

Temporary

Name Kirk & Regena HumphreyAddress PO Box 354
Mt. Vernon, OR 97865Change in POU, APODDate Filed 6-29-2020Initial notice date 7-7-2020

DPD issued date _____

PD issued date _____

PD notice date _____

Date of FO 10/13/2020 Vol 117 Page 186-89C-Date 10/01/2021COBU due date 10/01/2022

COBU Received date _____

Certificate issued _____

DESCRIPTION OF WATER RIGHT(S)

Name of Stream Fox CreekTrib. of Cottonwood CreekUse IR; LV; IS County Grant

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

Name of ditch _____

App# Decree Per # V.10 pa. 365 Cert # 25399 PR Date 12/31/1882App# S-32881 Per # S-26115 Cert # 30950 PR Date 1/26/1959

App# _____ Per # _____ Cert # _____ PR Date _____

App# _____ Per # _____ Cert # _____ PR Date _____

App# _____ Per # _____ Cert # _____ PR Date _____

FEES PAID

Date	Amount	Receipt #
<u>6-29-2020</u>	<u>\$1,098.29</u>	<u>132921</u>

FEES REFUNDED

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

Assignments: _____

Irrigation District _____

Agent _____

CWRE _____

CC's list _____

☐ - Oversized map - Location _____



Oregon

Kate Brown, Governor

Water Resources Department

725 Summer St NE, Suite A

Salem, OR 97301

(503) 986-0900

Fax (503) 986-0904

December 2, 2020

KIRK & REGENA HUMPHREY
PO BOX 354
MOUNT VERNON, OR 97865

REFERENCE: Temporary Transfer Application T-13481

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

The temporary change shall be effective at the **beginning of the irrigation season**. The use shall revert to the original authorized place of use at the **end of the 2024 irrigation season**.

If you have any questions related to the approval of this temporary transfer, you may contact your caseworker, Joan Smith, by telephone at (503) 986-0886 or by e-mail at Joan.M.Smith@oregon.gov.

Sincerely,

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

cc: Eric W. Julsrud, Watermaster Dist. # 4 (via email)

Enclosure

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

In the Matter of Transfer Application	)	FINAL ORDER APPROVING
T-13481, Grant County	)	TEMPORARY CHANGES IN PLACES
	)	OF USE AND AN ADDITIONAL
	)	POINT OF DIVERSION

Authority

Oregon Revised Statute (ORS) 540.505 to 540.580 establish the process in which a water right holder may submit a request to temporarily transfer the place of use and, if necessary to convey the water to the temporary place of use, the point of diversion authorized under an existing water right.

Oregon Administrative Rule (OAR) Chapter 690, Division 380 implements the statutes and provides the Department's procedures and criteria for evaluating transfer applications.

Applicant

KIRK AND REGENA HUMPHREY
PO BOX 354
MOUNT VERNON, OR 97865

Findings of Fact

1. On June 29, 2020, KIRK AND REGENA HUMPHREY filed an application to temporarily change the place of use under Certificate 25399 and to change the place of use and additional point of diversion to serve the proposed place of use under Certificate 30950 for a period of 5 years. The Department assigned the application number T-13481.
2. Notice of the application for transfer was published on July 7, 2020, pursuant to OAR 690-380-4000. No comments were filed in response to the notice.
3. The applicant requested this temporary Transfer be in effect from the irrigation year of 2020 to the irrigation year of 2025, the Department interprets this as six years. Temporary Transfers cannot exceed 5 years.
4. On August 19, 2020, the Department contacted the applicant by telephone to confirm that the applicant meant that the application be for 5 years in total beginning in 2020.

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

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

Certificate: 25399 in the name of H G. JUSTICE (confirmed by John Day River decree)
Use: IRRIGATION of 11.1 ACRES
Priority Date: 1882
Rate: 0.277 CUBIC FOOT PER SECOND
Limit/Duty: Is limited to an amount beneficially used for said purposes, and shall not exceed 1/40 cubic foot per second per acre irrigated to June 1 and 1/80 cubic foot per second per acre thereafter; further limited to one acre-foot per calendar month to June 1 and four acre-feet per acre during season April 1 to Sept. 30, measured at point of diversion.
Source: FOX CREEK

Authorized Point of Diversion:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
Not specified in Certificate					

Authorized Place of Use:

IRRIGATION						
Twp	Rng	Mer	Sec	Q-Q	GLot	Acres
11 S	30 E	WM	6	NE SW		7.1
11 S	30 E	WM	6	NW SW	6	4.0
Total						11.1

6. Certificate 25399 does not provide a detailed description of the point of diversion, however, information is available from the adjudication map and from the applicant describing the point of diversion as:

Twp	Rng	Mer	Sec	Q-Q	Tax lot	Survey Coordinates
11 S	30 E	WM	6	NW SE	600	JUSTICE DITCH-LATITUDE N44° 38' 16.9", LONGITUDE W119° 09' 14.5"

7. Temporary Transfer Application T-13481 proposes to temporarily change the place of use of the right to:

IRRIGATION						
Twp	Rng	Mer	Sec	Q-Q	Tax lot	Acres
11 S	30 E	WM	1	NE SE	300	11.1

8. The portion of the second right to be temporarily transferred is as follows:

Certificate: 30950 in the name of MAX JUSTICE (perfected under Permit S-26115)
Priority Date: JANUARY 26, 1959
Rate: 0.018 CUBIC FOOT PER SECOND
Use: IRRIGATION of 1.2 ACRES
Limit/Duty: The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands, shall be limited to ONE-FORTIETH of one cubic foot per second per acre, or its equivalent for each acre irrigated and shall be further limited to a diversion of not to exceed 4.0

acre-feet per acre for each acre irrigated during the irrigation season of each year.

Source: FOX CREEK, tributary of MIDDLE FORK JOHN DAY RIVER

Authorized Point of Diversion:

Twp	Rng	Mer	Sec	Q-Q
11 S	30 E	WM	6	NE SW

Authorized Place of Use:

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
11 S	30 E	WM	6	NE SW	1.2

9. Temporary Transfer Application T-13481 proposes to temporarily change the place of use of the right to:

IRRIGATION						
Twp	Rng	Mer	Sec	Q-Q	Tax Lot	Acres
11 S	30 E	WM	6	NW SE	300	1.2

10. An additional point of diversion is necessary to convey the water to the proposed temporary place of use. Temporary Transfer Application T-13481 proposes an additional point of diversion approximately 1000 feet downstream to:

Twp	Rng	Mer	Sec	Q-Q	Tax lot	Survey Coordinates
11 S	30 E	WM	6	NW SE	600	LATITUDE N44 38° 16.9", LONGITUDE W119° 09'14.5"

Temporary Transfer Review Criteria

11. Water has been used within the last five years according to the terms and conditions of the rights. There is no evidence available that would demonstrate that the rights are subject to forfeiture under ORS 540.610.
12. A diversion structure and ditch sufficient to use the full amount of water allowed under the existing rights are present.
13. The proposed changes as conditioned would not result in enlargement of the rights.
14. The proposed changes as conditioned would not result in injury to other water rights. This finding is made through an abbreviated review recognizing that the transfer may be revoked under ORS 540.523(5) if the Department later finds that the transfer is causing injury to any existing water right.

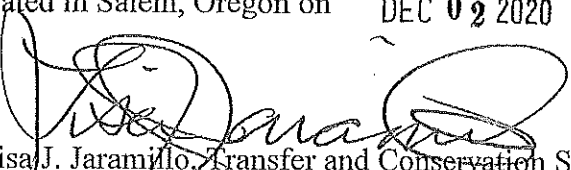
Conclusions of Law

The temporary changes in place of use and additional point of diversion to convey water to the temporary place of use proposed in Temporary Transfer Application T-13481 are consistent with the requirements of ORS 540.523 and OAR 690-380-8000.

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

1. The temporary change in place of use and additional point of diversion to convey water to the temporary place of use proposed in Temporary Transfer Application T-13481 are approved.
2. The former place of use **shall not** be irrigated as part of these water rights during the 2020, 2021, 2022, 2023, and 2024 irrigation seasons.
3. The use shall revert to the authorized place of use at the end of the 2024 irrigation season. The authorization to use the additional point of diversion shall be terminated concurrently.
4. In order to avoid enlargement of the right or injury to other rights, a weir/flume is required at each point of diversion (new and existing).
5. The approval of this temporary transfer may be revoked or modified if the Department finds the changes cause injury to any existing water right.
6. A subsequent application for permanent transfer of Certificates 25399 and 30950 shall be subject to a full and complete review to determine consistency with the requirements of OAR Chapter 690, Division 380. Approval of this temporary transfer does not establish a precedent for approval of a subsequent application filed for a permanent transfer.
7. The use of water at the temporary place of use authorized by this transfer shall be in accordance with the terms and conditions of Certificates 25399 and 30950.
8. The time during which water is used under this approved temporary transfer does not apply toward a finding of forfeiture under ORS 540.610.
9. The use of the remaining water rights described by Certificates 25399 and 30950 shall continue to be in accordance with the terms and conditions of Certificates 25399 and 30950.

Dated in Salem, Oregon on DEC 02 2020


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

Mailing Date: DEC 03 2020

WATER RIGHT TRANSFER COVER SHEET

Transfer: T- 13481

Transfer Specialist: *John*

Transfer Type: Temporary Transfer

Applicant: KIRK AND REGENA HUMPHREY PO BOX 354 MOUNT VERNON, OR 97865 Email: _____ Phone: _____	Agent: ☐ N/A UNAVAILABLE Email: _____ Phone: _____
Irrigation District: ☐ N/A Email: _____	CWRE: ☐ N/A Email: _____
Affected Local Gov'ts: ☐ N/A 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.
☐	John Day Decree	v.10 pg.365	25399	☐ Yes ☒ No	
☐	S-32881	S-26115	30950	☐ Yes ☒ No	
☐				☐ Yes ☐ No	

Key Dates & Initial Actions:

Rec'd: June 29, 2020	Proposed Action(s): ADDITIONAL POINT OF DIVERSION; PLACE OF USE	
Fees Pd: 1098.29	WM District: 4	ODFW District:
Initial Public Notice: July 7, 2020	WM Review sent:	ODFW Review sent:
Acknowledgement Letter Sent ☒		GW Review sent: ☐ N/A
County sent cc: of Ack Letter ☐	BOR notified (date): ☐ N/A	
Newspaper quote requested:	Request for news \$ sent:	News \$ received:
Request to publish sent:	Affidavit of publication received:	Last day of publication:

Document	Drafted	Peer Review	Changes Made	Coordinator	Changes Made	Signature Bin	Signature Date
DPD	Date: <u>7-13-20</u> Initials: <i>John</i>	Date: _____ Initials: _____	Date: _____ Initials: _____	Date: _____ Initials: _____	Date: _____ Initials: _____	CW Sent: _____	N/A
PD	Date: _____ Initials: _____	Date: _____ Initials: _____	Date: _____ Initials: _____	Date: _____ Initials: _____	Date: _____ Initials: _____	Date: _____	Date: _____
FO	Date: <u>7-10-20</u> Initials: <i>John</i>	Date: <u>7/15/20</u> Initials: <i>ce</i>	Date: _____ Initials: _____	Date: <u>9/28/20</u> Initials: <i>PKS</i>	Date: <u>9/30/20</u> Initials: <i>John</i>	Date: <u>9/30/20</u> Initials: <i>John</i>	Date: <u>10/13/2020</u>

Special Issues: TEMP - 5 YEARS -

Special Order Volume: Vol. 117 Pages 680-689
118 143-146

SMITH Joan M * WRD

From: JULSRUD Eric W * WRD
Sent: Tuesday, October 20, 2020 9:05 AM
To: SMITH Joan M * WRD
Subject: RE: Temp Transfer T-13481

Joan,

I like that condition. Since this is a new area for me and I am not totally familiar with the creek flows and lay of the land conditions. I think that condition you presented give us a good protection in the event the "FROM" lands can't be dried up.

I appreciate your help!!

Thanks

Eric

From: SMITH Joan M * WRD <Joan.M.Smith@oregon.gov>
Sent: Tuesday, October 20, 2020 8:23 AM
To: JULSRUD Eric W * WRD <Eric.W.Julsrud@oregon.gov>
Subject: RE: Temp Transfer T-13481

Eric, do you think injury and enlargement can be prevented? I can add conditions but it would be up to you to enforce and I'm not here to make work for you.

Sample condition;

1. If the applicant is unable to prevent the original place of use from receiving water, water use on the proposed lands shall discontinue until such a time that the water user can adequately dry up the lands described in finding of fact #5 (the original place of use).

What are your thoughts?

Joan

Joan Smith
Transfer Specialist
503-986-0892



From: JULSRUD Eric W * WRD <Eric.W.Julsrud@oregon.gov>
Sent: Thursday, October 15, 2020 9:39 AM
To: SMITH Joan M * WRD <Joan.M.Smith@oregon.gov>
Subject: RE: Temp Transfer T-13481
Importance: High

Joan,

Here is the review. I am sorry I cannot be more definitive in the review.

There is a potential the lands cannot be adequately dried up. A site visit was performed and I am not 100% sure it is possible. Please let me know if you have any questions.

Thanks

Eric

From: SMITH Joan M * WRD <Joan.M.Smith@oregon.gov>

Sent: Wednesday, October 14, 2020 8:54 AM

To: JULSRUD Eric W * WRD <Eric.W.Julsrud@oregon.gov>

Subject: Temp Transfer T-13481

Eric, when you get a chance would you mind shooting this review off to me?

Thank you

JOAN M. SMITH | TRANSFER SPECIALIST

TRANSFER & CONSERVATION SECTION

725 Summer Street NE, Suite A Salem, OR 97301 | Phone 503-986-0892



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

Oregon Water Resources Department**Measurement Condition Information for the Applicant***(To be sent with the Draft Preliminary Determination or Final Order)*

Transfer #: T- 13481

- ☒ In order to avoid enlargement of the right or injury to other rights, a **weir/flume** 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: **Eric W. Julsrud**District: **4**Address: **201 South Humbolt Street, Suite 180**City/State/Zip: **Canyon City, OR 97820**Phone: **541-575-0119**Email: **Eric.W.Julsrud@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- 13481**
(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

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-13481

Review Due Date: 08/05/2020

Applicant Name: Humphrey, Kirk and Regena

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

Reviewer(s): E. Julsrud

Date of Review: 10/15/2020

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:
Fox Creek is in an area of the basin where routine regulation due to shortage is not needed.
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:

There are likely many rights below this location that enjoy return flow from these rights and others surrounding it. C-25281 would be most likely to benefit from the return flows from the lands involved in this transfer. The return flows from the use for these lands likely re-enter Fox Creek along the edges of the place of use.

☐ 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:

It is unclear if the FROM lands can be adequately "dried up" for this transfer. The area proposed to be moved is located within a CREP type boundary along the creek. Careful irrigation practices could potentially "Dry-up" the FROM lands. Due to the topography of the area I am doubtful a cut-off ditch or drain ditch would be effective to isolate the FROM lands from receiving water.

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:

It is possible that injury could occur if the FROM lands cannot be adequately "Dried-up"

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

☒ Yes ☒ No If "Yes", explain:

It is possible that enlargement could occur if the FROM lands cannot be adequately "Dried-up"

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: Ramp Flume



Oregon

Kate Brown, Governor

Water Resources Department

North Mall Office Building

725 Summer St NE, Ste A

Salem, OR 97301

Phone: 503-986-0900

Fax: 503-986-0904

www.Oregon.gov/OWRD

July 6, 2020

KIRK AND REGENA HUMPHREY
PO BOX 354
MOUNT VERNON, OR 97865

Reference: Application T-13481

On June 29, 2020, we received your water right Transfer application. The application was accompanied by \$1098.29. Our receipt number 132921 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.

Except as provided under ORS 540.510(3) for municipalities, you may not *temporarily* use water at the new place of use or from the new point of diversion until a final order approving the temporary transfer application has been issued by the Department. Additionally, pursuant to OAR 690-380-8010, the lands from which an irrigation water right is to be temporarily transferred and the land to which the right is to be temporarily transferred may not both receive water during the same season. If the temporary transfer is approved during an irrigation season and water has already been used at the currently authorized location during that season, then the temporary transfer will not take effect until the following season.

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

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

Cc: Watermaster Dist. #4 (via email)

Enclosure



**STATE OF OREGON
WATER RESOURCES DEPARTMENT**

725 Summer St. N.E. Ste. A

SALEM, OR 97301-4172

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

RECEIPT # **132921**

INVOICE # _____

RECEIVED FROM: Kirk R. Humphrey
BY: Lo Ann Humphrey

APPLICATION	
PERMIT	
TRANSFER	<u>7-13481</u>

CASH: ☐ CHECK: # 3296 OTHER: (IDENTIFY) ☐

TOTAL REC'D \$ 1,098.29

1083 TREASURY 4170 WRD MISC CASH ACCT

0407 COPIES	\$
OTHER: (IDENTIFY)	\$

0243 I/S Lease _____ 0244 Muni Water Mgmt. Plan _____ 0245 Cons. Water _____

4270 WRD OPERATING ACCT

MISCELLANEOUS		
0407 COPY & TAPE FEES	\$	
0410 RESEARCH FEES	\$	
0408 MISC REVENUE: (IDENTIFY)	\$	
TC162 DEPOSIT LIAB. (IDENTIFY)	\$	
0240 EXTENSION OF TIME	\$	
WATER RIGHTS:		
0201 SURFACE WATER	\$	0202
0203 GROUND WATER	\$	0204
0205 TRANSFER	\$ <u>1,098.29</u>	
WELL CONSTRUCTION		
0218 WELL DRILL CONSTRUCTOR	\$	0219
LANDOWNER'S PERMIT		0220
OTHER (IDENTIFY)		

0536 TREASURY 0437 WELL CONST. START FEE

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

0607 TREASURY 0467 HYDRO ACTIVITY LIC NUMBER

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

TREASURY OTHER / RDX

FUND	TITLE
OBJ. CODE	VENDOR #
DESCRIPTION	\$

RECEIPT: **132921**

DATED: 6-29-2020 BY: [Signature]

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

**Application for Water Right
Temporary or Drought Temporary Transfer
Part 1 of 5 – Minimum Requirements Checklist**



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

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

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

RECEIVED

JUN 29 2020

FOR ALL TEMPORARY TRANSFER APPLICATIONS

OWRD

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

- ☒ Part 1 – Completed Minimum Requirements Checklist.
- ☒ Part 2 – Completed Temporary Transfer Application Map Checklist.
- ☒ Part 3 – Application Fee, payable by check to the Oregon Water Resources Department, and completed Fee Worksheet, page 3. Try the 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 Transferred Water Rights: **How many water rights are to be transferred? 3 List them here: C-25399, C-30950**
Please include a separate Part 5 for each water right. (See instructions on page 6)
- ☒ ☐ N/A For standard Temporary Transfer (one to five years) **Begin Year: 2020 End Year: 2025.**
- ☐ ☒ N/A Temporary Drought Transfer (Only in counties where the Governor has declared drought)

Attachments:

- ☒ Completed Temporary Transfer Application Map.
- ☒ Completed Evidence of Use Affidavit and supporting documentation.
- ☒ Current recorded deed for the land **from** which the authorized place of use is temporarily being moved.
- ☐ ☒ N/A Affidavit(s) of Consent from Landowner(s) (if the applicant does not own the land upon which the water right is located.)
- ☐ ☒ N/A Supplemental Form D – For water rights served by or issued in the name of a district. Complete when the temporary transfer applicant is not the district.
- ☒ ☐ N/A Oregon Water Resources Department's Land Use Information Form with approval and signature (or signed land use form receipt stub) from each local land use authority in which water is to be diverted, conveyed, and/or used. Not required if water is to be diverted, conveyed, and/or used only on federal lands or if **all** of the following apply: a) a change in place of use only, b) no structural changes, c) the use of water is for irrigation only, and d) the use is located within an irrigation district or an exclusive farm use zone.
- ☐ ☒ N/A Water Well Report/Well Log for changes in point(s) of appropriation (well(s)) or additional point(s) of appropriation (if necessary to convey water to the proposed place of use).

(For Staff Use Only)

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

☐ Application fee not enclosed/or is 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 – Temporary Transfer Application Map Checklist

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

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

FEE WORKSHEET for TEMPORARY (not drought) TRANSFERS					
1	Base Fee (includes temporary change to one water right for up to 1 cfs)		1	\$810.00	
2	Number of water rights included in transfer: <u>2 (2a)</u> Subtract 1 from the number in 3a above: <u>1 (2b)</u> If only one water right this will be 0 Multiply line 2b by \$260.00 and enter » » » » » » » » » » » » » » » »		2	260.00	
3	Do you propose to change the place of use for a non-irrigation use? ☒ No: enter 0 on line 3 » » » » » » » » » » » » » » » » ☐ Yes: enter the cfs for the portions of the rights to be transferred: _____ (3a) Subtract 1.0 from the number in 3a above: _____ (3b) If 3b is 0, enter 0 on line 3 » » » » » » » » » » » » » » » » If 3b is greater than 0, round up to the nearest whole number: _____ (3c) and multiply 4c by \$200.00, then enter on line 3		3	0	RECEIVED JUN 29 2017 OWRD
4	Do you propose to change the place of use for an irrigation use? ☐ No: enter 0 on line 4 » » » » » » » » » » » » » » » » ☒ Yes: enter the number of acres for the portions of the rights to be transferred: _____ (4a) Multiply the number of acres in 4a above by \$2.30 and enter on line 4 » »		4	28.29	
5	Add entries on lines 1 through 4 above » » » » » » » » » » Subtotal:		5	1,098.29	
6	Is this transfer: ☐ necessary to complete a project funded by the Oregon Watershed Enhancement Board (OWEB) under ORS 541.932? ☐ endorsed in writing by ODFW as a change that will result in a net benefit to fish and wildlife habitat? If one or more boxes is checked, multiply line 5 by 0.5 and enter on line 6 » If no box is applicable, enter 0 on line 7» » » » » » » » » » » » » » » »		6	0	
7	Subtract line 6 from line 5 » » » » » » » » » » » » » » Transfer Fee:		7	1,098.29	

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Part 4 of 5 – Applicant Information and Signature

Applicant Information

APPLICANT/BUSINESS NAME Kirk and Regena Humphrey			PHONE NO. 541-932-4231	ADDITIONAL CONTACT NO. 541-620-4044
ADDRESS P. O. Box 354				FAX NO.
CITY Mt. Vernon	STATE OR	ZIP 97865	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.				

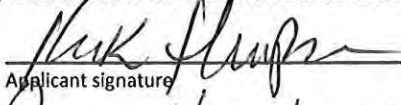
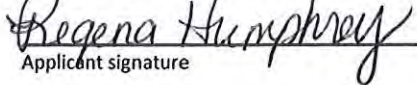
Agent Information – The agent is authorized to represent the applicant in all matters relating to this application.

AGENT/BUSINESS NAME NA			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.				

Explain in your own words what you propose to accomplish with this transfer application and why:
We propose to transfer 12.3 acres downstream to irrigate better ground. We plan to deliver water from the authorized POD by a pipeline, basically following along an existing ditch to the new ground.

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

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


Applicant signature

Applicant signature

Kirk Humphrey
Print Name (and Title if applicable)

Date 6/24/20

Regena Humphrey
Print Name (and Title if applicable)

Date 6/24/20

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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

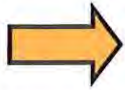
If NO, include signatures of all landowners (and mailing and/or e-mail addresses if different than the applicant's) or attach affidavits of consent from all landowners or individuals/entities (and mailing and/or e-mail addresses) to which the water right(s) has been conveyed.

☐ Check here if any of the water rights proposed for transfer are or will be located within or served by an irrigation or other water district. (NOTE: If this box is checked, you must complete and attach Supplemental Form D.)

DISTRICT NAME	ADDRESS	
CITY	STATE	ZIP

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

ENTITY NAME	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 and/or used.

ENTITY NAME	ADDRESS	
CITY	STATE	ZIP

ENTITY NAME	ADDRESS	
CITY	STATE	ZIP

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Part 5 of 5 – Water Right Information

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

Water Right Certificate # 25399**Description of Water Delivery System**

System capacity: **0.85** 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. **Water conveyed by ditch from POD #1 to fields.**

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

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

POD/POA Name or Number	Is this POD/POA Authorized on the Certificate or is it Proposed?	If POA, OWRD Well Log ID# (or Well ID Tag # L-___)	Twp		Rng		Sec	¼ ¼		Tax Lot, DLC or Gov't Lot	Measured Distances (from a recognized survey corner)
POD#1	☒ Authorized ☐ Proposed		11	S	30	E	6	N W	SE	600	Not specified in C-25399 but shown on the adjudication map in NW1/4SE1/4 Sec. 6 N44 38' 16.9" W119 09' 14.5"

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

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

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

- ☐ Place of Use (POU)
 ☐ Point of Appropriation/Well (POA)
- ☐ Character of Use (USE)
 ☐ Additional Point of Appropriation (APOA)
- ☐ Point of Diversion (POD)
 ☐ Additional Point of Diversion (APOD)

Will all of the proposed changes affect the entire water right?

- ☐ Yes Complete only the Proposed ("to" lands) section of Table 2 on the next page. Use the "CODES" listed above to describe the proposed changes.
- ☒ No Complete all of Table 2 to describe the portion of the water right to be changed.

Please use and attach additional pages of Table 2 as needed.
See page 6 for instructions.

Do you have questions about how to fill-out the tables?
Contact the Department at 503-986-0900 and ask for Transfer Staff.

Table 2. Description of Temporary Changes to Water Right Certificate # 25399

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 change, specify the acreage associated with each change. If more than one POD/POA, specify the acreage associated with each POD/POA.

AUTHORIZED (the "from" or "off" lands) The listing that appears on the Certificate BEFORE PROPOSED CHANGES List only that part or portion of the water right that will be changed.													Proposed Changes (see "CODES" from previous page)	PROPOSED (the "to" or "on" lands) The listing as it would appear AFTER PROPOSED CHANGES are made.												
Twp	Rng	Sec	$\frac{1}{4}$ $\frac{1}{4}$	Tax Lot	Gvt Lot or DLC	Acres	Type of USE listed on Certificate	POD(s) or POA(s) (name or number from Table 1)	Priority Date	Twp	Rng	Sec		$\frac{1}{4}$ $\frac{1}{4}$	Tax Lot	Gvt Lot or DLC	Acres	New Type of USE	POD(s)/ POA(s) to be used (from Table 1)	Priority Date						
EXAMPLE																										
2	S	9	E	15	NE	NW	100		15.0	Irrigation	POD #1 POD #2	1901	POU/POD	2	S	9	E	1	NW	NW	500	1	10.0		POD #5	1901
"	"	"	"	"	"	"	"	"	"	EXAMPLE	"	"	"	2	S	9	E	2	SW	NW	500		5.0		POD #6	1901
11	S	30	E	6	NE	SW	1000		7.1	Irrigation	POD#1	1882	POU	11	S	29	E	1	NE	SE	300		7.1		POD #1	1882
11	S	30	E	6	NW	SW	1000	6	4.0	Irrigation	POD #1	1882		11	S	29	E	1	NE	SE	300		4.0		POD# 1	1882
TOTAL ACRES									11.1	TOTAL ACRES									11.1							

Additional remarks: _____

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For Place of Use Changes

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

If YES, list the certificate, water use permit, or ground water registration numbers: C-30950

Pursuant to ORS 540.525, any "layered" water use such as an irrigation right that is supplemental to a primary right proposed for temporary transfer can be included in the transfer or remain unused on the authorized place of use. If the primary water right does not revert soon enough to allow use of the supplemental right within five years, the supplemental right shall become subject to cancellation for nonuse under ORS 540.610.

If a change in point(s) of appropriation (well(s)) or additional point(s) of appropriation is necessary to convey the water to the new temporary place of use you must provide:

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

AND/OR

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

Table 3. Construction of Point(s) of Appropriation

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

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

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Part 5 of 5 – Water Right Information

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

Water Right Certificate # 30950**Description of Water Delivery System**

System capacity: 0.62 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. Pump at POD #2 to pipeline to sprinklers & ditches

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

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

POD/POA Name or Number	Is this POD/POA Authorized on the Certificate or is it Proposed?	If POA, OWRD Well Log ID# (or Well ID Tag # L-___)	Twp	Rng	Sec	¼ ¼	Tax Lot, DLC or Gov't Lot	Measured Distances (from a recognized survey corner)
POD#2	☒ Authorized ☐ Proposed		11 S	30 E	6	NE S W	1000	Not specified in C-30950 but shown on Final Proof Map in NE1/4SW1/4 Section 6
APOD	☐ Authorized ☒ Proposed		11 S	30 E	6	N W SE	600	Not specified in C-25399 but shown on adjudication map in NW1/4SE1/4 Section 6 N44 38' 16.9" W119 09' 14.5"

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

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

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

- ☐ Place of Use (POU)
 ☐ Point of Appropriation/Well (POA)
 ☐ Character of Use (USE)
 ☐ Additional Point of Appropriation (APOA)
 ☐ Point of Diversion (POD)
 ☐ Additional Point of Diversion (APOD)

Will all of the proposed changes affect the entire water right?

- ☐ Yes Complete only the Proposed ("to" lands) section of Table 2 on the next page. Use the "CODES" listed above to describe the proposed changes.
 ☒ No Complete all of Table 2 to describe the portion of the water right to be changed.

Please use and attach additional pages of Table 2 as needed.
See page 6 for instructions.

Do you have questions about how to fill-out the tables?
Contact the Department at 503-986-0900 and ask for Transfer Staff.

Table 2. Description of Temporary Changes to Water Right Certificate # 30950

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 change, specify the acreage associated with each change. If more than one POD/POA, specify the acreage associated with each POD/POA.

AUTHORIZED (the "from" or "off" lands) The listing that appears on the Certificate BEFORE PROPOSED CHANGES List only that part or portion of the water right that will be changed.												Proposed Changes (see "CODES" from previous page)	PROPOSED (the "to" or "on" lands) The listing as it would appear AFTER PROPOSED CHANGES are made.													
Twp	Rng	Sec	¼ ¼	Tax Lot	Gvt Lot or DLC	Acres	Type of USE listed on Certificate	POD(s) or POA(s) (name or number from Table 1)	Priority Date	Twp	Rng		Sec	¼ ¼	Tax Lot	Gvt Lot or DLC	Acres	New Type of USE	POD(s)/ POA(s) to be used (from Table 1)	Priority Date						
EXAMPLE																										
2	S	9	E	15	NE	NW	100		15.0	Irrigation	POD #1 POD #2	1901	POU/POD	2	S	9	E	1	NW	NW	500	1	10.0		POD #5	1901
"	"	"	"	"	"	"	"	"	"	EXAMPLE	"	"	"	2	S	9	E	2	SW	NW	500		5.0		POD #6	1901
11	S	30	E	6	NE	SW	1000		1.2	Irrigation	POD#2	1959	POU/APOD	11	S	29	E	1	NW	SE	300		1.2	Irrigation	APOD	1959
TOTAL ACRES									1.2	TOTAL ACRES													1.2			

Additional remarks: _____

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Water Right Certificate # 30950**For Place of Use Changes**

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

If YES, list the certificate, water use permit, or ground water registration numbers: C-25399

Pursuant to ORS 540.525, any "layered" water use such as an irrigation right that is supplemental to a primary right proposed for temporary transfer can be included in the transfer or remain unused on the authorized place of use. If the primary water right does not revert soon enough to allow use of the supplemental right within five years, the supplemental right shall become subject to cancellation for nonuse under ORS 540.610.

If a change in point(s) of appropriation (well(s)) or additional point(s) of appropriation is necessary to convey the water to the new temporary place of use you must provide:

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

AND/OR

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

Table 3. Construction of Point(s) of Appropriation

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

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

13481

Application for Water Right Transfer Evidence of Use Affidavit



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

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

State of Oregon)
County of GRANT) ss

I, KIRK HUMPHREY, in my capacity as OWNER,
mailing address P. O. BOX 354 MT. VERNON, OR 97865
telephone number (541)932-4231, being first duly sworn depose and say:

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

☒ Personal observation ☐ Professional expertise

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2. I attest that:

☐ Water was used during the previous five years on the **entire** place of use for
Certificate # 25399 & 30950; **OR**

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

Certificate #	Township		Range		Mer	Sec	¼ ¼		Gov't Lot or DLC	Acres (if applicable)
25399	11	S	30	E	WM	6	NE	SW		7.1
25399	11	S	30	E	WM	6	NW	SW	6	4.0
30950	11	S	30	E	WM	6	NE	SW		1.2
30950	11	S	30	E	WM	6	NW	SW	6	0.7

OR

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

(continues on reverse side)

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

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

Signature of Affiant

Date

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Signed and sworn to (or affirmed) before me this 16th day of June, 2020.
24th

State of Oregon
County of Grant



Notary Public for Oregon

My Commission Expires: July 30, 2021

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.terraserver.com
☐ Approved Lease establishing beneficial use within the last 5 years	Copy of instream lease or lease number

After recording return to: (Name, Address, Zip)
Kirk Humphrey and Regena Humphrey
PO Box 354, Mount Vernon, OR 97865

Until requested otherwise, send all tax statements to:
Same As Above

GRANTOR:

MARY ELIZABETH BROOKS, ORRIN THOM
LEDGERWOOD, and ROBERT LUCAS LEDGERWOOD
PO Box 181, Burns, OR 97720

GRANTEE:

Kirk Humphrey and Regena Humphrey
PO Box 354, Mount Vernon, OR 97865

ORDER NO: 24623
TAX ACCOUNT NO. Ref. 6816

GRANT COUNTY, OREGON

I, the County Clerk for Grant County, Oregon
certify that the instrument identified herein
was recorded in the Clerk records.

BRENDA PERCY

Grant County Clerk

by Valerie Ellison Deputy

DOC#: 20152241 PG 3

\$53.50

10/09/2015
1:24 PM



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OWRD

STATUTORY WARRANTY DEED

(Individual Grantor)

MARY ELIZABETH BROOKS who acquired title as MARY E. LEDGERWOOD, ORRIN THOM LEDGERWOOD, and ROBERT LUCAS LEDGERWOOD, Grantor, conveys and warrants to Kirk Humphrey and Regena Humphrey, Grantee, the following described real property free of encumbrances, except as specifically set forth herein, situated in Grant County, State of Oregon, to wit:

See Legal Description attached hereto as Exhibit "A"

Subject to and excepting: Covenants, Conditions, Restrictions and Easements of record.

BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON TRANSFERRING FEE TITLE SHOULD INQUIRE ABOUT THE PERSON'S RIGHTS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009, AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010. THIS INSTRUMENT DOES NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY THAT THE UNIT OF LAND BEING TRANSFERRED IS A LAWFULLY ESTABLISHED LOT OR PARCEL, AS DEFINED IN ORS 92.010 OR 215.010, TO VERIFY THE APPROVED USES OF THE LOT OR PARCEL, TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES, AS DEFINED IN ORS 30.930 AND TO INQUIRE ABOUT THE RIGHTS OF NEIGHBORING PROPERTY OWNERS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009, AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010.

The true and actual consideration for this conveyance is \$700,000.00. (Here, comply with the requirements of ORS 93.030.)

20152241

Dated this 2nd day of October, 2015

Mary Elizabeth Brooks Orrin Thom Ledgerwood
MARY ELIZABETH BROOKS ORRIN THOM LEDGERWOOD

Robert Lucas Ledgerwood
ROBERT LUCAS LEDGERWOOD

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State of Oregon
County of Deschutes

OWRD

The foregoing instrument was acknowledged before me this 2 day of October, 2015, by Orrin Thom Ledgerwood.



Melissa Rae Nelson
Notary Public in and for the State of Oregon
My commission expires: July 26, 2019

State of Oregon
County of Deschutes Grant

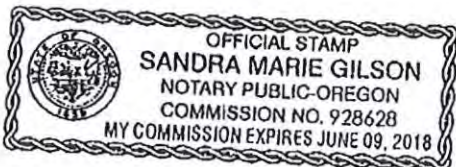
The foregoing instrument was acknowledged before me this 7 day of Oct, 2015, by Robert Lucas Ledgerwood.



Sandra Marie Gilson
Notary Public in and for the State of Oregon
My commission expires: 6/9/2018

State of Oregon
County of Grant

The foregoing instrument was acknowledged before me this 5th day of October 2015, by Mary Elizabeth Brooks.



Sandra Marie Gilson
Notary Public in and for the State of Oregon
My commission expires: 6/9/2018

20152241

EXHIBIT "A"
LEGAL DESCRIPTION

Township 11 South, Range 29 East, Willamette Meridian, Grant County, Oregon:

Section 1: SE1/4.

Section 12: N1/2NE1/4; NE1/4NW1/4.

(Tax Acct. [REDACTED] TL300; Ref. 6816)

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Township 11 South, Range 30 East, Willamette Meridian, Grant County, Oregon:

Section 6: Lots 6 and 7; E1/2SW1/4; SW1/4SE1/4.

SAVE & EXCEPT the following:

Beginning at the Northwest corner of the SW1/4SE1/4 of said Sec. 6;

thence South 296.0 feet;

thence East 330.0 feet;

thence North 296.0 feet;

thence West 330.0 feet to the place of beginning.

Section 7: Lot 1; NE1/4NW1/4; NW1/4NE1/4.

ALSO SAVE & EXCEPT a tract of land in the SW1/4SE1/4 of said Sec. 6 and in the NW1/4NE1/4 of said Sec. 7, described as follows:

Beginning at a point which is the intersection of the line between said Secs. 6 and 7, and the center line of the existing County Road; said point being approximately 105.0 feet West of the relocated center line of the Pendleton-John Day Highway at Engineer's Station 280+98; said point also being approximately 1406.0 feet West of the Southeast corner of said Sec. 6;

thence N. 1° 47' W., along the center line of said County Road, 300.0 feet;

thence West, parallel to the South line of said Sec. 6, 700.0 feet;

thence South 699.7 feet;

thence East, parallel to the North line of said Sec. 7, 722.0 feet to the center line of said County Road;

thence N. 1° 47' W., along the center line of said road, 400.0 feet to the place of beginning.

ALSO SAVE & EXCEPT THEREFROM any portion of said described lands in Sections 6 and 7 lying within the state highway right of way.

(Tax Acct. [REDACTED] TL1000; Ref. 6867)

Bob Bagett

From: STARNES Patrick K * WRD <Patrick.K.Starnes@oregon.gov>
Sent: Wednesday, April 22, 2020 10:55 AM
To: Bob Bagett
Subject: RE: Temporary transfer map scale

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OWRD

Hi Bob,

Sorry for the delay in responding.

Your requested map scale would be acceptable.

Please include a copy of this e-mail with the application.

Take Care!

Kellt

Kelly Starnes, Transfer Program Analyst
Oregon Water Resources Department
725 Summer St NE Suite A
Salem OR 97301-1271
Telephone: 503-986-0886 Fax: 503-986-0903
E-mail: patrick.k.starnes@oregon.gov

Please Note: Under Oregon Law, messages to and from
this e-mail address may be available to the public.

From: Bob Bagett <bob@johndaysurveyors.com>
Sent: Thursday, April 16, 2020 9:33 AM
To: STARNES Patrick K * WRD <Patrick.K.Starnes@oregon.gov>
Subject: Temporary transfer map scale

Good morning Kelly,

I'm working on a temporary transfer involving a change in POU and APOD. To show enough detail and get it on reasonable size sheet of paper I am requesting approval for a map scale of 1"=500'.

Thanks for your consideration,

Take care!! ☺

Bob Bagett, PLS, CWRE



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OWRD

North Fork John Day Watershed Council
691 N Hwy 395 PO Box 444 Long Creek, OR 97856 541 421-3018 www.nfjdwcc.org

Oregon Water Resources Department
775 Summer St NE, Suite A
Salem, Oregon 97301

Re: Humphrey Temporary Water Right Transfer Application

To Whom It May Concern:

This North Fork John Day Watershed Council (NFJDWC) is writing in support of the Temporary Water Rights Transfer Application submitted by Kirk and Regena Humphrey. This temporary water rights transfer proposes transferring 12.3 acres downstream to irrigate more productive pasture ground. Water will come from an authorized POD on Fox Creek and will be delivered by a pipeline installed adjacent to an open ditch. These proposed actions and any restoration efforts (passive or active) that may result as a part of this transfer will benefit the overall ecological function in the Fox Creek watershed. Specifically, encouraging livestock off of Fox Creek addresses the following habitat limiting factors: altered sediment routing, degraded water quality, degraded riparian vegetation, and altered hydrology.

Additionally, converting the delivery system from open conveyance to pipeline will decrease the amount of water lost to evaporation and other inefficiencies. This will increase cold water deliveries to Fox Creek, critical habitat to spawning, rearing, and migrating ESA listed Middle Columbia River Steelhead and spring run Chinook salmon, as more water is made available to soils for storage and release in drier months.

The NFJDWC's mission is to plan, fund, and implement programs that protect the health of our watershed and provide long-term stability for the individuals and communities that rely on the watershed's natural resources. We are committed to working with and assisting the Humphreys as they navigate the various organizations and agencies to address their resource concerns. We look forward to continued partnership with Kirk and Regena as we work towards our common goals of a healthy watershed to sustain local working lands and native fish and wildlife populations. Please feel free to contact me if you have questions.

All the best,

Kristen Walz
Restoration Program Coordinator
North Fork John Day Watershed Council
541-421-3018

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

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Applicant(s): Kirk and Regena Humphrey

Mailing Address: P. O. Box 354

City: Mt. Vernon

State: OR

Zip Code: 97865

Daytime Phone: 541-932-4231 **OWRD**

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>SEE</u>	<u>ATTACHED</u>	☐ Diverted ☐ Conveyed ☐ Used	_____
_____	_____	_____	_____	_____	_____	☐ Diverted ☐ Conveyed ☐ Used	_____
_____	_____	_____	_____	_____	_____	☐ Diverted ☐ Conveyed ☐ Used	_____
_____	_____	_____	_____	_____	_____	☐ Diverted ☐ Conveyed ☐ Used	_____

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

Grant 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) Fox Creek

Estimated quantity of water needed: 0.31 ☒ cubic feet per second ☐ gallons per minute ☐ acre-feet

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

Briefly describe:

We propose to transfer 12.3 acres approximately 1/2 mile to better ground.

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. →

Land Use Information Form

Attachment

Land and Location

Township	Range	Section	1/4 1/4	Tax Lot	Plan Designation	diverted	water to be conveyed	used	proposed land use
11S	29E	1	NWSE	300	EFU		X	X	
11S	29E	1	NESE	300	EFU		X	X	
11S	30E	6	NWSW	1000	EFU		X		
11S	30E	6	NESW	1000	EFU		X		
11S	30E	6	SESW	1000	EFU		X		
11S	30E	6	SWSE	1000	EFU		X		
11S	30E	6	SWSE	1100	EFU		X		
11S	30E	6	NWSE	600	EFU	X	X		

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☒ Land uses to be served by the proposed water use (including proposed construction) are allowed outright or are not regulated by your comprehensive plan. Cite applicable ordinance section(s):
Article 64 Grant County Land Development Code

Name: Shannon Springer Title: Planning Director
 Signature: [Signature] Phone: 541-575-1519 Date: 4/28/20
 Government Entity: Grant County Planning Department

13481

11-29 TL300
11-30 TL 1000
11-30 TL 1100
11-30 TL 6000

For Local Government Use Only

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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.

OWRD

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): Art 6.4 Grant Co Land Dev Code
- ☐ Land uses to be served by the proposed water uses (including proposed construction) involve discretionary land-use approvals as listed in the table below. (Please attach documentation of applicable land-use approvals which have already been obtained. Record of Action/land-use decision and accompanying findings are sufficient.) If approvals have been obtained but all appeal periods have not ended, check "Being pursued."

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

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

Irrigation is an allowable use.

Name: Shannon Springer Title: Planning Director
Signature: Shannon Springer Phone: 541-575-1519 Date: 4/28/20
Government Entity: Grant County

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

Receipt for Request for Land Use Information

Applicant name: _____
City or County: _____ Staff contact: _____
Signature: _____ Phone: _____ Date: _____



13481

2000 ft

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IMAGERY DATE 8-19-2016

Google Earth

Regular Temporary Water Right Transfer Application Checklist

Checked by John

Date 7/1/20

A temporary transfer must be for a change in place of use. A temporary change in POD/POA or APOD/APOA cannot be accepted as a stand-alone change.

A change in POD/POA can accompany the temporary change in place of use, only if the proposed temporary POD/POA is supplying water to the proposed temporary place of use.

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

- ☒ 1. Page 1 of application: Are all attachments that have been checked actually included?
If not, what is missing? _____
- ☒ 2. Are fees included and correct?
If not, the correct fee would be: _____, so the amount missing is: _____
- ☒ 3. Part 4 of application: Have all the applicants listed at the top of the page signed at the bottom?
If not, whose signature is missing? _____
- ☒ 4. Are all listed certificates 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.
- ☒ 5. If any certificate is in the name of a "district", is a Supplemental Form D from that district enclosed?
☒ N/A ☐ Form D needed from _____ (district)
- 6. If all #1-#5 boxes on this checklist are checked (with no remaining deficiencies identified), accept the application. Put this check sheet in the transfer folder.

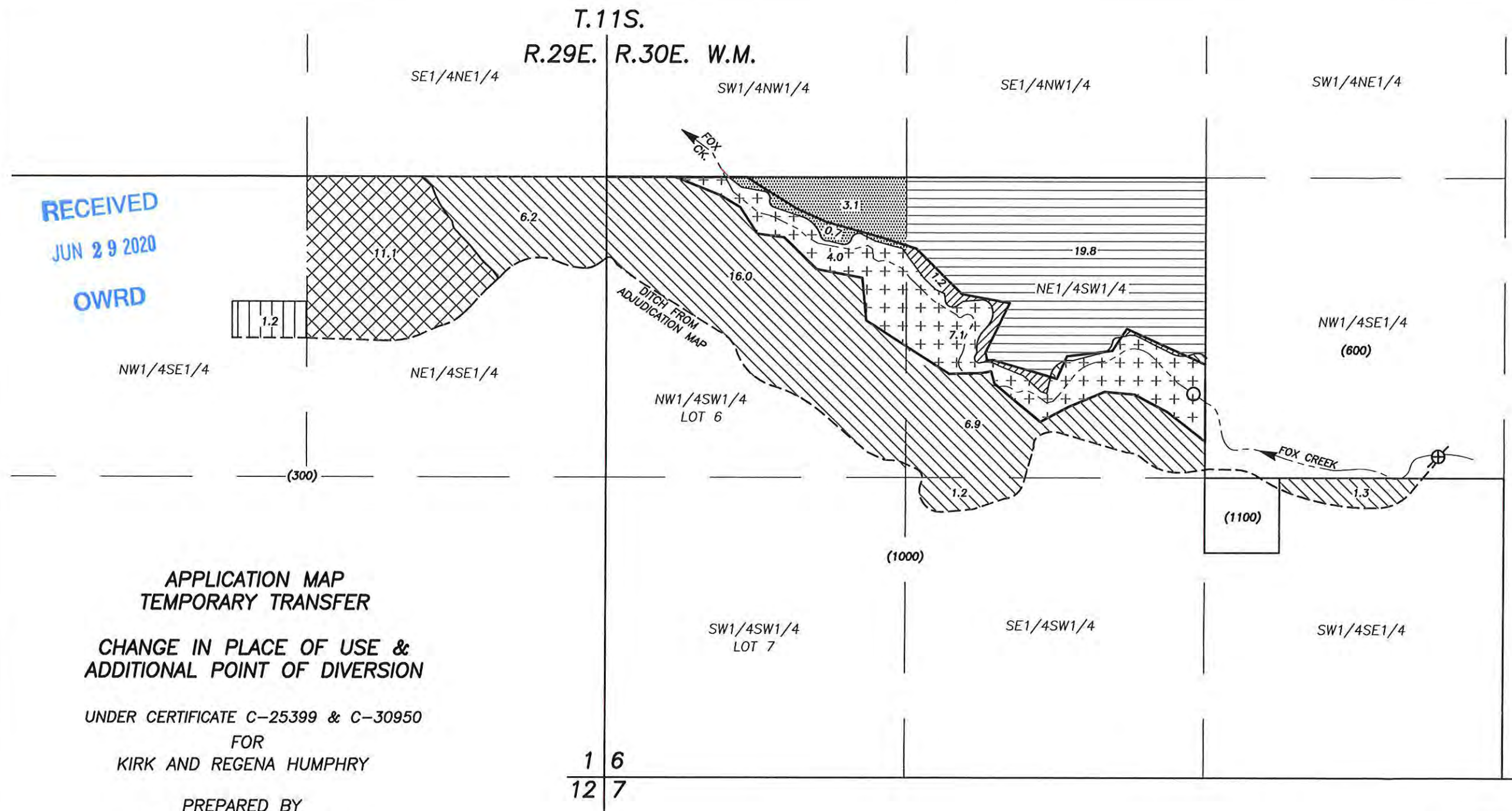
If #1, #2, #3, #4 or #5 on this checklist is deficient, the application cannot be accepted. It should be returned and the deficiencies listed in the "staff" section at the bottom of Application Page 1, unless the applicant or agent can resolve the deficiencies within 2-3 days.

5yr temp

**Oregon Water Resources Department**
Transfer Fee Calculation for Temporary Transfer[Main](#) [Help](#)
[Return](#) [Contact Us](#)

Today's Date: Wednesday, July 1, 2020	Fee Calculation
Base Fee (includes temporary change to one water right for up to 1 cfs) Fill in information below-- Check each box that applies.	\$810.00
Enter total number of water rights included in transfer. 2	\$260.00
☐ Check this box if you propose to change the place of use for a NON-irrigation use.	
☒ Check this box if you propose to change the place of use for an irrigation use.	
Enter the number of acres in the footprint of the place of use to be transferred. 12.3 (If a supplemental certificate also covers the same land as an included primary right, count the acreage only once.)	\$28.29
Total Transfer CFS(rounded up to the next whole cfs):	
Subtotal:	\$1,098.29
☐ The transfer is necessary to complete a project funded by the Oregon Watershed Enhancement Board (OWEB) under ORS 541.932.	
☐ The transfer is endorsed in writing by ODFW as a change that will result in a net benefit to fish and wildlife habitat.	
Discount:	
☐ Check the box if you are submitting the application and map in a digital format.	
Transfer Fee:	\$1,098.29
Return to Edit Clear	

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SCALE: 1" = 500'

APPLICATION MAP
TEMPORARY TRANSFER

CHANGE IN PLACE OF USE &
ADDITIONAL POINT OF DIVERSION

UNDER CERTIFICATE C-25399 & C-30950
FOR
KIRK AND REGENA HUMPHRY

PREPARED BY
ROBERT D. BAGETT, PLS, CWRE
217 N. CANYON BLVD.
JOHN DAY, OREGON
(541) 575-1251

APRIL 24, 2020



RENEWS: 12/31/2021

1 6
12 7

- | | |
|---|---|
| FROM LANDS: C-25399
PRIORITY DATE: 1882 | TO LANDS: C-25399 |
| FROM LANDS: C-30950
PRIORITY DATE: 1959 | TO LANDS: C-30950
PRIMARY |
| REMAINING RIGHT C-25400 | REMAINING RIGHT: C-30950
NOT A PART OF THIS TRANSFER |
| REMAINING RIGHT: C-25399
NOT A PART OF THIS TRANSFER | |

- ⊕ AUTHORIZED POD #1 C-25399
IN NW1/4SE1/4 SEC. 6 T.11S., R.30E.
PER ADJUDICATION MAP
N.44°38'16.9", W.119°09'14.5"
- AUTHORIZED POD #2 C-30950
IN NE1/4SW1/4 SEC. 6 T.11S., R.30E.
PER FINAL PROOF SURVEY
- ⊙ PROPOSED APOD AT POD #1 C-30950
IN NW1/4SE1/4 SEC. 6 T.11S., R.30E.
PER ADJUDICATION MAP

- DITCH & PROPOSED PIPELINE
- () TAX LOT

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