal corporation, and tribal governments within whose jurisdiction the rights are located).

Umatilla County, 216 SE 4<sup>th</sup>, Pendleton, OR 97801

T 10459

RECEIVED

SEP 14 2007

WATER RESOURCES DEPT  
SALEM, OREGON



## 8. LAND OWNERSHIP

- Does the applicant own the lands **FROM** which the right is being transferred? ☐ Yes ☒ No

*If "No", provide the following information. For Temporary Transfers, also include a notarized statement granting consent to the transfer from each of the landowners:*

Names of Current Landowner(s): Virginia Elligsen  
First Last

Address: 33180 Mallard Avenue,  
Nehalem, OR 97131  
City State Zip

- Does the applicant own the lands **TO** which the right is being transferred?  
☒ Yes ☐ No ☐ N/A - NOT APPLICABLE TO INSTREAM TRANSFERS

*If "No", provide the following information:*

Names of Receiving Landowner(s): \_\_\_\_\_  
First Last

Address: \_\_\_\_\_  
\_\_\_\_\_  
City State Zip

- Check one of the following:
- ☐ The receiving landowner will be responsible for completion of the proposed changes after the final order is issued. All notices and correspondence should be sent to this landowner.
- ☒ The applicant will remain responsible for completion of changes. Notices and correspondence should continue to be sent to the applicant and applicant's agent.
- ☐ N/A. (Not applicable. Application is for an Instream Water Right Transfer.)

T 10459

RECEIVED

SEP 14 2007

## 9. ATTACHMENTS

*Check each of the following attachments included with this application.  
The application will be returned if all required attachments are not included.*

### Supplemental Form A –

#### Description of Proposed Change(s) to a Water Right

- ☒ A separate Supplemental Form A is enclosed for each water right to be affected by this transfer.

### Supplemental Form B –

#### Evidence of Use Affidavit(s)

- ☒ At least one Evidence of Use Affidavit documenting that the right has been used during the last five years or that the right is not subject to forfeiture under ORS 540.610 is attached. The affidavit provided must be the original (not a copy), and
- ☒ The Evidence of Use Affidavit **must** be accompanied by **supporting documentation**.

### Map

- ☒ *Water Right Transfer*  
The map must be prepared by a Certified Water Right Examiner and meet the requirements of OAR 690-380-3100 unless a waiver has been granted. The map provided must be the original, not a copy.
- ☐ *Temporary Transfer or Historical POD Change*  
A map meeting the requirements of OAR 690-380-3100 must be included but need not be prepared by a Certified Water Right Examiner.

### Water Well Report(s)/Well Log(s):

- ☐ The application is for a change in point of appropriation or change from surface water to ground water and copies of all water well reports are attached.
- ☐ Water well reports are not available and a description of construction details including well depth, static water level, and information necessary to establish the ground water body developed or proposed to be developed is attached.
- ☒ N/A. The application does not involve a change in point of appropriation or a change from surface water to ground water, so water well reports are not required.)

### Land Use Information Form:

- ☒ Enclosed; *or*
- ☐ Not Required if all of the following are met:
- ❶ In EFU zone or irrigation district,
  - ❷ Change in place of use only,
  - ❸ No structural changes needed, including diversion works, delivery facilities, other structures, *and*
  - ❹ Irrigation only.

### Fees:

- ☐ Amount enclosed: \$ 600  
See the Department's Fee Schedule at [www.wrd.state.or.us](http://www.wrd.state.or.us) or call (503) 986-0900.

### Instream Water Right Transfers, also include:

### Supplemental Form C –

#### Instream Water Right Transfer

- ☐ Complete this form to describe the desired nature and attributes for the proposed instream water right.

### Temporary Transfers, also include:

### Recorded Deed:

- ☐ The applicant must submit a copy of the current deed of record for the land **from** which the authorized place of use or point of diversion/appropriation is being moved.

### Affidavit of Consent:

- ☒ If the applicant is **NOT** the owner of record for the land **from** which the authorized place of use or point of diversion/appropriation is being moved, a notarized statement from the actual owner of record consenting to the proposed transfer must be submitted.

T 10459

RECEIVED

SEP 14 2007



**Before submitting your application to the Department, be sure you have:**

- Answered each question completely.
- Included all the required attachments.
- Provided original signatures for **all** named deed holders, or other parties, with an interest in the water right.
- Included a check payable to the Oregon Water Resources Department for the appropriate amount.

**10. SIGNATURES**

▪ Check **one** of the following, as appropriate, and sign the application in the signature box below:

☒ In accordance with OAR 690-380-3000(13)(a), I (we) understand that prior to Department approval of a permanent transfer and upon my receipt of a draft Preliminary Determination for the proposed transfer, I (we) will be required [pursuant to OAR 690-380-4010(5)] to provide the following landownership information and evidence demonstrating that I (we) are authorized to pursue the transfer:

- (a) A report of ownership and lien information that has been prepared by a title company *within the last three months*;
- (b) A copy of written notification of the proposed transfer provided by the applicant to **all** lien holders on the subject lands unless the report of ownership and lien information shows that a water right conveyance agreement has been recorded for the subject lands. *If a water right conveyance agreement has been recorded for the subject lands, a copy of the agreement and identification of the owner of the lands at the time the agreement was recorded must be submitted; and*
- (c) If the landowner identified in the report of ownership and lien information is **not** the applicant, a **notarized statement consenting to the transfer** (*attached*) signed by the landowner identified in the report or an authorized representative of the entity to whom the interest in the water right has been conveyed as identified in a water right conveyance agreement or other documentation demonstrating that the applicant is authorized to pursue the transfer in the absence of the consent of the landowner.

☐ I (we) affirm that the applicant is a municipality, as defined in ORS 540.510(3)(b), and that the right is in the name of the municipality or a predecessor. Therefore, pursuant to OAR 690-380-3000(13)(b), the applicant is **NOT** required to provide the above described report of ownership and lien information.

☐ I (we) affirm that the applicant is an entity with the authority to condemn property and is acquiring the property to which the water right proposed for transfer is appurtenant by condemnation. Documentation is provided with this application supporting this statement. Therefore, pursuant to OAR 690-380-3000(13)(c), the applicant is **NOT** required to provide the above described report of ownership and lien information. (*NOTE: Such an entity may only apply for a transfer under this subsection if it has filed a condemnation action to acquire the property.*)

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

|                                                                                                            |                                      |                        |
|------------------------------------------------------------------------------------------------------------|--------------------------------------|------------------------|
| <br>applicant signature | <u>SCOTT Madison</u><br>name (print) | <u>9-17-07</u><br>date |
| <br>applicant signature                                                                                    | <br>name (print)                     | <br>date               |

**RECEIVED**

**SEP 14 2007**

**WATER RESOURCES DEPT  
SALEM, OREGON**



## Primary Water Right

### Water Right Transfer Supplemental Form A DESCRIPTION OF PROPOSED CHANGE(S) TO A WATER RIGHT

List only one water right per page. A separate Supplemental Form A must be completed for each certificate, permit, decree, or other right involved in the proposed transfer.

Attach additional copies of Supplemental Form A as needed to describe other certificates, permits, decrees or other rights involved in this transfer.

- Certificate Number or other identifying number: 60455

#### 1. TYPE OF CHANGE(S) PROPOSED

(Check *all* that apply.)

| Point of Diversion or Appropriation                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           | Place of Use                                                                                                                                                                                                                                                                                                                                                                                 | Character of Use                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <input checked="" type="checkbox"/> <b>Change</b> (The old point of diversion or appropriation will <u>not</u> be used for the portion of the water right affected by the transfer.)<br><input type="checkbox"/> <b>Additional</b> (Both the old <u>and</u> new points of diversion or appropriation will be used for the portion of the water right affected by the transfer.)<br><input type="checkbox"/> <b>Historic Point of Diversion or Appropriation Change</b> (Unauthorized point of diversion or appropriation used for more than 10 years.)<br><input type="checkbox"/> <b>Surface Water to Ground Water</b> (A new point of appropriation will be used <b>instead of</b> the old point of diversion. The old point of diversion will <u>not</u> be used.)<br><input type="checkbox"/> <b>Point of Diversion Change due to Government Action</b> (The old point of diversion or appropriation can no longer be used due to government action.)<br><input type="checkbox"/> <b>Exchange</b> (Water from another source will be used in exchange for supplying an equal amount of replacement water to that source.) | <input checked="" type="checkbox"/> <b>All of the right will be exercised at a different location than currently authorized</b> (Use of water at the current location will be discontinued.)<br><input type="checkbox"/> <b>Only a portion of the right will be exercised at a different location than currently authorized</b> (Use of water at the current location will be discontinued.) | Proposed new use:<br><input type="checkbox"/> <b>Irrigation</b><br><input type="checkbox"/> <b>Municipal</b><br><input type="checkbox"/> <b>Quasi-municipal</b><br><input type="checkbox"/> <b>Commercial</b><br><input type="checkbox"/> <b>Industrial</b><br><input type="checkbox"/> <b>Instream</b> (complete and attach <i>Supplemental Form C</i> )<br><input type="checkbox"/> <b>Domestic</b> (indicate number of households) _____<br><input type="checkbox"/> <b>Other</b> _____<br><br><input type="checkbox"/> <b>Substitution</b> (A supplemental ground water right will be substituted for a primary surface water right.)<br><input type="checkbox"/> <b>Supplemental Use to Primary Use</b> (Primary water right shall be cancelled and the supplemental water right will change to primary use.) |

RECEIVED

SEP 14 2007

WATER RESOURCES DEPT  
SALEM, OREGON

T 10459

## 2. CURRENT WATER RIGHT INFORMATION

Water Right Subject to Transfer (check and complete one of the following):

|                                                                                      |                                    |                                                            |
|--------------------------------------------------------------------------------------|------------------------------------|------------------------------------------------------------|
| <input checked="" type="checkbox"/> <b>Certificated Right</b>                        | <b>60455</b><br>Certificate Number | <b>Butter Creek Decree</b><br>Permit Number or Decree Name |
| <input type="checkbox"/> <b>Adjudicated,<br/>Non-certificated Right</b>              | <br>Name of Decree                 | <br>Page Number                                            |
| <input type="checkbox"/> <b>Permit for which Proof has<br/>been Approved</b>         | <br>Permit Number                  | <br>Date Claim of Beneficial Use<br>Submitted              |
| <input type="checkbox"/> <b>Transferred Right for which<br/>Proof has been Filed</b> | <br>Previous Transfer Number       | <br>Date Claim of Beneficial Use<br>Submitted              |

- Name on Permit, Certificate, or Decree: Glenn M. Cochran
- County: Umatilla County
- Authorized Use(s) to be Affected by Transfer: Irrigation
- Priority Date(s): 1896

*If there are **multiple Priority Dates** identified on the water right, any information provided on **pages 3 through 6** of this form **must identify** which priority date is associated with each of the authorized and proposed points of diversion or appropriation and places of use.*

- Source(s) of Water to be Affected by Transfer: **Butter Creek**

Tributary to: Umatilla River

*If there are **multiple Sources** listed on the water right, any information provided on **pages 3 through 6** of this form **must identify** which source is associated with each of the authorized and proposed points of diversion or appropriation and places of use.*

**For applications proposing a Change in Place of Use or Character of Use:**

- Are there **Other Water Rights**, Permits or Ground Water Registrations associated with this land?

☒ Yes    ☐ No    ☐ N/A – *No Change in Place of Use or Character of Use*

*If "Yes", what are the Permit, Registration or Certificate Numbers?* **Permit 46499**

*Pursuant to ORS 540.510, any “layered” water use or a right that is supplemental to a primary right proposed for transfer must be included in the transfer or be cancelled, except as provided in OAR 690-380-2240(5).*

RECEIVED

SEP 14 2007

WATER RESOURCES DEPT  
SALEM, OREGON

T 10459



▪ Certificate Number or other identifying number: 60455

*The following information **must be provided only** for those points of diversion or appropriation that are involved in the transfer (i.e., list only the portion of the water right you propose to transfer.) Attach additional pages as necessary.*

*Government lot and donation land claim numbers must be included in the tables below **only** if the information is reflected on the existing water right.*

**Location of Existing Authorized Point(s) of Diversion or Appropriation to be Changed:**

*(i.e., the allowed point(s) of diversion or appropriation listed on the water right that will be affected by the proposed transfer, the "FROM" point(s) of diversion or appropriation)*

| If Ground Water, OWRD Well Log ID No. (or Well ID Tag No. L-____) | Source and Priority Date                            | Township  | Range      | Mer       | Sec       | ¼ ¼          | Tax Lot, DLC or Gov't Lot | Survey Coordinates (coordinates from a recognized survey corner) |
|-------------------------------------------------------------------|-----------------------------------------------------|-----------|------------|-----------|-----------|--------------|---------------------------|------------------------------------------------------------------|
|                                                                   | <b>POD #2</b><br><b>Butter Creek</b><br><b>1896</b> | <b>2N</b> | <b>27E</b> | <b>WM</b> | <b>11</b> | <b>SE SW</b> | <b>1200</b>               | <b>910 ft N &amp; 2200 ft E from the SW Cor. Sec. 11</b>         |
|                                                                   | <b>POD #1</b><br><b>Butter Creek</b><br><b>1896</b> | <b>2N</b> | <b>27E</b> | <b>WM</b> | <b>11</b> | <b>SE NW</b> | <b>TL 1300</b>            | <b>40 ft N &amp; 240 ft W from the Center ¼ of Sec. 11</b>       |
|                                                                   |                                                     |           |            |           |           |              |                           |                                                                  |

- Does the water right being transferred involve a ground water source(s)?

☐ Yes      ☒ No (*Surface water source only.*)

*If "Yes", for each authorized point of appropriation (well) involved, you must either:*

A. *Supply a copy of the well log(s) for each point of appropriation that is **clearly labeled** and associated with the corresponding well in the table above and on the accompanying application map. (NOTE: You may search for well logs on the Department's web page at: <http://www.wrd.state.or.us>)*

**or**

B. *If a well log is **not** available, you must describe the construction of the authorized point of appropriation by completing the table below. Attach additional copies as necessary.*

**Construction of Existing Authorized Point(s) of Appropriation – (Only needed if no well log is available.)**

*Wells in this listing must be **clearly tied** to corresponding well location(s) described in the table above and shown on the accompanying application map.*

| OWRD Well No. as identified in table above | Diameter | Type and size of casing | No. of feet of casing | Intervals casing is perforated (in feet) | Seal depth | Est. depth to water | Est. depth to water bearing stratum | Type of access port or measuring device | Total well depth |
|--------------------------------------------|----------|-------------------------|-----------------------|------------------------------------------|------------|---------------------|-------------------------------------|-----------------------------------------|------------------|
| <b>N/A</b>                                 |          |                         |                       |                                          |            |                     |                                     |                                         |                  |
|                                            |          |                         |                       |                                          |            |                     |                                     |                                         |                  |

**RECEIVED**

**SEP 14 2007**

**WATER RESOURCES DEPT  
SALEM, OREGON**

**T 10459**



| OWRD Well<br>No. as<br>identified in<br>table above | Diameter | Type and<br>size of<br>casing | No. of<br>feet of<br>casing | Intervals<br>casing is<br>perforated<br>(in feet) | Seal<br>depth | Est.<br>depth to<br>water | Est. depth<br>to water<br>bearing<br>stratum | Type of<br>access port or<br>measuring<br>device | Total well<br>depth |
|-----------------------------------------------------|----------|-------------------------------|-----------------------------|---------------------------------------------------|---------------|---------------------------|----------------------------------------------|--------------------------------------------------|---------------------|
|-----------------------------------------------------|----------|-------------------------------|-----------------------------|---------------------------------------------------|---------------|---------------------------|----------------------------------------------|--------------------------------------------------|---------------------|

▪ Certificate Number or other identifying number: **60455**

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

*The following information **must be provided only** for those places of use that **are involved in the transfer** (i.e., **list only the portion of the water right you propose to transfer.**) Attach additional pages as necessary.*

*Government lot and donation land claim numbers must be included in the tables below **only** if the information is reflected on the existing water right.*

**Location of Existing Authorized Place of Use to be Affected:**

*(i.e., the allowed lands listed on the water right that will be affected by the proposed transfer, the "FROM" lands)*

| Source and<br>Priority Date | Township | Range | Mer | Sec | ¼ ¼<br>Section | Tax Lot,<br>DLC or<br>Gov't<br>Lot | Acres<br>(if applicable) |
|-----------------------------|----------|-------|-----|-----|----------------|------------------------------------|--------------------------|
| Butter Creek<br>1896        | 2N       | 27E   | WM  | 11  | NE NW          | TL 1300                            | 18.0                     |
| Butter Creek<br>1896        | 2N       | 27E   | WM  | 11  | SW NW          | TL 1300                            | 1.0                      |
| Butter Creek<br>1896        | 2N       | 27E   | WM  | 11  | SE NW          | TL 1300                            | 39.0                     |
|                             |          |       |     |     |                |                                    |                          |
|                             |          |       |     |     |                |                                    |                          |
|                             |          |       |     |     |                |                                    |                          |
|                             |          |       |     |     |                |                                    |                          |
|                             |          |       |     |     |                |                                    |                          |
|                             |          |       |     |     |                |                                    |                          |
|                             |          |       |     |     |                |                                    |                          |
|                             |          |       |     |     |                |                                    |                          |
|                             |          |       |     |     |                |                                    |                          |

**RECEIVED**

**SEP 14 2007**

**WATER RESOURCES DEPT  
SALEM, OREGON**

**T 10459**

■ Certificate Number or other identifying number: 60455

### **3. PROPOSED CHANGES TO THE WATER RIGHT**

*Describe proposed changes to the water right involving point(s) of diversion and/or appropriation. Survey coordinates described below should accurately correspond to the points shown on the accompanying application map. Attach additional pages as necessary.*

#### **Location of Proposed Point(s) of Diversion or Appropriation:**

*(i.e., the "TO" point(s) of diversion or appropriation)*

☐ N/A – Instream Water Right Transfer

*(NOTE: Complete this table **only** if a Change in Point of Diversion or Appropriation is being proposed.)*

| Source       | Township | Range | Mer | Sec | ¼ ¼<br>Section | Tax Lot,<br>DLC or<br>Gov't Lot | Survey Coordinates<br>(coordinates from a recognized survey<br>corner) |
|--------------|----------|-------|-----|-----|----------------|---------------------------------|------------------------------------------------------------------------|
| Butter Creek | 3N       | 28E   | WM  | 19  | NW SW          | 6500                            | 10 ft S & 1800 ft E from W ¼ Cor.<br>Sec. 19                           |
|              |          |       |     |     |                |                                 |                                                                        |

- If there are proposed point(s) of appropriation (wells) listed in the table above, are the well(s) already constructed? ☐ Yes ☐ No ☒ N/A - No proposed well(s) listed above.

*If "Yes", attach and clearly label the corresponding well log(s) for each proposed well, **or** if well log(s) are **not** available, describe the construction of the well(s) using the table below. (NOTE: You may search for well logs on the Department's web page at: <http://www.wrd.state.or.us>)*

*If "No", describe the anticipated construction for the proposed well(s) in the following table:*

#### **Construction of Proposed Point(s) of Appropriation or Well(s)**

*Well numbers in this listing must be clearly tied to corresponding well location(s) described in the table above and shown on the accompanying application map.*

| Well<br>already<br>built?<br>(Yes/No) | If an existing<br>well, OWRD<br>Well Log ID No.<br>(or Well ID Tag<br>No. L- ) | Diameter | Type and<br>size of<br>casing | No. of<br>feet of<br>casing | Intervals<br>casing is<br>perforated<br>(in feet) | Seal<br>depth | Est.<br>depth to<br>water | Est.<br>depth<br>to water<br>bearing<br>stratum | Type of<br>access<br>port or<br>measuring<br>device | Total<br>well<br>depth |
|---------------------------------------|--------------------------------------------------------------------------------|----------|-------------------------------|-----------------------------|---------------------------------------------------|---------------|---------------------------|-------------------------------------------------|-----------------------------------------------------|------------------------|
| N/A                                   |                                                                                |          |                               |                             |                                                   |               |                           |                                                 |                                                     |                        |

RECEIVED

SEP 14 2007

WATER RESOURCES DEPT  
SALEM, OREGON

T 10459



▪ Certificate Number or other identifying number: 60455

*Describe proposed changes to the water right involving place of use. Information described below should accurately correspond to the proposed place of use shown on the accompanying application map. Attach additional pages as necessary.*

**Location of Proposed Place of Use:** (i.e., the "TO" lands) ☐ N/A – Instream Water Right Transfer  
(NOTE: Complete this table only if a Change in Place of Use is being proposed.)

| Source       | Township | Range | Mer | Sec | ¼ ¼<br>Section | Tax Lot,<br>DLC or<br>Gov't Lot | Acres<br>(if applicable) |
|--------------|----------|-------|-----|-----|----------------|---------------------------------|--------------------------|
| Butter Creek | 3N       | 28E   | WM  | 17  | NE SW          | 1100                            | 0.4                      |
| Butter Creek | 3N       | 28E   | WM  | 17  | NW SW          | 1000                            | 19.8                     |
| Butter Creek | 3N       | 28E   | WM  | 17  | SW SW          | 5902                            | 29.0                     |
| Butter Creek | 3N       | 28E   | WM  | 17  | SE SW          | 1100                            | 0.8                      |
| Butter Creek | 3N       | 28E   | WM  | 18  | SE SE          | 5902                            | 5.2                      |
| Butter Creek | 3N       | 28E   | WM  | 19  | NE NE          | 5903                            | 0.3                      |
| Butter Creek | 3N       | 28E   | WM  | 20  | NW NW          | 5902                            | 2.5                      |
|              |          |       |     |     |                | Total                           | 58                       |
|              |          |       |     |     |                |                                 |                          |

Remarks: There is an existing primary water right under Permit 51017 for the above listed acreage. At the time of the Claim of Beneficial Use for permit 51017 these acres (proposed place of use) will be claimed supplemental.

---

---

---

RECEIVED

SEP 14 2007

WATER RESOURCES DEPT  
SALEM, OREGON

T 10459

**Supplemental Water Right**  
**Water Right Transfer Supplemental Form A**  
**DESCRIPTION OF PROPOSED CHANGE(S) TO A WATER RIGHT**

List only one water right per page. A separate Supplemental Form A must be completed for each certificate, permit, decree, or other right involved in the proposed transfer.

Attach additional copies of Supplemental Form A as needed to describe other certificates, permits, decrees or other rights involved in this transfer.

▪ Certificate Number or other identifying number Permit 46499

**1. TYPE OF CHANGE(S) PROPOSED**

(Check *all* that apply.)

| Point of Diversion or Appropriation                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           | Place of Use                                                                                                                                                                                                                                                                                                                                                                                 | Character of Use                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <input checked="" type="checkbox"/> <b>Change</b> (The old point of diversion or appropriation will <u>not</u> be used for the portion of the water right affected by the transfer.)<br><input type="checkbox"/> <b>Additional</b> (Both the old <u>and</u> new points of diversion or appropriation will be used for the portion of the water right affected by the transfer.)<br><input type="checkbox"/> <b>Historic Point of Diversion or Appropriation Change</b> (Unauthorized point of diversion or appropriation used for more than 10 years.)<br><input type="checkbox"/> <b>Surface Water to Ground Water</b> (A new point of appropriation will be used <u>instead of</u> the old point of diversion. The old point of diversion will <u>not</u> be used.)<br><input type="checkbox"/> <b>Point of Diversion Change due to Government Action</b> (The old point of diversion or appropriation can no longer be used due to government action.)<br><input type="checkbox"/> <b>Exchange</b> (Water from another source will be used in exchange for supplying an equal amount of replacement water to that source.) | <input type="checkbox"/> <b>All of the right will be exercised at a different location than currently authorized</b> (Use of water at the current location will be discontinued.)<br><input checked="" type="checkbox"/> <b>Only a portion of the right will be exercised at a different location than currently authorized</b> (Use of water at the current location will be discontinued.) | Proposed new use:<br><input type="checkbox"/> <b>Irrigation</b><br><input type="checkbox"/> <b>Municipal</b><br><input type="checkbox"/> <b>Quasi-municipal</b><br><input type="checkbox"/> <b>Commercial</b><br><input type="checkbox"/> <b>Industrial</b><br><input type="checkbox"/> <b>Instream</b> (complete and attach <i>Supplemental Form C</i> )<br><input type="checkbox"/> <b>Domestic</b> (indicate number of households) _____<br><input type="checkbox"/> <b>Other</b> _____<br><br><input type="checkbox"/> <b>Substitution</b> (A supplemental ground water right will be substituted for a primary surface water right.)<br><input type="checkbox"/> <b>Supplemental Use to Primary Use</b> (Primary water right shall be cancelled and the supplemental water right will change to primary use.) |

T 10459

**RECEIVED**

**SEP 14 2007**

**WATER RESOURCES DEPT  
SALEM, OREGON**



## 2. CURRENT WATER RIGHT INFORMATION

Water Right Subject to Transfer (check and complete one of the following):

|                                                                              |                                          |                                                             |
|------------------------------------------------------------------------------|------------------------------------------|-------------------------------------------------------------|
| <input checked="" type="checkbox"/> Certificated Right                       | N/A<br><small>Certificate Number</small> | Permit 46499<br><small>Permit Number or Decree Name</small> |
| <input type="checkbox"/> Adjudicated,<br>Non-certificated Right              | <small>Name of Decree</small>            | <small>Page Number</small>                                  |
| <input type="checkbox"/> Permit for which Proof has<br>been Approved         | <small>Permit Number</small>             | <small>Date Claim of Beneficial Use<br/>Submitted</small>   |
| <input type="checkbox"/> Transferred Right for which<br>Proof has been Filed | <small>Previous Transfer Number</small>  | <small>Date Claim of Beneficial Use<br/>Submitted</small>   |

- Name on Permit, Certificate, or Decree: John Madison
- County: Umatilla County
- Authorized Use(s) to be Affected by Transfer: Irrigation
- Priority Date(s): October 16, 1978

*If there are multiple Priority Dates identified on the water right, any information provided on pages 3 through 6 of this form must identify which priority date is associated with each of the authorized and proposed points of diversion or appropriation and places of use.*

- Source(s) of Water to be Affected by Transfer: Butter Creek

Tributary to: Umatilla River

*If there are multiple Sources listed on the water right, any information provided on pages 3 through 6 of this form must identify which source is associated with each of the authorized and proposed points of diversion or appropriation and places of use.*

**For applications proposing a Change in Place of Use or Character of Use:**

- Are there **Other Water Rights**, Permits or Ground Water Registrations associated with this land?  

☒ Yes    ☐ No    ☐ N/A – No Change in Place of Use or Character of Use

*If "Yes", what are the Permit, Registration or Certificate Numbers?* Certificate 60455

*Pursuant to ORS 540.510, any "layered" water use or a right that is supplemental to a primary right proposed for transfer must be included in the transfer or be cancelled, except as provided in OAR 690-380-2240(5).*

RECEIVED

SEP 14 2007

WATER RESOURCES DEPT  
SALEM, OREGON

T 10459



▪ Certificate Number or other identifying number: Permit 46499

The following information **must be provided only** for those points of diversion or appropriation that are involved in the transfer (i.e., list only the portion of the water right you propose to transfer.) Attach additional pages as necessary.

Government lot and donation land claim numbers must be included in the tables below only if the information is reflected on the existing water right.

**Location of Existing Authorized Point(s) of Diversion or Appropriation to be Changed:**

(i.e., the allowed point(s) of diversion or appropriation listed on the water right that will be affected by the proposed transfer, the "FROM" point(s) of diversion or appropriation)

| If Ground Water, OWRD Well Log ID No. (or Well ID Tag No. L-____) | Source and Priority Date      | Township | Range | Mer | Sec | ¼ ¼   | Tax Lot, DLC or Gov't Lot | Survey Coordinates (coordinates from a recognized survey corner) |
|-------------------------------------------------------------------|-------------------------------|----------|-------|-----|-----|-------|---------------------------|------------------------------------------------------------------|
|                                                                   | Butter Creek<br>Oct. 16, 1978 | 2N       | 27E   | WM  | 11  | SE SW |                           | 910 ft N & 2200 ft E from the SW Cor. Sec. 11                    |
|                                                                   |                               |          |       |     |     |       |                           |                                                                  |

- Does the water right being transferred involve a ground water source(s)?

☐ Yes ☒ No (Surface water source only.)

If "Yes", for each authorized point of appropriation (well) involved, you must either:

A. Supply a copy of the well log(s) for each point of appropriation that is **clearly labeled** and associated with the corresponding well in the table above and on the accompanying application map. (NOTE: You may search for well logs on the Department's web page at: <http://www.wrd.state.or.us>)

**or**

B. If a well log is **not** available, you must describe the construction of the authorized point of appropriation by completing the table below. Attach additional copies as necessary.

**Construction of Existing Authorized Point(s) of Appropriation – (Only needed if no well log is available.)**

Wells in this listing must be **clearly tied** to corresponding well location(s) described in the table above and shown on the accompanying application map.

| OWRD Well No. as identified in table above | Diameter | Type and size of casing | No. of feet of casing | Intervals casing is perforated (in feet) | Seal depth | Est. depth to water | Est. depth to water bearing stratum | Type of access port or measuring device | Total well depth |
|--------------------------------------------|----------|-------------------------|-----------------------|------------------------------------------|------------|---------------------|-------------------------------------|-----------------------------------------|------------------|
| N/A                                        |          |                         |                       |                                          |            |                     |                                     |                                         |                  |
|                                            |          |                         |                       |                                          |            |                     |                                     |                                         |                  |
|                                            |          |                         |                       |                                          |            |                     |                                     |                                         |                  |

RECEIVED

SEP 14 2007

T 10459

WATER RESOURCES DEPT  
SALEM, OREGON

▪ Certificate Number or other identifying number: Permit 46499

*The following information **must be provided only** for those places of use that **are involved in the transfer (i.e., list only the portion of the water right you propose to transfer.)** Attach additional pages as necessary.*

*Government lot and donation land claim numbers must be included in the tables below only if the information is reflected on the existing water right.*

**Location of Existing Authorized Place of Use to be Affected:**

*(i.e., the allowed lands listed on the water right that will be affected by the proposed transfer, the "FROM" lands)*

| Source and<br>Priority Date   | Township | Range | Mer | Sec | ¼ ¼<br>Section | Tax Lot,<br>DLC or<br>Gov't<br>Lot | Acres<br>(if applicable) |
|-------------------------------|----------|-------|-----|-----|----------------|------------------------------------|--------------------------|
| Butter Creek<br>Oct. 16, 1978 | 2N       | 27E   | WM  | 11  | NE NW          | TL 1300                            | 18.0                     |
| Butter Creek<br>Oct. 16, 1978 | 2N       | 27E   | WM  | 11  | SW NW          | TL 1300                            | 1.0                      |
| Butter Creek<br>Oct. 16, 1978 | 2N       | 27E   | WM  | 11  | SE NW          | TL 1300                            | 39.0                     |
|                               |          |       |     |     |                |                                    |                          |
|                               |          |       |     |     |                |                                    |                          |
|                               |          |       |     |     |                |                                    |                          |
|                               |          |       |     |     |                |                                    |                          |
|                               |          |       |     |     |                |                                    |                          |
|                               |          |       |     |     |                |                                    |                          |
|                               |          |       |     |     |                |                                    |                          |
|                               |          |       |     |     |                |                                    |                          |

RECEIVED

SEP 14 2007

T 10459 WATER RESOURCES DEPT  
SALEM, OREGON



▪ Certificate Number or other identifying number: Permit 46499

### 3. PROPOSED CHANGES TO THE WATER RIGHT

Describe proposed changes to the water right involving point(s) of diversion and/or appropriation. Survey coordinates described below should accurately correspond to the points shown on the accompanying application map. Attach additional pages as necessary.

#### Location of Proposed Point(s) of Diversion or Appropriation:

(i.e., the "TO" point(s) of diversion or appropriation)

☐ N/A – Instream Water Right Transfer

(NOTE: Complete this table **only** if a Change in Point of Diversion or Appropriation is being proposed.)

| Source       | Township | Range | Mer | Sec | ¼ ¼ Section | Tax Lot, DLC or Gov't Lot | Survey Coordinates (coordinates from a recognized survey corner)                              |
|--------------|----------|-------|-----|-----|-------------|---------------------------|-----------------------------------------------------------------------------------------------|
| Butter Creek | 3N       | 28E   | WM  | 19  | NW SW       | 6500                      | 10 ft S & 2160' E from W ¼ Cor. Sec. 19 <i>1500' as per 12/27/07 email from Bill Portilly</i> |
|              |          |       |     |     |             |                           |                                                                                               |

- If there are proposed point(s) of appropriation (wells) listed in the table above, are the well(s) already constructed? ☐ Yes ☐ No ☒ N/A - No proposed well(s) listed above.

If "Yes", attach and clearly label the corresponding well log(s) for each proposed well, or if well log(s) are **not** available, describe the construction of the well(s) using the table below. (NOTE: You may search for well logs on the Department's web page at: <http://www.wrd.state.or.us>)

If "No", describe the anticipated construction for the proposed well(s) in the following table:

#### Construction of Proposed Point(s) of Appropriation or Well(s)

Well numbers in this listing must be clearly tied to corresponding well location(s) described in the table above and shown on the accompanying application map.

| Well already built? (Yes/No) | If an existing well, OWRD Well Log ID No. (or Well ID Tag No. L- ) | Diameter | Type and size of casing | No. of feet of casing | Intervals casing is perforated (in feet) | Seal depth | Est. depth to water | Est. depth to water bearing stratum | Type of access port or measuring device | Total well depth |
|------------------------------|--------------------------------------------------------------------|----------|-------------------------|-----------------------|------------------------------------------|------------|---------------------|-------------------------------------|-----------------------------------------|------------------|
| N/A                          |                                                                    |          |                         |                       |                                          |            |                     |                                     |                                         |                  |

RECEIVED

SEP 14 2007

WATER RESOURCES DEPT  
SALEM, OREGON

T 10459



▪ Certificate Number or other identifying number:

*Permit*  
**60455** *46499*

*Describe proposed changes to the water right involving place of use. Information described below should accurately correspond to the proposed place of use shown on the accompanying application map. Attach additional pages as necessary.*

**Location of Proposed Place of Use:** (i.e., the "TO" lands) ☐ N/A – Instream Water Right Transfer

(NOTE: Complete this table *only* if a Change in Place of Use is being proposed.)

| Source       | Township | Range | Mer | Sec | ¼ ¼ Section | Tax Lot, DLC or Gov't Lot | Acres (if applicable) |
|--------------|----------|-------|-----|-----|-------------|---------------------------|-----------------------|
| Butter Creek | 3N       | 28E   | WM  | 17  | NE SW       | 1100                      | 0.4                   |
| Butter Creek | 3N       | 28E   | WM  | 17  | NW SW       | 1000                      | 19.8                  |
| Butter Creek | 3N       | 28E   | WM  | 17  | SW SW       | 5902                      | 29.0                  |
| Butter Creek | 3N       | 28E   | WM  | 17  | SE SW       | 1100                      | 0.8                   |
| Butter Creek | 3N       | 28E   | WM  | 18  | SE SE       | 5902                      | 5.2                   |
| Butter Creek | 3N       | 28E   | WM  | 19  | NE NE       | 5903                      | 0.3                   |
| Butter Creek | 3N       | 28E   | WM  | 20  | NW NW       | 5902                      | 2.5                   |
|              |          |       |     |     |             | <b>Total</b>              | <b>58</b>             |
|              |          |       |     |     |             |                           |                       |

Remarks: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**RECEIVED**

**SEP 14 2007**

**WATER RESOURCES DEPT  
SALEM, OREGON**

**T 10459**



## Oregon Water Resources Department Land Use Information Form

This information is needed to determine compatibility with local comprehensive plans as required by ORS 197.180. WRD will use this and other information to evaluate the water use application. **THIS FORM IS NOT REQUIRED IF:** 1) water is to be diverted, conveyed, and/or used only on federal lands; or 2) the application is for a water right transfer, allocation of conserved water, or exchange and all of the following apply: a) only the place of use is proposed for change, b) there are no structural changes, c) the use of water is for irrigation, and d) the use is located in an irrigation district or exclusive farm use zone.

### To Be Completed By Applicant

This section must be completed by the individual or group that is filing an application with the Water Resources Department. Attach a copy of the map from the application to this form.

#### - A. Applicant

Name: Scott Madison

Address: 75512 Highway 207

City: Echo State: OR Zip: 97826 Day Phone: (541)376-8214

#### - B. Land and Location

Please provide information as requested below for all tax lots on or through which water will be diverted, conveyed, or used. Check "diverted" if water is diverted (taken) from its source on tax lot, "conveyed" if water is conveyed (transported) on tax lot, and "used" if water will be put to beneficial use on tax lot. More than one box may be checked. (Attach extra sheets as necessary.) 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.

| Tax Lot I.D.               | Plan Designated (e.g. Rural Residential/RR-5) | Water to be: (Check all that apply)                                                                                                | Proposed Land Use |
|----------------------------|-----------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------|-------------------|
| 5901, 5902, 5903, T3N R28E |                                               | <input checked="" type="checkbox"/> Diverted <input checked="" type="checkbox"/> Conveyed <input checked="" type="checkbox"/> Used |                   |
|                            |                                               | <input type="checkbox"/> Diverted <input type="checkbox"/> Conveyed <input type="checkbox"/> Used                                  |                   |
|                            |                                               | <input type="checkbox"/> Diverted <input type="checkbox"/> Conveyed <input type="checkbox"/> Used                                  |                   |
|                            |                                               | <input type="checkbox"/> Diverted <input type="checkbox"/> Conveyed <input type="checkbox"/> Used                                  |                   |
|                            |                                               | <input type="checkbox"/> Diverted <input type="checkbox"/> Conveyed <input type="checkbox"/> Used                                  |                   |
|                            |                                               | <input type="checkbox"/> Diverted <input type="checkbox"/> Conveyed <input type="checkbox"/> Used                                  |                   |

List counties and cities where water is proposed to be diverted, conveyed, or used. Umatilla County

#### - C. Description of Proposed Use

Indicate the type of application to be filed with the Water Resources Department.

☐ Water Use Permit ☒ Water Right Transfer ☐ Allocation of Conserved Water ☐ Exchange

Indicate the intended use of water and describe the key characteristics of the project.

☐ Commercial ☐ Industrial ☐ Instream ☒ Irrigation  
☐ Municipal ☐ Quasi-municipal ☐ Domestic (indicate number of households)  
☐ Other \_\_\_\_\_

Briefly describe: I acquired water right from my neighbor and propose to irrigate them with my existing center pivots.

Indicate the source of the water to be used.

☐ Reservoir/Pond ☐ Ground Water (Alluvial) ☒ Surface Water Butter Creek  
(Source)

Indicate the estimated quantity of water the use will require: 1.16 cfs ☒ CFS ☐ GPM ☐ Acre-Feet

RECEIVED

Last Revised: 04/06/04

SEP 14 2007

T 10459

WATER RESOURCES DEPT  
SALEM, OREGON



## 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 this case, only the city planning agency must complete this form. Please request additional forms as needed or feel free to copy.

### A. Allowed Use

Check the appropriate box below and provide requested information.

- ☒ Land uses to be served by proposed water uses (including proposed construction) are allowed outright or are not regulated by your comprehensive plan. Cite applicable ordinance section(s): 151.056. Go to section B "Approval" below.
- ☐ Land uses to be served by proposed water uses (including proposed construction) involve discretionary land use approvals as listed in the table below.

Please provide information as requested below for all tax lots on or through which water will be diverted, conveyed, or used. Check "diverted" if water is diverted (taken) from its source on tax lot, "conveyed" if water is conveyed (transported) on tax lot, and "used" if water will be put to beneficial use on tax lot. More than one box may be checked. (Attach extra sheets as necessary.) 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.

| Type of Land Use Approval Needed<br>(3.g. plan amendments, rezones,<br>conditional use permits, etc.) | City Most Significant, Applicable<br>Plan Policies & Ordinance Section<br>References | Check the item that applies:<br>Land Use Approval |                                            |
|-------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------|---------------------------------------------------|--------------------------------------------|
| N/A                                                                                                   | N/A                                                                                  | <input type="checkbox"/> Obtained                 | <input type="checkbox"/> Being pursued     |
|                                                                                                       |                                                                                      | <input type="checkbox"/> Denied                   | <input type="checkbox"/> Not being pursued |
|                                                                                                       |                                                                                      | <input type="checkbox"/> Obtained                 | <input type="checkbox"/> Being pursued     |
|                                                                                                       |                                                                                      | <input type="checkbox"/> Denied                   | <input type="checkbox"/> Not being pursued |
|                                                                                                       |                                                                                      | <input type="checkbox"/> Obtained                 | <input type="checkbox"/> Being pursued     |
|                                                                                                       |                                                                                      | <input type="checkbox"/> Denied                   | <input type="checkbox"/> Not being pursued |
|                                                                                                       |                                                                                      | <input type="checkbox"/> Obtained                 | <input type="checkbox"/> Being pursued     |
|                                                                                                       |                                                                                      | <input type="checkbox"/> Denied                   | <input type="checkbox"/> Not being pursued |
|                                                                                                       |                                                                                      | <input type="checkbox"/> Obtained                 | <input type="checkbox"/> Being pursued     |
|                                                                                                       |                                                                                      | <input type="checkbox"/> Denied                   | <input type="checkbox"/> Not being pursued |
|                                                                                                       |                                                                                      | <input type="checkbox"/> Obtained                 | <input type="checkbox"/> Being pursued     |
|                                                                                                       |                                                                                      | <input type="checkbox"/> Denied                   | <input type="checkbox"/> Not being pursued |

**Note:** Please attach documentation of applicable local land use approvals which have already been obtained. (Record of Action/land use decision and accompanying findings are sufficient.)

### B. Approval

Please provide printed name and written signature.

Name: J.R. Cook Date: 6-6-07  
 Title: Asst. Planning Dir. Phone: 541.278.6251  
 Signature: [Signature]

### C. Additional Comments

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

land use compatibility only. This signature does not  
represent WRD compliance w/ Statewide planning Goals, SAC or  
carrying capacity land use guidelines for the water source.

**Note:** If this form cannot be completed while the applicant waits, sign and detach the receipt stub as instructed below. 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.

T 10459

SEP 14 2007

WATER RESOURCES DEPT  
SALEM, OREGON



**Water Right Transfer Supplemental Form B**  
**AFFIDAVIT ATTESTING TO THE USE OF WATER**

State of Oregon )  
 ) ss  
County of Umatilla )

**RECEIVED**

**OCT 04 2007**

**WATER RESOURCES DEPT  
SALEM, OREGON**

I, Gary Elligsen, in my capacity as son of the owner and operator, mailing address 27347 Cochran RD Echo, OR 97826 telephone number (541)561-3973, being first duly sworn depose and say:

1. I attest that:

- ☒ Water was used during the previous five years on the entire authorized place of use of the water right proposed for transfer as described on the accompanying transfer application; **or**
- ☐ The water right was leased instream at some time within the last five years. The instream lease number is as follows: \_\_\_\_\_; **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.

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

☒ Personal observation                      ☐ Professional expertise

3. My knowledge is specific to the use of water at the following locations:

| Township |   | Range |   | Mer | Sec | ¼ ¼ Section | Gov't Lot or DLC | Acres (if applicable) |
|----------|---|-------|---|-----|-----|-------------|------------------|-----------------------|
| 2        | N | 27    | E | W M | 11  | NE NW       | 1300             | 18.0                  |
| 2        | N | 27    | E | W M | 11  | SW NW       | 1300             | 1.0                   |
| 2        | N | 27    | E | W M | 11  | SE NW       | 1300             | 39.0                  |
|          |   |       |   |     |     |             |                  |                       |
|          |   |       |   |     |     |             |                  |                       |
|          |   |       |   |     |     |             |                  |                       |
|          |   |       |   |     |     |             |                  |                       |

4. The water right was exercised for the authorized purpose described below (e.g., crops grown):

I irrigated pasture grass

5. The water delivery system used to apply water as authorized by the right is described below:

I used a 271 Detroit 40 hp diesel engine on a 4 inch 550 gallon per minute centrifugal pump to deliver water through 900 ft 6 inch PVC mainline and through 600 ft 6 inch and 200 ft of 5 inch portable aluminum mainline; 1320 ft of 3 and 4 inch aluminum hand lines.

6. One or more of the following documentation supporting the above statements is attached:

- ☐ Copy of a water right certificate that was issued within the last five years (not a remaining right certificate),
- ☒ Copies of receipts from sales of irrigated crops or for expenditures relating to the use of water,
- ☐ Records such as Farm Service Agency crop reports, irrigation district records, an NRCS farm management plan, or records of other water suppliers,
- ☐ Dated aerial photographs of the lands or other photographs containing sufficient detail to establish the location and date of the photograph,
- ☐ Dedicated power usage records or receipts,
- ☐ Instream lease number \_\_\_\_\_,
- ☒ Other: Attached are 2002-3 receipts for purchase of diesel to run diesel pump and the flow meter on the discharge of the pipe read 159.232 acre-feet. Also are attached are receipt from Matt Haden for the rent of the pasture.

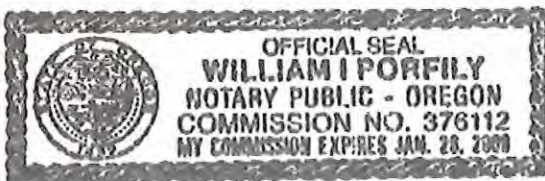
Gary Elligsen  
Signature of Affiant

5-2-07  
Date

Signed and sworn to (or affirmed) before me this 2 day of May, 2007.

William J Porfily  
Notary Public for Oregon

My Commission Expires: Jan 26, 2008



**RECEIVED**  
OCT 04 2007  
WATER RESOURCES DEPT  
SALEM, OREGON



**Water Right Transfer Supplemental Form B**  
**AFFIDAVIT ATTESTING TO THE USE OF WATER**

State of Oregon )  
County of Umatilla ) ss

I, Gary Elligsen, in my capacity as son of the owner and operator, mailing address 27347 Cochran RD Echo, OR 97826 telephone number (541)561-3973, being first duly sworn depose and say:

1. I attest that:

- ☒ Water was used during the previous five years on the entire authorized place of use of the water right proposed for transfer as described on the accompanying transfer application; **or**
- ☐ The water right was leased instream at some time within the last five years. The instream lease number is as follows: \_\_\_\_\_; **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.

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

- ☒ Personal observation                      ☐ Professional expertise

3. My knowledge is specific to the use of water at the following locations:

| Township |   | Range |   | Mer | Sec | ¼ ¼ Section | Gov't Lot or DLC | Acres (if applicable) |
|----------|---|-------|---|-----|-----|-------------|------------------|-----------------------|
| 2        | N | 27    | E | W M | 11  | NE NW       | 1300             | 18.0                  |
| 2        | N | 27    | E | W M | 11  | SW NW       | 1300             | 1.0                   |
| 2        | N | 27    | E | W M | 11  | SE NW       | 1300             | 39.0                  |
|          |   |       |   |     |     |             |                  |                       |
|          |   |       |   |     |     |             |                  |                       |
|          |   |       |   |     |     |             |                  |                       |
|          |   |       |   |     |     |             |                  |                       |

4. The water right was exercised for the authorized purpose described below (e.g., crops grown):

I irrigated pasture grass

**RECEIVED**

**SEP 14 2007**

**WATER RESOURCES DEPT  
SALEM, OREGON**

T 10459



5. The water delivery system used to apply water as authorized by the right is described below:

I used a 271 Detroit 40 hp diesel engine on a 4 inch 550 gallon per minute centrifugal pump to deliver water through 900 ft 6 inch PVC mainline and through 600 ft 6 inch and 200 ft of 5 inch portable aluminum mainline; 1320 ft of 3 and 4 inch aluminum hand lines.

6. One or more of the following documentation supporting the above statements is attached:

- ☐ Copy of a water right certificate that was issued within the last five years (not a remaining right certificate),
- ☒ Copies of receipts from sales of irrigated crops or for expenditures relating to the use of water,
- ☐ Records such as Farm Service Agency crop reports, irrigation district records, an NRCS farm management plan, or records of other water suppliers,
- ☐ Dated aerial photographs of the lands or other photographs containing sufficient detail to establish the location and date of the photograph,
- ☐ Dedicated power usage records or receipts,
- ☐ Instream lease number \_\_\_\_\_,
- ☒ Other: Attached are 2002-3 receipts for purchase of diesel to run diesel pump and the flow meter on the discharge of the pipe read 159.232 acre-feet. Also are attached are receipt from Matt Haden for the rent of the pasture.

Gary Elligsen  
Signature of Affiant

5-2-07  
Date

Signed and sworn to (or affirmed) before me this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
Notary Public for Oregon

My Commission Expires: \_\_\_\_\_



RECEIVED

SEP 14 2007

WATER RESOURCES DEPT  
SALEM, OREGON

T 10459

WESTERN EXPRESS /20810 STAFFORD-HANSALL RD /I-84 EXIT#180 /HERMISTON, OR 97838  
/541-567-5900  
Number: 2347-0637 12/01/02 Station: 1

| Pump | Products                 | Reefer | Quantity | Unit Cost | Net Cost |   |
|------|--------------------------|--------|----------|-----------|----------|---|
| # 6  | DESEL#2 SELF SERVICE     | N      | 127.699  | 1.479     | 1.479    | 1 |
|      | CATCH ALL                |        | 1.000    | 0.750     |          |   |
|      | BIG TRUCK & EQUIP TRADER |        | 1.000    | 1.950     |          |   |

tax total = 188.87  
non sales-tax total = 2.70  
subtotal = 191.57

TOTAL = 191.57

amount tendered = 200.00  
change = 8.43

Salesperson Id : 31/11  
Trailer Number : 0

Truck Number : 1  
Truck License : F144836 / OR

Billing Company: WESTERN EXPRESS / CASH  
Company Name : ASHBACK

WESTERN EXPRESS /20810 STAFFORD-HANSALL RD /I-84 EXIT 180 /HERMISTON OR 97838  
/541-567-5900  
Number: 3056-0100 7/25/03 Station: 1

| Imp | Products             | Reefer | Quantity | Unit Cost | Net Cost | Total  |
|-----|----------------------|--------|----------|-----------|----------|--------|
| 6   | DESEL#2 SELF SERVICE | N      | 220.010  | 1.539     | 1.299    | 338.61 |

tax total = 338.61  
subtotal = 338.61

fuel tax discount = 52.80

TOTAL = 285.81

amount tendered = 285.81  
change = 0.00

Salesperson Id : 2/28  
Truck License : OFFROAD / OR

Truck Number : SREVICE TR  
Fuel Permit # : OFFROAD

Billing Company: WESTERN EXPRESS / CASH  
Company Name : ASHBACK

RECEIVED

SEP 14 2007

WATER RESOURCES DEPT  
SALEM, OREGON

T 10459



WESTERN EXPRESS /28810 STAFFORD-HANSALL RD /I-84 EXIT#180 /HERMISTON, OR 9783  
/541-567-5900  
Number: 1500-6673 2/23/02 Station: 1

| Pump | Products               | Reefer | Quantity | Unit Cost | Net Cost | Total |
|------|------------------------|--------|----------|-----------|----------|-------|
| # 5  | DIESEL #2 SELF SERVICE | N      | 72.003   | 1.219     | 0.979    | 87.7  |

non sales-tax total = 87.77

subtotal = 87.77

fuel tax discount = 17.28

TOTAL = 70.49

amount tendered = 80.00

change = 9.51

Salesperson Id : 15/15

Trailer Number : 0

Fuel Permit # : FARM

Truck Number : 1

Truck License : F144836 / OR

Billing Company: WESTERN EXPRESS / CASH  
Company Name : MELVINASHBACK

*Melvin Ashback*

WESTERN EXPRESS /28810 STAFFORD-HANSALL RD /I-84 EXIT#180 /HERMISTON, OR 9783  
/541-567-5900  
Number: 1521-7217 3/02/02 Station: 1

| Pump | Products               | Reefer | Quantity | Unit Cost | Net Cost | Total |
|------|------------------------|--------|----------|-----------|----------|-------|
| # 5  | DIESEL #2 SELF SERVICE | N      | 105.036  | 1.219     | 0.979    | 128.0 |

non sales-tax total = 128.04

subtotal = 128.04

fuel tax discount = 25.21

TOTAL = 102.83

amount tendered = 110.00

change = 7.17

Salesperson Id : 15/15

Trailer Number : 0

Fuel Permit # : F144836

Truck Number : 1

Truck License : F144836 / OR

Billing Company: WESTERN EXPRESS / CASH  
Company Name : 0

**RECEIVED**

**SEP 14 2007**

**WATER RESOURCES DEPT  
SALEM, OREGON**

T 10459



# HAYDEN BROTHERS INVESTMENTS

1740 W 17<sup>th</sup> Ave  
Telephone: (541) 242-8933  
Fax: (541) 242-8908

June 29, 2007

Melvin Ashbeck  
27347 Cochran Road  
Echo, OR 97826

To whom it may concern:

This letter is a written acknowledgement of the cattle management services provided to us by Melvin Ashbeck during the time frame of Sept. 2002 through Sept. 2003. Attached is a detailed list of the payments in which we had made to him for feed and grain, cattle boarding and hauling.

Sincerely,



Ross Hayden  
Owner

RECEIVED

SEP 14 2007

WATER RESOURCES DEPT  
SALEM, OREGON

T 10459

1:07 PM

06/29/07

Accrual Basis

# Hayden Brothers Investments, LLC

## Find Report

### All Transactions

| Type  | Date       | Num  | Name           | Debit            |
|-------|------------|------|----------------|------------------|
| Check | 9/9/2003   | 1061 | Melvin Ashbeck |                  |
| Check | 9/9/2003   | 1061 | Melvin Ashbeck | 225.00           |
| Check | 9/9/2003   | 1061 | Melvin Ashbeck | 200.00           |
| Check | 8/13/2003  | 1057 | Melvin Ashbeck |                  |
| Check | 8/13/2003  | 1057 | Melvin Ashbeck | 100.00           |
| Check | 8/5/2003   | 1056 | Melvin Ashbeck |                  |
| Check | 8/5/2003   | 1056 | Melvin Ashbeck | 1,540.00         |
| Check | 8/5/2003   | 1056 | Melvin Ashbeck | 485.00           |
| Check | 7/22/2003  | 1053 | Melvin Ashbeck |                  |
| Check | 7/22/2003  | 1053 | Melvin Ashbeck | 1,100.00         |
| Check | 7/2/2003   | 1051 | Melvin Ashbeck |                  |
| Check | 7/2/2003   | 1051 | Melvin Ashbeck | 1,155.00         |
| Check | 7/1/2003   | 1050 | Melvin Ashbeck |                  |
| Check | 7/1/2003   | 1050 | Melvin Ashbeck | 585.00           |
| Check | 6/18/2003  | 1048 | Melvin Ashbeck |                  |
| Check | 6/18/2003  | 1048 | Melvin Ashbeck | 1,500.00         |
| Check | 5/29/2003  | 1045 | Melvin Ashbeck |                  |
| Check | 5/29/2003  | 1045 | Melvin Ashbeck | 1,530.00         |
| Check | 4/28/2003  | 1040 | Melvin Ashbeck |                  |
| Check | 4/28/2003  | 1040 | Melvin Ashbeck | 630.00           |
| Check | 2/27/2003  | 1029 | Melvin Ashbeck |                  |
| Check | 2/27/2003  | 1029 | Melvin Ashbeck | 1,013.64         |
| Check | 1/27/2003  | 1028 | Melvin Ashbeck |                  |
| Check | 1/27/2003  | 1028 | Melvin Ashbeck | 488.20           |
| Check | 12/23/2002 | 1022 | Melvin Ashbeck |                  |
| Check | 12/23/2002 | 1022 | Melvin Ashbeck | 2,150.00         |
| Check | 9/6/2002   | 1814 | Melvin Ashbeck |                  |
| Check | 9/6/2002   | 1814 | Melvin Ashbeck | 5,000.00         |
| Total |            |      |                | <u>17,701.84</u> |

RECEIVED

SEP 14 2007

WATER RESOURCES DEPT  
SALEM, OREGON

Page 1

T 10459

## William I. Porfily

P.O. Box 643  
Stanfield, OR 97875  
(541) 449-1327  
[bporfily@my180.net](mailto:bporfily@my180.net)

September 13, 2007

217

Sarah Henderson  
Oregon Water Resources Depart.  
725 Summer St. NE, Ste. A  
Salem, OR 97301-2430

RE: Scott Madison Transfer: Ashbeck- Elligsen Agreement

Dear Sarah:

Enclosed please find an written agreement between Melvin Ashbeck and Gary Elligsen. This agreement was to be attached to the resent (last two or three days) transfer application that OWRD received from Scott Madison. Would you please include it with the rest of the document that accompanied this transfer?

If you have any question or concerns regarding this request, please contact me at (541) 449-1327.

Sincerely,



William I Porfily

Enc:

cc: Scott Madison, 75512 Highway 207, Echo, OR 97826

**RECEIVED**

SEP 17 2007  
WATER RESOURCES DEPT  
SALEM OREGON

T 10459



To Whom It May Concern,

This letter is intended to confirm a verbal agreement between Melvin Ashbeck and Gary Elligsen regarding the use of certain farm and grazing lands.

For in consideration of values received from Melvin Ashbeck, Gary Elligsen allowed the sole use of the farm and grazing land in the NW ¼ of Section 11 T2N27E. Term for the agreement was from 2001 through 2005. Responsibility for irrigation, planting, fencing etc. was solely Melvin Ashbeck's. Both parties recognize that part of the value received by Gary Elligsen was the continued use of the water right.

Melvin Ashbeck  
Melvin Ashbeck

8-27-07  
Date

Gary Elligsen  
Gary Elligsen

8-24-07  
Date

STATE OF Oregon )  
County of Umatilla ) ss

**RECEIVED**  
SEP 17 2007  
WATER RESOURCES DEPT  
SALEM OREGON

Signed or attested before me on August 27, 2007 by Melvin Ashbeck

Dee Dee C. Lum  
Notary Public - State of Oregon  
My commission expires: January 9, 2010



STATE OF Oregon )  
County of Umatilla ) ss

Signed or attested before me on August 24, 2007 by Gary Elligsen

Dee Dee C. Lum  
Notary Public - State of Oregon  
My commission expires: January 9, 2010



T 10459

**WILLIAM I. PORFILY**

P.O. Box 643  
Stanfield, OR 97875  
(541) 449-1327  
(541) 561-7259 Cell  
[bporfily@my180.net](mailto:bporfily@my180.net)

January 4, 2008

002

Dorothy Pedersen  
Oregon Water Resources Dept.  
725 Summer St. NE, Ste. A  
Salem, OR 97301-2430

RE: Scott Madison Transfer Application T-10459

Dear Dorothy,

Enclosed Is the Lot Book Report for the above Transfer. The report shows no lien holders or mortgages on the "from" area of the transfer.

If you have any question or concerns regarding this transfer please contact me at (541) 449-1327.

Sincerely



William I Porfily

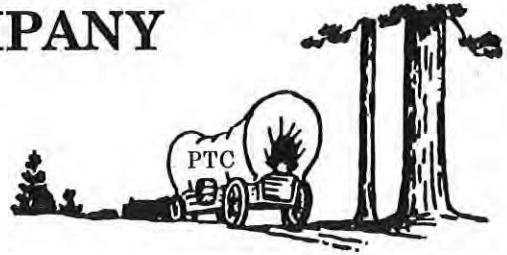
Enclosure:

cc: Scott Madison, 75512 Hwy 207, Echo, OR 97826

**RECEIVED**  
JAN 10 2008  
WATER RESOURCES DEPT  
SALEM, OREGON

# PIONEER TITLE COMPANY

P.O Box 128  
126 S.E. Court Ave.  
Pendleton, OR 97801  
Ph: (541) 276-4431  
Fx: (541) 276-2007



PIONEER ESCROW, INC.  
P.O Box 187 • 630 S. Hwy 395  
Hermiston, OR 97838  
Ph: (541) 567-9743  
Fx: (541) 567-7307

PIONEER ESCROW, INC.  
178 S. Main St.  
Milton-Freewater, OR 97862  
Ph: (541) 938-3327  
Fx: (541) 938-5089

PIONEER ESCROW, INC.  
P.O. Box 1538 • 132 S.E. Court Ave.  
Pendleton, OR 97801  
Ph: (541) 276-5114  
Fx: (541) 276-0484

To: William Porfily  
PO Box 643  
Stanfield, OR 97875

Order No: 82606  
Your No : n/a  
Owner : ELLIGSEN  
Report : Lot Book Report

| TYPE OF POLICY:           | AMOUNTS | CODE | PREMIUMS |
|---------------------------|---------|------|----------|
| Lot Book Report Guarantee | \$0.00  |      | \$200.00 |

We hereby certify that we have searched our Tract Indices as to the following described property:

The Northwest Quarter of Section 11, Township 2 North, Range 27, East of the Willamette Meridian, Umatilla County, Oregon.

And as of December 24, 2007, at 5 o'clock P.M., we find that the last document of record runs to:

VIRGINIA A. ELLIGSEN, as to a fee simple interest

We also find the following monetary incumbrances appearing of record within ten years prior to the date of this search:

NOTE I: 2007-2008 Taxes, \$1,388.62 paid in full.  
Code No. 5-4, Map No. 2N-27, Tax Lot 1300, Serial No. 106952

1. 2007-2008 Taxes, \$12.12 plus interest, unpaid.  
Personal Property M/H X-072462, Serial No. 149007  
Assessed to: Melvin Ashbeck
2. 2007-2008 Taxes, \$93.70 plus interest, unpaid.  
Personal Property M/H X-111975, Serial No. 161446  
Assessed to: Melvin R. Ashbeck
3. City Liens, County Liens, Special Assessments if any.

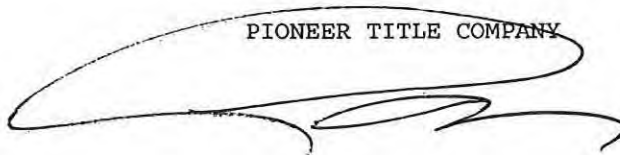
**RECEIVED**  
JAN 10 2008  
WATER RESOURCES DEPT  
SALEM OREGON



This is NOT A TITLE REPORT, since no examination has been made of the title to the above described property. Our search for apparent incumbrances was limited to our Tract Indices, and therefore above listings do not include additional matters which might have been disclosed by an examination of the record title. We assume no liability in connection with this report and will not be responsible for errors or omissions therein.

Very truly yours,

PIONEER TITLE COMPANY

A large, stylized handwritten signature in black ink, likely belonging to Jeremy S. Parker, is written over the printed name and title.

Jeremy S. Parker  
Title Examiner

**RECEIVED**

JAN 10 2008

WATER RESOURCES DEPT  
SALEM OREGON

# PIONEER TITLE COMPANY

## PRIVACY POLICY

An Agent of FIRST AMERICAN TITLE INSURANCE COMPANY OF OREGON  
WE ARE COMMITTED TO SAFEGUARDING CUSTOMER INFORMATION

In order to better serve your needs now and in the future, we may ask you to provide us with certain information. We understand that you may be concerned about what we will do with such information, particularly any personal or financial information. We agree that you have a right to know how we will utilize the personal information you provide to us. Therefore, we have adopted this Privacy Policy to govern the use and handling of your personal information.

**APPLICABILITY.** This Privacy Policy governs our use of the information which you provide to us. It does not govern the manner in which we may use the information we have obtained from any other source, such as information obtained from a public record or from another person or entity.

**TYPES OF INFORMATION.** Depending upon which our services you are utilizing, the types of nonpublic personal information that we may collect include:

- A. Information we receive from you on applications, forms and in other communications to us, whether in writing, in person, by telephone or any other means;
- B. Information about your transactions with us, our affiliated companies, or others; and
- C. Information we receive from a consumer reporting agency.

**USE OF INFORMATION.** We request information from you for our own legitimate business purposes and not for the benefit of any non affiliated party. Therefore, we will not release your information to nonaffiliated parties except: (1) as necessary for use to provide the product or service you have requested to use; or (2) as permitted by law. We may however, store such information indefinitely, including the period after which any customer relationship has ceased. Such information may be used for any internal purposes, such as quality control efforts or customer analysis. We may also provide all of the types of nonpublic personal information listed above to one or more of our affiliated companies. Such affiliated companies include financial service providers, such as title insurers, property and casualty insurers, and trust and investment advisory companies, or companies involved in real estate services, such as appraisal companies, home warranty companies and escrow companies. Furthermore, we may also provide all the information we collect, as described above, to companies that perform marketing services on our behalf, on behalf of our affiliated companies, or to other financial institutions with whom we or our affiliated companies have joint marketing agreements.

**FORMER CUSTOMERS.** Even if you are no longer our customer, our Privacy Policy will continue to apply to you.

**CONFIDENTIALITY AND SECURITY.** We will use our best efforts to ensure that no unauthorized parties have access to any of your information. We restrict access to nonpublic personal information about you to those individuals and entities who need to know that information to provide products or services to you. We will use our best efforts to train and oversee our employees and agents to ensure that your information will be handled responsibly and accordance with this Privacy Policy. We currently maintain physical, electronic, and procedural safeguards that comply with federal regulations to guard your nonpublic personal information.

**RECEIVED**

JAN 10 2008

WATER RESOURCES DEPT  
SALEM OREGON



State of Oregon )  
County of Umatilla ) SS

I am the owner of tax lot 1300 in the NW ¼ of Section 11, Township 2 North, Range 27 East W.M., and the appurtenant water rights described in Water Right Certificate 60455 and Permit 46499;

I consent to the attached permanent water right transfer application changing the place of use for the above-mentioned water rights from my land to land owned by Scott Madison, as requested by Scott Madison

Virginia Elligsen 3/16/07  
Virginia Elligsen Date

State of Oregon  
County of Tillamook

Subscribed and Sworn to Before Me this 16<sup>th</sup> day of March, 2007 by

Virginia Elligsen



*Jennifer R. Phillips*  
Notary Public – State of Oregon

My commission expires 5/31/2008

W:\3522F186.DOC

T 10459

RECEIVED  
SEP 14 2007  
WATER RESOURCES DEPT  
SALEM, OREGON

3522.121  
03/07/07





## Dorothy Pedersen

---

**From:** Dorothy Pedersen  
**Sent:** Monday, January 07, 2008 5:58 PM  
**To:** 'DarrylA@andersonengineering.com'  
**Cc:** Salem Opeifa  
**Subject:** FW: Scott Madison's Transfer T-10459  
**Attachments:** Lot Book Report.pdf; 10459-dpd-cov.doc; 10459-dpd .doc

Hi Darryl,

Happy New Year! Attached are the "as sent" DPD and cover letter for T-10459, and the ownership report that just came in. Please check it over to make sure it covers the "from" lands and any additional landowners (if any) have given consent and any lienholders (if applicable ) have been notified. Let me know if it's OK or if we need anything else, then prepare the pd cover letter and the pd notice. There will not be a remaining right certificate or permit to generate.

Then, submit your processing notes, cover sheet and invoice.

Thank you for turning this around quickly once we had all the pieces in place.

Dorothy

---

**From:** Bill Porfily [mailto:bporfily@my180.net]  
**Sent:** Friday, January 04, 2008 3:57 PM  
**To:** Dorothy Pedersen  
**Subject:** Scott Madison's Transfer T-10459

Dorothy

Attached is the lot book report for the above transfer. I find no lien holders in the report thus there is no notice of transfer required to lien holders.

Hard copy is in the mail.

Porfily

## Dorothy Pedersen

---

**From:** Dorothy Pedersen  
**Sent:** Thursday, December 13, 2007 10:16 AM  
**To:** 'Darryl Anderson'  
**Subject:** T-10459 templates  
**Attachments:** 10459-wm-rev.pdf; 10459-PD-cov-template.doc; 10459-DPD CoverDeny-template.doc; 10459-dpd-template.doc; 10459-DPD Cover Approval-template.doc; Supplemental Language.dot; Contact List.dot; PD\_notice.dot; DeficLet.dot; 10459-rr-60455-template.doc

Hi Darryl,

Attached are the templates and the watermaster review for T-10459. We have not yet received the ODFW review, but I'll follow up on it and send it on to you as soon as received.

Please go ahead with the review and generate the DPD, DPD cover letter and contact list if everything else is in order. I notice the original affidavit of use was not notarized, however, the applicant did submit a new one exactly like the original affidavit, except that it is notarized.

Will you be able to get the initial deliverables to me by the 21<sup>st</sup>? If not, let me know when you expect to have them, as the applicant has been calling to inquire about the status of the transfer.

Thanks,  
Dorothy

Dorothy I. Pedersen  
Field Services Division  
Oregon Water Resources Department  
Dorothy.I.PEDERSEN@wrd.state.or.us  
503-986-0890

12/13/2007



## Shipping Checklist for Reimbursement Authority File

File T- 10459 Applicant: Scott Madison

Agent/Contact: William Porfily

Ship to Contractor: Anderson

### Items included:

- ☒ Copy of front of file folder
- ☒ Reimbursement Authority Estimate Application
- ☒ Transfer Application form
- ☒ Transfer map
- ☒ Evidence of use affidavit
- ☒ Supporting documentation for evidence of use
- ☒ Land-use Information form
- ☐ Lot book report (or deed if instream or temporary transfer, or application received before 7/1/03) - *Request in DPD Cover letter*
- ☒ Certificate or copy of decree for each right to be transferred
- ☒ Final Proof map or decree map for each right to be transferred
- ☒ Well logs (if change in POA, SW POD-to-GW POA change)
- ☐ Watermaster review (all transfers) *> Will send later*
- ☐ ODFW review (if change in POD)
- ☒ GW review (if  $\Delta$ POA, or POD-to-POA change)
- ☒ Transfer review checklist
- ☒ Final Deliverable cover sheet
- ☒ Itemized Estimate sheet for contractor

### Additional things to check:

- ☒ All regular application processing fees paid
- ☒ Reimbursement Authority \$125 fee paid for preparing estimate
- ☒ Date of WRD initial Public Notice 9-25-07

Number of sheets copied 34

File contents copied by Lisa Paschke Date 10-4-07

# Reimbursement Authority Process Itemized Estimate Sheet for Water Rights Transfer

Application Number T-10459

Name of Applicant: Scott Madison

## Proposed Timeline

|                                            |                                                                                                                                                                                                                                                                                                                                  |
|--------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 9/25/07                                    | Public Notice (start of 30-day comment period).                                                                                                                                                                                                                                                                                  |
| 11/27/07                                   | Completion of draft preliminary determination--1 week after contracts signed and removal of deficiencies, but not before the end of the Public Notice comment period and receipt of all agency reviews (Watermaster, groundwater and ODFW as applicable).                                                                        |
| 1/3/08                                     | Deadline for applicant review of draft preliminary determination--30 days or more after draft PD mailed to applicant, depending on issues to be resolved.                                                                                                                                                                        |
| 5 working days after DPD comments received | <b>Completion of contract work:</b> Submittal of PD cover letter, PD public notice (and remaining rights certificates if applicable)--within 5 business days after comments received from applicant that the draft is satisfactory, or after the end of the period for applicant to comment on draft PD and remedy deficiencies. |

*For purposes of water right transfers, all deliverables must be in **Microsoft Word** except remaining right certificates for which electronic copies of the existing certificates are currently available in WordPerfect.*

## Estimate

|                              | Item                                                                                                                              | Time |
|------------------------------|-----------------------------------------------------------------------------------------------------------------------------------|------|
| 1                            | Review of application for completeness.                                                                                           |      |
| 2                            | Review of "From" lands to confirm consistency with existing right(s) and ownership.                                               |      |
| 3                            | Review of "To" lands for conflicts and preparation of draft deficiency letter (if necessary).                                     |      |
| 4                            | Preparation of draft preliminary determination, DPD cover letter and contact list.                                                |      |
| 5                            | Preparation of PD public notice, PD cover letter (and remaining right certificate(s) if necessary), and processing documentation. |      |
| <b>Total Estimated Time:</b> |                                                                                                                                   |      |

(Indicate the estimated amount of time, in ½ hour increments, needed to complete each item listed.)

Prior to preparing an estimate, contact Department staff if work could not be performed consistent with the proposed timeline. In developing the estimate, review the transfer application, transfer map, existing certificate, and final proof map. Pay particular attention to the clarity of the existing rights and the complexity of the request.

Name of Consultant: Anderson Engineering & Surveying

Authorized Representative: \_\_\_\_\_

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

**Review Checklist****T-10459****Processor: RA****Application**

- ☐ The type of change is clearly indicated.
- ☐ The application is appropriately signed.
- ☐ Appropriate fees were paid. ☐ If overpayment, Refund Request to be sent with FO
- ☐ Land use form matches affected tax lots and is signed by proper official. (*from ALL affected Govt's*)
- ☐ Ditch company, district and/or BOR, sent a copy of the application and map, if appropriate.
- ☐ All required attachments received.

**Water right subject to transfer**

- ☐ Certificated right or Proof accepted "to the satisfaction...."
- ☐ The right been exercised according to terms & conditions of certificate.
- ☐ Delivery system has the capacity to fully divert the rate/duty of the right.
- ☐ No information in record that suggests forfeiture.
- ☐ No conflicts identified on the plat cards and plat card reports printed.
- ☐ Affidavits prepared for rights that need to be canceled or diminished.

**Application Map**

- ☐ The map has an original CWRE signature.
- ☐ The map size and scale accurate and appropriate per OAR 690-380-3100(1)(b)(c)&(d).
- ☐ All authorized and proposed POD's/POA's and POU's shown and clearly labeled.
- ☐ Metes and bounds for the POD's/POA's are properly described on the map.
- ☐ The POD/POA dimensions & ¼ ¼ on map match the transfer application and certificate descriptions.
- ☐ Map acres match the tabulation on the certificate.
- ☐ Have final proof maps/deed maps for the rights. ☐ Application map matches certificate FPS.
- ☐ Have necessary aerial photos.

**Determining the "From" and "To" Lands (*make working copy of application and certificates to mark on*)**

- ☐ Only the authorized POD's/POA's and POU's to be transferred are listed.
- ☐ Application & certificate tabulations match. (*Mark on appl. and cert. copies and note corrections needed*)
- ☐ Marked on certificate the acreage being transferred, cancelled and remaining by ¼ ¼.

**Ownership**

- ☐ The deed/ROLI matches the "from" lands. (Don't need to check "to" lands.)
- ☐ Have current tax lot map. (*If transfer application is several years old, contact assessor's office*)
- ☐ The applicant is the owner of the "from" lands.
- ☐ All owners on the deed/ROLI have signed the application.
- ☐ If necessary, there is a notarized, signed statement of consent from landowners other than applicant.
- ☐ If necessary, there is a copy of written notification to each lien holder identified on ROLI.
- ☐ Agent has authorization to make decisions.

**Evaluation (materials needed for peer reviewer in bold)**

- |                                                      |                                      |                                     |                                          |                                        |
|------------------------------------------------------|--------------------------------------|-------------------------------------|------------------------------------------|----------------------------------------|
| <input type="checkbox"/> <b>application complete</b> | <input type="checkbox"/> <b>map</b>  | <input type="checkbox"/> <b>FPS</b> | <input type="checkbox"/> evidence of use | <input type="checkbox"/> land-use form |
| <input type="checkbox"/> deed/ROLI                   | <input type="checkbox"/> certificate | <input type="checkbox"/> fees paid  | <input type="checkbox"/> well logs       | <input type="checkbox"/> plat card     |
| <input type="checkbox"/> audit                       | <input type="checkbox"/> dpd         |                                     |                                          |                                        |

Reviews/comments/conditions received? ☐ Watermaster ☐ ODFW ☐ GW

- |                     |                                               |                                             |                                                |
|---------------------|-----------------------------------------------|---------------------------------------------|------------------------------------------------|
| Headgate            | <input type="checkbox"/> When in the judgment | <input type="checkbox"/> Prior to diverting | <input type="checkbox"/> Existing and maintain |
| Measuring Devices   | <input type="checkbox"/> When in the judgment | <input type="checkbox"/> Prior to diverting | <input type="checkbox"/> Existing and maintain |
| Fish Screen Devices | <input type="checkbox"/>                      |                                             |                                                |

Injury: Y N      Enlargement: Y N

Conditions to avoid enlargement/injury --



**Reimbursement Authority  
Final Deliverables Cover Sheet  
for  
Transfers**

Transfer # T-10459

Applicant: Scott Madison

**The following items have been submitted electronically\*:**

- ☐ Contact List
- ☐ Draft Preliminary Determination (DPD)
- ☐ DPD Cover Letter
- ☐ PD Notice
- ☐ PD Cover Letter
- ☐ Remaining Right Certificates (one for each right that is not entirely affected by the transfer)

**\*NOTE:** Transfer documents should be submitted in MS Word format preferably, or "rich text" format.

**The following items are enclosed:**

- ☐ Marked copy of transfer application
- ☐ (for POU changes) Plat Card Report marked to indicate any other rights on the "From" lands
- ☐ (for POU changes) Plat Card Report marked to indicate rights overlapping proposed POU
- ☐ Notes or sketches, maps, etc. from evaluation of changes, injury evaluation, etc. that will help document what was considered in reaching the findings and determination in the Preliminary Determination.
- ☐ Copies of each certificate that is only partially included in the transfer, marked as needed to show what portion of the right is being affected, and what remains unchanged.
- ☐ Signature of Contractor: \_\_\_\_\_ Date: \_\_\_\_\_

***For WRD use only:***

WRD approval by: \_\_\_\_\_ Date: \_\_\_\_\_

**WATER RESOURCES DEPARTMENT  
REIMBURSEMENT AUTHORITY ESTIMATE APPLICATION**

*House Bill 2551(2003 Oregon Laws) authorizes the Oregon Water Resources Department to expedite or enhance regulatory processes voluntarily requested under the agreement. The voluntary agreement can be entered into with any person requesting services and agreeing to pay the Department's costs of providing the service.*

*The Department has established a pool of qualified contractors to perform expedited services for water right transfers, water right permits extensions, and water right certificates.*

The purpose of this application is to obtain an estimate from the next qualified contractor in the appropriate pool. There is a non-refundable application fee of \$125.00 per request. The contractor will provide an estimate of the cost and of the time required to process and develop a recommendation on the request of a: (check one):

| <u>REQUEST</u>           | <u>TYPE</u>               | <u>FILE NUMBER</u> |
|--------------------------|---------------------------|--------------------|
| XX                       | Transfer Application      | <u>1-10459</u>     |
| <input type="checkbox"/> | Certificate Request       | _____              |
| <input type="checkbox"/> | Extension of Time Request | _____              |

| <u>Applicant Information</u> |                   | <u>Applicant's Representative/Contact</u> |
|------------------------------|-------------------|-------------------------------------------|
| Name: (Please Print)         | Scot Madison      | William I. Porfily                        |
| Address:                     | 75512 Highway 207 | P.O. Box 643, 415 E. Wheeler              |
|                              | Echo, OR 97875    | Stanfield, OR 97875                       |
| Phone:                       | (541)376-8214     | (541)449-1327                             |
| Fax                          |                   | (541)449-1327                             |
| E-Mail Address:              |                   | bporfily@my180.net                        |

I understand the following:

- There is a non-refundable application fee of ~~\$125.00~~ per request.
- That upon receipt of my non-refundable application fee in the amount of **\$ 125.00**, OWRD will assign my request to the next contractor in the pool of contractors performing expedited services.
- That this fee covers the copying, the mailing cost, as well as the cost for the contractor to evaluate and provide the estimate for processing of the request.
- That OWRD will provide all pertinent information to the assigned contractor within three (3) business days.
- That OWRD will, within fourteen (14) days, notify me in writing of the estimates of costs and time frame for the expedited service.
- That upon receiving the estimates I may agree or decline to enter into a formal contract to pay the estimated cost in advance to initiate the expedited service.
- An incomplete or inaccurate application may delay the process and increase the cost to process my request.
- Expedited processing does not guarantee a favorable review of my request.

I certify that I am the (check one) ☐ Applicant X Applicant's Representative ☐ Other (Please specify) \_\_\_\_\_

Signature: [Signature] Name: SCOT MADISON

**OWRD USE ONLY**

|                      |                    |                       |
|----------------------|--------------------|-----------------------|
| Contractor Assigned: | <b>RECEIVED</b>    | Total Amount Paid: \$ |
| OWRD Approval:       | <u>[Signature]</u> |                       |

SEP 14 2007

WATER RESOURCES DEPT  
SALEM, OREGON

T 10459

Revised: 6/21/2004

# Checklist for Claims of Beneficial Use Received at CSG Counter

|                                    |                             |
|------------------------------------|-----------------------------|
| Application #                      | WRD Reviewer <i>Cony M.</i> |
| Transfer # <i>10459</i>            |                             |
| Date Received <i>1/31/2020</i>     |                             |
| CWRE Name <i>Dale Van Schoiack</i> |                             |

Priority Date: *1896-1978*

## Fees Required:

YES NO A fee of \$200 must accompany this form for permits with priority dates of July 9, 1987, or later.

YES NO A fee of \$200 must accompany this form for any transfers including a water right with a priority date of July 9, 1987, or later.

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

Fill in App or Transfer Number

## Map Review:

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

## Report Review:

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

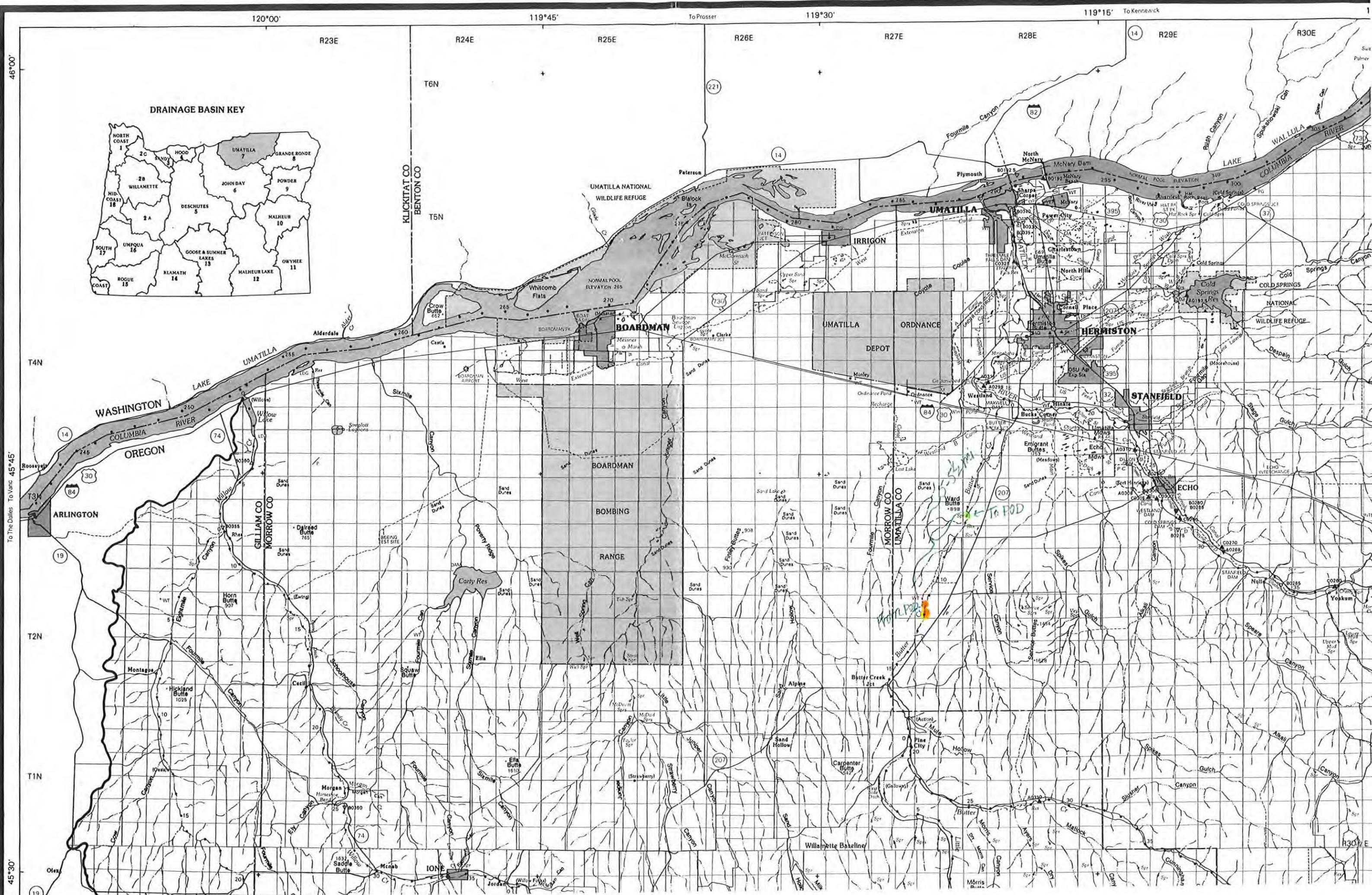
| MONEY SLIP                                                                                               |                                   |
|----------------------------------------------------------------------------------------------------------|-----------------------------------|
| DATE:                                                                                                    | RECEIPT #:                        |
| RECEIVED FROM:                                                                                           | APPLICATION<br>PERMIT<br>TRANSFER |
| CASH <input type="checkbox"/> CHECK # <input type="checkbox"/> OTHER (IDENTIFY) <input type="checkbox"/> | TOTAL DUE \$                      |
| 0001 TREASURY 0001 BASIC CONTRACT                                                                        |                                   |
| 0407 COPIES OTHER (IDENTIFY)                                                                             | \$                                |
| 0243 Instream Lease 0244 Mine Water Right Perm 0245 Coal Water                                           |                                   |
| 0002 TREASURY 0002 WRD OPERATIVE ACCT.                                                                   |                                   |
| 0407 MISCELLANEOUS COPY & TAMP FEES <i>4611</i>                                                          | \$                                |
| 0410 RESEARCH FEES                                                                                       | \$                                |
| 0408 BASIC REVENUE (IDENTIFY)                                                                            | \$                                |
| 0242 DEPOSIT LIME (IDENTIFY)                                                                             | \$                                |
| 0240 EXTENSION OF TIME                                                                                   | \$                                |
| WATER RIGHTS                                                                                             |                                   |
| 0201 SURFACE WATER                                                                                       | \$                                |
| 0202 GROUND WATER                                                                                        | \$                                |
| 0203 TRANSFER                                                                                            | \$                                |
| 0214 MINE CONSTRUCTION WELL DRILL CONSTRUCTION LANDOWNER'S PERMIT                                        | \$                                |
| 0202 OTHER (IDENTIFY) <i>0204</i>                                                                        | \$                                |
| 0003 TREASURY 0003 HYDROLOGIC                                                                            |                                   |
| 0203 POWER LICENSE FEE (HYDRO)                                                                           | \$                                |
| 0201 HYDRO LICENSE FEE (HYDRO)                                                                           | \$                                |
| HYDRO APPLICATION                                                                                        | \$                                |
| SPECIAL INSTRUCTIONS:                                                                                    |                                   |
| <input type="checkbox"/> RETURN TO APPLICANT - LETTER ATTACHED                                           |                                   |

## Groundwater File Review:

Pump Test Required? *NK* YES NO Pump Test Submitted? *NK* YES NO\*

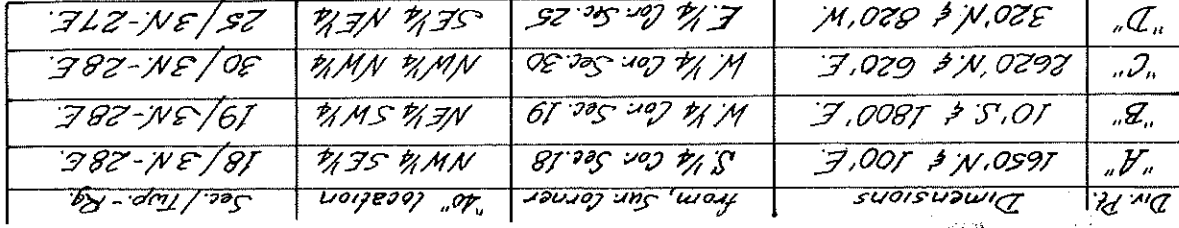
\*If no, include pump test flyer w/acknowledgment letter







R27E  
R28E

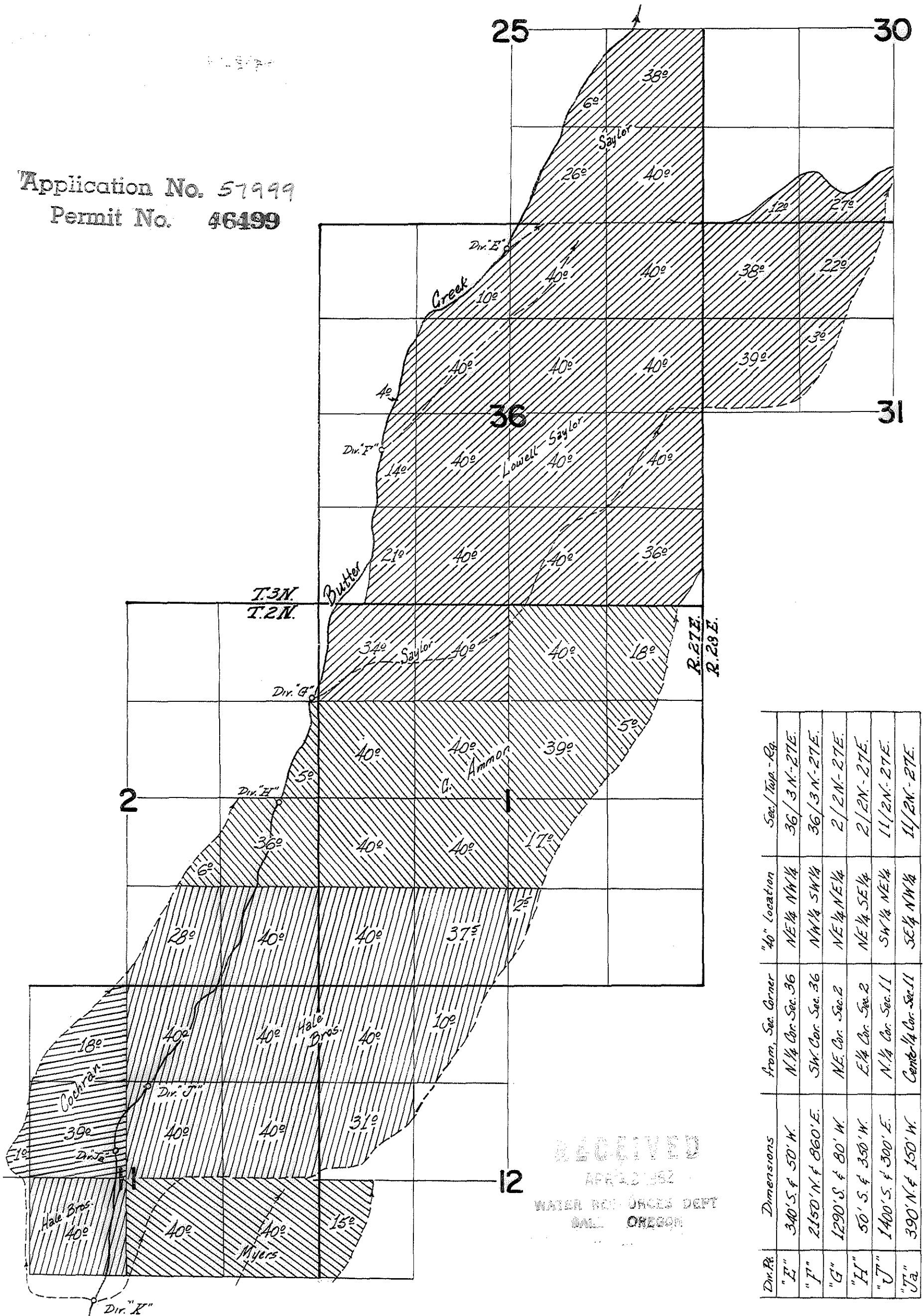


1997, 1998, 1999, 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2022, 2023, 2024, 2025, 2026, 2027, 2028, 2029, 2030, 2031, 2032, 2033, 2034, 2035, 2036, 2037, 2038, 2039, 2040, 2041, 2042, 2043, 2044, 2045, 2046, 2047, 2048, 2049, 2050, 2051, 2052, 2053, 2054, 2055, 2056, 2057, 2058, 2059, 2060, 2061, 2062, 2063, 2064, 2065, 2066, 2067, 2068, 2069, 2070, 2071, 2072, 2073, 2074, 2075, 2076, 2077, 2078, 2079, 2080, 2081, 2082, 2083, 2084, 2085, 2086, 2087, 2088, 2089, 2090, 2091, 2092, 2093, 2094, 2095, 2096, 2097, 2098, 2099, 2100, 2101, 2102, 2103, 2104, 2105, 2106, 2107, 2108, 2109, 2110, 2111, 2112, 2113, 2114, 2115, 2116, 2117, 2118, 2119, 2120, 2121, 2122, 2123, 2124, 2125, 2126, 2127, 2128, 2129, 2130, 2131, 2132, 2133, 2134, 2135, 2136, 2137, 2138, 2139, 2140, 2141, 2142, 2143, 2144, 2145, 2146, 2147, 2148, 2149, 2150, 2151, 2152, 2153, 2154, 2155, 2156, 2157, 2158, 2159, 2160, 2161, 2162, 2163, 2164, 2165, 2166, 2167, 2168, 2169, 2170, 2171, 2172, 2173, 2174, 2175, 2176, 2177, 2178, 2179, 2180, 2181, 2182, 2183, 2184, 2185, 2186, 2187, 2188, 2189, 2190, 2191, 2192, 2193, 2194, 2195, 2196, 2197, 2198, 2199, 2200, 2201, 2202, 2203, 2204, 2205, 2206, 2207, 2208, 2209, 2210, 2211, 2212, 2213, 2214, 2215, 2216, 2217, 2218, 2219, 2220, 2221, 2222, 2223, 2224, 2225, 2226, 2227, 2228, 2229, 2230, 2231, 2232, 2233, 2234, 2235, 2236, 2237, 2238, 2239, 2240, 2241, 2242, 2243, 2244, 2245, 2246, 2247, 2248, 2249, 2250, 2251, 2252, 2253, 2254, 2255, 2256, 2257, 2258, 2259, 2260, 2261, 2262, 2263, 2264, 2265, 2266, 2267, 2268, 2269, 2270, 2271, 2272, 2273, 2274, 2275, 2276, 2277, 2278, 2279, 2280, 2281, 2282, 2283, 2284, 2285, 2286, 2287, 2288, 2289, 2290, 2291, 2292, 2293, 2294, 2295, 2296, 2297, 2298, 2299, 2300, 2301, 2302, 2303, 2304, 2305, 2306, 2307, 2308, 2309, 2310, 2311, 2312, 2313, 2314, 2315, 2316, 2317, 2318, 2319, 2320, 2321, 2322, 2323, 2324, 2325, 2326, 2327, 2328, 2329, 2330, 2331, 2332, 2333, 2334, 2335, 2336, 2337, 2338, 2339, 2340, 2341, 2342, 2343, 2344, 2345, 2346, 2347, 2348, 2349, 2350, 2351, 2352, 2353, 2354, 2355, 2356, 2357, 2358, 2359, 2360, 2361, 2362, 2363, 2364, 2365, 2366, 2367, 2368, 2369, 2370, 2371, 2372, 2373, 2374, 2375, 2376, 2377, 2378, 2379, 2380, 2381, 2382, 2383, 2384, 2385, 2386, 2387, 2388, 2389, 2390, 2391, 2392, 2393, 2394, 2395, 2396, 2397, 2398, 2399, 2400, 2401, 2402, 2403, 2404, 2405, 2406, 2407, 2408, 2409, 2410, 2411, 2412, 2413, 2414, 2415, 2416, 2417, 2418, 2419, 2420, 2421, 2422, 2423, 2424, 2425, 2426, 2427, 2428, 2429, 2430, 2431, 2432, 2433, 2434, 2435, 2436, 2437, 2438, 2439, 2440, 2441, 2442, 2443, 2444, 2445, 2446, 2447, 2448, 2449, 2450, 2451, 2452, 2453, 2454, 2455, 2456, 2457, 2458, 2459, 2460, 2461, 2462, 2463, 2464, 2465, 2466, 2467, 2468, 2469, 2470, 2471, 2472, 2473, 2474, 2475, 2476, 2477, 2478, 2479, 2480, 2481, 2482, 2483, 2484, 2485, 2486, 2487, 2488, 2489, 2490, 2491, 2492, 2493, 2494, 2495, 2496, 2497, 2498, 2499, 2500, 2501, 2502, 2503, 2504, 2505, 2506, 2507, 2508, 2509, 2510, 2511, 2512, 2513, 2514, 2515, 2516, 2517, 2518, 2519, 2520, 2521, 2522, 2523, 2524, 2525, 2526, 2527, 2528, 2529, 2530, 2531, 2532, 2533, 2534, 2535, 2536, 2537, 2538, 2539, 2540, 2541, 2542, 2543, 2544, 2545, 2546, 2547, 2548, 2549, 2550, 2551, 2552, 2553, 2554, 2555, 2556, 2557, 2558, 2559, 2560, 2561, 2562, 2563, 2564, 2565, 2566, 2567, 2568, 2569, 2570, 2571, 2572, 2573, 2574, 2575, 2576, 2577, 2578, 2579, 2580, 2581, 2582, 2583, 2584, 2585, 2586, 2587, 2588, 2589, 2590, 2591, 2592, 2593, 2594, 2595, 2596, 2597, 2598, 2599, 2600, 2601, 2602, 2603, 2604, 2605, 2606, 2607, 2608, 2609, 2610, 2611, 2612, 2613, 2614, 2615, 2616, 2617, 2618, 2619, 2620, 2621, 2622, 2623, 2624, 2625, 2626, 2627, 2628, 2629, 2630, 2631, 2632, 2633, 2634, 2635, 2636, 2637, 2638, 2639, 2640, 2641, 2642, 2643, 2644, 2645, 2646, 2647, 2648, 2649, 2650, 2651, 2652, 2653, 2654, 2655, 2656, 2657, 2658, 2659, 2660, 2661, 2662, 2663, 2664, 2665, 2666, 2667, 2668, 2669, 2670, 2671, 2672, 2673, 2674, 2675, 2676, 2677, 2678, 26

DATE: 10-2-68  
PAGE: 6000

T.2&3N.,R.27&28E.

Application No. 57999  
Permit No. 46499



| Dr. Pt.           | Dimensions         | from, Sec. Corner       | "40" Location | Sec./Twp.-Rq. |
|-------------------|--------------------|-------------------------|---------------|---------------|
| "I"               | 340' S. & 50' W.   | N. 1/4 Cor. Sec. 36     | NE 1/4 NW 1/4 | 36/3 N.-27E.  |
| "J"               | 2150' N. & 860' E. | SW Cor. Sec. 36         | NW 1/4 SW 1/4 | 36/3 N.-27E.  |
| "G"               | 1290' S. & 80' W.  | NE Cor. Sec. 2          | NE 1/4 NE 1/4 | 2/2 N.-27E.   |
| "H"               | 50' S. & 350' W.   | E 1/4 Cor. Sec. 2       | NE 1/4 SE 1/4 | 2/2 N.-27E.   |
| "J"               | 1400' S. & 300' E. | N. 1/4 Cor. Sec. 11     | SW 1/4 NE 1/4 | 11/2 N.-27E.  |
| "J <sub>2</sub> " | 390' N. & 150' W.  | Center 1/4 Cor. Sec. 11 | SE 1/4 NW 1/4 | 11/2 N.-27E.  |



page

T.2N., R.27E.



T.2N., R.27E.

T.2N., R.27E.

T.2N., R.27E.

T.2N., R.27E.

The map displays a grid with elevations ranging from 10 to 34. Key features include:

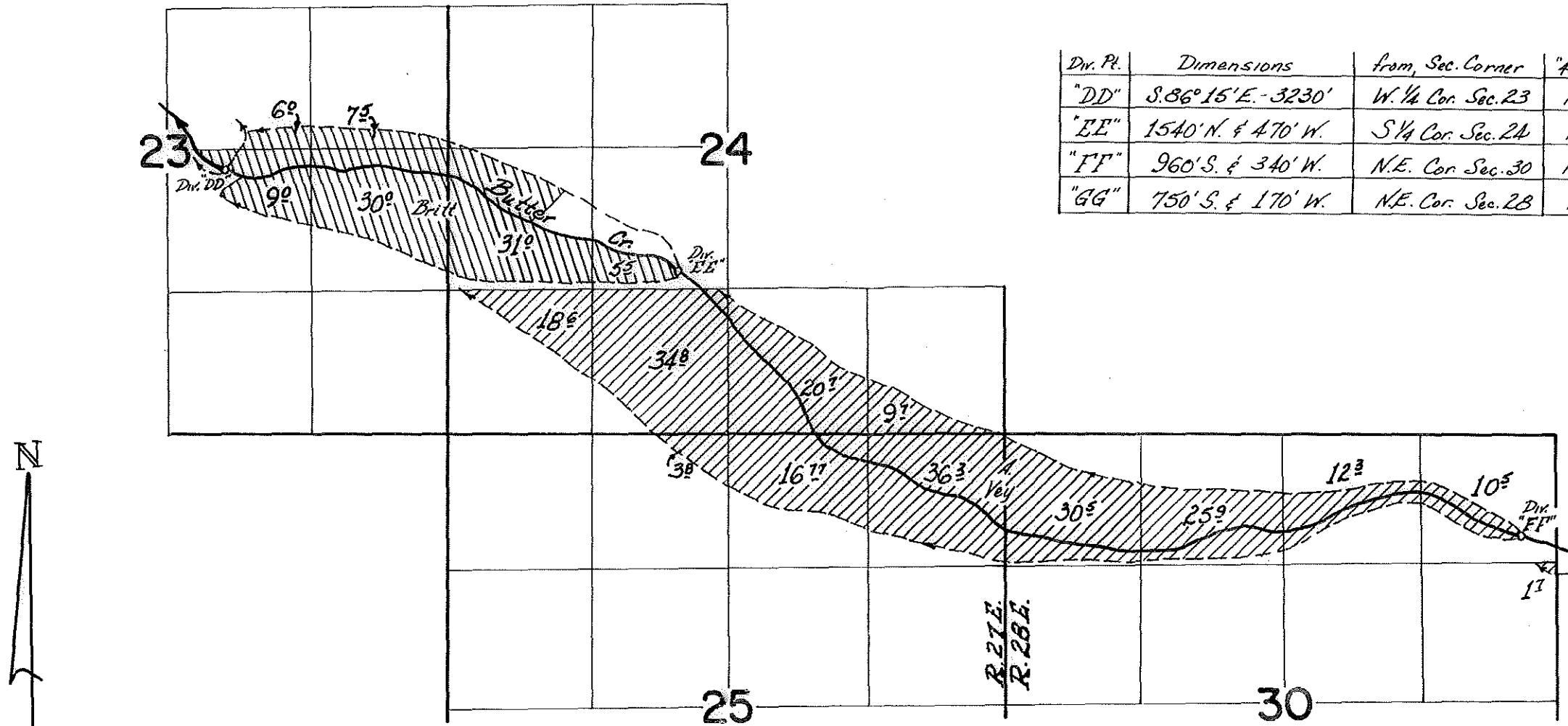
- Wattenberger**: A large shaded area on the left side of the map, with elevations ranging from 10 to 34.
- Butler**: A shaded area in the center, with elevations ranging from 10 to 34.
- Graham**: A shaded area on the right side, with elevations ranging from 10 to 34.
- Dix**: A shaded area on the far right, with elevations ranging from 10 to 34.
- Contour Lines**: Lines indicating elevation, with labels such as 10, 20, 30, and 40.
- Shaded Regions**: Areas representing different geological units, with various patterns and colors.

The figure consists of eight vertically stacked grayscale images showing the progression of a fire. From top to bottom: 1. A small flame on a dark surface. 2. A slightly larger flame. 3. A flame with more visible structure. 4. A flame with a distinct, bright yellow-orange core. 5. A flame with a large, bright, and irregular shape. 6. A large, intense fire with a bright, irregular shape. 7. A large, intense fire with a bright, irregular shape. 8. A large, intense fire with a bright, irregular shape.

WALTER DE GRUYTER  
GmbH  
Leipzig

page 5 of 5

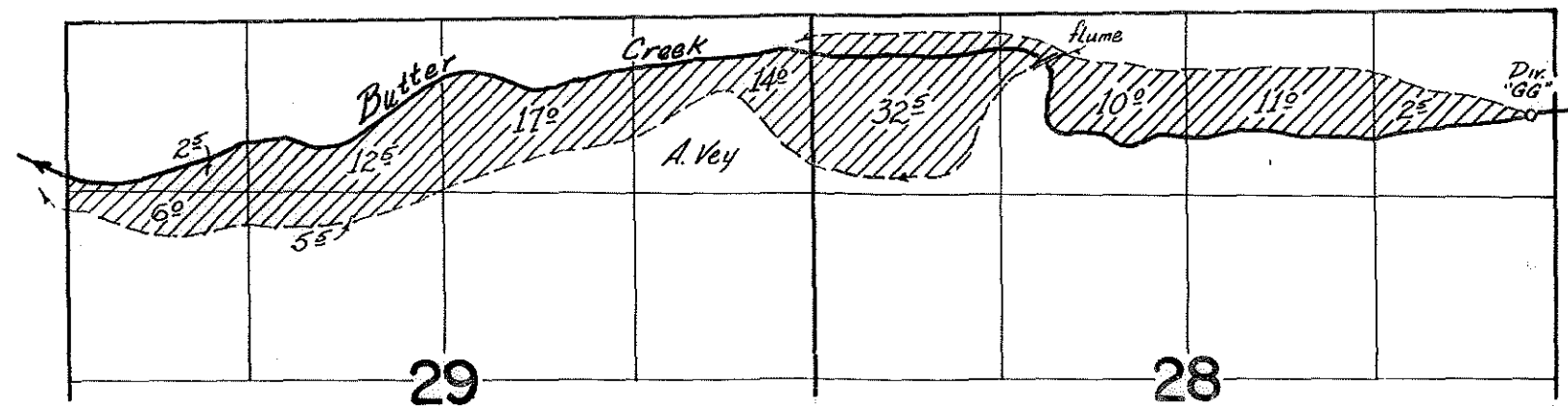
# T.1N., R.27&28E.



| Dir. Pt. | Dimensions            | from, Sec. Corner   | "40" Location | Sec./Twp. Rq.   |
|----------|-----------------------|---------------------|---------------|-----------------|
| "DD"     | S. 86° 15' E. - 3230' | W. 1/4 Cor. Sec. 23 | NW 1/4 SE 1/4 | 23 / 1N. - 27E. |
| "EE"     | 1540' N. & 470' W.    | S 1/4 Cor. Sec. 24  | NE 1/4 SW 1/4 | 24 / 1N. - 27E. |
| "FF"     | 960' S. & 340' W.     | N.E. Cor. Sec. 30   | NE 1/4 NE 1/4 | 30 / 1N. - 28E. |
| "GG"     | 750' S. & 170' W.     | N.E. Cor. Sec. 28   | NE 1/4 NE 1/4 | 28 / 1N. - 28E. |

RECEIVED  
APR 22 1982  
WATER RESOURCES DEPT  
SAL. OREGON

# T.1N., R.28E.



Application No. 57999  
Permit No. 46499

page 5 of 5