

Records Research Request

Date Requested: 7/2/25

Information Requested: Water Right Research
(Type of Request)

Requested By: cuppercreeklawco@gmail.com

Mailing Address: _____

Phone Number: _____ Fax: _____

Property Location: _____

T-R-S 9-26 Taxlot: 500 (N. of Hwy)

Additional Properties: _____

Mail to: _____

Address: _____

Phone #(s): _____ Fax: _____

Mail to: _____

Address: _____

Phone #(s): _____ Fax: _____

Date Request was Complete: 7/31/25

Research Completed By: GD

Comments: _____

Time (hrs / \$): _____

Copies (# / \$): _____

Total Bill (\$): _____

JULSRUD Eric W * WRD

From: Julie Mansfield Smith <cuppercreeklandco@gmail.com>
Sent: Wednesday, July 2, 2025 1:05 PM
To: JULSRUD Eric W * WRD
Subject: Volle water rights

Eric,

Can you send me any water rights on the property north of Hwy 402? He wants to sell that separately. Thanks in advance. This is the old Stelzer -Bahernburg Gassner place.

9S26500
John A Volle
46402 Hwy 402, Kimberly, OR, 97848-6239

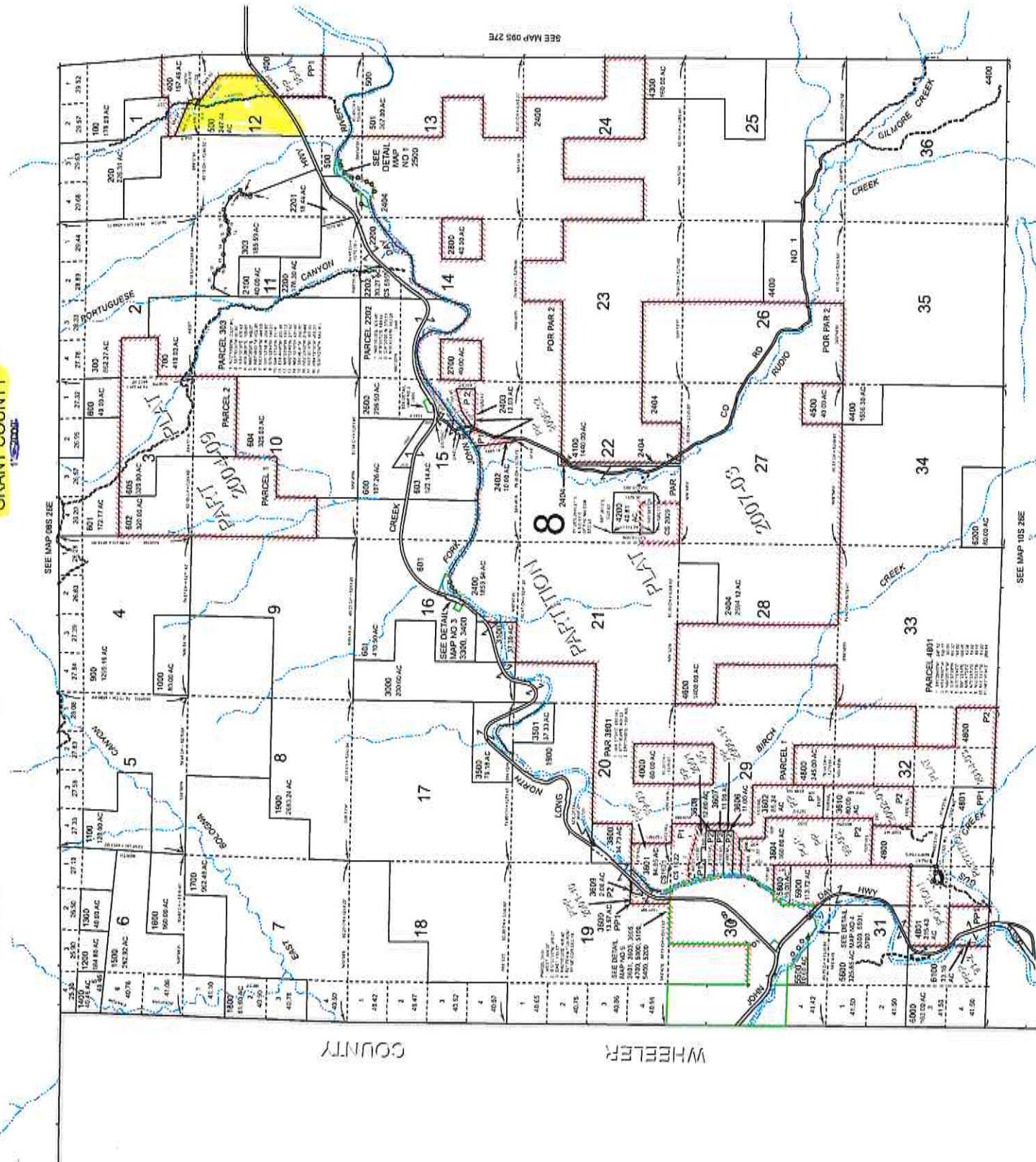
Julie Mansfield Smith

Cupper Creek Land Company

Principal Broker/Owner
41909 Copper Creek Rd.
Kimberly OR 97848
541-934-2946 office
541-519-6891 cell
cuppercreeklandco@gmail.com
www.cuppercreeklandcompany.com

Oregon License#950300098

No warranty or representation, express or implied, is made as to the accuracy of the information contained herein; all information contained herein is subject to change, errors, and omission and is subject to your independent verification. Neither Julie Mansfield Smith, nor Copper Creek Land Company, LLC. assumes liability for inaccuracy contained herein.



STATE OF OREGON
COUNTY OF GRANT
CERTIFICATE OF WATER RIGHT

This Is to Certify, That FRED and ANNABELLE GASSNER

of Kimberly, State of Oregon 97848, has made proof to the satisfaction of the Water Resources Director, of a right to the use of the waters of North Fork John Day River, a tributary of John Day River for the purpose of irrigation of 193.6 acres

under Permit No. 24426 and that said right to the use of said waters has been perfected in accordance with the laws of Oregon; that the priority of the right hereby confirmed dates from May 22, 1956, that the amount of water to which such right is entitled and hereby confirmed, for the purposes aforesaid, is limited to an amount actually beneficially used for said purposes, and shall not exceed 2.5 cubic feet per second

or its equivalent in case of rotation, measured at the point of diversion from the stream. The point of diversion is located in the SW 1/4 SE 1/4, Section 12, T9S, R26E, WM; Diversion 1 - 630 feet North and 730 feet East from S 1/4 Corner Section 12; Lot 4 (SW 1/4 SW 1/4), Section 7, T9S, R27E, WM; Diversion 2 - 1300 feet North and 850 feet East from SW Corner Section 7.

The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands, shall be limited to one-fortieth of one cubic foot per second per acre, or its equivalent for each acre irrigated and shall be further limited to a diversion of not to exceed 5.0 acre-feet per acre for each acre irrigated during the irrigation season of each year

and shall conform to such reasonable rotation system as may be ordered by the proper state officer. A description of the place of use under the right hereby confirmed, and to which such right is appurtenant, is as follows:

SEE NEXT PAGE

2.0 acres NW 1/4 NE 1/4 *(S) - Tax lot 500 N. of Hwy*
29.2 acres SW 1/4 NE 1/4 *(S) - Tax lot 500 N. of Hwy*
2.8 acres NE 1/4 SW 1/4
2.0 acres SE 1/4 SW 1/4
36.0 acres NW 1/4 SE 1/4 *(S) - App 1/4 x lot 2*
14.0 acres SW 1/4 SE 1/4
14.2 acres SE 1/4 SE 1/4
Section 12

ED 7/31/25

5.6 acres NE 1/4 NE 1/4
12.8 acres NW 1/4 NE 1/4
Section 13

Township 9 South, Range 26 East, WM

13.0 acres Lot 4 (SW 1/4 SW 1/4)
23.4 acres SE 1/4 SW 1/4
33.0 acres SW 1/4 SE 1/4
Section 7

5.6 acres Lot 1 (NW 1/4 NW 1/4)
Section 18
Township 9 South, Range 27 East, WM

The right to the use of the water for the purposes aforesaid is restricted to the lands or place of use herein described, and is subject to minimum flows established by the Water Policy Review Board with an effective date prior to this right.
WITNESS the signature of the Water Resources Director, affixed

this date. August 14, 1984

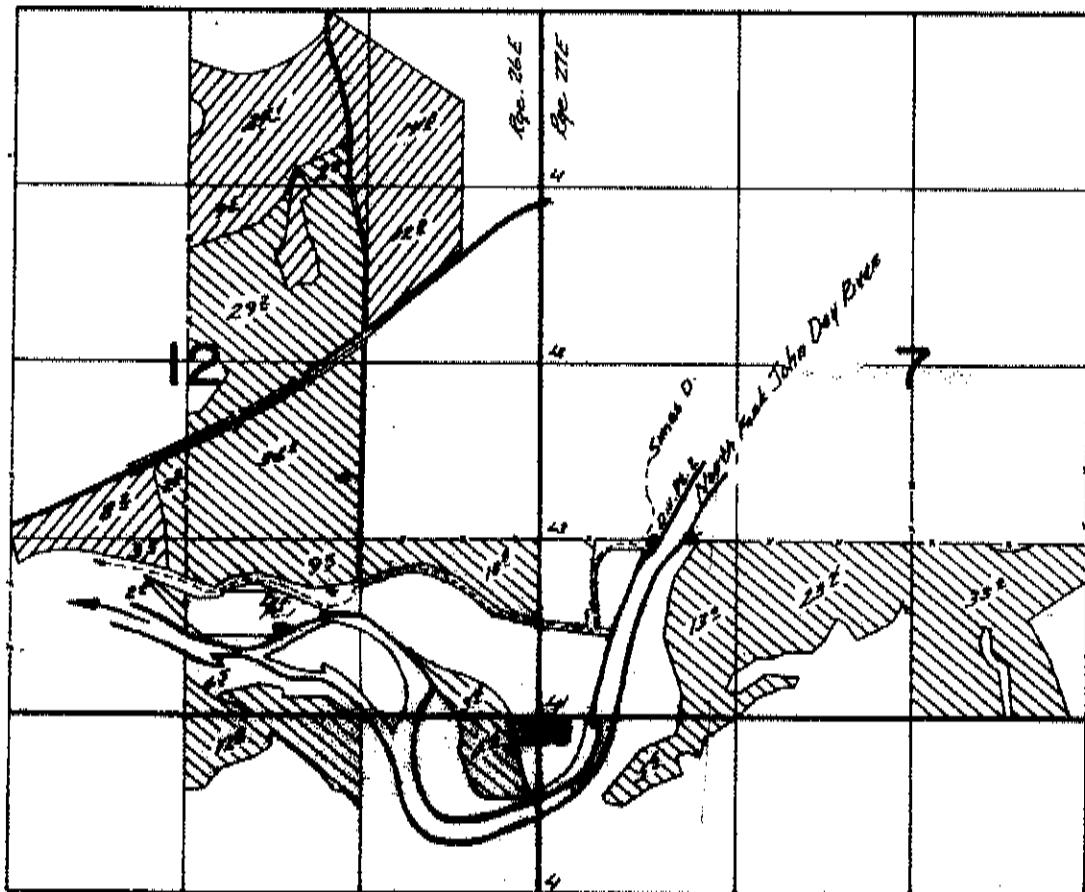
*/s/ William H. Young.....
Water Resources Director*

Recorded in State Record of Water Right Certificates, Volume 47, page 52200

1092C

P. 24426
52200

T. 9S, R. 26 & 27E. W. M.



Dir. Pt. 1 - 630' N / 730' E from 3/4 Sec. 12
Dir. Pt. 2 - 1300' N / 850' E from 3/4 Sec. 7
Dir. Pt. 3 - 1340' N / 1120' E from 3/4 Sec. 7

FINAL PROOF SURVEY
UNDER

52122 39261 - - - - -
Application No. 30277B. Permit No. 24426 - - - - -
IN NAME OF

FRED & ANNABELLE GASSNER

Surveyed July 13, 1979, by S.C.BROWN.....

1300 3000 4000

STATE OF OREGON
 COUNTY OF GRANT
CERTIFICATE OF WATER RIGHT

This is to certify, That FRED and ANNABELLE GASSNER

of Kimberly, State of Oregon 97848, has made
 proof to the satisfaction of the Water Resources Director, of a right to the use of the waters of
 North Fork John Day River

a tributary of John Day River for the purpose of
 irrigation of 71.0 acres

under Permit No. 39261 and that said right to the use of said waters has been perfected in
 accordance with the laws of Oregon; that the priority of the right hereby confirmed dates from
 June 26, 1974
 that the amount of water to which such right is entitled and hereby confirmed, for the purposes aforesaid, is
 limited to an amount actually beneficially used for said purposes, and shall not exceed
 1.75 cubic feet per second

or its equivalent in case of rotation, measured at the point of diversion from the stream. The point of
 diversion is located in the SW 1/4 SE 1/4, Section 12, T9S, R26E, WM;
 630 feet North and 730 feet East from S 1/4 Corner Section 12.

The amount of water used for irrigation, together with the amount secured under any other right
 existing for the same lands, shall be limited to one-fortieth of one cubic foot per second per
 acre, or its equivalent for each acre irrigated and shall be further
 limited to a diversion of not to exceed 5.0 acre-feet per acre for each acre
 irrigated during the irrigation season of each year

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

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

14.0 acres NE 1/4 NE 1/4
 24.1 acres NW 1/4 NE 1/4
 9.5 acres SW 1/4 NE 1/4
 12.0 acres SE 1/4 NE 1/4
 8.2 acres NE 1/4 SW 1/4
 3.2 acres SE 1/4 SW 1/4
 Section 12
 Township 9 South, Range 26 East, WM

Tax lot 500 N. J Hwy
 (S) 7/31/85

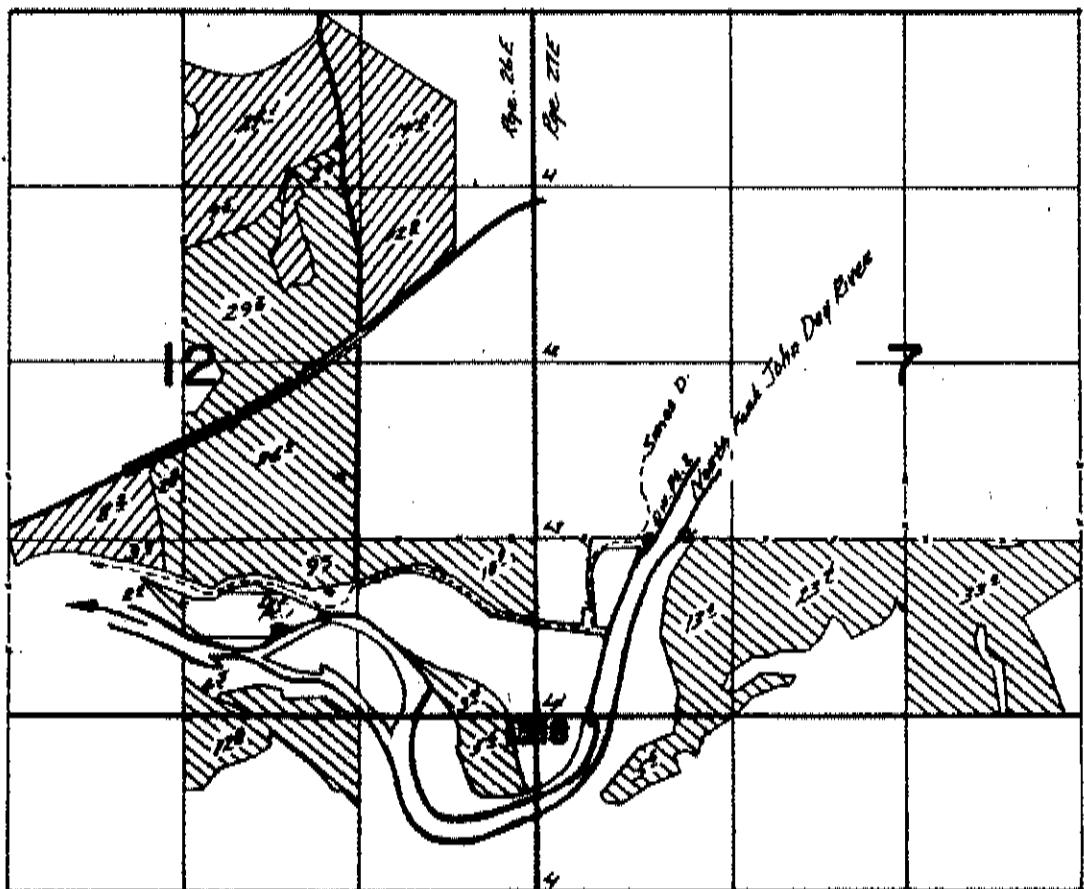
The right to the use of the water for the purposes aforesaid is restricted to the lands or place of use herein
 described and is subject to minimum flows established by the Water Policy Review Board with an effective date
 prior to this right.

WITNESS the signature of the Water Resources Director, affixed

this date. August 14, 1984

...../s/ William H. Young.....
 Water Resources Director

T.9S, R.26&27E.W.M.



Div. PL. 1 - 630°N, 730°E from SW Cor. Sec. 12
Div. PL. 2 - 1300°N, 850°E from SW Cor. Sec. 7
Div. PL. 3 - 1340°N, 1120°E from SW Cor. Sec. 7

**FINAL PROOF SURVEY
UNDER**

Application No. 52122 39261 -  - *Print*
3QZ77B. Permit No. 24426 -  - *Print*
IN NAME OF

FRED & ANNABELLE GASSNER

Surveyed July 13, 1979, by S.C. BROWN.....

Surveyed July 13, 1979, by S.C.BROWN.....

Surveyed July 13, 1979, by S.C.BROWN.....

Important Disclaimer

This water rights research was conducted by staff at the Watermaster's office located in Canyon City, Oregon. Although every effort has been made to ensure an accurate search, the following discrepancies may occur:

- Acreage shown with a +/- symbol are approximations of the amount of water right on a tax lot. This could mean that a water right does not lie entirely within the tax lot requested or there is some other doubt as to the actual acreage indicated.
- If the recipient of the research wishes to know more accurately the amount of water rights appurtenant to their property they may want to consider hiring a surveyor who offers services to assemble a complete "water right portfolio". Individuals or businesses who perform this type of work can provide more detailed information on the amount of water right acreages on their property and better determine totals of legal flow or rate for each tax lot in question.
- Although a property may have water rights of record, if they have undergone five successive years of non-use they may be subject to cancellation under ORS 540.610. For a copy of this statute or more information, please contact the Watermaster's office.
- Some research may indicate water rights appurtenant to the property may be in "permit" form or may be in "transfer" form. These forms of a water right are a valid water right of record but are in an "Inchoate status". This means the water right is subject to variations, alterations or changes as the water right is processed to completion into a water right certificate. For more information contact the Watermaster Office.
- It is critical that the person requesting the research carefully check any research conducted by staff from this office to be sure that the water right is appurtenant to the property they are interested in. Any listings as a result of a manual search of the Watermaster's records are not based on the official water right of record. The *official* water right records are kept in the Salem office.



Oregon

Patricia K. Kolek, Governor

Oregon Water Resources Department
Field Services Division
725 Summer St NE Ste A
Salem, Oregon 97301
(303) 986-0900
www.Oregon.gov/owrd

MEMO

Monday, August 14, 2023

Subject: Irrigation season for water rights in the John Day Basin

"The Irrigation season of the John Day River and its tributaries is hereby fixed as the period from April 1st to September 30th of each year."

John Day Basin Decree, Paragraph 106, Page 80

Irrigation that is authorized outside of the dates of April 1st through September 30th of each year is only allowed if the individual water right specifies a different period of time. If the certificate of water right in question does not list a time frame for an authorized irrigation season the default season is set by the John Day Basin Decree as April 1st through September 30th of each year. Please read your certificate of water right for clarification of your allowed irrigation season.

Violation of Oregon Water Law or Oregon Water Resources Department Administrative Rules may be subject to enforcement action and may include fines and or civil penalties as allowed under law.

If you have any questions concerning your water rights please do not hesitate to contact the local Watermaster Office for assistance.

Thank You

Eric W. Julsrud

Watermaster District 4

Oregon Water Resources Dept.

FORFEITURE OF WATER RIGHTS

540.610 Use as measure of water right; presumption of forfeiture of right for nonuse; basis for rebutting presumption; confirmation of rights of municipalities.

(1) Beneficial use shall be the basis, the measure and the limit of all rights to the use of water in this state. Whenever the owner of a perfected and developed water right ceases or fails to use all or part of the water appropriated for a period of five successive years, the failure to use shall establish a rebuttable presumption of forfeiture of all or part of the water right.

(2) Upon a showing of failure to use beneficially for five successive years, the appropriator has the burden of rebutting the presumption of forfeiture by showing one or more of the following:

(a) The water right is for use of water, or rights of use, acquired by cities and towns in this state, by appropriation or by purchase, for all reasonable and usual municipal purposes.

(b) A finding of forfeiture would impair the rights of such cities and towns to the use of water, whether acquired by appropriation or purchase, or heretofore recognized by act of the legislature, or which may hereafter be acquired.

(c) The use of water, or rights of use, are appurtenant to property obtained by the Department of Veterans' Affairs under ORS 407.135 or 407.145 for three years after the expiration of redemptions as provided in ORS 18.568 to 18.598 while the land is held by the Director of Veterans' Affairs, even if during such time the water is not used for a period of more than five successive years.

(d) The use of water, or rights of use, under a water right, if the owner of the property to which the right is appurtenant is unable to use the water due to economic hardship as defined by rule by the Water Resources Commission.

(e) The period of nonuse occurred during a period of time within which land was withdrawn from use in accordance with the Act of Congress of May 28, 1956, chapter 327 (7 U.S.C. 1801-1814; 1821-1824; 1831-1837), or the Federal Conservation Reserve Program, Act of Congress of December 23, 1985, chapter 198 (16 U.S.C. 3831-3836, 3841-3845). If necessary, in a cancellation proceeding under this section, the water right holder rebutting the presumption under this paragraph shall provide documentation that the water right holder's land was withdrawn from use under a federal reserve program.

(f) The end of the alleged period of nonuse occurred more than 15 years before the date upon which evidence of nonuse was submitted to the commission or the commission initiated cancellation proceedings under ORS 540.631, whichever occurs first.

(g) The owner of the property to which the water right was appurtenant is unable to use the water because the use of water under the right is discontinued under an order of the commission under ORS 537.775.

(h) The nonuse occurred during a period of time within which the water right holder was using reclaimed water in lieu of using water under an existing water right.

(i) The nonuse occurred during a period of time within which the water right holder was reusing water through land application as authorized by ORS 537.141 (1)(i) or 537.545 (1)(g) in lieu of using water under an existing water right.

(j) The owner or occupant of the property to which the water right is appurtenant was unable to make full beneficial use of the water because water was not available. A water right holder rebutting the presumption under this paragraph shall provide evidence that the water right holder was ready, willing and able to use the water had it been available.

(k) The holder of a water right is prohibited by law from using the water. If the prohibition is subject to remedial action that would allow the use of the water, the water right holder shall provide evidence that the water right holder is conducting the remedial action with reasonable diligence.

(l) The nonuse occurred during a period of time within which the exercise of all or part of the water right was not necessary due to climatic conditions, so long as the water right holder had a facility capable of handling the full allowed rate and duty, and was otherwise ready, willing and able to use the entire amount of water allowed under the water right.

(m) The nonuse occurred during a period of time within which the water was included in a transfer application pending before the Water Resources Department.

(3) Notwithstanding subsection (1) of this section, if the owner of a perfected and developed water right uses less water to accomplish the beneficial use allowed by the right, the right is not subject to forfeiture so long as:

(a) The user has a facility capable of handling the entire rate and duty authorized under the right; and

(b) The user is otherwise ready, willing and able to make full use of the right.

(4) The right of all cities and towns in this state to acquire rights to the use of the water of natural streams and lakes, not otherwise appropriated, and subject to existing rights, for all reasonable and usual municipal purposes, and for such future reasonable and usual municipal purposes as may reasonably be anticipated by reason of growth of population, or to secure sufficient water supply in cases of emergency, is expressly confirmed.

(5) After a water right is forfeited under subsection (1) of this section, the water that was the subject of use shall revert to the public and become again the subject of appropriation in the manner provided by law, subject to existing priorities. [Amended by 1985 c.689 §5; 1987 c.339 §4; 1989 c.699 §1; 1989 c.833 §61a; 1991 c.370 §6; 1995 c.356 §2; 1995 c.366 §1; 1997 c.42 §5; 1997 c.244 §5; 1997 c.283 §1; 1999 c.335 §3; 1999 c.804 §§3,4]