



State of Oregon
 Water Resources Department
 725 Summer Street NE, Suite A
 Salem, Oregon 97301-1266
 (503) 986-0900

Application for Water Right Transfer

Part 1 of 4 – Minimum Requirements Checklist

This transfer application will be returned if Parts 1 through 4 and all required attachments are not completed and included.
 For questions, please call (503) 986-0900, and ask for Transfer Section.

FOR ALL TRANSFER APPLICATIONS

Check all items included with this application. (N/A = Not Applicable)

- Part 1 – Completed Minimum Requirements Checklist.
- Part 2 – Completed Transfer Application Map Checklist.
- Part 3 – Completed Transfer Application – Applicant Information and Signature.
- Part 4 – Completed Transfer Application – Water Right Information. Please include a separate Part 4 for each water right. List all water right certificates to be transferred here: **86143.**

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Attachments:

- Completed Transfer Application Map. DEC 13 2012
- Completed Evidence of Use Affidavit and supporting documentation. SALEM, OR
- Fees – Amount enclosed: \$ 900.
 See <http://www.wrd.state.or.us/OWRD/PUBS/forms.shtml#fees> or call (503) 986-0883.
- N/A Affidavit(s) of Consent.
- N/A Supplemental Form D – For water rights served by or issued in the name of an irrigation district. Complete when the transfer applicant is not the irrigation district.
- N/A Land Use Information Form with approval and signature (or signed land use form receipt stub). Not required if water is to be diverted, conveyed, and/or used only on federal lands or if **all** of the following apply: a) a change in place of use only, b) no structural changes, c) the use of water is for irrigation only, and d) the use is located within an irrigation district or an exclusive farm use zone.
- N/A For changes in point(s) of appropriation (well(s)) or additional point(s) of appropriation, Water Well Report/Well Log.

(For Staff Use Only)

WE ARE RETURNING YOUR APPLICATION FOR THE FOLLOWING REASON(S):

<input type="checkbox"/> Application fee not enclosed/insufficient	<input type="checkbox"/> Map not included or incomplete
<input type="checkbox"/> Land Use Form not enclosed or incomplete	<input type="checkbox"/> Part ____ is incomplete
<input type="checkbox"/> Additional signature(s) required	
Other/Explanation _____	
Staff: _____ 503-986-0_____	Date: ____/____/____

Part 2 of 4 – Transfer Application Map Checklist

Your transfer application will be returned if any of the map requirements listed below are not met.

Please be sure that the transfer application map you submit includes all the required items and matches the existing water right map. Check all boxes that apply.

- N/A Certified Water Right Examiner (CWRE) Stamp and Original Signature. For a list of CWREs, see http://apps.wrd.state.or.us/apps/wr/cwre_license_view/. CWRE stamp and signature are not required for substitutions.
- N/A If **more than three** water rights are involved, separate maps are needed for each water right.
- Permanent quality printed with dark ink on good quality paper.
- The size of the map can be 8½ x 11 inches, 8½ x 14 inches, 11 x 17 inches, or up to 30 x 30 inches. For 30 x 30 inch maps, one extra copy is required.
- A north arrow, a legend, and scale.
- The scale of the map must be: 1 inch = 400 feet, 1 inch = 1,320 feet, the scale of the Final Proof/Claim of Beneficial Use Map (the map used when the permit was certificated), the scale of the county assessor map if the scale is not smaller than 1 inch = 1,320 feet, or a scale that has been pre-approved by the Department.
- Township, Range, Section, ¼ ¼, DLC, Government Lot, and other recognized public land survey lines.
- Tax lot boundaries (property lines) are required. Tax lot numbers are recommended.
- Major physical features including rivers and creeks showing direction of flow, lakes and reservoirs, roads, and railroads.
- Major water delivery system features from the point(s) of diversion/appropriation such as main pipelines, canals, and ditches.
- Existing place of use that includes separate hachuring for each water right, priority date, and use including number of acres in each quarter-quarter section, government lot, or in each quarter-quarter section as projected within government lots, donation land claims, or other recognized public land survey subdivisions. If less than the entirety of the water right is being changed, a separate hachuring is needed for lands left unchanged.
- N/A Proposed place of use that includes separate hachuring for each water right, priority date, and use including number of acres in each quarter-quarter section, government lot, or in each quarter-quarter section as projected within government lots, donation land claims, or other recognized public land survey subdivisions.
- Existing point(s) of diversion or well(s) with distance and bearing or coordinates from a recognized survey corner. This information can be found in your water right certificate or permit.
- N/A If you are proposing a change in point(s) of diversion or well(s), show the proposed location and label it clearly with distance and bearing or coordinates. If GPS coordinates are used, latitude-longitude coordinates may be expressed as either degrees-minutes-seconds with at least one digit after the decimal (example – 42°32'15.5") or degrees-decimal with five or more digits after the decimal (example – 42.53764°).

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Part 3 of 4 – Applicant Information and Signature

Applicant Information

APPLICANT/BUSINESS NAME Driscoll Strawberry Associates, Inc. c/o Holly Burgess, Nursery Dept. Manager		PHONE NO. 530-224-7424	ADDITIONAL CONTACT NO.
ADDRESS 434 Redcliff Road, Suite D		FAX NO. 530-221-2582	
CITY Redding	STATE CA	ZIP 96002	E-MAIL** holly.burgess@driscolls.com

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

AGENT/BUSINESS NAME James B. Newton, Newton Consultants, Inc.		PHONE NO. 541-504-9960	ADDITIONAL CONTACT NO.
ADDRESS P.O. Box 1728, 1937 N Business 97		FAX NO. 541-504-9961	
CITY Redmond	STATE OR	ZIP 97756	E-MAIL** jnewton@newtonconsultants.com

**** BY PROVIDING AN E-MAIL ADDRESS, CONSENT IS GIVEN TO RECEIVE ALL CORRESPONDENCE FROM THE DEPARTMENT ELECTRONICALLY. COPIES OF THE FINAL ORDER DOCUMENTS WILL ALSO BE MAILED.**

Check this box if this project is fully or partially funded by the American Recovery and Reinvestment Act. (Federal stimulus dollars)

Is the applicant the sole owner of the land on which the water right, or portion thereof, proposed for transfer is located? Yes No

If NO, include signatures of all landowners (and mailing and/or e-mail addresses if different than the applicant's) or attach affidavits of consent (and mailing and/or e-mail addresses) from all landowners or individuals/entities to which the water right(s) has been conveyed.

Permanent Transfers Only (check one box)

- By signing this application, I understand that, upon receipt of the draft preliminary determination and prior to Department approval of the transfer, I will be required to provide landownership information and evidence that I am authorized to pursue the transfer as identified in OAR 690-380-4010(5); **OR**
- I affirm the applicant is a municipality as defined in ORS 540.510(3)(b) and that the right is in the name of the municipality or a predecessor; **OR**
- I affirm that the applicant is an entity with the authority to condemn property and is acquiring by condemnation the property to which the water right proposed for transfer is appurtenant and have supporting documentation.

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I understand that prior to Department approval of the transfer, I may be required to submit payment to the Department for publication of a notice in a newspaper with general circulation in the area where the water right is located, once per week for two consecutive weeks. If more than one qualifying newspaper is available, I suggest publishing the notice in the following paper: Herald and News (Klamath Falls area newspaper publication)

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



Holly Burgess
Applicant signature

Holly Burgess, Nursery Dept. Manager 10/23/12
Print Name (and Title if applicable) Date

Applicant signature

Print Name (and Title if applicable) Date

In your own words tell us what change(s) you want made and the reason for the change(s): _____

Check the following boxes that apply:

- The applicant is responsible for completion of change(s). Notices and correspondence should continue to be sent to the applicant.
- The receiving landowner will be responsible for completing the proposed change(s) after the final order is issued. Copies of notices and correspondence should be sent to this landowner.
- The receiving landowner and applicant will be responsible for completion of change(s). Copies of notices and correspondence should be sent to this landowner and the applicant.

At this time, are the lands in this transfer application in the process of being sold? Yes No

If YES, and you know who the new landowner will be, please complete the receiving landowner information table below. If you do not know who the new landowner will be, then a request for assignment will have to be filed for at a later date.

If a property sells, the certificated water right(s) located on the land belong to the new owner, unless a sale agreement or other document states otherwise. (To learn about sale agreements please visit our web site at: <http://www1.wrd.state.or.us/pdfs/Transfer-PropertyTransactions.pdf>)

RECEIVING LANDOWNER NAME N/A			PHONE NO.	ADDITIONAL CONTACT NO.
ADDRESS				FAX NO.
CITY	STATE	ZIP	E-MAIL	

Describe any special ownership circumstances here: _____

- Check here if any of the water rights proposed for transfer are or will be located within or served by an irrigation or other water district. (**Tip: Complete and attach Supplemental Form D.**) **Although the place of use is within Klamath Irrigation District (KID) boundaries, the area is not serviced by KID water. The water is produced from Well #3 as indicated in the application.**

IRRIGATION DISTRICT NAME	ADDRESS	
CITY	STATE	ZIP

- Check here if water for any of the rights supplied under a water service agreement or other contract for stored water with a federal agency or other entity. **RECEIVED BY OWRD**

ENTITY NAME N/A	ADDRESS DEC 13 2012	
CITY	STATE	ZIP SALEM, OR



To meet State Land Use Consistency Requirements, you must list all local governments (each county, city, municipal corporation, or tribal government) within whose jurisdiction water will be diverted, conveyed or used.

ENTITY NAME Klamath County Planning Department	ADDRESS 305 Main Street	
CITY Klamath Falls	STATE OR	ZIP 97601

ENTITY NAME N/A	ADDRESS	
CITY	STATE	ZIP

Part 4 of 4 – Water Right Information

Please use a separate Part 4 for each water right being changed. See instructions at http://www.wrd.state.or.us/OWRD/PUBS/docs/Hints_Forms_MS_Word.doc

CERTIFICATE # 86143

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Description of Water Delivery System

System capacity: **11.62** cubic feet per second (cfs) OR
 _____ gallons per minute (gpm)

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Describe the current water delivery system or the system that was in place at some time within the last five years. Include information on the pumps, canals, pipelines and sprinklers used to divert, convey and apply the water at the authorized place of use. **Water delivered under this transfer request from Certificate 86010/86044 is supplemental and appropriated from two wells located in the Lost River basin. Wells #1 & #3 (KLAM 52795 & 52972) will continue to be used for supplemental irrigation under this transfer-no change in the POAs. Well #3 is located in Tax Lot 501 southwest of the intersection of Highway 50 and the Burlington Northern Railroad. Well #1 (KLAM 52795) is located south of Highway 50 and west of Wilson Road on Tax Lot 1300.**

At the time the certificate was issued (January 2010) the system consisted of water being pumped from the wells being delivered through 13-inch pipes to an irrigation distribution system. Distribution at the time consisted of both KID canals, on farm canals, and high and low pressure pipelines. Water is applied to irrigated areas through on farm canals, ditches, and pipelines. Irrigation methods include sprinkler irrigation from hand lines, pivots, and wheel lines..

Well #1 has a 100 Hp motor/pump with a theoretical capacity of 3.32 cfs; Well #3 has a 250 hp motor/pump with a theoretical capacity of 8.30 cfs, for a combined system capacity of 11.62 cfs (as included in the previous Claim of Beneficial Use).

Table 1. Location of Authorized and Proposed Point(s) of Diversion (POD) or Appropriation (POA)
 (Note: If the POD/POA name is not specified on the certificate, assign it a name or number here.)

POD/POA Name or Number	Is this POD/POA Authorized on the Certificate or is it Proposed?	If POA, OWRD Well Log ID# (or Well ID Tag # L-___)	Twp	Rng	Sec	¼ ¼	Tax Lot, DLC or Gov't Lot	Measured Distances (from a recognized survey corner)
Well #1	<input checked="" type="checkbox"/> Authorized <input type="checkbox"/> Proposed	KLAM 52795	41 S	11 E	10	NE SW	1300	643 feet north and 70 feet west from SE corner, NESW, Section 10
Well #3	<input checked="" type="checkbox"/> Authorized <input type="checkbox"/> Proposed	KLAM 52972	41 S	11 E	9	NE NW	501	90 feet south and 139 feet east from north 1/4 corner, section 9

Check all type(s) of change(s) proposed below (change “CODES” are provided in parentheses):

- | | |
|---|---|
| <input checked="" type="checkbox"/> Place of Use (POU) | <input type="checkbox"/> Supplemental Use to Primary Use (S to P) |
| <input type="checkbox"/> Character of Use (USE) | <input type="checkbox"/> Point of Appropriation/Well (POA) |
| <input type="checkbox"/> Point of Diversion (POD) | <input type="checkbox"/> Additional Point of Appropriation (APOA) |
| <input type="checkbox"/> Additional Point of Diversion (APOD) | <input type="checkbox"/> Substitution (SUB) |

- Surface Water POD to Ground Water POA (SW/GW) Government Action POD (GOV)

Will all of the proposed changes affect the entire water right?

- Yes Complete only the Proposed (“to” lands) section of Table 2 on the next page. Use the “CODES” listed above to describe the proposed changes.
- No Complete all of Table 2 to describe the portion of the water right to be changed.

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Please use additional pages of Table 2 as needed

Table 2. Description of Changes to Water Right Certificate # 86143

List only the part of the right that will be changed. For the acreage in each 1/4 1/4, list the change proposed. If more than one change, specify the acreage

Authorized ("from" lands) as they appear BEFORE THE CHANGES										Proposed ("to" lands) AFTER THE CHANGES										
Twp	Rng	Sec	1/4 1/4	Tax Lot	Gvt Lot or DLC	Acres	Type of USE listed on Certificate	POD(s) or POA(s) (name or number from Table 1)	Priority Date	Proposed Changes (see "CODES" from previous page)	Twp	Rng	Sec	1/4 1/4	Tax Lot	Gvt Lot or DLC	Acres	New Type of USE	POD(s) to be used (from Table 1)	Priority Date
2	S	9	NE	NW	100	15.0	Irrigation	POD #1 POD #2	1901	POU/POD	2	S	9	E	1	NW	NW	10.0	POD #5	1901
"	"	"	"	"	"	"	EXAMPLE	"	"	"	2	S	9	E	2	SW	NW	5.0	POD #6	1901
41	S	11	E	NW	NE	3.5	Suppl. Irr.	Wells #1 & #3	2002	POU	41	S	11	E	9	NE	NE	6.0	Wells #1 & #3	2002
41	S	11	E	NW	NE	8.10	Suppl. Irr.	Wells #1 & #3	2002	POU	41	S	11	E	9	SE	NE	30.6	Wells #1 & #3	2002
41	S	11	E	NE	NE	4.34	Suppl. Irr.	Wells #1 & #3	2002	POU	41	S	11	E	9	SE	NE	8.4	Wells #1 & #3	2002
41	S	11	E	NE	NE	6.17	Suppl. Irr.	Wells #1 & #3	2002	POU	41	S	11	E	9	NE	SE	17	Wells #1 & #3	2002
41	S	11	E	NE	NE	14.52	Suppl. Irr.	Wells #1 & #3	2002	POU	41	S	11	E	16	NW	NW	5.30	Wells #1 & #3	2002
41	S	11	E	NE	NE	2.31	Suppl. Irr.	Wells #1 & #3	2002	POU	41	S	11	E	16	NE	NW	4.53	Wells #1 & #3	2002
41	S	11	E	SW	NE	2.84	Suppl. Irr.	Wells #1 & #3	2002	POU	41	S	11	E	16	NE	NW	1.48	Wells #1 & #3	2002
41	S	11	E	SW	NE	4.16	Suppl. Irr.	Wells #1 & #3	2002	POU	41	S	11	E	16	NE	NW	0.21	Wells #1 & #3	2002
41	S	11	E	SE	NE	0.10	Suppl. Irr.	Wells #1 & #3	2002	POU	41	S	11	E	16	NW	NE	1.41	Wells #1 & #3	2002
41	S	11	E	SE	NE	5.38	Suppl. Irr.	Wells #1 & #3	2002	POU	41	S	11	E	16	SE	NW	0.19	Wells #1 & #3	2002
TOTAL ACRES										TOTAL ACRES										

associated with each change. If more than one POD/POA, specify the acreage associated with each POD/POA.

Additional remarks: The primary unadjudicated claim KL 293 underlies both the 'From' and the 'To' lands on each property for the proposed change.

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Please use additional pages of Table 2 as needed

Table 2. Description of Changes to Water Right Certificate # 86143

List only the part of the right that will be changed. For the acreage in each 1/4 1/4, list the change proposed. If more than one change, specify the acreage associated with each change. If more than one POD/POA, specify the acreage associated with each POD/POA.

Authorized ("from" lands) as they appear BEFORE THE CHANGES				Proposed ("to" lands) AFTER THE CHANGES																	
Twp	Rng	Sec	1/4 1/4	Tax Lot or DLC	Gvt Lot or DLC	Acreage	Type of USE listed on Certificate	POD(s) or number (from Table 1)	Priority Date	Proposed Changes (see "CODES" from previous page)	Twp	Rng	Sec	1/4 1/4	Tax Lot or DLC	Gvt Lot or DLC	Acreage	New Type of USE	POD(s) to be used (from Table 1)	Priority Date	
2	S	9	E 15 NE NW	100	"	15.0	Irrigation	POD #1 POD #2	1901	POU/POD	2	S	9	E 1 NW NW	500	1	10.0		POD #5	1901	
"	"	"	"	"	"	"	EXAMPLE	"	"	"	2	S	9	E 2 SW NW	500		5.0		POD #6	1901	
41	S	11	E 8 SE NE	700	1, 15	16.90	Suppl. Irr.	Wells #1 & #3	2002	POU	41	S	11	E 16 SE NW	200	-	3.50	Suppl. Irr.	Wells #1 & #3	2002	
41	S	11	E 8 SE NE	700	15	1.39	Suppl. Irr.	Wells #1 & #3	2002	POU	41	S	11	E 16 SW NE	200	-	16.40	Suppl. Irr.	Wells #1 & #3	2002	
41	S	11	E 8 NE SE	700	14	4.00	Suppl. Irr.	Wells #1 & #3	2002	POU	41	S	11	E 16 NW SE	200	-	7.70	Suppl. Irr.	Wells #1 & #3	2002	
41	S	11	E 9 SW NW	700	5	0.49	Suppl. Irr.	Wells #1 & #3	2002	POU											
41	S	11	E 9 NW SW	700	9	0.42	Suppl. Irr.	Wells #1 & #3	2002	POU											
41	S	11	E 10 NE SE	1600	8	1.92	Suppl. Irr.	Wells #1 & #3	2002	POU											
41	S	11	E 10 SE SE	1600	-	15.87	Suppl. Irr.	Wells #1 & #3	2002	POU											
41	S	11	E 15 NE NE	100	4	10.31	Suppl. Irr.	Wells #1 & #3	2002	POU											
				TOTAL ACRES				102.72					TOTAL ACRES				102.72				

Additional remarks: The primary unadjudicated claim KL 293 underlies both the 'From' and the 'To' lands on each property for the proposed change. Some of the lands involved in this transfer are owned by Orem Land Company, Gary Orem Owner. However, there is a sales agreement (see attachment) assigning control and management of water rights on the lands, including Certificate 86143, to Driscoll Strawberry Associates, Inc.

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For Place of Use or Character of Use Changes

Are there other water right certificates, water use permits or ground water registrations associated with the “from” or the “to” lands? Yes No

If YES, list the certificate, water use permit, or ground water registration numbers: **Claim KL 293 (US BOR) This claim is for unadjudicated surface water from Klamath Irrigation District.**

Pursuant to ORS 540.510, any “layered” water use such as an irrigation right that is supplemental to a primary right proposed for transfer must be included in the transfer or be cancelled. Any change to a ground water registration must be filed separately in a ground water registration modification application.

For Substitution (ground water supplemental irrigation will be substituted for surface water primary irrigation)

Ground water supplemental Permit or Certificate # N/A;
Surface water primary Certificate # N/A.

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For a change from Supplemental Irrigation Use to Primary Irrigation Use

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Identify the primary certificate to be cancelled. Certificate # N/A

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For a change in point(s) of appropriation (well(s)) or additional point(s) of appropriation:

Well log(s) are attached for each authorized and proposed well(s) that are clearly labeled and associated with the corresponding well(s) in Table 1 above and on the accompanying application map. (Tip: You may search for well logs on the Department’s web page at: http://apps.wrd.state.or.us/apps/gw/well_log/Default.aspx)

OR

Describe the construction of the authorized and proposed well(s) in Table 3 for any wells that do not have a well log.

Table 3. Construction of Point(s) of Appropriation

Any well(s) in this listing must be clearly tied to corresponding well(s) described in Table 1 and shown on the accompanying application map. Failure to provide adequate information is likely to delay the processing of your transfer application. For proposed wells, we recommend that you consult a licensed well driller, geologist, or certified water right examiner for the proper information needed to complete the table.

Proposed or Authorized POA Name or Number	Is well already built? (Yes or No)	If an existing well, OWRD Well ID Tag No. L-____	Total well depth	Casing Diameter	Casing Intervals (feet)	Seal depth(s) (intervals)	Perforated or screened intervals (in feet)	Static water level of completed well (in feet)	Source aquifer (sand, gravel, basalt, etc.)	Well-specific rate (cfs or gpm). If less than full rate of water right
	SEE	ATTACHED	WELL	LOG	KLAM	52972	And	KLAM	52795	