

# Application for Permanent Water Right Transfer

## Part 1 of 5 – Minimum Requirements Checklist



**Oregon Water Resources Department**  
 725 Summer Street NE, Suite A  
 Salem, Oregon 97301-1266  
 (503) 986-0900  
[www.oregon.gov/OWRD](http://www.oregon.gov/OWRD)

**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? 2 List them here: This is a partial transfer of Certificate 92375 and 87006.**  
 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 Oregon Water Resources Department’s Land Use Information Form with approval and signature (or signed land use form receipt stub) from each local land use authority in which water is to be diverted, conveyed, and/or used. 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):**

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

## Part 2 of 5 – Transfer Application Map

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/](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°).

**Part 3 of 5 – Fee Worksheet**

| FEE WORKSHEET for PERMANENT TRANSFER (except Substitution) |  |   |               |
|--|--|---|---------------|
| 1  | Base Fee (includes one type of change to one water right for up to 1 cfs)  | 1 | \$1,160       |
|  | Types of change proposed:<br><input checked="" type="checkbox"/> Place of Use<br><input checked="" type="checkbox"/> Character of Use<br><input type="checkbox"/> Point of Diversion/Appropriation<br>Number of above boxes checked = <u>2 (2a)</u><br>Subtract 1 from the number in line 2a = <u>1 (2b) If only one change, this will be 0</u>  |   |               |
| 2  | Multiply line 2b by \$930 and enter » » » » » » » » » » » » » » » »  | 2 | 930           |
|  | Number of water rights included in transfer <u>2 (3a)</u><br>Subtract 1 from the number in 3a above: <u>1 (3b) If only one water right this will be 0</u>  |   |               |
| 3  | Multiply line 3b by \$520 and enter » » » » » » » » » » » » » » » »  | 3 | 520           |
|  | Do you propose to add or change a well, or change from a surface water POD to a well?<br><input type="checkbox"/> No: enter 0 »<br><input checked="" type="checkbox"/> Yes: enter \$410 »  |   |               |
| 4  |  | 4 | 410           |
|  | Do you propose to change the place of use or character of use?<br><input type="checkbox"/> No: enter 0 on line 5 »<br><input checked="" type="checkbox"/> Yes: enter the cfs for the portions of the rights to be transferred (see example below*):<br><u>1.77 (5a)</u><br>Subtract 1.0 from the number in 5a above: <u>0.77 (5b)</u><br>If 5b is 0 or less, enter 0 on line 5 »<br>If 5b is greater than 0, round up to the nearest whole number: <u>1 (5c) and multiply 5c by \$350, then enter on line 5 »                 </u> |   |               |
| 5  |  | 5 | 350           |
| 6  | Add entries on lines 1 through 5 above » » » » » » » » » » » » » » » » Subtotal:   | 6 | 3370          |
|  | Is this transfer:<br><input type="checkbox"/> necessary to complete a project funded by the Oregon Watershed Enhancement Board (OWEB) under ORS 541.932?<br><input type="checkbox"/> endorsed in writing by ODFW as a change that will result in a net benefit to fish and wildlife habitat?<br>If one or more boxes is checked, multiply line 6 by 0.5 and enter on line 7 »  |   |               |
| 7  | If no box is applicable, enter 0 on line 7 »   | 7 | 0             |
| 8  | Subtract line 7 from line 6 » <b>Transfer Fee:</b>   | 8 | <b>\$3370</b> |

\*Example for Line 5a calculation to transfer 45.0 acres of Primary Certificate 12345 (total 1.25 cfs for 100 acres) and 45.0 acres of Supplemental Certificate 87654 (1/80 cfs per acre) on the same land:

- For irrigation calculate cfs for each water right involved as follows:
  - Divide total authorized cfs by total acres in the water right (for C12345, 1.25 cfs ÷ 100 ac); then multiply by the number of acres to be transferred to get the transfer cfs (x 45 ac = 0.56 cfs).
  - If the water right certificate does not list total cfs, but identifies the allowable use as 1/40 or 1/80 of a cfs per acre; multiply number of acres proposed for change by either 0.025 (1/40) or 0.0125 (1/80). (For C87654, 45.0 ac x 0.0125 cfs/ac = 0.56 cfs)
- Add cfs for the portions of water rights on all the land included in the transfer; however do not count cfs for supplemental rights on acreage for which you have already calculated the cfs fee for the primary right on the same land. The fee should be assessed only once for each "on the ground" acre included in the transfer. (In this example, blank 5a would be only 0.56 d Line 5 would then also become 0).

**Part 4 of 5 – Applicant Information and Signature**

- 13280 -

**Applicant Information**

|  |                    |                                  |  |
|--|--------------------|----------------------------------|--|
| APPLICANT/BUSINESS NAME<br><b>Erik Steimle, Swan Lake North Holdings, LLC</b>  |                    | PHONE NO.<br><b>503-998-0230</b> | ADDITIONAL CONTACT NO.                   |
| ADDRESS<br><b>c/o Erik Steimle, Rye Development, 220 NW 8th Avenue</b>   |                    |                                  | FAX NO.                                  |
| CITY<br><b>Portland</b>  | STATE<br><b>OR</b> | ZIP<br><b>97209</b>              | E-MAIL<br><b>erik@ryedevelopment.com</b> |
| <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<br><b>Janet E. Neuman, Tonkon Torp LLP</b>   |                    | PHONE NO.<br><b>503-802-5722</b> | ADDITIONAL CONTACT NO.                   |
| ADDRESS<br><b>888 SW Fifth Avenue, 16th Floor</b>  |                    |                                  | FAX NO.                                  |
| CITY<br><b>Portland</b>  | STATE<br><b>OR</b> | ZIP<br><b>97204</b>              | E-MAIL<br><b>janet.neuman@tonkon.com</b> |
| <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> |                    |                                  |  |

**Purpose: See Attachment 1. This is a change in use, place of use, and the addition of one point of appropriation. The change of use is from irrigation to hydroelectric generation and reservoir maintenance.**  
If you need additional space, continue on a separate piece of paper and attach to the application as "Attachment 1".


**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.

**By my signature below, I confirm that I understand:**

- 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: Klamath Falls Herald and News.
- Amendments to the application may only be made in response to the Department's Draft Preliminary Determination (DPD). The applicant will have a period of at least 30 days to amend the application to address any issues identified by the Department in the DPD, or to withdraw the application. Note that amendments may be subject to additional fees, pursuant to ORS 536.050.
- Failure to complete an approved change in place of use and/or change in character of use, will result in loss of the water right (OAR 690-380-6010).

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


**Erik Steimle**
10/30/2019  
 Applicant signature President, Swan Lake North Hydro Project Date  
 \_\_\_\_\_  
 Applicant signature Print Name (and Title if applicable) 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 *Affidavits of consent from all landowners attached.*

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:

[https://www.oregon.gov/owrd/WRDFormsPDF/Transfer\\_Property\\_Transactions.pdf](https://www.oregon.gov/owrd/WRDFormsPDF/Transfer_Property_Transactions.pdf)

|  |                    |                                  |  |
|--|--------------------|----------------------------------|--|
| RECEIVING LANDOWNER NAME<br><b>Swan Lake North Holdings, LLC - Owner of Easement</b> |                    | PHONE NO.<br><b>503-998-0230</b> | ADDITIONAL CONTACT NO.                   |
| ADDRESS<br><b>c/o Erik Steimle c/o Rye Development, 220 NW 8th Avenue</b>            |                    |                                  | FAX NO.                                  |
| CITY<br><b>Portland</b>  | STATE<br><b>OR</b> | ZIP<br><b>97209</b>              | E-MAIL<br><b>erik@ryedevelopment.com</b> |

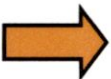
Describe any special ownership circumstances here: **Landowner has granted to Applicant a permanent easement allowing construction and operation of a pumped storage hydroelectric project on a portion of Landowner's property.**

- 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<br>_____ | ADDRESS<br>_____ |              |
| CITY<br>_____                     | STATE<br>_____   | ZIP<br>_____ |

- 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<br>_____ | ADDRESS<br>_____ |              |
| CITY<br>_____        | STATE<br>_____   | ZIP<br>_____ |



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<br><b>Klamath County</b> | ADDRESS<br><b>305 Main Street</b> |                     |
| CITY<br><b>Klamath Falls</b>         | STATE<br><b>OR</b>                | ZIP<br><b>97601</b> |

|  |  |  |
|--|--|--|
|  |  |  |
|  |  |  |

## INSTRUCTIONS for editing the Application Form

To add additional lines to tables within the forms or to copy and paste additional Part 5 pages, please **save the application form to your computer**. Unlock the document by using one of the following instructions for your Microsoft Word software version:

### Microsoft Word 2003

Unlock the document by one of the following:

- Using the **Tools** menu => click **Unprotect Document**;
- OR**
- Using the **Forms** toolbar => click on the **Protect/Unprotect** icon.

To relock the document to enable the checkboxes to work, you will need to:

- Using the **Tools** menu => click **Protect Document**;
- OR**
- Using the **Forms** toolbar => click on the **Protect/Unprotect** icon.

### Microsoft Word 2007

- Unlock the document by clicking the **Review** tab, then click **Protect Document**, then click **Stop Protect**
- To relock the document, click **Editing Restrictions**, then click **Allow Only This Type of Editing**, select **Filling In Forms** from the drop-down menu, then check **Yes, Start Enforcing Protection**.

### Microsoft Word 2010

- Unlock the document by clicking the **Review** tab; toggle the **Restrict Editing** icon at the upper right, then click **Stop Protect** at the bottom right. Then uncheck the "**Allow only this type of editing in the document: Filling in forms**" in the "Editing restrictions" section on the right-hand list of options.
- To relock the document, check the **Editing Restrictions/Allow Only This Type of Editing/Filling In Forms** box from the drop-down menu, then check **Yes, Start Enforcing Protection**. You do not need to assign a password for the editing restrictions.

### Other Alternatives:

- Photocopy pages or tables in Part 5, ~~mark through~~ any non-applicable information, insert/attach photocopied pages to document in the appropriate location, and manually amend page numbers as necessary (e.g. Page 5 6 of 9 10).
- You may refer to additional attachments that you may include, such as separately produced tables or spreadsheets to convey large numbers of rows of place of use listings, owner/property parcels, etc. You may contact the Department at 503-986-0900 and ask for Transfer Staff if you have questions.

Once the application has been unlocked, you may:

- add additional rows to tables using the Table tools, and
- select and copy the pages of Part 5 and paste as many additional sets of Part 5 pages as needed at the end of the application.

After editing, re-lock the document to enable checkboxes to work.

**Part 5 of 5 -Water Right Information - Certificate 92375**

**CERTIFICATE # 92375**

**Description of Water Delivery System**

System capacity: 13.54 cubic feet per second (cfs) OR  
\_\_\_\_\_ gallons per minute (gpm)

Describe the current water delivery system or the system that was in place at sometime 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.

**Well 1 KLAM 2263 (Cove)**

The water system including wells, pipelines and ditches is shown on Attachment 1 Figure 1. The irrigation water originates at Well 1 (Cove)/KLAM 2263 located in Township 37 South, Range 10 East, WM., in the SW ¼ SE ¼ of Section 9, 550 feet North and 3420 Feet East of from the SW corner of Section 9. This well is equipped with a 100 HP turbine pump and motor system and has a water right maximum pumping rate of approximately 2,800 gpm. Details on the pump manufacturer and configuration were not available. From Well 1 the water is conveyed east-southeast via a 12-inch steel pipeline approximately 4,488 Feet in the SWNW ¼, ¼ Section of Section 16, where it connects to the 15-inch pipeline from Well 3 and at that point the water is conveyed as described for Well 3 below.

**Well 2 KLAM 2259 (100-HP)**

The water system including wells, pipelines and ditches is shown on Attachment 1 Figure 1. The irrigation water originates at Well 2 (100-HP)/KLAM 2259 located in Township 37 South, Range 10 East, WM., in the SW ¼ SW ¼ of Section 8, 70 feet North and 100 Feet East of from the SW corner of Section 8. This well is equipped with a 100 HP turbine pump and motor system and water right maximum pumping rate of approximately 2,033 gpm. Details on the pump manufacturer and configuration were not available. From Well 2 the water is conveyed due south in an 18-inch steel pipeline for approximately 792 feet then turns East for approximately 1056 feet where it joins with the pipeline coming from Well 4 as described below for the Aspen Well. (See Section 5 of 5 for transfer of Certificate 87006)

**Well 3 KLAM 2260 (Wilson Well)**

The water system including wells, pipelines and ditches is shown on Attachment 1 Figure 1. The irrigation water originates at Well 3 (Wilson Well)/KLAM 2260 located in Township 37 South, Range 10 East, WM., approximately 3240 feet N. and 2670 feet East from the SW Corner of Section 8. This well is equipped with a 150 HP turbine pump and motor system capable of a maximum pumping rate of approximately 3,200 gpm. Details on the pump manufacturer and configuration were not available. From Well 3 the water is conveyed to the south-southeast in a 12 to 18-inch steel pipeline for approximately 6,336 feet.

The pipeline then turns due south in the SW ¼ of the NW ¼ of Section 16. From this point the 15-inch steel pipeline runs south for 3,168 feet to the SE corner of the NENE ¼ ¼ Section of Section 20.

At this location the pipeline slims down to a 12-inch main and turns due west for approximately 2,640 feet where it joins an 18-inch mainline that runs south for 6,600 feet to the center of Section 29 to connect to a 12-inch main that runs due East 2,640 feet to the center of an irrigation pivot. The pivot irrigation arm is approximately 2,640 feet in length. This pivot system irrigates 123.1 acres of "From" lands in the SE quarter section of Section 29.

**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<br><input type="checkbox"/> Proposed | KLAM 2263  | 37  | S | 10  | E | 9   | SW  | SE | 1300                      | 550 ft N. and 3420 ft East from SW corner, Sec. 9     |
| Well 2                 | <input checked="" type="checkbox"/> Authorized<br><input type="checkbox"/> Proposed | KLAM 2259  | 37  | S | 10  | E | 8   | SW  | SW | 1300                      | 70 ft N. and 100 ft East from the SW Corner of Sec. 8 |
| Well 3                 | <input checked="" type="checkbox"/> Authorized<br><input type="checkbox"/> Proposed | KLAM 2260  | 37  | S | 10  | E | 8   | SW  | NE | 1300                      | 3240 ft N and 2670 ft East from SW corner, Sec. 8     |
|                        | <input type="checkbox"/> Authorized<br><input type="checkbox"/> Proposed            |  |     |   |     |   |     |     |    |                           |   |
|                        | <input type="checkbox"/> Authorized<br><input type="checkbox"/> Proposed            |  |     |   |     |   |     |     |    |                           |   |

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 checked="" 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)                       |
| <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 # 92375**

| AUTHORIZED (the "from" or "off" lands)<br>The listing that appears on the certificate BEFORE PROPOSED CHANGES<br>List only that part or portion of the water right that will be changed. |     |     |      |         |                |       |                                   |  |                   |      | Proposed<br>Changes (see<br>"CODES" from<br>previous<br>page) | PROPOSED (the "to" or "on" lands)<br>The listing as it would appear AFTER PROPOSED CHANGES<br>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  |                   |      |
| 37   | S   | 10  | E 29 | NE SE   | 1300           |       | 40.0                              | Irrigation                                     | Wells 1, 2, and 3 | 1977 | POU/USE   | 37  | S   | 10  | E 3     | SW NW          | 1300  |                 | 12.7                                    | Hydro-Electric | Wells 1, 2, and 3 | 1977 |
| 37   | S   | 10  | E 29 | NW SE   | 1300           |       | 35.0                              | Irrigation                                     | Wells 1, 2, and 3 | 1977 | POU/USE   | 37  | S   | 10  | E 3     | SE NW          | 1300  |                 | 4.6                                     | Hydro-Electric | Wells 1, 2, and 3 | 1977 |
|  |     | 10  | E 29 | SW SE   | 1300           |       | 12.3                              | Irrigation                                     | Wells 1, 2, and 3 | 1977 | POU/USE   | 37  | S   | 10  | E 3     | NW SW          | 600   |                 | 15.4                                    | Hydro-Electric | Wells 1, 2, and 3 | 1977 |
|  |     | 10  | E 29 | SE SE   | 1300           |       | 35.8                              | Irrigation                                     | Wells 1, 2, and 3 | 1977 | POU/USE   | 37  | S   | 10  | E 3     | NE SW          | 1300  |                 | 31.5                                    | Hydro-Electric | Wells 1, 2, and 3 | 1977 |
|  |     |     |      |         |                |       |                                   |  |                   |      | POU/USE   | 37  | S   | 10  | E 16    | NW NE          | 1300  |                 | 0.5                                     | Hydro-Electric | Wells 1, 2, and 3 | 1977 |
|  |     |     |      |         |                |       |                                   |  |                   |      | POU/USE   | 37  | S   | 10  | E 16    | SW NE          | 1300  |                 | 1.5                                     | Hydro-Electric | Wells 1, 2, and 3 | 1977 |
|  |     |     |      |         |                |       |                                   |  |                   |      | POU/USE   | 37  | S   | 10  | E 16    | SW NE          | 1300  |                 | 0.2                                     | Hydro-Electric | Wells 1, 2, and 3 | 1977 |
|  |     |     |      |         |                |       |                                   |  |                   |      | POU/USE   | 37  | S   | 10  | E 16    | SE NE          | 1300  |                 | 5.3                                     | Hydro-Electric | Wells 1, 2, and 3 | 1977 |
|  |     |     |      |         |                |       |                                   |  |                   |      | POU/USE   | 37  | S   | 10  | E 16    | NW SE          | 1300  |                 | 25.1                                    | Hydro-Electric | Wells 1, 2, and 3 | 1977 |
|  |     |     |      |         |                |       |                                   |  |                   |      | POU/USE   | 37  | S   | 10  | E 16    | NE SE          | 1300  |                 | 17.6                                    | Hydro-Electric | Wells 1, 2, and 3 | 1977 |
|  |     |     |      |         |                |       |                                   |  |                   |      | POU/USE   | 37  | S   | 10  | E 16    | SW SE          | 1300  |                 | 11.4                                    | Hydro-Electric | Wells 1, 2, and 3 | 1977 |
|  |     |     |      |         |                |       |                                   |  |                   |      | POU/USE   | 37  | S   | 10  | E 16    | SE SE          | 1300  |                 | 0.5                                     | Hydro-Electric | Wells 1, 2, and 3 | 1977 |
| TOTAL ACRES:   |     |     |      |         |                | 123.1 |                                   |  |                   |      |   | TOTAL ACRES:  |     |     |         |                |       | 126.3           |   |                |                   |      |

Additional remarks: Transfer is for rate and annual duty. Acreages for the "transfer to" lands many not match.

**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 | 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 (dis or gpm) If less than full rate of water right |
|---|------------------------------------|--|------------------|-----------------|-------------------------|---------------------------|--|--|--|---|
| We  | _____                              | _____                                    | _____            | _____           | _____                   | _____                     | _____                                      | _____  | _____                                      | _____   |
| _____                                     | _____                              | _____                                    | _____            | _____           | _____                   | _____                     | _____                                      | _____  | _____                                      | _____   |
| _____                                     | _____                              | _____                                    | _____            | _____           | _____                   | _____                     | _____                                      | _____  | _____                                      | _____   |
| _____                                     | _____                              | _____                                    | _____            | _____           | _____                   | _____                     | _____                                      | _____  | _____                                      | _____   |

## Part 5 of 5 – Water Right Information – CERTIFICATE 87006

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 # 87006

#### Description of Water Delivery System

System capacity: 13.61 cubic feet per second (cfs) OR  
\_\_\_\_\_ gallons per minute (gpm)

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.

#### Well 3 KLAM 2260 (Wilson Well) (APOA)

The water system including wells, pipelines and ditches is shown on Attachment 1 Figure 1. The irrigation water originates at Well 3 (Wilson Well/KLAM 2260) located in Township 37 South, Range 10 East, WM, approximately 3240 feet N. and 2670 feet East from the SW Corner of Section 8. This well is equipped with a 150 HP turbine pump and motor system capable of a maximum pumping rate of approximately 3,200 gpm. Details on the pump manufacturer and configuration were not available. From Well 3 the water is conveyed to the south-southeast in a 12 to 18-inch steel pipeline for approximately 6,336 feet.

The pipeline then turns due south in the SW  $\frac{1}{4}$  of the NW  $\frac{1}{4}$  of Section 16. From this point the 15-inch steel pipeline runs south for 3,168 feet to the SE corner of the NENE  $\frac{1}{4}$  Section of Section 20.

At this location the pipeline slims down to a 12-inch main and turns due west for approximately 2,640 feet where it joins an 18-inch mainline that runs south for 6,600 feet to the center of Section 29 to connect to a 12-inch main that runs due East 2,640 feet to the center of an irrigation pivot. The pivot irrigation arm is approximately 2,640 feet in length. This pivot system irrigates approximately 120 acres of "From" lands in the SE quarter section of Section 29.

#### Well 4 KLAM 2262 (Aspen Well)

The water system including wells, pipelines and ditches is shown on Attachment 1 Figure 1 of 3. The irrigation water originates at Well 4 (Aspen Well/KLAM 2262) located in Township 37 South, Range 10 East, WM., approximately 2020 feet North and 500 feet East from the SW Corner of Section 8. This well is equipped with a 100 HP turbine pump and motor system. The water right allows for a maximum pumping rate of approximately 2,567 gpm. Details on the pump manufacturer and configuration were not available. From Well 4 the groundwater travels south-southeast in an 18-inch pipeline for approximately 8844 feet, then turns due south in a 15-inch pipeline for approximately 5,300 feet to the NW corner of the NE corner of Section 29. From this location a smaller pipeline carries the water to the center of an 18-acre pivot located in the NWNE  $\frac{1}{4}$  section of Section 29.

**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 4                 | <input checked="" type="checkbox"/> Authorized<br><input type="checkbox"/> Proposed | KLAM 2262  | 37  | S | 10  | E | 8   | NW  | SW | 1300                      | 2020 ft North and 500 East from SW Corner of Sect. 8    |
| Well 3                 | <input type="checkbox"/> Authorized<br><input checked="" type="checkbox"/> Proposed | KLAM 2260  | 37  | S | 10  | E | 8   | SW  | NE | 1300                      | 3240 ft N. and 2670 ft East from the SW Corner, Sect. 8 |
|                        |   |  |     |   |     |   |     |     |    |                           |   |
|                        |   |  |     |   |     |   |     |     |    |                           |   |

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 checked="" type="checkbox"/> Character of Use (USE)             | <input type="checkbox"/> Point of Appropriation/Well (POA)                   |
| <input type="checkbox"/> Point of Diversion (POD)                      | <input checked="" 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 # 87006**

Additional remarks: Transfer is for rate and annual duty. Acreages for the "transfer to" lands many not match.

| AUTHORIZED (the "from" or "off" lands)<br>The listing that appears on the certificate BEFORE PROPOSED CHANGES<br>List only that part or portion of the water right that will be changed. |     |     |   |    |         |                      |       |   |   |                  |        | Proposed<br>Changes (see<br>"CODES" from<br>previous<br>page) | PROPOSED (the "to" or "on" lands)<br>The listing as it would appear AFTER PROPOSED CHANGES<br>are made. |     |   |    |         |                      |       |                    |  |                  |      |                    |                 |         |
|--|-----|-----|---|----|---------|----------------------|-------|---|---|------------------|--------|---|---|-----|---|----|---------|----------------------|-------|--------------------|--|------------------|------|--------------------|-----------------|---------|
| Twp  | Rng | Sec | ¼ | ¼  | Tax Lot | Gvt<br>Lot or<br>DLC | Acres | Type of USE<br>listed on<br>Certificate | POD(s) or<br>POA(s) (name<br>or number<br>from Table 1) | Priority<br>Date | Twp    |   | Rng   | Sec | ¼ | ¼  | Tax Lot | Gvt<br>Lot or<br>DLC | Acres | New Type of<br>USE | POD(s)/<br>POA(s) to<br>be used<br>(from<br>Table 1) | Priority<br>Date |      |                    |                 |         |
| 37   | S   | 10  | E | 29 | NW      | NE                   | 1300  |   | 18.5  | Irrigation       | Well 4 | 6/28/82   | POU/USE   | 37  | S | 10 | E       | 3                    | SW    | NW                 | 1300   |                  | 12.7 | Hydro-<br>electric | Well 4<br>and 3 | 6/28/82 |
|  |     |     |   |    |         |                      |       |   |   |                  |        |   | POU/USE   | 37  | S | 10 | E       | 3                    | SE    | NW                 | 1300   |                  | 4.6  | Hydro-<br>electric | Well 4<br>and 3 | 6/28/82 |
|  |     |     |   |    |         |                      |       |   |   |                  |        |   | POU/USE   | 37  | S | 10 | E       | 3                    | NW    | SW                 | 600  |                  | 15.4 | Hydro-<br>electric | Well 4<br>and 3 | 6/28/82 |
|  |     |     |   |    |         |                      |       |   |   |                  |        |   | POU/USE   | 37  | S | 10 | E       | 3                    | NE    | SW                 | 1300   |                  | 31.5 | Hydro-<br>electric | Well 4<br>and 3 | 6/28/82 |
|  |     |     |   |    |         |                      |       |   |   |                  |        |   | POU/USE   | 37  | S | 10 | E       | 16                   | NW    | NE                 | 1300   |                  | 0.5  | Hydro-<br>electric | Well 4<br>and 3 | 6/28/82 |
|  |     |     |   |    |         |                      |       |   |   |                  |        |   | POU/USE   | 37  | S | 10 | E       | 16                   | SW    | NE                 | 1300   |                  | 1.5  | Hydro-<br>electric | Well 4<br>and 3 | 6/28/82 |
|  |     |     |   |    |         |                      |       |   |   |                  |        |   | POU/USE   | 37  | S | 10 | E       | 16                   | SW    | NE                 | 1300   |                  | 0.2  | Hydro-<br>electric | Well 4<br>and 3 | 6/28/82 |
|  |     |     |   |    |         |                      |       |   |   |                  |        |   | POU/USE   | 37  | S | 10 | E       | 16                   | SE    | NE                 | 1300   |                  | 5.3  | Hydro-<br>electric | Well 4<br>and 3 | 6/28/82 |
|  |     |     |   |    |         |                      |       |   |   |                  |        |   | POU/USE   | 37  | S | 10 | E       | 16                   | NW    | SE                 | 1300   |                  | 25.1 | Hydro-<br>electric | Well 4<br>and 3 | 6/28/82 |
|  |     |     |   |    |         |                      |       |   |   |                  |        |   | POU/USE   | 37  | S | 10 | E       | 16                   | NE    | SE                 | 1300   |                  | 17.6 | Hydro-<br>electric | Well 4<br>and 3 | 6/28/82 |
|  |     |     |   |    |         |                      |       |   |   |                  |        |   | POU/USE   | 37  | S | 10 | E       | 16                   | SW    | SE                 | 1300   |                  | 11.4 | Hydro-<br>electric | Well 4<br>and 3 | 6/28/82 |
|  |     |     |   |    |         |                      |       |   |   |                  |        |   | POU/USE   | 37  | S | 10 | E       | 16                   | SE    | SE                 | 1300   |                  | 0.5  | Hydro-<br>electric | Well 4<br>and 3 | 6/28/82 |
| TOTAL ACRES:   |     |     |   |    |         |                      | 18.5  |   |   |                  |        |   | TOTAL ACRES:  |     |   |    |         |                      |       | 126.3              |  |                  |      |                    |                 |         |

- 13280 -

**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 _____ | 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 |
|---|------------------------------------|--|------------------|-----------------|-------------------------|---------------------------|--|--|---|--|
| We  | _____                              | _____  | _____            | _____           | _____                   | _____                     | _____                                      | _____  | _____                                       | _____  |
| _____                                     | _____                              | _____  | _____            | _____           | _____                   | _____                     | _____                                      | _____  | _____                                       | _____  |
| _____                                     | _____                              | _____  | _____            | _____           | _____                   | _____                     | _____                                      | _____  | _____                                       | _____  |
| _____                                     | _____                              | _____  | _____            | _____           | _____                   | _____                     | _____                                      | _____  | _____                                       | _____  |

13280 -

## Attachments

1. Project Description
2. Map Scale Waiver for Overview Map
3. Transfer Maps
  - a. Figure 1 of 4. Water System Overview
  - b. Figure 2 of 4. Transfer "From" Certificate 92375
  - c. Figure 3 of 4. Transfer "From" Certificate 87006
  - d. Figure 4 of 4. Transfer "To" Reservoir System
4. Well Logs for POA and APOA on Certificate 87006 (Well 4-KLAM 2262 and Well 3 - KLAM 2260)
5. Evidence of Use Affidavit
6. Affidavit of Landowner Consent to Transfer
7. Land Use Compatibility Statement
8. Historic Use Aerial Photos

Attachment 1 - Project Description



## ATTACHMENT 1 PROJECT DESCRIPTION

### DESCRIPTION OF PROPOSED PROJECT

This transfer application provides the water needed to support of an Application to Develop a Major Hydroelectric Project (Hydro Application).

On April 30, 2019, Applicant received License No. 13318-003 from the Federal Energy Regulatory Commission ("FERC") for a closed loop/pumped storage hydroelectric project (Project) in Klamath County. The Applicant will construct two reservoirs (upper and lower), conveyance, and a powerhouse generating facility for use in the Project.

The Project will require approximately 420 acre-feet of water for the annual maintenance of the reservoir water levels (to account for evaporation losses) annually throughout the operating life of the project. This water will be secured by this application for permanent transfer of a specified portion of Certificate 92375 and 87006. Concurrent with the submittal of the hydroelectric license application the Applicant will submit this water right transfer application to change the use and the place of use of 369.3 acre-feet of Certification 92375 and 55.5 acre-feet of Certificate 87006 water right from irrigation use to use for hydroelectric generation and reservoir maintenance.

This permanent transfer application requests a change of character of use and change of place of use for 424.8 acre-feet of groundwater from Wells 1 (KLAM 2263), 2 (KLAM 2259), 3 (KLAM 2260) and 4 (KLAM 2262) authorized by Certificates 92375 and 87006. Applicant requests to change (1) the character of use from irrigation to reservoir maintenance and hydroelectric production; and (2) the place of use from 141.6 currently irrigated acres to the location of the project's reservoirs and powerhouse. The Applicant also requests the addition of Well 3 (KLAM 2260) as an additional point of appropriation for Certificate 87006.

The transferred water will be diverted only during the irrigation season in order to stay within the withdrawal rates, annual duties, and periods of use authorized by Certificates 92375 and 87006, and the transferred water will not be used for irrigation upon completion of this transfer.

Attachment 4 – Well Logs

NOTICE TO WATER WELL CONTRACTOR

The original and first copy of this report are to be filed with the

STATE ENGINEER, SALEM, OREGON 97310 within 30 days from the date of well completion.

KLAM 2260 WATER WELL REPORT STATE OF OREGON (Please type or print) (Do not write above this line)

RECEIVED

State Well No. 375/10E-8ba

APR 11 1977

State Permit No.

WATER RESOURCES DEPT.

(1) OWNER:

Name Jespersen Edgwood Inc. Address Swan Lake, Klamath Falls, Oregon 97601

(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 [ ] Driven [ ] Cable [x] Jetted [ ] Dug [ ] Bored [ ]

(4) PROPOSED USE (check):

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

CASING INSTALLED:

18" Diam. from 0 ft. to 20 ft. Gage 250 Threaded [ ] Welded [x]

PERFORATIONS:

Perforated? [ ] Yes [x] No [ ] Type of perforator used Size of perforations perforations from ft. to ft.

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? [ ] Yes [ ] No If yes, by whom? Intec, Inc Yield: 3200 gal./min. with 2 ft. drawdown after 4 hrs.

(9) CONSTRUCTION:

Well seal-Material used Cement Well sealed from land surface to 20 ft. Diameter of well bore to bottom of seal 22 in. Diameter of well bore below seal 18 in. Number of sacks of cement used in well seal 10 sacks

(10) LOCATION OF WELL:

County Klamath Driller's well number NE 1/4 NW 1/4 Section 8 T. 375 R. 10 E W.M.

Bearing and distance from section or subdivision corner Approx 2600 feet West and 2016 feet South of the NW corner of S8 T.375 R.10E

(11) WATER LEVEL: Completed well.

Depth at which water was first found 118 ft. Static level 118 ft. below land surface. Date 2/23/77 Artesian pressure --- lbs. per square inch. Date ---

(12) WELL LOG:

Diameter of well below casing 18 Depth drilled 200 ft. Depth of completed well 200 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.

Table with columns: MATERIAL, From, To, SWL. Rows include: Top soil brown (0-3), white chalk or clay (3-100), Lava rock black (100-110), Broken lava rock (110-118), Hard lava rck black (118-120), Lava pours W/ black cynders (120-150), Pours lava W/ cynders (150-200).

Work started Sept. 6 1976 Completed February 1977 Date well drilling machine moved off of well February 23 1977

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] Wally J. Zelmer Date 2/23, 1977

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, Nerrill, Oregon 97633

[Signed] Wally J. Zelmer (Water Well Contractor)

Contractor's License No. 169 Date 2/23, 1977

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

**KLAM 2262**  
**WATER WELL REPORT**

WATER RESOURCES DEPARTMENT,  
SALEM, OREGON 97310  
within 30 days from the date  
of well completion.

*KLAM  
2262*

STATE OF OREGON  
(Please type or print)

State Well No. 375/10E-8bc  
State Permit No. \_\_\_\_\_

(Do not write above this line)

**(1) OWNER:**

Name JESPERSON EDGEWOOD INC  
Address RT 2 BOX 809S  
KLAMATH FALLS, ORE

**(2) TYPE OF WORK (check):**

New Well  Deepening  Reconditioning  Abandon

If abandonment, describe material and procedure in Item 12.

**(3) TYPE OF WELL:**

Rotary  Cable  Driven  Jetted  Bored

**(4) PROPOSED USE (check):**

Domestic  Industrial  Municipal  Irrigation  Test Well  Other

**CASING INSTALLED:**

Threaded  Welded   
" Diam. from \_\_\_\_\_ ft. to \_\_\_\_\_ ft. Gage \_\_\_\_\_  
" Diam. from 7.1 ft. to 8.1 ft. Gage 250  
" Diam. from \_\_\_\_\_ ft. to \_\_\_\_\_ ft. Gage \_\_\_\_\_

**PERFORATIONS:**

Perforated?  Yes  No  
Type of perforator used \_\_\_\_\_  
Size of perforations \_\_\_\_\_ in. by \_\_\_\_\_ in.  
perforations from \_\_\_\_\_ ft. to \_\_\_\_\_ ft.  
perforations from \_\_\_\_\_ ft. to \_\_\_\_\_ ft.  
perforations from \_\_\_\_\_ ft. to \_\_\_\_\_ ft.

**SCREENS:**

Well screen installed?  Yes  No  
Manufacturer's Name \_\_\_\_\_  
Type \_\_\_\_\_ Model No. \_\_\_\_\_  
Diam. \_\_\_\_\_ Slot size \_\_\_\_\_ Set from \_\_\_\_\_ ft. to \_\_\_\_\_ ft.  
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?  Yes  No If yes, by whom?  
Flow: \_\_\_\_\_ gal./min. with \_\_\_\_\_ ft. drawdown after \_\_\_\_\_ hrs.  
CIR LIFT 600 GPM @ 190' 3  
Ball test \_\_\_\_\_ gal./min. with \_\_\_\_\_ ft. drawdown after \_\_\_\_\_ hrs.  
\_\_\_\_\_ g.p.m.  
Temperature of water \_\_\_\_\_ Depth artesian flow encountered \_\_\_\_\_ ft.

**(9) CONSTRUCTION:**

Well seal—Material used CEMENT  
Well sealed from land surface to 80 ft.  
Diameter of well bore to bottom of seal 20 in.  
Diameter of well bore below seal \_\_\_\_\_ in.  
Number of sacks of cement used in well seal 70 sacks  
How was cement grout placed? pumped

Was a drive shoe used?  Yes  No Plugs \_\_\_\_\_ Size: location \_\_\_\_\_ ft.  
Do any strata contain unusable water?  Yes  No  
Type of water? \_\_\_\_\_ depth of strata \_\_\_\_\_  
Method of sealing strata off \_\_\_\_\_  
Was well gravel packed?  Yes  No Size of gravel: \_\_\_\_\_  
Gravel placed from \_\_\_\_\_ ft. to \_\_\_\_\_ ft.

**(10) LOCATION OF WELL:**

County KLAMATH Driller's well number \_\_\_\_\_  
SW 1/4 NW 1/4 Section 8 T. 37S R. 10E W.M. \_\_\_\_\_  
Bearing and distance from section or subdivision corner \_\_\_\_\_

**(11) WATER LEVEL: Completed well.**

Depth at which water was first found 160 ft.  
Static level 117 ft. below land surface. Date 8/9  
Artesian pressure \_\_\_\_\_ lbs. per square inch. Date \_\_\_\_\_

**(12) WELL LOG:**

Diameter of well below casing 15  
Depth drilled 192 ft. Depth of completed well 187 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.

| MATERIAL                   | From | To  | SWL |
|----------------------------|------|-----|-----|
| BROWN SANDY SOIL           | 0    | 2   |     |
| BROWN LAVA ROCK            | 2    | 19  |     |
| LIGHT BROWN CHALK ROCK     | 19   | 44  |     |
| GREEN SHALE                | 44   | 61  |     |
| BLACK SANDY SHALE          | 61   | 69  |     |
| BROKEN BROWN SANDSTONE     | 69   | 74  |     |
| PARK BROWN/BLACK SANDSTONE | 74   | 159 |     |
| BROWN SAND                 | 159  | 162 |     |
| BROWN SANDSTONE            | 162  | 170 |     |
| BROWN SAND                 | 170  | 177 |     |
| GRAY LAVA                  | 177  | 181 |     |
| BROWN SAND                 | 181  | 186 |     |
| GRAY LAVA                  | 186  | 192 |     |

**RECEIVED**

OCT - 9 1979

WATER RESOURCES DEPT  
SALEM, OREGON

Work started 7/10/79 19 Completed 8/9/79 19  
Date well drilling machine moved off of well 8/15/79 19

**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] [Signature] Date 10/8 1979  
(Drilling Machine Operator)

Drilling Machine Operator's License No. 710

**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 E.E. STOREY & SON WELL DRILLING INC  
(Person, firm or corporation) (Type or print)

Address 327 HOPE K FALLS, ORE

[Signed] [Signature]  
(Water Well Contractor)

Contractor's License No. 59 Date 7/10/79 1979

Attachment 5 - Evidence of Use Affidavit

EVIDENCE OF USE AFFIDAVIT OF LAUREN JESPERSEN

STATE OF OREGON            )  
  ) ss.  
County of Klamath            )

I, Lauren Jespersen, do hereby swear, under penalty of perjury, that the assertions of this affidavit are true to the best of my knowledge and belief:

1. I am an officer of Edgewood Ranch, Inc., an Oregon corporation ("Edgewood"), the mailing address for which is 12941 Swan Lake Rd., Klamath Falls, OR 97601, and my phone number is (541) 891-1471.

2. Edgewood is the holder and owner of those water rights authorized under, and identified in the records of, the Oregon Water Resources Department as Water Right Certificate Nos. 87006 and 92375 (the "Water Rights").

3. The Water Rights are appurtenant to real property owned by Edgewood ("Edgewood Lands") and, pursuant to the terms and conditions of the Water Rights, can only be used for irrigation purposes during the irrigation season.

4. I submit this affidavit on behalf of Edgewood to confirm the historic use of those portions of the Water Rights which are appurtenant to that portion of the Edgewood Lands depicted on the *Exhibit A* and further described on the *Exhibit B* attached hereto and incorporated herein (the "Subject Water Rights Interest").

5. The Subject Water Rights Interest is subject to a request for transfer under that transfer application dated October 29, 2019 and filed by Swan Lake North Hydro, LLC.

6. My knowledge of the historic use of the Subject Water Rights Interest is based on my personal observations from 1994 to the present, during which time I have primarily lived and worked on the Edgewood Lands and have personally engaged in or witnessed the *annual* application of the entirety of the Subject Water Rights Interest to irrigation use on the

affected portion of the Edgewood Lands, all as authorized under Water Right Certificate Nos. 87006 and 92375.

DATED this 29 day of October, 2019.

  
\_\_\_\_\_  
Lauren Jespersen

SUBSCRIBED AND SWORN to before me by Lauren Jespersen in his capacity as an officer of Edgewood Ranch, Inc., this 29 day of October, 2019.




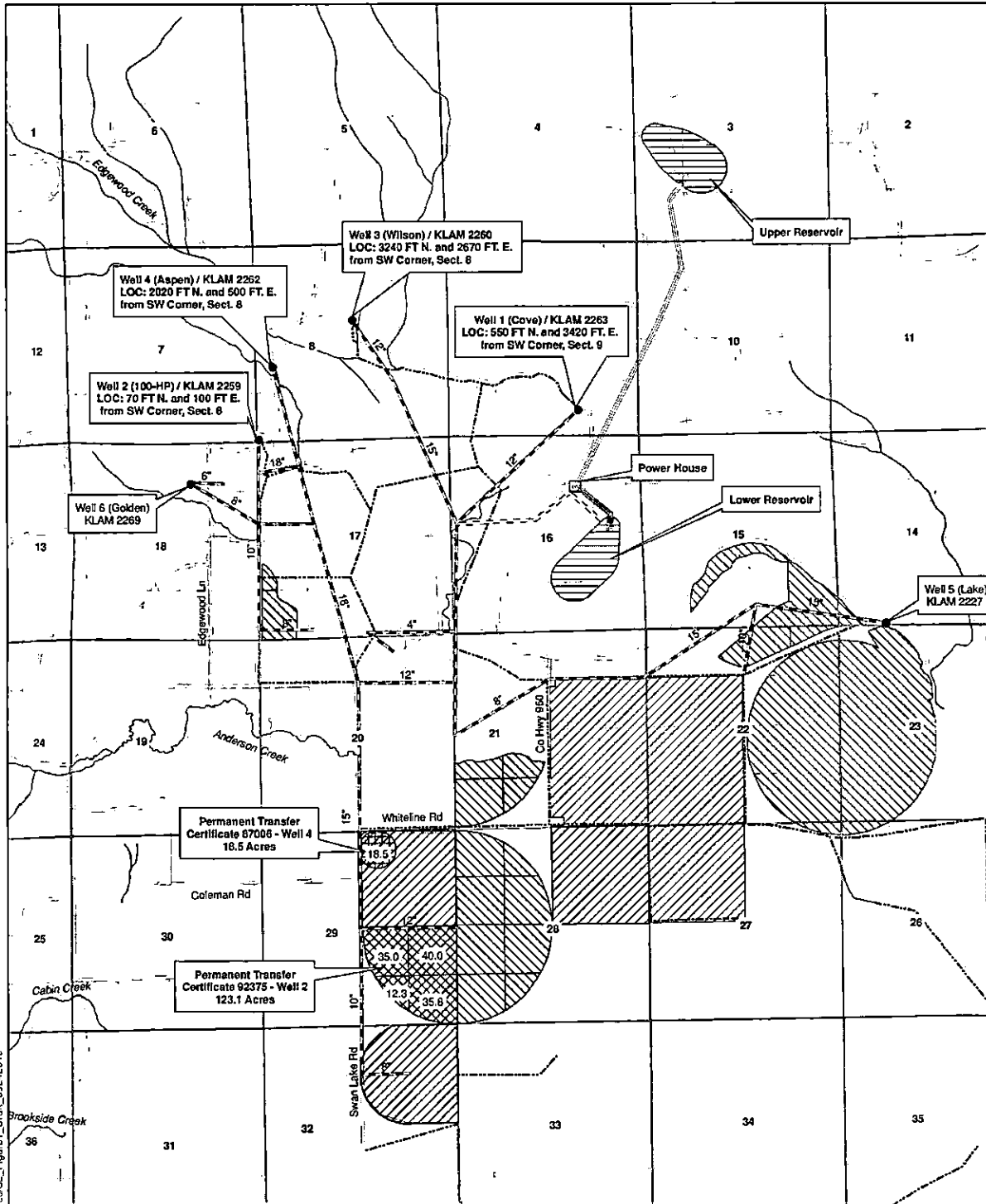
  
\_\_\_\_\_  
NOTARY PUBLIC FOR OREGON  
My Commission Expires: 3/30/2020

EXHIBIT A TO EVIDENCE OF USE AFFIDAVIT  
T. 37S., R. 10E., W.M.

Figure 1 of 4



File location: \Shared - 01 Projects\9503001 - Swan Lake PS\4 - Figures\S\ - Figures\S\ - Figure1\_Draft\_09242019

| Legend                      |                               |                                     |
|-----------------------------|-------------------------------|-------------------------------------|
| ● Wells                     | Certificate 92375             | Transfer To Swan Lake Hydro Project |
| - - - - Ditch               | Transfer 123.1 AC from C92375 | OR Public Land Survey               |
| - - - - Existing Waterlines | Certificate 87006             | - - - - Proposed Delivery Pipeline  |
| - - - - Proposed Penstock   | Transfer 18.5 AC from C87006  | — Roads                             |
| — Stream                    |                               |                                     |

**CWM-H2O**  
Complete Water Management

1319 SE MLK JR BLVD #204  
Portland, OR 97214  
503-954-1326

Swan Lake North Pumped Storage Project  
12941 Swan Lake Rd  
Klamath Falls, OR 97603

2,640 1,320 0 2,640 Feet

1 inch = 2,640 feet

Edgewood Ranch Certificates 92375 and 87006  
Permanent Transfer - 141.6 Acres  
Water System Overview  
Oct. 29, 2019

This map not intended to provide legal dimensions or property ownership lines



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 # 87006**

Additional remarks: **Transfer is for rate and annual duty. Acreages for the "transfer to" lands may not match.**

EXHIBIT B (PAGE 1) TO EVIDENCE OF USE AFFIDAVIT

| AUTHORIZED (the "from" or "off" lands)<br>The listing that appears on the certificate BEFORE PROPOSED CHANGES<br>List only that part or portion of the water right that will be changed. |     |     |     |         |                |       |                                   |  |               |            |        | Proposed<br>Changes (see<br>"CODES" from<br>previous<br>page) | PROPOSED (the "to" or "on" lands)<br>The listing as it would appear AFTER PROPOSED CHANGES<br>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 |      |  |      |                |              |         |
| 37   | S   | 10  | E   | 29      | NW             | NE    | 1300                              |  | 18.5          | Irrigation | Well 4 | 6/28/82   | POU/USE   | 37  | S       | 10             | E     | 3               | SW                                       | NW            | 1300 |  | 12.7 | Hydro-electric | Well 4 and 3 | 6/28/82 |
|  |     |     |     |         |                |       |                                   |  |               |            |        |   | POU/USE   | 37  | S       | 10             | E     | 3               | SE                                       | NW            | 1300 |  | 4.6  | Hydro-electric | Well 4 and 3 | 6/28/82 |
|  |     |     |     |         |                |       |                                   |  |               |            |        |   | POU/USE   | 37  | S       | 10             | E     | 3               | NW                                       | SW            | 600  |  | 15.4 | Hydro-electric | Well 4 and 3 | 6/28/82 |
|  |     |     |     |         |                |       |                                   |  |               |            |        |   | POU/USE   | 37  | S       | 10             | E     | 3               | NE                                       | SW            | 1300 |  | 31.5 | Hydro-electric | Well 4 and 3 | 6/28/82 |
|  |     |     |     |         |                |       |                                   |  |               |            |        |   | POU/USE   | 37  | S       | 10             | E     | 16              | NW                                       | NE            | 1300 |  | 0.5  | Hydro-electric | Well 4 and 3 | 6/28/82 |
|  |     |     |     |         |                |       |                                   |  |               |            |        |   | POU/USE   | 37  | S       | 10             | E     | 16              | SW                                       | NE            | 1300 |  | 1.5  | Hydro-electric | Well 4 and 3 | 6/28/82 |
|  |     |     |     |         |                |       |                                   |  |               |            |        |   | POU/USE   | 37  | S       | 10             | E     | 16              | SW                                       | NE            | 1300 |  | 0.2  | Hydro-electric | Well 4 and 3 | 6/28/82 |
|  |     |     |     |         |                |       |                                   |  |               |            |        |   | POU/USE   | 37  | S       | 10             | E     | 16              | SE                                       | NE            | 1300 |  | 5.3  | Hydro-electric | Well 4 and 3 | 6/28/82 |
|  |     |     |     |         |                |       |                                   |  |               |            |        |   | POU/USE   | 37  | S       | 10             | E     | 16              | NW                                       | SE            | 1300 |  | 25.1 | Hydro-electric | Well 4 and 3 | 6/28/82 |
|  |     |     |     |         |                |       |                                   |  |               |            |        |   | POU/USE   | 37  | S       | 10             | E     | 16              | NE                                       | SE            | 1300 |  | 17.6 | Hydro-electric | Well 4 and 3 | 6/28/82 |
|  |     |     |     |         |                |       |                                   |  |               |            |        |   | POU/USE   | 37  | S       | 10             | E     | 16              | SW                                       | SE            | 1300 |  | 11.4 | Hydro-electric | Well 4 and 3 | 6/28/82 |
|  |     |     |     |         |                |       |                                   |  |               |            |        |   | POU/USE   | 37  | S       | 10             | E     | 16              | SE                                       | SE            | 1300 |  | 0.5  | Hydro-electric | Well 4 and 3 | 6/28/82 |
| TOTAL ACRES:   |     |     |     |         |                | 18.5  |                                   |  |               |            |        | TOTAL ACRES:  |   |     |         |                |       | 126.3           |  |               |      |  |      |                |              |         |

13280

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 # 92375**

| AUTHORIZED (the "from" or "off" lands)<br>The listing that appears on the certificate BEFORE PROPOSED CHANGES<br>List only that part or portion of the water right that will be changed. |     |     |      |         |                      |       |   |   |                      |      |         | Proposed<br>Changes (see<br>"CODES" from<br>previous<br>page) | PROPOSED (the "to" or "on" lands)<br>The listing as it would appear AFTER PROPOSED CHANGES<br>are made. |     |         |                      |       |                    |  |                    |                      |      |
|--|-----|-----|------|---------|----------------------|-------|---|---|----------------------|------|---------|---|---|-----|---------|----------------------|-------|--------------------|--|--------------------|----------------------|------|
| Twp  | Rng | Sec | ¼ ¼  | Tax Lot | Gvt<br>Lot or<br>DLC | Acres | Type of USE<br>listed on<br>Certificate | POD(s) or<br>POA(s) (name<br>or number<br>from Table 1) | Priority<br>Date     | Twp  | Rng     |   | Sec   | ¼ ¼ | Tax Lot | Gvt<br>Lot or<br>DLC | Acres | New Type of<br>USE | POD(s)/<br>POA(s) to<br>be used<br>(from<br>Table 1) | Priority<br>Date   |                      |      |
| 37   | S   | 10  | E 29 | NE SE   | 1300                 |       | 40.0                                    | Irrigation  | Wells 1, 2,<br>and 3 | 1997 | POU/USE | 37  | S   | 10  | E 3     | SW NW                | 1300  |                    | 12.7   | Hydro-<br>Electric | Wells 1,<br>2, and 3 | 1977 |
| 37   | S   | 10  | E 29 | NW SE   | 1300                 |       | 35.0                                    | Irrigation  | Wells 1, 2,<br>and 3 | 1977 | POU/USE | 37  | S   | 10  | E 3     | SE NW                | 1300  |                    | 4.6  | Hydro-<br>Electric | Wells 1,<br>2, and 3 | 1977 |
| 37   | S   | 10  | E 29 | SW SE   | 1300                 |       | 12.3                                    | Irrigation  | Wells 1, 2,<br>and 3 | 1977 | POU/USE | 37  | S   | 10  | E 3     | NW SW                | 600   |                    | 15.4   | Hydro-<br>Electric | Wells 1,<br>2, and 3 | 1977 |
| 37   | S   | 10  | E 29 | SE SE   | 1300                 |       | 35.8                                    | Irrigation  | Wells 1, 2,<br>and 3 | 1977 | POU/USE | 37  | S   | 10  | E 3     | NE SW                | 1300  |                    | 31.5   | Hydro-<br>Electric | Wells 1,<br>2, and 3 | 1977 |
|  |     |     |      |         |                      |       |   |   |                      |      | POU/USE | 37  | S   | 10  | E 16    | NW NE                | 1300  |                    | 0.5  | Hydro-<br>Electric | Wells 1,<br>2, and 3 | 1977 |
|  |     |     |      |         |                      |       |   |   |                      |      | POU/USE | 37  | S   | 10  | E 16    | SW NE                | 1300  |                    | 1.5  | Hydro-<br>Electric | Wells 1,<br>2, and 3 | 1977 |
|  |     |     |      |         |                      |       |   |   |                      |      | POU/USE | 37  | S   | 10  | E 16    | SW NE                | 1300  |                    | 0.2  | Hydro-<br>Electric | Wells 1,<br>2, and 3 | 1977 |
|  |     |     |      |         |                      |       |   |   |                      |      | POU/USE | 37  | S   | 10  | E 16    | SE NE                | 1300  |                    | 5.3  | Hydro-<br>Electric | Wells 1,<br>2, and 3 | 1977 |
|  |     |     |      |         |                      |       |   |   |                      |      | POU/USE | 37  | S   | 10  | E 16    | NW SE                | 1300  |                    | 25.1   | Hydro-<br>Electric | Wells 1,<br>2, and 3 | 1977 |
|  |     |     |      |         |                      |       |   |   |                      |      | POU/USE | 37  | S   | 10  | E 16    | NE SE                | 1300  |                    | 17.6   | Hydro-<br>Electric | Wells 1,<br>2, and 3 | 1977 |
|  |     |     |      |         |                      |       |   |   |                      |      | POU/USE | 37  | S   | 10  | E 16    | SW SE                | 1300  |                    | 11.4   | Hydro-<br>Electric | Wells 1,<br>2, and 3 | 1977 |
|  |     |     |      |         |                      |       |   |   |                      |      | POU/USE | 37  | S   | 10  | E 16    | SE SE                | 1300  |                    | 0.5  | Hydro-<br>Electric | Wells 1,<br>2, and 3 | 1977 |
| TOTAL ACRES:   |     |     |      |         |                      | 123.1 |   |   |                      |      |         | TOTAL ACRES:  |   |     |         |                      |       | 126.3              |  |                    |                      |      |

Additional remarks: Transfer is for rate and annual duty. Acreages for the "transfer to" lands many not match.

Attachment 6 - Affidavit of Landowner Consent

LANDOWNER EDGEWOOD, INC.'S CONSENT TO TRANSFER

STATE OF OREGON            )  
  ) ss.  
County of Klamath            )

I, Lauren Jespersen, do hereby swear, under penalty of perjury, that the assertions of this affidavit are true to the best of my knowledge and belief:


1. I am an officer of Edgewood Ranch, Inc., an Oregon corporation ("Edgewood"), the mailing address for which is 12941 Swan Lake Rd., Klamath Falls, OR 97601, and my phone number is (541) 891-1471.

2. Edgewood is the holder and owner of those water rights authorized under, and identified in the records of, the Oregon Water Resources Department as Water Right Certificate Nos. 87006 and 92375 (the "Water Rights").

3. The Water Rights are appurtenant to real property owned by Edgewood and, pursuant to the current terms and conditions of the Water Rights, can only be used for irrigation purposes during the irrigation season.


4. I submit this affidavit as evidence of my consent on behalf of Edgewood to the requested changes to a portion of the Water Rights as more specifically set forth in that transfer application dated October 29, 2019 and filed by Swan Lake North Hydro, LLC, and which requested changes affect that portion of the Water Rights appurtenant to Edgewood's lands described on the map attached hereto and incorporated herein.

DATED this 29 day of October, 2019.

  
\_\_\_\_\_  
Lauren Jespersen

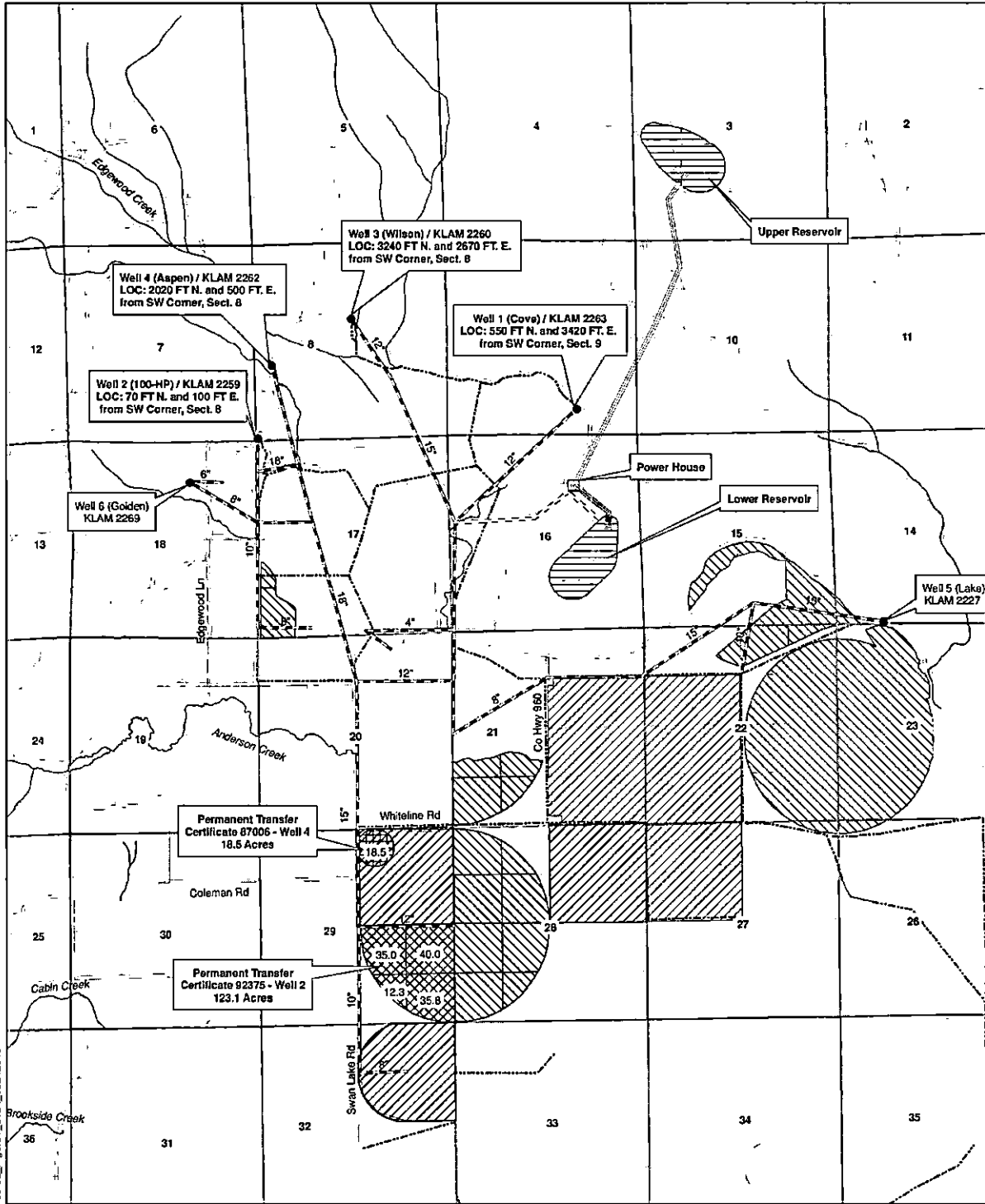
SUBSCRIBED AND SWORN to before me by Lauren Jespersen in his capacity as an officer of Edgewood Ranch, Inc., this 29 day of October, 2019.



  
\_\_\_\_\_  
NOTARY PUBLIC FOR OREGON  
My Commission Expires: 3/30/2020

ATTACHMENT TO CONSENT TO TRANSFER  
T. 37S., R. 10E., W.M.

Figure 1 of 4



**Legend**

- Wells
- Ditch
- - - Existing Waterlines
- Proposed Penstock
- Stream
- Certificate 92375
- Transfer 123.1 AC from C92375
- Certificate 87006
- Transfer 18.5 AC from C87006
- Transfer To Swan Lake Hydro Project
- OR Public Land Survey
- Proposed Delivery Pipeline
- Roads



File location:\Shared - 01 Projects\1903001 Swan Lake PS\4 Figures\SL\_Figures\SL\_Figures\Draft\_09242019

**CWM-H2O**  
Complete Water Management  
1319 SE MLK JR BLVD #204  
Portland, OR 97214  
503-954-1326

**Swan Lake North Pumped Storage Project**  
12941 Swan Lake Rd  
Klamath Falls, OR 97603  
2,640 1,320 0 2,640 Feet  
1 inch = 2,640 feet

**Edgewood Ranch Certificates 92375 and 87006**  
Permanent Transfer - 141.6 Acres  
Water System Overview  
Oct. 29, 2019  
This map not intended to provide legal dimensions or property ownership lines

19-80

Attachment 7 – Land Use Compatibility Statement

# Land Use Information Form



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

## NOTE TO APPLICANTS

In order for your application to be processed by the Water Resources Department (WRD), this Land Use Information Form must be completed by a local government planning official in the jurisdiction(s) where your water right will be used and developed. The planning official may choose to complete the form while you wait, or return the receipt stub to you. Applications received by WRD without the Land Use Form or the receipt stub will be returned to you. Please be aware that your application will not be approved without land use approval.

**This form is NOT required if:**

- 1) Water is to be diverted, conveyed, and/or used only on federal lands; **OR**
- 2) The application is for a water right transfer, allocation of conserved water, exchange, permit amendment, or ground water registration modification, and all of the following apply:
  - a) The existing and proposed water use is located entirely within lands zoned for exclusive farm-use or within an irrigation district;
  - b) The application involves a change in place of use only;
  - c) The change does not involve the placement or modification of structures, including but not limited to water diversion, impoundment, distribution facilities, water wells and well houses; and
  - d) The application involves irrigation water uses only.

## NOTE TO LOCAL GOVERNMENTS

The person presenting the attached Land Use Information Form is applying for or modifying a water right. The Water Resources Department (WRD) requires its applicants to obtain land-use information to be sure the water rights do not result in land uses that are incompatible with your comprehensive plan. Please complete the form or detach the receipt stub and return it to the applicant for inclusion in their water right application. You will receive notice once the applicant formally submits his or her request to the WRD. The notice will give more information about WRD's water rights process and provide additional comment opportunities. You will have 30 days from the date of the notice to complete the land-use form and return it to the WRD. If no land-use information is received from you within that 30-day period, the WRD may presume the land use associated with the proposed water right is compatible with your comprehensive plan. Your attention to this request for information is greatly appreciated by the Water Resources Department. If you have any questions concerning this form, please contact the WRD's Customer Service Group at 503-986-0801.

# Land Use Information Form



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

Applicant(s): Erik Steimle, Swan Lake North Holdings, LLC

Mailing Address: c/o Erik Steimle, Rye Development, 220 NW 8th Avenue

City: Portland State: OR Zip Code: 97209 Daytime Phone: 503-998-0230

## A. Land and Location

Please include the following information for land and/or used or developed. Applicants for proposed service-area boundaries for the

Due to the approval of FERC License 13318-003, on page 4 of 4 of this form Klamath County has chosen not to regulate this water use under the the County's Comprehensive Land Use Plan. Therefore the details of this LUCS have no bearing on the review of this transfer application. If OWRD requires an amended land use description the Applicant will supplement this application following OWRD's initial review.

| Township        | Range          | ¼ ¼                | Tax Lot #       |                | <input type="checkbox"/> Diverted            | <input checked="" type="checkbox"/> Conveyed | <input checked="" type="checkbox"/> Used |  |
|-----------------|----------------|--------------------|-----------------|----------------|--|--|--|--|
| <del>37 S</del> | <del>10E</del> | <del>3 SWNW</del>  | <del>200</del>  |                |  |  |  |  |
| <del>37 S</del> | <del>10E</del> | <del>3 SENW</del>  | <del>200</del>  |                |  |  |  |  |
| <del>37 S</del> | <del>10E</del> | <del>3 NWSW</del>  | <del>600</del>  | <del>FR</del>  | <input type="checkbox"/> Diverted            | <input checked="" type="checkbox"/> Conveyed | <input checked="" type="checkbox"/> Used |  |
| <del>37 S</del> | <del>10E</del> | <del>3 SWSW</del>  | <del>600</del>  | <del>FR</del>  | <input type="checkbox"/> Diverted            | <input checked="" type="checkbox"/> Conveyed | <input type="checkbox"/> Used            |  |
| <del>37 S</del> | <del>10E</del> | <del>3 NESW</del>  | <del>200</del>  | <del>F</del>   | <input type="checkbox"/> Diverted            | <input type="checkbox"/> Conveyed            | <input checked="" type="checkbox"/> Used |  |
| <del>37 S</del> | <del>10E</del> | <del>8 SWNE</del>  | <del>1300</del> | <del>EFU</del> | <input checked="" type="checkbox"/> Diverted | <input checked="" type="checkbox"/> Conveyed | <input type="checkbox"/> Used            |  |
| <del>37 S</del> | <del>10E</del> | <del>8 NWSE</del>  | <del>1300</del> | <del>EFU</del> | <input type="checkbox"/> Diverted            | <input checked="" type="checkbox"/> Conveyed | <input type="checkbox"/> Used            |  |
| <del>37 S</del> | <del>10E</del> | <del>8 NESE</del>  | <del>1300</del> | <del>EFU</del> | <input type="checkbox"/> Diverted            | <input checked="" type="checkbox"/> Conveyed | <input type="checkbox"/> Used            |  |
| <del>37 S</del> | <del>10E</del> | <del>8 SESE</del>  | <del>1300</del> | <del>EFU</del> | <input type="checkbox"/> Diverted            | <input checked="" type="checkbox"/> Conveyed | <input type="checkbox"/> Used            |  |
| <del>37 S</del> | <del>10E</del> | <del>9 NESE</del>  | <del>1300</del> | <del>EFU</del> | <input type="checkbox"/> Diverted            | <input checked="" type="checkbox"/> Conveyed | <input type="checkbox"/> Used            |  |
| <del>37 S</del> | <del>10E</del> | <del>9 SESE</del>  | <del>600</del>  | <del>FR</del>  | <input type="checkbox"/> Diverted            | <input checked="" type="checkbox"/> Conveyed | <input type="checkbox"/> Used            |  |
| <del>37 S</del> | <del>10E</del> | <del>10 NWNW</del> | <del>600</del>  | <del>FR</del>  | <input type="checkbox"/> Diverted            | <input checked="" type="checkbox"/> Conveyed | <input type="checkbox"/> Used            |  |
| <del>37 S</del> | <del>10E</del> | <del>10 SWNW</del> | <del>600</del>  | <del>FR</del>  | <input type="checkbox"/> Diverted            | <input checked="" type="checkbox"/> Conveyed | <input type="checkbox"/> Used            |  |
| <del>37 S</del> | <del>10E</del> | <del>10 NWSW</del> | <del>600</del>  | <del>FR</del>  | <input type="checkbox"/> Diverted            | <input checked="" type="checkbox"/> Conveyed | <input type="checkbox"/> Used            |  |
| <del>37 S</del> | <del>10E</del> | <del>16 NENE</del> | <del>1300</del> | <del>EFU</del> | <input checked="" type="checkbox"/> Diverted | <input checked="" type="checkbox"/> Conveyed | <input type="checkbox"/> Used            |  |
| <del>37 S</del> | <del>10E</del> | <del>16 NWNE</del> | <del>1300</del> | <del>EFU</del> | <input type="checkbox"/> Diverted            | <input checked="" type="checkbox"/> Conveyed | <input checked="" type="checkbox"/> Used |  |
| <del>37 S</del> | <del>10E</del> | <del>16 SWNE</del> | <del>1300</del> | <del>EFU</del> | <input type="checkbox"/> Diverted            | <input checked="" type="checkbox"/> Conveyed | <input checked="" type="checkbox"/> Used |  |
| <del>37 S</del> | <del>10E</del> | <del>16 SENE</del> | <del>1300</del> | <del>EFU</del> | <input type="checkbox"/> Diverted            | <input checked="" type="checkbox"/> Conveyed | <input checked="" type="checkbox"/> Used |  |
| <del>37 S</del> | <del>10E</del> | <del>16 NWSE</del> | <del>1300</del> | <del>EFU</del> | <input type="checkbox"/> Diverted            | <input type="checkbox"/> Conveyed            | <input checked="" type="checkbox"/> Used |  |
| <del>37 S</del> | <del>10E</del> | <del>16 NESE</del> | <del>1300</del> | <del>EFU</del> | <input type="checkbox"/> Diverted            | <input type="checkbox"/> Conveyed            | <input checked="" type="checkbox"/> Used |  |
| <del>37 S</del> | <del>10E</del> | <del>16 SWSE</del> | <del>1300</del> | <del>EFU</del> | <input type="checkbox"/> Diverted            | <input type="checkbox"/> Conveyed            | <input checked="" type="checkbox"/> Used |  |
| <del>37 S</del> | <del>10E</del> | <del>16 SESE</del> | <del>1300</del> | <del>EFU</del> | <input type="checkbox"/> Diverted            | <input type="checkbox"/> Conveyed            | <input checked="" type="checkbox"/> Used |  |
| <del>37 S</del> | <del>10E</del> | <del>16 SWNW</del> | <del>1300</del> | <del>EFU</del> | <input type="checkbox"/> Diverted            | <input checked="" type="checkbox"/> Conveyed | <input type="checkbox"/> Used            |  |
| <del>37 S</del> | <del>10E</del> | <del>16 SENW</del> | <del>1300</del> | <del>EFU</del> | <input type="checkbox"/> Diverted            | <input checked="" type="checkbox"/> Conveyed | <input type="checkbox"/> Used            |  |
| <del>37 S</del> | <del>10E</del> | <del>16 SWNE</del> | <del>1300</del> | <del>EFU</del> | <input type="checkbox"/> Diverted            | <input checked="" type="checkbox"/> Conveyed | <input type="checkbox"/> Used            |  |

- 13280 -



|             |            |                |             |            |                                   |  |                               |       |
|-------------|------------|----------------|-------------|------------|-----------------------------------|--|-------------------------------|-------|
| <u>37 S</u> | <u>10E</u> | <u>17 NENE</u> | <u>1300</u> | <u>EFU</u> | <input type="checkbox"/> Diverted | <input checked="" type="checkbox"/> Conveyed | <input type="checkbox"/> Used | _____ |
| <u>37 S</u> | <u>10E</u> | <u>17 SENW</u> | <u>1300</u> | <u>EFU</u> | <input type="checkbox"/> Diverted | <input checked="" type="checkbox"/> Conveyed | <input type="checkbox"/> Used | _____ |

List all counties and cities where water is proposed to be diverted, conveyed, and/or used or developed:

Klamath County

**B. Description of Proposed Use**

Type of application to be filed with the Water Resources Department:

- Permit to Use or Store Water
- Water Right Transfer
- Permit Amendment or Ground Water Registration Modification
- Limited Water Use License
- Allocation of Conserved Water
- Exchange of Water

Source of water:  Reservoir/Pond  Ground Water  Surface Water (name) \_\_\_\_\_

Estimated quantity of water needed: 422.1  cubic feet per second  gallons per minute  acre-feet

- Intended use of water:  Irrigation  Commercial  Industrial  Domestic for \_\_\_\_\_ household(s)
- Municipal  Quasi-Municipal  Instream  Other Hydroelectric Generation

Briefly describe:

**DESCRIPTION OF PROPOSED PROJECT**

~~This transfer application provides the water needed to support of an Application to Develop a Major Hydroelectric Project (Hydro Application).~~

~~On April 30, 2019, Applicant received License No. 13318-003 from the Federal Energy Regulatory Commission ("FERC") for a closed loop/pumped storage hydroelectric project (Project) in Klamath County. The Applicant will construct two reservoirs (upper and lower), conveyance, and a powerhouse generating facilities for use in the Project.~~

~~The Project will require approximately 420 acre-feet of water for the annual maintenance of the reservoir water levels (to account for evaporation losses) throughout the operating life of the project. This water will be secured by this application for permanent transfer of a specified portion of Certificate 92375. Concurrent with the submittal of the hydroelectric license application the Applicant will submit this application to change the use and the place of use of 422.1 acre-feet of Certification 92375 water right from irrigation use to use for hydroelectric generation.~~

~~This permanent transfer application requests a change of character of use and change of place of use for 422.1 AF of groundwater from Well 3 KLAM 2260 authorized by Certificate 92375. Applicant requests to change (1) the character of use from irrigation to hydroelectric production; and (2) the place of use from 140.7 currently-irrigated acres to the location of the project's lower reservoirs and powerhouse.~~

~~The transferred water will be diverted only during the irrigation season in order to stay within the withdrawal rates, annual duties, and periods of use originally authorized by Certificate 92375.~~

**Note to applicant:** If the Land Use Information Form cannot be completed while you wait, please have a local government representative sign the receipt at the bottom of the next page and include it with the application filed with the Water Resources Department.

13280 -

See bottom of Page 3. →

## For Local Government Use Only

The following section must be completed by a planning official from each county and city listed unless the project will be located entirely within the city limits. In that case, only the city planning agency must complete this form. This deals only with the local land-use plan. Do not include approval for activities such as building or grading permits.

**Please check the appropriate box below and provide the requested information**

- Land uses to be served by the proposed water uses (including proposed construction) are allowed outright or are not regulated by your comprehensive plan. Cite applicable ordinance section(s): The hydroelectric project was permitted by Federal Energy Regulatory Commission.
- Land uses to be served by the proposed water uses (including proposed construction) involve discretionary land-use approvals as listed in the table below. (Please attach documentation of applicable land-use approvals which have already been obtained. Record of Action/land-use decision and accompanying findings are sufficient.) **If approvals have been obtained but all appeal periods have not ended, check "Being pursued."**

| Type of Land-Use Approval Needed<br>(e.g., plan amendments, rezones, conditional-use permits, etc.) | Cite Most Significant, Applicable Plan Policies & Ordinance Section References | Land-Use Approval:   |  |
|---|--|--|--|
|   |  | <input type="checkbox"/> Obtained<br><input type="checkbox"/> Denied | <input type="checkbox"/> Being Pursued<br><input type="checkbox"/> Not Being Pursued |
|   |  | <input type="checkbox"/> Obtained<br><input type="checkbox"/> Denied | <input type="checkbox"/> Being Pursued<br><input type="checkbox"/> Not Being Pursued |
|   |  | <input type="checkbox"/> Obtained<br><input type="checkbox"/> Denied | <input type="checkbox"/> Being Pursued<br><input type="checkbox"/> Not Being Pursued |
|   |  | <input type="checkbox"/> Obtained<br><input type="checkbox"/> Denied | <input type="checkbox"/> Being Pursued<br><input type="checkbox"/> Not Being Pursued |
|   |  | <input type="checkbox"/> Obtained<br><input type="checkbox"/> Denied | <input type="checkbox"/> Being Pursued<br><input type="checkbox"/> Not Being Pursued |

Local governments are invited to express special land-use concerns or make recommendations to the Water Resources Department regarding this proposed use of water below, or on a separate sheet.

Name: Eric Nobyl Title: Planner III  
 Signature: [Signature] Phone: 541-857-3648 Date: 10-28-2017  
 Government Entity: Klamath County

**Note to local government representative:** Please complete this form or sign the receipt below and return it to the applicant. If you sign the receipt, you will have 30 days from the Water Resources Department's notice date to return the completed Land Use Information Form or WRD may presume the land use associated with the proposed use of water is compatible with local comprehensive plans.

**Receipt for Request for Land Use Information**

Applicant name: \_\_\_\_\_  
 City or County: \_\_\_\_\_ Staff contact: \_\_\_\_\_  
 Signature: \_\_\_\_\_ Phone: \_\_\_\_\_ Date: \_\_\_\_\_

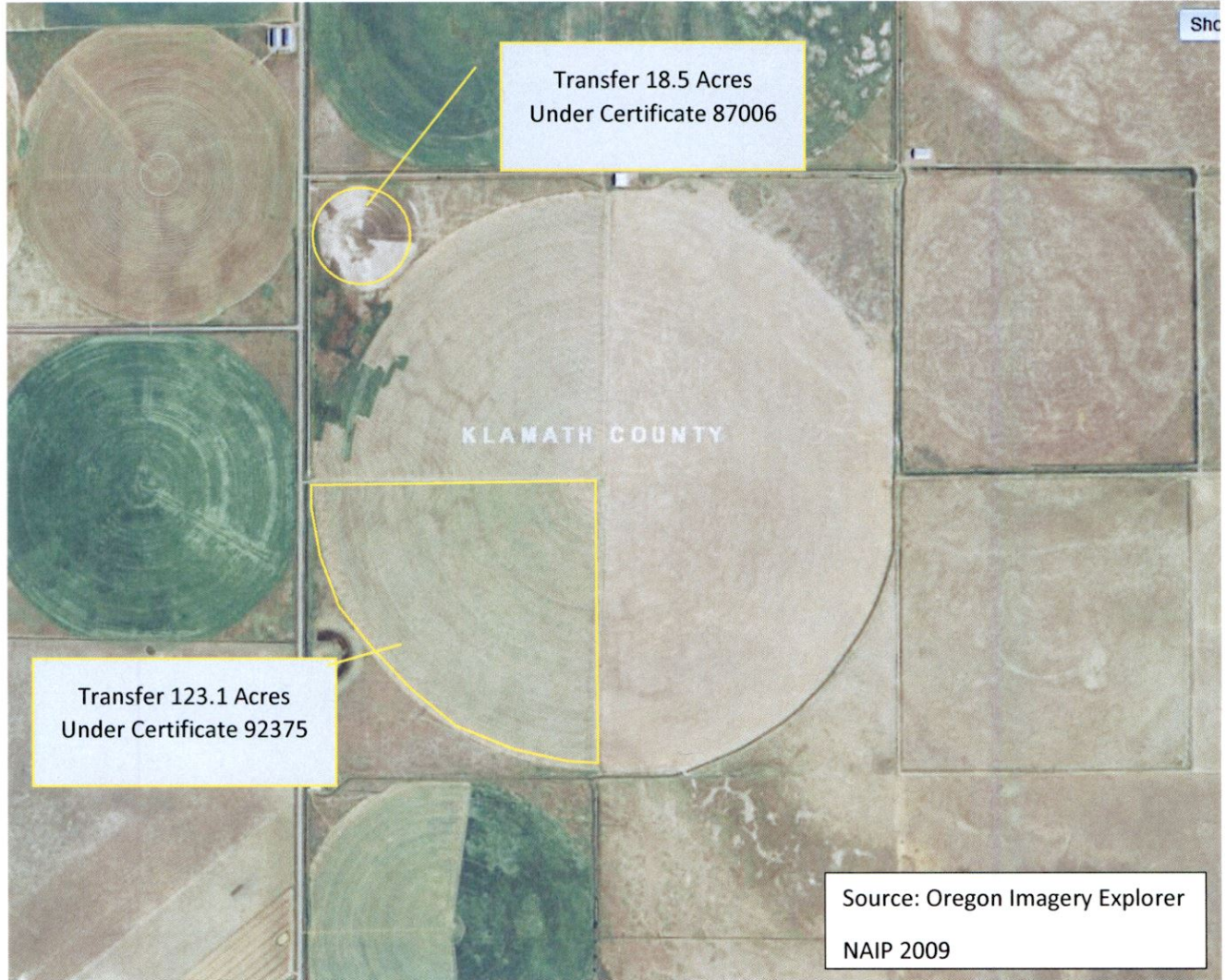
Attachment 8 – Historic Use Aerial Photos

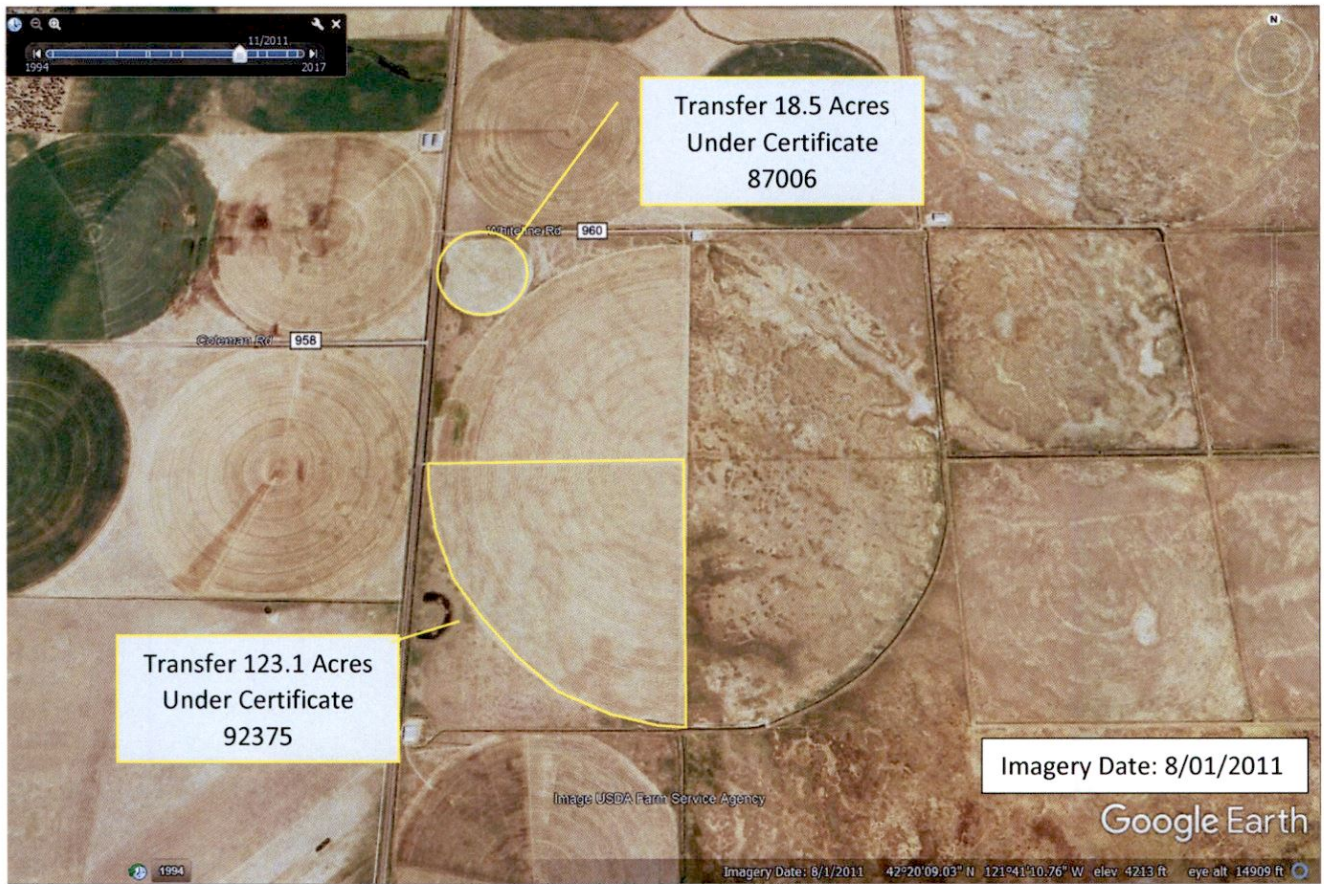
13280 -

Certificates 87006 and 92375

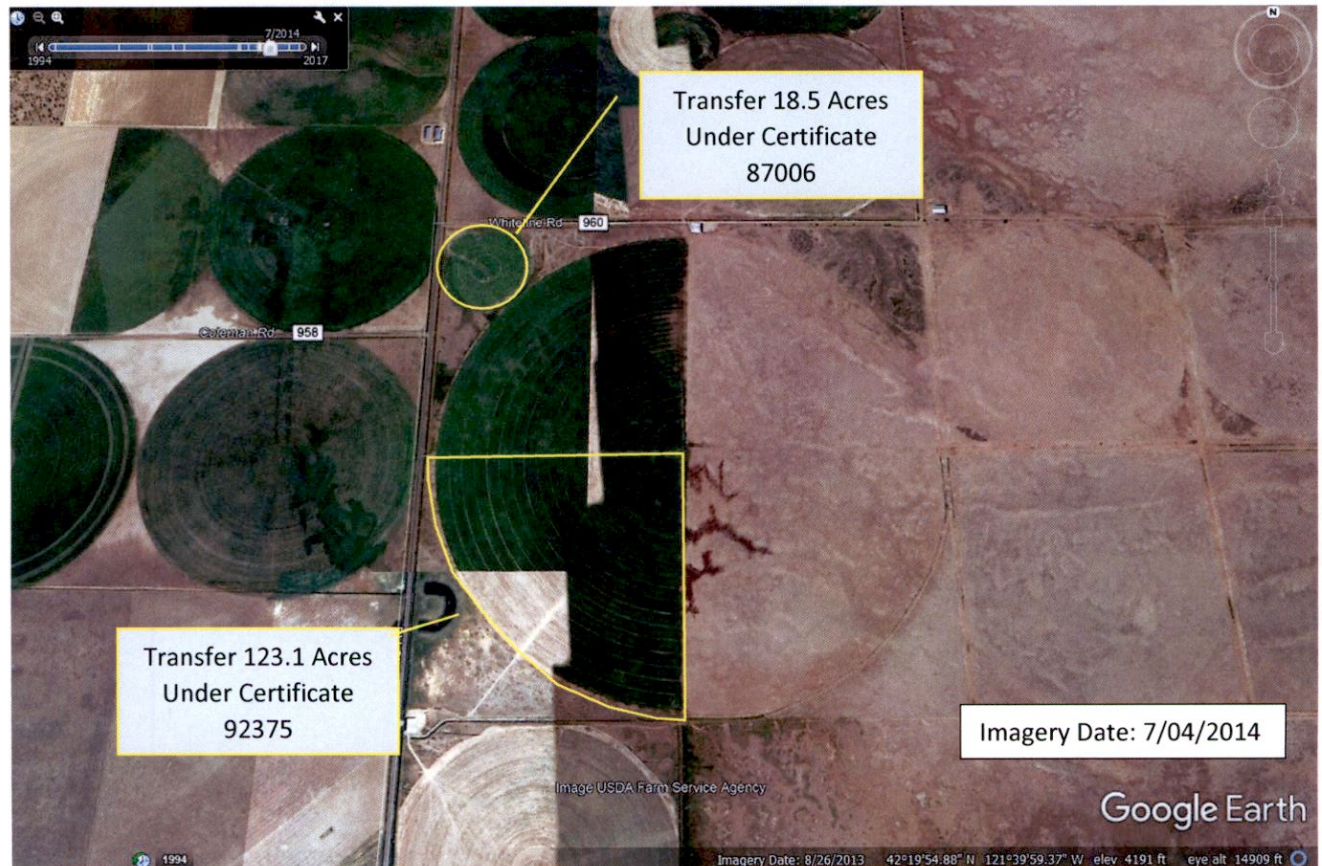
LOC: T. 37 S., R. 10 E., W.M. Section 29 NWNE (18.5 Ac.)

LOC: T. 37 S., R. 10 E., W.M. Section 29 NESE (40.0 Ac.), 29 NWSE (35.0 Ac.), 29 SWSE (12.3Ac.) and 29 SESE (35.8 Ac)

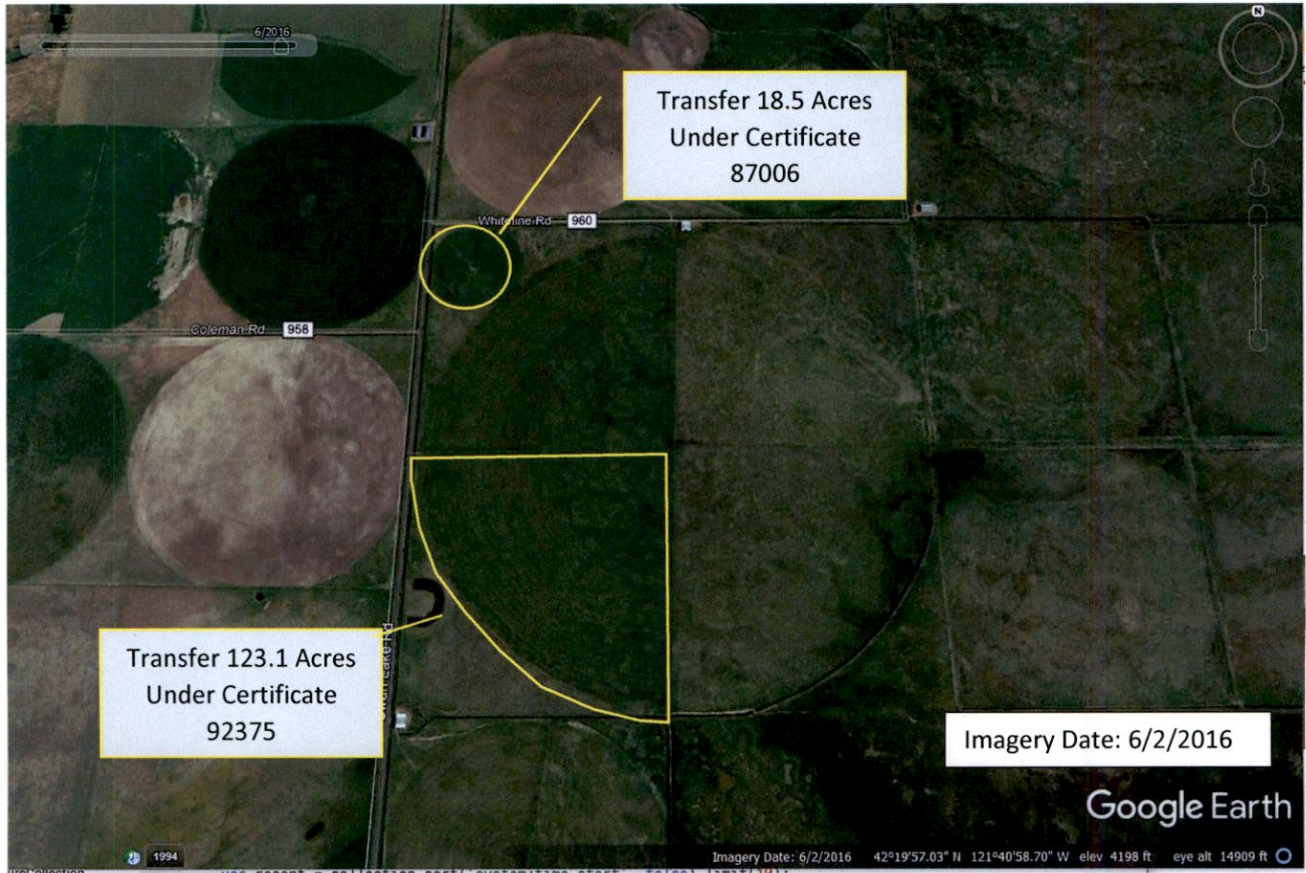




13280-



13280-



13280 -