



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

Application for Water Right Instream Transfer

Part 1 of 6 – Minimum Requirements Checklist

This transfer application will be returned if Parts 1 through 6 and all required attachments are not completed and included.
 For questions, please call (503) 986-0900, and ask for Transfer Section.

FOR ALL INSTREAM TRANSFER APPLICATIONS

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

- Part 1 – Completed Minimum Requirements Checklist.
- Part 2 – Completed Map Checklist.
- Part 3 – Application Fee, payable by check to the Oregon Water Resources Department, and completed Fee Worksheet, page 3. Try the new online fee calculator at: http://apps.wrd.state.or.us/apps/misc/wrd_fee_calculator. If you have questions, call Customer Service at (503) 986-0801.
 Note: Instream transfers are considered both a change in place of use and character of use. In addition, an automatic 50% fee waiver applies to all instream transfers.
- Part 4 – Completed Applicant Information and Signature.
- Part 5 – Completed Instream Use Information.
- Part 6 – Information about the Transferred Water Rights: **How many water rights are to be transferred? 1 List them here: 93299**
 Please include a separate Part 6 for each water right. (See instructions on page 8)

Attachments:

- Completed Instream Transfer Application Map.
- Completed Evidence of Use Affidavit and supporting documentation.
- N/A Affidavit(s) of Consent from Landowner(s) (if the applicant does not own the land the water right is on.)
- N/A Supplemental Form D – For water rights served by or issued in the name of an irrigation district. Complete when the transfer applicant is not the irrigation district.
- Land Use Notice - Notice of the intent to file an instream transfer application must be provided to each affected local government along the proposed reach. Copies of the notices must be enclosed with the instream transfer application.

(For Staff Use Only)

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

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

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 list of CWREs see http://apps.wrd.state.or.us/apps/wr/cwre_license_view/.
- OR**
- N/A Waiver of requirement that map be prepared by a CWRE. Completed map waiver form is signed by the Department’s Regional Manager and included in the application. The map **must** still meet Department mapping requirements described below.
- 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, quarter-quarter, 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.
- Existing diversion point(s) with distance and bearing or coordinates from a recognized survey corner. This information can generally be found in your water right certificate or permit.

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Part 3 of 6 – Fee Worksheet

FEE WORKSHEET for INSTREAM TRANSFER			
1	Base Fee (includes Place of Use and Character of Use to Instream changes to one water right for up to 1 cfs)	1	\$2,090
2	Number of water rights included in transfer <u>1 (2a)</u> Subtract 1 from the number in 2a above: <u>0 (2b)</u> <i>If only one water right, this will be 0</i> Multiply line 2b by \$520 and enter » » » » » » » » » » » » » »	2	0
3	Enter the cfs for the portions of the rights to be transferred (see example below*): <u>2.0 (3a)</u> Subtract 1.0 from the number in 3a above: <u>1 (3b)</u> If 3b is 0, enter 0 on line 3 » » » » » » » » » » » » » » » » » » If 3b is greater than 0, round up to the nearest whole number: <u>1 (3c)</u> and multiply 3c by \$350, then enter on line 3 » » » » » » » » » »	3	350
4	Add entries on lines 1 through 3 above » » » » » » » » » » Subtotal:	4	2440
5	Multiply line 4 by 0.5 and enter on line 5 » » » » » » » » » » » » » »	5	1220
6	Subtract line 5 from line 4 » » » » » » » » » » » » » » Transfer Fee:	6	\$1,220

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

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Part 4 of 6 – Applicant Information and Signature

Is this a **Permanent Instream Transfer** or **Time-Limited Instream Transfer?**

Applicant Information

APPLICANT/BUSINESS NAME Dennis J. & Andrea R. Flynn		PHONE NO. 541-947-2510	ADDITIONAL CONTACT NO. 541-219-2616
ADDRESS 31259 Clover Flat Road			FAX NO.
CITY Lakeview	STATE OR	ZIP 97630	E-MAIL dennisflynnranch@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 Hollie Cannon / Water Right Solutions		PHONE NO. 541-821-5848	ADDITIONAL CONTACT NO.
ADDRESS 3246 Hammer St			FAX NO.
CITY Klamath Falls	STATE OR	ZIP 97603	E-MAIL hcannon@waterrightsolutions.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.			

Explain in your own words what you propose to accomplish with this transfer application, and why: To acquire groundwater rights to supply a pivot we are required to provide mitigation for the impact on surface water flow for pumping the well.

If you need additional space, continue on a separate piece of paper and attach to the application as "Attachment 1".

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

Check one box

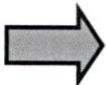
- By signing this application, I understand that, upon receipt of the draft preliminary determination and prior to Department approval of the transfer, I will be required to provide landownership information and evidence that I am authorized to pursue the transfer as identified in OAR 690-380-4010(5);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

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

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



Dennis J. Flynn
Applicant Signature

Dennis J. Flynn
Print Name (and Title if applicable)

2-1-21
Date

Andrea R. Flynn
Applicant Signature

Andrea R. Flynn
Print Name (and Title if applicable)

2-1-21
Date

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Is the applicant the sole owner of the land on which the water right, or portion thereof, proposed for transfer is located? Yes No *If NO, include signatures of all deeded landowners (and mailing and/or e-mail addresses if different than the applicant's) or attach affidavits of consent (and mailing and/or e-mail addresses) from all landowners or individuals/entities to which the water right(s) were conveyed.*

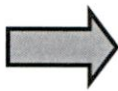
Check the following boxes that apply:

- Check here if any of the water rights proposed for transfer are located within or served by an irrigation district or other water district before the transfer. (**Tip:** Complete and attach Supplemental Form D.)

IRRIGATION DISTRICT NAME	ADDRESS	
CITY	STATE	ZIP

- Check here if water for any of the rights is 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 the proposed instream reach will be located.

ENTITY NAME Lake County	ADDRESS 513 Center St	
CITY Lakeview	STATE OR	ZIP 97630

ENTITY NAME	ADDRESS	
CITY	STATE	ZIP

ENTITY NAME	ADDRESS	
CITY	STATE	ZIP

ENTITY NAME	ADDRESS	
CITY	STATE	ZIP

ENTITY NAME	ADDRESS	
CITY	STATE	ZIP

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Part 5 of 6 – Proposed Instream Use Information

Identify the Public Use for which the instream right is requested (check at least one box):

- Conservation, maintenance and enhancement of aquatic and fish life, wildlife, fish and wildlife habitat and other ecological values.
- Recreation
- Navigation
- Pollution Abatement

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Instream use proposed to be created by the instream transfer:

Originating Water Right Number (as identified in Part 5)	Priority Date	Source	Proposed Instream Period	Rate (cfs)*	Volume (ac-ft)**
93299	1890	Crooked Cr	April 1 through September 30 each year	2.0	195.1
TOTAL VOLUME					195.1

***Tip:** To calculate rate (if other than the rate allowed by the right), divide the volume by the number of days in the period and then divide by 1.983471; or

****Tip:** To calculate volume, multiply the rate by the number of days in the instream period and then multiply by 1.983471.

Note: The instream rate may not exceed the max rate allowed by the existing right(s) and the total volume may not exceed to max volume or duty allowed by the existing right(s).

Additional Information: _____.

Identify the location of the proposed instream water right.

- Water is requested to be protected at a point.
Location (i.e. the point of diversion (POD) – use the POD Name or Number from Table 1): **Heryford Ditch POD.**
- Water is requested to be protected within a reach:
Location of proposed reach (If an instream water right reach is requested, identify the upstream and downstream extent of the reach): _____.

Recommendations for conditions on the instream use to avoid taking away or impairing existing water rights.

- None
- Other (such conditions may include, but are not limited to, reductions in the instream flow levels in cfs per month or total ac-ft, the effective reach(es) or lake levels of the instream flow, measuring locations and the strategy for monitoring the instream flow or lake levels): _____.

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Are there any existing instream water rights on the same point or within the same requested reach(es) or lake, or on a portion thereof?

No Yes (identify other instream water rights): _____.

Note: New instream water rights are generally (but not always) additive to instream water rights established under ORS 537.348 (instream transfer application process) and ORS 537.470 (allocation of conserved water) and replace a portion of instream water rights established under ORS 537.341 (state agency application process) or ORS 537.346 (conversion of minimum perennial streamflows) with an earlier priority date.

Is it your intent to have the proposed instream water right transfer be additive to any instream water right established under ORS 537.348 and ORS 537.470 and replace a portion of any instream water right established under ORS 537.341 and ORS 537.346 with an earlier priority date?

Yes No. If no, please explain your intent below:
_____.

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If the proposed conversion would add to the amounts of an existing instream water right(s) established under ORS 537.341 or 537.346, provide documentation demonstrating why additional instream flows are necessary. Supporting documentation should include information from the Oregon Dept. of Fish and Wildlife (ODFW) (fish life), Dept. of Environmental Quality (DEQ) (pollution abatement), and/or Parks and Recreation Dept. (recreation).

Is the requested instream flow intended to exceed the estimated average natural flow or level occurring from the drainage system?

- No; **OR**
- Yes (Provide supporting documentation that demonstrates why additional flows are significant for the public use requested.); **OR**
- Yes, and it is presumed that flows that exceed the estimated average natural flow or natural lake levels are significant because:
 - The requested flow does not exceed the maximum amount of any instream water right application applied for under ORS 537.341 (state agency instream water right application process) for the same reach or portion thereof, and the requested public use is for the same public use as the afore mentioned instream water right application, **and**
 - For the specified time period that flows are requested to exceed the estimated average natural flow or lake level, the stream is in an ODFW flow restoration priority watershed. A copy of the priority watershed map indicating the specific watershed involved should be included with the application. Priority watershed maps may be found on the OWRD web page; **or**
 - The stream is listed as water quality limited and DEQ has provided scientific information that demonstrates that increased flows would improve water quality. The scientific information provided by DEQ should be included with the transfer application.

For a Time Limited Instream Transfer, please answer the following:

- The time-limited instream transfer is for a specific number of years:
_____ Begin Year to _____ End Year
- Time-limited instream transfer is to terminate based upon other conditions:
Conditions: _____.

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Please use a separate Part 6 for each water right being changed. See instructions on page 8, to copy and paste additional Part 6s, or to add additional rows to tables within the form.

CERTIFICATE # 93299

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Name on Certificate: A. C. Hotchkiss

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Date(s) of Priority: 1890

Source(s) of Water to be Affected by the Transfer: Crooked Creek

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Description of Water Delivery System

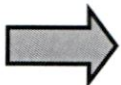
System capacity: 97 cubic feet per second (cfs) OR
 _____ gallons per minute (gpm)

Describe the current water delivery system or the system that was in place at some time within the last five years. Include information on the pumps, canals, pipelines and sprinklers used to divert, convey and apply the water at the authorized place of use. The Heryford ditch diverts the water of Crooked Creek, Juniper Creek and Willow Creek. The water is used to flood irrigate native meadow. About 60 CFS is diverted at Crooked Creek, 15 CFS at Juniper Creek and 22 CFS from Willow Creek.

Other Water Rights

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

If YES, list the certificate, water use permit, or ground water registration numbers: _____.



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

Table 1. Location of Authorized Point(s) of Diversion (POD)

(Note: If the POD name is not specified on the certificate, assign it a name or number here.

Also, if the POD is not described in the Certificate, provide a description below)

POD Name or Number	Priority Date (if different between PODs)	Twp	Rng	Sec	¼	¼	Tax Lot, DLC or Gov't Lot	Measured Distances (from a recognized survey corner)
Heryford Ditch POD	1890	36 S	21 E	6	NE	NW	500	235.4 ft South & 1899.5 ft East from NW Cor. Sec. 6

Will the proposed instream transfer affect the entire water right?

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Yes Then Table 2 on Page 10 does not need to be completed.

No Then complete all of Table 2 to describe the portion of the water right to be changed.

Please use additional pages of Table 2 as needed. See page 8 for instructions. If you have further questions about how to fill out the tables, contact the Department at 503-986-0900 and ask for Transfer Staff.

Table 2. Description of Change to Water Right Certificate # 93299

List only the part of the right that will be changed. If more than one POD serves the lands, specify the acreage associated with each POD.

Twp		Rng		Sec	¼ ¼		Tax Lot	Gov't Lot or DLC	Acres if Applicable	Type of USE listed on Certificate	Priority Date (if not the same for all acres or type of use)	POD(s) (name or number from Table 1)
2	S	9	E	14	NE	NW	100		15.0	Irrigation	4/1/1900	POD #1 POD #2
"	"	"	"	"	"	"	"	"	EXAMPLE	"	"	"
35	S	20	E	36	SE	NE	1700		14.59	Irrigation	1890	Heryford Ditch POD
35	S	20	E	36	NE	SE	1700		6.96	Irrigation	1890	Heryford Ditch POD
35	S	21	E	31	SW	NW	2003		8.77	Irrigation	1890	Heryford Ditch POD
35	S	21	E	31	SW	NW	2000		10.28	Irrigation	1890	Heryford Ditch POD
35	S	21	E	31	NW	SW	2000		9.43	Irrigation	1890	Heryford Ditch POD
TOTAL ACRES									50.03			

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Additional remarks:_____.

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**AFFIDAVIT FOR THE VOLUNTARY CANCELLATION
OF A PORTION OF A WATER RIGHT CERTIFICATE (ORS 540.621)**

State of Oregon)
) ss
County of Lake)

I/We (or authorized agent), Dennis J. & Andrea R. Flynn, residing at 31259 Clover Flat Road, Lakeview, OR 97630, telephone number 541-219-2616, being first duly sworn depose and say:

- I/We are the legal and deeded owner(s) of the property described as tax lot number 35S20E-1700, 35S21E-2000 & 35S21E-2003, within the SENE, NESE of Section 36 T35S, R20E, with SWNW & NWSW of Section 31, T35S, R21E ¼¼, Section _____, Township _____ (N/S), Range _____ (E/W), of the Willamette Meridian, in _____, Oregon, as shown on the attached map and described in the attached deed and legal description and made part of this affidavit.
- I/We wish to cancel the following portion(s) of the water right certificate number 93299 issued to A. C. Hotchkiss with a date of priority of 1890.

A place of use, or use.

- For the use of (specify irrigation, domestic, etc.) Irrigation

FOR IRRIGATION OR NURSERY USE:

- Total number of acres to be cancelled 14.0
- Location of acres to be cancelled must be clearly identified on a copy of the final proof map.

- In the amount of 0.56 cubic foot per second

- From the water source (s) Crooked Creek

AND/OR (less common)

One or more of the authorized points of diversion (surface water) or points of appropriation (groundwater) authorized under the certificate.

- For the use of (specify irrigation, domestic, etc.) _____
- From the water source (s) _____
- Located within the _____ ¼¼, Section _____, Township _____ (N/S), Range _____ (E/W)

Location Description (if given on the certificate) _____

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3. The appurtenant water right is/is not located within the boundaries of an irrigation, drainage, water improvement, or water control district, or federal reclamation project (if the right is located within a district or reclamation project, name it here: **None** **OWRD**)

4. The portion of the water right being cancelled is served by an irrigation district. The signature of the district manager on the line below indicates the concurrence of the district to the cancellation of the portion of the water right served by the district.

Signature of district manager

Printed Name

Date

5. If the water right is issued in the name of an irrigation district then the affiant must have the concurrence of the district to the cancellation of the portion of the water right. (Signature of district manager on the line below documents consent of the district.)

Signature of district manager

Printed Name

Date

6. ~~I~~ We have abandoned any and all interest in the portion of the water right described in Item 2, above, and request that portion of the right be canceled.

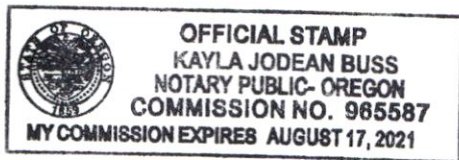
→ [Signature]
Signature of legal owner as listed on deed, or authorized agent

2-1-21
Date

→ [Signature]
Signature of legal co-owner as listed on deed
(If applicable)

2.1.21
Date

Subscribed and Sworn to Before Me this 1 day of Feb, 2021.



→ [Signature]
Notary Public for Oregon
My Commission Expires Aug 17, 2021

PLEASE ATTACH A LEGIBLE COPY OF:

- 1) A deed which lists landowners and includes a legal description of affected lands, and
- 2) A copy of a water right final proof map, or a tax lot map, or an adjudication map with the abandoned portion of the right clearly drawn and identified.
- 3) IF ACTING AS AN AUTHORIZED AGENT, include a copy of Power of Attorney or other documents granting authority to act on behalf of the legal owner(s).

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 LAKE)

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I, WE, DENNIS J. AND ANDREA R. FLYNN, in my capacity as OWNERS,
 mailing address 31259 CLOVER FLAT ROAD, LAKEVIEW, OR 97630
 telephone number (541)219-2616, being first duly sworn depose and say:

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

- Personal observation Professional expertise

2. I attest that:

Water was used during the previous five years on the **entire** place of use for Certificate # 93299; **OR**

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

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

OR

- Confirming 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)

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

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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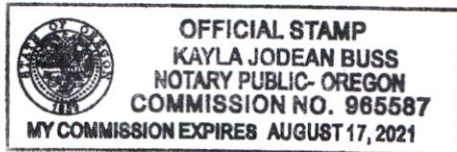
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2.1.21

Date

KB
at DFF
Kayla Jodean Buss
 Signature of Affiant
Don J. Flynn
Andrea R Flynn

Signed and sworn to (or affirmed) before me this 21 day of 2, 2021.



Kayla Jodean Buss
 Notary Public for Oregon
 My Commission Expires: Aug 17, 2021

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.terra-server.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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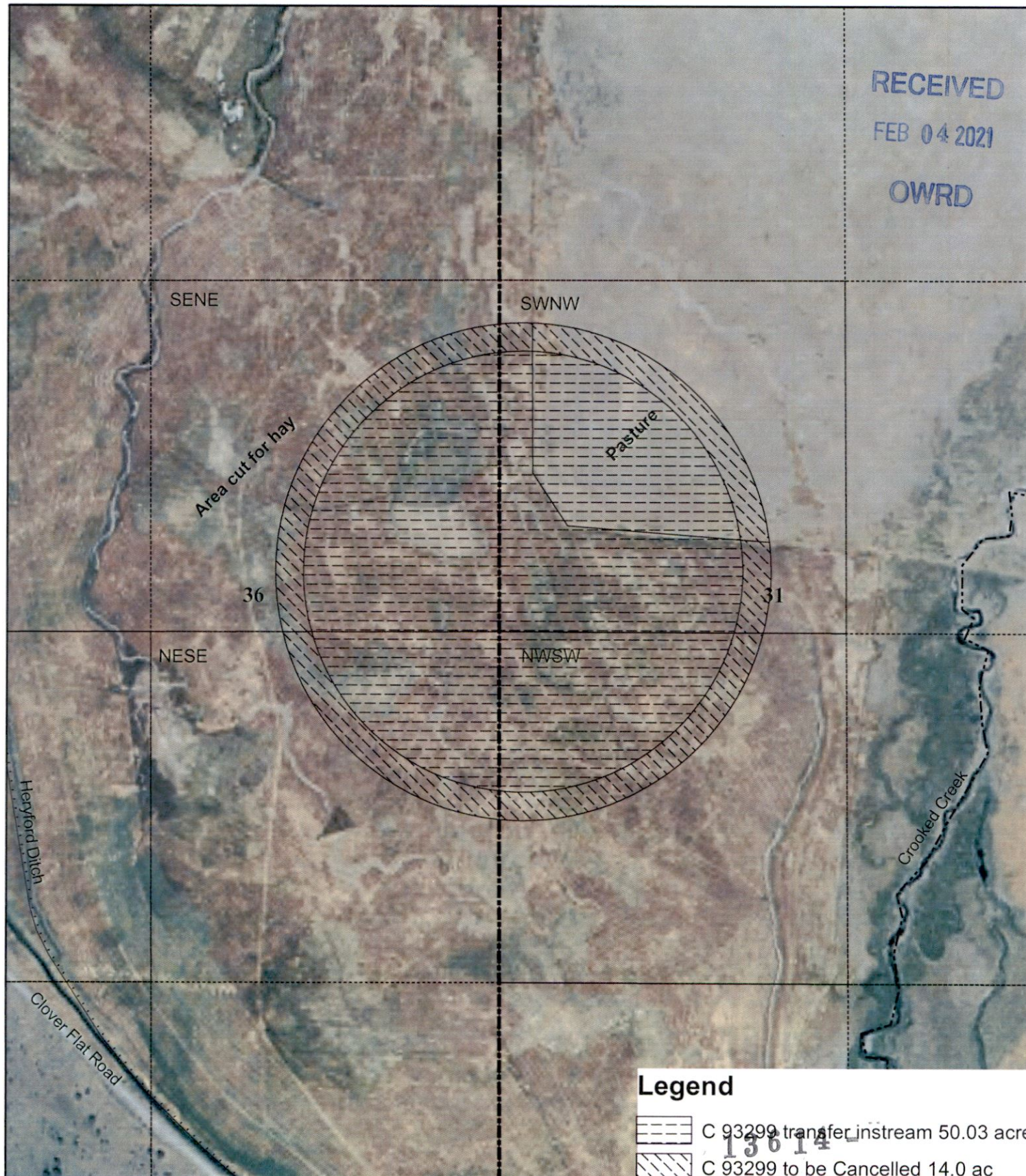


1 inch = 500 feet



T 35 S, R 20 & 21 E, WM
Sec 31 & 36

Proof of Use Instream Transfer & Cancellation Dennis Flynn Ranch

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Legend

-  C 93299 transfer instream 50.03 acre
-  C 93299 to be Cancelled 14.0 ac

STATE OF OREGON

COUNTY OF LAKE

CERTIFICATE OF WATER RIGHT

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FEB 04 2021

OWRD

THIS CERTIFICATE ISSUED TO

A. C. HOTCHKISS
LAKEVIEW, OREGON 97630

confirms the right to use the waters of CROOKED CREEK, JUNIPER CREEK, AND WILLOW CREEK a tributary of CHEWAUCAN RIVER for IRRIGATION of 2424.63 ACRES, DOMESTIC AND STOCK.

This right was confirmed by decree of the Circuit Court of the State of Oregon for Lake County. The decree is of record at Salem, in the Order Record of the Water Resources Director in Volume 5, at Page 1. The date of priority is 1890.

The amount of water to which such right is entitled, for the purposes aforesaid, is limited to an amount actually beneficially used for said purposes, and shall not exceed A RATE OF DIVERSION OF 1/25 CUBIC FOOT PER SECOND PER ACRE, AND THE AGGREGATE QUANTITY SET FORTH IN CONNECTION WITH EACH TRACT DESCRIBED BELOW AND SHALL BE LIMITED TO 3.9 ACRE-FEET PER ACRE DURING EACH IRRIGATION SEASON, BEING THE PERIOD FROM JANUARY 1 TO SEPTEMBER 30 OF EACH YEAR.

The point of diversion is located in the HERYFORD DITCH

A description of the place of use to which this right is appurtenant is as follows:

Proof 133 for the irrigation of 1301.43 acres and stock from Crooked Creek and Juniper Creek

Twp	Rng	Mer	Sec	Q-Q	Acres
T35S	R21E	WM	31	NW NW	5.86
T35S	R21E	WM	31	SW NW	35.3
T35S	R21E	WM	31	W 1/2 SW 1/4	80.0
T35S	R21E	WM	30	NW NW	34.0
T35S	R21E	WM	30	SW NW	39.7
T35S	R21E	WM	30	NW SW	40.0
T35S	R21E	WM	30	SW SW	8.87
T35S	R21E	WM	19	W 1/2 NW 1/4	79.0
T35S	R21E	WM	19	W 1/2 SW 1/4	80.0
T35S	R21E	WM	18	SW SW	18.0
T35S	R20E	WM	36	N 1/2 NE 1/4	80.0
T35S	R20E	WM	36	SW NE	29.0
T35S	R20E	WM	36	SE NE	40.0
T35S	R20E	WM	36	NE SE	40.0
T35S	R20E	WM	36	NW SE	15.0
T35S	R20E	WM	36	SE SE	30.9
T35S	R20E	WM	25	NE 1/4	160.0
T35S	R20E	WM	25	SE 1/4	160.0
T35S	R20E	WM	24	NE NE	33.0
T35S	R20E	WM	24	NW NE	5.0
T35S	R20E	WM	24	SW NE	33.0
T35S	R20E	WM	24	SE NE	40.0
T35S	R20E	WM	24	SE NW	15.3
T35S	R20E	WM	24	NE SW	30.0
T35S	R20E	WM	24	SE SW	12.0

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Twp	Rng	Mer	Sec	Q-Q	Acres
T35S	R20E	WM	24	N½ SE¼	80.0
T35S	R20E	WM	24	SW SE	37.5
T35S	R20E	WM	24	SE SE	40.0

Proof 134 for the irrigation of 1123.2 acres, domestic and stock from Willow Creek

Twp	Rng	Mer	Sec	Q-Q	Acres
T35S	R20E	WM	12	NE SE	35.0
T35S	R20E	WM	12	S½ SE¼	80.0
T35S	R20E	WM	13	E½ NW¼	80.0
T35S	R20E	WM	13	NW NW	7.0
T35S	R20E	WM	13	SW NW	27.0
T35S	R20E	WM	13	SW¼	160.0
T35S	R20E	WM	13	NE SE	30.4
T35S	R20E	WM	13	NW SE	1.0
T35S	R20E	WM	13	SW SE	30.7
T35S	R20E	WM	23	NE¼	160.0
T35S	R20E	WM	23	E½ NW¼	80.0
T35S	R20E	WM	23	NE SW	40.0
T35S	R20E	WM	23	SE SW	27.7
T35S	R20E	WM	23	N½ SE¼	80.0
T35S	R20E	WM	23	S½ SE¼	80.0
T35S	R20E	WM	24	NE NE	7.0
T35S	R20E	WM	24	NW NE	24.7
T35S	R20E	WM	24	SW NE	7.0
T35S	R20E	WM	24	NE NW	29.7
T35S	R20E	WM	24	W½ NW¼	80.0
T35S	R20E	WM	24	SE NW	24.7
T35S	R20E	WM	24	NW SW	31.3

This certificate describes that portion of the water right confirmed by Certificate 55519, State Record of Water Right Certificates, not cancelled by the provisions of an order of the Water Resources Director

entered AUG 30 2017, at Special Order Volume 105, Page 543.

The issuance of this superseding certificate does not confirm the status of the water right in regard to the provisions of ORS 540.610 pertaining to forfeiture or abandonment.

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 and is subject to all other conditions and limitations contained in said decree.

WITNESS the signature of the Water Resources Director, affixed AUGUST 30 2017.

Tim Wallin
Water Right Program Manager
for Thomas M. Byler, Director
Oregon Water Resources Department

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GRANTORS NAME AND ADDRESS; :
valley Falls Ranch, Inc. 26245 Horsell :
Road :
Bend, OR 97701 :

SEND TAX STATEMENTS TO:
Dennis J. Flynn & Andrea R. Flynn
31259 Clover Flat Road
Lakeview, OR 97630
LAKE COUNTY, OREGON 2014-000742

GRANTEE'S NAME AND ADDRESS: :
Dennis J. Flynn & Andrea R. Flynn :
31259 Clover Flat Road :
Lakeview, OR 97630 :

CHIDEED06/0312014#3:14:10PM
Cnt=1 Pgs=6
\$30.00\$11.00 \$20.00\$10.00 Total:\$71.00

AFTER RECORDmG RETURN TO: :
AmeriTitle :
405 North Street :
Lakeview, OR 97630 :



00008518201400007420060063

I. Sts" Gian*ny, County Lake County, Oregon that
the instrun*N was record" In thi Clerk rrcord".

Stacie Geaney - County Clerk

WARRANTY DEED

KNOWALL BY TIOSE PRESENTS, that valley Falls, Ranch, Inc., an Oregon corporation, hereinafter called the Grantor, for the consideration hereinafter stated, to Grantor paid by Dennis J. Flynn and Andrea R. Flynn, husband and wife as tenants by the entirety, hereinafter called the Grantee, does grant, bargain, sell and convey unto the said Grantee and Grantee's heirs, successors and assigns, that certain real property, with the tenements, hereditaments and appurtenances thereunto belonging or appertaining, situated in the County of Lake and State of Oregon, described as follows, to-wit:

81979

SEE EXHIBIT ATTACHED

RESERVING TO GRANTOR, ITS SUCCESSORS AND ASSIGNS, HOWEVER, ONE-HALF OF ALL **REMAINING** MINERAL RIGHTS, INCLUDING OIL, GAS AND COAL, ON, IN OR UNDER THE LAND DESCRIBED IN EXHIBIT "A".

BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON TRANSFERRING FEE TITLE SHOULD INQUIRE ABOUT PERSONS RIGHTS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009, AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010. THIS INSTRUMENT DOES NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THIS PROPERTY SHOULD CHECK WITH APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY THAT THE UNIT OF LAND BEING TRANSFERRED IS A LAWFULLY ESTABLISHED LOT OR PARCEL, AS DEFINED IN ORS 92.010 OR 215.010, TO VERIFY THE APPROVED USES OF THE LOT OR PARCEL, TO DETERMINE ANY LIMITS ON LAWSUITS REGARDING FARMING OR FOREST PRACTICES, AS DEFINED IN ORS 30.930, AND TO INQUIRE ABOUT THE RIGHTS OF NEIGHBORING PROPERTY OWNERS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTION 5 TO 11, CHAPTER 424, OREGON LAWS 2007, SECTION 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009, AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010.

To Have and to Hold the same unto the said Grantee and Grantee's heirs, successors and assigns forever.

And said Grantor hereby covenants to and with said Grantee and Grantee's heirs, successors and assigns, that Grantor is lawfully seized in fee simple of the above granted premises free from all exceptions except those set forth herein, and that Grantor will warrant and forever defend the above granted premises, and every part and parcel thereof, against the lawful claims and demands of all persons whomsoever, except those claiming under the above described exceptions.

The true and actual consideration paid for this stated in terms of dollars, is \$4,300,000.00.

LAKE

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NOTARY PUBLIC

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In construing this deed, and where the context so requires, the singular includes the plural.

IN WITNESS WHEREOF, grantor has executed this instrument this day of May, 2014; any signature on behalf of a corporation or other entity is made with the authority of that entity.

VALLEY FALLS RANCH, INC.

David W. Elder

By: David W. Elder, President

Susan F. Elder Secretary

By: Susan F. Elder, Secretary

STATE OF OREGON, county of Lake) ss.

This instrument was acknowledged before me on May 14, 2014, by David W. Elder as President and Susan F. Elder as Secretary of Valley Falls Ranch, Inc.



Kristen C. Wells
Notary Public for Oregon
My Commission Expires: 6-18-2016

LAKE

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QUINCY RECORDING NO,

42

EXHIBIT "A"
DESCRIPTION LEGAL

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In the County of Lake, State of Oregon as follows:

Township 35 South, Range 20 East of the Willamette Meridian,

Section 12: The South 40 feet of the N S 1/2 of the SW 1/4 of the SE 1/4.

Section 13: The S of the S 1/2 of the SW SE
The W

The of the E 1/2.

Section 14:

Section 15: The E NW 1/4

Section 23: ALL

Section 24: The W 1/2
The W 1/2

o
f
th
e

Section 25: ALL, EXCEPT the NE 1/4 of the NE 1/9 and EXCEPTING THEREFROM that portion of the SW +4 lying South and West of Lake County Road No, 2-10.

Section 26: ALL

Section 35: The NE of the NE The W of the
The N NW 1/4. The SE NW 1/4.
The NW 1/4 SE

Section 36: That portion of said section lying Easterly of County Road No 2-10.

Township 35 South, Range 21 East of the Willamette Meridian,

Parcels 1 and 2 of Partion Plat No. 2007-B-149 recorded June 7, 2007 and formerly describe as follows:

Section 30: Government Lot 4.

The S N of the of the SW 2/4.
The S of the SE 2/4 of the SW 1/4.

EXHIBIT

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Section 31: The S of the NE 1/4.
The NW
The N 1/2 of the SW 1/4.
The of the SW 1/4.

The 1/4 of the SW 1/4, EXCEPTING THEREFROM the following described parcel:
Beginning at a point 35 feet North 213 feet West of the Southeast corner of the SW 1/4 of said Section 31, Township 35 South, Range 21 East of the Willamette Meridian; Thence West 211 feet; Thence North 221 feet; Thence East 211 feet; Thence South 221 feet to the point of beginning. ALSO EXCEPTING THEREFROM beginning at a point on the Northerly right of way of County Road No. 2-10 that bears North 56 feet from the South

Quarter Corner of Section 31, Township 35 South, Range 21 East of the Willamette Meridian; Thence North 185 feet; Thence 213 feet; Thence South 185 feet to the Northerly right of way of County Road No. 2-10; Thence East along said right of way 213 feet to the point of beginning

The NW of the SE 1/4 of the SW 1/4 of the SE 1/4.
The N SW 1/4 of the SW 1/4 of the SE 1/4.
The N 1/2 of the S 1/2 of the SE 1/4 of the SW 1/4 of the SE 1/4.
"A"
of 4

COUNTY RECORDING NO. 42

Township 36 South, Range 20 East of the Willamette Meridian,

Section 1: The East 1/2 of Government Lot I, now known as Parcel of Partition Plat 1994-063 recorded December 23, 1994.

Section 2: Government Lot I, now as Parcel of Partition Plat 1994-063 recorded December 23, 1994,

Township 36 South, Range 21 East of the Willamette Meridian,

Section 6: The W 1/2 of the SW 1/4 of the SE 1/4 of the SW 1/4 of the SE 1/4.
The N 1/2 of the S 1/2 of the NW 1/4 of the SE 1/4 of the SW 1/4 of the SE 1/4.
The S 1/2 of the NW 1/4 of the SE 1/4 of the SW 1/4 of the SE 1/4.

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The N of the N 1/2 of the NW of the sn 1/4, EXCEPTING THEREFROM the following described property, to wit: Beginning at a fence corner located on the Westerly right of way of US. Highway #395, said point being located South 25°43'16" East a distance of 2935.28 feet from the Northwest corner of the NE 1/4 or Section 6, Township 36 South, Range 21 East of the Willamette Meridian; ~~THENCE~~ South 89°11'53" West, along an existing fence a distance of 261.66 feet to a fence corner; ~~THENCE~~ South 02°00'40" East, Along an existing fence a distance of 200.69 feet to a fence corner; ~~THENCE~~ North 88°24'32" East, along an existing fence a distance of 253.5 feet to a fence corner located on the Westerly right of way of said highway; ~~THENCE~~ North 00°14'33" East, along said right of way a distance of 197.18 feet to the point of beginning.

Township 36 South, Range 21 East of the Willamette Meridian,

Section 6: ^{The S} ^{1/4}
 The S 1/2 of the N 1/4 of the NE EXCEPTING THEREFROM the following described parcel: Beginning at the Northeast Corner of the NW 1/4 of the NE 1/4 of Section 6, Township 36 South, Range 21 East of the Willamette Meridian, THENCE running south 300 feet; THENCE west 60 feet to the Point of Beginning; ~~THENCE~~ South 100 feet; ~~THENCE~~ west 100 feet; THENCE North 100 feet; ~~THENCE~~ East 100 feet,

Section 7: ^{The NW 1/4 of the NE 1/4.}
The N 1/2 of the NW 1/4.
The N 1/2 of the N 1/2 of the SW of the NW 1/4.

SUBJECT TO all easements, reservations, restrictions and rights of way of record or apparent on the ground, including but not limited to the following:

1. 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.
2. Rights of the public in and to those portions of the herein described property lying within the limits of public roads and highways.
3. Rights of the public and governmental bodies in and to that portion of the herein described property lying beneath the ordinary high water mark of the Chewaucan River.

"A" of 4

COPIES REGARDING NO.

42

4. An outstanding interest in the Nolte-Utley Realty Company, a corporation for one-half of the oil, gas, coal and minerals on, in or under said land, reserved under that certain deed, including the terms and provisions thereof, recorded in Book 53 at Page 618, deed records, covering the N 1/2 of the S 1/2 of the SE 1/4 of the NW 1/4 of Section 6, Township 36 South, Range 21 East of the Willamette Meridian.

EXHIBIT

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5. An outstanding interest in the Southern Oregon Investment Company, a corporation, for one-half of the oil, gas, coal and minerals on, in or under said land, reserved under that certain deed, including the terms and provisions thereof, recorded in Book 54 at Page 401, deed records, covering the S 1/2 of the N 1/4 of the SW 1/4 of the SE 1/4 of Section 13, Township 35 South, Range 20 East of the Willamette Meridian.
6. An outstanding interest in the FaveII-Utley Realty Company, a corporation, for one-half of the oil, gas, coal and minerals on, in or under said land, reserved under that certain deed, including the terms and provisions thereof, recorded in Book 58 at Page 528, Book 59 at Page 178, Book 64 at Page 411, Book 68 at Page 324, Book 70 at Page 58, and Book 74 at Page 218, deed records.
7. Location of power and telephone lines and public roads and highways, and stock pile sites, including but not limited to those certain instruments, including the terms and provisions thereof, recorded in Book 73 at Page 165, Book 74 at Page 65, Book 77 at Pages 458, 470, 471, 550 and 628, Book 78 at Pages 137, 211, 324 and 525, and Book 142 at Page 557, deed records.
8. Rights of way for roads and highways, reserved by Lake County, Oregon, a municipal corporation, under that certain deed, including the terms and provisions thereof, recorded in Book 71 at Page 227, Book 74 at Pages 125 and 145, Book 76 at Page 258, Book 176 at Pages 162 and 176, and Book 179 at Pages 443 and 446, deed records.
9. Rights of way for roads and highways, and all of the coal, oil, gas and minerals on, in or under the land described herein, reserved by Lake County, Oregon, a municipal corporation, under that certain deed, including the terms and provisions thereof, recorded in Book 89 at Page 596, Book 92 at Page 53, Book 94 at Pages 45 and 96, Book 95 at Page 511, Book 97 at Page 12, Book 100 at Page 397, Book 102 at Page 84, Book 105 at Page 570, Book 110 at Page 94, Book 112 at Page 303, Book 114 at Page 236, and Book 116 at Page 43, deed records.
10. Interest of S. V. Carroll and Bessie Carroll, husband and wife, for one-half of the minerals on, in or under the following described property, reserved under that certain deed, including the terms and provisions thereof, recorded in Book 103 at Page 454, deed records, covering the E 1/2 of Section 1, Township 36 South, Range 20 East of the Willamette Meridian.
11. An Easement created by instrument, including the terms and provisions thereof, dated October 6, 1965, recorded April 12, 1966 in Book 143 at Page 472, deed records, in favor of The State of Oregon, by and through its State Highway Commission for Channel Change, over the following described property: the N 1/2 of the S 1/2 of the NW 1/4 of the SE 1/4 of Section 6, Township 36 South, Range 21 East of the Willamette Meridian.
12. An outstanding interest in Helen C. Weeks, for all of the oil, gas, coal and minerals on, in or under said land, reserved under that certain deed, including the terms and provisions thereof, recorded in Book 191 at Page 428, deed records, covering the following described property: the S 1/2 of the S 1/2 of the NW 1/4 of the SE 1/4 of Section 13, Township 35 South, Range 20 East of the Willamette Meridian.
13. An Easement created by instrument, including the terms and provisions thereof, dated May 24, 1983, recorded May 24, 1983 in Book 195 at Page 242, deed records, in favor of L. C. Bliss and Sons Livestock Corp., a California corporation, aka L. C. Bliss and Son, Inc., for

EXHIBIT

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January 27, 2021

Lake County
513 Center St.
Lakeview, OR 97630

Re: Proposed Instream Water Right Transfer

To Whom It May Concern:

Dennis J. & Andrea R. Flynn (Dennis Flynn Ranch) are providing notification of their intent to transfer a water right to instream use. The transfer application is requesting to change a portion of water right certificate 93299 to instream use. The portion of the water right consists of an irrigation use on 50.03 acres described as tax lot numbers 35S20E-1700, 35S21E-2000 & 35S21E-2003 within the SENE, NESE of Section 36 T35S, R20E, with SWNW & NWSW of Section 31, T35S, R21E, of the Willamette Meridian.

The proposed instream transfer is for mitigation for potential impact on the flow of Crooked Creek because of ground water application G-18765 for irrigation. The instream transfer will place approximately 2.0 cfs instream with an 1890 priority date.

If you have any questions regarding the proposed transfer application or you are interested in receiving additional information, please contact me at 541-821-5848.

Sincerely,



Hollie Cannon, Agent
Water Right Solutions, LLC
409 Pine St., Suite 311
Klamath Falls, OR 97601

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