

Historic

Name Gene & Marilee WilliamsAddress 36739 Allstead Ln
Halfway Oregon 97834Change in APCDDate Filed 5/14/2020Initial notice date 6/2/2020

DPD issued date

PD issued date

PD notice date

Date of FO 2/9/2022 Vol 122 Page 483-84Withdrawal

C-Date

COBU due date

COBU Received date

Certificate issued

DESCRIPTION OF WATER RIGHT(S)

Name of Stream meadow creek, Halbrook creekTrib. of ClearUse Irrigation, livestock, domestic County Baker

Quantity of water (CFS) No. of Acres

Name of ditch

App# Decree Per # Pine Creek Cert # 10256 PR Date 12/31/89App# Decree Per # Pine Creek Cert # 10320 PR Date 12/31/89App# Decree Per # Pine Creek Cert # 10207 PR Date 12/31/90

App# Per # Cert # PR Date

App# Per # Cert # PR Date

FEES PAID

Date 5-14-2020 Amount \$2,700.00 Receipt # 132515

FEES REFUNDED

Date 2/16/2022 Amount \$2,200.00 Receipt # VP053284

Assignments:

Irrigation District

Agent

CWRE

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

WATER RESOURCES DEPARTMENT
REQUEST FOR DISTRIBUTION OF FUNDS

TO: Fiscal Services Section

DATE: January 26, 2021

FROM: Corey Courchane - TACS

RE: Request for Refund

APPLICATION: T-13440

RECEIPT #: 132515

Please prepare a refund in the amount of \$2200.00, made payable to:

Name: Gene and Marilee Williams

Address: 36739 Allstead Ln.

City: Halfway, OR 97834

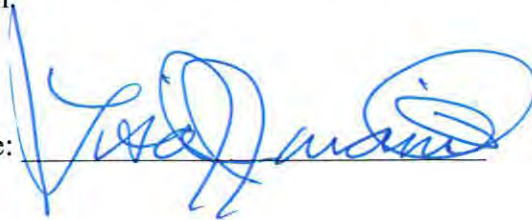
46116
0206

These funds are being paid or refunded as a result of (check one):

- ☒ Request for file to be Withdrawn
- ☐ Excess fees were collected for application
- ☐ Protest filing fees
- ☐ Standing fees
- ☐ Permit recording fees
- ☐ Other: Claim of Beneficial Use returned – Water user did not qualify to self-certify their permit

I have reviewed this distribution request and have determined the request to be justified as to the purpose indicated above. Fiscal Services is hereby authorized to process the requested distribution.

Authorized Signature: _____



Date: _____

2-14-2022

WATER RESOURCES DEPARTMENT
REQUEST FOR DISTRIBUTION OF FUNDS

TO: Fiscal Services Section

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FROM: Corey Courchane - TACS

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I have reviewed this distribution request and have determined the request to be justified as to the purpose indicated above. Fiscal Services is hereby authorized to process the requested distribution.

Authorized Signature: _____



Date: _____

2-14-2022

— Original Copy routed to Fiscal
on 2-14-2022.





Oregon

Kate Brown, Governor

Water Resources Department

725 Summer St NE, Suite A

Salem, OR 97301

(503) 986-0900

Fax (503) 986-0904

February 4, 2021

GENE AND MARILEE WILLIAMS
36739 ALLSTEAD LN.
HALFWAY, OR 97834

Reference: Transfer Application T-13440

On November 24, 2021, you submitted a request to withdraw Transfer Application T-13440.

A refund check in the amount of \$2200.00 is currently being processed and will be arriving separately at a later time.

Sincerely,

Corey Courchane
Transfer Specialist
Transfer and Conservation Section

cc: Transfer Application file T-13440
Fiscal

BEFORE THE WATER RESOURCES DEPARTMENT
OF THE
STATE OF OREGON

In the Matter of Transfer Application	)	FINAL ORDER WITHDRAWING
T-13440, Baker County, Oregon	)	AN APPLICATION FOR ADDITIONAL
	)	POINTS OF DIVERSION TO REFLECT
	)	HISTORIC 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.

Applicant

GENE AND MARILEE WILLIAMS
36739 ALLSTEAD LN.
HALFWAY, OR 97834

Findings of Fact

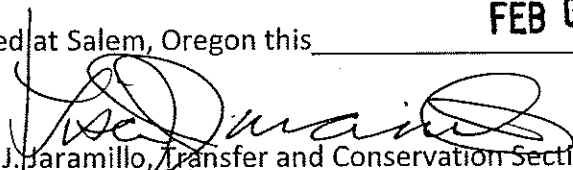
1. On May 14, 2020, GENE AND MARILEE WILLIAMS filed a transfer application for authorization of additional historic points of diversion under Certificates 10207, 10256, and 10320. The Department assigned the application number T-13440.
2. Pursuant to ORS 540.532 and OAR 690-380-2120, any individual who holds a water right certificate or decree may request a change in point of diversion or appropriation to reflect the historical use of water at a point of diversion or appropriation other than that described in the water right certificate or decree. During review of T-13440, the Department was notified that the lands appurtenant to Certificates 10207, 10256, and 10320, are registered in the name of an estate, not an individual.
3. On November 24, 2021, MARILEE WILLIAMS, submitted a written request asking that transfer application T-13440 be withdrawn.

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.

Now, therefore, it is ORDERED:

Transfer Application T-13440, in the name of GENE AND MARILEE WILLIAMS, is withdrawn and is of no further force or effect.

Dated at Salem, Oregon this FEB 09 2022.


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

Mailing date: FEB 10 2022

WATER RIGHT TRANSFER COVER SHEET

Transfer: T- 13440

Transfer Specialist: *Corey*

Transfer Type: *Historic POD*

Applicant: GENE & MARILEE WILLIAMS 36739 ALLSTEAD LANE HALFWAY, OR 97834 Email: _____ Phone: _____		Agent: ☐ N/A UNAVAILABLE Email: _____ Phone: _____	
Irrigation District: ☐ N/A Email: _____		CWRE: ☐ N/A Email: _____	
Affected Local Gov'ts: ☐ N/A Baker County Planning Department Email: _____		Affected Tribal Gov't: ☐ N/A UNAVAILABLE Email: _____	
Current Landowner if other than Applicant: ☐ N/A Email: _____		Receiving Landowner: ☐ N/A Email: _____	

Water Rights Affected

File Marked	App. File # or Decree Name	Permit	Certificate	RR/CR Needed	RR/CR Nos.
☐	DECREE	PINE CK	10256	☒ Yes ☐ No	
☐	DECREE	PINE CK	10320	☐ Yes ☒ No	
☐	DECREE	PINE CK	10207	☐ Yes ☒ No	

Key Dates & Initial Actions:

Rec'd: <i>May 14, 2020</i>	Proposed Action(s): <i>ADDITIONAL POINT OF DIVERSION</i>	
Fees Pd: <i>2200.00</i>	WM District: <i>8</i>	ODFW District:
Initial Public Notice: <i>June 2, 2020</i>	WM Review sent:	ODFW Review sent:
Acknowledgement Letter Sent ☒		GW Review sent: ☐ N/A
County sent cc: of Ack Letter ☐	BOR notified (date): ☐ N/A	
Newspaper quote requested:	Request for news \$ sent:	News \$ received:
Request to publish sent:	Affidavit of publication received:	Last day of publication:

Document	Drafted	Peer Review	Changes Made	Coordinator	Changes Made	Signature Bin	Signature Date
DPD	Date: _____ Initials: _____	Date: _____ Initials: _____	Date: _____ Initials: _____	Date: _____ Initials: _____	Date: _____ Initials: _____	CW Sent: _____	N/A
PD	Date: _____ Initials: _____	Date: _____ Initials: _____	Date: _____ Initials: _____	Date: _____ Initials: _____	Date: _____ Initials: _____	Date: _____	Date: _____
FO to withdraw	Date: <i>1/24/21</i> Initials: <i>CC</i>	Date: <i>1/29/21</i> Initials: <i>B</i>	Date: _____ Initials: _____	Date: <i>1/24/22</i> Initials: <i>PKS</i>	Date: _____ Initials: _____	Date: <i>1/26/22</i>	Date: _____

Special Issues: *Withdraw - land is in name of LE (Life Estate)*

Special Order Volume: Vol. *122* Pages *483-84* per ORS 540.532 - not an individual

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

In the Matter of Transfer Application	)	FINAL ORDER WITHDRAWING
T-13440, Baker County, Oregon	)	AN APPLICATION FOR ADDITIONAL
	)	POINTS OF DIVERSION TO REFLECT
	)	HISTORIC 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.

Applicant

GENE AND MARILEE WILLIAMS
36739 ALLSTEAD LN.
HALFWAY, OR 97834

Findings of Fact

1. On May 14, 2020, GENE AND MARILEE WILLIAMS filed a transfer application for authorization of additional historic points of diversion under Certificates 10207, 10256, and 10320. The Department assigned the application number T-13440.
2. Pursuant to ORS 540.532 and OAR 690-380-2120, any individual who holds a water right certificate or decree may request a change in point of diversion or appropriation to reflect the historical use of water at a point of diversion or appropriation other than that described in the water right certificate or decree. During review of T-13440, the Department was notified that the lands appurtenant to Certificates 10207, 10256, and 10320, are registered in the name of an estate, not an individual.
3. On November 24, 2021, MARILEE WILLIAMS, submitted a written request asking that transfer application T-13440 be withdrawn.

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.



Now, therefore, it is ORDERED:

Transfer Application T-13440, in the name of GENE AND MARILEE WILLIAMS, is withdrawn and is of no further force or effect.

Dated at Salem, Oregon this _____.

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

Mailing date: _____

WATER RESOURCES DEPARTMENT
REQUEST FOR DISTRIBUTION OF FUNDS

TO: Fiscal Services Section

DATE: December , 2021

FROM: Corey Courchane - TACS

RE: Request for Refund

APPLICATION: T-13440

RECEIPT #: 123959

Please prepare a refund in the amount of \$2200.00, made payable to:

Name: Gene and Marilee Williams

Address: 36739 Allstead Ln.

City: Halfway, OR 97834

These funds are being paid or refunded as a result of (check one):

- ☒ Request for file to be Withdrawn
- ☐ Excess fees were collected for application
- ☐ Protest filing fees
- ☐ Standing fees
- ☐ Permit recording fees
- ☐ Other: Claim of Beneficial Use returned – Water user did not qualify to self-certify their permit

I have reviewed this distribution request and have determined the request to be justified as to the purpose indicated above. Fiscal Services is hereby authorized to process the requested distribution.

Authorized Signature: _____

Date: _____



Oregon
Kate Brown, Governor

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

December , 2021

GENE AND MARILEE WILLIAMS
36739 ALLSTEAD LN.
HALFWAY, OR 97834

Reference: Transfer Application T-13440

On November 24, 2021, you submitted a request to withdraw Transfer Application T-13440.

A refund check in the amount of \$2200.00 is currently being processed and will be arriving separately at a later time.

Sincerely,

Corey Courchane
Transfer Specialist
Transfer and Conservation Section

cc: Transfer Application file T-13440
Fiscal



Oregon
Kate Brown, Governor

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

October 26, 2021

GENE AND MARILEE WILLIAMS
36739 ALLSTEAD LN.
HALFWAY, OR 97834

REFERENCE: Historic Change in Point of Diversion Application T-13440

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

- The application that was received on May 27, 2020, and the updated application received on June 30, 2020, identifies the applicants as Gene and Marilee Williams. However, both applications contain the signature of only one applicant, being Marilee Williams. Pursuant to Oregon Administrative Rule 690-380-2120(1), as provided in ORS 540.532, any individual who holds a water right certificate or decree may request a change in point of diversion or appropriation to reflect the historical use of water at a point of diversion or appropriation other than that described in the water right certificate or decree. The individual shall use the Department's water right transfer application form, clearly marked "Historic Change in POD," and, except as otherwise provided in section (2) of this rule, include the information required in OAR 690-380-3000.

If there is more than one applicant (individual), than all applicants (individuals) named on the application need to sign. Please submit an Applicant Information page, part 4 of 5, that includes the signature of Gene Williams.

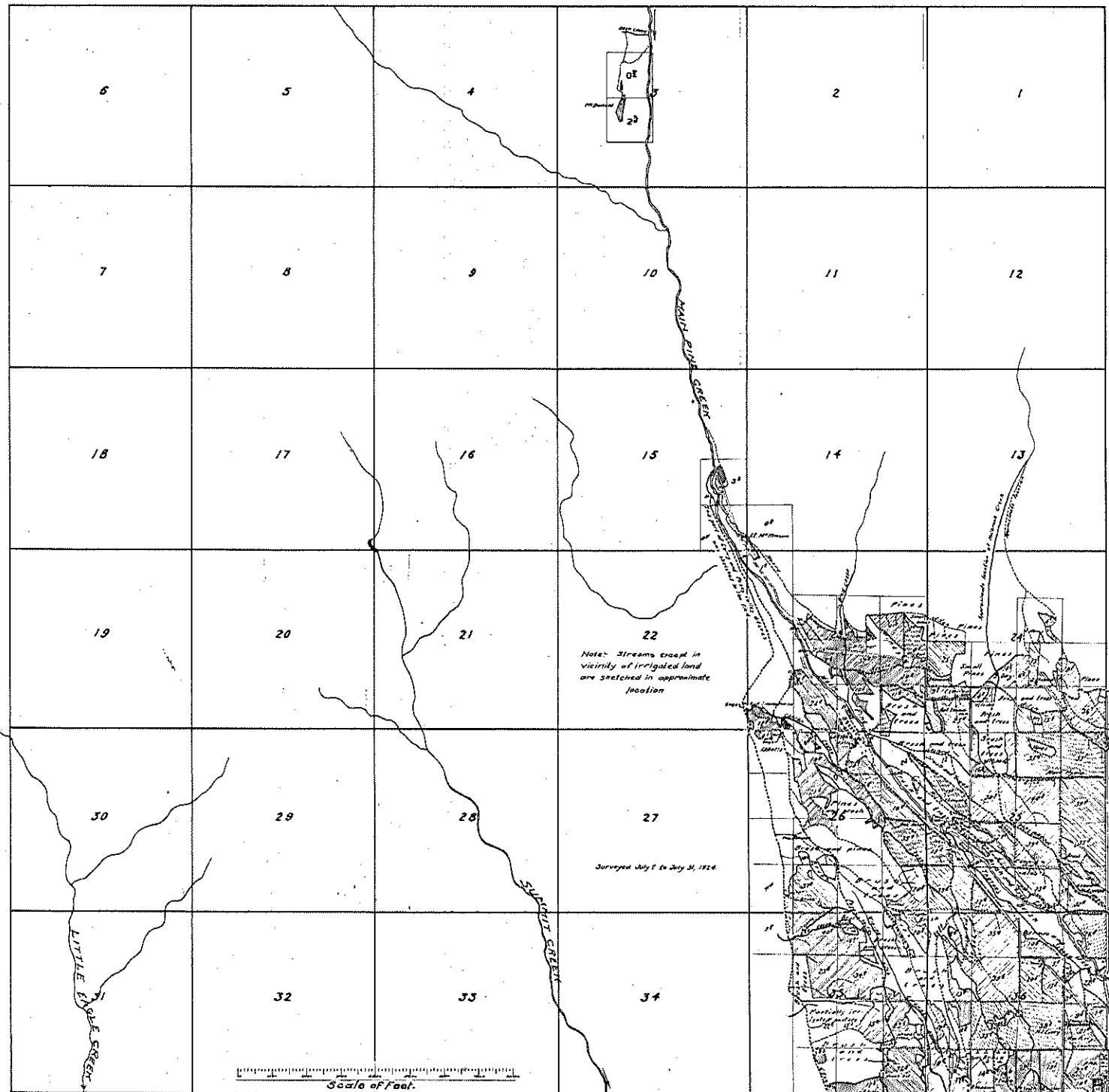
If the Department does not receive the above requested materials by November 29, 2021, a Final Order may be issued denying the application as incomplete.

Please do not hesitate to contact me, at corey.a.courchane@oregon.gov or (503) 979-3917, if I may be of assistance.

Sincerely,

Corey Courchane
Transfer Specialist
Transfer and Conservation Section

cc: March Osborn, Watermaster, District 8



Part 5 of 5 – Water Right Information

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

CERTIFICATE # 10207

RECEIVED

Description of Water Delivery System

MAY 14 2020

System capacity: 3 cubic feet per second (cfs) OR

_____ gallons per minute (gpm)

OWRD

Describe the current water delivery system or the system that was in place at some time within the last five years. Include information on the pumps, canals, pipelines and sprinklers used to divert, convey and apply the water at the authorized place of use. Currently the ditch is an open canal that delivers water to my property and then I have multiple lateral ditches that spread the water onto my ground.

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

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

POD/POA Name or Number	Is this POD/POA Authorized on the Certificate or is it the Current POD/POA that has been used for more than 10 years?	If POA, OWRD Well Log ID# (or Well ID Tag # L-_____)	Twp	Rng	Sec	¼ ¼	Tax Lot, DLC or Gov't Lot	Measured Distances (from a recognized survey corner)
1 – Holbrook Cr. Ditch	☒ Authorized ☐ Current		7 S	45 E	13	NW SE		None Given
2 – High POD	☐ Authorized ☒ Current		7 S	45 E	13	SW SE		35' N & 2325' W fr. the SE corn. of Sect. 13
3 – Low POD	☐ Authorized ☒ Current		7 S	45 E	24	SE NW		2206' S & 2833' W fr. the SE corn. of Sect. 13
	☐ Authorized ☐ Current							

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

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

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

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

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

Table 2. Description of Changes to Water Right Certificate # 10207

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

[illegible]

Additional remarks:

RECEIVED
MAY 14 2020
OWRD

Name and Postoffice Address of Appriator	Date of Relative Priority	Amount Cubic Feet Per Second	Number Acres	Use	Name of Ditch	Stream	Description of Land or Place of Use
Alexander, Mrs. Ruby, Box 314 Centralia, Wash. (Proof #1-A) 10205	1891		10	Irrigation and stock	Pancake	Clear Creek trib. of Pine Creek	10 acres in NE $\frac{1}{4}$ NE $\frac{1}{4}$ Section 6, T. 8 S. R. 46 E. W. M.
Allstead, G. J. 5302 Holmes Ave. Los Angeles, Calif. Harry Foreman, Agt. Halfway, Ore. (Proof #2) 10206	1885		6	Irrigation domestic and stock	Steele	Pine Creek	6 acres in NE $\frac{1}{4}$ NE $\frac{1}{4}$ Section 25, T. 7 S. R. 45 E. W. M.
(NOTE: See Findings in Contest No. 32.)							
Allstead, John Halfway, Ore. (Proof #1) 10207	1901		9	Irrigation domestic and stock	Holbrook	Holbrook Creek trib. of Pine Creek	9 acres in NW $\frac{1}{4}$ SE $\frac{1}{4}$ Section 24, T. 7 S. R. 45 E. W. M.
Amstel Mortgage Co., Spokane, Wash. C. T. Godwin, Agt. (Proof #2-B) 10208	1890	1.25	87	Irrigation and stock	Posey Valley	Pine Creek	39 acres in SE $\frac{1}{4}$ NE $\frac{1}{4}$ 27 acres in NE $\frac{1}{4}$ SE $\frac{1}{4}$ 21 acres in NW $\frac{1}{4}$ SE $\frac{1}{4}$, Section 18, T. 8 S. R. 46 E. W. M.
(NOTE: See Findings in Contest No. 26; also have rights under Permit E. 31, see Paragraph 65.)							
Anderson, W. T. & Belle Halfway, Ore. (Proof #2-A) 10209	1890		37	Irrigation and stock	Old Lytel	Clear Creek, trib. of Pine Creek	25 acres in NE $\frac{1}{4}$ NW $\frac{1}{4}$ 12 acres in SE $\frac{1}{4}$ NW $\frac{1}{4}$, Section 32, T. 7 S. R. 46 E. W. M.
Anson, Mary S. Carson, Ore. Joseph L. Anson, Agt. (Proof #3) 10210	1883		50	Irrigation domestic and stock	Foot Hills	Pine Creek	15 acres in W $\frac{1}{2}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$ Section 25, 35 acres in NE $\frac{1}{4}$ SE $\frac{1}{4}$, Section 26, T. 7 S. R. 45 E. W. M.
Ashley, S.C., Benson and Anna M. Halfway, Ore. Benson Ashley, Agt. Halfway, Ore. (Proof #4) 10211	1899		70	Irrigation domestic and stock	Clark Curry	Pine Creek	15 acres in SE $\frac{1}{4}$ SW $\frac{1}{4}$ 15 acres in SW $\frac{1}{4}$ SE $\frac{1}{4}$, Section 35, T. 7 S. R. 45 E. W. M. 40 acres in Lot 2, (NW $\frac{1}{4}$ NE $\frac{1}{4}$) Section 2, T. 8 S. R. 45 E. W. M.
Ayre, Orra Baker, Ore. (Proof #4-A) 10212	1885		15	Irrigation domestic and stock	Hunsacker	Clear Creek	15 acres in NE $\frac{1}{4}$ NW $\frac{1}{4}$, Section 5, T. 8 S. R. 46 E. W. M.
Baker, H. J. Halfway, Oregon (Proof #5) 10213	1887		102	Irrigation domestic and stock.	Denny Mehlhorn and Baker system of ditches, dams and reservoir in Fish Lake	Lake Fork of North Pine Creek and Fish Lake	28 acres in NW $\frac{1}{4}$ SE $\frac{1}{4}$ 27 acres in SE $\frac{1}{4}$ SW $\frac{1}{4}$ 28 acres in NE $\frac{1}{4}$ SW $\frac{1}{4}$, Section 1, 19 acres in NE $\frac{1}{4}$ NW $\frac{1}{4}$ Section 12, T. 8 S. R. 46 E. W. M.
Bellard, E. F. (Proof #5-A) 10214	May 13, 1910		41	Irrigation and stock	Clark-Currey	Pine Creek	20.2 acres in NE $\frac{1}{4}$ NE $\frac{1}{4}$, Section 35, 20.8 acres in NW $\frac{1}{4}$ SW $\frac{1}{4}$, Section 36, T. 7 S. R. 45 E. W. M.

Name and Postoffice Address of Appropriator	Date of Relative Priority	Amount Cable Feet Per Second	Number Acres	Use	Name of Ditch	Stream	Description of Land or Place of Use
Cornucopia, Town of Cornucopia, Ore. (Proof #50) 10250	1896		0.5	Municipal supply	Flume & pipe line	Mantle Spring, Elk Creek trib. of Pine Creek	Place of use: Within and in vicinity of town of Cornucopia located between Elk Creek and Pine Creek in the NE 1/4 of Section 34, T. 6 S. R. 45 E. W. M.
Crego, Geo. R. Halfway, Ore. (Proof #54) 10251	1892		6	Irrigation domestic and stock	Crego	Clear Creek trib. of Pine Creek.	6 acres in SW 1/4 SW 1/4 Section 29, T. 7 S. R. 46 E. W. M.
(Proof #55) 10252	1894		14	Irrigation domestic and stock	Crego-Steele	Clear Creek, trib. of Pine Creek.	14 acres in SW 1/4 SW 1/4 Section 29, T. 7 S. R. 46 E. W. M.
Culbertson, Iola Belle, Baker, Ore. (Proof #58) 10252	1870		65	Irrigation domestic and stock	Pindell	Clear Creek trib. of Pine Creek	26.5 acres in SW 1/4 NW 1/4 38.5 acres in SE 1/4 NW 1/4 Section 15, T. 8 S. R. 46 E. W. M.
	1910		15	do	do	do.	15 acres in SW 1/4 NW 1/4, Section 15, T. 8 S. R. 46 E. W. M.
Davidson, Lillie Halfway, Ore. (Proof #63) 10253	1883		20	Irrigation domestic and stock	Foot Hills	Pine Creek	20 acres in W 1/2 SE 1/4 SW 1/4 Section 36, T. 7 S. R. 45 E. W. M.
Davidson, Roy Halfway, Ore. (Proof #64) 10254	1890		32	Irrigation domestic and stock	Mining and Posey Valley	Pine Creek	15 acres in NW 1/4 SW 1/4 17 acres in SW 1/4 SW 1/4 Section 36, T. 7 S. R. 45 E. W. M.
Davis, Geo. A. & J.A. Halfway, Ore. (Proof #62) 10255	1887		44	Irrigation domestic and stock	Thad Leap	Pine Creek	30 acres in NE 1/4 NE 1/4 14 acres in SE 1/4 NE 1/4 Section 8, T. 8 S. R. 46 E. W. M.
Day, Susan A. Grandview, Wash. (Proof #61) 10256	1895		17.	Irrigation domestic and stock	Meadow Creek	Meadow Creek, trib. of Clear Creek	10.6 acres in NE 1/4 SW 1/4 6.5 acres in NW 1/4 SE 1/4 Section 24, T. 7 S. R. 45 E. W. M.
(NOTE: This right is supplemented by rights under Proof #80 from Holbrook and Clear Creeks.)							
(Proof #60) 10257	1901		5	Irrigation domestic and stock	Holbrook	Holbrook Creek	5 acres in NW 1/4 SE 1/4 Section 24, T. 7 S. R. 45 E. W. M.
	1910		12.1		Holbrook	Clear Creek	10.6 acres in NE 1/4 SW 1/4 1.5 acres in NW 1/4 SE 1/4 Section 24, T. 7 S. R. 45 E. W. M.
(NOTE: These rights under Proof #80 are supplemental to the right under Proof #61 from Meadow Creek.)							
Deaderick, J. W. Halfway, Ore. (Proof #67) 10257	1874		39	Irrigation domestic and stock	McMullen Slough	Pine	39 acres in SE 1/4 SW 1/4 Section 8, T. 8 S. R. 46 E. W. M.



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

Application for
**Historic Change in Point of
Diversion/Appropriation**
Part 1 of 5 – Minimum Requirements Checklist

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

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

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



Part 1 – Completed Minimum Requirements Checklist.



Part 2 – Completed Application Map Checklist.



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

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



Part 4 – Completed Applicant Information and Signature.



Part 5 – Information about the Transferred Water Rights: **How many water rights are to be transferred? 3 List them here: 10256, 10320, 10207**

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

Attachments:



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



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



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



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



☒ N/A

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



☒ N/A

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

(For Staff Use Only)

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

___ Application fee not enclosed/insufficient

___ Map not included or incomplete

___ Land Use Form not enclosed or incomplete

___ Additional signature(s) required

___ Part ___ is incomplete

Other/Explanation _____

Staff: _____ 503-986-0 _____

Date: ____/____/____

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

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

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

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

Part 3 of 5 – Fee Worksheet

FEE WORKSHEET for HISTORIC POD/POA TRANSFER			
1	Base Fee (includes Historic POD change to one water right for up to 1 cfs)	1	\$1,160
	Number of water rights included in transfer 3 (2a) Subtract 1 from the number in 2a above: <u>2 (2b)</u> <i>If only one water right this will be 0</i>		
2	Multiply line 2b by \$520 and enter » » » » » » » » » » » » » » » »	2	1040.00
	Do you propose to change a well, or change from a surface water POD to a well? ☒ No: enter 0 » ☐ Yes: enter \$410 »		
3		3	
4	Add entries on lines 1 through 3 above » » » » » » » » » » Transfer Fee:	4	2200.00

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

Part 4 of 5 – Applicant Information and Signature

Applicant Information

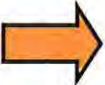
Note: Applicant must be an INDIVIDUAL, as defined by OAR 690-380-2120, that is “a natural person and does not include a government body, organization, business enterprise, or other such entity.”

APPLICANT/BUSINESS NAME Gene & Marilee Williams			PHONE NO. 541-540-4878	ADDITIONAL CONTACT NO.
ADDRESS 36739 Allstead Ln.				FAX NO.
CITY Halfway	STATE OR	ZIP 97834	E-MAIL	
BY PROVIDING AN E-MAIL ADDRESS, CONSENT IS GIVEN TO RECEIVE ALL CORRESPONDENCE FROM THE DEPARTMENT ELECTRONICALLY. COPIES OF THE FINAL ORDER DOCUMENTS WILL ALSO BE MAILED.				

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

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

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

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

Applicant Signature

Print Name (and Title if applicable)

Date

Applicant Signature

Print Name (and Title if applicable)

Date

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

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

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

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

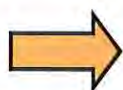
<http://www.oregon.gov/owrd/docs/transfer-propertytransactions.pdf>

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

Describe any special ownership circumstances here: _____

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

ENTITY NAME	ADDRESS	
CITY	STATE	ZIP



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

ENTITY NAME BAKER COUNTY	ADDRESS 1995 3 RD ST.	
CITY BAKER CITY	STATE OREGON	ZIP 97814
ENTITY NAME	ADDRESS	
CITY	STATE	ZIP

Explain in your own words what you propose to accomplish with this transfer application; and why: I would like to add additional historic points of diversion. We have been using these points of diversion for the past 30 years.

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

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

Table 2. Description of Changes to Water Right Certificate # 10320

List only the part of the right that will be changed. For the acreage in each ¼ ¼, list the change proposed. If more than one actual, current POD/POA, specify the acreage associated with each actual, current POD/POA.

Authorized ("from" lands) as they appear before the changes											Proposed Change (POD, POA, APOD, or APOA)	Current (in use for more than ten years) POD(s)/ POA(s) to be used (from Table 1)	Priority Date
Twp	Rng			Sec	¼ ¼		Tax Lot	Gvt Lot or DLC	Acres (if applicable)	POD(s) or POA(s) (name or number from Table 1)			
2	S	9	E	15	NE	NW	100		15.0	POD #1 POD #2	POD	POD #5	1897
"	"	"	"	"	"	"	"	"	EXAMPLE	"	"	"	"
7	S	45	E	24	SW	NE	100		8.0	1	APOD	1, 2 & 3	1892

Additional remarks: _____

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

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

OR

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

Table 3. Construction of Point(s) of Appropriation

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

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

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

CERTIFICATE # 10256

Description of Water Delivery System

System capacity: 3.0 cubic feet per second (cfs) **OR**
 gallons per minute (gpm)

Describe the current water delivery system or the system that was in place at some time within the last five years. Include information on the pumps, canals, pipelines and sprinklers used to divert, convey and apply the water at the authorized place of use. Currently the ditch is an open canal that delivers water to my property and then I have multiple lateral ditches that spread the water onto my ground.

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

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

POD/POA Name or Number	Is this POD/POA Authorized on the Certificate or is it the Current POD/POA that has been used for more than 10 years?	If POA, OWRD Well Log ID# (or Well ID Tag # L-____)	Twp	Rng	Sec	¼ ¼	Tax Lot, DLC or Gov't Lot	Measured Distances (from a recognized survey corner)
1 – Holbrook Cr. Ditch	☒ Authorized ☐ Current		7 S	45 E	13	NW SE		None Given
2 – High POD	☐ Authorized ☒ Current		7 S	45 E	13	SW SE		35' N & 2325' W fr. the SE corn. of Sect. 13
3 – Low POD	☐ Authorized ☒ Current		7 S	45 E	24	SE NW		2206' S & 2833' W fr. the SE corn. of Sect. 13
	☐ Authorized ☐ Current							

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

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

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

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

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

Table 2. Description of Changes to Water Right Certificate # 10256

List only the part of the right that will be changed. For the acreage in each ¼ ¼, list the change proposed. If more than one actual, current POD/POA, specify the acreage associated with each actual, current POD/POA.

Authorized (“from” lands) as they appear before the changes										Proposed Change (POD, POA, APOD, or APOA)	Current (in use for more than ten years) POD(s)/ POA(s) to be used (from Table 1)	Priority Date
Twp	Rng	Sec	¼ ¼		Tax Lot	Gvt Lot or DLC	Acres (if applicable)	POD(s) or POA(s) (name or number from Table 1)				
7	S	9	E	15	NE	NW	100	15.0	POD #1 POD #2	POD	POD #3	1901
EXAMPLE												
7	S	45	E	24	NW	SE	100	5.0	1	APOD	1, 2 & 3	1901
7	S	45	E	24	NW	SE	100	1.5	1	APOD	1, 2 & 3	1910
7	S	45	E	24	NE	SW	100	3.0	1	APOD	1, 2 & 3	1910

Additional remarks: We are only adding an additional point of diversion to the supplemental rights out of Holbrook Creek. We are not including the primary rights out of Meadow Creek.

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

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

OR

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

Table 3. Construction of Point(s) of Appropriation

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

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

Watermaster Review Form: Water Right Transfer



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

Transfer Application: T-13440

Review Due Date: 6-26-2020

Applicant Name: Gene & Marilee Williams

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

Reviewer(s): Marcy Osborn

Date of Review: 6-8-2020

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

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

☒ N/A

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

☒ N/A

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

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

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

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

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

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

☐ Yes ☐ No If "Yes", explain:

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

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

- i. Were there any problems with more acres being irrigated (or wetted) than were authorized under the temporary transfer? ☐ Yes ☐ No If "Yes", explain:
- ii. Did the designated areas that were to remain dry (or not wetted) under the temporary transfer actually remain dry? ☐ Yes ☐ No If "No", explain:
- iii. Did the applicant comply with and meet all of the conditions of the temporary transfer? ☐ Yes ☐ No If "No", explain:
- iv. Do you have any other observations regarding the temporary transfer? ☐ Yes ☐ No If "Yes", describe:
- v. Did the applicant demonstrate to the Department through monitoring and site inspections by the Watermaster that neither injury nor enlargement occurred as a result of the temporary transfer? ☐ Yes ☐ No If "No", explain:

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

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

☐ Yes ☒ No If "Yes", explain:

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

☐ Yes ☒ No If "Yes", explain:

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

☐ Yes ☒ No If "Yes", explain:

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

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

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

☐ A Headgate should be required prior to diverting water.

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

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

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

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

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

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

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

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

☒

Weir

☐

Submerged Orifice

☐

Parshall Flume

☐

Flow Restrictor

☐

Other: _____

Oregon Water Resources Department

Measurement Condition Information for the Applicant

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

Transfer #: T-13440



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



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



at each new point of diversion/appropriation.

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

Watermaster name: **Marcy Osborn**District: **8**Address: **1995 3rd St.**City/State/Zip: **Baker City, OR 97814**Phone: **541-523-8224 ext.231**Email: **marcy.j.osborn@oregon.gov**

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

Approval of an Alternate Measurement Device

T-

(to be filled out after consultation with the applicant, or after a site visit)

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

Watermaster signature

District

Date

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

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



Oregon
Kate Brown, Governor

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

May 27, 2020

GENE & MARILEE WILLIAMS
36739 ALLSTEAD LANE
HALFWAY, OR 97834

Reference: Application T- 13440

On May 14, 2020, we received your water rightTransfer application. The application was accompanied by \$2200.00. Our receipt number 132515 is enclosed.

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

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

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

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

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

Enclosure

Map to Accompany a Historic Point of Diversion Change for Gene & Marilee Williams



Scale: 1" = 1320'

RECEIVED

MAY 14 2020

OWRD

Legend

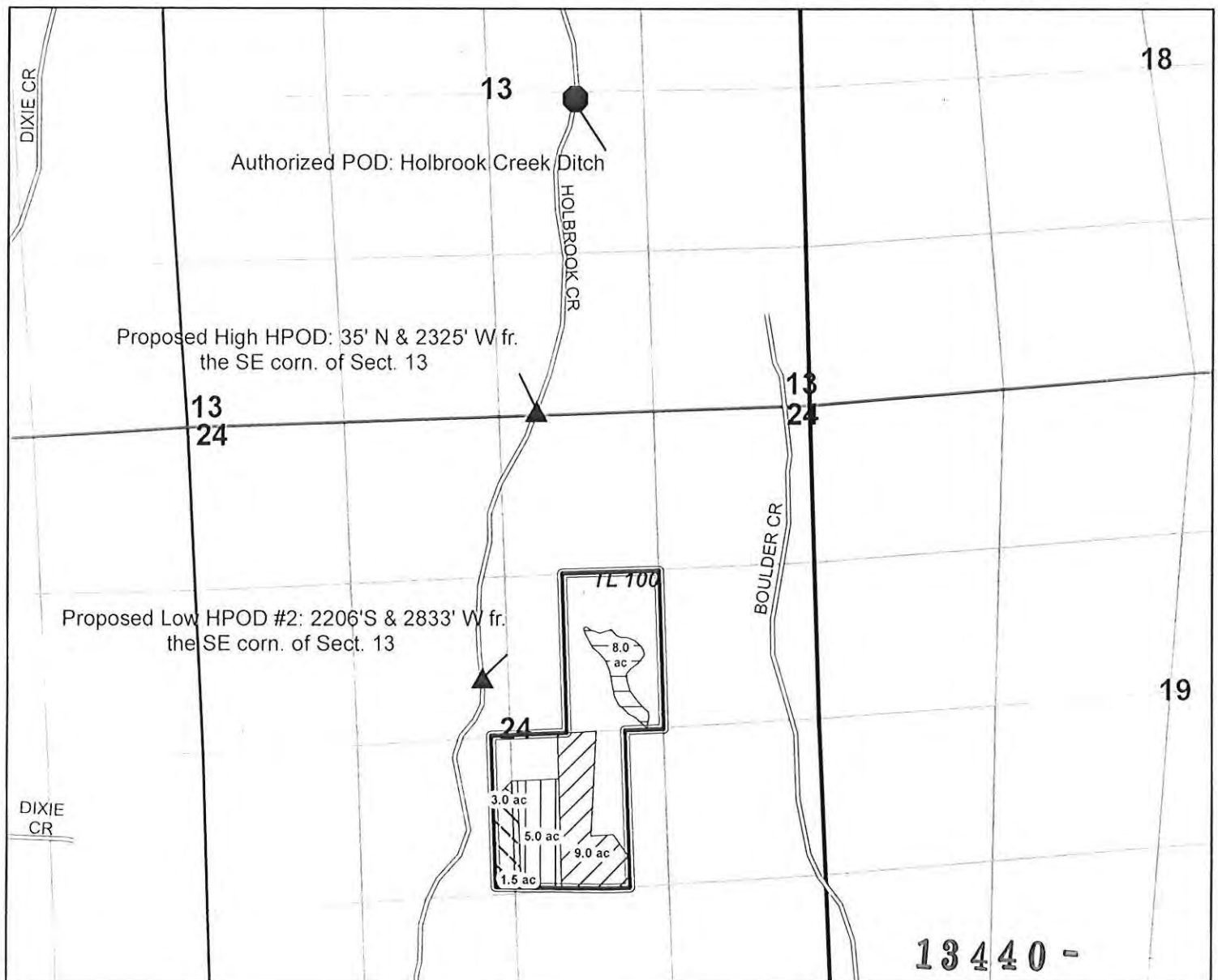
Williams Water

Cert __, Prior

-  C-10207, 1901
-  C-10256, 1901
-  C-10256, 1910
-  C-10320, 1892

T. 7S, R. 45E

T. 7S, R. 46E



**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 # **132515**

INVOICE # _____

RECEIVED FROM: Gene + Marilee Williams

APPLICATION	
PERMIT	
TRANSFER	<u>T-13490</u>

BY: _____

CASH: ☐ CHECK: # ☐ OTHER: (IDENTIFY) ☒ 3291502037

TOTAL REC'D \$ 2,200.00

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

46110

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

WATER RIGHTS:

	EXAM FEE		RECORD FEE
0201 SURFACE WATER	\$ _____	0202	\$ _____
0203 GROUND WATER	\$ _____	0204	\$ _____
0205 TRANSFER	\$ <u>2,200.00</u>		

WELL CONSTRUCTION

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

_____ OTHER (IDENTIFY) _____

0536 TREASURY 0437 WELL CONST. START FEE

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

0607 TREASURY 0467 HYDRO ACTIVITY LIC NUMBER

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

TREASURY OTHER / RDX

FUND _____ TITLE _____

OBJ. CODE _____ VENDOR # _____

DESCRIPTION _____ \$ _____

RECEIPT: **132515**

DATED: 5-14-2020 BY: [Signature]

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



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

Application for Historic Change in Point of Diversion/Appropriation Part 1 of 5 – Minimum Requirements Checklist

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

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

RECEIVED

MAY 14 2020

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



OWRD

Part 1 – Completed Minimum Requirements Checklist.



Part 2 – Completed Application Map Checklist.



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

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



Part 4 – Completed Applicant Information and Signature.



Part 5 – Information about the Transferred Water Rights: **How many water rights are to be transferred? 3 List them here: 10256, 10320, 10207**

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

Attachments:



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



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



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



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



☒ N/A

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



☒ N/A

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

(For Staff Use Only)

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

___ Application fee not enclosed/insufficient

___ Map not included or incomplete

___ Land Use Form not enclosed or incomplete

___ Additional signature(s) required

___ Part ___ is incomplete

Other/Explanation _____

Staff: _____ 503-986-0 _____

Date: ____ / ____ / ____

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

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

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

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

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

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

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

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

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

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

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Describe any special ownership circumstances here: _____

OWRD

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

ENTITY NAME	ADDRESS		
CITY	STATE	ZIP	



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

ENTITY NAME BAKER COUNTY	ADDRESS 1995 3 RD ST.		
CITY BAKER CITY	STATE OREGON	ZIP 97814	

ENTITY NAME	ADDRESS		
CITY	STATE	ZIP	

Explain in your own words what you propose to accomplish with this transfer application; and why: I would like to add additional historic points of diversion. We have been using these points of diversion for the past 30 years.

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

FEE WORKSHEET for HISTORIC POD/POA TRANSFER			
1	Base Fee (includes Historic POD change to one water right for up to 1 cfs)	1	\$1,160
	Number of water rights included in transfer <u>3 (2a)</u> Subtract 1 from the number in 2a above: <u>2 (2b)</u> <i>If only one water right this will be 0</i>		
2	Multiply line 2b by \$520 and enter » » » » » » » » » » » » » » »	2	1040.00
	Do you propose to change a well, or change from a surface water POD to a well? ☒ No: enter 0 » ☐ Yes: enter \$410 »		
3		3	
4	Add entries on lines 1 through 3 above » » » » » » » » Transfer Fee:	4	2200.00

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

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Part 4 of 5 – Applicant Information and Signature

Applicant Information

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

APPLICANT/BUSINESS NAME Gene & Marilee Williams			PHONE NO. 541-540-4878	ADDITIONAL CONTACT NO.
ADDRESS 36739 Allstead Ln.				FAX NO.
CITY Halfway	STATE OR	ZIP 97834	E-MAIL <i>PINTE1</i> <i>dange20@PINTE1.com</i>	
BY PROVIDING AN E-MAIL ADDRESS, CONSENT IS GIVEN TO RECEIVE ALL CORRESPONDENCE FROM THE DEPARTMENT ELECTRONICALLY. COPIES OF THE FINAL ORDER DOCUMENTS WILL ALSO BE MAILED.				

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

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

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



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

Monica Williams
Applicant Signature

MARILEE WILLIAMS
Print Name (and Title if applicable) Date

5-12-2020

Applicant Signature

Print Name (and Title if applicable)

Date _____

Part 5 of 5 – Water Right Information

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

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CERTIFICATE # 10320

Description of Water Delivery System

System capacity: 3 cubic feet per second (cfs) **OR**
 gallons per minute (gpm)

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

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

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

POD/POA Name or Number	Is this POD/POA Authorized on the Certificate or is it the Current POD/POA that has been used for more than 10 years?	If POA, OWRD Well Log ID# (or Well ID Tag # L-___)	Twp	Rng	Sec	¼ ¼	Tax Lot, DLC or Gov't Lot	Measured Distances (from a recognized survey corner)
1- Holbrook Cr. Ditch	☒ Authorized ☐ Current		7 S	45 E	13	NW SE		None Given
2- High POD	☐ Authorized ☒ Current		7 S	45 E	13	SW SE		35' N & 2325' W fr. the SE corn. of Sect. 13
3- Low POD	☐ Authorized ☒ Current		7 S	45 E	24	SE NW		2206' S & 2833' W fr. the SE corn. of Sect. 13
	☐ Authorized ☐ Current							

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

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

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

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

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

Table 2. Description of Changes to Water Right Certificate # 10320

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

Authorized (“from” lands) as they appear before the changes											Proposed Change (POD, POA, APOD, or APOA)	Current (in use for more than ten years) POD(s)/ POA(s) to be used (from Table 1)	Priority Date
Twp		Rng		Sec	¼ ¼		Tax Lot	Gvt Lot or DLC	Acres (if applicable)	POD(s) or POA(s) (name or number from Table 1)			
2	S	9	E	15	NE	NW	100		15.0	POD #1 POD #2	POD	POD #5	1897
xx	xx	xx	xx	xx	xx	xx	xx	xx	EXAMPLE	xx	xx	xx	xx
7	S	45	E	24	SW	NE	100		8.0	1	HPOD	2 & 3	1892

Additional remarks: _____

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

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

OR

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

Table 3. Construction of Point(s) of Appropriation

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

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

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Part 5 of 5 – Water Right Information

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

CERTIFICATE # 10256

Description of Water Delivery System

System capacity: 3.0 cubic feet per second (cfs) **OR**

_____ gallons per minute (gpm)

Describe the current water delivery system or the system that was in place at some time within the last five years. Include information on the pumps, canals, pipelines and sprinklers used to divert, convey and apply the water at the authorized place of use. Currently the ditch is an open canal that delivers water to my property and then I have multiple lateral ditches that spread the water onto my ground.

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

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

POD/POA Name or Number	Is this POD/POA Authorized on the Certificate or is it the Current POD/POA that has been used for more than 10 years?	If POA, OWRD Well Log ID# (or Well ID Tag # L-___)	Twp		Rng		Sec	¼ ¼		Tax Lot, DLC or Gov't Lot	Measured Distances (from a recognized survey corner)
1 – Holbrook Cr. Ditch	☒ Authorized ☐ Current		7	S	45	E	13	NW	SE		None Given
2 – High POD	☐ Authorized ☒ Current		7	S	45	E	13	SW	SE		35' N & 2325' W fr. the SE corn. of Sect. 13
3 – Low POD	☐ Authorized ☒ Current		7	S	45	E	24	SE	NW		2206' S & 2833' W fr. the SE corn. of Sect. 13
	☐ Authorized ☐ Current										

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

- ☐ Point of Diversion (POD)

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

☐ Additional Point of Appropriation (APOA)

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

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

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

Table 2. Description of Changes to Water Right Certificate # 10256

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

Authorized ("from" lands) as they appear before the changes												Proposed Change (POD, POA, APOD, or APOA)	Current (in use for more than ten years) POD(s)/ POA(s) to be used (from Table 1)	Priority Date
Twp		Rng		Sec	¼ ¼		Tax Lot	Gvt Lot or DLC	Acres (if applicable)	POD(s) or POA(s) (name or number from Table 1)				
2	S	9	E	15	NE	NW	100		15.0	POD #1 POD #2	POD	POD #5	1897	
xx	xx	xx	xx	xx	xx	xx	xx	xx	xx	EXAMPLE	xx	xx	xx	
7	S	45	E	24	NW	SE	100		5.0	1	APOD	2 & 3	1901	
7	S	45	E	24	NW	SE	100		1.5	1	APOD	2 & 3	1910	
7	S	45	E	24	NE	SE	100		3.0	1	APOD	2 & 3	1910	

Additional remarks: We are only adding an additional point of diversion to the supplemental rights out of Holbrook Creek. We are not including the primary rights out of Meadow Creek.

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

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

OR

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

Table 3. Construction of Point(s) of Appropriation

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

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

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Part 5 of 5 – Water Right Information

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

CERTIFICATE # 10207

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Description of Water Delivery System

System capacity: 3 cubic feet per second (cfs) OR
_____ gallons per minute (gpm)

Describe the current water delivery system or the system that was in place at some time within the last five years. Include information on the pumps, canals, pipelines and sprinklers used to divert, convey and apply the water at the authorized place of use. Currently the ditch is an open canal that delivers water to my property and then I have multiple lateral ditches that spread the water onto my ground.

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

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

POD/POA Name or Number	Is this POD/POA Authorized on the Certificate or is it the Current POD/POA that has been used for more than 10 years?	If POA, OWRD Well Log ID# (or Well ID Tag # L-___)	Twp	Rng	Sec	¼ ¼	Tax Lot, DLC or Gov't Lot	Measured Distances (from a recognized survey corner)
1 – Holbrook Cr. Ditch	☒ Authorized ☐ Current		7 S	45 E	13	NW SE		None Given
2 – High POD	☐ Authorized ☒ Current		7 S	45 E	13	SW SE		35' N & 2325' W fr. the SE corn. of Sect. 13
3 – Low POD	☐ Authorized ☒ Current		7 S	45 E	24	SE NW		2206' S & 2833' W fr. the SE corn. of Sect. 13
	☐ Authorized ☐ Current							

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

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

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

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

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

Table 2. Description of Changes to Water Right Certificate # 10207

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

[illegible]

Additional remarks:

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

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

OR

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

Table 3. Construction of Point(s) of Appropriation

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

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

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Application for Water Right Transfer Evidence of Use Affidavit



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

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

State of Oregon)
) ss

County of BAKER)

I, MARILEE WILLIAMS, in my capacity as OWNER,

mailing address 36739 ALLSTEAD LN.

telephone number (541)540-4878, being first duly sworn depose and say:

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

- ☒ Personal observation ☐ Professional expertise

2. I attest that:

- ☒ Water was used during the previous five years on the **entire** place of use for
Certificate # 10256, 10320, 10207; **OR**

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

Certificate #	Township	1/4 1/4	Gov't Lot or DLC	Acres (if applicable)

THIS FORM NEEDS
TO BE SIGNED
BY MARILEE AND
NOTORIZED. IF GENE
WANTS TO SIGN
JUST CHANGE NAME
ON TOP OF FORM.

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OR

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

(continues on reverse side)

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

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

Marilyn Williams
Signature of Affiant

5-12-2020
Date

Signed and sworn to (or affirmed) before me this 12th day of May, 2020.



[Signature]
Notary Public for Oregon

My Commission Expires: December 04, 2020

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

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Application for Water Right Historic POD/POA Transfer Watermaster Statement



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

I, MARCY OSBORN, Watermaster of District 8,

state that to my knowledge, there has been no claim of injury due to use of an historic point of diversion/appropriation for Certificate 10256, 10320, 10207

from Holbrook Creek located as follows:
(source)

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

Twp	Rng	Mer	Sec	Q-Q	DLC	GLot	Measured Distances
7 S	45 E	W.M.	13	SWS E			35' N & 2325' W from the SE corner of Sect. 13

OR

☐ by GPS coordinates: Latitude: _____ Longitude: _____

OR

☐ as shown on the attached map.

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Marcy Osborn
Signature

12/20/2019
Date

STATE OF OREGON

COUNTY OF BAKER

CERTIFICATE OF WATER RIGHT

This is to Certify, That SUSAN A. DAY

of Grandview, State of Washington, has a right to the use of
the waters of Meadow Creek, tributary of Clear Creek, for Tract No. 1; Holbrook Creek
for Tract No. 2, and Clear Creek for Tract No. 3;
for the purpose of Irrigation of 17.1 acres, and domestic and stock use,

and that said right has been confirmed by decree of the Circuit Court of the State of Oregon for
Baker County, and the said decree entered of record at Salem, in the Order
Record of the STATE ENGINEER, in Volume 11, at page 235; that the priority
of the right thereby confirmed dates from 1895 for Tract No. 1, 1901 for Tract No. 2,
and 1910 for Tract No. 3.

that the amount of water to which such right is entitled, for the purposes aforesaid, is limited to an
amount actually beneficially used for said purposes, and shall not exceed one-fortieth of a cubic
foot per second per acre, measured at the point of diversion, and a total limita-
tion of one acre-foot per acre during July, one acre-foot per acre during August,
and one-half acre-foot per acre during September, of each year.

A description of the lands irrigated under such right, and to which the water is appurtenant
(or, if for other purposes, the place where such water is put to beneficial use), is as follows:

Tract No. 1
10.6 acres in NE $\frac{1}{4}$ SW $\frac{1}{4}$
6.5 acres in NW $\frac{1}{4}$ SE $\frac{1}{4}$
Section 24,
Township 7 South, Range 45 East, W.M.

Tract No. 2
5.0 acres in NW $\frac{1}{4}$ SE $\frac{1}{4}$,
Section 24,
Township 7 South, Range 45 East, W.M.

Tract No. 3
10.6 acres in NE $\frac{1}{4}$ SW $\frac{1}{4}$
1.5 acres in NW $\frac{1}{4}$ SE $\frac{1}{4}$
Section 24,
Township 7 South, Range 45 East, W.M.

(NOTE: The rights for Tract No. 2 and Tract No. 3 are a supplemental
supply for Tract No. 1.)

AND said right shall be subject to all other conditions and limitations
contained in said Decree.

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

WITNESS the signature of the State Engineer,

affixed this 18th day
of October, 1933

CHAS. R. STRICKLIN

State Engineer.

Recorded in State Record of Water Right Certificates, Volume 9, page 10,256.

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STATE OF OREGON

COUNTY OF BAKER

CERTIFICATE OF WATER RIGHT

This is to Certify, That JOHN ALLSTEAD

of Halfway, State of Oregon has a right to the use of
the waters of Holbrook Creek, tributary of Pine Creek,
for the purpose of Irrigation of 9 acres, and domestic and stock water

and that said right has been confirmed by decree of the Circuit Court of the State of Oregon for
Baker County, and the said decree entered of record at Salem, in the Order
Record of the STATE ENGINEER, in Volume 11, at page 285; that the priority
of the right thereby confirmed dates from 1901

that the amount of water to which such right is entitled, for the purposes aforesaid, is limited to an
amount actually beneficially used for said purposes, and shall not exceed one-fortieth of a cubic
foot per second per acre, measured at the point of diversion, and a total limita-
tion of one acre-foot per acre during July, one acre-foot per acre during August,
and one-half acre-foot per acre during September, of each year.

A description of the lands irrigated under such right, and to which the water is appurtenant
(or, if for other purposes, the place where such water is put to beneficial use), is as follows:

9 acres in NW $\frac{1}{4}$ SE $\frac{1}{4}$,
Section 24,
Township 7 South, Range 45 East, W.M.

AND said right shall be subject to all other conditions and limitations
contained in said Decree.

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

WITNESS the signature of the State Engineer,
affixed this 18th day
of October, 1933

CHAS. E. STRICKLIN

State Engineer.

Recorded in State Record of Water Right Certificates, Volume

9, page 10207

13440

STATE OF OREGON

COUNTY OF BAKER

CERTIFICATE OF WATER RIGHT

This is to Certify, That J. P. HABS,

of Portland, State of Oregon, has a right to the use of
the waters of Holbrook Creek, tributary of Pine Creek,

for the purpose of Irrigation of 8.0 acres, and domestic and stock use,

and that said right has been confirmed by decree of the Circuit Court of the State of Oregon for
Baker County, and the said decree entered of record at Salem, in the Order
Record of the STATE ENGINEER, in Volume 11, at page 255; that the priority
of the right thereby confirmed dates from 1892;

that the amount of water to which such right is entitled, for the purposes aforesaid, is limited to an
amount actually beneficially used for said purposes, and shall not exceed one-fortieth of a cubic
foot per second per acre, measured at the point of diversion, and a total limita-
tion of one acre-foot per acre during July, one acre-foot per acre during August,
and one-half acre-foot per acre during September, of each year.

A description of the lands irrigated under such right, and to which the water is appurtenant
(or, if for other purposes, the place where such water is put to beneficial use), is as follows:

8.0 acres in SW 1/4,
Section 24,
Township 7 South, Range 45 East, W.M.

AND said right shall be subject to all other conditions and limitations
contained in said Decree.

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

WITNESS the signature of the State Engineer,

affixed this 18th day

of October, 1935.

CHAS. E. STRICKLIN

State Engineer.

Recorded in State Record of Water Right Certificates, Volume 10, page 10,320.

13440

Land Use Information Form



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

RECEIVED

MAY 14 2020

OWRD

Applicant(s): Gene & Marilee Williams

Mailing Address: 36739 Allstead Ln.

City: Halfway

State: OR

Zip Code: 97834

Daytime Phone: 541-540-4878

A. Land and Location

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

Township	Range	Section	¼ ¼	Tax Lot #	Plan Designation (e.g., Rural Residential/RR-5)	Water to be:			Proposed Land Use:
<u>7 S</u>	<u>45 E</u>	<u>24</u>	<u>SWNE</u>	<u>100</u>	<u>EFU</u>	☐ Diverted	☒ Conveyed	☒ Used	<u>Irrigation</u>
<u>7 S</u>	<u>45 E</u>	<u>24</u>	<u>NWSE</u>	<u>100</u>	_____	☐ Diverted	☒ Conveyed	☒ Used	<u>Irrigation</u>
<u>7 S</u>	<u>45 E</u>	<u>24</u>	<u>NESW</u>	<u>100</u>	_____	☐ Diverted	☒ Conveyed	☒ Used	<u>Irrigation</u>
_____	_____	_____	_____	_____	_____	☐ Diverted	☐ Conveyed	☐ Used	_____

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

Baker County

B. Description of Proposed Use

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

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

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

Estimated quantity of water needed: .75 ☒ cubic feet per second ☐ gallons per minute ☐ acre-feet

Intended use of water: ☒ Irrigation ☐ Commercial ☐ Industrial ☒ Domestic for 2 household(s)
☐ Municipal ☐ Quasi-Municipal ☐ Instream ☐ Other Stock

Briefly describe:

I am applying for an additional Historic Point of Diversion change. We have been using the two new POD's for over 30 years.

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

See bottom of Page 3. →

For Local Government Use Only

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

Please check the appropriate box below and provide the requested information

- ☒ Land uses to be served by the proposed water uses (including proposed construction) are allowed outright or are not regulated by your comprehensive plan. Cite applicable ordinance section(s): BC20 Section 410.02.A.1
- ☐ Land uses to be served by the proposed water uses (including proposed construction) involve discretionary land-use approvals as listed in the table below. (Please attach documentation of applicable land-use approvals which have already been obtained. Record of Action/land-use decision and accompanying findings are sufficient.) If approvals have been obtained but all appeal periods have not ended, check "Being pursued."

Type of Land-Use Approval Needed (e.g., plan amendments, rezones, conditional-use permits, etc.)	Cite Most Significant, Applicable Plan Policies & Ordinance Section References	Land-Use Approval:	
		☐ Obtained ☐ Denied	☐ Being Pursued ☐ Not Being Pursued
	RECEIVED	☐ Obtained ☐ Denied	☐ Being Pursued ☐ Not Being Pursued
	MAY 14 2020	☐ Obtained ☐ Denied	☐ Being Pursued ☐ Not Being Pursued
	OWRD	☐ Obtained ☐ Denied	☐ Being Pursued ☐ Not Being Pursued
		☐ Obtained ☐ Denied	☐ Being Pursued ☐ Not Being Pursued

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

Name: Tara Micka Title: Planner

Signature: Tara Micka Phone: 541-523-8219 Date: 12/23/19

Government Entity: Baker County Planning Dept.

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

Receipt for Request for Land Use Information

Applicant name: _____

City or County: _____ Staff contact: _____

Signature: _____ Phone: _____ Date: _____

13440

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

Checked by: Joan

Date: 5/19/20

(If OK, check box to left; if not, fill in the blank)

- ☒ 1. Page 1 of application: Are all attachments that have been checked actually included?
If not, what is missing? T-13440
- ☒ 2. Does the attached local "Watermaster Statement" indicate that, based upon the watermaster's knowledge and Department records, no complaint of injury has been made due to use of water at the actual, current point of diversion or appropriation (*i.e., the historic POD/POA*)?
- If **NO**, a complaint of injury has NOT been made – proceed to Item #3.
 - If **YES**, a complaint of injury has been made – **STOP!**
The application does **not** meet the criteria for ORS 540.532 (OAR 690-380-2120).
→ Return the application/fees and direct the applicant to *instead* use the standard POD/POA change Transfer Application and process under ORS 540.520 & 540.530 (OAR 690-380-2110).
- ☒ 3. Is the applicant an "individual" as required by ORS 540.532 and defined in OAR 690-380-2120(7)?
- If **YES**, the applicant is an "individual" – proceed to Item #4.
 - If **NO**, the applicant is not an "individual" – **STOP!**
The application does **not** meet the criteria for ORS 540.532 and OAR 690-380-2120(7).
→ Return the application/fees and direct the applicant to *instead* use the standard POD/POA change Transfer Application and process under ORS 540.520 & 540.530 (OAR 690-380-2110).
- ☒ 4. Are fees included and correct?
If not, the correct fee would be: _____, so the amount missing is: _____
- ☒ 5. Page 3 of application: Have all the applicants listed at the top of the page signed at the bottom?
If not, whose signature is missing? _____
- ☒ 6. Are all listed certificates or permits shown by WRIS as non-cancelled?
If not, which are cancelled? _____
For each cancelled certificate, if there has been a remaining right certificate issued that covers the lands in the left side of Table 2, list its number _____ and check the #4 box at left on this checklist.
- ☒ 7. If any certificate is in the name of a "district", is a Supplemental Form D from that district enclosed?
☒ N/A ☐ Form D needed from _____ (district)
8. If all #1-#7 boxes on this checklist are checked, accept the application. Put this check sheet in the transfer folder. If #1, #2, #3, #4, #5, #6 or #7 on this checklist is deficient, the application cannot be accepted. It should be returned and the **deficiencies listed in the "staff" section at the bottom of Application Page 1**, unless the applicant or agent can resolve the deficiencies within 2-3 days.



Oregon Water Resources Department
Transfer Fee Calculation for Historic POD/POA Transfer

- Main
- Help
- Return
- Contact Us

Today's Date: Tuesday, May 19, 2020		Fee Calculation
Base fee (includes Historic POD/POA to one water right).		\$1,160.00
Fill in information below-- Check each box that applies.		
Enter total number of water rights included in application. 3		\$1,040.00
☐ Check this box if you propose to add or change a well, or change from a surface water POD to a well.		
Historic POD/POA Transfer Fee		\$2,200.00
Return to Edit Clear		

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

Reference Transfer #: T-13440; Williams

Date of review: 10/5/2021

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

☐ The Oregon Department of Fish and Wildlife (ODFW) believes this proposed transfer may injure an instream water right(s) on _____ [stream], tributary to _____, because _____.

(Please attach any available supporting information.)

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

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

☐ **1. Screen Maintain**

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

Note: This option will yield the following:

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

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

☒ **2. Screen Now**

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

Note: This option will yield the following:

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

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

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

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

☐ **3. Screen 2 Year**

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

Note: This option will yield the following:

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

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

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

☐ **4. Screen Future**

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

Note: This option will yield the following:

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

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

☐ **5. No Screen Needed**

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

Signature



Aaron Maxwell, East Region Hydroelectric and Water Right Coordinator
Printed Name, Title

Phone: (541) 263-0647

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

Transfer #: T-13440

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

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

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

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

ODFW staff name: Chuck Simpson

Address: 65495 Alder Slope Road

City/State/Zip: Enterprise, Oregon 97828

Phone: (541) 826-8774

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

ODFW staff name: Joe Lemanski

Address: 107 20th Street

City/State/Zip: La Grande, OR 97850

Phone: 541-805-0325