



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

<u>Please check one</u>		
<input type="checkbox"/> Permanent Transfer <input checked="" type="checkbox"/> Temporary Transfer (1 to 5 yrs.) • total number of years: <u>5</u> (begin year: <u>2010</u>) (end year: <u>2014</u>)	<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: Whitewater Ranch LLC & McKenzie River Ranch LLC
 c/o Richard H. Haake

Address: 43137 McKenzie Hwy

City: Leaburg State: Oregon Zip: 97489

Home Phone: (541)896-3473 Work Phone: _____ Other Phone: _____

Fax: _____ E-Mail address: lzastoupil@webtv.com

3. AGENT INFORMATION

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

Name: Karnopp Petersen LLP
 c/o A. Reed Marbut

Address: 1107 Pawnee Circle SE

City: Salem State: Oregon Zip: 97306

Home Phone: (503)363-2121 Work Phone: _____ Other Phone: _____

Fax: (503) 363-3120 E-Mail address: rm@karnopp.com

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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.	S-22911	S-18064	27814
2.	S-16759	S-12536	14139
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 irrigate a new crop.

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.

Certificate 27814 – 30 HP portable electric pump with a 6” 25’ suction pipe with screen. Delivery system is aluminum pipe. The first 20’ is 6” diameter, reduced to 5” pipe for 1,000’, reduced to 4” pipe for 600’, and finally to 3” pipe for 600’. Sprinkler heads are Rainbird 10 gpm on 40’ spacing.

Certificate 14139 – 8 HP electric pump on concret base with a 3” 10’ suction pipe with screen. Delivery is buried 3” PVC pipe with permanent hydrants every 40’. Water is spread with 3” portable aluminum pipe and Rainbird 10 gpm sprinkler heads on 40’ spacing.

- System capacity: C-27814 = 0.89 cubic feet per second (cfs). If the transfer involves multiple rights that have independent systems, describe the capacity for each system separately.

C-14139 = 0.45 cubic feet pr second (cfs).

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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
If "Yes," list the name and mailing address of the district or water district:

- Will any of the water rights be located within or served by an irrigation or other water district after the proposed transfer? Yes No
If "Yes," list the name and mailing address of the district or water district:

- 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," list the name and mailing address of the agency or other entity:

- Are any of the water rights proposed for transfer issued in the name of an irrigation district?
 Yes No
*If "Yes," the applicant **must** attach Supplemental Form D demonstrating district concurrence with the proposed transfer.*

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).

Lane County, 125 East 8th Ave., Eugene, Oregon 97401

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Last revised: 8/18/2009

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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 of the application form.)*

Names of Current Landowner(s): _____

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): _____

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)

This transfer changes the place of use of two overlapping primary certificates (14139 and 27814). Upon issuance of the final order approving this transfer, the portion of Certificate 14139 to be transferred will be diminished to supplemental irrigation. (See attached Affidavit for the Partial Diminution of a Water Right Certificate.)

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11. ATTACHMENTS

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

Supplemental Form A –

Description of Proposed Change(s) to a Water Right

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

Supplemental Form B –

Evidence of Use Affidavit(s)

- At least one Evidence of Use Affidavit documenting that the right(s) has been used during the last five years or that the right(s) 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.

Supplemental Form C –

Instream Water Right Transfer Only

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

Supplemental Form D –

For Water Rights in the Name of an Irrigation District

- Complete this form for any water rights proposed for transfer that are issued in the name of an irrigation

Fees:

- Amount enclosed: \$840.00
See the Department's Fee Schedule at www.wrd.state.or.us or call (503) 986-0900.

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 a change from surface water diversion to ground water appropriation 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.

Temporary Transfers, also include:

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

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

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

12. SIGNATURES

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

In accordance with OAR 690-380-3000(13)(a), I (we) understand that prior to Department approval of a permanent transfer and upon my receipt of a draft Preliminary Determination for the proposed transfer, I (we) will be required [pursuant to OAR 690-380-4010(5) and (6)] to provide the following landownership information and evidence demonstrating that I (we) am authorized to pursue the transfer:

- (a) A report of ownership information that has been prepared by a title company within the three months prior to the issuance of the draft Preliminary Determination showing current land ownership of the subject lands, unless there is a recorded water right conveyance agreement;
- (b) If applicable, a copy of any water right conveyance agreement on the subject lands. If a water right conveyance agreement has been recorded for the subject lands, the report of ownership information must be prepared by a title company within the three months of the water right conveyance agreement being recorded or show ownership of the subject property at the time the water right conveyance agreement was recorded; **and**
- (c) If the landowner identified in the report of ownership information or the individual or entity to whom the interest in the water right has been conveyed is **not** the applicant, a **notarized statement consenting to the transfer** signed by the landowner identified in the report or an authorized representative of the entity to whom the interest in the water right has been conveyed as identified in a water right conveyance agreement, or other documentation demonstrating that the applicant is authorized to pursue the transfer in the absence of the consent of the landowner.

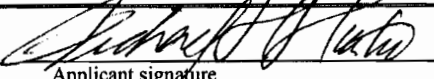
I (we) affirm that the applicant is a municipality, as defined in ORS 540.510(3)(b), and that the right is in the name of the municipality or a predecessor. Therefore, pursuant to OAR 690-380-3000(13)(b), the applicant is **NOT** required to provide the above described report of ownership information.

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 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 this is a historic point of diversion transfer and that I (we) must provide a report of current ownership prepared by a title company prior to the Department finalizing my request.

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

 Applicant signature	<u>RICHARD H. HOAKE AGENT</u> Name and title if applicable (print)	<u>10/12/09</u> Date
_____ Applicant signature	_____ Name and title if applicable (print)	_____ Date

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

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

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

▪ Certificate Number or other identifying number: 27814 _____

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 type="checkbox"/> Additional (Both the old <u>and</u> new points of diversion or appropriation will be used for the portion of the water right affected by the transfer.) <input 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 Diversion to Ground Water Appropriation (A new point of appropriation will be used <u>instead of</u> the old point of diversion. The old point of diversion will <u>not</u> be used.) <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 checked="" 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 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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2. CURRENT WATER RIGHT INFORMATION

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

<input checked="" type="checkbox"/> Certificated Right	27814 <small>Certificate Number</small>	S-18064 <small>Permit Number or Decree Name</small>
<input type="checkbox"/> Adjudicated, Non-certificated Right	_____ <small>Name of Decree</small>	_____ <small>Page Number</small>
<input type="checkbox"/> Permit for which Proof has been Approved	_____ <small>Permit Number</small>	_____ <small>Date Claim of Beneficial Use Submitted</small>

- Name on Permit, Certificate, or Decree: Albert L & Dorothy Hawn
- County: Lane
- Authorized Use(s) to be Affected by Transfer: Irrigation
- Priority Date(s): November 18, 1947

*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: McKenzie River

Tributary to: Willamette 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? 14139

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: 27814

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 or the authorized point(s) of diversion or appropriation that serves the lands being transferred, if applicable)

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	Direction & Distance from a Recognized Survey Corner
	McKenzie R Nov. 18, 1947	T 17 S	R 1 E	WM	1	SE NE	Lot 10	1400 feet south and 680 feet west from NE corner, Section 1, T17S, R1E, W.M.

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

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

- A. Supply a copy of the well log(s) for each point of appropriation that is **clearly labeled** and associated with the corresponding well in the table above and on the accompanying application map. (NOTE: You may search for well logs on the Department's web page at: <http://www.wrd.state.or.us>)
- or**
- B. If a well log is **not** available, you must describe the construction of the authorized point of appropriation by completing the table below. Attach additional copies as necessary.

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

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

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

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▪ Certificate Number or other identifying number: 27814

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)

Source and Priority Date	Township	Range	Mer	Sec	¼ ¼ Section	Tax Lot, DLC or Gov't Lot	Acres (if applicable)
McKenzie River Nov. 18, 1947	T 17 S	R 2 E	WM	6	NE NW	Lot 6	4.4
McKenzie River Nov. 18, 1947	T 17 S	R 2 E	WM	6	NW NW	Lot 5	4.0
McKenzie River Nov. 18, 1947	T 17 S	R 2 E	WM	6	SW NW	Lot 5	10.8
McKenzie River Nov. 18, 1947	T 17 S	R 2 E	WM	6	SE NW		0.4
McKenzie River Nov. 18, 1947	T 17 S	R 1 E	WM	1	SE NE	Lot 10	0.4

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▪ Certificate Number or other identifying number: 27814

3. PROPOSED CHANGES TO THE WATER RIGHT

Describe proposed changes to the water right involving point(s) of diversion and/or appropriation. Direction and distance from a recognized survey corner 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	Direction & Distance from a Recognized Survey Corner

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

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

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

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

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

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

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▪ Certificate Number or other identifying number: 27814

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

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

Source	Township	Range	Mer	Sec	¼ ¼ Section		Tax Lot, DLC or Gov't Lot	Acres (if applicable)
McKenzie River Nov. 18, 1947	T 17 S	R 1 E	WM	1	NE	NE		18.7
McKenzie River Nov. 18, 1947	T 17 S	R 1 E	WM	1	NW	SE	Lot 8	0.6
McKenzie River Nov. 18, 1947	T 17 S	R 1 E	WM	1	SE	SE		0.7

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Remarks: This transfer changes the place of use of two overlapping primary certificates (27814 and 14139). Upon issuance of the final order approving this transfer, the portion of Certificate 14139 being transferred will be diminished to supplemental irrigation. (See attached Affidavit for the Partial Diminution of a Water Right Certificate.)

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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: 14139 _____

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 type="checkbox"/> Additional (Both the old <u>and</u> new points of diversion or appropriation will be used for the portion of the water right affected by the transfer.) <input 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 Diversion to Ground Water Appropriation (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 checked="" 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 align="center">RECEIVED OCT 15 2009 WATER RESOURCES DEPT SALEM, OREGON</p>	Proposed new use: <input 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.)

2. CURRENT WATER RIGHT INFORMATION

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

<input checked="" type="checkbox"/> Certificated Right	14139 <small>Certificate Number</small>	S-12536 <small>Permit Number or Decree Name</small>
<input type="checkbox"/> Adjudicated, Non-certificated Right	 <small>Name of Decree</small>	 <small>Page Number</small>
<input type="checkbox"/> Permit for which Proof has been Approved	 <small>Permit Number</small>	 <small>Date Claim of Beneficial Use Submitted</small>

- Name on Permit, Certificate, or Decree: H. L. Mack
- County: Lane
- Authorized Use(s) to be Affected by Transfer: Irrigation
- Priority Date(s): January 25, 1937

*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: Goose Creek

Tributary to: McKenzie 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? 27814

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: 14139

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 or the authorized point(s) of diversion or appropriation that serves the lands being transferred, if applicable)

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	Direction & Distance from a Recognized Survey Corner
	Goose Creek Jan. 25, 1937	T 17 S	R 2 E	WM	6	SW NW	Lot 5	1750 feet south & 420 feet east from the NW corner of Section 6, T.17 S., R.2 E., WM

- 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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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)

Source and Priority Date	Township	Range	Mer	Sec	¼ ¼ Section	Tax Lot, DLC or Gov't Lot	Acres (if applicable)
Goose Creek Jan. 25, 1937	T 17 S	R 2 E	WM	6	NE NW	Lot 6	3.0
Goose Creek Jan. 25, 1937	T 17 S	R 2 E	WM	6	NW NW & SW NW	Lot 5	14.0
Goose Creek Jan. 25, 1937	T 17 S	R 2 E	WM	6	SE NW		0.2
Goose Creek Jan. 25, 1937	T 17 S	R 1 E	WM	1	SE NE	Lot 10	0.4

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3. PROPOSED CHANGES TO THE WATER RIGHT

Describe proposed changes to the water right involving point(s) of diversion and/or appropriation. Direction and distance from a recognized survey corner 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	Direction & Distance from a Recognized Survey Corner

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

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

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

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

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

Well already built? (Yes/No)	If an existing well, OWRD Well Log ID No. (or Well ID Tag No. L-)	Diameter	Type and size of casing	No. of feet of casing	Intervals casing is perforated (in feet)	Seal depth	Est. depth to water	Est. depth to water bearing stratum	Type of access port or measuring device	Total well depth
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▪ Certificate Number or other identifying number: 14139

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

Location of Proposed Place of Use: (i.e., the "TO" lands) N/A - Instream Water Right Transfer

(NOTE: Complete this table **only** if a Change in Place of Use is being proposed.)

Source	Township	Range	Mer	Sec	¼ ¼ Section		Tax Lot, DLC or Gov't Lot	Acres (if applicable)
Goose Creek Jan. 25, 1937	T 17 S	R 1 E	WM	1	NE	SE		16.3
Goose Creek Jan. 25, 1937	T 17 S	R 1 E	WM	1	NW	SE	Lot 8	0.6
Goose Creek Jan. 25, 1937	T 17 S	R 1 E	WM	1	SE	SE		0.7
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Remarks: This transfer changes the place of use of two overlapping primary certificates (14139 and 27814). Upon issuance of the final order approving this transfer, the portion of Certificate 14139 being transferred will be diminished to supplemental irrigation. (See attached Affidavit for the Partial Diminution of a Water Right Certificate.)

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**AFFIDAVIT FOR THE PARTIAL DIMINUTION OF A
WATER RIGHT CERTIFICATE 14139**

State of Oregon)
) ss:
County of Lane)

I, Richard H. Haake (dba Whitewater Ranch LLC and McKenzie River Ranch LLC), residing at 43137 McKenzie HWY, Leaburg, OR 97489, telephone number (541) 896-3473, being first duly sworn depose and say:

1. Whitewater Ranch LLC and McKenzie River Ranch LLC are the legal owners of the property described as tax lot numbers 502, 800, 900 & 901, with the following quarter/quarters:

<p>NE ¼ of the NW ¼ NW ¼ of the NW ¼ SW ¼ of the NW ¼ SE ¼ of the NW ¼ Section 6 Township 17 S., Range 2 E.,</p>	<p>SE ¼ of the NE ¼ Section 1 Township 17 S., Range 1 E.,</p>
--	---

of the Willamette Meridian, in Lane 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 14139 issued to H.L. Mack, with a date of priority of January 25, 1937 for the use of 0.37 cubic feet per second of water from Goose Creek (a tributary of the McKenzie River) for the purpose of irrigation is appurtenant to my property.

3. The appurtenant water right is not located within the boundaries of an irrigation district, drainage, water improvement, or water control district, or federal reclamation project.

4. N/A

5. Whitewater Ranch LLC and McKenzie River Ranch LLC have obtained a better and more economical source of water for the primary irrigation of the portion of this water right shown on the attached map and described as follows:

The right to use 0.23 cubic feet per second from Goose Creek for irrigation of 17.6 acres located in the:

SE ¼ of the NE ¼ Section 1 Township 17 S., Range 1 E. WM	0.4 acres
NE ¼ of the NW ¼ NW ¼ of the NW ¼)	3.0 acres
And)--	14.0 acres
SW ¼ of the NW ¼) SE ¼ of the NW ¼ Section 6 Township 17 S., Range 2 E., WM	0.2 acres

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**AFFIDAVIT FOR THE PARTIAL DIMINUTION OF A
WATER RIGHT CERTIFICATE 14139
(CONTINUED)**

6. Whitewater Ranch LLC and McKenzie River Ranch LLC request the water right be diminished from a right for primary irrigation to a right for supplemental irrigation of the lands described above in item #5;

7. I agree that if this change is approved, it is permanent and the right to use of water from Goose Creek cannot be changed back to the primary source unless otherwise provided by law. I also agree that so long as there is sufficient water available from the primary source, I am not entitled to use any water from Goose Creek for irrigation of these lands.

Autrand H. Hanna
Signature of legal owner as listed on deed, or authorized agent

10/12/09
Date

Signature of legal co-owner as listed on deed

Date

Subscribed and Sworn to Before Me this 12th day of October, 2009.



Brandi Elmer
Notary Public for Oregon

My Commission Expires 2/20/2010

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 LOT MAP WITH THE PORTION OF THE WATER RIGHT AND/OR LANDS TO BE DIMINISHED 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) AS LISTED ON THE DEED.

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KARNOPP PETERSEN LLP
ATTORNEYS AT LAW

October 15, 2009

Dorothy Pedersen, Transfer Specialist
Field Services Division
Oregon Water Resources Department
725 Summer Street NE, Suite A
Salem, OR 97301-1266

RE: Whitewater Ranch LLC & McKenzie River Ranch LLC
Temporary Transfer Application
Transfer Application No. T-10966

Dear Ms. Pedersen:

We represent the Whitewater Ranch LLC and the McKenzie River Ranch LLC (Ranches) in the preparation of a temporary transfer application to change the place of use of two over-lapping primary water rights in Lane County, Oregon. The Ranches currently hold three water rights for use of water on approximately 60 acres of their property near Leaburg, Oregon. Two of the rights are for irrigation and one is for irrigation and domestic. The Ranches' current irrigation is for pasture and crop production.

The Ranches are in the process of initiating a new venture for the production of olive oil from trees transplanted to their property. They currently have a small eight-acre olive tree plot and intend to expand to twenty acres in 2010. In order to begin irrigation of the twenty acres of olive trees in 2010, the Ranches propose to temporarily transfer a portion of the two over-lapping irrigation rights from the current place of use to the twenty-acre olive tree parcel.

The over-lapping water rights are a 1947 right to irrigate 56.7 acres under Certificate 27814, and a 1937 right to irrigate 29.2 acres under Certificate 14139. The overlap is complex in that only a portion of Certificate 14139 overlaps a portion of Certificate 27814. I believe you will find that the maps attached to the application accurately delineate both the overlap configuration and the proposed transfer.

The Ranches are aware that the Department's transfer regulations require that one of the two primary water rights must be diminished to a supplemental right before the temporary transfer can be completed. To comply with this rule, the Ranches, in conjunction with the transfer application, are submitting an Affidavit for the Partial Diminution of a Water Right Certificate for Certificate 14139.

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