



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

# Application for Permanent Water Right Transfer

## Part 1 of 5 – Minimum Requirements Checklist

**This transfer application will be returned if Parts 1 through 5 and all required attachments are not completed and included.**

For questions, please call (503) 986-0900, and ask for Transfer Section.

**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 – Application Fee, payable by check to the Oregon Water Resources Department, and completed Fee Worksheet, page 3. Try the new online fee calculator at: [http://apps.wrd.state.or.us/apps/misc/wrd\\_fee\\_calculator](http://apps.wrd.state.or.us/apps/misc/wrd_fee_calculator). If you have questions, call Customer Service at (503) 986-0801.
- Part 4 – Completed Applicant Information and Signature.
- Part 5 – Information about Water Rights to be Transferred: **How many water rights are to be transferred? 1 List them here: Certificate 65412**  
Please include a separate Part 5 for each water right. (See instructions on page 6)

**Attachments:**

- Completed Transfer Application Map.
- Completed Evidence of Use Affidavit and supporting documentation.
- N/A Affidavit(s) of Consent from Landowner(s) (if the applicant does not own the land the water right is on.)
- 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 Water Well Report/Well Log for changes in point(s) of appropriation (well(s)) or additional point(s) of appropriation.
- N/A Geologist Report for a change from a surface water point of diversion to a ground water point of appropriation (well), if the proposed well is more than 500' from the surface water source and more than 1000' upstream or downstream from the point of diversion. See OAR 690-380-2130 for requirements and applicability.

(For Staff Use Only)

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

- Application fee not enclosed/insufficient       Map not included or incomplete
- Land Use Form not enclosed or incomplete
- Additional signature(s) required       Part \_\_\_\_ is incomplete

Other/Explanation \_\_\_\_\_

Staff: \_\_\_\_\_ 503-986-0 \_\_\_\_\_

Date: \_\_\_\_ / \_\_\_\_ / \_\_\_\_

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**CWRE** 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/](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 4 of 5 – Applicant Information and Signature

Applicant Information OWRD

APPLICANT/BUSINESS NAME <b>Moss Ranch LLC</b>		PHONE NO. <b>209-487-2077</b>	ADDITIONAL CONTACT NO.
ADDRESS <b>8555 W. Langell Valley Rd.</b>			FAX NO.
CITY <b>Bonanza</b>	STATE <b>OR</b>	ZIP <b>97623</b>	E-MAIL
<b>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.</b>			

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

AGENT/BUSINESS NAME <b>N/A</b>		PHONE NO.	ADDITIONAL CONTACT NO.
ADDRESS			FAX NO.
CITY	STATE	ZIP	E-MAIL
<b>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.</b>			

Explain in your own words what you propose to accomplish with this transfer application, and why:

The water user is attempting to transfer 31.0 acres of primary irrigation to recently purchased land in T39S, R11E, Section 25, SW1/4 SW1/4. Also, the water user will be replacing the authorized well (Well 1) with a new proposed well (Well 2) that is about 58' north of Well 1.

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

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 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.

I understand that prior to Department approval of the transfer application, 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 newspaper: \_\_\_\_\_

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



*Andy Moss*  
Applicant signature

*Dunker*  
Print Name (and Title if applicable)

*6-13-18*  
Date

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 deeded 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) were conveyed.*

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.
- Both 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. For more information see: <http://www.oregon.gov/owrd/docs/transfer-propertytransactions.pdf>

RECEIVING LANDOWNER NAME <b>N/A</b>		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.)**

IRRIGATION DISTRICT NAME <b>Langell Valley Irrigation District</b>	ADDRESS <b>9787 E Langell Valley Rd</b>	
CITY <b>Bonanza</b>	STATE <b>OR</b>	ZIP <b>97623</b>

- 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.

ENTITY NAME	ADDRESS	
CITY	STATE	ZIP



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

ENTITY NAME <b>Klamath County</b>	ADDRESS <b>305 Main St.</b>	
CITY <b>Klamath Falls</b>	STATE <b>OR</b>	ZIP <b>97601</b>

ENTITY NAME	ADDRESS	
CITY	STATE	ZIP

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## Part 5 of 5 – Water Right Information

Please use a separate Part 5 for each water right being changed. See instructions on page 6, to copy and paste additional Part 5s, or to add additional rows to tables within the form.

**CERTIFICATE # 65412**

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**Description of Water Delivery System**

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System capacity: 4.36 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 is currently conveyed from Well 1 into an irrigation ditch that runs west for ±2,478' before turning north to northwest and traveling ±3,141'. Water then passes through a culvert before traveling north for ±552'. The irrigation ditch then turns west and travels ±2,213' where it ends. This irrigation ditch flood irrigates land in NE1/4 NW1/4, NW1/4 NE1/4, NE1/4 NE1/4, SW1/4 NE1/4, and SE1/4 NE1/4, Section 31.**

**From the end of the irrigation ditch, water is pumped from a turbine pump west through aboveground aluminum mainline for ±1,538'. From there, water is then pumped from a second turbine pump south for ±394' before turning west and traveling ±2,431' before it reaches West Langell Valley Road. From there, the pipe passes under the road. This mainline is connected with wheel lines that irrigate land in SW1/4 SE1/4 and SE1/4 SW1/4, Section 25; NW1/4 SE1/4, NE1/4 SE1/4, SW1/4 SE1/4, and SE1/4 SE1/4, Section 26; NE1/4 NE1/4, Section 35; NW1/4 NW1/4, NE1/4 NW1/4, NW1/4 NE1/4, SW1/4 NW1/4, and SE1/4 NW1/4, Section 36.**

**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 13578	39	S	12	E	31	SE	NE	6400	30' north & 100' west from the east 1/4 corner of section 31
Well 2	<input type="checkbox"/> Authorized <input checked="" type="checkbox"/> Proposed	TBD	39	S	12	E	31	SE	NE	6400	58' north of KLAM 13578

**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 checked="" 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)                           |
| <input type="checkbox"/> Surface Water POD to Ground Water POA (SW/GW) | <input type="checkbox"/> Government Action POD (GOV)                  |

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

- Yes Complete only the Proposed ("to" or "on" 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.

Please use and attach additional pages of Table 2 as needed.  
See page 6 for instructions.

Do you have questions about how to fill-out the tables?  
Contact the Department at 503-986-0900 and ask for Transfer Staff.

**Table 2. Description of Changes to Water Right Certificate # 65412**

List the change proposed for the acreage in each ¼ ¼. If more than one change is proposed, specify the acreage associated with each change.  
If there is more than one POD/POA involved in the proposed changes, specify the acreage associated with each POD/POA.

AUTHORIZED (the "from" or "off" lands) The listing that appears on the certificate BEFORE PROPOSED CHANGES List only that part or portion of the water right that will be changed.											Proposed Changes (see "CODES" from previous page)	PROPOSED (the "to" or "on" lands) The listing as it would appear AFTER PROPOSED CHANGES are made.														
Twp	Rng	Sec	¼	¼	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		Twp	Rng	Sec	¼	¼	Tax Lot	Gvt Lot or DLC	Acres	New Type of USE	POD(s)/ POA(s) to be used (from Table 1)	Priority Date				
<b>EXAMPLE</b>																										
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
														2	S	9	E	2	SW	NW	500		5.0		POD #6	1901
39	S	12	E	31	SW	NE	6400		40.0	Irrigation	Well 1	1977	POU/POA	39	S	12	E	31	SW	NE	6400		38.6	Irrigation	Well 2	1977
39	S	12	E	31	SE	NE	6400		37.1	Irrigation	Well 1	1977	POA	39	S	12	E	31	SE	NE	6400		37.1	Irrigation	Well 2	1977
39	S	12	E	31	NE	NE	6400		26.7	Irrigation	Well 1	1977	POA	39	S	12	E	31	NE	NE	6400		26.7	Irrigation	Well 2	1977
39	S	12	E	31	NW	NE	6400		40.0	Irrigation	Well 1	1977	POU/POA	39	S	12	E	31	NW	NE	6400		34.7	Irrigation	Well 2	1977
39	S	12	E	31	NE	NW	6400		24.3	Irrigation	Well 1	1977	POA	39	S	11	E	25	SW	SE	6701		1.3	Irrigation	Well 2	1977
39	S	11	E	25	SW	SE	6701		1.3	Irrigation	Well 1	1977	POA	39	S	11	E	25	SE	SW	6701		40.9	Irrigation	Well 2	1977
39	S	11	E	25	SE	SW	6701		40.9	Irrigation	Well 1	1977	POU/POA	39	S	11	E	25	SW	SW	6701		31.0	Irrigation	Well 2	1977
39	S	11	E	25	SW	SW	6701		1.1	Irrigation	Well 1	1977	POA	39	S	11	E	26	SE	SE	6701		26.9	Irrigation	Well 2	1977
39	S	11	E	26	SE	SE	6701		26.9	Irrigation	Well 1	1977	POA	39	S	11	E	26	NE	SE	6902		3.4	Irrigation	Well 2	1977
39	S	11	E	26	NE	SE	6902		3.4	Irrigation	Well 1	1977	POA	39	S	11	E	26	NW	SE	6701		4.7	Irrigation	Well 2	1977
39	S	11	E	26	NW	SE	6701		4.7	Irrigation	Well 1	1977	POA	39	S	11	E	26	SW	SE	6701		6.1	Irrigation	Well 2	1977

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AUTHORIZED (the "from" or "off" lands) The listing that appears on the certificate BEFORE PROPOSED CHANGES List only that part or portion of the water right that will be changed.											Proposed Changes (see "CODES" from previous page)	PROPOSED (the "to" or "on" lands) The listing as it would appear AFTER PROPOSED CHANGES are made.															
Twp	Rng	Sec	¼	¼	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		Twp	Rng	Sec	¼	¼	Tax Lot	Gvt Lot or DLC	Acres	New Type of USE	POD(s)/POA(s) to be used (from Table 1)	Priority Date					
<b>EXAMPLE</b>																											
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	
															2	S	9	E	2	SW	NW	500		5.0		POD #6	1901
39	S	11	E	35	NE	NE	6701		7.3	Irrigation	Well 1	1977	POA	39	S	11	E	35	NE	NE	6701		7.3	Irrigation	Well 2	1977	
39	S	11	E	36	NW	NW	6701		32.7	Irrigation	Well 1	1977	POA	39	S	11	E	36	NW	NW	6701		32.7	Irrigation	Well 2	1977	
39	S	11	E	36	NE	NW	6701		38.0	Irrigation	Well 1	1977	POA	39	S	11	E	36	NE	NW	6701		38.0	Irrigation	Well 2	1977	
39	S	11	E	36	NW	NE	6701		3.6	Irrigation	Well 1	1977	POA	39	S	11	E	36	NW	NE	6701		3.6	Irrigation	Well 2	1977	
39	S	11	E	36	SW	NW	6701		2.1	Irrigation	Well 1	1977	POA	39	S	11	E	36	SW	NW	6701		2.1	Irrigation	Well 2	1977	
39	S	11	E	36	SE	NW	6701		12.8	Irrigation	Well 1	1977	POA	39	S	11	E	36	SE	NW	6701		12.8	Irrigation	Well 2	1977	
39	S	11	E	26	SW	SE	6701		6.1	Irrigation	Well 1	1977	POA	39	S	11	E	25	SW	SW	6701		1.1	Irrigation	Well 2	1977	
TOTAL ACRES:								349.0						TOTAL ACRES:					349.0								

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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: \_\_\_\_\_.



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 # \_\_\_\_\_;  
Surface water primary Certificate # \_\_\_\_\_.

**For a change from Supplemental Irrigation Use to Primary Irrigation Use**

Identify the primary certificate to be cancelled. Certificate # \_\_\_\_\_

**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](http://apps.wrd.state.or.us/apps/gw/well_log/Default.aspx)

**AND/OR**

- Describe the construction of the authorized and proposed well(s) in Table 3 for any wells that do not have a well log. For *proposed wells not yet constructed or built*, provide “a best estimate” for each requested information element in the table. The Department recommends you consult a licensed well driller, geologist, or certified water right examiner to assist with assembling the information necessary to complete Table 3.

**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 the information will delay the processing of your transfer application until it is received. The information is necessary for the department to assess whether the proposed well(s) will access the same source aquifer as the authorized point(s) of appropriation (POA). The Department is prohibited by law from approving POA changes that do not access the same source aquifer.

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
Well 2	No	N/A	292'	16"	98'	N/A	N/A	N/A	Lava	N/A

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Supplemental Form D

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WATER RESOURCES  
DEPARTMENT

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**Water Right Transfers Within the Boundaries of  
or Served by an Irrigation or Other District**

[For transfers submitted under OAR Chapter 690 Division 380]

The Department requires non-district applicants to communicate with districts during the planning and preparation of transfer applications involving water rights having a point of diversion/appropriation (POD/POA) or place of use (POU) served by or located within the boundaries of a district. In some cases district consent to the transfer will be required.

This form must be included with your transfer application if the transfer involves rights served by or located within the boundaries of a district. Use this form for either permanent or temporary transfers.

**1. APPLICANT INFORMATION**

Name: Moss Ranch LLC

Address: 8555 W. Langell Valley Rd.

City: Bonanza State: OR Zip: 97623

Home Phone: \_\_\_\_\_ Work Phone: 209-487-2077 Other Phone: \_\_\_\_\_

Fax: \_\_\_\_\_ \*\*E-Mail Address: \_\_\_\_\_

**2. DISTRICT INFORMATION**

District Name: Langell Valley Irrigation District

Address: 9787 E. Langell Valley Rd.

City: Bonanza State: OR Zip: 97623

Home Phone: \_\_\_\_\_ Work Phone: 541-545-6344 Other Phone: \_\_\_\_\_

Fax: \_\_\_\_\_ \*\*E-Mail Address: \_\_\_\_\_

\*\* By providing an e-mail address, the applicant and/or the district consent to receive all correspondence from the Department electronically. Copies of final order documents will also be mailed.

**3. WATER RIGHTS ISSUED IN THE NAME OF, or LOCATED WITHIN, or SERVED BY  
AN IRRIGATION OR OTHER DISTRICT**

a. List the water right(s) involved in this transfer:

	Application / Decree	Permit / Previous Transfer	Certificate	Is the Water Right in the Name of a District or BOR?
1.	G-8200	G - 7654	65412	YES <input type="checkbox"/>
2.		-		YES <input type="checkbox"/>
3.		-		YES <input type="checkbox"/>

*Attach additional pages for additional water rights if necessary.*

b. Determine a district's association with your points of diversion (POD) or appropriation (POA) and places of use (POU). [If you are uncertain how to respond to the questions, please consult the district.]

**CURRENT ASSOCIATIONS** Please answer the following "yes" or "no" questions:

YES  NO  One or more of the current POD(s) / POA(s) involved in the transfer are served by a district or rely on Bureau of Reclamation (BOR) water.

YES  NO  All or a portion of the current POU involved in this proposed transfer receives water for either primary or supplemental irrigation from the district; i.e., the POU is currently layered with a district or BOR water supplied water right(s).

**PROPOSED ASSOCIATIONS** Please answer the following "yes" or "no" questions:

YES  NO  One or more of the proposed POD(s) / POA(s) involved in the transfer are currently served or will be served by a district if the transfer is approved, or rely on BOR water.

YES  NO  All or a portion of the proposed POU involved in this proposed transfer currently receives or will receive either primary or supplemental irrigation from the district; i.e., the POU will be layered with a district or BOR water supplied water right(s).

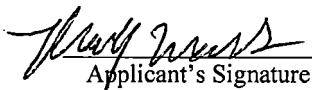
COMMENTS OR ADDITIONAL INFORMATION ABOUT RELATIONSHIPS BETWEEN APPLICANT'S AND DISTRICT'S and/or BOR'S WATER RIGHTS The water user's place of use and point of appropriation are located within the irrigation district's boundaries; however, the water user does not use the ID's water or canals.

**4. APPLICANT'S SIGNATURE**

(1) I certify that I have notified the district about the proposed water right transfer application by [check one]:

e-mail,  phone,  postal mail,  in person, or  other (please specify).

(2) I certify that to the best of my knowledge the information contained in this Supplemental Form D is true and accurate.

  
Applicant's Signature

Randy Moss  
Name (print)

7-17-18  
Date

District consent is required below if any box on this form is marked "YES."

**5. (WHEN REQUIRED) DISTRICT CONSENT TO THE PROPOSED WATER RIGHT TRANSFER**

The district certifies the following:

- (1) The district has reviewed the applicant's proposed water right transfer application and maps; and
- (2) The district consents to the proposed water right transfer application.

\_\_\_\_\_  
District Manager's Signature

\_\_\_\_\_  
Name (print)

\_\_\_\_\_  
Date

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NOTICE TO WATER WELL CONTRACTOR: The original and first copy of this report are to be filed with the

RECEIVED KLAM 13578 WATER WELL REPORT

KLAM 13578

#6 39s/12E-31ad

WATER RESOURCES DEPARTMENT SALEM, OREGON 97310

OCT 31 1978

STATE OF OREGON

State Well No. 39s/12E-31ad

within 30 days from the date of well completion

WATER RESOURCES DEPT. SALEM, OREGON

(Please type or print)

State Permit No.

Mr Horton SE NE

(1) OWNER:

Name Mr & Mrs Robert Horton Address 1940 Painter Street Klamath Falls, Oregon

(2) TYPE OF WORK (check):

New Well [X] Deepening [ ] Reconditioning [ ] Abandon [ ] If abandonment, describe material and procedure in Item 12.

(3) TYPE OF WELL:

Rotary [X] Driven [ ] Cable [ ] Jetted [ ] Dug [ ] Bored [ ]

(4) PROPOSED USE (check):

Domestic [ ] Industrial [ ] Municipal [ ] Irrigation [X] Test Well [ ] Other [ ]

CASING INSTALLED:

Threaded [ ] Welded [X] 250 ft. Gage 250 ft. Gage

PERFORATIONS:

Perforated? [ ] Yes [X] No. Size of perforations in. by in. ft. to ft.

(7) SCREENS:

Well screen installed? [ ] Yes [X] No Manufacturer's Name Type Model No. Diam. Slot size Set from ft. to ft.

(8) WELL TESTS:

Drawdown is amount water level is lowered below static level Was a pump test made? [X] Yes [ ] No If yes, by whom? Art Reed Yield: gal./min. with ft. drawdown after hrs. Attached " " " " Baller test gal./min. with ft. drawdown after hrs. Artesian flow g.p.m. Temperature of water 70 Depth artesian flow encountered 110 ft.

(9) CONSTRUCTION:

Well seal—Material used Cement Well sealed from land surface to 20 ft. Diameter of well bore to bottom of seal 18 in. Diameter of well bore below seal 12 in. Number of sacks of cement used in well seal 15 sacks How was cement grout placed? Poured in. Was a drive shoe used? [ ] Yes [X] No Plugs Size: location ft. Did any strata contain unusable water? [ ] Yes [X] No Type of water depth of strata Method of sealing strata off Was well gravel packed? [ ] Yes [X] No Size of gravel: Gravel placed from ft. to ft.

(10) LOCATION OF WELL:

County Klamath Driller's well number SE 1/4 Se 1/4 Section 31 T. 39S R. 12E W.M.

Bearing and distance from section or subdivision corner Approx 100x feet west and 100 feet north of the SE corner of S 31 T 39S R 12E

(11) WATER LEVEL: Completed well.

Depth at which water was first found 110 ft. Static level 0 ft. below land surface. Date Artesian pressure 2 lbs. per square inch. Date

(12) WELL LOG:

Diameter of well below casing 12 Depth drilled 292 ft. Depth of completed well 292 ft.

Formation: Describe color, texture, grain size and structure of materials; and show thickness and nature of each stratum and aquifer penetrated, with at least one entry for each change of formation. Report each change in position of Static Water Level and indicate principal water-bearing strata.

Table with columns: MATERIAL, From, To, SWL. Rows include Top Soil, Yellow Clay, Brown sticky clay, Yellow clay, Grey clay, Lava Brown broken, Red lava broken, Blue grey broken lava, Grey clay.

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Work started 4-10-1977 Completed 4-20-1978 Date well drilling machine moved off of well 4-21-1978

Drilling Machine Operator's Certification:

This well was constructed under my direct supervision. Materials used and information reported above are true to my best knowledge and belief.

[Signed] Walter F. Wilson Date 4-23-1978 (Drilling Machine Operator)

Drilling Machine Operator's License No. 201

Water Well Contractor's Certification:

This well was drilled under my jurisdiction and this report is true to the best of my knowledge and belief.

Name Wilson Drilling Contractor Inc. (Person, firm or corporation) (Type or print)

Address P.O. Box 136, Merrill, Oregon

[Signed] Walter F. Wilson (Water Well Contractor)

Contractor's License No. 169 Date 4-23-1978

**KLAM 13578**  
WATER WELL TEST REPORT  
CAPACITY & DRAW DOWN

*KLAM 13578*

CUSTOMER: INDIAN HILLS RANCH  
ROBERT I. HORTON  
GRETA M. HORTON

DATE 4-30-77

LOCATION OF WELL: SE COR. SE 1/4 SE 1/4 SEC 31 TWP 39 S.  
R. 12 E W M.

WELL DATA: \_\_\_\_\_

EQUIPMENT USED FOR TEST: 4-stage 10" Bowls, 80' x 6"  
Column, Buds Diesel Power Units Various speeds.

STATIC LEVEL AT START. 0' TIME STARTED 9:00 AM

G.P.M.	PUMPING LEVEL	DRAW*DOWN	TIME	COMMENTS.
1800	47'	47'	1-hr.	GREAT
1400	30'	30'	2-hr.	-
1800	47'	47'	3-hr.	-
1950	57'	57'	4-hr.	-
1950	57'	57'	5-hr.	-

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WATER RESOURCES DEPT.  
SALEM, OREGON

TEMP. 72° STATIC LEVEL AFTER TEST COMPLETED 0'

COMMENTS: Strong Recovery.  
Very good well

TEST PUMP OPERATORS CERTIFICATION: This well was tested under my jurisdiction and this report is true to the best of my knowledge and belief.

Signed: Art Reed  
Address: 7335 Homedale Rd.  
Klamath Falls, Ore. 97601

Witnessed by: \_\_\_\_\_

STATE OF OREGON  
COUNTY OF KLAMATH  
CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

INDIAN HILLS RANCH  
C/O MERLE NASH  
251 SOUTH LAKE AVENUE, SW 606  
PASADENA, CALIFORNIA 91101

confirms the right to use the waters of WELL 1 in the LOST RIVER BASIN for the purpose of IRRIGATING 349.0 ACRES.

The right has been perfected under Permit G-7654. The date of priority is JUNE 9, 1977. The right is limited to not more than 4.36 CUBIC FEET PER SECOND, or its equivalent in case of rotation, measured at the well.

The well is located as follows:

SE 1/4 NE 1/4, SECTION 31, T 39 S, R 12 E, W.M.; 30 FEET NORTH AND 100 FEET WEST FROM THE EAST 1/4 CORNER OF SECTION 31.

The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands, shall be limited to ONE-EIGHTIETH of one cubic foot per second per acre, or its equivalent for each acre irrigated and shall be further limited to a diversion of not to exceed 3 acre-feet per acre for each acre irrigated during the irrigation season of each year.

The right 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, and to which such right is appurtenant, is as follows:

SEE NEXT PAGE

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NE 1/4 NE 1/4 26.7 ACRES  
NW 1/4 NE 1/4 40.0 ACRES  
SW 1/4 NE 1/4 40.0 ACRES  
SE 1/4 NE 1/4 37.1 ACRES  
NE 1/4 NW 1/4 24.3 ACRES

SECTION 31

TOWNSHIP 39 SOUTH, RANGE 12 EAST, W.M.

SW 1/4 SW 1/4 1.1 ACRES  
SE 1/4 SW 1/4 40.9 ACRES  
SW 1/4 SE 1/4 1.3 ACRES

SECTION 25

NE 1/4 SE 1/4 3.4 ACRES  
NW 1/4 SE 1/4 4.7 ACRES  
SW 1/4 SE 1/4 6.1 ACRES  
SE 1/4 SE 1/4 26.9 ACRES

SECTION 26

NW 1/4 NE 1/4 3.6 ACRES  
NE 1/4 NW 1/4 38.0 ACRES  
NW 1/4 NW 1/4 32.7 ACRES  
SW 1/4 NW 1/4 2.1 ACRES  
SE 1/4 NW 1/4 12.8 ACRES

SECTION 36

NE 1/4 NE 1/4 7.3 ACRES

SECTION 35

TOWNSHIP 39 SOUTH, RANGE 11 EAST, W.M.

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The right to the use of the water for the above purpose is restricted to beneficial use on the lands or place of use described.

WITNESS the signature of the Water Resources Director, affixed MARCH 18, 1991.

/s/ WILLIAM H. YOUNG

William H. Young

Recorded in State Record of Water Right Certificates numbered 65412.

G-8200.DSM

# Application for Water Right Transfer

## Evidence of Use Affidavit



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

Please print legibly or type. Be as specific as possible. Attach additional pages if you need more spacing.  
 Supporting documentation must be attached.

State of Oregon )  
 ) ss  
 County of Klamath)

I, Randy Moss, in my capacity as Land Owner,  
 mailing address 8555 W Langell Valley Rd, Bonanza, OR 97623  
 telephone number (209)487-2077, being first duly sworn depose and say:

1. My knowledge of the exercise or status of the water right is based on (check one):

- Personal observation                       Professional expertise

2. I attest that:

Water was used during the previous five years on the **entire** place of use for Certificate # \_\_\_\_\_ ; **OR**

My knowledge is specific to the use of water at the following locations within the last five years:

Certificate #	Township	Range	Mer	Sec	¼ ¼	Gov't Lot or DLC	Acres (if applicable)

**OR**

Confirming Transfer # T-12877 has been issued within the past five years – Joan Smith with OWRD advised to select this option; **OR**

Part or all of the water right was leased instream at some time within the last five years. The instream lease number is: \_\_\_\_\_ (Note: If the entire right proposed for transfer was not leased, additional evidence of use is needed for the portion not leased instream.); **OR**

The water right is not subject to forfeiture and documentation that a presumption of forfeiture for non-use would be rebutted under ORS 540.610(2) is attached.

Water has been used at the actual current point of diversion or appropriation for more than 10 years for Certificate # \_\_\_\_\_ (For Historic POD/POA Transfers)

3. The water right was used for: (e.g., crops, pasture, etc.): PASTURE

4. I understand that if I do not attach one or more of the documents shown in the table below to support the above statements, my application will be considered incomplete.

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Signature of Affiant

Date

Signed and sworn to (or affirmed) before me this \_\_\_\_ day of \_\_\_\_\_, 20\_\_.

Notary Public for Oregon

My Commission Expires: \_\_\_\_\_

Supporting Documents	Examples
<input checked="" type="checkbox"/> Copy of a water right certificate that has been issued within the last five years. (not a remaining right certificate)	Copy of <b>confirming</b> water right certificate that shows issue date
<input type="checkbox"/> Copies of receipts from sales of irrigated crops or for expenditures related to use of water	<ul style="list-style-type: none"> <li>● Power usage records for pumps associated with irrigation use</li> <li>● Fertilizer or seed bills related to irrigated crops</li> <li>● Farmers Co-op sales receipt</li> </ul>
<input type="checkbox"/> Records such as FSA crop reports, irrigation district records, NRCS farm management plan, or records of other water suppliers	<ul style="list-style-type: none"> <li>● District assessment records for water delivered</li> <li>● Crop reports submitted under a federal loan agreement</li> <li>● Beneficial use reports from district</li> <li>● IRS Farm Usage Deduction Report</li> <li>● Agricultural Stabilization Plan</li> <li>● CREP Report</li> </ul>
<input type="checkbox"/> Aerial photos containing sufficient detail to establish location and date of photograph	<p>Multiple photos can be submitted to resolve different areas of a water right. If the photograph does not print with a "date stamp" or without the source being identified, the date of the photograph and source should be added.</p> <p>Sources for aerial photos: OSU – <a href="http://www.oregonexplorer.info/imagery">www.oregonexplorer.info/imagery</a> OWRD – <a href="http://www.wrd.state.or.us">www.wrd.state.or.us</a> Google Earth – <a href="http://earth.google.com">earth.google.com</a> TerraServer – <a href="http://www.terraserver.com">www.terraserver.com</a></p>
<input type="checkbox"/> Approved Lease establishing beneficial use within the last 5 years	Copy of instream lease or lease number

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

In the Matter of Transfer Application	)	FINAL ORDER APPROVING AN
T-12877, Klamath County	)	EMERGENCY USE DROUGHT
	)	TEMPORARY CHANGE IN PLACE OF
	)	USE AND CHANGE IN POINT OF
	)	APPROPRIATION

**Authority**

Oregon Revised Statute (ORS) 536.750 establishes the process in which a water right holder may submit a request to temporarily transfer the use, place of use or point of diversion of water in the event of a declaration of drought, without complying with the notice and waiting requirements under ORS 540.520. Oregon Administrative Rule (OAR) Chapter 690, Division 019 implements the statutes and provides the Department's procedures and criteria for evaluating drought transfer applications.

**Applicant**

MOSS RANCH, LLC  
8555 W. LANGELL VALLEY RD  
BONANZA, OR 97623

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**Findings of Fact**

1. On March 26, 2018, MOSS RANCH, LLC filed an application to temporarily change the place of use under Certificate 65412 for the remainder of the 2018 irrigation season or the term of the Governor's declared drought, whichever is shorter. The Department assigned the application number T-12877.
2. Notice of the application for transfer was published on April 3, 2018, pursuant to OAR 690-380-4000. No comments were filed in response to the notice.
3. On March 29, 2018, the Department contacted Moss Ranch, LLC by written correspondence to notify the applicant of the deficiencies in the application. The Department requested that the deficiencies be resolved by April 30, 2018.
4. On May 9, 2018, the applicant's agent submitted an Evidence of Use affidavit with supporting documentation.
5. On May 17, 2018, the applicant submitted a revised application, requesting to include a change in point of appropriation.

This is a final order in other than a contested case. This order is subject to judicial review under ORS 183.484. Any petition for judicial review must be filed within the 60-day time period specified by ORS 183.484(2). Pursuant to ORS 536.075 and OAR 137-004-0080, 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.

6. On May 29, 2018, the Department's Groundwater Section conducted a review of the new point of appropriation. The Groundwater Section determined as long as the new well is constructed to a similar depth as the authorized well and not substantially deeper, the new point of appropriation will produce water from the same aquifer zones. A recommendation was made for the new well to not be completed beyond 500 feet below land surface without prior approval from the Department's Groundwater Section.

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

**Certificate:** 65412 in the name of INDIAN HILLS RANCH (perfected under Permit G-7654)

**Use:** IRRIGATION OF 31.0 ACRES

**Priority Date:** JUNE 9, 1977

**Rate:** 0.39 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, shall be limited to ONE-EIGHTIETH of one cubic foot per second per acre, or its equivalent for each acre irrigated and shall be further limited to a diversion of not to exceed 3 acre-feet per acre for each acre irrigated during the irrigation season of each year.

**Source:** WELL 1 in the LOST RIVER BASIN

**Authorized Point of Appropriation:**

Twsp	Rng	Mer	Sec	Q-Q	Measured Distances
39 S	12 E	WM	31	SE NE	WELL 1 - 30 FEET NORTH AND 100 FEET WEST FROM THE EAST 1/4 CORNER OF SECTION 31

**Authorized Place of Use:**

IRRIGATION					
Twsp	Rng	Mer	Sec	Q-Q	Acres
39 S	12 E	WM	31	NE NE	6.7
39 S	12 E	WM	31	NE NW	24.3
Total					31.0

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8. Temporary Transfer Application T-12877 proposes to temporarily change the place of use of the right to:

IRRIGATION					
Twsp	Rng	Mer	Sec	Q-Q	Acres
39 S	11 E	WM	25	SW SW	31.0

A change in point of appropriation is necessary to convey the water to the proposed temporary place of use. Temporary Transfer Application T-12877 also proposes to move the authorized point of appropriation approximately 58.0 feet north to:

Twsp	Rng	Mer	Sec	Q-Q	Measured Distances
39 S	12 E	WM	31	SE NE	WELL 2 - 88 FEET NORTH AND 100 FEET WEST FROM THE E1/4 CORNER OF SECTION 31

### ***Temporary Drought Transfer Review Criteria***

9. Water has been used within the last five years according to the terms and conditions of the right. There is no evidence available that would demonstrate that the right is subject to forfeiture under ORS 540.610.
10. A pump and wheel line sufficient to use the full amount of water allowed under the existing right is present.
11. The Governor issued an executive order on March 13, 2018, declaring a state of drought emergency in Klamath County due to drought and extreme weather conditions, which is still in effect and the water right proposed for transfer is on lands included in the area covered by the drought order.
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. This finding is made through an abbreviated review recognizing that the transfer may be revoked under OAR 690-019-055(3) if injury to existing water rights is shown and cannot be mitigated to the satisfaction of the Director and injured parties.

### **Conclusions of Law**

The temporary change in place of use and point of appropriation proposed in Temporary Drought Transfer Application T-12877 is consistent with the requirements of ORS 536.750 and OAR 690-019-0055.

### **Now, therefore, it is ORDERED:**

1. The temporary change in place of use and point of appropriation proposed in Temporary Drought Transfer Application T-12877 is approved.
2. The new proposed point of appropriation shall not be completed beyond 500 feet below land surface without approval from the Department's Groundwater Section.
3. The former place of use **shall not** be irrigated as part of this water right during the remainder of the 2018 irrigation season or until the end of the Governor's declared drought, whichever occurs first.
4. The approval of this temporary drought transfer may be revoked or modified if the Department finds the change causes injury to any existing water right.
5. The use of water at the temporary place of use authorized by this transfer shall be in accordance with the terms and conditions of Certificate 65412. The use shall revert to the authorized place of use at the end of the 2018 irrigation season.

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6. The use of the remaining water right described by Certificate 65412 shall continue to be in accordance with the terms and conditions of Certificate 65412.

Dated at Salem, Oregon this JUN 05 2018.



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

Mailing Date: JUN 06 2018

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## Letter of Transmittal

To: Oregon Water Resources Department  
Gerry Clark  
725 Summer Street NE, Suite A  
Salem, OR 97301-1266

Date: September 6, 2018  
  
RE: Transfer T-12877

We are sending you:

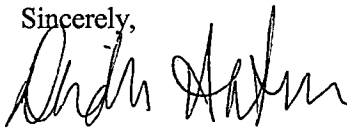
- Attached       Under separate cover via \_\_\_\_\_ the following items:  
 Shop Drawings       Prints       Plans       Samples       Pay Requests  
 Specifications       Submittals       Change orders       Sign & Return       Other

Copies	Date	Description
1	9/6/18	Application for Water Right Transfer T-12877
1	6/12/18	Check #2571 in the amount of \$2,500.00 for COBU fees
1	6/13/18	COBU Application T-12877
1	9/6/18	Land Use Form
1		

These are transmitted as checked below:

- For approval       Approved as submitted  
 For your use       Approved as noted  
 As requested       Returned for corrections

Sincerely,



Deirdre Horton  
Office Assistant

CC: 3533-01

Delivered via: UPS Ground

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# Regular Permanent Water Right Transfer Application Checklist

Checked by [Signature] Date 9/7/18

Certs & acres involved: <u>65412 - 31 ac.?</u>
Changes: <u>POU, POA</u>
# cfs involved: <u>4.36</u>
Source: <u>Well 2</u>

(If OK, check box to left; if not, fill in the blank)

- 1. Page 1 of application: Are all attachments that have been checked actually included?  
If not, what is missing? \_\_\_\_\_
- 2. Are fees included and correct? Fee paid: \$2,500.00  
If not, the correct fee would be: \_\_\_\_\_, so the amount missing is: \_\_\_\_\_

► If a Government Action POD change (see: Page 5): NO CHARGE

\*NOTE: [POD/APOD, POA/APOA, SW to GW, Gov Action] are all counted as one type  
POU is counted as one type  
[USE or (Supplemental to Primary)] are counted as one type

- 3. Page 3 of application: Have all the applicants listed at the top of the page signed?  
If no, whose signature is missing? \_\_\_\_\_
- 4. Are all listed certificates or permits shown by WRIS as non-cancelled?  
If no, which are cancelled? \_\_\_\_\_  
For each cancelled certificate, if there has been a remaining right certificate issued that covers the lands in the left side of Table 2, list its number \_\_\_\_\_ and check the #4 box at left on this checklist.
- 5. If any certificate is in the name of a "district", is a Supplemental Form D from that district enclosed?  
 N/A  Form D needed from \_\_\_\_\_ (district)
- 6. If all #1-#5 boxes on this checklist are checked (with no remaining deficiencies identified), accept the application and assign it a numbered transfer folder. Put this check sheet in the transfer folder. If #1, #2, #3, #4 or #5 on this checklist is deficient, the application cannot be accepted. It should be returned and the **deficiencies listed in the "staff" section at the bottom of Application Page 1**, unless the applicant or agent can resolve the deficiencies within 2-3 days.

*Evidence of USE NOT signed or Notarized!*