# CLAIM OF BENEFICIAL USE for Transfers Place of Use Only



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

SEP 3 0 2019

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A fee of \$200 must accompany this form for any <u>transfer final orders</u> including a water right with a priority date of July 9, 1987, or later.

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

Claims received without the correct fee of \$200 will be returned.

#### A separate form shall be completed for each transfer.

This form is subject to revision. **Begin each new claim** by checking for a new version of this form at: http://www.oregon.gov/owrd/pages/wr/cwre\_info.aspx

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

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

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

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

If you have questions regarding the completion of this form, please call 503-986-0900 and ask for the Certificate Section.

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

http://www.oregon.gov/owrd/pages/mgmt reimbursement authority.aspx

### SECTION 1 GENERAL INFORMATION

#### **Type of Authorized Change**

This Claim is being submitted for a transfer where the <u>only</u> authorized change was a change in place of use.

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

YES

T-10540				OLI ,	o v 2019
2. Property Owner (current ov	vner information)			OV	VRD
APPLICANT/BUSINESS NAME S HAWKINS INC.			o. <b>5596</b>	ADDITIONAL CONTACT N 541 910 8596 cell	lo.
ADDRESS 57390 Hawkins Road					
CITY La Grande	STATE OREGON	ZIP 97850	E-Mail	200	
f the current property owner is					ment be
filed with the Department. <u>Eac</u>					
3. Transfer holder of record (t	his may, or may r	ot, be the c	urrent property o	owner)	
TRANSFER HOLDER OF RECORD  S Hawkins Inc.					
ADDRESS 57390 Hawkins Road					
CITY	STATE	ZIP 97850			
La Grande  4. Date of Site Inspection:	OREGON 6/7/18, 8/20/19, 9/21/1				
5. Person(s) interviewed and of			n with the projec	.+-	
NAME	-	ATE		TION WITH THE PROJE	CT
Dennis Murchison	9/21/19 &		Lease holder for far		
Dennis Addrenson	3721717-02	<i>312.11.13</i>			
6. County: Union					
7. If any property described in				exclud <mark>e</mark> d from this rep	ort,
identify the owner of record for	r that property (O	RS 537.230	(4)):		
OWNER OF RECORD					
Address	,		7140 T		
Сіту	STATE	ZIP			
Add additional tables for owners of r	acord as needed				
Add additional tables for owners of r	ecord as needed				

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1. File Information

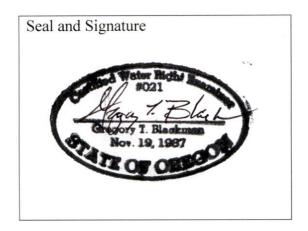
APPLICATION #

#### SECTION 2 SIGNATURES

SEP 3 0 2019 OWRD

#### CWRE Statement, Seal and Signature

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



CWRE NAME		PHONE NO.		AD	DITIONAL CONTACT NO.
Gregory T. Blackman		541-963-6771	13	541	-786-2859 cell
ADDRESS					
126 Ridge Drive			04)		
CITY	STATE	ZIP	E-Mail		18
La Grande	OREGON	97850	gblackman@yah	00.	com

#### Transfer Holder of Record Signature or Acknowledgement

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

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

SIGNATURE	PRINT OR TYPE NAME	TITLE	DATE
Sherman E Howking	S Hawkins, Inc. Sherman Hawkins	President	9-26-19

## SECTION 3 EXTENT OF CHANGE COMPLETED

SEP 3 0 2019 OWRD

1. Claim Summary – Authorized Use:

If Irrigation or Nursery Use:

HE # OF ACRES DEVELOPED
cres

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

New Use(s)	WAS THE NEW PLACE OF USE DEVELOPED TO THE
	FULL EXTENT AUTHORIZED UNDER THE ORDER?
	(INCLUDE THE LOCATION OF THE DEVELOPED PLACE USE ON THE CLAIM MAP)
	YES

#### 2. Variations:

Was the use developed	differently from	what was	authorized	by the trai	nsfer final or	der?
If yes, describe below.						

NO

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

### SECTION 4 CONDITIONS

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

#### 1. Time Limits:

Transfers and extension final orders contain the date when the full beneficial use of water was to be made:

	DATE FROM TRANSFER	DATE THE NEW USE WAS MADE TO T  *THIS DATE MUST FALL BETWEEN T  AND THE "FULL USE MA	HE "ISSUANCE DATE"
ISSUANCE DATE	May 18, 2009		
COMPLETENESS DATE FROM ORDER (C)	10/1/2010 extended to 10/1/2020	Extension order filed as Special Order volume 1 Transfer assigned to S Hawkins, Inc on 6/22/20 Installed meters in 2017, completed in a benefic 2019. Completed Claim of Beneficial Use 9/24/ Transfer completed.	8 al manner from September 1,

#### 2. Measurement Conditions:

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

If "NO", items 2b through 2f relating to this section may be deleted.

YES

Reminder: If a meter or approved measuring device was required, the COBU map must indicate the location of the device in relation to the point of diversion or appropriation.

b. Has a meter been installed?

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YES

c. Meter Information

				( D \/// L	217
POD/POA Name or #	MANUFACTURER	SERIAL#	CONDITION (WORKING OR NOT)	CURRENT METER READING	DATE INSTALLED
Authorized POD	McCrometer	17-11122- 08	Working	008.479 Af	9/12/2017

If a meter has been installed, items 2d through 2f relating to this section may be deleted.

d. If a meter has not been installed, has a suitable measuring device been installed and approved by the Department?

e. If "YES", provide a copy of the letter approving the device, if available. If the letter is not available provide the name and title of the Water Resources Department employee approving the measuring device, and the approximate date of the approval:

Name	TITLE	APPROXIMATE DATE

f. Measurement Device Description

DEVICE DESCRIPTION	CONDITION	DA	TE INSTALLED
	(WORKING OR NOT)		
	-		

**3.** Other conditions required by the transfer final order:

	0.1	11.1	0
a.	()ther	condition	10'
a.	Ouici	Condition	10:

NO

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

#### SECTION 5 ATTACHMENTS

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

ATTACHMENT NAME	DESCRIPTION	
Exhibit #1	T-10540	
Exhibit #2	E-mail showing date of Meter Installation	
Exhibit # 3	Transfer extension	

#### **SECTION 6**

#### CLAIM OF BENEFICIAL USE MAP

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

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

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

I used a Leica GPS GS 14 receiver to tie the existing point of diversion and record the Latitude and Longitude of the pump site. The section corner for the NE corner of Section 10, T2S R39E, is not monumented and was achieved by visually intersecting an east – west fence line with a N-S fence line. My position agreed within 20' each way of the present authorized POD, and did not see a reason to show a difference with the original tie to the POD. It is my opinion that the section corner is not that definite to argue with the position. The Latitude and Longitude does define the true position of the POD.

Map Checklist

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

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

EXHIBIT #1

#### RECEIVED

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

SEP 3 0 2019

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In the Matter of Transfer Application	)	FINAL ORDER APPROVING
T-10540, Union County	)	A CHANGE IN PLACE OF USE
	)	AND CANCELLATION OF A
	)	WATER RIGHT

#### Authority

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

ORS 540.621 establishes the process for the owner of land to which a water right is appurtenant to certify under oath that the water right, or a portion thereof, has been abandoned and to voluntarily request that it be cancelled.

#### Applicant

#### Agent

STEVE SHARP 65600 GRAYS CORNER ROAD COVE, OR 97824

BAGETT, GRIFFITH & BLACKMAN ATTN: GREG BLACKMAN 2006 ADAMS AVENUE LA GRANDE, OR 97850

#### Findings of Fact

#### Background

- 1. On February 15, 2008, Steve Sharp filed an application to change the place of use under Certificates 41159 and 46739. The Department assigned the application number T-10540.
- 2. On November 26, 2008, a revised map was submitted to correctly show the location of the proposed place of use.
- 3. The portion of the first right to be transferred is as follows:

Certificate:

41159 in the name of LOREN & MARY FLEET (perfected under Permit

S-31433)

Use:

IRRIGATION of 55.1 ACRES

Priority Date: MARCH 16, 1966

Rate:

0.55 CUBIC FOOT PER SECOND (CFS)

Limit/Duty:

ONE-FORTIETH cfs per acre, not to exceed 3.0 acre-feet per acre per year

GRANDE RONDE RIVER, tributary to SNAKE RIVER Source:

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.

Authorized Point of Diversion:

Twp	Rng	Mer	Sec	Q-Q	Survey Coordinates
2 S	39 E	WM	10	SE NW	1330 FEET SOUTH AND 2730 FEET WEST
				1000 1000 1000 1000	FROM THE NE CORNER OF SECTION 10

#### Authorized Place of Use:

Twp	Rng	Mer	Sec	Q-Q	Acres
2 S	39 E	WM	3	SW SW	1.8
2 S	39 E	WM	3	SE SW	11.4
2 S	39 E	WM	3	NW SE	14.0
2 S	39 E	WM	10	NE NW	16.6
2 S	39 E	WM	10	NW NW	11.3
				TOTAL:	55.1

4. Transfer Application T-10540 proposes to change the place of use of the right to:

Twp	Rng	Mer	Sec	Q-Q	Tax Lot	Acres
2 S	39 E	WM	10	SW NE	4400	21.0
2 S	39 E	WM	10	SE NE	4400	34.1
					TOTAL:	55.1

5. The second right to be transferred is as follows:

Certificate:

46739 in the name of LOREN AND MARY FLEET (perfected under Permit

S-39667)

Use:

IRRIGATION of 9.5 ACRES

Priority Date: NOVEMBER 27, 1974

Rate:

0.24 CUBIC FOOT PER SECOND (CFS)

Limit/Duty:

ONE-FORTIETH cfs per acre, not to exceed 3.0 acre-feet per acre per year

Source:

GRANDE RONDE RIVER, tributary to SNAKE RIVER

#### Authorized Point of Diversion:

Twp	Rng	Mer	Sec	Q-Q	Survey Coordinates
S	39 E	WM	10	SE NW	1330 FEET SOUTH AND 2730 FEET WEST
					FROM THE NE CORNER OF SECTION 10

#### Authorized Place of Use:

Twp	Rng	Mer	Sec	Q-Q	Acres
2 S	39 E	WM	10	NW NW	9.5
				TOTAL:	9.5

6. Transfer Application T-10540 proposes to change the place of use of the right to:

	Twp	Rng	Mer	Sec	Q-Q	Acres
	2 S	39 E	WM	10	SW NE	1.0
	2 S	39 E	WM	10	SE NE	3.7
	2 S	39 E	WM	10	NE SE	3.2
	2 S	39 E	WM	10	NW SE	1.6
Γ					TOTAL:	9.5

- 7. Notice of the application for transfer was published on February 26, 2008, pursuant to ORS 540.520 and OAR 690-380-4000. No comments were filed in response to the notice.
- 8. On November 20, 2008, the Department mailed a copy of the draft Preliminary Determination proposing to approve Transfer Application T-10540 to the applicant and his agent. The draft Preliminary Determination set forth a deadline of December 22, 2008, for the applicant to respond. The applicant requested that the Department proceed with issuance of a Preliminary Determination and provided the necessary information to demonstrate that the applicant is authorized to pursue the transfer.
- 9. On March 25, 2009, the Department issued a Preliminary Determination proposing to approve Transfer Application T-10540 and mailed a copy to the applicant and agent. Additionally, notice of the Preliminary Determination for the transfer application was published on the Department's weekly notice on April 7, 2009, 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(2)]

- 10. Water has been used within the last five years according to the terms and conditions of the rights, and there is no information in the record that would demonstrate that the rights are 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 rights were present within the five-year period prior to submittal of Transfer Application T-10540.
- 12. The proposed change would not result in enlargement of the rights.
- 13. The proposed change would not result in injury to other water rights.

#### Cancellation of a Water Right

14. An affidavit certifying that a water right has been abandoned and requesting cancellation of the right was received from Steve Sharp on February 15, 2008. The right to be cancelled is as follows:

Permit:

G-16269 (Application G-16765) in the name of STEVE SHARP

Use:

IRRIGATION of 207.4 ACRES and SUPPLEMENTAL IRRIGATION of

246.1 ACRES

Priority Date: DECEMBER 18, 2006

Rate:

5.67 CUBIC FEET PER SECOND (CFS), being 2.59 CF\$ for

IRRIGATION and 3.08 CFS for SUPPLEMENTAL IRRIGATION

Limit/Duty:

ONE-EIGHTIETH cfs per acre, not to exceed 3.0 acre-feet per acre per year

Source:

A WELL in the GRAND RONDE RIVER BASIN

# Authorized Point of Appropriation:

Survey Coordinates	4062 FEET NORTH AND 2385 FEET EAST FROM SW CORNER OF SECTION 10
	4062 FRO
0-0	NE NW
Sec	10
Mer	WM
Rng	39 E
Twp	2.8

Authorized Place of Use to be Cancelled:

		IKRIGATION		
Rng	Mer	Sec	0-0	Acres
39 E	WM	3	NE SW	8.0
39 E	WM	3	SW SW	2.0
39 E	WM	3	SE SW	7.2
39 E	WM	3	NE SE	38.9
39 E	WM	3	NW SE	14.4
39 E	WM	3	SE SE	14.0
39 E	WM	10	SW NE	38.0
39 E	WM	10	SE NE	38.0
39 E	WM	10	NE NW	5.9
39 E	WM	10	NW NW	5.0
39 E	WM	10	SE NW	4.2
39 E	WM	10	NE SE	23.5
39 E	WM	10	NW SE	7.8
39 E	WM	10	SE SE	0.5
			TOTAL:	207.4

SUPPLEMENTAL IRRIGATION
Mer
WM

# Conclusions of Law

The change in place of use proposed in Transfer Application T-10540 is consistent with the requirements of ORS 540.505 to 540.580 and OAR 690-380-5000, and the abandoned right should be cancelled.

# Now, therefore, it is ORDERED:

1. The change in place of use proposed in Transfer Application T-10540 is approved. The right that has been abandoned is cancelled.

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- 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 Certificates 41159 and 46739 and any related decree.
- 3. Water right Certificates 41159 and 46739 and Permit G-16269 are cancelled. A new certificate will be issued describing that portion of Certificate 41159 not affected by this transfer and cancellation.
- 4. The former place of use of the transferred rights shall no longer receive water under the right.
- 5. Prior to diverting water, the water user shall install an in-line flow meter, weir, or other suitable device for measuring and recording the quantity of water diverted. The type and plans of the measuring device must be approved by the Department prior to beginning construction and shall be installed under the general supervision of the Department. The water user shall maintain and operate the measuring device as required by the Department.
- 6. Prior to diverting water, the water user shall install a headgate to control and regulate the quantity of water diverted. The type and plans of the headgate must be approved by the Department prior to beginning construction and shall be installed under the general supervision of the Department. The water user shall maintain the headgate as required by the Department.
- 7. The approved change shall be completed and full beneficial use of the water shall be made on or before **October 1, 2010**. A Claim of Beneficial Use prepared by a Certified Water Rights 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.
- 8. When satisfactory proof of the completed change is received, new certificates confirming the rights transferred will be issued.

Dated at Salem, Oregon this 18th day of	May	2009.
0.11/11	0	
Phillip C. Ward, Director Por		
and the second s		

Mailing date: MAY 2 0 2009



#### Water Resources Department

725 Summer St NE, Suite A Salem, OR 97301 (503) 986-0900 Fax (503) 986-0904

October 11, 2019

S Hawkins Inc 57390 Hawkins Road La Grande OR 97850

On 09/30/2019 the Water Resources Department received the Claim of Beneficial Use (COBU) for the following file(s):

Application T-10540 Permit

The COBU included a report and map. The Department hopes to review your submittal within approximately 2 - 4 years. At that time we will review these items and provide a final certificate, proposed certificate, or a request for additional information.

If you are interested in having your COBU reviewed sooner, you may pay to have your file processed immediately, using the Reimbursement Authority program, which is described at:

https://www.oregon.gov/OWRD/programs/WaterRights/RA/Pages/Certificate.aspx

Customer Service phone: (503) 986-0900

If you sell the property, please contact the Department, or have the new owners contact the Department about the need to file an assignment.

Cc: file Gregory T Blackman, CWRE



## Checklist for Claims of Beneficial Use Received at CSG Counter

Application	on #	W/DD Davies			
	# T- 16540	WRD Revie	wer (,	ony M	· Judy
	ceived 9-30-2019				O
CWPEN	Tama 6				
CWILLIN	Tame Gregory Blackman	`			
	Date: 1974, 1966				
Fees Requ	uired:				
YES NO	A fee of \$200 must accompany this follater.	orm for <u>permits</u> wit	h priority	dates of Ju	ıly 9, 1987, or
YES NO	A fee of \$200 must accompany this for priority date of July 9, 1987, or later.  Example – A transfer involve has a priority date of July 9,	es 5 rights and one of	of the rig	hts	Fill in App
Map Revie	ew:				or Transfer Number
4				MONEY SL	IP
Disclain North ar CWRE s Appropr	polyester film (OAR 690-014-0170(1) & 310- tition & permit #; or transfer # (OAR 690-014-0 mer (OAR 690-014-0170(5)) rrow (OAR 690-310-0050(2)(c)) stamp and signature (OAR 690-014 & 310-005 riate scale (1" = 1320', 1" = 400', or the origina ounty assessor map) (014 & 310) tip, range, section, and tax lot numbers (OAR 6	0100(1)) 50) al full-size scale	DATE:  RECEIVED FROM:  CASH CHECK #	(IDENTEY)	APPLICATION PROMITE TRANSFER TO TALL RECTO IS  TO FAL. RECTO IS  ST. S.
Report Re	view:		0201 SURFACE WATE 0203 GROUND WATE 0205 TRANSFER	S S S S S S S S S S S S S S S S S S S	02/02 S S
Ownersh  Ownersh  Date of s  Person in  County (  CWRE s	n provided by the Department (OAR 690-014-0 tion & permit #; or transfer # (OAR 690-014) hip information (OAR 690-014) survey (OAR 690-014) interviewed (OAR 690-014) (OAR 690-014) stamp and signature (OAR 690-014-0100) re(s) of <u>all</u> permittee of transfer holder (OAR 690-014-0100)		OZDO ORBERS  GRAT TREASURY  2231 POWER LICENS 2231 HYDRO LICENS 225 HYDRO APPLICA  SPECIAL INSTRU	OBENIEW COBU  OBET WOODELECTRIC  E FEE (POWNED)  E FEE (POWNED)  ETCH (POWNED)  ETCH (POWNED)	0219 5 5 5 5 5 5 5 5 5 5 5 5 5 5 5 5 5 5 5
		20-014-0100)	RET	URN TO APPLICANT - LETT	ER ATTACHED
	Test Required? YES NO Pump Tes	st Submitted? YES	NO*	A	
*If no, in	include pump test flyer w/acknowledgment letter				