Application for Permanent Water Right Transfer



725 Summer Street NE, Suite A Salem, Oregon 97301-1266

Part 1 of 5 – Minimum Requirements Checklist

		This transfer application will be returned if Parts 1 through 5 and all required attachments are not completed and included. For questions, please call (503) 986-0900, and ask for Transfer Section.	RECEIVED
he	ck all item	ns included with this application. (N/A = Not Applicable)	DEC 2 4 2020
X		Part 1 – Completed Minimum Requirements Checklist.	OWRD
X		Part 2 – Completed Transfer Application Map Checklist.	
\boxtimes		Part 3 – Application Fee, payable by check to the Oregon Water Resources Department of the Completed Fee Worksheet, page 3. Try the new online fee calculator at: http://apps.wrd.state.or.us/apps/misc/wrd fee calculator. If you have questio Customer Service at (503) 986-0801.	
X		Part 4 – Completed Applicant Information and Signature.	
		Part 5 – Information about Water Rights to be Transferred: How many water rights to be transferred? 1 List them here: 94958 (Attachment A) Please include a separate Part 5 for each water right. (See instructions on page 1)	
		Attachments:	
X		Completed Transfer Application Map. (Attachment B)	
\boxtimes		Completed Evidence of Use Affidavit and supporting documentation. (Attachme	ent C)
	⊠ N/A	Affidavit(s) of Consent from Landowner(s) (if the applicant does not own the lar right is on.)	nd the water
	⊠ N/A	Supplemental Form D – For water rights served by or issued in the name of an identification. Complete when the transfer applicant is not the irrigation district.	rrigation
\boxtimes	□ N/A	Oregon Water Resources Department's Land Use Information Form with approximation signature (or signed land use form receipt stub) from each local land use author water is to be diverted, conveyed, and/or used. Not required if water is to be diconveyed, and/or used only on federal lands or if all of the following apply: a) a place of use only, b) no structural changes, c) the use of water is for irrigation of the use is located within an irrigation district or an exclusive farm use zone. (Att	rity in which verted, change in nly, and d)
X	N/A	Water Well Report/Well Log for changes in point(s) of appropriation (well(s)) or point(s) of appropriation. (Attachment E)	
	⊠ N/A	Geologist Report for a change from a surface water point of diversion to a group point of appropriation (well), if the proposed well is more than 500' from the surface and more than 1000' upstream or downstream from the point of diversion 690-380-2130 for requirements and applicability.	ırface water
		(For Staff Use Only)	
		WE ARE RETURNING YOUR APPLICATION FOR THE FOLLOWING REASON(S): Application fee not enclosed/insufficient Land Use Form not enclosed or incomplete Additional signature(s) required Other/Explanation Staff: 503-986-0 Date: / /	complete

Part 2 of 5 - Transfer Application Map

DEC 2 4 2020

Your transfer application will be returned if any of the map requirements listed below are not met. Please be sure that the transfer application map you submit includes all the required items and matches the existing water right map. Check all boxes that apply. N/A Certified Water Right Examiner (CWRE) Stamp and Original Signature. For a list of CWREs, see http://apps.wrd.state.or.us/apps/wr/cwre_license_view/. CWRE stamp and signature are not required for substitutions. N/A If more than three water rights are involved, separate maps are needed for each water right. \times Permanent quality printed with dark ink on good quality paper. X 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. X A north arrow, a legend, and scale. X 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. \boxtimes Township, Range, Section, ¼ ¼, DLC, Government Lot, and other recognized public land survey lines. \bowtie Tax lot boundaries (property lines) are required. Tax lot numbers are recommended. \bowtie 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 X main pipelines, canals, and ditches. Existing place of use that includes separate hachuring for each water right, priority date, X 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, \boxtimes 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. X 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 M 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:		
	Place of Use		
	Character of Use DEC 2 4 2020		
	Point of Diversion/Appropriation		
	Number of above boxes checked = $\frac{2(2a)}{}$		
	Subtract 1 from the number in line 2a = $\frac{1(2b)}{1(2b)}$ If only one change, this will be 0		
2	Multiply line 2b by \$930 and enter » » » » » » » » » » » » » »	2	\$930
	Number of water rights included in transfer 1 (3a)		
	Subtract 1 from the number in 3a above: 0 (3b) If only one water right this will be 0		
3	Multiply line 3b by \$520 and enter » » » » » » » » » » » » »	3	0
	Do you propose to add or change a well, or change from a surface water POD to a		
	well?		
	No: enter 0 »» » » » » » » » » » » » » » » » »		
4		4	\$410
	Do you propose to change the place of use or character of use?		
	No: enter 0 on line 5 » » » » » » » » » » » » » » »		
	Yes: enter the cfs for the portions of the rights to be transferred (see		
	example below*): <u>0.23 (5a)</u>		
	Subtract 1.0 from the number in 5a above: <u>-0.77 (5b)</u>		
	If 5b is 0 or less, enter 0 on line 5 » » » » » » » » » » » » » » »		
_	If 5b is greater than 0, round up to the nearest whole number: N/A (5c) and	_	
5	multiply 5c by \$350, then enter on line 5 » » » » » » » »	5	0
6	Add entries on lines 1 through 5 above » » » » » » » » » Subtotal:	6	\$2,500
	Is this transfer:		
	necessary to complete a project funded by the Oregon Watershed		
	Enhancement Board (OWEB) under ORS 541.932?		
	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 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 % % % % % % % % % % % % % % % % % %	8	\$2 500

- 1. For irrigation calculate cfs for each water right involved as follows:
 - a. 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).
 - b. 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)
- 2. 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 cfs, since both rights serve the same 45.0 acres. Blank 5b would be 0 and Line 5 would then also become 0).

	FEE WORKSHEET for SUBSTITUTION		
1	Base Fee (includes change to one well)	1	\$840.00
	Number of wells included in substitution N/A (2a)		
	Subtract 1 from the number in 2a above: N/A (2b) If only one well this will be 0		
2	Multiply line 2b by \$410 and enter » » » » » » » » » » » » » »	2	N/A
3	Add entries on lines 1 through 2 above » » » » Fee for Substitution:	3	N/A

^{*}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:

APPLICANT/BUSINESS NAME			PHONE NO.	ADDITIONAL CONTA	RECEI
The Tree Farm LLC			541-749-2936		DEC 2 4
ADDRESS				FAX NO.	DEO 7
409 Franklin Ave.	STATE	ZIP	E-MAIL		OWF
Bend	OR	97703	kirk@brooksresou	rces.com	000
BY PROVIDING AN E-MAIL ADDRES	ss, consen	T IS GIVEN TO RECEIV	E ALL CORRESPONDENC	E FROM THE DEPARTN	MENT
ELECTRONICALLY. COPIES OF THE	FINAL ORD	ER DOCUMENTS WILL	ALSO BE MAILED.		
gent Information – The age	nt is auth	orized to represer	nt the applicant in al	I matters relating to	o this application
AGENT/BUSINESS NAME			PHONE NO.	ADDITIONAL CONTA	
GSI Water Solutions, Inc. ATTN:	Adam Suss	sman	541-257-9001		
ADDRESS				FAX NO.	
1600 SW Western Blvd., Suite 24					
ITY Compellie	OR	7IP 97333	E-MAIL asussman@gsiws.o	om	
orvallis By providing an E-MAIL ADDRES					AENT.
ELECTRONICALLY. COPIES OF THE I				E PROMITINE DEPARTM	neiti
xplain in your own words wh					
f you need additional space, con	unue on a	Check O		application as Acca	cintent 2 .
By signing this application, I	understand	d that, upon receipt	of the draft prelimina	ry determination and	prior to
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located? Yes No No NA The right is for quasi-municipal use with a designated service area that consists of land owned only by Applicant or its affiliated companies. If NO, include signatures of all deeded landowners (and

mailing and/or e-mail addresses if different than the applicant's) or attach affidavits of consent (and mailing and/or e-mail addresses) from all landowners or individuals/entities to which the water right(s) were conveyed.

hat apply					
		etion of o	change(s). Notice	es and correspo	ondence should
wner will . Copies o	be respoi f notices	nsible fo and corr	r completing the espondence sho	proposed cha uld be sent to	nge(s) after the this landowner.
n this trar	nsfer app	lication i	n the process of	being sold?	Yes 🛛 No
v. If you d	lo not kno	ow who t	the new landown	lete the receiv ner will be, the	ing landowner n a request for
t or other	docume	nt states	otherwise. For n	nore informati	on see:
			PHONE NO.	ADDITIONAL C	ONTACT NO.
				FAX NO.	RECEIVED
STATE	ZIP		E-MAIL	•	DEC 2 4 2020
rship circu				ill ha lacated s	OWRD
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13583,

Part 5 of 5 - Water Right Information

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

				CI	ERTIF	ICA	TE # 9	4958			DECENED
Descri	ption of Water	Delivery Sys	tem		•		-				RECEIVED
	capacity: 0.7			ecor	nd (c	fs) O	R				DEC 2 4 2020
Зузсен	reapacity. Oir	gallons pe									OWDD
Doccril	ho the current i						ıctam	that w	ac in r	nlace at	OWRD some time within the
											s used to divert, conve
and ap	ply the water a	t the authori	zed	olac	e of u	ıse.	The w	ater ri	ght wa	as perf	ected by appropriating
											mping water into a
	ution system, c t for quasi-mur			12,0	oo ga	allor	abov	e-grou	ina sta	orage to	ank, and then benefici
	cation of Autho POD/POA nam										ropriation (POA) 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)	T\	v p	R	ng	Sec	*	%	Tax Lot, DLC or Gov't Lot	Measured Distances (from a recognized survey corner)
ree Farm Well	Authorized Proposed	DESC 51145	17	s	11	E	35	NW	SE	400	1560 feet North and 246 feet West from the SE corner of Section 35
Well 1	☐ Authorized ☐ Proposed	DESC 59909	17	s	11	E	13	sw	NW	817	1490 feet South and 135 feet West from N 1/4 corner of Section 13
	Authorized										
	Proposed				_						
	Authorized Proposed										
Check	all type(s) of che Place of Use Character of	(POU)	oose	d be	low	(cha		Supple	menta	al Use t	ed in parentheses): o Primary Use (S to P) ion/Well (POA)
	Point of Dive						_				Appropriation (APOA)
	Additional Po		sion	(APC	ומכ			Substit			, , , , , , , , , , , , , , , , , , , ,
	Surface Wat POA (SW/GV	er POD to Gr					_				POD (GOV)
Will al	l of the propos	ed changes a	ffec	t the	e ent	ire v	vater ı	right?			
Yes									n of T	able 2	on the next page. Use

"CODES" listed above to describe the proposed changes.

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

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

Table 2. Description of Changes to Water Right Certificate # 94958

List the change proposed for the acreage in each ¼ ¼. If more than one change is proposed, specify the acreage associated with each change.

			TIIA	THORIZ	FD (the	"from	ALITHORIZED (the "from" or "off" lands)	(5)						۵	ROPOS	FD (th	"to"	or "or	PROPOSED (the "to" or "on" lands)		
F	ne lis	ting th	nat appe	ears on	the ce	rtificat	The listing that appears on the certificate BEFORE PROPOSED CHANGES	POSED CHA	NGES	Proposed		F	ne list	ing as	it wou	ıld app	ear Af	FTER P	The listing as it would appear AFTER PROPOSED CHANGES	HANGES	
	Ë	st only	that par	t or po	rtion of	the wat	List only that part or portion of the water right that will be changed.	ill be changed.		Changes (see						ā	are made.	e.			
dwL	Rng	Sec	% %	eros)	Gvt Tax LotLot or DLC	or Acres	Type of USE listed on Certificate	POD(s) or POA(s) (name or number from Table 1)	Priority Date	"CODES" from previous page)	Twp	Rng	Sec		% %	Tax Lot	Got Tax Lot Lot or Acres DLC		POD(s)/ New Type of POA(s) to USE (from Table 1)	POD(s)/ POA(s) to be used (from Table 1)	Priority Date
										EXAMPLE											
2 5	6	E 15	NE NW	WW 100	00	15.0	lrrigation	POD #1 POD #2	1901	POU/POD	2 S	6	E 1	MN	NN /	500	1	10.0		POD #5	1901
											2 5	6	E 2	SW	NN ,	200		5.0		POD #6	1901
Ple	ase se	ee Atta	achment rved by author	A for a a 0.55 c ized PO	descrip cfs portic A, Tree	tion of th on of th Farm W	Please see Attachment A for a description of the authorized POU. This POU will continue to be served by a 0.55 cfs portion of the water right appropriated from the authorized POA, Tree Farm Well (DESC 51145).	POU. This POI ppropriated fr 5).	U will om the	POU/POA	17 S	11	E 13	NN 8	/ NE				Quasi- municipal	Well 1	1/30/1995
										POU/POA	17 S	11	E 13	3 NE	NW				Quasi- municipal	Well 1	1/30/1995
										POU/POA	17 S	11	E 13	3 SW	NW				Quasi- municipal	Well 1	1/30/1995
										POU/POA	17 S	11	E 13	3 SE	NW				Quasi- municipal	Well 1	1/30/1995
										POU/POA	17 S	11	E 13	3 NE	SW				Quasi- municipal	Well 1	1/30/1995
										POU/POA	17 S	11	E 13	N N	ws /				Quasi- municipal	Well 1	1/30/1995
1				TOTAL	TOTAL ACRES:	N/A									10	TOTAL ACRES:	RES:	N/A			
Fale	0.00	t oron	out ach	9/000	Over AC	hood in	is more than and DOD /DOA involved in the proposed changes charify the arreage accordated with each DOD/POA	hange energy	fy the acr	age accordate	d with	pach	PODA	AOG							

repere is more than one POD/POA involved in the proposed changes, specify the acreage associated with each POD/POA.

Pace of use for the 0.23 cfs portion is described on the right side of Table 2. The original authorized place of use will continue to be served by the authorized boint of appropriation, Tree Farm Well, using the remaining 0.55 cfs portion of the Certificate's rate. The Applicant anticipates filing concurrent applications to change the remaining portion, and will work with OWRD to coordinate those applications with this application. Please see Attachment B for maps of the Additional remarks: The applicant is proposing to change the point of appropriation and place of use for a 0.23 cfs portion of Certificate 94958. The proposed authorized and proposed place of use and points of appropriation.

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Revised 11/6/2019

For Pla	ace of Use or Character of Use Changes	
	there other water right certificates, water use permits or ground water registrations a the "from" or the "to" lands? \Box Yes $igtie No$	ssociated
	S, list the certificate, water use permit, or ground water registration numbers: The righticipal use so rights are not "layered".	nt is for quasi-
a pr	suant to ORS 540.510, any "layered" water use such as an irrigation right that is supple imary right proposed for transfer must be included in the transfer or be cancelled. An ground water registration must be filed separately in a ground water registration mod	y change
or Su	bstitution (ground water supplemental irrigation will be substituted for surface water	primary irrigation)
Grou	and water supplemental Permit or Certificate # N/A;	RECEIVED
Surfa	ace water primary Certificate # <u>N/A.</u>	DEC 2 4 2020
or a c	hange from Supplemental Irrigation Use to Primary Irrigation Use	
Iden	tify the primary certificate to be cancelled. Certificate # N/A	OWRD
or a c	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 lab with the corresponding well(s) in Table 1 above and on the accompanying application 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 for any value a well log. For proposed wells not yet constructed or built, provide "a best estimated information element in the table. The Department recommends you considered the proposed wells are the proposed wells and yet constructed or built, provide "a best estimated the proposed wells are the proposed well to be a proposed well to be	nate" for each ult a licensed well

Table 3. Construction of Point(s) of Appropriation

complete Table 3.

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

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Attachment A Certificate 94958

Application for a Water Right Transfer – The Tree Farm LLC

STATE OF OREGON

COUNTY OF DESCHUTES

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CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

THE TREE FARM LLC 409 FRANKLIN AVE BEND OR 97703

confirms the right to the use of water perfected under the terms of Permit G-13017. The amount of water used to which this right is entitled is limited to the amount used beneficially, and shall not exceed the amount specified, or its equivalent in the case of rotation, measured at the point of diversion from the source. The specific limits and conditions of the use are listed below.

APPLICATION FILE NUMBER: G-13965

SOURCE OF WATER: A WELL WITHIN THE DESCHUTES BASIN

PURPOSE OR USE: QUASI-MUNICIPAL

MAXIMUM RATE: 0.78 CUBIC FOOT PER SECOND

PERIOD OF USE: YEAR ROUND

DATE OF PRIORITY: JANUARY 30, 1995

WELL LOCATION:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
17 S	11 E	WM	35	NW SE	1560 FEET NORTH AND 2465 FEET WEST FROM THE SE CORNER, SECTION 35

THE PLACE OF USE IS LOCATED WITHIN:

Twp	Rng	Mer	Sec	Q-Q
17 S	11 E	WM	35	SW NE
17 S	11 E	WM	35	SE NE
17 S	11 E	WM	35	SE NW
17 S	11 E	WM	35	NE SW
17 S	11 E	WM	35	NW SW
17 S	11 E	WM	35	SWSW

Twp	Rng	Mer	Sec	Q-Q
17 S	11 E	WM	35	SE SW
17 S	11 E	WM	35	NE SE
17 S	11 E	WM	35	NW SE
17 S	11 E	WM	35	SW SE
17 S	11 E	WM	36	SWNW

NOTICE OF RIGHT TO PETITION FOR RECONSIDERATION OR JUDICIAL REVIEW

This is an order in other than a contested case. This order is subject to judicial review under ORS 183.484 and ORS 536.075. Any petition for judicial review must be filed within the 60-day time period specified by ORS 183.484(2). Pursuant to ORS 183.484, ORS 536.075 and OAR 137-004-0080, you may petition for judicial review and petition the Director for reconsideration of this order. A petition for reconsideration may be granted or denied by the Director, and if no action is taken within 60 days following the date the petition was filed, the petition shall be deemed denied. In addition, under ORS 537.260 any person with an application, permit or water right certificate subsequent in priority may jointly or severally contest the issuance of the certificate within three months after issuance of the certificate.

Application G-13965.ra.klk

Page 1 of 2

Certificate 94958

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Measurement, recording and reporting conditions:

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- A. The water user shall maintain the meter or other suitable measuring device as approved by the Director in good working order.
- B. The water user shall allow the watermaster access to the meter or measuring device; provided however, where the meter or measuring device is located within a private structure, the watermaster shall request access upon reasonable notice.
- C. The Director may require the water user to keep and maintain a record of the amount (volume) of water used and may require the water user to report water use on a periodic schedule as established by the Director. In addition, the Director may require the water user to report general water use information, the periods of water use and the place and nature of use of water under the right. The Director may provide an opportunity for the water user to submit alternative reporting procedures for review and approval.

If substantial interference with a senior water right occurs due to withdrawal of water from any well listed on this right, then use of water from the well(s) shall be discontinued or reduced and/or the schedule of withdrawal shall be regulated until or unless the Department approves or implements an alternative administrative action to mitigate the interference. The Department encourages junior and senior appropriators to jointly develop plans to mitigate interferences.

Use of water under authority of this certificate may be regulated if analysis of data available after the certificate is issued discloses that the appropriation will measurably reduce the surface water flows necessary to maintain the free-flowing character of a scenic waterway in quantities necessary for recreation, fish and wildlife in effect as of the priority date of the right or as those quantities may be subsequently reduced.

The wells shall be maintained in accordance with the General Standards for the Construction and Maintenance of Water Wells in Oregon. The works shall be equipped with a usable access port, and may also include an air line and pressure gauge adequate to determine the water level elevation in the well at all times.

The Director may require water level or pump test results every ten years.

Failure to comply with any of the provisions of this right may result in action including, but not limited to, restrictions on the use, civil penalties, or cancellation of the right.

This right is for the beneficial use of water without waste. The water user is advised that new regulations may require the use of best practical technologies or conservation practices to achieve this end.

By law, the land use associated with this water use must be in compliance with statewide land-use goals and any local acknowledged land-use plan.

The use of water shall be limited when it interferes with any prior surface or ground water rights.

The right to the use of the water for the above purpose is restricted to beneficial use on the lands or place of use described; however, water may be applied to lands which are not specifically described above, provided the holder of this right complies with ORS 540.510(3).

Issued

MAR 0 6 2020

Dwight French

Water Right Services Division Administrator, for

Thomas M. Byler, Director

Oregon Water Resources Department

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Attachment B Application Maps
Application for a Water Right Transfer – The Tree Farm LLC

DEC 2 4 2020
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Attachment C
Evidence of Use Affidavit and Documentation
Application for a Water Right Transfer – The Tree Farm LLC

Application for Water Right **Transfer**

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

Evidence of Use Affidavit

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

State o	of Oregon)					RECEIV	/ED	
County	y of Deschutes)		,	SS	DEC 2 4 2	2020				
I, <u>Kirk Schueler</u> , in my capacity as <u>President & CEO, Brooks Resources</u> , mailing address <u>409 Franklin Ave., Bend, OR 97703</u>										D	
						vorm dom	as and save				
•	one number (
1. My knowledge of the exercise or status of the water right is based on (check one):											
	Perso	onal obs	servatio	n	\boxtimes	Profes	sional expert	tise			
2. I at	ttest that:										
	Water was used during the previous five years on the entire place of use for Certificate #; OR										
	My knowled	lge is sp	pecific t	o the u	ise of water	er at the	following lo	cations with	in the last five yea	ırs:	
	Certificate #	Towns	ship	Range	Mer	Sec	1/4 1/4	Gov't Lot or DLC	Acres (if applicable)		
								0.220	(ir approact)	1	
									14	1	
										1	
				+						1	
			-	+						1	
			+	+						1	
			_	+		-				1	
OB]	
OR	Confirming	Cartifia	nata # 04	1050 ha	a baan isa	uad with	in the neet fi	va vaars: O	D		
	Confirming Part or all of						•				
	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 <u>not</u> leased instream.); OR										
	The water rig	TO 10 10 50 10 50 11	5.5%					at a presum	otion of forfeiture	for	
	Water has be				-				for more than		
	(continues on reverse side)										

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3. The water right was used for: (e.g., crops, pasture, etc.): QUASI-MUNICIPAL USES

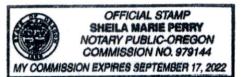
4. I understand that if I do not attach one or more of the documents shown in the table below to support the above statements, my application will be considered incomplete.

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DEC 2 4 2020

OWRD

Signed and sworn to (or affirmed) before me this 10 day of Declinary 2020.



Notary Public for Oregon

My Commission Expires: 9.17.22

Supporting Documents	Examples
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
Copies of receipts from sales of irrigated crops or for expenditures related to use of water	 Power usage records for pumps associated with irrigation use Fertilizer or seed bills related to irrigated crops Farmers Co-op sales receipt
Records such as FSA crop reports, irrigation district records, NRCS farm management plan, or records of other water suppliers	 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
Aerial photos containing sufficient detail to establish location and date of photograph	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. Sources for aerial photos: OSU –www.oregonexplorer.info/imagery OWRD – www.wrd.state.or.us Google Earth – earth.google.com TerraServer – www.terraserver.com
Approved Lease establishing beneficial use within the last 5 years	Copy of instream lease or lease number

STATE OF OREGON

COUNTY OF DESCHUTES

CERTIFICATE OF WATER RIGHT

RECEIVED

DEC 2 4 2020

OWRD

THIS CERTIFICATE ISSUED TO

THE TREE FARM LLC 409 FRANKLIN AVE BEND OR 97703

confirms the right to the use of water perfected under the terms of Permit G-13017. The amount of water used to which this right is entitled is limited to the amount used beneficially, and shall not exceed the amount specified, or its equivalent in the case of rotation, measured at the point of diversion from the source. The specific limits and conditions of the use are listed below.

APPLICATION FILE NUMBER: G-13965

SOURCE OF WATER: A WELL WITHIN THE DESCHUTES BASIN

PURPOSE OR USE: QUASI-MUNICIPAL

MAXIMUM RATE: 0.78 CUBIC FOOT PER SECOND

PERIOD OF USE: YEAR ROUND

DATE OF PRIORITY: JANUARY 30, 1995

WELL LOCATION:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
17 S	11 E	WM	35	NW SE	1560 FEET NORTH AND 2465 FEET WEST FROM THE SE CORNER, SECTION 35

THE PLACE OF USE IS LOCATED WITHIN:

Twp	Rng	Mer	Sec	Q-Q
17 S	11 E	WM	35	SW NE
17 S	11 E	WM	35	SE NE
17 S	11 E	WM	35	SE NW
17 S	11 E	WM	35	NE SW
17 S	11 E	WM	35	NW SW
17 S	11 E	WM	35	SWSW

Twp	Rng	Mer	Sec	Q-Q
17 S	11 E	WM	35	SE SW
17 S	11 E	WM	35	NE SE
17 S	11 E	WM	35	NW SE
17 S	11 E	WM	35	SW SE
17 S	11 E	WM	36	SW NW

NOTICE OF RIGHT TO PETITION FOR RECONSIDERATION OR JUDICIAL REVIEW

This is an order in other than a contested case. This order is subject to judicial review under ORS 183.484 and ORS 536.075. Any petition for judicial review must be filed within the 60-day time period specified by ORS 183.484(2). Pursuant to ORS 183.484, ORS 536.075 and OAR 137-004-0080, you may petition for judicial review and petition the Director for reconsideration of this order. A petition for reconsideration may be granted or denied by the Director, and if no action is taken within 60 days following the date the petition was filed, the petition shall be deemed denied. In addition, under ORS 537.260 any person with an application, permit or water right certificate subsequent in priority may jointly or severally contest the issuance of the certificate within three months after issuance of the certificate.

Measurement, recording and reporting conditions:

- A. The water user shall maintain the meter or other suitable measuring device as approved by the Director in good working order.
- B. The water user shall allow the watermaster access to the meter or measuring device; provided however, where the meter or measuring device is located within a private structure, the watermaster shall request access upon reasonable notice.
- C. The Director may require the water user to keep and maintain a record of the amount (volume) of water used and may require the water user to report water use on a periodic schedule as established by the Director. In addition, the Director may require the water user to report general water use information, the periods of water use and the place and nature of use of water under the right. The Director may provide an opportunity for the water user to submit alternative reporting procedures for review and approval.

If substantial interference with a senior water right occurs due to withdrawal of water from any well listed on this right, then use of water from the well(s) shall be discontinued or reduced and/or the schedule of withdrawal shall be regulated until or unless the Department approves or implements an alternative administrative action to mitigate the interference. The Department encourages junior and senior appropriators to jointly develop plans to mitigate interferences.

Use of water under authority of this certificate may be regulated if analysis of data available after the certificate is issued discloses that the appropriation will measurably reduce the surface water flows necessary to maintain the free-flowing character of a scenic waterway in quantities necessary for recreation, fish and wildlife in effect as of the priority date of the right or as those quantities may be subsequently reduced.

The wells shall be maintained in accordance with the General Standards for the Construction and Maintenance of Water Wells in Oregon. The works shall be equipped with a usable access port, and may also include an air line and pressure gauge adequate to determine the water level elevation in the well at all times.

The Director may require water level or pump test results every ten years.

Failure to comply with any of the provisions of this right may result in action including, but not limited to, restrictions on the use, civil penalties, or cancellation of the right.

This right is for the beneficial use of water without waste. The water user is advised that new regulations may require the use of best practical technologies or conservation practices to achieve this end.

By law, the land use associated with this water use must be in compliance with statewide land-use goals and any local acknowledged land-use plan.

The use of water shall be limited when it interferes with any prior surface or ground water rights.

The right to the use of the water for the above purpose is restricted to beneficial use on the lands or place of use described; however, water may be applied to lands which are not specifically described above, provided the holder of this right complies with ORS 540.510(3).

Issued

MAR 0 6 2020

Dwight French

Water Right Services Division Administrator, for

Thomas M. Byler, Director

Oregon Water Resources Department

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Attachment E

Well Logs for DESC_51145 and DESC_59909
Application for a Water Right Transfer – The Tree Farm LLC

OCT 1 0 1997 + OGE 1 62

WATER SUPPLY WEWAREPORSOURCES DEPT.

(as required by ORS 537.765)

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

L16358

Name C V C C C C	si Mu	(9) LOCATION OF V County County County Township 17.5 Section 35. Tax Lot 20 L Street Address of Well (10) STATIC WATER 240 ft. belo Artesian pressure (11) WATER BEARIN	SLatitude N or S Range N LEVEL: w land surface. lb. per squa NG ZONES:	SE SKylin	/4 ubdivision	<u></u>
Explosives used Yes No Type Amount	- A/	From	75	Eastern	4 77 13	1,,,,,,,
			10		d Flow Rate	SWL
	1	448	504	200	1	340
Diameter From To Material From To Sacks or p			RECE	IVED		
13 0 19 (Emert 0 19 10 500	1K2 1					
10 19 503 - - - -	/					
			DEC 2	£ 2020		
How was seal placed: Method A B C D	□ E	(12) WELL LOG: Ground I	Elevation	RD		
Backfill placed from ft. to ft. Material					T _ T	
		Material		From	To	SWL
Gravel placed from ft. to ft. Size of gravel		TopSoil		0	15	
(6) CASING/LINER:		Basalt		15	25	
Diameter From To Gauge Steel Plastic Welded	Threaded	Himice		25	90	
1 - 1 1 10 100 1 -			iry ned bro			
a L					180	
. —————————————————————————————————————		Lava by re	dsoft	180	220	
		ratal+ arm	Will -	220	739	
		Paralt dell'	In THACK	1 235	:70	
Liner: 8 -1 503 25 🛭 🗆 🗷	ō l	1. 1	touc	-	775	
		VOICIGETO	COTT	270	2/5	
		100014 4101	MC	275	285	
Final location of shoe(s)		Cuxters lava	160 SOft	285	315	
7) PERFORATIONS/SCREENS:		CVO LIVE DOC	1.11:115	1315	===	
Perforations Method tactor V	1		715+	75		
		Liller Vect.	177	-	551	
Screens Type Material Slot Tele/pipe		1. Anoth pull	ucc Cong	351		
From To size Number Diameter size Casing	Liner	WICAVIV	7		-160	
400 503 1/2 1/3 3200 65 1	X	WALAH MINI	1 Ed- Irel	31/8	275	
		LUMICE CIA	116 vared	1=15		
		-	ic victed	1. 1	11-2-	
		111134	7	1	435	
		Lava Ille	101/1001	435		
		Lift -	,		1441	
		CONIT	101110			
(8) WELL TESTS: Minimum testing time is 1 hour	1,	Date started	110110			
() Thousand the second time is a nour			Comple			
Flowin	ng '	(unbonded) Water Well Co	nstructor Certification	n:		
□Pump □Bailer ☑Air □Artesi		I certify that the work I p	erformed on the constr	uction, altera	tion, or aband	donment
Yield gal/min Drawdown Drill stem at Ti	me	of this well is in compliance	With Oregon water gur	mly well con	etniction eta-	danda
2(x)+	hr.	Materials used and informati and belief.	on reported above are	true to the be	st of my kno	wledge
		~ / /	///	/	110	. ,
	***	(Y/A	.1: (1.	WWC Num	ber/*/(-1
	S	igned	401/1	-	ate // //	197
Temperature of water 54 Depth Artesian Flow Found		(bonded) Water Well Const	ructor Cortification		140	+ / /
Was a water analysis done? Yes By whom		, ,				
,		I accept responsibility for performed on this well during	the construction, alter	ation, or aban	donment wo	rk L
Did any strata contain water not suitable for intended use?	c	performed during this time	in compliance with O	s reported ab	ove. All wor	K
Salty Muddy Odor Colored Other		performed during this time is it compliance with Oregon water supply well construction standards. This report is true to the best of my knowledge and belief.				
Depth of strata:		111		WWC Num		2
	Signed	4000		-	100	
CDICPLE		Signed	1350		Date /()//	191
ORIGINAL & FIRST COPY-WATER RESOURCES DEPARTME	NT SECO	OND COPY-CONSTRUC	TOR THIRD CO	PY-CHSTY	OMFR	,

STATE OF OREGON WATER RESOURCES DEPT.

WATER SUPPLY WELL REPOSITEM, OREGON

(as required by ORS 537,765)

(START CARD) # 11.

Instructions for completing this report are on the last page of this	form.
1) OWNER: Well Number	(9) LOCATION OF WELL by legal description:
Name (ei Ha Oxegon Himice (County De C N.1 to Satistude Longitude
Address INW GY FEMILYTY AVE	Township 175 N or S Range 11E- E or W. WM.
	770 Section 35 NW 1/4 SE 1/4
(2) TYPE OF WORK	Tax Lot (20 Lot Block Subdivision
New Well Deepening Alteration (repair/recondition) Aban	
(3) DRILL METHOD:	
Rotary Air Rotary Mud Cable Auger	(10) STATIC WATER LEVEL:
Other	
(4) PROPOSED USE:	ft. below land surface. Date
Domestic Community Industrial Irrigation	Artesian pressurelb. per square inch. Date (11) WATER BEARING ZONES:
	(II) WATER BEARING ZONES:
Thermal Injection Livestock Other (5) BORE HOLE CONSTRUCTION:	
	Depth at which water was first found
ccial Construction approval Yes No Depth of Completed Well xplosives used Yes No Type Amount	
HOLE SEAL	From To Estimated Flow Rate SWL
Diameter From To Material From To Sacks or po	unds
	(12) WELL LOG:
How was seal placed: Method A B C D	E Ground Elevation
Other	
Backfill placed fromft. toft. Material	Material From To SWL
Gravel placed from ft. to ft. Size of gravel	sacratt gray med 1441 148
(6) CASING/LINER:	Lava Circles Gray: 1418 1413
Diameter From To Gauge Steel Plastic Welded	Threaded 180 pro paudis 471
Casing:	1 1/25al+ gray med had 471 479
	ava (where wired 479 498
	D Paral+ Gay ned-land 496 CU
Liner:	
	RECEIVED
Final location of shoe(s)	OFF OF IAED
PERFORATIONS/SCREENS:	DEC 0 4 core
Perforations Method	DEC 2 4 2020
Screens Type Material	
Slot Tele/pipe From To size Number Diameter size Casing	Liner
Troin 10 James Diameter 1226 Casing	
TTTTTT Ä	
(8) WELLTESTS: Minimum testing time is 1 hour	Date started 9/23/97 Completed /L/Lc/97
	Date started
Pump ☐ Bailer ☐ Air ☐ Artesia	ig .
	of this well is in compliance with Oregon water supply well construction standards
field gal/min Drawdown Drill stem at Tir	Materials used and information reported above are true to the best of my knowledge
	hr. and belief.
	WWC Number 1701
	Signed Date /0/10/97
Temperature of water Depth Artesian Flow Found	(bonded) Water Well Constructor Certification:
Was a water analysis done? Yes By whom	I accept responsibility for the construction, alteration, or abandonment work performed on this well during the construction dates reported above. All work
Did any strata contain water not suitable for intended use? Too little	performed during this time is in compliance with Oregon water supply well
Salty Muddy Odor Colored Other	construction standards This report is true to the best of my knowledge and belief.
Depth of strata:	WWC Number 1/23
	Signed Date /()(c/97

STATE OF OREGON WATER SUPPLY WELL REPORT (as required by ORS 537.765 & OAR 690-205-0210) **DESC 59909**

1 456 1 01 1 WELL I.D. LABEL# L 112224 START CARD# 1022074 ORIGINAL LOG#

(as required by ORS 537.765 & OAR 690-205-0210)	2/26/2014	ORIGINAL LOG #						
(1) LAND OWNER Owner Well I.D.								
First Name HARRIS Last Name KIMBBLE	(9) LOCA	(9) LOCATION OF WELL (legal description)						
Company KC DEVELOPMENT GROUP LLC		County DESCHUTES Twp 17.00 S N/S Range 11.00 E E/W WM						
Address 63560 JOHNSON RD		Sec 13 SW 1/4 of the NW 1/4 Tax Lot 823						
City BEND State OR Zip 97701	Tax Map Num	ber	Lot					
(2) TYPE OF WORK New Well Deepening Conversi	on Lat	ber" or _44.10525000		DMS or DD				
Alteration (complete 2a & 10) Abandonment(comp	Long°	Lat or 44.10525000 DMS or I Long or -121.35875000 DMS or I						
Dia + From To Gauge Stl Plstc Wld Thrd	● S	treet address of well Nea	rest address					
Casing:	KLIPPEL RD							
Material From To Amt sacks/lbs								
Seal:	(10) STAT	C WATER LEVEL						
(3) DRILL METHOD Rotary Air Rotary Mud Cable Auger Cable Mud	(10) STAT	Date	SWL(psi)	+ SWL(ft)				
	Existing V	Existing Well / Pre-Alteration Sw L(psi)						
Reverse Rotary Other	Complete			533				
(4) PROPOSED USE Domestic Irrigation Community		Flowing Artesian?	Dry Hole?					
☐ Industrial/ Commercial ☐ Livestock ☐ Dewatering	WATER BEAR	ZING ZONES Depth wat	er was first found	635.00				
Thermal Injection Other	SWL Date	From To Est l	Flow SWL(psi)	+ SWL(ft)				
(5) BORE HOLE CONSTRUCTION Special Standard (Atta	ch com/) [2/7/2014							
Depth of Completed Well 751.00 ft.	ch copy) 2/7/2014	635 751 5	50	533				
BORE HOLE SEAL	sacks/	 		∤├┼				
Dia From To Material From To Amt		 		├├				
12 0 78 Cement 0 78 55	S	1 1		1				
8 78 751								
	(11) WELL	LOG Garage	2505.00					
How was seal placed: Method A B X C D I		Glound Elevation		T				
Other	SAND PUMIC	Material	From	To 1				
Backfill placed from ft. to ft. Material	GRAVELS CO		1	16				
Filter pack from ft. to ft. Material Size	PUMICE		16	35				
Explosives used: Yes Type Amount	LAVA BROK	The state of the s	35	50				
	CONGLOME	RATE BROWN	50	66				
(5a) ABANDONMENT USING UNHYDRATED BENTONITE	LAVA SANDSTONE		66	90				
Proposed Amount Actual Amount	BASALT ME		90	110				
(6) CASING/LINER	BASALTHAI		125	146				
Casing Liner Dia + From To Gauge Stl Plstc Wk	SANDSTONE		146	190				
● 0 8 X 1 78 .250 ● X X 1 .751 .188 ● X	BASALT CLA	Y SEAMS	190	230				
		The cutting	230	258				
	LAVA CINDI LAVA FRAC		258 315	315				
	CINDERS	TORED	426	426 440				
Shoe Inside Outside Other Location of shoe(s)		BROKEN FRACTURED LAYE		524				
Temp casing Yes Dia From To		Y SEAMS BROWN	524	528				
(7) PERFORATIONS/SCREENS	BASALT FRA	CTURED LAYERS WITH CLA	Y SE 528	751				
Perforations Method MACHINE								
Screens Type Material	Date Started	2/18/2014 Comp	lete 2/24/2014	Å				
	Tele/	4						
Screen Liner Dia From To width length slots pi	pe size	Vater Well Constructor Certification the work I performed on the con-		ing alteration or				
1 cm 1 mc 0 711 731 .123 3 430		of this well is in compliance						
	construction s	andards. Materials used and info						
	the best of my	knowledge and belief.						
	License Numb	er 758 Dat	te 2/25/2014					
(8) WELL TESTS: Minimum testing time is 1 hour	Signed THO	OMAG D DEGLE & C.						
Pump Bailer • Air Flowing Artes	ian Signed THO	OMAS R PECK (E-filed)						
Yield gal/min Drawdown Drill stem/Pump depth Duration (hr)	(bonded) Wat	(bonded) Water Well Constructor Certification						
50 750 1	I accept respon	nsibility for the construction, dee	epening, alteration	n, or abandonment				
		d on this well during the construc						
		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.						
Temperature 53 °F Lab analysis Yes By				ECEIVED				
Water quality concerns? Yes (describe below) TDS amount Description Amount U	License Numb	er 1720 Date	e 2/26/2014					
		K ABBAS (E-filed)	nı	2 4 2020				
	Contact Info (c	K ABBAS (E-filed) 5 8 3	1	CUCU				



DEC 2 4 2020

OWRD

December 14, 2020

Kelly Starnes Oregon Water Resources Department 725 Summer Street NE, Suite A Salem, OR 97301

Re: Transfer Application for Certificate 94958 in the name of The Tree Farm LLC

Dear Mr. Starnes:

GSI Water Solutions, Inc. (GSI) is submitting the enclosed transfer application on behalf of the Tree Farm LLC. The Applicant is proposing to change the point of appropriation and place of use (POU) for a 0.23 cfs portion of Certificate 94958. The Applicant will be filing additional applications with regard to the remaining 0.55 cfs of the certificate's authorized rate. The Applicant's attorney, Steve Shropshire, will work with you to coordinate OWRD's processing of these additional applications.

The Transfer Application and a check in the amount of \$2,500.00 for the application fee are enclosed. If you have any questions regarding this application, you may reach me at 541-257-9001.

Sincerely,

Adam Sussman

Principal Water Resources Consultant

Enclosures:

Transfer Application

Check in the amount of \$2,500