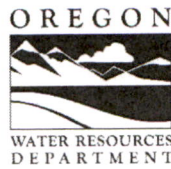


**CLAIM OF
BENEFICIAL USE**
for Transfers Character of Use and
Place of Use



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

A fee of \$230 must accompany this form for any transfer final orders including a water right with a priority date of July 9, 1987, or later.

Example – A transfer involves 5 rights and one of the rights has a priority date of July 9, 1987, or later, the fee is required.

A separate form shall be completed for each transfer.

This form is subject to revision. **Begin each new claim** by checking for a new version of this form at:

<https://www.oregon.gov/OWRD/Forms/Pages/default.aspx>

The completion of this form is required by OAR 690-014-0100(1) and 690-014-0110(4).

Please type or print in dark ink. If this form is found to contain errors or omissions, it may be returned to you. **Every item must have a response.** If any requested information does not apply to the claim, insert "NA." **Do not delete or alter any section of this form unless directed by the form.** The Department may require the submittal of additional information from any water user or authorized agent.

"Section 7" of this form is intended to aid in the completion of this form and should not be submitted.

A claim of beneficial use includes both this report and a map. If the map is being mailed separately from this form, please include a note with this form indicating such.

If you have questions regarding the completion of this form, please call 503-979-9103.

The Department has a program that allows it to enter into a voluntary agreement with an applicant for expedited services. Under such an agreement, the applicant pays the cost to hire additional staff that would not otherwise be available. This program means a certificate may be issued in about a month. For more information on this program see:

<https://www.oregon.gov/OWRD/programs/WaterRights/RA/Pages/default.aspx>

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SECTION 1

GENERAL INFORMATION

Type of Authorized Change

This Claim is being submitted for a transfer where the character of use and the place of use were the only changes that were authorized.

If additional changes were authorized, you will need to select a different form.

YES NO

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1. File Information

APPLICATION # T-8691

2. Property Owner (current owner information)

APPLICANT/BUSINESS NAME Terry and Peggy Long		PHONE NO. 541 462-3222	ADDITIONAL CONTACT NO. NA
ADDRESS PO Box 145			
CITY Mitchell	STATE OR	ZIP 97750	E-MAIL canyonranching@yahoo.com

If the current property owner is not the transfer holder of record, it is recommended that an assignment be filed with the Department. **Each** transfer holder of record must sign this form.

3. Transfer holder of record (this may, or may not, be the current property owner)

TRANSFER HOLDER OF RECORD NA		
ADDRESS		
CITY	STATE	ZIP

4. Date of Site Inspection:

8/15/2023

5. Person(s) interviewed and description of their association with the project:

NAME	DATE	ASSOCIATION WITH THE PROJECT
Terry Long	8/15/2023	Owner

6. County:

Wheeler

7. If any property described in the place of use of the transfer final order is excluded from this report, identify the owner of record for that property (ORS 537.230(5)):

OWNER OF RECORD NA		
ADDRESS		
CITY	STATE	ZIP

Add additional tables for owners of record as needed

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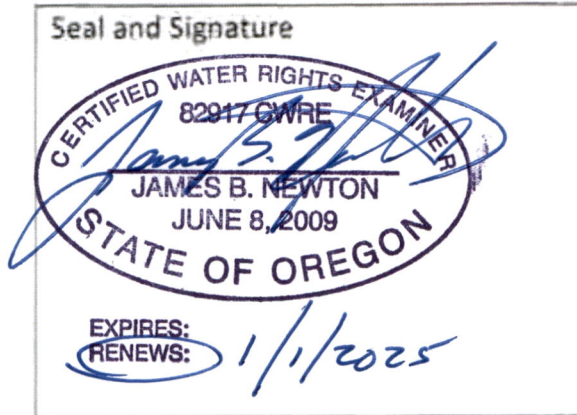
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**SECTION 2
SIGNATURES**

CWRE Statement, Seal and Signature

The facts contained in this Claim of Beneficial Use are true and correct to the best of my knowledge.



CWRE NAME Jim Newton		PHONE NO. 360 907-4162	ADDITIONAL CONTACT NO. NA	
ADDRESS 21145 Scottsdale Dr				
CITY Bend	STATE OR	ZIP 97701	E-MAIL newtonjim@hotmail.com	

Transfer Holder of Record Signature or Acknowledgement

Each transfer holder of record must sign this form in the space provided below.

The facts contained in this Claim of Beneficial Use are true and correct to the best of my knowledge. I request that the Department issue a water right certificate.

SIGNATURE	PRINT OR TYPE NAME	TITLE	DATE
	Peggy Long	Owner	9.28.2024
	Terry Long	Owner	9/28/24

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SECTION 3
EXTENT OF CHANGES COMPLETED

Note: The Claim only needs to describe the changes that were authorized in the transfer final order.

Change #1

Change in Character of Use

1. Claim Summary – Authorized Use(s):

Provide the new uses authorized by the transfer final order:

NEW USE(S) AUTHORIZED
For 6.0 acres – pond maintenance for reservoir located in the NW SE and SW SE Section 9, T 11S, R 20E, W.M.
(For 3.9 acres, no change, remains irrigation)

2. Variations:

Were all the uses developed from what was authorized by the transfer final order? **YES** ~~**NO**~~

If no, describe below.

(e.g. "The order authorized changes in character of use to industrial, commercial, and livestock. The water user did not develop the commercial use.")

Change #2

Change in Place of Use

1. Claim Summary – Authorized Use:

If Irrigation or Nursery Use:

THE # OF ACRES ALLOWED	THE # OF ACRES DEVELOPED
3.9	3.9

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If the new use(s) was not irrigation or nursery:

NEW USE(S)	WAS THE NEW PLACE OF USE DEVELOPED TO THE FULL EXTENT AUTHORIZED UNDER THE ORDER? (INCLUDE THE LOCATION OF THE DEVELOPED PLACE USE ON THE CLAIM MAP)
6.0 – Pond Maintenance	YES NO NA

2. Variations:

Was the use developed differently from what was authorized by the transfer final order? **YES** **NO**
 If yes, describe below.

(e.g. "The order authorized a change in place of use for 40 acres. The water user only developed 38 acres.")

The Place of Use from the transfer final order is located in the authorized quarter-quarter, the shape of the irrigation changed in order to fit with the final reservoir areal surface.

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SECTION 4

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CONDITIONS

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All conditions contained in the transfer, or any extension final order shall be addressed. Reports that do not address all performance related conditions will be returned.

1. Time Limits:

Describe how the water user has complied with each of the development timelines established in the transfer final order and any extensions of time issued for the transfer:

	DATE FROM TRANSFER	DATE THE AUTHORIZED CHANGES WERE COMPLETED *THIS DATE MUST FALL BETWEEN THE "ISSUANCE DATE" AND THE "COMPLETENESS DATE"
ISSUANCE DATE	4/4/2003	
COMPLETENESS DATE FROM ORDER (C)	10/1/2004	The Pond Maintenance portion of the transfer was completed prior to 10/1/2004; also, 1.5 acres of the 3.9 acres of irrigation place of use were developed by 10/1/2004.
REVISED COMPLETENESS DATE WIT TRANSFER FINAL ORDER (C)	10/1/2023	8/15/2023; the remaining 2.4 acres of irrigation POU were complete.

* MUST BE WITHIN PERIOD BETWEEN TRANSFER FINAL ORDER, OR ANY EXTENSION FINAL ORDER ISSUANCE AND THE DATE TO COMPLETE THE CHANGE

2. Is there an extension final order(s)?

YES **NO**

If "NO", you may delete the following table.

If for a transfer extension order, provide the following information:

VOLUME	PAGE	DATE EXTENDED TO
Vol. 122	940-942	10/1/2023

3. Measurement Conditions:

a. Does the transfer final order require the installation of a meter or approved measuring device?

YES **NO**

If "NO", items b through f relating to this section may be deleted.

4. Other conditions required by the transfer final order:

a. Other conditions?

YES ~~NO~~

If "YES" to any of the above, identify the condition and describe the water user's actions to comply with the condition(s):

The use of water for pond maintenance shall be limited to 0.146 cfs before June 15 and 0.073 cfs after June 15 and shall be further limited to a diversion of not to exceed 24.0 acre-feet during the irrigation season being March 1 to October 31 of each year.

Diversion of pond maintenance water began prior to 10/1/2004 in compliance with the authorized diversion period and diversion rate. The use for pond maintenance was proven for the extension application and noted as approved in the extension final order.

The water user shall install and maintain a fish screen or fish by-pass device. The type and plans of the screen or by-pass device must be approved by the Oregon Department of Fish and Wildlife (ODFW) prior to beginning of construction and shall be installed under the supervision of the ODFW.

The fish screen was installed and inspected by ODFW in February 2004. The fish screen and bypass were approved by the ODFW, as documented in a letter from ODFW dated May 20, 2021 (attached). This letter was provided and accepted as part of the extension application and noted in the extension final order.

SECTION 5

ATTACHMENTS

Provide a list of any additional documents you are attaching to this report:

ATTACHMENT NAME	DESCRIPTION
ODFW fish screen approval	ODFW letter, dated May 20, 2021
Figure 1	Claim of Beneficial Use Map

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SECTION 6

CLAIM OF BENEFICIAL USE MAP

A Claim of Beneficial Use Map must be submitted with this claim. Claims submitted without the Claim of Beneficial Use map will be returned. The map shall be submitted on polyester film at a scale of 1" = 1320 feet, 1" = 400 feet, or the original full-size scale of the county assessor map for the location.

For the purpose of this Claim, the map must identify the developed new place of use. The existing point(s) of diversion or point(s) of appropriation are required to be included on the Claim map, based on the locations described in the transfer final order.

Provide a general description of the survey method used to prepare the map. Examples of possible methods include, but are not limited to, a traverse survey, GPS, or the use of aerial photos. If the basis of the survey is an aerial photo, provide the source, date, series and the aerial photo identification number.

The diversion was identified as an existing POD on the existing transfer maps and prior certificate, this location was confirmed and included on the COBU map attached.

The place of use was walked with a Garmin GPS to establish a perimeter of way points and correlated with aerial photography available from Google Earth Pro to determine the extent of the POU development.

The POU of the reservoir and pond maintenance POU was established by review of aerial photography available from Google Earth Pro.

The POD for the transfer is located at the base of the dam and a Garmin GPS was used to pin the location of the reservoir outlet pipe where the irrigation pump station is located.

Map Checklist

Please be sure that the map you submit includes ALL the items listed below.
(Reminder: Incomplete maps and/or claims may be returned.)

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- Map on polyester film.
- Appropriate scale (1" = 400 feet, 1" = 1320 feet, or the original full-size scale of the county assessor map)
- Township, Range, Section, Donation Land Claims, and Government Lots
- Locations of fish screens and/or fish by-pass devices in relationship to point of diversion
- NA Locations of meters and/or measuring devices in relationship to point of diversion
- Conveyance structures illustrated (pumps, reservoirs, pipelines, ditches, etc.) ***Not required for this type of Claim of Beneficial Use**
- Point(s) of diversion or appropriation (illustrated and coordinates)
- Tax lot boundaries and numbers
- Source illustrated if surface water
- Disclaimer ("This map is not intended to provide legal dimensions or locations of property ownership lines")
- Transfer application number

- North arrow
- Legend
- CWRE stamp and signature

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Oregon

Kate Brown., Governor

Department of Fish and Wildlife

John Day Fish Screening and Passage
357 Patterson Bridge Rd.
P.O. Box 515
John Day, OR 97845
Voice: 541-575-0561
FAX (541) 575-0868
www.dfw.state.or.us/

May 20, 2021

Terry Long
PO Box 145
Mitchell, OR 97750



Dear Mr. Long,

Your fish screen was inspected on 2/3/2004. In reference to water right permit R-13455 this letter confirms that a National Marine Fisheries Service criteria fish screen as approved by ODFW is located on the property near GPS coordinates: 44.618301, -120.340527.

In regards to the inspection of the fish screen located on Bear Creek, the following has been determined:

1. The screen located at coordinates 44.618301, -120.340527 is an ODFW shop-built 5'x18" solar powered rotary drum screen.
2. This screen is approved for water use up to 888.82 GPM or 1.98 CFS at 75% submergence.
3. All screen configurations meet National Marine Fisheries Service criteria at the time of inspection, any changes or modifications to the configurations will not be covered by this certification letter.
4. This screen is equipped with a 10" diameter by-pass pipe returning to the creek.
5. ODFW fish screening and passage program periodically inspects this screen as part of their continued maintenance program, contingent on continued funding availability.

Please contact me if you have any questions regarding this letter.

Sincerely,

Nathaniel Ashley
Fish Screening and Passage Coordinator

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CC: Oregon Water Resources Department

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

In the Matter of Application for Extension)
of Time for Transfer Application T-8691,)
Wheeler County) **SUPERSEDING CORRECTING FINAL ORDER
APPROVING AN EXTENSION OF TIME FOR
A PERMANENT TRANSFER**

Applicant

TERRY AND PEGGY LONG
PO BOX 145
MITCHELL, OR 97750
canyonranching@yahoo.com

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Authority

Oregon Administrative Rules (OAR) 690-380-5140(2) authorizes the Department to grant an extension of time to complete a transfer.

OAR 690-380-6020 establishes an application process and criteria for the review of extensions of time to complete a transfer as authorized by a final order issued under OAR Division 380.

OAR 690-380-6020 (3) establishes that extensions are granted for one year, from October 1 to October 1 of each year. Extensions may be granted for longer time if the applicant can justify the need for a longer period of time by submission of pertinent evidence.

Findings of Fact

1. On April 4, 2003, the Department issued an order (Final Order) approving Transfer Application T-8691 to change a place of use and a character of use under water right Certificate 78512. The order was recorded in Special Order Volume 57 Pages 329-332. The order set a transfer completion date of October 1, 2004.
2. On December 1, 2021, the Department sent by certificated mail, notification to the applicants and landowner that Transfer Application T-8691 had not been completed with a Claim of Beneficial Use. Changes to the water rights that approved in the final order were to be completed by October 1, 2004.

NOTICE OF RIGHT TO PETITION FOR RECONSIDERATION OR JUDICIAL REVIEW

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

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3. On December 28, 2021, the Department received an application for extension of time for Transfer Application T-8691.
4. On April 27, 2022, the Department signed a final order approving the extension for T-8691, which was mailed on April 28, 2022, and recorded at Special Order Volume 122, Pages 940-942.
5. This order is issued to correct the erroneous references to Oregon Administrative Rules 690-385 and supersedes the Final Order recorded at Special Order Volume 122, Pages 940-942. The prior final order cited Oregon Administrative Rules 690-385 the which are not applicable to Transfer T-8691. This superseding correcting order is being issued under the applicable Oregon Administrative Rules 690-380.
6. Certificate 78512, in part, authorized the irrigation of 9.9 acres from Bear Creek, a tributary of Bridge Creek. The Final Order approved a change in place of use for 3.9 of the authorized acres, and a change in place of use and character of use for 6.0 acres from irrigation for and equivalent amount of water to be used for pond maintenance in an reservoir located in the NWSE and SWSE Section 9, Township 11 South, Range 20 East, W.M..
7. Per the applicant's extension application and aerial photographs, since the approval of the transfer, the applicants have appropriated water to the reservoir located NWSE and SWSE, Section 9, Township 11 South, Range 20 East, W.M. for pond maintenance, and installed a fish screen.
 - a. Transfer T-8691 allows for diversion up to 0.146 cubic foot per second before June 15 and 0.073 cubic foot per second after June 15, further limited to a diversion of not to exceed 24.0 acre-feet during the irrigation season being March 1 to October 31 of each year for pond maintenance.
 - b. Transfer T-8691 does not provide for additional storage capacity beyond what is authorized under the reservoir right to store water under Permit R-13455 but is an authorization for a secondary right to maintain the storage right under Permit R-13455.¹
 - c. The installed fish screen and bypass has been approved by the Oregon Department of Fish and Wildlife, as documented in a letter from ODFW dated May 20, 2021.
8. To fully complete the change, the applicant needs to irrigate and additional 2.4 acres with water obtained from Bear Creek at the proposed place of use.
9. The applicant has requested that the time for completion of beneficial use be extended to October 1, 2022. Consistent with OAR 690-380-6020(3), the Department will extend the transfer completion date to October 1, 2023.

¹ Permit R-13455 provides that following condition: This permit does not provide for the appropriation of water for any out of reservoir uses, the maintenance of the water level or maintaining a suitable fresh water condition. If any water is used for out of reservoir uses, or any live flow is appropriated to maintain either the water level or a suitable fresh water condition, a secondary water right is required.

