



# Oregon

Theodore R. Kulongoski, Governor

## Water Resources Department

North Mall Office Building  
725 Summer Street NE, Suite A  
Salem, OR 97301-1266  
503-986-0900  
FAX 503-986-0904

February 1, 2007

ERIC SCOTT  
CONF. TRIBES OF GRAND RONDE COMM.  
9615 GRAND RONDE RD  
GRAND RONDE OR 97347-9712

Reference: Transfer 10301

On January 29, 2007 we received your water right transfer application requesting a change in place of use for water from SOUTH YAMHILL RIVER, tributary to YAMHILL RIVER. The application was accompanied by \$350. Our receipt 86031 is enclosed.

By copy of this letter, we are asking the Watermaster for his report regarding the potential for injury to existing water rights which may be caused by the change.

Your application will be examined to determine if additional information is needed. You will be contacted following this examination.

Except as provided under ORS 540.510(3) for municipalities, you may not use water for the new use, in the new place of use or from the new point of diversion until the transfer application has been approved. In order to avoid any possible forfeiture of the water right, you should continue to use the water as described by your existing water right. If the land is sold before the transfer is approved, the buyer's consent to the transfer will be required unless a recorded deed or other legal document clearly established that the water right was not conveyed in the sale.

We will notify you if additional information or corrections to the application or map are required.

If you have any questions, please call the Transfer Section, (503)986-0883.

cc: Watermaster #16  
Leonard Rydell, CWRE  
Danette Ehlers, ODFW

enclosure



# Oregon

Theodore R. Kulongoski, Governor

## Water Resources Department

725 Summer Street NE, Suite A

Salem, OR 97301-1271

503-986-0900

FAX 503-986-0904

### Notice of Application for Water Right Transfer, Temporary Transfer, or Permit Amendment 02/06/2007

The Department seeks comment on the recently-filed application listed below. Any person may comment on the application. Comments must be received by the Department within 30 days of the date of this notice.

County: POLK/YAMHILL  
Transfer: 10301  
Water Right: CERT 30833  
Priority Date: 03/09/1959  
Name: CONFEDERATED TRIBES OF GRAND RONDE COMMUNITY  
Address: 9615 GRANDE RONDE RD; GRAND RONDE OR 97347  
Change: POU  
Source: SOUTH YAMHILL RIVER  
Authorized POU: T6S R8W 1  
Proposed POU: T6S R8W 1

The holder of a water right may apply to permanently change an existing water use subject to transfer. A transfer application may involve any of the following changes: Point of diversion or appropriation (POD; POA); Additional point of diversion or appropriation (APOD; APOA); Historic POD (HIST); Place of use (POU); Character of use (USE); Instream (ISWR); Substitution (SUB); or Exchange (EXCH).

The holder of a water right subject to transfer may request to temporarily change the place of use of the water for up to 5 years and, if necessary to convey the water, to temporarily change the point of diversion or appropriation.

The holder of a water right permit may apply to change a point of diversion (POD) or appropriation (POA) or to change the place of use (POU).

Any person who provides comments within the comment period will receive a copy of the Department's preliminary determination of whether the application should be approved or rejected after the Department has completed a review of the application and will be provided an opportunity to protest the application and preliminary determination at that time. The Director may presume that the transfer would be allowed by, and compatible with comprehensive plans unless an affected local government informs the Director otherwise within 30 days of this notice. Comments should be sent to the Transfers Section at the Department's Salem office.





Oregon Water Resources Department  
725 Summer Street NE, Suite A  
Salem, Oregon 97301-1271  
(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". Please read and refer to the instructions when completing your application. A summary of review criteria and procedures that are generally applicable to these applications is available at [www.wrd.state.or.us/publication/reports/index.shtml](http://www.wrd.state.or.us/publication/reports/index.shtml).

## APPLICATION FOR:

Please check one

- |  |  |  |
|--|--|--|
| <input checked="" type="checkbox"/> Water Right Transfer | <input type="checkbox"/> Temporary Transfer<br>(number of years _____) | <input type="checkbox"/> Drought Transfer                                      |
| <input type="checkbox"/> Historic Change in POD          | <input type="checkbox"/> Permit Amendment                              | <input type="checkbox"/> Point of Diversion Change<br>Due to Government Action |
| <input type="checkbox"/> To Instream Use                 |  |  |
| <input type="checkbox"/> Other Transfer                  |  |  |

## 1. APPLICANT INFORMATION

Name: Confederated Tribes of the Grand Ronde Community of Oregon

Address: 9615 Grand Ronde Road

Grand Ronde Oregon 97347-9712

City State Zip  
Phone: (503) 879-2404

Home Work Other  
\*Fax: (503) 879-1372 \*E-Mail address: eric.scott@grandronde.org

\*Optional information

## 2. AGENT INFORMATION

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

Name: Eric Scott

Address: 9615 Grand Ronde Road

Grand Ronde Oregon 97347-9712

City State Zip  
Phone: (503) 879-2404 Cell (503) 434-2146

Home Work Other  
\*Fax: (503) 879-1372 \*E-Mail address: erics.cott@grandronde.org

\*Optional information

T 10301

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### 3. TYPE OF CHANGE PROPOSED

Please check all that apply

Point of Diversion or Appropriation	Place of Use	Character of Use (n/a for Permit Amendments)
<input type="checkbox"/> Change (The old point of diversion or appropriation will <b>not</b> be used for the portion of the water right affected by the transfer.) <input type="checkbox"/> Additional (Both the old and 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 (Unauthorized point of diversion used for more than 10 years.) <input type="checkbox"/> Surface Water to Ground Water (A new point of appropriation will be used <b>instead of</b> the old point of diversion and not as an additional point of appropriation.)	<input checked="" type="checkbox"/> All, or 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.) <input type="checkbox"/> Exchange (Water from another source will be used in exchange for supplying an equal amount of replacement water to that source.)	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 <b>Supplemental Form B</b> ) <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.)

Reason for changes: The purpose of this application is to make permanent Temporary Transfer  
8801 that expires at the end of the 2005 irrigation season.

Describe the **current** water delivery system. Include information on the pumps, canals, pipelines and sprinklers used to divert, convey and apply the water at the authorized place of use.

*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. (Not applicable to applications for Permit Amendments.)*

The water delivery system is a 25 foot long 12" diameter perforated collection pipe in an in-stream trench surrounded with 2" drain rock wrapped in filter fabric and covered with large river rock. The collection pipe connects to an off channel wet well, 72" in diameter and 20' in depth. The wet well has a 15 hp Grundfos submersible pump capable of pumping up to 0.50 cfs into an irrigation system that serves several facilities with automatic sprinkler systems (pop up sprinkler heads and drip systems) for established landscaping, and common areas using wade rain type manifolds and multiple impact sprinklers.

System capacity: 0.50 cubic feet per second (cfs)

*Attach one or more **Evidence of Use Affidavits** (Supplemental Form A) demonstrating that each of the right(s) involved in the transfer have been exercised in the last five years or that a presumption of forfeiture for non-use could be rebutted.  
 (Not applicable to applications for Permit Amendments.)*

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#### 4. CURRENT WATER RIGHT INFORMATION

*A separate page providing the information in this section must be completed for each certificate, permit, decree, or other right involved in the proposed transfer.*

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

<input checked="" type="checkbox"/> Certificated Right	<u>30833</u> Certificate Number	<u>26036</u> Permit Number or Decree Name
<input type="checkbox"/> Adjudicated, Un-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
<input type="checkbox"/> Permit for which an Amendment is Requested	 Permit Number	 Completion Date of Permit

Name on Permit, Certificate, or Decree: Lester Mahurin

County: Polk and Yamhill

Authorized Use(s): Irrigation

Are there multiple **Priority Dates** identified on the water right? ☐ Yes ☒ No

*If "Yes", any information provided on **Page 4** must identify which priority date is associated with each of the proposed points of diversion/appropriation and places of use. In addition, list those priority dates:* \_\_\_\_\_

Source(s) of Water Listed on Right: South Yamhill River

Tributary to: Willamette River

Are there other **Sources** listed on the water right? ☐ Yes ☒ No

*If "Yes", any information provided on **Page 4** must identify which source is associated with each of the proposed points of diversion/appropriation and proposed places of use. In addition, list those other sources:* \_\_\_\_\_

Are there **Other Water Rights** or permits associated with this land? ☒ Yes ☐ No

*If "Yes", what are the Permit or Certificate Numbers?* See Remarks Below

*Pursuant to ORS 540.510, any right that is supplemental to a primary right proposed for transfer must be included in the transfer or be cancelled.*

Remarks: This land is served by the Grand Ronde Water Association's Quasi-Municipal Use

Certificate No. 68530. It is also served by the Quasi-Municipal Use Transfers and

Permit No.'s T-9049, T-9050, T-9051, T-9052, P-53832 for the limited occasions

that the Grand Ronde System needs to be supplemented with additional water.

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Certificate Number or other identifying number from **Page 3**: 30833

*A separate page providing the following information must be completed for each certificate, permit, decree, or other right involved in the proposed transfer.*

Is the entire water right identified on **Page 3** affected by this transfer? ☐ Yes ☒ No

*If "Yes", the remainder of this page need not be completed.*

*If "No", the following information must be provided only for those points of diversion/appropriation and places of use that are involved in the transfer.*

*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:**

Township		Range		Mer	Sec	¼ ¼ Section	Gov't Lot or DLC	Survey Coordinates (coordinates from a recognized survey corner)

**Location of Existing Authorized Place of Use to be Changed:**

Township		Range		Mer	Sec	¼ ¼ Section	Gov't Lot or DLC	Acres (if applicable)
6	S	8	W	WM	1	SE SW		4.42
6	S	8	W	WM	1	SW SW		2.82

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## 5. PROPOSED CHANGES TO THE WATER RIGHT

*A separate page providing the information in this section must be completed for each certificate, permit, decree, or other right involved in the proposed transfer.*

Certificate Number or other identifying number from **Section 4**: 30833

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

Township	Range	Mer	Sec	¼ ¼ Section	Gov't Lot or DLC	Survey Coordinates (coordinates from a recognized survey corner)

*Attach additional copies as necessary to describe locations of other proposed points of diversion or appropriation. Clearly mark each of the additional copies with the appropriate Certificate Number or other identifying number. Not applicable to applications for transfers to instream water rights.*

### Location of Proposed Place of Use:

Township	Range	Mer	Sec	¼ ¼ Section	Gov't Lot or DLC	Acres (if applicable)
6	S	8	W	WM 1	SE SW	3.31
6	S	8	W	WM 1	NE SW	3.60
6	S	8	W	WM 1	NW SW	0.33

*Attach additional copies as necessary to describe locations of other proposed places of use. Clearly mark each of the additional copies with the appropriate Certificate Number or other identifying number. Not applicable to applications for transfers to instream water rights.*

Remarks: The purpose of this transfer is to permanently move irrigation water rights from  
developed property within Certificate 30833 to adjoining property developed  
and irrigated by the Tribe.

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## 6. AFFECTED DISTRICTS AND LOCAL GOVERNMENTS

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? ☐ Yes ☒ No

If "Yes", for any of the above, list the name and mailing address of the district and/or agency:  
Grand Ronde Community Water Association

26690 Highway 18

Grand Ronde, Oregon 97347

List the name and mailing address of all affected local governments (e.g., county, city, municipal corporation, and tribal governments within whose jurisdiction the rights are located).

1) Confederated Tribes of the Grand Ronde Community, 9615 Grand Ronde Road, Grand Ronde, OR 97347-9712

Note: Affected properties are in trust and are not subject to local jurisdiction

## 7. LAND OWNERSHIP

Does the applicant own the lands **FROM** which the right is being transferred? ☒ 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:

Names of Current Landowner(s): Confederated Tribes of the Grand Ronde Community

First

Last

Address: 9615 Grand Ronde Road

Grand Ronde

Oregon

97347-9712

City

State

Zip

Does the applicant own the lands **TO** which the right is being transferred? ☒ Yes ☐ No

If "No", provide the following information:

Names of Receiving Landowner(s):

First

Last

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.

Transfer Application/6

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## 8. ATTACHMENTS

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

### Form A – Evidence of Use Affidavits

- ☒ 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.

### Form B – Instream Water Right Transfer

- ☐ Required for instream transfers only.

### Map

- ☐ Permanent 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.
- ☐ Permit Amendment, Temporary Transfer, or Other Application  
A map meeting the requirements of OAR 690-380-3100 must be included but need not be prepared by a Certified Water Right Examiner.

### Evidence of Lien Holder Notification

- ☐ Copies of the written notification of the proposed transfer provided by the applicant to each lien holder, unless the water right has been quit claimed.

### Recorded Deed

- ☐ Required for temporary transfers only.

### Land Use Information Form:

- ☒ Enclosed
- ☐ Not Required if all of the following are met:
- 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.

### Water Well Reports/Well Logs:

- ☐ 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.
- ☒ The application is for a surface water transfer and water well reports are not required.

### Fees:


- ☒ Amount enclosed: \$ 350  
See the Department's Fee Schedule at [www.wrd.state.or.us](http://www.wrd.state.or.us) or call (503) 986-0900.

## 9. SIGNATURES

I (we) understand that prior to approval of a permanent transfer and after issuance of a draft preliminary determination by the Department, I (we) must submit:

- (1) A report on ownership and lien information prepared by a title company within the last three months if required under OAR 690-380-3000(18), and
- (2) If I (we) are not the landowners, proof that the landowner or entity to which the water right has been quitclaimed consents to the transfer or that ownership information is not required.

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

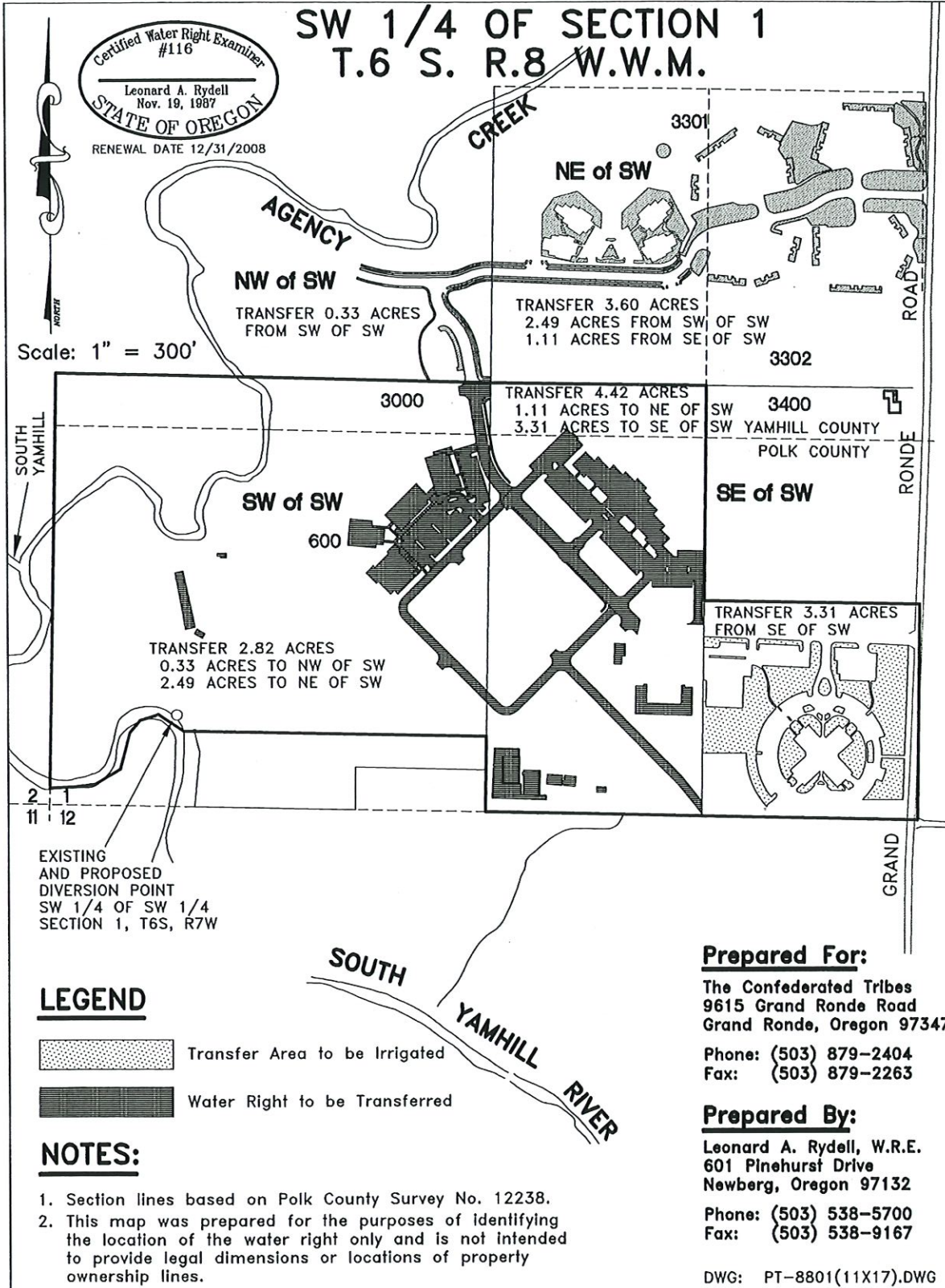
 applicant signature	<u>ERIC F. SCOTT</u> name (print)	<u>1/22/07</u> date
_____ applicant signature	_____ name (print)	_____ date

### Before submitting your application, be sure you have:

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

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STATE OF OREGON  
COUNTY OF      POLK  
**CERTIFICATE OF WATER RIGHT**

**This Is to Certify, That      LESTER MAHURIN**

of      Route 1, Box 181, Grande Ronde      , State of      Oregon      , has made proof  
to the satisfaction of the STATE ENGINEER of Oregon, of a right to the use of the waters of  
South Yamhill River  
a tributary of      Willamette River      for the purpose of

irrigation of 46.9 acres  
under Permit No.      26036      of the State Engineer, and that said right to the use of said waters  
has been perfected in accordance with the laws of Oregon; that the priority of the right hereby  
confirmed dates from      March 9, 1959,

that the amount of water to which such right is entitled and hereby confirmed, for the purposes  
aforesaid, is limited to an amount actually beneficially used for said purposes, and shall not exceed

0.50 cubic foot per second

or its equivalent in case of rotation, measured at the point of diversion from the stream.  
The point of diversion is located in the SW $\frac{1}{4}$  SW $\frac{1}{4}$ , Section 1, T. 6 S., R. 8 W., W. M.

The amount of water used for irrigation, together with the amount secured under any other  
right existing for the same lands, shall be limited to one-eightieth of one cubic foot per second  
per acre, or its equivalent for each acre irrigated and shall be further limited to  
a diversion of not to exceed 2 $\frac{1}{2}$  acre feet per acre for each acre irrigated during  
the irrigation season of each year,

and shall

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

A description of the place of use under the right hereby confirmed, and to which such right is  
appurtenant, is as follows:

29.0 acres SW $\frac{1}{4}$  SW $\frac{1}{4}$   
17.9 acres SE $\frac{1}{4}$  SW $\frac{1}{4}$   
Section 1  
T. 6 S., R. 8 W., W. M.

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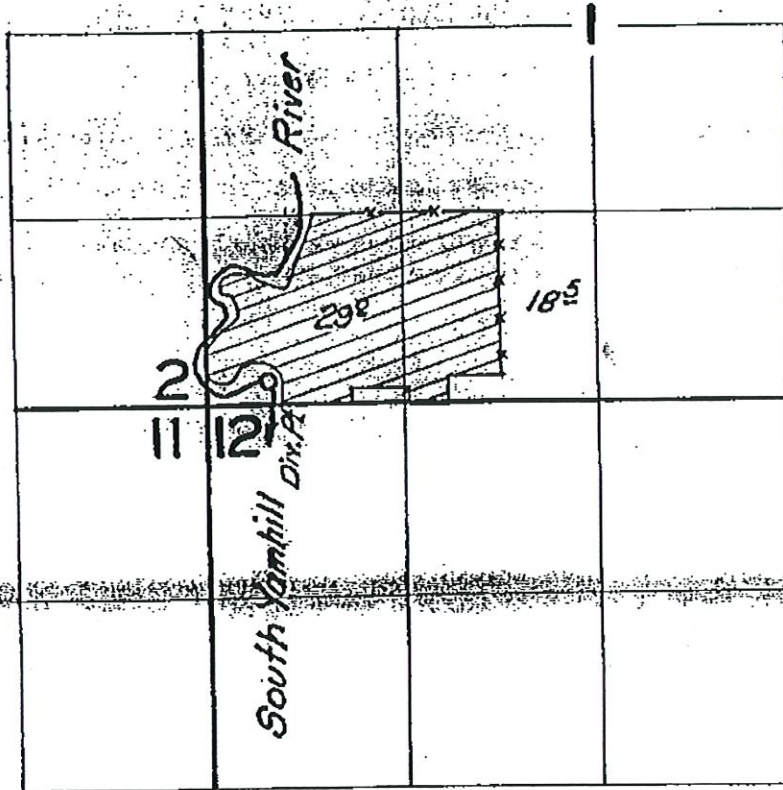
The right to the use of the water for the purposes aforesaid is restricted to the lands or place of  
use herein described.

WITNESS the signature of the State Engineer, affixed

this date.      APRIL      - 1 1963

CHRIS L. WHEELER  
State Engineer

T.6S. R.8W W.M.



**FINAL PROOF SURVEY**  
UNDER

Application No. 32944 Permit No. 26036  
IN NAME OF

Lester Mahurin

Surveyed 21 June 1962, by Carl R. Baker

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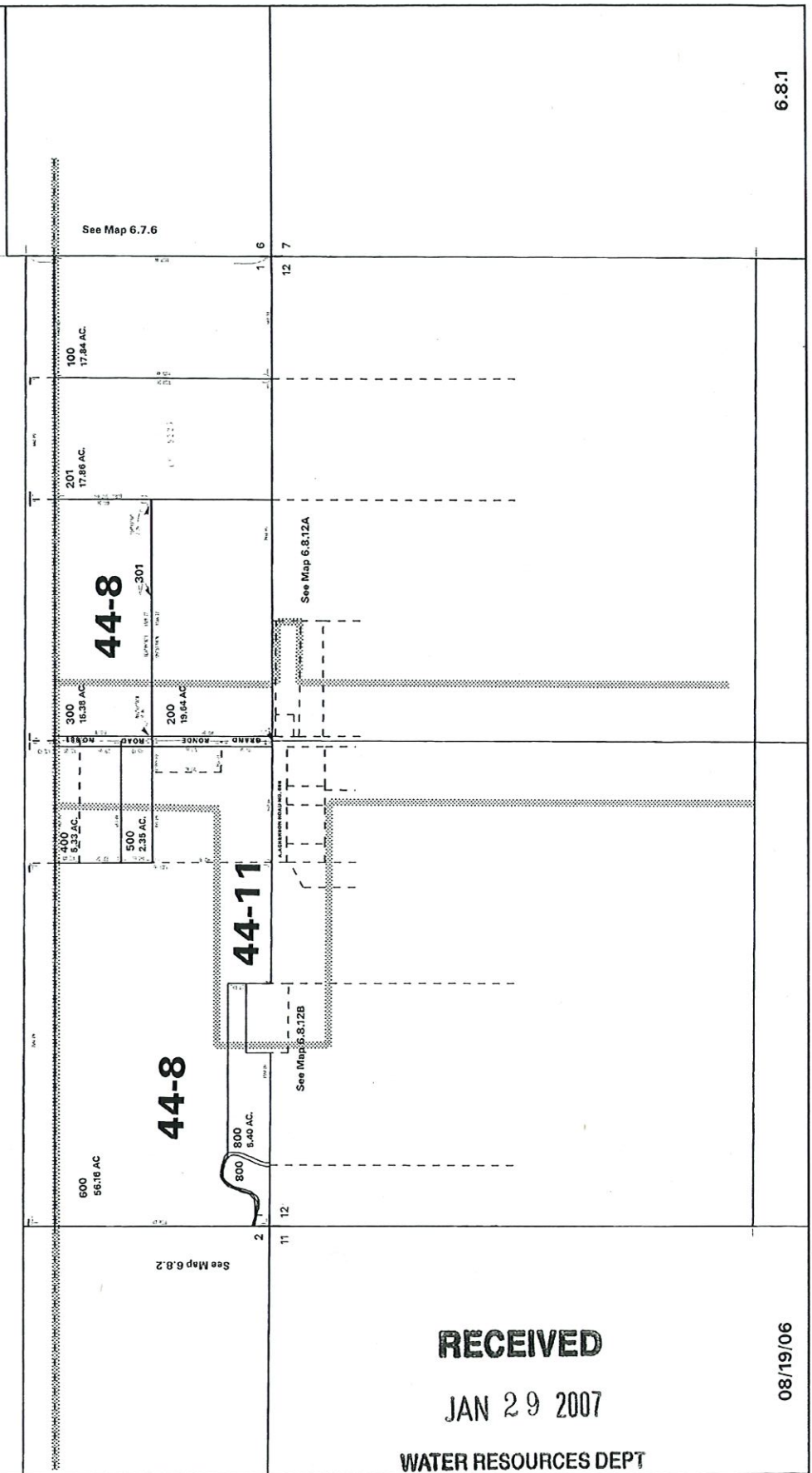


6.8.1

SEC.1 T6S R8W WM  
POLK COUNTY  
Scale 1" = 400'

IMPORTANT  
This Map for Assessment  
and Taxation Purposes  
ONLY

Canceled No.  
700  
801  
802



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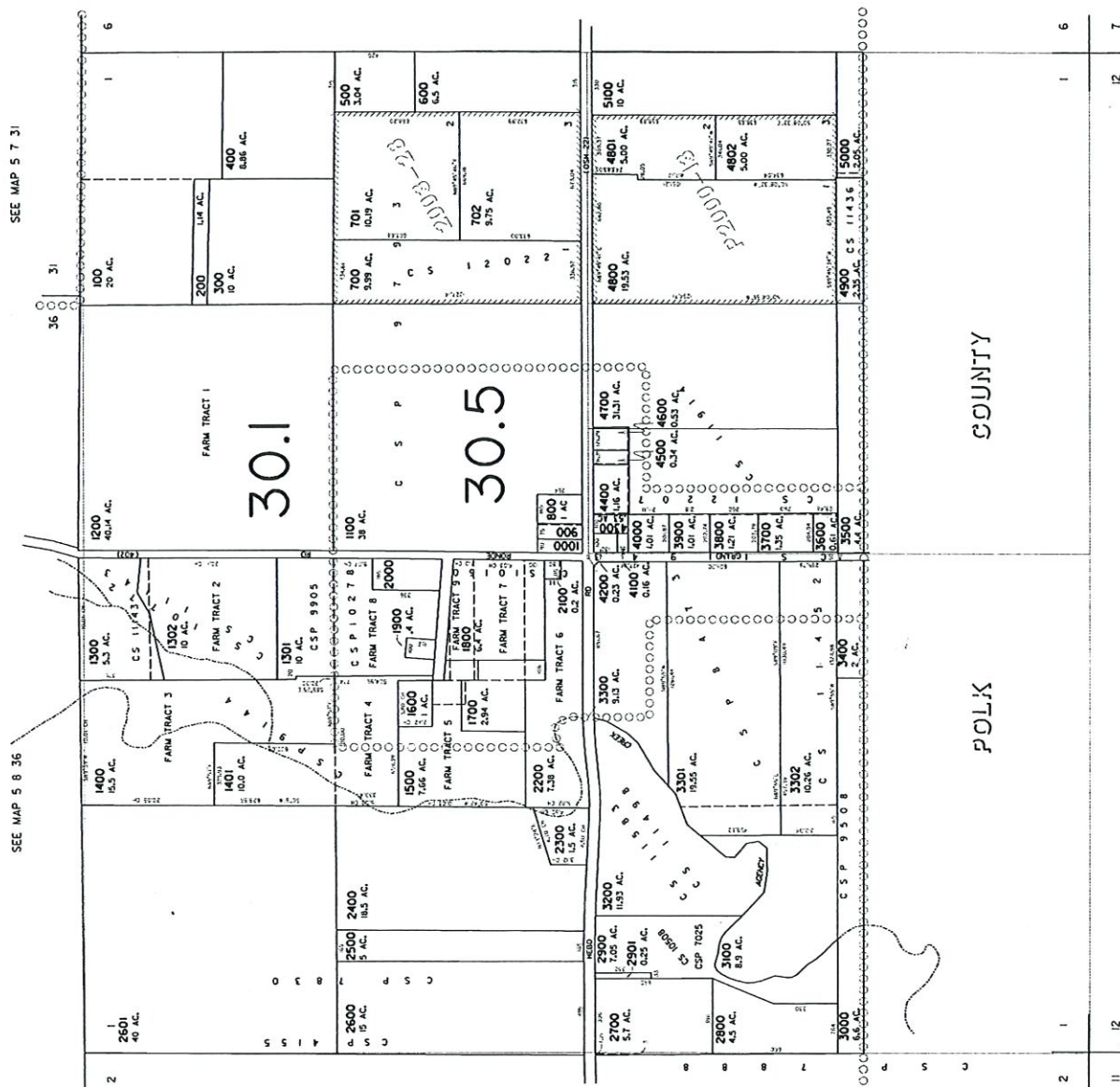
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08/19/06

SECTION 1 T6S R8W W.M.  
YAMHILL COUNTY  
1" = 400'

10 8 9

**CANCELLED**  
**1990**



MSX-1000 7-27-06 104

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