

FAX 13 Feb 12

To: Kelly Starnes

From: Bruce Estes

Period of Use: MARCH 1 THROUGH OCTOBER 31

Source: A WELL within the DRY RIVER BASIN

Authorized Point of Appropriation:

2 pages

Twp	Rng	Mer	Sec	Q-Q	
14 S	14 E	WM	26	NW SE	750 FEET SOUTH AND 1590 FEET WEST FROM THE E 1/4 CORNER OF SECTION 26

Authorized Place of Use:

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
14 S	14 E	WM	26	NE NE	0.10
14 S	14 E	WM	26	NW NE	0.10
14 S	14 E	WM	26	SW NE	3.30
14 S	14 E	WM	26	SW NW	2.70
14 S	14 E	WM	26	NW SW	6.20
14 S	14 E	WM	26	SW SW	8.59
14 S	14 E	WM	26	SE SW	2.30
14 S	14 E	WM	26	NE SE	1.80

242 acres

0.309 cfs

242

4. Transfer Application T-8897 proposes to change the place of use of the right to:

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
14 S	14 E	WM	26	SW NE	18.90
14 S	14 E	WM	26	SW NW	0.80
14 S	14 E	WM	26	SE NW	4.09
14 S	14 E	WM	26	NW SW	0.60
14 S	14 E	WM	26	NW SE	0.70

182 BQ
03 BQ
42 BQ
03 BQ
11 BQ

242

COPY

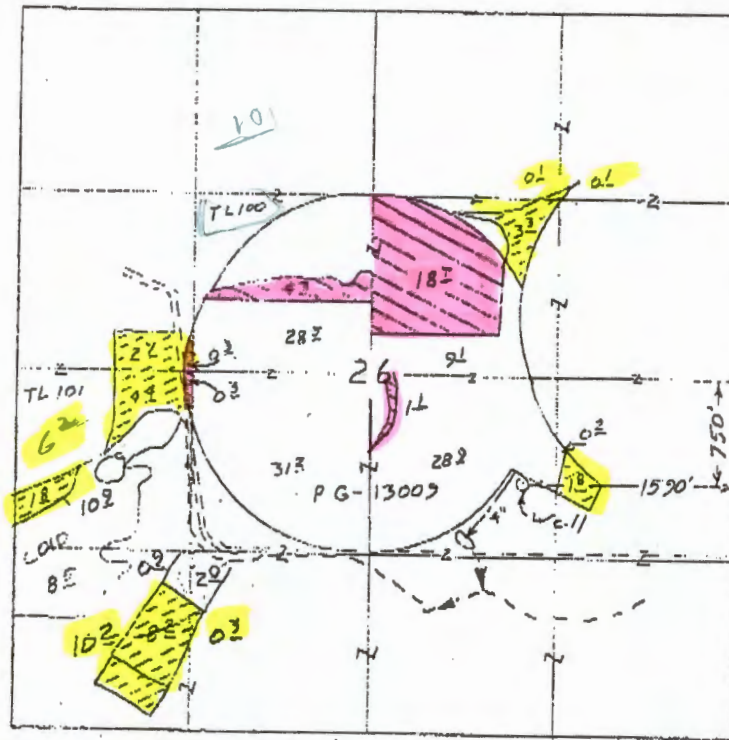
5. Notice of the application for transfer was published on October 8, 2001, pursuant to OAR 690-380-4000. No comments were filed in response to the notice.

Transfer Review Criteria (OAR 690-380-4010)

- Water has been used 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.
- A pump, pipeline, and sprinkler system sufficient to use the full amount of water allowed under the existing right were present within the five-year period prior to submittal of Transfer Application T-8897.
- The proposed change would not result in enlargement of the right.
- The proposed change would not result in injury to other water rights.

T-8897

TOWNSHIP 14 SOUTH, RANGE 14 EAST, W.M.



Scale 1" = 1320'

C-87116

- ☺ From 247 acres (~~Permit G-13009 Claim of Beneficial Use~~)
 ☹ To 247 acres

Transfer Application Map
 for
 LARK RANCH

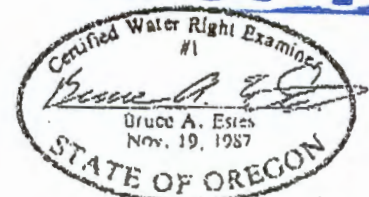
RECEIVED

SEP 28 2001

WATER RESOURCES DEPT.
SALEM, OREGON

T-8897

COPY



Renewal Dec 31, 2001

This map is for the purpose of
 locating a water right only
 and has no intent to provide
 legal dimensions or the location
 of property lines.

ESTES SURVEYS

PO Box 17519 60382 Arnold Rd
 Salem, OR 97305-7519 Bend, OR 97702
 (503) 585-7593 (541) 382-7391



Oregon

Kate Brown, Governor

Water Resources Department

725 Summer St NE, Suite A

Salem, OR 97301

(503) 986-0900

Fax (503) 986-0904

April 7, 2015

Applicant

DAVID M AND CINDY M TOWNSEND

10572 SW FLEMING RD

POWELL BUTTE, OR 97753

SUBJECT: Water Right Transfer Application T-8897

Your water right transfer is in one of three phases of processing. Enclosed is a revised draft of our Preliminary Determination regarding Transfer Application T-8897. The document reflects the Department's conclusion that, based on the information currently available, the transfer will be approved.

Items needed before the next phase of processing...

1. Please review the draft carefully to see if it accurately reflects the changes you intend to make, and to become familiar with all proposed conditions. **You will need to respond in writing** by the deadline provided below, whether you agree with the proposed action and conditions. Also we will appreciate having you let us know if there are typographical errors that need to be corrected.
2. A report of landownership for the lands to which the water right is appurtenant (the FROM lands (Tax Lots 100, 101, and 106, Sec. 26, T14S, R14E, WM) is required. **The report must be prepared by a title company and meet the criteria below.** (*Reports may be called by various names, such as Customer Service Report, Property Analysis Report (PAR), List Pack, Lot Book Report, etc.*)
 - a) The title company's report must either be:
 - i) prepared within 3 months of the draft Preliminary Determination showing current ownership, or
 - ii) prepared within 3 months of recording of a water right conveyance agreement, or
 - iii) prepared at any time, but showing ownership at the time a water right conveyance agreement was recorded.
 - b) The ownership report shall include:
 - i) Date reflected by the ownership information
 - ii) List of owners at that time
 - iii) Legal description of the property where the water right to be transferred is currently located.
 - c) You will need to submit a notarized statement of consent from any landowner listed in the ownership report who is not already included in the transfer application, or other information such as a water right conveyance agreement, if applicable.

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

In the Matter of Transfer Application
T-8897, Crook County

) **R E V I S E D**
)
) **D R A F T**
) PRELIMINARY DETERMINATION
) PROPOSING APPROVAL OF A
) CHANGE IN PLACE OF USE

Authority

ORS 537.705 and 540.505 to 540.580 establish the process in which a water right holder may submit a request to transfer the point of appropriation, place of use, or character of use authorized under an existing water right. OAR Chapter 690, Division 380 implements the statutes and provides the Department's procedures and criteria for evaluating transfer applications.

Applicants

DAVID M. AND CINDY M. TOWNSEND
10572 SW FLEMING ROAD
POWELL BUTTE, OR 97753

Findings of Fact

Background

1. On September 28, 2001, ALBERT R. AND LITA KILPATRICK; CRAIG KILPATRICK filed an application to change the place of use under Permit G-13009. The Department assigned the application number T-8897.
2. On July 8, 2011, the Department issued Certificate 87116 confirming water use perfected under Permit G-13009.
3. The portion of the right to be transferred is as follows:

Certificate: 87116 in the name of WYNN GILBERTSON; WYNNS LAND AND LIVESTOCK LLC (perfected under Permit G-13009)

Use: IRRIGATION OF 24.7 ACRES

Priority Date: MARCH 31, 1995

Rate: 0.309 CUBIC FOOT PER SECOND

Limit/Duty: The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands, is 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 3.0 acre-feet per acre for each acre irrigated during the irrigation season of each year.

Period of Use: MARCH 1 THROUGH OCTOBER 31

Source: A WELL, within the DRY RIVER BASIN

Authorized Point of Appropriation:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
14 S	14 E	WM	26	NW SE	750 FEET SOUTH AND 1590 FEET WEST FROM THE E $\frac{1}{4}$ CORNER OF SECTION 26

Authorized Place of Use:

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
14 S	14 E	WM	26	NE NE	0.1
14 S	14 E	WM	26	NW NE	0.1
14 S	14 E	WM	26	SW NE	3.3
14 S	14 E	WM	26	SW NW	2.7
14 S	14 E	WM	26	NW SW	6.2
14 S	14 E	WM	26	SW SW	10.2
14 S	14 E	WM	26	SE SW	0.3
14 S	14 E	WM	26	NE SE	1.8
TOTAL					24.7

4. Transfer Application T-8897 proposes to change the place of use of the right to:

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
14 S	14 E	WM	26	SW NE	18.7
14 S	14 E	WM	26	SW NW	0.3
14 S	14 E	WM	26	SE NW	4.3
14 S	14 E	WM	26	NW SW	0.3
14 S	14 E	WM	26	NW SE	1.1
TOTAL					24.7

5. Notice of the application for transfer was published on October 8, 2001, pursuant to OAR 690-380-4000. No comments were filed in response to the notice.
6. On February 6, 2012, the Department sent the applicants a letter containing a draft preliminary determination to approve Transfer Application T-8897. The letter requested clarification regarding the amount of acres on the transfer map and final proof map for Certificate 87116. The letter also requested reports of ownership of the "from" lands (Tax Lots 100, 101, and 106) and notarized statements of consent to the transfer from landowners not included in the transfer (if any). The letter set forth a deadline of March 7, 2012 for the applicant to submit the requested information.
7. On February 10, 2012, the letter to the applicant's address, 12789 SW Cornett Loop, Powell Butte, Oregon 97753, was returned to the Department by the U.S. Postal Service as being undeliverable and unable to forward.
8. On February 13, 2012, the Bruce Estes, the applicant's CWRE, submitted revised transfer information reconciling the difference between the transfer application map and the final proof map for Certificate 87116.

9. As of February 5, 2013, the Department had not received the requested reports of ownership from Finding No. 6 or any assignment of the transfer to new applicants.
10. On February 6, 2013, the Department mailed a copy of the draft Preliminary Determination proposing to deny Transfer Application T-8897 to the applicant's CWRE. The draft Preliminary Determination cover letter set forth a deadline of March 8, 2013, for the applicant to respond. Neither the applicant nor the applicant's CWRE responded by the deadline.
11. On March 11, 2013, the Department issued a Preliminary Determination proposing to deny Transfer Application T-8897 and mailed a copy to the applicant's agent. Additionally, notice of the Preliminary Determination for the transfer application was published on the Department's weekly notice on March 19, 2013 pursuant to ORS 540.520 and OAR 690-380-4020. No protests were filed in response to the notice.
12. On April 22, 2013, a final order denying Transfer Application T-8897 was issued and recorded at Special Order Volume 89, page 482.
13. On June 24, 2013, the applicant's agent petitioned for reconsideration of the final order. The petition was filed within the 60-day period specified by ORS 183.484(2) and requested a 60 day administrative hold to gather the previously requested material.
14. The Department has reconsidered the order recorded at Special Order Volume 89, Page 482, and has considered the request in the applicant's petition for reconsideration.
15. On October 2, 2013, the transfer application was assigned to Wynn's Land and Livestock, LLC.
16. On February 20, 2015, transfer application was assigned to David M. and Cindy M. Townsend.

Transfer Review Criteria (OAR 690-380-4010)

17. Water has been used 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.
18. A pump, pipeline, and sprinkler system sufficient to use the full amount of water allowed under the existing right were present within the five-year period prior to submittal of Transfer Application T-8897.
19. The proposed change would not result in enlargement of the right.
20. The proposed change would not result in injury to other water rights.

Determination and Proposed Action

The change in place of use proposed in Transfer Application T-8897 appears to be consistent with the requirements of ORS 537.705 and 540.505 to 540.580 and OAR 690-380-5000. If protests are not filed pursuant to OAR 690-380-4030, the application will be approved.

If Transfer Application T-8897 is approved, the final order will include the following:

- 1. The change in place of use proposed in Transfer Application T-8897 is approved.*
- 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 87116 and any related decree.*
- 3. Water right certificate 87116 is cancelled. A new certificate will be issued describing that portion of the right not affected by this transfer.*
- 4. The former place of use of the transferred right shall no longer receive water under the right.*
- 5. The approved change shall be completed and full beneficial use of the water shall be made on or before **October 1, 2016**. 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.*
- 6. When satisfactory proof of the completed change is received, a new certificate confirming the right transferred will be issued.*

Dated at Salem, Oregon this ____ day of _____ 2015.

DRAFT

Dwight French, Water Right Services Administrator, for
Thomas M. Byler, Director
Oregon Water Resources Department

This draft Preliminary Determination was prepared by Kelly Starnes. If you have questions about the information in this document, you may reach me at 503-986-0886 or Patrick.K.Starnes@wrdd.state.or.us.

4-28-15

David M. Townsend
J bar T Ranch, Inc.
10572 SW. Fleming
Powell Butte, OR 97753

RECEIVED BY OWRD

APR 30 2015

SALEM, OR

Kelly,

I have read, and deem acceptable, the conditions and proposed actions of the Preliminary Determination (draft) that you sent.

My only request for change would be to extend the proposed date to Oct 1, 2017 instead of 2016.

I am enclosing the title companies "status of record title" for your review.

If you have any questions or further needs my daytime phone number is 541-280-4517.

Sincerely

David M. Townsend



Oregon

John A. Kitzhaber, MD, Governor

Water Resources Department

North Mall Office Building

725 Summer St NE, Suite A

Salem, OR 97301

Phone (503) 986-0900

Fax (503) 986-0904

www.wrd.state.or.us

February 20, 2015

Wynn's Land and Livestock, LLC

P.O. Box 1777

Prineville, Oregon 97754

Reference: Transfer T-8897

The assignment from Wynn Gilbertson of Wynns Land and Livestock, LLC to David M. and Cindy M. Townsend has been recorded in the records of the Department.

The Departments records will now show David M. and Cindy M. Townsend as the transfer holders of record.

Our records have been changed accordingly and the original request is enclosed. Receipt number 114957 covering the recording fee is also enclosed.

A transfer is not a perfected water right, and has conditions and timelines that must be satisfied prior to a Certificate of Water Right being issued. Please review the transfer to be familiar with the conditions and timelines contained in the permit.

Sincerely,

Jerry Sauter

Water Rights Program Analyst

Water Right Services Division

Enclosure: Receipt 114957

cc: Watermaster 11

David M. and Cindy M. Townsend

Data Center, OWRD (cover letter & request)

Hydrographics

File



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

Request for Assignment

If for multiple rights, a separate form and fee for each right will be required.

I, Wynn Gilbertson of Wynns Land and Livestock LLC

(Name of Applicant / Permit / Transfer Holder / License Holder/GR Certificate of Registration)

P.O. Box 1777

(Mailing Address)

Prineville

(City)

OR

(State)

97754

(Zip)

(541) 419-6505

(Phone #)

☒ hereby assign all my interest in and to application/permit/transfer/license/GR Certificate of Registration;

☐ hereby assign all my interest in and to a portion of application/permit/transfer/license/GR Certificate of Registration; (You must include a map showing the portion of the application/permit/transfer/license/GR Certificate of Registration to be assigned.)

☐ hereby assign a portion of my interest in and to the entire application/permit/transfer/license/GR Certificate of Registration:

Application # G-14023; Permit # G-13009; Transfer # T-8897

-OR-

License # NA; GR Statement # NA; GR Certificate of Registration # NA

As filed in the office of the Water Resources Director, to:

David M. and Cindy M. Townsend

(Name of New Owner)

10572 S.W. Fleming Road

(Mailing Address)

Powell Butte

(City)

OR

(State)

97753

(Zip)

(541) 280-6505

(Phone #)

Note: If there are other owners of the property described in the Application, Permit, Transfer, License, or GR Certificate of Registration, you must provide a list of all other owners' names and mailing addresses and attach it to this form.

I hereby certify that I have notified all other owners of the property described in this Application, Permit, Transfer, License, or GR Certificate of Registration of this Request for Assignment

Witness my hand this 15 day of February, 20 15

Applicant/Permit Holder Wynn Gilbertson

Applicant/Permit Holder _____

DO NOT WRITE IN THIS BOX

- This certifies assignment and record change at Oregon Water Resources Department effective 8:00a.m. on date of receipt at Salem, Oregon.
- Fee receipt # 114957
- For Director by Jerry Sauter, Program Analyst in Water Rights Division

Last updated: July 17, 2013

Request for Assignment

The completed "Request for Assignment" form *must* be submitted to the Department along with the recording fee of \$85.

RECEIVED BY OWRD

FEB 19 2015
WR

SALEM, OR

AS/GRN JGB
2/20/2015

T-8897



State of Oregon
Water Resources Department
 158 12th Street NE, Salem, OR 97310
 (503)378-8455 • (800)624-3199
 www.wrd.state.or.us

Application for Water Right Transfer

Please type or print in dark ink. If your application is found to be 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. Thank you.

RECEIVED

SEP 28 2001

APPLICATION FOR:

WATER RESOURCES DEPT.
SALEM, OREGON

Please check one

- ☒ Water Right Transfer
 ☐ Temporary Transfer
 ☐ Permit Amendment
☐ Historic Point of Diversion Change
 ☐ Government Action Point of Diversion

1. APPLICANT INFORMATION

Name: Albert R & Lita Kilpatrick and Craig Kilpatrick
First Last

Address: 12789 SW Cornett Loop
Powell Butte, OR 97753
City State Zip

Phone: (541) 447-1189
Home Work Other

*Fax: _____ *E-Mail address: _____

*Optional information

2. TYPE OF CHANGE

- ☐ Use
 ☒ Place of Use
 ☐ Point of Diversion
 ☐ Point of Appropriation

Reason for change: to place well right under center pivot
now that COLD right can be moved

Is the land within an irrigation or other water district? ☒ Yes ☐ No

If yes, include district name: Central Oregon Irrigation Dist.

For Department Use

App. No. _____

Permit No. _____

Date _____

3. CURRENT WATER RIGHT INFORMATIONName on Permit, Certificate, or Decree: Albert R & Lita Kilpatrick dba Lark Ranch

Decree: _____

☒ (Not applicable)Permit Number: G-13009☐ (Not applicable)Certificate Number: claim filed☐ (Not applicable)Priority Date: March 31, 1995Authorized Use: irrigationSource of Water: a wellCounty: CrookAre there other sources listed on the water right? ☐ Yes ☒ No**Location of Authorized Point of Diversion or Point of Appropriation:**

Coordinates (from recognized survey corner)	1/4 1/4 Section	Section	Township	Range
750'S & 1590' W from E 1/4 corner of Section 26	NW 1/4 SE 1/4	26	14 S	14 E

Location of Authorized Place of Use:

Township	Range	Section	Government Lot or DIC	1/4 1/4 Section	Tax Lot Number	Acres (if appropriate)
14 S	14 E	26		NENE	100	01
"	"	26		NW NE	100	01
"	"	26		SW NE	100	33
"	"	26		SW NW	101	27
"	"	26		NW SW	101	62
"	"	26		SW SW	100	82
"	"	26		SE SW	100	23
"	"	26		NE SE	100	18

Are there other lands described in the water right? ☒ Yes ☐ NoAre there other water rights or permits associated with this land? ☒ Yes ☐ No

If yes, include a copy of all rights or permits.

Description of general delivery system (ditch measurements, pump size, number of sprinklers, etc.):

125 HP turbine pump to center pivotSystem capacity (in cfs): 1.79 cfs

RECEIVED

SEP 28 2001

WATER RESOURCES DEPT.
SALEM, OREGON

T-8897

4. PROPOSED CHANGES TO THE WATER RIGHT

☐ **Change in Use:**

Proposed use: NA

☐ **Change in Point of Diversion or Point of Appropriation:**

NA

☐ Change

Old point of diversion or point of appropriation will not be used for this portion of the water right.

☐ Additional

Both old and new points of diversion or points of appropriation will be used for this portion of the water right.

Location of Proposed Point of Diversion or Point of Appropriation

Coordinates (from recognized survey corner)	1/4 1/4 Section	Section	Township	Range

☒ **Change in Place of Use:**

Location of Proposed Place of Use

Township	Range	Section	Government Lot or DIC	1/4 1/4 Section	Tax Lot Number	Acres (if appropriate)
14S	14E	26		SWNE	100	182
"	"	"		SWNW	100	03
"	"	"		SE NW	100	43
"	"	"		NWSW	100	03
"	"	"		NWSE	100	11

Remarks: _____

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SEP 28 2001

WATER RESOURCES DEPT.
SALEM, OREGON

T-8897

5. LAND OWNERSHIP

Answer only
if for change
in **Use** or
Place of Use.

Use/Place of Use

Are the lands free of encumbrances? ☒ Yes ☐ No

If no, name of encumbrance holder: _____

If no, application must include written permission for the transfer from the encumbrance holder.

Answer only
if applicant
is **not** the
landowner.

Landowners

This section does not apply to water delivery entities authorized to act on behalf of their members, making permit amendment requests, or requests for changes in point of diversion or point of appropriation only.

Landowners: HERBERT & LITA KILPATRICK
KILPATRICK ENTERPRISES LIMITED PARTNERSHIP
(List all landowners shown on deed.) 12789 ASW CORNETT LP
POWELL BLVD, OR 97753

~~Address(es):~~ CRAIG KILPATRICK
13790 NW OLIVE HWY
REDFORD, OR 97756 State _____ Zip _____

Application must include notarized statements from all landowners shown on deed giving permission for the transfer. Use an extra sheet if necessary.

Answer only
if the receiving
landowner is
not the original
landowner or
the applicant.

Receiving Landowner

Name: _____

Address: _____

City

State

Zip

- ☐ The Department's records should be changed to show this landowner is responsible for completion of the changes. All notices and correspondence should be sent to this landowner.
- ☐ Applicant will remain responsible for completion of changes. Notices and correspondence should continue to be sent to applicant.

RECEIVED

SEP 28 2001

WATER RESOURCES DEPT.
SALEM, OREGON

T-8893

RECEIVED

SEP 28 2001

WATER RESOURCES DEPT.
SALEM, OREGON

6. EXHIBITS

Application may be rejected if all appropriate exhibits are not enclosed.

Land Use Information Form:

- ☐ Enclosed
- ☒ Not needed: (must meet the following four requirements)
 - ☒ 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.
 - ☒ 4 Irrigation only.
- ☐ List all affected governments (city, county, state, tribal, federal):
Crook

Map:

- ☒ Water Right Transfer: Must be prepared by a Certified Water Right Examiner.
- ☐ All others: Need not be prepared by a Certified Water Right Examiner.

Deed:

- ☐ Must accompany all applications, except permit amendment requests.

Evidence of use within last five years, or not subject to forfeiture:

- ☒ Best evidence is an affidavit from a knowledgeable person describing the water use. Statements saying water was delivered or assessments/fees were paid are insufficient. Evidence must show actual use of the water for the authorized purpose, in the authorized place of use.

Water Well Reports:

- ☐ If application is for a change in point of appropriation or change from surface water to ground water, attach copies of all water well reports. If reports are not available, describe construction details including well depth, static water level, and information necessary to establish the ground water body developed or proposed to be developed.

Fees:

- ☒ Amount enclosed \$ 400.00
- See instruction book for fee schedule.

7. SIGNATURE

I (we) swear that I (we) have read the above application and the statements made are true and accurate

☒ <u>Albert R. Kilpatrick</u> applicant signature	<u>ALBERT R. KILPATRICK</u> name (print)	<u>9/21/01</u> date
☒ <u>Lita Kilpatrick</u> applicant signature	<u>LITA KILPATRICK</u> name (print)	<u>9/21/01</u> date
☒ <u>CRAIG KILPATRICK</u> applicant signature	<u>CRAIG KILPATRICK</u> name (print)	<u>9/21/01</u> date

Before you submit your application be sure you have:

- Answered each question completely.
- Attached a legible map which includes township, range, section, quarter/quarter and tax lot number.
- Included the necessary exhibits.
- Included a check payable to the Oregon Water Resources Department for the appropriate amount.



Oregon

John A. Kitzhaber, MD, Governor

Water Resources Department

North Mall Office Building

725 Summer St. NE, Suite A

Salem, OR 97301

Phone: 503-986-0900

FAX: 503-986-0904

www.oregon.gov/owrd

April 25, 2013

ALBERT KILPATRICK
12789 SW CORNETT LOOP
POWELL BUTTE, OR 97753

Reference: Transfer Application T-8897

The above referenced transfer application was denied in the records of the Water Resources Department on April 22, 2013, by Special Order Volume 89, Page 482 (copy enclosed).

The transfer application is no further force or effect.

If you have any questions related to the approval of this transfer, you may contact your caseworker, Kelly Starnes, by telephone at (503) 986-0886 or by e-mail at Patrick.K.Starnes@wr.d.state.or.us.

Sincerely,

Codi Holmes
Water Right Services Support
Transfers and Conservation Section

cc: Jeremy T. Giffin, Watermaster Dist. # 11

Enclosure



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

In the Matter of Transfer Application	)	FINAL ORDER
T-8897, Crook County	)	DENYING A CHANGE IN PLACE OF
	)	USE

Authority

ORS 537.705 and 540.505 to 540.580 establish the process in which a water right holder may submit a request to transfer the point of appropriation, place of use, or character of use authorized under an existing water right. OAR Chapter 690, Division 380 implements the statutes and provides the Department's procedures and criteria for evaluating transfer applications.

Applicant

ALBERT R. AND LITA KILPATRICK
CRAIG KILPATRICK
12789 SW CORNETT LOOP
POWELL BUTTE, OR 97753

Findings of Fact

Background

1. On September 28, 2001, ALBERT R. AND LITA KILPATRICK; CRAIG KILPATRICK filed an application to change the place of use under Permit G-13009. The Department assigned the application number T-8897.
2. On July 8, 2011, the Department issued Certificate 87116 confirming water use perfected under Permit G-13009.
3. The portion of the right to be transferred is as follows:

Certificate: 87116 in the name of WYNN GILBERTSON; WYNNS LAND AND LIVESTOCK LLC (perfected under Permit G-13009)
Use: IRRIGATION OF 24.7 ACRES
Priority Date: MARCH 31, 1995
Rate: 0.309 CUBIC FOOT PER SECOND

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.

Limit/Duty: The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands, is 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 3.0 acre-feet per acre for each acre irrigated during the irrigation season of each year.

Period of Use: MARCH 1 THROUGH OCTOBER 31

Source: A WELL, within the DRY RIVER BASIN

Authorized Point of Appropriation:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
14 S	14 E	WM	26	NW SE	750 FEET SOUTH AND 1590 FEET WEST FROM THE E $\frac{1}{4}$ CORNER OF SECTION 26

Authorized Place of Use:

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
14 S	14 E	WM	26	NE NE	0.1
14 S	14 E	WM	26	NW NE	0.1
14 S	14 E	WM	26	SW NE	3.3
14 S	14 E	WM	26	SW NW	2.7
14 S	14 E	WM	26	NW SW	6.2
14 S	14 E	WM	26	SW SW	10.2
14 S	14 E	WM	26	SE SW	0.3
14 S	14 E	WM	26	NE SE	1.8
TOTAL					24.7

4. Transfer Application T-8897 proposes to change the place of use of the right to:

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
14 S	14 E	WM	26	SW NE	18.7
14 S	14 E	WM	26	SW NW	0.3
14 S	14 E	WM	26	SE NW	4.3
14 S	14 E	WM	26	NW SW	0.3
14 S	14 E	WM	26	NW SE	1.1
TOTAL					24.7

5. Notice of the application for transfer was published on October 8, 2001, pursuant to OAR 690-380-4000. No comments were filed in response to the notice.
6. On February 6, 2012, the Department sent the applicants a letter containing a draft preliminary determination to approve Transfer Application T-8897. The letter requested clarification regarding the amount of acres on the transfer map and final proof map for Certificate 87116. The letter also requested reports of ownership of the "from" lands (Tax Lots 100, 101, and 106) and notarized statements of consent to the transfer from landowners not included in the transfer (if any). The letter set forth a deadline of March 7, 2012 for the applicant to submit the requested information.

7. On February 10, 2012, the letter to the applicant's address, 12789 SW Cornett Loop, Powell Butte, Oregon 97753, was returned to the Department by the U.S. Postal Service as being undeliverable and unable to forward.
8. On February 13, 2012, the Bruce Estes, the applicant's CWRE, submitted revised transfer information reconciling the difference between the transfer application map and the final proof map for Certificate 87116.
9. As of February 5, 2013, the Department has not received the requested reports of ownership from Finding No. 6 or any assignment of the transfer to new applicants.
10. On February 6, 2013, the Department mailed a copy of the draft Preliminary Determination proposing to deny Transfer Application T-8897 to the applicant's CWRE. The draft Preliminary Determination cover letter set forth a deadline of March 8, 2013, for the applicant to respond. Neither the applicant nor the applicant's CWRE responded by the deadline.
11. On March 11, 2012, the Department issued a Preliminary Determination proposing to deny Transfer Application T-8897 and mailed a copy to the applicant's agent. Additionally, notice of the Preliminary Determination for the transfer application was published on the Department's weekly notice on March 19, 2012 pursuant to ORS 540.520 and OAR 690-380-4020. No protests were filed in response to the notice.

Transfer Review Criteria (OAR 690-380-4010)

12. Water has been used 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.
13. A pump, pipeline, and sprinkler system sufficient to use the full amount of water allowed under the existing right were present within the five-year period prior to submittal of Transfer Application T-8897.
14. The proposed change would not result in enlargement of the right.
15. The proposed change would not result in injury to other water rights.

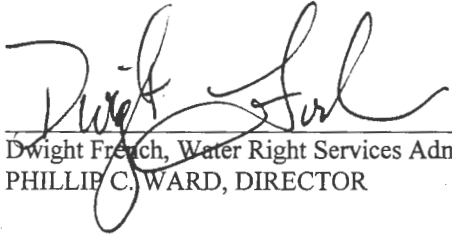
Conclusions of Law

The change in place of use proposed in Transfer Application T-8897 is not consistent with the requirements of ORS 537.705 and 540.505 to 540.580 and OAR 690-380-5000. The applicants have not provided sufficient information to determine the ownership of the "from" lands and landowner consent.

Now, therefore, it is ORDERED:

1. The change in place of use proposed in Transfer Application T-8897 is denied.

Dated at Salem, Oregon this 22 day of April 2013.

A handwritten signature in black ink, appearing to read "Dwight French", is written over a horizontal line.

Dwight French, Water Right Services Administrator, for
PHILLIP C. WARD, DIRECTOR

Mailing date: APR 26 2013

**ESTES
SURVEYS_{LLC}**SURVEYS
CONSULTING

LAND & WATER RIGHTS

Bruce A. Estes, PLS, CWRE

FAX

24 Jun 2013

60382 Arnold Mkt. Rd.
Bend, OR 97702
(541) 382-7391
FAX 382-7391

To: Kelly Starnes (503) 986-0903

From: Bruce Estes

Subject: T-8897 (ΔPOU)

Remarks: We hereby request reconsideration of the denial order recently entered. The ranch was sold to Wynn Gilbertson, Wynn's Land & Livestock, LLC several years ago. It should have been assigned at the real estate closing.

Mr Gilbert has not been notified as far as I can tell about the recent concerns. Albert & Lita Kilpatrick moved away. Their son Craig still lives in the area. I will attempt to get an assignment through him again. If that fails we will request an assignment by deed.

Please grant a 60 day admin hold to complete this transfer. Thank you for your efforts.

Sincerely,

Bruce A. , CWRE



Oregon

John A. Kitzhaber, MD, Governor

Water Resources Department

North Mall Office Building

725 Summer St. NE, Suite A

Salem, OR 97301

Phone: 503-986-0900

FAX: 503-986-0904

www.oregon.gov/owrd

April 25, 2013

ALBERT KILPATRICK
12789 SW CORNETT LOOP
POWELL BUTTE, OR 97753

Reference: Transfer Application T-8897

The above referenced transfer application was denied in the records of the Water Resources Department on April 22, 2013, by Special Order Volume 89, Page 482 (copy enclosed).

The transfer application is no further force or effect.

If you have any questions related to the approval of this transfer, you may contact your caseworker, Kelly Starnes, by telephone at (503) 986-0886 or by e-mail at Patrick.K.Starnes@wrд.state.or.us.

Sincerely,

Codi Holmes
Water Right Services Support
Transfers and Conservation Section

cc: Jeremy T. Giffin, Watermaster Dist. # 11

Enclosure



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

In the Matter of Transfer Application	)	FINAL ORDER
T-8897, Crook County	)	DENYING A CHANGE IN PLACE OF
	)	USE

Authority

ORS 537.705 and 540.505 to 540.580 establish the process in which a water right holder may submit a request to transfer the point of appropriation, place of use, or character of use authorized under an existing water right. OAR Chapter 690, Division 380 implements the statutes and provides the Department's procedures and criteria for evaluating transfer applications.

Applicant

ALBERT R. AND LITA KILPATRICK
CRAIG KILPATRICK
12789 SW CORNETT LOOP
POWELL BUTTE, OR 97753

Findings of Fact

Background

1. On September 28, 2001, ALBERT R. AND LITA KILPATRICK; CRAIG KILPATRICK filed an application to change the place of use under Permit G-13009. The Department assigned the application number T-8897.
2. On July 8, 2011, the Department issued Certificate 87116 confirming water use perfected under Permit G-13009.
3. The portion of the right to be transferred is as follows:

Certificate: 87116 in the name of WYNN GILBERTSON; WYNN'S LAND AND LIVESTOCK LLC (perfected under Permit G-13009)
Use: IRRIGATION OF 24.7 ACRES
Priority Date: MARCH 31, 1995
Rate: 0.309 CUBIC FOOT PER SECOND

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.

Limit/Duty: The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands, is 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 3.0 acre-feet per acre for each acre irrigated during the irrigation season of each year.

Period of Use: MARCH 1 THROUGH OCTOBER 31

Source: A WELL, within the DRY RIVER BASIN

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14 S	14 E	WM	26	SW NE	3.3
14 S	14 E	WM	26	SW NW	2.7
14 S	14 E	WM	26	NW SW	6.2
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TOTAL					24.7

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Transfer Review Criteria (OAR 690-380-4010)

12. Water has been used 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.
13. A pump, pipeline, and sprinkler system sufficient to use the full amount of water allowed under the existing right were present within the five-year period prior to submittal of Transfer Application T-8897.
14. The proposed change would not result in enlargement of the right.
15. The proposed change would not result in injury to other water rights.

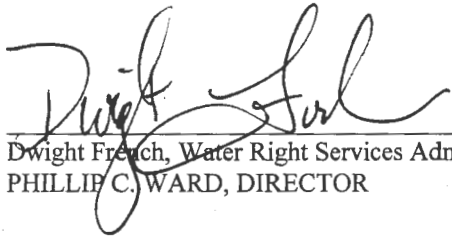
Conclusions of Law

The change in place of use proposed in Transfer Application T-8897 is not consistent with the requirements of ORS 537.705 and 540.505 to 540.580 and OAR 690-380-5000. The applicants have not provided sufficient information to determine the ownership of the "from" lands and landowner consent.

Now, therefore, it is ORDERED:

1. The change in place of use proposed in Transfer Application T-8897 is denied.

Dated at Salem, Oregon this 22 day of April 2013.



Dwight French, Water Right Services Administrator, for
PHILLIP C. WARD, DIRECTOR

Mailing date: APR 26 2013

Water Right Transfer Cover Sheet

Transfer T-8897

Transfer Specialist: pks

Transfer Type: Regular

Applicant Name/Address: ALBERT R. AND LITA KILPATRICK CRAIG KILPATRICK 12789 SW CORNETT LOOP POWELL BUTTE, OR 97753	Agent Name/Address:	Rec Landowner Name/Address:
CWRE Name/Number: BRUCE ESTES #1 60382 ARNOLD ROAD BEND OR 97702	Irr. District Name/Address:	Affected Gov'ts Name/Address:
Commentors: Name/Address:		Current Landowner Name/Address:

Water Rights Affected

Records Marked	Records Copied	App File No. or Decree Name	Permit No.	Certificate No.	RR/CR Needed	RR/CR Nos.
☐	☐	G-14023	G-13009	87116	☐ Yes ☐ No	
☐	☐				☐ Yes ☐ No	
☐	☐				☐ Yes ☐ No	

Key Dates & Initial Actions

Rec'd:	Proposed Action(s): <u>POU</u>	
Fees Pd:	WM District:	ODFW District:
Initial Notice:	WM Review sent:	ODFW Review sent:
Acknowledgement Letter Sent ☐	GW Review sent:	

Processing Dates & Actions

Deficiency Contacts: _____

Newspaper quote requested: _____

☒ not required

DPD Mailed: _____

Request for news \$ sent: _____

☐ ODFW contact sheet sent with DPD, or ☐ N/A

News \$ received: _____

☐ WM measurement contact sheet sent, or ☐ N/A

PD Signed: 3/11/12

Request to publish sent to newspaper: _____

PD Weekly Notice: 3/19/12

Affidavit of publication received: _____

DPD Review (Optional)	PD Review (Salem)	Final Order Review (Salem)
Reviewer: _____	Reviewer: <u>PKS</u>	Reviewer: _____
Date: _____	Date: <u>3/11/13</u>	Date: _____
Coordinator: _____	Coordinator: _____	Coordinator: _____
Date: _____	Date: _____	Date: _____
Comments/Special Issues: <u>POU. PD to den, lack of response from applicant regarding ROT and assignment.</u>		

Special Order Volume: Vol 89 Pages _____ Final Order Signature Date: _____

Notice of FO email'd to processors _____

**Notice of Preliminary Determination for
Water Right Transfer T-8897**

T-8897 filed by Albert R. and Lita Kilpatrick and Craig Kilpatrick, 12789 SW Cornett Loop, Powell Butte, OR 97753, proposes a change in place of use under Certificate 87116. The right allows the use of 0.309 cubic foot per second from the a well in Sec. 26, T 14 S, R 14 E, W.M. for irrigation within Sec. 29. The applicant proposes to change the place of use within Sec. 26, T 14 S, R 14 E, W.M. The Water Resources Department proposes to deny the transfer, based on the requirements of ORS Chapter 540 and OAR 690-380-5000.

Any person may protest the preliminary determination or may file a standing statement. Pursuant to OAR 690-380-4030(3) and OAR 690-382-9000, protests must raise all reasonably ascertainable issues and include all reasonably available arguments supporting the person's position. In addition, protests must be accompanied by a \$600 protest fee for non-applicant, or \$300 protest fee for applicant. A Water Right Transfer Protest Form is available at http://www.oregon.gov/OWRD/PUBS/docs/forms/TransferProtestForm09_09.pdf, or by calling 503-986-0888. Protests must be received by the Department on or before [30 days after WRD notice], or within 30 days of the last date of publication in a newspaper, whichever is later. If no protests are filed, the Department will issue a final order consistent with the preliminary determination.



Oregon

John A. Kitzhaber, MD, Governor

Water Resources Department

North Mall Office Building
725 Summer St. NE, Suite A
Salem, OR 97301
Phone 503-986-0900
FAX 503-986-0904
www.wrd.state.or.us

February 6, 2013

Bruce Estes
60382 Arnold Road
Bend OR 97702

SUBJECT: Water Right Transfer Application T-8897 (Kilpatrick)

Dear Bruce;

Enclosed is a draft pd to deny transfer T-8897 and a cover letter for it. Could you forward this to Craig Kilpatrick (if he is still interested in the transfer). Otherwise, we have to start the clock to get this transfer to a resolution.

Sincerely,

Kelly Starnes
Transfer Specialist

cc: T-8897

encs





Oregon

John A. Kitzhaber, MD, Governor

Water Resources Department

North Mall Office Building
725 Summer St. NE, Suite A
Salem, OR 97301
Phone 503-986-0900
FAX 503-986-0904
www.wrd.state.or.us

February 6, 2013

Albert R. and Lita Kilpatrick
Craig Kilpatrick
12789 SW Cornett Loop
Powell Butte OR 97753

SUBJECT: Water Right Transfer Application T-8897

Please find enclosed a draft of our Preliminary Determination regarding Transfer Application T-8897. The document reflects the Department's conclusion that, based on the information currently available, the transfer will be DENIED. This draft is intended to provide you with an opportunity to comment on our findings and conclusions should you wish to do so and to withdraw or modify your application to resolve the issues that are prompting our decision to deny the application.

The draft Preliminary Determination proposes to deny the transfer because the Department has not received sufficient ownership information for the "from" lands.

At this point, you may decide to continue processing the application (see below), or to send a letter requesting to withdraw the transfer application.

If you wish to proceed with the transfer application, you must submit the following:

1. If Albert R. and Lita Kilpatrick are not involved with this transfer application, then the transfer application must be assigned to new applicants.
2. A report of landownership for the lands to which the water right is appurtenant (the "FROM" lands (Tax Lots 100, 101, and 106) will be required. **The report must be prepared by a title company and meet the criteria below.** *(Reports may be called by various names, such as Customer Service Report, Property Analysis Report (PAR), List Pack, Lot Book Report, etc.)*
 - a) The title company's report must either be:
 - i) prepared within 3 months of the draft Preliminary Determination showing current ownership, or
 - ii) prepared within 3 months of recording of a water right conveyance agreement, or
 - iii) prepared at any time, but showing ownership at the time a water right conveyance agreement was recorded.
 - b) The ownership report shall include:
 - i) Date reflected by the ownership information
 - ii) List of owners at that time
 - iii) Legal description of the property where the water right to be transferred is currently located.
 - c) You will need to submit a notarized statement of consent from any landowner listed in the ownership report who is not already included in the transfer application, or other information such as a water right conveyance agreement, if applicable.



What happens next...

Once the preliminary determination is issued a publication period is required. The Department will publish a notice in their weekly publication, which opens a 30-day period in which the transfer can be protested.

Issuance of a Preliminary Determination to approve will occur shortly after we receive

1. assignment of the transfer application
2. report of ownership information (and consent of landowners, if needed.)

If we do not receive your response to withdraw the application or the items listed above by March 8, 2013, a Preliminary Determination may be issued denying the application as incomplete.

Please do not hesitate to contact me at if I may be of assistance.

Sincerely,



Kelly Starnes
Transfer Specialist

cc: T-8897
Bruce Estes, CWRE 1

encs

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

In the Matter of Transfer Application
T-8897, Crook County

) **D R A F T**
)
) PRELIMINARY DETERMINATION
) PROPOSING DENIAL OF A CHANGE
) IN PLACE OF USE

Authority

ORS 537.705 and 540.505 to 540.580 establish the process in which a water right holder may submit a request to transfer the point of appropriation, place of use, or character of use authorized under an existing water right. OAR Chapter 690, Division 380 implements the statutes and provides the Department's procedures and criteria for evaluating transfer applications.

Applicant

ALBERT R. AND LITA KILPATRICK
CRAIG KILPATRICK
12789 SW CORNETT LOOP
POWELL BUTTE, OR 97753

Findings of Fact

Background

1. On September 28, 2001, ALBERT R. AND LITA KILPATRICK; CRAIG KILPATRICK filed an application to change the place of use under Permit G-13009. The Department assigned the application number T-8897.
2. On July 8, 2011, the Department issued Certificate 87116 confirming water use perfected under Permit G-13009.
3. The portion of the right to be transferred is as follows:

Certificate: 87116 in the name of WYNN GILBERTSON; WYNN'S LAND AND LIVESTOCK LLC (perfected under Permit G-13009)

Use: IRRIGATION OF 24.7 ACRES

Priority Date: MARCH 31, 1995

Rate: 0.309 CUBIC FOOT PER SECOND

Limit/Duty: The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands, is 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 3.0 acre-feet per acre for each acre irrigated during the irrigation season of each year.

Period of Use: MARCH 1 THROUGH OCTOBER 31

Source: A WELL, within the DRY RIVER BASIN

Authorized Point of Appropriation:

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TOTAL					24.7

4. Transfer Application T-8897 proposes to change the place of use of the right to:

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5. Notice of the application for transfer was published on October 8, 2001, pursuant to OAR 690-380-4000. No comments were filed in response to the notice.
6. On February 6, 2012, the Department sent the applicants a letter containing a draft preliminary determination to approve Transfer Application T-8897. The letter requested clarification regarding the amount of acres on the transfer map and final proof map for Certificate 87116. The letter also requested reports of ownership of the "from" lands (Tax Lots 100, 101, and 106) and notarized statements of consent to the transfer from landowners not included in the transfer (if any). The letter set forth a deadline of March 7, 2012 for the applicant to submit the requested information.
7. On February 10, 2012, the letter to the applicant's address, 12789 SW Cornett Loop, Powell Butte, Oregon 97753, was returned to the Department by the U.S. Postal Service as being undeliverable and unable to forward.
8. On February 13, 2012, the applicant's CWRE, Bruce Estes, submitted revised transfer information reconciling the difference between the transfer application map and the final proof map for Certificate 87116.

9. As of February 5, 2013, the Department has not received the requested reports of ownership from Finding No. 6 or any assignment of the transfer to new applicants.

Transfer Review Criteria (OAR 690-380-4010)

10. Water has been used 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 pump, pipeline, and sprinkler system sufficient to use the full amount of water allowed under the existing right were present within the five-year period prior to submittal of Transfer Application T-8897.
12. The proposed change would not result in enlargement of the right.
13. The proposed change would not result in injury to other water rights.

Determination and Proposed Action

The change in place of use proposed in Transfer Application T-8897 appears to be consistent with the requirements of ORS 537.705 and 540.505 to 540.580 and OAR 690-380-5000, with the exception that the **applicants have not provided sufficient information to determine the ownership of the "from" lands and landowner consent (if needed)**. If the applicants provide the requested ownership information (and landowner consent to the transfer, if needed) and provided protests are not filed pursuant to OAR 690-380-4030, the application will be approved.

If Transfer Application T-8897 is approved, the final order will include the following:

1. *The change in place of use proposed in Transfer Application T-8897 is approved.*
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 87116 and any related decree.*
3. *Water right certificate 87116 is cancelled. A new certificate will be issued describing that portion of the right not affected by this transfer.*
4. *The former place of use of the transferred right shall no longer receive water under the right.*
5. *The approved change shall be completed and full beneficial use of the water shall be made on or before **October 1, 2014**. 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.*

6. *When satisfactory proof of the completed change is received, a new certificate confirming the right transferred will be issued.*

Dated at Salem, Oregon this ____ day of _____ 2013.

D R A F T

Dwight French, Water Right Services Administrator, for
PHILLIP C. WARD, DIRECTOR

This draft Preliminary Determination was prepared by Kelly Starnes. If you have questions about the information in this document, you may reach me at 503-986-0886 or Patrick.K.Starnes@wrds.state.or.us.



Oregon

John A. Kitzhaber, MD, Governor

Water Resources Department

North Mall Office Building
725 Summer St. NE, Suite A
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FAX 503-986-0904
www.wrd.state.or.us

February 6, 2012

ALBERT R. AND LITA KILPATRICK
CRAIG KILPATRICK
12789 SW CORNETT LOOP
POWELL BUTTE, OR 97753

SUBJECT: Water Right Transfer Application T-8897

Your water right transfer is in one of three phases of processing. Enclosed is a draft of our Preliminary Determination regarding Transfer Application T-8897. The document reflects the Department's conclusion that, based on the information currently available, the transfer will be approved.

The transfer map and the final proof map for Certificate 87116 differ on the amount of acres needed for the "to" lands. I am enclosing copies of both maps with the "to" lands highlighted in yellow. The draft preliminary determination reflects the acreage amount of the "to" lands shown in the final proof map.

Items needed before the next phase of processing...

1. Please review the draft carefully to see if it accurately reflects the changes you intend to make, and to become familiar with all proposed conditions. **You will need to respond in writing** by the deadline provided below, whether you agree with the proposed action and conditions. Also we will appreciate having you let us know if there are typographical errors that need to be corrected.
2. A report of landownership for the lands to which the water right is appurtenant (the "FROM" lands (Tax Lots 100, 101, and 106)) is required. **The report must be prepared by a title company and meet the criteria below.** (*Reports may be called by various names, such as Customer Service Report, Property Analysis Report (PAR), List Pack, Lot Book Report, etc.*)
 - a) The title company's report must either be:
 - i) prepared within 3 months of the draft Preliminary Determination showing current ownership, or
 - ii) prepared within 3 months of recording of a water right conveyance agreement, or
 - iii) prepared at any time, but showing ownership at the time a water right conveyance agreement was recorded.
 - b) The ownership report shall include:
 - i) Date reflected by the ownership information
 - ii) List of owners at that time
 - iii) Legal description of the property where the water right to be transferred is currently located.
 - c) You will need to submit a notarized statement of consent from any landowner listed in the ownership report who is not already included in the transfer application, or other information, such as a water right conveyance agreement, if applicable.



Conditions to your water right...

Please note the **proposed date by which all conditions must be met: October 1, 2013**. If the required completion date is insufficient to comply with any of the conditions, you may extend the date at no cost to you during this stage of processing. Please let me know by the comment deadline so we can make the proper arrangements to get you the time you need.

What happens next...

Once the preliminary determination is issued a publication period is required. The Department will publish a notice in their weekly publication, which opens a 30-day period in which the transfer can be protested.

Issuance of the Preliminary Determination will occur shortly after we receive:

1. your written response to the conditions and proposed action in the draft Preliminary Determination (e-mail is acceptable); and
2. report of ownership, and affidavits of consent from any landowners shown in the ownership report who have not signed the transfer application.

If we do not receive the items listed above by March 7, 2012, a Preliminary Determination may be issued denying the application as incomplete.

Please do not hesitate to contact me at 503-986-0886 or Patrick.K.Starnes@wrđ.state.or.us if I may be of assistance.

Sincerely,



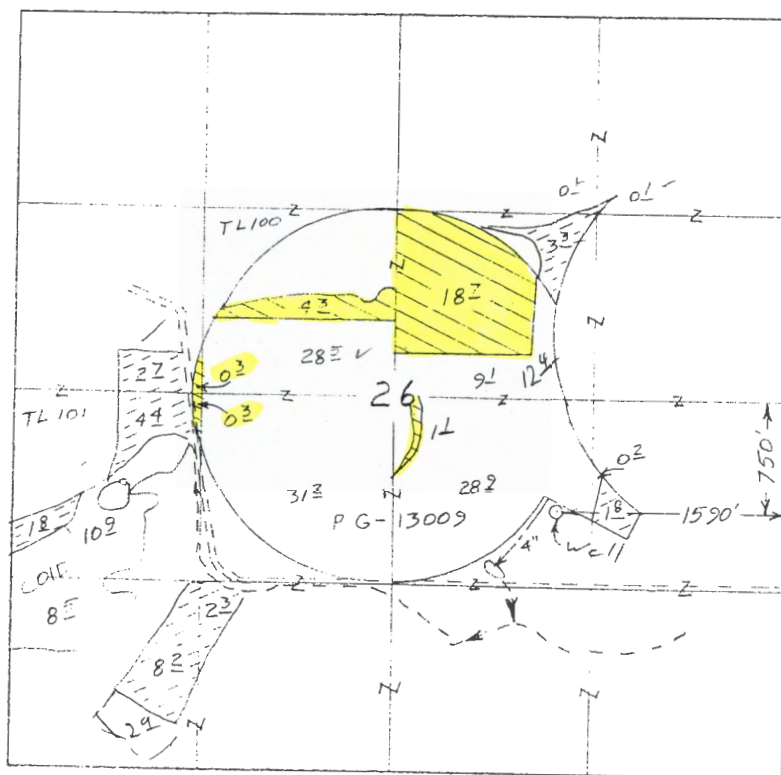
Kelly Starnes
Transfer Specialist
Transfer and Conservation Section

cc: Application File T-8897
Jeremy T. Giffin, District 11 Watermaster (*via e-mail*)
Craig Kilpatrick, 13970 NW O'Neal Highway, Redmond OR 97756
Bruce Estes, CWRE #1

encs

T-8897

TOWNSHIP 14 SOUTH, RANGE 14 EAST, W. M.



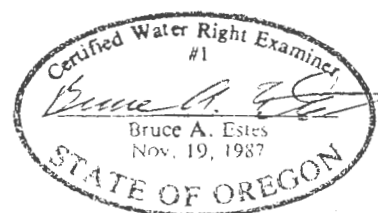
- ⊖ From 247 acres (Permit G-13009 Claim of Beneficial Use)
- ⊙ To 247 acres

Transfer Application Map
for
LARK RANCH

RECEIVED

SEP 28 2001

WATER RESOURCES DEPT.
SALEM, OREGON



Renewal Dec 31, 2001

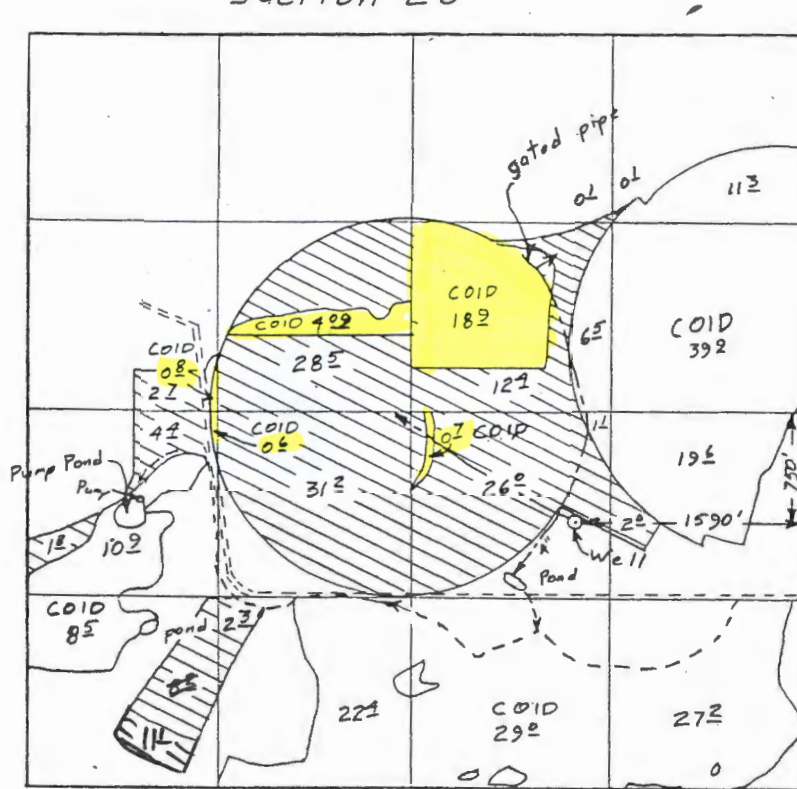
This map is for the purpose of
locating a water right only
and has no intent to provide
legal dimensions or the location
of property lines.

ESTES SURVEYS

PO Box 17519 60382 Arnold Rd
Salem, OR 97305-7519 Bend, OR 97702
(503) 585-7593 (541) 382-7391

TOWNSHIP 14 SOUTH, RANGE 14 EAST, W.M.

Section 26

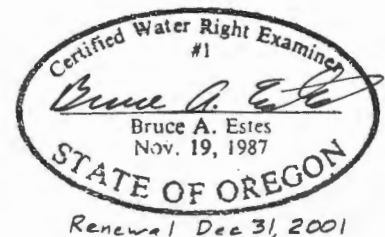


Scale 1" = 1320'

Surveyed August 16, 2000

Claim of Beneficial Use Map
for
LARK RANCH

App G-14023
Per G-13009



This map is for the purpose of
locating a water right only
and has no intent to provide
legal dimensions or the location
of property lines.

ESTES SURVEYS

PO Box 17519
Salem, OR 97305-7519
(503) 585-7593

60382 Arnold Rd
Bend, OR 97702
(541) 382-7391

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

In the Matter of Transfer Application
T-8897, Crook County

) **D R A F T**
)
) PRELIMINARY DETERMINATION
) PROPOSING APPROVAL OF A
) CHANGE IN PLACE OF USE

Authority

ORS 537.705 and 540.505 to 540.580 establish the process in which a water right holder may submit a request to transfer the point of appropriation, place of use, or character of use authorized under an existing water right. OAR Chapter 690, Division 380 implements the statutes and provides the Department's procedures and criteria for evaluating transfer applications.

Applicant

ALBERT R. AND LITA KILPATRICK
CRAIG KILPATRICK
12789 SW CORNETT LOOP
POWELL BUTTE, OR 97753

Findings of Fact

Background

1. On September 28, 2001, ALBERT R. AND LITA KILPATRICK; CRAIG KILPATRICK filed an application to change the place of use under Permit G-13009. The Department assigned the application number T-8897.
2. On July 8, 2011, the Department issued Certificate 87116 confirming water use perfected under Permit G-13009.
3. The portion of the right to be transferred is as follows:

Certificate: 87116 in the name of WYNN GILBERTSON; WYNN'S LAND AND LIVESTOCK LLC (perfected under Permit G-13009)

Use: IRRIGATION OF 25.09 ACRES

Priority Date: MARCH 31, 1995 247

Rate: 0.314 CUBIC FOOT PER SECOND

Limit/Duty: The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands, is 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 3.0 acre-feet per acre for each acre irrigated during the irrigation season of each year.

Period of Use: MARCH 1 THROUGH OCTOBER 31

Source: A WELL within the DRY RIVER BASIN

Authorized Point of Appropriation:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
14 S	14 E	WM	26	NW SE	750 FEET SOUTH AND 1590 FEET WEST FROM THE E $\frac{1}{4}$ CORNER OF SECTION 26

Authorized Place of Use:

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
14 S	14 E	WM	26	NE NE	0.10
14 S	14 E	WM	26	NW NE	0.10
14 S	14 E	WM	26	SW NE	3.30
14 S	14 E	WM	26	SW NW	2.70
14 S	14 E	WM	26	NW SW	6.20
14 S	14 E	WM	26	SW SW	8.59
14 S	14 E	WM	26	SE SW	2.30
14 S	14 E	WM	26	NE SE	1.80

4. Transfer Application T-8897 proposes to change the place of use of the right to:

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
14 S	14 E	WM	26	SW NE	12.20
14 S	14 E	WM	26	SW NW	0.80
14 S	14 E	WM	26	SE NW	4.09
14 S	14 E	WM	26	NW SW	0.60
14 S	14 E	WM	26	NW SE	0.70

5. Notice of the application for transfer was published on October 8, 2001, pursuant to OAR 690-380-4000. No comments were filed in response to the notice.

Transfer Review Criteria (OAR 690-380-4010)

- Water has been used 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.
- A pump, pipeline, and sprinkler system sufficient to use the full amount of water allowed under the existing right were present within the five-year period prior to submittal of Transfer Application T-8897.
- The proposed change would not result in enlargement of the right.
- The proposed change would not result in injury to other water rights.

Determination and Proposed Action

The change in place of use proposed in Transfer Application T-8897 appears to be consistent with the requirements of ORS 537.705 and 540.505 to 540.580 and OAR 690-380-5000. If protests are not filed pursuant to OAR 690-380-4030, the application will be approved.

If Transfer Application T-8897 is approved, the final order will include the following:

- 1. The change in place of use proposed in Transfer Application T-8897 is approved.*
- 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 87116 and any related decree.*
- 3. Water right certificate 87116 is cancelled. A new certificate will be issued describing that portion of the right not affected by this transfer.*
- 4. The former place of use of the transferred right shall no longer receive water under the right.*
- 5. The approved change shall be completed and full beneficial use of the water shall be made on or before **October 1, 2013**. 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.*
- 6. When satisfactory proof of the completed change is received, a new certificate confirming the right transferred will be issued.*

Dated at Salem, Oregon this ____ day of _____ 2012.

D R A F T

Dwight French, Water Right Services Administrator, for
PHILLIP C. WARD, DIRECTOR

This draft Preliminary Determination was prepared by Kelly Starnes. If you have questions about the information in this document, you may reach me at 503-986-0886 or Patrick.K.Starnes@wrds.state.or.us.



Oregon

Theodore R. Kulongoski, Governor

Water Resources Department

North Mall Office Building
725 Summer Street NE, Suite A
Salem, OR 97301-1271
503-986-0900
FAX 503-986-0904

September 10, 2007

Bruce Estes, CWRE
60382 Arnold Mkt Rd
Bend, OR 97702

REFERENCE: Files G-14023 and T-8897

Dear Mr. Estes;

Thank you for your letter dated August 3, 2007 and draft map. Larry Nunn looked at the information and apparently COID gave you the wrong map again. Enclosed are copies of the COID HB-3111 maps that Larry copied for you.

It appears what was irrigated within the terms of the permit, with ground water, were the lands that surrounded the lands shown on the HB-3111 map. After the permit completion date of the permit, COID requested district transfers to change the place of use of the district water rights. These transfers were approved.

Larry consulted with the Transfer Section about this permit and pending Transfer Application 8897. Enclosed is a copy of Larry's memo and Transfer Section's response.

Before we may issue a proposed certificate, a new map showing the lands irrigated prior to October 1, 1999, must be submitted. Any necessary amendments to the Claim of Beneficial Use, describing the use prior to October 1, 1999, must also be submitted.

Transfer Application 8897 will need to be amended to show the "off" lands that match the irrigation as it was by October 1, 1999. The "on" lands will probably also need be amended to something like the draft map you submitted with your August 3, 2007 letter.

Thank you for your patience and assistance in this matter. If you have any questions you can call Larry at 503-986-0809, or me at 503-986-0811.

Sincerely,

Gerry Clark
Natural Resource Specialist

cc: Craig Kilpatrick
Wynn's Land and Livestock, LLC

MEMORANDUM

August 27, 2007

TO:

FROM: Larry Nunn

SUBJECT: File G-14023 (Permit G-13009) and Transfers 8485, 8692, and 8897

8/31/07

*Dublin says to proceed
as you propose.
LNP*

Application G-14023 was filed March 31, 1995. Permit G-13009 was issued November 27, 1996. The date for the complete application of water was October 1, 1999.

Certificate 76358, the COID HB 3111 certificate, was issued December 6, 1999. This certificate confirmed the location of the District's water prior to the issuance of the certificate.

The land proposed to be irrigated under Permit G-13009 was land not covered by COID. The location of the COID land shown on the application map for Permit G-13009 agrees with the COID HB 3111 map. The land irrigated under the permit should have surrounded the lands shown on the COID HB 3111 map.

The first final proof map Bruce Estes, CWRE, submitted appears to show the COID land after T-8485 was approved. T-8485 was submitted April 10, 2000, and approved June 26, 2000. The draft final proof map Bruce submitted August 7, 2007, appears to show the COID lands after T-8692 was filed January 22, 2001, and approved on September 11, 2001. Both transfers were confirmed by an order issued March 28, 2005

Transfer Application 8897 was filed September 28, 2001. It is still pending. It requests to change the POU of the ground water from where it was in 1999 (or 2000) to cover the COID from lands.

The certificate for Permit G-13009 can only be issued for what was perfected by the 1999 C-date. It appears the landowner and irrigation district have done POU transfers since that C-date which now cover the same land. It appears T-8897 is to be flip-flop transfer in conjunction with T-8485 and T-8692.

The question is now is whether Transfer Section will allow T-8897 to indeed be a flip-flop transfer, or whether they will now say the rights are layered and may not be separated. If that is the case, a portion of the ground water right would have to be diminished to supplemental to the COID right.

My suggestion would be for Transfer Section to allow the flip-flop under Transfer 8897. We would then need a new final proof map from the CWRE showing the right as it was in 1999.

FAX 13 Feb 12

To: Kelly Starnes

From: Bruce Estes

Period of Use: MARCH 1 THROUGH OCTOBER 31

Source: A WELL within the DRY RIVER BASIN

Authorized Point of Appropriation:

2 pages

Twp	Rng	Mer	Sec	Q-Q	
14 S	14 E	WM	26	NW SE	750 FEET SOUTH AND 1590 FEET WEST FROM THE E 1/4 CORNER OF SECTION 26

Authorized Place of Use:

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14 S	14 E	WM	26	SW NE	3.30
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14 S	14 E	WM	26	NW SW	6.20
14 S	14 E	WM	26	SW SW	8.50
14 S	14 E	WM	26	SE SW	2.30
14 S	14 E	WM	26	NE SE	1.80

247 acres

0.309 cfs

103 BQ
03 BQ
✓

247

4. Transfer Application T-8897 proposes to change the place of use of the right to:

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
14 S	14 E	WM	26	SW NE	18.90
14 S	14 E	WM	26	SW NW	0.80
14 S	14 E	WM	26	SE NW	4.09
14 S	14 E	WM	26	NW SW	0.60
14 S	14 E	WM	26	NW SE	0.70

182 BQ
03 BQ
42 BQ
03 BQ
11 BQ
247

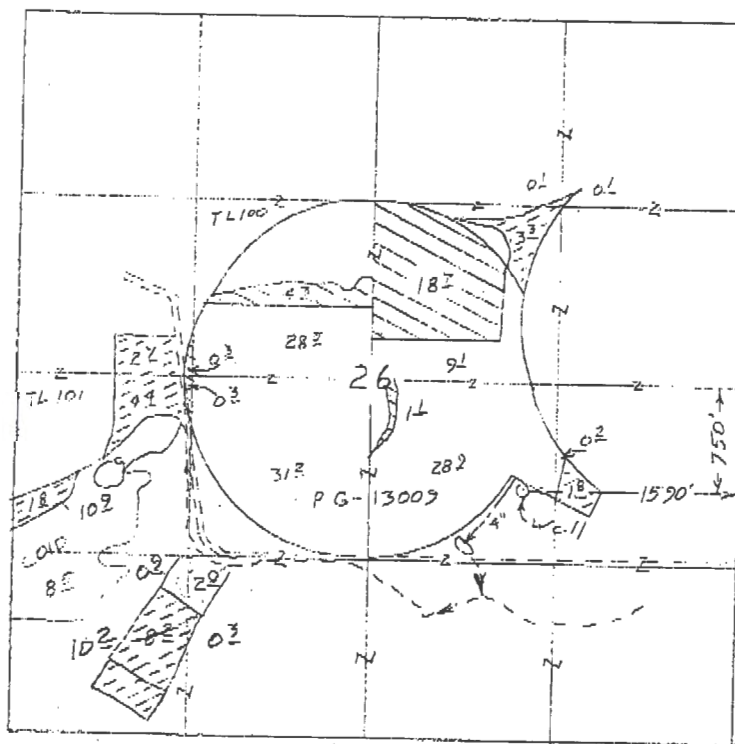
5. Notice of the application for transfer was published on October 8, 2001, pursuant to OAR 690-380-4000. No comments were filed in response to the notice.

Transfer Review Criteria (OAR 690-380-4010)

- Water has been used 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.
- A pump, pipeline, and sprinkler system sufficient to use the full amount of water allowed under the existing right were present within the five-year period prior to submittal of Transfer Application T-8897.
- The proposed change would not result in enlargement of the right.
- The proposed change would not result in injury to other water rights.

T-8897

TOWNSHIP 14 SOUTH, RANGE 14 EAST, W.M.



Scale 1" = 1320'

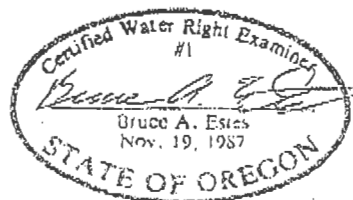
C-87116

- ⊙ From 247 acres (~~Permit G-13009 Claim of Beneficial Use~~)
- ⊙ To 247 acres

Transfer Application Map
for
LARK RANCH

RECEIVED

SEP 28 2001

WATER RESOURCES DEPT.
SALEM, OREGON

Renewal Dec 31, 2001

This map is for the purpose of
locating a water right only
and has no intent to provide
legal dimensions or the location
of property lines.

ESTES SURVEYS

PO Box 17519
Salem, OR 97305-7519
(503) 585-7593

60382 Arnold Rd
Bend, OR 97702
(541) 302-7391

MEMORANDUM

August 27, 2007

TO:

FROM: Larry Nunn

SUBJECT: File G-14023 (Permit G-13009) and Transfers 8485, 8692, and 8897

Application G-14023 was filed March 31, 1995. Permit G-13009 was issued November 27, 1996. The date for the complete application of water was October 1, 1999.

Certificate 76358, the COID HB 3111 certificate, was issued December 6, 1999. This certificate confirmed the location of the District's water prior to the issuance of the certificate.

The land proposed to be irrigated under Permit G-13009 was land not covered by COID. The location of the COID land shown on the application map for Permit G-13009 agrees with the COID HB 3111 map. The land irrigated under the permit should have surrounded the lands shown on the COID HB 3111 map.

The first final proof map Bruce Estes, CWRE, submitted appears to show the COID land after T-8485 was approved. T-8485 was submitted April 10, 2000, and approved June 26, 2000. The draft final proof map Bruce submitted August 7, 2007, appears to show the COID lands after T-8692 was filed January 22, 2001, and approved on September 11, 2001. Both transfers were confirmed by an order issued March 28, 2005.

Transfer Application 8897 was filed September 28, 2001. It is still pending. It requests to change the POU of the ground water from where it was in 1999 (or 2000) to cover the COID from lands.

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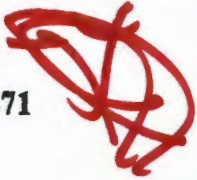
The question is now is whether Transfer Section will allow T-8897 to indeed be a flip-flop transfer, or whether they will now say the rights are layered and may not be separated. If that is the case, a portion of the ground water right would have to be diminished to supplemental to the COID right.

My suggestion would be for Transfer Section to allow the flip-flop under Transfer 8897. We would then need a new final proof map from the CWRE showing the right as it was in 1999.

8/31/07

*Dubois says to proceed
as you propose.
LNP*

Oregon Water Resources Department

Faxed
9-19-06




State of Oregon
Water Resources Department
725 Summer Street NE, Suite A, Salem, OR. 97301-1271
Phone: 503-986-0900
<http://www.wrd.state.or.us>

FAX TRANSMITTAL

To: Jeremy Giffin
Date: 9-19-06
From: Lisa Jaramillo

Fax Number: 541-388-5101
Pages: 2, including cover sheet
Phone: 503-986-0880

Comments:

Transfer Map for T-8897.

DIRECTOR'S OFFICE

- Water Resources Commission
- Legislation and Rules
- Public Information

FIELD SERVICES

- Regional Liaisons
- Transfers
- Hydrographics

NORTHWEST REGION

- District 16 Watermaster

ADMINISTRATIVE SERVICES

- Fiscal / Accounting
- Human Resources / Personnel
- Water Development Loan Fund
- Support Services

TECHNICAL SERVICES

- Dam Safety
- Enforcement
- Ground Water
- Information Services
- GIS/Mapping
- Water Use Reporting

Fax: 503-986-0902

WATER RIGHTS

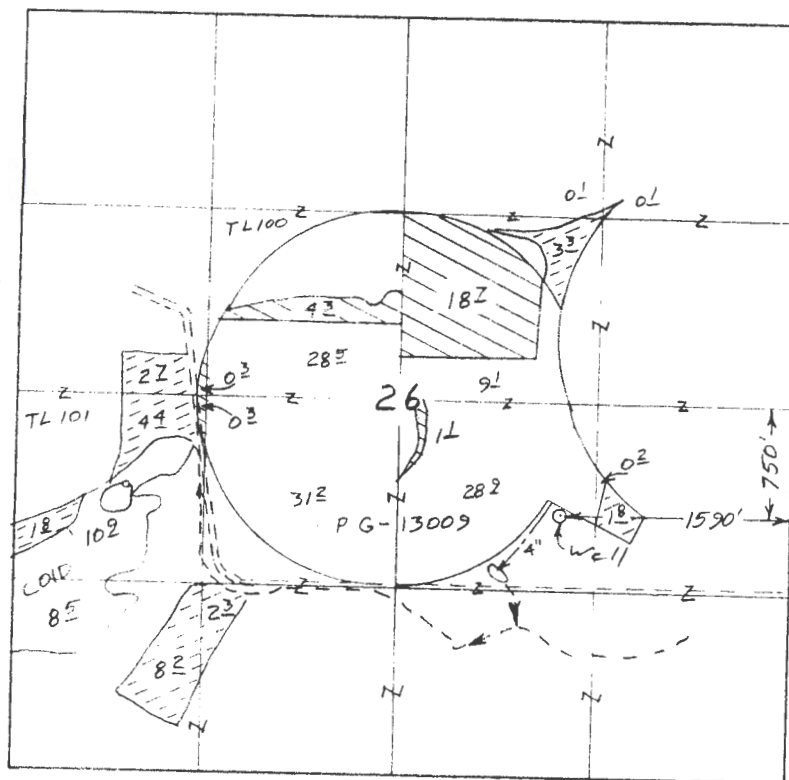
- Water Rights Information
- Adjudications
- Hydroelectric
- Certificates / Final Proofs
- Hearings / Contested Cases

Fax: 503-986-0901

Fax: 503-986-0903 or
503-986-0904

T-8897

TOWNSHIP 14 SOUTH, RANGE 14 EAST, W. M.



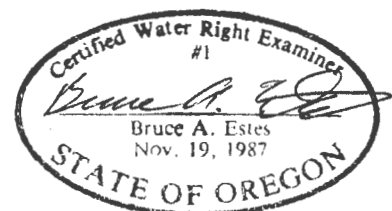
- ⊙ From 242 acres (Permit G-13009 Claim of Beneficial Use)
- ⊙ To 242 acres

Transfer Application Map
for
LARK RANCH

RECEIVED

SEP 28 2001

WATER RESOURCES DEPT.
SALEM, OREGON



Renewal Dec 31, 2001

This map is for the purpose of
locating a water right only
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ESTES SURVEYS

PO Box 17519 60382 Arnold Rd
Salem, OR 97305-7519 Bend, OR 97702
(503) 585-7593 (541) 382-7391



Oregon

John A. Kitzhaber, M.D., Governor

Water Resources Department

Commerce Building

158 12th Street NE

Salem, OR 97301-4172

(503) 378-3739

FAX (503) 378-8130

INTEROFFICE MEMO

FORWARD TO:



Ben Bishop

DATE:

10-8-01

FIELD PROCESSOR WORKING ON THIS TRANSFER

FROM:



WATERMASTER, DISTRICT # 11

GROUNDWATER SECTION

(SIGNATURE)

signed by injury reviewer

SUBJECT:

WATER RIGHT TRANSFER # 8897

A change in:

POU

POD

POA

USE

of water.

In the name(s) of

Albert, Lita, Craig Kilpatrick

In my opinion (assuming the right is valid), the proposed change

MAY BE MADE WITHOUT INJURY

WOULD RESULT IN INJURY* to an existing water right.

*The approval of this transfer application would result in injury to other water rights because _____

The existing right may not be valid because _____

Headgate notices HAVE HAVE NOT Been issued for diversion from the source(s) which serve(s) this right.

If for change in point of diversion, is there any intervening point(s) for diversion between the authorized and proposed points of diversion? (Yes or No) _____

In my opinion, the order approving the subject transfer application should include the following in regard to the appropriator installing suitable measuring devices in the diversion works:

_____ (1) PRIOR to the diverting of water at the new point of diversion . . .

_____ (2) WHEN IN the judgement of the watermaster it becomes necessary . . .

The enclosed copy of the transfer application and map(s) is for your records.



Transfer Memo

TO: Ben Bishop

From: Kyle Gorman

Date: October 24, 2001

RE: Transfer file T-8897, Kilpatrick

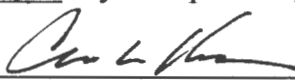
I have preliminarily reviewed this transfer application and conclude that injury would occur because some of the COI water rights are being left underneath the well water rights. Until all the acreage figures agree between the COID water rights and the Well water rights, the transfer should not be approved. Please advise me if this can be effected without injury. I will then fill out the injury review sheet. Thanks

September 19, 2001

Water Resources Department
158 12th Street NE
Salem, Or 97301-4172

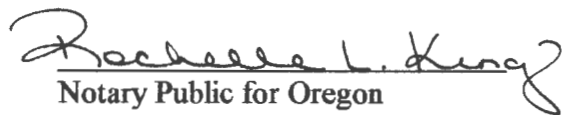
I, Craig Kilpatrick, have personal knowledge of the irrigation practices and crops on Lark Ranch. I have personally observed the irrigation of the lands identified in this transfer for the last 5 years. Use has been made each year since the well was drilled. The crops have been hay and pasture.

Subscribed and sworn this 24th day of September, 2001.

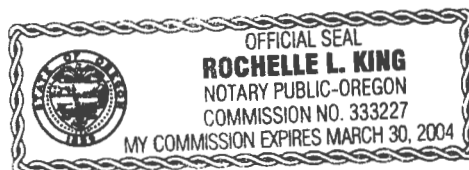


Craig Kilpatrick

Subscribed and sworn to before me this 24th day of September, 2001



Notary Public for Oregon
My notarial commission expires 03-30-04
Deschutes County
State of Oregon



T-8897

RECEIVED
SEP 28 2001
WATER RESOURCES DEPT.
SALEM, OREGON

TRANSFER CHECK OFF LIST

TRANSFER FILE # T-8897
 DATE RECEIVED 9-28-01
 DATE MONEY SLIPPED 9-28-01
 DATE RECEIPTED 9-28-01
 VALID WATER RIGHT? ☒ Yes ☐ No
 TEMP ALT AC _____ (Greg) IRR DIST _____ (Greg) PERM AMEND _____ (Kelly) DIV 15 4 (Bernie Assigns)
 TEMP Div 15 _____ (Bernie) ISWR Bernie COPIES TO LIAISON _____

LETTER FROM ATTORNEY _____ YES (PUT INFO ON FRONT COVER) 4 NO

FOLDER FILLED OUT* ✓
 INDEX CARD ✓
 ENTERED IN DB ✓
 TYPE BLACK BOOK ✓ (And color code)
 RECORD MONEY/RECEIPT # ✓
 CONTENTS MARKED ✓
 COLOR CODED ✓ Yes
 4 COPIES MADE & STAMPED ✓

CERTIFICATE MARKED N/A
 CERTIFICATE COPIED ✓
 PULL APPLICATIONS ✓
 APP FOLDER MARKED ✓
 FINAL PROOF MAP COPIED ✓ CBU map
 PERMIT MARKED ✓
 PERMIT COPIED ✓
 PERMIT MAP COPIED ✓
 DECREE MARKED N/A
 DECREE COPIED ✓
 ADJUDICATION MAP COPIED ✓

ENTRIES CHECKED _____ CHECKED BY _____ INIT FOLDER _____
 PUBLIC NOTICE DATE 10-8-01 (PREPARED & COPIED) ✓
 LETTER SENT ✓ Irrigation District ✓ (copy of app & map)
 COPY TO WM ✓
 BLUE FORM TO WM ✓ Orange Perm Amend/Yellow Temp/Grn Dist/Lav Alt Acr/pink hist
 COPY TO GW ✓ POA, APOA, or [SW TO GW ONLY(as POD)]
 BLUE FORM TO GW ✓ Orange Perm Amend/Yellow Temp/Grn Dist/Lav Alt Acr/pink hist
 COPY TO CWRE ✓
 LETTER TO ODFW N/A ALL Surface water POU/USE (POD and APOD FISH SCREENS)
 TRANSFER SENT TO: ✓ SW --- NCR --- SCR --- ER

*SHRINK DATA IF THERE ARE MANY FILES INVOLVED AND GLUE TO FOLDER

County:	CROOK
Transfer:	8897
Permit:	G 13009
Priority Date:	03/31/1995
Name:	ALBERT, LITA, CRAIG KILPATRICK
Address:	12789 SW CORNETT LOOP
Change:	POU
Source:	WELL
Authorized POU :	T14S R14E 26
Proposed POU :	T14S R14E 26



Oregon

John A. Kitzhaber, M.D., Governor

Water Resources Department

Commerce Building
158 12th Street NE
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FAX (503) 378-8130
www.wrd.state.or.us

October 8, 2001

Albert, Lita, Craig Kilpatrick
12789 SW Cornett Loop
Powell Butte, Oregon 97753

REFERENCE: Transfer 8897

On 09-28-2001 we received your water right transfer application requesting a change in Place of Use for use of water from a Well. The application was accompanied by \$ 400.00. Our receipt 48641 is enclosed.

By copy of this letter, we are asking the Watermaster for his usual 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. If you have a specific reason why your application should be examined ahead of other applications, please send us a letter describing your reason. We may be able to examine your application ahead of others.

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, you will need to obtain consent from the buyer to complete the transfer.

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)378-3739.

cc: Watermaster #11, Kyle Gorman
CWRE #1, Bruce Estes
Central Oregon Irrigation District
Ground Water Section

enclosure



Oregon

John A. Kitzhaber, M.D., Governor

Water Resources Department

Commerce Building
158 12th Street NE
Salem, OR 97301-4172
(503) 378-3739
FAX (503) 378-8130
www.wrd.state.or.us

RECEIVED
10.15.01

October 8, 2001

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cc: Watermaster #11, Kyle Gorman
CWRE #1, Bruce Estes
Central Oregon Irrigation District
Ground Water Section

enclosure



Application for Water Right Transfer

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WATER RESOURCES DEPT.
SALEM, OREGON

APPLICATION FOR:

Please check one

☒ Water Right Transfer ☐ Temporary Transfer ☐ Permit Amendment
☐ Historic Point of Diversion Change ☐ Government Action Point of Diversion

1. APPLICANT INFORMATION

Name: Albert R & Lita Kilpatrick and Craig Kilpatrick

Address: 12789 SW Cornett Loop
Powell Butte, OR 97753
City State Zip

Phone: (541) 447-1189

*Fax: _____ *E-Mail address: _____

**Optional information*

2. TYPE OF CHANGE

☐ Use ☒ Place of Use ☐ Point of Diversion ☐ Point of Appropriation

Reason for change: to place well right under center pivot
now that COID right can be moved

Is the land within an irrigation or other water district? ☒ Yes ☐ No

If yes, include district name: Central Oregon Irrigation Dist.

For Department Use

App. No. _____ Permit No. _____ Date _____

T-8897

3. CURRENT WATER RIGHT INFORMATIONName on Permit, Certificate, or Decree: Albert R & Lita Kilpatrick dba Lark Ranch

Decree: _____

☒ Not applicable]Permit Number: G-13009 Certificate Number: claim filed☐ Not applicable]☐ Not applicable]Priority Date: March 31, 1995 Authorized Use: irrigationSource of Water: a well County: CrookAre there other sources listed on the water right? ☐ Yes ☒ No**Location of Authorized Point of Diversion or Point of Appropriation:**

Coordinates (from recognized survey corner)	1/4 1/4 Section	Section	Township	Range
<u>750'S & 1590'W from E 1/4 corner of Section 26</u>	<u>NW 1/4 SE 1/4</u>	<u>26</u>	<u>14 S</u>	<u>14 E</u>

Location of Authorized Place of Use:

Township	Range	Section	Government Lot or DIC	1/4 1/4 Section	Tax Lot Number	Acres (if appropriate)
<u>14 S</u>	<u>14 E</u>	<u>26</u>		<u>NENE</u>	<u>100</u>	<u>01</u>
"	"	<u>26</u>		<u>NW NE</u>	<u>100</u>	<u>01</u>
"	"	<u>26</u>		<u>SW NE</u>	<u>100</u>	<u>33</u>
"	"	<u>26</u>		<u>SW NW</u>	<u>101</u>	<u>27</u>
"	"	<u>26</u>		<u>NW SW</u>	<u>101</u>	<u>62</u>
"	"	<u>26</u>		<u>SW SW</u>	<u>100</u>	<u>82</u>
"	"	<u>26</u>		<u>SE SW</u>	<u>100</u>	<u>23</u>
"	"	<u>26</u>		<u>NE SE</u>	<u>100</u>	<u>18</u>

Are there other lands described in the water right? ☒ Yes ☐ NoAre there other water rights or permits associated with this land? ☒ Yes ☐ No
If yes, include a copy of all rights or permits.

Description of general delivery system (ditch measurements, pump size, number of sprinklers, etc.):

125 HP turbine pump to center pivotSystem capacity (in cfs): 1.79 cfs

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WATER RESOURCES DEPT.
SALEM, OREGON

INSTRUCTIONS

FOR TRANSFER APPLICATIONS

Note: All information should be typewritten or neatly printed with dark ink. All items must be completed even if parts or all of the required information appears on supplemental maps or drawings. Applications must be submitted on original forms that are provided by the Department or watermaster. Sign the forms in ink. If you have additional comments that will not fit on the form please submit an attached sheet referencing the section and question.

1. APPLICANT INFORMATION

You may include a fax number and an e-mail address if you have these. (These numbers are not required but they may assist the Department in contacting you.)

2. TYPE OF CHANGE

Mark the proposed change to your existing water right and describe the reason for that change. You may apply to change all three major components of your water right, however, you must pay the transfer fees for each change.

Indicate if the land is within an irrigation district. The Department is required to notify irrigation districts if transfers are proposed within their boundaries.

3. CURRENT WATER RIGHTS

Indicate the name on the current water right. Enter the decree, permit or certificate number, whichever applies. Also enter the priority date, authorized use, source of water, and the county it is located in. If the use and source are in different counties, please indicate.

Fill in the table locating the place(s) of diversion (surface water) or point(s) of appropriation (wells).

Fill in the table locating the place(s) of use.

Describe the general delivery system. Include type, size, length, measurements.

Finally, list the capacity of the delivery system in cubic feet per second (cfs).

4. PROPOSED CHANGES

If you are proposing a change in type of use, check the box and provide the proposed new use.

If you are proposing a change in the point of diversion (surface sources) or appropriation (wells) check the box and then indicate if it will be a change or an addition to the existing water right.

Fill in the table locating the new place(s) of diversion (surface water) or point(s) of appropriation (wells).

For a change in the place of use, check the box and fill in the table locating the new place(s) of use.

5. LAND OWNERSHIP

Answer only the section(s) that apply.

If you are changing the type or place of use: Indicate if the lands are free of "encumbrances": liens, rights-of-way, or other contracts. If not, provide the name of the holder and obtain written permission from them to proceed with the transfer.

If you are applying for a transfer on land that you do not own: Provide names and addresses for all the landowners shown on the deed. You must obtain notarized permission from all the landowners listed on the deed to proceed with the transfer.

If the transfer will change water rights to someone other than the landowner or applicant: Check the appropriate box to indicate whom the Department should work with to complete the transfer.

6. EXHIBITS

Depending on the type of change you are proposing, you may be required to include several exhibits with your application.

For most applications you will need to include a completed Land Use Information Form. If you meet the four listed criteria, you may submit your application without the Land Use Information Form.

All applications require a map. If you are applying for a water right transfer, the map must be prepared by a certified water rights examiner (CWRE). If you do not have a CWRE, you may contact the Department for more information. All other applications may provide maps prepared without a CWRE.

All applications require evidence of use within the last five years.

Applications for changes in or to point(s) of appropriation require well reports.

7. SIGNATURE:

Before signing the application be sure you have answered the questions completely and prepared the necessary maps and exhibits. Include a check made out to the Oregon Water Resources Department for the required fees and a completed Land Use Information Form (if required).

FEES

Regular transfers and permit amendments

First change: \$200 **Each additional change:** \$100

Each cfs: \$100

or fraction thereof, requested beyond the first cfs (for changes in place of use, type of use, or water exchanges)

Temporary transfers

Base fee: \$100 **Each cfs:** \$50

or fraction thereof, and each additional cfs, or fraction thereof (for non irrigation uses) or

Each acre of irrigated land: \$0.25

T-8897

4. PROPOSED CHANGES TO THE WATER RIGHT☐ **Change in Use:**Proposed use: NA☐ **Change in Point of Diversion or Point of Appropriation:**

NA

☐ **Change**

Old point of diversion or point of appropriation will not be used for this portion of the water right.

☐ **Additional**

Both old and new points of diversion or points of appropriation will be used for this portion of the water right.

Location of Proposed Point of Diversion or Point of Appropriation

Coordinates (from recognized survey corner)	1/4 1/4 Section	Section	Township	Range

☒ **Change in Place of Use:****Location of Proposed Place of Use**

Township	Range	Section	Government Lot or DIC	1/4 1/4 Section	Tax Lot Number	Acres (if appropriate)
14S	14E	26		SW NE	100	182
"	"	"		SW NW	100	03
"	"	"		SE NW	100	43
"	"	"		NW SW	100	03
"	"	"		NW SE	100	11

Remarks: _____

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WATER RESOURCES DEPT.
SALEM, OREGON

T-8897

5. LAND OWNERSHIP

Answer only
if for change
in **Use** or
Place of Use.

Use/Place of Use

Are the lands free of encumbrances? ☒ Yes ☐ No

If no, name of encumbrance holder: _____

If no, application must include written permission for the transfer from the encumbrance holder.

Answer only
if applicant
is **not** the
landowner.

Landowners

This section does not apply to water delivery entities authorized to act on behalf of their members, making permit amendment requests, or requests for changes in point of diversion or point of appropriation only.

Landowners: ROBERT E. LITA KILPATRICK
KILPATRICK ENTERPRISES LIMITED PARTNERSHIP
(List all landowners shown on deed.) 12789 ASW CORVETT LP
POWELL BLVD, OR 97753

Address(es): CRANK KILPATRICK
13790 NW OLIVE HWY
REDFORD, OR 97756 State Zip

Application must include notarized statements from all landowners shown on deed giving permission for the transfer. Use an extra sheet if necessary.

Answer only
if the receiving
landowner is
not the original
landowner or
the applicant.

Receiving Landowner

Name: _____

Address: _____

City

State

Zip

- ☐ The Department's records should be changed to show this landowner is responsible for completion of the changes. All notices and correspondence should be sent to this landowner.
- ☐ Applicant will remain responsible for completion of changes. Notices and correspondence should continue to be sent to applicant.

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SALEM, OREGON

T-8893
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SALEM, OREGON

6. EXHIBITS

Application may be rejected if all appropriate exhibits are not enclosed.

Land Use Information Form:

- ☐ Enclosed
- ☒ Not needed: (must meet the following four requirements)
- ☒ 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.
 - ☒ ④ Irrigation only.
- ☐ List all affected governments (city, county, state, tribal, federal):
Crook

Map:

- ☒ Water Right Transfer: *Must be prepared by a Certified Water Right Examiner.*
- ☐ All others: *Need not be prepared by a Certified Water Right Examiner.*

Deed:

- ☐ Must accompany all applications, except permit amendment requests.

Evidence of use within last five years, or not subject to forfeiture:

- ☒ Best evidence is an affidavit from a knowledgeable person describing the water use. Statements saying water was delivered or assessments/fees were paid are insufficient. Evidence must show actual use of the water for the authorized purpose, in the authorized place of use.

Water Well Reports:

- ☐ If application is for a change in point of appropriation or change from surface water to ground water, attach copies of all water well reports. If reports are not available, describe construction details including well depth, static water level, and information necessary to establish the ground water body developed or proposed to be developed.

Fees:

- ☒ Amount enclosed \$ 400⁰⁰

See instruction book for fee schedule.

7. SIGNATURE

I (we) swear that I (we) have read the above application and the statements made are true and accurate

<i>Albert R. Kilpatrick</i>	ALBERT R. KILPATRICK	9/21/01
<i>Lita Kilpatrick</i>	LITA KILPATRICK	9/21/01
<i>CRANK KILPATRICK</i>	CRANK KILPATRICK	9/21/01

applicant signature name (print) date

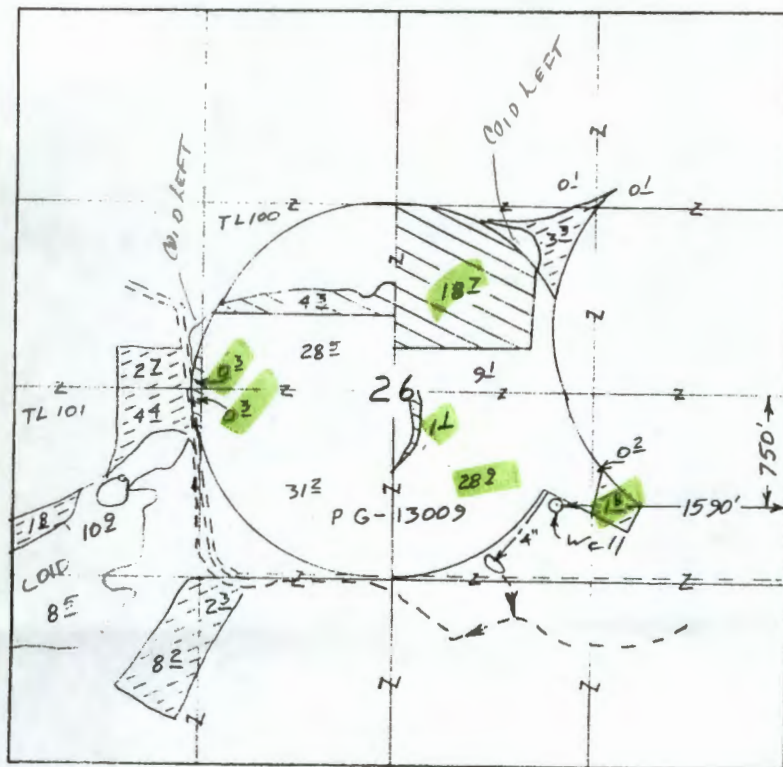
Before you submit your application be sure you have:

- Answered each question completely.
- Attached a legible map which includes township, range, section, quarter/quarter and tax lot number.
- Included the necessary exhibits.
- Included a check payable to the Oregon Water Resources Department for the appropriate amount.

T-8897

TOWNSHIP 14 SOUTH, RANGE 14 EAST, W. M.

SUPERSEDED



Scale 1" = 1320'

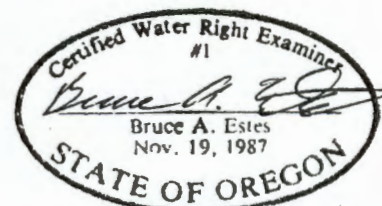
- ⊖ From 247 acres (Permit G-13009 Claim of Beneficial Use)
- ⊗ To 247 acres

Transfer Application Map
for
LARK RANCH

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WATER RESOURCES DEPT.
SALEM, OREGON



Renewal Dec 31, 2001

This map is for the purpose of
locating a water right only
and has no intent to provide
legal dimensions or the location
of property lines.

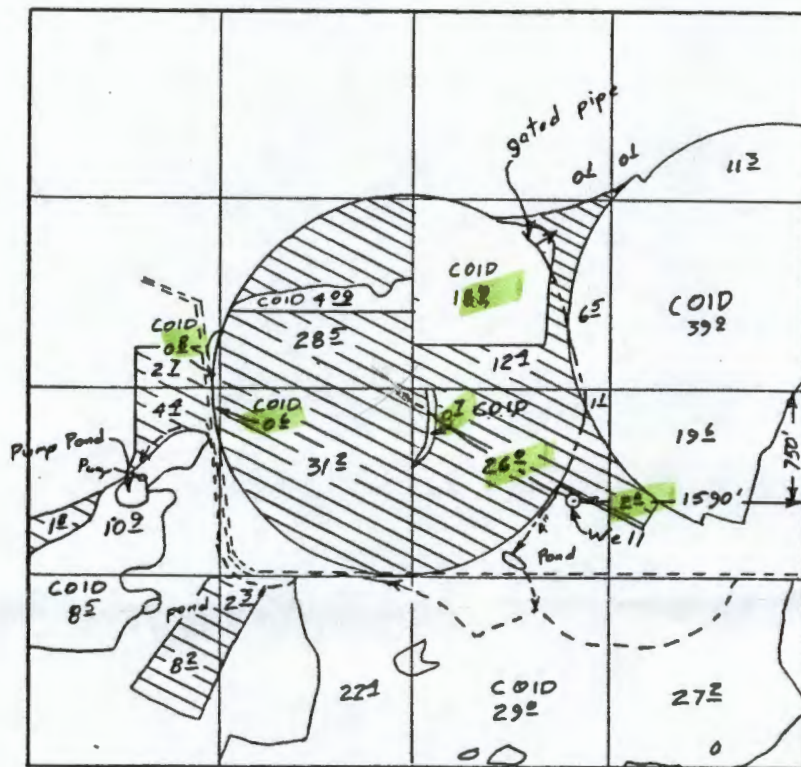
ESTES SURVEYS

PO Box 17519
Salem, OR 97305-7519
(503) 585-7593

60382 Arnold Rd
Bend, OR 97702
(541) 382-7391

TOWNSHIP 14 SOUTH, RANGE 14 EAST, W. M.

Section 26

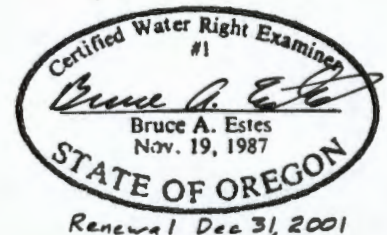
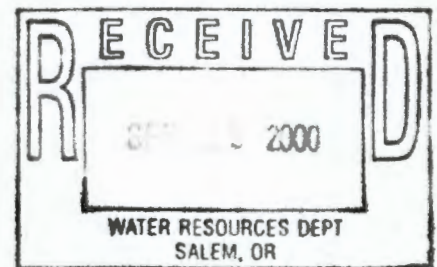


Scale 1" = 1320'

Surveyed August 16, 2000

Claim of Beneficial Use Map
for
LARK RANCH

App G-14023
Per G-13009



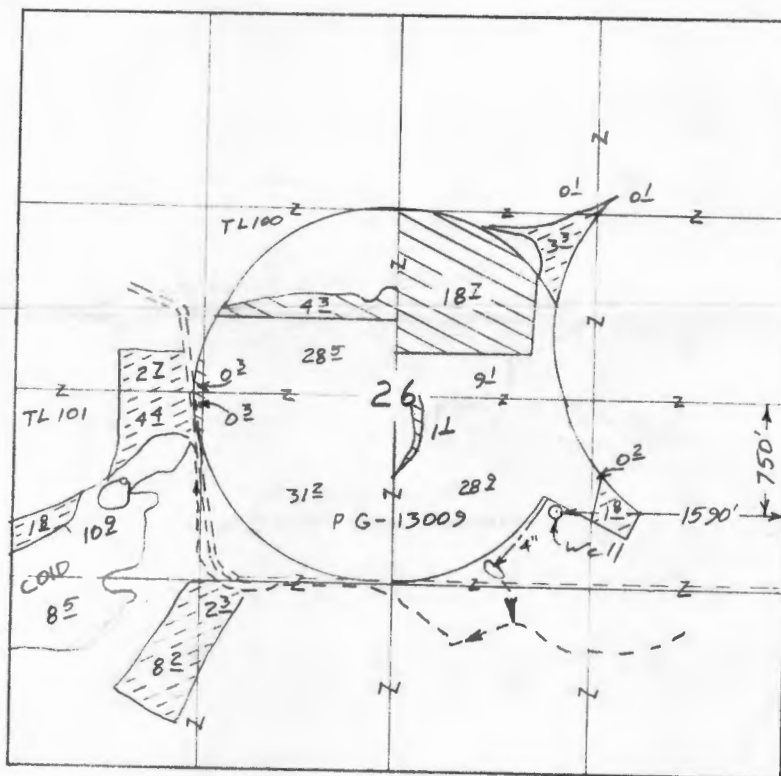
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Salem, OR 97305-7519 Bend, OR 97702
(503) 585-7593 (541) 382-7391

T-8897

TOWNSHIP 14 SOUTH, RANGE 14 EAST, W. M.



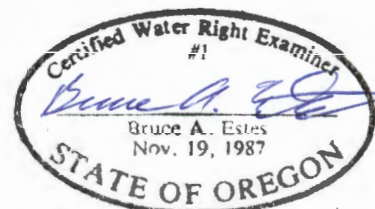
- ⊖ From 24Z acres (Permit G-13009 Claim of Beneficial Use)
- ⊗ To 24Z acres

Transfer Application Map for LARK RANCH

RECEIVED

SEP 28 2001

WATER RESOURCES DEPT.
SALEM, OREGON



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(503) 585-7593 (541) 382-7391

CENTRAL OREGON IRRIGATION DISTRICT

A MUNICIPAL CORPORATION OF THE STATE OF OREGON

2598 N. HWY. 97

REDMOND, OR 97756-1219

(541) 548-6047
FAX (541) 548-0243

September 26, 2001

Craig Kilpatrick
Lark Ranch
12789 SW Cornett Road
Powell Butte, OR 97753

Dear Craig:

I have reviewed the transfer application map for the Lark Ranch regarding your groundwater use and see no reason why the District should object. The District water rights were removed via a prior water rights transfer and this application has no impact on the District.

If I may be of any further service, please do not hesitate to call.

Sincerely,



John R. Herlocker
ASSISTANT MANAGER

JRH:brf

T-8897

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SEP 28 2001

WATER RESOURCES DEPT.
SALEM, OREGON



Oregon

John A. Kitzhaber, MD, Governor

Water Resources Department

North Mall Office Building
725 Summer St. NE, Suite A
Salem, OR 97301
Phone 503-986-0900
FAX 503-986-0904
www.wrd.state.or.us

February 6, 2012

ALBERT R. AND LITA KILPATRICK
CRAIG KILPATRICK
12789 SW CORNETT LOOP
POWELL BUTTE, OR 97753

SUBJECT: Water Right Transfer Application T-8897

Your water right transfer is in one of three phases of processing. Enclosed is a draft of our Preliminary Determination regarding Transfer Application T-8897. The document reflects the Department's conclusion that, based on the information currently available, the transfer will be approved.

The transfer map and the final proof map for Certificate 87116 differ on the amount of acres needed for the "to" lands. I am enclosing copies of both maps with the "to" lands highlighted in yellow. The draft preliminary determination reflects the acreage amount of the "to" lands shown in the final proof map.

Items needed before the next phase of processing...

1. Please review the draft carefully to see if it accurately reflects the changes you intend to make, and to become familiar with all proposed conditions. **You will need to respond in writing** by the deadline provided below, whether you agree with the proposed action and conditions. Also we will appreciate having you let us know if there are typographical errors that need to be corrected.
2. A report of landownership for the lands to which the water right is appurtenant (the "FROM" lands (Tax Lots 100, 101, and 106)) is required. **The report must be prepared by a title company and meet the criteria below.** (*Reports may be called by various names, such as Customer Service Report, Property Analysis Report (PAR), List Pack, Lot Book Report, etc.*)
 - a) The title company's report must either be:
 - i) prepared within 3 months of the draft Preliminary Determination showing current ownership, or
 - ii) prepared within 3 months of recording of a water right conveyance agreement, or
 - iii) prepared at any time, but showing ownership at the time a water right conveyance agreement was recorded.
 - b) The ownership report shall include:
 - i) Date reflected by the ownership information
 - ii) List of owners at that time
 - iii) Legal description of the property where the water right to be transferred is currently located.
 - c) You will need to submit a notarized statement of consent from any landowner listed in the ownership report who is not already included in the transfer application, or other information, such as a water right conveyance agreement, if applicable.



Conditions to your water right...

Please note the proposed date by which all conditions must be met: October 1, 2013. If the required completion date is insufficient to comply with any of the conditions, you may extend the date at no cost to you during this stage of processing. Please let me know by the comment deadline so we can make the proper arrangements to get you the time you need.

What happens next...

Once the preliminary determination is issued a publication period is required. The Department will publish a notice in their weekly publication, which opens a 30-day period in which the transfer can be protested.

Issuance of the Preliminary Determination will occur shortly after we receive:

1. your written response to the conditions and proposed action in the draft Preliminary Determination (e-mail is acceptable); and
2. report of ownership, and affidavits of consent from any landowners shown in the ownership report who have not signed the transfer application.

If we do not receive the items listed above by March 7, 2012, a Preliminary Determination may be issued denying the application as incomplete.

Please do not hesitate to contact me at 503-986-0886 or Patrick.K.Starnes@wr.d.state.or.us if I may be of assistance.

Sincerely,



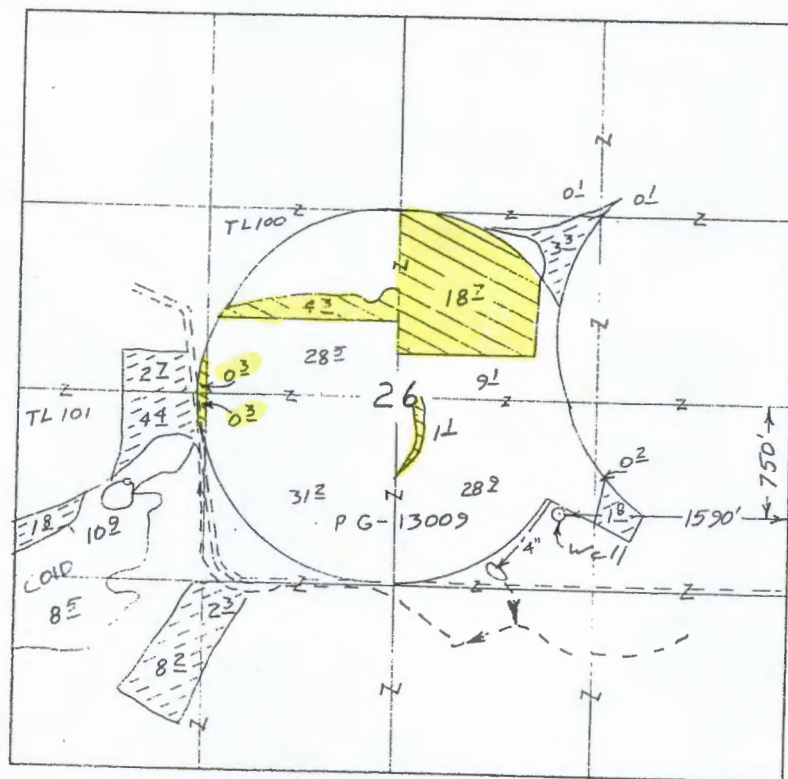
Kelly Starnes
Transfer Specialist
Transfer and Conservation Section

cc: Application File T-8897
Jeremy T. Giffin, District 11 Watermaster (*via e-mail*)
Craig Kilpatrick, 13970 NW O'Neal Highway, Redmond OR 97756
Bruce Estes, CWRE #1

encs

T-8897

TOWNSHIP 14 SOUTH, RANGE 14 EAST, W. M.



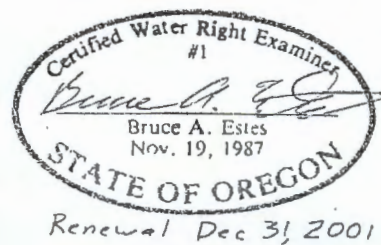
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for
LARK RANCH

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WATER RESOURCES DEPT.
SALEM, OREGON



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ESTES SURVEYS

PO Box 17519 60382 Arnold Rd
Salem, OR 97305-7519 Bend, OR 97702
(503) 585-7593 (541) 382-7391

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

In the Matter of Transfer Application
T-8897, Crook County

) **D R A F T**
)
) PRELIMINARY DETERMINATION
) PROPOSING APPROVAL OF A
) CHANGE IN PLACE OF USE

Authority

ORS 537.705 and 540.505 to 540.580 establish the process in which a water right holder may submit a request to transfer the point of appropriation, place of use, or character of use authorized under an existing water right. OAR Chapter 690, Division 380 implements the statutes and provides the Department's procedures and criteria for evaluating transfer applications.

Applicant

ALBERT R. AND LITA KILPATRICK
CRAIG KILPATRICK
12789 SW CORNETT LOOP
POWELL BUTTE, OR 97753

Findings of Fact

Background

1. On September 28, 2001, ALBERT R. AND LITA KILPATRICK; CRAIG KILPATRICK filed an application to change the place of use under Permit G-13009. The Department assigned the application number T-8897.
2. On July 8, 2011, the Department issued Certificate 87116 confirming water use perfected under Permit G-13009.
3. The portion of the right to be transferred is as follows:

Certificate: 87116 in the name of WYNN GILBERTSON; WYNN'S LAND AND LIVESTOCK LLC (perfected under Permit G-13009)

Use: IRRIGATION OF 25.09 ACRES

Priority Date: MARCH 31, 1995

Rate: 0.314 CUBIC FOOT PER SECOND

Limit/Duty: The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands, is 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 3.0 acre-feet per acre for each acre irrigated during the irrigation season of each year.

Period of Use: MARCH 1 THROUGH OCTOBER 31

Source: A WELL within the DRY RIVER BASIN

Authorized Point of Appropriation:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
14 S	14 E	WM	26	NW SE	750 FEET SOUTH AND 1590 FEET WEST FROM THE E $\frac{1}{4}$ CORNER OF SECTION 26

Authorized Place of Use:

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
14 S	14 E	WM	26	NE NE	0.10
14 S	14 E	WM	26	NW NE	0.10
14 S	14 E	WM	26	SW NE	3.30
14 S	14 E	WM	26	SW NW	2.70
14 S	14 E	WM	26	NW SW	6.20
14 S	14 E	WM	26	SW SW	8.59
14 S	14 E	WM	26	SE SW	2.30
14 S	14 E	WM	26	NE SE	1.80

4. Transfer Application T-8897 proposes to change the place of use of the right to:

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
14 S	14 E	WM	26	SW NE	18.90
14 S	14 E	WM	26	SW NW	0.80
14 S	14 E	WM	26	SE NW	4.09
14 S	14 E	WM	26	NW SW	0.60
14 S	14 E	WM	26	NW SE	0.70

5. Notice of the application for transfer was published on October 8, 2001, pursuant to OAR 690-380-4000. No comments were filed in response to the notice.

Transfer Review Criteria (OAR 690-380-4010)

6. Water has been used 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.
7. A pump, pipeline, and sprinkler system sufficient to use the full amount of water allowed under the existing right were present within the five-year period prior to submittal of Transfer Application T-8897.
8. The proposed change would not result in enlargement of the right.
9. The proposed change would not result in injury to other water rights.

Determination and Proposed Action

The change in place of use proposed in Transfer Application T-8897 appears to be consistent with the requirements of ORS 537.705 and 540.505 to 540.580 and OAR 690-380-5000. If protests are not filed pursuant to OAR 690-380-4030, the application will be approved.

If Transfer Application T-8897 is approved, the final order will include the following:

- 1. The change in place of use proposed in Transfer Application T-8897 is approved.*
- 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 87116 and any related decree.*
- 3. Water right certificate 87116 is cancelled. A new certificate will be issued describing that portion of the right not affected by this transfer.*
- 4. The former place of use of the transferred right shall no longer receive water under the right.*
- 5. The approved change shall be completed and full beneficial use of the water shall be made on or before **October 1, 2013**. 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.*
- 6. When satisfactory proof of the completed change is received, a new certificate confirming the right transferred will be issued.*

Dated at Salem, Oregon this ____ day of _____ 2012.

D R A F T

Dwight French, Water Right Services Administrator, for
PHILLIP C. WARD, DIRECTOR

This draft Preliminary Determination was prepared by Kelly Starnes. If you have questions about the information in this document, you may reach me at 503-986-0886 or Patrick.K.Starnes@wrds.state.or.us.



Oregon

John A. Kitzhaber, MD, Governor

October 3, 2013

Water Resources Department

North Mall Office Building

725 Summer St. NE, Suite A

Salem, OR 97301

Phone 503-986-0900

FAX 503-986-0904

www.wrd.state.or.us

Wynn's Land and Livestock
Attn: Wynn Gilbertson
P.O. Box 1777
Prineville, Oregon 97754

Reference: Transfer T-8897

The assignment by proof from Albert and Lita Craig Kilpatrick to Wynn Gilbertson, Wynn's Land and Livestock, LLC has been recorded in the records of the Water Resources Department.

The Departments records will now show Wynn Gilbertson, Wynn's Land and Livestock, LLC as the transfer holder of record.

Our records have been changed accordingly and the original request is enclosed. Receipt number 110143 covering the recording fee is also enclosed.

Please review the permit to be familiar with the conditions and timelines contained in the permit. These conditions and timelines will have to be met before a Certificate of Water Right can be issued.

Sincerely,

Jerry Sauter
Water Rights Program Analyst
Water Right Services Division

Enclosure: Receipt 110143

cc: Watermaster 11

Albert and Lita Craig Kilpatrick

Bruce Estes - CWRE

Data Center, OWRD (cover letter & request)

Hydrographics

File

RECEIVED

OCT 15 2013

WATER RESOURCES DEPT
SALEM, OREGON





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

RECEIVED BY OWRC

OCT 02 2013

SALEM, OR

Request for Assignment

By Proof of Ownership

(If Water Right Holder is Not Available)

If for multiple rights, a separate form and fee for each right will be required.

I, Wynn Gilbertson, Wynn's Land & Livestock, LLC
(Name of Party Requesting Assignment)

PO Box 1777 Prineville, OR 97754 (541) 419-6505
(Mailing Address) (City) (State) (Zip) (Phone #)

- ☒ hereby request assignment of application/permit/transfer/license/GR Certificate of Registration;
☐ hereby request assignment of a portion of application/permit/transfer/license/GR Certificate of Registration; (You must include a map showing the portion of the application/permit/transfer/license/GR Certificate of Registration to be assigned.)

I have attached proof of ownership that may include but not be limited to: a copy of the deed to the land, a copy of a land sales contract, a court order or decree, documentation of survivorship of property held jointly. The Department cannot accept a copy of a tax statement.

Application # _____; Permit # _____; Transfer# T-8897
-OR-

License # _____ GR Statement # _____; GR Certificate of Registration # _____

Albert R & Lita Kilpatrick
(Name of Holder of Record)

12789 SW Cornett Loop, Powell Butte, OR 97753
(Mailing Address) (City) (State) (Zip) (Phone #)

Note: You are required to furnish proof acceptable to the Department that notice of the assignment has been given or attempted for each identified property owner not a party to the assignment. ORS 537.220(2) Failure to submit this proof will result in the return of your request. (Proof may include but not be limited to: a copy of returned certified mailing, copy of a Death Certificate, or a court order.)

- 1) I certify that I am the current owner of the property described in this application, Permit, transfer, license or GR Certificate of Registration.
- 2) I have the legal right to request assignment under OAR 690-310-0280 and 690-320-0060.
- 3) I have not been able to contact the owner(s) of record for the above referenced application or water right.
- 4) I further certify that the information provided herein is true and correct to the best of my knowledge.

Witness my hand this 1st day of October, 20 13.

Party Requesting Assignment Wynn Gilbertson, Wynn's Land & Livestock

Party Requesting Assignment _____

DO NOT WRITE IN THIS BOX

This certifies assignment and record change at Oregon Water Resources Department effective 8:00 a.m. on date of receipt at Salem, Oregon.
Fee receipt # 110143
For Director by Jerry Sauter, Program Analyst in Water Rights Division

The completed "Request for Assignment" form must be submitted to the Department along with the recording fee of \$85.

RECEIVED

OCT 15 2013

WATER RESOURCES DEPT
SALEM, OREGON

ASSIGN PROOF
10/15/2013

N ↑

