

TEMPORARY Transfer for 5yrs

Application for Water Right Transfer



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

Part 1 of 4 - Minimum Requirements Checklist

This transfer application will be returned if Parts 1 through 4 and all required attachments are not completed and included. For questions, please call (503) 986-0900, and ask for Transfer Section.

FOR ALL TRANSFER APPLICATIONS

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

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- Part 1 - Completed Minimum Requirements Checklist.
Part 2 - Completed Transfer Application Map Checklist.
Part 3 - Completed Transfer Application - Applicant Information and Signature.
Part 4 - Completed Transfer Application - Water Right Information. Please include a separate Part 4 for each water right. List all water right certificates to be transferred here: C-249974 C-36873

Attachments:

- Completed Transfer Application Map.
Completed Evidence of Use Affidavit and supporting documentation. Need aerial photos, receipts, etc.
Fees - Amount enclosed: \$ 816.60. See the Department's Fee Schedule at www.wrd.state.or.us or call (503) 986-0883.
Affidavit(s) of Consent. -> short & simple from Bill Pope authorizing transfer
Supplemental Form D - For water rights served by or issued in the name of an irrigation district. Complete when the transfer applicant is not the irrigation district.
Land Use Information Form with approval and signature (or signed land use form receipt stub). 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.
For changes in point(s) of appropriation (well(s)) or additional point(s) of appropriation, Water Well Report/Well Log.
For Temporary Transfer (one to five years) Begin Year 2010 End Year 2015.
For Temporary Transfer only - Current recorded deed for the land from which the authorized place of use is being moved. Bill & Jay both
Temporary Drought Transfer (For use in counties where the Governor has declared drought)

(For Staff Use Only)

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

- Application fee not enclosed/insufficient
Map not included or incomplete
Land Use Form not enclosed or incomplete
Additional signature(s) required
Part is incomplete

Other/Explanation
Staff: 503-986-0 Date: / /

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Part 2 of 4 – Transfer Application Map Checklist

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

Please be sure that the transfer application map you submit includes all the required items and matches the existing water right map. Check all boxes that apply.

- N/A Certified Water Right Examiner (CWRE) Stamp and Original Signature. For list of CWREs see http://www1.wrd.state.or.us/pdfs/cwre_listing.pdf. CWRE stamp and signature are not required for temporary changes, historic point of diversion changes, and substitutions.
5 yr Temp TXR
- N/A If **more than three** water rights are involved, separate maps are needed for each water right.
- Permanent quality printed with dark ink on white or clear paper or film.
- The size of the map can be 8½ x 11 inches, 8½ x 14 inches, or up to 30 x 30 inches. For 30 x 30 inch maps, three (3) paper copies and an electronic copy in a .pdf, .tiff or .jpg format are required.
- A north arrow, a legend, and scale.
- The scale of the map must be: 1 inch = 400 feet, 1 inch = 1,320 feet, the scale of the Final Proof/Claim of Beneficial Use Map (the map used when the permit was certificated), the scale of the county assessor map if the scale is not smaller than 1 inch = 1,320 feet, or a scale that has been pre-approved by the Department.
- Township, Range, Section, ¼ ¼, DLC, Government Lot, and other recognized public land survey lines.
- Tax lot boundaries (property lines) 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 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), 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°).

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Part 3 of 4 – Applicant Information and Signature

Applicant Information

APPLICANT/BUSINESS NAME <i>Joy C. Smith</i>		PHONE NO. <i>541-932-4648</i>	ADDITIONAL CONTACT NO.
ADDRESS <i>533 9th Hwy 26 / P.O. Box 383</i>			FAX NO.
CITY <i>MT. Vernon</i>	STATE <i>OR</i>	ZIP <i>97865</i>	E-MAIL

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

AGENT/BUSINESS NAME		PHONE NO.	ADDITIONAL CONTACT NO.
ADDRESS			FAX NO.
CITY	STATE	ZIP	E-MAIL

If an agent is listed above, please check one of the following:

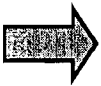
- Please send all correspondence to Agent. Send copies of correspondence to Applicant; **OR**
- Please send all correspondence to Applicant. Send copies of correspondence to Agent.
- Check this box if this project is fully or partially funded by the American Recovery and Reinvestment Act. (Federal stimulus dollars)

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 address if different than the applicant's) or attach affidavits of consent (and mailing addresses) from all landowners or individuals/entities to which the water right(s) has been conveyed.

Permanent Transfers Only (check one box)

- By signing this application, I understand that, upon receipt of the draft preliminary determination and prior to Department approval of the transfer, I will be required to provide landownership information and evidence that I am authorized to pursue the transfer as identified in OAR 690-380-4010(5); **OR**
- I affirm 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; **OR**
- I affirm that the applicant is an entity with the authority to condemn property and is acquiring by condemnation the property to which the water right proposed for transfer is appurtenant and have supporting documentation.



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

Applicant signature

Joy C. Smith
Applicant signature

Name (and title if applicable) (print)

Joy C. Smith
Name (and title if applicable) (print)

Date

May 24-10
Date

JC only

In your own words tell us what change(s) you want made and the reason for the change(s):

Move priority ground to neighbor & receive other water right in exchange - change POD to more efficient pipeline instead of open ditch diversion.

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Revised 3/2/2010

Transfer Application – Page 3 of 7

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916.924.0100

Check the following boxes that apply:

- The applicant is responsible for completion of change(s). Notices and correspondence should continue to be sent to the applicant.
- The receiving landowner will be responsible for completing the proposed change(s) after the final order is issued. Copies of notices and correspondence should be sent to this landowner.
- The receiving landowner and applicant will be responsible for completion of change(s). Copies of notices and correspondence should be sent to this landowner and the applicant.

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

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

If a property sells, the certificated water right(s) located on the land belong to the new owner, unless a sale agreement or other document states otherwise. (To learn about sale agreements please visit our web site at: <http://www1.wrd.state.or.us/pdfs/Transfer-PropertyTransactions.pdf>)

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

Describe any special ownership circumstances here: _____

- Check here if any of the water rights proposed for transfer are or will be located within or served by an irrigation or other water district. (Tip: Complete and attach Supplemental Form D.)

IRRIGATION 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 or used.

ENTITY NAME <i>Grand County, Oregon</i>	ADDRESS <i>201 S. Humboldt St.</i>	
CITY	STATE <i>Canyon City, OR</i>	ZIP <i>97820</i>

ENTITY NAME	ADDRESS	
CITY <i>T 11082</i>	STATE	ZIP

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Part 4 of 4 – Water Right Information

Please use a separate Part 4 for each water right being changed. See instructions at <http://www.wrd.state.or.us/OWRD/PUBS/forms.shtml>.

CERTIFICATE # 24997

Description of Water Delivery System

System capacity: 1 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. Open ditch from Moon Cr to property. Neighbor recently installed buried pipeline from same POD for other lands. Open ditch can carry approx 1 cfs.

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	1/4	1/4	Tax Lot, DLC or Gov't Lot	Measured Distances (from a recognized survey corner)	
POD-C-24997	<input checked="" type="checkbox"/> Authorized <input type="checkbox"/> Proposed		13	S	29	E	28	NW SE	4100	Approx 1660 N & 1780 W of SE corner Sect. 28 13-29
	<input type="checkbox"/> Authorized <input type="checkbox"/> Proposed									
	<input type="checkbox"/> Authorized <input type="checkbox"/> Proposed									
	<input type="checkbox"/> Authorized <input type="checkbox"/> Proposed									

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

- | | |
|--|---|
| <input checked="" type="checkbox"/> Place of Use (POU) | <input type="checkbox"/> Supplemental Use to Primary Use (S to P) |
| <input type="checkbox"/> Character of Use (USE) | <input type="checkbox"/> Point of Appropriation/Well (POA) |
| <input checked="" type="checkbox"/> Point of Diversion (POD) | <input type="checkbox"/> Additional Point of Appropriation (APOA) |
| <input type="checkbox"/> Additional Point of Diversion (APOD) | <input type="checkbox"/> Substitution (SUB) |
| <input type="checkbox"/> Historic POD (HPOD) | <input type="checkbox"/> Government Action POD (GOV) |
| <input type="checkbox"/> Surface Water POD to Ground Water POA (SW/GW) | |

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.

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Part 4 of 4 – Water Right Information

Please use a separate Part 4 for each water right being changed. See instructions at <http://www.wrd.state.or.us/OWRD/PUBS/forms.shtml>.

CERTIFICATE # 36873

Description of Water Delivery System

System capacity: _____ cubic feet per second (cfs) **OR**
800 gallons per minute (gpm) $\frac{1}{2}$

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. 8" buried pvc mainline reducing to 6" then 4" to place of use

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	1/4 1/4	Tax Lot, DLC or Gov't Lot	Measured Distances (from a recognized survey corner)
<u>POD for c-36873</u>	<input checked="" type="checkbox"/> Authorized <input checked="" type="checkbox"/> Proposed		<u>13 S</u>	<u>29 E</u>	<u>33</u>	<u>NE SW</u>	<u>4100</u>	<u>5950 FT S, 3130 FT W OF E 1/4 CORN S.E. 26 13-29</u>
	<input type="checkbox"/> Authorized <input type="checkbox"/> Proposed							
	<input type="checkbox"/> Authorized <input type="checkbox"/> Proposed							
	<input type="checkbox"/> Authorized <input type="checkbox"/> Proposed							

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

- | | |
|--|---|
| <input checked="" type="checkbox"/> Place of Use (POU) | <input type="checkbox"/> Supplemental Use to Primary Use (S to P) |
| <input type="checkbox"/> Character of Use (USE) | <input type="checkbox"/> Point of Appropriation/Well (POA) |
| <input type="checkbox"/> Point of Diversion (POD) | <input type="checkbox"/> Additional Point of Appropriation (APOA) |
| <input type="checkbox"/> Additional Point of Diversion (APOD) | <input type="checkbox"/> Substitution (SUB) |
| <input type="checkbox"/> Historic POD (HPOD) | <input type="checkbox"/> Government Action POD (GOV) |
| <input type="checkbox"/> Surface Water POD to Ground Water POA (SW/GW) | |

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.

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Please use additional pages of Table 2 as needed

Table 2. Description of Changes to Water Right Certificate # 24997, 36873

List only the part of the right that will be changed. For the acreage in each 1/4 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 ("from" lands) as they appear BEFORE THE CHANGES						Proposed ("to" lands) AFTER THE CHANGES																									
Twp	Rng	Sec	1/4	Tax Lot	Gvt Lot or DLC	Acreage (if applicable)	Type of USE listed on Certificate	POD(s) or POA(s) (name or number from Table 1)	Proposed Changes (see "CODES" from previous page)	Twp	Rng	Sec	1/4	Tax Lot	Gvt Lot or DLC	Acreage (if applicable)	New Type of USE	POD(s) to be used (from Table 1)													
2	S	9	E	15	NW	100	Irrigation	POD #1 POD #2	POU/POD	2	S	9	E	1	NW	NW	500	1	10.0	POD #5											
"	"	"	"	"	"	EXAMPLE	"	"	"	2	S	9	E	2	SW	NW	500		5.0	POD #6											
13	S	29	E	28	NE	2401	IRR, DOM STK	POD C-24997	POU, POD	13	S	29	E	28	SE	NE	4100		2.45	IRR, DOM STK											
										13	S	29	E	28	NE	SE	4100		0.1	"											
										13	S	29	E	27	SW	NW	4100		5.75	"											
										13	S	29	E	28	NE	NE	2401		2.45	IRR											
										13	S	29	E	28	NE	NE	2401		0.1	"											
										13	S	29	E	28	NE	NE	2401		5.75	"											
TOTAL ACRES															16.6	TOTAL ACRES															16.6

Additional remarks: This is a place of use flip - stop of POD change. All lands will be served by POD for C-36873 being within NE SW Sec 33, T135-29E W.M.

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For Place of Use or Character 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-83676 - overlap will be cancelled



Pursuant to ORS 540.510, any "layered" water use such as an irrigation right that is supplemental to a primary right proposed for transfer must be included in the transfer or be cancelled. Any change to a ground water registration must be filed separately in a ground water registration modification application.

For Substitution (ground water supplemental irrigation will be substituted for surface water primary irrigation)

Ground water supplemental Permit or Certificate # _____;
 Surface water primary Certificate # _____

For a change from Supplemental Irrigation Use to Primary Irrigation Use

Identify the primary certificate to be cancelled. Certificate # _____

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

Well log(s) are attached for each authorized and 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://apps2.wrd.state.or.us/apps/gw/well_log/Default.aspx)

OR

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

Table 3. Construction of Point(s) of Appropriation

Any well(s) in this listing must be clearly tied to corresponding well(s) described in Table 1 and shown on the accompanying application map. Failure to provide adequate information is likely to delay the processing of your transfer application. For proposed wells, we recommend that you consult a licensed well driller, geologist, or certified water right examiner for the proper information needed to complete the table.

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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Need Notary Signature

AFFIDAVIT FOR THE PARTIAL CANCELLATION OF A WATER RIGHT CERTIFICATE

State of Oregon)
County of Grant) ss

I/We (or authorized agent), Jay C. Smith, residing at 53396 Hwy 26, P.O. Box 383 Mt. Vernon, OR 97146, telephone 541-932-4646, being first duly sworn depose and say:

- 1. I/We are the legal owner(s) of the property described as tax lot number 2401 within the NE 1/4 NE 1/4, Section 28, Township 13 N, Range 29 E/W, of the Willamette Meridian, in Grant County, Oregon...
2. A portion of water right certificate number 83676 issued to Blue Mt. Ditch Co., with a date of priority of 10/23/1916 for use of 4.59 cfs cubic foot per second of water from John Day River (source) for the purpose of Irrigation (use) is appurtenant to my/our property;
3. The appurtenant water right is/is not located within the boundaries of an irrigation, drainage, water improvement, or water control district...
4. If the water right is issued in the name of an irrigation district then the affiant must have the concurrence of the district to the cancellation of the portion of the water right.

Signature of district manager Printed Name Date

5. I/We 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 106 cubic foot per second from John Day River for Irrigation, and irrigation of 8.5 acres located:

NE 1/4 NE 1/4 8.5 Acres
1/4 1/4 Acres
1/4 1/4 Acres

Section 28 Township 13 N, Range 29 E/W, WM; and

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6. I/We request the portion of the water right described above be canceled.

Jay C. Smith
Signature of legal owner as listed on deed, or authorized agent

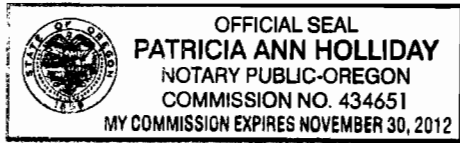
May - 27 - 10
Date

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

Date

Subscribed and Sworn to Before Me this 24th day of May, 2010 ID

Patricia Ann Holliday
Notary Public for Oregon



My Commission Expires 11-30-2012

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 ABANDONED 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) AS LISTED ON THE DEED.

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SALEM, OREGON

STATE OF OREGON

COUNTY OF GRANT

CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

BLUE MOUNTAIN DITCH COMPANY
 C/O HOMER HARRISON
 ROUTE 1, BOX 130
 MOUNT VERNON, OR 97865

confirms the right to use the waters of the JOHN DAY RIVER, a tributary of the COLUMBIA RIVER, for IRRIGATION of 367.1 ACRES.

This right was perfected under Permit S-3163. The date of priority is OCTOBER 23, 1916. The amount of water to which this right is entitled is limited to an amount actually used beneficially, and shall not exceed 4.59 CUBIC FEET PER SECOND, or its equivalent in case of rotation, measured at the point of diversion from the source.

The points of diversion are located as follows:

Twp	Rng	Mer	Sec	Q-Q	Survey Coordinates
13 S	29 E	WM	21	SW SW	BOYCE DITCH - SOUTH 27 DEGREES 30 MINUTES EAST, 1817 FEET FROM THE WEST 1/4 CORNER OF SECTION 21
13 S	29 E	WM	21	SE SW	680 FEET NORTH AND 780 FEET WEST FROM THE SOUTH 1/4 CORNER OF SECTION 21
13 S	29 E	WM	26	NE NW	740 FEET SOUTH AND 3480 FEET WEST FROM THE NE CORNER OF SECTION 26
13 S	30 E	WM	29	SW NE	BLUE MOUNTAIN DITCH - 565 FEET NORTH AND 2320 FEET WEST FROM THE EAST 1/4 CORNER OF SECTION 29

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 a diversion of ONE-EIGHTIETH of one cubic foot per second, or its equivalent for each acre irrigated, and shall be further limited to a diversion of not to exceed 1.0 acre foot per acre for each acre irrigated during any month prior to July 1, and thereafter 3/4 of one acre foot per acre for each acre irrigated and shall be further limited to a total diversion of not to exceed 5.0 acre feet per acre for each acre irrigated during the irrigation season from April 1 to September 30 of each year.

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

A description of the place of use to which this right is appurtenant is as follows:

Twp	Rng	Mer	Sec	Q-Q	Acres
13 S	29 E	WM	21	SW SW	8.0
13 S	29 E	WM	21	SE SW	11.1
13 S	29 E	WM	21	SW SE	9.0
13 S	29 E	WM	25	NE NE	6.2
13 S	29 E	WM	25	NW NE	16.0
13 S	29 E	WM	26	SW NW	15.8
13 S	29 E	WM	26	SE NW	18.6
13 S	29 E	WM	26	NE SW	28.3
13 S	29 E	WM	26	NW SW	36.6

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WATER RESOURCES DEPT
 SALEM, OREGON
 Certificate 83676

