

Application for an Emergency Use Permit for Groundwater (Drought)



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

Received
JUN 12 2026

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Emergency Use Permit Application Processing

Oregon Revised Statute (ORS) 536.700-780 and Oregon Administrative Rule (OAR) 690-019-0040(1) authorize the Director, after the Governor declares that a severe, continuing drought exists, to issue emergency-use permits to replace water not available under an existing right because of the drought. Each application must be for use in a designated drought area.

PLEASE NOTE: Due to widespread drought and decreasing groundwater levels, if a drought emergency is declared in Klamath County, it is unlikely that the Oregon Water Resources Department (Department) will issue Drought Emergency Use Permits for groundwater.

A portion of the application fees for Drought Emergency Use Permits is non-refundable. If the Department evaluates a drought permit application and determines that a permit cannot be issued, the recording fee is refunded, and the Department will retain the exam fee.

1. Completeness Determination

The Department evaluates whether the application and accompanying map contain all of the information required under OAR 690-019-0040, OAR 690-019-0050, and OAR 690-019-0100 (www.oregon.gov/owrd/law). When an application does not contain all the information and supporting material required by the application form and these rules, the application will be declared incomplete, and the applicant notified. Additionally, the application may be returned with a request for additional information, and the applicant will have 30 days to complete the application. If the applicant fails to complete the application within 30 days, it will be rejected.

2. Public Notice

Public notice of receipt of emergency use applications and approval of such applications will be included in the Department's regular public notice of applications.

3. Final Order Issued

The Director shall approve an application for emergency water use upon findings that the proposed use will not cause injury to existing water rights and will not impair or be detrimental to the public interest. In evaluating whether the proposed use will impair or be detrimental to the public interest, the Director shall consider the factors described in OAR 690-310-0120 and OAR 690-310-0130.

Minimum Requirements Checklist

Minimum Requirements (OAR 690-310-0040, OAR 690-310-0050, ORS 537.615 & OAR 690-019-0040)

Include this checklist with the application

Check that each of the following items is included. The application will be returned if all required items are not included. If you have questions, please call the Water Rights Customer Service Group at (503) 986-0900.

- ☒ SECTION 1: APPLICANT INFORMATION AND SIGNATURE
- ☒ SECTION 2: PROPERTY OWNERSHIP
- ☒ SECTION 3: WELL DEVELOPMENT
- ☒ SECTION 4: WATER USE
- ☒ SECTION 5: WATER MANAGEMENT
- ☐ SECTION 6: WITHIN A DISTRICT
- ☒ SECTION 7: DROUGHT INFORMATION
- ☐ SECTION 8: KLAMATH BASIN WELL INFORMATION

Attachments:

- ☒ Fees - Amount enclosed: \$ 600.00
 - ✓ \$200 - Examination fee
 - ✓ \$400 - Recording fee for the first cubic foot per second (CFS) or fraction thereof, and \$100 for each additional CFS or fraction thereof
- * one CFS equals 448.831 gallons per minute*

Provide a map and check that each of the following items is included:

- ☒ Permanent quality and drawn in ink
- ☒ Even map scale not less than 4" = 1 mile (example: 1" = 400 ft, 1" = 1320 ft, etc.)
- ☒ North Directional Symbol
- ☒ Township, Range, Section, Quarter/Quarter, Tax Lots
- ☒ Reference corner on map
- ☒ Location of each well, and/or dam if applicable, by reference to a recognized public land survey corner (distances north/south and east/west). Each well must be identified by a unique name and/or number.
- ☒ Indicate the area of use by Quarter/Quarter and tax lot clearly identified
- ☒ Number of acres per Quarter/Quarter and hatching to indicate area of use if for supplemental irrigation or nursery
- ☒ Location of main canals, ditches, pipelines or flumes
- ☐ Other: _____

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SECTION 1: APPLICANT INFORMATION AND SIGNATURE

Applicant Information

NAME <u>Joseph C Arterburn</u>		PHONE (HM) <u>(541) 517-8043</u>	
PHONE (WK) <u>(541) 517-8043</u>	CELL <u>(541) 517-8043</u>	FAX <u>NONE</u>	
ADDRESS <u>1665 Birdseye Creek Rd</u>			
CITY <u>Gold Hill</u>	STATE <u>OR</u>	ZIP <u>97125</u>	E-MAIL* <u>joearterburn@gmail.com</u>

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Organization Information

NAME <u>WB Agricultural, LLC</u>		PHONE		FAX
ADDRESS <u>PO Box 682 (change in address, please update)</u>		CELL		
CITY <u>Willow</u>	STATE <u>AK</u>	ZIP <u>99688</u>	E-MAIL* <u>astcax@gmail.com</u>	

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

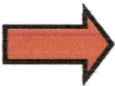
AGENT / BUSINESS NAME <u>WILLIAM N ARTERBURN</u>		PHONE <u>907 317-9321</u>		FAX
ADDRESS <u>PO Box 682</u>		CELL		
CITY <u>Willow</u>	STATE <u>AK</u>	ZIP <u>99688</u>	E-MAIL* <u>astcax@gmail.com</u>	

Note: Attach multiple copies as needed

* By providing an e-mail address, consent is given to receive all correspondence from the Department electronically.
(A paper copy of the final order will also be mailed.)

By my signature below I confirm that I understand:

- I am asking to use water specifically as described in this application.
- Evaluation of this application will be based on information provided in the application.
- I cannot use water legally until the Water Resources Department issues a permit.
- Oregon law requires that a permit be issued before beginning construction of any proposed well. Acceptance of this application neither guarantees an emergency use permit will be issued nor indicates that a permanent water right may be obtained.
- If I get a permit, I must not waste water.
- If development of the water use is not according to the terms of the permit, the permit can be cancelled.
- The water use must be compatible with local comprehensive land-use plans.
- Even if the Department issues a permit, I may have to stop using water to allow senior water-right holders to get water to which they are entitled.

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

Joseph C. Arterburn
Applicant Signature
William N Arterburn
Applicant Signature

Joseph C ARTERBURN
Print Name and title if applicable
WILLIAM N ARTERBURN
Print Name and title if applicable

6-9-26
Date
6-9-26
Date

SECTION 2: PROPERTY OWNERSHIP

Please indicate if you own all the lands associated with the project from which the water is to be diverted, conveyed, and used.

☒ Yes

- ☐ There are no encumbrances.
- ☐ This land is encumbered by easements, rights of way, roads or other encumbrances.

☐ No

- ☐ I have a recorded easement or written authorization permitting access.
- ☐ I do not currently have written authorization or easement permitting access.
- ☐ Written authorization or an easement is not necessary, because the only affected lands I do not own are state-owned submersible lands, and this application is for irrigation and/or domestic use only (ORS 274.040).
- ☐ Water is to be diverted, conveyed, and/or used only on federal lands.

List the names and mailing addresses of all affected landowners (*attach additional sheets if necessary*).

NONE

SECTION 3: WELL DEVELOPMENT

WELL NO.	NAME OF NEAREST SURFACE WATER	IF LESS THAN 1 MILE:	
		DISTANCE TO NEAREST SURFACE WATER	ELEVATION CHANGE BETWEEN NEAREST SURFACE WATER AND WELL HEAD
L119025	Birdseye Creek	Approximately 760 ft	46' Approximate

Please provide any information for your existing or proposed well(s) that you believe may be helpful in evaluating your application. For existing wells, describe any previous alteration(s) or repair(s) not documented in the attached well log or other materials (*attach additional sheets if necessary*).

Well is used for domestic + commercial supply to existing building + facilities on owned property.

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SECTION 3: WELL DEVELOPMENT, CONTINUED

Source (aquifer), if known: Blue Grey Basalt

Total maximum rate requested: .05 cfs to July 1 .03 cfs After July 1 (2026)

(each well will be evaluated at the maximum rate unless you indicate well-specific rates and annual volumes in the table below)

Complete the table below. If this is an existing well, the following information may be found on the applicable well log. (If a well log is available, please submit it in addition to completing the table.) If this is a proposed well, or well-modification, consider consulting with a licensed well driller, geologist, or certified water right examiner.

OWNER'S WELL NAME OR NO.	PROPOSED	EXISTING	WELL ID (WELL TAG) NO.* OR WELL LOG ID**	FLOWING ARTESIAN	CASING DIAMETER	CASING INTERVALS (IN FEET)	PERFORATED OR SCREENED INTERVALS (IN FEET)	SEAL INTERVALS (IN FEET)	MOST RECENT STATIC WATER LEVEL & DATE (IN FEET)	PROPOSED USE			
										SOURCE AQUIFER***	TOTAL WELL DEPTH	WELL-SPECIFIC RATE (GPM)	ANNUAL VOLUME (ACRE-FEET)
1	☐	☒	L119028	☐	6"	15-18	15-98.5	0-38	46.4	Blue Grey Basalt	140		18
	☐	☐		☐					(PER WATERMASTER)		.05 CFS to July 1	22.5	
	☐	☐		☐					5-8-20		.03 CFS After July 1	13.5	
	☐	☐		☐					see text attached				
	☐	☐		☐									
	☐	☐		☐									
	☐	☐		☐									
	☐	☐		☐									

* Licensed drillers are required to attach a Department-supplied Well Tag, with a unique Well ID or Well Tag Number to all new or newly altered wells. Landowners can request a Well ID for existing wells that do not have one. The Well ID is intended to serve as a unique identification number for each well.

** A well log ID (e.g. MARI 1234) is assigned by the Department to each log in the agency's well log database. A separate well log is required for each subsequent alteration of the well.

*** Source aquifer examples: Troutdale Formation, gravel and sand, alluvium, basalt, bedrock, etc.

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SECTION 4: WATER USE

USE	PERIOD OF USE	ANNUAL VOLUME (ACRE-FEET)
crop + field irrigation	from approval to 10-31-26	18

Rights affected by drought:County in which use will occur: JACKSON

(if the right is located in Klamath Basin/County you must complete Section 8)

Please indicate the total number of acres to be irrigated (must match map): + 4 acresList the Permit or Certificate number(s) of the water right(s) affected by drought: T-14116Indicate the maximum total number of acre-feet you expect to use in an irrigation season: 18**SECTION 5: WATER MANAGEMENT****A. Diversion and Conveyance**

What equipment will you use to pump water from your well(s)?

- ☒ Pump (give horsepower and type): FLOTEC 1.5HP
- ☐ Other means (describe): _____

Provide a description of the proposed means of diversion, construction, and operation of the diversion works and conveyance of water.

Pump water into existing on site storage for distribution to crop rows
via pump + drip tape buried at site.

B. Conservation

Please describe why the amount of water requested is needed and measures you propose to: prevent waste; measure the amount of water diverted; and prevent the discharge of contaminated water to a surface stream.

1. Water only as needed; unnecessary uses deprioritized
2. WASTE PREVENTION THROUGH DIRECTED USE OF ULTRA EFFICIENT DRIFTAPE
3. WATER STORED PREDISTRIBUTION IN SECURED NON LEAK TANKS, checked daily.
4. USE AMT NEEDED VIA DISTRIBUTION THRU DRIFTAPE. ZERO WASTE RUNOFF
5. FLOW METER HUNTER 1"

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SECTION 6: WITHIN A DISTRICT

- ☐ Check here if any of the water rights affected by drought are located within or served by an irrigation or other water district.

Irrigation District Name	N/A	
City	Address	State
		Zip

- ☐ Yes ☐ No Has the irrigation district transferred the primary irrigation water right to another place of use for this irrigation season?

Projected irrigation season allotment, if known: _____

SECTION 7: DROUGHT INFORMATION

Explain how drought conditions have created an inability to obtain water under your existing right(s), and any other remarks to clarify any other information (*attach additional sheets as necessary*).

- Drought conditions from lower winter snowpack has led to decreased flow levels in Birdseye Creek for past several years in Birdseye Creek. Decrease is noted in both volume + duration. Flow is too low to sustain thru irrigation season and alternate source is needed for annual crop irrigation needs. The Governor's Executive Order NO 26-07 includes Jackson County, OR and provides for such emergency use (order attached)
- Attached maps + documents for reviewers needs + purposes in determining permit for emergency use.

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SECTION 8: KLAMATH BASIN/COUNTY WELL INFORMATION

PLEASE NOTE: Due to the pervasive drought and rapidly declining groundwater levels in the Klamath Basin, the Oregon Water Resources Department is unlikely to issue Drought Emergency Use Permits for groundwater in the Klamath Basin.

A functioning, totalizing flowmeter will be required for any drought permits issued. Is there currently a flowmeter installed on each of the PODs listed in the table in Section 3 of this application? ☐ Yes ☐ No*

*Please note that watermaster staff will visit the well to confirm flowmeter presence prior to issuance of an emergency drought groundwater permit. Where possible, watermaster staff will take a static water level measurement. Alterations to the well head may be required in order to make the water level measurements and these may be conditions of the permit.

For each well, please provide a description of the flowmeter location, the serial number, the current flowmeter reading and the date the reading was taken in the table below.

OWNER'S WELL NAME OR NUMBER.	WELL TAG NUMBER (IF AVAILABLE)	WELL LOG ID (E.G., KLAM 1234)	FLOWMETER SERIAL NUMBER	FLOWMETER READING	FLOWMETER DATE	FLOWMETER LOCATION
1	L119028	JACK 62253	HUNTER #240400478	11.300	4/30/26	

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12:31



New iMessage



unlocked

To: Shavon Water Master Jack...

Hi Shavon! Did you
get a chance to get
our well measured?

Wed, May 13 at 9:27 AM

46.4 on 5/8

Thank you

Wed, May 13 at 10:33 AM

Is 46.4' the depth to
water below land

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water below land
surface?

Or depth to water
below measuring
point?

Read 5/13/26

Below measuring

point



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EXECUTIVE ORDER NO. 26-07

**DETERMINATION OF A STATE OF DROUGHT EMERGENCY IN
CROOK, GRANT, JACKSON, JEFFERSON, MORROW AND WALLOWA
COUNTIES.**

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At the request of Crook County (through Crook County Board of Commissioners Resolution and Order 2026-10, dated March 4, 2026), Grant County (through Grant County Court Resolution 26-10, dated April 1, 2026), Jackson County (through Jackson County Board of Commissioners Order No. 78-26, dated April 1, 2026), Jefferson County (through Jefferson County Board of Commissioners Order No. 0-033-26, dated March 18, 2026), Morrow County (through Morrow County Board of Commissioners Resolution No. R-2026-05, dated March 4, 2026) and Wallowa County (through Wallowa County Board of Commissioners Resolution 2026-012, dated March 18, 2026), and based on the recommendations of the Drought Readiness Council and input from the Water Supply Availability Committee dated April 16, 2026, and pursuant to ORS 536.740, I find that moderate and severe drought conditions exist in addition to:

- 1) well above normal temperature conditions, below normal precipitation and streamflow conditions, well below normal snowpack conditions and drier-than-normal soil moisture conditions have caused or will cause natural and economic disaster conditions in Crook County;
- 2) well above normal temperature conditions, long-term precipitation deficits, below normal streamflow conditions, well below normal snowpack conditions and drier-than-normal soil moisture conditions have caused or will cause natural and economic disaster conditions in Grant County;
- 3) well above normal temperature conditions, long-term precipitation deficits, below normal streamflow conditions, well below normal snowpack conditions and drier-than-normal soil moisture conditions have caused or will cause natural and economic disaster conditions in Jackson County;
- 4) well above normal temperature conditions, just below normal precipitation conditions, well below normal snowpack conditions and drier-than-normal soil moisture conditions have caused or will cause natural and economic disaster conditions in Jefferson County;
- 5) well above normal temperature conditions, long-term precipitation deficits, below normal streamflow conditions, well below normal snowpack conditions and drier-than-normal soil moisture conditions have caused or will cause natural and economic disaster conditions in Morrow County;



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- 6) above normal temperature conditions, long-term precipitation deficits, well below normal snowpack conditions and drier-than-normal soil moisture conditions have caused or will cause natural and economic disaster conditions in Wallowa County.

Forecasted snowpack, temperature, precipitation and water supply conditions suggest that drought conditions in the counties are unlikely to improve in the near-term. Drought is likely to have a significant economic impact on the agricultural, livestock, natural resource and recreational tourism sectors in Crook, Grant, Jackson, Jefferson, Morrow and Wallowa Counties.

Conditions continue to be monitored by the State's natural resource and public safety agencies, including the Oregon Water Resources Department, the Oregon Department of Emergency Management, the Oregon Office of the State Fire Marshal, and the Oregon Department of Forestry's Fire Protection Division.

Preparation and resiliency to drought are vital to the health and safety of persons, property, and the economic security of the citizens and businesses of these counties. I, therefore, declare that a severe, continuing drought emergency exists and is likely to continue to exist in Crook, Grant, Jackson, Jefferson, Morrow and Wallowa Counties.

NOW, THEREFORE, IT IS HEREBY DIRECTED AND ORDERED:

- I. The Oregon Department of Agriculture is directed to coordinate and provide assistance in seeking federal resources to mitigate drought conditions and assist in agricultural recovery in Crook, Grant, Jackson, Jefferson, Morrow and Wallowa Counties.
- II. The Oregon Water Resources Department and the Water Resources Commission are directed to coordinate and provide assistance to water users in Crook, Grant, Jackson, Jefferson, Morrow and Wallowa Counties as the Department and Commission determine necessary and appropriate in accordance with ORS 536.700 to 536.780.
- III. The Oregon Water Resources Department is directed to seek information from the Oregon Department of Fish and Wildlife to help understand the impacts of water availability on Oregon's fish and wildlife, as necessary and appropriate in accordance with ORS 536.700 to 536.780.

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- IV. The Oregon Department of Emergency Management is directed to coordinate and assist as needed with assessment and mitigation activities to address current and projected conditions in Crook, Grant, Jackson, Jefferson, Morrow and Wallowa Counties.
- V. All other state agencies are directed to coordinate with the above agencies and provide appropriate state resources as needed to assist affected political subdivisions and water users in Crook, Grant, Jackson, Jefferson, Morrow and Wallowa Counties.
- VI. This Executive Order expires on December 31, 2026.

Done at Salem, Oregon, this 21st day of April, 2026.

Tina Kotek
GOVERNOR

ATTEST:

Tobias Read
SECRETARY OF STATE

BEFORE THE WATER RESOURCES DEPARTMENT
OF THE
STATE OF OREGON

In the Matter of Transfer Application	)	FINAL ORDER
T-14116, Jackson County	)	APPROVING A CHANGE IN POINT OF
	)	DIVERSION

Authority

Oregon Revised Statutes (ORS) 540.505 to 540.580 establish the process in which a water right holder may submit a request to transfer the point of diversion, place of use, or character of use authorized under an existing water right. Oregon Administrative Rules (OAR) Chapter 690, Division 380 implement the statutes and provides the Department's procedures and criteria for evaluating transfer applications.

Applicant

WB AGRICULTURAL LLC
PO BOX 609
WILLOW, AK 99688

Findings of Fact

1. On November 3, 2022, WB AGRICULTURAL LLC filed an application to change the point of diversion under Certificate 51520. The Department assigned the application number T-14116.
2. Notice of the application for transfer was published on November 15, 2022, pursuant to OAR 690-380-4000. Timely comments were submitted by Carlette Kruse of Brophy Schmor LLP, representative of Sheri Birdseye, in response to the notice. The issues raised by the comments focused primarily on concerns that:
 - a) Water use should not be allowed from Birdseye Ditch.
 - b) A flow meter at the point of diversion should be required.
 - c) The use should not cause injury to any other water rights.

This final order is subject to judicial review by the Court of Appeals under ORS 183.482. Any petition for judicial review must be filed within the 60-day time period specified by ORS 183.482(1). Pursuant to ORS 536.075 and OAR 137-003-0675, 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.

3. Not all the issues raised by the commenters are relevant to the criteria for review of a water right transfer as per OAR 690-380-4010 and approval of a transfer application under OAR 690-380-5000. Many of the issues noted in Finding of Fact #2, though important to the residents and water resources of the area, do not directly relate to the transfer review criteria. Rather, the statutory basis for approving a water right transfer application is relatively narrow and confined to the Department finding or determining:

- a) The water right proposed for transfer is a water use subject to transfer;
- b) The portion of the water right proposed for transfer is not cancelled due to forfeiture for non-use pursuant to ORS 540.610;
- c) The proposed transfer would not result in enlargement of the water right proposed for transfer; and
- d) The proposed transfer would not result in injury to other water rights.

4. On August 9, 2023, the Department sent a copy of the draft Preliminary Determination to the applicant, proposing to approve Transfer Application T-14116. The draft Preliminary Determination cover letter gave the applicant a deadline of September 9, 2023 to respond. The applicant requested that the Department proceed with issuance of a Preliminary Determination and provided the necessary information to demonstrate that the applicant is authorized to pursue the transfer. The applicant requested to extend the date to which full beneficial use of the water shall be made to October 1, 2027.
5. On December 27, 2023, the Department issued a Preliminary Determination proposing to approve Transfer T-14116 and mailed a copy to the applicant. Additionally, notice of the Preliminary Determination for the transfer application was published on the Department's weekly notice on January 7, 2024, pursuant to ORS 540.520 and OAR 690-380-4020. No protests were filed in response to the notice.

6. The portion of the right to be transferred is as follows:

Certificate: 51520 in the name of GLENN C. BIRDSEYE (perfected under Permit S-34894)

Use: IRRIGATION of 4.0 ACRES

Priority Date: DECEMBER 31, 1969

Rate: 0.05 CUBIC FOOT PER SECOND (CFS) BEFORE JULY 1 and
0.03 CFS AFTER JULY 1 OF EACH YEAR

Limit/Duty: 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 4.5 acre-feet per acre for each acre irrigated during the irrigation season of each year.

Source: BIRDSEYE CREEK, tributary of the ROGUE RIVER

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Authorized Point of Diversion:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
36 S	4 W	WM	34	SW SE	POD - 80 FEET NORTH AND 1110 FEET EAST FROM THE S1/4 CORNER OF SECTION 34

Authorized Place of Use:

IRRIGATION						
Twp	Rng	Mer	Sec	Q-Q	DLC	Acres
36 S	4 W	WM	34	SW SE	41	4.0

7. Transfer Application T-14116 proposes to move the authorized point of diversion approximately 450 feet downstream to:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
36 S	4 W	WM	34	SW SE	NEW POD - 460 FEET NORTH AND 1300 FEET EAST FROM THE S1/4 CORNER OF SECTION 34

8. The Oregon Department of Fish and Wildlife (ODFW) has determined that a fish screening and/or by-pass device is necessary at the new point of diversion to prevent fish from entering the diversion and/or safely transport fish back to the body of water from which the fish were diverted and that the diversion is not currently equipped with an appropriate fish screening and/or by-pass device. This diversion may be eligible for screening cost share funds.
9. The applicant entered into a settlement agreement with Sheri Birdseye, a landowner under Certificate 51520. The settlement agreement stipulates that:
- a) WB Agricultural will move their point of diversion under Certificate 51520 from Birdseye Ditch to a point directly on Birdseye Creek, which is proposed by Transfer T-14116;
 - b) Diversion under Transfer T-14116 will not be allowed from Birdseye Ditch;
 - c) A flow meter will be required on the new point of diversion.

Transfer Review Criteria [OAR 690-380-4010(2)]

10. Water has been used within the five-year period prior to submittal of Transfer Application T-14116, according to the terms and conditions of the right. There is no information in the record that would demonstrate that the right is subject to forfeiture under ORS 540.610.
11. A water delivery system sufficient to use the full amount of water allowed under the existing right was present within the five-year period prior to submittal of Transfer Application T-14116.
12. The water right is subject to transfer as defined in ORS 540.505(4) and OAR 690-380-0100(14).

13. The proposed point of diversion diverts water from the same source of surface water as the authorized point of diversion, as required by OAR 690-380-2110(2).
14. The proposed change, as conditioned, would not result in enlargement of the right.
15. The proposed change, as conditioned, would not result in injury to other water rights. other application requirements are met.

Conclusions of Law

The change in point of diversion proposed in Transfer Application T-14116 is consistent with the requirements of ORS 540.505 to 540.580 and OAR 690-380-5000.

Now, therefore, it is ORDERED:

1. The change in point of diversion proposed in Transfer Application T-14116 is approved and the diversion and use of water from Birdseye Ditch shall be discontinued.
2. The right to the use of the water is restricted to beneficial use at the place of use described and is subject to all other conditions and limitations contained in Certificate 51520 and any related decree.
3. Approval of this transfer application does not constitute nor grant legal access onto or through another person's property for purposes of accessing the new point of diversion.
4. Water right Certificate 51520 is cancelled. A new certificate will be issued describing that portion of the right not affected by this transfer.
5. The quantity of water diverted at the new point of diversion (New POD) shall not exceed the quantity of water lawfully available at the original point of diversion (POD).
6. Water shall be acquired from the same source of surface water as the original point of diversion.
7. **Water Measurement Condition:**
 - a. Before water use may begin under this order, the water user shall install a totalizing flow meter, or, with prior approval of the Director, another suitable measuring device, at each point of diversion (new and existing).
 - b. The water user shall maintain the meter or measuring device in good working order.
 - c. The water user shall allow the Watermaster access to the meter or measuring device; provided however, where the meter or measuring devices are located within a private structure, the Watermaster shall request access upon reasonable notice.

8. Prior to diverting water, the water user shall install a fish screening and/or by-pass device, as appropriate, at the new point of diversion consistent with the Oregon Department of Fish and Wildlife's (ODFW) design and construction standards. Prior to installation, the water user shall obtain written approval from ODFW that the required screen and/or by-pass device meets ODFW's criteria. Prior to submitting a Claim of Beneficial Use, the water user must obtain written approval from ODFW that the required screening and/or by-pass device was installed to the state's criteria. The water user shall maintain and operate the fish screen and/or by-pass device, as appropriate, at the point of diversion consistent with ODFW's operational and maintenance standards.
9. Full beneficial use of the water shall be made, consistent with the terms of this order, on or before **October 1, 2027**. A Claim of Beneficial Use prepared by a Certified Water Right Examiner shall be submitted by the applicant to the Department within one year after the deadline for completion of the change and full beneficial use of the water.
10. After satisfactory proof of beneficial use is received, a new certificate confirming the right transferred will be issued.

Dated in Salem, Oregon on **MAY 14 2024**



Lisa J. Jaramillo, Transfer and Conservation Section Manager, for
DOUGLAS E. WOODCOCK, ACTING DIRECTOR
Oregon Water Resources Department

Mailing date: **MAY 15 2024**

WB Agricultural, LLC
1663 Birdseye Creek Rd
Gold Hill, OR

6-9-86

EMERGENCY USE PERMIT
for Groundwater (Drought)

OWRD Reviewers:

This is a re-submit from a prior submittal that was returned as incomplete. Admittedly the prior had some deficiencies, and had been prepared in haste. We have supplemented submittals.

Our water and access to it is greatly important to us. We hope this submittal meets all requirements. Please review & let us know if it is complete, as surface waters from which we currently draw are lessening on a daily basis. Thank you for your services.

Shel N. Tuttle
WB Agricultural, LLC

Received

JUN 12 2026

OWRD