

T-10531

T-10531

Name Susan LoomisAddress 65798 White Rock Loop  
Bend, OR 97701  
541-389-7596 541-420-6090Change in PO4 POD  
Date Filed 2-5-2008  
Initial notice date 2-19-08  
DPD issued date \_\_\_\_\_  
PD issued date \_\_\_\_\_  
PD notice date \_\_\_\_\_  
Date of FO 1-12-09 Vol 77 Page 77C-Date \_\_\_\_\_  
COBU due date \_\_\_\_\_  
COBU Received date 10/5/2009 letter sent  
Certificate issued AUG 10 2012 087470

## DESCRIPTION OF WATER RIGHT(S)

Name of Stream Owyhee RiverTrib. of Snake RiverUse IRCounty Malheur

Quantity of water (CFS) \_\_\_\_\_

No. of Acres \_\_\_\_\_

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

App # 553430 Per # 540448 Cert # 61676 PR Date 1975

App # \_\_\_\_\_ Per # \_\_\_\_\_ Cert # \_\_\_\_\_ PR Date \_\_\_\_\_

App # \_\_\_\_\_ Per # \_\_\_\_\_ Cert # \_\_\_\_\_ PR Date \_\_\_\_\_

App # \_\_\_\_\_ Per # \_\_\_\_\_ Cert # \_\_\_\_\_ PR Date \_\_\_\_\_

App # \_\_\_\_\_ Per # \_\_\_\_\_ Cert # \_\_\_\_\_ PR Date \_\_\_\_\_

| FEES PAID     |               |              |
|---------------|---------------|--------------|
| Date          | Amount        | Receipt #    |
| <u>2/5/08</u> | <u>800.00</u> | <u>91381</u> |

| FEES REFUNDED |        |          |
|---------------|--------|----------|
| Date          | Amount | Receipt# |
|               |        |          |

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

Irrigation District Owyhee Ditch Company ATTN: Mike Blackaby 280 S Oregon St. Ontario, OR97914  
Agent Andy Pentz 2435 Jefferson, Nyssa, OR 97913 541-372-2341

CWRE \_\_\_\_\_

CC's list Malheur County 251 B Street West Vale, OR 97918CLO: SAABOV RID: James Clouse Marlene Hasten 1880 Owyhee Lake Rd Nyssa, OR

97913

☐ - Oversized map - Location \_\_\_\_\_

COBU MAP # 0464



# Oregon

John A. Kitzhaber, MD, Governor

Water Resources Department  
North Mall Office Building  
725 Summer Street NE, Suite A  
Salem, OR 97301-1271  
503-986-0900  
FAX 503-986-0904

**Date Mailed: August 10, 2012**

## NOTICE OF CERTIFICATE ISSUANCE

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

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

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

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

If you have any questions please contact Gerry Clark at 503-986-0811.

# Mailing List for Transfer Certificate

Mailing Date:

Application: T-10531

Certificate: 87470

Certificate/Transfer Holder: (include copy of map)

JAMES CLOUSE  
MARLENE KASTEN  
1880 OWYHEE LAKE RD  
NYSSA, OR 97913 ✓

Copies Mailed

By: *Connie Dance*  
(SUPPORT STAFF)

on: *8/10/2014*  
(DATE)

Copies of final Certificate to be sent to:

1. Data Center ✓
2. Water Availability ✓
3. Vault ✓
4. File ✓

Other Persons to receive copies (proposed and/or final certificate:(Include map)

1. Watermaster #9, Ron Jacobs ✓
2. Stewart Edwards, CWRE ✓

Record Marking(s):

1. Original Application #S-53430 ✓
2. Old Certificate #61676 ✓

STATE OF OREGON  
COUNTY OF MALHEUR  
CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

JAMES CLOUSE  
MARLENE KASTEN  
1880 OWYHEE LAKE RD  
NYSSA, OR 97913

confirms the right to use the waters of the OWYHEE RIVER AND OWYHEE RESERVOIR CONSTRUCTED UNDER PERMIT R-599 AND ENLARGED UNDER PERMIT R-1764, a tributary of THE SNAKE RIVER for IRRIGATION of 6.0 ACRES.

The date of priority is JULY 18, 1975. The amount of water to which this right is entitled is limited to an amount actually used beneficially, and shall not exceed 0.1 CUBIC FOOT PER SECOND, or its equivalent in case of rotation, measured at the point of diversion.

The point of diversion is located as follows:

| Twp  | Rng  | Mer | Sec | Q-Q   | Measured Distances                                               |
|------|------|-----|-----|-------|------------------------------------------------------------------|
| 21 S | 45 E | WM  | 35  | SW NW | 1822 FEET SOUTH AND 996 FEET EAST FROM THE NW CORNER, SECTION 35 |

The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands, is limited to a diversion of ONE-SIXTIETH of one cubic foot per second, or its equivalent for each acre irrigated, and shall be further 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. The use shall conform to such reasonable rotation system as may be ordered by the proper state officer.

A description of the place of use is as follows:

| IRRIGATION |      |     |     |       |       |
|------------|------|-----|-----|-------|-------|
| Twp        | Rng  | Mer | Sec | Q-Q   | Acres |
| 21 S       | 45 E | WM  | 35  | SW NW | 6.00  |

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 described as follows:

| Twp  | Rng  | Mer | Sec | Q-Q   | GLot | Measured Distances                                                              |
|------|------|-----|-----|-------|------|---------------------------------------------------------------------------------|
| 21 S | 46 E | WM  | 18  | SW NW | 2    | OWYHEE DITCH - 1950 FEET SOUTH AND 900 FEET EAST FROM THE NW CORNER, SECTION 18 |

**NOTICE OF RIGHT TO RECONSIDERATION OR JUDICIAL REVIEW**

This is an order in other than a contested case. This order is subject to judicial review under ORS 183.484. Any petition for judicial review must be filed within the 60-day time period specified by ORS 183.482. Pursuant to ORS 183.482, ORS 536.075 and OAR 137-003-0675, you may petition for judicial review and petition the Director for reconsideration of this order. A petition for reconsideration may be granted or denied by the Director, and if no action is taken within 60 days following the date the petition was filed, the petition shall be deemed denied.

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. When required by the Department, the water user shall install, maintain and operate an in-line flow meter, weir, or other suitable device for measuring and recording the quantity of water diverted. The type and plans of the measuring device must be approved by the Department prior to beginning construction and shall be installed under the general supervision of the Department.

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.

This certificate is issued to confirm a change in POINT OF DIVERSION AND PLACE OF USE approved by an order of the Water Resources Director entered January 12, 2009, at Special Order Volume 77, Page 77, approving Transfer Application 10531, and supercedes Certificate 61676, State record of Water Right Certificates.

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.

Issued AUG 10 2012.

  
Dwight W. French  
Water Right Services Administrator, for  
Phillip C. Ward, Director

## STATE OF OREGON

## COUNTY OF MALHEUR

## CERTIFICATE OF WATER RIGHT

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JAMES CLOUSE  
MARLENE KASTEN  
1880 OWYHEE LAKE RD  
NYSSA, OR 97913

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|------------|------|-----|-----|-------|-------|
| Twp        | Rng  | Mer | Sec | Q-Q   | Acres |
| 21 S       | 45 E | WM  | 35  | SW NW | 6.00  |

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| Twp  | Rng  | Mer | Sec | Q-Q   | GLot | Measured Distances                                                              |
|------|------|-----|-----|-------|------|---------------------------------------------------------------------------------|
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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.

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Issued \_\_\_\_\_.

---

Dwight W. French  
Water Right Services Administrator, for  
Phillip C. Ward, Director

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

|                                       |   |                                |
|---------------------------------------|---|--------------------------------|
| In the Matter of Transfer Application | ) | FINAL ORDER                    |
| T-10531, Malheur County               | ) | APPROVING A CHANGE IN POINT OF |
|                                       | ) | DIVERSION AND 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.

| <b>Applicant</b>      | <b>Agent</b>    | <b>Receiving Landowners</b> |
|-----------------------|-----------------|-----------------------------|
| SUSAN LOOMIS          | ANDY PEUTZ      | JAMES CLOUSE                |
| 65798 WHITE ROCK LOOP | 2435 JEFFERSON  | MARLENE KASTEN              |
| BEND, OR 97701        | NYSSA, OR 97913 | 1880 OWYHEE LAKE RD         |
|                       |                 | NYSSA, OR 97913             |

**Findings of Fact**

**Background**

1. On February 5, 2008, Susan Loomis filed an application to change the place of use and point of diversion under Certificate 61676. The Department assigned the application number T-10531.
2. The applicant indicated that James Clouse and Marlene Kasten are the receiving landowners and will be responsible for the completion of the proposed changes in Transfer Application T-10531.
3. On February 12, 2008, a request to use the final proof map pursuant to 690-380-3100 (1)(j) was submitted and approved.

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

4. The right to be transferred is as follows:

**Certificate:** 61676 in the name of OWYHEE DITCH CO. (perfected under Permit S-40448)  
**Use:** IRRIGATION OF 6.0 ACRES  
**Priority Date:** JULY 18, 1975  
**Rate:** 0.1 CUBIC FOOT PER SECOND  
**Limit/Duty:** ONE-SIXTIETH of one cubic foot per second per acre, or its equivalent for each acre irrigated and shall be further limited to a diversion of not to exceed 4.0 acre feet per acre for each acre irrigated during the irrigation season of each year  
**Source:** OWYHEE RIVER and OWYHEE RESERVOIR CONSTRUCTED UNDER PERMIT R-599 AND ENLARGED UNDER PERMIT R-1764, tributary to the SNAKE RIVER

**Authorized Point of Diversion:**

| Twp  | Rng  | Mer | Sec | Q-Q   | GLot | Measured Distances                                                                |
|------|------|-----|-----|-------|------|-----------------------------------------------------------------------------------|
| 21 S | 46 E | WM  | 18  | SW NW | 2    | OWYHEE DITCH - 1950 FEET SOUTH AND 900 FEET EAST FROM THE NW CORNER OF SECTION 18 |

**Authorized Place of Use:**

| IRRIGATION |      |     |     |       |       |
|------------|------|-----|-----|-------|-------|
| Twp        | Rng  | Mer | Sec | Q-Q   | Acres |
| 20 S       | 46 E | WM  | 34  | NE NE | 6.0   |

5. Transfer Application T-10531 proposes to move the authorized point of diversion approximately 5 miles upstream to:

| Twp  | Rng  | Mer | Sec | Q-Q   | Tax Lot | GLot | Measured Distances                                                 |
|------|------|-----|-----|-------|---------|------|--------------------------------------------------------------------|
| 21 S | 45 E | WM  | 35  | SW NW | 102     | 2    | 1822 FEET SOUTH AND 996 FEET EAST FROM THE NW CORNER OF SECTION 35 |

6. Transfer Application T-10531 also proposes to change the place of use of the right to:

| IRRIGATION |      |     |     |       |         |       |
|------------|------|-----|-----|-------|---------|-------|
| Twp        | Rng  | Mer | Sec | Q-Q   | Tax Lot | Acres |
| 21 S       | 45 E | WM  | 35  | SW NW | 102     | 6.0   |

7. Notice of the application for transfer was published on February 19, 2008, pursuant to OAR 690-380-4000. No comments were filed in response to the notice.
8. On September 15, 2008, the Department mailed a copy of the draft Preliminary Determination proposing to approve Transfer Application T-10531 to the applicant. The cover letter for the draft Preliminary Determination set forth a deadline of October 16, 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.

9. On November 6, 2008, the Department issued a preliminary determination proposing to approve Transfer Application T-10531 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 November 11, 2008, and in the Argus Observer on November 21, 28, December 5, and 12, 2008, pursuant to ORS 540.520 and OAR 690-380-4020. No protests were filed in response to the notice.
10. The Oregon Department of Fish and Wildlife (ODFW) 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.

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

11. Water has been used within the last five years according to the terms and conditions of the right, and there is no information in the record that would demonstrate that the right is subject to forfeiture under ORS 540.610.
12. A diversion structure and ditch sufficient to use the full amount of water allowed under the existing right were present within the five-year period prior to submittal of Transfer Application T-10531.
13. The proposed changes would not result in enlargement of the right.
14. The proposed changes would not result in injury to other water rights.

**Conclusion of Law**

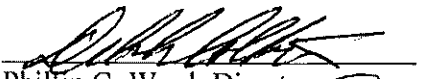
The changes in place of use and point of diversion proposed in Transfer Application T-10531 are consistent with the requirements of ORS 540.505 to 540.580 and OAR 690-380-5000.

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

1. The changes in place of use and point of diversion proposed in Transfer Application T-10531 are approved.
2. The right to the use of the water is restricted to beneficial use at the place of use described, and is subject to all other conditions and limitations contained in Certificate 61676 and any related decree.
3. Water Right Certificate 61676 is cancelled.
4. 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.
5. The former place of use of the transferred right shall no longer receive water under the right.

6. 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.
7. When required by the Department, the water user shall install, maintain and operate an in-line flow meter, weir, or other suitable device for measuring and recording the quantity of water diverted. The type and plans of the measuring device must be approved by the Department prior to beginning construction and shall be installed under the general supervision of the Department.
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. The approved changes shall be completed and full beneficial use of the water shall be made on or before **October 1, 2010**. 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.
10. When satisfactory proof of the completed changes is received, a new certificate confirming the right transferred will be issued.

Dated at Salem, Oregon this 12<sup>th</sup> day of January 2009.

  
Phillip C. Ward, Director *PCW*

Mailing Date: JAN 21 2009

To Lands

T. 21 S, R. 45 E, W.M.

DRAFT

TL102 (SWNW)

1.0 ac

5.0 ac

Diversion Point - 1822' S & 996' E from  
the NW corner, Sec 35

Owyhee River

35

**RECEIVED**

FEB 05 2008

WATER RESOURCES DEPT  
SALEM, OREGON

DRAFT

T 10531

1 inch equals 400 feet

## Water Rights Platcard Report

Meridian: Willamette Township: 21 South Range: 45 East Section: 35 Records per Page: 1000 Search Platcards Maps! Learn about \* View Map

| Water Right                                                       | Changing<br>Xfers | Priority  | Use                           | Use<br>Status | DLC | Gov't<br>Lot | QQ(40):<br>Q(160): | NE | NW | SW | SE | NE | NW | SW | SE  | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE | Unknown<br>QQ |
|-------------------------------------------------------------------|-------------------|-----------|-------------------------------|---------------|-----|--------------|--------------------|----|----|----|----|----|----|----|-----|----|----|----|----|----|----|----|----|----|----|----|----|---------------|
| Select Inchoate: T 10531 CF (REG) *                               |                   | 7/18/1975 | IRRIGATION                    |               |     |              |                    |    |    |    |    |    |    |    | (6) |    |    |    |    |    |    |    |    |    |    |    |    |               |
| Additional Info:<br>SUSAN LOOMIS<br>App: S53430<br>Permit: S40448 |                   |           |                               |               |     |              |                    |    |    |    |    |    |    |    |     |    |    |    |    |    |    |    |    |    |    |    |    |               |
| Select App: P 82812 *                                             |                   | 1/30/1997 | IRRIGATION<br>AND<br>DOMESTIC |               |     |              |                    |    |    |    |    |    |    |    |     | *  |    |    |    |    |    |    |    |    |    |    |    |               |
| Additional Info:<br>MALCOLM BROWN<br>App: P82812                  |                   |           |                               |               |     |              |                    |    |    |    |    |    |    |    |     |    |    |    |    |    |    |    |    |    |    |    |    |               |

Acreage Legend: 12.25 Regular acreage 12.25 Acreage is on a canceled right (12.25) Acreage is part of a transfer and has not been proven up on yet (Inchoate) [12.25] Acreage has been suspended \* Acreage is not specified

# Completion Checklist for CWRE Claims of Beneficial Use



Date Received 10/5/2009  
 CWRE Name Stewart Edwards  
 Claim Logged 10/6/2009  
 File Marked 10/6/2009  
 Oversized Map # 0464  
 Read the file and attach a copy of the permit or transfer final order. \_\_\_\_\_

Application # \_\_\_\_\_  
 Permit # \_\_\_\_\_  
 Transfer # T10531  
 Date 10/6/2009  
 Reviewer C.D.

## 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))
- ☐ Source illustrated if surface water (OAR 690-014-0170(3))
- ☐ Point(s) of diversion or appropriation (illustrated) (OAR 690-014(4) & 690-310-0050)
- ☐ Point(s) of diversion or appropriation (coordinates) (OAR 690-014(4) & 690-310-0050)
- ☐ Conveyance structures illustrated (pump, pipelines, ditches, etc.) (OAR 690-310-0050)
- ☐ Description of the location, in relation to the point of diversion or appropriation, of any fish screens, by-pass devices, and measuring devices required (OAR 690-014(4))
- ☐ Place of use (1/4 1/4, or projected 1/4 1/4 lines within DLCs, or Gov Lots; if irrigation, # of acres in each subdivision; if for domestic or human consumption, location of dwelling or spigot) (OAR 690-310-0050, 690-014, 690-380-6010)

## Report Review:

- ☒ On form or format 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)
- ☒ Tax lot information (OAR 690-014)
- ☒ Description of conveyances system (from POD to POU) (OAR 690-014-0100)
- ☒ Source(s) of water (OAR 690-014-0100)
- ☒ Point of diversion/appropriation location (OAR 690-014-0100)
- ☒ Use, period of use, and rate for use (OAR 690-014-0100)
- ☒ Place of use location (OAR 690-014-0100)
- ☒ Type of use (OAR 690-014-0100)
- ☒ Extent of use (OAR 690-014-0100)
- ☒ Rate and Duty (OAR 690-014-0100)
- ☒ Diversion rate for each use (OAR 690-014-0100)
- ☒ Diversion works description (pump make, serial model, capacity, and description) (OAR 690-014-0100)
- ☒ System capacity (OAR 690-014-0100)
  - ☒ Calculated capacity of system (required)
  - ☐ Measured amount of use (optional)
- ☐ Permit/Transfer Final Order Conditions (OAR 690-014-0100)
  - ☐ Time limits
  - ☐ Initial water level measurements
  - ☐ Annual static water level measurements
  - ☐ Measurement, recording, and reporting
    - ☐ Meter/measuring device
    - ☐ Water use reporting
  - ☒ Fish screening and/or by-pass
  - ☐ Pump test (ground water)
  - ☐ Other conditions
- ☒ CWRE stamp and signature (OAR 690-014-0100)
- ☒ Signature(s) of permittee of transfer holder (OAR 690-014-0100)

DEF = deficient  
 N/A = Not Applicable

## Certificate Issuance Processing Checklist

\_\_\_\_ Map and COBU reviewed  
\_\_\_\_ Conflict check (include copy of plat card printout)      Any Conflicts? \_\_\_\_\_  
\_\_\_\_ Check for ownership

### Staff Recommendations:

\_\_\_\_ Proof to the Satisfaction has been established to the full extent as described in the permit or transfer order.

\_\_\_\_ Proof to the Satisfaction has been not been established to the full extent as described in the permit or transfer order and the right should be limited as follows: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_ Proof to the Satisfaction has not been established for the following reasons: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_ **Proposed Actions:**  
Send letter requesting the following items/information: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_ Send letter recommending extension to cure deficiencies: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Can certificate be processed further?

\_\_\_\_ Yes

If "Yes":

\_\_\_\_ Proposed  
\_\_\_\_ Final

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

Mailing list:

Proposed:

Final:

This form is subject to revision. Begin each new claim by checking for a new version of this form and downloading a new one if necessary.

If you have questions regarding the completion of this form, contact:

Gerry Clark by e-mail at [Gerald.E.CLARK@wrд.state.or.us](mailto:Gerald.E.CLARK@wrд.state.or.us) or by phone at 503-986-0811,

Or Jerry Gainey by e-mail at [Jerry.W.GAINEY@wrд.state.or.us](mailto:Jerry.W.GAINEY@wrд.state.or.us) or by phone at 503-986-0812.

The Department has a program titled "Reimbursement Authority" that allows a permit holder to pay the cost to have the Department expedite the review of the claim and, if appropriate, prepare a certificate. This program means a certificate can be issued in about a month. For more information on this program see <http://www.wrд.state.or.us/programs/index.shtml>.

**\*\*This box can be deleted**

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

## CLAIM OF BENEFICIAL USE

**A fee of \$150 must accompany this form to be accepted. (ORS 536.050(1)(x))**

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 numbered item must have a response. If any requested information does not apply to the Claim, insert "n/a." Do not delete 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. A separate form shall be completed for each permit or transfer final order.

### I. General Information

#### 1. File Information

|                                   |                               |
|-----------------------------------|-------------------------------|
| Application Number (G, R, S or T) | Permit Number (if applicable) |
| T-10531                           | N/A                           |

#### 2. Property owner (current owner information)

##### a. Individuals

|                 |                                  |                                                                                 |
|-----------------|----------------------------------|---------------------------------------------------------------------------------|
| Name            | James Clouse & Marlene Kasten    | <b>RECEIVED</b><br><br>OCT 05 2009<br><br>WATER RESOURCES DEPT<br>SALEM, OREGON |
| Mailing Address | 1880 Owyhee Lake Road            |                                                                                 |
| City/State/Zip  | Nyssa, Oregon 97913              |                                                                                 |
| Phone #         | (208) 860-8632 or (208) 830-0567 |                                                                                 |
| Fax #           | N/A                              |                                                                                 |
| e-mail address  | Kmarlene55@hughes.net            |                                                                                 |

##### b. Businesses/Organizations

|                          |     |
|--------------------------|-----|
| Name                     | N/A |
| Contact Person and Title | N/A |
| Mailing Address          | N/A |
| City/State/Zip           | N/A |
| Phone                    | N/A |
| Fax                      | N/A |
| e-mail                   | N/A |

If the current property owner is not the permittee or transfer holder of record, it is recommended that an assignment be filed with the Department. The COBU must be signed by the permit/transfer holder of record.

3. Permittee / Transferee of record (this may, or may not, be the current property owner)

c. Individuals

|                 | Individual 1 | Individual 2 |
|-----------------|--------------|--------------|
| Name            | N/A          | N/A          |
| Mailing Address | N/A          | N/A          |
| City/State/Zip  | N/A          | N/A          |

d. Businesses/Organizations

|                          |     |
|--------------------------|-----|
| Name                     | N/A |
| Contact Person and Title | N/A |
| Mailing Address          | N/A |
| City/State/Zip           | N/A |

4. Date of Site Inspection: 08/24/2009

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

| Name       | Date    | Association with the project |
|------------|---------|------------------------------|
| Jim Clouse | 8/24/09 | Owner                        |
|            |         |                              |

6. County:

7. Tax Lot Information:

| Tax map number | Tax lot number |
|----------------|----------------|
| 21S 45E        | 102            |
|                |                |
|                |                |

8. If any property described in the place of use of the permit or transfer final order is excluded from this report, identify the owner of record for that property (ORS 537.230(3)):

\*\*Mark "NA" if there are no owners of property not included in this claim

|                          |    |
|--------------------------|----|
| Name                     | NA |
| Contact Person and Title | NA |
| Mailing Address          | NA |
| City/State/Zip           | NA |
| Phone #                  | NA |

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SALEM, OREGON

|                          |    |
|--------------------------|----|
| Name                     | NA |
| Contact Person and Title | NA |
| Mailing Address          | NA |
| City/State/Zip           | NA |
| Phone #                  | NA |

## II. Points of Diversion/Appropriation and Place of Use

For each point of diversion or appropriation, provide the following information. If the claim is for more than one point of diversion/appropriation, copy and complete this section for each point of diversion or appropriation.

1. Provide a general narrative description of the distribution works. This description must trace the water system from the point of diversion or appropriation to and include the place of use:

Water is pumped from the Owyhee River with a diesel powered portable pump into a 6" PVC mainline. The main line tees and reduces to 3" PVC to irrigate the 1.0 acre pasture with a series of sprinklers NE of the house. After the tee the 6" mainline runs SW of the house and reduces to 4" PVC laterals & 2" PVC laterals to irrigate the 5.0 acre pasture with a series of sprinklers SW of the house.

2. Point of diversion/appropriation name or number (correspond to map):

| Point of diversion/appropriation name or number<br>(correspond to map) | Well log ID # for all<br>work performed on<br>the well<br>(if applicable) | Well tag #<br>(if applicable) |
|------------------------------------------------------------------------|---------------------------------------------------------------------------|-------------------------------|
| Pump #1                                                                | NA                                                                        | NA                            |
|                                                                        |                                                                           |                               |

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

3. Point of diversion/appropriation source and, if from surface water, the tributary:

| Source       | Tributary to |
|--------------|--------------|
| Owyhee River | Snake River  |

4. Point of diversion/appropriation location:

| (DLC, Government Lot, 1/4 1/4, Section, Township, Range) | Reference to a recognized public land survey corner<br>by distance and bearing or by coordinates |
|----------------------------------------------------------|--------------------------------------------------------------------------------------------------|
| SW NW of Sec 35, T20S, R45E                              | 1822' South & 996' East of NW corner of Sec. 35                                                  |

5. Actual use(s), period of use, and rate for each use:

| Uses       | If irrigation, list crop type | When water is used  | Rate for use |
|------------|-------------------------------|---------------------|--------------|
| Irrigation | pasture                       | March thru November | 0.1 cfs      |
|            |                               |                     |              |
|            |                               |                     |              |

Total Quantity of Water \_\_\_\_\_

6. Place of use for the point of diversion or appropriation:

| DLC | Gov lot | 1/4 1/4  | Section | Township | Range | Use  | # of primary acres | # of supplemental acres |
|-----|---------|----------|---------|----------|-------|------|--------------------|-------------------------|
|     |         | SW<br>NW | 35      | 21 S     | 45 E  | Irr. | 6                  | 0                       |
|     |         |          |         |          |       |      |                    |                         |
|     |         |          |         |          |       |      |                    |                         |
|     |         |          |         |          |       |      |                    |                         |
|     |         |          |         |          |       |      |                    |                         |
|     |         |          |         |          |       |      |                    |                         |

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Total Acres Irrigated 6

### Groundwater Source Information (Well and Sump)

\*\*If the appropriation is not from ground water (well or sump), this section, items 1-5, can be deleted.

### Reservoir Data

\*\*If this claim is not for a reservoir, or the system does not involve a reservoir as part of the distribution system, this section, items 1-7, can be deleted.

### Storage tank data

\*\*If this system does not include a storage tank as part of the distribution system, this section, item 1, can be deleted.

### Gravity flow pipe (The Department typically uses the Hazen-William's formula for a gravity flow pipe system)

\*\*If this claim does not rely on a gravity flow pipe to convey the water as part of the distribution system, this section, items 1-3, can be deleted.

### Gravity flow canal or ditch (The Department typically uses Manning's formula for canals and ditches)

\*\*If this claim does not rely on a gravity flow canal or ditch to convey the water as part of the distribution system, this section, items 1-3, can be deleted.

### System Information:

Provide the following information concerning the diversion and delivery system. Trace the flow of water from the point of diversion/appropriation to the place of use.

#### 1. Pump information

| Brand   | Model  | Serial Number | Type (centrifugal, turbine or submersible) | Intake size | Discharge size |
|---------|--------|---------------|--------------------------------------------|-------------|----------------|
| Berkley | B2EQHH | G150409       | Centrifugal                                | 4"          | 3"             |

#### 2. Motor information

| Brand | Model | Horsepower | Max RPM | Voltage     |
|-------|-------|------------|---------|-------------|
| Deutz | D2011 | 46         | 2800    | Diesel Fuel |

#### 3. Meter information (if required in permit or transfer final order)

| Make       | Serial #    | Condition (working or not) | Current meter reading | Notes           |
|------------|-------------|----------------------------|-----------------------|-----------------|
| McCrometer | 09-03990-06 | Working (new)              | 000014                | 0.014 Acre Feet |

#### 4. Measurement device description

| Device description | Condition (working or not) | Notes |
|--------------------|----------------------------|-------|
| NA                 | NA                         | NA    |

#### 5. Measured pump capacity (using meter if meter was present and system was operating)

| Initial meter reading | Ending meter reading | Duration of time observed | Total pump output |
|-----------------------|----------------------|---------------------------|-------------------|
| 000014                | 000065               | 1 hour 30 min             | 0.051 Acre Feet   |

#### 6. Theoretical pump capacity

| Horsepower | Operating psi | Lift from source to pump<br>*If a well, the water level during pumping (see pump test results) | Lift from pump to place of use | Total pump output |
|------------|---------------|------------------------------------------------------------------------------------------------|--------------------------------|-------------------|
| 3          | 70 psi        | 10'                                                                                            | 15'                            | 0.79 cfs          |

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7. Provide pump calculations in the box below:

$$Q_{\text{pump}} = \frac{(3 \text{ Hp})(550 \text{ ft lb/sec/Hp})(0.75)}{(62.4 \text{ lb/cu ft})(25 \text{ ft})} = 0.79 \text{ cfs}$$

\*\*This box can be deleted from the form

8. Mainline information

| Mainline size | Length | Type of pipe | Buried or above ground |
|---------------|--------|--------------|------------------------|
| 6"            | 725 LF | PVC          | Buried                 |
|               |        |              |                        |
|               |        |              |                        |

9. Lateral or handline information

| Lateral or handline size | Length   | Type of pipe | Buried or above ground |
|--------------------------|----------|--------------|------------------------|
| 4"                       | 1,510 LF | PVC          | Buried                 |
| 3"                       | 480 LF   | PVC          | Buried                 |
| 2"                       | 800 LF   | PVC          | Buried                 |

10. Sprinkler information      Make and model:

| Make        | Model | Size    | Operating psi | Sprinkler output | Maximum number used | Total sprinkler output |
|-------------|-------|---------|---------------|------------------|---------------------|------------------------|
| Nelson      | SR75  | 5/8"    | 70 psi        | 77 GPM           | 6                   | 1.03 cfs               |
| WeatherTech | 15-67 | 1/4"    | 70 psi        | 15.3 GPM         | 20                  | 0.68 cfs               |
| WeatherTech | 30    | 1 1/64" | 70 psi        | 7.3 GPM          | 7                   | 0.11 cfs               |

Refer to the chart of sprinkler output at various pressures for most nozzle sizes attached to this document.

$$Q_{\text{sprinklers}} = \frac{(\text{max \# heads})(\text{gpm/head})}{448.8 \text{ gpm/cfs}} = \text{cfs}$$

11. Additional notes or comments related to the system:

The owner only runs three (3) of the Nelson SR75 sprinklers at any given time.

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### III. CONDITIONS

Please pay special attention to this section. All conditions contained in the permit or transfer final order shall be addressed. Reports that do not address all performance related conditions will be returned.

#### 1. Time Limits:

a. Permits or transfer Final Orders contain any or all of the following dates; the date when the actual construction work was to begin, the date when the construction was to be completed, and the date when the complete application of water to the proposed use is to be completed by. These dates may be referred to as ABC dates. Describe how the water user has complied with each of the development timelines established in the permit or transfer final order:

|                               | Dates from permit or transfer final order | Date accomplished | Description of actions taken by water user to comply with the time limits                                                    |
|-------------------------------|-------------------------------------------|-------------------|------------------------------------------------------------------------------------------------------------------------------|
| Begin construction            |                                           | 2/01/2009         |                                                                                                                              |
| Complete construction         | 10/01/2010                                | 8/01/2009         | Constructed Concrete retaining wall. Purchased Portable Pump. Installed underground pipe network. Installed sprinkler heads. |
| Complete application of water | 10/01/2010                                | 8/24/2009         | Showed the water system to the CWRE.                                                                                         |

#### 2. Initial Water Level Measurements:

\*\*If the Claim is for surface water or a reservoir, or if the water user was not required to submit static water level measurements, items b through e relating to this section can be deleted.

a. Was the water user required to submit an initial static water level measurement? NA

#### 3. Annual Static Water Level Measurements:

\*\*If the Claim is for surface water or a reservoir, or if the water user was not required to submit static water level measurements, items b through e relating to this section can be deleted.

a. Was the water user required to submit annual static water level measurements? NA

#### 4. Measurement, recording, and reporting conditions:

a. Does the permit or transfer final order require the installation of a meter or approved measuring device?  
YES

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

\*\*If "NO", items b through g relating to this section can be deleted.

b. Has a meter been installed? YES

c. Provide the date the meter was installed:

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SALEM, OREGON

d. If a meter has not been installed, has a suitable measuring device been installed and approved by the Department? NA

e. If "YES", provide a copy of the letter approving the device, if available. If the letter is not available provide the name and title of the Water Resources Department employee approving the measuring device, and the approximate date of the approval:

| Name | Title | Approximate date |
|------|-------|------------------|
| NA   | NA    | NA               |

f. Is the water user required to report the water use to the Department? NO

g. Have the reports been submitted? NA

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

### 5. Fish Screening and/or By-pass Devices

a. Are any points of diversion required to be screened and/or have a by-pass device to prevent fish from entering the point of diversion? YES

If fish screening and/or by-pass devices were required, the COBU map must indicate their location in relation to the point of diversion.

**\*\*If "NO", items b through i relating to this section can be deleted**

b. Has the fish screening been installed? YES

c. When was the fish screening installed?

| Date      | By whom    |
|-----------|------------|
| 8/01/2009 | Jim Clouse |

d. Is the **total** diversion rate of all rights at the point of diversion less than 0.5 cfs? YES

e. If the total diversion rate is less than 0.5 cfs, has the water user self certified the fish screen. YES

f. Has a self certification form been previously submitted to the Department? NO

g. If not, is the self certification form attached to this Claim? YES

h. If the total diversion rate is greater than 0.5 cfs, has ODFW approved the screening? NA

i. Has the water user previously submitted a letter from ODFW approving the screening? NA

j. If not, is the approval letter attached to the Claim? NA

k. Has the by-pass device been installed? NA

l. Describe the by-pass device:

| When installed | By whom | Approved by ODFW | Description |
|----------------|---------|------------------|-------------|
| NA             | NA      | NA               | NA          |

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6. **Pump Test** (Required for ground permits prior to issuance of a certificate, but not a requirement of permit development)

- a. Did the permit require the submittal of a pump test? NO
- b. Has the pump test been previously submitted to the Department? NO
- c. Has the pump test been approved by the Department? NO
- d. If no, is the pump test attached to this Claim? NO

7. **Other Permit Conditions** (examples: special well construct standards, water conservation plans, no obstructions to fish without a fishway, etc.; number as appropriate.)

#### IV. Variations, Attachments, Conclusions, Map and Signatures

##### Variations

Include a description of variations from the permit or transfer final order

None

##### Attachments

If you are attaching any documents to this report, provide a list below:

| Attachment name                      | Description                           |
|--------------------------------------|---------------------------------------|
| Small Pump Screen Self Certification | Self Certification of the Fish Screen |
|                                      |                                       |
|                                      |                                       |

##### Permit and Transfer Final Order Rates and System Rates Comparisons:

| POD or POA name or # | Maximum rate allowed by permit or transfer final order | Calculated theoretical rate of water based on system | Actual amount of water measured (if measured) | Developed use | # of acres allowed by permit or transfer final order | # of acres developed |
|----------------------|--------------------------------------------------------|------------------------------------------------------|-----------------------------------------------|---------------|------------------------------------------------------|----------------------|
| 1                    | 0.1 cfs                                                | 0.79 cfs                                             | 0.41 cfs                                      | Pasture       | 6.0                                                  | 6.0                  |
|                      |                                                        |                                                      |                                               |               |                                                      |                      |
|                      |                                                        |                                                      |                                               |               |                                                      |                      |
|                      |                                                        |                                                      |                                               |               |                                                      |                      |

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### Claim of Beneficial Use Map

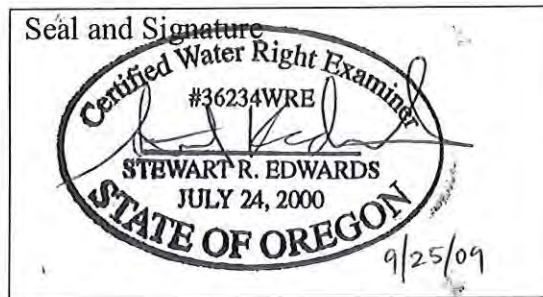
The Claim of Beneficial Use Map must be submitted with this Claim. Claims submitted without the Claim of Beneficial Use map will be returned. The map shall be submitted on poly film at a scale of 1" = 1320', 1" = 400', or the original full-size scale of the county assessor map for the location.

In the following box, 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 created by the revised Tax Map of 1/17/06, and a field visual inspection/investigation.

### CWRE Statement, Seal and Signature

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



### Permit or Transfer Holders Signature or Acknowledgement

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.

JAMES L. Clouse      James L. Clouse      Sept 29, 09  
Signature      Print or type name      Date

Marlene E. Kasten      Marlene E. Kasten      9/29/09  
Signature      Print or type name      Date

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# SPRINKLER CAPACITIES BY NOZZLE SIZE IN GALLONS PER MINUTE

This chart is comprised of information gathered from a number of sources and may differ slightly from the manufacturer's specifications.

("\*" designates computed capacity)

\*\*This page can be deleted

|             |       | P.S.I. |     |     |     |      |      |      |       |       |       |       |       |       |       |       |       |       |       |
|-------------|-------|--------|-----|-----|-----|------|------|------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|
| NOZZLE SIZE |       | 5      | 10  | 15  | 20  | 25   | 30   | 35   | 40    | 45    | 50    | 55    | 60    | 65    | 70    | 75    | 80    | 85    | 90    |
|             | 3/32  |        |     |     | 1.1 | 1.3  | 1.4  | 1.5  | 1.6   | 1.7   | 1.8   |       |       |       |       |       |       |       |       |
|             | 7/64  |        |     |     | 1.5 | 1.7  | 1.9  | 2    | 2.2   |       |       |       |       |       |       |       |       |       |       |
|             | 1/8   |        |     |     | 1.9 | 2.2  | 2.4  | 2.7  | 2.9   | 3     | 3.2   |       |       |       |       |       |       |       |       |
|             | 9/64  |        |     |     | 2.3 | 2.6  | 2.9  | 3.1  | 3.4   | 3.7   | 4     |       |       |       |       |       |       |       |       |
|             | 5/32  |        |     |     | 3   | 3.4  | 3.8  | 4.1  | 4.4   | 4.7   | 5     |       |       |       |       |       |       |       |       |
|             | 11/64 | 1.9    | 2.7 | 3.3 | 3.7 | 4.2  | 4.6  | 5    | 5.4   | 5.7   | 6     | 6.3   | 6.6   |       |       |       |       |       |       |
|             | 3/16  | 2.2    | 3.2 | 3.9 | 4.3 | 5    | 5.5  | 6    | 6.4   | 6.8   | 7.2   | 7.5   | 7.8   |       |       |       |       |       |       |
|             | 13/64 | 2.9    | 3.6 | 4.5 | 5.1 | 5.9  | 6.5  | 7.1  | 7.6   | 8.1   | 8.5   | 8.9   | 9.2   |       |       |       |       |       |       |
|             | 7/32  |        | 4.1 | 5.1 | 5.8 | 6.8  | 7.6  | 8.3  | 8.9   | 9.4   | 9.9   | 10.3  | 10.6  |       |       |       |       |       |       |
|             | 15/64 |        |     |     |     |      |      | 8.8  |       | 10    |       | 11.2  |       | 12.4  |       |       |       |       |       |
|             | 1/4   |        | 5.2 | 6.4 | 7.4 | 8.9  | 9.8  | 10.6 | 11.4  | 12.1  | 12.8  | 13.4  | 13.9  | 14.8* | 15.3* | 15.9* | 16.4* | 16.9* | 17.4* |
|             | 17/64 |        |     |     |     |      |      |      | 12.5  |       | 14    |       | 15.6  |       | 17.1  |       |       |       |       |
|             | 9/32  |        |     |     |     | 11.2 | 12.3 | 13.3 | 14.3  | 15.2  | 16    | 16.8  | 17.5  | 18.1  | 18.9  | 19.7  | 20.7* | 21.4* | 22*   |
|             | 19/64 |        |     |     |     |      |      |      |       | 16.6  |       | 18.3  |       | 19.9  |       | 21.4  |       |       |       |
|             | 5/16  |        |     |     |     | 13.1 | 15.2 | 16.5 | 17.7  | 18.9  | 20    | 21    | 22    | 23    | 23.9  | 24.8  | 25.7  | 26.4* | 27.1* |
|             | 21/64 |        |     |     |     |      |      |      |       |       | 20.8  |       | 22.7  |       | 24.6  |       | 26.4  |       |       |
|             | 11/32 |        |     |     |     | 16.5 | 18   | 19.7 | 21.1  | 22.5  | 23.8  | 25    | 26.2  | 27.4  | 28.5  | 29.6  | 30.6  | 31.9* | 32.8* |
|             | 23/64 |        |     |     |     |      |      |      |       |       | 24.5  |       | 26.8  |       | 29.1  |       | 31.4  |       |       |
|             | 3/8   |        |     |     |     | 19   | 21   | 22.8 | 24.4  | 26    | 27.5  | 29.1  | 30.6  | 32    | 33.2  | 34.5  | 35.7  | 38*   | 39*   |
|             | 13/32 |        |     |     |     |      |      |      | 29*   | 30.9* | 32.7* | 34.5* | 36.2* | 37.4* | 38.9* | 40.4* | 41.9* | 43.3* | 44.7* |
|             | 7/16  |        |     |     |     |      |      |      | 33.5* | 35.6* | 37.7* | 39.7* | 41.7* | 43.6* | 45.3* | 46.9* | 48.4* | 50.1* | 51.6* |
|             | 1/2   |        |     |     |     |      |      |      | 42.5* | 45.2* | 47.7* | 50.2* | 52.5* | 54.7* | 56.8* | 58.6* | 60.6* | 63.6* | 66.7* |

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OREGON DEPARTMENT of FISH and WILDLIFE

FISH SCREENING PROGRAM

SMALL PUMP SCREEN SELF CERTIFICATION

As evidence of having met fish screen installation requirements, please provide the information requested below, sign the certification, and send copies to:

Oregon Water Resources Department, and  
Water Rights Section,  
725 Summer Street NE, Suite A,  
Salem, OR 97301-1271.

Alan Ritchey  
Oregon Dept. Fish and Wildlife  
3406 Cherry Ave NE  
Salem, OR 97303

Water right amount: 6 acres

Is pump screen self-cleaning: YES

Screen Length 15" Screen Diameter 16"

If screen is not a cylinder shape, please provide a diagram and measurements.

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SALEM, OREGON

**Certification:** I certify that my small pumped diversion of less than 225 gpm meets fish screening criteria, and that I will maintain it to comply with regulatory criteria. I also understand that should fish screening standards change, I may be required to modify my installation to meet applicable standards.

Applicant Signature: James L. Clouse Marlene Kasten Date: 8/21/09 WRD File #: T-10531

Printed Name and Address: James L Clouse Marlene Kasten

Phone: 503 860 8632 Fax: ( ) N/A  
Kmarlene55@hughes.net

STATE OF OREGON  
COUNTY OF MALHEUR  
CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

OWYHEE DITCH COMPANY  
P.O. BOX 280  
ONTARIO, OREGON 97914

confirms the right to use the waters of THE OWYHEE RIVER AND OWYHEE RESERVOIR CONSTRUCTED UNDER PERMIT R-599 AND ENLARGED UNDER PERMIT R-1764, a tributary of THE SNAKE RIVER, for the purpose of IRRIGATING 6.0 ACRES.

The right has been perfected under Permit 40448. The date of priority is JULY 18, 1975. The right is limited to not more than 0.1 CUBIC FOOT PER SECOND or its equivalent in case of rotation, measured at the point of diversion from the source.

The point of diversion is located as follows:

LOT 2(SW 1/4 NW 1/4), SECTION 18, T 21 S, R 46 E, W.M.;  
OWYHEE DITCH-1950 FEET SOUTH AND 900 FEET EAST FROM NW CORNER SECTION 18.

The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands, shall be limited to ONE-SIXTIETH of one cubic foot per second per acre, or its equivalent for each acre irrigated and shall be further limited to a diversion of not to exceed 4.0 acre-feet per acre for each acre irrigated during the irrigation season of each year.

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

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

NE 1/4 NE 1/4 6.0 ACRES  
SECTION 34  
TOWNSHIP 20 SOUTH, RANGE 46 EAST, W.M.

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. The right is subject to minimum flows established by the Water Resources Commission with an effective date prior to this right.

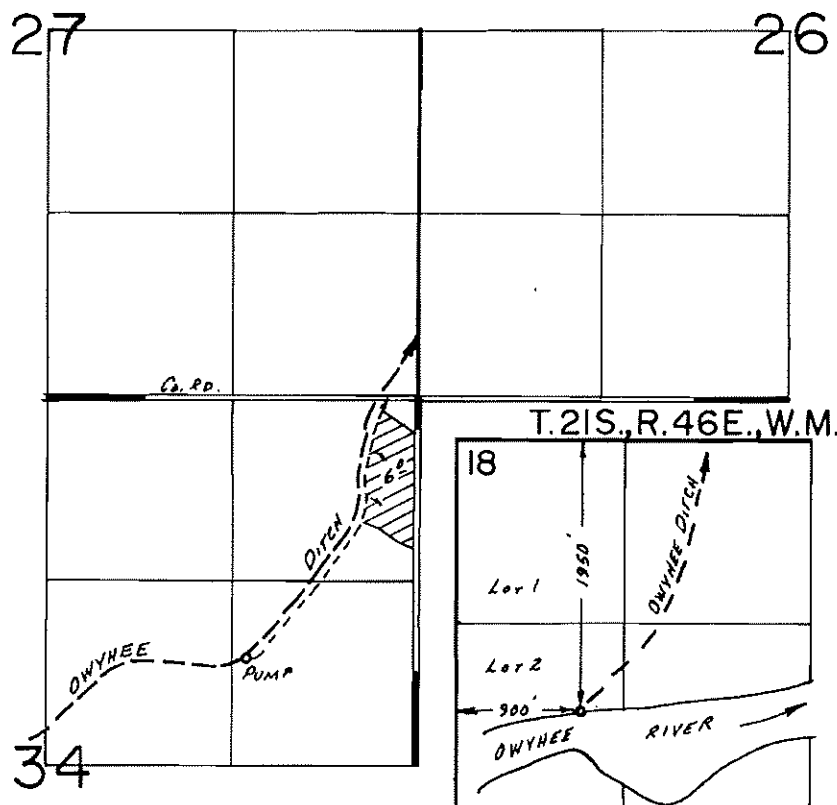
WITNESS the signature of the Water Resources Director,  
affixed this date JUNE 27, 1989.

WILLIAM B. YOUNG  
Water Resources Director

Recorded in State Record of Water Right Certificates numbered 61676

53430.TES

T. 20S., R. 46E., W.M.



SCALE: 1" = 1320'

# **FINAL PROOF SURVEY** UNDER

Application No. 53430.. Permit No. 40448.....  
IN NAME OF

.....OWYHEE DITCH COMPANY.....

Surveyed Mar. 31.... 1986, by L.M. TOLL.....



# Oregon

John A. Kitzhaber, MD, Governor

## Water Resources Department

North Mall Office Building  
725 Summer St. NE, Suite A  
Salem, OR 97301  
Phone 503-986-0900  
FAX 503-986-0904  
[www.wrd.state.or.us](http://www.wrd.state.or.us)

February 17, 2012

Marlene Kasten and Jim Clouse  
C & K Ranch LLC  
1880 Owyhee Lake Road  
Nyssa, OR 97913

RE: Water Right Transfer T-10531

Dear Ms. Kasten and Mr. Clouse,

Thank you for your inquiry to Governor Kitzhaber regarding your desire to have the water right certificate issued to complete the water right transfer you filed.

I apologize for the length of time it is taking to complete the water right transfer process and issue the water right certificate. As with many state agencies, we are operating with reduced staff due to the current economic slowdown. We are continuing to issue water right certificates as the final step for both water right applications and water right transfers. These are being processed in the order received. Staff assure me that your certificate will be issued within the 2-4 year time frame you were originally told.

A law was passed in 2003 which authorizes the Water Resources Department to enter into agreement with an applicant to expedite the processing of various water right actions. This law was passed in recognition that water users needed timely decisions on water right issues. This expedited process, called the Reimbursement Authority Program, enables applicants to pay the actual cost of processing, which enables the Department to hire individuals to process the water right action. The Reimbursement Authority Program is available to you, should you need a certificate issued sooner. You should continue to exercise your water use as allowed under your transfer order until such time as the water right certificate is issued.

Please contact Dwight French at 503-986-0819, if you have further questions regarding the status of your water right transfer.

Sincerely,

Thomas J. Paul  
Deputy Director



# C & K RANCH LLC

**Jim Clouse/Marlene Kasten**  
**1880 Owyhee Lake Road**  
**Nyssa, Oregon 97913**  
**208-860-8632 or 208-830-0567**  
**Kmarlene55@hughes.net**

January 27, 2012

Governor John Kitzhaber  
160 State Capital  
900 Court Street  
Salem, Oregon 97301-4047

Re: Water Right Transfer T 10531

Dear Governor Kitzhaber:

In 2007, we started the process of transferring water rights to our property. After completing all the forms, hiring a water right examiner and spending a great deal of money to meet all the requirements, we received a letter dated, 1/20/2009 indicating our transfer was approved. At that time I called and spoke with Gerry Clark in the Oregon Water Department as to when the certificate would be issued. At that time I was told it would be 2 to 4 years. On 1/26/2012, three years later, I again called and spoke with Mr. Clark and was told that it would be several more years!! However, he said the certificate could be issued sooner, if we filled out a form and returned it with \$125 and they would give us an estimate on what it would cost to get this done sooner. He said it would probably be around \$800 and would take a couple months!! He also said they had everything they needed to get this done and our transfer was quite simple. Either or both of the conversations that I had with this office were long enough telling me why it was not possible to do it sooner than if he would just have done it!! This department is, in our opinion, either very inefficient and/or we are being held hostage!!!

We appreciate your time and trouble helping us. I tried to email your office, however, it required a 'SUBJECT' to submit the email and there is not a place on the form to do that!



Marlene Kasten/Jim Clouse  
C & K Ranch LLC

1880 Owyhee Lake Road  
Nyssa, Or 97913



# Oregon

Theodore R. Kulongoski, Governor

## Water Resources Department

North Mall Office Building  
725 Summer Street NE, Suite A  
Salem, OR 97301-1271  
503-986-0900  
FAX 503-986-0904

October 7, 2009

James Clouse  
Marlene Kasten  
1880 Owyhee Lake Rd  
Nyssa OR 97913

RE: Application T-10531 (Fee Refund)

Dear James Clouse and Marlene Kasten:

Upon further review of the new fee schedule approved by the 2009 Legislature, the Department has determined that filing a Claim of Beneficial Use for a transfer does not require the submittal of a fee.

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: [http://www.wrd.state.or.us/OWRD/mgmt\\_reimbursement\\_authority.shtml](http://www.wrd.state.or.us/OWRD/mgmt_reimbursement_authority.shtml), or by calling the Customer Service phone: (503) 986-0801.

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

Please find enclosed your check for \$150.00.

If you have any questions, please feel free to contact me at 503-986-0811.

Sincerely,

Gerry Clark  
Water Rights Specialist

Cc: File  
Stewart Edwards, CWRE

RECEIVED

FEB 22 2008

WATER RESOURCES DEPT  
SALEM, OREGON



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-10531

Review Due Date: 3-15-08

Applicant Name: Susan Loomis

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

Reviewer(s): Ron Jacobs

Date of Review: Feb. 19, 2008

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: \_\_\_\_\_
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: \_\_\_\_\_
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: \_\_\_\_\_
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: It will be a senior priority date.  
*this is a flip-flop*
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: \_\_\_\_\_
10. What alternatives may be available for addressing any issues identified above: \_\_\_\_\_

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 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. |
| <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. |

*Ron Jacobs*

**RECEIVED**

FEB 22 2008

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

January 20, 2009

SUSAN LOOMIS  
65798 WHITE ROCK LOOP  
BEND OR 97701

REFERENCE: Transfer Application T-10531

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

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

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

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

If you have any questions related to the approval of this transfer, you may contact me by telephone at (503) 986-0883 or by e-mail at [Sarah.A.Henderson@wrld.state.or.us](mailto:Sarah.A.Henderson@wrld.state.or.us).

Sincerely,

Sarah Henderson  
Executive Support  
Field Services Division

cc: Watermaster Dist. #9  
Andy Peutz, Agent  
James Clouse, Marlene Kasten, Landowners  
Mike Blackaby, Owyhee Ditch Company

Enclosure

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

|                                       |   |                                |
|---------------------------------------|---|--------------------------------|
| In the Matter of Transfer Application | ) | FINAL ORDER                    |
| T-10531, Malheur County               | ) | APPROVING A CHANGE IN POINT OF |
|                                       | ) | DIVERSION AND 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.

| <b>Applicant</b>      | <b>Agent</b>    | <b>Receiving Landowners</b> |
|-----------------------|-----------------|-----------------------------|
| SUSAN LOOMIS          | ANDY PEUTZ      | JAMES CLOUSE                |
| 65798 WHITE ROCK LOOP | 2435 JEFFERSON  | MARLENE KASTEN              |
| BEND, OR 97701        | NYSSA, OR 97913 | 1880 OWYHEE LAKE RD         |
|                       |                 | NYSSA, OR 97913             |

**Findings of Fact**

***Background***

1. On February 5, 2008, Susan Loomis filed an application to change the place of use and point of diversion under Certificate 61676. The Department assigned the application number T-10531.
2. The applicant indicated that James Clouse and Marlene Kasten are the receiving landowners and will be responsible for the completion of the proposed changes in Transfer Application T-10531.
3. On February 12, 2008, a request to use the final proof map pursuant to 690-380-3100 (1)(j) was submitted and approved.

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

4. The right to be transferred is as follows:

**Certificate:** 61676 in the name of OWYHEE DITCH CO. (perfected under Permit S-40448)  
**Use:** IRRIGATION OF 6.0 ACRES  
**Priority Date:** JULY 18, 1975  
**Rate:** 0.1 CUBIC FOOT PER SECOND  
**Limit/Duty:** ONE-SIXTIETH of one cubic foot per second per acre, or its equivalent for each acre irrigated and shall be further limited to a diversion of not to exceed 4.0 acre feet per acre for each acre irrigated during the irrigation season of each year  
**Source:** OWYHEE RIVER and OWYHEE RESERVOIR CONSTRUCTED UNDER PERMIT R-599 AND ENLARGED UNDER PERMIT R-1764, tributary to the SNAKE RIVER

**Authorized Point of Diversion:**

| Twp  | Rng  | Mer | Sec | Q-Q   | GLot | Measured Distances                                                                |
|------|------|-----|-----|-------|------|-----------------------------------------------------------------------------------|
| 21 S | 46 E | WM  | 18  | SW NW | 2    | OWYHEE DITCH - 1950 FEET SOUTH AND 900 FEET EAST FROM THE NW CORNER OF SECTION 18 |

**Authorized Place of Use:**

| IRRIGATION |      |     |     |       |       |
|------------|------|-----|-----|-------|-------|
| Twp        | Rng  | Mer | Sec | Q-Q   | Acres |
| 20 S       | 46 E | WM  | 34  | NE NE | 6.0   |

5. Transfer Application T-10531 proposes to move the authorized point of diversion approximately 5 miles upstream to:

| Twp  | Rng  | Mer | Sec | Q-Q   | Tax Lot | GLot | Measured Distances                                                 |
|------|------|-----|-----|-------|---------|------|--------------------------------------------------------------------|
| 21 S | 45 E | WM  | 35  | SW NW | 102     | 2    | 1822 FEET SOUTH AND 996 FEET EAST FROM THE NW CORNER OF SECTION 35 |

6. Transfer Application T-10531 also proposes to change the place of use of the right to:

| IRRIGATION |      |     |     |       |         |       |
|------------|------|-----|-----|-------|---------|-------|
| Twp        | Rng  | Mer | Sec | Q-Q   | Tax Lot | Acres |
| 21 S       | 45 E | WM  | 35  | SW NW | 102     | 6.0   |

7. Notice of the application for transfer was published on February 19, 2008, pursuant to OAR 690-380-4000. No comments were filed in response to the notice.
8. On September 15, 2008, the Department mailed a copy of the draft Preliminary Determination proposing to approve Transfer Application T-10531 to the applicant. The cover letter for the draft Preliminary Determination set forth a deadline of October 16, 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.

9. On November 6, 2008, the Department issued a preliminary determination proposing to approve Transfer Application T-10531 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 November 11, 2008, and in the Argus Observer on November 21, 28, December 5, and 12, 2008, pursuant to ORS 540.520 and OAR 690-380-4020. No protests were filed in response to the notice.
10. The Oregon Department of Fish and Wildlife (ODFW) 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.

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

11. Water has been used within the last five years according to the terms and conditions of the right, and there is no information in the record that would demonstrate that the right is subject to forfeiture under ORS 540.610.
12. A diversion structure and ditch sufficient to use the full amount of water allowed under the existing right were present within the five-year period prior to submittal of Transfer Application T-10531.
13. The proposed changes would not result in enlargement of the right.
14. The proposed changes would not result in injury to other water rights.

**Conclusion of Law**

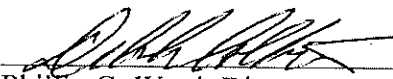
The changes in place of use and point of diversion proposed in Transfer Application T-10531 are consistent with the requirements of ORS 540.505 to 540.580 and OAR 690-380-5000.

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

1. The changes in place of use and point of diversion proposed in Transfer Application T-10531 are approved.
2. The right to the use of the water is restricted to beneficial use at the place of use described, and is subject to all other conditions and limitations contained in Certificate 61676 and any related decree.
3. Water Right Certificate 61676 is cancelled.
4. 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.
5. The former place of use of the transferred right shall no longer receive water under the right.

6. 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.
7. When required by the Department, the water user shall install, maintain and operate an in-line flow meter, weir, or other suitable device for measuring and recording the quantity of water diverted. The type and plans of the measuring device must be approved by the Department prior to beginning construction and shall be installed under the general supervision of the Department.
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. The approved changes shall be completed and full beneficial use of the water shall be made on or before **October 1, 2010**. 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.
10. When satisfactory proof of the completed changes is received, a new certificate confirming the right transferred will be issued.

Dated at Salem, Oregon this 12<sup>th</sup> day of January 2009.

  
Phillip C. Ward, Director *FW*

Mailing Date: JAN 21 2009

# Water Right Transfer Checklist

Transfer T-10531

Transfer Specialist: Carrie Jones/ER drawer

Transfer Type: Regular

Applicant Name/Address: Susan Loomis 65798 White Rock Loop, Bend, OR 97701

Agent Name/Address: Andy Peutz, 2435 Jefferson, Nyssa, OR 97913

CWRE Name/Number: None

Rec Landowner Name/Address: james Clouse & Marlene Kastan, 1880 Owyhee Lake Rd., Nyssa, OR 97913

Irr. District Name/Address: Owyhee Ditch Company Attn: Mike Blackaby 280 S Oregon St., Ontario, OR 97914

Affected Gov'ts Name/Address: Malheur County 251 B St., W, Vale, OR 97918

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"/> | <b>S 53430</b>              | <b>S 40448</b> | 61676           | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No |            |
| <input type="checkbox"/>            | <input type="checkbox"/>            |                             |                |                 | <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: <u>2/5/2008</u>                                          | Proposed Action(s): POU POD HST APD USE OTHER: POU, POD |                                    |
| Fees Pd: <u>800.00</u>                                          | WM District: <u>9</u>                                   | ODFW District: <u>8</u>            |
| Initial Notice: <u>2/19/2008</u>                                | WM Review sent: <u>2/15/2008</u>                        | ODFW Review sent: <u>2/15/2008</u> |
| Acknowledgement Letter Sent <input checked="" type="checkbox"/> |                                                         | GW Review sent: <u>None</u>        |

## Processing Dates & Actions

Deficiency Contacts: \_\_\_\_\_

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

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

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

PD Weekly Notice: 11/11/2008

Newspaper Pub Affid Due: 12/17/08

☐ not required

Affid of Pub Rec'd: 12/18/08

Last Day Published: 12/12/08

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: <u>PKS</u>    | Reviewer: _____            |
| Date: _____                                                                                              | Date: <u>10/29/2008</u> | Date: _____                |
| Coordinator: _____                                                                                       | Coordinator: <u>RLP</u> | Coordinator: _____         |
| Date: _____                                                                                              | Date: <u>11/15/08</u>   | Date: _____                |
| Comments/Special Issues: <u>Send owyhee Irr Dist Copies - @ Kriswo@fmtc.com</u><br><u>Phone 889-5788</u> |                         |                            |

Special Order Volume: Vol 77 Pages 77

Final Order Signature Date: 1-12-09

Notice of FO email'd to processors Carrie

Application

- ☐ The type of change is clearly indicated.
- ☒ The application is appropriately signed. *Check on latbook Report*
- ☒ 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)*
- Send* ☐ 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. *Waiver*
- ☒ 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 & 1/4 1/4 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 1/4 1/4.

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 ☐ 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-

*Notes: (1) Cwneye and District Copies*

STATE OF OREGON )  
:SS.  
COUNTY OF MALHEUR)

**LEGAL NOTICE**

E, W.M.) and to change the place of use to Sec. 35, T 21 S, R 46 E, 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.

**Notice of Preliminary Determination for Water Right Transfer T-10531**

T-10531 filed by Susan Loomis, 65798 White Rock Loop, Bend, Oregon 97701, proposes a change in point of diversion and place of use under Certificate 61676. The right allows the use of 0.1 cfs (priority date July 18, 1975) from the Owyhee River and Owyhee Reservoir in Sec. 18, T 21 S, R 46 E, W.M. for irrigation in Sec. 34.

A protest form and additional information on filing protests may be obtained by calling (503) 986-0883. 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.

**Legal Number-1277**

**Publication Dates: November 21, 28, 2008. December 5, 12, 2008.**

The applicant proposes to move the point of diversion approximately 3 miles upstream (Sec. 35, T 21 S, R 45

JOHN E. DILLON

**AFFIDAVIT OF PUBLICATION**

*John E. Dillon* being first  
duly sworn, deposes and says: that (he) (she) is the Agent to the Publisher of the ARGUS OBSERVER newspaper, a newspaper of general circulation as defined by ORS 193.010, printed and published at the City of Ontario in the aforesaid County and State and the hereto attached

LEGAL #1277  
NOTICE OF  
PRELIMINARY  
DETERMINATION

was printed and published correctly in the regular and entire issue of said ARGUS OBSERVER for 4 issues, that the first was made on the 21st day of NOVEMBER 20 08 and last publication thereof was made on the 12th day of DECEMBER 20 08 that said publication was made on each of the following dates, to wit:

11/21/08  
11/28/08  
12/05/08  
12/12/08

Request of

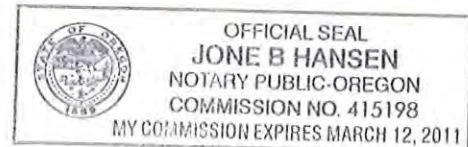
KASTEN, MARLENE

By

**Argus**  
O B S E R V E R

Subscribed and sworn to before me this 12th day of DECEMBER 20 08

*Jane B Hansen*



Notary public in and for the County of Malheur, State of Oregon

My commission Expires:

**RECEIVED**  
**DEC 18 2008**  
**WATER RESOURCES DEPT**  
**SALEM, OREGON**



# Oregon

Theodore R. Kulongoski, Governor

Andy Peutz  
2435 Jefferson  
Nyssa, OR 97913

*pd Noticed*  
*11-11-08*

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

SUBJECT: Water Right Transfer Application T-10531

Please find enclosed the Preliminary Determination indicating that, based on the information available, the Department intends to approve application T-10531. 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 ¼ 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 original affidavit of publication to me at the address shown in the letterhead, by December 17, 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.

Please do not hesitate to contact me at 503-986-0886 or Patrick.K.Starnes@wr.d.state.or.us if I may be of assistance.

Sincerely,

Kelly Starnes  
Transfer Specialist  
Northwest Region

cc: Ron Jacobs, District 9 Watermaster  
Susan Loomis, Applicant  
James Clouse and Marlene Kasten, Receiving Landowners  
Owyhee Ditch Company  
Owyhee Irrigation District

encs



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

|                                       |   |                              |
|---------------------------------------|---|------------------------------|
| In the Matter of Transfer Application | ) | PRELIMINARY DETERMINATION    |
| T-10531, Malheur County               | ) | PROPOSING APPROVAL OF A      |
|                                       | ) | CHANGE IN POINT OF DIVERSION |
|                                       | ) | AND 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.

| <b>Applicant</b>      | <b>Agent</b>    | <b>Receiving Landowners</b> |
|-----------------------|-----------------|-----------------------------|
| SUSAN LOOMIS          | ANDY PEUTZ      | JAMES CLOUSE                |
| 65798 WHITE ROCK LOOP | 2435 JEFFERSON  | MARLENE KASTEN              |
| BEND, OR 97701        | NYSSA, OR 97913 | 1880 OWYHEE LAKE RD         |
|                       |                 | NYSSA, OR 97913             |

**Findings of Fact**

**Background**

1. On February 5, 2008, Susan Loomis filed an application to change the place of use and point of diversion under Certificate 61676. The Department assigned the application number T-10531.
2. The applicant indicated that James Clouse and Marlene Kasten are the receiving landowners and will be responsible for the completion of the proposed changes in Transfer Application T-10531.
3. On February 12, 2008, a request to use the final proof map pursuant to 690-380-3100 (1)(j) was submitted and approved.

4. The right to be transferred is as follows:

**Certificate:** 61676 in the name of OWYHEE DITCH CO. (perfected under Permit S-40448)

**Use:** IRRIGATION OF 6.0 ACRES

**Priority Date:** JULY 18, 1975

|                                                                                                                                                                                  |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 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. |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|

**Rate:** 0.1 CUBIC FOOT PER SECOND

**Limit/Duty:** ONE-SIXTIETH of one cubic foot per second per acre, or its equivalent for each acre irrigated and shall be further limited to a diversion of not to exceed 4.0 acre feet per acre for each acre irrigated during the irrigation season of each year

**Source:** OWYHEE RIVER and OWYHEE RESERVOIR CONSTRUCTED UNDER PERMIT R-599 AND ENLARGED UNDER PERMIT R-1764, tributary to the SNAKE RIVER

**Authorized Point of Diversion:**

| Twp  | Rng  | Mer | Sec | Q-Q   | GLot | Survey Coordinates                                                                |
|------|------|-----|-----|-------|------|-----------------------------------------------------------------------------------|
| 21 S | 46 E | WM  | 18  | SW NW | 2    | OWYHEE DITCH - 1950 FEET SOUTH AND 900 FEET EAST FROM THE NW CORNER OF SECTION 18 |

**Authorized Place of Use:**

| IRRIGATION |      |     |     |       |       |
|------------|------|-----|-----|-------|-------|
| Twp        | Rng  | Mer | Sec | Q-Q   | Acres |
| 20 S       | 46 E | WM  | 34  | NE NE | 6.0   |

5. Transfer Application T-10531 proposes to move the authorized point of diversion approximately 5 miles upstream to:

| Twp  | Rng  | Mer | Sec | Q-Q   | Tax Lot | GLot | Survey Coordinates                                                 |
|------|------|-----|-----|-------|---------|------|--------------------------------------------------------------------|
| 21 S | 45 E | WM  | 35  | SW NW | 102     | 2    | 1822 FEET SOUTH AND 996 FEET EAST FROM THE NW CORNER OF SECTION 35 |

6. Transfer Application T-10531 also proposes to change the place of use of the right to:

| IRRIGATION |      |     |     |       |         |       |
|------------|------|-----|-----|-------|---------|-------|
| Twp        | Rng  | Mer | Sec | Q-Q   | Tax Lot | Acres |
| 21 S       | 45 E | WM  | 35  | SW NW | 102     | 6.0   |

7. Notice of the application for transfer was published on February 19, 2008, pursuant to OAR 690-380-4000. No comments were filed in response to the notice.
8. On September 15, 2008, the Department mailed a copy of the draft Preliminary Determination proposing to approve Transfer Application T-10531 to the applicant. The cover letter for the draft Preliminary Determination set forth a deadline of October 16, 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.
9. The Oregon Department of Fish and Wildlife (ODFW) 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.

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

10. Water has been used within the last five years according to the terms and conditions of the right, and there is no information in the record that would demonstrate that the right is 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 were present within the five-year period prior to submittal of Transfer Application T-10531.
12. The proposed changes would not result in enlargement of the right.
13. The proposed changes would not result in injury to other water rights.

**Determination and Proposed Action**

The changes in place of use and point of diversion proposed in Transfer Application T-10531 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 transfer application will be approved.

*If Transfer Application T-10531 is approved, the final order will include the following:*

1. *The changes in place of use and point of diversion proposed in Transfer Application T-10531 are approved.*
2. *The right to the use of the water is restricted to beneficial use at the place of use described, and is subject to all other conditions and limitations contained in Certificate 61676 and any related decree.*
3. *Water Right Certificate 61676 is cancelled.*
4. *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.*
5. *The former place of use of the transferred right shall no longer receive water under the right.*
6. *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.*

7. *When required by the Department, the water user shall install, maintain and operate an in-line flow meter, weir, or other suitable device for measuring and recording the quantity of water diverted. The type and plans of the measuring device must be approved by the Department prior to beginning construction and shall be installed under the general supervision of the Department.*
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. *The approved changes shall be completed and full beneficial use of the water shall be made on or before **October 1, 2010**. 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.*
10. *When satisfactory proof of the completed changes is received, a new certificate confirming the right transferred will be issued.*

Dated at Salem, Oregon this 6<sup>th</sup> day of November 2008.



Phillip C. Ward, Director *R*

This Preliminary Determination was prepared by Carrie Jones. If you have questions about the information in this document, you may reach me at 541-523-8224 x 36 or Carrie.R.Jones@ wrd.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-10531**

T-10531 filed by Susan Loomis, 65798 White Rock Loop, Bend, Oregon 97701, proposes a change in point of diversion and place of use under Certificate 61676. The right allows the use of 0.1 cfs (priority date July 18, 1975) from the Owyhee River and Owyhee Reservoir in Sec. 18, T 21 S, R 46 E, W.M. for irrigation in Sec. 34. The applicant proposes to move the point of diversion approximately 3 miles upstream (Sec. 35, T 21 S, R 45 E, W.M.) and to change the place of use to Sec. 35, T 21 S, R 46 E, 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) 986-0883. 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.

**Carrie Jones**

---

**From:** Carrie Jones  
**Sent:** Friday, October 17, 2008 3:17 PM  
**To:** 'krisw@fmtc.com'  
**Attachments:** 10531-dpd.doc; 10531-dpd-cov.doc

Attached are copies of the preliminary determination for a transfer that is within your district boundaries. Give me a call if you have any questions.

**Carrie Jones**  
**Transfer Specialist**  
541-523-8224 Ext 36  
Fax: 1-866-214-3493  
[carrie.r.jones@wrд.state.or.us](mailto:carrie.r.jones@wrд.state.or.us)

Water Resources Dept.  
Eastern Region  
1995 3rd Street, Suite 180  
Baker City, OR 97814  
[www.wrd.state.or.us](http://www.wrd.state.or.us)

10/17/2008

45

46

201

390

205 BC

395

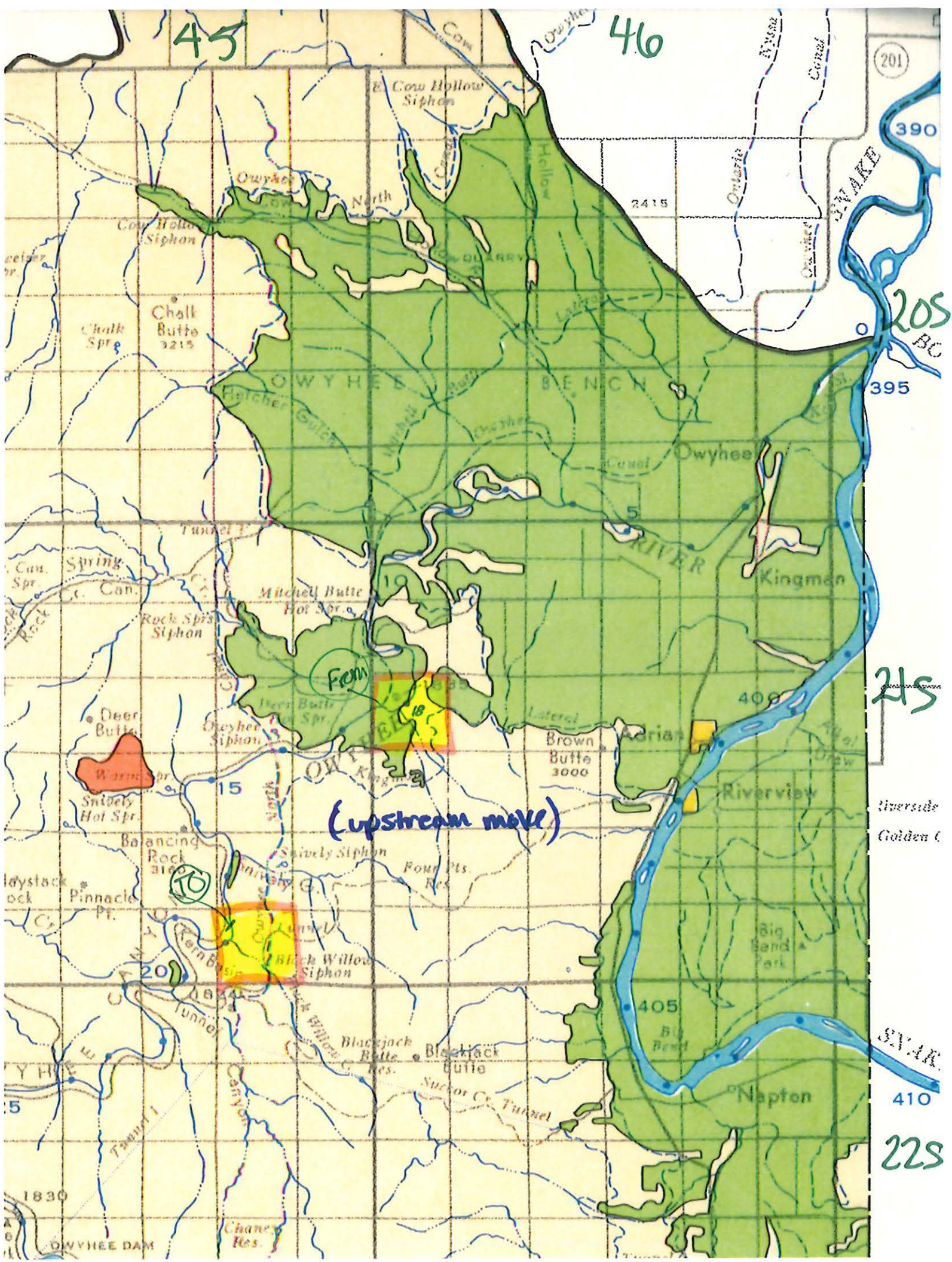
215

Riverside Golden C

STAR

410

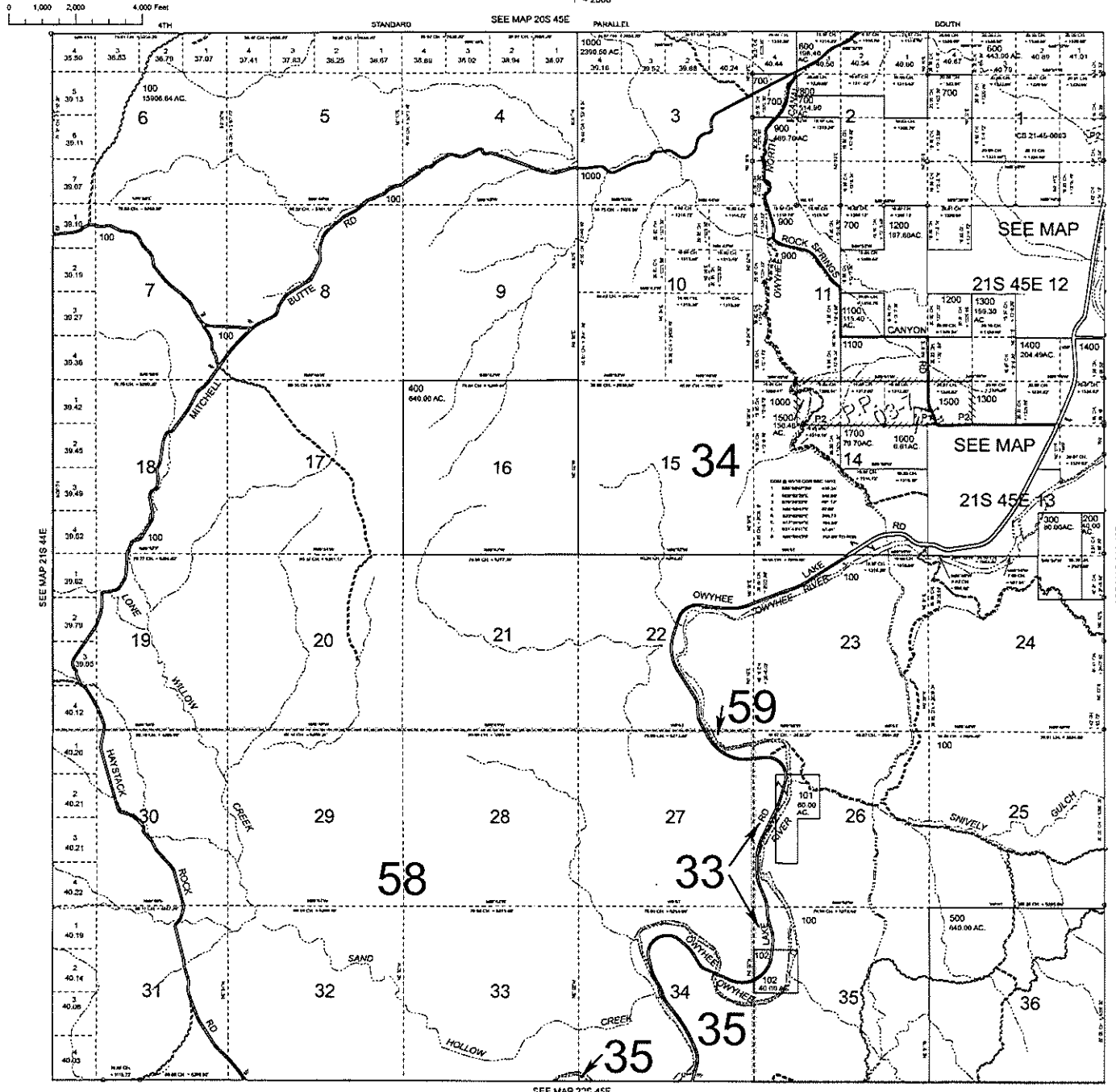
22S



THIS MAP WAS PREPARED FOR  
ASSESSMENT PURPOSE ONLY

T.21S. R.45E. W.M.  
MALHEUR COUNTY  
1" = 2000'

21S 45E  
& INDEX



Revised RAA  
1/17/2006

21S 45E  
& INDEX

**Notice:** The information provided here is for convenience ONLY. The records located at Malheur County Assessor/Tax Collector's office are the one and only legal instruments for assessment purposes. Although reasonable attempts are made to maintain this information as accurate as possible, these documents are being provided as an informational convenience ONLY. Malheur County is not, in any way, liable for any inaccuracies, inconsistencies, errors, omissions, or other deviations in these documents from the original copies maintained and filed at the Malheur County Assessor Office, Vale, Oregon.

Date Web Site was last updated 9/12/2008  
Value and tax information for year indicated below

Tax Year:2007 Ref#:10282 Type of Property : REAL PROPERTY

| MAP#  | TAX LOT# | A NUM | CODE | PROPERTY CLASS/DESC    | ZONE |
|-------|----------|-------|------|------------------------|------|
| 21S45 | 102      | 0     | 33   | 571 FARM/PRM F DSQ/IMP | C-A2 |

|                         |                         |
|-------------------------|-------------------------|
| <b>OWNER:</b>           | CLOUSE, JAMES L ETUX    |
| <b>CONTRACT:</b>        |                         |
| <b>ETAL(s):</b>         | KASTEN, MARLENE E (H&W) |
| <b>MAILING ADDRESS:</b> |                         |
|                         | 1880 OWYHEE LAKE RD     |
| <b>CITY/ST:</b>         | NYSSA, OR ,97913        |

**PROPERTY ADDRESS:** 1880 OWYHEE LAKE RD NYSSA

**NOTES:**  
PHOTO #: 478-130R

|                   | REAL MKT<br>VALUE | ASSESSED(TAXABLE)<br>VALUE |
|-------------------|-------------------|----------------------------|
| <b>LAND</b>       | \$64,160          |                            |
| <b>STRUCTURES</b> | \$206,530         |                            |
| <b>SUBTOT</b>     | \$270,690         | \$176,203                  |
| <b>TOTAL</b>      | \$270,690         | \$176,203                  |

#### PROPERTY TAX INFORMATION

|                                 |            |
|---------------------------------|------------|
| TAX                             | \$2,636.98 |
| TOTAL TAX & SPECIAL ASSESSMENTS | \$2,636.98 |

(Original tax lien, does not show tax owed or paid)

## Water Rights Platcard Report

Meridian: WILLAMETTE Township: 20 South Range: 46 East Section: 34 Records per Page: 100 Search

| Water Right                                                                                                              | Changing<br>Xfers                                                                                                             | Priority   | Use                                       | Use<br>Status | DLC | Gov't<br>Lot | QQ(40):<br>Q(160) | NE<br>NE | NW<br>NE | SW<br>NE | SE<br>NE | NE<br>NW | NW<br>NW | SW<br>NW | SE<br>NW | NE<br>SW | NW<br>SW | SW<br>SW | SE<br>SW | NE<br>SE | NW<br>SE | SW<br>SE | SE<br>SE | Unknown<br>QQ |
|--------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------|------------|-------------------------------------------|---------------|-----|--------------|-------------------|----------|----------|----------|----------|----------|----------|----------|----------|----------|----------|----------|----------|----------|----------|----------|----------|---------------|
| Select Cert:9753 CF CN<br>Additional Info:<br>OWYHEE DITCH CO.<br>Decree: OWYHEE RIVER<br>Cert: 9753                     |                                                                                                                               | 10/30/1888 | IRRIGATION                                | CN            |     |              |                   | 25       | 40       | 13.6     | 29.5     | 30       |          | 30       |          | 39       | 40       | 17.5     | 35.6     | 29       | 40       | 40       | 40       |               |
| Select Cert:24707 OR CN<br>Additional Info:<br>U.S. BUREAU OF RECLAMATION<br>App: S11709<br>Permit: S8171<br>Cert: 24707 | T8198,<br>T4974,<br>T5798,<br>T5872,<br>T5530,<br>T5418,<br>T5424,<br>T5425,<br>T5427,<br>T5459,<br>T5506,<br>T5529,<br>T5522 |            | IRRIGATION                                | CN            |     |              |                   | 24       | 30       | 49       | 35       | 37       | 30       | 33       | 37       |          |          |          |          |          |          |          |          |               |
| Select Cert:31121 CF *                                                                                                   |                                                                                                                               | 10/30/1888 | IRRIGATION                                |               |     |              |                   |          | 2        | 13.6     | 29.5     | 24       |          | 30       |          | 39       | 40       | 17.5     | 35.6     | 29       | 40       | 40       | 40       |               |
| Select Cert:61676 OR *<br>Additional Info:<br>OWYHEE DITCH CO.<br>App: S53430<br>Permit: S40448<br>Cert: 61676           | T10531                                                                                                                        | 7/18/1975  | IRRIGATION                                |               |     |              |                   | 6        |          |          |          |          |          |          |          |          |          |          |          |          |          |          |          |               |
| Select Cert:75691 CF *<br>Additional Info:<br>U.S. BUREAU OF RECLAMATION<br>App: S11709<br>Permit: S8171<br>Cert: 75691  |                                                                                                                               |            | IRRIGATION                                |               |     |              |                   | 22.8     | 37.6     | 19.9     | 3.7      | 35.1     | 35.3     | 31.9     | 37.6     |          |          |          |          |          |          |          |          |               |
| Select Cert:75699 RR *<br>Additional Info:<br>OWYHEE DITCH CO.<br>Decree: OWYHEE RIVER<br>Cert: 75699                    |                                                                                                                               | 12/31/1888 | IRRIGATION                                |               |     |              |                   |          | 2        | 13.6     | 29.5     |          |          |          |          | 39       | 40       | 17.5     | 35.6     | 29       | 40       | 40       | 40       |               |
| Select Cert:29394 OR *<br>Additional Info:<br>OWYHEE DITCH CO.<br>App: S29800<br>Permit: S23806<br>Cert: 29394           |                                                                                                                               | 3/14/1955  | SUPPLEMENTAL<br>IRRIGATION<br>(Suppl'mtl) |               |     |              |                   |          |          |          | 29.5     |          |          |          |          | 39       | 40       | 17.5     | 35.6     | 29       | 40       | 40       | 40       |               |
| Select Cert:44030 OR *<br>Additional Info:<br>U.S. BUREAU OF RECLAMATION<br>App: S45514<br>Permit: S33967<br>Cert: 44030 |                                                                                                                               | 11/7/1968  | SUPPLEMENTAL<br>IRRIGATION<br>(Suppl'mtl) |               |     |              |                   |          | 2        | 13.6     | 29.5     | 24       |          | 30       |          | 39       | 40       | 17.5     | 35.6     | 29       | 40       | 40       | 40       |               |

Acreage Legend: 12.25 Regular acreage    ~~42.25~~ Acreage is on a canceled right    (12.25) Acreage is part of a transfer and has not been proven up on yet (inchoate)    [12.25] Acreage has been suspended    \* Acreage is not specified

# Water Rights Platcard Report

Meridian: WILLAMETTE Township: 21 South Range: 45 East Section: 35 Records per Page: 100

| Water Right                                      | Changing Xfers | Priority                                        | Use                                                                                | Use Status | DLC                                | Gov't Lot | QQ(40):                    | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE | Unkown |
|--------------------------------------------------|----------------|-------------------------------------------------|------------------------------------------------------------------------------------|------------|------------------------------------|-----------|----------------------------|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|--------|
|                                                  |                |                                                 |                                                                                    |            |                                    |           | Q(160):                    | NE | NE | NE | NE | NE | NW | NW | NW | SW | SW | SW | SW | SE | SE | SE | SE | QQ     |
| Select                                           | App:P 82812 *  | 1/30/1997                                       | IRRIGATION AND DOMESTIC                                                            |            |                                    |           |                            |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |        |
| Additional Info:<br>MALCOLM BROWN<br>App: P82812 |                |                                                 |                                                                                    |            |                                    |           |                            |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |        |
| Acreage Legend: 12.25 Regular acreage            |                | <del>12.25</del> Acreage is on a canceled right | (12.25) Acreage is part of a transfer and has not been proven up on yet (Inchoate) |            | [12.25] Acreage has been suspended |           | * Acreage is not specified |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |        |

TO 16<sup>0</sup> TAX Lot 102

**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 # **91381**

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

RECEIVED FROM: JAMES L CLOUSE &  
BY: MARLENE E KASTEN

|             |                |
|-------------|----------------|
| APPLICATION |                |
| PERMIT      |                |
| TRANSFER    | <u>T-10531</u> |

CASH: ☐ CHECK: # 1217 OTHER: (IDENTIFY) ☐

TOTAL REC'D \$ 800.00

**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>800.00</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 (FW/WRD) | \$ |
| 0231 | HYDRO LICENSE FEE (FW/WRD) | \$ |
|      | HYDRO APPLICATION          | \$ |

**TREASURY OTHER / RDX**

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

RECEIPT: **91381**

DATED: 2/5/08 BY: J. Payroll

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



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

## Application for Water Right

Please type or print legibly in dark ink. If your application is incomplete or inaccurate, requested information does not apply to your application, insert "N/A" to indicate. A summary of the application is available at [www.wrd.state.or.us](http://www.wrd.state.or.us)

Sarah,

I have helped with  
this application from  
the beginning.

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### TRANSFER APPLICATION

Please check one

- ☐ Instream  
☐ Perennial  
☐ Temporary  
☐ Drought Transfer  
☐ Other

### CANDIDATE INFORMATION

Loomis

Last

Address: 65798 White Rock Loop

BEND

City

OREGON

State

97702 97701

Zip

Phone: 1-541-389-7596

Home

Work

1-541-420-0090

Other

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: Andy Peutz

First

Last

Address: 2435 Jefferson

Nyssa

City

OREGON

State

97713

Zip

Phone: 1-541-372-2341

Home

Work

Other

Fax: E-Mail address:

- 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.

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#### 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. | 5-53430              | 5-40448                    | 61676       |
| 2. |                      |                            |             |
| 3. |                      |                            |             |
| 4. |                      |                            |             |
| 5. |                      |                            |             |
| 6. |                      |                            |             |

- Attach a **separate Supplemental Form A** (Description of Proposed Change(s) to a Water Right) for **each** water right listed above.
- Check **all** proposed change(s) included in this transfer application:
  - ☒ Place of Use      ☒ Point of Diversion (POD)      ☐ Additional Point of Diversion
  - ☐ Character of Use      ☐ Point of Appropriation (POA, or well)      ☐ Additional POA
  - ☐ Instream Transfer      ☐ Surface Water POD to Ground Water POA
  - ☐ Substitution of Supplemental Groundwater right for Primary Surface water right
  - ☐ Historic POD change      ☐ Other
- Reason(s) for change(s): \_\_\_\_\_

#### 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.*

A 10hp lift pump is used to get the water out of Owyhee Ditch companies CANAL AND IN TO AN OPEN ditch AND AT TIMES gated pipe has BEEN USED. THE field is then flood irrigated

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

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## 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

- 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:*

OWYHEE Ditch COMPANY  
ATTENTION: MIKE BLANKBY  
280 S OREGON ST.  
ONTARIO, OREGON 97914

## 8. LOCAL GOVERNMENTS

- List the name and mailing address of all local governments (i.e., each county, city, municipal corporation, or tribal government within whose jurisdiction water will be diverted, conveyed or used).

MAHEUR County  
251 B. Street West  
VALE OREGON 97918

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## 9. 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 (for Permanent Transfers see Section 12(c)):*

Names of Current Landowner(s): SUSAN LOOMIS  
First Last

Address: 65798 White Rock Loop  
Bend Oregon 97702 97701  
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): JAMES CLOUSE  
MARLENE KASTEN  
First Last

Address: 1880 Owyhee Lake Rd.  
Nyssa Oregon 97913  
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.)

## 10. Other Remarks (optional)

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

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## 11. 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 For Proposed Changes:

#### For Instream Transfers:

- ☐ Notice of the intent to file an instream transfer application has been provided to each affected local government along the proposed reach, and copies of the notices are enclosed. (For instream transfers a Land Use Information Form is not required.)

#### For All Other Transfers:

- ☒ Land Use Information Form is enclosed; *or*
- ☐ All of the following criteria are met, therefore a Land Use Information Form is not required:
- ① In EFU zone or irrigation district,
  - ② Change in place of use only,
  - ③ No structural changes needed, including diversion works, delivery facilities, other structures, *and*
  - ④ Irrigation only.

#### Fees:

- ☐ Amount enclosed: \$ \_\_\_\_\_  
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.

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**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.

**12. 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 interest in the water right has been conveyed to someone other than the landowner, and documents, including a water right conveyance agreement, report of ownership and lien information, and any required lienholder notification are enclosed, demonstrating that I am (we are) authorized to pursue the transfer. I (we) understand that we may be required to provide additional information upon receipt of the draft Preliminary Determination.

☐ 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 this is a temporary transfer and a copy of the deed for the "from" land (and affidavits of consent from any other landowners, if applicable) is enclosed.

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

|                                              |                                                             |                        |
|----------------------------------------------|-------------------------------------------------------------|------------------------|
| <u>x Susan Loomis</u><br>applicant signature | <u>Susan Loomis</u><br>name and title if applicable (print) | <u>1/28/08</u><br>date |
| <br>applicant signature                      | <br>name and title if applicable (print)                    | <br>date               |

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## 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: 61676

### 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><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><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><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><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><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><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><br><input checked="" 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><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.) |

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## 2. CURRENT WATER RIGHT INFORMATION

Water Right Subject to Transfer (check and complete one of the following):

|                                                                              |                                                   |                                                               |
|------------------------------------------------------------------------------|---------------------------------------------------|---------------------------------------------------------------|
| <input checked="" type="checkbox"/> Certificated Right                       | <u>61676</u><br><small>Certificate Number</small> | <u>5-40448</u><br><small>Permit Number or Decree Name</small> |
| <input type="checkbox"/> Adjudicated,<br>Non-certificated Right              | <br><small>Name of Decree</small>                 | <br><small>Page Number</small>                                |
| <input type="checkbox"/> Permit for which Proof has<br>been Approved         | <br><small>Permit Number</small>                  | <br><small>Date Claim of Beneficial Use<br/>Submitted</small> |
| <input type="checkbox"/> Transferred Right for which<br>Proof has been Filed | <br><small>Previous Transfer Number</small>       | <br><small>Date Claim of Beneficial Use<br/>Submitted</small> |

- Name on Permit, Certificate, or Decree: OWYHEE Ditch COMPANY
- County: Malheur
- Authorized Use(s) to be Affected by Transfer: Irrigation
- Priority Date(s): July 18, 1975

*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: OWYHEE RIVER

Tributary to: SNAKE 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?* \_\_\_\_\_

*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).*

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▪ Certificate Number or other identifying number: 61676

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) |
|------------------------------------------------------------------|----------------------------|----------|-------|-----|-----|------|---------------------------|------------------------------------------------------------------|
|                                                                  | Owyhee R.<br>July 18, 1975 | 21S      | 46E   | WM  | 18  | SWNW | TL 1800                   | 1950' South & 900' East from NW corner SEC 18                    |
|                                                                  |                            |          |       |     |     |      |                           |                                                                  |
|                                                                  |                            |          |       |     |     |      |                           |                                                                  |

▪ 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 |
|--------------------------------------------|----------|-------------------------|-----------------------|------------------------------------------|------------|---------------------|-------------------------------------|-----------------------------------------|------------------|
|                                            |          |                         |                       |                                          |            |                     |                                     |                                         |                  |
|                                            |          |                         |                       |                                          |            |                     |                                     |                                         |                  |
|                                            |          |                         |                       |                                          |            |                     |                                     |                                         |                  |

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▪ Certificate Number or other identifying number: 61676

**Will the ENTIRE water right be affected by this transfer?** ☒ Yes ☐ No

*If “Yes”, the remainder of this page does not need to be completed. Go on to the next page.*

*If “No”, 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 to be affected by the change.)*

*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)

[illegible]

▪ Certificate Number or other identifying number: 61676

### 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 | 1/4 1/4 Section | Tax Lot, DLC or Gov't Lot | Survey Coordinates (coordinates from a recognized survey corner) |
|-----------|----------|-------|-----|-----|-----------------|---------------------------|------------------------------------------------------------------|
| OWYHEE R. | 215      | 45E   | WM  | 35  | SWNW            | TL 102                    | 1,822 South & 996' East from the NW corner of SEC. 35            |
|           |          |       |     |     |                 |                           |                                                                  |
|           |          |       |     |     |                 |                           |                                                                  |
|           |          |       |     |     |                 |                           |                                                                  |

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

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▪ Certificate Number or other identifying number: 61676

*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.)

[illegible]

Remarks: \_\_\_\_\_

STATE OF OREGON  
COUNTY OF MALHEUR  
CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

OWYHEE DITCH COMPANY  
P.O. BOX 280  
ONTARIO, OREGON 97914

confirms the right to use the waters of THE OWYHEE RIVER AND OWYHEE RESERVOIR CONSTRUCTED UNDER PERMIT R-599 AND ENLARGED UNDER PERMIT R-1764, a tributary of THE SNAKE RIVER, for the purpose of IRRIGATING 6.0 ACRES.

The right has been perfected under Permit 40448. The date of priority is JULY 18, 1975. The right is limited to not more than 0.1 CUBIC FOOT PER SECOND or its equivalent in case of rotation, measured at the point of diversion from the source.

The point of diversion is located as follows:

LOT 2(SW 1/4 NW 1/4), SECTION 18, T 21 S, R 46 E, W.M.;  
OWYHEE DITCH-1950 FEET SOUTH AND 900 FEET EAST FROM NW CORNER SECTION 18.

The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands, shall be limited to ONE-SIXTIETH of one cubic foot per second per acre, or its equivalent for each acre irrigated and shall be further limited to a diversion of not to exceed 4.0 acre-feet per acre for each acre irrigated during the irrigation season of each year.

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

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

NE 1/4 NE 1/4 6.0 ACRES  
SECTION 34  
TOWNSHIP 20 SOUTH, RANGE 46 EAST, W.M.

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SALEM, OREGON

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. The right is subject to minimum flows established by the Water Resources Commission with an effective date prior to this right.

WITNESS the signature of the Water Resources Director,  
affixed this date JUNE 27, 1989.

John M. Young  
Water Resources Director

Recorded in State Record of Water Right Certificates numbered 61676

53430.TES

10531

# **Water Right Transfer Supplemental Form B** **AFFIDAVIT ATTESTING TO THE USE OF WATER**

State of Oregon )  
 ) ss  
 County of Malheur )

I, Monty Culbertson, in my capacity as MANAGER of Owyhee Ditch Company,  
 mailing address 553 ONION AVE  
 telephone number (541) 889-4787, 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) |
|-----------|----------|-----------|----------|-------------------|-----------|--------------|------------------|-----------------------|
| <u>20</u> | <u>S</u> | <u>46</u> | <u>E</u> | <u>willamette</u> | <u>34</u> | <u>NE NE</u> | <u>T2 100</u>    | <u>6.0</u>            |
|           |          |           |          |                   |           |              |                  |                       |
|           |          |           |          |                   |           |              |                  |                       |
|           |          |           |          |                   |           |              |                  |                       |
|           |          |           |          |                   |           |              |                  |                       |
|           |          |           |          |                   |           |              |                  |                       |
|           |          |           |          |                   |           |              |                  |                       |
|           |          |           |          |                   |           |              |                  |                       |
|           |          |           |          |                   |           |              |                  |                       |
|           |          |           |          |                   |           |              |                  |                       |

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**WATER RESOURCES DEPT  
SALEM, OREGON**

(continues on reverse side)

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

4. The water right was exercised for the authorized purpose described below (e.g., crops grown):

Irrigation of various crops from row crops, corn, grain and  
hay.

5. The water delivery system used to apply water as authorized by the right is described below:

10 hp. lift pump is used to pump water from Owyhee Ditch  
Company's Canal into an open ditch.

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: \_\_\_\_\_

**RECEIVED**

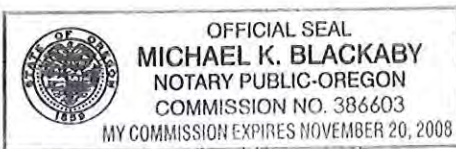
**FEB 05 2008**

**WATER RESOURCES DEPT  
SALEM, OREGON**

Monty Culbertson  
Signature of Affiant

2-1-08  
Date

Signed and sworn to (or affirmed) before me this 1<sup>st</sup> day of February 2008.

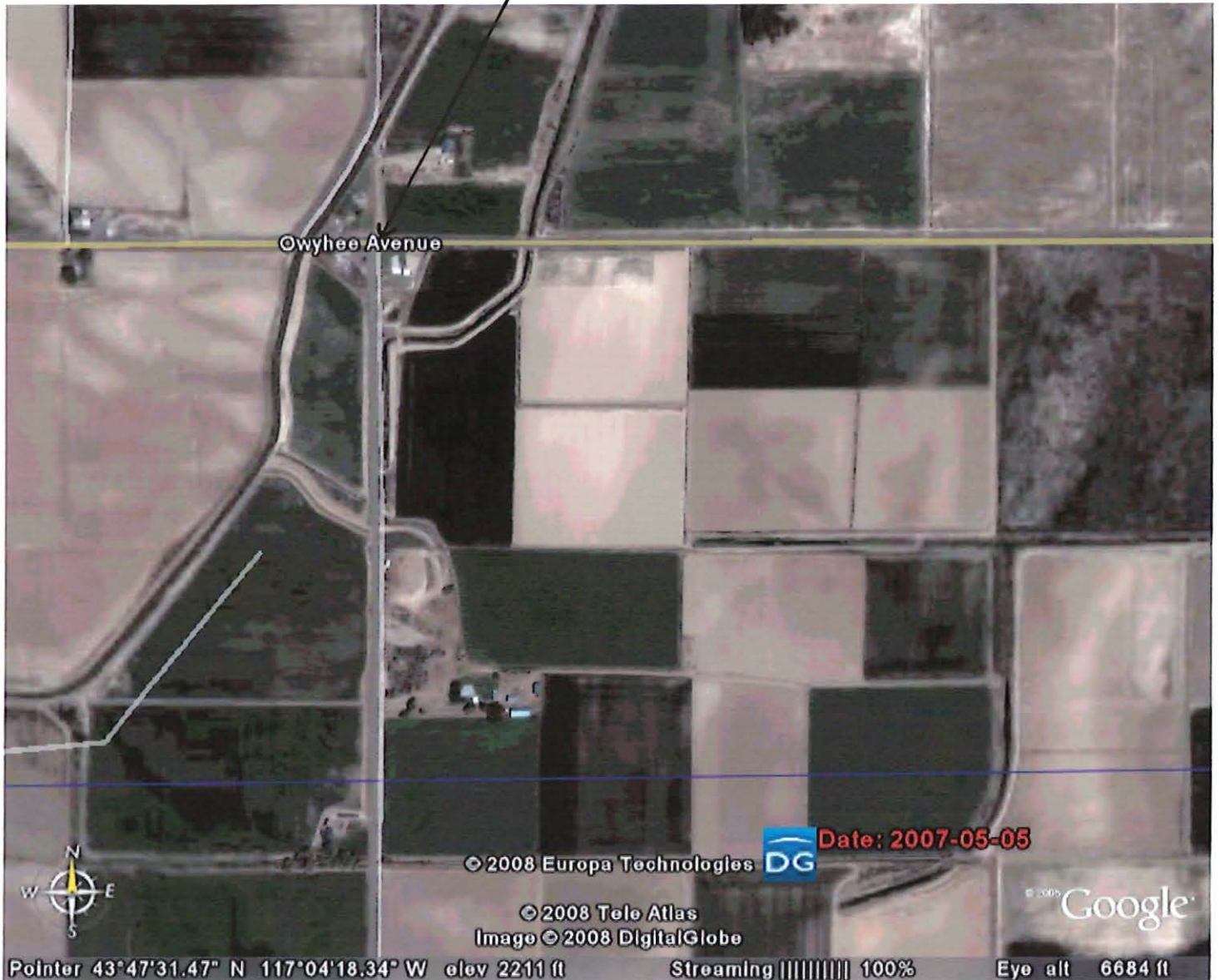


[Signature]  
Notary Public for Oregon

My Commission Expires: 11-20-2008

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

NE CORNER of SEC. 34 T-20S R-46W



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WATER RESOURCES DEPT  
SALEM, OREGON

T 10531



## Oregon Water Resources Department Land Use Information Form

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, exchange, permit amendment, or ground water registration modification, 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.

Applicant Name: SUSAN hoomis  
Mailing Address: 65798 white Rock Loop  
City: BEND State: OR Zip: 97703 Day Phone: 541-389-7596  
97701  
This application is related to a Measure 37 claim. ☐ Yes ☒ No

### A. Land and Location

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

| Township   | Range      | Section   | 1/4 1/4     | Tax Lot #  | Plan Designation (e.g. Rural Residential/RR-5) | Water to be:                                                                                                                       | Proposed Land Use: |
|------------|------------|-----------|-------------|------------|------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------|--------------------|
| <u>205</u> | <u>46E</u> | <u>34</u> | <u>NENE</u> | <u>100</u> |                                                | <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                                  |                    |

List all counties and cities where water is proposed to be diverted, conveyed, or used. Malheur

### B. Description of Proposed Use

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

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

Source of water: ☒ Reservoir/Pond ☐ Ground Water ☒ Surface Water (name) Owyhee River & Res.

Estimated quantity of water needed: 24 ☐ cubic feet per second ☐ gallons per minute ☒ acre-feet

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

Briefly describe: Irrigation of pasture & hay for livestock and row crops at times

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

### Receipt for Request for Land Use Information

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

**RECEIVED**  
FEB 05 2008  
WATER RESOURCES DEPT  
SALEM, OREGON

T 10531

## For Local Government Use Only

The following section must be completed by a planning official from each county and city listed unless the project will be located entirely within the city limits. In that case, only the city planning agency must complete this form.

This deals only with the local land-use plan. Do not include approval for activities such as building or grading permits.

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

☒ Land uses to be served by proposed water uses (including proposed construction) are allowed outright or are not regulated by your comprehensive plan. Cite applicable ordinance section(s): MCC Title 6

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

| Type of Land-Use Approval Needed<br>(e.g. plan amendments, rezones,<br>conditional-use permits, etc.) | Cite Most Significant, Applicable Plan<br>Policies & Ordinance Section References | Land-Use Approval:                                                   |                                                                                      |
|-------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------|----------------------------------------------------------------------|--------------------------------------------------------------------------------------|
|                                                                                                       |                                                                                   | <input type="checkbox"/> Obtained<br><input type="checkbox"/> Denied | <input type="checkbox"/> Being pursued<br><input type="checkbox"/> Not being pursued |
|                                                                                                       |                                                                                   | <input type="checkbox"/> Obtained<br><input type="checkbox"/> Denied | <input type="checkbox"/> Being pursued<br><input type="checkbox"/> Not being pursued |
|                                                                                                       |                                                                                   | <input type="checkbox"/> Obtained<br><input type="checkbox"/> Denied | <input type="checkbox"/> Being pursued<br><input type="checkbox"/> Not being pursued |
|                                                                                                       |                                                                                   | <input type="checkbox"/> Obtained<br><input type="checkbox"/> Denied | <input type="checkbox"/> Being pursued<br><input type="checkbox"/> Not being pursued |
|                                                                                                       |                                                                                   | <input type="checkbox"/> Obtained<br><input type="checkbox"/> Denied | <input type="checkbox"/> Being pursued<br><input type="checkbox"/> Not being pursued |

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

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

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FEB 05 2008

WATER RESOURCES DEPT  
SALEM, OREGON

Name: Jon D Beal Title: Planning Director  
Signature: Jon D Beal Phone: 541-473-5185 Date: 1-14-08  
Government Entity: Malheur Co

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

### Receipt for Request for Land Use Information

Applicant name: SUSAN LOOMIS

City or County: A Malheur Staff contact: JON D. BEAL  
Signature: Susan Loomis Phone: 541-389-7596 Date: 1/28/08

October 9, 2008

Department of Water Resources  
1995 3rd Street, Suite 180  
Baker City, Or. 97814



Attn: Carrie Jones  
Re: Application T-10531

Dear Ms. Jones:

Thank you for your help in getting the transfer of the water rights completed.

Enclosed is the ownership and lien information from First American Title on the Susan Loomis' property (the FROM lands). Also included with this correspondence is a copy of the warranty deed and the full conveyance form, instrument number 2007-8314 from Malheur County (the TO lands).

We need to know exactly what we need to publish in the paper and if the Argus-Observer would be the paper that we need to put this notice in. This paper is published in Ontario, Oregon.

If we have neglected to complete any of the necessary information, please let us know by emailing us at [kmarlene55@hughes.net](mailto:kmarlene55@hughes.net) and we will get it to you ASAP.

Sincerely,

Marlene Kasten  
James Clouse

cc: Susan Loomis  
Attn: Andy Peutz  
2435 Jefferson  
Nyssa, Or 97913

Ron Jacobs  
Malheur County Water Master  
Vale, Oregon

File

~~From Land~~

# First American Title Company of Malheur County

81 So. Oregon Street ONTARIO, OREGON 97914  
(541) 889-7625 FAX (541) 889-2927

## LOT BOOK REPORT

September 24, 2008

Order No. 26612

James Clouse & Marlene Kasten  
1880 Owyhee Lake Rd.  
Nyssa, Oregon 97913

Ref: 2497 Heritage Dr. & Bare Gro

We have searched our Tract Index

(Tax Lot 100; Fmrly 5900)  
Land in Malheur County, Or  
In Twp. 20 S., R. 46 E., W.1  
Sec. 34: That portion of the  
right of way.

(Tax Lot 900; Fmrly 6200)  
Land in Malheur County, Or  
In Twp. 20 S., R. 46 E., W.1

Sec. 34: That portion of the S1/2 NE1/4 lying and being South and East of the Owyhee Ditch  
right of way.

EXCEPTING THEREFROM that portion of the SE1/4 NE1/4 described as follows:

Beginning at the Southeast corner of said SE1/4 NE1/4;

thence North, coincident with the East boundary, 208.75 feet;

thence West 208.75 feet;

thence South 208.74 feet;

thence East, coincident with the South boundary, 208.75 feet to the Point of Beginning.

and as of September 19, 2008, at 8:00 a.m.:

We find that the last deed of record runs to:

-SUSAN CUDD LOOMIS-

Continued



← Receiving 4/0 See  
Application

**Order No. 26612**

**We also find the following apparent encumbrances within (ten years prior) to the effective date hereof:**

1. Taxes for the fiscal year 2008-09, a lien not yet due and payable, the first payment is due Nov. 15, 2008.
2. The assessment roll and the tax roll disclose that the within described premises were specially assessed as farm land. If the land has become or becomes disqualified for the special assessment under the statute, an additional tax may be levied.
3. The rights of the public in and to that portion of the premises herein lying within streets, roads and highways.
4. Regulations of the Owyhee Irrigation District, within which the above property lies, including levies, assessments, water and irrigation rights and easements for ditches and canals. (Covers part of lands)
5. An easement for power lines created by instrument, including the terms and provisions thereof;  
Recorded: June 1928, in Book 10, Page 74, L&A Records. NENE  
Recorded: Seot, 1931, in Book 11, Page 485, L&A Records. SENE  
Recorded: Dec. 1978, Inst. 55751 Deed Records  
Favor of: Idaho Power Company
6. This report does not include a search for financing statements filed in the office of the Secretary of State, or in a county other than the county wherein the premises are situated, and no liability is assumed if a financing statement is filed in the office of the County Clerk (Recorder) covering fixtures or crops on the premises wherein the lands are described other than by metes and bounds or under the rectangular survey system or by recorded Lot and Block.
7. Any improvement located upon the property which is described or defined as a mobile home under the provisions of chapters 803 and 820, Oregon Revised Statutes, and is subject to registration as therein provided.

**We have also searched our General Index for judgments and state and federal tax liens against the above named grantees and find the following: NONE**

**We also find the following paid taxes:**

NOTE: Taxes for the fiscal year 2007-08, PAID IN FULL

Original Amount: \$122.72

Account No.: [REDACTED]

Code No.: 34

Map No.: 204634 (Fmrly 2046D)

Tax Lot No.: 100 (Fmrly 5900)

Continued

**Order No. 26612**

Original Amount: \$78.54

Account No.: [REDACTED]

Code No.: 34

Map No.: 204634 (Fmrly 2046D)

Tax Lot No.: 100 (Fmrly 5900)

(Affects: Manuf. Hm)

(Owner: R/A Atagi Farms)

Original Amount: \$765.05

Account No.: [REDACTED]

Code No.: 34

Map No.: 204634 (Fmrly 2046D)

Tax Lot No.: 900 (Fmrly 6200)

**THIS IS NOT A TITLE REPORT**, since no examination has been made of the title to the above property. Our search for apparent encumbrances 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. The liability in connection with this Lot Book Service is expressly limited to the sum paid therefore, and the issuing company will not otherwise be responsible for errors and omissions therein. The charge for this service will not include supplemental reports. Fee \$150.00

**FIRST AMERICAN TITLE COMPANY OF MALHEUR COUNTY**

  
**Melissa Fry**  
**Title Officer**

SEE MAP 20S 46E 27

AVE

27

26

800  
28.58 AC.

200  
61.59 AC.

100 34  
11.55 AC.

35

DITCH

900  
51.75 AC.

1000  
0.86 AC.

CS 20-46-0025

1200  
77.18 AC.

1100  
39.04 AC.

1500  
38.14 AC.

HERITAGE

SEE MAP 20S 46E 35

←  
SUBJECT  
PROPERTY



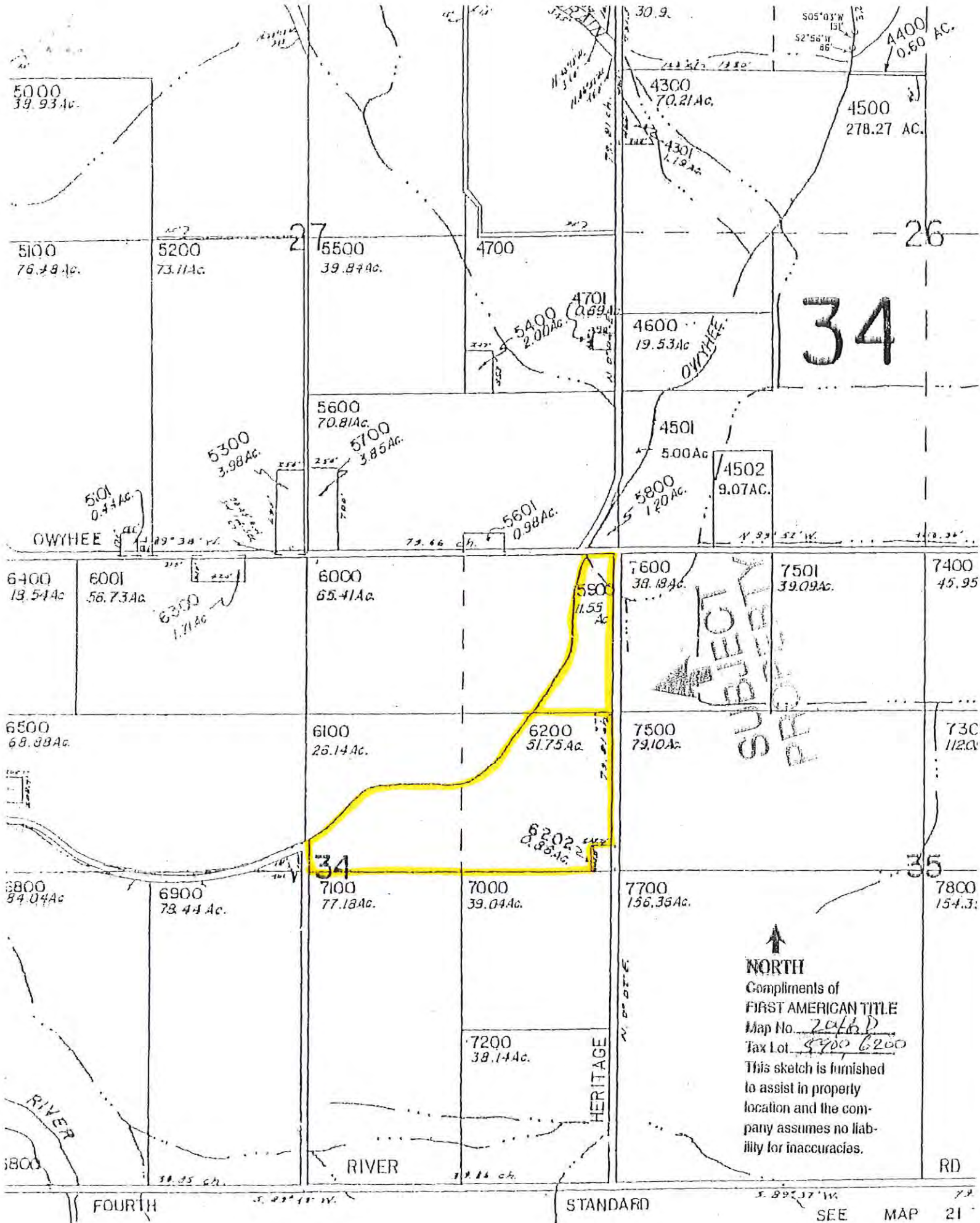
NORTH

Compliments of  
FIRST AMERICAN TITLE  
Map No. 204634  
Tax Lot 100 900

This sketch is furnished  
to assist in property  
location and the com-  
pany assumes no liab-  
ility for inaccuracies.

34

35



To Land



AFTER RECORDING AND TO RETURN  
TAX STATEMENTS:  
James Clouse and Marlene Kasten  
41 River Road  
Garden Valley, Idaho 83622



INSTRUMENT NO. 2004 - 8990  
Page 1 of 1 Pages

Inst. No. 2004-8990  
I certify that the within instrument of  
writing was received for record on  
the 23 day of Dec., 20 04  
at 9:41 O'clock A. M. FEE \$21  
STATE OF OREGON, County of Malheur  
DEBORAH R. DeLONG  
County Clerk

Order No.: A0434785  
ONMO 2943  
102-234

## WARRANTY DEED

By: Sheryl Johnson Deputy

FOR VALUE RECEIVED,

RONALD C. DIKE, CO-TRUSTEE AND JANICE DIKE, CO-TRUSTEE OF THE RONALD  
C. & JANICE DIKE TRUST UNDER TRUST AGREEMENT DATED DECEMBER 1, 1997

The Grantor(s), do(es) hereby grant, bargain sell and convey unto

JAMES L. CLOUSE AND MARLENE E. KASTEN, HUSBAND AND WIFE

whose current address is 41 RIVER ROAD, GARDEN VALLEY, ID 83622

the Grantee(s), the following described premises, in <sup>Oregon</sup>~~Idaho~~ MALHEUR County, TO WIT:

In Twp. 21 S., R. 45 E., W.M.:  
Sec. 35: SW1/4 NW1/4.

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee, heirs and assigns forever. And the said Grantor(s) do(es) hereby covenant to and with the said Grantee(s), that (s)he is/are the owner(s) in fee simple of said premises; that they are free from all encumbrances EXCEPT those to which this conveyance is expressly made subject and those made, suffered or done by the Grantee(s); and subject to all existing patent reservations, easements, right(s) of way, protective covenants, zoning ordinances, and applicable building codes, laws and regulations, general taxes and assessments, including irrigation and utility easements (if any) for the current year, which are not due and payable, and that Grantor(s) will warrant and defend the same from all lawful claims whatsoever.

Dated: 12/15/04

Ronald C. Dike  
RONALD C. DIKE, Co-Trustee

Janice Dike  
JANICE DIKE, Co-Trustee

STATE OF IDAHO  
COUNTY OF ADA

ON THIS 15th DAY OF DECEMBER IN THE YEAR 2004, BEFORE ME, THE  
UNDERSIGNED, A NOTARY PUBLIC IN AND FOR SAID STATE PERSONALLY  
APPEARED RONALD C. DIKE AND JANICE DIKE, KNOWN OR IDENTIFIED TO ME  
TO BE THE PERSON(S) WHOSE NAME(S) IS/ARE SUBSCRIBED TO THE WITHIN  
INSTRUMENT, AS TRUSTEE OF RONALD C. & JANICE DIKE TRUST AND

RONALD C. DIKE, CO-TRUSTEE AND JANICE DIKE, CO-TRUSTEE OF THE RONALD C. & JANICE DIKE TRUST UNDER TRUST AGREEMENT DATED DECEMBER 1, 1997

The Grantor(s), do(es) hereby grant, bargain sell and convey unto

JAMES L. CLOUSE AND MARLENE E. KASTEN, HUSBAND AND WIFE

whose current address is 41 RIVER ROAD, GARDEN VALLEY, ID 83622

the Grantee(s), the following described premises, in MALHEUR County, <sup>Oregon</sup>~~Idaho~~; TO WIT:

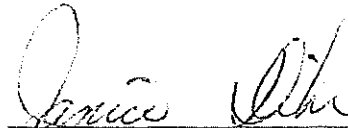
In Twp. 21 S., R. 45 E., W.M.:  
Sec. 35: SW1/4 NW1/4.

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee, heirs and assigns forever. And the said Grantor(s) do(es) hereby covenant to and with the said Grantee(s), that (s)he is/are the owner(s) in fee simple of said premises; that they are free from all encumbrances EXCEPT those to which this conveyance is expressly made subject and those made, suffered or done by the Grantee(s); and subject to all existing patent reservations, easements, right(s) of way, protective covenants, zoning ordinances, and applicable building codes, laws and regulations, general taxes and assessments, including irrigation and utility easements (if any) for the current year, which are not due and payable, and that Grantor(s) will warrant and defend the same from all lawful claims whatsoever.

Dated: 12/15/04



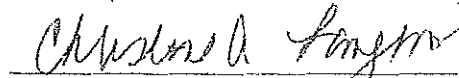
RONALD C. DIKE, Co-Trustee



JANICE DIKE, Co-Trustee

STATE OF IDAHO  
COUNTY OF ADA

ON THIS 15th DAY OF DECEMBER IN THE YEAR 2004, BEFORE ME, THE UNDERSIGNED, A NOTARY PUBLIC IN AND FOR SAID STATE PERSONALLY APPEARED RONALD C. DIKE AND JANICE DIKE, KNOWN OR IDENTIFIED TO ME TO BE THE PERSON(S) WHOSE NAME(S) IS/ARE SUBSCRIBED TO THE WITHIN INSTRUMENT, AS TRUSTEE OF RONALD C. & JANICE DIKE TRUST AND ACKNOWLEDGED TO ME THAT HE/SHE/THEY EXECUTED THE SAME AS TRUSTEE.



To Land

INSTRUMENT NO. 2007 - 8314  
Page 1 of 1 Pages

Inst. No. 2007-8314  
I certify that the within Instrument of  
writing was received for record on  
the 9 day of November, 20 07  
at 11:02 O'clock A.M. FEE 21.  
STATE OF OREGON, County of Malheur

RECORDING REQUESTED BY:  
U.S. BANK NATIONAL ASSOCIATION

Please return recorded document to:

JAMES CLOUSE  
MARLENE KASTEN  
1880 OWYHEE LAKE RD  
NYSSA, OR 97913

DEBORAH R. DeLONG  
County Clerk

By: Shawn Smith Deputy

FULL RECONVEYANCE

FILE #: 59-5824105620

APN: [REDACTED]

The undersigned as Trustee or Successor Trustee under that certain Deed of Trust executed by JAMES L. CLOUSE and MARLENE E. KASTEN, HUSBAND AND WIFE as the Grantor(s), U.S. Bank Trust Company, National Association as the Trustee and U.S. Bank National Association as the Beneficiary under that certain Deed of Trust dated January 24, 2007 and recorded on January 30, 2007 as Instrument No. 2007-728, book n/a, page n/a of the records of Malheur County, Oregon.

Having received from the Beneficiary under said Deed of Trust, a written request to reconvey, reciting that the obligation(s) secured by the Deed of Trust has been fully satisfied, does hereby grant; bargain, sell and reconvey, unto the parties entitled thereto all right, title and interest which was heretofore acquired by said Trustee(s) under said Deed of Trust.

U.S. Bank Trust Company, National Association

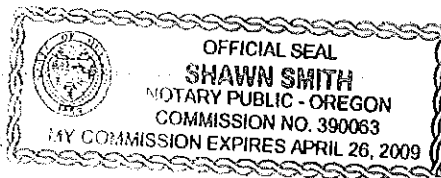
DATE: November 5, 2007

BY: Peggy E. Klink  
Peggy E. Klink, Assistant Commercial Officer

State of Oregon )  
 ) ss  
County of Multnomah )

On this 05th day of November, 2007 before me, the undersigned, a Notary Public in and for the STATE OF OREGON duly commissioned and sworn, personally appeared Peggy E. Klink to me known to be the Assistant Commercial Officer of the corporation that executed the foregoing instrument, and acknowledged the said instrument to be the free and voluntary act and deed of said corporation for the uses and purposes therein mentioned, and on oath states that she is authorized to execute the said instrument. WITNESS my hand and official seal hereto affixed the day and year above written.

BY: Shawn Smith  
My Commission Expires: April 26, 2009



DATE: 2/12/2008

RE: Transfer Application Map

To whom it may concern,

Please accept this previously approved FINAL PROOF SURVEY MAP, as our transfer application map in lieu of a map prepared by a Certified Water Rights Examiner as per OAR 690-014-0150 (3).

Comments: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Applicant Signature Andy Reutz

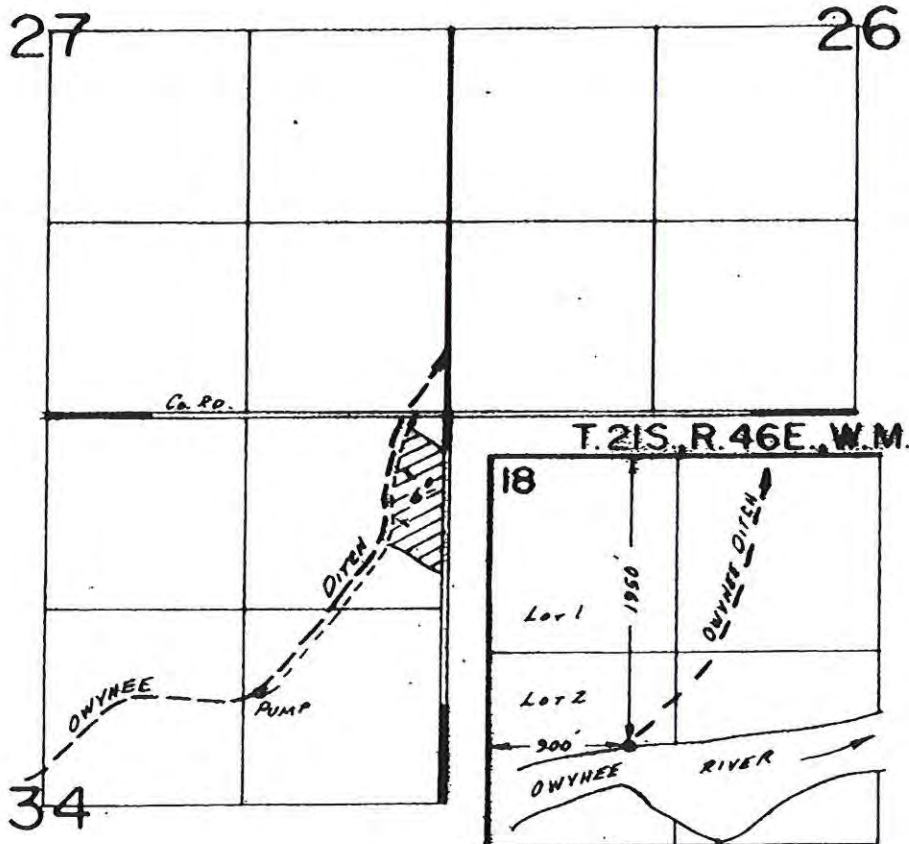
OWRD Regional Manager Signature Shawn K. Hall

Stat. Auth.: ORS 536 & ORS 542

**RECEIVED**  
**FEB 15 2008**  
**WATER RESOURCES DEPT**  
**SALEM, OREGON**

Sarah,  
This waiver goes with  
Susan Doornis transfer  
application  
Ron

(From LANDS)  
T. 20S., R. 46E., W.M.



SCALE: 1" = 1320'

**FINAL PROOF SURVEY**  
UNDER

**RECEIVED**

FEB 05 2008

WATER RESOURCES DEPT  
SALEM, OREGON

Application No. ~~53430~~ Permit No. ~~40448~~  
IN NAME OF

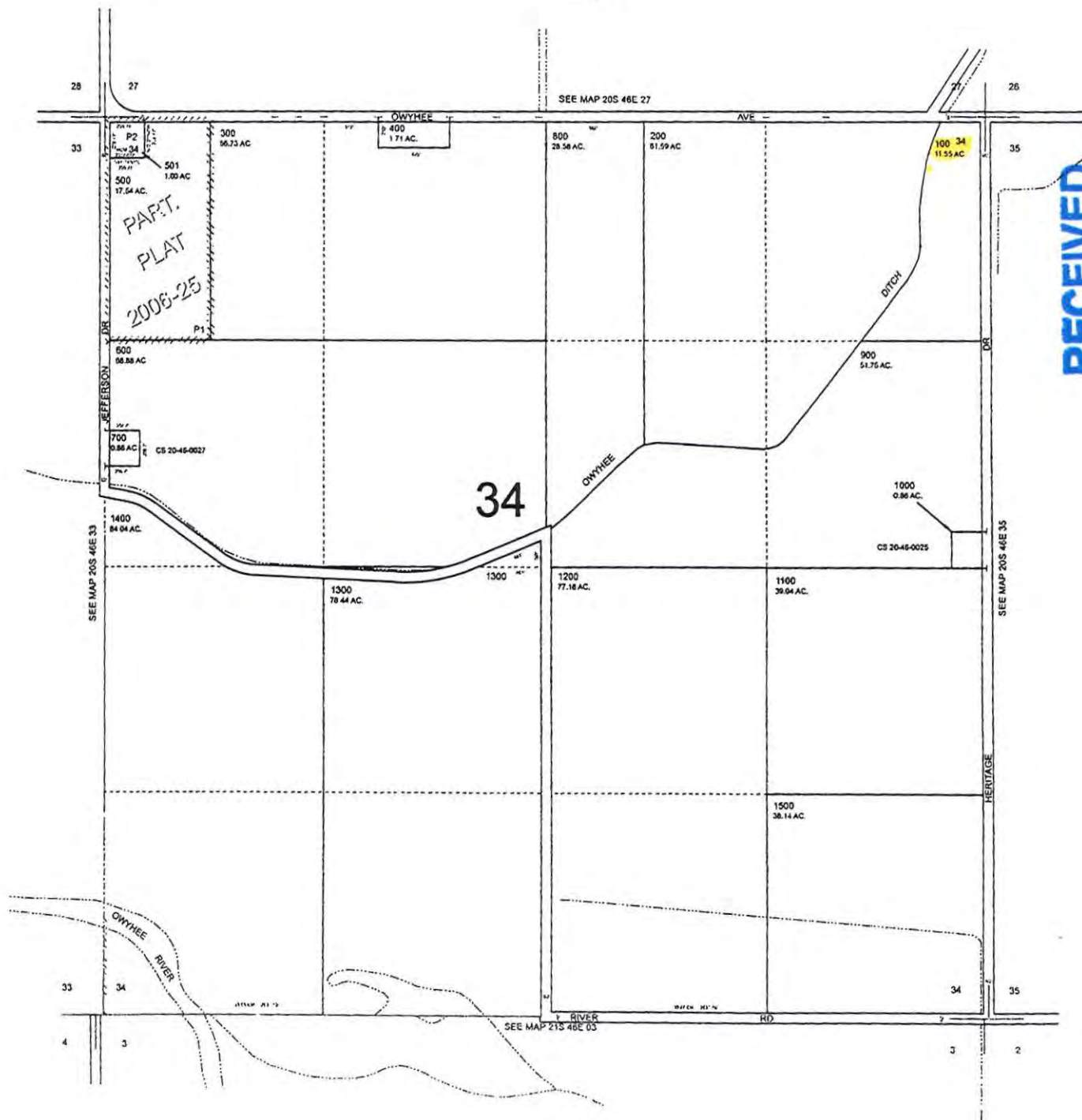
OWYHEE DITCH COMPANY

Surveyed Mar. 31, 1986, by L.M. TOLL

T 10531

1" = 400'

20S 46E 34



RECEIVED

FEB 05 2008  
WATER RESOURCES DEPT  
SALEM, OREGON

T 10531

## SEARCH RESULTS

| REF#   | NAMES                                   | MAP#/LOT#    | SPI | PROPERTY ADDRESS |       |
|--------|-----------------------------------------|--------------|-----|------------------|-------|
| 10403  | LOOMIS, SUSAN CUDD                      | 20S4634 100  | 0   | 2497 HERITAGE    | NYSSA |
| 10404  | ZIEMER, LAWRENCE & CHRISTINE            | 20S4634 200  | 0   | 825 OWYHEE       | NYSSA |
| 10405  | WAGSTAFF, RICHARD & CAMILLA             | 20S4634 300  | 0   | 885 OWYHEE       | NYSSA |
| 16975  | OWYHEE COMMUNITY CHURCH                 | 20S4634 400  | E1  | 871 OWYHEE       | NYSSA |
| 18446  | OWYHEE COMMUNITY CHURCH                 | 20S4634 400  | 0   | 871 OWYHEE       | NYSSA |
| 10409  | BAYES, JOSEPH L & LAURA A               | 20S4634 500  | 0   | 887 OWYHEE       | NYSSA |
| 904060 | BAYES, JOSEPH L & LAURA A               | 20S4634 500  | M1  | 887 OWYHEE       | NYSSA |
| 20148  | IDAHO POWER CO                          | 20S4634 501  | 0   | 889 OWYHEE       | NYSSA |
| 10410  | RICHSIN, BILLY J & MARILYN J            | 20S4634 600  | 0   |                  |       |
| 10411  | BAXTER, WILLIAM S                       | 20S4634 700  | 0   | 2450 JEFFERSON   | NYSSA |
| 10406  | ZIEMER, LAWRENCE & CHRISTINE            | 20S4634 800  | 0   |                  |       |
| 10407  | LOOMIS, SUSAN CUDD                      | 20S4634 900  | 0   |                  |       |
| 10408  | HITE, JOSEPH E & JOHNNA                 | 20S4634 1000 | 0   | 2461 HERITAGE    | NYSSA |
| 10414  | HITE, JOE & JOHNNA S<br>HITE, EMMA G LE | 20S4634 1100 | 0   | 2449 HERITAGE    | NYSSA |
| 901587 | HITE, JOE & JOHNNA S                    | 20S4634 1100 | M1  | 2451 HERITAGE    | NYSSA |
| 10415  | HITE, JOSEPH E & JOHNNA S               | 20S4634 1200 | 0   | 824 RIVER        | NYSSA |
| 10413  | PEUTZ, WILLIAM 1/2 ANITA 1/2            | 20S4634 1300 | 0   | 2435 JEFFERSON   | NYSSA |
| 10412  | RICHSIN, BILLY J & MARILYN J            | 20S4634 1400 | 0   | 2439 JEFFERSON   | NYSSA |
| 10416  | HITE, JOE & JOHNNA S<br>HITE, EMMA G LE | 20S4634 1500 | 0   |                  |       |

RECEIVED

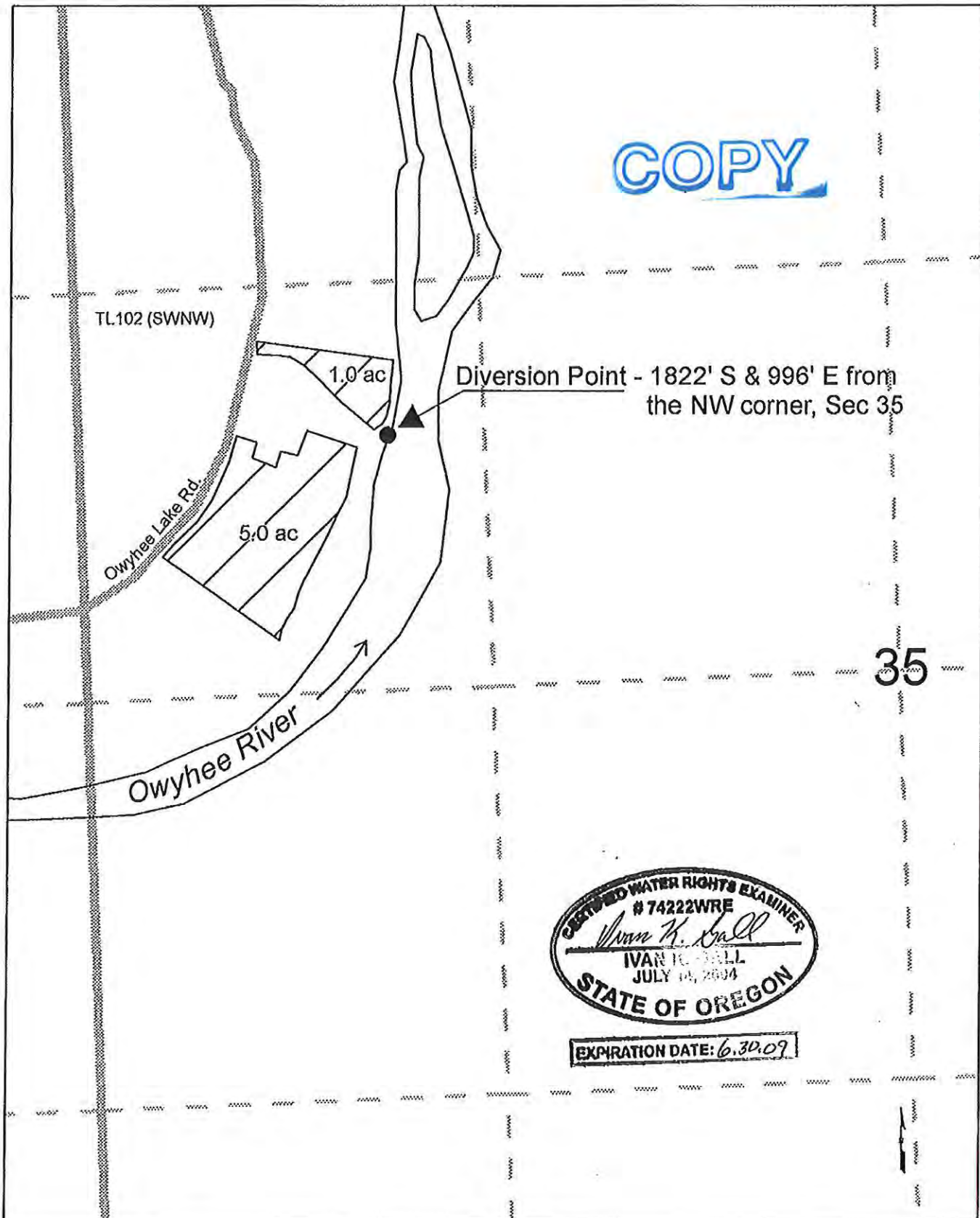
FEB 05 2008

WATER RESOURCES DEPT  
SALEM, OREGON

T 10531

T. 21 S, R. 45 E, W.M.

COPY



1 inch equals 400 feet

To Lands

T. 21 S, R. 45 E, W.M.

DRAFT

TL102 (SWNW)

1.0 ac

Diversion Point - 1822' S & 996' E from  
the NW corner, Sec 35

5.0 ac

Owyhee River

35

690-380-3100  
(j)

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WATER RESOURCES DEPT  
SALEM, OREGON

DRAFT

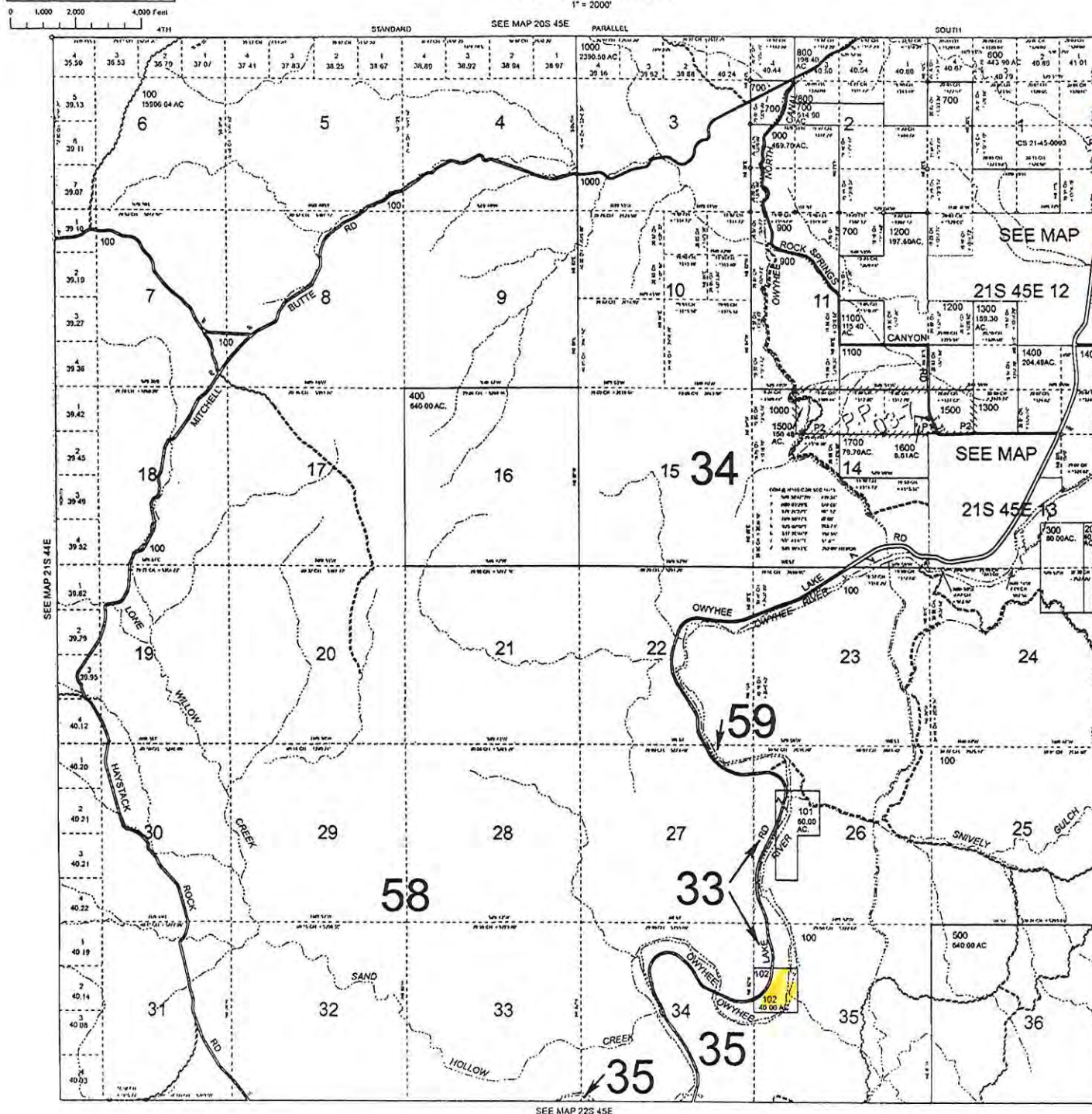
T 10531

1 inch equals 400 feet

THIS MAP WAS PREPARED FOR  
ASSESSMENT PURPOSE ONLY

T.21S. R.45E. W.M.  
MALHEUR COUNTY  
1" = 2000'

21S 45E  
& INDEX



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WATER RESOURCES DEPT  
SALEM, OREGON

T 10531

Revised RAA  
1/17/2006

21S 45E  
& INDEX

## SEARCH RESULTS

| REF#  | NAMES                                                        | MAP#/LOT#  | SPI | PROPERTY ADDRESS        |       |
|-------|--------------------------------------------------------------|------------|-----|-------------------------|-------|
| 17024 | U S A                                                        | 21S45 100  | 0   |                         |       |
| 17027 | U S A                                                        | 21S45 100  | 0   |                         |       |
| 17028 | U S A                                                        | 21S45 100  | 0   |                         |       |
| 17029 | U S A                                                        | 21S45 100  | 0   |                         |       |
| 18337 | U S A                                                        | 21S45 100  | 0   |                         |       |
| 10281 | CLEAVER, GARY D ETAL<br>CLEAVER, DELBERT DISCLR<br>TRUST     | 21S45 101  | 0   |                         |       |
| 10481 | CLEAVER, GARY D ETAL<br>CLEAVER, DELBERT DISCLR<br>TRUST     | 21S45 101  | 0   |                         |       |
| 10282 | CLOUSE, JAMES L ETUX<br>KASTEN, MARLENE E (H&W)              | 21S45 102  | 0   | 1880 OWYHEE LAKE        | NYSSA |
| 10482 | CLOUSE, JAMES L ETUX<br>KASTEN, MARLENE E (H&W)              | 21S45 102  | 0   |                         |       |
| 10483 | DORN ENTERPRISES INC                                         | 21S45 200  | 0   |                         |       |
| 10484 | DORN ENTERPRISES INC                                         | 21S45 300  | 0   |                         |       |
| 17025 | OREGON, STATE OF                                             | 21S45 400  | 0   |                         |       |
| 17026 | U S A                                                        | 21S45 500  | 0   |                         |       |
| 10485 | BENNIGHT, CHRISTIAN D ETAL<br>BENNIGHT, ANN H                | 21S45 600  | 0   | 1213 VIEWCREST          | NYSSA |
| 10486 | WILSON, MELVIN D ETAL<br>WILSON, KENNETH                     | 21S45 700  | 0   |                         |       |
| 10487 | HATFIELD, KENNETH A REV<br>TRUST                             | 21S45 800  | 0   |                         |       |
| 10488 | BLEWETT, ROBERT & LILA 80%<br>BLEWETT, DONALD & CARLA<br>20% | 21S45 900  | 0   | 2241 ROCK SPRGS<br>CNYN | NYSSA |
| 17030 | U S A                                                        | 21S45 1000 | 0   |                         |       |
| 10490 | AYARZA, MIGUEL & EMALINE E                                   | 21S45 1100 | 0   | 2225 ROCK SPRGS<br>CNYN | NYSSA |
| 10489 | RADKE, EDWARD B & JANET L                                    | 21S45 1200 | 0   | 2230 ROCK SPRGS<br>CNYN | NYSSA |
| 10492 | BUTLER, ROB'T D TRUSTEE                                      | 21S45 1300 | 0   |                         |       |
| 10497 | HARTLEY, MARK E 1/2 & JUNE<br>1/2                            | 21S45 1400 | 0   | 2204 OWYHEE LAKE        | NYSSA |
| 10505 | BLEWETT, ROBERT & LILA 80%<br>BLEWETT, DONALD & CARLA<br>20% | 21S45 1500 | 0   |                         |       |

RECEIVED

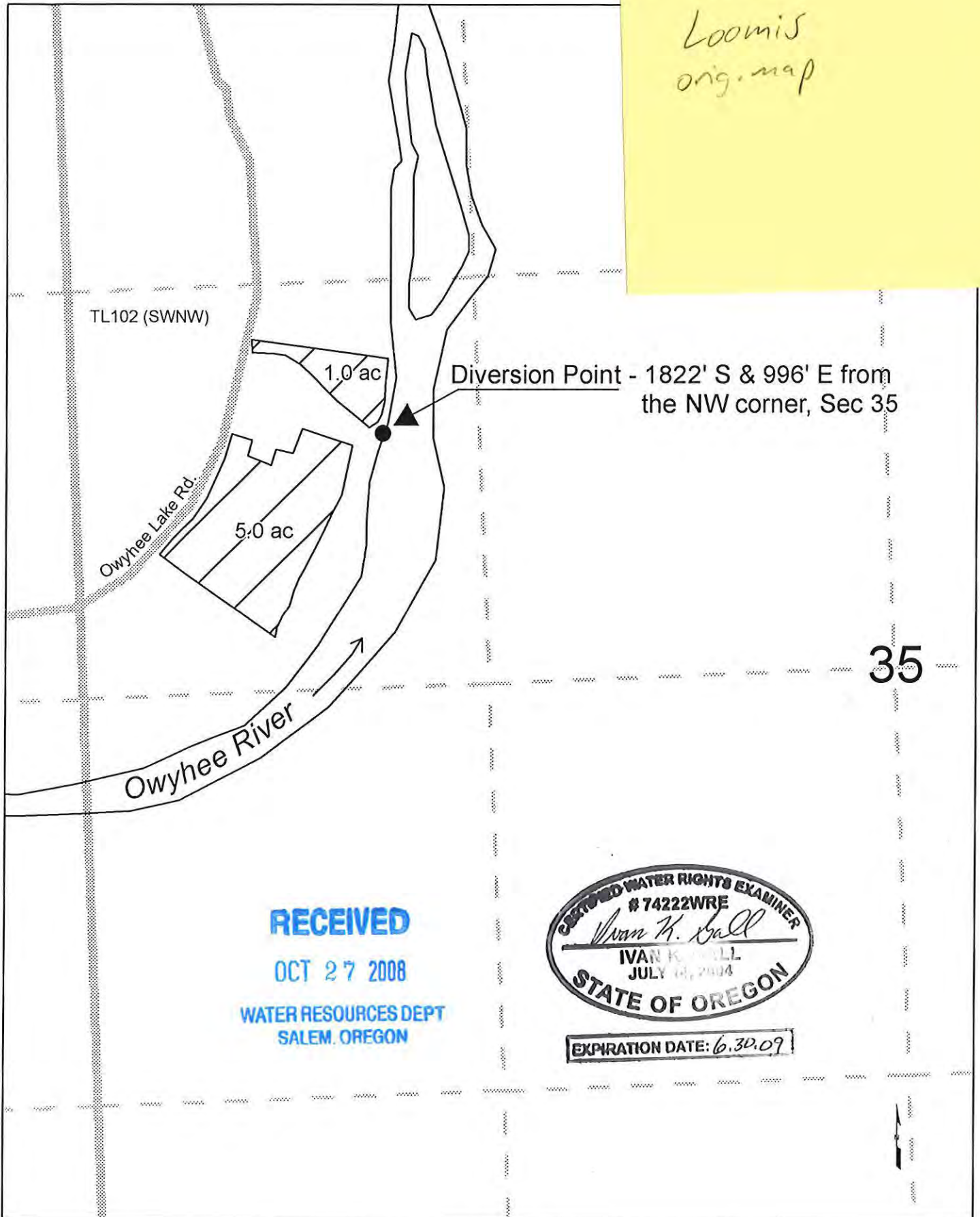
FEB 05 2008

WATER RESOURCES DEPT  
SALEM, OREGON

T 10531

T. 21 S, R. 45 E, W.M.

T-10531  
Loomis  
orig. map



**RECEIVED**

**OCT 27 2008**

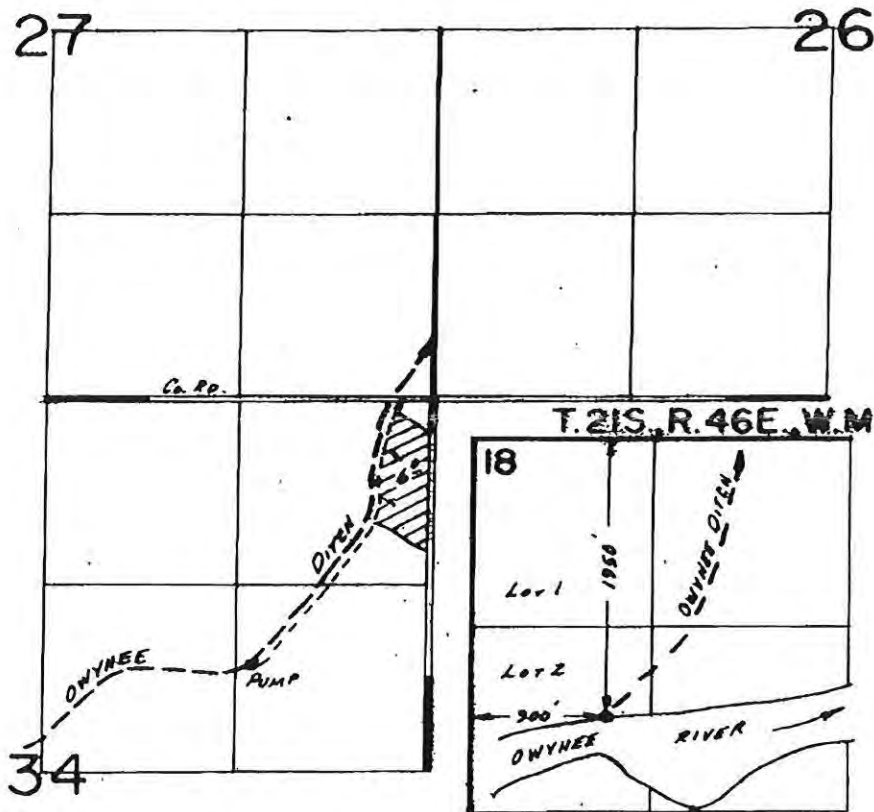
**WATER RESOURCES DEPT  
SALEM, OREGON**



**EXPIRATION DATE: 6.30.09**

1 inch equals 400 feet

(FROM LANDS)  
T. 20S., R. 46E., W.M.



SCALE: 1"=1320'

RECEIVED

OCT 27 2008

WATER RESOURCES DEPT  
SALEM OREGON

FINAL PROOF SURVEY  
UNDER

Application No. 53430... Permit No. 40448.....  
IN NAME OF

OWYHEE DITCH COMPANY.....

Surveyed Mar. 31.... 1986, by L.M. TOLL.....

RECEIVED

FEB 05 2008

WATER RESOURCES DEPT  
SALEM OREGON

T 10531



# Oregon

Theodore R. Kulongoski, Governor

## Water Resources Department

Eastern Region

Baker County Courthouse

1995 3rd Street, Suite 180

Baker City, OR 97814

Phone: (541) 523-8224

Fax: 1-866-214-3493

[www.wrd.state.or.us](http://www.wrd.state.or.us)

September 16, 2008

17th  
Mailed

### Applicant

SUSAN LOOMIS  
65798 WHITE ROCK LOOP  
BEND, OR 97701

### Agent

ANDY PEUTZ  
2435 JEFFERSON  
NYSSA, OR 97913

### Receiving Landowner

JAMES CLOUSE  
MARLENE KASTEN  
1880 OWYHEE LAKE RD  
NYSSA, OR 97913

SUBJECT: Application T-10531

Enclosed is a **DRAFT** of our Preliminary Determination regarding transfer application T-10531. The document 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. 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 for the lands to which the water right is appurtenant (**the FROM lands**) that has been prepared within the last three months by a title company. You will need to submit a notarized statement of consent from any landowner listed in the report who is not already included in the transfer application. If there are additional lienholders 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 lienholder has been informed of the transfer.

Because the new point of diversion 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.

Please submit your written response and the report of ownership and lien information at the address above by **October 16, 2008**. If I do not receive your response and the report by the deadline, a Preliminary Determination may be issued denying the application as incomplete.

Please do not hesitate to contact me at 541-523-8224 x 36 or [Carrie.R.Jones@wrd.state.or.us](mailto:Carrie.R.Jones@wrd.state.or.us) if I may be of assistance.

Sincerely,

Carrie Jones

Field Services Division

cc: Ron Jacobs, District 9 Watermaster

enc

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

In the Matter of Transfer Application  
T-10531, Malheur County

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

SUSAN LOOMIS  
65798 WHITE ROCK LOOP  
BEND, OR 97701

**Agent**

ANDY PEUTZ  
2435 JEFFERSON  
NYSSA, OR 97913

**Receiving Landowner**

JAMES CLOUSE  
MARLENE KASTEN  
1880 OWYHEE LAKE RD  
NYSSA, OR 97913

**Findings of Fact**

***Background***

1. On February 5, 2008, Susan Loomis filed an application to change the place of use and point of diversion under Certificate 61676. The Department assigned the application number T-10531.
2. The applicant submitted a request as per OAR 690-380-3100 (j)
3. A final proof survey map for the right to be transferred accurately identifies the point of diversion and place of use. On February 12, 2008 a request to use the map pursuant to 690-380-3100 (j) was submitted and approved.

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

**Certificate:** 61676 in the name of Owyhee Ditch Co. (perfected under Permit S-40448)

**Use:** IRRIGATION of 6.0 ACRES

**Priority Date:** JULY 18, 1975

**Rate:** 0.1 CUBIC FOOT PER SECOND

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

**Source:** OWYHEE RIVER, tributary to SNAKE RIVER

**Authorized Point of Diversion:**

| Twp  | Rng  | Mer | Sec | Q-Q   | GLot | Survey Coordinates                                         |
|------|------|-----|-----|-------|------|------------------------------------------------------------|
| 21 S | 46 E | WM  | 18  | SW NW | 2    | 1950 FEET SOUTH & 900 FEET EAST FROM NW CORNER, SECTION 18 |

**Authorized Place of Use:**

| IRRIGATION |      |     |     |       |       |
|------------|------|-----|-----|-------|-------|
| Twp        | Rng  | Mer | Sec | Q-Q   | Acres |
| 20 S       | 46 E | WM  | 34  | NE NE | 6.0   |

5. Application T-10531 proposes to move the authorized point of diversion approximately 3 miles upstream to:

| Twp  | Rng  | Mer | Sec | Q-Q   | Tax Lot | GLot | Survey Coordinates                                         |
|------|------|-----|-----|-------|---------|------|------------------------------------------------------------|
| 21 S | 46 E | WM  | 35  | SW NW | 102     | 2    | 1822 FEET SOUTH & 996 FEET EAST FROM NW CORNER, SECTION 35 |

6. Application T-10531 also proposes to change the place of use of the right to:

| IRRIGATION |      |     |     |       |         |       |
|------------|------|-----|-----|-------|---------|-------|
| Twp        | Rng  | Mer | Sec | Q-Q   | Tax Lot | Acres |
| 21 S       | 45 E | WM  | 35  | SW NW | 102     | 6.0   |

7. Notice of the application for transfer was published on February 19, 2008, pursuant to OAR 690-380-4000. No comments were filed in response to the notice.
8. The Oregon Department of Fish and Wildlife (ODFW) 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.

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

9. Water has been used within the last five years according to the terms and conditions of the right, and there is no information in the record that would demonstrate that the right is subject to forfeiture under ORS 540.610.
10. A diversion structure and ditch sufficient to use the full amount of water allowed under the existing right were present within the five-year period prior to submittal of Application T-10531.
11. The proposed change would not result in enlargement of the right.
12. The proposed change would not result in injury to other water rights.

## Determination and Proposed Action

The changes in place of use and point of diversion proposed in application T-10531 appears to be consistent with the requirements of ORS 540.505 to 540.580 and OAR 690-380-5000. If protests are not filed pursuant to OAR 690-380-4030, the application will be approved.

*If application T-10531 is approved, the final order will include the following:*

- 13. The changes in place of use and point of diversion proposed in application T-10531 are approved.*
- 14. Water right certificate 61676 is cancelled. A new certificate will be issued describing that portion of the right not affected by this transfer.*
- 15. 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 61676 and any related decree.*
- 16. 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.*
- 17. The former place of use of the transferred right shall no longer receive water under the right.*
- 18. 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.*
- 19. When required by the Department, the water user shall install, maintain and operate an in-line flow meter, weir, or other suitable device for measuring and recording the quantity of water diverted. The type and plans of the measuring device must be approved by the Department prior to beginning construction and shall be installed under the general supervision of the Department.*
- 20. 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.*
- 21. 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.*

22. *When satisfactory proof of the completed changes is received, a new certificate confirming the right 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 Carrie Jones. If you have questions about the information in this document, you may reach me at 541-523-8224 x 36 or [Carrie.R.Jones@wrд.state.or.us](mailto:Carrie.R.Jones@wrд.state.or.us).

**Carrie Jones**

---

**From:** Carrie Jones  
**Sent:** Wednesday, September 17, 2008 11:00 AM  
**To:** Ron Jacobs  
**Attachments:** 10531-dpd-cov.doc; 10531-dpd.doc

Ron;

This was mailed today.

~cj

**Carrie Jones**  
**Transfer Specialist**  
541-523-8224 Ext 36  
Fax: 1-866-214-3493  
[carrie.r.jones@wrд.state.or.us](mailto:carrie.r.jones@wrд.state.or.us)

Water Resources Dept.  
Eastern Region  
1995 3rd Street, Suite 180  
Baker City, OR 97814  
[www.wrд.state.or.us](http://www.wrд.state.or.us)

9/17/2008

DATE: 2/12/2008

RE: Transfer Application Map

To whom it may concern,

Please accept this previously approved FINAL PROOF SURVEY MAP, as our transfer application map in lieu of a map prepared by a Certified Water Rights Examiner as per

Comments: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

690-380-3100  
(j)

Applicant Signature

*Andy Rents*

OWRD Regional Manager Signature

*Dwan K. Ball*

Stat. Auth.: ORS 536 & ORS 542

**RECEIVED**

FEB 15 2008

WATER RESOURCES DEPT  
SALEM, OREGON

*Sarah,  
This waiver goes with  
Susan Doomis transfer  
application*

*Ron*



# 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

February 14, 2008

SUSAN LOOMIS  
65798 WHITE ROCK LOOP  
BEND, OR 97701

Reference: Transfer 10531

On February 5, 2008 we received your water right transfer application requesting place of use, point of diversion. The application was accompanied by \$800.00. Our receipt 91381 is enclosed.

By copy of this letter, we are asking the Watermaster for a report regarding the potential for injury to existing water rights which may be caused by the 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.

cc: Watermaster # 9  
ODFW  
Owyhee Ditch Company  
Andy Peutz, Agent  
James Clouse & Marlene Kasten  
Malheur County  
Files

enclosure

RECEIVED

MAY 06 2008\*

WATER RESOURCES  
SALEM, OREGON

Oregon Department of Fish and Wildlife  
Water Right and Diversion Transfer Comment Form

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

Reference Transfer #: 10531

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

- ☐ The Oregon Department of Fish and Wildlife (ODFW) believes this proposed transfer may injure an instream water right(s) on

\_\_\_\_\_, 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 by-pass 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. - CAUTION - ONLY IF WATER WILL BE TAKEN FROM AN OXYGEN DITCH COMPART DITCH

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

Timothy R. Walters  
Timothy R. Walters  
District Fish Biologist  
(541) 573-6582

**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 # \_\_\_\_\_

**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: \_\_\_\_\_

Address: \_\_\_\_\_

City/State/Zip: \_\_\_\_\_

Phone: (\_\_\_\_) \_\_\_\_\_

- ☐ 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: \_\_\_\_\_

Address: \_\_\_\_\_

City/State/Zip: \_\_\_\_\_

Phone: (\_\_\_\_) \_\_\_\_\_

map waiver being sent

|                                                               |                                                                     |                                       |
|---------------------------------------------------------------|---------------------------------------------------------------------|---------------------------------------|
| Indicate in this column whether or not the item is satisfied. | <b>Permanent Transfer Application – OAR 690-380 3000 &amp; 3100</b> |                                       |
|                                                               | <b>Completeness Checklist</b>                                       |                                       |
|                                                               | Applicant's Name: <u>Susan Loomis</u>                               | (Form last revised: January 11, 2008) |

### Section A – Status of Right

|    |                                                                                                                                                                                                                                                                                 |
|----|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| OK | Is this a Water Right that can be transferred? <span style="float: right;">[OAR 690-380-0100(14)]</span>                                                                                                                                                                        |
|    | NOTE: The Department can accept a Transfer application for any right that is:                                                                                                                                                                                                   |
|    | <input type="checkbox"/> 1) an adjudication with a court decree; <i>or</i><br><input checked="" type="checkbox"/> 2) a certificate that is not cancelled; <i>or</i><br><input type="checkbox"/> 3) a transfer that's been approved & A COBU has been received by the Department |
|    | If the subject right <u>does not</u> fall into <u>any</u> of the above categories, RETURN the application & fee to the applicant.                                                                                                                                               |

### Section B – Type of Change

|                   |                                                                                                                           |
|-------------------|---------------------------------------------------------------------------------------------------------------------------|
| POD<br>POA<br>POU | Is the proposed change(s) allowed under the Transfer process? <span style="float: right;">[ORS 540.510]</span>            |
|                   | NOTE: Only <u>POD, POA or POU or USE</u> changes are allowed on Transfers.                                                |
|                   | If the application proposes a change <u>other</u> than those listed above, RETURN the application & fee to the applicant. |

### Section C - Fees

|                                                                                                                      |                                                                                                                       |            |                             |
|----------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------|------------|-----------------------------|
| OK                                                                                                                   | Have the appropriate fees been paid?                                                                                  | 400<br>400 | Total Required Fees: _____  |
|                                                                                                                      | Fee Schedule – ORS 536.050(1)(h)                                                                                      |            | Total Fees Paid: <u>800</u> |
|                                                                                                                      | \$400 - Base fee (1 <sup>st</sup> change and 1 <sup>st</sup> CFS of water)                                            |            | Fees Due (if any): _____    |
|                                                                                                                      | + \$400 - Each additional type of change requested                                                                    |            |                             |
|                                                                                                                      | + \$200 - Each additional water right or permit                                                                       |            |                             |
|                                                                                                                      | + \$200 - For each CFS, or fraction thereof, requested beyond 1 <sup>st</sup> CFS (for POU, Type of Use, or Exchange) |            | Refund Due (if any): _____  |
| 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.<br>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.<br>NOTE: For reference, the application page number upon which each item is requested is identified.<br>If the application is NOT complete, RETURN the application & fee to the applicant. |          |
| OK                                                                                         | • Type of transfer application <u>Reg</u>                                                                                                                                                                                                                                                                                                                                                                                                                                                       | (Page 1) |
| OK                                                                                         | • Applicant's name, mailing address and contact information.                                                                                                                                                                                                                                                                                                                                                                                                                                    | (Page 1) |
| OK                                                                                         | • Agent's name, mailing address and contact information, if applicable.                                                                                                                                                                                                                                                                                                                                                                                                                         | (Page 1) |
| OK                                                                                         | • 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 <u>separate "set"</u> of Supplemental Form A for <u>each</u> water right to be transferred.                                                                                                                                                                                                                                                                                                                          |          |

|    | Checklist for Supplemental Form A – (Attachments)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |          |
|----|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------|
| OK | • Certificate # filled in on each page?                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            | (Page 1) |
| OK | • Type of change(s) proposed clear?                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                | (Page 1) |
| OK | • Current Water Right information is complete?                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     | (Page 2) |
| OK | <p>• If for a change in <b>POU</b> or <b>USE</b>..... (Page 2)</p> <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> <b>NO</b></p> <p>If <b>YES</b>..... the other “layered” water uses subject to transfer must either change concurrently or be cancelled, 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 | <p>• Location description of the authorized POA/POD to be changed. (Page 3)</p> <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 not available, describe the construction of the well(s) in the table provided on page 3 of the supplemental form A application.</p>                              |          |
| OK | <p>• Location description of the existing authorized POU and associated acres (if applicable). (Page 4)</p> <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 | <p>• Location description of the proposed POA/POD. (Page 5)</p> <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 not available <u>or</u> the well is not yet constructed, describe the construction of the well(s) in the table provided on page 5 of the application.</p>                 |          |
| OK | <p>• Location description of the proposed POU and associated acres (if applicable). (Page 6)</p> <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 | • The type of changes being proposed. <b>POU/POD</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               | (Page 2) |
|    | • Reason for the transfer.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         | (Page 2) |
| OK | • Description of current water delivery system.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    | (Page 2) |
|    | • System Capacity.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 | (Page 2) |

|                                               | Checklist for Supplemental Form B – (Attachments)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |          |
|-----------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------|
| OK                                            | • Is there a box checked in #1?                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 | (Page 1) |
| OK                                            | • 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.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    | (Page 2) |
| OK                                            | • Is there a box checked in #6?                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 | (Page 2) |
| OK                                            | • Is the #6 supporting documentation included with application?                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 | (Page 2) |
| OK                                            | • Is there an original signature of the notary and notary stamp?                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                | (Page 2) |
| Return back to Page 3 of transfer application |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |          |
| OK                                            | • Affected districts and local governments.<br>If within a district/local government jurisdiction, ensure that name & mailing address is provided.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              | (Page 3) |
| OK                                            | • Is the applicant the Landowner of the "from" and "to" Lands? YES NO<br>If NO..... The applicant must list current landowner name & address.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   | (Page 4) |
| OK                                            | • Who will be responsible for completion of the changes? receiving L.O.<br>Is a box checked? If no box is checked the applicant or agent must be contacted.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     | (Page 4) |
| 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 1/2 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 1/4 1/4 matches the water right<br>authorized POD/POA and POU (clearly shown, labeled & matches application listing)<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 (clearly shown, labeled & matches application "proposed" listing)<br>location coordinates accurately describe the point identified as the proposed POD/POA | (Page 5) |
| OK                                            | • Land Use form, if applicable.<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) |
| OK                                            | • If a groundwater right is involved, are the well logs or a description included.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              | (Page 5) |
| OK                                            | • If this is an instream water right transfer, is there a form C included and filled out.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       | (Page 5) |

oh

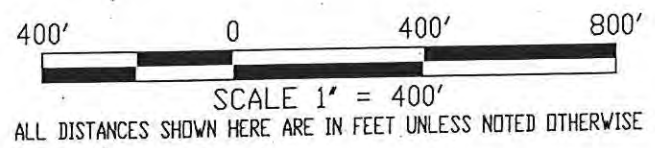
- Signature(s) of applicant(s):  
Are one of the boxes checked?

(Page 6)

All applicants listed on page 1 of the application must sign the application.

WRD Completeness Reviewer's Name: S. Henderson Date: 2-7-08

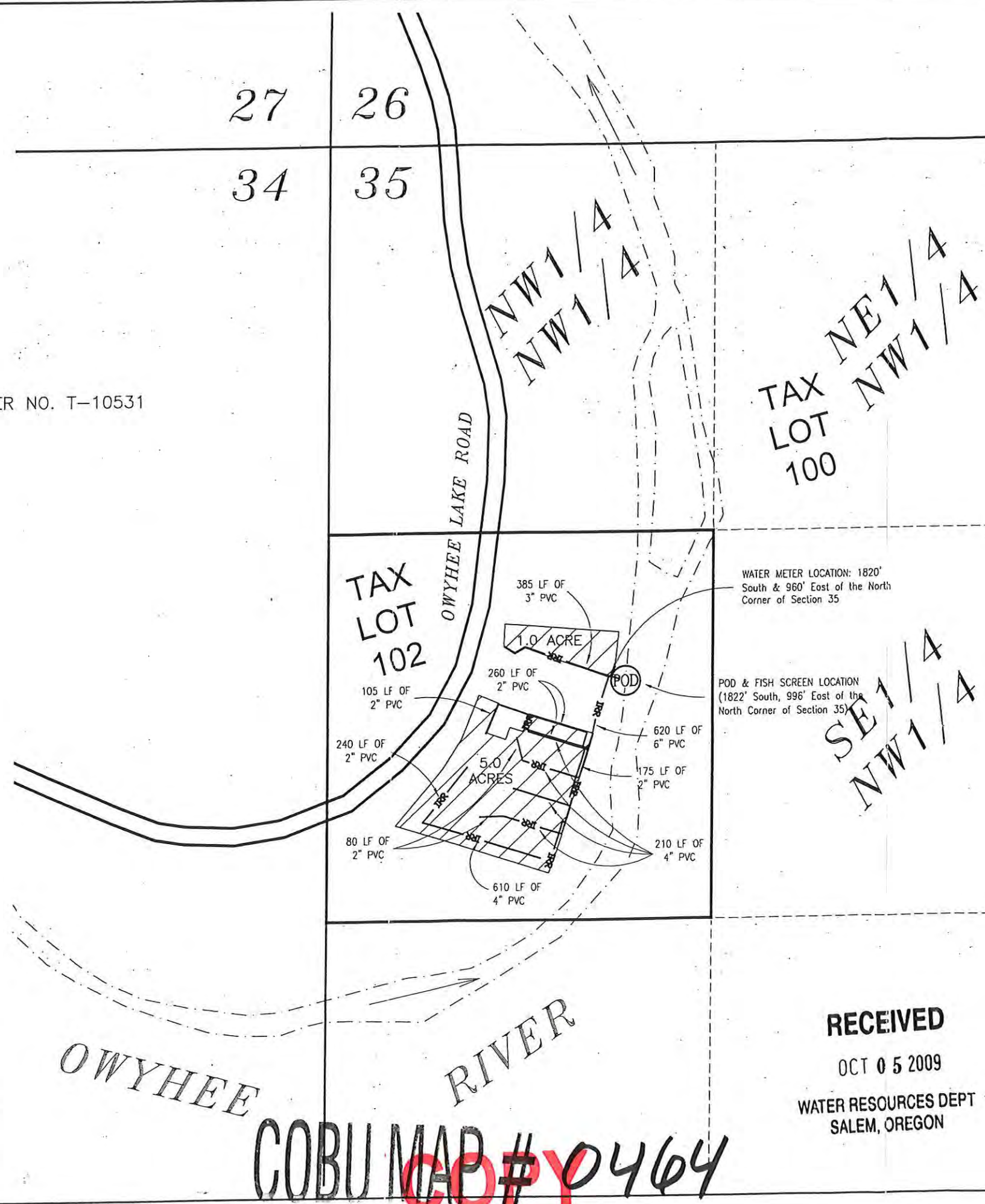
| LEGEND               |                  |
|----------------------|------------------|
| DISCRIPTION          | SYMBOLS          |
| SECTION LINE         | _____            |
| QUARTER-QUARTER LINE | -----            |
| TAX LOT LINE         | _____            |
| SECTION CORNER       | 36   31<br>1   6 |
| POINT OF DIVERSION   | POD              |
| PLACE OF USE         |                  |



### DISCLAIMER

I, STEWART R. EDWARDS, HEREBY CERTIFY: THAT THIS MAP WAS MADE TO BE PART OF THE APPLICATION FOR WATER RIGHTS. SECTIONAL LINES SHOWN ARE APPROXIMATE AND THIS MAP IS NOT INTENDED FOR ANY OTHER USE AND DOES NOT GUARANTEE LAND OWNERSHIP.

TRANSFER NO. T-10531



COBU MAP #0464

RECEIVED

OCT 05 2009

WATER RESOURCES DEPT  
SALEM, OREGON

ENG. BY: \_\_\_\_\_  
APR. BY: STU EDWARDS  
DWG. BY: PW  
DATE: 09/22/09

| # | REVISION | DATE |
|---|----------|------|
| 1 |          |      |
| 2 |          |      |
| 3 |          |      |
| 4 |          |      |

CLAIM OF  
BENEFICIAL USE  
T 21S, R 45E, SEC. 35, W.M.  
MALHEUR COUNTY, OREGON  
James Clouse & Marlene Kastlen  
1880 Owyhee Lake Road  
NYSSA OREGON 97913

CKS, LLC  
368 S.W. 5th Avenue  
Ontario, Oregon 97914  
Phn: (541) 889-5411  
Fax: (541) 889-2074  
CIVIL-STRUCTURAL-ELECTRICAL  
ENGINEERING, SURVEYING & PLANNING

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SHEET: 1 OF 1  
JOB: CO-09010

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