



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

Application for Water Right Transfer

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

1. TYPE OF TRANSFER APPLICATION

Please check one		
<input checked="" type="checkbox"/> Permanent Transfer <input type="checkbox"/> Temporary Transfer (1 to 5 yrs.) • total number of years: _____ (begin year: _____) (end year: _____)	<input type="checkbox"/> Instream Transfer <input type="checkbox"/> Permanent <input type="checkbox"/> Time-Limited <input type="checkbox"/> Drought Transfer <input type="checkbox"/> Other	Is this project fully or partially funded by the American Recovery and Reinvestment Act? (Federal stimulus dollars) <input type="checkbox"/> Yes <input type="checkbox"/> No

2. APPLICANT INFORMATION

Name: Helen Davidson

Address: 2311 W. 16th Avenue #89

City: Spokane State: WA Zip: 99224

Home Phone: 509-747-6057 Work Phone: N/A Other Phone: N/A

Fax: N/A E-Mail address: N/A

3. AGENT INFORMATION

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

Name: N/A

Address: N/A

City: N/A State: Zip:

Home Phone: Work Phone: Other Phone:

Fax: E-Mail address:

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

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

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

	Application / Decree	Permit / Previous Transfer	Certificate
1.	John Day Decree	-	24925
2.	E-218	E-15	48411
3.		-	
4.		-	
5.		-	
6.		-	

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

Reason(s) for change(s): To better irrigate lands more efficiently without ditch loss.

5. WATER DELIVERY SYSTEM

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

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

Water is delivered by two existing pump stations on Cottonwood Creek then through 4 inch aluminum pipes.

- System capacity: C-24925=1.00 cfs & C-48441=1.13 cubic feet per second (cfs). If the transfer involves multiple rights that have independent systems, describe the capacity for each system separately.

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6. EVIDENCE OF BENEFICIAL WATER USE

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

7. AFFECTED DISTRICTS

- Are any of the water rights proposed for transfer located within or served by an irrigation or other water district? Yes No
- Will any of the water rights be located within or served by an irrigation or other water district after the proposed transfer? Yes No
- Is water for any of the rights supplied under a water service agreement or other contract for stored water with a federal agency or other entity? Yes No

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

8. LOCAL GOVERNMENTS

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

Grant County

200 South Humbolt

Canyon City, OR 97820

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SALEM, OREGON

T 10934

9. LAND OWNERSHIP

- Does the applicant own the lands where the portion of water right proposed for transfer is currently located? Yes No

*If "No", provide the following information. For Temporary Transfers, also include a **notarized statement granting consent** to the transfer from **each** of the landowners (for Permanent Transfers see Section 12(c)):*

Names of Current Landowner(s): N/A

Address: _____

City: _____ State: __ Zip: _____

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

If "No", provide the following information:

Names of Receiving Landowner(s): N/A

Address: _____

City: _____ State: __ Zip: _____

Check **one** of the following:

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

10. Other Remarks (optional)

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T 10934

11. ATTACHMENTS

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

Supplemental Form A –

Description of Proposed Change(s) to a Water Right

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

Supplemental Form B –

Evidence of Use Affidavit(s)

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

Map

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

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

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

Land Use Information For Proposed Changes:

For Instream Transfers:

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

For All Other Transfers:

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

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Fees:

- Amount enclosed: \$1,300.00 WATER RESOURCES DEPT
See the Department's Fee Schedule at SALEM, OREGON
www.wrd.state.or.us or call (503) 986-0900.

Instream Water Right Transfers, also include:

Supplemental Form C –

Instream Water Right Transfer

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

Temporary Transfers, also include:

Recorded Deed:

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

Affidavit of Consent:

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

T 10934

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

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

12. SIGNATURES

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

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

- (a) A report of ownership and lien information that has been prepared by a title company *within the last three months*;
- (b) A copy of written notification of the proposed transfer provided by the applicant to **all** lien holders on the subject lands unless the report of ownership and lien information shows that a water right conveyance agreement has been recorded for the subject lands. *If a water right conveyance agreement has been recorded for the subject lands, a copy of the agreement and identification of the owner of the lands at the time the agreement was recorded must be submitted; and*

If the landowner identified in the report of ownership and lien information is **not** the applicant, a notarized statement consenting to the transfer (*attached*) signed by the landowner identified in the report or an authorized representative of the entity to whom the interest in the water right has been conveyed as identified in a water right conveyance agreement or other documentation demonstrating that the applicant is authorized to pursue the transfer in the absence of the consent of the landowner.

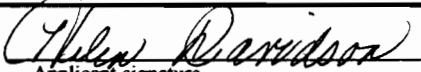
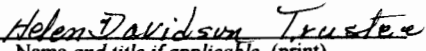
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- I (we) affirm that interest in the water right has been conveyed to someone other than the landowner, and documents, including a water right conveyance agreement, report of ownership and lien information, and any required lienholder notification are enclosed, demonstrating that I am (we are) authorized to pursue the transfer. I (we) understand that we may be required to provide additional information upon receipt of the draft Preliminary Determination.
- I (we) affirm that the applicant is a municipality, as defined in ORS 540.510(3)(b), and that the right is in the name of the municipality or a predecessor. Therefore, pursuant to OAR 690-380-3000(13)(b), the applicant is **NOT** required to provide the above described report of ownership and lien information.
- I (we) affirm that the applicant is an entity with the authority to condemn property and is acquiring the property to which the water right proposed for transfer is appurtenant by condemnation. Documentation is provided with this application supporting this statement. Therefore, pursuant to OAR 690-380-3000(13)(c), the applicant is **NOT** required to provide the above described report of ownership and lien information. (NOTE: Such an entity may only apply for a transfer under this subsection if it has filed a condemnation action to acquire the property.
- I (we) affirm that this is a temporary transfer and a copy of the deed for the "from" land (and affidavits of consent from any other landowners, if applicable) is enclosed.

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

 Applicant signature	 Name and title if applicable (print)	<u>7-27-09</u> Date
_____ Applicant signature	_____ Name and title if applicable (print)	_____ Date

T 10934



Oregon

Theodore R. Kulongoski, Governor

Water Resources Department

Watermaster Dept., District 4
201 S. Humbolt St., Suite 180
Grant County Courthouse
Canyon City, OR 97280
Ph: 541-575-0119
Fax: 541-575-0641

7/13/2009

Attn: Transfer Division
Oregon Water Resources Department
725 Summer Street, N.E. Suite A
Salem, Oregon 97301

RE: Helen Davidson Application for Transfer of Additional Points of Diversion

To whom it may concern,

Helen Davidson is submitting a transfer to request additional points of diversions for two water rights associated with her property as a result of regulation activities by the Dist. 4 Watermaster's Office on the Cottonwood Creek system a tributary of the North Fork of the John Day River. As a result of the regulation activities on the system it was noted that Ms. Davidson was using inappropriate points of diversions to irrigate her property. Ms. Davidson has agreed to file the necessary paperwork to make the points of diversion she has been using for years "legal".

Upon assisting Ms. Davidson with the water rights research for her property we noted a discrepancy with the location of the authorized lands and the location of the fields on the ground. An aerial photo overlay with ArcGis software revealed that the adjudicated map was shifted to the east placing some of the lands on the hills to the east of the fields. We noted from CWRE Robert Bagett that there is not a discrepancy on the total number of acres irrigated once a survey was conducted on the lands for C-24925 in 2009. The only discrepancy appears to be the easterly shift in the acres.

The E-15 permit map for C-48441 revealed a gross discrepancy for the location of the lands covered under this water right. It appears that no final proof survey was conducted on this permitted water right which further complicated trying to determine the location of the acres authorized under C-48441. Upon walking the ground and inspecting the remnants of the old ditch ("Beymer Ditch"), it is my opinion that more acres were certified than what were actually used. As a result of this transfer Ms. Davidson proposes to cancel the "Non-used" acres under C-48441 that in her recollection were never used or "proved up on". I believe that the survey for this transfer and this transfer will more accurately describe the location of the acres authorized under C-48441 as a result of the better surveying technology today.

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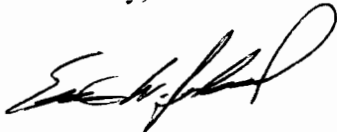
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1 10934



It is my belief that these particular water rights are a candidate for clarification of the place of use to more accurately describe their location on the ground. The area where the places of use for these water rights are located is bordered by steep canyon walls on the easterly and westerly boundaries. This area has not had much survey activity over the past several years and I believe the State Engineer's survey and the application permit map were accurate to the best of the ability of the surveyor's at the time. The general shape of the fields represented on the paper water right maps can be seen on the ground visually and I believe that the State Engineer's survey accurately depicted the appropriate shape and size of the intended place of use but unfortunately didn't describe the place of use as accurately as we can today.

Sincerely,



Eric W. Julsrud
Oregon Water Resources Department
Watermaster District 4

Cc: Cottonwood Creek Regulation File

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Water Right Transfer Supplemental Form A

DESCRIPTION OF PROPOSED CHANGE(S) TO A WATER RIGHT

List only one water right per page. A separate Supplemental Form A must be completed for each certificate, permit, decree, or other right involved in the proposed transfer.

Attach additional copies of Supplemental Form A as needed to describe other certificates, permits, decrees or other rights involved in this transfer.

▪ Certificate Number or other identifying number: C-24925 _____

1. TYPE OF CHANGE(S) PROPOSED

(Check *all* that apply.)

Point of Diversion or Appropriation	Place of Use	Character of Use
<input type="checkbox"/> Change (The old point of diversion or appropriation will <u>not</u> be used for the portion of the water right affected by the transfer.) <input checked="" type="checkbox"/> Additional (Both the old <i>and</i> new points of diversion or appropriation will be used for the portion of the water right affected by the transfer.) <input checked="" type="checkbox"/> Historic Point of Diversion or Appropriation Change (Unauthorized point of diversion or appropriation used for more than 10 years.) <input type="checkbox"/> Surface Water to Ground Water (A new point of appropriation will be used instead of the old point of diversion. The old point of diversion will <u>not</u> be used.) <input type="checkbox"/> Point of Diversion Change due to Government Action (The old point of diversion or appropriation can no longer be used due to government action.) <input type="checkbox"/> Exchange (Water from another source will be used in exchange for supplying an equal amount of replacement water to that source.)	<input type="checkbox"/> All of the right will be exercised at a different location than currently authorized (Use of water at the current location will be discontinued.) <input type="checkbox"/> Only a portion of the right will be exercised at a different location than currently authorized (Use of water at the current location will be discontinued.)	<p>Proposed new use:</p> <input checked="" type="checkbox"/> Irrigation <input type="checkbox"/> Municipal <input type="checkbox"/> Quasi-municipal <input type="checkbox"/> Commercial <input type="checkbox"/> Industrial <input type="checkbox"/> Instream (complete and attach <i>Supplemental Form C</i>) <input type="checkbox"/> Domestic (indicate number of households) _____ <input type="checkbox"/> Other _____ <input type="checkbox"/> Substitution (A supplemental ground water right will be substituted for a primary surface water right.) <input type="checkbox"/> Supplemental Use to Primary Use (Primary water right shall be cancelled and the supplemental water right will change to primary use.)

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SALEM, OREGON

T 10934

2. CURRENT WATER RIGHT INFORMATION

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

<input checked="" type="checkbox"/> Certified Right	C-24925	John Day River Decree
	Certificate Number	Permit Number or Decree Name
<input type="checkbox"/> Adjudicated, Non-certificated Right		
	Name of Decree	Page Number
<input type="checkbox"/> Permit for which Proof has been Approved		
	Permit Number	Date Claim of Beneficial Use Submitted
<input type="checkbox"/> Transferred Right for which Proof has been Filed		
	Previous Transfer Number	Date Claim of Beneficial Use Submitted

- Name on Permit, Certificate, or Decree: Guy Boyer
- County: Grant
- Authorized Use(s) to be Affected by Transfer: Irrigation
- Priority Date(s): 1906

If there are multiple Priority Dates identified on the water right, any information provided on pages 3 through 6 of this form must identify which priority date is associated with each of the authorized and proposed points of diversion or appropriation and places of use.

- Source(s) of Water to be Affected by Transfer: Cottonwood Creek

Tributary to: North Fork John Day River

If there are multiple Sources listed on the water right, any information provided on pages 3 through 6 of this form must identify which source is associated with each of the authorized and proposed points of diversion or appropriation and places of use.

For applications proposing a Change in Place of Use or Character of Use:

- Are there **Other Water Rights**, Permits or Ground Water Registrations associated with this land?
 - Yes No N/A – No Change in Place of Use or Character of Use

If "Yes", what are the Permit, Registration or Certificate Numbers? _____

Pursuant to ORS 540.510, any "layered" water use or a right that is supplemental to a primary right proposed for transfer must be included in the transfer or be cancelled, except as provided in OAR 690-380-2240(5).

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SALEM, OREGON

T 10934

▪ Certificate Number or other identifying number: C-24925

*The following information **must be provided only** for those points of diversion or appropriation that are involved in the transfer (i.e., list only the portion of the water right you propose to transfer.) Attach additional pages as necessary.*

*Government lot and donation land claim numbers must be included in the tables below **only** if the information is reflected on the existing water right.*

Location of Existing Authorized Point(s) of Diversion or Appropriation to be Changed:

(i.e., the allowed point(s) of diversion or appropriation listed on the water right that will be affected by the proposed transfer, the "FROM" point(s) of diversion or appropriation)

If Ground Water, OWRD Well Log ID No. (or Well ID Tag No. L-____)	Source and Priority Date	Township	Range	Mer	Sec	¼ ¼	Tax Lot, DLC or Gov't Lot	Survey Coordinates (coordinates from a recognized survey corner)
	Cottonwood Creek 1906	9S	28E	wm	30		Govt Lot 1	Not Available

▪ Does the water right being transferred involve a ground water source(s)?

Yes No (Surface water source only.)

If "Yes", for each authorized point of appropriation (well) involved, you must either:

A. *Supply a copy of the well log(s) for each point of appropriation that is **clearly labeled** and associated with the corresponding well in the table above and on the accompanying application map. (NOTE: You may search for well logs on the Department's web page at: <http://www.wrd.state.or.us>)*

or

B. *If a well log is **not** available, you must describe the construction of the authorized point of appropriation by completing the table below. Attach additional copies as necessary.*

Construction of Existing Authorized Point(s) of Appropriation – (Only needed if no well log is available.)

*Wells in this listing must be **clearly tied** to corresponding well location(s) described in the table above and shown on the accompanying application map.*

OWRD Well No. as identified in table above	Diameter	Type and size of casing	No. of feet of casing	Intervals casing is perforated (in feet)	Seal depth	Est. depth to water	Est. depth to water bearing stratum	Type of access port or measuring device	Total well depth

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JUL 29 2009

WATER RESOURCES DEPT
SALEM, OREGON

OWRD Well No. as identified in table above	Diameter	Type and size of casing	No. of feet of casing	Intervals casing is perforated (in feet)	Seal depth	Est. depth to water	Est. depth to water bearing stratum	Type of access port or measuring device	Total well depth
--	----------	-------------------------	-----------------------	--	------------	---------------------	-------------------------------------	---	------------------

▪ Certificate Number or other identifying number: C-24925

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

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

If "No", the following information **must be provided only** for those places of use that are involved in the transfer (i.e., list only the portion of the water right to be affected by the change.) Attach additional pages as necessary.

Government lot and donation land claim numbers must be included in the tables below **only** if the information is reflected on the existing water right.

Location of Existing Authorized Place of Use to be Affected:

(i.e., the allowed lands listed on the water right that will be affected by the proposed transfer, the "FROM" lands)

Source and Priority Date	Township	Range	Mer	Sec	¼ ¼ Section	Tax Lot, DLC or Gov't Lot	Acres (if applicable)
Cottonwood Creek	9S	28E	wm	19	NE NW	TL# 1400	4.5
Cottonwood Creek	9S	28E	wm	19		Govt Lot 2	5.6
Cottonwood Creek	9S	28E	wm	19	SE NW	TL# 1400	7.0
Cottonwood Creek	9S	28E	wm	19	NE SW	TL# 1400	10.5
Cottonwood Creek	9S	28E	wm	19		Govt Lot 3	0.6
Cottonwood Creek	9S	28E	wm	19		Govt Lot 4	7.1
Cottonwood Creek	9S	28E	wm	19	SE SW	TL# 1400	3.2
Cottonwood Creek	9S	28E	wm	19		Govt Lot 1	1.5

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SALEM, OREGON

T 10984

Source and Priority Date	Township	Range	Mer	Sec	¼ ¼ Section	Tax Lot, DLC or Gov't Lot	Acres (if applicable)
Certificate Number or other identifying number: <u>C-24925</u>							

3. PROPOSED CHANGES TO THE WATER RIGHT

Describe proposed changes to the water right involving point(s) of diversion and/or appropriation. Survey coordinates described below should accurately correspond to the points shown on the accompanying application map. Attach additional pages as necessary.

Location of Proposed Point(s) of Diversion or Appropriation:

(i.e., the "TO" point(s) of diversion or appropriation)

N/A – Instream Water Right Transfer

(NOTE: Complete this table only if a Change in Point of Diversion or Appropriation is being proposed.)

Source	Township	Range	Mer	Sec	¼ ¼ Section	Tax Lot, DLC or Gov't Lot	Survey Coordinates (coordinates from a recognized survey corner)
Cottonwood Creek	9S	28E	wm	19		Govt Lot 2	POD #2 = 1210 ft. N. & 4270 ft. W. of E1/4 Cor. Section 19
Cottonwood Creek	9S	28E	wm	19		Govt Lot 3	POD # 3= 760 ft. S. & 4410 ft. W. of E1/4 Cor. Section 19

- If there are proposed point(s) of appropriation (wells) listed in the table above, are the well(s) already constructed? Yes No N/A - No proposed well(s) listed above.

If "Yes", attach and clearly label the corresponding well log(s) for each proposed well, or if well log(s) are not available, describe the construction of the well(s) using the table below. (NOTE: You may search for well logs on the Department's web page at: <http://www.wrd.state.or.us>)

If "No", describe the anticipated construction for the proposed well(s) in the following table:

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Construction of Proposed Point(s) of Appropriation or Well(s)

Well numbers in this listing must be clearly tied to corresponding well location(s) described in the table above and shown on the accompanying application map.

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Well already built? (Yes/No)	If an existing well, OWRD Well Log ID No. (or Well ID Tag No. L-)	Diameter	Type and size of casing	No. of feet of casing	Intervals casing is perforated (in feet)	Seal depth	Est. depth to water	Est. depth to water bearing stratum	Type of access port or measuring device	Total well depth

▪ Certificate Number or other identifying number: C-24925

Describe proposed changes to the water right involving place of use. Information described below should accurately correspond to the proposed place of use shown on the accompanying application map. Attach additional pages as necessary.

Location of Proposed Place of Use: *(i.e., the "TO" lands)* *N/A – Instream Water Right Transfer*
(NOTE: Complete this table only if a Change in Place of Use is being proposed.)

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SALEM, OREGON

Source	Township	Range	Mer	Sec	$\frac{1}{4}$ $\frac{1}{4}$ Section	Tax Lot, DLC or Gov't Lot	Acres (if applicable)

Remarks: The State Engineer survey appears to be shifted in an easterly direction from the actual survey conducted for this transfer. The current survey better represents the place of use authorized under C-24925. The State Engineer survey places some of the authorized place of use on the hills to the east of the actual fields. No surveys in area for the subdivision of section 19.

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SALEM, OREGON

T 10284

Water Right Transfer Supplemental Form A
DESCRIPTION OF PROPOSED CHANGE(S) TO A WATER RIGHT

List only one water right per page. A separate Supplemental Form A must be completed for each certificate, permit, decree, or other right involved in the proposed transfer.

Attach additional copies of Supplemental Form A as needed to describe other certificates, permits, decrees or other rights involved in this transfer.

▪ Certificate Number or other identifying number: C-48441

1. TYPE OF CHANGE(S) PROPOSED

(Check *all* that apply.)

Point of Diversion or Appropriation	Place of Use	Character of Use
<input type="checkbox"/> Change (The old point of diversion or appropriation will <u>not</u> be used for the portion of the water right affected by the transfer.) <input checked="" type="checkbox"/> Additional (Both the old <i>and</i> new points of diversion or appropriation will be used for the portion of the water right affected by the transfer.) <input checked="" type="checkbox"/> Historic Point of Diversion or Appropriation Change (Unauthorized point of diversion or appropriation used for more than 10 years.) <input type="checkbox"/> Surface Water to Ground Water (A new point of appropriation will be used <u>instead</u> of the old point of diversion. The old point of diversion will <u>not</u> be used.) <input type="checkbox"/> Point of Diversion Change due to Government Action (The old point of diversion or appropriation can no longer be used due to government action.) <input type="checkbox"/> Exchange (Water from another source will be used in exchange for supplying an equal amount of replacement water to that source.)	<input type="checkbox"/> All of the right will be exercised at a different location than currently authorized (Use of water at the current location will be discontinued.) <input type="checkbox"/> Only a portion of the right will be exercised at a different location than currently authorized (Use of water at the current location will be discontinued.)	Proposed new use: <input checked="" type="checkbox"/> Irrigation <input type="checkbox"/> Municipal <input type="checkbox"/> Quasi-municipal <input type="checkbox"/> Commercial <input type="checkbox"/> Industrial <input type="checkbox"/> Instream (complete and attach <i>Supplemental Form C</i>) <input type="checkbox"/> Domestic (indicate number of households) _____ <input type="checkbox"/> Other _____ <input type="checkbox"/> Substitution (A supplemental ground water right will be substituted for a primary surface water right.) <input type="checkbox"/> Supplemental Use to Primary Use (Primary water right shall be cancelled and the supplemental water right will change to primary use.)

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T 10934

2. CURRENT WATER RIGHT INFORMATION

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

<input checked="" type="checkbox"/> Certified Right	<u>C48441</u>	<u>E-15</u>
	Certificate Number	Permit Number or Decree Name
<input type="checkbox"/> Adjudicated, Non-certificated Right	_____	_____
	Name of Decree	Page Number
<input type="checkbox"/> Permit for which Proof has been Approved	_____	_____
	Permit Number	Date Claim of Beneficial Use Submitted
<input type="checkbox"/> Transferred Right for which Proof has been Filed	_____	_____
	Previous Transfer Number	Date Claim of Beneficial Use Submitted

- Name on Permit, Certificate, or Decree: James W. Beymer, T.J. Merrill, Lawrence Sweek, J.C. Owen
- County: Grant
- Authorized Use(s) to be Affected by Transfer: Irrigation
- Priority Date(s): August 5, 1909

If there are multiple Priority Dates identified on the water right, any information provided on pages 3 through 6 of this form must identify which priority date is associated with each of the authorized and proposed points of diversion or appropriation and places of use.

- Source(s) of Water to be Affected by Transfer: Cottonwood Creek

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Tributary to: North Fork John Day River

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If there are multiple Sources listed on the water right, any information provided on pages 3 through 6 of this form must identify which source is associated with each of the authorized and proposed points of diversion or appropriation and places of use.

For applications proposing a Change in Place of Use or Character of Use:

- Are there **Other Water Rights**, Permits or Ground Water Registrations associated with this land?

Yes No N/A – No Change in Place of Use or Character of Use

If "Yes", what are the Permit, Registration or Certificate Numbers? _____

Pursuant to ORS 540.510, any "layered" water use or a right that is supplemental to a primary right proposed for transfer must be included in the transfer or be cancelled, except as provided in OAR 690-380-2240(5).

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▪ Certificate Number or other identifying number: C-48441

The following information **must be provided only** for those points of diversion or appropriation that are involved in the transfer (i.e., **list only the portion of the water right you propose to transfer.**) Attach additional pages as necessary.

Government lot and donation land claim numbers must be included in the tables below **only** if the information is reflected on the existing water right.

Location of Existing Authorized Point(s) of Diversion or Appropriation to be Changed:

(i.e., the allowed point(s) of diversion or appropriation listed on the water right that will be affected by the proposed transfer, the "FROM" point(s) of diversion or appropriation)

If Ground Water, OWRD Well Log ID No. (or Well ID Tag No. L-___)	Source and Priority Date	Township	Range	Mer	Sec	¼ ¼	Tax Lot, DLC or Gov't Lot	Survey Coordinates (coordinates from a recognized survey corner)
	Cottonwood Creek 1906	9S	28E	wm	30		Govt Lot 1	Not Available

- Does the water right being transferred involve a ground water source(s)?
 Yes No (Surface water source only.)

If "Yes", for each authorized point of appropriation (well) involved, you must either:

A. Supply a copy of the well log(s) for each point of appropriation that is **clearly labeled** and associated with the corresponding well in the table above and on the accompanying application map. (NOTE: You may search for well logs on the Department's web page at: <http://www.wrd.state.or.us>)

or

B. If a well log is **not** available, you must describe the construction of the authorized point of appropriation by completing the table below. Attach additional copies as necessary.

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Construction of Existing Authorized Point(s) of Appropriation – (Only needed if no well log is available.)

Wells in this listing must be **clearly tied** to corresponding well location(s) described in the table above and shown on the accompanying application map.

OWRD Well No. as identified in table above	Diameter	Type and size of casing	No. of feet of casing	Intervals casing is perforated (in feet)	Seal depth	Est. depth to water	Est. depth to water bearing stratum	Type of access port or measuring device	Total well depth

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OWRD Well No. as identified in table above	Diameter	Type and size of casing	No. of feet of casing	Intervals casing is perforated (in feet)	Seal depth	Est. depth to water	Est. depth to water bearing stratum	Type of access port or measuring device	Total well depth

▪ Certificate Number or other identifying number: C-48441

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

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

If "No", the following information **must be provided only for those places of use that are involved in the transfer (i.e., list only the portion of the water right to be affected by the change.)**

Attach additional pages as necessary.

Government lot and donation land claim numbers must be included in the tables below **only if** the information is reflected on the existing water right.

Location of Existing Authorized Place of Use to be Affected:

To be

Source and Priority Date	Township	Range	Mer	Sec	¼ ¼ Section	Tax Lot, DLC or Gov't Lot	Acres (if applicable)
Cottonwood Creek	9S	28E	wm	18	NE NW	TL# 1400	8.0 Not found. 8.0 To be cancelled.
Cottonwood Creek	9S	28E	wm	18	SE NW	TL#1400	6.0 1.0 To be cancelled.
Cottonwood Creek	9S	28E	wm	18	NE SW	TL# 1400	12.0 2.0 To be cancelled.
Cottonwood Creek	9S	28E	wm	18	SE SW	TL# 1400	11.1 3.7 To be cancelled
Cottonwood Creek	9S	28E	wm	19	NE NW	TL#1400	7.0
Cottonwood Creek	9S	28E	wm	19	NE SW	TL#1400	2.12 Not found. 2.12 To be cancelled
Cottonwood Creek	9S	28E	wm	19		Govt Lot 1	0.3

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Source and Priority Date	Township	Range	Mer	Sec	¼ ¼ Section	Tax Lot, DLC or Gov't Lot	Acres (if applicable)
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- Certificate Number or other identifying number: C-48441

3. PROPOSED CHANGES TO THE WATER RIGHT

Describe proposed changes to the water right involving point(s) of diversion and/or appropriation. Survey coordinates described below should accurately correspond to the points shown on the accompanying application map. Attach additional pages as necessary.

Location of Proposed Point(s) of Diversion or Appropriation:

(i.e., the "TO" point(s) of diversion or appropriation)

N/A - Instream Water Right Transfer

(NOTE: Complete this table only if a Change in Point of Diversion or Appropriation is being proposed.)

Source	Township	Range	Mer	Sec	¼ ¼ Section	Tax Lot, DLC or Gov't Lot	Survey Coordinates (coordinates from a recognized survey corner)
Cottonwood Creek	9S	28E	wm	18		Govt Lot 4	POD #1=4810 ft N. & 3820 ft W. of E1/4 Cor. Section 19
Cottonwood Creek	9S	28E	wm	19		Govt Lot 1	POD #2= 1210 ft N. & 4270 ft W. of E1/4 Cor. Section 19

- If there are proposed point(s) of appropriation (wells) listed in the table above, are the well(s) already constructed? Yes No *N/A - No proposed well(s) listed above.*

*If "Yes", attach and clearly label the corresponding well log(s) for each proposed well, or if well log(s) are **not** available, describe the construction of the well(s) using the table below. (NOTE: You may search for well logs on the Department's web page at: <http://www.wrd.state.or.us>)*

T 10934

If "No", describe the anticipated construction for the proposed well(s) in the following table:

Construction of Proposed Point(s) of Appropriation or Well(s)

Well numbers in this listing must be clearly tied to corresponding well location(s) described in the table above and shown on the accompanying application map.

Well already built? (Yes/No)	If an existing well, OWRD Well Log ID No. (or Well ID Tag No. L-)	Diameter	Type and size of casing	No. of feet of casing	Intervals casing is perforated (in feet)	Seal depth	Est. depth to water	Est. depth to water bearing stratum	Type of access port or measuring device	Total well depth

▪ Certificate Number or other identifying number: C-48441

Describe proposed changes to the water right involving place of use. Information described below should accurately correspond to the proposed place of use shown on the accompanying application map. Attach additional pages as necessary.

Location of Proposed Place of Use: (i.e., the "TO" lands) N/A – Instream Water Right Transfer
 (NOTE: Complete this table only if a Change in Place of Use is being proposed.)

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T 10934

Source	Township	Range	Mer	Sec	¼ ¼ Section	Tax Lot, DLC or Gov't Lot	Acres (if applicable)

Remarks: The acres that will be cancelled is due to what was found on the ground during this current survey and due to the poor mapping of the permit map. Some of the area permitted was never irrigated, ie, the NE1/4NW1/4 Section 18.

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APPLICATION FOR WATER RIGHT TRANSFER C-48441

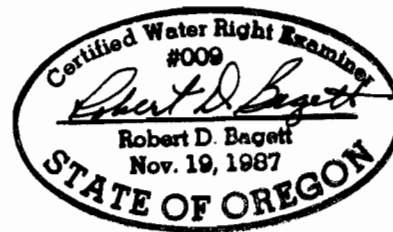
SUPPORTING DOCUMENTATION

Prepared by Robert D. Bagett, CWRE
July 13, 2009

COMPARRISON CHART SHOWING RECORD ACRES PER CERITIFICATE
C-48441 COMPARED TO ACRES FOUND IN CURRENT APPLICATION SURVEY
FOR TRANSFER WHICH IS BASED ON TIE TO EAST ¼ CORNER SECTION 19,
TWP.9 S., R.28 E W.M.

Township	Range	Mer	Sec	1/41/4 Sec	Gov't Lot	Per C-48441 Record Acres	Per Current Survey Acres
9S	28E	WM	18	NENW	N/A	8.00	0.0
9S	28E	WM	18	SESW	N/A	6.00	5.0
9S	28E	WM	18	NESW	N/A	12.00	10.0
9S	28E	WM	18	SESW	N/A	11.10	7.4
9S	28E	WM	19	NENW	N/A	6.00	7.0
9S	28E	WM	19	NESW	N/A	2.12	0.0
9S	28E	WM	19	N/A	Govt Lot 1	0.00	0.3

The difference in acreage may be explained by the fact that the Application Map shows a POD tie to the SE corner Section 24. No Final Proof Survey could be located, if it ever existed. This current survey is tied to the nearest known monumented corner at the E1/4 Section 19. The aliquot part lines of the sections have been drawn in accordingly. The shape of the irrigated fields located in this current survey closely match the shape shown on the Application Map, the current survey represents the aliquot part lines based on the found corner, which was remonumented from original GLO corner evidence.



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**AFFIDAVIT FOR THE PARTIAL CANCELLATION OF A
WATER RIGHT CERTIFICATE**

State of _____)
) ss
 County of _____)

I, Helen Davidson residing at 2311 W. 16th Avenue, #89, Spokane, WA, 99224, telephone 509-747-6057, being first duly sworn depose and say:

1. I am the legal owner of the property described as tax lot number 1400, within the W1/2 Section 18 and the W1/2 Section 19, Township 9 S, Range 28 E, of the Willamette Meridian, in Grant County, Oregon, as shown on the attached map and described in the attached deed and legal description and made part of this affidavit;

2. A portion of water right certificate number 48441 issued to James W. Beymer, T.J. Merrill, Lawrence Sweek and J.C. Owen with a priority date of August 5, 1909 for use of 0.57 cubic feet per second of water from Cottonwood Creek (source) for the purpose of irrigation (use) is appurtenant to my property;

3. The appurtenant water right is not located within the boundaries of an irrigation, drainage, water improvement, or water control district, or federal reclamation project (if the right is located within a district or reclamation project, name it here N/A; and

4. I have abandoned any and all interest in the portion of this water right shown on the attached map and described as follows:

The right to the use of 0.21 cubic feet per second from Cottonwood Creek for irrigation of 16.82 acres located:

NE1/4NW1/4 8.00 Acres
 SE1/4NW1/4 1.00 Acres
 NE1/4SW1/4 2.00 Acres
 SE1/4SW1/4 3.70 Acres
 Section 18
 T. 9 S., R. 28 E., W.M.; and

NE1/4SW1/4 2.12 Acres
 Section 19
 T. 9 S., R. 28 E., W.M.

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5. I request the portion of the water right described above be cancelled upon acceptance of transfer attached.

Ashley Davidson

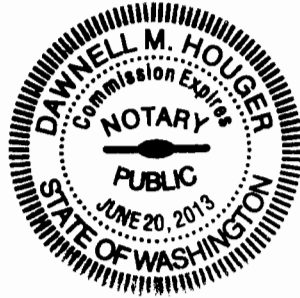
Signature of legal owner as listed on deed,
or authorized agent

7-27-09
Date

Signature of legal co-owner as listed on deed,
(if applicable)

Date

Subscribed and Sworn to Before me this 27 day of July, 2009.



Dawnell M Houser
Notary Public for WA

My Commission Expires 6/20/13,

PLEASE ATTACH A LEGIBLE COPY OF: 1) A DEED WHICH LISTS LAND OWNERS AND INCLUDES A LEGAL DESCRIPTION OF AFFECTED LANDS, AND 2) AN ADJUDICATION MAP, WATER RIGHT FINAL PROOF MAP, OR A TAX MAP WITH THE WATER RIGHT CLEARLY DRAWN AND IDENTIFIED. IF ACTING AS AN AUTHORIZED AGENT, INCLUDE COPY OF POWER OF ATTORNEY OR OTHER DOCUMENTS GRANTING AUTHORITY TO ACT ON BEHALF OF LEGAL OWNER(S).

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