

**Application for Water Right
Temporary or Drought Temporary 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

This temporary 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.

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FOR ALL TEMPORARY TRANSFER APPLICATIONS

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

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- Part 1 – Completed Minimum Requirements Checklist.
- Part 2 – Completed Temporary 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 online fee calculator at: 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 Transferred Water Rights: How many water rights are to be transferred? 2 List them here: 6-16334 + 27010
Please include a separate Part 5 for each water right. (See instructions on page 6)
- N/A For standard Temporary Transfer (one to five years) Begin Year: _____ End Year: _____.
- N/A Temporary Drought Transfer (Only in counties where the Governor has declared drought)

Attachments:

- Completed Temporary Transfer Application Map.
- Completed Evidence of Use Affidavit and supporting documentation.
- Current recorded deed for the land from which the authorized place of use is temporarily being moved.
- N/A Affidavit(s) of Consent from Landowner(s) (if the applicant does not own the land upon which the water right is located.)
- N/A Supplemental Form D – For water rights served by or issued in the name of a district. Complete when the temporary transfer applicant is not the 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 (if necessary to convey water to the proposed place of use).

(For Staff Use Only)

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

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

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Part 2 of 5 – Temporary Transfer Application Map Checklist

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

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

- 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 temporary 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) to convey water to the new temporary place of use, 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 TEMPORARY (not drought) TRANSFERS			
1	Base Fee (includes temporary change to one water right for up to 1 cfs)	1	\$810.00
2	Number of water rights included in transfer: _____ (2a) Subtract 1 from the number in 3a above: _____ (2b) <i>If only one water right this will be 0</i> Multiply line 2b by \$260.00 and enter » » » » » » » » » » » » » » » »	2	
3	Do you propose to change the place of use for a non-irrigation use? <input type="checkbox"/> No: enter 0 on line 3 » » » » » » » » » » » » » » » » <input type="checkbox"/> Yes: enter the cfs for the portions of the rights to be transferred: _____ (3a) Subtract 1.0 from the number in 3a above: _____ (3b) If 3b is 0, enter 0 on line 3 » » » » » » » » » » » » » » » » If 3b is greater than 0, round up to the nearest whole number: _____ (3c) and multiply 4c by \$200.00, then enter on line 3	3	RECEIVED JUN 04 2020 OWRD
4	Do you propose to change the place of use for an irrigation use? <input type="checkbox"/> No: enter 0 on line 4 » » » » » » » » » » » » » » » » <input type="checkbox"/> Yes: enter the number of acres for the portions of the rights to be transferred: _____ (4a) Multiply the number of acres in 4a above by \$2.30 and enter on line 4 » »	4	
5	Add entries on lines 1 through 4 above » » » » » » » » » » » Subtotal:	5	
6	Is this transfer: <input type="checkbox"/> necessary to complete a project funded by the Oregon Watershed Enhancement Board (OWEB) under ORS 541.932? <input type="checkbox"/> endorsed in writing by ODFW as a change that will result in a net benefit to fish and wildlife habitat? If one or more boxes is checked, multiply line 5 by 0.5 and enter on line 6 » If no box is applicable, enter 0 on line 7» » » » » » » » » » » » » » » »	6	
7	Subtract line 6 from line 5 » » » » » » » » » » » » » » » » Transfer Fee:	7	

FEE WORKSHEET for TEMPORARY DROUGHT TRANSFERS			
1	Base Fee (includes drought application and recording fee for up to 1 cfs)	1	\$200.00
2	Enter the cfs for the portions of the rights to be transferred (see example below*): _____ (2a) Subtract 1.0 from the number in 2a above: <u>2</u> (2b) If 2b is 0, enter 0 on line 2 » » » » » » » » » » » » » » » » If 2b is greater than 0, round up to the nearest whole number: <u>2</u> (2c) and multiply 2c by \$50, then enter on line 2 » » » » » » » » » » »	2	100
3	Add entries on lines 1 through 2 above » » » » » » » » » » » Transfer Fee:	3	300.00

***Example for Line 2a 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:

1. 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*).
2. 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*)
3. 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 2a would be only 0.56 cfs, since both rights serve the same 45.0 acres. Blank 2b would be 0 and Line 2 would then also become 0*).

Part 4 of 5 – Applicant Information and Signature

Applicant Information

APPLICANT/BUSINESS NAME Cody STURM		PHONE NO. 541-891-8448	ADDITIONAL CONTACT NO.
ADDRESS 3223 Paramount St			FAX NO.
CITY Klamath Falls OR	STATE 97603	ZIP 97603	E-MAIL Sturzminator7@gmail.com
BY PROVIDING AN E-MAIL ADDRESS, CONSENT IS GIVEN TO RECEIVE ALL CORRESPONDENCE FROM THE DEPARTMENT ELECTRONICALLY. COPIES OF THE FINAL ORDER DOCUMENTS WILL ALSO BE MAILED.			

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

AGENT/BUSINESS NAME		PHONE NO.	ADDITIONAL CONTACT NO.
ADDRESS			FAX NO.
CITY	STATE	ZIP	E-MAIL
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.			

Explain in your own words what you propose to accomplish with this transfer application and why:
 Due to drought the irrigation District does not have water available. Transferring supplemental water rights to cover land if you need additional space, continue on a separate piece of paper and attach to the application as "Attachment 1".

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

[Handwritten mark]

<u>Cody Sturm</u> Applicant signature	Cody Sturm / owner Print Name (and Title if applicable)	6/1/2020 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

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

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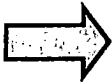
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Check here if any of the water rights proposed for transfer are or will be located within or served by an irrigation or other water district. (NOTE: If this box is checked, you must complete and attach Supplemental Form D.)

DISTRICT NAME	ADDRESS	
CITY	STATE	ZIP

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

ENTITY NAME	ADDRESS	
CITY	STATE	ZIP



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

ENTITY NAME <i>Klamath County</i>	ADDRESS	
CITY	STATE	ZIP

ENTITY NAME	ADDRESS	
CITY	STATE	ZIP

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INSTRUCTIONS for editing the Application Form**OWRD**

To add 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 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

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 rows to tables within the form.

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Water Right Certificate # 6-16334

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Description of Water Delivery System

System capacity: 0.11 cubic feet per second (cfs) OR
 _____ gallons per minute (gpm)

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Describe the current water delivery system or the system that was in place at some time within the last five years. Include information on the pumps, canals, pipelines, and sprinklers used to divert, convey, and apply the water at the authorized place of use. _____

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)
POA #1	<input checked="" type="checkbox"/> Authorized <input type="checkbox"/> Proposed	KLAIM 53340	41 S	13 E	18	NW/NW		640' South + 920' EAST FROM NW CORNER 18
	<input type="checkbox"/> Authorized <input type="checkbox"/> Proposed							
	<input type="checkbox"/> Authorized <input type="checkbox"/> Proposed							
	<input type="checkbox"/> Authorized <input type="checkbox"/> Proposed							

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

- Place of Use (POU)
- Point of Diversion (POD)
- Additional Point of Diversion (APOD)
- Appropriation/Well (POA)
- Additional Point of Appropriation (APOA)

Check all type(s) of temporary change(s) due to drought proposed below (change "CODES" are provided in parentheses):

- Place of Use (POU)
- Character of Use (USE)
- Point of Diversion (POD)
- Point of Appropriation/Well (POA)
- Additional Point of Appropriation (APOA)
- Additional Point of Diversion (APOD)

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

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

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 Temporary Changes to Water Right Certificate # G-16334

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

AUTHORIZED (the "from" or "off" lands) The listing that appears on the Certificate BEFORE PROPOSED CHANGES List only that part or portion of the water right that will be changed.											Proposed Changes (see "CODES" from previous page)	PROPOSED (the "to" or "on" lands) The listing as it would appear AFTER PROPOSED CHANGES are made.																		
Twp	Rng	Sec	1/4	1/4	Tax Lot	Gvt Lot or DLC	Acres	Type of USE listed on Certificate	POD(s) or POA(s) (name or number from Table 1)	Priority Date		Twp	Rng	Sec	1/4	1/4	Tax Lot	Gvt Lot or DLC	Acres	New Type of USE	POD(s)/ POA(s) to be used (from Table 1)	Priority Date								
EXAMPLE																														
2	S	9	E	15	NE	NW	100	15.0	Irrigation	POD #1 POD #2	1901	POU/POD	2	S	9	E	1	NW	NW	500	1	10.0	POD #5	1901						
"	"	"	"	"	"	"	"	"	EXAMPLE	"	"	"	"	2	S	9	E	2	SW	NW	500		5.0	POD #6	1901					
41	S	12	E	12	NE	SE	400	38.3	irrigation	POA #1	2607	POD	41	S	12	E	24	NE	NW	100		38.0	irrigation							
					NW	SE	400	36.7											NW	NW	600		40.0							
41	S	13	E	18	NE	NW	4101	15.2											SE	NW	600		36.46							
					NW	NW		1	13.2										NW	NE	300		37.00							
					SW	NW		2	27.2										NE	SW	900		18.24							
					SE	NW			17.3																					
					NE	SW			13.9																					
					NW	SW		3	7.6																					
TOTAL ACRES							169.4																TOTAL ACRES							169.4

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Additional remarks: _____

Part 5 of 5 – Water Right Information

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

Water Right Certificate # 27010

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Description of Water Delivery System

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System capacity: 0.897 cubic feet per second (cfs) OR
 _____ gallons per minute (gpm)

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Describe the current water delivery system or the system that was in place at some time within the last five years. Include information on the pumps, canals, pipelines, and sprinklers used to divert, convey, and apply the water at the authorized place of use. _____

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)
POA #2	<input checked="" type="checkbox"/> Authorized <input type="checkbox"/> Proposed	KLAM 15114	41 S	13 E	7	NW SW	3	43.7' South 102.1' EAST OF W ¼ CORNER Sec 7
	<input type="checkbox"/> Authorized <input type="checkbox"/> Proposed							
	<input type="checkbox"/> Authorized <input type="checkbox"/> Proposed							
	<input type="checkbox"/> Authorized <input type="checkbox"/> Proposed							

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

- Place of Use (POU)
- Point of Diversion (POD)
- Additional Point of Diversion (APOD)
- Appropriation/Well (POA)
- Additional Point of Appropriation (APOA)

Check all type(s) of temporary change(s) due to drought proposed below (change "CODES" are provided in parentheses):

- Place of Use (POU)
- Character of Use (USE)
- Point of Diversion (POD)
- Point of Appropriation/Well (POA)
- Additional Point of Appropriation (APOA)
- Additional Point of Diversion (APOD)

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

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

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 Temporary Changes to Water Right Certificate # 27010

List only the part of the right that will be changed. For the acreage in each ¼ ¼, list the change proposed. If more than one change, specify the acreage associated with each change. If more than one POD/POA, specify the acreage associated with each POD/POA.

AUTHORIZED (the "from" or "off" lands) The listing that appears on the Certificate BEFORE PROPOSED CHANGES List only that part or portion of the water right that will be changed.											Proposed Changes (see "CODES" from previous page)	PROPOSED (the "to" or "on" lands) The listing as it would appear AFTER PROPOSED CHANGES are made.													
Twp	Rng	Sec	¼ ¼	Tax Lot	Gvt Lot or DLC	Acres	Type of USE listed on Certificate	POD(s) or POA(s) (name or number from Table 1)	Priority Date	Twp		Rng	Sec	¼ ¼	Tax Lot	Gvt Lot or DLC	Acres	New Type of USE	POD(s)/POA(s) to be used (from Table 1)	Priority Date					
EXAMPLE																									
2	S	9	E 15	NE	NW	100		15.0	Irrigation	POD #1 POD #2	1901	POU/POD	2	S	9	E 1	NW	NW	500	1	10.0		POD #5	1901	
"	"	"	"	"	"	"	"	"	EXAMPLE	"	"	"	"	2	S	9	E 2	SW	NW	500		5.0		POD #6	1901
41	S	12	E 12	NW	NE	100	2	10 ⁰⁰	Irrigation	POA #2	1952	P.O.D	41	S	12	E 24	NE	SW	900		1.76	Irrigation			
				SW	NE	801		28 ⁰⁰									SW	NE	900		40				
				SE	NE	801	3	33 ⁰⁰									NW	SE	900		30				
						TOTAL ACRES						71.76							TOTAL ACRES						71.76

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Additional remarks: _____

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Water Right Certificate # _____ OWRD

For Place 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 540.525, any "layered" water use such as an irrigation right that is supplemental to a primary right proposed for temporary transfer can be included in the transfer or remain unused on the authorized place of use. If the primary water right does not revert soon enough to allow use of the supplemental right within five years, the supplemental right shall become subject to cancellation for nonuse under ORS 540.610.

If a change in point(s) of appropriation (well(s)) or additional point(s) of appropriation is necessary to convey the water to the new temporary place of use you must provide:

- Well log(s) 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)

AND/OR

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

Table 3. Construction of Point(s) of Appropriation

Any well(s) in this listing must be clearly tied to corresponding well(s) described in Table 1 and shown on the accompanying application map. Failure to provide the information will delay the processing of your transfer application until it is received. The information is necessary for the Department to assess whether the proposed well(s) will access the same source aquifer as the authorized point(s) of appropriation (POA). The Department is prohibited by law from approving POA changes that do not access the same source aquifer.

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

STATE ENGINEER
Salem, Oregon

KLAM
15114

Well Record

STATE WELL NO. 41/13/7M1
COUNTY Klamath
APPLICATION NO. _____

OWNER: Frye & Barney MAILING ADDRESS: _____

LOCATION OF WELL: Owner's No. _____ CITY AND STATE: _____

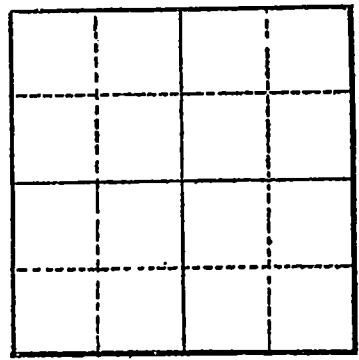
..... 1/4 1/4 Sec. T. N. S, R. E. W., W.M.

Bearing and distance from section or subdivision corner _____

Altitude at well 4,220

TYPE OF WELL: Drilled Date Constructed _____

Depth drilled 300 Depth cased 20



Section _____

CASING RECORD:

16 inch
14 inch

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FINISH:

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AQUIFERS:

Basalt from 165 to 300

WATER LEVEL:

167.9 feet below land surface on October 28, 1954

PUMPING EQUIPMENT: Type Turbine H.P. _____
Capacity 600 G.P.M.

WELL TESTS:

Drawdown _____ ft. after _____ hours _____ G.P.M.
Drawdown _____ ft. after _____ hours _____ G.P.M.

USE OF WATER Irrigation Temp. _____ °F. _____, 19____

SOURCE OF INFORMATION USGS
DRILLER or DIGGER _____

ADDITIONAL DATA:

Log X Water Level Measurements _____ Chemical Analysis _____ Aquifer Test _____

REMARKS:

Used for irrigating 200 acres of pasture; drawdown 13.8 ft. after pumping about 600 gpm for 9 min.

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STATE ENGINEER
Salem, Oregon

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Well Log

State Well No. 47/13 ^{7M1}
County Klamath
Application No. _____

Owner: Frye & Barney Owner's No. _____

Driller: J. VanMeter Date Drilled 1953

CHARACTER OF MATERIAL	(Feet below land surface)		Thickness (feet)
	From	To	
Alluvium:			
Soil, hardpan, sand, clay, small rocks	0	11	11
Boulders and clay	11	32	21
Yonna formation (?) (may be faulted material toward the top):			
Clay, gravel and sand	32	97	65
Clay, blue	97	103	6
Clay, yellow	103	108½	5½
Sandstone, soft	108½	112	3½
Sandstone, medium-hard	112	114	2
Clay and sand	114	122	8
Sandstone	122	133	11
Clay and gravel	133	142	9
Sand, packed, and gravel	142	143	1
Lower lava rocks:			
Basalt, blue, creviced	143	150	7
Boulders, sand and gravel	150	168	18
Basalt, shattered, and clay	168	183	15
Boulders, sand and gravel	183	192	9
Basalt, vesicular	192	209	17
Boulders and gravel	209	212	3
Basalt, brown	212	213	1
Boulders and sand	213	215	2
"Quartzite"	215	218	3

STATE OF OREGON
WATER SUPPLY WELL REPORT
(as required by ORS 537.765)
Instructions for completing this report are on the last page of this form

Klam 53340

Amend*

WELL ID # L 31663
(START CARD) # 146845

(1) OWNER: Well Number: _____
Name Les Stearn
Address 36121 Spastner Rd.
City Malin State OR Zip 97622

(9) LOCATION OF WELL by legal description:
County Klamath Latitude _____ Longitude _____
Township 41S N or S. Range 13E E or W. of W.M. *
Section 18 SW 1/4 NW 1/4
Tax lot 600 Lot _____ Block _____ subdivision _____
Street Address of Well (or nearest address) 36121 Spastner Rd. Malin OR 97622

(2) TYPE OF WORK:
 New Well Deepening Alteration (repair/recondition) Abandonment

(10) STATIC WATER LEVEL:
142 ft. below land surface. Date 5-17-02
Artesian pressure _____ lb. per square inch. Date _____

(3) DRILL METHOD:
 Rotary Air Rotary Mud Cable Auger
 Other _____

(11) WATER BEARING ZONES:
Depth at which water was first found 160'

(4) PROPOSED USE:
 Domestic Community Industrial Irrigation
 Thermal Injection Livestock Other _____

From	To	Estimated Flow Rate	SWL
<u>160'</u>	<u>260'</u>	<u>1500 GPM</u>	<u>142'</u>
<u>335'</u>	<u>468'</u>	<u>1000 GPM</u>	<u>142'</u>

(5) BORE HOLE CONSTRUCTION:
Special Construction approval Yes No Depth of Completed Well 468 ft.
Explosives used Yes No Type _____ Amount _____

(12) WELL LOG:
Ground elevation _____

HOLE		SEAL		Amount	
Diameter	From To	Material	From To	sacks	pounds
<u>20"</u>	<u>0' to 40'</u>	<u>Benfonke</u>	<u>0' to 40'</u>	<u>40</u>	<u>sacks</u>
<u>16"</u>	<u>40' to 334'</u>				
<u>8"</u>	<u>334' to 468'</u>	<u>4 loss</u>			

Material	From	To	SWL
<u>Top Soil</u>	<u>0</u>	<u>4</u>	
<u>Dirt & Boulders</u>	<u>4</u>	<u>35</u>	
<u>Basalt</u>	<u>35</u>	<u>160</u>	<u>142</u>
<u>Frac Basalt</u>	<u>160</u>	<u>260</u>	
<u>Sand Stone</u>	<u>260</u>	<u>330</u>	
<u>Frac Basalt</u>	<u>330</u>	<u>468</u>	

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WATER RESOURCES DEPT SALEM, OREGON

How was seal placed: Method A B C D E
 Other Paired
Backfill placed from _____ ft. to _____ ft. Material _____
Gravel placed from _____ ft. to _____ ft. Size of gravel _____

(6) CASING/LINER:
Casing: Diameter 16" From 0' To 40' Gauge 1.250 Steel Plastic Welded Threaded
Liner: None Steel Plastic Welded Threaded
Final location of shoe(s) _____

Date started 4-22-02 Completed 5-17-02

(7) PERFORATIONS/SCREENS:
 Perforations Method _____
 Screens Type _____ Material _____
From To Slot size Number Diameter Tele/pipe size Casing Liner
None

(8) WELL TESTS: Minimum testing time is 1 hour
 Pump Baller Air Flowing Artesian
Yield gal/min 2500 Drawdown _____ Drill stem at 334' Time 1 Hr

(unbonded) Water Well Constructor Certification:
I certify that the work I performed on the construction, alteration, or abandonment of this well is in compliance with Oregon water supply well construction standards. Materials used and information reported above are true to my best knowledge and belief.
Signed [Signature] WWC Number 670-02

Temperature of Water 60° Depth Artesian Flow found 160'
Was a water analysis done? Yes No By whom _____
Did any strata contain water not suitable for intended use? Too little
 Salty Muddy Odor Colored Other _____
Depth of strata: _____

(bonded) Water Well Constructor Certification:
I accept responsibility for the construction, alteration, or abandonment work performed on this well during the construction dates reported above. All work performed during this time is in compliance with Oregon water supply well construction standards. This report is true to the best of my knowledge and belief.
Signed [Signature] WWC Number 1557 Date 6-11-02

STATE OF OREGON
WATER SUPPLY WELL REPORT
(as required by ORS 537.765)

Instructions for completing this report are on the last page of this form

(1) OWNER: Well Number: _____
Name Les Stearn
Address 76121 Spastney Rd.
City Malin State OR Zip 97632

(2) TYPE OF WORK:
 New Well Deepening Alteration (repair/recondition) Abandonment

(3) DRILL METHOD:
 Rotary Air Rotary Mud Cable Auger
 Other

(4) PROPOSED USE:
 Domestic Community Industrial Irrigation
 Thermal Injection Livestock Other

(5) BORE HOLE CONSTRUCTION:
Special Construction approval Yes No Depth of Completed Well 468 ft.
Explosives used Yes No Type _____ Amount _____

HOLE			SEAL			Amount
Diameter	From	To	Material	From	To	sacks or pounds
20"	0	40	Bentonite	0	40	40 Sacks
16"	40	334				
9"	334	368				

How was seal placed: Method A B C D E
 Other Paired
Backfill placed from _____ ft. to _____ ft. Material _____
Gravel placed from _____ ft. to _____ ft. Size of gravel _____

(6) CASING/LINER:

Diameter	From	To	Gauge	Steel	Plastic	Welded	Threaded
Casing: 16"	0	40	.250	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Liner: <u>None</u>				<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

(7) PERFORATIONS/SCREENS:
 Perforations Method _____
 Screens Type _____ Material _____

From	To	Slot size	Number	Diameter	Tube/pipe size	Casing	Liner
<u>None</u>						<input type="checkbox"/>	<input type="checkbox"/>

(8) WELL TESTS: Minimum testing time is 1 hour
 Pump Beller Air Flowing Artesian

Yield gal/min	Drawdown	Drill stem at	Time
<u>2500</u>		<u>334</u>	<u>1 Hr</u>

Temperature of Water 60 Depth Artesian Flow found 160'
Was a water analysis done? Yes By whom _____
Did any strata contain water not suitable for intended use? Too little
 Salty Muddy Odor Colored Other _____
Depth of strata: _____

(9) LOCATION OF WELL by legal description:
County Klamath Latitude _____ Longitude _____
Township 41S N or S. Range 13E E or W. of WM.
Section 18 SW 1/4 NW 1/4
Tax lot 600 Lot _____ Block _____ Subdivision _____
Street Address of Well (or nearest address) 76121 Spastney Rd. Malin OR 97632

(10) STATIC WATER LEVEL:
142 ft. below land surface. Date 5-17-02
Artesian pressure _____ lb. per square inch. Date _____

(11) WATER BEARING ZONES:
Depth at which water was first found 160'

From	To	Estimated Flow Rate	SWL
<u>160'</u>	<u>260'</u>	<u>1500 GPM</u>	<u>142'</u>
<u>335'</u>	<u>468'</u>	<u>7000 GPM</u>	<u>142'</u>

(12) WELL LOG: Ground elevation _____

Material	From	To	SWL
Top Soil	0	4	
Dirt & Boulders	4	35	
Basalt	35	160	142
Frac Basalt	160	260	
Sand Stone	260	330	
Frac Basalt	330	468	

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AUG 20 2002
WATER RESOURCES DEPT.
SALEM, OREGON
OWRD

Date started 4-22-02 Completed 5-17-02

(unbonded) Water Well Constructor Certification:
I certify that the work I performed on the construction, alteration, or abandonment of this well is in compliance with Oregon water supply well construction standards. Materials used and information reported above are true to my best knowledge and belief.
Signed Paul [Signature] WWC Number 670-02

(bonded) Water Well Constructor Certification:
I accept responsibility for the construction, alteration, or abandonment work performed on this well during the construction dates reported above. All work performed during this time is in compliance with Oregon water supply well construction standards. This report is true to the best of my knowledge and belief.
Signed Paul [Signature] WWC Number 1557
Date 6-11-02

STATE OF OREGON
WATER SUPPLY WELL REPORT
(as required by ORS 537.765)
Instructions for completing this report are on the last page of this form

(1) OWNER: Well Number: _____
Name: Les Starn
Address: 36121 Spastney Rd.
City: Malin State: OR Zip: 97632

(2) TYPE OF WORK:
 New Well Deepening Alteration (repair/recondition) Abandonment

(3) DRILL METHOD:
 Rotary Air Rotary Mud Cable Auger
 Other

(4) PROPOSED USE:
 Domestic Community Industrial Irrigation
 Thermal Injection Livestock Other

(5) BORE HOLE CONSTRUCTION:
Special Construction approval Yes No Depth of Completed Well 468 ft.
Explosives used Yes No Type _____ Amount _____

Diameter	HOLE		Material	SEAL		Amount sacks or pounds
	From	To		From	To	
20"	0	40	Bentonite	0	40	40 sacks
16"	40	334				
8"	334	368				

How was seal placed: Method A B C D E
 Other Paired
Backfill placed from _____ ft. to _____ ft. Material _____
Gravel placed from _____ ft. to _____ ft. Size of gravel _____

(6) CASING/LINER:

Casing:	Diameter	From	To	Gauge	Material			
					Steel	Plastic	Welded	Threaded
	16"	11.5	40	.250	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Liner:	<u>None</u>				<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

(7) PERFORATIONS/SCREENS:

From	To	Slot size	Number	Diameter	Tele/pipe size	Material	
						Casing	Liner
<u>None</u>						<input type="checkbox"/>	<input type="checkbox"/>

(8) WELL TESTS: Minimum testing time is 1 hour

Yield gal/min	Drawdown	Drill stem at	Time
<u>2500+</u>		<u>334'</u>	<u>1 hr</u>

Temperature of Water 60° Depth Artesian Flow found 180'
Was a water analysis done? Yes By whom _____
Did any strata contain water not suitable for intended use? Too little
 Salty Muddy Odor Colored Other _____
Depth of strata: _____

(9) LOCATION OF WELL by legal description:
County Clatsop Latitude _____ Longitude _____
Township 41S N or S. Range 11E E or W. of WM.
Section 7 NE 1/4 SW 1/4
Tax lot 600 Lot _____ Block _____ Subdivision _____
Street Address of Well (or nearest address) 36121 Spastney Rd. Malin OR 97632

(10) STATIC WATER LEVEL:
142 ft. below land surface. Date 5-17-02
Artesian pressure _____ lb. per square inch. Date _____

(11) WATER BEARING ZONES:

Depth at which water was first found 160'

From	To	Estimated Flow Rate	SWL
<u>160'</u>	<u>260'</u>	<u>1500 GPM</u>	<u>142'</u>
<u>235'</u>	<u>468'</u>	<u>1000 GPM</u>	<u>142'</u>

(12) WELL LOG:

Material	From	To	SWL
Top Soil	0	4	
Dirt & Boulders	4	35	
Basalt	35	160	142
Frac Basalt	160	260	
Sand Stone	260	330	
Frac Basalt	330	468	

Date started 4-22-02 Completed 5-17-02
(unbonded) Water Well Constructor Certification:
I certify that the work I performed on the construction, alteration, or abandonment of this well is in compliance with Oregon water supply well construction standards. Materials used and information reported above are true to my best knowledge and belief.
Signed [Signature] WWC Number _____ Date 6-7-02

(bonded) Water Well Constructor Certification:
I accept responsibility for the construction, alteration, or abandonment work performed on this well during the construction dates reported above. All work performed during this time is in compliance with Oregon water supply well construction standards. This report is true to the best of my knowledge and belief.
Signed [Signature] WWC Number 1597 Date 6-11-02

Application for Water Right Transfer

Evidence of Use Affidavit



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

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

State of Oregon)
) ss
 County of KLAMATH)

I, CODY STURM, in my capacity as OWNER,

mailing address 3223 PARAMOUNT ST, KLAMATH FALLS, OR 97603

telephone number (541)891-8448, being first duly sworn depose and say:

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

- Personal observation Professional expertise

OWRD

2. I attest that:

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

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

Certificate #	Township	Range	Mer	Sec	1/4 1/4	Gov't Lot or DEC	Acres (if applicable)
6-16334	S	E					
27010	S	E					
	S	E					

OR

- Confirming Certificate # ____ has been issued within the past five years; OR
- Part or all of the water right was leased instream at some time within the last five years. The instream lease number is: ____ (Note: If the entire right proposed for transfer was not leased, additional evidence of use is needed for the portion not leased instream.); OR
- The water right is not subject to forfeiture and documentation that a presumption of forfeiture for non-use would be rebutted under ORS 540.610(2) is attached.
- Water has been used at the actual current point of diversion or appropriation for more than 10 years for Certificate # ____ (For Historic POD/POA Transfers)

(continues on reverse side)

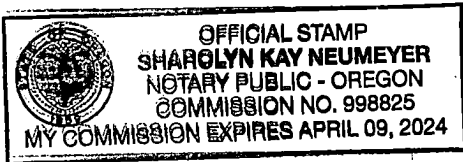
3. The water right was used for: (e.g., crops, pasture, etc.): CROPS

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

[Signature]
Signature of Affiant

06/01/2020
Date

Signed and sworn to (or affirmed) before me this 1st day of June, 2020.



[Signature]
Notary Public for Oregon

My Commission Expires: April 9, 2024

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

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**Application for Water Right
Transfer
Consent by Deeded Landowner**



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

State of Oregon)
)ss
County of Klamath)

I Lester Sturm in my/our capacity as owner,

mailing address 36121 Stastny Rd, Malin, OR 97632,

telephone number 541-723-3218, duly sworn depose and say that I

consent to the proposed change(s) to Water Right Certificate Number G-16334 & cert 27010

described in a Transfer Application (T-) submitted by ,
(transfer number, if known)

on the property in tax lot number(s) , Section 12, Township 41 4 T 41S R 13E, SEC 18
South, Range 12 East, W.M., located at *(site address)*

[Signature]
Signature of Affiant

6-1-2020
Date

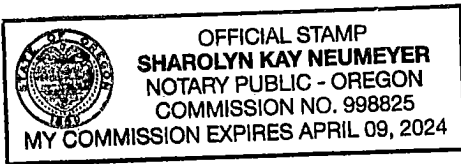
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JUN 04 2020

Signature of Affiant

Date

OWRD

Subscribed and Sworn to before me this 1st day of June, 2020.



[Signature]
Notary Public for Oregon

My commission expires April 9, 2024

04 MAR 9 AM 8:45

LESTER R. STURM
36121 Stastny Road
Malin, Oregon 97632
Grantor's Name and Address

LESTER RAY STURM, Trustee
36121 Stastny Road
Malin, Oregon 97632
Grantee's Name and Address

After recording, return to:

LESTER RAY STURM
36121 Stastny Road
Malin, Oregon 97632

Until requested otherwise, send all tax statements to:

LESTER RAY STURM
36121 Stastny Road
Malin, Oregon 97632

Vol M04 Page 12346

State of Oregon, County of Klamath
Recorded 03/03/2004 8:45 m
Vol M04 Pg 12346-53
Linda Smith, County Clerk
Fee \$ 51.00 # of Pgs 8

STATUTORY WARRANTY DEED

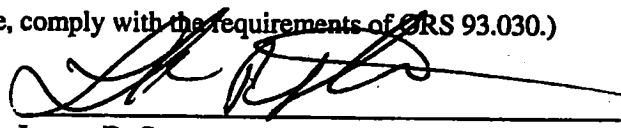
LESTER R. STURM, Grantor,
conveys to LESTER RAY STURM, Trustee of the LESTER RAY STURM 2003 TRUST dated July 9, 2003, Grantee
the following real property free of liens and encumbrances, except as specifically set forth herein:

SEE EXHIBIT 'A' ATTACHED HERETO AND MADE A PART HEREOF

EXCEPTIONS of record on file with the County of Klamath.

The true consideration for this conveyance is \$ NONE (Here, comply with the requirements of ORS 93.030.)

DATED 2-12-04

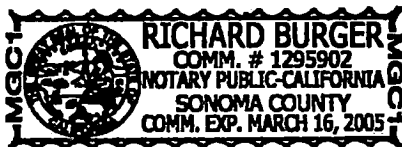


Lester R. Sturm

THIS INSTRUMENT WILL NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY APPROVED USES AND TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES AS DEFINED IN ORS 30.930.

STATE OF California, County of Sonoma) ss.

This instrument was acknowledged before me on 2/12/2004, by Lester R. Sturm.



Notary Public for the State of California
My commission expires March 15, 2005

13463 -

RE Richard Burger

507

EXHIBIT "A"
LEGAL DESCRIPTION

PARCEL 1

A tract of land situated in Sections 18 and 19, Township 41 South, Range 13 East of the Willamette Meridian, Klamath County, Oregon, more particularly described as follows:

Beginning at the Northwest corner of said Section 18; thence South 89 degrees 56' 02" East 3005.07 feet to the N1/4 corner of said Section 18; thence South 00 degrees 08' 16" West, along the North-South center section line, 4332.68 feet to a point marked with a 5/8" iron pin with a Tru-Line Surveying plastic cap; thence West 450.46 feet to a 5/8" iron pin with a Tru-Line Surveying plastic cap; thence North 250.00 feet to a 5/8" iron pin with a Tru-Line Surveying plastic cap; thence West 825.00 feet to a 5/8" iron pin with a Tru-Line Surveying plastic cap; thence North 704.00 feet to a 1/2" iron pin; thence North 59 degrees 58' 54" West 831.54 feet to a 1/2" iron pin; thence North 300.00 feet to a 5/8" iron pin; thence South 89 degrees 56' 49" West 700.00 feet to a 5/8" iron pin; thence South 1000.00 feet to a 5/8" iron pin; thence South 89 degrees 56' 49" West 240.32 feet to a point 60.00 feet East of the West line of said Section 18; thence South 00 degrees 01' 04" West, parallel to said Section line 742 feet more or less to the center line of an irrigation canal; thence Southeasterly along said canal centerline, 3180 feet more or less to a point on the South line of the N1/2 NW1/4 of said Section 19; thence Westerly along said line 1165 feet, more or less to the Southerly right of way line of an irrigation ditch; thence along said right of way line North 35 degrees West 1350 feet, more or less and North 34 degrees 30' West 150 feet, more or less, to the West line of said Sections 19; thence North 00 degrees 01' 04" East 209.88 feet to the Northwest corner of said Section 19; thence North 00 degrees 01' 04" East along the West line of said Section 18, 2029.92 feet to a point on the boundary of that tract of land described in Deed Volume 114, page 415, Deed Records of Klamath County, Oregon; thence along said boundary line the following courses and distances, North 44 degrees 38' East 208.27 feet, North 09 degrees 14' West 289.0 feet, North 13 degrees 48' East 233.6 feet, North 06 degrees 38' East 259.2 feet, North 13 degrees 38' West 224.1 feet, North 31 degrees 16' West 184.9 feet, North 07 degrees 51' West 240.2 feet and North 22 degrees 46' West 8.9 feet to a point on the West line of said Section 18; thence North 00 degrees 01' 04" East, along said West line, 1763.37 feet to the point of beginning.

PARCEL 2

Parcel 2 of Minor Land Partition No. 37-90, filed February 28, 1991, being a portion of the NE1/4 of Section 12, Township 41 South, Range 12 East of the Willamette Meridian, Klamath County, Oregon, and Government Lots 1 through 4 and the SE1/4 SW1/4 of Section 7, Township 41 South, Range 13 East of the Willamette Meridian, Klamath County, Oregon.

Parcel 1 of Minor Land Partition No. 37-90, filed February 28, 1991, being a portion of the NE1/4 of Section 12, Township 41 South, Range 12 East of the Willamette Meridian, Klamath County, Oregon, and Government Lots 1 through 4 and the SE1/4 SW1/4 of Section 7, Township 41 South, Range 13 East of the Willamette Meridian, Klamath County, Oregon.

EXCEPTING THEREFROM a portion of the NW1/4 NE1/4 of Section 12, Township 41 South, Range 12 East of the Willamette Meridian, Klamath County, Oregon, being more particularly described as follows:

Beginning at the SW corner NW1/4 NE1/4; thence North 00 degrees 22' 18" West 31 feet, thence South 89 degrees 50' 18" East 30 feet; thence South 31 feet, more or less, to the South line of the NW1/4 NE1/4; thence Westerly along said South line 30 feet, more or less, to the point of beginning.

ALSO EXCEPTING THEREFROM any portion lying within the W1/2 SW1/4 NE1/4 of Section 12, Township 41 South, Range 12 East of the Willamette Meridian, Klamath County, Oregon.

PARCEL 3

A tract of land situated in Government Lot 4 (SW1/4SW1/4) of Section 7, Township 41 South, Range 13 East of the Willamette Meridian, Klamath County, Oregon, more particularly described as follows:

Beginning at the Southwest corner of said Section 7; thence East along the South line of said Section, 1677.16 feet to the Southeast quarter of Lot 4, thence North along the East line of Lot 4, 132.73 feet; thence West parallel to the South line of said lot, also the West line of said Section; thence South along said West line 132.73 feet to the point of beginning.

PARCEL 4

A tract of land situated in Section 31, Township 40 South, Range 13 East of the Willamette Meridian, Klamath County, Oregon, more particularly described as follows:

Beginning at a point on the South line of the SE1/4 NE1/4 of said Section 31 from which point the Southeast corner of said SE1/4 NE1/4 bears South 89 degrees 28' 07" East 1061.26 feet; thence the following courses and distances:

South 18 degrees 44' 08" East 590.47 feet; South 23 degrees 04' 51" East 385.43 feet; South 20 degrees 08' 02" East 275.85 feet; South 01 degrees 00' East, 153.92 feet to a point on the North line of Lot 7 of said Section 31; thence North 89 degrees 31' 10" West on said North line, 663.22 feet; thence leaving said North line on the following courses and distances:

North 61 degrees 11' 14" West 165.10 feet; North 29 degrees 33' 57" West 284.64 feet; North 40 degrees 30' 09" West, 181.16 feet; North 53 degrees 21' 02" West, 141.88 feet; North 76 degrees 48' 07" West, 611.43; North 07 degrees 51' 21" West 213.86 feet; North 24 degrees 14' 23" West 611.89 feet; North 10 degrees 03' 08" West, 254.20 feet; North 23 degrees 20' 05" West 133.80 feet; North 10 degrees 15' 35" West, 294.26 feet; North 05 degrees 49' 53" East, 286.90 feet; North 14 degrees 52' 21" West, 307.33 feet; North 81 degrees 42' 04" East, 246.78 feet; South 41 degrees 01' 39" East, 209.85 feet; South 57 degrees 28' 17" East 1075.61 feet; South 50 degrees 45' 53" East, 327.70 feet to a point on the West line of said SE1/4 NE1/4; thence South 00 degrees 57' 48" East on said West line, 472.33 feet to the Southwest corner of said SE1/4 NE1/4; thence South 89 degrees 28' 07" East on the South line of said SE1/4 NE1/4, 266.02 feet to the point of beginning. (1988 Pope)

EXCEPTING THEREFROM:

Beginning at a point marked R-1 from which the Southeast corner of Section 31, Township 40 South, Range 13 East of the Willamette Meridian, Klamath County, Oregon, bears South 28 degrees 56' East 1646 feet distant; thence along water line of proposed reservoir, variation 20 degrees 28' East; North 13 degrees 00' West 275 feet; North 16 degrees 15' West 205 feet; North 34 degrees 15' West 275 feet; North 15 degrees 00' West 480 feet; North 24 degrees 30' West 545 feet; North 41 degrees 30' West 335 feet; North 58 degrees 15' West 490 feet; North 62 degrees 15' West 475 feet; North 56 degrees 30' West 325 feet; South 34 degrees 45' West 185 feet; South 3 degrees 30' East 570 feet; South 25 degrees 30' East 670 feet; South 17 degrees 15' East 420 feet; South 47 degrees 00' East 380 feet; South 88 degrees 00' East 250 feet; South 57 degrees 00' East 50 feet; South 56 degrees 30' East 110 feet; South 43 degrees 45' East 200 feet; South 34 degrees 30' East 243 feet; South 60 degrees 15' East 224 feet; South 46 degrees 30' East 140 feet; North 67 degrees 00' East 140 feet; North 7 degrees 45' East 225 feet to the place of beginning; said property being known as Simms Reservoir, and also known as Pope Reservoir.

PARCEL 5

Beginning at a point marked R-1 from which the Southeast corner of Section 31, Township 40 South, Range 13 East of the Willamette Meridian, Klamath County, Oregon, bears South 28 degrees 56' East 1646 feet distant; thence along water line of proposed reservoir, variation 20 degrees 28' East; North 13 degrees 00' West 275 feet; North 16 degrees 15' West 205 feet; North 34 degrees 15' West 275 feet; North 15 degrees 00' West 480 feet; North 24 degrees 30' West 545 feet; North 41 degrees 30' West 335 feet; North 58 degrees 15' West 490 feet; North 62 degrees 15' West 475 feet; North 56 degrees 30' West 325 feet; South 34 degrees 45' West 185 feet; South 3 degrees 30' East 570 feet; South 25 degrees 30' East 670 feet; South 17 degrees 15' East 420 feet; South 47 degrees 00' East 380 feet; South 88 degrees 00' East 250 feet; South 57 degrees 00' East 50 feet; South 56 degrees 30' East 110 feet; South 43 degrees 45' East 200 feet; South 34 degrees 30' East 243 feet; South 60 degrees 15' East 224 feet; South 46 degrees 30' East 440 feet; North 67 degrees 00' East 140 feet; North 7 degrees 45' East 225 feet to the place of beginning, said property being known as Simms Reservoir, and also known as Pope Reservoir.

TOGETHER WITH: AN AGREEMENT AND EASEMENT subject to the terms and provisions thereof as set forth in document recorded April 29, 1979 in Volume M79, Page 6814 Microfilm Records of Klamath County, Oregon.

RESERVING UNTO THE GRANTORS for the benefit of grantor's and RICK RAWSON and JENNIFER RAWSONS use and enjoyment an equestrian and walking easement for access to Bureau of Land Management lands through the property herein conveyed. Said easement being personal to Grantors and Rick Rawson and Jennifer Rawson and it is not transferable and will remain in existence only as long as Grantors or Rawsons own the adjoining property described on Exhibit "C" attached hereto and incorporated herein. This easement shall allow guests of Grantors or Rawsons to use the easement as long as one of Grantors or Rawsons are with the guests. Grantee may designate a reasonable and feasible route for the easement. Grantors and Rawsons are to leave all gates in the position in which they are found and to ride on roads, trails or whatever reasonable route Grantee designates.

SUBJECT TO:

1. Rights of the public in and to any portion of the herein described premises lying within the limits of streets, roads or highways.
2. The assessment roll and the tax roll disclose that the premises herein described have been specially assessed as Farm Use Land. If the land becomes disqualified for the special assessment under the statute, an additional tax may be levied; in addition thereto a penalty may be levied if notice of disqualification is not timely given.

3. The premises herein described are within and subject to the statutory powers, including the power of assessment, of Malin Irrigation District.
4. The premises herein described are within and subject to the statutory powers, including the power of assessment, of Shasta View Irrigation District.
5. The premises herein described are within and subject to the statutory powers, including the power of assessment, of Langell Valley Irrigation District.
6. An easement created by instrument, subject to the terms and provisions thereof,
 Dated: May 19, 1942
 Recorded: August 1, 1942
 Volume: 149, page 62, Deed Records of Klamath County, Oregon
 In favor of: The Pacific Telephone and Telegraph Company, a California corporation
 For: Pole and anchor
 Affects: W1/2 Section 18, Township 41 South, Range 13 East of the Willamette Meridian
8. An easement created by instrument, subject to the terms and provisions thereof,
 Dated: July 22, 1946
 Recorded: September 21, 1946
 Volume 196, page 75, Deed Records of Klamath County, Oregon
 In favor of: The California Oregon Power Company, a California corporation
 For: Transmission and distribution of electricity
 Affects: SW1/4 Section 18, Township 41 South, Range 13 East of the Willamette Meridian
7. An easement created by instrument, subject to the terms and provisions thereof,
 Dated: December 21, 1950
 Recorded: January 4, 1951
 Volume: 244, page 353, Deed Records of Klamath County, Oregon
 In favor of: The California Oregon Power Company, a California corporation
 For: transmission and distribution of electricity
 Affects: SW1/4 Section 18, Township 41 South, Range 13 East of the Willamette Meridian
8. An easement created by instrument, subject to the terms and provisions thereof,
 Recorded: December 20, 1963
 Volume: 350, page 31, Deed Records of Klamath County, Oregon
 In favor of: The United States of America
 For: Access Road
9. An easement created by instrument, subject to the terms and provisions thereof,
 Dated: December 8, 1965
 Recorded: January 1, 1966
 Volume: M66, page 111, Microfilm Records of Klamath County, Oregon
 In favor of: United States of America
 For: Transmission line easement
 Affects: Portion of Sections 30 and 31, Township 40 South, Range 13 East of the Willamette Meridian
10. An easement created by instrument, subject to the terms and provisions thereof,
 Dated: February 9, 1966
 Recorded: March 7, 1966
 Volume: M66, page 1880, Microfilm Records of Klamath County, Oregon
 In favor of: Portland General Electric Company, an Oregon corporation
 For: Electric transmission line
 Affects: Portion of Sections 30 and 31, Township 40 South, Range 13 East of the Willamette Meridian

11. An easement created by instrument, subject to the terms and provisions thereof,
 Dated: August 17, 1966
 Recorded: September 8, 1966
 Volume: M66, page 8922, Microfilm Records of Klamath County, Oregon
 In favor of: Ronald E. Loveness and Mary Lou Loveness, husband and wife
 For: Road purposes
12. An easement created by instrument, subject to the terms and provisions thereof,
 Dated: September 1, 1966
 Recorded: September 21, 1966
 Volume: M66, page 9375, Microfilm Records of Klamath County, Oregon
 In favor of: The United States of America and Portland General Electric Company, an Oregon corporation
 For: Access road easement
 Affects: Portion of Sections 30 and 31, Township 40 South, Range 13 East of the Willamette Meridian
13. An easement created by instrument, subject to the terms and provisions thereof,
 Dated: June 5, 1967
 Recorded: June 5, 1967
 Volume: M67, page 5498, Microfilm Records of Klamath County, Oregon
 In favor of: Pacific Power & Light Company, a corporation
 For: Electric transmission and distribution line
 Affects: Portion of Sections 30 and 31, Township 40 South, Range 13 East of the Willamette Meridian
14. An easement created by instrument, subject to the terms and provisions thereof,
 Dated: June 10, 1967
 Recorded: September 6, 1968
 Volume: M68, page 8104, Microfilm Records of Klamath County, Oregon
 In favor of: The United States of America
 For: Access road easement
 Affects: Portion of Sections 30 and 31, Township 40 South, Range 13 East of the Willamette Meridian
15. An easement created by instrument, subject to the terms and provisions thereof,
 Dated: April 6, 1973
 Recorded: April 6, 1973
 Volume: M73, page 4056, Microfilm Records of Klamath County, Oregon
 To: Pacific Power & Light Company, a corporation
 For: Right of Way for electric transmission and distribution line
16. An easement created by instrument, subject to the terms and provisions thereof,
 Dated: September 17, 1973
 Recorded: September 26, 1973
 Volume: M73, page 13049, Microfilm Records of Klamath County, Oregon
 In favor of: Loren E. Loveness and Linda L. Loveness, husband and wife
 For: A perpetual easement
17. An easement created by instrument, subject to the terms and provisions thereof,
 Dated: December 8, 1973
 Recorded: March 1, 1975
 Volume: M75, page 3218, Microfilm Records of Klamath County, Oregon
 In favor of: Loren E. Loveness and Linda L. Loveness, husband and wife
 For: Road purposes

18. Right of Way Easement, subject to the terms and provisions thereof,
 Dated: April 19, 1977
 Recorded: April 25, 1977
 Volume: M77, page 6976, Microfilm Records of Klamath County, Oregon
 In favor of: Pacific Power and Light Company
 For: Electric Transmission and distribution line
 Affects: NW1/4 NW1/4 Section 19, Township 41 South, Range 13 East of the
 Willamette Meridian
19. The effect, if any, of an easement for ingress and egress and public utility
 purposes as set forth in deed from Amelia Barney et al dated February 14, 1979,
 and recorded March 23, 1979 in Volume M79, page 6573, Microfilm Records of
 Klamath County, Oregon. Said deed was re-recorded April 12, 1979 in Volume
 M79, page 8033, Microfilm Records of Klamath County, Oregon to eliminate the
 reservation of easement, however said changes were not properly initialed.
20. Agreement for Joint Use of Water, subject to the terms and provisions
 thereof;
 Dated: March 15, 1979
 Recorded: March 23, 1979
 Volume: M79, page 6579, Microfilm Records of Klamath County, Oregon
 By and Between: R.H. & L. Loveness Lumber Company and Rollin Throne and Leith
 Throne, husband and wife.
21. An easement created by instrument, subject to the terms and provisions thereof,
 Dated: June 22, 1979
 Recorded: June 23, 1979
 Volume: M79, page 17423, Microfilm Records of Klamath County, Oregon
 In Favor of: Pacific Power & Light Company, a corporation
 For: Right of way easement 145 feet in width
 Affects: Portion of Sections 30 and 31, Township 40 South, Range 13 East of the
 Willamette Meridian, Klamath County, Oregon
22. Subject to the effect of the re-recording of Bargain and Sale Deed dated
 August 16, 1983, recorded February 24, 1984 in Volume M84, page 2983, executed by
 Loyal H. Loveness to Mildred H. Loveness, creating 1/4 interest each, to correct
 legal descriptions of Parcel (a) and Parcel (b).
23. Right of way for an airstrip as disclosed by the Klamath County Assessor's map.
24. Major Land Partition Creation of a Private Road, subject to the terms and
 provisions thereof;
 Dated: October 30, 1989
 Recorded: November 2, 1989
 Volume: M89, page 21172, Microfilm Records of Klamath County, Oregon
 For: 30' wide private road easement
25. An Easement Agreement created by instrument, subject to the terms and provisions
 thereof;
 Dated: December 21, 1989
 Recorded: December 22, 1989
 Volume: M89, page 24740, Microfilm Records of Klamath County, Oregon
 Grantor: Vinton Alan Loveness, Vicki Sue Rogal and Kathy Adair Rogers
 Grantee: Loren Loveness and Elsie Loveness, as tenants in common

26. Agreement, subject to the terms and provisions thereof;

Dated: December 7, 1990

Recorded: December 14, 1990

Volume: M90, page 24793, Microfilm Records of Klamath County, Oregon

By and Between: Vinton Alan Loveness, Vicki Sue Rogal and Kathy Adair Rogers, Loren Loveness and Elsie Loveness, husband and wife, Loyal H. Loveness and Ronald E. Loveness, Trustees of the Loyal H. Loveness 1983 Trust and Mildred Loveness 1983 Trust.

27. An easement created by instrument, subject to the terms and provisions thereof,

Dated: December 3, 1990

Recorded: December 14, 1990

Volume: M90, page 24781, Microfilm Records of Klamath County, Oregon

For: An easement 30 feet in width for roadway purposes

28. An easement created by instrument, subject to the terms and provisions thereof,

Dated: September 6, 1991

Recorded: September 11, 1991

Volume: M91, page 18230, Microfilm Records of Klamath County, Oregon

Grantor: Loren Loveness and Elsie Loveness

Grantee: Loyal Loveness and Mildred H. Loveness

29. An easement created by instrument, subject to the terms and provisions thereof,

Dated: September 6, 1991

Recorded: September 11, 1991

Volume: M91, page 18249, Microfilm Records of Klamath County, Oregon

Grantor: Loren Loveness and Elsie Loveness

Grantee: Winifred Mendiboure

For: Irrigation ditch easement

30. The easements set forth in exceptions number 11, 24, 25, 27 and 28 above and recorded September 8, 1966 in Volume M66, page 8992, Microfilm Records of Klamath County, Oregon; instrument recorded November 2, 1989, in Volume M89, Page 21172, Microfilm Records of Klamath County, Oregon; instrument recorded December 22, 1989, in Volume M89, Page 24740, Microfilm Records of Klamath County, Oregon; instrument recorded December 14, 1990, in Volume M90, page 24781, Microfilm Records of Klamath County, Oregon; and instrument recorded September 11, 1991, in Volume M91, page 18230, Microfilm Records of Klamath County, Oregon. These easements are access easements and Grantee shall not place any restriction on these easements in the nature of fences, gates or other activities that would interfere with free passage on the easements.